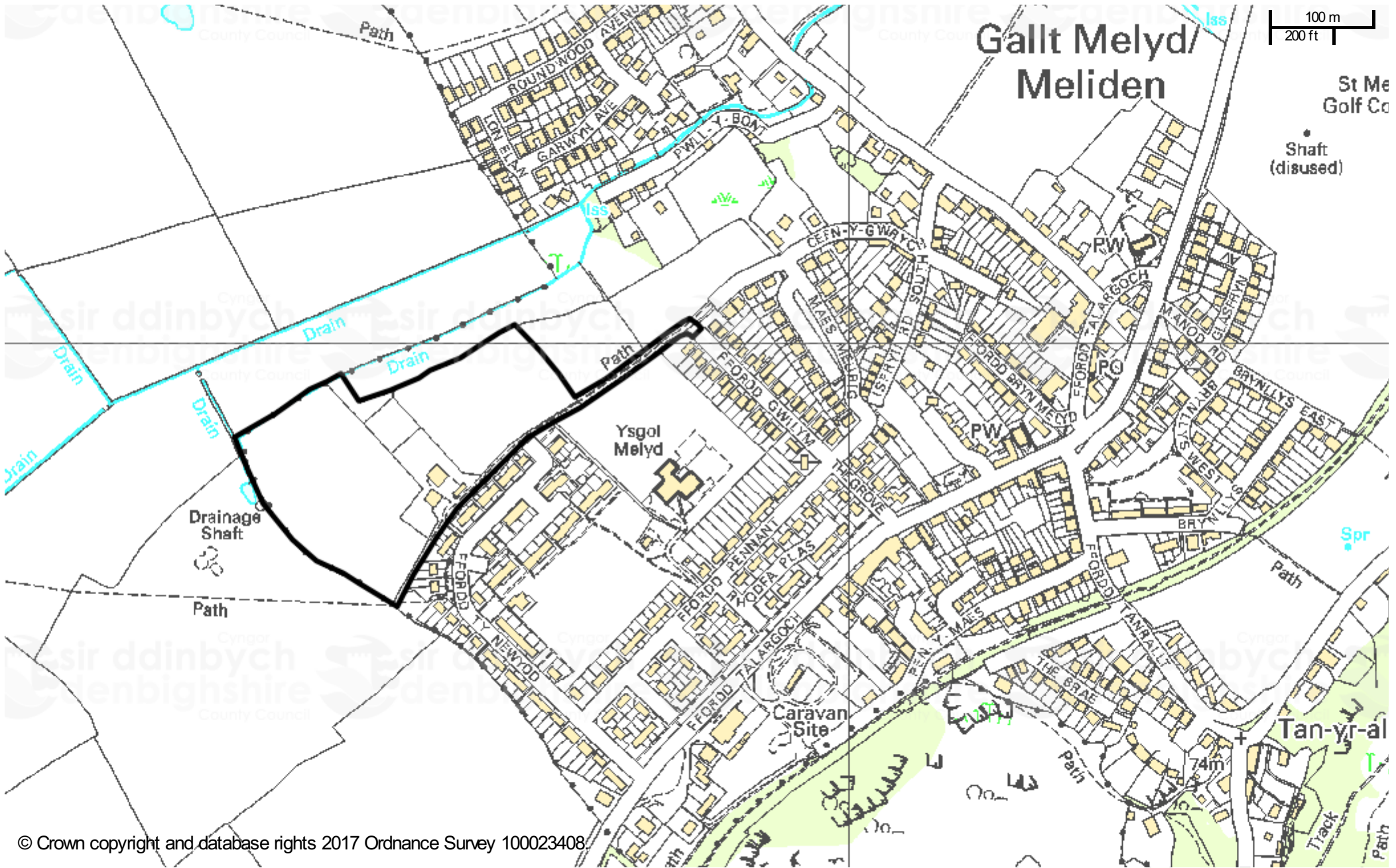


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43/2016/0600 - Mindale Farm, Meliden

Scale: 1:2500

Printed on: 28/3/2017 at 11:28 AM



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43/2016/0600 - Mindale Farm, Meliden

Scale: 1:5000

Printed on: 28/3/2017 at 11:34 AM



# PHASING PLAN

Penthyon  
Architectural Design

North West

B UPDATED SITE PLAN AF 10/02  
A UPDATED SITE PLAN AF 13/01

Station: PLANNING

Penthyon  
Architectural Design

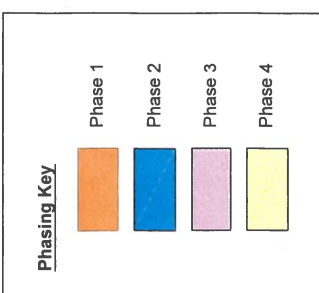
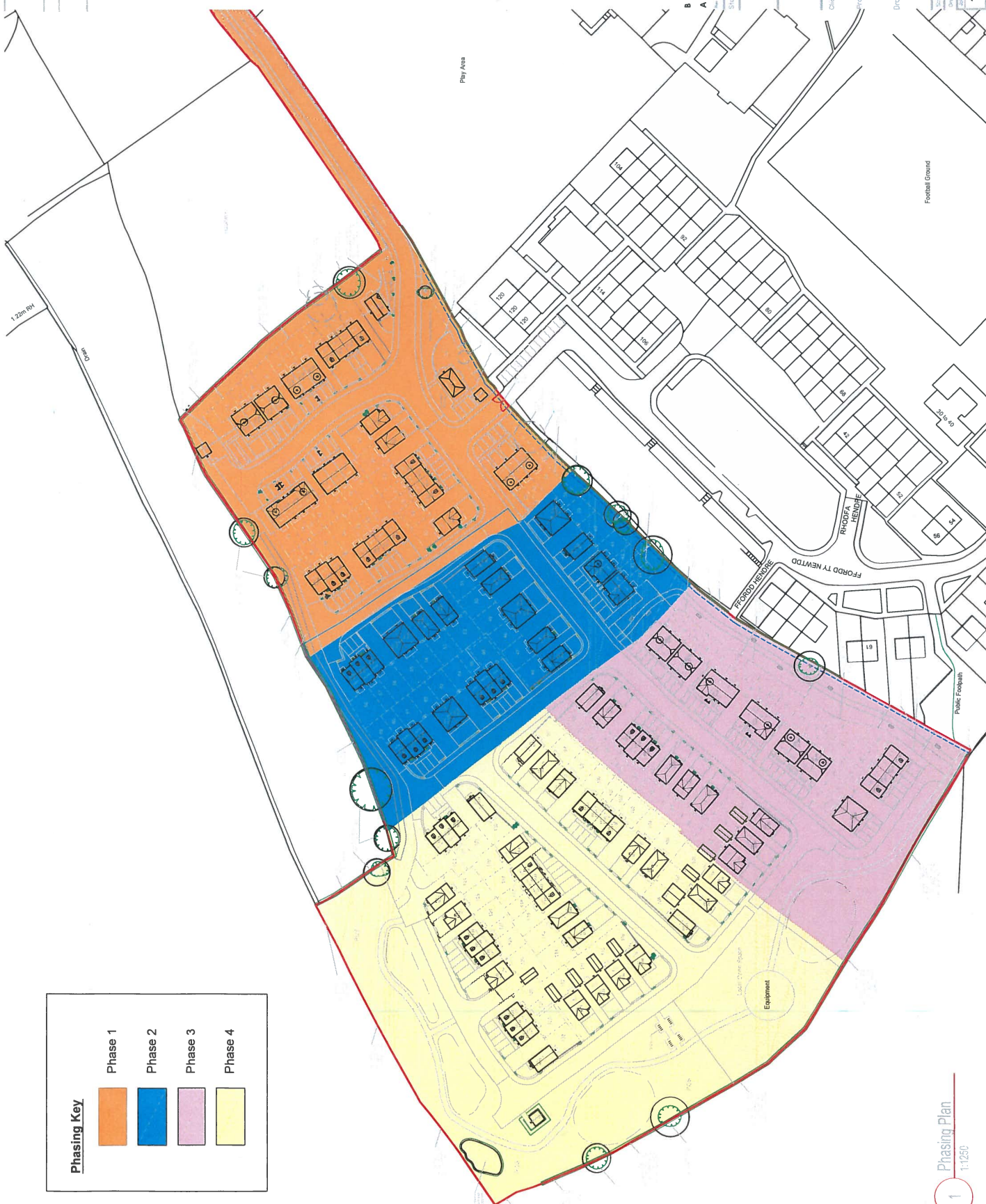
6 Odelewood  
Oak Drive  
Calyton Bay  
LL29 7AE

Client: PENRHYN HOMES

Project: MILDLE FARM, MELDEN  
HOUSING DEVELOPMENT

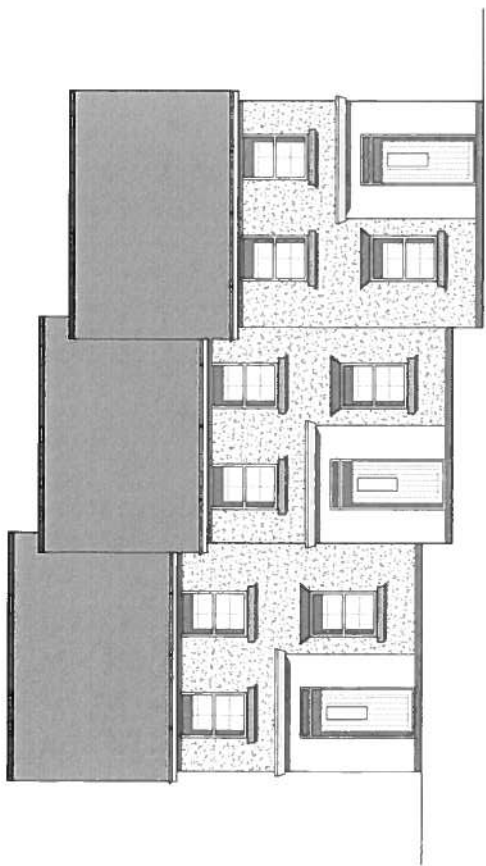
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Drawn: AF	Checked: AF
APP. No: 1043	PL01.023
	B

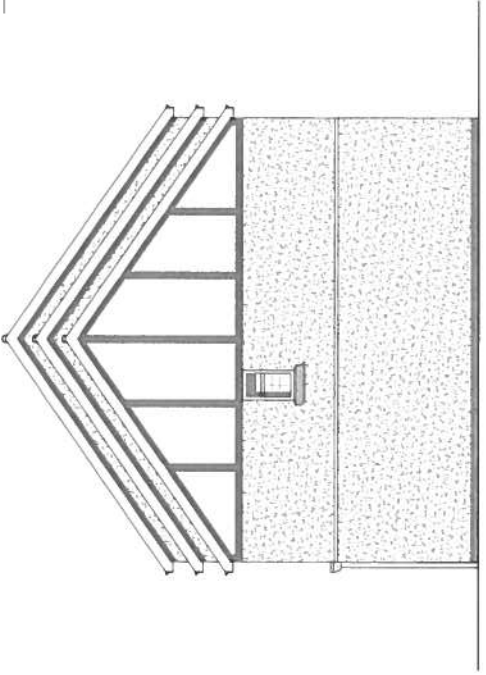


# Plots 26-28 Elevations

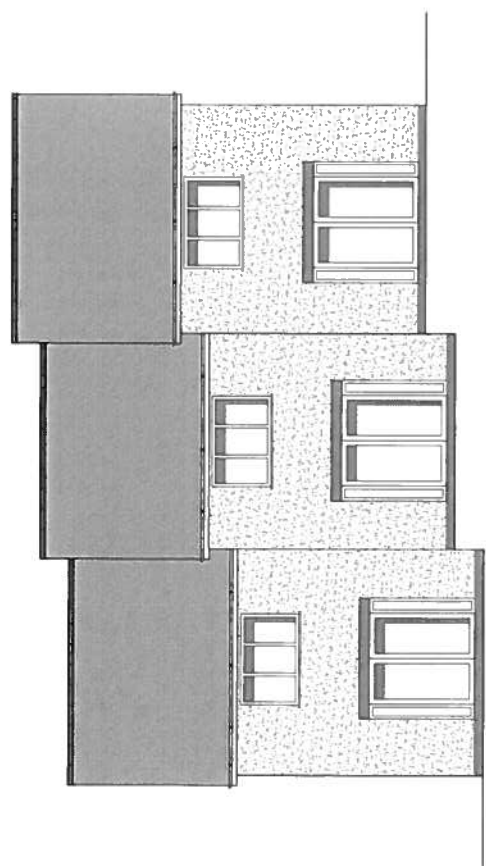
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Architectural Design  
**North West**



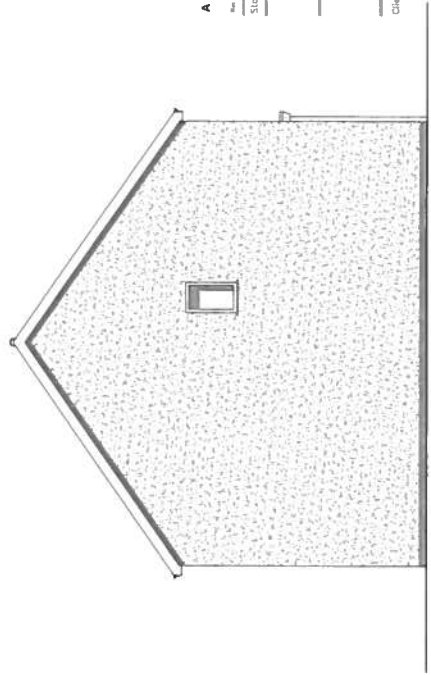
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1:100



3 Side Elevation C  
1:100



2 Rear Elevation B  
1:100



4 Side Elevation D  
1:100

# 2 BED UNITS IN TERRACE

**A AMENDED HOUSE TYPES AF 13/01**  
No. 13/01  
Status **PLANNING**

**Penthyon**  
Architectural Design  
6 Oakwood  
Grove  
Culwyn Bay  
LL29 7AE

Client **FENRRYN HOMES**

Project **MILDALE FARM MEUDEN HOUSING DEVELOPMENT**  
Drawing **THE GROSVENOR ELEVATIONS BLOCK OF 3 VERSION 2 PLOT 26-28**

Scale: A2 @ A3 @ 1:100	Date: FEB 14
Drawn: AF	Checked: AF
Job No.:	Plot No.:
<b>1043</b>	<b>PL01.016.3</b>
	<b>A</b>

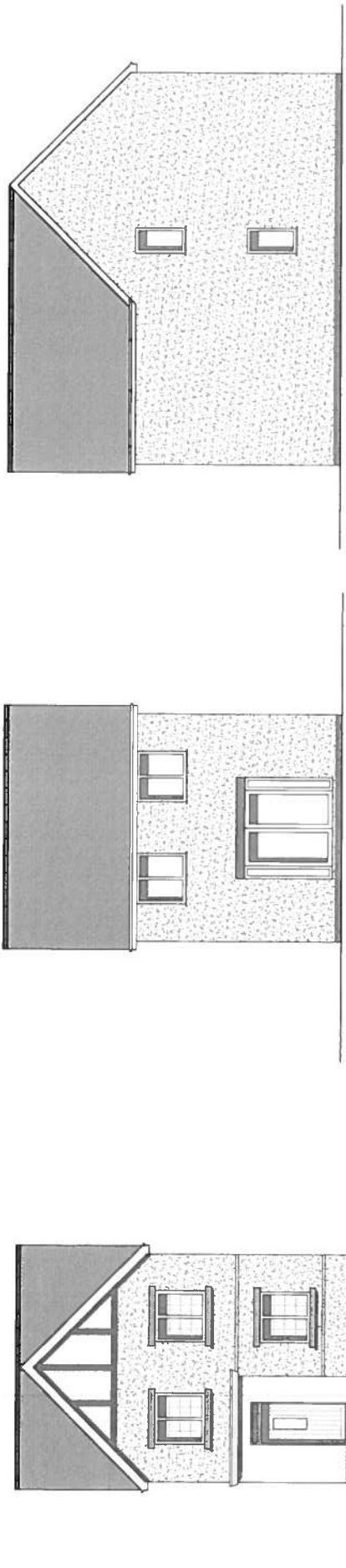
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**Penrhyn**  
Architectural Design

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**North West**

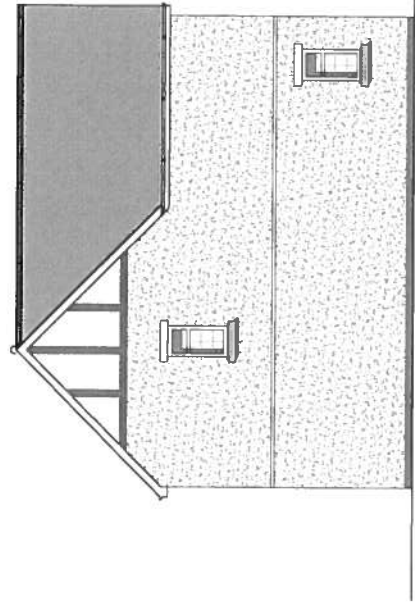
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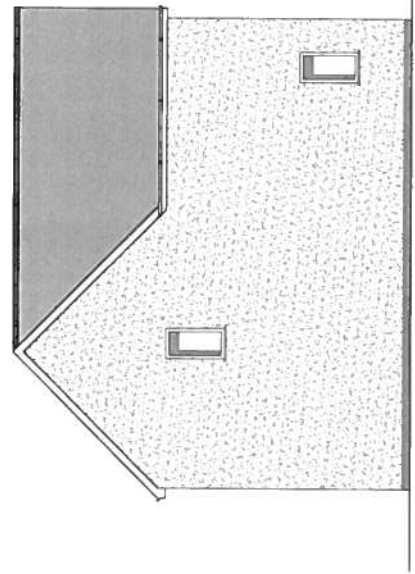
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2 Rear Elevation B  
1:100

3 Side Elevation D  
1:100



4 Side Elevation C - Plots 88 & 51 Only  
1:100



5 Side Elevation C - All Other Plots  
1:100

**A PLOTS 88 & 51 SIDE ELEVATIONS\_ADDED** AF 13/01

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**STATUS** PLANNING

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**Penrhyn**  
Architectural Design

---

6 Oakwood  
21k Drive  
Clyst Bay  
L29 7AE

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**Client:** PENRHYN HOMES

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**Project:** MIDDLE FARMA MELDEN HOUSING\_DEVELOPMENT

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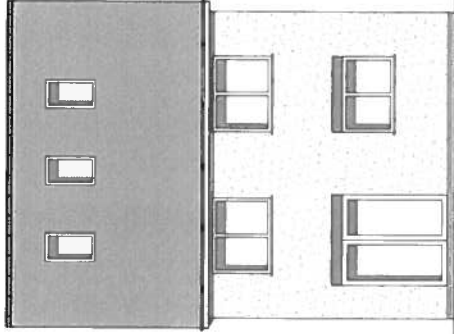
**Drawing:** THE COTTORNE ELEVATIONS

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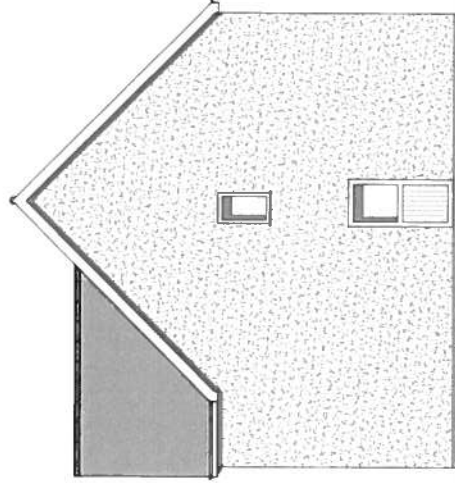
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Drawn:	AF	Checked:	AF
File No.:	00000000	Revision:	
<b>1043</b>	<b>PL01.013.1</b>	<b>A</b>	

# 4 BED HOUSE

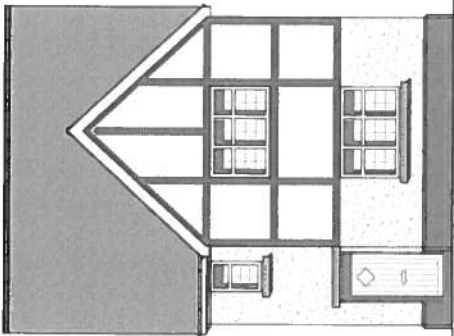
**Pentryn**  
Architectural Design  
North West



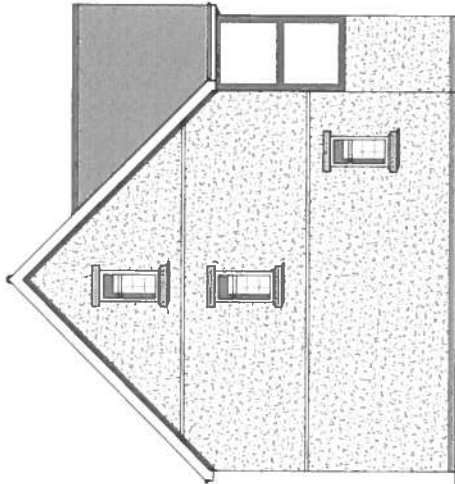
2 The Oakwood Rear Elevation B  
1:100



4 The Oakwood Side Elevation D  
1:100



1 The Oakwood Front Elevation A  
1:100



3 The Oakwood Side Elevation C  
1:100

A AMENDED ELEVATION AF 11/01  
By: [Signature]

Status: PLANNING

**Pentryn**  
Architectural Design

B Oakwood  
Corkin, Eby  
LL29 7AE

Client: PENRYN HOMES

Project: MIDDLE FARMA REUIDEN  
HOUSING DEVELOPMENT

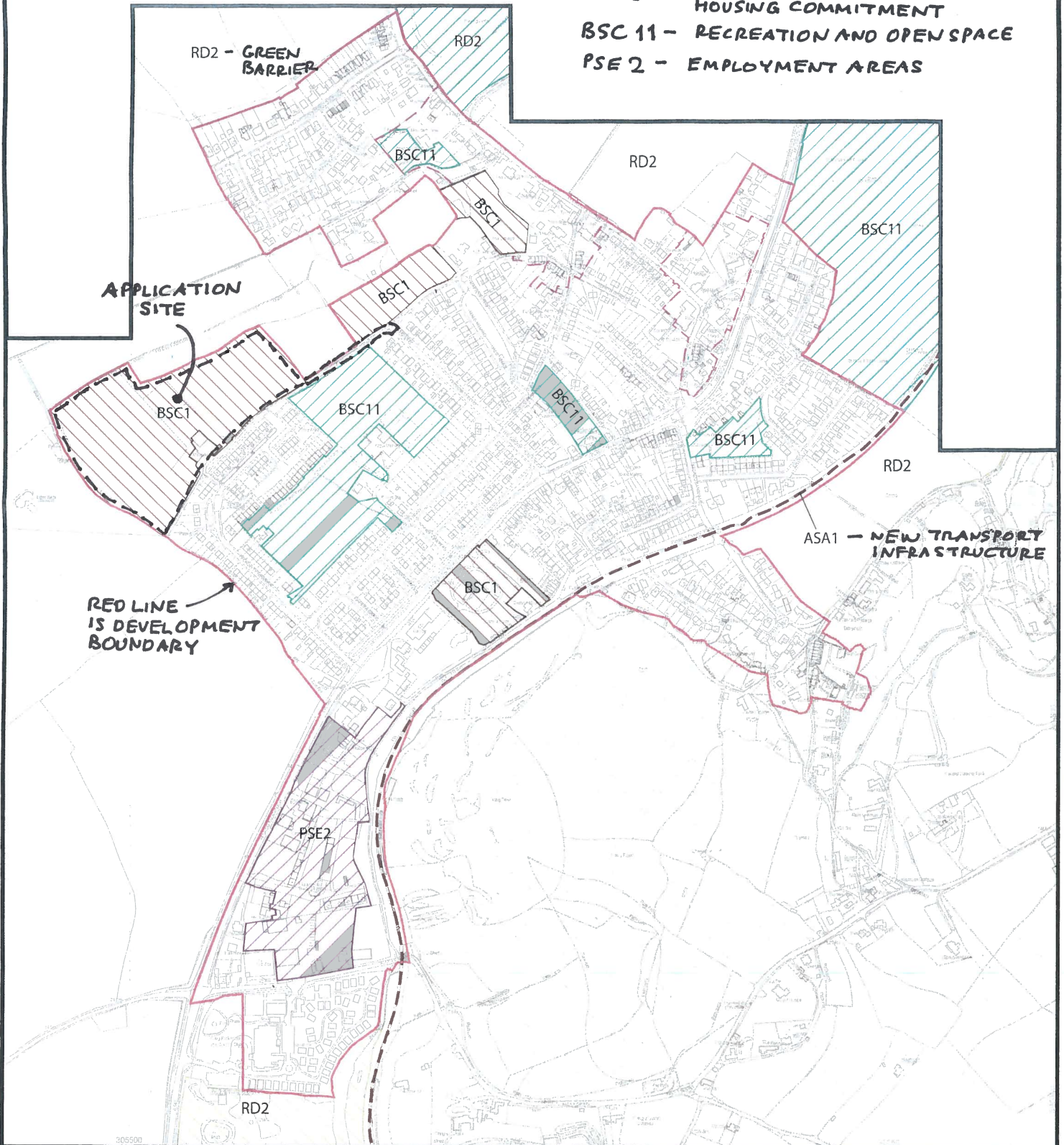
Drawing: THE OAKWOOD  
ELEVATIONS

Scale: A0 @ A3 @ 1:100	Date: FEB 14
Author: AF	Checked: AF
Job No.: 1043	Plot No.: P101.008.2
Client: PENRYN HOMES	Phase: A

# 43A LOCAL DEVELOPMENT PLAN PROPOSALS MAP

RELEVANT KEY :

- BSC 1 - HOUSING ALLOCATION OR HOUSING COMMITMENT
- BSC 11 - RECREATION AND OPEN SPACE
- PSE 2 - EMPLOYMENT AREAS



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0 50 100 150 200  
Medrau/Metres





**WARD :** Meliden

**WARD MEMBER:** Councillor Peter Evans (c )

**APPLICATION NO:** 43/2016/0600/PF

**PROPOSAL:** Demolition of existing dwelling and outbuildings, erection of 133 dwellings, construction of approach road, internal estate roads, sewers, SUDS drainage and open spaces, strategic and hard / soft landscaping, and ancillary works

**LOCATION:** Mindale Farm, off Ffordd Hendre and Ffordd Gwilym Meliden Prestatyn

**APPLICANT:** Mr A Roberts, Penrhyn Homes

**CONSTRAINTS:** None

**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:**

PRESTATYN TOWN COUNCIL  
Comments on original submission  
"OBJECTION

The planning consultation had been deferred at last meeting as planning documents were not available on DCC planning portal or in town library. Since last meeting it was reported that additional planning application documentation had been received by County but was not shown on County planning portal.

Cllr B. Paterson, Ward Councillor referred to a large number of residents objections and a residents survey of one hundred people showing ninety-five per cent against the development. He explained that he felt the traffic assessment had several errors and appeared to have been written without regard to topography of site. Surface water was also a major concern, and application showed only fourteen houses (10%) were classed as low cost affordable homes. Cllr J Thompson Hill explained that Denbighshire County Council had sought a higher percentage figure of affordable homes across County but had been overruled by Welsh Planning Inspectorate.

A detailed assessment of the planning application had been made by Cllr Paterson and a copy circulated to all Councillors. Committee confirmed that the details provided should be also be sent to Denbighshire County Council, Planning Department.

In summary Committee objected to overintensification affecting highway network, poor site access/egress, lack of public transport provision, inadequate capacity for foul/surface water drainage, history of flooding issues close to proposed development, and adverse impact upon local environment."

*Comments on February 2017 revised submission  
No response at time of completing report*

#### NATURAL RESOURCES WALES

Comments on original submission

Recommended any permission is subject to conditions.

In relation to ecological issues - conditions should be included requiring submission of a Construction Environmental Management Plan (CEMP) to deal with impacts on bats, water voles, otters; a Biosecurity Risk Assessment to control any invasive non-native species (INNS) on site and to prevent their introduction; and an Ecological Compliance Audit to evidence implementation of agreed mitigation, etc.

In relation to Flood Risk – a small section of the north west corner of the site is in a Zone B Flood Zone, but there is no built development proposed in this area. The Flood Map confirms the site lies completely outside the extreme flood risk outline and the updated Flood Map for Surface Water Flooding indicates the site is not considered to be at risk from surface water flooding. Suggest a condition requiring submission and approval of a surface water drainage scheme based on sustainable drainage principles and assessment of the hydrogeological context of the development, also to include for details of how the drainage system is to be maintained and managed after completion.

In relation to landscape – the site is adjacent to the AONB and visible from the summit of Graig Fawr, but it is considered the development is unlikely to have a significant adverse impact on this area. A Landscape Strategy should be developed including a tree planting framework. Suggest consideration of re-use of excavated material within the site to limit impact on landfill facilities.

*Comments on revised submission*

*Reaffirm previous comments. In respect of the Landscape Strategy, request specific consideration for delivery of a robust framework of trees along the site's western and northern boundary to wrap around the urban edge to improve the development's integration within views from the AONB, including locally native species to assist integration with existing field boundaries.*

*In an Advisory section of the response, NRW state:*

*'We note that the area of the proposed access road was previously forested and we understand that the trees were removed without the necessary permission. NRW have issued a warning letter requesting that the satisfactory tree planting is carried out to compensate for the tree felling before the end of April 2017. Failure to complete this compensatory planting may result in NRW issuing a formal Restock Notice. We are satisfied for discussion to take place between the applicant/ landowner and the Local Planning Authority to confirm where the compensation planting will take place and for any planning permission given for the development to include the imposition of a suitably worded planning condition.'*

#### DWR CYMRU WELSH WATER

Comments on original submission

Confirmed that there has been pre-application discussion with the applicant's agent and that it is agreed that the foul sewer which crosses the site can be diverted and protection can be maintained. Flooding as a result of hydraulic overloading of the sewer has been raised and it is stated that the intention to construct a new highway drain to remove surface water from the public sewer will free up capacity to enable the development to connect to foul flows – which is acceptable in principle so long as the Highway Authority agree to adoption of the new highway drain.

Surface water is to be discharged to a watercourse, so no comments are raised on this aspect of drainage.

No problems are envisaged with the waste water treatment works for treatment of domestic discharges from the site, and a water supply can be made available to serve the development. There is a trunk / distribution main crossing the site, to which DCWW has statutory powers to

access at all times; this may be diverted at the developer's expense and contact with DCWW would be necessary before any development commences.  
Request Conditions and Advisory Notes are included within any consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

*Comments on revised submission*

*Repeat previous comments, suggesting the inclusion of conditions requiring approval of details of a scheme for the removal of surface water from the combined / foul sewer in Ffordd Gwilym and redirection to a watercourse or surface water sewer ; and implementation of the scheme.*

CLWYD POWYS ARCHAEOLOGICAL TRUST

Comments on original submission

Confirmed that there are no recorded archaeological sites within this development area and there are no implications for the proposed development at this location.

*Comments on revised submission*

*The new information does not change previous advice recommending a watching brief / condition.*

CLWYDIAN RANGE AND DEE VALLEY AONB JOINT COMMITTEE

No response received.

NORTH WALES POLICE DESIGNING OUT CRIME OFFICER

Comments on original submission

Commented on elements of the layout which raised concerns such as the myriad of rear alleyways, the footpath detailing, and the design of units and garages which may give rise to potential problems.

*Comments on revised submission*

No response at time of drafting the report

CAMPAIGN FOR THE PROTECTION OF RURAL WALES

Unable to support. Raise concerns over the loss of agricultural land and a farm holding, absence of a Landscape and Visual Impact Assessment to establish impacts from principal viewpoints, traffic impact and possible loss of public right of way.

NORTH WALES WILDLIFE TRUST

Comments on original submission

The North Wales Wildlife Trust object to this development in its current form as it will have a significant detrimental impact upon the adjacent Pwll y Bont Wildlife Site, contrary to Denbighshire County Council Planning Policies.

*Comments on revised submission*

*Reaffirm objections. Would have preferred that the land on which this development is proposed had not been selected for housing development in the Denbighshire LDP. Refer to the characteristics of the site and its value as a wet area with marshy grassland and fen. Are keen to ensure that not only is the condition of the Wildlife Site protected but also existing biodiversity within the wider area is conserved and enhanced so that there is a net benefit to wildlife as a result of any development. Suggest further hydrological and ecological impact assessments are necessary. Construction stage operations including drainage infrastructure works need to be carefully considered and addressed to avoid adverse harm to the Wildlife Site, its surrounding environment (e.g. trees and hedgerows) and the biodiversity of the locality in general. Buffer strips between the site and housing should be considered to minimise adverse impacts, along with enhancement and long term management of the site, which could include public access; along with measures for wildlife enhancement within the development site itself.*

## WALES AND WEST UTILITIES

Confirm Wales & West Utilities has pipes in the area, which may be affected and at risk during construction works, hence the developer should contact them directly to discuss requirements before any works commence on site.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

The Highway Officer has provided a detailed a review of the considerations highlighted in the Development Site Brief. The conclusion is that there are no highway grounds to justify refusal of permission and that conditions could reasonably be imposed which meet the circular tests for the control of highway issues. In reaching this conclusion, the Highway Officer confirms the detailed contents of the revised Transport Assessment and associated information have been assessed, and that taking all the submitted information into account, there is no reason to refuse this application on highway grounds subject to the imposition of conditions.

The Highway Officer's report states as follows:

“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 2 requires consideration of the need for measures to improve public transport, walking or cycling infrastructure in connection with a development. 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.

A site development brief was adopted by DCC Planning Committee in March 2016 for the two sites to the north of Ysgol Melyd. A Transport Assessment would be required should planning applications be submitted separately for the 2 sites. In such a case, the TA should take account of the adjacent site and not prevent its delivery. This would involve assessing the combined impact of both sites when complete (at a range of housing densities) on the local highway network. Various local issues were raised in the development brief as outlined below, I have included my comments below each point.

### **1. Ffordd Ty Newydd.**

Ffordd Ty Newydd is a narrow road with little off street parking. Cars therefore park on what is already a narrow road. This presents capacity safety issues, and would need particular consideration if chosen as an access route for site 1. This could also be problematic in situations when emergency vehicles require urgent access to the site.

*Ffordd Ty Newydd is not proposed as a main access point to the development only as pedestrian/cycle access including an emergency link through Ffordd Hendre and it is therefore not considered an issue however the junction with the A547 will be covered further down the report.*

### **2. A547/Ffordd Ty Newydd junction.**

The A547 and Ffordd Ty Newydd junction requires assessment to ascertain whether capacity and visibility standards can cope with additional traffic. This junction would require a Priority Intersection Capacity and Delay (PICADY) assessment to ascertain junction capacity, queues, delays and accident risk. The assessment should assess the steep incline of Ffordd Ty Newydd and its impact on junction safety. The A547 currently experiences high levels of traffic during peak times.

*This junction has been modelled using the appropriate software and it shows that the junction will operate within capacity if a small amount of traffic from the development decide to use Ffordd Pennant as a route to the A547. The gradient of the junction has also examined and it is not considered there would be sufficient evidence to refuse the application on highway grounds in relation to this issue.*

### **3. Ysgol Melyd**

Traffic issues arise during peak travel times at Ysgol Melyd. The TA should assess and propose mitigation measures to ensure vehicle and pedestrian safety is maintained as part of any proposal.

*This has been considered, the primary school has good pedestrian links to the surrounding highway network and would be within walking distance of the proposed development, there would be no clear reason to refuse the application because of the school.*

### **4. Nearby planning permissions**

A number of planning permissions have been granted for housing development in the surrounding area. The majority of the permissions are yet to be built. Including sites 1 & 2, through a mixture of housing allocations and planning permissions, it is anticipated roughly 368 houses will be built in Meliden and including Caer Ffyddion LDP housing allocation, Dyserth. This surrounding housing development will generate extra traffic on the A547 which will need to be taken into account by the TA. The A547 at Ffordd Talargoch has an Average Annual Daily Traffic flow of nearly 14,000 vehicles as per a survey undertaken in March 2014.

*The housing growth in Meliden has been included in the Transport Assessment, the majority of these existing planning permissions have yet to be built. The trip generation from these developments have been included in and accounted for in the future growth and we are comfortable with the information provided.*

### **5. A547 / The Grove junction**

Similar to point number 2, the TA should assess the capacity and visibility standards of this junction are capable of handling additional traffic. This junction would require PICADY assessment to ascertain junction capacity, queues, delays and accident risk. The assessment should assess the steep incline of The Grove and its impact on junction safety. The A547 currently experiences high levels of traffic during peak times.

*This junction has been modelled using the appropriate software and it shows that the junction will operate within capacity. The gradient of the junction has also examined and it is not considered there would not be sufficient evidence to refuse the application on highway grounds in relation to this issue. It is proposed to install a keep clear marking at the junction on the A547 so a gap in any queuing traffic will allow vehicles to right turn into The Grove and turn right onto the A547.*

### **6. Maes Meurig and Cefn Y Gwrych**

Planning permission has been granted at Cefn Y Gwrych relating to development of 18 dwellings. Following a number of appeal decisions and subsequent approval of conditions, it has been established that increasing highway traffic on Cefn y Gwrych is unacceptable on highway safety grounds.

*It is not considered that traffic from the proposed development will use this route because of its topography and alignment.*

### **7. Ffordd Penrhylwfa between junctions with Ffordd Talargoch and Penrhylwfa Crossroads.**

Prestatyn Ffordd Penrhylwfa is a busy and narrow road linking Meliden with Prestatyn. There are no pavements along the southern stretch of the road in Meliden, and cars park primarily on-

street. Both junctions have become traffic sensitive owing to recent road traffic collision history. A PICADY assessment (see above) is required to assess the capacity at them. The purpose of including FP in the TA is to assess how the volume of traffic generated by the new development impacts on the wider road network in the village.

*These junctions have been modelled using the appropriate software and it shows that they will operate within capacity, some queuing does occur for right turners onto Ffordd Talargoch however these are for short periods at peak times and the traffic returns to normal, it is not considered that there would be sufficient evidence to refuse the application for this reason.*

## **8. Parking requirements**

Denbighshire's Parking Requirements in New Developments SPG divides the County into 2 parking zones (based on urban and rural areas) to set standards. The site is located in parking zone 2 (Meliden is allocated as a village in the LDP).

*The development complies with the SPG in relation to Denbighshire's parking standards which are the maximum standards required."*

The Highway Officer concludes with reference to the Flood Manager's comments on the surface water drainage proposals and future adoption and maintenance, which are matters it is suggested could be conditioned or even included in a section 106 agreement with a bond for any future maintenance. It is also stated that traffic calming is installed on Ffordd Gwylim and Ffordd Pennant, which can be covered by imposing a condition.

The suggested conditions are:

1. Full details of the proposed traffic calming on Ffordd Gwylim and Ffordd Pennant including the new road markings at The Grove/A547 junction including the detailed design, layout, construction and street lighting shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the works shall be completed in accordance with the approved plans or as otherwise agreed in writing by the Local Planning Authority prior to the construction of any of the dwellings hereby approved.
2. Full details of the internal estate road and associated highway works as indicated on the approved plans including the detailed design, stage 1 and 2 safety audits, layout, construction, retaining structures, street lighting and drainage shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the works shall be completed in accordance with the approved plans or as otherwise agreed in writing by the Local Planning Authority before any dwelling is occupied.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction of works.

- a route plan for all vehicles connected with the development arriving and leaving the site from existing highway links including delivery times.
4. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.
  5. The emergency access link onto Ffordd Tynewydd and pedestrian link onto Ffordd Hendre as shown on the approved plan shall not be as shown but shall be further agreed in writing by the Local Planning Authority before the commencement of any site works and the approved details shall be completed in accordance with the approved plans or as otherwise agreed in writing by the Local Planning Authority prior to the occupation of any dwellings.

- Footpaths Officer

Comments on original submission

Considered the route put forward in the plan behind the proposed houses was unfeasible in terms of inadequate width and sloping ground conditions. Suggested a minimum 3m width as laid out in the crime prevention legislation, but a 10 m corridor would be the best solution. Required more detail relating to the point where the existing Footpath (coming from the Cefn y Gwyrch end) meets the new access road at the corner.

*Comments on revised submission*

*Satisfied that the proposals retain an adequate area for the footpath to the south of the development to be accommodated. Would need to approve details of the link to the proposed highway including surfacing and gradients to ensure it has an all ability friendly design capable of being used by people in wheelchairs or parents with prams heading to the centre of Meliden village.*

- Flood Risk Manager

Comments on original submission

In principle does not object to the proposed development. The proposed drainage details, plans and calculations should be conditioned if planning permission were to be granted.

Conditions require full details of existing surface water systems, and a management strategy for future maintenance of attenuation assets.

*Comments on revised submission*

*The development proposal broadly meets the requirements of the development brief in relation to flood risk. The application describes a range of methods that are proposed to be used to manage the flow of surface water from the site to retain pre-development run-off rates so that no additional pressures are placed on the existing watercourses receiving flows from the development site. The design of the surface water system follows the sustainable drainage principles set out in Planning Policy Wales – Technical Advice Note 15 and attempts to control the flow of surface water as close to its source as possible by collecting water from roofs and driveways into property level attenuation tanks. Further downstream attenuation is provided by the use of oversized pipes, together with attenuation ditches and ponds. Of the four outfalls from the site, one discharges into a main river and will require a flood risk activity permit from Natural Resources Wales, whilst three discharge into ordinary watercourses and will require ordinary watercourse consent from Denbighshire County Council. The details that have been provided by the applicant give me no cause for concern that a permit/consent would be refused.*

*I do have some concern regarding the adoption and management of the surface water drainage system, because the applicant's proposals aren't currently clear in that regard. However, this doesn't alter my view that the design of the surface water drainage system is basically sound.*

*When we met the applicant on 21<sup>st</sup> March, it was drawn to his attention that the Council had some concerns regarding an existing surface water drain at the south east extremity of the development site which hadn't been accounted for in the development proposal. I note that the applicant has agreed to investigate this drain and incorporate any necessary diversion into his proposals.*

*Overall, I see no reason to refuse the application on the grounds of flood risk and drainage matters. However, I would recommend the following conditions be imposed:*

- 1. Legally binding arrangements regarding the management and maintenance of the surface water system are to be agreed with the Council and put in place prior to the commencement of the development.*
- 2. Technical details of the proposals for surface water drainage, including pipe diameters, storage capacity and flow calculations for an appropriate range of rainfall events (to be agreed with the Council) are to be provided prior to the commencement of development.*
- 3. Detailed proposals are to be provided showing how the existing surface water sewer crossing the south east of the site will be incorporated into the development.*

- Archaeologist

*Comments on original and revised submission*

*Notes that the archaeological assessment carried out as part of the planning process has identified some earlier field boundary structures but also the possibility of prehistoric activity. Whilst it is not feasible to ask for an archaeological watching brief across the whole site, requests an archaeological watching brief undertaken when the roadways are put in. In this way where large areas are cleared it will be possible to identify prehistoric features should they be existing. This can be achieved by a condition on the permission, should it be granted.*

- Strategic Planning and Housing Officer

*Comments on revised submission*

*In relation to affordable housing, the proposed development has to provide a minimum of 13 units on site (1 affordable unit per 10 dwellings) and an additional commuted sum of £21,112. Having discussed the planning proposal with the Denbighshire Education department on the basis of 133 dwellings, contributions towards primary education should be sought to the amount of £192,000. There is no need for contributions towards secondary education. The development of 133 dwellings on 4.8 hectares of land will require the provision of 0.74 hectares recreation and open space and it is noted that the applicant proposes to exceed the minimum requirement by 0.36 hectares. It is re-iterated that the principle of residential development has been established as part of the Denbighshire Local Development Plan 2006 – 2021(LDP), and the planning proposal's appraisal, especially LDP housing need and supply, should not focus on this matter.*

*The Strategic Housing Officer has advised separately that she has contacted Cartrefi Conwy who have confirmed that following the receipt of planning permission for the site, they will be sorting out contracts with Penrhyn Homes to be the delivery partner for the affordable housing. As the properties will meet DCC's own space standards and they will be buying these properties through their own private finance, the Housing Officer advises the DQR space standard does not apply. She is happy to support the planning application from a Strategic Housing perspective.*

- Senior Estates Officer

*Officers have been in contact with the applicant's agent to seek clarification of proposals insofar as they may impact on County Council land. Notes the emergency access is across County*



land and has drawn the agent's attention to the need for communication in relation to this and any other land which may be affected by works in connection with the development, including along the periphery of Ysgol Melyd playing field.

- **Tree Consultant**

Since the report was undertaken by Tree Solutions the site layout has been amended to accommodate the retention of the footpath along the southern boundary of the site. This means that additional trees and sections of hedgerow can be retained compared to the previous layout.

The provision of public open space adjacent to the perimeter of the site means that the mature trees, woodlands and hedgerows can be satisfactorily retained.

The proposed vehicular access needs to be carefully engineered to meet highway requirements whilst minimizing the need to remove additional trees and hedgerows. As the land slopes across the carriageway there is a need to excavate the bank to the south of the access road and build up the ground to the north. It is also proposed to build a retaining wall to the south side of the road.

These engineering works will necessitate the removal of additional hedgerows and trees present within the profile; and the removal of taller trees and hedges adjacent to the engineering works which will be root damaged to such an extent that they are no longer viable.

Taking into account the felling which has already been undertaken, that the remaining tree and shrub vegetation adjacent the access is mainly of poor quality and that the main part of the site retains nearly all the trees and hedgerows, I am of the opinion, the loss of additional vegetation to construct the road is acceptable. Nevertheless, any consent should require extensive replanting of mixed native species on the slope to the north of the road and to the south adjacent the school. This will mitigate the engineered appearance of the road, although the rural character of the footpath will inevitably be lost.

A mature ash at the Ffordd Gwilym end of the proposed access has uprooted and is now resting against an oak. The tree, is number 22 of the Tree Solutions survey and requires removal. It is unaffected by the proposed development.

Due to the revised layout there is a need to update the tree survey, this could be undertaken when or if consent is granted.

Comprehensive details for the landscaping should also be submitted and these could also be conditioned. There is a need thicken the boundary hedges and trees along the western boundary to define the edge of the settlement with the open countryside.

**RESPONSE TO PUBLICITY:**

For the record, the planning application has been the subject of two separate publicity exercises, one in November 2016, and one in February 2017 following submission of revised plans and information. It has been publicised by way of neighbour notification letters to over 220 properties bordering the site and the approach roads to Ffordd Talargoch; the posting of 6 site notices (4 around the site boundaries, 2 others at the junctions of Ffordd Talargoch with The Grove and Ffordd Ty Newydd; a press notice in the Rhyl Journal); and on the Denbighshire County Council Website.

**In objection**

Representations received from:

Nicholas John Baker & Tracy Jane Baker, 11 The Grove, Meliden (O)

Stephen Lees, 3 Llys Celyn, Ffordd Ty Newydd, Meliden (O)

Rachael Wheatley, Delfryn, Ffordd Penrhwyfya, Meliden (O)

Graham Stubbs, 26 Ffordd Gwilym, Meliden (O)

)Linda Roberts, 16 Ffordd Gwilym, Meliden, Prestatyn (O)

Richard Jones-Abbas, 4 Llys Celyn, Meliden (O)

Roger Hamilton and Shirley McCardell, 39 Maes Meurig, Meliden (O)

Chris Ford, 14 Ffordd Gwilym, Meliden (O)

Mrs P Macdonald, 21 Bryn Llys, Meliden

Susanne Liddle - 18 Lon Elan, Meliden and also Owen Devenport on behalf of Mrs Liddle(O)

Mr Derek W Meaden, 10 Ffordd Bryn Melyd, Meliden (O)

Chris Evans, 139 Ffordd Talargoch, Meliden (O)

David Evans, Cerrig Llwydion, 109 High St., Prestatyn (O)

Keren Spillane, 22 Ffordd Gwilym, Meliden (O)

Carly Moorhouse, 2, The Grove, Meliden (O)  
Darren Cooper, 42, Plas Uchaf Aveneu, Prestatyn (O)  
Gary Thompson, 1 Ffordd Pennant Prestatyn (O)  
Vania Tong, 16 The Grove, Meliden (O)  
David Anderson, 1 Llwyn Mesen, Meliden (O)  
Mr and Mrs MG Bailey, 31 Ffordd Gwilym, Meliden (O)  
Mr Graham Walsh, 23 Ffordd Gwilym, Meliden (O)  
Mrs Paula Donnelly, 118 Ffordd Ty Newydd (O)  
K A Paddock, 22 Maes Meurig (O)  
Mr & Mrs M G Bailey, 32 Ffordd Gwilym, Meliden (O)  
Mr Alexandra Williams, 25 Ffordd Gwilym, Meliden (O)  
Mrs Brenda Davies, 112 Ffordd Ty Newydd, Meliden (O)  
Mrs Carol Ann Pollitt, 34 Ffordd Gwilym, Meliden (O)  
Mrs G Davies, 10 Ffordd Pennant, Meliden (O)  
Patrick Cook, 62, Ffordd Pennant, Meliden (O)  
Mr M. I. Jones, 14 The Grove, Meliden (O)  
David Evans and Kimberly Walsh, Y Bwthyn Gwyn, Ffordd Penrhwyfla (O)  
Allyson Evans, Cerrig Llwydion, 109 High Street, Prestatyn (O)  
Mr Roy and Mrs Gill Gilliams, 32 Ffordd Gwilym, Meliden (O)  
)Meliden Residents Action Group, c/o Mrs C A Hampson (O)  
Gemma Taylor, 61 Ffordd Ty Newydd, Prestatyn (O)  
Mrs V Evans - 32 Bryn Llys, Meliden (o)  
M. W. Moriarty - CPRW 7 St Michael's Drive, Caerwys (o)  
B. Paterson, 120 Ffordd ty Newydd, Meliden (O)  
J. Wilson, 27 Ffordd Gwilym, Meliden (O)  
Claire Davies, c/o 13 Maes Meurig, Meliden (O)  
Mr Alexander Williams, 25 Ffordd Gwilym Meliden (O)  
Victoria Rogers 30 Ffordd Gwilym (O)  
Mr Bob Paterson 120 Ffordd Ty Newydd (O)

The correspondence from C.A. Hampson, Nant yr ogof, Tan yr Allt, Meliden is as Secretary of Meliden Residents' Action Group.

The comments in this response refer to concerns over traffic arrangements, overall detrimental impact on the village of Meliden, and impact on overstretched schools, doctors' practice and hospital.

Comments have also been received from Ann Jones AM, who advises she has been contacted by many residents, and notes when the site was first proposed there was a great deal of opposition and the removal of trees caused anger in the community. She considers the objections that were raised during the consultation to having the site designated for development are still valid and asks the Authority to pay heed to the views of the community.

**Summary of planning based representations in objection:**

*Representations received in relation to the February 2017 revised application, which raise new issues are in italics*

Principle

Concern over outward expansion of settlement and potential for merger with other residential areas / unacceptable effect on character of village / scale of development inappropriate / existing infrastructure of the village not adequate to cope with the scale of development / development would impose an unacceptable burden on the population of Meliden / other land is allocated for housing in the area

Highways

Unacceptable impact on already limited highway network / concerns over adequacy of approach roads and junctions entering A547 at a steep gradient / likely vehicle conflicts and congestion at junction of A road and The Grove and Ffordd Ty Newydd particularly at peak hours, without traffic management / A547 is regularly gridlocked / access roads also serve Ysgol Melyd which generates peaks of traffic dangers at opening and closing times / development of 136 dwellings, with 355 parking spaces will generate considerable additional traffic on approach roads where there is regular on street parking on both sides and narrowing of highway widths / problems for emergency vehicle access, and larger delivery and construction vehicles struggle to access existing properties / concerns over safety of vehicle users and pedestrians, including children accessing the school, shops and the park, likely to be worsened by Ffordd Pennant being used as a 'rat run' to Ffordd Ty Newydd / evidence of speeding traffic and accidents / Saints Gym adds to parking concerns / there is also congestion when Melyd FC play /roads serve One Stop Shop where on street parking limits width of road / consideration should be given to alternative access proposals / concerns over dangers entering A road have been raised previously with Head of Highways with no satisfactory response / traffic will increase on Ffordd Penwylfa which is already a danger point with access via a one way system, no pavements along lengths, on street parking/ Traffic Assessment contains errors, inaccuracies and omissions, misleading cross referencing, and is based on false assumptions and winter traffic surveys / area is on a hillside where there is greater reliance on motor vehicles / proposals involve a dangerous drop into a narrower carriageway with a blind corner at the bottom of Ffordd Gwilym / how is construction traffic to be managed, given the narrowness of the approach roads to the only entrance via Ffordd Ty Newydd, a tight turn near parked vehicles / accident report does not cover 2015 when there were accidents on the A road / Transport Assessment takes no account of traffic increases arising from Prestatyn Retail park, other developments and proposed developments in the locality / access road does not have pavements on both sides as is referred to in the specification / estimates of walking times to facilities are misleading and take no account of terrain, which will limit the number of cyclists and pedestrians, making this a development reliant on motor vehicles / proposed 90 degree bend will pose an accident risk and bottleneck

*Revised plans make no difference to the basic points in objection / inaccuracies in Transport Statement remain – including suggestion that all facilities are within 500m of the site / site requires completely new access from A road*

#### Loss of footpath not acceptable

Routing footpath along the new estate road is not an appropriate option and does not enhance the path as stated

#### Flooding/drainage

Unclear whether allowance has been made for future proofing for flood risk / concerns over absence of reference to existing surface water drains into the site and associated impact on existing drainage systems, which have history of backing up / fields are at the bottom of a hill, are boggy and are known to flood in wet conditions/ has a proper assessment of impact on the proposed houses and other estates in the area been made / Bungalow at Pwll y Bont Ffordd, Penrhwylyfa was objected to due to history of drainage problems (and lack of service facilities, potential flood risk, and limited public highway access).

#### Ecological impact Wildlife/Trees

Proper assessment of impact on biodiversity needs to be made and independently scrutinised / impact on conservation and nature site from recent tree and hedgerow clearance and concerns over future impacts / bat habitat has already been disturbed / loss of trees and bushes is extensive / there are great crested newts in the area which do not seem to have been mentioned

### Housing need

How will the development have any significant impact on the need for social housing in the County (2000 persons are on the social housing waiting list) / development is for private housing and is unlikely to be affordable for persons in need of housing / occupiers likely to come from outside the area

### Impact on local school and health services

Has a proper impact assessment been made and independently scrutinised / Ysgol Melyd is at full capacity / GP practice is under pressure / impact on dentists and Glan Clwyd Hospital

### Other comments

#### Mix of dwelling types

No single storey dwellings are proposed so no provision for older residents

### Levels changes

Highway works will involve considerable raising of land levels as there is a 3m drop between the site boundary and the line of the proposed access road.

### Archaeological issues

Access road off Ffordd Gwilym would be built over what is believed to be an Ancient Road forming part of the London Road present in paths in north Wales

### Boundary issues

Evidence of encroachment onto land outside ownership / legal dispute over attempted land snatch, clearance of trees and hedgerow along Coopers Lane and erection of new fence / question over site encompassing land in separate ownership

Increased CO2 emissions

Negative impact on property values in locality

### **In support**

Representations received from:

Adam Graham, 26 Broadway, Prestatyn (S)

### **Summary of planning based representations in support:**

#### Principle

Positive impact on Prestatyn and Meliden from provision of much needed family homes

#### Highways

Transport Assessment suggests development will have no detrimental impact on the existing network / Council should however assess cumulative impact of developments and require developer contributions for any necessary improvements / consideration should be given to potential improvements to walking and cycling links between Meliden and Prestatyn through

revisions to the scheme.

#### **REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations
- additional information required from applicant
- 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 application seeks full planning permission for a residential development on land to the north west of existing housing at Ffordd Ty Newydd / Ffordd Hendre, the playing field of Ysgol Melyd and Ffordd Gwilym in Meliden.

1.1.2 The main elements of the scheme, as revised in February 2017, are:

- The demolition of the existing dwelling and outbuildings at Mindale Farm
- The erection of 133 dwellings
- Associated highway works including a new main access into the site off Ffordd Gwilym; an 'emergency access' and two footpath links off Ffordd Hendre and Ffordd Ty Newydd; internal estate roads, sewers, sustainable drainage systems
- Provision of open space, strategic and hard / soft landscaping.

1.1.3 In terms of detail, the application for determination involves:

- a main vehicular access into the site off the north western end of the existing cul de sac at Ffordd Gwilym. This is shown as turning through 90 degrees to the south west from the end of Ffordd Gwilym, then running parallel with the boundary with Ysgol Melyd playing field for some 150m and into the fields proposed for development.
- an 'emergency' vehicular access and footpath links to Ffordd Ty Newydd
- the layout of 133 dwellings (including 14 different house types : 6x4 bed detached houses; 78x3 bed houses – a mix of 2 storey detached, 2.5 storey town houses, and 2 storey terraces; and 50 x2 bedroom units in terraces of 3 or 4 houses)
- associated open space (a 1.12 ha area) along the south western, north western, and south eastern sides of the site

There is a **phasing plan** indicating the intention to develop the site in 4 phases, starting from the north east part of the site (Phase 1, Plots 1-37), Phase 2 (Plots 38-66), and working to the south west corner with Phase 3 (Plots 67-96), and the north west corner with Phase 4 (Plots 97-133).

The layout plans show the proposed distribution of a total of 13 affordable dwellings within the development – 8 in Phase 1, 1 in Phase 2, and 4 in Phase 3.

There is a **Landscape Strategy Plan** illustrating proposals for surfacing materials, soft landscaping, fencing and screening

A copy of the site plan and the phasing plan is attached at the front of the report, along with examples of the house types proposed.

- 1.1.4 The supporting documents include a Design and Access Statement, a Transport Assessment, an Ecological Assessment, an Arboricultural Impact Assessment/ Method System, a Flood Consequence Assessment, an Archaeological Assessment, an outline drainage strategy Community Linguistic Statement Report and Impact Assessment, a Geophysical Survey Report, and a Water Conservation Strategy. There are a range of plans showing house type details, highway and drainage proposals.

The main points of relevance to the proposals in the supporting documents are –

#### In the Design and Access Statement

- The statement refers to the documents submitted with the application and how these assist the consideration of the proposals.
- It states that..... 'The result of the complex studies and the consideration of all issues has been a scheme size of much less than 150 dwellings which can in practice be delivered meeting all the site based and planning policy stipulations faced. Site density has sought to be maximised, however on sloping terrain compromises have had to be struck with regard to access and open space provision. This compromise for the design and layout makes site viability a major consideration for the complete planning project under Policy BSC3.'
- There is an appraisal of the site design concept in the context of the Site Development Brief SPG, and with regard to a wide range of issues. These are referred to in detail within the topic assessment sections of the report.
- There is reference to Infrastructure Payments: that the developer has undertaken a financial appraisal and allocated resources to open space provision, education contributions and welsh language mitigation measures, in accord with Council planning priorities. It is suggested issues in relation to site drainage and affordable housing can be attended to by the use of planning conditions.
- In conclusion, it is stated that :  
' The applicant has generated a proposal which has made effective use of context to provide a legible and accessible new major housing development, that is not car dependent and aims to serve local housing needs primarily, and which is visually attractive at the edge of the settlement, providing new opportunities for recreation, sport and creation of wildlife corridors alongside the ecological resources neighbouring to the north edge.  
The proposal is therefore is therefore commended as a suitable design solution for the allocated site and its delivery in early 2017 to help stem the shortfall county wide of 5 yr housing land supply, currently standing at 2.1 years. TAN1 would therefore advise that planning permission be granted immediately to allow for supply and choice in housing to be increased, all other planning matters now having been resolved and constraints overcome.'

#### In the Transport Assessment

- o The Assessment, revised in February 2017, includes sections providing a review of national and local policy context, baseline conditions, development proposals, the site access arrangements, accessibility by sustainable traffic modes, the development proposals, and a Traffic Impact Assessment.
- o The Summary and Conclusion section emphasises that the principle of transport sustainability underlies the development. It states.. " The location of the site provides a good context for journeys to be undertaken on foot and by cycle, and the access strategy reflects this with the provision of good permeability and connectivity for pedestrians and cyclists."

- It is confirmed that the internal road layout for the site has been designed to be in accordance with Manual for Streets and is based on meeting highway authority minimum criteria.
- Swept path analysis confirms that a car can enter the access even if another car is waiting to leave, and demonstrates that the site is accessible by a large refuse vehicle.
- The location of the site provides a good context for journeys of residents to be undertaken on foot and by cycle. Pedestrian connection is to be provided with Ffordd Hendre and the existing footpath within the site, helping to minimise walk and cycle distances between the site and nearby amenities, thereby offering the best chance of fostering a sustainable community.
- A range of destinations are accessible to destinations by bus, including amenity and employment locations, in accord with local and national policies.
- The Traffic Impact Assessment includes comprehensive junction analysis and modelling for future years (2020 and 2025, for peak hours), and concludes that the proposed residential development does not have a detrimental impact on the operational performance of the TA highway network.
- It is concluded that ...” the proposed development is in accordance with national and local transport policies, and that there are no transport / highways reasons for refusal of planning permission”.

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#### In the Ecological Assessment

- There have been two documents submitted – one based on a January 2016 survey, one providing recommendations for mitigation and ecological enhancement.
- The January 2016 report provided the findings of a walkover survey and assessment of ecological value of the site. It concludes that there are no known issues with badgers or their setts at this point in time; the area will be used by bats for foraging, and there are at least two boundary trees with potential to support bats; there are no ponds on the site and other than areas where drainage is impeded, the nearest are over 300 m away, so there appear to be no issues in respect of great crested newts; no hedgehogs have been recorded in the area but site clearance would need to be carried out carefully to ensure any are not harmed; any works affecting drainage ditches would need to be surveyed to determine the presence / absence of water vole; and hedgerow, scrub and tree clearance should be timed to avoid interference with nesting bird and bat habitat.

#### In the Arboricultural Impact Assessment / Method Statement

- The June 2016 report is in relation to the development proposal
- The report recognises the confirmation of two Tree Preservation Orders by the County Council on land on and adjoining the site
- The layout has been detailed to retain the trees protected by the TPO's, and the best quality trees and hedgerows outside the Orders.
- Normal 'Best Practice' protective measures need to be taken to avoid damage to trees at construction stage.

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#### In the Flood Consequence Assessment

- The June 2016 Level 1 Screening Study concludes that a small area of the site has a low risk of fluvial / tidal flooding originating from the Prestatyn Gutter, but points out no development will be carried out in this area.
- The remainder of the site is classed as Zone A on the TAN 15 Development Advice Maps – land considered to be at little or no risk of fluvial or coastal / tidal flooding.
- Based on information available, the risk of flooding from groundwater, overland flow, artificial drainage, and infrastructure are all considered to be low.

- A SuDS drainage philosophy will be adopted for surface water drainage treatment, discharge will be via carrier drain to Prestatyn Gutter with discharge rates limited in accord with requirements of NRW and the local Flood Authority

#### In the Outline Drainage Strategy

- The June 2016 document sets out the foul and surface water drainage strategies for the development
- The intention is to discharge the foul drainage system to the Dwr Cymru Welsh Water public foul sewers, via a gravity piped system and a pumped system for a small part of the development
- Surface water would be discharged to existing watercourses adjacent to the site incorporating sustainable drainage systems and flow control devices for the management of water attenuation on site and pollution prevention off site preventing negative impacts.

#### In the Archaeological Assessment

- The January 2016 assessment indicates that the historical narrative shows the local landscape is rich in prehistoric and Roman sites and findspots, but having regard to the geophysical survey and topography in the area around the application site (watercourse, waterlogging), concludes that the site would not have been conducive to early habitation, the potential for prehistoric remains relating to seasonal camps or hunting grounds is medium, and the potential for buried remains from later periods is low.
- It is recommended that a phase of archaeological evaluation or monitoring be made a condition of a planning permission.

#### In the Geophysical Survey Report

- The December 2015 report identified few anomalies of possible archaeological origin, and those identified remain tentative at best and may have alternative origins such as agricultural or natural
- Anomalies relating to 19<sup>th</sup> century field boundaries, and recent ploughing suggest the area has been used primarily for agricultural purposes, since the medieval period.
- Remaining anomalies are modern or natural in origin, relating to underground services, land drains, ferrous objects, and fencing.

#### In the Community Linguistic / linguistic Assessment

- The report points out the site has been allocated in the Development Plan, and as the number of dwellings proposed is below the indicative number of 154 in the table attached to Policy BSC1, the scale of impacts on the Welsh language are likely to be less than anticipated when consideration was being given to inclusion at the adoption stage of the Plan.
- Mitigation for impacts is considered through a number of mechanisms, including provision of 10% affordable housing (support for local young families), provision of a mix of housing types including smaller affordable dwellings, phasing of the development, commuted sum payment, use of Welsh street names.

#### In the Water Conservation Strategy

- The strategy sets out specific proposals for the reduction of use of water in new dwellings and within individual plots.

The **application forms** confirm the 'Certificate C' process has been followed in relation to the ownership of the site. This is the process applicable to situations where some, but not necessarily all owners of a site are known. The applicant / agent has posted notices around the site and a notice in the local press prior to the submission of the application, offering those with an interest in the land opportunity to make themselves known, and has advised that other



steps have been taken to find the names and addresses of owners of the land to which the application relates. This includes checks of the Land Registry (of land alongside the access); checks of the Right of Way registered by Mindale at the Land Registry; checks of the owners of 33 Ffordd Gwilym at the land Registry; checks of the Denbighshire County Council Commons Register; and checks of the historic Commons Enclosure Awards at Flintshire County Council Archives. Formal notice has been served on two known owner / occupiers of properties identified with an interest in part of the application site (Mindale Farm and 33 Ffordd Gwilym).

- 1.1.5 Following submission of the revised plans and documents in February 2017, the applicant's agent has confirmed the applicants are content with the education contribution, for the off site works of traffic calming, the housing balancing payment and a Welsh language mitigation payment.

## 1.2 Description of site and surroundings

- 1.2.1 The main part of the application site is comprised of field parcels attached to Mindale Farm, which incorporates the dwelling at the farm, associated outbuildings, stables and a menage area.
- 1.2.2 The sole vehicular access to the site at present is from a narrow track referred to as Ffordd Hendre, which branches off Ffordd Ty Newydd. This has provided access to Mindale Farm. The new access road is proposed from Ffordd Gwilym and involves use of land forming the garden area of No 33 Ffordd Gwilym, and the demolition of a side extension to that property, and then via a new section of road along what is currently an old track running south west alongside the boundary of the playing field to the north west of Ysgol Melyd.
- 1.2.3 Most of the other site boundaries are formed by long established hedgerow trees / bushes and undergrowth.
- 1.2.4 Land levels fall generally down from south east to north west, the highest point in the field where the housing development is proposed being in the south west corner at 29.7m AOD and the lowest point being 12.5m in the north west corner.
- 1.2.5 There is a public footpath (No 22) running the entire length of the south / south eastern boundary of the site, and this continues to the north east to link with Maes Meurig.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 Members are referred to the extract from the Proposals Map for Meliden from the Denbighshire Local Development Plan at the front of the report, to aid understanding of the situation relating to the extent of land allocated for housing development in this part of the settlement, and the proposed location of the access into the site.
- 1.3.2 The land proposed for the construction of the 133 dwellings is annotated as an Allocated housing site on the Proposals Map and is referred to as at the 'rear of Ffordd Hendre' in the table accompanying Policy BSC1 in the Plan. The table gives an indicative number of 154 dwellings for the site.
- 1.3.3 The main vehicular and pedestrian access to the application site is proposed off Ffordd Gwilym and would run into and along the south west corner of a separate Allocated housing site, referred to as at the 'rear of Maes Meurig' in the table in BSC1. The table gives an indicative number of 30 dwellings for the Maes Meurig site. There is an 80m gap between the Ffordd Hendre and Maes Meurig sites.

- 1.3.4 The Ffordd Hendre and Maes Meurig sites are the subject of separate Supplementary Planning Guidance in the form of a Site Development Brief, adopted at Planning Committee in March 2016. There is a brief summary of the contents of the Brief in section 3.1 of the report, and a copy of the Brief is attached as an Appendix to the report as its contents are of relevance to a number of aspects of the application. The contents of the Brief are referred to in relation to the topics covered in the Main Considerations section of the report.
- 1.3.5 The application site is referred to in the application documents as land at Mindale Farm. This is the 'Ffordd Hendre' site in the Site Development Brief. For clarification in the rest of this report, reference to Mindale Farm should be taken to refer to the Ffordd Hendre site in the Brief.
- 1.3.6 It may be appreciated from the extract from the Local Development Plan Proposals Map that the new vehicular access to the current application site would run across the 'gap' between the Ffordd Hendre and Maes Meurig sites. In this area, the development boundary for the settlement is drawn along the north side of the path which runs parallel with the boundary of the Ysgol Melyd playing field.
- 1.3.7 Meliden is linked to Prestatyn in the table in Policy BSC1 summarising the contribution from new allocations and existing commitments in lower growth towns.
- 1.3.8 An area of land immediately to the east of the main part of the application site is referred to as the Pwll y Bont wildlife site in the Site Development Brief. This is described as 'a wet area with marshy grassland and species poor fen'. This is a non-statutory designation but obliges due consideration of impacts from development on features of ecological interest.
- 1.3.9 Both residential land allocations in Meliden, i.e. Ffordd Hendre and Maes Meurig, were not included in the emerging Denbighshire Local Development Plan at the deposit Plan stage. During Plan Examination, and in response to the Planning Inspector's preliminary findings on matters of housing need and supply, the Council put forward a number of potential, additional residential sites to be considered for inclusion into the Plan. Both sites were included in this exercise. However, when the Council produced a final list of 21 potential, additional residential sites for the Planning Inspector, the Ffordd Hendre site was not included in the list. Since the Ffordd Hendre site had already been assessed as part of this exercise, the Planning Inspector could consider including the site in the Local Development Plan to achieve the required overall number of houses. Hence both sites, i.e. Ffordd Hendre and Maes Meurig, were included as residential land allocations in the Local Development Plan that was considered and adopted by Full Council in June 2013. The sole reason for including both sites in the Local Development Plan was to meet the identified housing need in the County up to 2021.
- 1.3.10 The boundary of the Clwydian Range and Dee Valley AONB is approximately 0.5km to the south east of the application site, at Graig Fawr.

#### 1.4 Relevant planning history

- 1.4.1 None of relevance to the current application.

#### 1.5 Developments/changes since the original submission

- 1.5.1 As noted previously, the plans have been revised in February 2017 following feedback to the applicants on a range of issues. The main change was the reduction in the number of dwellings from the originally proposed 136 and the detailing of the open space proposals along the south east boundary with Ffordd Ty Newydd to retain the existing line of trees and hedgerows.

## 2. DETAILS OF PLANNING HISTORY:

2.1 None of relevance to the application.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4<sup>th</sup> 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 VOE2** – Area of Outstanding natural Beauty and Area of Outstanding Beauty

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA2** – Provision of Sustainable transport facilities

**Policy ASA3** – Parking standards

### 3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Notes:

- Recreational Public Open Space
- Access for All
- Planning Obligations
- Affordable Housing in New Developments
- Residential Development
- Residential Development Design Guide
- Nature and Protected Species
- Parking requirements in new developments
- Planning for Community Safety

**Supplementary Planning Guidance - Site Development Brief – Residential development at Ffordd Hendre and Maes Meurig, Meliden .** Adopted March 2016. Attached as an appendix to the report.

This Brief relates to the site forming the subject of the current application and the separate site referred to immediately to the north west of Maes Meurig.

It reviews the site context, sets out the planning policies relevant to the consideration of any applications, and provides a site appraisal and outline of requirements for a submission.

The planning policies considered relevant to the application are listed in Section 3 of the report and are reviewed in detail in Section 4.

The basic 'requirements' in the Brief include the need for a Transport Assessment and consideration of highway impacts on the locality, including roads and potentially affected junctions in the area (Ffordd Ty Newydd, The Grove, Ysgol Melyd, Maes Meurig, Cefn y Gwrych, Ffordd Penrhwyfya ), planning permissions in the surrounding area; parking requirements; accessibility; access for all; archaeology; biodiversity; boundaries; built heritage and surrounding character; community safety; education; flood risk; landscape and open space; utilities; Welsh language.

Section 6 of the Brief sets out six Design Objectives / principles any proposals should meet. These include consideration of provision for walking, cycling and public transport; designing in the context of the surrounding area and edge of settlement location; enhancing biodiversity and human health; providing satisfactory infrastructure; and adopting a 'Welsh branded' scheme with affordable housing to help the community and language to grow in the area.

In terms of the status of the Site Development Brief, this is set out in paragraph 2.2 of the document:

"The Council's Supplementary Planning Guidance notes (SPGs) are not part of the adopted local development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals."

### 3.2 Government Policy / Guidance

Planning Policy Wales Edition 9, 2016

Technical Advice Notes

TAN 1 Joint Housing Land Availability Studies

TAN 2 Planning and Affordable Housing

TAN 5 Nature Conservation and Planning

TAN 12 Design

TAN 15 Development and Flood Risk

TAN 18 Transport

TAN 20 The Welsh language – Unitary Development Plans and Planning Control

## **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, December 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, towards the aim of sustainability.

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

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

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

### 4.1.1 Principle

- 4.1.2 Site Development Brief
- 4.1.3 Density of development
- 4.1.4 Visual amenity / landscape
- 4.1.5 Residential amenity
- 4.1.6 Ecology
- 4.1.7 Drainage
- 4.1.8 Highways
- 4.1.9 Affordable Housing
- 4.1.10 Open Space
- 4.1.11 Impact on local services including education provision
- 4.1.12 Impact on Welsh Language and social and cultural fabric
- 4.1.13 Use of agricultural land
- 4.1.14 Archaeology

#### Other matters

Land ownership

Pre –application consultation

Community safety

Local employment strategy

Details submitted with the application

Well-being of Future Generations (Wales) Act 2015

## 4.2 In relation to the main planning considerations

### 4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages, and it states developers will be expected to provide a range of house sizes, types and tenure.

Factually, the site is located within the development boundary of Meliden. It is allocated as a housing site on the proposals map accompanying the Plan.

The process through which the allocation of the land passed in the evolution of the Development Plan is referred to in section 1.3.9 of the report. Officers are appreciative of members' reservations over the process and the role of the Development Plan Inspector in seeking the inclusion of additional housing sites to achieve population / housing need targets. Nonetheless, it has to be recognised that the Development Plan has passed through a statutory process, including its adoption following a democratic vote at Full Council in 2013, and the status of the Plan and its allocations means it is a significant material consideration in the assessment of planning applications in the County.

With reference to the Development Plan and housing need, it is to be noted that at the time of drafting this report, the latest Joint Housing Land Availability Study (JHLAS) has concluded that Denbighshire has a 2.02 years supply of available housing land against a minimum National requirement of five years. This shortage and the positive contribution which a site of over 100 dwellings would make to improving supply are also material considerations in respect of determining the application.

In respecting the context in which the site was included as an allocation in the Development Plan, the fact that the site is allocated for housing in an adopted plan and there is a clear

shortage of housing land in the County based on the current method of calculation inevitably lead officers to conclude that it would be inappropriate to oppose the application in principle. It is therefore suggested that the determination of the application should rest primarily on the acceptability or otherwise of the local impacts of the proposal, including those identified in the adopted Site Development Brief.

#### 4.2.2 Site Development Brief

The proposals have been scrutinised with regard to the contents of the Supplementary Planning Guidance - Site Development Brief – Residential development at Ffordd Hendre and Maes Meurig, Meliden, which was adopted in March 2016.

The planning policies referred to in the Site Development Brief are listed in Section 3 of the report and are reviewed in detail in the following sections which deal with the site specific impacts of the development proposals.

The Brief contains a section titled 'Site appraisal and requirements' which describes known constraints that any application needs to give consideration to. In respect of the access and parking, the Brief refers to the need for a Transport Assessment and consideration of highway impacts on the locality, including roads and potentially affected junctions (Ffordd Ty Newydd, The Grove, Ysgol Melyd, Maes Meurig, Cefn y Gwrych, Ffordd Penrhwylyfa ), planning permissions in the surrounding area; parking requirements; accessibility; and access for all. It also refers to archaeology; biodiversity; boundaries; built heritage and surrounding character; community safety; education; flood risk; landscape and open space; utilities; and the Welsh language.

Having regard to the considerations outlined in the Brief, Officers conclusion is that the documents included with the application contain sufficient information to make a reasoned judgement on the acceptability or otherwise of the proposals for the development of the Ffordd Hendre (Mindale Farm) site. The submission contains a detailed Transport Assessment, along with an Ecological Assessment, an Arboricultural Impact Assessment/ Method System, a Flood Consequence Assessment, an Archaeological Assessment, an outline drainage strategy Community Linguistic Statement Report and Impact Assessment, a Geophysical Survey Report, and a Water Conservation Strategy.

In terms of the six Design Objectives / principles which the Brief indicates any proposals should meet, the following sections of the report offer commentary on whether the proposals provide adequate provision for walking, cycling and public transport; whether the detailing shows the dwellings / layout have been designed in the context of the surrounding area and edge of settlement location; whether the proposals will enhance biodiversity and human health; whether they provide satisfactory infrastructure; and whether they reflect a suitable 'local' approach with affordable housing to help the community and Welsh language to grow in the area.

For clarity, the status of the Site Development Brief is set out in paragraph 2.2 of that document, and is quoted in full in section 3.1 of this report. It is Supplementary Planning Guidance, which is not part of the adopted Local Development Plan, but it can be treated as a material planning consideration in the determination of an application.

#### 4.2.3 Density of Development

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare (d/ha) should be achieved in order to ensure the most efficient use of land, and that these minimum standards should be achieved unless there are local circumstances that dictate a lower density.

For allocated housing sites, Policy BSC 1 provides indicative figures in a table for how many dwellings each site is expected to provide. The figures are referred to as broadly identifying

the distribution of dwellings. The indicative total for the Ffordd Hendre site is 154 dwellings. The gross site area is 4.8 hectares. If the site were to be developed at the Policy RD1 density of 35d/ha, this would mean a total of 168 dwellings based on gross site area.

The Design Objectives section in the Site Development Brief states that access, housing density and site layout will be designed in context of the surrounding area, taking account of matters such as local character and built heritage.

There are no representations raising matters specific to the density of development.

The proposal is for the erection of 133 dwellings, representing a density of 27.7d/ha based on the gross site area. This is clearly below the 35d/ha figure sought in Policy RD1, but having regard to the context of the surrounding area as noted in the Site Development Brief, the extensive area of open space proposed and the topography of the site, alongside the nature and density of housing development on the fringes of the settlement, it is considered that the density of development proposed would be in keeping with the character of existing housing in the area, and is acceptable having regard to local circumstances, and the principles of the Site Development Brief.

#### 4.2.4 Visual amenity / landscape

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.

Policy VOE2 requires assessment of impact on the AONB / Area of Outstanding Beauty and states that development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted.

Section 6 of the Site Development Brief contains basic design objectives any proposal should meet. It requires the design to take account of the site's edge of settlement visual prominence and existing built heritage, and suggests this should be achieved by a context aware use of design and external construction materials. It requires the site layout and building orientation to respect views from the surrounding area, and high quality landscaping to ensure a seamless transition from countryside to build form. The Brief also refers to the Meliden Ffordd Penrhwyfya Conservation Area and the requirement in Policy VOE1 and Welsh Government Circular 61/91 to preserve or enhance the character and appearance of such areas. In relation to the AONB, the Site Brief refers to the need to ensure that the overall approach to development and particularly the landscaping of the site pays regard to the need to mitigate any adverse impacts on the AONB, notably on views from higher ground in that area.

There are individual objections to the proposal based on potential visual impacts arising from the development on the edge of the village.

Natural Resources Wales note the site will be visible from the summit of Graig Fawr which is open to public access and popular for recreation. NRW consider that the development is unlikely to have a significant adverse effect upon this area, including the AONB, and they recommend inclusion of a suitable condition requiring submission and approval of a landscape strategy for the site, to include a robust framework of trees along the site's western and northern boundaries to improve integration within views from the AONB.

Officers accept that there will inevitably be some visual amenity impact from housing development in this location, but in respecting the concerns expressed, it is not considered reasonable to oppose the application on this basis.

Whilst the site would be visible from higher ground within the AONB to the south, such views are from distance and the development would be seen as a small extension to the existing built up area of Meliden and Prestatyn. Locally, the visual impact of the development would be limited to some extent by the retention of the boundary hedgerows and trees which provide an important natural screen. Use of appropriate roof and wall materials, and additional landscaping / planting, as suggested by Natural Resources Wales would assist in mitigating impacts from the AONB and from nearby public viewpoints.

Impact on the Meliden Ffordd Penrhwyflfa Conservation Area from development of the Mindale Farm site would be minimal, given the respective location of the site and the Conservation Area (a distance of 300m from the nearest proposed dwelling), and intervening development / topography.

Reference is made in representations on the application to the loss of visual amenity from the removal of trees and hedgerows along the line of the proposed access road to the north of the Ysgol Melyd playing field, prior to the submission of the planning application. Whilst this was a matter outside the control of the Local Planning Authority, the Council has since confirmed a Tree Preservation Order on a number of trees in the vicinity of the site. Natural Resources Wales have been investigating the tree removal situation as it is understood the quantity of timber removed exceeded the threshold permitted by regulations under their control. NRW have requested the inclusion of a condition on any planning permission requiring approval of a detailed scheme of compensatory tree planting within the application site.

The site would be visible from some residential properties on rising ground to the north east (Lon Elan, Garwyn Avenue, Pwll y Bont) but as the nearest existing properties in this area would be in excess of 100m from the nearest dwellings on the site, the development would only be seen as part of a wider panorama. It is not considered that the development would have unacceptable effects on the visual amenities of occupiers of dwellings in this area.

The closest existing properties to the site are those on the north west / northern fringe of Ffordd Ty Newydd, where the nearest proposed dwellings would be some 28m from the houses at Nos. 116 - 120 and 30m from those at Nos.65-69. Land within the application site is at a lower level than properties at Ffordd Ty Newydd and there is a substantial natural screen of trees and hedgerows on the application side of the rear boundaries of these properties, most of which is to be retained as part of the revised proposals. It is considered that the combination of factors would limit the visual impact of any new development for the occupiers of the existing properties.

In terms of design detailing, the proposals involve use of a number of dwelling types with traditional pitched tiled roofs, with a mix of render and brickwork on the external faces of the walls. This reflects the detailing of recent housing development in the locality, including along Ffordd Gwilym, Maes Meurig, Lon Elan, and Garwyn Avenue. In this context, it is considered that the visual impact of the proposals would be in keeping with the nature of modern development in the area, and in accord with the basic principles in the Site Development Brief.

#### 4.2.5 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 are no local concerns expressed over potential for loss of privacy, etc. from new development on the site.



The location and detailing of the development are such that there is very limited potential for direct physical impacts such as overlooking / loss of privacy for residents of existing property from the new dwellings. Dwellings on the site are some distance from the nearest dwellings on Ffordd Ty Newydd and as noted, there is a long established natural tree / hedgerow / scrub screen along the south east boundary, the majority of which is to be retained in the revised plans.

The additional traffic associated with a development of 133 dwellings would inevitably create the potential for increased noise / disturbance to local residents, but it is not considered that this is a reasonable ground for refusal of planning permission given the scale of the development and the allocation of the site in the Development Plan. The potential for increase in pollution from additional traffic, in particular at the main road junctions with the A547, has been taken up with the Pollution Control Officer, who acknowledges the point but concludes that the impact on air quality in these relatively open locations from vehicles associated with this scale of residential development is unlikely to be significant, and could not justify an objection.

#### 4.2.6 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.

The Site Appraisal and Requirements section of the Site Development Brief refers to the Pwll y Bont wildlife site immediately adjacent to the application site. It requires that due consideration is given to the impacts of development on the wildlife site and to mitigation measures, including at construction stage. The Design Objectives section in the Brief seeks to ensure that the development enhances biodiversity, and suggests this may be achieved where possible by enhancing the wildlife site, providing green public spaces, new natural habitats, and maintaining the favourable wetland conditions of the wildlife site.

There is a detailed Ecological Assessment submitted with the application, which has been reviewed by consultation bodies. Natural Resources Wales have raised no objection to the proposals, but ask that conditions are included requiring submission of a Construction Environmental Management Plan (CEMP) to deal with impacts on bats, water voles, otters; a Biosecurity Risk Assessment to control any invasive non-native species (INNS) on site and to prevent their introduction; and an Ecological Compliance Audit to evidence implementation of agreed mitigation. There is an objection from the North Wales Wildlife Trust, who are concerned over potential detrimental impact on the wildlife site; they suggest additional assessments are required and they put forward a number of considerations to be given to limiting impacts and enhancing wildlife interests if development proceeds.

In respecting the comments of the Wildlife Trust, it is considered significant in the context of ecological impacts that Natural Resources Wales are satisfied at the contents of the application and the proposals for mitigation, subject to the inclusion of suitable conditions on any permission. The wildlife site has no statutory designation. Having regard to the main issues of concern to the Trust, many would be addressed by the suggested conditions, including a requirement for a fully detailed Construction Environment Plan, proposals that facilitate long term ecological site security and site management, and specific measures to ensure the protection and enhancement of the Pwll y Bont wildlife site itself. It is suggested therefore that the development would not have an unacceptable impact on the wildlife site

and that ecological interests can be suitably protected in relation to a development on this site, in line with the principles in the Site Development Brief.

#### 4.2.7 Drainage

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Policy VOE6 relating to water management requires provision of water conservation measures with development proposals. 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.

The Site Appraisal and requirements section of the Site Development Brief, paragraphs 5.39 – 5.42 set out considerations to be given to the assessment of flood risk in connection with the development. There is reference to the proximity to the Meliden Mine Drain and the need to assess drainage and flooding implications, whilst recognising the flood zone is to the north of the site. It outlines considerations to be given to ensuring no adverse impacts from the development, and matters to address in any water drainage strategy / flood assessment. The Design Objectives section in the Brief sets out basic principles requiring proposals to ensure satisfactory infrastructure is in place to handle water and sewerage, and it refers to the need to retain surface water run-off to prevent flooding risk from the ditch.

The application contains a detailed Flood Consequence Assessment, an Outline Drainage Strategy, and detailed plans showing the foul and surface water drainage proposals. The documents indicate the site is at little or no risk of fluvial or coastal / tidal flooding; the risk of flooding from groundwater, overland flow, artificial drainage, and infrastructure are all considered to be low; and a SuDS drainage philosophy will be adopted for surface water drainage treatment, discharge will be via carrier drain to Prestatyn Gutter with discharge rates limited in accord with requirements of NRW and the local Flood Authority. The Drainage Strategy sets out the foul and surface water drainage strategies for the development and confirms the intention is to discharge the foul drainage system to the Dwr Cymru Welsh Water public foul sewers, via a gravity piped system and a pumped system for a small part of the development; and that surface water would be discharged to existing watercourses adjacent to the site incorporating sustainable drainage systems and flow control devices for the management of water attenuation on site and pollution prevention off site preventing negative impacts.

There are objections to the application from Prestatyn Town Council on the basis of inadequate capacity for foul/surface water drainage, and a history of flooding issues close to the proposed development. Private individuals have expressed concerns over the boggy nature of the site, the adequacy of assessment of flood risk, the treatment of existing surface water drains which run into the site, and associated impact on existing drainage systems.

Consultation responses from the main drainage authorities raise no objections to the application. Natural Resources Wales have advised that the site lies completely outside the extreme flood risk outline and the updated Flood Map for Surface Water Flooding indicates the site is not considered to be at risk from surface water flooding. They suggest a condition requiring submission and approval of a surface water drainage scheme based on sustainable drainage principles and assessment of the hydrogeological context of the development. NRW have not raised any issues over the potential presence of contaminated land, which is referred to in the Site Brief as being a consideration in relation to the Maes Meurig site to the east of the Mindale Farm.

Dwr Cymru / Welsh Water confirm the foul sewer which crosses the site can be diverted and protection can be maintained; that the intention to construct a new highway drain to remove surface water from the public sewer will free up capacity to enable the development to connect to foul flows and is acceptable in principle so long as the Highway Authority agree to adoption of the new highway drain; and that no problems are envisaged with the waste water

treatment works for treatment of domestic discharges from the site. They also comment that there is a trunk / distribution main crossing the site, to which DCWW has statutory powers to access at all times but that this may be diverted at the developer's expense.

The Council's Flood Risk Manager has met with the applicant's engineers to clarify the details of the proposals and concludes the design of the surface water system is basically sound, and he is satisfied that there are no grounds for concern in respect of the relevant permits / consents for discharge into watercourses. His comments explain that a range of methods are proposed to be used to manage the flow of surface water from the site to retain pre-development run-off rates so that no additional pressures are placed on the existing watercourses receiving flows from the development site that the design of the surface water system follows the sustainable drainage principles set out in Planning Policy Wales – Technical Advice Note 15 and attempts to control the flow of surface water as close to its source as possible by collecting water from roofs and driveways into property level attenuation tanks. The Flood Risk Manager sees no reason to refuse the application on the grounds of flood risk and drainage matters, and recommends conditions be imposed to secure legally binding arrangements regarding the management and maintenance of the surface water system prior to the commencement of the development, along with submission of detailed plans of the drainage system and how existing drainage systems will be incorporated into the development.

In respecting local comments on the proposals, which have drawn attention to a range of issues to consider, it is significant that there are no 'technical' objections to the drainage implications from the key consultees, and that they are satisfied that a permission could be granted subject to inclusion of conditions requiring approval of specific details before relevant works are carried out. Officers' conclusions on the basis of the consultee responses are that there is adequate information to assess the drainage implications of the development, that the matters set out in the Site Brief have been duly taken into account, and that planning conditions can be imposed to control details of the respective elements of the drainage system, including the arrangements for future management and maintenance. It is not considered there are any justifiable drainage grounds to oppose the application.

#### 4.2.8 Highways

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 2 requires consideration of the need for measures to improve public transport, walking or cycling infrastructure in connection with a development. 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 Site Development Brief contains a 'Site Appraisal and requirements' section within which paragraphs 5.2 – 5.18 provide detailed guidance on Access and Parking considerations to be applied to the development. It indicates the development proposal requires a Transport Assessment outlining how it would mitigate transport impact through design and planning conditions or obligations; and that specific account should be taken of local concerns over impacts at Ffordd Ty Newydd and its junction with the A547, The Grove and its junction with the A547, approach roads and other roads in the vicinity, Ysgol Melyd, and nearby planning permissions. Proposals would also need to address Denbighshire's Parking Requirements and accessibility for pedestrians and cyclists.

There are strong objections raised by the Town Council and local residents in relation to the highway implications of the development. The basis of the objections is summarised in the earlier sections of the report, and centres on what is considered to be an unacceptable impact on an already limited highway network, including the approach roads and junctions from the A547 which serve existing housing development, Ysgol Melyd, F.C. Melyd, The Saints Gym and a One Stop Shop. It is suggested that consideration needs to be given to the capacity of

the A547 to accommodate this development on top of that generated by recent developments in the Prestatyn area, and the likely additional traffic which would arise from development of other residential sites in the vicinity. It is also considered that the accessibility of the new development is limited for pedestrians and cyclists, that residents would be reliant on motor vehicles, and that the proposals for a 90 degree bend in the road at the bottom of Ffordd Gwilym will pose an accident risk and bottleneck.

The contents of the lengthy Transport Assessment submitted with the application are summarised in Section 1.1.4 of the report. The Assessment was revised in February 2017. It contains detailed assessment of the existing highway network and projected traffic volumes and impacts. It concludes that the proposed residential development would not have a detrimental impact on the operational performance of the highway network, and that the proposed development is in accordance with national and local transport policies, and that there are no transport / highways reasons for refusal of planning permission.

The Transport Assessment and associated plans have been reviewed by the Highway Officers, and there has been dialogue between Officers and the Applicants / agents in relation to the level of information to allow assessment of the highway impacts of the proposals on the locality.

The Highway Officer has provided a comprehensive response on the application as revised in February 2017, including a review of the detailed considerations highlighted in the Site Development Brief. This is quoted in the Consultation Responses section of the report. The conclusion is that there are no highway grounds to justify refusal of permission and that conditions could reasonably be imposed which meet the circular tests for the control of highway issues. In reaching this conclusion, the Highway Officer has assessed the detailed contents of the revised Transport Assessment and associated information and has commented on impacts on the local road network, specific junctions/corners, the topography, access and parking arrangements, accessibility and highway drainage.

Taking all the issues into account, and in fully respecting the representations in relation to the application, it is Officers opinion, based on the conclusions of the Highway Officers, that there are limited technical highway grounds to justify a refusal recommendation in this instance. In addressing the many areas of concern expressed in relation to the application, and the contents of the Site Development Brief, it is incumbent on officers to consider the facts as presented in the submissions and to test these against established standards in local and national guidance in order to advise on the capacity of highway junctions and sections of road, acceptability of new road construction, etc.. As noted by the Highway Officers, it is also necessary to consider whether a development can be made acceptable through imposition of planning conditions, and - in relation specifically to highway matters - whether implementation of appropriate and practical off site highway improvements could address specific concerns in terms of local impacts. In this instance, the Highway Officers have given detailed consideration to the existing highway infrastructure and to specific proposals / measures which could be introduced to address concerns, and they conclude that with improvements, the highway network is capable of accommodating the development, and that the detail of the site access can be suitably controlled through planning conditions and a legal agreement.

#### 4.2.9 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units. There is detailed guidance in the Affordable Housing Supplementary Planning guidance on the approach to provision. Policy BSC 1 sets an expectation that developers should provide a range of house sizes, types and tenures to reflect local need and demand. There is limited reference in the Site Development Brief to Affordable Housing provision. Section 4.9 refers to the requirements of Policy BSC4 above, and 4.10 outlines the demand

locally for 2 bedroom affordable housing and the need for compliance with relevant space standards.

There are no representations specifically in relation to the proposed provision of affordable housing in connection with the development, although one individual questions what contribution the development would make to the County's need for social housing.

As the application has been revised, the Strategic Housing Officer has communicated with Cartrefi Conwy, who have confirmed that following the receipt of planning permission for the site, they will be sorting out contracts with the developer to be the delivery partner for the affordable housing. The Housing Officer has advised that as the properties will meet the Council's own space standards and properties will be bought through their own private finance, the Welsh Government's DQR space standard does not apply. The Officer is supportive of the planning application from a Strategic Housing perspective.

The proposal is to provide 13 affordable units on site and to make a financial contribution in accordance with the requirements of the Supplementary Planning Guidance in relation to the outstanding 'fraction' of 0.3 dwellings (a sum of £21,112). The affordable units are shown within phases 1 and 2 of the development – 8 in Phase 1 and 5 in Phase 2. In terms of dwelling mix, the layout shows the intention to provide a total of 14 different dwelling types within the development, including 2, 3 and 4 bedroom units; including a total of 50 two bedroom units. The applicant's agent has confirmed that the developer would be willing to enter into a legal agreement to ensure the payment of the commuted sum referred to, and to arrangements for the delivery of the Affordable housing units.

In noting the representation questioning the contribution from the development to the County's social housing need, the proposal is in compliance with the requirement in Local Development Plan policy BSC4, which expects a 10% provision on developments of 10 or more dwellings, as 13 affordable dwellings are proposed on site and a financial contribution is being offered in accord with the Supplementary Planning Guidance to meet the outstanding fraction of 0.3 of a dwelling (as the 10% requirement is 13.3 dwellings). Whilst appreciating there is a much larger requirement for social / affordable housing in the County, there is no planning policy basis to oblige an individual development to provide affordable housing in excess of the planning policy requirement set in BSC4. It is now accepted practice on full planning applications to secure arrangements for provision of affordable housing through condition and / or a Section 106 Obligation linked to any planning permission.

In Officers' opinion, the proposals meet the requirements of Policy BSC4 and the Supplementary Planning Guidance in relation to affordable housing provision, and there is a reasonable mix of dwelling types and sizes within the development as advocated in Policy BSC1.

#### 4.2.10 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum. It is specified that open space should always be provided on site. Commuted sums in lieu of open space will only be accepted where the full requirement for open space would mean that the proposed development was financially unviable or it is impractical to provide the full requirement for open space on site.

The Site appraisal and requirements section of the Site Development Brief 5.43 refers to the Development Plan Policy requirement that open space should be provided on site, accessible to all, and well linked to existing public right of ways; and maintenance arrangements should be in place.

There are no representations relating to the proposals for open space provision within the site.

The revised submission indicates the area of open space is some 1.12 hectares. This figure exceeds the requirement for a development of 133 dwellings worked out from the Open Space calculator used in connection with Supplementary Planning Guidance on Open space, which confirms a requirement of 4894sq.m for a Community Recreational Open Space and an Equipped Children's play space of 2447sq.m. (a total of 0.73ha). The open space is proposed along the northern, western, and southern sides of the site, links into the housing layout and existing footpaths from Ffordd Hendre, and retains footpath 22 along the southern boundary within an open corridor and a footway along the new access road (linking back to the footpath link into Maes Meurig).

In Officers' opinion the open space proposals are consistent with the accessibility aspirations in the Site Development Brief, and provide clear links to the existing public footpath running through the site, and to rights of way. Management arrangements can be secured through a planning condition requiring approval of detailed arrangements for the provision, management and maintenance of the open space in perpetuity. As part of the refinement of the scheme, detailed plans of the open space areas and pathways would need to be submitted for approval to demonstrate levels etc. are suitable to ensure ease of access.

#### 4.2.11 Impacts on local services, including education provision

Objective 12 in Chapter 4 of the Local Development Plan indicates 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 arising from development.

The Planning Obligations SPG explains that the Council may be justified in seeking a contribution towards either building more facilities or improving existing facilities, where there is clear evidence of such need arising from a development.

Section 4.8 of the Site Development Brief refers to Policy BSC3 and to the 5 Council priorities (affordable housing, recreation and open space, sustainable transport facilities, regeneration, and other issues identified in the Development Plan or local community), which will vary depending on the nature and location of a development. The Brief refers specifically to improving the quality of school buildings and performance as a key corporate priority in the Council's Corporate Plan, and states that alongside affordable housing, sustainable transport facilities and open space, contributions to education provision will be sought. Education requirements are detailed in section 5.37 -38 of the Site Brief. 5.37 states a developer contribution would be required to increase the capacity of Ysgol Melyd, as the development would generate pupil numbers in excess of its capacity. Guidance on the method of calculation is given in an Appendix to the Site Brief. 5.38 explains that based on figures provided by the Education department, there is sufficient capacity in secondary schools in Rhyl and Prestatyn to accommodate the development of this site and the nearby Maes Meurig site; however it is noted that projections may change and developers should check the latest figures in connection with an application. There is no requirement in the Site Brief for consideration of contributions to other local services.

There are individual representations over the adequacy of existing services to accommodate the development, and in particular on existing schools in the area.

In relation to the capacities at local schools, Officers have sought an up to date response from the Education section. This confirms that on the basis of a 133 dwelling development and school capacities, there is no requirement for a contribution towards secondary education, and that based on the method of calculation in the Site Brief, a contribution of £192,000 should be sought towards primary education (an extension to Ysgol Melyd, which would be necessary to accommodate the anticipated numbers from the development). The applicant's agent has agreed to this level of contribution and it is proposed to secure the payment through a legal agreement.

Affordable housing and highway infrastructure provision are dealt with separately in sections 4.2.8 and 4.2.9 of the report.

Having regard to the calculated financial contribution towards education provision, and the applicant's acceptance that this would be paid, it is considered that the proposals are compliant with planning policy, Supplementary Planning Guidance and the Site Development Brief.

#### 4.2.12 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 policy obliges consideration of the potential harm to the character and language balance of a community from the size, scale or location of a development. It indicates developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language, and that in appropriate circumstances, mitigation against any adverse effect may be secured through a financial contribution. Section 5.50 of the Site Development Brief refers to the mining and quarrying history of Meliden and to the proportion of Welsh speakers in the 2011 census being 15.1% compared with the County average of 24.6%. It notes the need for a Community and Linguistic Impact Assessment with any application, and suggests as a minimum, development proposals should seek to use locally relevant Welsh names for streets and the development as a whole.

There are no representations expressing direct comments on the potential impact of the development on the Welsh language.

The Community and Linguistic Statement submitted with the application notes the site has been allocated in the Development Plan, and as the number of dwellings proposed is below the indicative number of 154 in the table attached to Policy BSC1, the scale of impacts on the Welsh language are likely to be less than anticipated when consideration was being given to inclusion at the adoption stage of the Plan. It refers to mitigation for impacts, which is considered through a number of mechanisms, including provision of 10% affordable housing (support for local young families), provision of a mix of housing types including smaller affordable dwellings, phasing of the development, the offer of a commuted sum payment to promote the Welsh language, and use of Welsh street names.

In Officers' opinion a residential development of 133 dwellings on this site on the edge of one of the County's main coastal towns would not by virtue of its size, scale, and location cause significant harm to the character and language balance of the community. Mitigation measures against impacts are in the form of affordable housing provision, the phasing of development, education contributions, the use of Welsh signage, and the offer of a Welsh language mitigation payment as part of a Section 106 Obligation. If a permission were to be granted, a planning condition can also be included which seeks the submission of a 'Welsh Language Strategy', which would need to contain measures to secure the promotion of the language and culture in association with the development.

#### 4.2.13 Use of agricultural land

Planning Policy Wales (Section 4.10.1) obliges considerable weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. Such land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. PPW 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.

The Site Development Brief sets no requirement for assessment of agricultural land quality as a planning consideration in relation to an application for the development of the site.

There is an individual objection raised on grounds of use of agricultural land and the loss of a farm business.

Factually, the site is shown on the Agricultural Land Classification map within an area of Grade 2 land.

In relation to comments on the application, the site is allocated within the adopted Local Development Plan for residential purposes, and as noted, there is no requirement in the Site Brief for consideration of agricultural land quality issues with a planning application. In adopting the Local Development Plan in 2013, the Council has accepted the Mindale Farm site as a housing allocation to assist with the achievement of the County's identified housing need requirements, which in terms of section 4.10.1 of Planning Policy Wales would constitute an 'overriding need' for development outweighing the agricultural considerations in PPW.

#### 4.2.14 Archaeology

Policy VOE 1 of the Local Development Plan seeks to protect areas of archaeological and historic importance from development which would adversely affect them, reflecting general advice in Planning Policy Wales (Section 6.5) which 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.

Sections 5.21-22 in the Site Development Brief explain that the Council's Archaeologist has no evidence of archaeology at the site, but it sets out the need for a suitable desk based assessment and if necessary, geophysical surveying, and that if permission is granted, the preparation and maintenance of an archaeological watching brief during construction phase.

There are no representations raising objection to the archaeological impacts of the proposals.

The application is accompanied by an Archaeological Assessment and a Geophysical Survey Report. Clwyd Powys Archaeological Trust confirms there are no recorded archaeological sites within this development area and there are no implications for the proposed development at this location. The County Archaeologist has requested an archaeological watching brief is undertaken when the roadways are put in, so that it may be possible to identify prehistoric features should they exist, which can be achieved by a condition on the permission, should it be granted.

The consultation responses raise no issues over the information submitted with the application and it is concluded there are no archaeological concerns over the development. Suitable conditions would need to be attached to any permission to cover the requirements of the CPAT and County Archaeologist.

#### Other matters

##### Landownership issues

Members will note from the summary of representations section that comments have been received from private individuals questioning the ownership of land included within the



application site. The Council's Property / Education Officers have also been in communication with the applicants / agent to clarify the location of the site boundary relative to land in the Council's ownership, in particular along the northern boundary of the Ysgol Melyd playing field.

The final section of 1.1.4 of this report details the steps undertaken by the applicant / agent in relation to the submission of the planning application, including the checks taken pre-submission to ascertain ownership, and the notices served on the landowner of Mindale Farm and no. 33 Ffordd Gwilym. The applicant has submitted Certificate C with the application, which is relevant if someone other than the applicant may be the owner of any part of the land to which the planning application relates and the applicant knows the names and addresses of some, but not necessarily all, the owners.

The applicant's agent has been made aware of the representations from private individuals on the application and has respectfully referred to the pre-application steps taken to ascertain ownership, and suggested that it is necessary that the parties produce precise plans, e.g. title deeds, showing the extent of claimed ownership, for their legal team to study and to assess if these are in any way relevant to the planning application. He has advised that adverse possession claims will need to be filed at the Land Registry and on the site owner so he can contest them, and that allegations should be supported by substantial evidence or otherwise withdrawn to avoid abortive work.

Officers have made the private individuals aware of the agent's response and that the Council cannot act as an arbiter between parties in relation to any dispute over ownership. It has been explained that the Council can only ensure the respective parties are informed of one another's positions so they can respectfully address claims over invalidity / failure to serve notice on affected parties and false statements on the application forms. The parties have therefore been encouraged to communicate directly with the applicant's agent over ownership claims so if necessary, steps can be taken to correct the ownership statements made with the planning application, if necessary.

In respect of County Council owned land at Ysgol Melyd and along Ffordd Ty Newydd / Ffordd Hendre, officers of the Property Section are in communication with the applicants and their agent. The position at the time of drafting this report is that the applicant's agent has reiterated he is content that the development will have no implications for the Council's land and there is more than adequate space to fit the road and footway as first planned. The agent remains of the view that it is not necessary to serve formal notice on the County Council in connection with the planning application.

Notwithstanding that there is a dispute over ownership of certain parts of the site, it is clear that the consultation process and exchanges of correspondence have made the relevant parties aware of the planning application (including the Council as landowner) and has permitted representations to be made on it - which is the basic intention of the Certification process.

In the context of the above, having taken the advice of the legal officer, it is not considered there are any reasonable procedural grounds for holding up or refusing to determine the planning application in respect of land ownership matters. Disputes over ownership are not material planning considerations or a basis for refusing to grant planning permission. The applicant and agent have been made aware of the potential boundary issues by the Council and private individuals, and clearly maintain there is no basis to revise the ownership statement on the application forms or inform any additional parties of the submission of the application. In these circumstances, if planning permission were to be granted, and it is not possible to implement that permission because it can subsequently be established legally that development / works would be taking place on land outside the ownership or control of the developer, interested parties have legal recourse through service of injunctions to prevent those developments / works taking place. There is separate recourse through legal challenge

to the grant of planning consent on the basis that false statements have been made in respect of ownership on the application forms.

It is important in the context of the above to note that a grant of planning permission does not convey any judgement from the Council on any landownership claims, nor would it convey to the applicant the right to carry out development or to gain access across land which may be outside his ownership. It is the applicant's responsibility to ensure that he can implement a planning permission without infringing property rights.

#### Pre – application consultation

In respect of questions over the pre application consultation process, the application was technically 'valid' on receipt of the Design and Access Statement, on the 25<sup>th</sup> July, 2016. This is a key date, as pre-application consultation by an applicant became mandatory on applications submitted after 1<sup>st</sup> August 2016, so there was no requirement for community consultation on the Mindale Farm application. On receipt of the application, Officers sought clarification of matters relating to supporting information and did not send out consultations / publicity on the application until this was received, avoiding unnecessary repetition of what has been a significant consultation / publicity exercise.

#### Community Safety

Section 5.35 of the Site Development Brief contains reference to the need for any proposal to create attractive and safe public spaces and movement routes, including pedestrian and cycle routes and maximising natural surveillance over public spaces.

The North Wales Police Designing Out Crime Officer has been involved in discussions with the applicants and has been instrumental in securing revisions to the layout, in particular in relation to the removal of rear alleyways and the opening out of the 'green corridor' containing footpath 22 along the south east boundary of the site, all contributing to improvements to the safety and attractiveness of movement routes for pedestrians and cyclists, and to the natural surveillance of public spaces. Whilst the comments of the Officer on the revised plans are awaited at the time of drafting the report, it is considered the amendments address the concerns expressed over the original plans.

#### Local Employment Strategy

The Denbighshire Corporate Plan 2012-17 identifies developing the local economy as one of the priorities for the Council. The Planning Obligations Supplementary Planning Guidance promotes measures to encourage local training and employment. The SPG identifies that obligations may be sought in relation to major commercial and industrial development, and that more significant housing developments may be required to provide or support local apprenticeships, training and employment opportunities.

In this case, the applicant is a developer in North Wales, and it is likely that the proposed development would support local employment in line with the SPG. In support of the Corporate Plan and the SPG, it is suggested that a planning condition requiring the submission of a Local Employment Strategy be attached to any permission.

#### Details submitted with the planning application

The report refers at length to the contents of the Site Development Brief relating to the development of this land and the nearby site at Maes Meurig. The Main Considerations sections offer comment on whether there is adequate information submitted to permit full assessment of the issues and whether the proposals are acceptable in relation to them. Having regard to the contents of the Brief and the application documents, and to the responses of key consultation bodies, Officers are satisfied that the application contains information sufficient to determine the application.

### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed development.

## **5 SUMMARY AND CONCLUSIONS:**

5.1 The site has been included as a housing allocation within the development boundary of Meliden as part of the adopted Denbighshire Local Development Plan. In respecting concerns over the allocation process in the course of progressing the Local Development Plan in 2013, the Plan is Council approved and is a significant material consideration in relation to the principle of the development.

5.2 The report sets out the main planning issues which appear relevant to the consideration of the application. There are strong representations over the local impacts of the development, in particular in respect of the adequacy of the local infrastructure / highway network and the actual detailing of the access into the site. There is an approved Site Development Brief which is a material consideration in the assessment of the application.

5.3 The proposals have been revised following consideration of matters raised in relation to the original detailing, and there has been a comprehensive re-consultation exercise. The report refers to the responses of consultees and to the basis of local objections, which remain largely unchanged on the amended proposals.

5.3 Ultimately, on the basis of responses from the key 'technical' consultees, it is the opinion of Officers that there are limited land use planning grounds to oppose the grant of permission. As always, consideration has to be given to the possibility of imposing planning conditions and securing contributions etc, through a suitable legal agreement to mitigate impacts, and it is suggested that with such measures the development would be acceptable, in line with policy and guidance.

5.4 In relation to the issue of financial contributions, the applicant's agent has confirmed willingness to meet the education contribution, a contribution for the off site works of traffic calming, the housing balancing payment, and a welsh language mitigation payment.

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

1. Completion of a Section 106 Obligation to secure the required off site highway improvements, the affordable housing contribution (£21,112), the education contribution (£192,000), and a Welsh language contribution.

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.

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

2. Compliance with the following Conditions:

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

1. The development to which this permission relates shall be begun no later than INSERT DATE
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.  
LIST TO BE INSERTED

#### **LANDSCAPING / OPEN SPACE**

##### **PRE-COMMENCEMENT CONDITION**

3. Notwithstanding the submitted details, no site clearance works or 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) An updated tree survey, to take into account the revised site layout
- (b) 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.
- (c) a detailed landscape strategy for the site, including proposed new trees, hedgerows, shrubs and vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting; and proposals for a robust framework of trees along the site's northern and western boundaries and use of locally native species to thicken the boundary hedges and trees along these boundaries.
- (d) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (e) proposed earthworks, ponds (and associated safety fencing), grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (f) proposed positions, design, materials and type of all boundary treatment (including alongside all highways, fencing, walls, and the details of the design of screen walls on plots 1 and 23.
- (g) the equipped Children's play area, minor artefacts and structures (e.g. street furniture, cycle racks, screens for bins etc.) associated with the public open space
- (h) the timing of completion of the hard and soft landscaping in relation to the phasing of the development.

The development shall be carried out strictly in accordance with the approved details.

4. Any trees or plants which within a period of 5 years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased

within five years of the completion of the final phase of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

6. None of the dwellings shall be occupied until the written approval of the Local Planning Authority has been obtained to the details of the open space areas including the equipped children's play area and the area alongside the public footpath, and to arrangements for the provision, future management and maintenance of the open space and the equipped play area, and the timing of implementation of the elements of the scheme. The development shall only proceed in accordance with the approved arrangements / scheme.

## **DRAINAGE**

### **PRE-COMMENCEMENT CONDITION**

7. No development shall take place until the written approval of the Local Planning Authority has been obtained to full details of the proposed scheme of foul drainage, surface water drainage, and the SUDs drainage system, including:

- a) pipe diameters, storage capacity and flow calculations for an appropriate range of rainfall events (to be agreed with the Council),
- b) an assessment of the hydrological and hydrogeological context of the development, including a full investigation into existing surface water systems, the identification of existing outfalls and the line of these within the proposed development site, and measures to ensure that of any these systems are fully accounted for within the detailed Surface Water Drainage Scheme.
- c) the arrangements for the provision, future management and maintenance of the systems in perpetuity, and the timing of implementation of the elements of the scheme.

The development shall only proceed in accordance with the approved scheme.

8. The drainage proposals shall include for a scheme for the removal of surface water from the public combined/foul sewer within Ffordd Gwilym and re-direction to a watercourse or surface water sewer. The approved scheme shall be fully completed prior to the commencement of work on the site access, any drainage works and the construction of any dwellings.

## **AFFORDABLE HOUSING**

### **PRE-COMMENCEMENT CONDITION**

9. 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.

## **ECOLOGY/BIODIVERSITY**

### **PRE-COMMENCEMENT CONDITION**

10. No site clearance works, or works in connection with site drainage or construction of roads and dwellings shall be permitted until the written approval of the Local Planning Authority has been obtained to all of the following :

- a. A Construction Environmental Management Plan, to include for a bio security risk assessment including appropriate measures for controlling any non native invasive species on site and measures to prevent them being introduced for the duration of the development and restoration; a prior survey for water voles and otters, and the details of proposals for the timing of site works to avoid wildlife disturbance and compensatory

- measures for breeding birds habitat, including the location and timing of introduction of such measures; and if voles and otters are present, details of Reasonable Avoidance Measures (RAMS) and compensatory measures if habitats are to be lost.
- b. Detailed proposals that facilitate long term ecological site security and site management.
  - c. Measures to ensure the protection and enhancement of the Pwll y Bont wildlife site

The development shall only proceed in accordance with the approved details.

11. In addition to the requirements of Condition 10, the development hereby approved shall be undertaken in accordance with the Impact assessment, mitigation and recommendations outlined in section 5 of the Clwydian Ecology Addendum – Ecological Information report dated 19<sup>th</sup> October 2016.

12. Within 3 months of the occupation of the final dwelling of the development, the developer shall submit a detailed ecological compliance audit (ECA) which shall evidence compliant implementation of all ecological avoidance, mitigation and compensation works, and identification of Key performance Indicators that are to be used for the purposes of assessing and evidence compliance.

## **ARCHAEOLOGY**

13. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.

## **MATERIALS**

14. No development shall be permitted to commence on the external faces of the walls or roofs of any buildings until the written approval of the Local Planning Authority has been obtained to the details of all the materials and finishes it is proposed to use thereon, including, where relevant, the texture, type and colour of the finish. The development shall be undertaken strictly in accordance with the details approved under this condition.

## **WELSH LANGUAGE AND LOCAL EMPLOYMENT**

### **PRE-COMMENCEMENT CONDITION**

15. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a 'Welsh Language Strategy', to include ideas for securing the promotion of the language and culture in association with the development, use of signage, branding and marketing, support for Welsh courses or related initiatives active in the community.

16. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a Local Employment Strategy, to include ideas for employment initiatives and training for local people, working with jobcentre plus. The Strategy shall be implemented as approved.

17. The development shall be carried out strictly in accordance with the phasing programme included on the site layout plan reference 1043 PL01.006 Revision E.

## **HIGHWAYS**

### **PRE-COMMENCEMENT CONDITION**

18. No site works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to full details of the proposed traffic calming on Ffordd Gwylim and Ffordd Pennant including the new road markings at The Grove/A547 junction including the detailed design, layout, construction and street lighting, and the timing of completion of these works relative to the carrying out of works in connection with the development and the occupation of any dwellings. The works shall be completed in accordance with the approved plans and timing, or as otherwise agreed in writing by the Local Planning Authority.

### **PRE-COMMENCEMENT CONDITION**

19. No site works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to full details of the internal estate road and associated highway works as indicated on the approved plans including the detailed design, stage 1 and 2 safety audits, layout, construction, retaining structures, street lighting and drainage, and the timing of completion of these works relative to the carrying out of works in connection with the development and the occupation of any dwellings. The works shall be completed in accordance with the approved plans and timing, or as otherwise agreed in writing by the Local Planning Authority.

### **PRE-COMMENCEMENT CONDITION**

20. No site works, including demolition, shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a Construction Method Statement. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction of works.
- a route plan for all vehicles connected with the development arriving and leaving the site from existing highway links including delivery times.

21. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plans and shall be completed prior to the development to which they relate being brought into use.

### **PRE-COMMENCEMENT CONDITION**

22. The emergency access link onto Ffordd Tynewydd and the pedestrian link onto Ffordd Hendre shall not be as shown on the submitted plans, but shall be in accordance with such details as may be submitted to and are approved in writing by the Local Planning Authority, before the commencement of any site works. The approved details shall be completed in accordance with the approved plans or as otherwise agreed in writing by the Local Planning Authority prior to the occupation of any dwellings.

### 33 FFORDD GWILYM

23. No works involving the construction of the new access road and footway to serve the development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the treatment of No. 33 Ffordd Gwilym, including the alterations to the dwelling, the treatment of the garden area, site levels, and the proposed highway boundary detailing. The development shall be carried out 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. In the interest of visual amenity
4. In the interest of visual amenity
5. In the interest of visual amenity
6. To ensure the delivery of open space in connection with the development, and that there is an acceptable arrangement for the future management and maintenance of the open space.
7. To ensure a suitable drainage system is developed in connection with the proposals, that there is an acceptable arrangement for the future management and maintenance of that system, all in the interests of ensuring the development has no adverse impact on the locality.
8. To ensure satisfactory foul drainage of the development and ensure that the drainage of the site does not result in environmental consequences in the wider area.
9. To ensure the development is in compliance with the Council's adopted affordable housing policies and guidance.
10. In order to protect ecological interests
11. In order to protect ecological interests
12. In order to protect ecological interests
13. In the interest of archaeological investigation and recording.
14. In the interest of visual amenity.
15. In the interest of protecting the Welsh language and culture.
16. In the interest of developing and enhancing local employment opportunities.
17. In the interest of assimilating the development into the settlement and to protect the Welsh language
18. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
19. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
20. In the interest of highway safety.
21. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
22. In the interest of highway safety.
23. In the interests of visual and residential amenity.

**NOTES TO APPLICANT:**

**DWR CYMRU WELSH WATER NOTES**



Your attention is drawn to the attached response from Dwr Cymru Welsh Water setting out detailed matters for your consideration. In particular, you should communicate with Dwr Cymru Welsh Water in connection with the approach to the treatment of the trunk / distribution watermain which crosses the site, and in relation to the detailing of the proposals for removing surface water from the combined / foul sewer within Ffordd Gwilym and the redirection of surface water to a watercourse or surface water sewer.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption"" - 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### **LAND DRAINAGE OFFICER NOTE**

Any works to non-main river watercourses on site could require Ordinary Watercourse Consent. Further information can be found on the County Council's website at:

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/ordinary-watercourse-consent.aspx>

Further, any works to a channel classified as Main River (for instance the Meliden Mine Drain) including outfalls may require a Flood Risk Activity Permit.

#### **NATURAL RESOURCES WALES NOTES**

Your attention is drawn to the attached response from Natural Resources Wales setting out detailed matters under their remit for your consideration. You would be advised to communicate with NRW in connection with the approach to the submission of details required by conditions of this permission, in respect of the Construction Environmental Management Plan, Biosecurity Risk Assessment, Ecological Compliance Audit and the surface water drainage scheme. NRW have also drawn attention to the possible requirement for a Flood Risk Activity Permit in relation to works within 8 metres of the bank top of Meliden Mine Drain.

#### **HIGHWAY OFFICER NOTES**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached County Council's specification for road construction, highway lighting installations, and traffic signs and road markings.

- Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- New Roads and Street Works Act 1991-Part N Form.
- Road Construction specification
- Road Marking Specification
- Street Lighting Specification

A suitable legal agreement will be required for all the highway works.

You are advised to contact the Highways Officers and Flood Manager in connection with the development of the plans for the highway and drainage systems.

In relation to the requirement for submission of a landscaping / planting scheme, your attention is drawn to the response from Natural Resources Wales relating to a replanting requirement arising from the removal of trees prior to the submission of the planning application in the area where the proposed access road from Ffordd Gwilym would run. The landscaping / planting scheme needs to be detailed to ensure compliance with the requirements of Natural Resources Wales.

## Site Development Brief

# Residential development at Ffordd Hendre & Maes Meurig, Meliden



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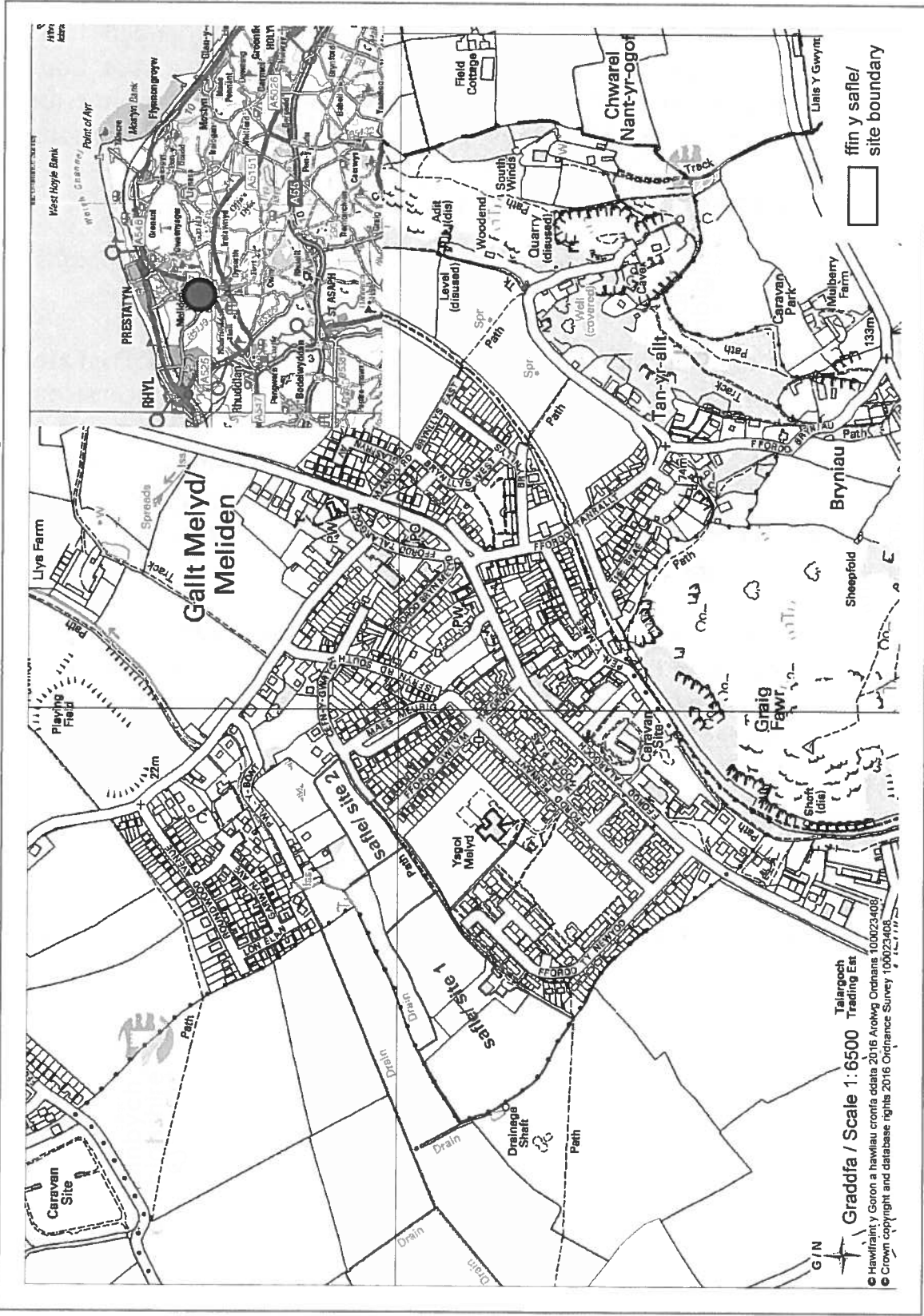
## Appendix 1 – Guidance on Contributions to Education

### List of figures

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Cover Photo: Meliden (Aerial View, 2009)

Figure 1: Location of residential land at 'Ffordd Hendre & Maes Meurig, Meliden



## **1. Introduction**

- 1.1 This site development brief is one of a series of Supplementary Planning Guidance (SPG) notes amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP). SPGs are based on policies or individual site allocations and aim to guide the process, design and quality of new development. These notes are intended to offer detailed guidance to assist the public, Members of the Council, developers and Officers in discussions prior to the submission of and, subsequently, in the determination of planning applications.

## **2. Document Status and Stages in Preparation**

- 2.1 This site development brief was formally adopted Denbighshire County Council's Planning Committee on 16th March 2016.
- 2.2 The Council's Supplementary Planning Guidance notes (SPGs) are not part of the adopted local development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.
- 2.3 This document has been prepared in accordance with planning policy contained in Planning Policy Wales (Edition 8), guidance documents provided by Welsh Government and advice received from Natural Resources Wales (NRW) on flood risk matters.

## **3. Site Location and Description**

- 3.1 Meliden is a village located to the north in the county of Denbighshire. It is located about 6km to the north of the A55 trunk road, a principal transport corridor in North Wales. It is linked to the wider area by the A547 which provides access to Prestatyn, approximately 1.4km north of Meliden (see Figure 1). According to the 2011 census, there are roughly 2050 people living in Meliden. Meliden has been identified as a village in the Denbighshire Local Development Plan 2006 – 2021 (LDP). However, Meliden is considered a lower growth town for the purpose of allocating housing over the lifetime of the LDP.

Photo 1 View across the Ffordd Hendre site from Mindale Farm looking northwest



- 3.2 For ease of reference, figure 1 labels 'Land rear of Ffordd Hendre' as site 1, and 'Land rear of Maes Meurig' as site 2. This is how the sites will be referred to throughout the document. Sites 1 & 2 are located to the north west of Meliden and slope gently downhill from south to north. The sites currently consist of grassland and scrubland. Both sites are surrounded by scrubland/grassland to the immediate north, west and east, and residential use to the south. To the immediate north of the sites is Pwll y Bont wildlife site, whilst to the south is Ysgol Melyd and associated playing fields. Site 1 can be accessed from Ffordd Ty Newydd, and Ffordd Gwilym, site 2 from Maes Meurig. The noted access roads are on a steep incline and all link to Meliden Road, the main road that runs through Meliden village. A public right of way runs across the southern boundary of both sites. This right of way becomes Cefn y Gwych, a single width vehicular lane that is adjacent site 2.
- 3.3 There are frequent bus services that are close to both sites on Meliden Road. These nearby bus services offer access to Rhyl, Prestatyn, Trelawnyd, Llandudno Junction, Dyserth, and Holywell.

Photo 2 View from Ffordd Ffynnon field looking south towards both sites



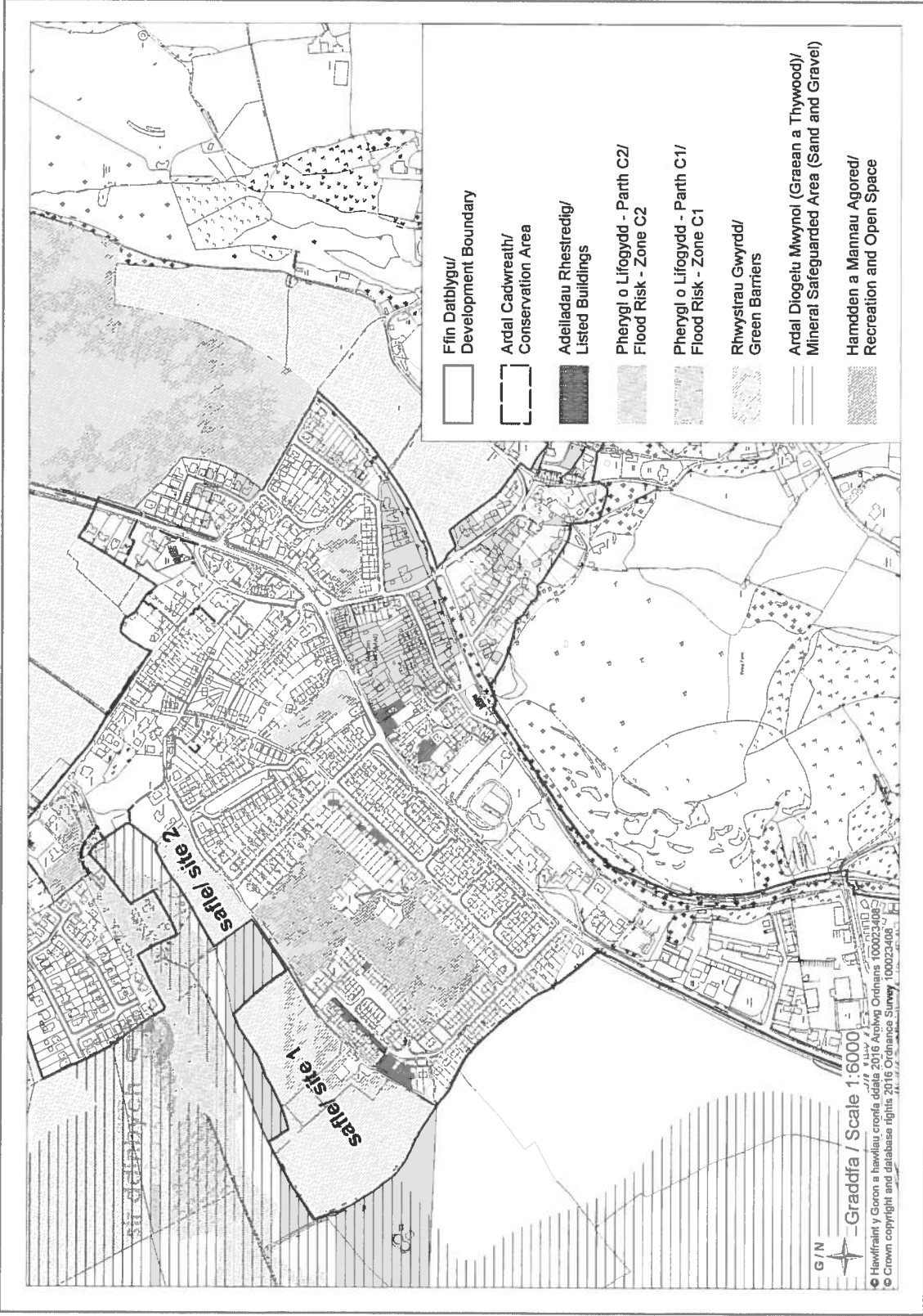
- 3.4 The site lies outside of the Clwydian Range and Dee Valley Area of Natural Beauty (AONB) but is considered to be within the setting, i.e. uninterrupted views from higher grounds, of this protected landscape area. Design and landscaping of the proposed development should take particular account of potential adverse effects on views from the AONB.

#### 4. **Planning Policies**

- 4.1 Figure 2, next page, shows local designations which would be applicable when determining planning applications for the site. The LDP Proposals Map for Meliden and the LDP Key Map provide an overview of land designations relevant to the wider area.
- 4.2 Planning Policy Wales Edition 8, paragraph 2.1.2, states that planning applications have to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Denbighshire's LDP was adopted in June 2013, and contains local policies applicable to development proposals at the sites.

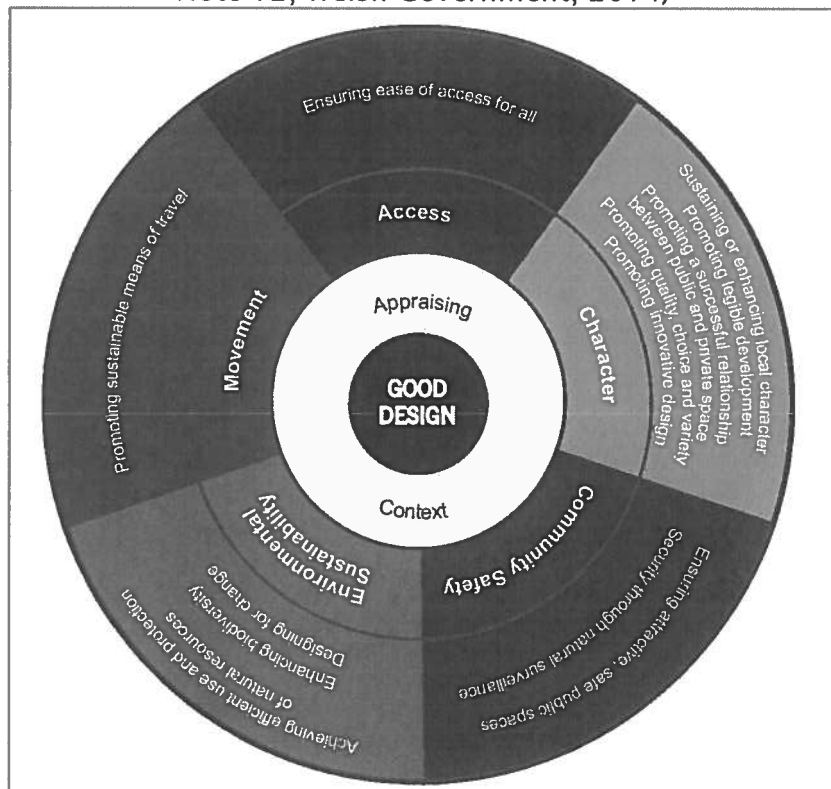


Figure 2: Location designations relevant to the sites



- 4.3 Planning Policy Wales states that material considerations must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. It also states that material considerations must be fairly and reasonably related to the development concerned. For example, material considerations could include physical infrastructure capacity (e.g. in the public drainage or water systems), noise or disturbance resulting from use, highways capacity, biodiversity, flood risk, previous appeal decisions, and research work carried out to support planning proposals. Section 5 of this document will further detail material considerations specific to the sites. These material considerations are based primarily on policy RD1.
- 4.4 **LDP Policy RD 1 – Development Boundary.** Sites 1 & 2 are located within the development boundary of Meliden and are allocated for housing as outlined in policy BSC 1. Therefore the principle of housing development at the sites is established subject to the acceptability of design details outlined in section 5. The number of units proposed on the site should be justified in accordance with policy RD 1 if it falls below the 35 dwellings per hectare density indicated in the policy. This document details local circumstances relevant to the sites that would warrant a lesser density.

Figure 3 The 5 Objectives of good design (Source: Technical Advice Note 12, Welsh Government, 2014)



- 4.5 Development proposals should raise design standards and enhance the environment through landscape improvements. Policy RD 1 outlines general design criteria that development proposals in development boundaries should adhere to. Applicants should consider the following design matters (that are by no means exhaustive): built height, scale, density of development, massing, site layout, impacts on the wider rights of way network, waste disposal/recycling arrangements, elevation of buildings, Sustainable Drainage Systems (SuDS), green landscape features and built material sympathetic to the surrounding area. Technical Advice Note 12: Design outlines that good design goes beyond being visual attractive. Good design involves access, character, community safety, environmental sustainability, and movement. Development proposals will be required to apply these objectives of good design. Further design principles are outlined in section 6 of this document.
- 4.6 **LDP Policy BSC 1 – Growth Strategy for Denbighshire.** Both sites are allocated for residential development in the adopted Denbighshire Local Development Plan 2006 – 2021 (LDP), and labelled ‘BSC 1’ on the LDP Proposals Map for Galt Melyd/ Meliden. The Policy Justification contains a table setting out the housing contributions expected from new allocations: Site 1 (‘Rear of Maes Meurig, Meliden’) – 30 dwellings and Site 2 (‘Rear of Ffordd Hendre, Meliden’) – 154 dwellings. These figures reflect development at 35 dwelling per hectare based on the gross site area.
- 4.7 LDP Policy BSC 1 sets also out the requirement to provide a range of house types, sizes and tenure to reflect the local need and demand. The Local Housing Market Assessment provides further details on individual areas in the County.
- 4.8 **LDP Policy BSC3 – Securing Infrastructure Contributions from Development.** This policy states that development is expected to contribute to infrastructure provision to meet social, economic, physical and/or environmental infrastructure requirements arising from the development. The policy lists 5 priorities, and notes that the priorities will vary depending on the nature and location of development. Improving the quality of school buildings and performance in education is a key corporate priority outlined in Denbighshire’s Corporate Plan. Alongside affordable housing, sustainable transport facilities and open space, contributions to education provision will be sought. Education requirements are outlined in section 5.37.

- 4.9 **LDP Policy BSC 4 – Affordable Housing.** This policy states that all developments of 3 or more residential units are expected to provide a minimum of 10% affordable housing. This should be delivered on site for developments of 10 or more residential units. The policy requirement of a minimum 10% contribution will be subject to annual monitoring of sales prices and could be increased to a minimum 30% when sale prices rise.
- 4.10 A demand for 2 bedroom affordable housing exists in the area. The tenure type for the affordable housing could include rented through a Registered Social Landlord, intermediate rented, and shared equity. Affordable housing should be designed in line with space requirements in Residential Space Standards SPG (2013), and Design Quality Requirements (Welsh Government, 2005). Further guidance on this topic is also contained in the Council’s Affordable Housing SPG (2014).
- 4.11 **LDP Policy BSC 11 – Recreation and open space.** This policy seeks to ensure that the county minimum standard of 2.4 hectares per 1,000 people is applied to development proposals. Development proposals should provide open space on site. Per dwelling, this equates to 48 sqm outdoor sport, and 24 sqm children’s equipped playspace & informal space.

Figure 4 Fields in Trust ‘benchmark’ standards, as applied in LDP Policy BSC 11

Type of Open Space	Standard
Outdoor Sport including Playing Pitches	1.6 Hectares/1,000 Population
Children’s Equipped Playspace	0.25 Hectares/1,000 Population
Children’s Informal Space	0.55 Hectares/1,000 Population
<b>Overall</b>	<b>2.4 Hectares/1,000 Population</b>

- 4.12 **LDP Policy RD 5 – The Welsh Language and the social and cultural fabric of communities.** This policy requires all planning applications to take into account the needs and interests of the Welsh Language. The policy contains development thresholds which set out the need for planning applications to be accompanied by additional information. Both sites exceed the threshold of 20 residential units. As a result, a “Community and Linguistic Impact Assessment” is required to accompany any planning application. Further guidance on this topic is contained in the Council’s Planning and the Welsh Language SPG (2014).

- 4.13 **LDP Policy VOE 1** – Key areas of importance. Alongside policy RD 1 criteria iii), this policy requires proposals to respect and where possible enhance built heritage sites for their characteristics and local distinctiveness. Site 2 is located close to the Meliden Ffordd Penrhwyfya Conservation Area. Planning Policy Wales Edition 8 section 6.5.17 highlights the objective of preserving or enhancing the character or appearance of a Conservation Area and its setting. Further guidance is outlined in Welsh Government Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas.
- 4.14 **LDP Policy VOE 2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty: Both sites are within the setting of the Clwydian Range and Dee Valley AONB. There is a need to ensure that the overall approach to development, and particularly the landscaping of the site, pays regard to the need to mitigate any adverse effects on the AONB, notably on views from the higher ground within the protected area.
- 4.15 **LDP Policy VOE5** – Conservation of natural resources. The purpose of this policy is to protect and enhance the natural environment. Development proposals that might have an impact on protected habitats and species will be required to be supported by an ecological survey / biodiversity statement. Compensation, mitigation or avoidance measures may be required to offset any adverse effects on protected environmental features caused by the development. In such cases, the measures should be in advance of any potential impact.
- 4.16 **LDP Policy VOE6** – Water management. Development proposals for both sites are required to incorporate water conservation measures to reduce or to eliminate surface water run-off from the site. The preparation of a Water Conservation Statement to substantiate proposed measures is welcomed. To manage surface water run-off, Technical Advice Note (TAN) 15: Development and Flood Risk supports the incorporation of Sustainable Drainage Systems (SuDS), see TAN 15 paragraph 8.2. Part H (Approved Document H – Drainage and Waste Disposal) of the Building Regulations 2000 establishes that where feasible, the first option for surface water disposal should be the use of SuDS.

- 4.17 **LDP Policy ASA 2** - Provision of sustainable transport facilities. Development proposals can result in a need to bring forward improvements to public transport, walking or cycling infrastructure. In such cases, this policy requires proposals to incorporate or contribute to the cost of their provision. This could include; capacity improvements or connection to the cycle network; provision of walking and cycling links with public transport facilities; improvement of public transport services.
- 4.18 **LDP Policy ASA3** - Parking Standards. This policy seeks to ensure that appropriate parking spaces for cars and bicycles are provided as part of development proposals. The surrounding area in terms of access & availability of public transport, population density, parking space availability, and whether alternative forms of transport are proposed, will be taken into account. Parking requirements are further discussed in section 5.12.

## 5. **Site appraisal and requirements**

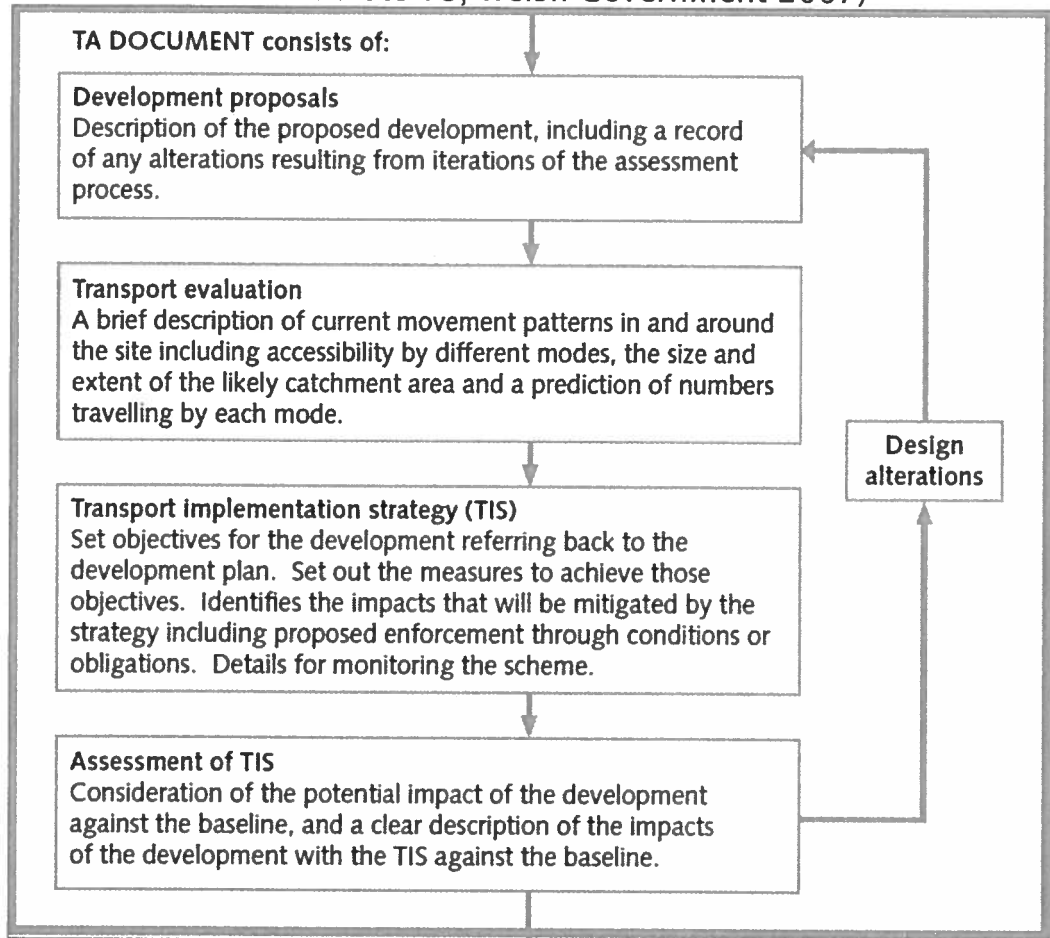
- 5.1 This section describes known constraints at the sites that any planning application would have to give consideration to and overcome. The below considerations are outlined in alphabetical order.

### Access and parking

- 5.2 Any development proposal will require a Transport Assessment (TA) as per policy RD1 criteria vii), and as both housing allocations together could exceed 100 houses (PPW Edition 8 section 8.7.2). In addition, the Council consider the locality to be sensitive to additional highway pressure which also triggers the TA requirement in PPW Edition 8.
- 5.3 The TA should outline how the development proposal would mitigate transport impact through design and planning conditions or obligations. A TA would be required should planning applications be submitted separately for the 2 sites. In such a case, the TA should take account of the adjacent site and not prevent its delivery. This would involve assessing the combined impact of both sites when complete (at a range of housing density scenarios) on the local highway network. PPW Edition 8, section 8.7.2, and Annex D of Technical Advice Note 18: Transport provide further guidance on

TAs. Non-vehicular (pedestrian & cycling) requirements are outlined in section 5.14 of this brief.

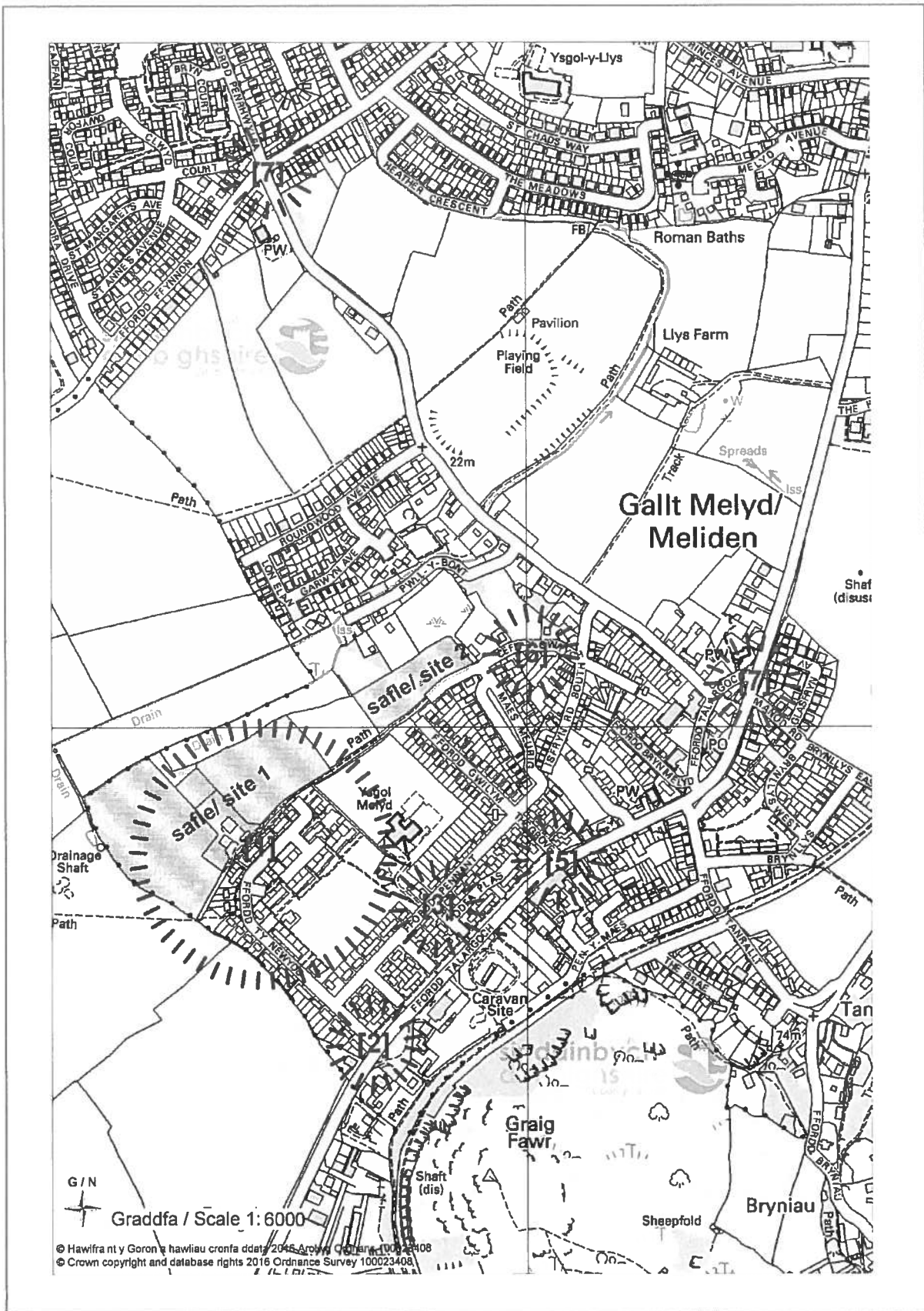
Figure 5 Transport Assessment document typical content (Source: Technical Advice Note 18, Welsh Government 2007)



5.4 In addition to any considerations highlighted during discussions with the Highway Authority, the TA should take account of the following noted community concerns (see figure 6, p.14):

5.5 **[1] - Ffordd Ty Newydd**  
Ffordd Ty Newydd is a narrow road with little off street parking. Cars therefore park on what is already a narrow road. This presents capacity safety issues, and would need particular consideration if chosen as an access route for site 1. This could also be problematic in situations when emergency vehicles require urgent access to the site.

Figure 6 Key areas to be subject of highway considerations





- 5.6 **[2] - A547/Ffordd Ty Newydd junction**  
The A547 and Ffordd Ty Newydd junction requires assessment to ascertain whether capacity and visibility standards can cope with additional traffic. This junction would require a Priority Intersection Capacity and Delay (PICADY) assessment to ascertain junction capacity, queues, delays and accident risk. The assessment should assess the steep incline of Ffordd Ty Newydd and its impact on junction safety. The A547 currently experiences high levels of traffic during peak times.
- 5.7 **[3] - Ysgol Melyd**  
Traffic issues arise during peak travel times at Ysgol Melyd. The TA should assess and propose mitigation measures to ensure vehicle and pedestrian safety is maintained as part of any proposal.
- 5.8 **[4] - Nearby planning permissions**  
A number of planning permissions have been granted for housing development in the surrounding area. The majority of the permissions are yet to be built. Including sites 1 & 2, through a mixture of housing allocations and planning permissions, it is anticipated roughly 368 houses will be built in Meliden and including Caer Ffyddion LDP housing allocation, Dyserth. This surrounding housing development will generate extra traffic on the A547 which will need to be taken into account by the TA. The A547 at Ffordd Talargoch has an Average Annual Daily Traffic flow of nearly 14,000 vehicles as per a survey undertaken in March 2014.
- 5.9 **[5] - A547 / The Grove junction**  
Similar to point number 2, the TA should assess the capacity and visibility standards of this junction are capable of handling additional traffic. This junction would require PICADY assessment to ascertain junction capacity, queues, delays and accident risk. The assessment should assess the steep incline of The Grove and its impact on junction safety. The A547 currently experiences high levels of traffic during peak times.
- 5.10 **[6] - Maes Meurig and Cefn Y Gwrych**  
Planning permission has been granted at Cefn Y Gwrych relating to development of 18 dwellings. Following a number of appeal decisions and subsequent approval of conditions, it has been established that increasing highway traffic on Cefn y Gwrych is unacceptable on highway safety grounds.
- 5.11 **[7] - Ffordd Penrhwyfya between junctions with Ffordd Talargoch and Penrhwyfya Crossroads, Prestatyn**  
Ffordd Penrhylwfa (FP) is a busy and narrow road linking Meliden with Prestatyn. There are no pavements along the southern stretch of the road in Meliden, and cars park primarily on-street. Both junctions have become traffic sensitive owing to recent road traffic collision

history. A PICADY assessment (see above) is required to assess the capacity at them. The purpose of including FP in the TA is to assess how the volume of traffic generated by the new development impacts on the wider road network in the village.

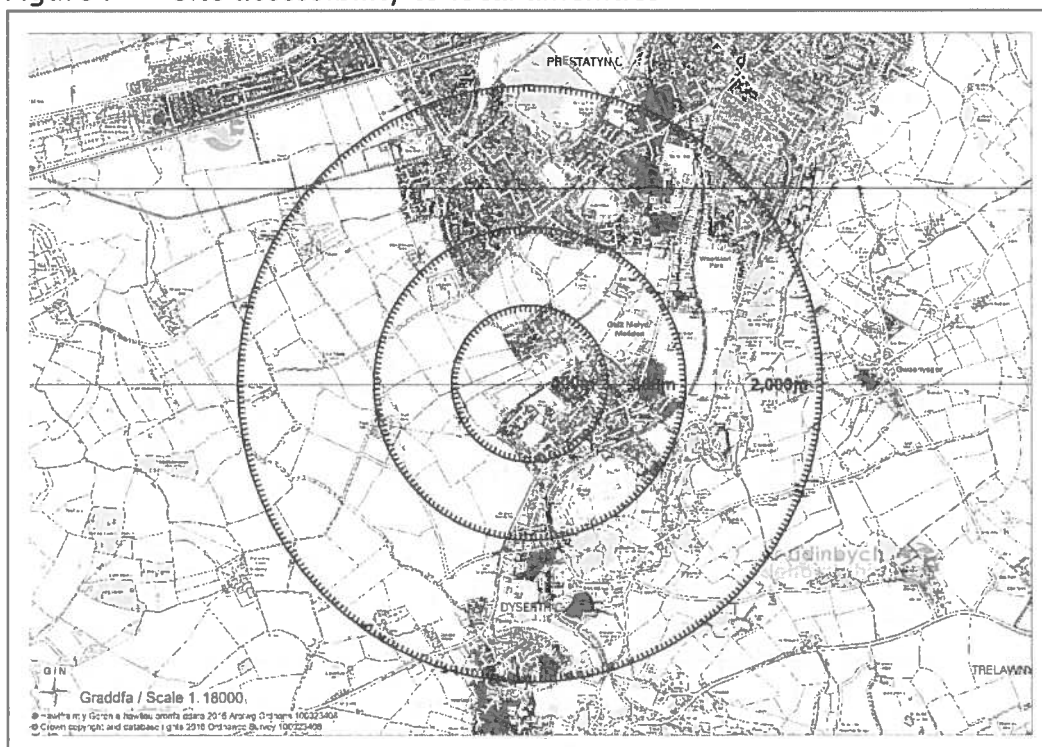
### *Parking requirements*

- 5.12 Denbighshire's Parking Requirements in New Developments SPG divides the County into 2 parking zones (based on urban and rural areas) to set standards. The site is located in parking zone 2 (Meliden is allocated as a village in the LDP). Therefore the parking requirements outlined in section 6.23 of the SPG apply. Other relevant sections from the SPG include: section 7 which outlines access requirements for disabled people, section 8 cycle parking standards, section 9 on motorcycle parking standards and section 10 on landscaping.

### *Accessibility*


- 5.13 Figure 7 outlines local amenities that surround sites 1 & 2 within a 2km radius. Within 800m of the site the following uses are available; Primary school, Local convenience shop, post office/newsagent, medical facilities & pharmacy, leisure/ community facilities, public houses, and a health club. This is within walkable distances outlined in Manual for Streets 0.8km – 2km (MFS 2007, section 4.41).

Figure 7 Site accessibility to local amenities



- 5.14 The development both within the site and immediate area should be designed to become a walkable neighbourhood. This will help reduce the need to use the car for short journeys, benefit local business and create health and wellbeing benefits for the wider community. The World Health Organisation recently created a Health Economic Assessment Tool (HEAT – see <http://heatwalkingcycling.org/> for more info). This tool outlines the economic benefit from walking and cycling.
- 5.15 The growing trend of realising the environmental role in shaping human health is recognised in Health Impact Assessments. This assessment considers all the wider determinants of health and wellbeing. The Wales Health Impact Assessment Support Unit offer Guidance on Health Impact Assessments ('HIA: A Practical Guide'. – available on the following link [www.whiasu.wales.nhs.uk](http://www.whiasu.wales.nhs.uk)). Providing a HIA is not a statutory requirement. However, any proposal is encouraged to recognise the benefits of designing a development that contributes to human health.
- 5.16 Principles from Manual for Streets 2007 (MfS) should be implemented into the design of the development proposal. This involves giving design priority to pedestrians as per the below table taken from MfS:

Figure 8 User hierarchy

<p><b>Consider first</b></p>  <p><b>Consider last</b></p>	Pedestrians
	Cyclists
	Public transport users
	Specialist service vehicles (e.g. emergency services, waste, etc.)
	Other motor traffic

- 5.17 The above approach is endorsed in PPW Edition 8 section 8.1.3 4, alongside the need to promote walking, cycling and improve access to public transport, local shops and facilities (PPW Edition 8 section 8.1.4, TAN 18 section 3.6).
- 5.18 The proposed site layout should fit in with and enhance existing walking routes. The site layout should encourage walking and make it easier and preferable to get around the area by foot. Consideration should be given to the requirements of the Active Travel (Wales) Act

2013, supported by enhancement measures and design features aiming to improve to the local walking and cycle network. To make walking and cycling easier to local amenities in Meliden, the layout of the site should seek to integrate with the surrounding area including Public Right of Ways. Figure 7 on the previous page shows the distance of the two sites from local amenities outlined in section 5.12.

#### Access for all

- 5.19 In line with policy RD1, the development proposal should ensure safe and convenient access for disabled people, pedestrians and cyclists. National planning policy outlines that access should consider all people who may be affected by the development. This includes all age groups across society and people with sensory impairments and learning difficulties. Technical Advice Note 12: Design (2014) page 18 and section 5.4 provides further guidance on inclusive access. Section 7 of the Council's Parking in New Developments SPG (2014) outlines accessibility requirements for disabled people.
- 5.20 Developers are encouraged to provide safe to use open space on site that caters for the need of different users and age groups. Layout and design features should be drawn up to be as inclusive and accessible for all.

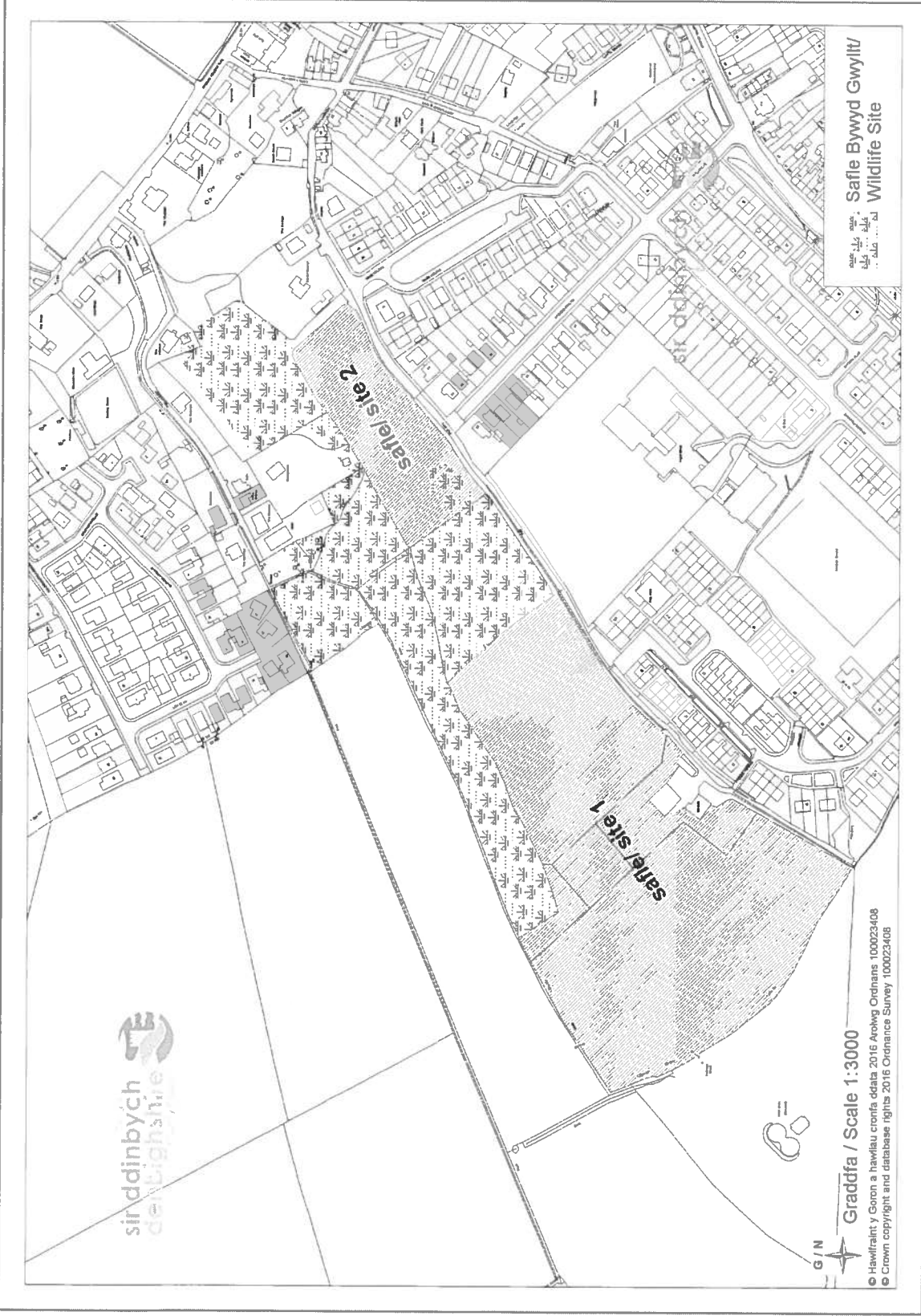
#### Archaeology

- 5.21 The Council's Archaeologist has no evidence of archaeology at the site within the Historic Environment Record. However, the Council's Archaeologist notes that owing to the large area of the site, it cannot be fully ruled out that there has not been any archaeological activity in the area. Any application should be accompanied by a desk based assessment and if necessary, geophysical surveying.
- 5.22 If planning permission is granted for development on either of the two sites, the Council will require the preparation and maintenance of an archaeological watching brief during construction phase.

#### Biodiversity

- 5.23 Site 1 is adjacent Pwll y Bont; a 2.8 ha Wildlife Site designated as a wet area with marshy grassland and species poor fen. Site 2 is also adjacent Pwll y Bont Wildlife Site and includes a small section of it.

Figure 9: Pwll y Bont Wildlife site



- 5.24 The grassland in the Wildlife Site is considered of most interest, with species including ragged robin, amphibious bistort, cowslips, primroses, greater bird's-foot-trefoil, cuckooflower, meadowsweet, water mint and carnation sedge. Ungrazed grassland sections of Pwll y Bont support greater horsetail, whilst there is also a small area of reedbed and fen. Roughly half a hectare consists of common nettle with sparse common reed and marsh-marigold and there are species-rich hedgerows and ditches.
- 5.25 In context of Pwll y Bont Wildlife site, the Council's Biodiversity Officer has outlined that mitigation measures would be required as part of any proposal. An Extended Phase 1 survey should inform the design of the proposal so that features of ecological importance can be retained and enhanced. The development proposal should ensure that little change occurs to the local hydrology in order to prevent drying of the Wildlife site.
- 5.26 Natural Resources Wales (NRW) consider that the site may provide suitable habitat for water voles. Water voles are fully protected under the Wildlife and Countryside Act 1981 (as amended). Where impacts on water voles are considered likely, then the ditches should be subject to a water vole survey. It is understood that water voles (along with ducks & pheasants) use the local brook as habitat. Should water voles be found to be using the area, NRW would expect the applicant to propose appropriate mitigation and/or compensation schemes. This would include retention and/or enhancement of the ditches and water features on site, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.
- 5.27 If planning permission is granted for residential development on either site, the Council will require a Construction Management Plan prior to commencement of development. The document must set out the management measures which the contractors will be required to adopt and implement for the construction of the proposed development to manage any construction effects on the built and natural environment.
- 5.28 As part of the LDP examination process, the site promoter for site 1 submitted an Ecological Assessment to support the allocation. The assessment was undertaken in April 2012 by Clwydian Ecology. The assessment found no evidence of badgers on site. It noted that mature trees on the site may provide habitat potential for bats, and

that there are no ponds on or within 250m of the site. The assessment notes that water voles could be just outside the western boundary of the site and recommends that adjacent ditches should be surveyed for water voles. Adjacent habitats of wetland scrub and reedbed are noted for ecological interest. In addition, the document outlines that a bat and bird survey will be required prior to any alteration or removal of trees and hedgerows. The nearest pond to the sites is approximately 380m to the north of the sites.

- 5.29 Where impacts on bats are considered likely, trees should be subject to emergence surveys at an appropriate time of year. Should bats be found to be using the trees as roosting sites then NRW would expect the proposal to deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained. If bats are found, an NRW licence to permit works that will affect bats and bat roosts will be required. The SW boundary water outlet for the lead mines is a known habitat for a variety of species.

#### Boundaries

- 5.30 The site is bounded by hedgerow on the northern boundary of site 1. Site 1 is viewable from Ffordd Ffynnon to the north of the site. Retention and enhancement of the existing northern hedgerow boundary should be considered by any development proposal in order to reduce the visual impact of the scheme from this direction. In the interests of visual amenity, alternatives to wooden panel fencing to screen the site along this boundary should be considered.
- 5.31 The south west of the site is bounded by hedgerow and trees which assists in screening view of the site from the A547 travelling towards Meliden. Enhancement of this boundary should be considered as part of any development proposal. As with the northern boundary, the use of wooden panel fencing as screening should be discouraged here. Existing Public Right of Ways (PROWs) that abut the site benefit from being screened by trees and hedgerows. These should be retained where possible.

#### Built Heritage and surrounding character

##### *Nearby listed buildings*

- 5.32 The closest listed building is The Priory (pictured below), a grade II listed building which is 140m to the north of site 2. The Priory is

listed as a good late Georgian House and is white rendered, with white 9-12 pane sash windows which are black framed.

Photo 3 The Priory, Meliden



*Nearby buildings with notable design influence*

- 5.33 Roughly 64m to the north east of site 2 is the Meliden Ffordd Penrhwyfya Conservation Area shown in figure 2. Although both sites are not in the conservation area, site 2 is within its setting. It is considered the Conservation Area showcases design features that are valued and locally distinct to Meliden. The Priory also displays design features locally distinct to the area.
- 5.34 The Conservation Area Appraisal for this area identifies a number of characteristics that contribute to its heritage quality. It notes that all buildings are two storeys high, and are a range of Victorian detached and terraced miner's cottages. The grade II listed Priory is Georgian in style. Limestone walls and slate roofs are acknowledged as materials characteristic to the conservation area. The built style of the area includes substantial stone chimneys, Georgian sash sixteen pane windows, Victorian horn sash four pane windows, small timber doors and small scale fenestration detailing for the miner's cottages. The noted features of this conservation area could be an appropriate 'village' design influence for development at sites 1 & 2. In comparison, the houses to the south of the site are more modern and are unlikely to be a design influence for the scheme.



## Community safety

- 5.35 Any proposal should create attractive and safe public spaces and movement routes. This includes pedestrian and cyclist routes and maximising natural surveillance over public spaces. Where appropriate, Secure by Design measures should be adopted. Active frontages to all streets should be designed into the scheme. This approach will avoid blank elevations and blank walls (including on junctions and rear alleyways) deadening the street scene and creating a perception of an unsafe space. Figure 10 shows how to achieve natural surveillance through minor design alterations. Please note that figure 10 illustrates crime prevention design only, matters of scale and visual design are addressed in section 5.33.

Figure 10 Examples of crime prevention design (Source: <http://interactive.securedbydesign.com/residential>)



The corner plot white dwelling in this illustration is orientated and overlooks the highway and public realm from both elevations. This approach avoids blank wall elevations facing onto the public realm which offers no natural surveillance and can attract vandalism.

This example shows an open space which benefits from natural surveillance provided by the orientation and overlooking from surrounding dwellings.



## Contamination

- 5.36 Based on desk based records, the Council are unaware of any land contamination relating to historic land uses at the sites. However, to the north of site 2, the records suggest potential land contamination

from an unknown source. NRW advise that preliminary contamination risk assessments should be submitted with any site where ground contamination is possible as a result of previous uses at the site.

### Education

- 5.37 Development of the sites would create extra demand on nearby education facilities. Ysgol Melyd school capacity is 147 places and the actual number of pupils was 132 in 2015. That means that there is a spare capacity of 15 places at the local primary school. Since the number of pupils generated by the new development will exceed these 15 places, a developer's contribution would be required to increase the capacity of the school as part of any proposal. Further guidance on the method of calculation is set out in Appendix 1.
- 5.38 Based on the latest figures provided by Denbighshire's Education department on secondary education provision in Prestatyn and Rhyl, there are sufficient school places available to accommodate additional pupils generated by these two developments. Considering the fact that both sites are likely to generate a demand for 32 places, it is expected that a surplus of 99 places is available at Prestatyn High School and a surplus of 427 places is available at Rhyl High School in 2017. Based on this information, the Council is unlikely to require secondary education contributions. These projections may change over the next two years. Prospective developers are therefore reminded to check the latest figures prior to submitting a planning application.

### Flood Risk

- 5.39 To the north of sites 1 & 2 is a C2 flood zone which surrounds a drainage ditch. Meliden Mine Drain (part of the wider 'Rhyl Cut') runs south west to north east from Meliden to Prestatyn. Figure 2 shows the extent of the C2 flood zone. Natural Resources Wales have raised no objection to the housing allocation from a flooding perspective. To reduce risk, the proposal would be required to maintain pre-development rates run off rates as per policy VOE 6 Water Management. The policy does include scope to seek a reduced run off rate. However, in context of the comments from the Biodiversity Officer, existing run off rates should be retained to prevent harm to the wet land wildlife site. The use of SuDS should be considered alongside other design solutions to retain pre-development run off rates. Details of adoption and management for the proposed SuDS

should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development. It should be noted Welsh Water have identified sewer flooding incidents (see paragraphs 5.47 and 5.48)

- 5.40 NRW recommend that future planning applications for the site are supported by a Surface Water Drainage Strategy / Flood Consequences Assessment. This document could be incorporated into the Water Conservation Statement required as per policy VOE 6 and should demonstrate that a viable means of surface water disposal can be achieved as part of the development(s).
- 5.41 Meliden Mine Drain is designated as a "main river" by NRW. Therefore, the prior written consent of NRW is required for any works or structures located in, under, over or within 7 metres of the bank top of the watercourse. Any future development layouts should allow for an un-interrupted access strip between any development and 7 metres of the bank top of the watercourse so that NRW are able to access the watercourse for the purposes of undertaking maintenance and/or improvement works. Further guidance on the Flood Defence Consent application process is available the following website: <http://naturalresources.wales/apply-for-a-permit/apply-for-flood-defence-consent/applying-for-a-flood-defence-consent/?lang=en>
- 5.42 As part of the public consultation, Meliden residents provided the Council with valuable information that will assist prospective applicants in the preparation of a water drainage strategy and/ or flood consequence assessment. Both sites have been used as a 'soak away' to control surface water run-off from Ysgol Melyd's school fields. Many of the surrounding properties of natural water running beneath them, which eventually run off into the fields allocated for residential development. Maes Meurig, properties no. 37 and no. 39 have unadopted sewers which need to be protected during the construction phase. There are two main drains in front of the wooden fence that forms the cul-de-sac at Ffordd Gwilym and a gully which are necessary for safety and removal of surface water. Any deep foundations required on either of the two fields should ensure that they do not contribute to drying out the area. The wildlife site should not be affected by significant changes to the water table.

### Landscape and open space

- 5.43 Policy BSC11 Recreation and open space. Situations when commuted sums provision will only be acceptable are outlined in the policy. It is expected that any development proposal should provide open space on site. Open space provided should be accessible to all and well linked to existing public right of ways. The developer should ensure maintenance arrangements are in place for recreation and open space provided, alongside landscape features such as trees & hedgerows.
- 5.44 Improvements and the creation of public access to Pwll y Bont wildlife site could contribute to the open space provision and also be an area of natural drainage (SuDS). The small parcel of land that separates sites 1 and 2 could be used to provide non-vehicular access to Pwll y Bont wildlife site.

### Trees and hedges

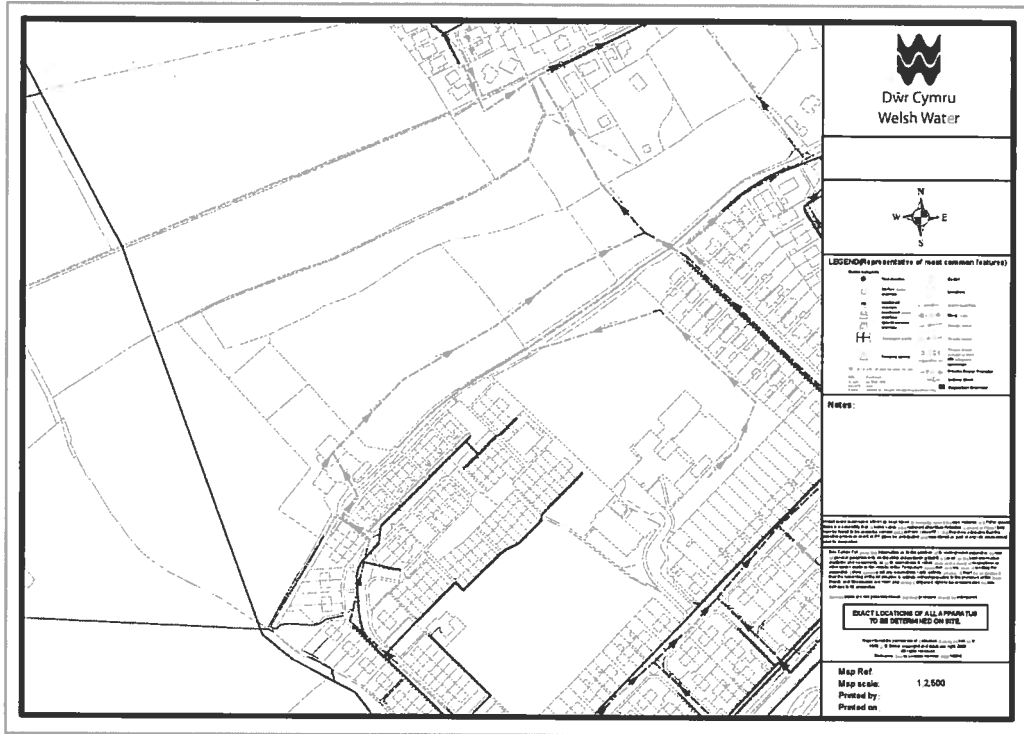
- 5.45 As noted in sections 5.16 and 5.18, existing trees and vegetation visually screen the site and also could provide habitat opportunities for wildlife and protected species. Sites 1 and 2 do not contain any trees subject to a Tree Preservation order. A Tree Survey would be required should any works occur to trees on site.

### Utilities

- 5.46 Welsh Water have confirmed the following in relation to the sites:
- 5.47 Site 1 - Ffordd Hendre:
- Water Supply: No issues with supply. A water main crosses the site.
  - Sewerage/foul drainage: Sewer flooding incidents & sewer crossing site.
  - Wastewater Treatment Works: No issues.
- 5.48 Site 2 – Maes Meurig:
- Water supply: No issues.
  - Sewerage/foul drainage: Sewer flooding incidents & sewer crossing site.
  - Wastewater Treatment Works: No issues.
- 5.49 Dŵr Cymru / Welsh Water note that there are known problems with the existing sewerage network, and the impact of development on related flooding incidents should be assessed at pre- planning /application stage. In addition, it is noted that hydraulic modelling

of the network may be required at the developer's expense to ascertain capacity of sewers. Any improvements required to the network can be requisitioned via the provisions of the Water Industry Act 1991. Figure 11 outlines the water and sewerage network in the area. Protection measures/ easements would be required for the existing sewers and water mains.

Figure 11 Local water and sewerage network (Source: Dŵr Cymru/ Welsh Water)



### Welsh language

- 5.50 Meliden is an historic village with a history of mining and quarrying. The 2011 Census recorded that 15.1% of the population of Meliden spoke Welsh, which is below the County average of 24.6%. 'A Community and Linguistic Impact Assessment' will be required to accompany a planning application. As a minimum, development proposals should seek to use locally relevant Welsh names for streets and the development as a whole. Further information on 'Community and Linguistic Impact Assessments' can be found in the Council's SPG on 'Planning and the Welsh Language'.

## 6. Design objectives

6.1 In context of the site description and requirements outlined previously, this section states the design objectives that any proposal would also have to meet. The 6 design principles are:

6.2 1. A development that prioritises walking, cycling and public transport over private vehicular. This will be achieved by creating attractive and safe routes that links proposed open spaces, existing public right of ways and bus stops.

6.3 2. Access, housing density and site layout will be designed in context of the surrounding area. This should take account of highway network capacity, the opposite housing allocation, local character, built heritage, and the objective to prioritise design around non-vehicular movement.

6.4 3. The design will take account of the sites edge of settlement visual prominence and existing built heritage. This will be achieved by a context aware use of design and external construction materials. The site layout & building orientation will respect views from the surrounding area. High quality landscaping will ensure a seamless transition from countryside to build form.

6.5 4. A design that enhances human health and existing biodiversity. This will be achieved by protecting and where possible enhancing the wildlife site, and by providing green public spaces, walking routes and new natural habitats throughout the site. The proposal should also retain surface water run-off to prevent flooding risk from the water ditch whilst maintaining the favourable wetland conditions of Pwll y Bont wildlife site.

6.6 5. A development that ensures satisfactory infrastructure is in place to handle water, sewerage, waste collection, and education provision.

6.7 6. A Welsh branded scheme with affordable housing to help the community and Welsh language to grow in the area.

## 7. Further Considerations

### *Consultation*

7.1 At the time of writing, the Welsh Planning System does not have a statutory requirement to undertake pre-application with key consultees and the local community. However, any applicant is strongly encouraged to engage the surrounding local community, ward members and the town council. Key consultees outlined in section 8 should also be engaged prior to submitting any planning

application. Any local comments provided in this pre-application process should be taken into account when designing the scheme.

#### *Environment Impact Assessment (EIA)*

- 7.2 Applicants are advised to establish whether their planning proposal falls under the regulations of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999, and, therefore, could be classed as 'EIA development'. The purpose of an EIA is to establish whether development is likely to cause significant effects on the environment and what type of mitigation measures may be required to reduce them.
- 7.3 All proposals that are of a description mentioned in Schedule 1 of the regulations have to be subject to an EIA, whereas proposals that are of a description mentioned in Schedule 2 of the regulations do not necessarily have to be subject to an EIA depending on the outcome of the EIA screening exercise. Further information on the process can be found in Welsh Office Circular 11/99 ('Environmental Impact Assessment (EIA)') or obtained from the Planning / 'Development Management' section.

#### *Validation requirements*

- 7.4 The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and WG Circular 002/2012: 'Guidance for Local Planning Authorities on the use of the standard application form ('1app') and validation of applications' set the context for planning application validation requirements in Wales.
- 7.5 In light of the above legislative context and policy requirements outlined in the LDP, the following documents will be required to accompany any planning application. Please note that the validation requirements vary depending on the type of planning application and the proposal submitted to Denbighshire County Council.

#### Validation requirements;

- Design and Access Statements;
- Transport Assessment;
- Biodiversity Report / Ecological Surveys;
- Tree Survey;
- Welsh Language Community and Linguistic Impact Assessment;

- Water Conservation Statement / Flood Consequence Assessment / Water Drainage Strategy (depending on the planning proposal).

## 8. Contacts

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 Caledfryn  
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 Tel: 01824 706727  
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Denbighshire County Council Highways & Environmental Services  
 Highways and Transportation Department  
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 Denbigh  
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## 9. Sources

Welsh Government – Planning Policy Wales Edition 8, 2016

Welsh Government – Technical Advice Note 12: Design, 2014

Welsh Government – Technical Advice Note 15: Development and Flood Risk, 2004

Welsh Government – Technical Advice Note 18: Transport, 2007

Denbighshire County Council – Local Development Plan 2006 – 2021, 2013

Denbighshire County Council – Supplementary Planning Guidance Note: Affordable Housing, 2014

Denbighshire County Council – Supplementary Planning Guidance Note: Planning and the Welsh Language, 2014

Denbighshire County Council – Supplementary Planning Guidance Note: Parking Requirements in New Developments, 2014



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Denbighshire County Council – Supplementary Planning Guidance  
Note: Residential Space Standards, 2013

Thomas Telford Publishing for Department for Transport – Manual  
for Streets, 2007

## Appendix 1 – Guidance on Contributions to Education

### *Educational Planning in Denbighshire*

- A.1 Denbighshire County Council, like every other Local Authority in Wales, is currently reviewing its schools as part of our commitment to modernise education and to ensure our schools provide the best possible learning environments. In accordance with Welsh Government requirements, Denbighshire are required to provide the right number of places, of the right type in the right location.
- A.2 Due to the geographical nature of Denbighshire there are some areas, predominantly in the South of the County, which have significant surplus places and in other areas, predominantly in the North, which are facing significant capacity issues, this includes Ysgol Melyd in Meliden. Denbighshire County Council's Admissions Policy grants parental preference where there are sufficient places available. In some instances 'empty places' in a school do not equate to there being capacity in the school due to these places being restricted to certain year groups.
- A.3 Contributions may be used for the following;
- The provision of new classrooms to accommodate an increase in pupil places within existing schools;
  - Replacement and/or improvement of existing school facilities to adequately facilitate an increase in pupil places;
  - Provision of land for a new school where required and related to the scale of the development;
  - Provision of additional facilities (i.e. playing fields) necessitated by an increase in pupil numbers.

### *Criteria*

- A.4 The requirement for developer contributions will be based on the following criteria:
- i) Contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools. This will be for primary and secondary provision where a capacity issue has been highlighted by Education Services, Denbighshire County Council. It should be noted that empty places does not necessarily equate to there being sufficient capacity at that school. Investment may be need to bring it up to the required standard to make it suitable for the pupils generated from the proposed development.
  - ii) Only those schools affected by the development will receive the benefit of the financial contribution. Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities,

- Denbighshire may combine contributions as necessary to negate the cumulative effect.
- iii) Contributions received by Denbighshire will be held in interest bearing accounts with a unique finance code which is to be used only for the purpose specified in the obligation. If this contribution is not spent within an agreed timescale the contribution will be reimbursed with interest.
  - iv) For planning contributions the pupil capacity will be calculated net of any capacity that has been achieved through using mobile accommodation.

#### *Exceptions*

- A.5 The exceptions to the provision of school places will be the following type of residential development from which planning authorities will not seek contributions:
- Housing specifically designed for occupation by elderly persons (i.e. restricted by planning condition or agreement to occupation by those over aged 55 years or more);
  - 1 bed dwellings or 1 bed apartments or flats.

#### *Calculations and Contributions*

- A.6 Contributions towards additional or improved school facilities will be based on the following factors:
- A.7 **1. The number of qualifying dwelling units in the development**  
The policy will apply to developments with 5 or more dwelling units or over 0.2 hectares.
- A.8 **2. The number of school age children likely to be generated by each residential unit.** This is based on the data gathered by local authorities to estimate likely pupils arising from developments. This would generate a figure of 0.24 as the primary school formula multiplier and 0.174 as the secondary school formula multiplier. This will be reviewed by the local authority.
- A.9 **3. Cost Guidelines.** Denbighshire has suggested a sum of £16,000 per pupil place for a primary school and a sum of £15,000 per pupil for a secondary school. These costs are based on a 420 primary school development and a 1500 secondary school development average cost/ m2 data sourced from the Building Cost Information Service and are current as 4Q 2013.

#### *Example: Contribution towards improvements at Ysgol Melyd*

- A.10 Ysgol Melyd school capacity is 147 places and the actual number of pupils was 132 in 2015. That means that there is a spare capacity of 15 places at the local primary school.

- A.11 If both sites are approved for residential development at the same point in time, there would be a need for 44 additional places =  $((154 + 30) \times 0.24)$ .
- A.12 Contributions will only be sought for 29 spaces (44 additional places required to accommodate new development minus spare capacity of 15 places). Calculation:  $29 \times \text{£}16,000 = \text{£}464,000$
- A.13 The total amount of contributions sought towards primary education at Ysgol Melyd would be £464,000 in January 2015.
- A.14 Note: The amount of contributions sought towards primary education will vary depending on the time that planning permission is sought and whether both sites come forward for development at the same time.

*Example: Contributions towards improvements at Prestatyn High School*

- A.15 Prestatyn High School capacity is 1,774 places and the actual number of pupils was 1705 in 2015. That means that there is a spare capacity of 69 places at the nearest secondary education facility.
- A.16 If both sites are approved for residential development at the same point in time, there would be a need for 32 additional places =  $((154 + 30) \times 0.174)$ .
- A.17 The need for 32 additional places at Prestatyn High School can be accommodated due to the spare capacity of 69 places. No contributions will be sought towards secondary education.
- A.18 Note: Prospective developers are reminded to check the latest figures prior to submitting a planning application.