

16/2021/1109

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Proposed site layout



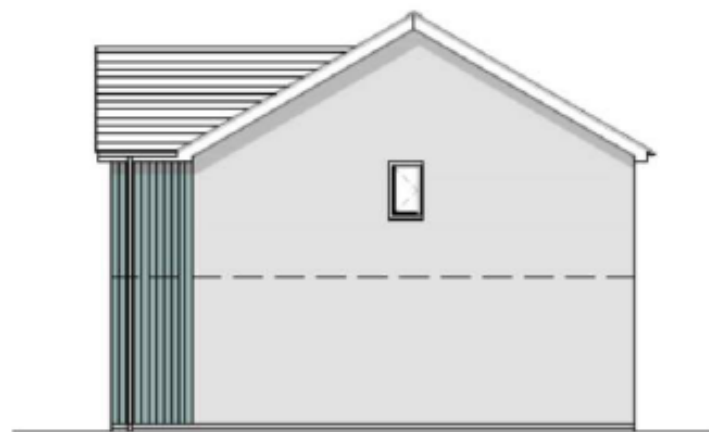
House type A – 3 bed dwellings



House type B – 4 bed dwellings



Front Elevation - House Type A



Side Elevation



Rear Elevation



Side Elevation

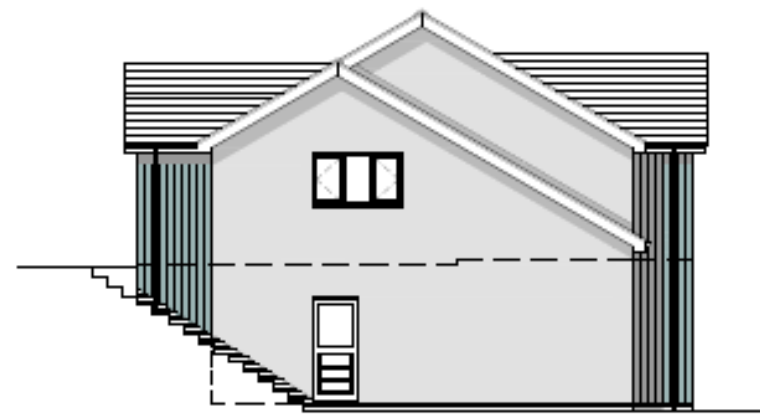
House type C – 4 bed dwellings



House type D & D2 – 2 & 3 bed dwellings



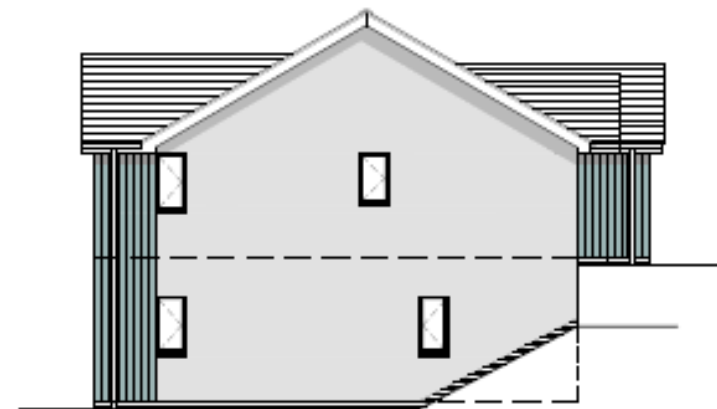
Front Elevation - House Type E



Side Elevation



Rear Elevation



Side Elevation

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House type E – 4 bed dwellings



Site frontage looking north west

Proposed site location and extent of allocated site

Existing Built Environment



Location of site in context of existing
development



Access visibility looking west (towards Ruthin)



Access visibility looking east (towards Mold)



Neighbouring dwellings on eastern boundary



Neighbouring dwellings on western boundary
(The Rectory and Belmont)



Neighbouring dwellings on western boundary
(Belmont and Clwyd Ni)



CGI impression of how the site would look
when viewed looking north-eastwards

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw O Williams

APPLICATION NO: 16/2021/1109/ PF

PROPOSAL: Erection of 18 no. dwellings, construction of a new vehicular access and associated works

LOCATION: Land between The Rectory and Brackendene Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Wheeler Homes

CONSTRAINTS: Within 67m Of Trunk Road AONB

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:

LLANBEDR DC COMMUNITY COUNCIL:

INITIAL RESPONSE:

“Llanbedr Dyffryn Clwyd Community Council objects to the subject planning application and plans for the following reasons:-

1. We note residents’ concerns that the density means houses very close to the site boundaries, which, due to the contours on the site will overlook existing homes. Reducing the density will help alleviate this.
2. We have serious concerns about the safety of the access to the proposed new development from the A494. Whilst your reports suggest the visibility is acceptable for traffic travelling at the speed limit plus 10kph, the North & Mid Wales Trunk Road Agency’s own data shows that 1 in 8 vehicles is travelling faster than 37mph at this point. Speeding traffic on the A494 through the village is a major concern for 75% of residents and we can’t support this proposed development unless these concerns are addressed.
3. We also believe that your figures for the amount of traffic the site would generate significantly underestimate the likely situation. For example the estimate of 8 return journeys at rush hours, seems far too low. These are family homes so it is likely that most will have two cars. Many houses are likely to have a school run trip and at least one if not two regular commuter trips every day.
4. The lived reality of local residents is that Lon Cae Glas and other streets in the village are not safe for pedestrians – there are no pavements on Lon Cae Glas at present, traffic can be frequent to access the local beauty spot of Maes Famau, verges are overgrown and raised above the level of the road and the rumble strips are barely there due to wear and tear. Many

tell us that cars pass too close and at excessive speeds. Walking to Ruthin requires walking along a trunk road with cars passing at 60mph and often more. Your reports paint an overly rosy picture of the situation for walkers, cyclists, horse riders and others. There is no safe crossing point on the A494.

5. We will need to be re-assured that a suitable drainage scheme is in place, particularly for run off onto the trunk road with consideration to be given to using porous surfaces. Issues need to be adequately addressed to avoid local flooding, which we have already experienced at the bottom of Lon Cae Glas in recent years. The Council sees no information included on the obvious risk of an open stream running through the site and an open ditch which takes the overflow from the stream, both of which pose significant risk to children.

6. We have concerns about the structural integrity of the site. The limestone ridge is fragile, with regular rockfalls onto houses below. We would want to see a full structural engineering report and geological survey covering both the build and ongoing stability with respect of the site, and neighbouring properties, taking into account the fact that properties in Lon Cae Glas are much lower than the layout of the development site. At Brackendene there is a 20 metre drop down a disused quarry face to the property below.

7. We ask that an archaeological assessment is completed before proceeding.

8. Residents report much wildlife activity on the site including bats and badgers so you will need to ensure a proper wildlife assessment is completed.

9. We are concerned that there is nowhere for visitors to park at the play area (please see our earlier comments about residents feeling unsafe walking along local roads). We ask that you address this before proceeding to planning – and include provision for disabled visitors.

10. Given that site must include a play area as part of the planning consent, we feel that the space allocated is inadequate. We would like to press for a bigger play area, along with a “residential green space” with a variety of resources for all ages (e.g. reflection, relaxation) including a small community orchard and picnic area as well as the play area.

11. We are delighted that you are able to create a safe walkway from the churchyard to the access road to the site. We’d like to see this footway continued the other side of the access road and exit into Lon Cae Glas (there is an existing gate in place). We also draw your attention to the request from the three households on the vicarage drive to erect a suitable pedestrian barrier from the new development. – this would be also benefit the new houses keeping people on the Llanbedr circular walk to the new Churchyard route.”

RECONSULTATION RESPONSE:

“As the revised plans to the subject planning application has not addressed the original concerns of the Llanbedr Dyffryn Clwyd Community Council email dated 12th December 2021 to the subject planning application and plans then the observations/objections etc remains extant.”

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE

INITIAL RESPONSE:

“It is noted that this site is within the LDP Development Boundary of the village and, in this context, the Joint Committee has no observations to make on the principle of development.

The sensitivity of the site in relation to the AONB has been recognised in the design approach and has resulted in a scheme which seeks to minimise negative impacts on the AONB. In particular, the LVIA which accompanies the application is fully supported and the landscape strategy set out in the document will help integrate the development into the rural setting and mitigate negative landscape and visual effects on the AONB. This should form the basis of a detailed hard and soft landscaping scheme which should be conditioned on any permission.

This should include full details of the extensive retaining structures and, in this regard, the committee would recommend that the most prominent walls fronting Plots 1,5,6 and 7 should be faced in traditionally finished natural local stone to match the existing A494 boundary wall. In addition, the committee would favour natural blue/grey slate for the roofs in place of tiles.

No details of external lighting are shown but the committee would recommend that a condition be attached to any permission requiring a lighting assessment and further details of any street lighting or external lighting on the dwellings to ensure the design and specification will conserve the AONB's dark sky and nocturnal wildlife"

RECONSULTATION RESPONSE:

"Notwithstanding the site's allocation for housing within the adopted LDP the Joint Committee raise a number of concerns in relation to design and site layout. Development on this sloping site will be visually prominent so it is important to ensure that layout and design enhance the AONB and allow ample opportunities to integrate the development through sensitive landscaping and boundary treatments. Development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the area.

The proposed development forms residential infill between two separate areas of built development. However unlike the existing settlement pattern it has a very urban character which will be quite conspicuous given its surroundings. The site frontage is particularly poorly aligned to Ruthin Road and the Public Open Space area concentrated in the front offers no benefit to the overall site layout. The public open space should be better integrated into the development to create a more informal and less regimented layout. It is acknowledged that it's a sloping site, with retaining structures, but there are currently limited opportunities to landscape within the site to help soften the impact and assimilate it into the landscape. A re-distribution of the Public Open Space would allow this to happen. A characteristic feature of Llanbedr itself is a village interspersed with mature tree planting which helps its integration into the landscape.

The site is over-developed. The proposed layout is far too dense and urban in appearance. I would also question the need for a 5.5m width carriageway with footways on both sides for its entire length. The road ends abruptly at the top end of the site. Again, this is a very urbanising feature and could be avoided. This application should be considered on its own merits and not on what might happen in future on adjoining land. I would also question the justification for this width of highway given its intrusion within the layout. It could be reduced to 4.5m and there is no reason for footways on both sides. Why have shared surfaces not been considered as a way of reducing the formality of the layout. At the very least, the highway could fall short of the upper boundary to allow for additional planting etc. In fact the two dwellings on the left hand side at the end, could be served by a private drive.

The site frontage could be significantly improved by bringing the development forward, with more variation in house types and creating more space behind and within the site for landscaping. The application makes reference to the impact upon the AONB and refers to Policy VEO2. However, the justification for the design is not explained in the Design and Access statement. It merely states that "the design/layout has been sensitively designed so as not to give rise to a conflict with this policy". Nowhere does it explain how. No attempt has been made to assimilate the development into the existing settlement and its suburban character appears somewhat incongruous in this location. The layout is too geometric and opportunities exist to create a more informal arrangement, utilising private drives and shared surfaces. This approach would soften the impact of development and respect the rural integrity of the sites location.

In addition, the proposed design of house types lack imagination and detail. A mix of single, one and a half storey and two storey dwellings would have helped reduce the uniformity of ridge heights within the submitted scheme and have been more reflective of the appearance of Llanbedr.

As it stands the proposal fails to adhere to the provisions of Welsh government TAN 12 Design or the design principles set out in the adopted Denbighshire Supplementary Planning Guidance

Note Clwydian Range AONB. To allow this development would have a detrimental impact upon the character and appearance of the AONB, contrary to LDP policy and VOE2.

The Joint Committee would advise that this application be refused, or the applicant be requested to withdraw and invited to re-submit a more informal organic layout, with an improved site frontage, a re-distribution of the public open space with improved and more structured landscaping. More detail to the proposed elevations would also benefit the scheme. Consideration should also be given to reducing the width of the internal road and footways with greater use of the use of private driveways. The Joint Committee would be happy to advise on any forthcoming pre-application consultation should the applicant's decide to re-submit".

NATURAL RESOURCES WALES

With regard to the impact on the AONB, NRW consider the landform strategy to be an appropriate response in minimizing effects on the AONB's character and visual amenity interests. The approach looks to avoid excessive landform changes and long lengths of retaining walls along development's frontage (public views from the A494). The indicative structure planting set out in the landscape strategy (figure 6 of the LVIA) are appropriate and capable of softening the engineering works and appearance of the new dwellings. With regard to conserving the AONB's dark skies it is considered this could be appropriately controlled through a planning condition. Raise no objection subject to conditions being imposed to secure landscaping and control over external lighting.

No objections in relation to impacts upon protected species.

DWR CYMRU / WELSH WATER

No objections subject to the imposition of a planning condition to secure the details of the foul water drainage scheme.

CLWYD POWYS ARCHAEOLOGICAL TRUST

INITIAL RESPONSE:

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of potentially high archaeological sensitivity. The plot includes two recorded archaeological sites:

PRN 152798 - An intact post medieval stone-lined culvert arch

PRN 102654 - Llanbedr Cropmark - An unconfirmed possible prehistoric enclosure recognised by aerial photography.

The post medieval arched culvert should preferably be retained and included as a feature within the development layout.

The application should not be determined until further information on the above can be presented to inform the decision.

RECONSULTATION RESULT:

"Further to our previous advice that the site required investigation via a pre-determination archaeological evaluation we have now been sent a copy of the report (the applicant will send a copy to the LPA for info.). The report clearly indicates that there is no archaeological potential here and the bank features identified on lidar data and aerial photos are in fact natural and not of human origin. We would therefore have no further requirements at this site and no objection to the proposed development."

WELSH GOVERNMENT TRUNK ROAD AGENCY:

INITIAL RESPONSE:

"I refer to your consultation of 9th November 2021 regarding the above application, and advise that the Welsh Government as highway authority for the A494 trunk road directs that planning

permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) Due to the topography of the site, the applicant must provide detailed drainage proposals demonstrating no drainage from the development site will be connected to or discharge into the trunk road drainage system. Any soakaway must be positioned at least 5m from the trunk road boundary.

2) The applicant must provide the proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the access onto the A494 trunk road. Whilst we appreciate there are limitations within TRICS and some flexibility may be required, we would expect to see:

- a minimum of 10 sites included;
- the main location type, dwelling size and population density to be representative of the proposal;
- a spread of weekdays included.

3) The applicant must confirm which of the opportunities highlighted in the Walking, Cycling and Horse-riding Assessment and Review (WCHAR) are proposed and reasoning for any they have discounted.

4) The applicant must provide the RSA 2 Designer's Response with space for the Welsh Government to respond to the problems identified as Overseeing Organisation."

RECONSULTATION RESPONSE:

"I refer to your consultation of 23/03/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A494 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and pedestrian provision shall be laid out and constructed strictly in accordance with the approved plan (drwg no. LFP1 Revision A).*
- 2) The new access / junction and visibility requirements shall be substantially complete and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with the development.*
- 3) Prior to commencement of highway works on site, detailed drainage proposals must be submitted to and approved by the Planning Authority in consultation with the Welsh Government.*
- 4) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road."*

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer: No objections subject to the imposition of planning conditions to secure the details of construction management plan and detailed design of the internal estate road.

Flood Risk Engineer:

The approval of the SUDs Approval Board will be required in relation to surface water drainage before work can commence on site.

Strategic Housing & Policy Officer:

Initially raised concerns regarding the mix of dwelling types on the site. Following amendments to the scheme and the introduction of one additional dwelling to the site, the Strategic Housing and Policy Officer does not raise an objection to the proposal. Further, it is confirmed that:

- the provision of 2 affordable dwellings exceeds Local Development Plan policy requirements,
- the mix of open market housing broadly accords with the Local Housing Market Assessment,
- the provision of 3,100 square metres recreational public open space, including 435 square metres Local Equipped Area of Play is acceptable, and,
- that there is sufficient capacity in the local schools to accommodate the development.

Biodiversity Officer:

Has responded that the proposal is unlikely to result in harm to protected species, and subject to planning conditions being imposed to secure biodiversity enhancements the proposal is acceptable.

Conservation Officer:

Awaiting formal response. Informally commented no objections.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Chong Ng, 8 Maes Celyn, Llanbedr D.C. Dr D R Edwards, Coed Y Castell, Gannock Park West, Deganwy Jackie & Joe Bird, Brackendene Llanbedr DC Valerie W Warr, Belmont, Llanbedr DC Jan and Gren Roberts, Clwyd Ni, Llanbedr DC John Ingham, 16 Tan Y Bryn, Llanbedr DCA Moore, 12 Fron Haull, Ruthin Llyr Gruffyd AS/MS Darren Millar AS/MSABL Planning on Behalf of Residents Kailey Ben-Sassi, Oakwood, Llanbedr

Summary of planning based representations in objection:

Principle:

The site is allocated in the LDP for 3 dwellings not 18.

Density

The number of dwellings is too great – it would be a cramped form of development.

Sustainability

The site is not in a sustainable location, and does not have easy access to services.

Residential Amenity

The proposed dwellings would overlook existing dwellings, resulting in an unacceptable loss of privacy.

Visual Amenity/Impact on AONB

The proposed number of dwellings is too great and would appear out of character with the area / AONB.

Highway impact

The access is in a dangerous location, and the existing capacity of the network cannot accommodate the number of vehicles generated. The proposal does not improve pedestrian movement around the site/village.

Land stability

The development could have a detrimental impact on the stability of land around the boundaries of the site – I particular on the north eastern edge, west and north-west edge.

Ecology

The site is thought to be used by badgers, great crested newts and bats.

Drainage

Concern is expressed that the development will result in excess surface water run-off from the site, resulting in flooding elsewhere. The existing stream cannot accommodate more water.

Neither support nor object

Representations received from:

T. & R. Fairhead, Dyffryn Aur, Lon Cae Glas, Llanbedr D.C.

Huw Bryant, The Rectory, Llanbedr Dyffryn Clwyd

Summary of planning based representations:

- The pedestrian footpath alongside the A494 should be improved.

EXPIRY DATE OF APPLICATION: 23/12/2021

EXTENSION OF TIME AGREED? 07/09/2021

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 Full planning permission is sought for the development of approximately 1.4 ha of land by way of 18 dwellings. The proposal includes a new access onto the A494 trunk road.

1.1.2 The dwellings proposed are a mix of detached and semi-detached dwellings, all two storey. The full mix is:

House type A – 4 no. detached 3 beds

House type B – 4 no. detached 4 beds

House type C – 2 no. detached 4 beds

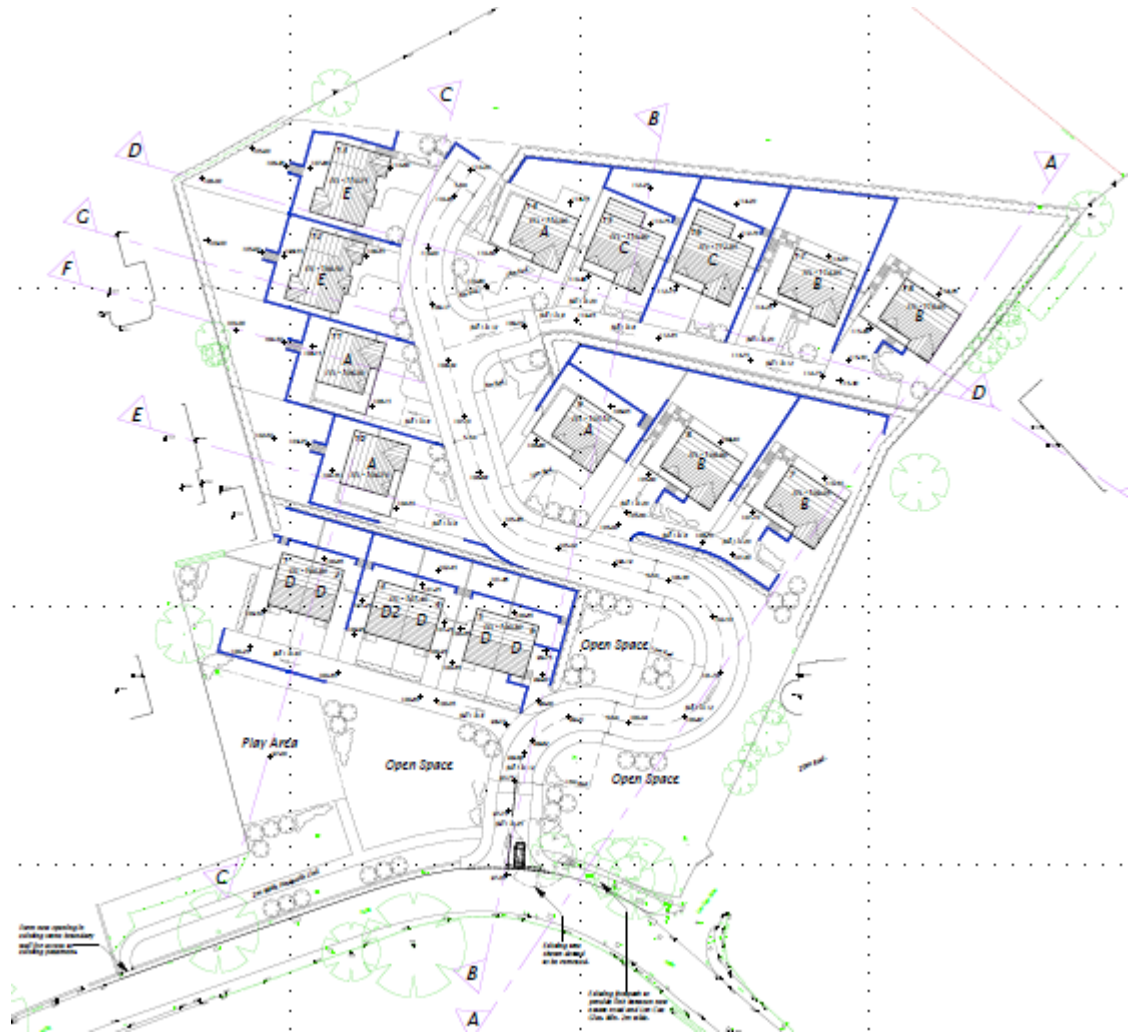
House type D – 5 no. semi-detached 2 beds

House type D2 – 1 no. semi-detached 3 bed

House type E – 2 no. detached 4 beds

The elevations are shown at the front of this report.

1.1.3 The proposal would also include a significant amount of open space to the front of the site, which would provide informal open space and a play area. Within the open space it is proposed to provide a linking footpath between the eastern and western parts of Llanbedr. This can be seen on the proposed layout plan;



1.1.4 Due to the sloping topography of the site, the dwellings would be built in terraces going up the slope. This will require the construction of retaining walls at various heights and locations. The position of the retaining walls are shown by the blue lines on the above plan.

1.1.5 The proposal also includes for landscaping to the front of the site, and within the site at key points.

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 with the application:

- Ecology Report
- Drainage Strategy and plans
- Planning, Design and Access Statement
- Pre Application Consultation (PAC) Report
- Community Linguistic statement
- Highway plans
- Landform plan
- Landscape Visual Impact Assessment

1.3 Description of site and surroundings

1.3.1 The site is located centrally between two distinct areas of Llanbedr. To the east are the developments along Lon Cae Glas and Tan Y Bryn. The dwellings fronting onto the A494 are typically large detached dwellings. To the west and north of the site are

the developments of Troed y Fenlli, and Maes Celyn. Llanbedr features a wide range of styles of development from a range of periods.

1.3.2 To the east of the site is the Grade II* listed church of St Peters.

1.3.3 The site itself slopes steeply up away from the A494 in a northerly direction. At present the site is used for sheep grazing.

1.4 Relevant planning constraints/considerations

1.4.1 The site is allocated for residential development in the adopted Local Development Plan. Policy BSC1 attaches an indicative number of 3 dwellings to the site allocation.

1.4.2 The site is also within the Clwydian and Dee Valley Area of Outstanding Natural Beauty

1.5 Relevant planning history

1.5.1 None

1.6 Developments/changes since the original submission

1.6.1 The proposal was originally submitted for 17 dwellings. Following consultation with the Policy team this was increased to 18 to allow for a better mix of dwellings to be submitted. Essentially the increase in numbers came from replacing one larger detached dwelling with a smaller pair of semi-detached dwellings.

1.6.2 Additional information was also required in relation to highways and archaeology.

1.7 Other relevant background information

1.7.1 None

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 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 VOE1 - Key areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Archaeology

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the [Clwydian Range and Dee Valley Area of Outstanding Natural Beauty](#)
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Listed Buildings

Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Planning Obligations
Supplementary Planning Guidance Note: Planning and the Welsh language
Supplementary Planning Guidance Note: Recreational Public Open Space
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Development Design Guide
Supplementary Planning Guidance Note: Residential Space Standards
Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

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

Technical Advice Notes

TAN 1 Joint Housing Land Availability Studies (2015)
TAN 2 Planning and Affordable Housing (2006)
TAN 5 Nature Conservation and Planning (2009)
TAN 12 Design (2016)
TAN 15 Development and Flood Risk (2004)
TAN 16 Sport, Recreation and Open Space (2009)
TAN 18 Transport (2007)
TAN 20 Planning and the Welsh Language (2017)
TAN 24 The Historic Environment (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 Impact on Area of Outstanding Natural Beauty
- 4.1.6 Residential amenity
- 4.1.7 Ecology
- 4.1.8 Drainage (including flooding)
- 4.1.9 Highways (including access and parking)
- 4.1.10 Open Space
- 4.1.11 Education
- 4.1.12 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.13 Archaeology
- 4.1.14 Land stability/impact on retaining walls
- 4.1.15 Setting of listed building

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 Llanbedr.

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.

4.2.2 Density and housing type and mix

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 1.3ha would give a total of 45 dwellings. 18 dwellings are proposed, this would represent a density of 14 dwellings per hectare. Policy RD1 states that residential development proposals should meet the 35 dph requirement, unless there are local circumstances which dictate a lower density. In this instance Officers consider that the steeply sloping topography of the site, in a prominent location within the AONB, and the constraints of the trunk road layout, all support a lower density of development. In Officers opinion, developing the site at a density of 14 dwellings per hectare is acceptable.

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 within the latest Local Housing Market Assessment (LHMA):

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 for market housing</i>	30%	35%	35%	100%
<i>Proposal (July 2022)</i>	31.25%	31.25%	37.5%	100%

Locally there are objections to the number of dwellings on the site, with concern being raised that the density is too high, the result being a detrimental impact upon residential amenity, and highway safety. There are no objections to the proposed housing mix on site.

In relation to the density of the site, and with respect to the concerns raised, in officers opinion the proposed number of dwellings/density is considered acceptable in principle – the development seeks to make the best most efficient use of the land (as required by Policy RD1), whilst acknowledging its position on a hillside, within the AONB. The impact of the proposed density on amenity matters (such as residential amenity and highway safety) are dealt with elsewhere in the report.

The housing mix is considered acceptable offering a range of house types; sizes, and tenures to meet the requirements of LDP Policy BSC 1 and RD 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.

2 affordable dwellings are proposed as part of the development. These would be plots 3 and 4, and would be a 2 bedroom dwelling and a 3 bedroom dwelling.

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 2 affordable units.

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.

Some objections to the proposal based on potential visual impacts arising from the development have been received.

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 which is currently a greenfield site. However the sites status as a site allocated for residential development must be given weight. The principle of development here is acceptable, and so the matter of impact on visual amenity should be contained to whether or not the design and layout of the dwellings is acceptable. Having regard to the nature of existing development in the vicinity, it is officers opinion that the overall layout and detailing of the dwellings would not result in harm to the visual amenity of the immediate locality – the development would not appear out of character with the village. 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 proposal includes provision of public open space within the site with existing hedgerows and trees around the boundaries of the site largely being retained.

An indicative landscaping scheme has been submitted showing additional planting 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.

In conclusion, having regard to the location, siting, scale and form of the development subject to conditions, 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 Impact upon Area of Outstanding Natural Beauty

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Supplementary Planning Guidance (SPG) has been developed – ‘The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)’ along with a specific SPG for lighting in the AONB - ‘Planning for Dark Skies’. The SPG’s provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

Concern has been raised locally regarding the impact the proposal would have on the AONB. The AONB Committee have been consulted, and two differing responses received – the first indicating that the proposal was acceptable subject to controls over materials and external lighting, and the second (following an amendment to replace a detached dwelling with a pair of semi-detached dwellings) suggesting that the scheme is not acceptable. The responses can be read at the start of this report. As a ‘major application’ NRW are also a statutory consultee with regard to the proposals impact on the AONB. NRW do not raise an objection to the proposal subject to conditions being imposed to secure a planting and maintenance scheme and to control external lighting.

The application is accompanied by a detailed Landscape Visual Impact Assessment (LVIA) which assesses the proposals impact on the wider landscape. It includes CGI views of the proposed development as it might appear.



As shown above, and in the submitted cross section drawings, the hillslope site would be terraced to form a series of level plots for dwellings. The approach shows the new dwellings would be set into the hillside. Retaining walls would be required to manage the cut and fill level changes and these vary in height between 1.2m and 3.0m high. Indicative landscaping shows how the site could be further assimilated into the hillside.

The LVIA also includes photographs to show how the site sits in relation to the existing development within Llanbedr:



Plate 9 - Proposed site location amongst established vegetation

The LVIA concludes that:

“Despite the site being an open flank of the Clwydian Range AONB, it is well located within the context of an urban setting, located in the centre of the existing village of Llanbedr D.C. and whereby the site extent and development footprint responds to potential wider visibility by utilising natural site levels, and the proposals designed to reflect the existing village pattern and residential design form, as well as density, massing, and landscape fabric.

The site has the benefit of being partially screened by existing vegetation within the surrounding landscape, and apart from neighbouring receptors and a short length of the busy A494(T), views within 1km are fleeting and filtered, and as a result where evident, the proposals are not predicted to be incongruous or readily apparent.”

In Officer's opinion, and with respect to the second response of the AONB committee, the assessment undertaken in the LVIA and the response of NRW should be given significant weight. The comments made in the second AONB response, whilst valid and would improve the development to a small degree, are not considered to be of sufficient weight as to sustain refusing proposal. The proposal as it is submitted is unlikely to result in a detrimental impact on the AONB which cannot be mitigated through the imposition of planning conditions to control landscaping/planting and materials. It is therefore the view of Officers that the proposal is acceptable with regard to its impact on the AONB.

4.2.6 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.

Concern has been raised locally and by the Community Council regarding the impact the proposal might have on the residential amenity of adjacent dwellings. In particular concern is raised regarding the potential loss of privacy to Brackendene (west of the site), Belmont, Clwyd Ni and 8 Maes Celyn (all to the east of the site).

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 and parking space is provided.

In terms of the impact on neighbouring residents, SPG Residential Development advises that a distance of 21 metres should ideally be achieved between dwellings with windows serving primary living accommodation (such as lounges and bedrooms etc) and 15 metres where the proposed development sides onto another dwelling.

With regard to the impact on the dwelling Brackendene, the plans show it to be adjacent to plots 7 and 18. Plot 18 is side on to Brackendene. The side elevation of plot 18 only features small obscure glazed windows, and the separation distance between Brackendene and Plot 18 is 17 metres. It is not considered that plot 18 would impact detrimentally on the residential amenity of Brackendene. With regard to plot 7's impact on Brackendene, the plans show that the rear elevation would not face directly towards Brackendene, and that a minimum separation distance of approximately 33 metres would be achieved. Given the guidance in SPG Residential Development, it is not considered that the residential amenity of Brackendene would be impacted upon sufficiently enough as to support a refusal of planning permission.

In terms of the proposals impacts on dwellings to the west (Belmont, Clwyd Ni and 8 Maes Celyn), it is considered that proposed plots 10, 11, 12 and 13 are those likely to have an impact. The plans show that none of the proposed dwellings back directly onto existing dwellings – they are all proposed to be at oblique angles. It is noted however that the proposed dwellings would be higher than the existing dwellings, although the ground levels along the site boundary would remain as existing. In Officers opinion, given the existing rear outlook of the existing dwellings, the orientation of the proposed dwellings, the separation distances achievable (in excess of 24 metres), and the potential for landscaping along the boundaries, that the

proposal not impact so negatively upon Belmont, Clwyd Ni and 8 Maes Celyn as to justify refusing permission on the grounds of impact on residential amenity.

Overall, it is considered that the siting, orientation and separation distances shown ensure there would be no unacceptable levels of overlooking. Therefore, having regard to the layout of the site in relation to neighbouring dwellings, the proposal would not result in an unacceptable impact on residential amenity.

4.2.7 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.

Concerns have been raised locally over the ecological impacts of the development.

Ecological Surveys have been submitted with the application and neither NRW nor the County Ecologist have raised an objection to the proposal. Specific species surveyed for include:

- ☐ Amphibians: ponds within 250m of the site were considered for their suitability to support a range of amphibians, including great crested newts (GCN).
- ☐ Reptiles: the site was assessed for suitable habitats including rough grassland, cloddiau, brownfield sites and habitat edges in general which would provide cover, basking and foraging habitat for reptile species.
- ☐ Otters: watercourses within 100m of the site were checked for signs of otter and assessed for their suitability to support the species.
- ☐ Water voles: watercourses on site were checked for signs of water vole presence and assessed for their potential to support the species.
- ☐ Bats: all trees and structures on site were assessed as to their suitability to support roosting bats at any point during the year. Trees and structures were then categorised for their potential to support roosting bats as per the Bat Surveys for Professional Ecologists – Good Practice Guidelines (Collins, J., 2016).
- ☐ Birds: the site was assessed for suitable habitats for nesting birds, including habitats suitable for ground-nesting species.
- ☐ Badgers: all habitats within 30m of the site were surveyed where possible to identify the presence of any setts or signs of badger activity.
- ☐ Invasive plant species: this assessment does not constitute a full Schedule 9 species survey. The potential for any Schedule 9 species was assessed and any species that were encountered were mapped and noted.

The submitted surveys did not find that the site itself was used as habitat, although it acknowledges the presence of protected species in the vicinity

It is therefore suggested 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 conditions will require 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.

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.

4.2.8 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.

Concerns have been raised locally about the impact of the development on surface water run off and the consequences for neighbouring properties.

The site is not within an area of known flood risk. The application is supported by a Drainage Strategy which sets out the drainage principles to be adopted for the site. Fundamentally the strategy acknowledges that the site is a greenfield site and therefore surface water must be drained from the site at greenfield rates, i.e. surface water should leave the site at the same rate as it did predevelopment.

Foul water is shown to connect to the existing public system with surface water drainage proposed to convey flows and discharge into the existing watercourse at greenfield rate. Surface water run-off from roofs, private drives and adoptable highways will drain via a piped network to an attenuation facility which will provide attenuation storage for all flows. SuDS features such as filter drains and permeable paving will be incorporated into the surface water drainage proposals.

Dwr Cymru/ Welsh Water (DCWW) 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, subject to the inclusion of conditions.

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.

4.2.9 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 is significant concern raised locally regarding the highway impacts of the proposal and is concerned that the access is very dangerous and on a busy road close to a bend.

In this instance, because the access is onto a trunk road, the responsibility to assess the suitability of the access and the proposed traffic flows onto and off the trunk road lies with the Welsh Government Trunk Roads Agency.

The application is accompanied by a raft of technical documents and data, all produced at the request of Welsh Government Officers. The documents include:

- Highways Technical Note
- Walking, Cycling and Horse riding assessment
- Road Safety Audit
- Technical details of road signage, and off site footpath improvements

Welsh Government Trunk Roads Agency has assessed the proposal in terms of the capacity of the existing network, accessibility, and site access. Following a lengthy period of negotiation and the provision of additional information, Welsh Government Officers do not raise an objection to the proposal in terms of its impact upon highway safety and the capacity of the existing highway network. This is subject to conditions being imposed to ensure that the construction of the access and associated works is carried out in an acceptable manner.

With regard to highway arrangements within the site, Denbighshire County Council Highway Officers do not raise an objection to the proposal, subject to conditions being imposed over construction management and the detailed design of the estate road.

The responsibility for ensuring the access onto the highway is fit for purpose, and that the existing network is capable of accommodating the development lies, in this instance, with Welsh Government. Welsh Government Officers have clearly advised that the proposal is acceptable subject to the imposition of conditions. On that basis, and with respect to concerns raised locally, Officers consider there is little basis to object to the proposal on highway grounds.

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 Community Council raise concerns that the proposal does not provide sufficient play area.

The proposal is for 18 units which generates the requirement for 993 square metres of public open space, made up of 662 square metres of Community Recreational Open Space (CROS) and 331 square metres of Children's Play Space (CPA).

The proposal is to provide 2665 square metres of CROS on site, to be across the front of the site near the access, and 435 square metres of CPA to be located on the western boundary. Given that the proposal over provides open space, there is no requirement for a commuted sum. With respect to the comments of the Community Council, it is noted that the proposal already over provides open space, and therefore in Officers opinion the proposal is considered acceptable.

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.

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 Education Officer has confirmed that based on the latest school roll information available that there is sufficient capacity at Ysgol Llanbedr and Ysgol Bryn Hyfryd 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.

4.2.12 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 no 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 not been submitted. The Design and Access statement submitted with the application explains:

“TAN 20 (para 3.1.3) now indicates that a language assessment is not required in relation to development proposals on allocated sites where the LDP has been prepared with Welsh language impact in mind, as is the case with the current LDP. Consequently, the requirement of this Policy has now been overridden by a revision of National guidance which carries greater weight. However, it is clear that this proposal will have a positive impact on the Welsh language and related social and cultural fabric, it will provide homes for local people, the construction of the homes will provide direct employment with other businesses benefitting via sub-contractors and suppliers etc, and the new residents will ultimately support local businesses and community facilities.”

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

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

4.2.13 Archaeology

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

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

Planning Policy Wales (PPW 11), Section 6 ‘Distinctive and Natural Places’ recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

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

The Community Council have raised concerns in relation to the proposals potential impact on archaeology.

The applicant has submitted a desk based Archaeological Assessment and an Archaeological Field Evaluation Report. The conclusion of the report was that there were no archaeological remains within the site. Clwyd Powys Archaeological Trust (CPAT) have been consulted and have raised no objection to the proposal.

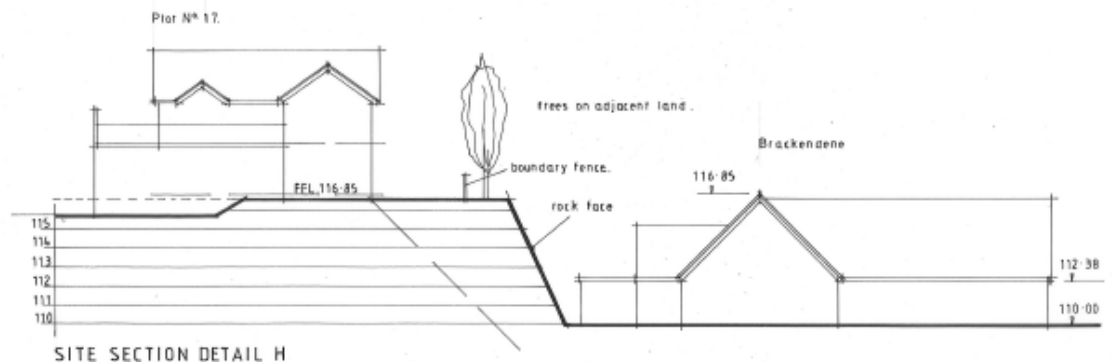
4.2.14 Land stability

Local Development Plan Policy RD 1 test (xi) requires proposals to satisfy physical or natural environmental considerations including land stability.

Planning Policy Wales (PPW 11) Section 6.9.22 to 6.9.28 provides guidance on dealing with unstable and contaminated land and requires such physical constraints to be taken into account at all stages of the planning process. PPW does however make it clear that responsibility for determining the extent and effects of instability or other risk remains that of the developer, who has to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners.

Concern is raised locally regarding the potential for the development to destabilise the ground along the top of the embankment/rockface adjacent to plot 18 (plot 17 on the original layout).

The applicants have provided a cross section of the level changes in this location:



Whilst understanding the concerns raised, Officers consider that the development is more likely to ensure the ground is stabilised once development is complete. The cross section provided shows that there is approximately 5 metres between the proposed dwelling and the site boundary, and a further 2 metres on to the top of the embankment/rock face. The diagonal line from the base of the proposed dwelling running downwards at 45 degrees indicates the approximate direction of load which would be placed on the ground. In Officers opinion the dwelling would be sufficiently distanced from the boundary so as to avoid destabilising the ground. However, notwithstanding this opinion, officers consider that it would be prudent to attach a condition which required the submission of a site investigation into land stability in this location, and if land stability issues are identified, the further submission of a report specifying the measures to be taken to remediate the issue to render it suitable for the development.

Concern is raised elsewhere on the site regarding the use of retaining walls and the potential for the development to destabilise the land. Whilst the levels involved are less severe, and the responsibility still remains with the developer to ensure 3rd party land is not detrimentally affected, it seems reasonable to include plots 10, 11, 12 and 13 within the scope of the condition discussed above.

In officer's opinion, given the characteristics of the site, the nature of the development, and the existence of secondary controls, it is not considered that the development is likely to result in the destabilisation of land. However, the imposition of a suitable worded planning condition to seek confirmation that the site can be developed safely should offer Members further assurance that the proposal is acceptable in terms of its impact on land stability.

4.2.15 Impact on setting of listed building

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

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

To the west of the site is the Grade II* listed building of St Peters Church. The nearest dwelling to the church would be plot 1, which would be approximately 50 metres from the church. The site is separated from the listed building by the dwelling (and associated curtilage) The Rectory.

Given the layout of the site, the topography and the existing planting, the site itself is not easily seen within the context of the church. In Officers opinion, the site does not form part of the essential setting of the church and as such the proposal is considered acceptable with regard to its impact on the setting of the nearby listed building.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

- 5.1 The 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 (2 affordable dwellings)

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.

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

2. Compliance with the following Conditions:

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 7th September 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

Plans

- (i) House Type A Plans (Drawing No. 0890-3) received 29 October 2021
- (ii) House Type A Elevations (Drawing No. 0890-4) received 29 October 2021
- (iii) House Type B Plans (Drawing No. 0890-5) received 29 October 2021
- (iv) House Type B Elevations (Drawing No. 0890-6) received 29 October 2021
- (v) House Type C Plans (Drawing No. 0890-7) received 29 October 2021
- (vi) House Type C Elevations (Drawing No. 0890-8) received 29 October 2021
- (vii) House Type D Revised Plans and Elevations (Drawing No. 0890-9 rev A) received 3 March 2022
- (viii) House Type E Revised Plans (Drawing No. 0890-10 rev A) received 8 March 2022
- (ix) House Type E Revised Elevations (Drawing No. 0890-11 rev A) received 8 March 2022
- (x) Site Section Details 1 (Drawing No. 0890-SSD1) received 29 October 2021
- (xi) Site Section Details 2 (Drawing No. 0890-SSD2) received 29 October 2021
- (xii) Site Section Details 3 (Drawing No. 0890-SSD3) received 29 October 2021
- (xiii) Existing Site Survey Plan (Drawing No. 0890-1) received 29 October 2021
- (xiv) Proposed Site Layout Plan (Drawing No. 0890-2 Rev. C) received 4 July 2022
- (xv) Location Plan (Drawing No. 0890-LP) received 29 October 2021
- (xvi) Land Formation Plan (Drawing No. 0890-LFP1 rev A) received 8 March 2022

Documents

- (i) Planning, Design and Access Statement received 29 October 2021
- (ii) Pre-Application Consultation Report received 29 October 2021
- (iii) Flood Risk Assessment received 29 October 2021
- (iv) Preliminary Ecological Appraisal received 29 October 2021
- (v) Highways response to WG Technical Note received 29 October 2021
- (vi) Highways Technical Note received 29 October 2021
- (vii) Walking, Cycling and Horse Riding Assessment received 29 October 2021
- (viii) Road Safety Audit received 29 October 2021
- (ix) Road Safety Audit Response received 29 October 2021
- (x) LVIA Statement received 29 October 2021
- (xi) LVIA figures 1-5 received 29 October 2021
- (xii) LVIA figures 6-11 received 29 October 2021
- (xiii) Access Signage and Measurements received 7 April 2022
- (xiv) Archaeological Investigation received 28 April 2022

Biodiversity, Landscape, Trees, Maintenance of open spaces

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 and play area.
- (h) details of the culverting of the ditch under the access road.
- (i) detailed design of all retaining walls including proposed facing materials (including texture, type and colour)

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 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.
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 and on each dwelling 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 prior to the occupation of the final dwelling.
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.

Materials

12. 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

13. 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.
14. The access and pedestrian provision shall be laid out and constructed strictly in accordance with the approved plan (drwg no. LFP1 Revision A).
15. The new access / junction and visibility requirements shall be substantially complete and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with the development.
16. 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.
17. Prior to commencement of highway works on site, detailed drainage proposals must be submitted to and approved by the Planning Authority in consultation with the Welsh Government.
18. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road.

Land stability

19. No development shall take place on plots 10, 11, 12, 13 and 18 until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.
20. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 21, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

Site Levels

21. The finished floor levels of the dwellings hereby approved shall be as set out on approved Proposed Site Layout Plan (Drawing No. 0890-2 Rev. C) received 4 July 2022.

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 the biodiversity of the area.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. In the interest of visual amenity and enhancing the biodiversity of the area.
6. In the interest of visual amenity and enhancing the biodiversity of the area.
7. In the interest of visual amenity and enhancing the biodiversity of the area.
8. In the interest of the biodiversity of the area.
9. In the interest of the biodiversity of the area.
10. In the interest of preserving ecological interests.
11. In the interest of preserving ecological interests.
12. In the interest of visual amenity and character of the area.
13. 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.
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.
15. To maintain the safety and free flow of trunk road traffic.
16. In the interest of highway safety and residential amenity.
17. To maintain the safety and free flow of trunk road traffic.
18. To maintain the safety and free flow of trunk road trafficTo maintain the safety and free flow of trunk road traffic.
19. In the interest of ensuring the development does not result in the destabilisation of land.
20. In the interest of ensuring the development does not result in the destabilisation of land.
21. For the avoidance of doubt and to ensure a satisfactory standard of development.