

43/2020/0521



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Proposed vehicular access off Ffordd Cae Felin



View from along footpath along northern boundary)



View from public open space looking towards site (see arrow in map)



View from
footpath of
eastern boundary
with Alexandra
Drive



View from footpath of eastern boundary with Alexandra Drive



View of existing hedgerow within site



View along
footpath along
northern
boundary



View towards
caravan park to
south &
Alexandra Drive
to south-east
(photo from
HIA)



View of hedgerow dividing the two north fields
(photo from HIA)



View of western boundary with Plas Newydd (photo from HIA)



WARD : Prestatyn South West

WARD MEMBER(S): Cllr Gareth Lloyd Davies
Cllr Bob Murray (c)

APPLICATION NO: 43/2020/0521/ PF

PROPOSAL: Erection of 102 affordable dwellings, associated roads, open space, landscaping and infrastructure (re-submission of planning application 44/2019/0629)

LOCATION: Land Adjacent to Alexandra Drive Prestatyn

APPLICANT: Mr Matt Christie, Macbryde Homes

CONSTRAINTS: PROW

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Recommendation to grant / approve – Significant Departure from Development plan

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

Original consultation response:

OBSERVATIONS

Cllr BM None of the previous objections to the original application are addressed. Serious concerns about traffic access and egress. The area is designated pasture land and also an area which has considerable environmental interest with species such as badgers, hedgehogs, owls. The area is also considerably prone to flooding.

Cllr GS Wishes to record a formal objection to the application. The re-submission does not address previous concerns recorded. The land is designated agricultural land. North Wales Police have expressed concerns regarding community safety due to the alleyways included in the plans. The environmental impact is considerable with many wildlife species and flora and fauna present in the area. Local services, particularly schools have no capacity for more pupils in addition to other services such as doctors, hospitals etc. The Fire Service have also expressed concern that road access for emergency vehicles is questionable. Very many of the residents in the area object to this development

Cllr RF Concerns regarding heavy traffic requiring access to the site will render the road dangerous. North Wales Police have stated the development is not conducive to family life. The development will be detrimental on environmental grounds with a considerable impact on wildlife in the area.

Cllr GD Has met with many residents in the area who object strongly to the development and cited some incidences where residents had not received letters from DCC Planning informing them of the development. All previously expressed concerns remain relevant and the development constitutes and over intensification of the area which current infrastructure and services cannot support

Cllr PP The development will impact on the neighbouring ward in terms of flooding

RESOLVED

That Prestatyn Town Council formally object to this development

Re-consultation response:

OBJECTIONS

Poor highway access and egress; loss of designated agricultural pasture land; considerable environmental and species habitat including badgers, hedgehogs and owls; site prone to flooding and protects property further downstream.

North Wales Police have expressed concern about crime and alleyways.

North Wales Fire Service expressed concern about access for emergency vehicles.

Lack of infrastructure for such a large development e.g. school spaces, general practitioners, hospital, utility services including drainage.

Over-intensification of a small quiet residential area. Town already meets quota for future developments. Contrary to Local Development Plan.

NATURAL RESOURCES WALES

Original consultation response:

NRW raise no objection subject to the Ecology Report being listed as an approved document.

Topic specific comments are set out below:

Flood Risk – Site lies entirely within Zone A flood risk zone. The Flood Consequences Assessment assesses the risk of flooding from all sources. NRW is satisfied that the site is not at risk of sea or fluvial flooding and would not result in an increase of flood risk elsewhere, and therefore raise no objection on flood risk grounds.

NRW note the access / egress route leading up to the site is at risk of flooding and recommends the views of the North Wales Councils Regional Emergency Planning Service (NWCREPS) are sought.

Surface water drainage – surface water drainage would be subject to separate approval from the SuDs Approval Body (SAB) and therefore NRW do not provide advice in this regard.

Protected Species – NRW consider the ecology report is satisfactory and that the proposal is not likely to be detrimental to the favourable conservation status of protected species, subject to the Ecology Report being listed as an approved document.

Re-consultation response:

Re-iterated previous consultation comments.

DWR CYMRU / WELSH WATER –

Original consultation response:

No objection, subject to conditions being imposed with respect to foul water drainage

Dwr Cymru note it is proposed to dispose of foul flows via the public sewerage system and discharge surface water run-off into a sustainable drainage system and have advised that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and that a water supply can be made available to service the proposal.

Re-consultation response:

Re-iterated previous consultation comments.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

Original consultation response:

Concerns raised with the loss of important hedgerow. CPAT considered that onsite hedgerow should be retained.

Re-consultation response:

CPAT note the retention now of the northern historic hedgerow in accordance with the Hedgerow Regulations 1997 criteria and this is welcomed.

The updated Heritage Impact Assessment indicates that the impact on the setting of the Grade II listed Plas Newydd Farm will be no more than Slight, which is not a significant impact and CPAT would therefore have no objection.

NORTH WALES AND FIRE AND RESCUE –

Original consultation response:

Advises access roads should be wide enough for fire rescue vehicles to manoeuvre and fire hydrants should be provided within the site.

Re-consultation response:

Re-iterated previous consultation comments.

NORTH WALES POLICE –

Original consultation response:

Concerns raised regarding the inclusion of rear alleys / shared access behind dwellings on security grounds as such paths increase risk of unauthorised intrusion. Recommends that the developer installs robust framed gates where the paths open onto public space. These gates must be self-closing and key-operated from the public side.

Recommends secure cycle storage is included within the development.

Re-consultation response:

It is noted that the revised layout has greatly reduced the number of rear alleyways, but would ask that the developer ensures that where such rear alleyways remain, that access is restricted by a robust gate which is key operated from the public side (e.g. between plots 55 & 56).

Reiterates that secure cycle storage should be included within the development.

REGIONAL EMERGENCY PLANNING SERVICE

No objections or site specific comments made, however generic observations (applicable to all sites) were provided regarding access and evacuation at sites considered to be at risk of flood.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety

- Highways Officer

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

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

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

- Layout Plans
- Transport Assessment
- Planning Statement

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

Capacity of existing network:

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity. However, due to the increase in traffic along the existing road network and in particular Ffordd Penrhwylfa, the Highway Authority considers additional traffic calming along Ffordd Penrhwylfa is necessary to ensure the proposal doesn't result in any adverse harm to highway safety.

Accessibility:

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

Site Access:

Vehicular access to the development is proposed via an extension to Ffordd Cae Felin. Pedestrian and cycle access into the site will be provided at the same location as the vehicular access. The existing PROW will be incorporated into the extension to Ffordd Cae Felin. Considering the access point is an extension to an existing highway, the visibility standards set out in Annex B TAN 18 have not been taken into account.

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

The proposed site has a main internal estate road measuring 5.5m in width with access to more minor residential cul-de-sacs reducing to 4.8m. 2.0m footways/service margins will be provided throughout the site. In order to demonstrate that the site can be serviced sufficiently, swept path analysis of a large 4-axle refuse vehicle has been undertaken at the turning heads within the site. The swept path analysis demonstrates that a vehicle of this size can turn within the site at appropriate points, and exit the site in a forward gear.

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

Conclusion:

Having regard to the detailed assessments, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the proposed development subject to a financial contribution to cover cost of necessary traffic calming along Ffordd Penrhwylyfa being secured and to the conditions being imposed to secure a Construction Method Statement and full details of traffic calming measures to be installed along Ffordd Penrhwylyfa.

Conservation Officer

No objection. The layout provides a substantial green buffer between the development and the boundary to the listed farmhouse and agricultural land, which allows for the setting of the listed building to be preserved. This combined with the proposed landscaping and planting of trees and the increase in distance from the proposed houses to the boundary make the application acceptable from a conservation point of view.

County Ecologist

Original consultation response:

Concerns raised with the loss of important hedgerow within the site. Ecology Officer considers that onsite hedgerows should be retained, and sufficient ecological mitigation and enhancement measures should be incorporated into the scheme

Re-consultation response:

Following the submission of amended plans and additional landscape and Ecology Management Plan, the Ecology Officer has no objections to the proposal, subject to conditions being imposed to ensure that there are no negative impacts on protected species or the nature conservation value of the site. Conditions proposed as to secure compliance with the Landscape and Ecology Management Plan and an Ecological Compliance Audit.

Drainage Engineer:

No formal response received. Previously advised the proposed surface water drainage will require separate SAB approval. The developer has yet to submit a SAB application although it should be noted there is no legal requirement to do so before a planning application is determined. The SAB approval must be gained prior to development commencing, but this is a separate regulatory regime to development management/planning.

Strategic Housing & Policy Officer:

Original consultation response:

Supports the principle of the proposal as a departure from the LDP.

Principle:

The site lies outside of the established development boundary for Prestatyn and as such the principle of development on this land is contrary to local and national planning policy. Planning Policy Wales states that "planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise."

The scheme is however for 100% affordable housing. The need for affordable housing is well established throughout Denbighshire. Prestatyn has the greatest need for affordable housing as identified in the published Local Housing Market Assessment (2019).

National policy emphasises the need to increase the supply of affordable housing.

It must be considered whether the opportunity to deliver a significant amount of affordable housing outweighs the adopted Local Development Plan. In this instance given the scale of the need for affordable housing in the Prestatyn area it is considered that the proposal may be acceptable in principle subject to the homes being secured as affordable via a section 106 agreement and conditions.

Best and most versatile agricultural land:

The site is identified as being Grade 3a agricultural land which is classified as Best and Most Versatile (BMV).

The supporting information provides an assessment of other potential sites of lower or equal grade in support of the application and this assessment is considered to adequately address the issue of BMV land.

Density and Housing Mix:

Density is above 35 dwelling per hectare recommended in LDP a.

The proposed housing mix is also considered acceptable, the housing market assessment highlights the greatest need for 2 and 3 bedroom homes. The proposed housing mix comprises 86% 2 and 3 bedroom homes and is considered acceptable.

Layout:

Notes basic requirement for the layout to meet minimum separation distances set out in relevant policy and guidance, and that the application cannot be supported until layout is amended to ensure minimum separation distances between proposed dwellings and those existing dwellings along Alexandra Drive are achieved.

Open Space:

LDP Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population.

The submitted plans indicate an area of open space being provided on-site. Provision is considered acceptable.

Education Contributions:

At present there is sufficient capacity at the local primary and secondary schools in the area therefore at present would be unlikely to generate the need for a planning contribution due to current surplus places. However please be advised that school roll information changes frequently.

Welsh Language:

It was recorded in the 2011 Census that 15.1% of the residents of Prestatyn were Welsh speaking; this was one of the lowest percentages in Denbighshire. The 100% affordable housing will be allocated to local households based on the local letting policy of the Registered Social Landlord which should not affect the linguistic and cultural make-up of the area.

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

Conclusion:

The proposal can be supported in principle in policy terms given the overriding need for affordable housing in the Prestatyn area. Up to 50% of the homes must be secured as affordable via a section 106 agreement.

Re-consultation response:

Confirmed that open space provision has been provided in full onsite, and also confirmed that based on updated school data, there remains a surplus of places and education contributions are not required.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

G McKenzie, 11 Alexandra Drive, Prestatyn
Elizabeth Roberts, 6 Alexandra Drive, Prestatyn
Mrs M A Jones, 21 Alexandra Drive, Prestatyn
Andria Aspinwall, 10, Brig y Don, Prestatyn
Phil Lowndes, 23 Alexandra Drive, Prestatyn
Sheila Roberts, 19 Alexandra Drive, Prestatyn
Peter Jones, 25 Alexdra Drive, Prestatyn
C. & E. Butt, 35, Alexandra Drive, Prestatyn
G. Lowndes, 23, Alexandra Drive, Prestatyn
Paul C Newman, 45 Alexandra Drive, Prestatyn
Julia Haines, 45 Alexandra Drive, Prestatyn
Mr & Mrs Poole, 27 Alexandra Drive, Prestatyn
B Connall, 33 Alexandra Drive, Prestatyn
David Duffy, 30 Alexandra Drive, Prestatyn
Samantha Jones, 19 Ffordd Cae Felin, Prestatyn
Mr L Foster & Anita Blayney, 43 Alexandra Drive, Prestatyn
Mr P Steed & Ms J W Edwards, 47 Alexandra Drive, Prestatyn
Mrs J Lee, 53 Alexandra Drive, Prestatyn
Mr & Mrs B Connah, 33 Alexandra Drive, Prestatyn
Peter & Jennifer Bell, 21 Ffordd Ffynnon, Prestatyn
Louise and Anthony Houghton, 18 Ffordd Cae Felin, Prestatyn
Karen Dean, 18 Alexandra Drive, Prestatyn
Adele Roberts, 16 Alexandra Drive, Prestatyn
Barbara Bertoni, 40 Alexandra Drive, Prestatyn
Christian Priestly, 40 Alexandra Drive, Prestatyn
Anne Stapleton, 49 Alexandra Drive, Prestatyn
Mrs H Richards, 39 Alexandra Drive, Prestatyn
Derek Shardlow, 5 Maes yr Haf Prestatyn
Debbie Jones, 3, Alexandra Drive, Prestatyn
Dr James Davies MP, 198 High Street, Prestatyn
Karen Payne, 41 Alexandra Drive, Prestatyn
James Chappell, 17, Alexandra Drive Prestatyn
James Cumberlidge, 57 Alexandra Drive, Prestatyn
Mr G Hibbert, 15 Ffordd Cae Felin, Prestatyn
Phil Quirk, 79 Ffordd Penrhwyfla, Prestatyn
G McKenzie, 11 Alexandra Drive, Prestatyn
Gillian Lowndes, 23 Alexandra Drive, Prestatyn
Ceri Cairns, 57 Alexandra Drive, Presatyn

Summary of planning based representations in objection:

Principle

- Site is outside of LDP development boundary – proposal is contrary to national and local policy.
- Brownfield land / land within development boundaries should be exhausted first before new parcels of Greenfield land are released.
- 100% affordable housing scheme do not contribute to social cohesion – developments should provide for a mix of tenure and social mix.
- Will not benefit local community / no guarantee those on local housing waiting lists will be allocated a house.
- No need for additional housing in this area.

- Loss of agricultural land / open green space.
- Building on Greenfield land is an unsustainable form of development.
- Prestatyn already making a significant contribution to affordable housing delivery – should be spread out more fairly across the County.

Visual Amenity / Design / Layout

- Housing development would spoil local area / change character and semi-rural setting.
- Have a detrimental impact on character of Prestatyn / Prestatyn will lose it's identify as a seaside town.
- Over-intensification of development in the local area, would become just an extension to existing housing estate.
- Design and appearance of dwellings proposed out of Alexandra Drive bungalows.
- Density too high / much higher density than Alexandra Drive.
- Layout Includes alleyways with no natural surveillance, which would lead to anti-social behaviour.
- Not followed Design out Crime design principles.

Ecology

- Detrimental effect on local environment & wildlife.
- Loss of trees and hedgerows within site.

Economy

- Low local employment opportunities for proposed residents – residents would have to commute out of area for work.
- Detrimental impact on the caravan park to the south.

Residential Amenity

- Overbearing impact / loss of light / overlooking / detrimental impact on privacy of properties along Alexandra Drive'
- Two-storey properties would tower over Alexandra Drive bungalows.
- Detrimental impact on health and well-being of local residents.
- Noise and pollution / would spoil tranquillity currently enjoyed by residents.
- Construction noise, traffic, disruption will detrimentally impact neighbours.
- Increased traffic will have detrimental impact on residents along estate roads leading to the site.
- Alleyways close to rear gardens of Alexandra Drive pose a risk of crime and anti-social behaviour.

Drainage / Flood Risk

- The site is undeveloped fields which flood / absorb rainfall and runoff from surrounding built up areas - developing the site will increase the risk of flooding elsewhere.
- Climate Change is causing an increase in rainfall, which will further increase risk of flooding – Greenfield land should be retained to mitigate climate change.
- Existing sewers already overloaded / cannot handle more housing.
- Brook / watercourse in area already floods.
- Much of Prestatyn is low lying land and land drainage requires ongoing maintenance.
- Other existing developments in the area have experienced flooding.
- Removal of trees / hedgerow will increase flooding.
- Gardens along Alexandra Drive already experience flooding – site is at higher ground level to properties along Alexandra Drive, and therefore development would increase risk of flooding of these properties.
- All new developments will discharge into Prestatyn Cut – cumulative impact of this will increase flood risk locally.

Highways / Access / Traffic

- Local roads are already too busy / congested and lined with parked cars - increased traffic arising for the proposed site would be dangerous to other road users, cyclists and pedestrians, especially along Ffordd Penrwyflla.

- Existing road junctions leading to the site are dangerous and development with further increase danger (e.g. junction at Ffordd Pantycelyn / Ffordd Penrwyfya; crossroads between Ffordd Penrwyfya / Fforddisa).
- Road network needs improving.
- Existing roads in a poor state of repair.
- Roads could not accommodate construction traffic.
- Existing traffic calming measures (speed bumps) already increasing traffic queues.
- Already experienced increased of traffic on local roads due to increased housing, car travel to local shops and new school.
- Site is not close to a bus service – journeys to and from the proposed estate would be car based.
- Proposal to access the site from existing cul de sac at end of Ffordd Cae Felin will affect visibility for existing households on Ffordd Cae Felin as they will not be able to see additional traffic moving from the proposed site.
- Existing on-road parking along Ffordd Cae Felin and Ffordd Pantycelyn already blocks visibility and narrows the road meaning there is only space for one car to pass through at a time. A further housing development off the same access road will increase traffic further, and be unsafe.
- Emergency vehicles would struggle to access site quickly.
- Site is close to children's play area on Ffordd Pantycelyn – increase in traffic along this road would be dangerous to children.
- Entrance into the site is through Ffordd Cae Felin which is too narrow to cater for the additional traffic flow.
- Additional pressure on A55.

Local Services

- Local services (GPs / Dentists / hospitals, public transport etc.) already at capacity and could not cope with additional housing.
- Pressure on local schools to accommodate the development.

Cumulative effects

- Cumulative effect of the proposal with recently constructed housing sites and those currently under construction will not be realised until everything is built and occupied.

Other

- Increase crime and anti -social behaviour.
- Timing of application submitted during pandemic / amended plans and re-consultation carried out close to Christmas.

EXPIRY DATE OF APPLICATION: 01/10/2020

EXTENSION OF TIME AGREED: 16/6/2021

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the development of 102 affordable dwellings, access roads, open space and associated infrastructure on a Greenfield site which lies outside of the Prestatyn development boundary.
- 1.1.2 The proposed development includes a mix of terrace, semi-detached and detached properties, including single and two storey dwellings. Plans show dwellings would

predominately have brick facing walls with pitched tile roofs, with some properties having render to the front elevations.

1.1.3 The housing mix proposed is as follows:

Housing Type	No of units	Percentage
2 bed (semi-detached houses & bungalows)	30	29%
3 bed (terrace & semi-detached)	57	56%
4 bed semi-detached & detached houses & 1 detached bungalow)	15	15%
Total	102	100%

1.1.4 The Deliverability Statement confirms the applicant have agreed terms with a Registered Social Landlord to construct dwellings subject of this application for their purchase. Tenure is proposed to be a mix of social and intermediate rent.

1.1.5 Access into the site would be a continuation of the Ffordd Cae Felin estate road.

1.1.6 New internal estate roads and footpaths are proposed within the site, and parking would be provided for each unit.

1.1.7 The layout seeks to retain sections of existing important hedgerow within this site, with a small section of hedging and trees to be removed to facilitate the development.

1.1.8 A total of 0.62 hectares of public open space is proposed as sections of recreational open space adjacent to the wildlife along the western boundary, with a further sections of open space where existing hedgerow is to be retained.

1.1.9 In terms of landscaping, a wildlife buffer is proposed along the western boundary, which extends to 0.17ha in area and new planting is proposed within the site. A Landscape and Ecology Management Plan has been submitted

1.1.10 Foul water would connect to the mains sewer. Detailed drainage plans have been provided to show the likely connection point to the mains sewer.

1.1.11 Surface water drainage is proposed to discharge to the mains sewer. An onsite sustainable drainage system incorporating permeable paving and onsite attenuation storage facilities is proposed to attenuate surface water onsite, and then surface water would be discharged to the public sewer at a restricted rate to ensure flow is kept below Greenfield runoff rates.

1.1.12 The proposed site layout is shown on the plan below:



1.1.13 Example house types are below:

Detached:



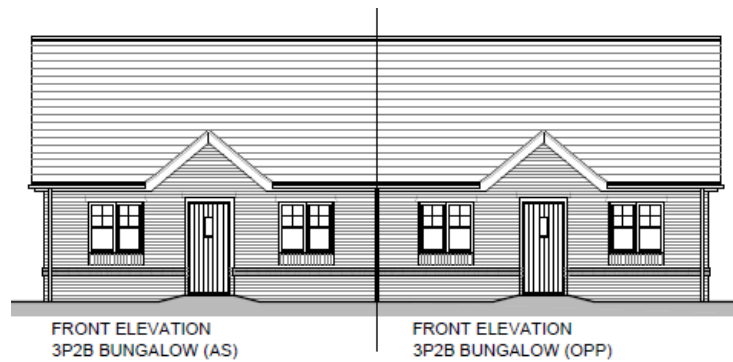
Semi detached:



Terraced:



Semi-detached bungalow:



1.2 Other relevant information/supporting documents in the application

1.2.1 In addition to the existing and proposed plans, the following documents have been submitted with the application:

- Arboricultural Impact Assessment
- Agricultural Land Classification Assessment confirms the land is Grade 3a.
- Ecology Report (Extended Phase 1 Habitat Survey)
- Flood Consequences and Drainage Assessment
- Heritage impact Assessment
- Landscape and Visual Impact Assessment
- Planning, Design and Access Statement
- PAC Report
- Transport Assessment
- Landscape and Ecology Management Plan
- Deliverability Statement.
- Flood Consequences Assessment Addendum
- Drainage plans

1.3 Description of site and surroundings

1.3.1 The site is made up of three agricultural fields situated on the edge of the Prestatyn development boundary with a residential housing estate to the north and east of the site.

1.3.2 There are existing trees and hedgerows within the site which delineate the boundary between the three fields, and the western boundary abuts a row of existing hedgerow and trees, with Plas Newydd Farmhouse (Grade II Listed Building) and Plas Newydd bungalow to the west.

1.3.3 A public right of way runs along the northern boundary which separates the site from rear gardens of dwellings along Ffordd Cae Felin and Cwrt Berllan, which are part of the larger housing estate to the north. A post and wire fence runs along the boundary with the public footpath.

1.3.4 To the east the site abuts rear gardens of residential properties along Alexandra Drive within the housing estate to the east, and the boundary is predominantly marked by a variety of domestic fencing and hedges.

1.3.5 To the south is a static caravan park.

1.3.6 The housing estate to the north is a modern early 21st Century housing estate made up of a mix of two storey detached, semi-detached and terraced properties which have brick facing walls and tiled pitched roofs, which are of a similar style and form.

1.3.7 Alexandra Drive to the east predominately made up of detached mid-20th century bungalows, with a small development of more modern semi-detached two storey properties at the cul de sac at the end of the Drive.

1.3.8 The plan below shows the site in relation to the surrounding area:



1.4 Relevant planning constraints/considerations

- 1.4.1 The site is outside of the Prestatyn development boundaries established by the LDP.
- 1.4.2 The land is Grade 3a Agricultural Land, and is therefore considered to be some of the best and most versatile agricultural land in Wales.
- 1.4.3 A Grade II Listed building, Plas Newydd Farmhouse, lies to the west of the site.
- 1.4.4 A Public Right of Way runs along the northern boundary of the site.

1.5 Relevant planning history

- 1.5.1 A previous planning application for 114 dwellings, which was put forward as a mixed market and affordable housing scheme, was submitted in 2019 but which was withdrawn prior to determination. The current application is for an amended scheme.

1.6 Developments/changes since the original submission

- 1.6.1 Amended plans and additional information has been submitted in response to the consultation responses above.
- 1.6.2 The changes to the scheme as shown on the amended plans include:
 - Reducing the number of dwellings from 106 to 102 dwellings;
 - Changes to the layout to retain more of the existing hedgerow within the site, and additional new hedgerow planting is also proposed;
 - Proposed dwellings along the eastern boundary have been re-positioned in order to achieve a 21 metres separation distance between the proposed dwellings and the existing houses along Alexandra Drive.
- 1.6.3 A Deliverability Statement has been submitted confirming that the developer is entering into a contract with Adra (Tai) Cyfyngedig, a Registered Social Landlord, to construct the dwellings for their purchase and the aim would be to complete the site within 3 years.
- 1.6.4 A Landscape and Ecology Management Plan has also been submitted, and lighting plans have been amended to ensure lighting does not have a detrimental impact on bats.

- 1.6.5 Amended plans were submitted in May 2021 which related to substitution of house types, however layout was unchanged. A set out of amended plans and documents were submitted to reflect the changes to house type.
- 1.6.6 Additional drainage plans were also submitted in May 2021 which sets out the detailed surface and foul water drainage proposed. Dwr Cymru, NRW, the Councils Drainage Officer and Regional Emergency Planning Team were re-consulted on the application, and any responses received which have not been reported under the consultation responses section above shall be recorded on the late sheets addendum report to be circulated prior to the Committee meeting.

1.7 Other relevant background information

- 1.7.1 The agent has confirmed that Adra (Tai) Cynfyngedig would be purchasing all of the units using Welsh Government grant funding under the Social Housing Grant (SHG) funding programme.

2. DETAILS OF PLANNING HISTORY:

- 2.1 43/2019/0629. Erection of 114 no. dwellings, together with associated roads, open space and related works. Application withdrawn on 15/05/2020.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

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

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA1 – New transport infrastructure

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Access For All](#)

Supplementary Planning Guidance Note: [Affordable Housing](#)

Supplementary Planning Guidance Note: [Conservation and Enhancement of Biodiversity](#)

Supplementary Planning Guidance Note: [Listed Buildings](#)

Supplementary Planning Guidance Note: [Parking Requirements In New Developments](#)

Supplementary Planning Guidance Note: [Planning Obligations](#)

Supplementary Planning Guidance Note: [Planning and the Welsh language](#)

Supplementary Planning Guidance Note: [Recreational Public Open Space](#)

Supplementary Planning Guidance Note: [Residential Development](#)

Supplementary Planning Guidance Note: [Residential Development Design Guide](#)

Supplementary Planning Guidance Note: [Residential Space Standards](#)

Supplementary Planning Guidance Note: [Trees & Landscaping](#)

3.2 Government Policy / Guidance

Planning Policy Wales Edition 11 February 2021

Development Control Manual (2016)
Future Wales – The National Plan 2040

Technical Advice Notes:

TAN2: Planning and Affordable Housing (2006)
TAN 5 Nature Conservation and Planning (2009)
TAN 12 Design (2016)
TAN 15 Development and Flood Risk (2004)
TAN 20 Planning and the Welsh Language (2017)
TAN 21 Waste (2017)
TAN 24 The Historic Environment (2017)

Dear Chief Planning Officer letters:

Increasing the delivery of affordable homes (8 July 2019)
Securing biodiversity enhancements (23 October 2019)
Changes to the planning policy and guidance on the delivery of housing (26 March 2020)
Local Development Plan (LDP) end dates (24 September 2020)

3.3 **Other material considerations**

Denbighshire County Council Local Housing Market Assessment, (July 2019)
Denbighshire County Council Joint Housing Land Availability Study 2020
Denbighshire County Council LDP AMR 2020
Denbighshire emerging replacement Local Development Plan Preferred Strategy and evidence base (including population forecasts)
Hedgerow Regulations 1997
Draft National Development Framework (NDF) (Future Wales)

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Loss of best and most versatile agricultural land
- 4.1.3 Visual amenity (including design & layout)
- 4.1.4 Density and housing type and mix
- 4.1.5 Residential amenity
- 4.1.6 Ecology
- 4.1.7 Drainage (including flooding)
- 4.1.8 Highways (including access and parking)
- 4.1.9 Open Space

- 4.1.10 Education
- 4.1.11 Impact on heritage assets
- 4.1.12 Impact on Welsh Language and Social and Cultural Fabric

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

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

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

Future Wales Policy 21 supports sustainable growth and regeneration in regionally important towns along the northern Coast, including Prestatyn.

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

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

LDP Policy BSC4 seeks to ensure, 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. BSC4 also states proposals for 100% affordable housing sites will only be considered on sites of 10 units or less.

PPW 11 at 3.60 states development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

PPW 11 at 4.2.25 states a community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.

The Welsh Ministers Dear Chief Planning Officer letter 'Increasing the delivery of affordable homes' (8 July 2019) makes clear the commitment to diversifying housing supply in Wales with the need to focus attention on the delivery of social housing

The Welsh Ministers Dear Chief Planning Officer letter dated 26 March 2020 removed the five-year housing land supply policy and replaces it with a policy statement making it explicit that the housing trajectory, as set out in the adopted LDP, will be the basis for monitoring the delivery of development plan housing requirements. The letter states this new approach will ensure that the monitoring of housing delivery,

including the response to under-delivery, is an integral part of the process of LDP preparation, monitoring and review.

There is detailed guidance in TAN2 and in the Affordable Housing SPG on the approach to provision and demand.

Representations from the Town Council, the public and the Council's Strategic Planning and Housing Officers raise significant objections to the principle of the proposal. The Strategic Housing and Planning Officer supports the principle of the proposal as a departure from the LDP due to the overriding need for affordable housing in the Prestatyn area.

The site lies outside of the Prestatyn development boundary as defined in the LDP, and is therefore considered to be open countryside in planning terms. National and local planning policy seeks to strictly control development in open countryside locations.

The site is however located on the edge of the Prestatyn development boundary where a range of local services are located, so the site could be considered to be sustainably located.

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

The application is for 100% affordable housing. LDP Policy BSC 8 Rural Exceptions sites makes provision for the consideration of 100% affordable housing sites outside of but adjacent to development boundaries. The policy does not apply to the identified lower growth towns of which Prestatyn is one so the application cannot be considered under this policy.

The proposal also exceeds the recommended threshold of 10% of the number of dwellings on a development in excess of 10 units under Policy BSC4.

The need for affordable housing is however well established throughout Denbighshire, and is a material consideration to be afforded weight. The LDP Annual Monitoring Report 2019 reports the LDP has under delivered on affordable housing over the plan period.

Prestatyn has the greatest need for affordable housing as identified in the published Local Housing Market Assessment (2019). The housing market information provided by the Strategic Housing and Planning Officer sets out in detail the need, but in summary, 59% of all households in the Prestatyn and Meliden housing market area cannot afford to rent or purchase a home on the open market. This is the highest level of need in Denbighshire. There are currently 1,716 unique applicants on the SARTH (social) housing list and 121 applicants on the Tai Teg intermediate housing waiting list. In the past 5 years, 28 affordable homes have been delivered in Prestatyn, under a variety of schemes including New Build, Homebuy and Empty Homes. 22 affordable homes have been delivered through the planning system which is 21% of all homes delivered in Prestatyn in the past 5 years.

National policy emphasises the need to increase the supply of affordable housing. Recent ministerial 'Dear Chief Planning Officer' letters, Future Wales and PPW identify that there is an exceptional need for affordable housing, and that this need is not being met through the general housing market.

Whilst the site lies outside of the Prestatyn development boundary and a residential development in this location would be contrary to the Local Development Plan, the under-delivery of affordable housing over the plan period and the overriding need for affordable housing in the Prestatyn area are considered to be material considerations to be afforded significant weight.

A Deliverability Statement has been submitted confirming that the developer is entering into a contract with Adra (Tai) Cyfyngedig, a Registered Social Landlord, to construct the dwellings for their purchase and the aim would be to complete the site within 3 years.

The agent has also confirmed in writing that Adra would be purchasing the units using Welsh Government grant funding under the Social Housing Grant (SHG) funding programme.

Where new affordable housing is funded through Welsh Government grants which restricts the award of the funds to affordable housing only, national policy states there is no need to duplicate controls at the planning application stage.

However in this case, whilst the properties would be built for purchase by a Registered Social Landlord using grant funding, the applicant is a private developer, and Officers consider it necessary to secure the affordable housing through legal agreement.

Given the scale of need for affordable housing in the Prestatyn area, Officers would consider the opportunity to deliver a significant amount of affordable housing in a sustainable location on land which abuts the Prestatyn development boundary would outweigh the adopted Local Development Plan in this instance, subject to the delivery of 100% of the properties being affordable being secured by condition and legal agreement. Officers have proposed conditions be imposed requiring the consent to be commenced within 3 years rather than the standard 5 year commencement period.

4.2.2 Loss of best and most versatile agricultural land

PPW 11 Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The Strategic Housing and Planning Officer has raised an objection to the proposal on the grounds of unjustified loss of best and most versatile agricultural land. Representations from the Town Council and the public also raise objections to the proposal due to loss of agricultural land.

An Agricultural Land Classification Report has been submitted with the application, which confirms a survey was carried out in March 2019, the results of which confirmed the site is wholly 3a agricultural land.

In accordance with the tests set out in the PPW to justify the loss of high grade agricultural land, the Planning, Design and Access Statement includes details of a sequential site assessment which has been undertaken and which considers other sites within, and on the edge of, the Prestatyn development boundary, including land allocated for housing at Midnant Farmstead, the Market Site, Gas Works Lane, and employment land at Warren Lane within the development boundary. Greenfield sites on the periphery of Prestatyn were also considered, but which were found to be of similar agricultural value to the application site, not available for development of insufficient size or to be locationally constrained due to green barrier or conservation area designations which were found to be more sensitive than the application site in landscape and visual terms.

Therefore, all sites which were considered were found to be either of equal agricultural value or more sensitively sited, constrained, or not readily available for housing development, and therefore the sequential site assessment concluded that there are no sequentially preferable, available sites either within or on the edge of Prestatyn development boundary that area capable of accommodating the proposed development.

The supporting information therefore provides an assessment of other potential sites of lower or equal grade in support of the application and Officers consider this assessment is to adequately address the issue of BMV land, and due to the overriding need for affordable housing in the Prestatyn area, the loss of 3a agricultural land is considered to be justified in this instance.

4.2.3 Visual amenity (including design & layout)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

Representations from members of the public have raised concerns on visual amenity grounds.

The site is an existing agricultural field on the edge of the development boundary of Prestatyn, with housing developments to the north and east and a caravan park to the south. To the west lies a Grade II Listed farmhouse and farming buildings and fields.

The proposed development would comprise a mix of terrace, semi-detached and detached two storey properties and bungalows with brick facing walls and pitched tiled roofs, with some properties having mix of brick and render to the front elevation to add detail. A materials schedule has been submitted with the application.

An LVIA has been submitted with the application which considers the impact of the proposal on landscape character and visual amenity, and includes an assessment of impact from a number of viewpoints, which concludes that, subject to the landscaping scheme being implemented, the proposal would not have an unacceptable impact on visual amenity or landscape character.

The site is outside any development boundaries, however it is acknowledged that it is broadly enclosed by existing built development and its development would not appear as an illogical encroachment into open countryside and the development would most likely appear as an extension to the modern housing estate to the north, and accordingly the proposal would not be out of keeping with the character of the immediate locale of the site.

The layout is that of a typical modern housing estate, and housing types are spread throughout the site so that the development appears as a homogenous development proposal.

The landscaping scheme includes provision of public open space along the western boundary with existing hedgerow within the site largely being retained. Additional

planting is proposed throughout the site. A Landscaping and Ecology Management Plan has been submitted.

Notwithstanding the concerns raised by public representations, having regard to the location, siting, scale and form of the development and the conclusions of the LVIA, subject to landscaping conditions being imposed, Officers do not consider the proposal would give rise to unacceptable impacts on landscape character and visual amenity.

4.2.4 Density and housing type and mix

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.

The main Local Development Plan Policy which refers to housing type and mix in new development is Policy BSC 1. The policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages, and sets out an expectation on developers 'to provide a range of house sizes, types and tenure to reflect local need and demand and the results of the Local Housing Market Assessment'

Whilst the site is not within the development boundary, Officers nevertheless consider matters the density and housing mix requirements expressed in the policies above to be material.

The Council has recently published a Local Housing Market Assessment (LHMA) (July 2019).

Developers are encouraged to include a mix of housing sizes to reflect this need as well as the aspiration for additional bedrooms. Table 24 within the LHMA defines the recommended mix of market housing types on residential sites.

The Council's Strategic Planning and Housing Officer has advised the proposed density is considered acceptable.

The table below compares the proposed housing mix against the suggested mix in the Local Housing Market Assessment.

Housing Mix				
	1 + 2 bed	3 bed	4 bed+	Total
LHMA Recommending Housing Mix (Market Housing)	30%	35%	35%	100%
Alexandra Drive proposal	29%	56%	15%	100%

It is noted however that the Local Housing Market Assessment suggested mix relates to market housing schemes, whereas the proposal is for a 100% affordable housing scheme.

The Strategic Planning and Housing Officer has advised that the greatest affordable need is for 2 bed and 3 bed properties.

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

4.2.5 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The Residential Design Guidance and the Residential Development SPG offers advice and guidance on the principles to be adopted when designing new residential development.

The Residential Space Standards SPG specifies minimum internal floorspace standards for new developments and requires that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Representations from members of the public have raised concerns on residential amenity grounds in terms of loss of light, overlooking and overbearing impact.

To the north, a public footpath lies between the site and the curtilage of residential dwellings along Ffordd Cae Felin and Cwrt Berllan. To the east the site abuts the rear residential gardens of properties along Alexandra Drive, to the south the site abuts a caravan park and the rear garden of a dwelling at 52 Ffordd Ffynnon, and to the west lies the Plas Newydd farmhouse and bungalow residences.

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

In terms of privacy and overlooking, the Residential Development SPG at 6.41 states "Extensions and new built houses should not overlook neighbouring houses or gardens. If habitable rooms such as bedrooms, living rooms, studies or kitchens are proposed on the first floor or above, care should be taken to avoid direct overlooking from windows and balconies particularly where the extension is close to the boundary. In some cases such as sloping sites, care should be taken to avoid overlooking from ground floor extensions." At 6.43 it states that "Where a proposed window to a lounge, dining room, bedroom or kitchen will directly face a similar window or a neighbouring property the distance between them should be at least 21 metres in a back to back situation. Where direct overlooking of a lounge, dining room, bedroom or kitchen can be avoided by the positioning of the windows then the distance can be a minimum of 18 metres."

A 21m set back has been maintained between dwellings within the site and between proposed dwellings and existing dwellings to the north and south.

Amended plans have also been submitted during the course of the application which sought to reposition dwellings along the eastern boundary to ensure a 21m separation distance between proposed dwellings and existing dwellings along Alexandra Drive was achieved.

Properties along Alexandra Drive are predominately bungalows, and whilst the ground is undulating, Officers consider a separation distance of 21m in this instance is sufficient to protect the amenity of occupiers of properties along Alexandra Drive from unacceptable levels of overlooking and to avoid the proposal giving rise to an overbearing impact when viewed from these properties and from private back gardens.

Officers acknowledge that the proposed development would inevitably affect the outlook and sense of openness currently enjoyed by occupants of neighbouring properties, however a private view is not a material planning consideration. Whilst the amenity of neighbouring properties will be impacted by the proposed development, having regard to the layout and the separation distances proposed, the level of harm is not considered to be sufficient to justify a refusal on residential amenity grounds.

4.2.6 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 6.4), 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.

This reflects policy and guidance in PPW 11 Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

PPW 11 sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4)

The Hedgerows Regulations 1997 are intended to protect important hedges in the countryside from destruction or damage. Under the Hedgerow Regulations, to be deemed 'important' a hedgerow must meet one or more of the criteria contained in Part II of the Regulations.

Representations have been received from the Town Council and members of the public raising objection on ecological grounds. NRW have raised no objection. Following submission of amended plans, the Ecology Officer has raised no objection to the proposal subject to conditions being imposed.

The layout has been amended during the course of the application which now show a significant proportion of existing important hedgerow within the site is retained and additional planting is proposed within the site. A wildlife buffer is proposed along the western boundary and a Landscape and Ecology Management Plan has been submitted. Lighting plans have also been amended to ensure illuminance of lighting within the site is designed to minimise impact on bats.

Having regard to the amended plans and the supporting documents submitted, subject to conditions being imposed, Officers do not consider the proposal would adversely impact on ecological interests.

4.2.7 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned,

and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Representations from the Town Council and members of the public have raised objection to the proposal on grounds of drainage and an increased risk of flooding.

The Council's Drainage Engineer has confirmed the site would require SAB approval, but has not provided comment on the principle of the surface water drainage.

NRW have raised no objections on flood risk grounds.

Dwr Cymru has raised no objection to the principle of the proposed drainage arrangements, subject to conditions being imposed.

Flood risk and drainage proposals are considered below.

Flood Risk:

The site is located within Zone A flood risk zone, which TAN15 defines as areas which are considered to be at little or no risk of fluvial or tidal/coastal flooding.

A Flood Consequences and Drainage Assessment has been submitted and which considers the risk of tidal, fluvial, surface water and groundwater flooding, and which considers the risks of flooding are acceptable subject to finished floor levels being set 0.15 m above adjacent ground levels.

The FCA Addendum states that, as the proposed surface water drainage proposals for the site include for onsite attenuation to retain flows in excess of the Greenfield runoff rates, this would result in a reduction in offsite surface water flow during periods of rain, and therefore the proposal would not result in an increase of flood risk offsite.

Drainage:

Foul water is proposed to discharge to the mains sewer. Dwr Cymru have confirmed there is sufficient capacity to accommodate the development.

The FCA Addendum states surface water drainage is proposed to discharge to the mains sewer as ground conditions are not suitable to discharge water to ground, and discharge to an offsite watercourse is not feasible due to distance and third party land ownership constraints.

Due to the site topography and the proposed site layout, two surface water discharge connections are required. The first connection would be to the north-east into existing manhole located off Cwrt Berllan. The second connection would be to the north-west into existing manhole located in Ffordd Cae Felin at the development entrance.

An onsite sustainable drainage system is proposed which incorporates permeable paving and on-site attenuation storage facilities. Surface water would then be attenuated onsite, and discharge to the public sewer would be restricted to not exceed Greenfield runoff rates.

With respect to the concerns raised by local residents on drainage and flood risk grounds, having regard to the absence of objections from statutory consultees regarding the principle of the proposal, the proposed foul and surface water drainage arrangements and the findings of the Flood Risk and Drainage Assessment, Officers conclude the proposal would not give rise to unacceptable impact on flood risk, subject to the flood risk mitigation measures set out in the Flood Consequences Assessment being secured by condition.

1.1.1 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 2 of the LDP identifies that schemes may be required to provide or contribute to the following;

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

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 PPW 11 and TAN 18 – Transport, in support of sustainable development.

Representations have been received from the Town Council and local residents raising objections to the proposal on highway safety grounds. North Wales Fire Service has advised that internal roads should be wide enough for emergence service vehicles to manoeuvre.

Highways Officers have confirmed the internal roads are suitable for emergency vehicles and, have advised the following:

Capacity of Existing Network

As part of the detailed Transport Assessment provided by the developer, three junctions were assessed on request of the Highways Authority. These included Ffordd Penrhwylyfa / Ffordd Pant Y Celyn junction, Ffordd Penrhwylyfa / Ffordd Fynnon / Ffordd Isa junction and A548 Victoria Road / Ceg Y Ffordd Signalised Junction. As per typical guidance, a future assessment year of 2025 has been adopted for the Transport Assessment (i.e. based on the year of application + 5 years for developments outside of the strategic road network). The capacity assessments have been undertaken in 2025 'with' and 'without' development scenarios.

The Highways Authority also requested the Transport Assessment to take into account the residential development at Mindale Farm, Meliden (Application Reference: 43/2018/0750). The development traffic flows have been obtained from the submitted Transport Assessment for the aforementioned development and input through the Transport Assessment study area.

Ffordd Penrhwyfya / Ffordd Pant Y Celyn junction and the A548 Victoria Road / Ceg Y Ffordd Signalised Junction have both been shown to operate within the practical capacity threshold.

The Transport Assessment shows the Ffordd Penrhwyfya north approach to the Ffordd Penrhwyfya / Ffordd Fynnon / Ffordd Isa junction is anticipated to operate over its practical capacity during the AM peak period, without the proposed development in place. However with the additional volume of traffic generated by the new development the assessment threshold and queue length is not predicted to materially increase.

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity. However, due to the increase in traffic along the existing road network and in particular Ffordd Penrhwyfya, the Highway Authority considers additional traffic calming along Ffordd Penrhwyfya is necessary to ensure the proposal doesn't result in any adverse harm to highway safety.

Accessibility

A detailed assessment of the accessibility of the site by non-car modes of transport has been provided in the Transport Assessment. As summarised in the assessment, the site is considered to be well served by all major non-car modes of transport. Additional access points onto the Public Right of Way are also proposed.

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

Site Access

Vehicular access to the development is proposed via an extension to Ffordd Cae Felin. Pedestrian and cycle access into the site will be provided at the same location as the vehicular access. The existing PROW will be incorporated into the extension to Ffordd Cae Felin.

Considering the access point is an extension to an existing highway, the visibility standards set out in Annex B TAN 18 have not been taken into account.

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

The proposed site has a main internal estate road measuring 5.5m in width with access to more minor residential cul-de-sacs reducing to 4.8m. 2.0m footways/service margins will be provided throughout the site. In order to demonstrate that the site can be serviced sufficiently, swept path analysis of a large 4-axle refuse vehicle has been undertaken at the turning heads within the site. The swept path analysis demonstrates that a vehicle of this size can turn within the site at appropriate points, and exit the site in a forward gear.

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

Having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the proposed development subject to a financial contribution to cover cost of necessary traffic calming along Ffordd Penrhwyfya being secured and to the following conditional controls:

Conclusion:

Officers consider a financial contribution to cover cost of traffic calming measures along Ffordd Penrhwyfya can be adequately secured by way of a legal agreement.

Whilst acknowledging the concerns of the Town Council and local residents regarding traffic and congestion along roads leading to the site, and in particular the Ffordd Penrhwylna north approach to the Ffordd Penrhwylna / Ffordd Fynnon / Ffordd Isa junction which the Transport Assessment acknowledges already operates over its practical capacity during the morning peak period, Highway Officers are of the view that the additional traffic from the proposed development would not materially increase the volume of queuing traffic at peak times at this junction. Having regard to the findings of the Transport Assessment and the detailed assessment carried out by Highway Officers, Officers would conclude the proposal would not give rise to unacceptable impact on highway safety, subject to traffic calming measures being secured.

1.1.2 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space.

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

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity, quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis.

In relation to the application, the Open Space Assessment shows there is a deficiency of open space in Prestatyn.

On the basis of 102 dwellings, the following Community Recreational Open Space (CROS) and Children's Play Space (CPA) is required.

Total Number of Units	102
TOTAL OCCUPANCY	234.6
TOTAL OPEN SPACE REQUIREMENT	5630.4 Square metres
CROS	3753.6 square metres
Children's	1876.8 square metres

A total of .056 hectares is therefore required.

A total of 0.63 hectares is proposed within the development, which is proposed as community recreational open space which exceeds the requirement of 0.56hectares.

Whilst a children's play space is not proposed within the development, Officers would note that there is a fully equipped children's play area and sports facility situated on Ffordd Pantycelyn approximately 100m to the north of the proposed development.

The Landscape and Ecology Management Plan includes details of short and long term management of the public open space

Given that the public open space provision exceeds the requirements of the SPG and the proximity to an existing equipped children's play area, subject to conditions being imposed to secure details of management and maintenance, Officers consider the public open space provision is acceptable.

1.1.3 Education

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

The Planning Obligations SPG states that Education 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.

Representations have been received from the Town Council and the public raising concerns in relation to the impact of the proposal on local services and schools.

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

1.1.4 Impact on heritage assets

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

PPW 11 Section 6 'Distinctive and Natural Places' refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest; and Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a local planning authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

The Conservation Officer has advised that the wildlife corridor and public open space along the western boundary of the site will provide a sufficient buffer to protect the setting of the listed building. Following submission of amended plans which seeks to

retain the majority of the important hedgerow on site, CPAT have no objection to the proposal.

A Heritage Impact Assessment (HIA) has been submitted which considers the impact of the proposal heritage assets including Plas Newydd Grade II Listed Building to the west of the site. The HIA confirms the impact of the proposal on the setting of Plas Newydd would be minor.

The site comprises three fields with substantial hedgerow and the HIA records the field boundaries within the site are depicted on the 1839 tithe survey, and therefore pre-date the Enclosures Act and are likely to be contemporary with the 17th-century Plasnewydd Farmhouse. The HIA and CPAT in their consultation response have confirmed these hedgerows would therefore meet the criteria of the Hedgerow Act 1997 as 'important'

Amended plans have been submitted which show the majority of the existing hedgerow would be retained within the site and incorporated into public open space.

Subject to conditions to ensure hedgerow and wildlife buffer are maintained, the proposal is not adjudged to give rise to any unacceptable impact on heritage assets.

1.1.5 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 PPW 11, TAN 20 and LDP Policy RD5.

TAN 20 provides the most up to date guidance on the consideration of the Welsh Language.

The site lies outside development boundaries and is therefore a windfall site for the purposes of TAN20.

The Strategic Planning and Housing Officer has noted that in the 2011 Census that 15.1% of the residents of Prestatyn were Welsh speaking, one of the lowest percentages in Denbighshire.

It is also noted affordable housing will be allocated to local households based on the local letting policy of the Registered Social Landlord which should not affect the linguistic and cultural make-up of the area.

Having regard to the comments of the Strategic Planning and Housing Officer, it is not considered that this development proposal will have a significant impact on the linguistic and cultural character of the area.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that

there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2. SUMMARY AND CONCLUSIONS:

- 2.1 The site lies outside of the development boundary of Prestatyn as defined in the adopted Denbighshire Local Development Plan (LDP) and consequently the principle of development on this land is considered contrary to local and national planning policy.
- 2.2 Planning Policy Wales (Edition 11) Section 1.22 states that “planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.
- 2.3 A significant number of objections have been received from Prestatyn Town Council and Members of the public raising a number of concerns on grounds of principle, visual amenity, residential amenity, flood risk and drainage, highway safety and increased traffic and ecological impacts.
- 2.4 Given the scale of need for affordable housing in the Prestatyn area, Officers would consider the opportunity to deliver a significant amount of affordable housing in a sustainable location on land which abuts the Prestatyn development boundary would outweighs the adopted Local Development Plan in this instance, subject to affordable homes being secured by condition and legal agreement. Officers have proposed conditions be imposed requiring the consent to be commenced within 3 years rather than the standard 5 year commencement period. The principle is therefore considered to be acceptable.
- 2.5 Notwithstanding the objections raised, Officers consider adverse impacts identified can be mitigated through the imposition of conditions.
- 2.6 .It is therefore recommended that Members resolve to grant planning permission as a departure from the Local Development Plan subject to:-
 - A. Completion of a Section 106 Obligation / Unilateral Undertaking (UU) to secure housing as affordable in perpetuity and to secure a financial contribution towards traffic calming measures along Ffordd Penrhwyfa (amount to be agreed).

The precise wording of the agreement would be a matter for the legal officer to finalise. In the event of failure to complete the 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 agreement.

- B. 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 16th June 2023
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Landscape and Visual Impact Assessment (P.1157.19B) received 19 November 2020
 - (ii) Landscape proposal (Drawing No. P.1157.19.16C) received 17 May 2021
 - (iii) Planting Plan (Drawing No. P.1157.19.17C) received 17 May 2021
 - (iv) Topographical survey (Drawing No. 9778-1A 30.08.17 - 1-4) received 13 July 2020
 - (v) Proposed site plan (Drawing No. ALXPR-SP01 Rev. G) received 17 May 2021
 - (vi) Location plan (Drawing No. ALXPR-LP.01) received 13 July 2020
 - (vii) Housetypes - floor and elevations (Rev. B) received 17 May 2021

- (viii) Lighting layout (Drawing No. 21810-D-01C) received 17 May 2021
- (ix) Outdoor lighting report (Drawing No. 21810-A-01C) received 17 May 2021
- (x) Material schedule (Rev. B) received 17 May 2021
- (xi) Transport Assessment - March 2021 received 17 May 2021
- (xii) Landscape and Ecology Management Plan (Rev. A) received 17 May 2021
- (xiii) Flood Consequences and Drainage Assessment v1.4 received 17 May 2021
- (xiv) Heritage Impact Assessment (CPAT_1719-2a) received 17 May 2021
- (xv) Deliverability Statement received 17 May 2021
- (xvi) Planning Design and Access Statement V4 received 17 May 2021
- (xvii) Ecology Report (Extended Phase 1 Habitat Survey March 2019, Cheshire Ecological Services Ltd) received 13 July 2020
- (xviii) Arboricultural Impact Assessment P.1157.19 Rev. D received 17 May 2021
- (xix) Agricultural land specification received 13 July 2020
- (xx) Engineering Appraisal (Drawing No. 10-01 Rev. P1) received 17 May 2021
- (xxi) Longitudinal Sections 1 of 3 (Drawing No. 10-02-01 Rev. P1) received 17 May 2021
- (xxii) Longitudinal Sections 2 of 3 (Drawing No. 10-02-02 Rev. P1) received 17 May 2021
- (xxiii) Longitudinal Sections 3 of 3 (Drawing No. 10-02-03 Rev. P1) received 17 May 2021
- (xxiv) PDS Manhole Schedules (Drawing No. 10-03 Rev. P1) received 17 May 2021
- (xxv) Cut and Fill Volumetrics (Drawing No. 10-04 Rev. P1) received 17 May 2021
- (xxvi) FCA Addendum (dated 1st April 2021) received 17 May 2021

3. All dwellings hereby approved shall be provided and retained as affordable and no dwelling shall be permitted to be sold, rented or occupied as market housing at any time.

4. **PRE-COMMENCEMENT CONDITION**
 No site clearance or construction works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works;
 - c) the hours of site works and deliveries;
 - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary;
 - e) the location of areas designated for the loading, unloading, and storage of plant and materials;
 - f) the proposals for security fencing or hoardings around the site;
 - g) pollution prevention and control measures, including measures to control the emission of dust and dirt and to prevent pollution of watercourses;
 - h) the measures to minimise noise and disturbance to neighbouring properties;
 - i) wheel washing facilities;
 - j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - k) any proposed external lighting;
 - l) the piling methods, in the event that this form of foundation construction is proposed.
 The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

5. **PRE-COMMENCEMENT CONDITION**
 Prior to the commencement of the development, the detailed layout, design, means of traffic calming within the development / along Ffordd Penrhwyfya, street lighting, signing, drainage / construction of the internal estate road/ access to the site, footway links and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.

6. The development shall be carried out in accordance with the Flood Risk Mitigation Measures contained in Chapter 5 of the Flood Risk and Drainage Assessment (Westwood Final Report v1.4 November 2020) received on the 17th May 2021.

7. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a fully detailed scheme of foul drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the occupation of the first dwelling.

8. The areas of public open space shall be managed and maintained in strict accordance with the approved Landscape and Ecology Management Plan (Rev A) received 17 May 2021.
9. No dwellings shall be permitted to be occupied until details of the management company who will be responsible for carrying out the long term management and maintenance of the public open space as set out in Sections 6, 7 and 8 of the approved Landscape and Ecology Management Plan (Rev A) has been submitted to and approved in writing by the local planning authority.
10. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
11. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
12. Prior to the occupation of any dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the first occupation of any dwelling.
13. Prior to the first occupation of any dwelling, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The ECA shall be completed in accordance with the submitted details.
14. Access for hedgehogs (of at least one 13cm x 13cm opening per garden) shall be made at ground level through the fencing used to separate the gardens of each property, to allow the movement of hedgehogs throughout the site.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 and to ensure the development delivers affordable housing expediently to address current shortfall in affordable housing in Prestatyn.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To secure housing as affordable in perpetuity.
4. In the interests of the safety and the free flow of traffic on the adjoining highway, pollution prevention and control, and to protect residential amenity of neighbouring properties.
5. 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.
6. To ensure relevant measures are undertaken to limit any risks arising from flooding.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and in the interests of flood risk management.

8. In the interests of visual amenity, nature conservation and to ensure ecological mitigation and enhancement measures are provided.
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10. In the interests of visual amenity.
11. In the interest of visual amenity.
12. In the interests and visual and residential amenity.
13. In the interests of nature conservation and to ensure ecological mitigation and enhancement measures are provided.
14. In order to protect ecological interests.