

01/2021/0950



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View of the site facing east towards  
Denbigh





View of the site facing north  
towards Ysgol Pendref







Site access from the top of Gwaenynog Road







Location plan





Proposed site  
plan





1 bed flats



Eg Semi detached 2 bed



Eg semi detached 3 bed







Eg. Detached 3 bed



Eg. semi detached 3 bed



Eg. detached 3 bed





Eg. detached 4 bed



**WARD :** Denbigh Upper / Henllan

**WARD MEMBER(S):** Cllr Glenn Swingler

**APPLICATION NO:** 01/2021/0950/ PF

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

**LOCATION:** Land Adjacent Ysgol Pendref, Gwaenynog Road, Denbigh

**APPLICANT:** Mr Matt Christie, Castle Green

**CONSTRAINTS:** PROW

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**DENBIGH TOWN COUNCIL**

'Objection on the following grounds:

- Insufficient infrastructure in Denbigh to accommodate such a large amount of new properties. This is to include Highway issues, lack of dentists, doctors' surgery availability and spaces in local schools.
- Destruction of historic hedgerow.
- Properties not required in Denbigh – unaffordable for the residents of Denbigh.
- Entrance is not suitable for the location – may prove dangerous.
- Does not help the Carbon footprint.
- Insufficient affordable housing in the location – should be around 45%'

**CLWYD- POWYS ARCHAEOLOGICAL TRUST**

There are no recorded archaeological sites within or adjacent to this development area and it lies well to the west of the medieval and later historic core of Denbigh. The early OS mapping and tithe mapping indicate no earlier historical features other than a former barn on the south side of the road, which lies beyond the development area. The NRW 1metre lidar data here indicates a ploughed agricultural field with no visible earthworks. Overall, the archaeological potential of the field is low and we would have no archaeological requirements in this case.

**NATURAL RESOURCES WALES**

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

**DWR CYMRU / WELSH WATER**

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

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

No concerns raised regarding the method for foul drainage proposed.

#### COUNTRYSIDE PROTECTION FOR RURAL WALES

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

#### WALES AND WEST UTILITIES-

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

#### NORTH WALES POLICE-

Plots #66, 67 and 68 back onto a footpath down the side of Plot 38. Recommend the rear boundaries of plots 66-68 are raised by 2m by means of an additional trellis topper or 2m panels.

The path between Plots 52 and 53 compromises the security of Plots 47, 48, 50, 51, 52 and 53. This can be remedied by the addition of a lockable self-closing gate on the path. Ditto for the paths between 57 & 58, 78 & 79, 82 & 83, 92 & 93.

#### BETSI-CADWALADER HEALTH BOARD

No comments received.

#### CHIEF FIRE OFFICER

No comments received.

#### SCOTTISH POWER

No comments received.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

##### - Highways Officer-

No objection in principle subject to suitable conditions being imposed. A more detailed response will be provided following receipt of the requested information discussed on site.

##### - Footpaths Officer

Public path 74 (FP) runs along the western edge of the site along the private access to Lodge Farm but outside of the development site. This path / drive has in the past been well used and also serves as a busy access road to the farm. Whilst the developer's layout indicates access from the site will only be onto the public road, only at that point can residents of the estate then access path 74 and then to walk along the shared drive. If a new and additional access point can be formed leading out of the development at the opposite end of the site passing through the boundary and onto path 74 this would enable those residents at the top (north end) of the site a more direct access to the path, adding to improving health and wellbeing and active travel opportunities for residents avoiding what may be an alternative to try to cross nearby fields to reach the path rather than walk all the way towards the provided access point.

This may make the shared use drive safer by reducing the numbers of residents having to start at the point the drive connects to the main road and walking the whole distance.

##### - Drainage Officer/Flood risk engineer -

SAB Approval will be required.

No objection in principle following site visit. Formal response from Lead Flood Risk Officer pending.



- Public Protection Officer-

No objection but recommend that a construction management plan is submitted for approval prior to the commencement of any works on the site in order to protect the amenity of neighbouring residential properties.

- County Ecologist-

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

- Strategic Housing & Policy Officer-

- The site is within the development boundary for Denbigh and the site is allocated for housing under Policy BSC1. The development will assist in meeting the identified housing need in the County.
- The housing density is considered to be acceptable.
- The affordable housing mix has been agreed with the Council's Programme Manager for Housing Development to reflect the social housing need in the area and is considered to be acceptable.
- The affordable housing is distributed throughout the development which is welcomed however the dwellings proposed do not meet the size set out in the Beautiful Homes and Spaces Standards.
- The market housing mix is dominated by 3 bedroom dwellings which is considered to be acceptable.
- The design should incorporate renewable energy generation technologies and consider reorienting the dwellings to face south to reduce energy requirements.
- Open space is not to be provided on site which is acceptable providing a commuted sum of £136,093.76 is paid towards the existing open space in the area.
- No education contributions are required as there is sufficient space in the local primary and secondary schools to accommodate the development.
- The transport assessment required updated as it does not take account of traffic generation flows from the development site the other side of Ysgol Pendref.
- There is potential to improve the pedestrian access to Mount Wood as a community benefit from the development
- CPAT to advise on the best course of action regarding a geophysical survey

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

MS Llyr Gryffydd, Plaid Cymru, The Party of Wales

Peter Barraclough, 3 Lloyd Aenue, Denbigh  
Michael Ridder, 44 Lon Llewellyn, Denbigh  
Clwyd Roberts, 64 Bryn Garth, Denbigh  
Peter and Menna Jones, Rofft, Grove Road, Denbigh  
Helga Viswanathan, 63 Bryn Garth, Denbigh  
Heidi Ridder Jones, 63 Bryn Garth, Denbigh

Petition of 68 signatures in agreement with Heidi Ridder Jones of 63 Bryn Garth, Denbigh objecting to the development being built on the best and most versatile agricultural land, the destruction of ancient hedgerows and established ecosystems and the displacement of wildlife, the increased pressure on local infrastructure and services, the increase in harmful emissions and the negative effect on the Welsh Language.

Summary of planning based representations in objection:

*Principle*

North Wales Hospital site already approved houses don't need more in Denbigh  
Housing not suitable for local people  
No overriding need for the development  
Principle of why the land was included in the LDP in the first place given its high grade land classification.

*Density*

Overdevelopment of the plot by the number of dwellings proposed on the area of land.

*Loss of high grade agricultural land*

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

*Affordable housing*

Not enough provided for local people in the development  
Only 22 affordable homes provided

*Residential Amenity*

Concerns regarding overbearing impact of dwellings and loss of sunlight  
Well-being impacts due to loss of natural area and biodiversity

*Highways*

Concerns over increased in number of vehicles in upper Denbigh.  
Infrastructure in Denbigh can't cope with the increase in vehicles  
Safety concerns regarding the roads and accidents involving property.  
The bend on the road and speed of traffic and farm vehicles exceeding the speed limit are a cause for concern.  
Average speed is above the limit as recorded by a DCC Highways Officer and traffic calming measures should be put in place up the road towards Groes  
Concerns over traffic volume and use of Gwaenynog Lane coping with 2 way traffic  
The access to the site is not suitable  
Concerns involving two way traffic and close proximity to the school  
Flow of traffic through Lenten Pool which is already dangerous for vehicles and pedestrians  
No active travel routes provided, due to uphill walk, unlikely that people will choose to walk to the town centre.  
Concerns over the access through the school to the public  
Out-dated speed survey from 2018

*Pressure on local services*

Pressure on local schools, doctors, dentists, sewerage and other support services within the town which are at capacity for the existing population without added homes.

*Ecology*

Loss of important ancient hedgerow protected under the Hedgerow Regulations (1997)  
No green spaces within the development  
The mitigation measures will not enhance the biodiversity at the site and are not adequate  
Barn owls use and other protected birds not mentioned in the ecology report use the site  
Loss of insect populations

*Environment*

Council declared a Climate Emergency which was adopted in 2021 this application goes against the principles of this policy and should be taken into account.  
Emissions for the additional cars damaging public health and the environment  
Air pollution impacts to nearby primary schools and residents  
Excavating green fields releases carbon stored in the soil enhancing global warming

*Flood risk*

Concerns over flood risk as drains can't cope with the volume of surface water down Gwaenynog Road and outside the school  
Flooding to the bottom of Henllan Street due to the slope of the land.

*Other*

Second home ownership increasing prices of housing for local people  
Concerns over siting of substation near to school

*Welsh Language impacts*

Diluting the Welsh Language by people moving into the area not able to speak Welsh

**RECONSULTATION RESPONSES:**

DENBIGH TOWN COUNCIL

No comments received.

NATURAL RESOURCES WALES

Previous comments stand.

DWR CYMRU / WELSH WATER

Previous comments stand.

COUNTRYSIDE PROTECTION FOR RURAL WALES

Previous comments stand.

WALES AND WEST UTILITIES-

Previous comments stand.

NORTH WALES POLICE-

Previous comments stand.

BETSI-CADWALADER HEALTH BOARD

Previous comments stand.

CHIEF FIRE OFFICER

Previous comments stand.

SCOTTISH POWER

Previous comments stand.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer-

No objection subject to conditions.

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

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

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

- Site Plans
- Transport Assessment
- Road Safety Audit

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

## **Capacity of Existing Network**

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

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

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

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

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

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

## **Accessibility**

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

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

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

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

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

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

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

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

### **Site Access**

Criteria vii) of Policy RD 1 of the Denbighshire Local Development Plan (LDP) requires that developments provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles. In order to comply with this requirement site accesses should meet relevant standards. Technical Advice Note 18: Transport (TAN 18) specifies at 5.11 that new junctions must have adequate visibility and identifies Annex B as providing further advice on required standards.

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

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

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

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

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

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

Specific design guidance is contained within the following documents;

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

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

this size can enter the site via the site access, turn within the site at appropriate points, and exit the site in a forward gear.

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

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

- Footpaths Officer

Previous comments still stand.

- Drainage Officer/Flood Risk Officer

The Henllan Brook watercourse has sufficient capacity to accept flows from the proposed development adjacent to Ysgol Pendref, Denbigh, provided discharge rates are maintained at or below greenfield runoff rates. The site drainage will require approval from the SuDS Approving Body (SAB). In addition, the proposed connection to Henllan Brook will require Ordinary Watercourse Consent.

- Biodiversity Officer-

Previous comments still stand.

- Tree Consultant-

The proposal will have a minimal impact on the trees and the scheme is acceptable providing the contents of the tree report by Ascerta are complied with and the report is included within the approved list of plans and documents. Recommend a condition is attached requiring compliance with the Arboricultural Impact Assessment.

**EXPIRY DATE OF APPLICATION: 17/11/2021**

**EXTENSION OF TIME AGREED: 11/03/2022**

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

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations on amended plans and additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application seeks permission for the erection of 110 dwellings including 22 affordable homes and formation of a new access at land adjacent to Ysgol Pendref, Denbigh.
- 1.1.2 The site is an allocated housing site under Policy BSC1 within the adopted Local Development Plan. There is a proposal Site Development Brief adopted for the site and another parcel of land nearby which has already commenced development.
- 1.1.3 The affordable housing mix would equate to 20% of the 110 dwellings proposed which are proposed to be 'pepper potted' throughout the development. Tenure for the 22 affordable dwellings is proposed to be for social rent.
- 1.1.4 The proposed development will comprise the following housing mix:



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

House Types:

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



*Brick*



*Render to front elevation*

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



*Brick*



*Render*

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



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



*Brick*

*Render*

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



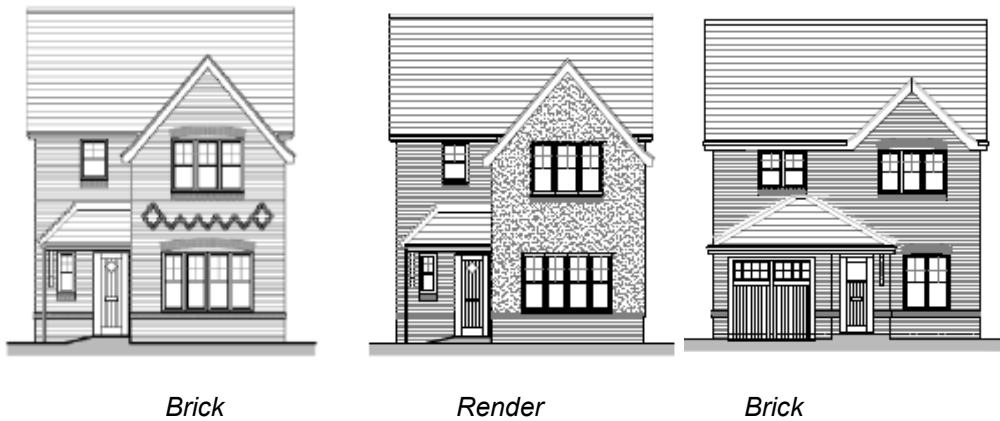
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16 no. 3 bed semi detached properties (Open Market Homes)



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



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



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

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

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

## 1.2 Other relevant information/supporting documents in the application

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

## 1.3 Description of site and surroundings

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



*Access to the site from Gwaenynog road*



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

#### 1.4 Relevant planning constraints/considerations

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

#### 1.5 Relevant planning history

- 1.5.1 No recent planning history at the site. There is a site development brief developed for the site produced at the time the LDP was adopted.

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

- 1.6.1 Updated planning statement and D&A confirming the density and size of the affordable dwellings. Updated site layout plan incorporating amended access layout and pedestrian links to road near the school entrance. Updated house types, layout, landscaping and submission of additional information regarding flood risk, arboricultural impacts and transport impacts.

#### 1.7 Other relevant background information

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

## 2. DETAILS OF PLANNING HISTORY:

2.1 None

## 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 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 VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA1** – New transport infrastructure

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

**Policy ASA3** – Parking standards

### 3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning for Community Safety

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Planning and the Welsh language

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

### 3.3 Site Development Brief: Residential Development

Summary:

- The Development Brief is a material planning consideration in the determination of any planning application on the Site;
- The Site is located in the settlement boundary of Denbigh;
- Development of the Site should raise design standards and apply the objectives of good design set out in TAN12;
- Infrastructure requirements will be expected consistent with Policy BSC3 of the Local Development Plan, and which may include contributions towards local education;
- 10% affordable housing will be required, consistent with Policy BSC4 of the Local Development Plan;
- Open space provision may be secured either on-site or via a commuted sum to improve existing local open space that would be of direct benefits to residents of the proposed development. Given the proximity of the Site to Cae Howell, it is may be more appropriate to meet the open space requirements for the Site via a commuted sum to improve the existing facility;
- A Community and Linguistic Impact Assessment will be required as part of this Application;
- The proposed development of the Site should respect and where possible enhance built heritage assets. The Site is identified as having an excellent view of Denbigh Castle;
- The proposed development should protect and enhance the natural environment;
- Water conservation and measures to eliminate surface water run-off from the Site should be incorporated into the proposed development where practicable;



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

#### **Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021  
 Development Control Manual November 2016  
 Future Wales – The National Plan 2040

#### Technical Advice Notes:

TAN 1 Joint Housing Land Availability Studies (2015)  
 TAN 2 Planning and Affordable Housing (2006)  
 TAN 5 Nature Conservation and Planning (2009)  
 TAN 12 Design (2016)  
 TAN 16 Sport, Recreation and Open Space (2009)  
 TAN 18 Transport (2007)  
 TAN 20 Planning and the Welsh Language (2017)

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

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

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

4.2 In relation to the main planning considerations:

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

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

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

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

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

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

Representations from the Town Council and the public raise objections to the principle of the proposal.

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

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

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

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

The Strategic Planning and Housing Officer is in support of the principle of housing development on the site as it has been established through the allocation of the site under Policy BSC1 within the adopted LDP. There is little evidence to support the suggestion that there is no need for additional housing in the area.

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

#### 4.2.2 Loss of high grade agricultural land

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

Representations from the Town Council, Countryside Protection of Rural Wales, Local Senedd Member and the public raise objections to the proposal due to loss of agricultural land.

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

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

The loss of 3a agricultural land is considered to be justified in this instance.

#### 4.2.3 Density of development

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

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

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

Concerns have been raised locally that the proposed dwellings result in an overdevelopment of the site in terms of the high density.

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

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

#### 4.2.4 Housing Mix and Tenure

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

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

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

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

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

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

#### 4.2.5 Affordable Housing

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

Concerns have been raised regarding the inadequate provision of affordable housing on the site.

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

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

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

With respect to comments received, in Officers' opinion the proposal is acceptable in this regard.

#### 4.2.6 Visual amenity

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

Concerns have been raised locally regarding the visual impact of the development through the overdevelopment of the site in terms of the high density.

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

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

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

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

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

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

#### 4.2.7 Residential amenity

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

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

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

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

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

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

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

#### 4.2.8 Ecology including trees

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

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2) current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Representations have been received raising concerns over the ecological impacts the development would have including, the loss of important ancient hedgerow protected under the Hedgerow Regulations (1997), the lack of green spaces within the development, the inadequacy of the mitigation measures proposed, no mention of barn owls or other protected birds in the ecology report and the loss of insect populations.

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

The County Ecologist has recommended conditions including the submission of an Ecological Compliance Audit, detailed landscaping scheme and external lighting scheme for approval by the Local Planning Authority. It is also recommended that further details are submitted for approval regarding hedgehog access details, ensuring that provision is made for roosting bats and nesting birds and details of an amphibian- friendly water management system is installed.

The proposed landscaping scheme is considered to be acceptable in terms of the proposed planting list and overall design across the site and the Council's Tree Consultant considers the details to be satisfactory. With respect to comments received by the County Ecologist and having regard to other approved landscaping schemes on other recent housing developments in the county, it is considered to be acceptable subject to a condition to control the submission of a landscape management plan for the proposed landscaping (not including domestic gardens) throughout the development.

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

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

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

#### 4.2.9 Environment

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



Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

Representations have been received in objection raising concerns over the development of the site and the release of carbon stored in the soil and the emissions from the number of cars which would result from the development which would have damaging effects to public health and the air quality environment.

The Public Protection Officer has raised no objection to the proposal subject to an appropriate condition being attached around the submission of a Construction Management Plan prior to the commencement of any works on the proposed site in order to protect the amenity of neighbouring residential properties.

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

#### 4.2.10 Drainage (including flooding)

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

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

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

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

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

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

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

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

#### 4.2.11 Highways (including access and parking)

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

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales and TAN 18 – Transport, in support of sustainable development.

Representations received in objection raise highways concerns including over the increase in number of vehicles in upper Denbigh and the ability of the infrastructure of the town to accommodate this increase. Other concerns involve road safety from the proposed new access and the speed of vehicles on the main road as well as the proximity to the school. Other concerns involve the limited active travel connections and pedestrian access through the school grounds.

The Site Development Brief identifies the need for a Transport Assessment (TA) to be submitted with the development proposal. The Transport Assessment sets out how the development proposal would mitigate transport impact through design and the imposition of planning conditions or obligations. The Brief also specifically refers to assessing the combined impact on the highways network of both the Tan y Sgubor site for 22 dwellings approved on (ref 01/2019/0744) and the current application site when complete. The Road Safety Audit within the TA confirms that there are no

highways safety reasons which would prohibit the scheme from coming forward. It also concludes that the site is well located in terms of accessibility to encourage active travel.

The Highway Officer raises no objection to the proposal subject to the imposition of conditions including the further agreement of the design to the pedestrian/cycle link access onto Gwaenynog Road through the Ysgol Pendref grounds.

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

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

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

The proposal would involve relocating the existing 30mph zone further along the A534 which will slow traffic on approach to the junction and improve the safety of the access.

Officers consider that the proposed access arrangements, parking and turning provision are acceptable subject to further details being conditioned or dealt with under separate Highways legislation. Conditions would need to be attached requiring the submission of full detailed plans for the proposed access and pedestrian/cycle link onto Gwaenynog Road through the school grounds in the interest of securing a high quality and safe form of development.

In terms of impacts to Public Rights of Way, there is a footpath along the existing Lodge Farm lane to the west of the site boundary which is likely to have increased usage by the future occupiers of the development. The Public Rights of Way Officer has not raised an objection to the proposal but has suggested creating a link onto the path from the north of the development site. Another suggested improved footpath link included in the Site Development Brief involves the footpath on the other side of the A543 linking to Mount Wood which would improve the connection and would result in a positive community benefit brought about from the development.

Officers consider that this could be controlled through condition/ Note To Applicant and the developer should liaise with the PROW Officer to discuss this further.

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

#### 4.2.12 Open Space

Policy BSC 11 specifies that all housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on

existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

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

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

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

A commuted sum payment of £136,093.76 is therefore required to be paid towards the existing open space in the area and Officers are satisfied with this approach subject to conditions being imposed to secure the legal agreement.

#### 4.2.13 Education

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

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

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

#### 4.2.14 Impact on Welsh Language and Social and Cultural Fabric

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

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

been undertaken during the site allocation process at the plan preparation stage of the adopted LDP.

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

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

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

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

#### 4.2.15 Archaeology

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

Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96.

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

The Clwyd Powys Archaeological Trust (CPAT) have advised that there are no recorded archaeological sites within or adjacent to this development area and it lies well to the west of the medieval and later historic core of Denbigh. The NRW 1metre lidar data here indicates a ploughed agricultural field with no visible earthworks. Overall, the archaeological potential of the field is low and no archaeological requirements were advised to be undertaken.

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

#### Other matters

##### Local Employment Strategy

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

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

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

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

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

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

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5. SUMMARY AND CONCLUSIONS:**

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

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

1. Completion of a Section 106 Obligation to secure affordable housing provision, a financial contribution of £136,093.76 towards the provision open space and a contribution of £25,000 towards the highways safer routes improvements and active travel along Gwaenyng Road and A543.

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

2. Compliance with the following Conditions:

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

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

1. The development to which this permission relates shall be begun no later than **9<sup>th</sup> March 2027**.

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
- (i) Location Plan (Drawing No. PEN-DEN-LP.01) - Received 15 September 2021
  - (ii) Proposed Site Plan (Drawing No. PEN-DEN-SP01 Rev M) - Received 27 January 2022
  - (iii) 2P1B Floor Plans and Elevations (3 Drawings No. CGH-2B1P-HP01, HP02 & HP03) - Received 27 January 2022
  - (iv) 5P3B & 4P2B Floor Plans and Elevations (3 Drawings No. CGH-5P3B4P2B-HP01, HP02 & HP03) - Received 27 January 2022
  - (v) 4P2B Semi Block Floor Plans and Elevations (3 Drawings No. CGH-4P2BX2-HP01, HP02 & HP03) - Received 27 January 2022
  - (vi) 6P4B Semi Floor Plans and Elevations (3 Drawings No. CGH-6P4B-HP01, HP02 & HP03) - Received 27 January 2022
  - (vii) Highfield Oakley Block Floor Plans and Elevations (5 Drawings No. CGH-HIOAK-HP01, HP02, HP03, HP04 & HP04) - Received 27 January 2022
  - (viii) Oakley Oakley Floor Plans and Elevations (3 Drawings No. CGH-OAOA-HP00, HP01 & HP02) - Received 27 January 2022
  - (ix) Highfield Highfield Floor Plans and Elevations (3 Drawings No. CGH-HIHI-HP00, HP012 & HP02) - Received 27 January 2022
  - (x) Marlow Detached Floor Plans and Elevations (3 Drawings No. CGH-MAR-HP01, HP02 & HP03) - Received 27 January 2022
  - (xi) Henley Floor Plans and Elevations (3 Drawings No. CGH-HEN-HP01, HP02 & HP03) - Received 27 January 2022
  - (xii) Stratford Floor Plans and Elevations (3 Drawings No. CGH-STRAT-HP01, HP02 & HP03) - Received 27 January 2022
  - (xiii) Broadway Floor Plans and Elevations (3 Drawings No. CGH-BROAD-HP01, HP02 & HP03) - Received 27 January 2022
  - (xiv) Beaumont Floor Plans and Elevations (3 Drawings No. CGH-BEAU-HP01, HP02 & HP03 Rev A) - Received 27 January 2022
  - (xv) Wentworth Floor Plans and Elevations (3 Drawings No. CGH-WENT-HP01, HP02 & HP03) - Received 27 January 2022
  - (xvi) Landscape Layout (2 Drawings No. P1486.21.03 Rev C) - Received 27 January 2022
  - (xvii) Planting Plan (3 Drawings No. P1486.21.04 Rev C) - Received 27 January 2022
  - (xviii) 1.8m Close Boarded Timber Fence (Drawing No. PEN-DEN-BT-01) - Received 15 September 2021
  - (xix) 1.8m Screen Wall (Drawing No. PEN-DEN-BT-02) - Received 15 September 2021
  - (xx) Planning, Design and Access Statement (Dated February 2022) - Received 15 February 2022
  - (xxi) Pre-Application Community Consultation Report (Dated September 2021) - Received 15 September 2021
  - (xxii) Preliminary Ecological Appraisal (Dated 19/07/21) - Received 15 September 2021
  - (xxiii) Flood Risk and Drainage Scoping Statement (Dated 19/07/21) - Received 15 September 2021
  - (xxiv) Transport Statement (Dated 23/07/21) - Received 15 September 2021
  - (xxv) Topographical Survey (Drawing No. 10490/1) - Received 23 September 2021
  - (xxvi) Typical Foundation Plinth for 11kV Unit Substation (Drawing No. SP2022244 Rev 5.0) - Received 23 September 2021
  - (xxvii) Flood Consequences Assessment and Drainage Management Strategy (Dated January 2022) - Received 27 January 2022
  - (xxviii) Arboricultural Impact Assessment Rev D (Dated 19/01/22) - Received 27 January 2022
  - (xxix) Transport Assessment (Dated 25/01/22) - Received 27 January 2022

### **LANDSCAPING:**

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the first unit. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
5. The development hereby approved shall proceed in strict accordance with the details contained within the Arboricultural Impact Assessment (Ascerta, dated 19/01/22), received 27 January 2022.
6. A landscape management plan, including management company details, management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

### **DRAINAGE:**

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

### **ECOLOGY/BIODIVERSITY:**

8. No development shall be permitted to commence on the construction of the dwellings until written approval of the Local Planning Authority has been obtained to details of biodiversity enhancement measures including integrated bat and bird boxes and their proposed location on each dwelling, in line with recommendations made in Section 6 of the Preliminary Ecological Appraisal (Dated 19/07/21) - Received 15 September 2021. The development shall proceed strictly in accordance with those details as approved.
9. Prior to the installation of any lighting, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats shall be submitted to and approved in writing by the Local Planning Authority and all lighting installed shall be in accordance with the approved details.
10. The development hereby approved shall be undertaken in strict accordance with the proposed mitigation, compensation and enhancement recommendations set out in Section 6 of the Preliminary Ecological Appraisal (Dated 19/07/21) - Received 15 September 2021.



11. 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.
12. 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.
13. Notwithstanding the submitted plans, no development shall be permitted to commence on the surface water drainage system until the formal written approval of the Local Planning Authority has been obtained to details concerning the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots. The approved details shall be implemented and retained at all times.

#### **HIGHWAYS:**

14. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the dwelling to which they relate is first brought into use, and shall be retained as approved at all times thereafter.

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

15. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
  - a) Site compound location
  - b) Traffic management scheme/routes of construction vehicles.
  - c) The parking of vehicles of site operatives and visitors;
  - d) Loading and unloading of plant and materials;
  - e) Storage of plant and materials used in constructing the development;
  - f) The management and operation of construction vehicles and the construction vehicle routes
  - g) Wheel washing facilities;
  - h) Measures to control the emission of dust and dirt during construction;The approved Statement shall be adhered to throughout the construction period.

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

16. Prior to the commencement of the development, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road/and access to the site, off-site pedestrian crossings/footways, footway links and associated highway works, and the timing for the implementation of the approved works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details

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

17. Notwithstanding the hereby approved plans, full details of the highway works related to the construction of the pedestrian/cycle link facility into Ysgol Pendref from the site, including the detailed design, layout, construction and street lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No dwelling shall be permitted to be occupied on the site until the pedestrian/cycle link has been completed to the satisfaction of the Local Planning Authority. The scheme shall proceed in accordance with such approved details and shall be retained as approved at all times thereafter.

18. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway.

19. Notwithstanding the hereby approved plans, a scheme of improvements to the public footpath system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include improvements to public footpath no 74 which runs adjacent to the site and shall provide an access link from the north west of the site onto this path (Lodge Farm lane). There shall also be improvements to the path southwest of the site across the A543 over to Mount Wood.

**MATERIALS:**

20. 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 approved details.

**LOCAL EMPLOYMENT:**

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

The reasons for the conditions are:-

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