

18/2021/1260



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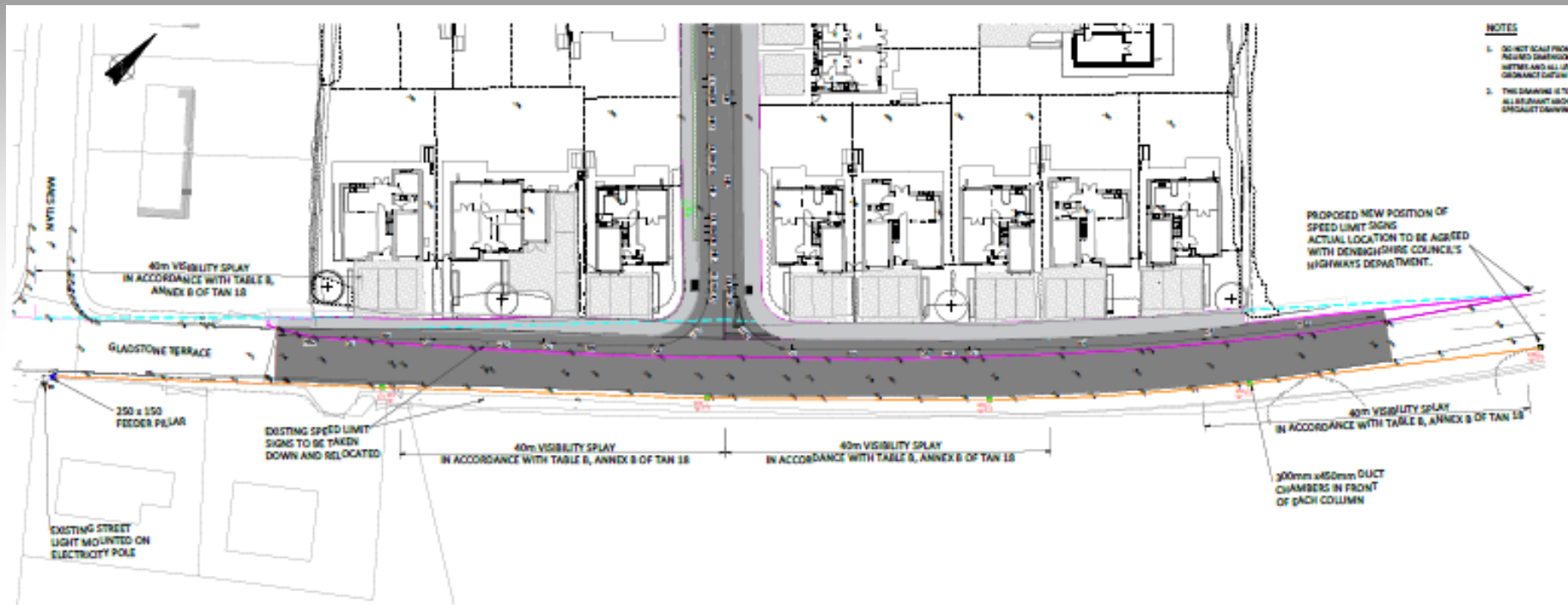
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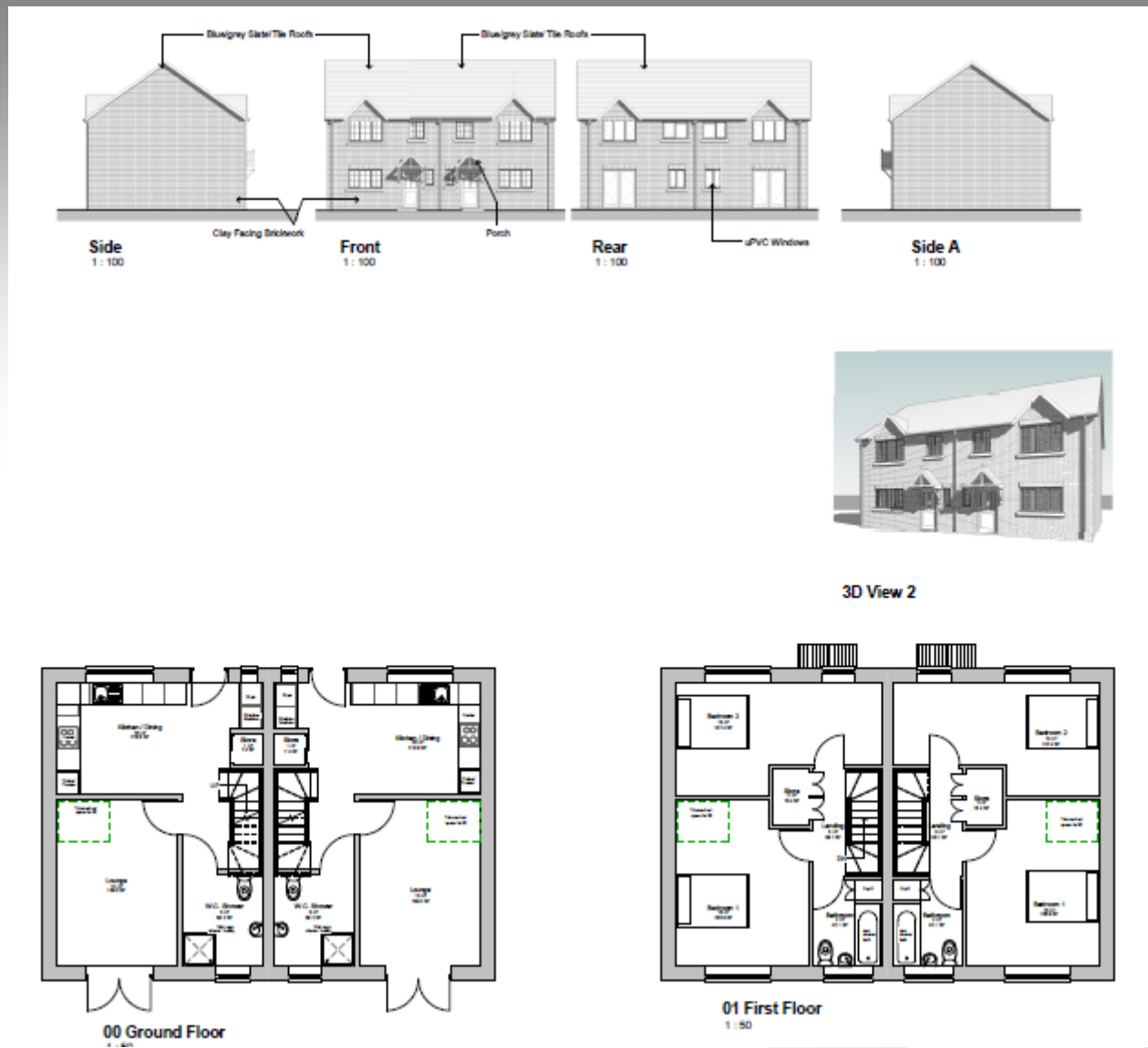
Proposed Site Layout Plan



Proposed highway layout plan



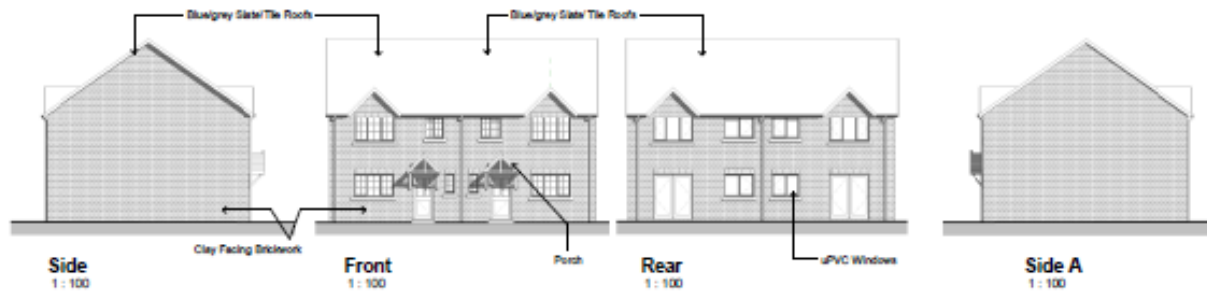
Housetype 15 – 2 bed semi detached



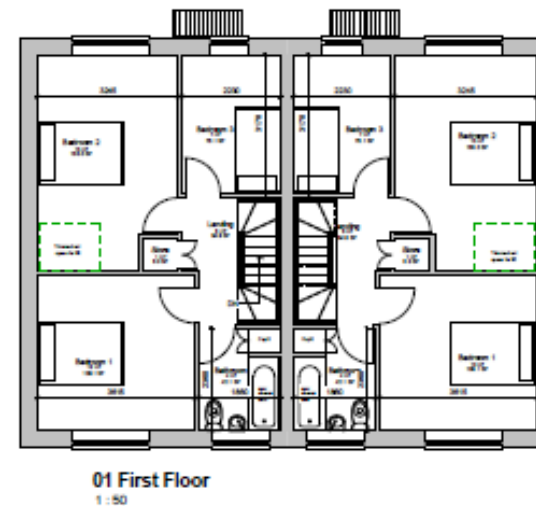
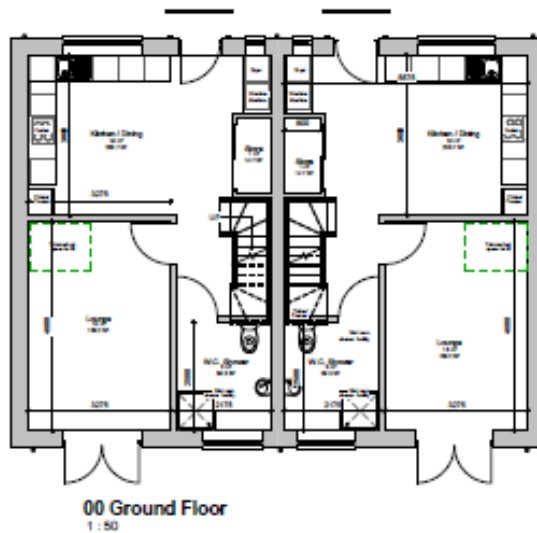
Housetype 16 – 2 bed semi detached (affordable units)



Housetype 4 – 3 bed semi detached



3D View 2



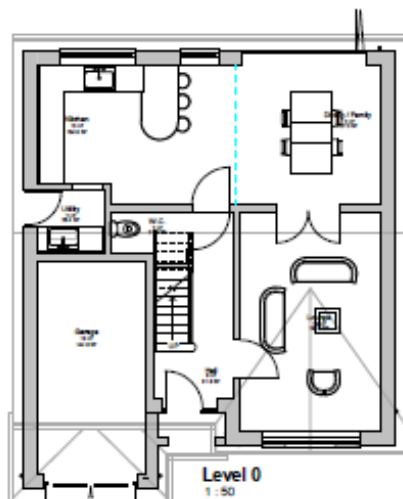
Housetype 5 – 3 bed semi detached (affordable units)



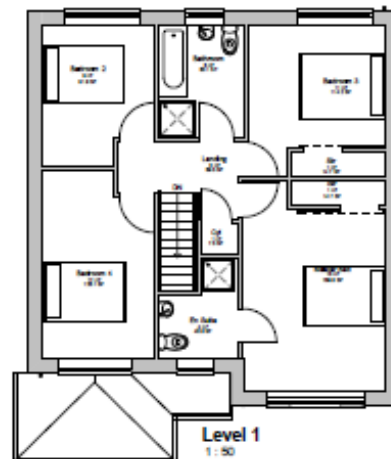
3D View 1



3D View 2



Level 0
1 : 50



Level 1
1 : 50

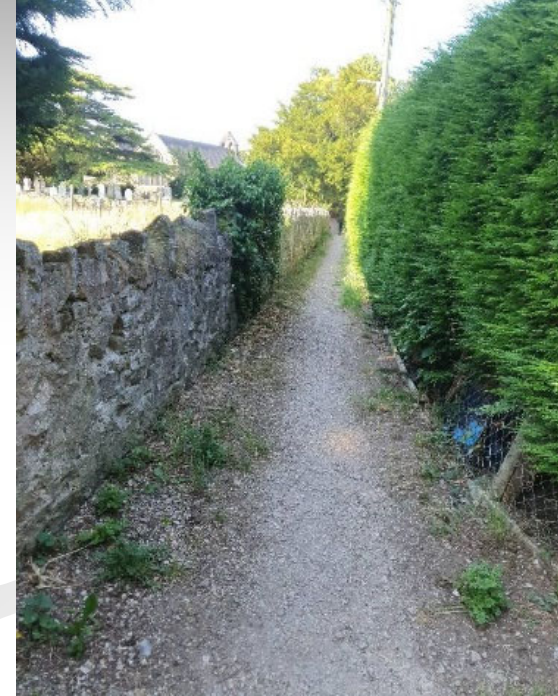
Housetype 1 – 4 bed detached

Views from main village road





Views within the site



Public footpath leading from the site to the village

WARD : Llandyrnog

WARD MEMBER(S): Councillor Merfyn Parry (c)

APPLICATION NO: 18/2021/1260/ PF

PROPOSAL: Erection of 40 dwellings, construction of a new vehicular access, landscaping and associated works

LOCATION: Land adjacent to Maes Llan Llandyrnog Denbigh LL16 4HF

APPLICANT: Pen Palmant Ltd.

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:
LLANDYRNOG COMMUNITY COUNCIL

Original response

“Object.

Nine of the said properties have direct access off the Llangwyfan road and no room for a vehicle to turn around within the boundary of the said dwelling this will result in cars either reversing into their bays or reversing out of their bays directly onto a busy main road - the community council have serious concerns regarding road safety here.

There are no areas to store wheelie or stackable bins in front of these nine houses and therefore on bin collection day the above problem especially regarding visibility will be greater and pose more danger to pedestrians using the llangwyfan road

The nine houses along the front do not respect the building line of the Maes Llan estate, and being that Maes Llan have distinctive red clay tile roofs it is prominent from the AONB and in the very least the building line should be respected.

A previous application reference 18/2016/0400/PO was a more inclusive development and included bungalows more suitable for those with limited mobility – this layout does not offer the same choice of homes and does not reflect the need of the community – the homes dominated by four bedroom properties

Surface water – the surface water is shown as being discharged via an existing surface water drain that runs through adjoining land and discharged into Nant Simon - well off site - we have experienced surface water flooding on the road by Penpalment during recent downpours and there are serious concerns – water attenuation or not – whether this drain and subsequently Nant Simon can deal with the additional surface water generated by this development and no drain survey has been provided to allow the County Council to make an informed judgement as to the suitability or condition of this drain,

We therefore request that the application is dealt with at Committee Level and not delegated and a decision made only following a site meeting where Members can witness for themselves how this application could be greatly improved with a few adjustments”

Second response

“The comments on the amended application is as follows:

No attempt has been made to address the road safety issues and the Highways issues – nine houses potentially twenty seven vehicles reversing onto the main road hopefully the Road Safety Officer will be not be supporting the scheme – the community council are surprised that the highway officer report was not already available on the planning portal – a report which is instrumental In assisting the officers to make a recommendation Housing Mix

No attempt has been made at addressing the mix – just as an example it was felt that more two bedroom properties would be make the properties more affordable however the developer has merely removed the three bed semi detached dwelling previously house type four and replaced by a house type 11 which is two bedroom and a home office – the internal layout has not changed so effectively they are still three bedroom properties – very much a smoke and mirrors approach. No bungalows have been included either

The community council are unable to support the application.”

Final response

Awaiting response at time of writing report, will be reported on the late representations sheet.

NATURAL RESOURCES WALES

No objection

DWR CYMRU / WELSH WATER

No objection, standard advisory notes requested

WALES AND WEST UTILITIES

No objection, notes to applicant requested

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

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

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

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

- *Site Plans*
- *Planning Supporting Statement*

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.

The current application as submitted seeks full planning permission for the erection of no. 40 dwellings to include access, parking and landscaping. It should be noted the plot is subject to an extant planning consent for the erection of the same number of dwellings granted in 2016

under application 18/2016/0400. Alterations to the existing highway are proposed which are to include widening the carriageway width to 6.8m to match the existing highway to the west, which serves the adjacent properties along the entire frontage of the proposed development. A footway along the development frontage will also be provided link to the existing footway into the Maes Llan estate. In addition, the existing 30mph zone is also to be extended approximately 40m beyond the development boundary. This should encourage traffic to reduce their speed well in advance of the primary development access point.

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

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 onto 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.

The site is sustainably located and is considered to be well served by all major non-car modes of transport. A new pavement in conjunction with the proposed widening of the pavement to Maes Llan will provide an improved footpath link to the bus stops from the development. Improvements and upgrading of Public Right of Way footpath 519/1 leading to the White Horse Inn from the development which is a popular route for local residents will further enhance and improve the sustainable links to the development.

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

Site Access

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.

Permission is sought for a new access to the site, which will be created off Gladstone Terrace. The location and positioning of the access is similar to that of the extant planning permission on the site. As previously discussed, the existing 30mph zone is to be extended approximately 40m beyond the development boundary. New street lighting will be provided in line with the extension of the 30mph speed limit. Access for pedestrians will be available through the main

point of access off Gladstone Terrace via the inclusion of a 2m footway along the frontage of the development.

A significant variation to the original scheme layout is the off street parking for the properties directly off Gladstone Terrace. Vehicles will be accessing the driveways directly from Gladstone Terrace over the new pedestrian footway. This parking arrangement is not uncommon, and similar arrangements have been incorporated into other recently approved developments in the county. The developer has demonstrated visibility splays in accordance with the design guidance in TAN 18 can be achieved with the introduction of the extension to the 30mph zone. It should be noted vehicle exits at the back edge of the footway mean that drivers emerging from properties will have to take account of people on the footway. The absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. Where footway visibility splays are to be provided, consideration should be given to the best means of achieving this in a manner sympathetic to the visual appearance of the street. This may include the use of boundary railings rather than walls and the omission of boundary walls or fences at the exit location. It is advised to include an appropriate condition to ensure the visibility splays are kept free of any obstructions.

The proposed main site access arrangement demonstrates 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 has a main internal estate road, measuring 5.5m in width, which is accessed from Gladstone Terrace. 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.

No objection to the application subject to conditions.

Footpath Officer
Original response

Public footpath 1 runs parallel to the access road that serves the properties. The development will have no adverse impact on the path which is to be retained, therefore no diversion order is required. Clarification over detailing requested.

Public footpath 1 starts by the White Horse Public House and runs alongside the cemetery, behind the Maes Llan housing and through the development site. On the expectation that the

footpath will have increased usage, would like to see this path surface improved to be suited to all weather useage as part of this development.

Access for public path users needs to be maintained safely during any works and not impacted on by additional traffic associated with the development.

Final response

No objection

County Ecologist

No objection subject to the inclusion of conditions and notes to applicant.

Flood Risk Engineer

No objection, separate approval is required in relation to surface water drainage.

Strategic Housing & Policy Officer

Original response

The site lies within the development boundary for Llandyrnog in the adopted Denbighshire LDP and is allocated for housing. Llandyrnog is identified as a village within the growth strategy of the LDP, these villages are expected to make a contribution to meeting the identified local housing need of the area. As the site lies within the development boundary and is allocated for housing, the proposal for a residential scheme is considered acceptable in principle subject to meeting other LDP policy requirements.

The site has benefited from an outline consent and the approval of reserved matters in recent years but this is a fresh application for consideration. The previous permission remains extant currently although there has been no commencement of works.

Housing Mix

LDP Policy BSC 1 – Growth Strategy for Denbighshire requires developers to provide a range of house sizes, types and tenure to reflect local need and demand and the results of the Local Housing Market Assessment (LHMA). The most recent LHMA was published in 2019 and sets out both affordable housing need which will be addressed later and the recommended market housing mix for residential development sites.

The table below makes an assessment of the proposed mix on the Maes Llan site against the mix identified in the LHMA. For completeness, the approved mix at the reserved matters stage of the current permission on the site is also included. The table is based on the 36 open market homes proposed.

The proposed mix makes no provision for 2 bed homes. The attached housing market assessment report highlights that there is a need for smaller 2 bedroom homes in Llandyrnog to meet local needs. There is a significant supply of larger 4 bedroom homes already in the village and the mix proposed will lead to a further imbalance in the supply and will not meet identified housing needs in the area. This is contrary to LDP Policy BSC 1 which requires 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.”.

The housing mix approved for the 2020 reserved matters application demonstrates a much more balanced mix across the site and was considered acceptable. The mix as proposed in the current application is not considered acceptable and will not meet local housing need and an objection is raised on this point.

Affordable Housing

The proposal makes provision for 4no. affordable properties which meets the 10% onsite requirement as set out in LDP policy BSC 4 – Affordable Housing. The proposed 2/3 bed properties are considered acceptable and will meet identified need in the area. The attached Housing Market Assessment provides details of the Shared Equity prices and contact details for registered Social Landlords in the area.

Open Space

LDP Policy BSC 11 – Recreation and Open Space sets out the required contribution towards open space generated by developments. Planning Obligations SPG also establishes thresholds for on-site provision of open space. In line with the policy and guidance as site of more than 30 homes should be making provision for Children's play space on-site. The CROS element of the open space requirement can be met via a commuted sum payment. An area of open space is shown on the layout plan but this is also indicated as the location for the dry detention basin as part of the SUDS for the development. It is unclear whether these two uses are compatible and whether the open space area could be used as such all year round. There are no details included as to the layout of the Childrens play space and it would appear currently as more akin to general amenity space than dedicated open space.

The Open Space Assessment and Audit 2017, identified that Llandyrnog is deficient in most aspects of open space provision as shown on the attached extract. The children's play area at Cae Nant is identified as being in need of investment and it may be more appropriate to seek a commuted sum for the full open space requirement rather than accept an area on-site that may not be usable for much of the year. I have attached the open space requirement generated by the proposed development and set out the commuted sum payable in lieu of any open space being physically provided on site.

Education

The Education department has indicated that there is currently no requirement for a financial contribution towards education provision in relation to this development. They have requested however, that they be re-consulted prior to determination of the application as the position may change.

Second response

Housing Mix

Previous comments stated that the proposed housing mix was unacceptable and would not meet identified local housing needs. The applicant has submitted revised plans which show a number of the properties having bedrooms reclassified as home offices. This is not considered to be a genuine attempt to provide a more balanced housing mix across the site and does not provide the range of house types and sizes to comply with LDP Policy BSC 1 as stated previously. The range of house types and sizes required is to enable people in housing need who may be able to afford a genuine 2 bedroom home to get on the housing ladder. A 3 bedroom home or 2 bed plus home office is likely to be beyond the reach of many people and will not assist in meeting identified local housing need. The SARTH waiting list demonstrates that the bulk of the demand in the Llandyrnog area is for 1 and 2 bed properties, there is some demand for larger properties which is why a mix is required. The scheme as proposed originally and in this revision will not create a housing mix on the site that will meet identified needs.

Final response

Housing Mix

Previous comments stated that the proposed housing mix was unacceptable and would not meet identified local housing needs. Following extensive negotiation with the applicant the resulting housing mix is now considered acceptable and is as follows:

	1 & 2 bed	3 bed	4 bed+
LHMA Recommended Housing Mix <u>Market</u> Housing	30%	35%	35%
Original Proposed market mix	0%	53%	47%
Final proposed market mix	28%	36%	36%

The previously approved scheme on this site did include a number of bungalows which was supported. This is however a new application and must be considered on its own merits. Whilst the inclusion of bungalows would have been supported it is felt that the applicant is offering a range of house types; sizes, and tenures to meet the requirements of LDP policy BSC 1.

Affordable Housing

The affordable housing provision of 2 x 2 bed and 2 x 3 bed properties is considered appropriate to meet identified local need. The properties are pepper-potted throughout the development and this again is supported.

Open Space

The open space indicated on site is considered acceptable and the remainder of the open space requirement can be met via a commuted sum to improve existing open space in the local area. A commuted sum of £49,898.30 is payable, reduced to £40,873.32 if on-site maintenance is to be carried out by a management company. The attached sheet sets out the calculations.

Tree Specialist

No objection subject to compliance with the Arboricultural Statement

Public Protection

No objection to the Construction Method Statement

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Gwilym C Evans, Glennydd, Llandyrnog
 Glyn Roberts, Kinmel Farm, Llandyrnog
 Emyr Morris, Penisa'r Waen, Llandyrnog Nicola Frankland, Primrose Bank, Llandyrnog
 G Connell, Afallon, Llandyrnog Roger Rowett, Llinalaw, Llandyrnog Wendy Charles-Warner,
 Cross Keys, Bodfari Road, Llandyrnog Rachel Davies, 14 Maes Llan, Llandyrnog Rona Aldrich
 and Ian Glass, Tirionfa, Llandyrnog Liz Bennett, 9 Nant Glyd, Llandyrnog Gina Johnston, 18
 Maes Tyrnog, Llandyrnog Barrie James, Ty Gwyn, Llandyrnog Ian Powis, Wesleyan Chapel,
 Llandyrnog John Morris, Pen Isa'r Waen Cottage, Llandyrnog Ann a Iestyn Jones-Evans, Y
 Berth, Ffordd Llanrhaeadr Llandyrnog
 Rachel Jones, Maes Llan, Llandyrnog
 Glesni Edwards, Ty Gerddi, Llandyrnog Meic Edwards, Erw Deg Isa, Llanrhaeadr
 Angela Evans, 1 Church Square, Llandyrnog Ian Hunt, Dre Goch Ganol, Llandyrnog Road,
 Bodfari Jones Ruseell, 25 Nant Glyd, Llandyrnog

Summary of planning based representations in objection:

Original responses

Highways / Access / Traffic

The access road is a very busy road and used extensively by a lot of different size vehicles at all times of the day so the proposal to put several entrances on to it is unacceptable and would cause safety concerns for all road users and pedestrians; the access arrangements are not good enough for the number of properties/vehicles using it on a busy road which is already congested; extra traffic on this road and within the village generally with other nearby development taking place will cause more problems; traffic generated from this development, particularly at peak times; the village highway infrastructure is already under strain; cars would need to reverse on to the road with no turning space provision for the new properties; widening the road and moving the speed limit will do little to help the problem; there is limited visibility on the road; this road has significant use by a range of individuals including; walkers, dog walkers, runners, cyclists, horse riders - these will all be at risk due to increase volume of traffic and the risk of car drivers reversing and not seeing them.

Density/number of houses

Outline planning application for 40 homes, including bungalows a green space and affordable housing and this proposal remains the same number of houses, however due to the population of Llandyrnog and local catchment area (this is approx. 1000 with approx. 400 homes) the proposal is disproportionate; the properties have been "shoehorned" and is overdevelopment of the site and the overall number of properties should be reconsidered;

Site layout, mix & housetypes

The previous scheme showed a range of property types including bungalows and a single access point of the main road there are no bungalows or properties accessible to people suitable for disabled people or retired people; the development does not meet local need housing; too many big houses; more affordable homes should be included; not enough green space has been provided; the play area has been removed, to enable large 3 and 4 bed detached houses to be built; the plan is not in line with the local housing market assessment and has opted for mainly 3 and 4 bedroom detached homes

Affordable Housing

There should be more affordable housing for local people; affordable housing should be affordable houses for local people to be able to buy;

Visual amenity

The provision of a large number of parking spaces accessed directly from the highway will present an untidy appearance to the development; will be a blot on the landscape which is located within the Area of Outstanding Natural Beauty (AONB) with no consideration given to it; being within close distance to the AONB consideration should be given to lighting; visual impact of hedgerow already removed.

Residential amenity

The space and privacy needs of existing residents have not been considered building directly next to the gardens of Maes Llan without any consideration of privacy.

Drainage/Surface Water

Concerns about the open lagoon on the site; there are local flooding problems during heavy rainfall; The storm attenuation basin could become a hazard or an eyesore with undergrowth and litter collection unless this is managed; the site drains poorly; not enough detail has been submitted; concerns about the drain accepting the amount of run off; The proposed site has regular and significant standing surface water and is likely to be used as a drain away off the road leading to Gladstone Terrace and the nearby fields.

Damage to wildlife

Development of the site will damage local wildlife.

Environmental impact

The scale of the development is going to have a significant impact on the local environment, including removal of hedgerow and trees. The increase in traffic will obviously have a negative impact on the environment. In general 40 homes will generate a significant impact on the environment and certainly will not contribute to reducing the carbon footprint.

Site hours

Object to the site hours due to the impact this will have on private and family life.

General comments

This development does constitute a significant proportional increase in the number of homes in the village; building works will cause disruption, noise, dirty road and inconvenience; the development could readily unbalance the community and disturb community cohesion.

Re-consultation responses

The amendments do not address local concerns; the amendments to the housetypes and layout means home offices could be used as bedrooms; the mix of housetypes does not meet the local housing need.

Final responses to latest consultation

Will be reported to Planning Committee on the late sheet

EXPIRY DATE OF APPLICATION: 13/07/2022

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the development of 40 dwellings, construction of a new vehicular access, landscaping and associated works on land at Maes Llan in Llandyrnog.
- 1.1.2 The proposed development includes a mix of semi-detached and detached properties, all of which are two storey dwellings. The plans show the dwellings would have brick facing walls with pitched tiled roofs, with some properties also having rendered elevations.
- 1.1.3 The housing mix proposed is as follows:

Housing Type	No of open market units	Percentage
2 bed (semi-detached houses)	10 and 2 affordable units	28%
3 bed (detached & semi-detached)	13 and 2 affordable units	36%
4 bed (detached houses)	13	36%
Total	36 40 including 4 affordable units	100%

- 1.1.4 It is proposed to form a new main vehicular access into the site off the village road to Llangwyfan (known locally as Gladstone Terrace) and also form 8 separate vehicular access points to 8 dwellings which are shown to front the village road.
- 1.1.5 Alterations to the existing highway are also proposed, to include widening the carriageway width to 6.8m along the entire frontage of the proposed development to match the existing highway to the west. A footway along the development frontage is also proposed.
- 1.1.6 New internal estate roads and footpaths are proposed within the site, and parking would be provided for each unit with some properties also having integral/attached garages.

- 1.1.7 The layout seeks to retain sections of existing hedgerow around the site, the hedging along the frontage of the site has been removed.
- 1.1.8 A total of 705 square metres of public open space is proposed as areas of recreational open space adjacent to the northern site boundary and public footpath which is to be retained.
- 1.1.9 Foul water would connect to the mains sewer. Drainage plans have been provided to show the likely connection point to the mains sewer.
- 1.1.10 Surface water drainage is proposed to discharge to an existing watercourse. An onsite sustainable drainage system incorporating permeable paving and onsite attenuation storage facilities is proposed to attenuate surface water on-site, and then surface water would be discharged to the watercourse at a restricted rate to ensure flow is kept below Greenfield runoff rates.

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



1.1.10 Example house types are below:-

Open Market - 2 bed semi detached



Open Market - 3 bed detached and semi detached



Open Market - 4 bed detached



4 no Affordable Homes (2 no 2bed and 2 no 3 bed)



1.2 Other relevant information/supporting documents in the application

- 1.2.1 In addition to the existing and proposed plans, the following documents have been submitted with the application:
- Arboricultural Statement
 - Ecology Report
 - Drainage Strategy and plans
 - Planning, Design and Access Statement
 - Pre Application Consultation (PAC) Report
 - Community Linguistic statement
 - Construction Method Statement
 - Landscaping and Highway plans

1.3 Description of site and surroundings

- 1.3.1 The application site consists of approximately 1.6ha of grazing land on the north east side of the village of Llandyrnog.
- 1.3.2 The site is relatively flat and has a road frontage with the main village road running east to Llangwyfan.
- 1.3.3 The hedgerow along the road frontage of the site has been removed, with other hedgerows and fencing bounding the site remaining.
- 1.3.4 To the south western boundary is the cul de sac 'Maes Llan' which consists of 2 storey semi detached properties.
- 1.3.5 Along the northern boundary of the site is Pen y Palmant Farm with a Public Right of Way no 1 crossing the site along the northern boundary.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is within the development boundary for Llandyrnog, which is identified as a village for the purposes of the Local Development Plan. It is annotated as a Housing Allocation on the LDP Proposals Map, and under Policy BSC1 of the LDP, is referred to as 'Adj Maes Llan' with an indicative number of 25 dwellings in the table summarising table listing housing commitment and new allocations in villages.
- 1.4.2 Llandyrnog is within the Historic landscape of the Vale of Clwyd.

1.5 Relevant planning history

- 1.5.1 Outline planning permission has been granted with reserved matters and other conditions attached the outline planning permission having been given approval (full detail provided below).

- 1.5.2 The original outline consent was approved in 2016 and subsequently 'renewed' in 2018 and 2020 with additional time given to submit reserved matters detail approved.
- 1.5.3 The reserved matters application was submitted in August 2020 and approved in November 2020.
- 1.5.4 With the exception of the affordable housing and open space arrangements (required by Conditions 9 and 11 of the outline consent) all other conditions have been complied with.
- 1.5.5 These applications were progressed by a different developer (Beech Developments) but no development ever took place and not progressed any further.

1.1 Developments/changes since the original submission

- 1.1.1 Amended plans have been submitted to address issues relating to the housing mix and types, along with amended highway and drainage plans and a Construction Method Statement.
- 1.1.2 Discussions have also taken place with the applicant's agent in respect of the public footpath within the site and opportunities to improve the current condition of the path leading in to the village of Llandyrnog.

1.7 Other relevant background information

- 1.7.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 18/2016/0400/PO - Development of 1.74ha of land by the erection of 40 no. dwellings and associated works (outline application including access and layout) GRANTED by Planning Committee on 27th July, 2016.

18/2018/1122/PS Variation of condition no. 2 of outline planning permission code no. 18/2016/0400 to allow an additional 2 years within which to submit an application for the approval of reserved matters APPROVED 10th January 2019.

18/2020/0293/PS Variation of condition no. 4 of outline planning permission code no. 18/2016/0400 to allow for alterations to the approved site layout plan GRANTED 6th June 2020.

18/2020/0430/PS Variation of condition no. 2 of outline planning permission code no. 18/2016/0400 to allow an additional two years within which to submit an application for approval of reserved matters DATED 30th July 2020.

18/2020/0594/PR Details of the appearance, landscaping and scale of 40 no. dwellings submitted in accordance with condition no. 1 of outline permission code no. 18/2020/0293 (Reserved Matters application) APPROVED 20th November 2020

18/2020/0620/AC Details of construction method statement submitted in accordance with Condition Numbers 5 of Planning Permission Code No. 18/2020/0293/PS APPROVED 23/11/20

18/2020/0629/AC Details of highway works submitted in accordance with Condition Numbers 6 of Planning Permission Code No. 18/2020/0293/PS APPROVED 23/11/20

18/2020/0631/AC Details of foul and surface water drainage submitted in accordance with Condition Numbers 10 of Planning Permission Code No. 18/2020/0293/PS APPROVED

23/11/20

18/2020/0633/AC Details of external lighting and light spillage submitted in accordance with Condition Numbers 13 of Planning Permission Code No. 18/2020/0293/PS APPROVED 23/11/2020

18/2020/0634/AC Details of phasing submitted in accordance with Condition Numbers 14 of Planning Permission Code No. 18/2020/0293/PS APPROVED 23/11/2020

18/2021/1187/HE Removal of Hedgerow. HEDGEROW REMOVAL NOTICE ISSUED 20th December, 2021

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 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 ASA3 – Parking standards

Supplementary Planning Guidance

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

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

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

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

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

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

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

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

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

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

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

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN2: Planning and Affordable Housing (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 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 Density and housing type and mix
- 4.1.3 Affordable Housing
- 4.1.4 Visual amenity
- 4.1.5 Residential amenity
- 4.1.6 Ecology
- 4.1.7 Drainage (including flooding)
- 4.1.8 Highways (including access and parking)
- 4.1.9 Open Space
- 4.1.10 Education
- 4.1.11 Impact on Welsh Language and Social and Cultural Fabric

4.2 In relation to the main planning considerations:

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

Future Wales and the Denbighshire Local Development Plan (LDP) make up the statutory development plan for the area. Future Wales Policy 7 states in response to local and regional needs, planning authorities should identify sites for affordable

housing led developments and explore all opportunities to increase the supply of affordable housing.

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.

The site is allocated for housing development in the Denbighshire Local Development Plan under Policy BSC1 and is located within the development boundary of Llandyrnog. The site also has outline planning permission with reserved matters detailed approval for 40 dwellings which is extant.

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, in addition to the planning history.

4.2.2 Density and housing type and mix

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.

Density

Applying the density figure of 35dph referred to in Policy RD1 to the site area of 1.6ha would give a total of 56 dwellings. 40 dwellings are proposed, this would represent a density of 25 dwellings per hectare, well below the average figure in the policy.

The table in the Local Development Plan referring to 25 dwellings provides purely an indicative number for allocated sites and takes no account of detailed considerations to be applied to individual sites.

It is also noted that the existing Maes Llan site immediately adjoining the site has a density in the order of 21.5 dwellings to the hectare. Consequently, Officers do not believe the proposed density is inappropriate.

Housing Type and Mix

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 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 Maes Llan proposal	28%	36%	36%	100%

There are objections to the proposal based on the density and number of dwellings proposed.

The Strategic Planning and Housing Officer has advised that the housing mix is now acceptable. Following discussions and the submission of amended plans, a mix of 2, 3 and 4 bed detached and semi detached houses are now proposed. Concerns have been raised locally and by the Community Council that no bungalows are provided within the scheme and a number of comparisons made to the extant scheme.

The previously approved scheme on this site did include a number of bungalows which was supported, however a new application must be considered on its own merits. Whilst the inclusion of bungalows would have been supported it is considered that the applicant is offering a range of house types; sizes, and tenures to meet the requirements of LDP Policy BSC 1.

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

4.2.3 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.

Local representations suggests there should be more affordable dwellings within the development.

4 affordable dwellings are proposed as part of the development, which is in accordance with the 10% requirement set out in Policy BSC4. The proposal is to provide 2 no. 2 bed semi detached properties (plots 28 and 29) and 2 no. 3 bed semi detached properties (plots 22 and 23).

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

The provision of affordable housing is a policy requirement and it is recommended that should permission be granted, that it be subject to a Section 106 legal agreement to secure the delivery of the 4 affordable dwellings. This would need to be completed prior to the decision notice being released.

4.2.4 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.

There are objections to the proposal based on potential visual impacts arising from the development that the site will be a blot on the landscape and reference is made within representations that the site is within the Area of Outstanding Natural Beauty (AONB). Lighting has also been referred to within local responses.

The site is not located within the AONB, the boundary of the AONB is approximately 1.4km to the east of the site.

The layout of the site and the design of the housing proposed can be seen from the layout and house type plans included within/and at the front of this report.

Officers accept that there will inevitably be some visual amenity impact from housing development in this location on the edge of the village which will alter the appearance of the site and character of the area. However, overall the layout and submitted detail demonstrates that an acceptable standard of development can be achieved. The mix of house types across the site are considered to be acceptable and conditions requiring approval of the specific external materials and landscaping details would be required to ensure an appropriate standard and quality of development.

The landscaping scheme includes provision of public open space along the northern boundary with existing hedgerows around the boundaries of the site largely being retained, with the exception of the hedgerow along the road frontage. This hedgerow has been removed following the approval of a Hedgerow Removal Notice, the hedgerow did not meet the criteria of an 'important hedgerow' under the regulations and therefore its removal could not be prevented.

Additional planting is also proposed throughout the site and a condition would be required to secure the details, which would include details of all boundary details along with hard and soft landscaping throughout the site. It is also considered reasonable given the location of the site on the edge of the village, proximity to the AONB boundary along with potential ecological impacts that a lighting scheme be conditioned should planning permission be granted.

In conclusion, whilst acknowledging the concerns raised over the visual impact of the development, having regard to the location, siting, scale and form of the development and also given the residential allocation of the site along with the extant planning permission for 40 dwellings, Officers do not consider the proposal would give rise to unacceptable impacts on visual amenity and the proposal is considered to be in accordance with adopted planning policy.

4.2.5 Residential amenity

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

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

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

A representation has been received from a member of the public have raising residential amenity concerns relating to the relationship of the properties with existing houses on Maes Llan.

Immediately to the west of the site are properties on the cul de sac of 'Maes Llan' which comprise 2 storey detached houses backing on to the application site. To the north is a public footpath with Pen y Palmant Farm beyond. To the east and south is open countryside.

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

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

Properties on Maes Llan that back on to the site are all 2 storey houses with their rear windows facing the application site. Along the western boundary of the site, plots 1, 31, 37 are shown with their side elevation facing Maes Llan with only a small first floor landing window within the side elevation of plot 31 and 37. Plots 38, 39 and 40 are orientated at an angle away from Maes Llan, they do not directly face the rear elevation of any existing dwellings and are sited away from the boundary of the site to avoid direct looking of the rear gardens of existing dwellings.

The siting, orientation and separation distances shown ensure there would be no unacceptable levels of overlooking and avoid the proposal giving rise to an overbearing impact when viewed from these properties and from private back gardens.

In terms of the residential amenity of the future occupiers of the new dwellings, the separation distances between the properties are acceptable and sufficient private amenity areas are provided for each plot along with off street parking facilities.

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

4.2.6 Ecology

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 the hedgerow and the lack of green spaces within the development.

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 a condition is attached ensuring access for hedgehogs and also ensuring that provision is made for roosting bats and nesting birds.

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 Statement.

In relation to lack of green space, to the northern boundary along the site adjacent to the public footpath, open space is proposed some of which will be informal public open space, some of which will be attenuation in connection with the sustainable drainage system and a landscaped area (adj plot 17). The extent of green open space for a development of this scale in this location is considered acceptable.

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.

4.2.7 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 a number of concerns over surface water.

The site is not within an area of known flood risk. The application is supported by a Drainage Strategy and plan which sets out the drainage principles to be adopted for

the site.

Foul water is shown to connect to the existing public system with surface water drainage proposed to connect to an existing culvert/drain connected to an existing watercourse. An on-site sustainable drainage system incorporating features such as permeable paving are proposed. A dry detention basin is provided on site with discharge controlled to existing Greenfield runoff rates.

Dwr Cymru/ Welsh Water have not raised any objections to the proposal with no concerns raised regarding the proposal to connect the foul drainage to the existing public system.

The Council's Flood Risk Manager has advised that approval will be required from the SUDs Approval Body (SAB) which is a completely separate process to planning and is covered by drainage legislation. SAB will control, and will only be approved if the drainage details are acceptable and kept below Greenfield run off rates. The development could not proceed without SAB first being in place. 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 delivered through the SuDS Approval Body process. The proposals are therefore considered acceptable in relation to drainage.

4.2.8 Highways (including access and parking)

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

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

There are a number of local representations concerning the highway impacts of the proposal. Llandyrnog Community Council have also objected to the proposal which include objections on highway grounds.

The Highway Officer's response on the application is set out in detail in the Consultation Responses section of the report. It refers to a range of issues relating to the application including the capacity of the existing network, accessibility, the detailing of the site access, aspects of the site layout, and parking matters. The main points of relevance are:

Capacity of Existing Network

The current application as submitted seeks full planning permission for the erection of no. 40 dwellings to include access, parking and landscaping. It should be noted the

plot is subject to an extant planning consent for the erection of the same number of dwellings granted in 2016 under application 18/2016/0400.

Alterations to the existing highway are proposed which are to include widening the carriageway width to 6.8m to match the existing highway to the west, which serves the adjacent properties along the entire frontage of the proposed development. A footway along the development frontage will also be provided link to the existing footway into the Maes Llan estate. In addition, the existing 30mph zone is also to be extended approximately 40m beyond the development boundary. This should encourage traffic to reduce their speed well in advance of the primary development access point.

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

Accessibility

The site is sustainably located and is considered to be well served by all major non-car modes of transport. A new pavement in conjunction with the proposed widening of the pavement to Maes Llan will provide an improved footpath link to the bus stops from the development. Improvements and upgrading of Public Right of Way footpath 519/1 leading to the White Horse Inn from the development which is a popular route for local residents will further enhance and improve the sustainable links to the development.

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

Site Access

Permission is sought for a new access to the site, which will be created off Gladstone Terrace. The location and positioning of the access is similar to that of the extant planning permission on the site. As previously noted, the existing 30mph zone is to be extended approximately 40m beyond the development boundary. New street lighting will be provided in line with the extension of the 30mph speed limit. Access for pedestrians will be available through the main point of access off Gladstone Terrace via the inclusion of a 2m footway along the frontage of the development.

A significant variation to the original scheme layout is the off street parking for the properties directly off Gladstone Terrace. Vehicles will be accessing the driveways directly from Gladstone Terrace over the new pedestrian footway. This parking arrangement is not uncommon, and similar arrangements have been incorporated into other recently approved developments in the county. The developer has demonstrated visibility splays in accordance with the design guidance in TAN 18 can be achieved with the introduction of the extension to the 30mph zone. It should be noted vehicle exits at the back edge of the footway mean that drivers emerging from properties will have to take account of people on the footway. The absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. Where footway visibility splays are to be provided, consideration should be given to the best means of achieving this in a manner sympathetic to the visual appearance of the street. This may include the use of boundary railings rather than walls and the omission of boundary walls or fences at the exit location. It is advised to include an appropriate condition to ensure the visibility splays are kept free of any obstructions.

The proposed main site access arrangement demonstrates 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.)

The proposed site has a main internal estate road, measuring 5.5m in width, which is accessed from Gladstone Terrace. 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.

In terms of impacts to Public Rights of Way there is a footpath along the northern boundary of the site which will be retained however it 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 improvements are required to the footpath between the site and the village. The applicant has confirmed willingness to undertake this work and a condition is suggested to secure the final details such as extent of works, surfacing materials etc. This 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 and a Note to Applicant is also suggested to ensure the footpath is protected during site works.

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.

4.2.9 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 40 units which generates the requirement for 1472square metres of Community Recreational Open Space (CROS) and 736square metres of Children's Play Space (CPA).

The proposal is to provide 620square metres of CROS on site, to be located towards the northern boundary of the site close to the public footpath and Pen y Palmant Farm. The remaining CROS along with the CPA provision is proposed by way of a commuted sum which would be paid towards enhancing existing open spaces in the area. The commuted sum payment required for the remaining CROS would be £11,816.04 with the CPA commuted sum payment being £29,057.28. If maintenance costs are to be included a further £9,024.98 would be required.

A commuted sum of £49,898.30 is therefore payable, reduced to £40,873.32 if on-site maintenance is to be carried out by a management company.

The on-site open space management arrangements would need to be secured by a

condition. Officers are satisfied with the approach to open space subject to a condition securing management arrangements and a legal agreement to secure the relevant commuted sums.

4.2.10 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 be not be required.

The Education Officer has confirmed that based on the latest school roll information available that there is sufficient capacity at Ysgol Bryn Clwyd and Denbigh High School to accommodate any additional pupils arising from the development and a financial contribution is therefore not required.

Officers therefore conclude that there is sufficient capacity within local schools to accommodate the development, and accordingly a commuted sum is not required in this instance.

4.2.11 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.

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).

A Community Linguistic Assessment has been submitted with the application and suggests various language and community measures to support the Welsh language, measures such as marketing the site through local agents rather than national sales or an on-site sales presence, with bilingual sales media and staff coupled with local advertising.

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.

Other matters

Construction Method Statement

A Construction Method Statement (CMS) has been submitted with the application.

A concern has been raised in relation to the disruption of building work taking place and to noise, dust on the roads etc

The proposed working hours are 08:00 – 18:00 Monday to Friday, 08:00 to 13:00 on a Saturday and no working on a Sunday or Bank Holidays. It also suggests a number of mitigation measures to ensure the building works are no locally disruptive or cause issues on the local roads etc.

A suggestion has been made that the hours of working are amended to 0900-1700 Monday – Friday to enable individuals who are directly impacted by the building works to have some time without both noise and dust pollution and to enjoy their own home and garden space.

Whilst appreciating the concerns raised, the working hours proposed are what are considered to be 'standard' construction working hours. The Public Protection Officer has confirmed this to be the case and has raised no objection to the working hours or any other aspect of the CMS. The Highway Officer has raised no objection on the highway aspects of the CMS.

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 housing 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 the affordable housing provision (4 affordable dwellings) and a financial contribution of £49,953.94 or if maintenance costs are not required, £40,873.32

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 5 years from date of Section 106 agreement.

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. A100) - Received 17 December 2021
- (ii) Site Layout (jig/1725/21/A200 Revision H) - Received 14 June 2022
- iii) House Type 1 - 4 Bed Detached (Drawing No. A201) - Received 17 December 2021
- (iv) House Type 3 - 3 Bed Detached (Drawing No. A203 Rev B) - Received 20 June 2022
- (v) House Type 4 - 3 Bed Semi detached (Drawing No. A204) - Received 17 December 2021
- (vi) House Type 5 - 3 bed semi detached (Affordable units) (Drawing No. A205 Rev C) - Received 17 December 2021
- (vii) House Type 6 - 4 Bed detached (Drawing No. A206) - Received 17 December 2021
- (viii) House Type 15 - 2 bed semi detached (Drawing No. A215 Rev A) - Received 10 May 2022
- (ix) House Type 16 - 2 bed semi detached (Affordable House) Received 14 June 2022
- (x) House Type 17 - 4 bed detached (Drawing No A217) Received 14 June 2022
- (xi) Housing Mix Plan (jig/1725/21/A220 Revision E) - Received 14 June 2022
- (xii) Planting Plan (Drawing No. 2020/22/PP/01 v2) - Received 17 December 2021
- (xiii) Section 38 - Highway Layout (Drawing No. 5090-CAU-XX-XX-DR-C-1500 Rev P05) - Received 20 June 2022
- (xiv) Section 278 - Highway Layout (Drawing No. 5090-CAU-XX-XX-DR-C-1501 Rev P03) - Received 20 June 2022
- (xv) Foul and Surface Water Drainage Layout (Drawing No. 5090-CAU-XX-XX-DR-C-1600 Rev P08) - Received 20 June 2022
- (xvi) Sustainable Drainage Strategy - Received 17 December 2021
- (xvii) Supporting Planning Statement (Dated Oct 2021) - Received 17 December 2021
- (xviii) Design and Access Statement (Dated Oct 2021) - Received 17 December 2021
- (xix) Ecology Report (Dated Oct 2021) - Received 17 December 2021
- (xx) Community Linguistics (Dated 23/03/16) - Received 17 December 2021
- (xxi) Arboricultural Statement (Dated 14/12/21) - Received 17 December 2021
- (xxii) Pre-Application Consultation Report (Dated 16/12/21) - Received 6 January 2022
- (xxiii) Existing Site Plan (Drawing No. A101 Rev D) - Received 17 December 2021
- (xxiv) Construction Method Statement - Received 1 March 2022

Biodiversity, Landscape & Trees

3. Works which could result in the damage or destruction of active bird nests must take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

4. Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

- (e) proposed positions, design, materials and type of boundary treatment.
- (f) the timing of the implementation of the planting and landscaping scheme.
- (g) details of minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, etc.) associated with the public open space.

5. 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.

6. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance in accordance with the approved Arboricultural Statement (Cheshire Woodlands) or in accordance with an alternative scheme as 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.

7. No dwellings shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to a landscape and habitat management plan outlining the timing and specification of ongoing management and maintenance including management company details, management responsibilities and maintenance schedules for all landscaped areas, natural and semi-natural habitats and public open spaces on site (other than privately owned domestic gardens). The approved details shall be implemented in full

8. No development shall be permitted to commence on any dwellings above slab level until the written approval of the Local Planning Authority has been obtained to details of the provision to be made within the development for features to be included for roosting bats and nesting birds, including the number, location and specification of those features. The approved details shall be implemented in full.

9. No dwellings shall be permitted to be occupied until the written agreement of the Local Planning Authority has been obtained to detailed proposals showing an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats. The approved measures shall be implemented in full.

10. Access for hedgehogs (at least one 13cm x 13cm opening per garden) should 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.

11. Prior to the completion of the development, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The Audit shall be completed in accordance with the submitted details.

12. The development hereby approved shall proceed in strict accordance with the details contained within the Arboricultural Statement (Cheshire Woodland, dated 14/12/21)

Materials

13. No dwelling shall be constructed above finished slab level until the written approval of the Local Planning Authority has been obtained to the details of all the materials and finishes it is proposed to use thereon, including, where relevant, the texture, type and colour of the finish. The development shall be undertaken strictly in accordance with the details approved under this condition.

Highways & Footpath

14. Prior to the commencement of any highway works, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road/and access to the site, extension of existing 30mph zone, footway links and associated highway works shall be

submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in strict accordance with such approved details.

15. 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 0.6 metres above the level of the adjoining carriageway

16. Notwithstanding the hereby approved plans, no dwellings shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to a scheme of improvements to the existing public footpath system (Public Footpath 1 which crosses through the site). The approved measures shall be implemented in full and completed in accordance with the approved details prior to the occupation of any of the new dwellings.

17. The highway works to form the site access and footpath link shall be completed in accordance with the approved plans prior to the occupation of any dwellings on the site.

Reason 1: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Reason 2: For the avoidance of doubt and to ensure a satisfactory standard of development

Reason 3: In the interest of the biodiversity of the area.

Reason 4: To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

Reason 5: In the interest of visual amenity and enhancing the biodiversity of the area.

Reason 6: In the interest of visual amenity and enhancing the biodiversity of the area.

Reason 7: In the interest of visual amenity and enhancing the biodiversity of the area

Reason 8: In the interest of the biodiversity of the area

Reason 9: In the interest of the biodiversity of the area

Reason 10: In the interest of preserving ecological interests.

Reason 11: In the interest of preserving ecological interests.

Reason 12: In the interest of visual amenity

Reason 13: In the interest of visual amenity and character of the area

Reason 14. 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.

Reason 15: 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.

Reason 16: In the interest of ensuring the development is served by a range of adequate public rights of way.

Reason 17: In the interest of highway safety and residential amenity