

**43/2021/0071**



 **N Graddfa / Scale:** 1:1417

**Canol / Centre:** 307811, 383134

**Dyddiad / Date:** 2023-10-24 11:46:14

© Hawlfraint y Goron a hawliau cronfa ddata 2023 Arolwg Ordnans AC0000819894 © Crown copyright and database rights 2023 Ordnance Survey AC0000819894





Aerial Photograph/Location Plan







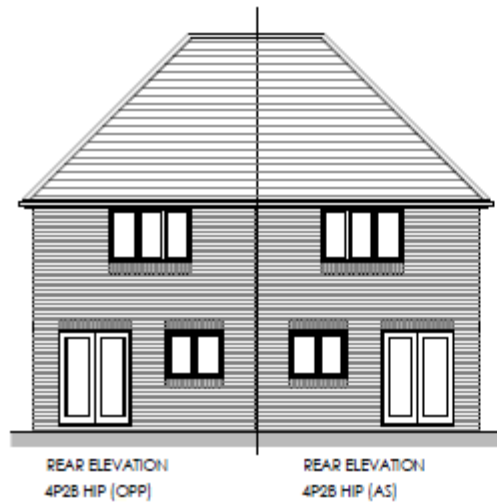




Proposed Site Layout Plan







# Housetype Examples





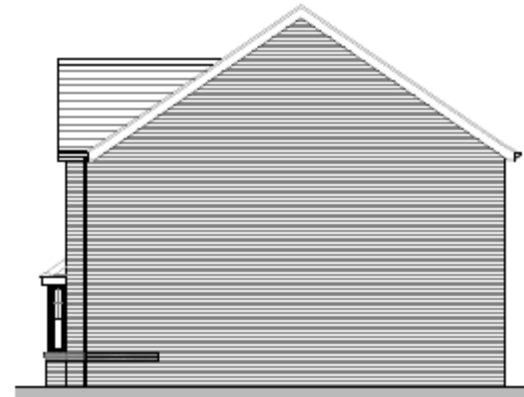
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

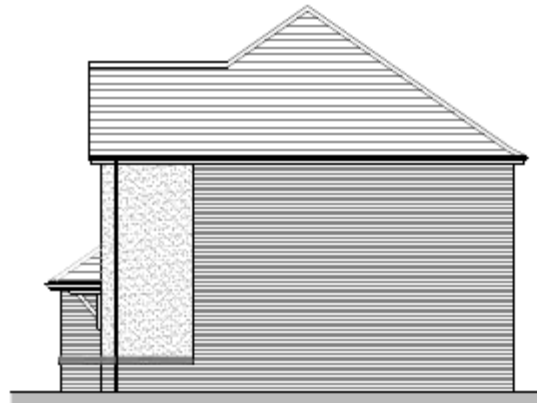


SIDE ELEVATION





FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION







FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION





FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION





FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION







Views from Gronant Road - Proposed main access/accesses







Other views along along Gronant Road







View from Rhodfa Celyn



View from rear of Drivers, off A548

**WARD :** Prestatyn East

**WARD MEMBER(S):** Cllr Andrea Myatt-Tomlin (C) and Cllr Ellen Heaton

**APPLICATION NO:** 43/2023/0071/ PF

**PROPOSAL:** Erection of 45 dwellings, construction of a new vehicular access, landscaping and associated works

**LOCATION:** Land at Midnant Farm, Gronant Road, Prestatyn, LL19 9HP

**APPLICANT:** Castle Green

**CONSTRAINTS:** Tree Preservation Order  
Article 4 Direction

**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

**ORIGINAL CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

*“Observation – consideration to retain the original farmhouse and include in the development to provide additional housing”*

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

*As the site is allocated there are no objections in principle to this application. It is surprising however that it was allocated for 65 dwellings, as the proposed development of 45 units presents quite a dense layout, particularly when you factor in the need to adhere to prescribed separation/parking standards and POS provision. Frontage development onto Gronant Road is welcomed, only to be compromised by the proliferation of frontage parking. Less uniformity, a greater mix of house types, with side parking etc would have created more interest and better opportunities for planting to enhance the appearance of the development. The POS is well located, but I would question the need for a footpath around it. It just adds to the formality of the scheme. The potential future access could also have been more sympathetically disguised and incorporated into the layout via the landscaping scheme. Close board fencing along the entire eastern boundary also creates a harsh urbanising boundary with the adjoining open countryside. You may wish to consider a post and rail alternative with additional planting which would provide a softer edge. Whilst the Joint Committee do not object to this proposal, it is disappointing that the design does not create a sense of place or reflect local distinctiveness. However, it does form a natural extension to the adjoining residential area and there are no objections in relation to its impact upon the character and appearance of the AONB. I would however advise you condition the roofing material be a slate grey tile as indicated in the application details.*

NATURAL RESOURCES WALES

Advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required.

DWR CYMRU / WELSH WATER



No objection, advisory notes recommended.

**CLWYD POWYS ARCHAEOLOGICAL TRUST**

No objection, recommend a photographic survey of the stone farm building.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety:

- Highways Officer

Some issues raised concerning the proposed gradient of the main access road into the site; the vehicular access and parking arrangement for Plot 11 and that appropriate visibility splays can be achieved for the access road to plots 1 – 5 and off street parking for plot 45.

Public Protection Officer

Advised that a Contaminated Land Assessment and Noise Impact Assessment is required.

Ecology Officer

No response received

Flood Risk Officer

Advised SAB approval required.

Strategic Housing & Policy Officer

The site is allocated for housing in the adopted Local Development Plan. Raise no objection however some issues concerning the mix of housing.

Tree Specialist

No objection, a detailed Arboricultural Method Statement should be required via the imposition of a planning condition.

**RE-CONSULTATION RESPONSES**

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

*The Joint Committee raise no further comments on this application but do welcome the deletion of the footpath around the public open space area which we requested previously.*

**NATURAL RESOURCES WALES**

No objection subject to a condition ensuring ecology reports are approved documents

**DWR CYMRU / WELSH WATER**

No objection, confirm that the foul flows generated by the proposal can be accommodated within the immediate public sewer, but that it is unlikely that sufficient capacity exists within the nearby Sewerage Pumping Station (SPS). DCWW therefore request a pre-commencement condition to be imposed which requires the developer to instruct DCWW to undertake an assessment of the SPS to identify solutions to ensure the site can be accommodated within the sewerage system. Thereafter, the connection to the sewerage system shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the SPS Assessment.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Strategic Housing & Policy Officer

The site is allocated for housing in the adopted Local Development Plan. Raise no objection and satisfied the initial queries raised have been addressed.

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 Statement

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

#### Capacity of Existing Network

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

The existing use of the proposed development site known as Midnant Farm consists of a large residential farmhouse as well as multiple large agricultural barns and sheds. The use therefore can be reasonably assumed to generate a reasonable amount of vehicle movements that may include large, slow-moving agricultural vehicles.

To determine the trip generation estimate of the proposed development, the applicant has provided figures taken from the industry-standard TRICS database. It should be noted that the trip generation from the existing use of the site has not been included to provide the most realistic estimate possible. It is estimated that the scheme will generate a total of twenty two two-way vehicle movements in both the AM and PM peak hours. Volumetrically, this equates to around one additional two-way vehicle movement every 3 minutes or so in both the AM and PM peak hours.

The applicant has also noted in the Transport Statement that the trip generation estimates may be considered robust given that travel patterns have changed due to the recent pandemic, with many people continuing to work from home, reducing the number of people traveling to work in the peak hours.

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

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

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

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

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

- *Improvement of public transport services.*

*Gronant Road is largely subject to the national speed limit, although the speed limit changes to 30mph at the south-west corner of the site, and it has a varying carriageway width of between 4.1m to 5m along the site frontage. Gronant Road does not benefit from any footways along the site frontage or to the east of the site.*

*Given that the proposed development will extend the built environment along Gronant Road, it is proposed that the speed limit along the site's frontage is reduced from the national speed limit to 30mph by relocating the existing change in speed limit to the east. In addition, regularly spaced street lighting columns will be provided to complement the proposed 30mph speed limit.*

*Pedestrian and cycle access to the site will be provided at the same location as the vehicular access. Furthermore, a continuous footway connection will be provided along the entire site frontage, connecting to the existing pedestrian infrastructure on Gronant Road.*

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

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

#### Site Access

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

*As previously discussed, the existing 30mph zone is to be extended to the east in conjunction with the provision of a new scheme of street lighting. The main access to the site will be via a simple priority-controlled junction off Gronant Road. Ten dwellings are proposed to take direct frontage access off Gronant Road which is proposed to be widened to 5.5m along the site frontage. This arrangement is not uncommon and has been implemented on a number of similar developments in the county. An additional five dwellings are proposed to be accessed by a private drive off Gronant Road.*

*Junction visibility from the site access, the private drive located off Gronant Road and the direct access parking bays has been calculated based on the visibility requirements set out in the TAN18 for a 30mph road.*

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

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

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

*Specific design guidance is contained within the following documents;*

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

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

*Parking spaces are to be provided in accordance with DCC's maximum parking standards.*

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

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

*No objection to the application subject to conditions.*

Ecology Officer

No objection subject to the inclusion of conditions

Footpaths Officer

No objection

Flood Risk Officer

Advised SAB approval required.

Public Protection

No objection subject to the inclusion of conditions relating to construction management and ground conditions/contamination.

### **Consultation response following deferral at 6th September Planning Committee.**

#### **DWR CYMRU WELSH WATER (DCWW) FINAL RESPONSE**

No objection subject to a condition ensuring no dwelling is occupied until the drainage system for the site has been completed in accordance with the approved details.

*Since our previous consultation response submitted in August 2023, the applicant has contacted us directly and submitted a technical note evidencing a historic surface water connection to the public sewerage network from the existing farm. As part of the redevelopment of the site these flows will be redirected to a nearby culvert. In this regard we are satisfied that capacity will be created in our system to accommodate the foul only flows from the proposed development. I can therefore confirm that this removes the requirements for a SPS assessment as advised in our previous response, and we can support the site's connection to the 450mm sewer located at manhole reference SJ07836301.*

### **RESPONSE TO PUBLICITY:**

#### In objection

Representations received from:

Matthew Massey, 8 Morris Avenue, Prestatyn

Mark Hallam, 17 Rhodfa Derwen, Prestatyn

Alan Dawson, 14 Rhodfa Derwen, Prestatyn

Thomas Stephen, 19 Rhodfa Derwen, Prestatyn

Andrew Lord, 15 Ffordd Parc Onnen, Prestatyn

Dennis & Vicky Rooke, 13 Ffordd Onnen, Prestatyn

Jeremy Jones, 58 Gronant Road, Prestatyn  
Carl Watts, 8 Rhodfa Celyn, Prestatyn

Comments (neither support or object)

Dewi Jones, 109 Gronant Road, Prestatyn  
Vicky Evans, 86 Greenbank Avenue East, Bristol  
Susan Christou, 2 Nant Drive, Prestatyn  
Chris Carpenter, 87A Gronant Road, Prestatyn

Summary of planning-based representations in objection: -

Highways/parking concerns:

Access drives and additional traffic leading directly on to the existing Gronant Road are dangerous as vehicles travel at high speeds; moving the 30 mph limit sign would not help at all because it is completely ignored; traffic flow is a concern as roads in the area are very busy particularly in the summer; the access road onto Gronant Road will be made wider and a footpath is shown on the plans but no indication of how wide this footpath will be; bus stop is a fair walking distance from the new development; Gronant Road is a very fast and busy narrow lane and turning right out of Ffordd Onnen onto Gronant Road is a difficult to manoeuvre as it is; there is restricted visibility created by parked cars which is a real danger of serious road traffic incidents occurring and exacerbated if there are more houses; The number of car parking spaces being made available is not promoting sustainable development; There is a current, much smaller, development in progress at the moment and the amount of heavy traffic is almost intolerable with loaded lorries coming & going , at speed, throughout the day.

Drainage Issues:

There is an underground culvert running under the site; there is already a flooding issue on the A548 and the surrounding fields below the site, more concrete and water run off above this area can only make the problem worse.

Impact on wildlife:

Badgers are near the site; the ecology report submitted is inadequate; A number of bird species are present, badgers are local and bats; some trees will be lost which support wildlife;

Principle:

Greenbelt land; should keep the green areas nice and peaceful; Prestatyn is already overdeveloped and congested this will add to the problem; even though this site is allocated for housing, it is not a suitable site for housing. The settlement boundary for Prestatyn on the east side of the town is not the right place to extend the settlement as you will be encroaching into open countryside. Midnant Farm is a historical and important part of the East Prestatyn area, to Demolish it for housing estate should be unthinkable;

Visual amenity:

The new developments style of buildings would be completely out of character with the existing properties in the direct area.

Residential amenity:

Backs onto residential properties therefore amenity concerns relating to loss of privacy and overlooking; there will be a two-storey house behind the fence of nearby bungalow this will completely block all light and complete loss of privacy as it will tower and overshadow us due to the close proximity

Other

Overdevelopment of the area with reference to difficulties getting access to a GP, dentist and social care; Midnant Farm is a family business and in the interests of food security it is imperative that it remains so.

At the time of writing this report, no additional or amended public representations had been received to the re-consultation undertaken.

**EXPIRY DATE OF APPLICATION: 29/03/2023**

**EXTENSION OF TIME AGREED: 08/11/2023**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- awaiting consideration by Committee/committee deferral

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application was deferred by the Planning Committee on 6th September 2023 to seek additional clarification in respect of the foul drainage capacity in the area. Dwr Cymru Welsh Water (DCWW)'s latest response is included in the consultee responses section of the report.
- 1.1.2 Full planning permission is sought for the erection of 45 dwellings, construction of a new vehicular access, landscaping and associated works on land at Midnant Farm, off Gronant Road, Prestatyn.
- 1.1.3 The proposal is to remove all farm buildings from the site and erect 45 dwellings, comprising a mix of house types consisting of detached and semi-detached houses. The properties would all be 2 storey in height.
- 1.1.4 41 open market dwellings are proposed with 4 on site affordable dwellings. The open market housing mix is as follows: -

<b>Housing Type</b>	<b>No of units</b>	<b>Percentage</b>
2 bed	10	24%
3 bed houses	22	54%
4 bed + houses	9	22%
Total	41	100%

- 1.1.5 The affordable dwellings would be no 2 no. 2-bedroom semi-detached dwellings and 2 no. 3-bedroom semi-detached dwellings. A commuted sum is offered for the remaining 0.5.
- 1.1.6 The properties would be constructed using facing brick and render with concrete roof tiles.
- 1.1.7 The proposed site access is shown to be off Gronant Road with 10no. dwellings accessed off Gronant Road. New internal estate roads and footpaths are proposed within the site, and parking would be provided for each dwelling. The existing 30mph speed limit it shown to be moved further out and a footway provided along the site frontage.
- 1.1.8 A total of 1497sqm of public open space is proposed including an attenuation basin with a footprint of 757sqm. The open space/basin area would be available for use on site however due to its function the proposal also includes a commuted sum.
- 1.1.9 Foul water would connect to the existing mains sewer. A Drainage Strategy has been submitted to show the likely connection point to the combined sewer to discharge to in Prestatyn Road (A548).

1.1.10 Surface water drainage proposals show a connection to the surface water sewer in Prestatyn Road. An on-site attenuation basin is shown with preference to discharge surface water to ground via infiltration techniques such as soakaways, permeable paving etc.

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



1.1.11 Some example house types are below:





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

1.2.1 In addition to the existing and proposed plans, the following documents have been submitted with the application:

1. Planning, Design and Access Statement
2. Pre-Application Consultation Report
3. Arboricultural Impact Assessment and Arboricultural Method Statement
4. Preliminary Ecological Appraisal, Daytime Building Inspection for Bats and Nocturnal Surveys for Bats
5. Transport Statement
6. Desktop Study Report (Ground conditions)
7. Market Demand Report
8. Noise Impact Assessment

## 1.3 Description of site and surroundings

1.3.1 The application site consists of approximately 1.2 ha of agricultural land with associated agricultural buildings and dwelling associated with Midnant Farm, which is located off Gronant Road to the eastern edge of Prestatyn.

1.3.2 The site is sloping, sloping down from Gronant Road to the A548 Coast Road and is bounded predominantly by hedgerows and trees with some domestic boundaries to the west.



1.3.3 To the immediate north is an electrical substation with Drivers Car Dealership beyond, fronting the A548 Coast Road. To the west are residential properties on Gronant Road, Ffordd Onnen, Rhodfa Celyn and Rhodfa Derwen, to the east is open countryside with the southern boundary fronting on to Gronant Road with open countryside then beyond to the south.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary for Prestatyn and is allocated for housing (Policy BSC 1) in the Local Development Plan.

1.4.2 The site is not within the Area of Outstanding Natural Beauty but the boundary is opposite the site to the south.

1.5 Relevant planning history

1.5.1 None of relevance.

1.6 Developments/changes since the original submission

1.6.1 Additional ecology information, a noise assessment, ground conditions report and minor amendments to the plans have been submitted along with a Market demand report to address consultee and Officer comments.

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

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA1** – New transport infrastructure

**Policy ASA3** – Parking standards

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: 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: 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 2 Planning and Affordable Housing (2006)  
TAN 5 Nature Conservation and Planning (2009)  
TAN 11 Noise (1997)  
TAN 12 Design (2016)  
TAN 16 Sport, Recreation and Open Space (2009)  
TAN 18 Transport (2007)  
TAN 20 Planning and the Welsh Language (2017)

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

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

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

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

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

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

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

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

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

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

The site is located within the development boundary of Prestatyn which is defined as a Main Town in the Local Development Plan (LDP) and is an allocated housing site under policy BSC1.

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

4.2.2 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.

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

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

Policy RD1 states that 35 dwellings per hectare should be achieved. The net density of the proposal for 45 dwellings therefore represents a density of 35.64 dwellings per hectare. Officers considers the proposed density is appropriate.

### 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).

<b>Housing Mix</b>				
	<b>1 + 2 bed</b>	<b>3 bed</b>	<b>4 bed+</b>	<b>Total</b>
LHMA Recommending Housing Mix (Market Housing)	30%	35%	35%	100%
Land at Midnant Farm, Prestatyn	24%	54%	22%	100%

Strategic Planning & Housing Officers queried the housing mix, which is weighted towards 3 bed properties. Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand.

In response, the applicant has submitted a Market Demand Report. This report sets out evidence from local estate agencies (Peter Large & Williams Estates) along with other information and evidence collected from the applicant, Castle Green as a local housebuilder.

This report has been considered and whilst the proposal is weighted towards 3 bed properties and offers less 1, 2 bed and 4 bed properties than recommended, the chosen mix has been justified and evidenced appropriately.

The housing mix is therefore considered acceptable offering a range of house types that meets local need and demand satisfying the requirements of Policy BSC 1.

In conclusion, 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.

4 affordable dwellings are proposed as part of the development with a commuted sum offered for the 0.5 which is in accordance with the 10% requirement set out in Policy BSC4. The proposal is to provide 2 no. 2 bed properties and 2 no. 3 bed properties (plots 19,20,21 and 22). A commuted sum is offered for the remaining 0.5 which based on the calculation in the Affordable Housing SPG (Appendix 2) amounts to £68,545.80.

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

The provision of affordable housing is a policy requirement, and it is recommended that should permission be granted, that it be subject to a Section 106 legal agreement to secure the delivery of the 4 affordable dwellings and payment of £68,545.80 commuted sum. This would need to be completed prior to the decision notice being released.

#### 4.2.4 Visual amenity

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

There is an objection to the proposal based on potential visual impacts arising from the development with concerns that the style of new buildings would be completely out of character with the area.

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 working farm on the edge of Prestatyn. However, overall the layout and submitted detail demonstrates that an acceptable standard of development can be achieved. The site is located in an area of mixed property styles and it is considered that the mix of house types and designs proposed across the site, along with the landscaping shown would be acceptable in this location. A condition requiring approval of the specific external materials 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, however some are shown to be removed to facilitate the development. The tree survey has identified several elders and a sycamore in the middle of the site that are likely to have self-seeded in between the farm buildings and these are very small and insignificant trees not worthy of retention. The remaining trees adjoin the perimeter of the site, H1 and H2 are Leyland cypress hedges that will be removed along with two apple trees (T4 and T23). T5 to T14 will be retained as they are on adjoining land. The native hedgerows H3 to H6 are retained and appear to be mainly outside the site boundary.

The Tree Officer has been consulted and considers these proposals to be acceptable. The main issue concerns the impact on the roadside trees (T1, T2 and T3) and how the proposed footway and kerbs will be installed around them. The Tree Survey shows the layout has been amended to step the development away from these trees but a concern remains regarding the creation of the footway, and a more detailed Arboricultural Method Statement must be agreed by a planning condition before any works take place.

A detailed landscaping scheme has been submitted showing additional planting throughout the site and conditions are also suggested.

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 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.

SPG guidance specifies minimum internal floorspace standards for new developments and requires that 40m<sup>2</sup> of private external amenity space should be provided as a minimum standard for residential dwellings.

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.”*

Representations have been received raising residential amenity concerns due to the relationship of the existing residential properties.

To the immediate west of the site are residential properties on Gronant Road, Ffordd Onnen, Rhodfa Celyn and Rhodfa Derwen.

With regards the relationship of the new development with 113 Gronant Road – this property fronts the main road with its main windows in the front and rear elevation, it has no windows in the side elevation facing the application site. The property is set at a slightly higher ground level than the application site. The dwellings shown at plots 1 and 2 are ‘Marlow Semi Detached’ properties with rear facing bedroom windows. The rear garden is approximately 10m deep. Having regard to the spacing, relationship and levels it is not considered that there would be any significant adverse impact on the property at 113 Gronant Road.

With regards the relationship of the new development with the dwellings on Ffordd Onnen, the dwellings at 13,15,17, 19 and 21 Ffordd Onnen back on to the application site. The proposal shows plots 19 to 25 in this location with a back to back relationship with the dwellings on Ffordd Onnen. Between the rear elevations there are distances ranging from a minimum of 29m to a maximum of 36m which exceed the minimum distance of 21m required. Therefore having regard to the spacing it is not considered that there would be any significant adverse impact on the properties on Ffordd Onnen.

With regards the relationship of the new development with the dwellings on Rhodfa Celyn, this is a small cul de sac with the side elevations of no 10 and 11 (both bungalows) facing the application site. There is a group of trees close to the boundary with no 11 which would be retained. The side elevation of no 10 would be close to the open space area shown, and the side elevation of no 11 would have a distance of

approx. 16m to the closest point to the side elevation of the 'Stratford' housetype at plot 26. This property has a landing and obscured en-suite window at first floor level in the side elevation. Having regard to the spacing, relationship and existing screening it is not considered that there would be any significant adverse impact on the properties on Rhodfa Celyn.

Therefore, in terms of the impact on existing residents, the siting, orientation and separation distances shown ensure there would be no unacceptable levels of overlooking and avoid the proposal giving rise to adverse impacts on existing residents within the area.

In terms of the amenity 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 for each property.

Due to the proximity of plots 26 to 30 at the northern end of the site to the electricity sub station, and the proximity of dwellings proposed along the road frontage with Gronant Road, a Noise Assessment was requested by the Public Protection Officer. A report was submitted which concludes the levels of road traffic and electrical substation noises are well below adopted noise limits and standard double glazed windows (e.g 4mm glass – 12-20mm cavity - 4mm glass) and standard window frame slot vents will be adequate for the development.

In conclusion, having regard to the layout and the separation distances proposed, there are no residential amenity concerns.

#### 4.2.6 Ecology

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

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

Local representations have been received raising concerns over the ecological impacts of the development as wildlife is abundant in the area.

Ecological Surveys have been submitted with the application, bat emergence surveys have now been undertaken at the correct time of year which were required in order to progress the application. NRW and the County Ecologist have been consulted on all of the submitted information and neither have raised an objection to the proposal subject to a number of planning conditions which are recommended 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.

A number of conditions including the submission of an Ecological Compliance Audit and external lighting scheme for approval by the Local Planning Authority is recommended. It is also recommended that a condition is attached ensuring access for hedgehogs and also to ensure 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 conditions, it is suggested ecological interests can be suitably protected in relation to a development on this site.

#### 4.2.7 Drainage (including flooding)

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

Representations have been received from local residents with a concern about a culvert on the site and drainage generally within the area.

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 and there is an awareness of the location of a culvert which members of the public have raised.

Foul and surface water drainage is shown to connect to the existing public systems on Prestatyn Road (A548). Surface water drainage proposals also show an on-site attenuation basin and preference to discharge surface water to ground via infiltration techniques such as soakaways, permeable paving etc.

Dwr Cymru/ Welsh Water (DCWW) have confirmed there are no objections to the proposed drainage strategy for the site.

Following deferral from the Planning Committee meeting in September, the applicant engaged with DCWW to discuss the foul drainage issues. The applicant submitted a technical note evidencing a historic surface water connection to the public sewerage network from the existing Midnant Farm. As part of the redevelopment of the site the technical note confirms that flows will be redirected to a nearby culvert. DCWW have therefore confirmed that they are satisfied that capacity will be created in the system to accommodate the foul only flows from the proposed development.

DCWW have also formally confirmed that this removes the requirements for a Sewerage Pumping Station (SPS) assessment and that they can support the site's connection to the public sewer.

The Council's Flood Risk Manager has advised that approval will be required from the SUDs Approval Body (SAB) which is a completely separate process to planning and is covered by drainage legislation. SAB will control and will only be approved if the drainage details are acceptable and kept below greenfield run off rates. The development could not proceed without SAB first being in place. It is stressed that these regulatory controls are parallel to and outside of the planning process.

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



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

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

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

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

There are a number of local representations concerning the highway impacts of the proposal generally regarding the nature of Gronant Road and the impact additional traffic will have in the area.

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

##### *Capacity of Existing Network*

*The existing use of the proposed development site known as Midnant Farm consists of a large residential farmhouse as well as multiple large agricultural barns and sheds. The use therefore can be reasonably assumed to generate a reasonable amount of vehicle movements that may include large, slow-moving agricultural vehicles.*

*To determine the trip generation estimate of the proposed development, the applicant has provided figures taken from the industry-standard TRICS database. It should be noted that the trip generation from the existing use of the site has not been included to provide the most realistic estimate possible. It is estimated that the scheme will generate a total of twenty two two-way vehicle movements in both the AM and PM peak hours. Volumetrically, this equates to around one additional two-way vehicle movement every 3 minutes or so in both the AM and PM peak hours.*

*The applicant has also noted in the Transport Statement that the trip generation estimates may be considered robust given that travel patterns have changed due to the recent pandemic, with many people continuing to work from home, reducing the number of people traveling to work in the peak hours.*

*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

*Gronant Road is largely subject to the national speed limit, although the speed limit changes to 30mph at the south-west corner of the site, and it has a varying carriageway width of between 4.1m to 5m along the site frontage. Gronant Road does not benefit from any footways along the site frontage or to the east of the site.*

*Given that the proposed development will extend the built environment along Gronant Road, it is proposed that the speed limit along the site's frontage is reduced from the national speed limit to 30mph by relocating the existing change in speed limit to the east. In addition, regularly spaced street lighting columns will be provided to complement the proposed 30mph speed limit.*

*Pedestrian and cycle access to the site will be provided at the same location as the vehicular access. Furthermore, a continuous footway connection will be provided along the entire site frontage, connecting to the existing pedestrian infrastructure on Gronant Road.*

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

*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

*As previously discussed, the existing 30mph zone is to be extended to the east in conjunction with the provision of a new scheme of street lighting. The main access to the site will be via a simple priority-controlled junction off Gronant Road. Ten dwellings are proposed to take direct frontage access off Gronant Road which is proposed to be widened to 5.5m along the site frontage. This arrangement is not uncommon and has been implemented on a number of similar developments in the county. An additional five dwellings are proposed to be accessed by a private drive off Gronant Road.*

*Junction visibility from the site access, the private drive located off Gronant Road and the direct access parking bays has been calculated based on the visibility requirements set out in the TAN18 for a 30mph road.*

*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 Gronant Road. 2.0m footways/service margins will be provided throughout the site. In order to demonstrate that the site can be serviced sufficiently, swept path analysis of a large 4-axle refuse vehicle has been undertaken at the site access and at the turning heads within the site. The swept path analysis demonstrates that a vehicle of this size can enter the site via the site access, turn within the site at appropriate points, and exit the site in a forward gear.*

*Parking spaces are to be provided in accordance with DCC's maximum parking standards.*

*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.*

*In conclusion, having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the proposed*

development, subject to appropriate conditional controls.

#### 4.2.9 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.

Clwyd Powys Archaeological Trust (CPAT) have been consulted and have advised that: *The proposed development area includes the Middle Nant Post-Medieval farmstead which contains buildings which are of at least local and vernacular interest. The stone barn (PRN 194773) is visible on the Tithe mapping of 1839 and should be recorded prior to demolition. Another surviving building, the farmhouse (PRN 194774) is visible on the 2nd edition mapping and although a record of the building is held, the modernisation looks to have removed any features of interest. Buildings shown on the Tithe to the north of the farmhouse have already been demolished and replaced with modern, late 20th century agricultural buildings. There are no recorded features on the other sections of the proposed application area or the 50cm LIDAR images of the area, therefore no further archaeological investigation is necessary on this area.*

CPAT have advised that prior to demolition a photographic survey record should be made of the stone barn and have requested a planning condition is imposed to secure this.

#### 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 proposal is for 45 units which generates the requirement for 1656 square metres of Community Recreational Open Space (CROS) and 828 square metres of Children's Play Space (CPA).

The proposal is to provide an area of 1497 square metres of CROS on site, to be located relatively centrally within the site. The plans show an attenuation basin on part of the open space area which is 757square metres, and whilst this area will be open

and available for use, due to its function it has not been included within the open space calculations. The remaining CROS and CPA provision is proposed by way of a commuted sum which would be paid towards enhancing existing open spaces in the area. The commuted sum payment required for the shortfall in on site provision would be £45,403.52.

The on-site open space management arrangements would need to be secured by a condition. Officers are satisfied with the approach to open space subject to a condition securing management arrangements and a legal agreement to secure the relevant commuted sums.

#### 4.2.11 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.

Paragraph 5.26 of the site development brief states that financial contributions towards education provision will be not be required.

The Education Officer has confirmed that based on the latest school roll information available for Prestatyn High School (nearest High School) there is sufficient capacity to accommodate any additional pupils arising from the development. Based on the latest school roll information for Ysgol Bodnant (nearest Primary School) a financial contribution of £40,000 will be required to accommodate the additional pupils in the local primary school.

Officers therefore conclude that there is insufficient capacity within the local primary school to accommodate the development, and accordingly a commuted sum is required in this instance and should be secured by a Section 106 agreement.

#### 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 or requested in this instance as the site has been allocated for housing in the Local Development Plan, therefore an assessment has been undertaken as part of the LDP process. It is however suggested that a condition is attached to any permission which requires the submission of a strategy which sets out mitigation measures to reduce adverse linguistic, social and cultural effects.

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.

#### 4.2.13 Contamination

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Planning Policy Wales (PPW 11) within Section 6 'Distinctive and Natural Places'. This requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council should require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. PPW states that if contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

As the site is a working farm, and has been for many years, the Public Protection Officer requested a Contaminated Land Assessment which has been submitted by the applicant.

The Public Protection Officer has reviewed the report and has raised no objections, however as per the recommendations within the report, has requested that a planning condition is imposed to require an intrusive investigation to identify the ground conditions and potential contaminants along with relevant mitigation.

#### Other matters

##### Impacts on the capacity of local Health Care infrastructure

Some local representations have raised concerns in relation to the capacity of local health care infrastructure in the area.

Officers would highlight that the application site is an allocated housing site in the adopted Local Development Plan (LDP). The LDP adoption process involves close liaison with the NHS to examine whether growth in certain parts of the County can be accommodated by them.

The LDP focusses on affordable housing, school capacity and open space provision in terms of infrastructure contributions from housing developments in the County. Improvements to NHS facilities are not matters for Denbighshire County Council to resolve via the planning process unless we are provided with clear evidence of such a need. This evidence has not been provided in relation to our current LDP which includes the allocation of this site for housing.

#### Comment from the Town Council

Prestatyn Town Council queried whether the scheme could retain the existing farmhouse. The applicant has advised that the retention of the farmhouse would significantly impact on the efficiency of the layout and as such have a detrimental impact on the whole viability of the scheme.

#### Food Security

Some public representations have referred to food security and it being imperative

that the farm remains. With respect, the scale to which the farm contributes to food production is not significant to result in any concerns.

#### 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 of 4 affordable dwellings and a commuted sum of £68,545.80; an Education contribution of £40,000 (primary school) and an open space contribution of £45,403.52.

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

2. Compliance with the following Conditions:

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

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

1. The development to which this permission relates shall be begun no later than 5 years from date of S106 completion
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 Types Pack received 2 February 2023 (ii) Location plan (Drawing No. GRPR-LP,01) received 2 February 2023 (iii) Proposed site plan (Drawing No. GRON-PRS-SP01 Rev. E) received 6 June 2023 (iv) Topographic and GPR Survey (Drawing No. B481-02) received 2 February 2023 (v) Landscape Layout (Drawing No. 4169 101 Rev C) received 6

June 2023 (vi) Planting Plan 1 of 3 (Drawing No. 4169 201 Rev B ) received 6 June 2023 (vii) Planting Plan 2 of 3 (Drawing No. 4169 202 Rev B) received 6 June 2023 (viii) Planting Plan 3 of 3 (Drawing No. 4169 203 Rev B ) received 6 June 2023 (ix) Boundary Treatment Plan (Drawing No. GRON-PRS-BTP01 Rev. D) received 2 February 2023 (x) Screen Fencing, 1.8m, Standard Effect (Drawing No. SD-700) received 2 February 2023 (xi) Gate Within Screen Fence, 1.8m High (Drawing No. SD-701) received 2 February 2023 (xii) Free Standing Brick Walls, 215mm Wide (Drawing No. SD-709) received 2 February 2023 (xiii) Proposed Site Access Arrangement Plan (SCP/220361/D 01 Rev C) received 6 June 2023

**Drainage** (i) Flood Consequences Assessment and Drainage Strategy (Coopers ref: 8007\_FCA dated 25 November 2022) received 2 February 2023 (ii) Foul Calculations (8007 N1 FW01) received 2 February 2023 (iii) Surface Water Calculations (8007 N1 SW01) received 2 February 2023 (iv) Drainage Strategy (Drawing No. 8007-SK03) received 2 February 2023 (v) Highway Longsections (Drawing No. 8007-SK04) received 2 February 2023 (vi) Castle Green letter to DCWW with proposed site plan (Ref CGH/MFP/SWTS dated 25/9/2023) re: Existing drainage status and farmhouse roof surface area calculation for reduction in net increase Received 26 September 2023

**Documents** (i) Planning, Design and Access Statement (Grimster Planning dated December 2022) received 2 February 2023 (ii) Pre-Application Consultation Report (Grimster Planning dated January 2023) received 2 February 2023 (iii) Arboricultural Impact Assessment (AIA) (Amenity Tree Version 3) received 2 February 2023 (iv) Preliminary Ecological Appraisal and Daytime Building Inspection for Bats (Ascerta dated November 2022) received 2 February 2023 (v) Transport Statement (SCP Ref: CT/220361/TS/02 dated November 2022) received 2 February 2023 (vi) Desktop Study Report (Coopers Chartered Consulting Engineers dated 12 May 2023) received 15 May 2023 (vii) Market Demand Report (Grimster Planning dated March 2023) received 6 June 2023 (viii) Noise Impact Assessment (Hepworth Acoustics Report Ref P23-178/R02v1 dated May 2023) received 17 May 2023 (ix) Arboricultural Method Statement (Ascerta Ref P. 1715.23.02) received 6 June 2023 (x) Nocturnal Surveys for Bats (Ascerta Ref P.1715.22 dated July 2023) received 19 July 2023 (xi) Nocturnal Surveys for Bats (Ascerta Ref P.1715.22 Revision A dated 23rd August 2023) received 24 August 2023

3. **Materials:**

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.

4. **Highways:**

The development hereby permitted shall not be allowed to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:

- a) the arrangements for the parking of vehicles of site operatives and visitors;
- b) the location of any construction compound and measures to reinstate the land following completion of the works;
- c) the hours of site works and deliveries;

If works or deliveries are required outside of approved hours, you must give at least 48 hours notice in writing to the Local Planning Authority advising what works are required, why they cannot be carried out during approved working hours, what mitigation is proposed and the duration of out of hours working.

- d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary;
- e) the location of areas designated for the loading, unloading, and storage of plant and materials;
- f) the proposals for security fencing or hoardings around the site;
- g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses;

- h) measures to minimise noise and disturbance to neighbouring residential properties / properties in the vicinity of the site;
- i) wheel washing facilities;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) any proposed external lighting.
- l) the piling methods, in the event that this form of foundation construction is proposed. If Piling operations are not currently proposed, should unexpected ground conditions be encountered, no piling works shall be carried out without the prior written approval of the Local Planning Authority to the method, location and timing of piling operations, including details of measures to prevent and / or minimise the potential for ground and water pollution, noise and vibration.
- m) A Communications protocol setting out procedures for dialogue with the community throughout the construction phase and the management of complaints.

The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

5. Prior to the commencement of the development, the detailed layout, design, street lighting, signing, drainage and construction of the internal estate road including compliant gradients/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 accordance with such approved details
  6. 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
  7. Notwithstanding the submitted details, no site clearance or construction works shall be permitted to commence until there have been submitted to and approved in writing by the Local Planning Authority: a scheme for the recording of existing road conditions by the developer for the main construction traffic delivery routes to site from the A547 and A548 arrangements for the repair and reinstatement of public highways
  8. **Photographic Survey**  
No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 3 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.  
A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: neil.bayliss@cpat.org.uk Tel: 01938 553670).
- After approval by the Local Planning Authority, a copy of the resulting report should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy of the report and whole project archive should also be sent to the National Monuments Record, RCAHMW.
9. **Welsh Language and Social and Cultural Fabric**  
No development shall commence until a strategy setting out mitigation measures to reduce adverse linguistic, social and cultural effects has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.
  10. **Contamination**  
No construction works shall be permitted to commence on site until intrusive contaminated land investigations have been undertaken to meet the following objectives: Initial phase of trial



pits to assess ground conditions (geochemical and geotechnical properties) and infiltration test pits compliant with soakaway design - BRE 365 and the resulting report has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.

11. **Biodiversity, Landscaping & Open Spaces**

The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in the approved Preliminary Ecological Appraisal and Daytime Building Inspection for Bats (Ascerta ref P.1715.22 dated November 2022).

The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in the approved Preliminary Ecological Appraisal and Daytime Building Inspection for Bats (Ascerta ref P.1715.22 dated November 2022).

12. The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in the approved Nocturnal Surveys for Bats (Ascerta ref P.1715.22 dated July 2023) and P.1715.22 Revision A dated 23rd August 2023)
13. No site works, including any demolition or vegetation clearance, shall be permitted to take place until further badgers surveys have been undertaken and the relevant Reasonable Avoidance Measures (RAMS) along with a mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details.
14. No development shall be permitted to commence until the details of the provision for roosting bats and nesting birds, has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans. The preference is for integrated bat and bird boxes. The development shall proceed in strict accordance with the approved plan and details.
15. Notwithstanding the hereby approved plans and documents, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats and recognising the AONB's Dark Skies status, shall be submitted to and approved in writing by the Local Planning Authority. This shall include plans illustrating the location and type of existing and proposed external lighting in relation to any biodiversity enhancement features and have regard to any retained or proposed features planned for bats functional use in foraging/dispersal purposes. The scheme shall be carried out strictly in accordance with the approved details.
16. 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.
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 Audit shall be completed in accordance with the submitted details.
18. Notwithstanding the approved landscaping plans, within three months of the commencement of development, a detailed scheme of 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 approved details shall be implemented in full.
19. 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.
20. Prior to the commencement of any site works a detailed Arboricultural Method Statement for the roadside trees (T1,T2 and T3) shall be submitted to and approved in writing by the Local

Planning Authority. Careful consideration must be given to how the footway and kerbs will be installed around the trees. The approved details shall be implemented in full.

21. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance in accordance with the protection measures within the Arboricultural Impact Assessment (Ascerta Ref P. 1715.23.02) or in accordance with an alternative scheme as agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
22. 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.
23. No dwellings shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to details of the design of the public open space area which should include details of the proposed drainage, earthworks/grading and mounding of land and final contours along with details of any boundary treatments. The development shall proceed in strict accordance with the approved plan and details.
24. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development
3. In the interest of visual amenity
4. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access
6. To ensure that adequate visibility is provided at the proposed point of access to the highway
7. In the interests of highway safety and to prevent damage to the highway
8. In the interests of investigation and recording of historic buildings
9. To protect the Welsh language and the social and cultural fabric of communities.
10. To protect residential amenity
11. In order to maintain and enhance biodiversity
12. In order to maintain and enhance biodiversity
13. To maintain the favourable conservation status of protected species
14. In order to maintain and enhance biodiversity
15. To maintain the favourable conservation status of protected species
16. In the interest of preserving ecological interests
17. In the interest of preserving ecological interests
18. In the interest of visual amenity and character of the area and preserving ecological interests.
19. In the interest of visual amenity and character of the area and preserving ecological interests.
20. In the interest of good arboricultural practice and interests of amenity of the area
21. In the interest of good arboricultural practice and interests of amenity of the area
22. In the interest of visual amenity and enhancing the biodiversity of the area
23. In the interest of visual and residential amenity
24. 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

