



**46/2021/1161**



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Aerial photograph of site





Proposed site layout plan





View of site along Upper Denbigh Road from north





View of site along Upper Denbigh Road from south





Lane to the south boundary





View within site





View within site





View within site





View within site





View of pond and trees within site





Existing trees within site





Existing farmhouse within site





View from existing farmyard within site





View within site





View within site



**WARD :** St Asaph East

**WARD MEMBER(S):** Cllr Martyn Hogg

**APPLICATION NO:** 46/2021/1161/ PF

**PROPOSAL:** Erection of 113 dwellings, construction of a new vehicular access, landscaping and associated works

**LOCATION:** Land off Upper Denbigh Road St. Asaph LL17 0LW

**APPLICANT:** Castle Green

**CONSTRAINTS:** None

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

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

**Scheme of Delegation Part 2**

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

**CONSULTATION RESPONSES:**

**ST. ASAPH CITY COUNCIL**

*Original consultation response:*

The above-mentioned application was discussed at the full council meeting on 8th December 2021. The City Council would object to this proposal for the following reasons:

1. The land is entirely unsuitable for development, further development at this site constitutes over development and intensification at the site;
2. Priority should be given to developing brown field sites, in line with this Government's Levelling Up agenda. Note there are already plans to redevelop the Denbigh North Wales Hospital (which will put further pressure on the A525 and local services, schools and infrastructure);
3. The proposed entrance/exit location onto the A525 is dangerous. It is on a dip and bend, prone to flooding, and remains wet for long periods during winter months due to foliage;
4. The proposed development is unsustainable. The A525 through St Asaph from Upper Denbigh Road to the A55 junction already suffers from chronic congestion heightened at peak times. The High Street is a bottleneck and does not allow large vehicles (buses, vans and HGV's) to pass both ways. At times the traffic stretches onto the A55 roundabout. Building more houses will only exacerbate the problem and impair the quality of life and safety for those who live along this route;
5. There has already been significant development in St Asaph (HM Stanley) and Denbigh (Cae Topyn and Cae Felin), which is adding pressure on local services and infrastructure. The national media has reported on long delays waiting for GP surgeries, ambulances and receiving hospital treatment, including A&E, at local hospitals;
6. Pure have yet to finish developing the HM Stanley site. There remains doubt over whether a partner will be found for the assisted living site at the centre of the development. If a partner cannot be found, then alternative housing should be built on this brown field site. There are still former hospital buildings standing empty, and unsold dwellings on the site;
7. St Asaph has already provided new additional housing at HM Stanley;
8. The proposed development threatens to change forever the character of St Asaph

*Re-consultation re-response:*

The above-mentioned application was discussed by the City Council at its meeting on 13th April 2022. The City Council objects to this application for the following reasons:

1. The land is entirely unsuitable for development, further development at this site constitutes over development and intensification at the site;
2. Priority should be given to developing brown field sites, in line with this Government's Levelling Up agenda. Note there are already plans to redevelop the Denbigh North Wales Hospital (which will put further pressure on the A525 and local services, schools and infrastructure);
3. The proposed entrance/exit location onto the A525 is dangerous. It is on a dip and bend, prone to flooding, and remains wet for long periods during winter months due to foliage;
4. The proposed development is unsustainable. The A525 through St Asaph from Upper Denbigh Road to the A55 junction already suffers from chronic congestion heightened at peak times. The High Street is a bottleneck and does not allow large vehicles (buses, vans and HGV's) to pass both ways. At times the traffic stretches onto the A55 roundabout. Building more houses will only exacerbate the problem and impair the quality of life and safety for those who live along this route;
5. There has already been significant development in St Asaph (HM Stanley) and Denbigh (Cae Topyn and Cae Felin), which is adding pressure on local services and infrastructure. The national media has reported on long delays waiting for GP surgeries, ambulances and receiving hospital treatment, including A&E, at local hospitals;
6. Pure have yet to finish developing the HM Stanley site. There remains doubt over whether a partner will be found for the assisted living site at the centre of the development. If a partner cannot be found, then alternative housing should be built on this brown field site. There are still former hospital buildings standing empty, and unsold dwellings on the site;
7. St Asaph has already provided new additional housing at HM Stanley;
8. The proposed development threatens to change forever the character of St Asaph;
9. There is a need to have an environmental assessment completed at a more appropriate time of year (Spring/Summer) when more species are evident;
10. The cycleway access to join the main road presents safety concerns;
11. There is a need to clarify that negotiations with St Kentigern have been resolved to the satisfaction of the hospice re: the view and noise concerns for patients receiving end of life care;
12. Noise levels during the construction of the site, especially for St Kentigern patients, are a concern;
13. Concerns that addressing flooding in the fields off Upper Denbigh Road is contingent upon the application being approved;
14. The lack of safe pavements on Upper Denbigh presents safety concerns for pedestrians from the new housing.

#### NATURAL RESOURCES WALES

##### *Original consultation response:*

NRW initially advised that further Great Crested Newt survey was required to be undertaken prior to the determination of the application.

##### *Re-consultation response:*

NRW re-consultation response is pending at the time of writing.

#### DWR CYMRU / WELSH WATER

Dwr Cymru have no objection to the proposal, subject to a foul drainage condition being imposed and advisory notes being attached to any planning permission.

#### FIRE AND RESCUE SERVICE

No observations in regard to access for appliances and water supplies

#### NORTH WALES POLICE (DESIGN OUT CRIME OFFICER)

##### Cycle storage:

A safe place to keep a cycle is essential to encouraging cycling without exposing the owner to having their cycle stolen.

To avoid theft of cycles advises that hat such measures should be included in the development,

##### Rear passages:

Number of plots feature a rear passage.

Whilst understanding the necessity for such rear access, these paths compromise the security of the neighbouring properties by allowing access to the rear of the properties.

Strongly recommend that the aforementioned rear paths are defended by gates which:

- Are key operable
- At least 1.8M high
- Are fitted with a self-closer

Proposed pathway link:

Whilst appreciating the utility of such a link from the site to the public footpath which runs along the former railway, from a purely crime prevention standpoint Design out Crime Officer would advise against it. It provides a 'back-door' into the development from the former railway line which could potentially be used for the commission of crime.

#### NORTH WALES WILDLIFE TRUST

*Original consultation response:*

Object to the development as it does not provide a net biodiversity benefit.

Proposal includes the loss of mature trees, hedgerow and pond which cannot be mitigated and also involves the loss of semi-improved grassland.

Also notes that further protected species surveys are required and that enhancement measures such as bat and bird boxes have not been provided within the development.

(No re-consultation response received).

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

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

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

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

- Site Plans
- Transport Assessment
- Road Safety Audit

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

#### Capacity of Existing Network

Transport Assessment assesses three junctions. These included the proposed site access, A525 High Street / A525 Upper Denbigh Road / Mount Road / Chester Street Priority Controlled Roundabout and A525 High Street / A525 The Roe / Lower Denbigh Road Priority Controlled Mini Roundabout.

As per typical guidance, a future assessment year of 2026 was adopted for the Transport Assessment (i.e. based on the year of application + 5 years for developments outside of the strategic road network). The capacity assessments were undertaken in 2026 'with' and 'without' development scenarios. The traffic growth factor values used as part of the assessment have taken into account the committed developments in nearby proximity which include the HM Stanley site and Bryn Gobaiath.

The Ratio of Flow to Capacity (RFC) for a junction is usually considered to give an RFC of between 0.00 and 0.85. Values between 0.85 and one represents variable operation (i.e. possible queues building up at the junction during the period under consideration and increases in vehicular delay moving through the junction). RFC values in excess of one represents overloaded conditions (i.e. congested conditions).

Values presented in Table 8.2 of the Transport Assessment shows the A525 High Street / A525 Upper Denbigh Road / Mount Road / Chester Street priority controlled roundabout will operate within its practical capacity in the future assessment year of 2026.

Values presented in Tables 8.3 and 8.4 demonstrates that the A525 High Street / A525 The Roe / Lower Denbigh Road mini roundabout in both the 'with' and 'without' development is anticipated to operate over the 0.85 RFC threshold assessments on two arms of the mini roundabout. There appears to be minimal material change in overall network performance particularly in terms of the RFC or MMQ when comparing the 'with' and 'without development' scenarios on all arms, with the maximum increase in queues being 3.7 PCU which occurs on the A525 High Street in the PM peak hour. The results show that the junction will operate with RFCs of below 1.0 on all arms with the proposed development in place. As discussed earlier RFC values in excess of one can represent overloaded conditions.

The Transport and Capacity assessments demonstrate that at the majority of the junctions, there is sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.

Accident data for the past five years show no accidents have occurred along the surrounding highway network within 350m of the site boundary. At the locations of the assessed major junctions, two accidents occurred at the A525 High Street / A525 Upper Denbigh Road / Mount Road / Chester Street priority controlled roundabout which were both of slight severity. The low number and severity of the accidents highlights the lack of any particular accident cluster spot and does not present a concern in the context of the proposed development.

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

#### Accessibility

A detailed assessment of the accessibility of the site by non-car modes of transport has been provided in the Transport Assessment. As summarised in the assessment, the site is considered to be well served by all major non-car modes of transport. It has been shown that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle and is served by good bus services.

The primary points of access for pedestrians will be at the same location as the vehicular accesses. A new pedestrian link will be provided along the eastern boundary of the site linking onto the existing footway and onto the farm access road running along the southern boundary of the site. Pedestrian traffic islands will be provided where necessary on the A525 to enable pedestrians to safely cross the carriageway. As part of the Highways Section Agreement a pedestrian link and footpath will be provided from the footpath link adjacent to Plot 120, head west around the green space and link onto the private driveway at Plot 28/29. This will provide pedestrians with a circular link and avoid having to walk on the A525 where footway provision is not practical. In addition, provision will be provided at the south eastern extend of the site for a potential future footpath link onto the track leading to PROW 208/9.

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

The existing 30mph zone is to be extended to the south of the proposed development access. Existing street lighting along the A525 will be upgraded in line with the extension of the 30mph speed limit. Access for pedestrians will be available through the main point of access off the A525.

A Stage 1/2 Road Safety Audit has been undertaken and submitted as part of the Transport Assessment. Stage 1 Road Safety Audits are undertaken at the completion of preliminary design and where possible, before planning consent is granted. Stage 2 Road Safety Audits are undertaken at completion of the [detailed design](#) stage of the works. Stage 1 and 2 Audits are occasionally presented as one which is the case for this development. The Audit Team consider the layout of junctions, position of signs, carriageway markings, lighting provision and other issues. A number of potential safety concerns were identified by the auditors and have been addressed by the designers in the form of a designer's response, which forms part of the safety audit submission.

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

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

The proposed site has a main internal estate road, measuring 5.5m in width, which is accessed from the A525. 2.0m footways/service margins will be provided throughout the site. In order to demonstrate that the site can be serviced sufficiently, swept path analysis of a large 4-axle refuse vehicle has been undertaken at the site access and at the turning heads within the site. The swept path analysis demonstrates that a vehicle of this size can enter the site via the site access, turn within the site at appropriate points, and exit the site in a forward gear.

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

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

- Footpaths Officer

*Original consultation response:*

Notes the site is abutted by a public right of way and former railway to the east. Whilst not a formal public right of way route, notes the former railway is used as an informal footpath.

The Design and Access Statement at 2.17 refers to the public paths and indicates a willingness to create a 'potential connection' to these paths.

Footpath Officer recommends that a pedestrian link from the site to the public footpaths / former railway to the east of the site is provided for within the development.

Re-consultation response:

Notes the amended plans have taken on board previous comments.

No further comments to make regarding this consultation

Public Protection Officer

No objection raised.

In terms of the Construction Method Statement, Public Protection Officer has requested that Section 5.3: Noise & Vibration is amended to include a provision requiring that, should any piling works need to be undertaken, details of piling will be agreed in writing with the LPA prior to being undertaken.

Conservation Officer – no response received

County Ecologist

*Initial consultation response:*

Ecologist advised further great crested newt and bat survey required.

Ecological reasonable avoidance, mitigation and enhancement measures need to be provided within the site.

Concern raised with the loss of substantial mature oaks, which cannot be mitigated with replacement planting. Loss of trees needs to be fully justified and option of utilising felled deadwood and repurposing this on site is strongly recommended to provide deadwood habitat.

Commented on the wildlife maintenance in the landscaping plan and advised amendments are required and that careful maintenance and management long term to ensure it is successful from an ecological perspective.

New native hedging should increase to at least 7 woody species (currently 4 species).

Would expect a mix of bat and bird boxes across the site, access for hedgehogs in each property boundary, nesting bird checks prior to any works in nesting bird habitat, RAMS for badgers, and a biosecurity risk assessment.

*Re-consultation response:*

Having reviewed the proposals and associated ecological report, recommends that conditions are attached to ensure that 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.

Conditions proposed are:

- To secure Biosecurity Risk Assessment
- To secure updated external lighting/internal light spillage scheme, designed to avoid negative impacts on bats,
- To provide access through site boundaries for hedgehogs (minimum 15cm opening).
- To secure details of an Ecological Compliance Audit (ECA)

Whilst raising no objection to the Landscape and Ecological Management Plan, the Ecology Officer has asked for minor amendments to be made to provisions regarding management of wildlife area and native hedgerow.

Flood Risk Officer:

Advises that the proposed development will require separate approval from the SuDS Approving Body (SAB) prior to the commencement of those construction works

Strategic Housing & Policy Officer

*Initial consultation response:*

The application site is located within the development boundary of St Asaph and specifically allocated for residential use under LDP policy BSC 1. There is accordingly no objection to the principle of proposing residential use.

However, additional information was requested to justify the housing mix proposed as it did not fully align with the Local Housing Market Assessment recommended mix.

*Re-consultation response:*

No objection to the reduction in total dwelling numbers from 124 to 113.

Housing Mix:

The proposed market housing mix is an improvement to the original proposal and presents a greater balance between different house sizes. (See table below.) It is acknowledged that the amended market housing mix is not precisely aligned to the results of the Denbighshire Local Housing Market Assessment (2019). The applicant has however submitted additional evidence to substantiate the proposal and Strategic Planning and Housing Officers can accept the proposed market housing mix in light of the evidence and arguments put forward.

Recommended Market Housing Mix for Denbighshire: Source DCC Local Housing Market Assessment July 2019

	1 + 2 bed	3 bed	4 bed+	Total
<i>Recommended Housing Mix – Market Housing</i>	30%	35%	35%	100%
<i>Proposal (December 2021)</i>	25.9%	46.4%	27.7%	100%
<i>Proposal (May 2022)</i>	23.5%	38.3%	38.3%	100.1%*

Note: \* - 100.1% because of rounding to 1 decimal place

Affordable Housing contributions:

LDP policy BSC 4 requires new development to provide a minimum requirement of 10% affordable housing, which equates to a requirement of 11.3 affordable dwellings.

11 'affordable' dwellings are proposed onsite, which means that the Council seeks a planning contribution of £41,795.82 for the remaining 0.3 unit.

Education contributions:

In accordance with the Methodology and calculation for contributions towards the provision of new or improved education facilities are set out in the adopted Supplementary Planning Guidance (SPG) note 'Planning Obligations', the following contributions are required: As a result of the development, there will be the need to contribute towards the accommodation of eight additional pupils at the local primary school. This results in a financial contribution of £128,000 on the basis of 'refurbishment' costs instead of 'new built'. There is no need to seek financial contributions towards the provision of school places at secondary school.

Open space provision:

The provision of open space is assessed in line with LDP policy BSC 11 and Supplementary Planning Guidance note: Recreational Public Open Space (March 2017).

The development will include 0.83 hectares of public open space, including 190 square metres of Local Equipped Area of Play (LEAP)/ Children's Play Space; see Planning Design and Access Statement (May 2022), paragraph 6.25.

Clarification was sought from the applicant whether the 'attenuation basin' has been included in the overall POS calculation. Since the basin is part of the SUDS/ drainage solution, its areas (1,871 square metres) should be deducted from the overall POS figure.

Accordingly, open space contributions are calculated on the basis of 190 square metres of LEAP and 0.64 square metres of Community Recreational Open Space (CROS). Using to the Council's Open Space Calculator, a development of 113 dwellings will necessitate the provision of 6,237.6 square metres of public open space onsite thereof: 4,158.4 square metres CROS and 2,079.2 square metres LEAP.

Whilst the development overprovides for CROS, there is a shortfall of 1,889.2 square metres LEAP. This will necessitate a financial contribution of £74,585.62 for the LEAP offsite provision.

It must be noted that the Council no longer adopts open space, and would prefer the set-up of a management company by the developer. Should Denbighshire County Council or St Asaph City Council adopt the open space, additional maintenance costs are calculated at £14.54 per square metre.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Paul Malpas, 53 Ffordd Brenig, St. Asaph  
Steve Grube, 6 Oak Close, St Asaph

Stuart Kempson, 6 Heol Celyn, St Asaph  
Margaret Cummings, 26 Bryn Elwy, St Asaph  
Toni Mayne, Springfield Stud, Upper Denbigh Road, St Asaph  
John Sangster, Bryn Asaph Bach, Upper Denbigh Road, St. Asaph  
Craig Taylor, Llanerch Cross, St. Asaph

Summary of planning based representations in objection:

#### Principle

- Loss of greenbelt
- Land is unsuitable for development. Further development at this site constitutes over-development and intensification at the site.
- Brownfield land should be prioritise

#### Visual amenity

- Landscaping needs careful management to avoid detriment to existing trees and hedgerow

#### Residential amenity:

- Adverse impact on hospice residents
- Overlooking of neighbouring properties.

#### Highways:

- Upper Denbigh Road / A525 extremely busy with queues and standing traffic due to too high usage at peak times.
- Development is close to schools and HM Stanley housing development –
- Will result in increased traffic through St. Asaph, in particular at rush hour, increasing congestion.
- Increased traffic would increase risk to users trying to access A525 from lane to the south of the site.
- Poor visibility / in adequate splays
- Need to provide for active travel
- Concern about pedestrian and cycle access proposed along track from A525 to Ty Tyn Farm – track is used by farm traffic and concern there may be safety risk to public if there is increased pedestrian / cycling use along this track as there is no footpath along lane, national speed limit and poor visibility, which could result in accidents.
- Transport Assessment underestimates impact on local highway network – future residents will rely on cars to access supermarkets and amenities not available in St. Asaph

#### Affordable Housing

- How will Council ensure affordable housing is delivered?

#### Drainage:

- Detrimental impact on natural drainage
- Additional strain on sewer and water supplies
- Drainage affecting water table and flooding risk
- Existing issues with foul drainage / sewerage system locally
- Development should not add additional water flow to River Elwy which currently floods property
- Attenuation pond will not deal with prolonged heavy rainfall so will exacerbate flooding
- Hard surfacing proposed throughout site, not porous material
- This area can already not cope with the volume of water discharged onto the A525
- St. Asaph already at risk of flooding

#### Ecology:

- Detrimental impact on local wildlife / loss of habitat
- Will not provide a net benefit for biodiversity, contrary to national planning policy
- Loss of mature oak trees, hedgerow, ponds and semi-improved grassland

- Insufficient protected species survey
- Badger setts close to site - adverse impact on badgers
- No bat and bird boxes provided
- Existing trees and hedgerow need to be protected during construction – Arboricultural Method Statement needed
- Lighting scheme should be sympathetic to wildlife
- Hedgehog protection and mitigation needed (e.g. gap in fencing)

Sustainability:

- Solar panels and electric vehicle charging points should be included in the development

Impact on local services

- Additional strain on overstretched public services and resources.
- School and healthcare provision already overstretched

Other issues:

- Concern development would encroach onto adjoining landowner's land
- Concerns raised with the adequacy of pre-application consultation carried out.

In support

Representations received from:

J. Bellingham, St Kentigern Hospice, Upper Denbigh Road, St. Asaph

Summary of planning based representations in support:

St Kentigern hospice backs onto the proposed development site.

The hospice is protective of its privacy and tranquillity and has enjoyed uninterrupted views for the patients to enjoy over the past 21 years.

The 12 inpatient bedrooms on the ground floor all have access to the garden with rural views and without buildings overlooking rooms. The proposal should be sympathetic to this and any potential developer should demonstrate empathy, compassion and be a good neighbour. With this in mind request a buffer zone of 25m with a high fence and planting to protect that privacy. Also request that no houses look directly into the hospice with no play areas towards the back of the hospice or to the far side. Also request that existing trees to the rear and side of the building remain.

One concern would be the amount of traffic it is going to create in St Asaph, which at peak times is already difficult to negate.

Neutral

Representations received from:

David Wilkinson, Pure Residential and Commercial Ltd, New Vision House, Glascoed Road, St. Asaph

Summary of neutral planning based representations:

Visual amenity

Roof materials should be slate due to proximity to HM Stanley listed building, which was a requirement of HM Stanley development

Residential amenity:

Insufficient set back distance between proposed dwellings and dwellings within the HM Stanley development

Drainage:

Query if sufficient spare capacity within the foul water network to accommodate development

**EXPIRY DATE OF APPLICATION: 09/01/2022**

**EXTENSION OF TIME AGREED: 07/09/2022**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application is for a development of 113 dwellings, formation of new access, landscaping and associated works. An existing farm house is proposed to be retained and refurbished.
- 1.1.2 The proposed development includes a mix of apartments, terrace, semi-detached and detached properties. Plans show dwellings would predominately have brick facing walls with pitched tile roofs, with some properties having render to the front elevations.
- 1.1.3 A new vehicular access is proposed off Upper Denbigh Road, and footpath links are proposed to the lane to the south of the site and to the former railway to the east of the site.
- 1.1.4 New internal estate roads and footpaths are proposed within the site, and parking would be provided for each dwelling.
- 1.1.5 The development will include 0.83 hectares of public open space, including 190 square metres of Local Equipped Area of Play (LEAP) with the remainder of the provision being informal community recreational open space.
- 1.1.6 An attenuation basin is proposed in the south west corner as part of the surface water drainage scheme.
- 1.1.7 Full details of landscaping are including in the application, which shows existing trees and hedgerow along the site boundary and within the site proposed to be retained as far as possible and an existing pond is to be retained and incorporated into the public open space.
- 1.1.8 New tree and hedgerow planting and other soft landscaping is proposed throughout the site. A 0.11ha landscape buffer is proposed to the rear of the St. Kentigern hospice which abuts the site to the north. The hospice landscape buffer would be enclosed by fencing to prevent public access, however maintenance access would be provided.
- 1.1.9 Three individual Oak trees and small sections of hedgerow are proposed to be removed to facilitate the development. The application is supported by a Tree Survey which confirms trees to be removed are classed as two category C2 trees and one category B1. Tree removal is necessary to facilitate the development.
- 1.1.10 Ecological avoidance, mitigation and enhancement measures are proposed within the development including protecting of existing trees and hedgerow to be retained; new native planting throughout the site; providing a 50mm clearance below fence panels to garden boundaries for hedgehog movement; and provision of bat and bird boxes.
- 1.1.11 Boundary treatment is proposed to be formed by timber fencing.

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

1.1.13 The application documents confirm the ground has low infiltration rates, and therefore surface water will be collected into gravity piped networks, stored in a temporary attenuation basin proposed in the south-west corner of the site which will discharge at into the highway drain in Upper Denbigh Road at restricted flow rates.

1.1.14 The proposed site layout plan is shown below:



1.1.15 Example house types are below:



5P38 END  
FRONT ELEVATION

4P28 END OPP  
FRONT ELEVATION



5P38 END AS  
SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



FRONT ELEVATION  
GB1 HIGHFIELD AS

FRONT ELEVATION  
GB1 OAKLEY AS

FRONT ELEVATION  
GB1 OAKLEY OPP



SIDE ELEVATION  
GB1 HIGHFIELD OPP

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

### 1.2.1 The application is supported by the following documents:

- Planning, Design and Access Statement
- Pre-application Consultation Report
- Flood Consequences Assessment
- Transport Assessment
- Arboricultural Impact Assessment

- Geophysical Survey
- Drainage strategy and plans
- Landscaping and planting plans
- Preliminary Ecological Assessment
- Protected species surveys (Great Crested Newt, bats, barn owl, reptile and badger)
- Bat and Bird Box Scheme
- Landscape and Ecological Management Plan (LEMP)
- Highway arrangement plans and details, including access arrangements, construction materials, signage and lighting
- Market Demand Report

### 1.3 Description of site and surroundings

- 1.3.1 The site agricultural land which is located at the south-eastern corner edge of the City of St Asaph along the A525 / Upper Denbigh Road.
- 1.3.2 There is an existing farm house and associated outbuildings within the site and the site boundary is marked by trees and hedgerow, with mature trees, section of hedgerow and a pond within the site.
- 1.3.3 The land to the north of the site comprises existing buildings associated with the St Kentigern Hospice and Palliative Care Centre, and the Welsh Ambulance NHS Trust Headquarters, and beyond that lies the land previously occupied by the former HM Stanley Hospital which benefits from planning permission for residential development and which is currently under construction.
- 1.3.4 To the west of the site runs the A525 Upper Denbigh Road and to the south runs a minor lane.
- 1.3.5 To the east lies further agricultural land and a former railway runs in a north-south direction to the west, with public footpaths to the north-west.

### 1.1 Relevant planning constraints/considerations

- 1.1.1 The site lies within St. Asaph development boundaries and is allocated for housing development.
- 1.1.2 Public Rights of Way run close to the north-east boundary of the site.

### 1.2 Relevant planning history

- 1.2.1 None.

### 1.3 Developments/changes since the original submission

- 1.3.1 The proposal has been amended during the course of the application and number of dwellings has been reduced from 124 to 113 dwellings in response to concerns raised by consultees.
- 1.3.2 The application was subject to a full re-consultation on receipt amended plans.
- 1.3.3 Update and additional supporting information has been submitted during the course of the application, which has been re-consulted on as necessary.

### 1.4 Other relevant background information

- 1.4.1 The surface water drainage scheme for the development requires formal separate approval from the SuDS Approving Body (SAB) prior to development commencing.
- 1.4.2 Whilst the surface water drainage is subject to separate approval, Officers would note the applicant has volunteered to improve land drainage from the fields to the south of the application site to improve pre-existing land drainage problems which currently cause localised surface water flooding along Upper Denbigh Road.

- 1.4.3 The drainage plans indicate that, in addition to the surface water drainage proposals to serve the development, a new land drain running parallel to the public highway is also proposed to improve land drainage from surrounding fields.
- 1.4.4 It should be noted that this is proposed as a benefit in kind rather than a planning obligation, however the applicant has confirmed they are happy to enter into an undertaking to secure the offsite drainage improvements if the Council wish to secure it through the planning consent.

## **2. DETAILS OF PLANNING HISTORY:**

2.1 None.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

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

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC4** – Affordable Housing

**Policy BSC11** – Recreation and open space

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA1** – New transport infrastructure

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

**Policy ASA3** – Parking standards

### **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: 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)

TAN5: Nature Conservation and Planning (2009)

TAN12: Design (2016)

TAN18: Transport (2007)

## **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 of development
- 4.1.3 Housing mix
- 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 Affordable Housing
- 4.1.10 Open Space
- 4.1.11 Education

4.2 In relation to the main planning considerations:

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

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

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.

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

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

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

The application proposes the development of the entire site for residential purposes for 113 dwellings including 11 affordable dwellings (10%).

In noting concerns over the need for the development, it has to be recognised that the site is allocated in the adopted Local Development Plan for housing purposes, and the development of 113 dwellings would make a positive contribution to meeting identified housing needs including affordable housing needs.

The Strategic Planning and Housing Officer is in support of the principle of housing development on the site as it has been established through the allocation of the site under Policy BSC1 within the adopted LDP.

With respect to comments received, it is considered that the principle of developing this allocated housing site within the development boundary of the town is acceptable subject to an assessment of the localised impacts which are considered in the remainder of the report.

#### 4.2.2 Density of development

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

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

The scheme has been amended during the course of the application to reduce dwelling number from 124 to 113.

The Strategic Planning and Housing Officer has raised no objection to the housing density.

The Planning, Design and Access Statement states the net density across the Site will be 32.21 dwellings per hectare, which is less than the minimum 35 dwellings per hectare target set out in local policy.

Officers would note the scheme was amended and dwelling numbers reduced to allow for the retention of existing trees, hedgerow and a pond on ecological grounds.

Owing to the effort made to retain ecological value within the site, Officers consider a slightly lower density is acceptable in this instance.

#### 4.2.3 Housing mix

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

The Strategic Planning and Housing Officer initially requested further information to justify the housing mix proposed.

Following the submission of amended plans and a Market Demand Report to justify the housing mix proposed, the Strategic Planning and Housing Officer has advised that the housing mix is acceptable.

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

#### 4.2.4 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.

The City Council and members of the public have objected to the proposal on visual amenity grounds.

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

Whilst acknowledging the concerns raised over the visual impact of the development, in Officers opinion, the proposed layout is acceptable as it has been designed to allow retention of the majority of the existing trees and hedgerow, which creates a large area of open space along the frontage with Upper Denbigh Road, which would soften the views of the site from along the public highway, and provides an attractive focal point in the western section of the site.

The choice of materials is important to the appearance of the dwellings and it is considered that the proposed red brick and render are not uncommon materials on new development sites across the county and would respect the surrounding development in this area, with some with front gables and brick patterns which create interest and prevent the site from looking too uniform within the landscape. The mix of house types across the site, are considered to be acceptable and would help to create a sense of place for the future occupiers of the dwellings.

Representations have also been raised regarding materials and the relationship with the HM Stanley site. Owing to the relationship with the listed former hospital, controls were imposed on materials for the HM Stanley scheme in the interests of protecting the setting of the listed building.

Officers do not consider the scheme currently under consideration would have the same impact on the setting of listed hospital buildings to the north as the HM Stanley housing development scheme, and therefore do not consider it necessary to impose conditions to require slate roofs.

Officers do consider it necessary to impose conditions requiring the approval of materials to ensure brick type and roof tiles selected compliment the surrounding area.

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

#### 4.2.5 Residential amenity

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

Representations from the City Council and members of the public have been received raising concerns regarding impact on residential amenity, including the impact on the St. Kentigern hospice to the north.

It should be noted that representations from the St. Kentigern hospice are supportive of the proposal.

The layout of the site, and its relation to existing dwellings can be seen at the front of the report. The nearest residential properties are located within the HM Stanley development to the north of the site.

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."

Officers consider that sufficient setback has been provided between proposed dwellings and existing dwellings.

Officers would also note a landscape buffer is proposed to the rear of the St. Kentigern hospice which would not have any public access, which is proposed to protect the amenity of hospice residents.

In terms of the residential amenity of the future occupiers of the new dwellings, having regard to orientation of dwellings and positioning of windows, the proposed back to back separation distances between the properties are not considered to raise any significant residential amenity issues which would warrant a reason for refusal on this basis.

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

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

#### 4.2.6 Ecology (including trees)

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

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

Representations from the City Council and members of the public have been received raising concerns over the ecological impacts the development would have including, the loss of trees and hedgerow and impact on protected species.

NRW and the Ecology Officer initially requested additional protected species surveys to be undertaken.

Following submission of additional protected species survey and other ecological information, including further details of ecological mitigation and enhancement, the Ecology Officer have raised no objection to the proposal, subject to condition controls being imposed.

The site is grazing land and there are mature trees and hedgerow within the site, and a pond.

The scheme was amended during the course of the application which sought to amend the layout to enable more of the existing trees and hedgerow and the pond to be retained within the site which lead to a reduction in housing numbers.

Additional protected species surveys and other ecological information has also been provided during the course of the application.

No reptiles or Great Crested Newts have been found within the site, however the respective protected species surveys recommend avoidance measures are carried out as precautionary measure which can be secured by condition.

A badger survey has been carried out. No badger activity has been identified within the site, however Badger setts are known to be present on the periphery of the site

and therefore reasonable avoidance measures should be adhered to, which again can be secured by condition.

Trees which are proposed to be felled have been surveyed for bats and birds, however no protected species has been found to be present in trees or hedgerow proposed to be removed.

A Landscape and Ecological Management Plan has been submitted which confirms the management company who will be maintaining public open space and landscaped areas within the site and sets out a long term maintenance programme.

Three mature Oak trees and sections of hedgerow are still proposed to be removed. The tree survey confirms only one of three Oak trees is a good specimen however its removal is necessary to facility the internal road layout.

Officers are satisfied that the proposal provides sufficient mitigation to offset the loss of mature trees and hedgerow, and ecological enhancement is also proposed within the site, including the long term management of habitats within open space areas and provision of bat and bird boxes throughout the site.

No invasive species were found within the site, however Himalayan balsam was identified within 1km of the site, which is a non-native invasive species, and it is therefore best practice for biosecurity risk assessment to be undertaken, which can be secured by condition.

The Ecology Officer has requested an updated lighting scheme is submitted to that the recommendations in the bat survey can be incorporated into the lighting scheme; this can dealt with by condition. Similarly, the Ecology Officer is supportive of the Landscape and Ecology Management Plan, but has requested minor amends to management of the wildlife area and native hedgerow which again can be dealt with by condition.

Subject to the imposition of conditions recommended by statutory consultees, Officers are satisfied the proposal would not adversely impact ecological interests.

#### 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 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Representations from the City Council and members of the public have raised concerns on flood risk grounds.

Natural Resources Wales and the Councils Drainage Officers have raised no objections or concerns on flood risk grounds.

Dwr Cymru have raised no objection to the proposal, subject to conditions being imposed.

The site is not located in an area at risk of flooding.

The applications supported by a Flood Consequences Assessment and Drainage Strategy.

Foul drainage is proposed to discharge to the public sewer.

Officers would note that surface water drainage is subject to separate SAB approval and planning should not duplicate other regulatory controls. Nevertheless, surface water drainage details have been provided which state the site has low infiltration capacity and therefore soakaways would not be a viable solution for surface water drainage. Instead, an attenuation pond is proposed within the site which would hold surface water from the site and it would then discharge to a highway drain.

The applicant has acknowledged there are existing issues with surface water flooding along the highway as a result of poor land drainage from the surrounding fields. As part of the surface water drainage strategy, the applicant has offered to carry out works to also improve land drainage from surrounding fields, which would be delivered as part of the SAB application.

As this is a measure to improve an existing issue, not to rectify harm caused by the development, Officers would stress this is not a mitigation measure, but would be seen as a betterment which is being volunteered by the applicant.

Notwithstanding the concerns raised in public representations, having regards to the conclusions of the Flood Consequences Assessment and the consultation responses received from statutory consultees, Officers consider the development would not be at risk of flooding and nor would it increase the risk of offsite flooding, and the drainage details are therefore considered to be acceptable.

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

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

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

Representations from the City Council and members of the public have raised concern on highway grounds including over the increase in number of vehicles on public roads and the capacity of the highway to accommodate increase volumes of traffic.

Highway Officers have carried out a detailed assessment of the proposal, and have raised no objection to the proposal.

Footpaths Officers had requested a footpath link from the site to the former railway to the east. Following submission of amended plans, Footpaths Officers were satisfied recommendation had been taken on board and raised no further comment.

The development is proposed to be served via a new vehicular access off Upper Denbigh Road and the 30pmh speed limit is proposed to be extended.

The application is supported by a detailed Transport Assessment which considers the impact of the proposal on surrounding highway infrastructure.

The application is supported by detailed Highway arrangement plans and details, including access arrangements, construction materials, signage and lighting.

The Highway Officer's response is set out in detail at the beginning of this report, however comments are summarised below:

Capacity of Existing Network:

*At the majority of the junctions, there is sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*

*Accident data for the past five years shows a low number and severity of the accidents which highlights the lack of any particular accident cluster spot and does not present a concern in the context of the proposed development.*

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

Accessibility

*Accessibility of the site by non-car modes of transport has been provided in the Transport Assessment. The site is considered to be well served by all major non-car modes of transport. It has been shown that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle and is served by good bus services.*

*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

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

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

*It is considered that the on-site highways arrangements are acceptable.*

Notwithstanding the concerns raised by public representations, having regard to the findings of the Transport Assessment and recommendations of Highway Officers, there is no evidence before the Council which demonstrates the proposal would unreasonably impact on highway safety or result in highway capacity being exceeded.

Whilst details information has been provided regarding internal highway works, improvement to the public highway would also need to be carried out. Officers are satisfied that conditions can be imposed in line with Highway Officer recommendations to secure details of works to the public highway.

Having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Subject to conditions being imposed, Officers would conclude the proposal would not adversely impact on highway interests.

4.2.9 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.

The Strategic Housing & Policy Officer confirms that this level of affordable housing provision is acceptable subject to a financial contribution being made to meet the residual 0.3 dwelling contribution required.

The proposal is for 113 dwellings, which equated to a need for 11.3 affordable dwellings to satisfy the policy requirement.

The applicants have offered 11 dwellings onsite.

It is recommended that should permission be granted, that it be subject to a Section 106 legal agreement to secure the delivery of the 11 affordable dwellings onsite and to secure a financial contribution of 41,795.82 for the remaining 0.3 unit. This would need to be completed prior to the decision notice being released.

With respect to comments received, in Officers' opinion the proposal is acceptable with respect to affordable housing delivery.

#### 4.2.10 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 Strategic Planning and Housing Officer has raised no objection to the provision of open space, subject to financial contribution being secured.

The proposal is for 113 units and therefore onsite open space is expected to be provided within the site.

The development will include 0.83 hectares of public open space, including 190 square metres of Children's Play Space and 0.64 square metres of Community Recreational Open Space (CROS).

Using to the Council's Open Space Calculator, a development of 113 dwellings will necessitate the provision of 6,237.6 square metres of public open space onsite thereof: 4,158.4 square metres CROS and 2,079.2 square metres LEAP.

Whilst the development overprovides for CROS, there is a shortfall of 1,889.2 square metres LEAP. This will necessitate a financial contribution of £74,585.62 for the LEAP offsite provision, which can be secured through a legal agreement.

Subject to a legal agreement being entered into to secure necessary financial contribution, Officers consider the proposal has satisfied the requirements for public open space provision.

#### 4.2.11 Education

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

The Planning Obligations SPG states that Education contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools. Within paragraph 13.6 of the SPG, there are exceptions set out in relation to the provision of school places based on the type of residential development proposed and the SPG states that contributions will not be sought in the following circumstances:-

- 1) Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more) and also
- 2) 1 bed dwellings or 1 bed apartments or flats

Representations from the City Council and members of the public have raised concern regarding the impact of the proposal on local services and schools.

The Strategic Planning and Housing Officer has advised that, discounting the 1 bedroom dwellings proposed, the proposed residential development, based on recognised calculations, is expected to generate a need for eight primary places. This results in a financial contribution of £128,000 on the basis of 'refurbishment' costs instead of 'new built'.

There is sufficient secondary school capacity to accommodate the development and therefore no financial contributions towards the provision of school places at secondary school are required.

Subject to a legal agreement being entered into to secure necessary financial contribution, Officers consider the proposal has satisfied the requirements for public open space provision.

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

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

1. Completion of a Section 106 Obligation to secure provision of eleven onsite affordable dwellings; a financial contribution of: £41,795.82 towards the residual 0.3 affordable housing requirement; £74,585.62 towards shortfall of onsite provision open space (LEAP); £128,000 towards primary education provision.

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 set out below.

5.3 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 13th July 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
  - (a) Plans
    - (i) Housetype Pack Rev. A received 8 March 2022
    - (ii) Proposed sub-station received 11 November 2021
    - (iii) Topographical Survey (Drawing No. CGH.TS.06\_A\_1) received 11 November 2021
    - (iv) Topographical Survey (Drawing No. CGH.TS.06\_A\_1) received 11 November 2021
    - (v) Topographical Survey (Drawing No. CGH.TS.06\_A\_2) received 11 November 2021
    - (vi) Topographical Survey (Drawing No. CGH.TS.06\_A\_3) received 11 November 2021
    - (vii) Landscape layout sheets 1-4 (Drawing No. P.1521.21.03A) received 4 April 2022
    - (viii) Planting Plan sheets 1-5 (Drawing No. P.1521.21.04B) received 19 May 2022
    - (ix) Boundary Treatments 01 received 11 November 2021
    - (x) Boundary Treatments 02 received 11 November 2021
    - (xi) Site Layout (Drawing No. UPD-STA-SP01 Rev. G) received 7 March 2022
    - (xii) Location plan (Drawing No. UPD-STA-LP01) received 11 November 2021
    - (xiii) Boundary Treatment Plan (Drawing No. UPD-STA-BTP01) received 24 March 2022
    - (xiv) Gate with screen fence elevation plan received 24 March 2022
    - (xv) Free Standing brick walls elevation plan received 24 March 2022
    - (xvi) Screening fencing elevation plan received 24 March 2022
  - (b) Documents
    - (xvii) Planning, Design and Access Statement (May 2022) received 26 May 2022
    - (xviii) Pre-Application consultation report received 11 November 2021
    - (xix) Transport Assessment (Doc Ref: LB/ALM/210584/TS0) received 15 March 2022
    - (xx) Aerial Bat and Barn Owl survey of trees (Cheshire Ecological Services dated March 2022) received 23 March 2022
    - (xxi) Reptile Survey Report (October 2021) received 10 May 2022
    - (xxii) Preliminary Ecological Appraisal (Cheshire Ecological Services dated March 2022) received 23 March 2022
    - (xxiii) Greater Crested Newt (GCN) eDNA Survey Report (Cheshire Ecological Services dated May 2022) received 13 May 2022
    - (xxiv) Ascerta Arboricultural Impact Assessment Sept'21 (P.1521.21 Rev. A) received 15 March 2022
    - (xxv) Geophysical Survey (V1.1) received 11 November 2021
    - (xxvi) Preliminary Foul Waste Calculations (7866 FW01) received 11 November 2021
    - (xxvii) Drainage Strategy (Drawing No. 7866/SK101 Rev. B) received 31 March 2022
    - (xxviii) Highway and Drainage Longsections (Drawing No. 7866/SK102 Rev. B) received 31 March 2022
    - (xxix) Preliminary Surface Water Calculations (7866 SW01) received 11 November 2021
    - (xxx) Flood Consequences Assessment and Drainage Strategy Issue 2 (March 2022) received 31 March 2022
    - (xxxi) Highway details - Construction Materials (Drawing No. 3649-D002 Rev. B) received 1 April 2022
    - (xxxii) Highway details - Signs and Markings (Drawing No. 3649-D003 Rev. B) received 1 April 2022
    - (xxxiii) Highway details - Standard details (Drawing No. 3649-D004) received 1 April 2022
    - (xxxiv) Highway details - S278 General Arrangement (Drawing No. 3649-D001 Rev. B) received 1 April 2022
    - (xxxv) Construction Method Statement Rev. A received 11 May 2022
    - (xxxvi) Construction Method Statement Layout plan received 24 March 2022
    - (xxxvii) Proposed S278 Access Arrangements received 1 April 2022

(xxxviii) Market Demand Report (April 2022) received 19 April 2022  
(xxxix) Winter Hibernation Bat Survey (Cheshire Ecological Services dated April 2022) received 10 May 2022  
(xl) Landscape and Ecological Management Plan (Ascerta Ref P.1521.21, May 2022) received 24 May 2022  
(xli) Street lighting design pack received 9 June 2022  
(xlii) Bat Survey of Trees (Cheshire Ecological Services dated June 2022) received 20th June 2022  
(xliii) Badger Survey & Outline Mitigation Strategy (Cheshire Ecological Services dated June 2022) received 20th June 2022  
(xliv) Bat and Bird Box Scheme (Cheshire Ecological Services dated June 2022) received 20th June 2022

3. Prior to the application of any external materials on any dwelling hereby approved, full details of the wall and roof materials 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. **PRE-COMMENCEMENT DEVELOPMENT**  
Prior to the commencement of the development, the detailed means of traffic calming, upgrading of existing street lighting, extension of existing 30mph zone, footway/active travel links and crossings, passing places and associated highway works (including the timing of the implementation of the approved works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.
5. 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.
6. The development hereby approved shall be managed and maintained in strict accordance with the approved Landscape and Ecological Management Plan (Ascerta Ref P.1521.21, May 2022), with the exception of the following provisions, which shall not be as stated, but shall be carried out as follows:
  - a) Management of Open space with Germinal WFG20 Eco Species Rich Lawn mix and Wildflower RE3 River Floodplain / Water Meadow (MG8 Grassland) shall not be as stated in Table 4.2.1, Table 4.2.2 and Table 4.2.3 with respect to clippings removal. Clippings shall not be left in-situ for 3-7 days, but shall be removed on the day of cutting to avoid nutrient build up.
  - b) New native hedge shall not be pruned to a height of 1.2m as stated in Table 4.2.3, but shall be pruned to a height of not less than 2m.
7. Notwithstanding the approved details of landscaping and planting, the new native species planting within the development hereby approved shall also include provision for native black poplar (*Populus nigra* subsp *betufoia*).
8. 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.
9. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

10. The development shall be carried out strictly in accordance with the Best Practice Measures (BMPs) with respect to reptiles set out in Section 7 of the of the approved Reptile Survey Report (Cheshire Ecological Services dated October 2021)
11. The development shall be carried out strictly in accordance with the Reasonable Avoidance Measures (RAMS) set out in Section 6 of the approved Great Crested Newt GCN eDNA Survey Report (Cheshire Ecological Services dated May 2022).
12. The development shall be carried out strictly in accordance with the Reasonable Avoidance Measures and Outline Licensed Badger Mitigation Strategy set out in Section 6.16 and 7 of the approved Badger Survey & Mitigation Strategy (Cheshire Ecological Services dated June 2022)
13. The development shall include provision for bats and nesting birds in full accordance with the approved Bat and Bird Box Scheme (Cheshire Ecological Services dated June 2022).
14. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with those details approved.
15. Notwithstanding the approved details, the external street lighting shall not be as shown on the street lighting design pack. An updated street lighting design pack to be supported by an external lighting/internal light spillage scheme shall be submitted to and approved in writing by the local planning authority. The updated lighting details shall be designed to avoid negative impacts on bats, and should follow the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK (2018) Bat conservation Trust & The Institute for Lighting Professionals. The development shall then be carried out in accordance with the approved details.
16. The development shall include access through site boundaries for hedgehogs (minimum 15cm opening). The location and specification of these features shall be determined by a suitably qualified ecologist, and shown on appropriate plans and drawings. The updated plans shall be submitted to and approved in writing by the local planning authority and the development shall then proceed strictly in accordance with the approved details.
17. 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 ECA shall be completed in accordance with the submitted details.
18. Only foul drainage from the development hereby approved shall be permitted to discharge to the public sewerage system and this discharge shall be made at manhole reference number SJ04732701.

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. To ensure that adequate visibility is provided at the proposed point of access to the highway.
6. In the interests of visual amenity, nature conservation and to ensure ecological mitigation and enhancement measures are provided.
7. In the interest of nature conservation.
8. In the interest of visual amenity and ecological mitigation.
9. In the interests of visual amenity.
10. To protect the favourable conservation status of protected species.
11. To protect the favourable conservation status of protected species.
12. To protect the favourable conservation status of protected species.

13. To secure the delivery of ecological enhancement measures.
14. To control the spread of non-native invasive species in the interests of nature conservation.
15. In the interests of protecting the favourable conservation status of protected species.
16. In the interests of nature conservation and securing ecological mitigation for hedgehogs.
17. In the interests of nature conservation.
18. 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.