

44/2022/0130



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The Site



Access location



Access location



Site boundaries



Site boundaries



Site boundary and example of dormer bungalow in area



Character of area



Character of area



Drawing Key

- Site Boundary (2272m²)
- Ownership Boundary
- Existing Buildings
- Existing Fence/Boundary
- Existing Garden
- Existing Site Level
- Proposed Building
- Proposed Lawn/Garden
- Existing Highway
- Existing Tree/Hedge
- Existing Driveway
- Proposed Site Level
- Proposed Hardstanding
- Proposed Tree (Replanting)
- Direction of Building and/or vegetation/trees
- Proposed Plot Boundary
- Indicative Scoopway
- Indicative Proposed Drainage
- Sewer Location
- Site Easement to Sewer

Drawing Label Key

- 01/ Existing property (The Plot).
- 02/ Existing driveway, parking area and turning head.
- 03/ Demolition of existing garage.
- 04/ Existing access from adopted highway.
- 05/ Existing rear garden.
- 06/ Existing decking area.
- 07/ Existing gate access from adjacent property.
- 08/ Proposed detached dormer bungalow.
- 09/ Proposed detached double garage.
- 10/ Proposed single garage.
- 11/ Proposed access from existing adopted highway.
- 12/ Proposed private driveway.
- 13/ Proposed homebased/turning area for refuse/emergency vehicles.
- 14/ Proposed driveway.
- 15/ Proposed replanting/screening to perimeter of site.

The Building Plot

Unit 4, Royal or Crown
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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WARD : Rhuddlan

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

APPLICATION NO: 44/2022/0130/ PF

PROPOSAL: Erection of 4 no. dwellings together with access road and associated works

LOCATION: Land at (Part garden of) The Rise Rhyl Road Rhuddlan Rhyl LL18 2TL

APPLICANT: Mr & Mrs C & J Roberts / Goodrick

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
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
- Member request for referral to Committee

CONSULTATION RESPONSES:

RHUDDLAN TOWN COUNCIL

"Rhuddlan Town Council objects to the development on the grounds of:

- 1 – No affordable housing included in the application.
2 – Concerns over access to the development"

NATURAL RESOURCES WALES –

No comment to make on the application.

DWR CYMRU / WELSH WATER –

No objection, request that Condition and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. Condition proposed is to ensure details of foul water drainage scheme as submitted for approval prior to commencement.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety

- Highways Officer - no objection subject to the imposition of conditions to ensure visibility splays are kept free of obstruction and to control the materials for the vehicular access frontage.

Strategic Housing & Policy Officer – Site lies within the development boundary, and therefore no objection subject to a financial contribution of £4,948.86 towards the provision of open space and a contribution towards affordable housing of £54,672.00 being secured.

Tree Specialist

Comments as per previous application: a quality landscaping scheme including planting will be required to provide screening and provide replacement amenity.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

A Webber, 3 Highlands Road, Rhuddlan
Francis Mary Rees-Williams, Bryn Cefni, 7 Maes y Bryn, Rhuddlan
Kathleen Goodall, 2 Highlands Close, Rhuddlan
J Williams, 10 Maes y Bryn, Rhuddlan
Barbara Woolley, 9 Maes y Bryn, Rhuddlan
Janice Dymock, 6 Howell Avenue, Rhuddlan
Sarah Ostanek, 3 Highlands Close, Rhuddlan
Dorothy Grey, 5 Maes y Bryn, Rhuddlan
L Carr, 8 Howell Avenue, Rhuddlan

Summary of planning based representations in objection:

Visual amenity impacts:

- Out of scale with surrounding properties.
- Design not in-keeping with the area.

Residential amenity impacts:

- Adverse impact on visual amenity enjoyed by neighbouring properties.
- Adverse impact on amenity of neighbours during construction (noise and construction disturbance).

Highways:

- Highways safety- increase in traffic on access road and in the vicinity.

Biodiversity impacts:

- Loss of trees/habitat would adversely impact on area/biodiversity.

Drainage:

- Development would impact on drainage in the area.

EXPIRY DATE OF APPLICATION: 28/04/2022

EXTENSION OF TIME AGREED: 15/06/2022

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the development of 0.21 hectares of land by the erection of 4 dwellings and construction of access road on land at The Rise, Rhyl Road, Rhuddlan.
- 1.1.2 The development would comprise of dormer bungalows, sited on the four quadrants of the site fronting an access road. Each would be provided with a small front and larger rear garden, with parking proposed on hardstanding's to the side of the dwellings.
- 1.1.3 Four identical four bedroom dormer bungalows are proposed, with a render and feature cladding finish. Each dwelling would have a garage to the rear, with plots 2 and 3 having a semi-detached garage. The dwellings would have a footprint measuring 9 metres by 9.4 metres with an overall height of 6 metres.
- 1.1.4 The access road runs from the north east of the site (off Highlands Close) along the northern side of the dwelling 'The Rise' and enters the site on its northern boundary, a

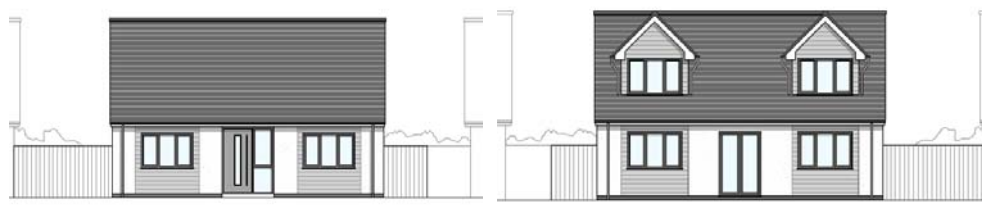
hammerhead is proposed mid-way for turning. Dwellings 1-3 have 3 parking spaces with 2 proposed for dwelling 4.

- 1.1.5 To facilitate the access to the residential development in the rear garden area of The Rise it is proposed to demolish an existing single storey garage. As a result the northern side elevation of The Rise would become exposed on which there is a small doorway and obscured window.
- 1.1.6 Plans indicate that the northern site boundary will retain the majority of its vegetation as opposed to having a hard boundary treatment. Existing site boundaries and landscaping to the west, north and south would also be retained.
- 1.1.7 Foul drainage is proposed to discharge to the public sewer and surface water would discharge to onsite soakaways.
- 1.1.8 See plans below (not to scale):

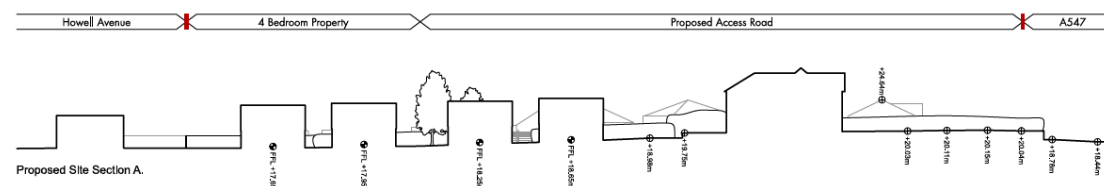
Site Layout

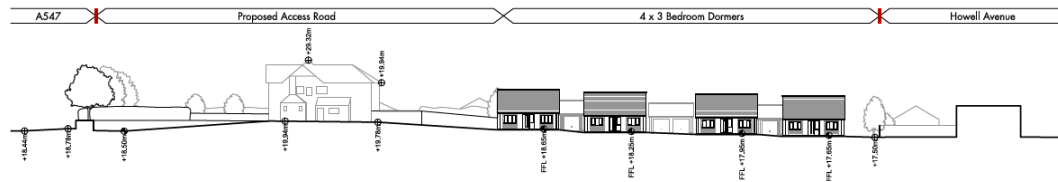


Front and rear elevations



Site Sections





1.2 Other relevant information/supporting documents in the application

- 1.2.1 A Tree Report and Highways Technical Report has been submitted in support of the application.
- 1.2.2 Sectional drawings through the site to demonstrate the relationship between the proposed dwellings and the existing dwellings on the neighbouring streets have also been provided and a plat labelled 'interface drawing' to show separation distances.

1.3 Description of site and surroundings

- 1.3.1 The application site is part of the rear garden of 'The Rise' possibly originally intended to be an orchard to the house, but now forming a large landscaped curtilage area to the dwelling.
- 1.3.2 The Rise is a substantial (6 bed) two storey dwelling of mid-20th Century origin sited amongst a mix of 1960's style dwellings which form a residential area on the fringe of Rhuddlan town centre.
- 1.3.3 The rear garden area of The Rise is bounded by three streets (Highlands Road, Howell Avenue and Maes Y Bryn) on which there are bungalows and dormer bungalows. The application site lies at a slightly lower level than both The Rise and the dwellings in Maes-Y-Bryn.
- 1.3.4 The site is accessed off Highlands Close which meets Highlands Road to the north and feeds on to the A547 to the east. The A547 runs north towards Rhyl and south towards the roundabout at the intersection of the A547 (east to Prestatyn) and the A5151 (south east) to Dyserth and Rhyl Road (west to Rhuddlan town centre).

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Rhuddlan.

1.5 Relevant planning history

- 1.5.1 There is recent planning history on the site. Planning permission was sought in 2021 for outline permission for the development of the site for residential purposes for 4 two storey dwellings. This permission was resisted by the Planning Committee of the Council for two reasons; the impact on the living conditions of nearby residents with particular reference to outlook and privacy; and highway safety.
- 1.5.2 The decision of the Council was appealed and in November 2021 the appeal was dismissed. It is important to note that the Planning Inspector found the proposal to be acceptable in relation to the refusal reasons of character and amenity and highway safety (ie did not agree that the LPA should have refused permission for those reasons). The appeal failed though on a technicality. The Agent had not submitted a "Draft Agreement for Section 106 Affordable Housing or Open Space with the appeal, so the Inspector dismissed the appeal.

**In relation to this point, Denbighshire do not require Draft Section 106 or Unilateral Undertaking with applications, and whilst the Agent had expressed a willingness to meet the Open Space and Affordable Housing policies by way of the required development contributions, they had not provided a mechanism to do this formally. Denbighshire usually instruct our Legal Officer to draw up such legal agreements once we have a resolution to grant/approve, however the Inspectorate are the*

decision makers in the appeal process and they do not get involved in the drawing up of legal agreements, hence the grounds for dismissal.

- 1.5.3 Officers consider the following sections of the appeal decision to be very relevant to the application currently being considered.

- 1.5.4 In relation to the first refusal reason (impact on neighbouring properties) the Inspector concluded;
*“Contrary to the views of the Council, the proposed dwellings due to their size, height, space about dwellings, and general mass/bulk would broadly reflect adjacent properties in visual terms, including those along Maes Y Bryn. Bearing in mind the relatively low level height of the proposed dwellings, and their distance from the main rear elevations of those properties along Maes Y Bryn at some 20/21 metres away, **I don’t consider there would be any adverse impact in terms of the scheme being overbearing in nature or affecting the outlook of nearby properties.***

*The Council’s first refusal reason also refers to loss of privacy from large dormer windows, however, based on the submitted details the windows to my mind do not appear unduly large or out of character with the size of window normally found on dormers. In addition, irrespective that some of the dwellings along Maes Y Bryn have been extended with features such as conservatories, I consider, bearing in mind the proposed and existing dwellings are roughly the same in terms of ground levels, the fact in terms of siting that there is some 20/21 metres between the main rear elevations of the proposed and existing dwellings, which is broadly in line with SPG1 advice, the fact that some of the properties have garages/other built structures and landscaping that is likely to restrict some views, and there is already a degree of mutual overlooking at first floor level for some properties, that **overall there would not be any significant overlooking or impact on privacy that would result in detriment to the amenities of existing residents.***

Pulling the threads of the above together, for the reasons given above the proposed development would not be detrimental to the residential amenities of neighbouring properties by way of impact on outlook or privacy, and as a result would not be contrary to policy RD1 criteria vi of the adopted Denbighshire Local Development Plan (LDP), nor advice in the SPG, or Planning Policy Wales Edition 11 (PPW).

- 1.5.5 In relation to the second refusal reason (access/highway issues) the Inspector concluded;
*“The Council’s second reason for refusal relates to the proposed access driveway and states due to its width, lack of passing places and proximity to ‘The Rise’ that it is inadequate to serve four dwellings; **I disagree.***

The proposed dwellings would have on-site parking and each would have a garage. There is no suggestion by the Council that the dwellings would not provide adequate parking facilities. Whilst the access road would not accord with the Council’s 5.5 metres wide standard, this standard is only applicable if the road were to be adopted, however the site and access road are not to be adopted by the Council. The Council refer to the width of the access road being between 4.5 to 4.8 metres; to my mind this is adequate to serve the relatively modest traffic that would be likely to be associated with four dwellings and any pedestrian activity, irrespective of the lack of a footway.

*In addition, the Council refer to a lack of passing places from the proposed access point and the access to the first dwelling, however given the relatively modest level and nature of traffic likely to be associated with the development and the distance to be covered without a passing bay is very short, **I do not consider there would be any likely or material detriment to highway safety.***

The Council appeal statement refers to the access road arrangement being impractical and inconvenient for occupiers/visitors to the estate including service vehicles and emergency services. Based on my site observations, and in the absence

of any technical highway evidence to support the Council stance, or objections from other parties such as the emergency services, I have no reason to consider the proposal would not provide a practical or convenient access for any vehicles that may need to visit the site.

Overall, I have no reason to disagree with the professional advice of the Council's Highway Officer who after having taken into consideration the capacity of the existing highway network, site access and site layout, was of the opinion that he would see no reason to object to the proposed development. For the reasons given the above the proposal would not be detrimental to highway safety and as a result would not be contrary to policy RD1 criteria vii of the LDP, nor advice as contained with the SPG, or PPW.

- 1.5.6 Planning permission was previously sought in 2020 for the development of the site for residential purposes for 4 **two storey** dwellings, this permission was resisted by the Council for two reasons; relating to the character and appearance of the surrounding area, and the impacts on the local housing stock with regard to the size and type of dwellings. The decision was appealed but dismissed by the Planning Inspectorate. However whilst there were two reasons for refusal, the Inspector concluded that the main issue was the impact of a two storey development on the character and appearance of the area only.

1.6 Developments/changes since the original submission

- 1.6.1 The plans were updated since the original submission as Welsh Water requested an amendment to the original plans to seek clarity on the Sewer easements on the site.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 4/2021/0163 Development of 0.21 ha of land by the erection of 4 no. dwellings and construction of access road (outline application including access and layout). Refused on the 20/07/2021 for the following reasons:

1. It is the opinion of the Local Planning Authority that by virtue of the site layout, scale, siting and design of the dwellings, the proposal would have an adverse impact on the amenity of neighbouring dwellings. The height of the proposed dwellings would have an overbearing impact on dwellings along Maes Y Bryn (to the south), whilst the large dormer windows would result in an unacceptable loss of privacy to those dwellings also. Accordingly, the proposal fails to meet the requirements of adopted Local Development Plan policy RD1 criteria vi), advice as contained in Supplementary Planning Guidance Note 'Residential Development', and Planning Policy Wales 11.
2. It is the opinion of the Local Planning Authority that the proposed access driveway would, as a result of its width, lack of passing places and proximity to the dwelling 'The Rise', be inadequate to serve the 4 dwellings. The proposal therefore fails to provide a practical or convenient access for vehicles, service vehicles and emergency vehicles and as such fails to comply with the requirement of adopted Local Development Plan policy RD1, criteria vii), advice as contained in Supplementary Planning Guidance Note 'Residential Development', and Planning Policy Wales 11.

Appeal Decision R6830/A/21/3280071. Appeal Dismissed with the following Inspectors conclusion:

"After taking account of all the evidence before me, whilst I concluded in favour of the appellants that the proposal would not be detrimental to residential amenity or highway safety, nonetheless, for the reasons given in the preceding paragraphs, the lack of a suitable mechanism to deliver the required financial contributions renders the proposal unacceptable and as a result it must be dismissed."

2.2 44/2020/0168 Development of 0.21 ha of land by the erection of 4 no. dwellings and construction of access road (outline application including access and layout). Refused on the 21/07/2020 for the following reasons:

1. It is the opinion of the Local Planning Authority that the scale and layout of the proposed dwellings would appear over dominant and out of keeping with the character of the immediate area which is predominantly bungalows and dormer style dwellings. The proposal is therefore considered to be in conflict with criteria i) of Policy RD1 in the Denbighshire Local Development Plan, and advice as contained in SPG Residential Development and Planning Policy Wales (Edition 10).
2. It is the opinion of the Local Planning Authority that the proposed development of 4 bedroom dwellings does not reflect the housing need in the area as identified in the Local Housing Market Assessment (July 2019). The proposal is therefore considered to be in conflict with Policy BSC1 in the Denbighshire Local Development Plan and advice contained in Planning Policy Wales (Edition 10).

Appeal Decision APP/R6830/A/20/3256788 02/11/2020. Appeal Dismissed with the following Inspectors conclusion:

"I have found that the mix of house types proposed would not be so out of step with local need and demand as to be unacceptable in this location. The proposed dwellings would, however, be harmfully uncharacteristic of the immediate area by reason of their size and scale. This is reason in itself to refuse the appeal."

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy ASA1 – New transport infrastructure

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Planning Obligations

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

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

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 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)
- 4.1.6 Affordable Housing
- 4.1.7 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Rhuddlan which is defined as a lower growth town in the LDP.

The principle of housing development is therefore considered acceptable and Officers would suggest the acceptability of the particular proposals therefore has to rest on assessment of the local impacts, which are reviewed within the following sections of the report.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) 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.

Objections have been received from members of the public on visual amenity grounds, and have questioned if the height / size of the dwellings proposed is appropriate for the site.

The site is situated within the settlement of Rhuddlan, in the rear curtilage of an existing two storey dwelling. The surrounding dwellings are mainly bungalows with some dormer style dwellings. There is a mix of development in Rhuddlan generally, and whilst there is no uniform housing type in the area, the dwellings in the immediate vicinity of the site are mainly bungalows with a mix of red brick and rendered walls with slate and tiles roofs. The Rise is the exception however it has been demonstrated that its uniqueness does not warrant a difference design approach (particularly in relation to scale) to be taken at the rear of the site.

The height of the proposed dormer dwellings would be 6 metres. Officers concur with the view of the previous Inspector that the proposed dormer dwellings would not be out of keeping with the area or excessive in scale in comparison to adjacent dwellings. The contemporary design and materials proposed again would not be out of keeping with the area.

The site is an attractive landscaped garden area to the Rise. The plans show some landscaping retained on the site boundaries as well as to the front of the dwelling, however precise details of landscaping, planting and boundary treatments have not been specified. The Tree Officer considered the Tree Report submitted in support of the application and accepts that the trees on the site provide some amenity value to the surrounding dwellings but not enough to justify a TPO owing to the limited benefits and the condition of several of the trees. The trees that afford the greatest degree of amenity in the wider area are on to the front of the Rise and these will be kept, as the proposed access would be to the north of the site frontage. Officers consider details of landscaping and boundary treatments can be controlled by condition.

Having regard to the scale, design, form, massing and materials, Officers consider that the proposal would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; and 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. and that it provides a satisfactory amenity standards itself.

Objections have been received from residents concerning the on the dwellings on all sides of the application site, relating to overlooking and loss of amenity.

The Residential Development SPG provides guidance on acceptable separation distances to protect neighbouring properties from overlooking, overshadowing and

overbearing impact. The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings. The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Whilst the proposal may affect the outlook from dwellings to the north and west on Highlands Road and Howell Avenue, given the siting of the proposed dwellings and the presence of the dormers on the south roof planes, there would be no significant overlooking or over bearing impacts on these dwellings.

The dwellings fronting Tan Y Maes to the south of the site, could potentially be impacted the most as a result of the proposal. Residents here fear there would be overlooking from the dormers in the proposed dwellings into the rear of their dwellings and rear garden areas.

On plan there appears to be between 20 and 21 metres separation elevation to elevation between each dwelling. Acknowledging that that SPG states 'best practice' for rear elevation to rear elevation separation distances is 21 metres Officers consider it would be difficult to resist the application for this reason alone. And again would point Members to the Inspectors appeal decision which concluded that overall there would not be any significant overlooking or impact on privacy that would result in detriment to the amenities of existing residents.

In terms of amenity requirements for the proposed dwellings themselves, the internal floor space well exceeds the minimum requirements for 4 bedroom dwellings as prescribed in the Residential Space Standards SPG. The rear garden areas have a depth of 9 to 11 metres and there is further garden / outdoor amenity area to the front and side of the dwellings proposed which well exceeds 40sq.m and therefore adequate garden space has been provided. There would also be adequate amenity space remaining for the original dwelling at The Rise.

Having regard to the above, Officers would conclude the proposal would not adversely impact on residential amenity of neighbours and the proposal would provide a satisfactory standard of amenity itself.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2) current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The application site is part of the rear garden of 'The Rise' possibly originally intended to be an orchard to the house, but now forming a large landscaped formal curtilage area to the dwelling.

Whilst some trees would be lost to facilitate the development. No specific ecological issues have been raised on the site. Therefore subject to the conditions landscaping, it is suggested ecological interests (trees/landscaping) can be suitably protected in relation to a development on this site.

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'. The drainage / flooding impacts of a development proposal are a material consideration.

There are local representations raising drainage related concerns.

It is proposed to connect to the main foul sewer, there have been no issues raised over capacity. Natural Resources Wales (NRW) and Dwr Cymru Welsh Water (DCWW) have been consulted and have not raised any significant objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted.

In relation to surface water drainage, should planning permission were to be granted, the applicant would be made aware of the requirement for the consent of the SuDS Approval Body (SAB) in relation to surface water drainage, prior to the commencement of development. This process sits outside of and separate to the planning process, but is held in planning appeals to be sufficient to ensure that surface water drainage issues are dealt with appropriately.

Given the comments of the technical consultees and the existence of separate legislation, it is considered reasonable to assume that an acceptable drainage scheme can be achieved on the site. It is considered appropriate to secure the provision of an appropriate drainage scheme through condition. The proposals are therefore considered acceptable in relation to drainage.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments. These policies reflect general principles set out in Planning Policy Wales.

There are local representations raising concerns in respect of increased traffic within the area.

Onsite parking is shown on the driveways to the side of the dwellings, and each dwelling would also have a garage.

Highways Officers have taken into consideration the capacity of the existing highway network, site access and site layout and raised no objection to the scheme. Conditions are suggested to control the detail of the access point onto Highways Road, drainage and construction management.

Again with respect to the concerns raised Officers would draw the Members attention to the appeal decision and Inspectors points relating to the access arrangements above. He concluded that taking into account the views of the Highway Officer who after having taken into consideration the capacity of the existing highway network, site access and site layout, was of the opinion that he would see no reason to object to the proposed development.

On the basis of the plans submitted, it is considered that the proposal would not have an unacceptable impact upon the safe free flow of traffic on the public highway subject to the inclusion of conditions on any planning permission.

4.2.7 Affordable Housing

Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand.

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

Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (PPW 11) Section 4.2.25 states that a community's need for affordable housing is a material planning considerations which must be taken into account in formulating development plan policies and the determination of planning applications. It states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

Concerns have been raised by the Town Council over the lack of affordable housing in the application. However Officers would point out that the LSP planning policy (mentioned above) requires the Developer to provide for a financial contribution towards affordable housing where the number of dwellings proposed is less than 10. The Developer has expressed an agreement to make this provision following the determination of the application by the Planning Committee.

There is an established need for affordable housing throughout Denbighshire, including Rhuddlan. The formula for calculating the level of the contribution is set out in SPG Affordable Housing and is based on floor space of each unit proposed. Based on the plans provided the financial contribution required would be in the order of £54,672.00. This would need to be secured by way of a suitable agreement, should permission be granted.

4.2.8 Open Space

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

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. 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 March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

For developments of fewer than 30 dwellings, LDP policy BSC 11 'Recreation and Open Space' and Supplementary Planning Guidance 'Recreational Public Open Space' allows the provision of a financial contribution towards public open space. Using the Council's Open Space Calculator, a development of 4 dwellings would require a contribution of £4948.86 towards the provision of off-site open space. This

would need to be secured by way of a suitable agreement, should permission be granted (to which the Agent has also agreed).

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 The site lies within the Rhuddlan development boundary and therefore the proposal is acceptable in principle.

5.2 Officers consider that there has been a clear guide from the Planning Inspectorate that the development is considered acceptable and would not be detrimental to the character of the area, amenity of residents or highway safety. As such Officers considered there are no material planning considerations to reasonably resist the scheme. Having now had a clear decision on these material considerations by the Planning Inspectorate any un-evidenced reasons for refusal on these issues by the Council would clearly be considered unreasonable behaviour. There would, therefore, be a strong likelihood of costs being awarded against the Council should a refusal be issued on these grounds and appeal be allowed.

5.3 As the proposal is for four new dwellings, a financial contribution would be required towards open space provision in the community and affordable housing. Subject to the necessary financial contributions being secured, and necessary conditions being imposed, the proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th June 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) Proposed elevation 1 of 4 (Drawing No. TBP_19.059_A104 P02) received 28 April 2022
 - (ii) Proposed elevation 2 of 4 (Drawing No. TBP_19.059_A105 P02) received 28 April 2022
 - (iii) Proposed elevation 3 of 4 (Drawing No. TBP_19.059_A106 P01) received 14 February 2022
 - (iv) Proposed elevation 4 of 4 (Drawing No. TBP_19.059_A107 P01) received 14 February 2022
 - (v) Proposed double garage elevations (Drawing No. TBP_19.059_A202 P01) received 14 February 2022
 - (vi) Proposed single garage elevations (Drawing No. TBP_19.059_A204 P01) received 14 February 2022

- (vii) Proposed ground floor plan (Drawing No. TBP_19.059_A101 P01) received 14 February 2022
- (viii) Proposed first floor plan (Drawing No. TBP_19.059_A102 P02) received 28 April 2022
- (ix) Proposed double garage floor plan (Drawing No. TBP_19.059_A201 P01) received 14 February 2022
- (x) Proposed single garage floor plan (Drawing No. TBP_19.059_A203 P01) received 14 February 2022
- (xi) Existing and proposed long site sections (Drawing No. TBP_19.059_A005 P02) received 28 April 2022
- (xii) Existing and proposed short site sections (Drawing No. TBP_19.059_A006 P01) received 14 February 2022
- (xiii) Proposed interface diagram (Drawing No. TBP_19.059_A007 P02) received 28 April 2022
- (xiv) Proposed roof plan (Drawing No. TBP_19.059_A103 P02) received 28 April 2022
- (xv) Existing site plan (Drawing No. TBP_19.059_A003 P01) received 14 February 2022
- (xvi) Proposed site plan (Drawing No. TBP_19.059_A004 P03) received 28 April 2022
- (xvii) Existing site location plan (Drawing No. TBP_19.059_A001 P01) received 14 February 2022
- (xviii) Proposed site location plan (Drawing No. TBP_19.059_A002 P02) received 28 April 2022
- (xix) Tree Report received 14 February 2022
- (xx) SCP Technical Note received 14 February 2022
- (xxi) SCP General Arrangement received 14 February 2022

3. Prior to the application of any external materials to the dwellings hereby approved, full details of the wall and roof materials, including materials, colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - Site compound location
 - Traffic management scheme
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The management and operation of construction vehicles and the construction vehicle routes
 - wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
5. No development shall be permitted to commence on the highways without the written approval of the Local Planning Authority to the detailed design of tie-in works to the existing adopted carriageway and footway on Highland Close. The approved arrangements shall be completed prior to the commencement of the use hereby permitted.
6. No development shall be permitted to commence on the access without the written approval of the Local Planning Authority to proposals for preventing the run-off of surface water from the site onto the highway. The approved arrangements shall be completed prior to the bringing into use of the access.
7. **PRE-COMMENCEMENT CONDITION**
No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.
8. No development or site clearance shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

The scheme has include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.

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.

None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any retained trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority, no later than the next planting season.

The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following occupation of the development.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of visual amenity.
4. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
8. In the interest of visual amenity.