

**40/2024/1079**



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**40/2024/1079/MD**

**Land Adjacent To Maes Owen  
Abergele Road, Bodelwyddan**

**Erection of 49 no. affordable dwellings and associated infrastructure works including roads and footpaths, public open space, landscaping and drainage including a new pumping station**

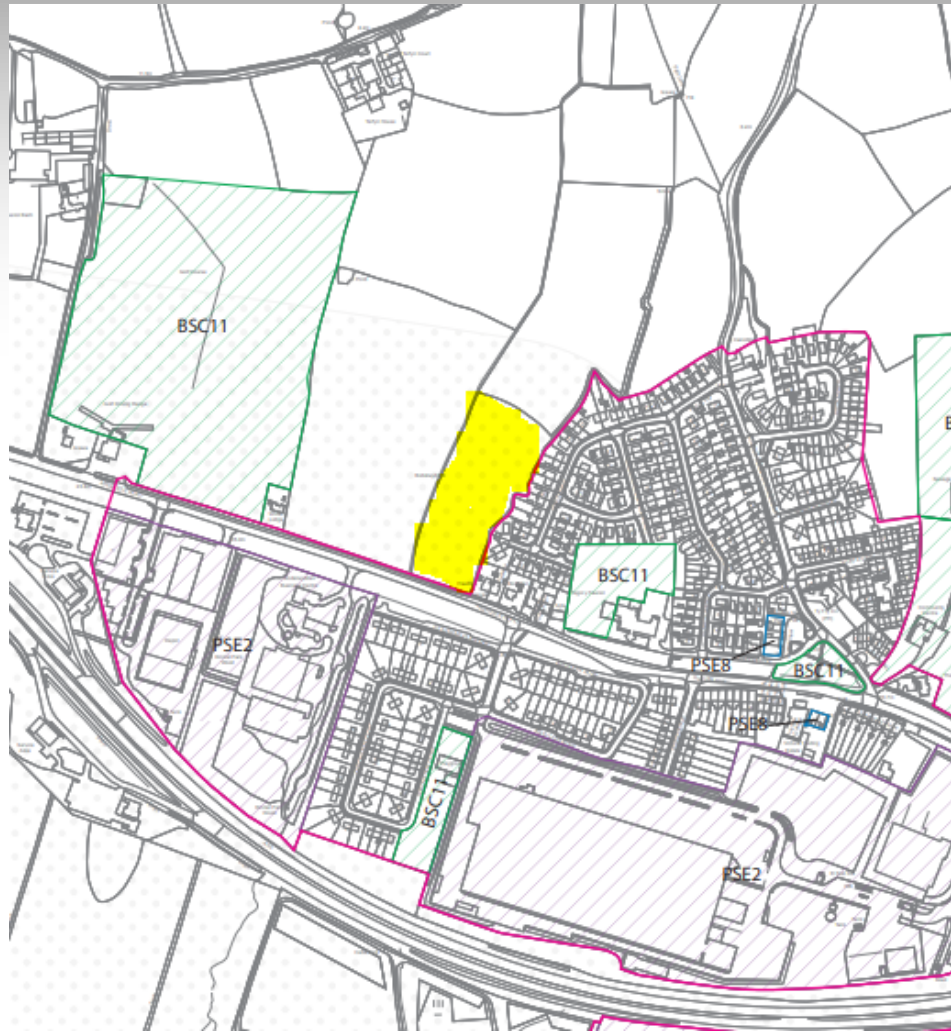




Location plan

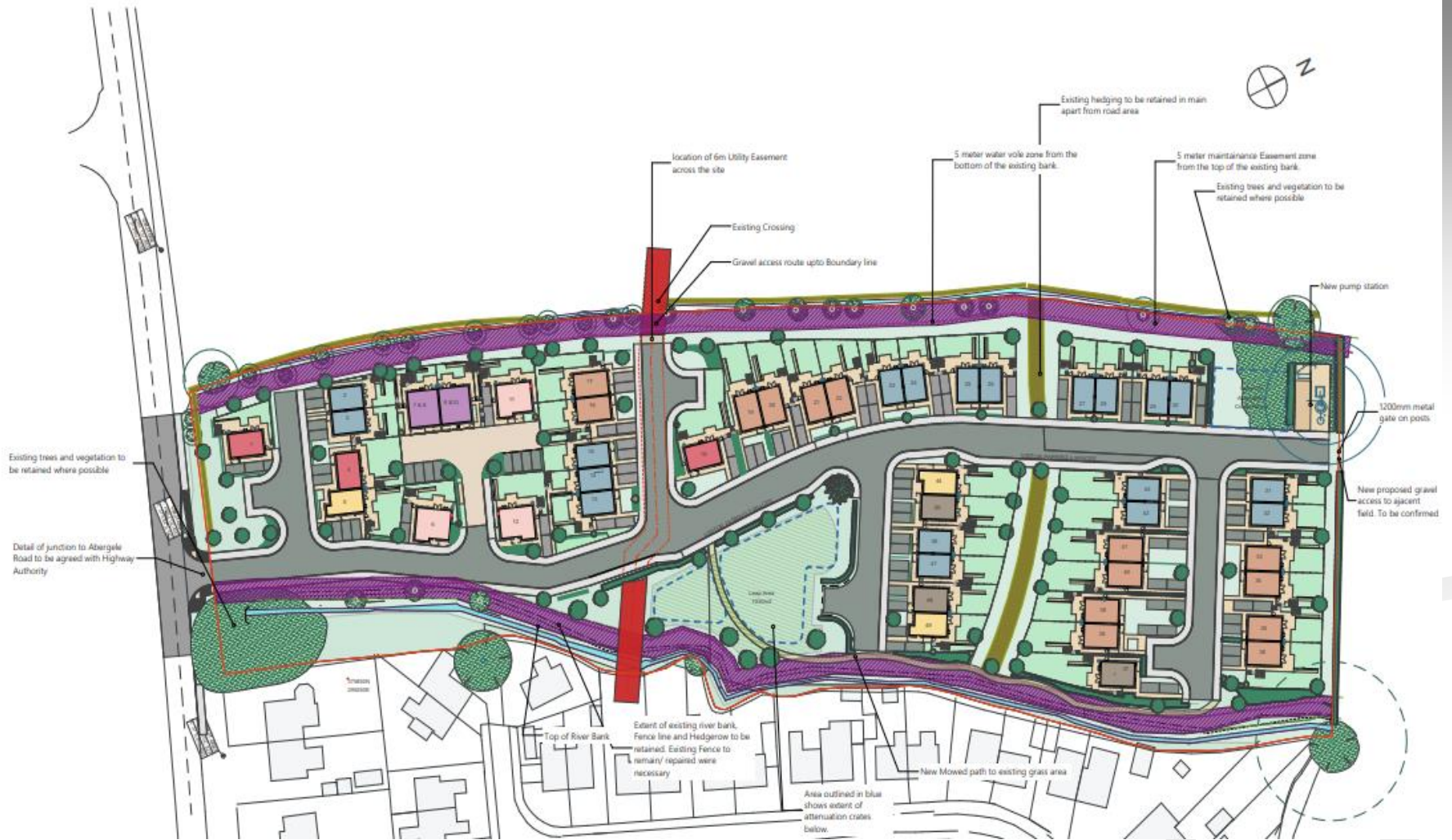


# LDP Proposals Map (with site highlighted)









# Proposed Site Layout





Land off Abingdon Road		Proposed Site - Visuals	A1	1872-MA-22-00-DR-A-2801
1872	1.2.35			
1872	1.537			
JOHN MCCALL ARCHITECTS LTD				P03
No. 1 Ark Works, Ferry Street, Linton, L1 8BB. Tel: 0151 527 1555. Fax: 0151 527 1556				
	JJT	CG		



# 1 Bedroom 2 Person Walk-Up Apartments

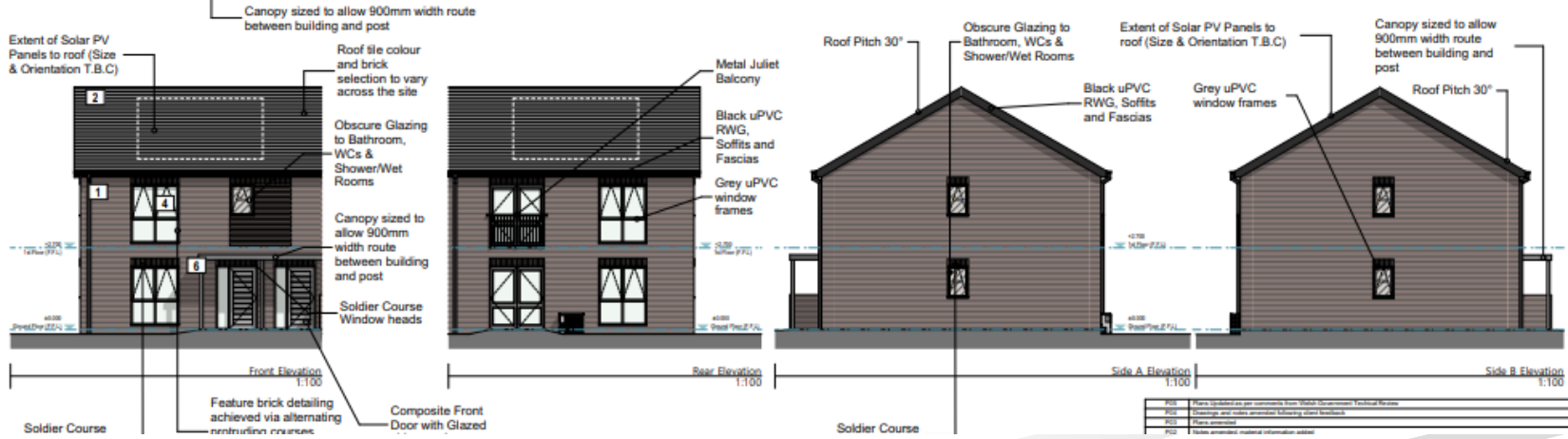
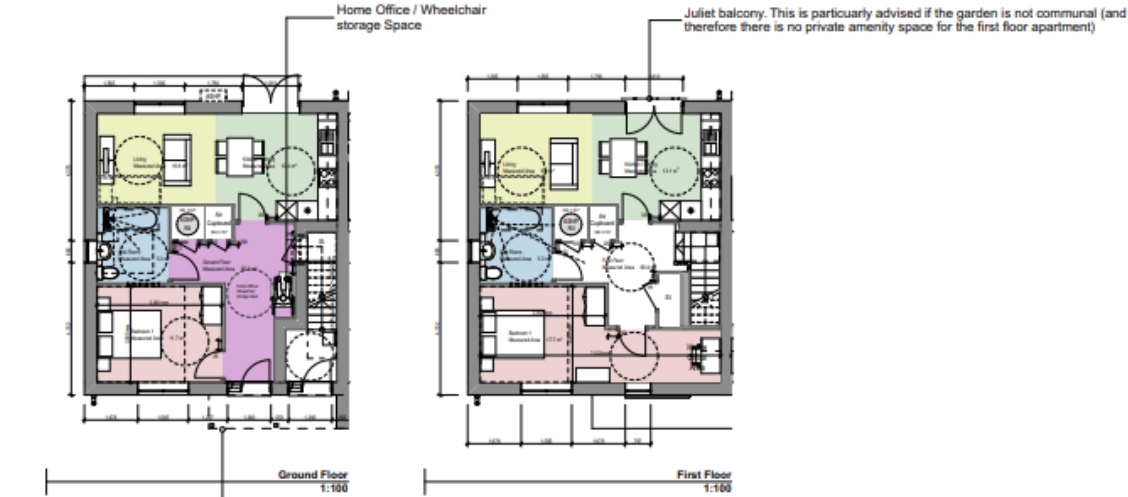
Semi-detached

Kitchen to the rear -

No additional accessibility standards

Ground Floor Apartment - 55.1m<sup>2</sup>

First Floor Apartment - 60.0m<sup>2</sup>



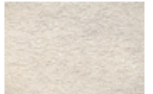
## Proposed Finish Materials



- 1 Brick faces, red and buff mixed across the site. Specification to be confirmed.



- 2 Pitched roofs with interlocking concrete tiles, grey and red mixed across the site



- 3 Coloured Render
- 4 Anthracite RAL 7016 UPVC window frames
- 5 Black roof edging and black rainwater goods
- 6 Anthracite RAL 7016 GPR canopy

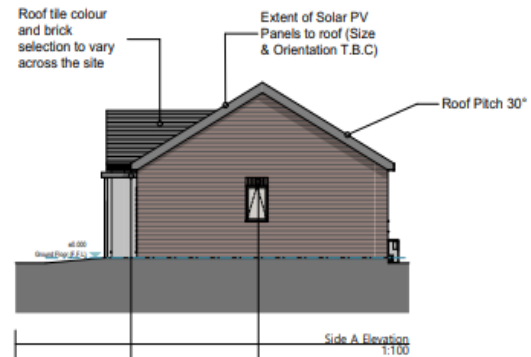
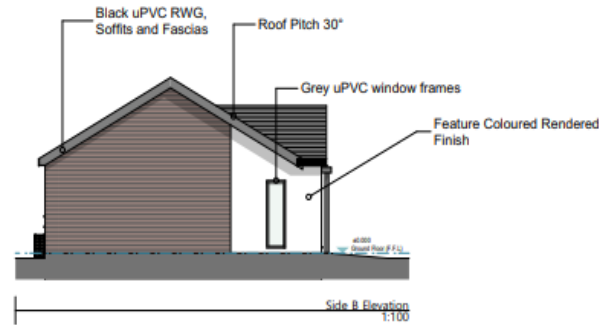
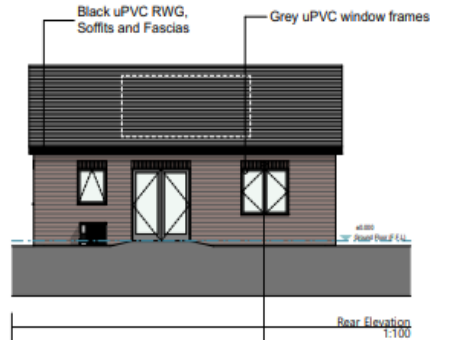
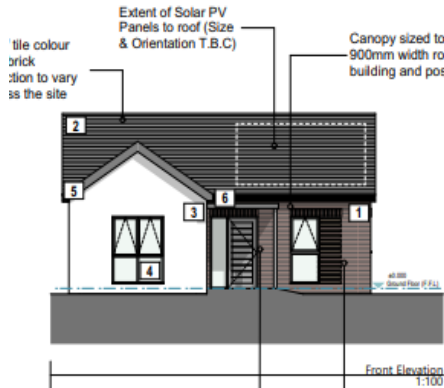
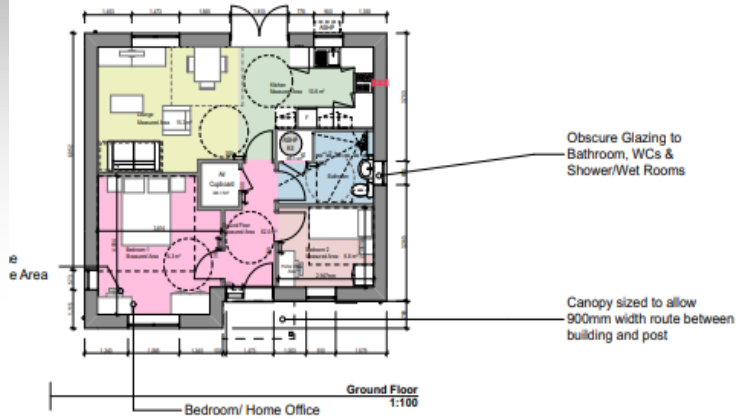
REV	1	10/12/20	1:00
REV	2	10/12/20	1:00
REV	3	10/12/20	1:00
REV	4	10/12/20	1:00
REV	5	10/12/20	1:00
REV	6	10/12/20	1:00



# 2 Bedroom 3 Person Bungalows

Detached

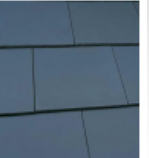
Floor Area - 61.5m<sup>2</sup>



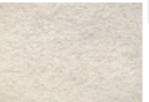
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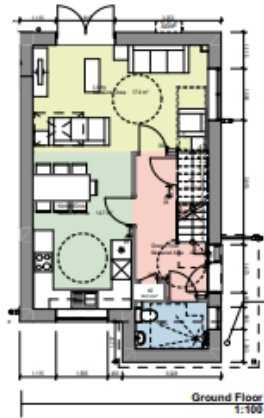


# 4 Bedroom 7 Person Unit

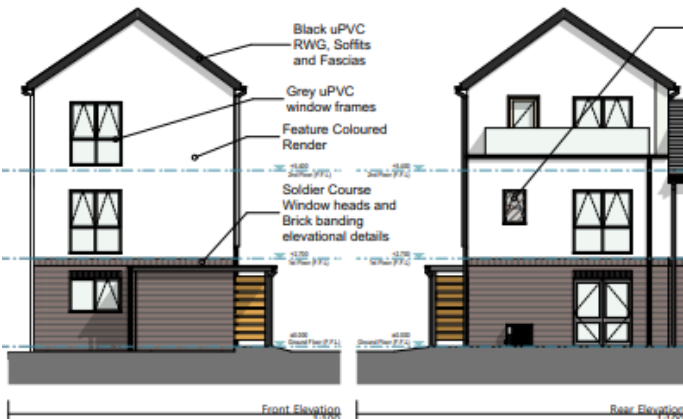
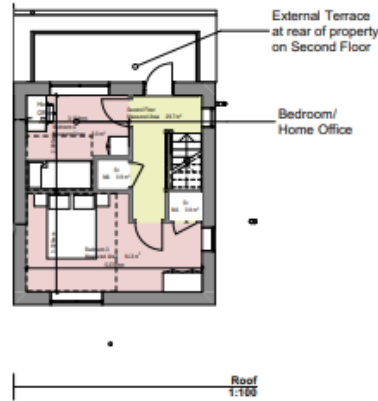
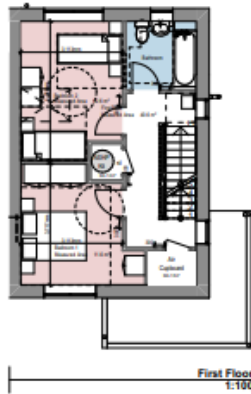
Semi-detached

Floor Area - 116.9m<sup>2</sup>

**4B7P Plans:** Town house with Kitchen to the front and Living space to the back with patios opening onto rear garden. Includes feature third floor terrace.



Canopy sized to allow 900mm width route between building and post. Screen included one side for privacy and shelter



Black uPVC RWG, Soffits and Fascias

Grey uPVC window frames

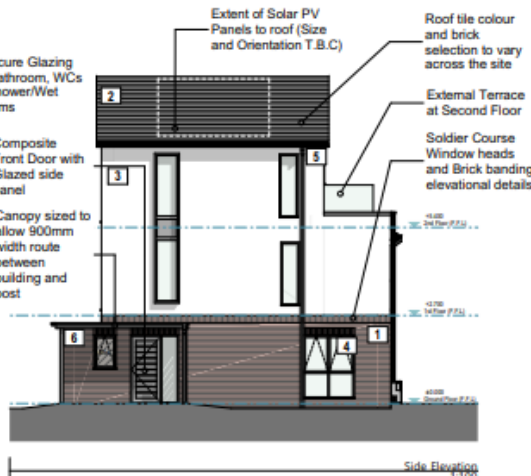
Feature Coloured Render

Soldier Course Window heads and Brick banding elevational details

Obscure Glazing to Bathroom, WCs & Shower/Wet Rooms

Composite Front Door with Glazed side panel

Canopy sized to allow 900mm width route between building and post



Extent of Solar PV Panels to roof (Size and Orientation T.B.C)

Roof tile colour and brick selection to vary across the site

External Terrace at Second Floor

Soldier Course Window heads and Brick banding elevational details

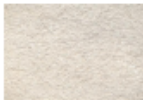
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# Application Site





# Proposed Single Access point (off Abergele Road)













**Officer** - Sarah Stubbs

**Ward** - Bodelwyddan

**Ward Member** - Councillor Raj Metri (C)

**Application Number** - 40/2024/1079/PF

**Proposal** - Erection of 49 no. affordable dwellings and associated infrastructure works including roads and footpaths, public open space, landscaping and drainage including a new pumping station

**Location** - Land Adjacent To Maes Owen Abergele Road, Bodelwyddan, Rhyl, Denbighshire,

**Applicant** - Mr Daniel Parry Adra (Tai) Cyfyngedig

**Constraints**

Denbighshire Electoral Divisions	Bodelwyddan
City Town and Community Councils	Bodelwyddan Community
Flood Map River Centrelines	BODELWYDDAN MAIN DRAIN

**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

**CONSULTATION RESPONSES:**

**BODELWYDDAN TOWN COUNCIL**

*"Do not object to the application but have raised several observations on the impact of this housing on Bodelwyddan as it is the third application over the past few years the Town Council has received.*

*If this latest application is granted just under 200 new houses have been approved for Bodelwyddan. The building has already started on the 100 house development opposite the hospital.*

*Whilst the Town Council appreciate the need for housing, they would like reassurance on several issues that concern the Bodelwyddan residents.*

- 1. The schools primary and secondary will be able to cope with the influx of new children.*
- 2. There is no Gp surgery in Bodelwyddan and this should surely be addressed with the proposed increase of residents, otherwise this pressure will be accommodated by St Asaph, Rhuddlan and Abergele Gps who are already under strain. It is also a barrier to access these services for our mobility impaired, elderly and those without a car to access GP provision in other towns*
- 3. The hospital and other health services will also be impacted by the new residents."*

**NATURAL RESOURCES WALES (Final response dated 27th January 2025)**

No objections subject to the imposition of planning conditions relating to the ecological compliance audit. A planning obligation is also suggested in relation to water voles.

**DWR CYMRU / WELSH WATER**

No objections, can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety:

- Highways Officer

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

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

- Parking

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 Site is located on land to the north of Abergele Road, Bodelwyddan. The proposed development comprises the construction of 49 residential properties. Vehicular access to the development will be provided via a new access on Abergele Road.

The Transport Statement includes quantitative analysis of the traffic impact of the proposed residential development for the weekday AM & PM peak hours.

The estimate of traffic (in vehicles) generated by the proposed development in the AM and PM peak hours for two way flow is 28 and 26 respectively. It has been demonstrated that the traffic impact of the proposed development is modest, with approximately a vehicle movement every 2 minutes in the AM and PM 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 on to 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.

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 the proposed 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.

It is proposed to provide a new priority junction on Abergele Road to serve the proposed residential development. The visibility splays indicated on the submitted plans were based on existing speeds (prior to the introduction of a 20mph speed limit) and meet TAN18 stopping sight distance standards. It is considered that the access arrangements provide a suitable means of accessing the proposed residential development.

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 Abergele 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.

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

#### Parking

Policy ASA 3 requires that development proposals, including changes of use, will be expected to provide appropriate parking spaces for cars and bicycles. Supplementary Planning Guidance Note: Parking Requirements in New Developments (Parking SPG) identifies the required standards. Policy ASA 3 also identifies circumstances that will be given consideration when determining parking provision. These circumstances are;

- The site is located within a high-densely populated area;
- Access to and availability of public transport is secured;
- Parking is available within reasonable distance of the site;
- Alternative forms of transport are available in the area.

For residential developments, dwellings should be provided with 1 space per bedroom up to a maximum of 3 spaces. Visitor spaces should also be provided at 1 space per 5 dwellings. The development should provide 117 spaces for residents and 10 visitor spaces. The development proposes 101 spaces for residents and 10 visitor parking spaces. The reason for the difference is that the development only proposes 2 parking spaces for the 3 bed dwellings rather than 3 spaces. The development proposes 2 spaces for the 1 bed apartments rather than the single space set out in the guidance. It is considered that the provision of 2 spaces for each 3 bed dwelling is sufficient. Most of the 3 bed dwellings are served via 5.5m wide cul-de-sac roads which are located off the main spine road and these road widths offer sufficient width to accommodate on-street parking for visitors particularly in low traffic speed environments.

The proposed parking arrangements are not compliant with the standards set out in the Parking SPG. However, having regard to the consideration that the parking proposals strike the correct balance of providing sufficient parking to avoid creating problems, whilst not over providing to the potential detriment of encouraging non-car modes of travel. It is therefore considered that the proposed parking provision is not unacceptable.

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

- Footpaths Officer

No objection, the development area is neither crossed nor abutted by a public right of way. Encourage any opportunities to improve connectivity in the area.

Public Protection Officer

No objection subject to the inclusion of a condition requiring heating system details

Ecology Officer

No objection subject to the inclusion of conditions

Flood Risk Officer

SAB approval will be required

Strategic Housing & Policy Officer

From a planning policy viewpoint, the application site is outside but adjacent to the development boundary of Bodelwyddan. Land is in agricultural use (predictive land grade 3a (according to Welsh Government 'Predictive Agricultural Land Classification Map 2', accessed 27/09/2024 via DataMapWales)), and the proposal seeks the delivery of a 100% affordable housing scheme. There are residential areas to the east and the south (although separated by Abergele Road) of the site. Parcels of land to the north and west are in agricultural use with the same predictive land grade as the application site.

Development in the open countryside is strictly controlled by national and local policy but an allowance could be made for providing affordable housing on so-called 'exception sites' to address identified affordable housing need on land which adjoins development boundaries, see PPW paragraph 4.2.35. The DCC LDP sets out policy criteria for development on 'exception sites' in BSC 8 "Rural Exception Sites". Prior to discussing individual criteria, there is the need to outline reasons that warrant the application of BSC 8 despite the policy justification explicitly stating that this local policy does not apply to development proposals in Bodelwyddan.

LDP policy BSC 8 has been prepared alongside LDP policy BSC 5 'Key Strategic Site – Bodelwyddan', which was proposed to deliver not only houses but also, for example, community facilities, employment land and retail provision. It was envisaged to provide a minimum of 10% affordable housing as part of the overall 1,715 dwelling figure. In September 2024, there is however no valid planning permission for bringing forward the 'Bodelwyddan Key Strategic Site'; with the exception of a small residential development (108 dwellings compared to the overall figure of 1,715 units) that was granted permission opposite 'Glan Clwyd Hospital'. Since the Council supported the development of a single, large site in Bodelwyddan, the Local Planning Authority did not include any new residential land allocation on greenfield sites in the LDP. That means; besides the Key Strategic Site, affordable housing can only be delivered by means of brownfield development or on an 'exception site'.

According to the policy wording of BSC 8, the Council will only consider proposals for sites of 10 units or less. The above planning proposal is however for 49 units. BSC 8 was principally drafted to allow for development in villages and small settlements in rural areas, hence the policy title 'Rural Exception Sites'. Since there is a high demand for affordable housing in Bodelwyddan, the Council would strictly speaking have to consider

several smaller applications for 10 affordable units alongside the development boundary to address the identified need. By considering a scheme for 49 units, the applicant is able to propose a coherent scheme with supporting infrastructure contributions for future occupants.

PPW paragraphs 3.58 and 3.59 set out the national policy approach to development of 'Best and Most Versatile Agricultural Land'. Local planning authorities are reminded that, "Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations." While the point of overriding need for a 100% affordable housing scheme on this particular site is discussed in relation to LDP policy BSC 8, the applicant provides evidence to the fact that there is no lower graded land available adjacent to the development boundary of Bodelwyddan, see Planning Statement (March 2024) paragraph 6.89 and Figure 5 'Predictive Agricultural Land Classification of Bodelwyddan'. There is no disagreement with the applicant as the information can be verified with the help of 'DataMapWales, Predictive Agricultural Land Classification Map 2'. It is concluded that both national policy criteria are met that justify the release of 'Best and Most Versatile Agricultural Land' for the development.

Tree Specialist  
No objections

## RESPONSE TO PUBLICITY:

In objection:

1. Christopher Hill, 57 Maes Owen, Bodelwyddan
2. Mrs D.A Jones, White Lodge, Abergele Road, Bodelwyddan
3. E. Owen, 62 Maes Stanley, Bodelwyddan
4. L. Stones, 10 St Barbaras Avenue, Bodelwyddan
5. Hugh & Christine Williams, Haulfryn, Abergele Road, Bodelwyddan

Summary of planning based representations in objection:

### Highway Concerns:

The current infrastructure is not suited to an increase in traffic; the development will lead to a significantly higher number of vehicles on Abergele Road and surrounding areas, leading to more congestion on an already busy road; increased congestion poses a higher risk to cyclists and pedestrians in and around the area; areas around and leading to the hospital already experience substantial congestion particularly during peak hours, the addition of the proposed development will only exasperate the issue resulting in longer commute times and an increased likelihood of traffic collisions; Abergele road is already a thoroughfare for traffic heading for the A55 from Towyn, commercial traffic from local businesses.

### Principle

The current site has been graded entirely grade 3a best and most versatile agricultural land, development goes against PPW 12; the site falls outside of the local development plan boundaries; no overriding need to develop land outside of the boundaries on a greenfield site and will only add to an urban sprawl of Bodelwyddan.

### Education

Bodelwyddan School is currently over capacity; big impact on local schools

### Impact on biodiversity

Currently is a habitat for a number of wildlife; water voles are noted to be present in the water courses that border the proposed site, as well as a number of bat species and other species - how can no harm be guaranteed; lighting impacting on wildlife;

### Visual and residential amenity impacts

Possibility of being overlooked by some of the taller properties; visual intrusion will have a negative impact on existing properties; concerns for privacy of residents on Maes Owen; light pollution from street lamps

### Drainage/flood risk

The site is very wet and is water logged ground; it floods and hold water; the area is well known as being on clay, the impact this proposed development will have on run-off from hard surfaces has not been thoroughly investigated; the junction further down the hill by Min y Morfa farm is frequently under water in the winter months and will only get worse and potentially cut off the village from the Kinmel Bay direction.

### General Comments - Infrastructure

No doctors, dentists, hospital stretched and not able to cope with the added burden of this development

**EXPIRY DATE OF APPLICATION:** 12-02/2025

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

1.1.1 Full planning permission is sought for the demolition of 49 no. affordable dwellings and associated infrastructure works including roads and footpaths, public open space, landscaping, and drainage including a new pumping station at land adjacent to Maes Owen Abergele Road in Bodelwyddan.

1.1.2 The proposal is to form a vehicular access into the site off Abergele Road.

1.1.3 49 affordable dwellings are proposed with 5 different house types. and will all be designed in compliance with the Welsh Development Quality Requirements 2021 (Creating Beautiful Homes and Places). In addition to this, the dwellings will be designed to a Lifetime Homes Standard incorporating all criteria set out in the Lifetime Homes Design Guide. The proposal would provide: -

- 4 no. 1 bed walk up apartments
- 3 no. 2 Bed Bungalows
- 19 no. 2 Bed Houses
- 20 no. 3 Bed Houses
- 3 no. 4 Bed Houses

1.1.4 The properties would be constructed with brick and render, with grey and red roof tiles shown. Solar PV's are also shown.

1.1.5 A new internal estate road with pedestrian footpaths is proposed with parking spaces provided for each dwelling.

1.1.6 An area of public open space is shown relatively centrally within the site.

1.1.7 Foul drainage is shown to connect to the existing public sewer system. Properties to the south would connect to this via a gravity discharge system, whilst the properties to the north of the sewer will be connected via a pumped system with a new pumping station to be located at the north-western corner of the site. Surface water drainage proposals incorporate a number of sustainable drainage measures such as rain gardens/ drainage swales to drain the highway along the western edge with overflow detention basins including deep geocellular crates located within the eastern part of the site.

1.1.8 The proposed site layout is shown on the plan extract below, with examples of house types and visualisations provided at the front of the report: -



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

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

- Pre-Application Consultation Report
- Community and Linguistic Impact Assessment
- Planning Statement
- Design and Access Statement
- Green Infrastructure Statement
- Transport Statement
- Delivery Statement
- Affordable Homes Statement



- Drainage Strategy Statement
- Arboricultural Impact Assessment Received
- Flood Consequences Assessment
- Water Vole Report
- Preliminary Roost Assessment for Bats and Bat Activity Reports
- Extended Phase 1 Habitat Survey
- Tree Survey Schedule
- Agricultural Land Classification Survey
- Noise Assessment Report
- Utilities Study
- Phase 1 and 2 Geoenvironmental Assessment
- Landscape Aftercare Plan
- Biodiversity Benefit Assessment

### 1.3 Description of site and surroundings

1.3.1 The site consists of 2.49 hectares of agricultural land located towards the North of Abergele Road, Bodelwyddan. The site is roughly rectangular in shape and comprises of two fields separated centrally by a hedge. Further hedging is located on various boundaries around the site and both east and west boundaries have ditches ('main rivers') running alongside. There are no buildings on the site

1.3.2 The land to the north and west consists of farmland whilst the areas to the east and south (opposite Abergele Road) are residential areas. The site is relatively flat with a very slight slope down from south to north.

1.3.3 Along the eastern and western boundaries of the site are ditches, which are designated as main rivers. There is existing vegetation on all boundaries of the site.

### 1.4 Relevant planning constraints/considerations

1.4.1 The site is located outside of the Bodelwyddan development boundary established by the LDP.

1.4.2 The site is identified on the Welsh Government Predictive Agricultural Land Classification (ALC) mapping as Grade 3a agricultural land with some small sections on the eastern edge of the site identified as Urban agricultural land.

### 1.5 Relevant planning history

1.5.1 None

### 1.6 Developments/changes since the original submission

1.6.1 Amended information has been submitted primarily to address flood risk, ecology and parking related queries.

### 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:

### **Denbighshire Local Development Plan Adopted June 2013**

Policy RD 5 - The Welsh language and the social and cultural fabric of communities

Policy BSC 1 - Growth Strategy for Denbighshire

Policy BSC 3 - Securing infrastructure contributions for Development

Policy BSC 4 - Affordable Housing

Policy BSC 8 - Rural exception sites

Policy BSC 11 - Recreation and open space

Policy VOE 5 - Conservation of natural resources

Policy ASA 3 - Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Affordable Housing

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Parking Requirements in New Developments

Supplementary Planning Guidance Planning Obligations

Supplementary Planning Guidance Recreational Public Open Space

Supplementary Planning Guidance Residential Development

Supplementary Planning Guidance Residential Development Design Guide

### **Government Policy / Guidance**

Planning Policy Wales Edition 12, 2024  
Future Wales: The National Plan 2040  
Development Management Manual 2017

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 12, 2024) 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 12) 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 Loss of best and most versatile agricultural land

##### 4.1.3 Visual amenity

##### 4.1.4 Residential amenity

##### 4.1.5 Ecology

##### 4.1.6 Drainage (including flooding)

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

##### 4.1.8 Open Space

##### 4.1.9 Education

##### 4.1.10 Impact on Welsh Language and Social and Cultural Fabric

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in Planning Policy Wales (PPW, Edition 12). The principle that the countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimises land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.

PPW 12 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

The main Local Development Plan Policy relevant to the principle of new housing 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 lies outside the development boundary for Bodelwyddan where development is not permitted unless there are exceptional circumstances. Such exceptional circumstances are detailed in the LDP Policy BSC 8 and relate to dwellings being permitted outside of development boundaries on non-allocated sites where it is clearly demonstrated that the development would meet a clearly identified need for affordable housing.

Representations have been raised in relation to the principle of the proposal and the suitability of the site for housing.

The proposal is for 49 dwellings located outside the development boundary and the proposed dwellings are all to be 'affordable'; the applicant is ADRA Housing Association.

Prior to the assessment of the individual tests of Policy BSC 8, Officers consider it to be necessary to outline reasons that warrant the application of Policy BSC 8 - firstly despite the policy justification explicitly stating that the policy does not apply to development proposals in Bodelwyddan and secondly to address the policy reference that only proposals on sites of 10 units or less will be considered.

In relation to the first matter, Policy BSC 8 was prepared alongside Policy BSC 5 'Key Strategic Site – Bodelwyddan', which was proposed to deliver not only housing but also, for example, community facilities, employment land and retail provision. It was envisaged that the Key Strategic Site (KSS) would provide a minimum of 10% affordable housing as part of the overall 1,715 dwelling figure.

There is however no valid planning permission to deliver the 'Bodelwyddan Key Strategic Site', with the exception of a small residential development on land opposite Ysbyty Glan Clwyd which is under construction and will deliver 108 dwellings, compared to the overall figure of 1,715 units. Since the Council supported the development of a single, large site in Bodelwyddan, the Local Planning Authority did not include any new residential land allocations on other greenfield sites in the LDP therefore other than the KSS, affordable housing can only be delivered by means of brownfield development or on an 'exception site'.

In relation to the second matter, Policy BSC 8 was principally drafted to allow for development in villages and small settlements in rural areas, hence the policy title 'Rural Exception Sites'. There has been an increasing high demand for affordable housing in Bodelwyddan and the Council would have to consider several smaller applications for 10 affordable units alongside the development boundary to address the identified need in the area. By considering a development of 49 dwellings, the applicant is able to propose a coherent development with supporting infrastructure contributions for future occupants.

In relation to the specific tests of Policy BSC 8: -

Affordable housing development will be supported as an exception to normal policy provided it meets all the following criteria:

- i) evidence must be produced to demonstrate that allocated sites are not likely to come forward within 5 years. The greater the need for affordable housing demonstrated for the settlement the more likely an exception site would be permitted ahead of an allocated site; and*
- ii) the proposal adjoins and forms a logical extension to the development boundary whilst avoiding ribbon and fragmented patterns of development; and*
- iii) evidence exists in the form of a local housing needs survey that there is a genuine demonstrable need for such accommodation; and*
- iv) the proposal would not form an intrusive feature in the landscape or create traffic or access problems; and*
- v) the siting, layout, scale, design, density and materials of the proposal are sympathetic and appropriate to the size and character of the settlement and also reflect the level of local need identified; and*
- vi) satisfactory arrangements can be made to ensure that the dwellings are retained as affordable housing for local needs in perpetuity.*

The applicant has presented a thorough case with detailed supporting information and evidence. A key part of the applicants case is based on the under-delivery of housing in Bodelwyddan, shortfall in housing delivery over the plan period as well as the over-riding need for affordable housing referencing that: "*The proposed development will deliver a well-balanced mix of much-needed new affordable housing provision. The proposed housing mix responds to genuine evidence of affordable housing needs and is immediately deliverable by Adra with access to grant funding*".

The case presented also refers to a number of social, economic, environmental and cultural benefits.

The Housing Strategy Officer has been consulted and has considered the justification submitted by the applicants. In summary - *In conclusion Housing Strategy is supportive of the proposal as it will meet a variety of housing needs and demand across this area, which until recently has had very little affordable housing development, and so has a significant housing need to meet. The proposal gives a good range of house types including some bungalows which are always especially welcome due to their flexibility as a housing choice. There are also some one-bedroom apartments which is currently the most acute need for social housing across Denbighshire. The tenure proposed is a mix of intermediate and social rent, which is consistent with the local housing need as evidenced above, both tenure and types of dwellings has been developed in discussion with Housing Strategy and Community Housing and will be delivered through the RSL Adra.*

*In conclusion, Housing Strategy is supportive of the proposal as it will meet a variety of housing needs and demand across this area, which until recently has had very little affordable housing development, and so has a significant housing need to meet*".

The proposal site is outside the development boundary where only justified affordable housing is permitted. There is a clear evidenced need for affordable housing in the Bodelwyddan area (the Tai Teg and Sarth waiting list alone is for 217 dwellings) and the proposal seeks to meet this identified housing need in the housing mix proposed. The type and size of the proposed dwellings is consistent with the waiting list and census

data information the Council has for the area, which advises that smaller properties are required due to the prevalence of smaller households.

The site is located on the edge of the Bodelwyddan development boundary where a range of local services are located, so the site is considered to be sustainably located forming a logical extension to Bodelwyddan without forming an intrusive feature in the landscape or creating traffic or access problems. Detailed matters such as siting, layout, scale, design, etc. are considered acceptable and are set out in further detail in further sections of the report.

In conclusion, the application is for a 100% affordable housing scheme of 49 dwellings which exceeds the threshold of 10% of the number of dwellings on a development in excess of 10 units recommended by Policy BSC 4 and Policy BSC 8. However, the need for affordable housing is well established throughout Denbighshire, and is a material planning consideration to be afforded significant weight.

The principle of a 100% affordable scheme of this scale in this location is considered acceptable in this instance for the reasons outlined above.

#### 4.2.2 Loss of best and most versatile agricultural land

PPW 12 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The site is identified on the Welsh Government Predictive Agricultural Land Classification (ALC) mapping as Grade 3a agricultural land, which some small sections on the eastern edge of the site identified as Urban Agricultural Land.

Representations have been raised in relation to the loss of agricultural land.

The submission states that contact with Welsh Government (WG) was made regarding the ALC grading and they were advised that WG does not hold any detailed ALC field survey information for the site. Therefore an Agricultural Land Classification survey of the site was commissioned and includes an initial desktop investigation to examine previously mapped soil types followed by a field survey.

The conclusion of the survey is that the whole site is Grade 3b Moderate quality agricultural land, therefore there is no loss of best and most versatile agricultural land in this case and the loss of 2.49 hectares of greenfield land would therefore not result in a shortage of Best and Most Versatile Agricultural Land around Bodelwyddan nor across the wider County of Denbighshire.

#### 4.2.3 Visual 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 visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 12 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

Some general comments the public have been made regarding the visual intrusion the development would have on the area.

The site is an agricultural greenfield site on the edge of the development boundary of Bodelwyddan, with housing development to the east (Abergele Road and Maes Owen) and to the south on the opposite side of Abergele Road (St Barbaras Avenue).

The proposed development would comprise a mix of bungalows and houses formed as a mix of terrace, semi-detached and detached dwellings constructed of a mix of brick and rendered walls with pitched tiled roofs.

The site is outside the development boundary however it immediately adjoins a large area of residential development to the east, with dwellings opposite the site in a linear pattern fronting Abergele Road. It is therefore considered that development of this site would appear as a logical extension and would not appear as an encroachment into open countryside. The development would appear as an extension to the housing estate to the east, and accordingly the proposal would not be out of keeping with the character of the immediate locality.

The layout of the site is typical of a modern housing estate and is reflective of its location and surroundings in terms of the general pattern, density and scale of built development.

The proposal includes an area of open space centrally with existing trees and hedgerows largely being retained with additional supplementary and enhanced planting proposed throughout the site and along existing boundaries. Landscaping details have been submitted along with a Landscape Aftercare Plan.

Having regard to the location, siting, scale, form and landscaping details of the development, subject to the inclusion of conditions Officers do not consider the proposal would give rise to unacceptable impacts on visual amenity.

#### 4.2.4 Residential amenity

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

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

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

Representations from members of the public have raised concerns regarding the possible loss of privacy from being overlooked along with some concerns about light pollution, particularly from street lighting.

In line with PPW 12, as the dwellings are all affordable, they must be designed to meet Welsh Government funding requirements and the applicants (a Registered Social Landlord) design standards. This includes the Welsh Development Quality Requirements (WDQR 2021), Lifetime Homes Design criteria and Secured by Design.

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.”*

The majority of properties that adjoin the application site are located on Maes Owen and are single storey properties. There is a single storey dwelling fronting Abergele Road ( Haulfryn) which has a side gable facing the application site.

As can be seen from the site layout plan, there is a ditch running along the eastern boundary of the site along the rear gardens of Maes Owen and another ditch along the western boundary with 5m wide easements shown for access/maintenance purposes. Appropriate landscaping and boundary treatments have been submitted.

Due to location of the proposed access road and internal estate roads along with the siting and layout of new dwellings and open space, there are only 3 dwellings that would be located close to the bank of the ditch and rear gardens of Maes Owen beyond. All 3 dwellings would have side elevations facing Maes Owen and are distanced and orientated to have minimal impact on the existing properties.

Externally amenity areas and car parking spaces are provided and located immediately to the front of the dwellings with pathways around the perimeter of the properties for ease of access for the residents.

Officers acknowledge that the proposed development would inevitably affect the outlook currently enjoyed by occupants of existing residential properties nearby, however a private view is not a material planning consideration.

Having regard to the location, siting, scale, form and landscaping details of the development, subject to the inclusion of conditions Officers do not consider the proposal would give rise to unacceptable impacts on residential amenity.

#### 4.2.5 Ecology

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 (Edition 12, 2024) within Chapter 6 ‘Biodiversity and Ecological Networks’, current legislation and the Conservation and Enhancement of Biodiversity SPG 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.

Planning Policy Wales (Edition 12, 2024) sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems” (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- Green Infrastructure

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- Net Benefit for Biodiversity and the Step-wise Approach

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- Protection for Sites of Special Scientific Interest (SSSI)

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.

- Trees and Woodlands

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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 ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

There are some local representations raising concerns about the loss of wildlife and greenspace.

The proposal is supported by a number of reports including Ecological Appraisals (and specific reports bats and water vole), Green Infrastructure Statement (GrIS), Biodiversity Benefit Assessment and a Landscape Aftercare Plan for the site.

In relation to impacts on protected species, the conclusions of the assessments are that there would be no adverse impacts subject to certain recommendations and appropriate mitigation. The County Ecologist and NRW have been consulted. NRW have raised no objections subject to the inclusion of conditions and in relation to water voles request the following information is included within a Section 106 legal agreement:

- *defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management, surveillance and wardening in perpetuity (a costed management plan will be required to inform costings).*
- *identification of relevant land to be subject to the planning obligation and be managed for biodiversity.*
- *delivery of management.*
- *regular liaison meetings.*
- *management plan review, at minimum 10 years.*
- *transfer freehold ownership of the defined Ecology Area (water vole clear/buffer zones) to a body that accords with the definition of "responsible" under Part 7 of the Environment Act 2021 [e.g., an appropriate body that is approved by the Local Planning Authority] before occupation of the [number dwelling / unit].*
- *Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW.*

*Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the long-term conservation of the local population of water vole.*

The Councils Ecologist has also been consulted and raises no objections to the proposal subject to the inclusion of conditions.

In conclusion on this matter, subject to the imposition of an appropriately worded condition or conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

#### 4.2.6 Drainage (including flooding)

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

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

Planning Policy Wales (Edition 12, 2024) at para 6.6.9 states *The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.*

Planning Policy Wales ((Edition 12, 2024) at paras 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and

- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Foul drainage is shown to connect to the existing public sewer system. Properties to the south would connect to this via a gravity discharge system, whilst the properties to the north of the sewer will be connected via a pumped system with a new pumping station which is shown to be located at the north-western corner of the site.

Surface water drainage proposals incorporate a number of sustainable drainage measures such as rain gardens/ drainage swales to drain the highway along the western edge with overflow detention basins including deep geocellular crates located within the eastern part of the site.

Dwr Cymru/ Welsh Water (DCWW) have confirmed there are no objections to the proposed drainage details for the site and have requested the imposition of a standard condition to ensure that no dwellings are occupied until the drainage system for the site has been completed in accordance with the approved details, and thereafter no further surface water and/or land drainage shall be allowed to connect.

Officers sought a further explanation from DCWW in relation to previous advice provided on the housing proposal opposite Ysbyty Glan Clwyd for 108 dwellings (part of the KSS) and that there was no further capacity. DCWW have advised that each application within the Rhuddlan catchment is assessed on a case by case basis, and that there is capacity for these smaller sites. The previous advice referred to development on the larger key strategic site needing to discharge to Kinmel Bay which had been established through historic agreements.

The Council's Flood Risk Manager has been consulted and raised no objection. 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.

#### 4.2.7 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 (Edition 12, 2024) 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 some local representations concerning the highway impacts of the proposal and the impact additional traffic will have on the area.

The Highway Officer's response on the application is set out in full 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 Transport Statement includes quantitative analysis of the traffic impact of the proposed residential development for the weekday AM & PM peak hours.*

*The estimate of traffic (in vehicles) generated by the proposed development in the AM and PM peak hours for two way flow is 28 and 26 respectively. It has been demonstrated that the traffic impact of the proposed development is modest, with approximately a vehicle movement every 2 minutes in the AM and PM 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

*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 the proposed arrangements it is considered that the proposals are acceptable in terms of accessibility and the policy requirements identified above.

#### Site Access

It is proposed to provide a new priority junction on Abergele Road to serve the proposed residential development. The visibility splays indicated on the submitted plans were based on existing speeds (prior to the introduction of a 20mph speed limit) and meet TAN18 stopping sight distance standards. It is considered that the access arrangements provide a suitable means of accessing the proposed residential development.

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 Abergele 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.

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

#### Parking

For residential developments, dwellings should be provided with 1 space per bedroom up to a maximum of 3 spaces. Visitor spaces should also be provided at 1 space per 5 dwellings. The development should provide 117 spaces for residents and 10 visitor spaces. The development proposes 101 spaces for residents and 10 visitor parking spaces. The reason for the difference is that the development only proposes 2 parking spaces for the 3 bed dwellings rather than 3 spaces. The development proposes 2 spaces for the 1 bed apartments rather than the single space set out in the guidance. It is considered that the provision of 2 spaces for each 3 bed dwelling is sufficient. Most of the 3 bed dwellings are served via 5.5m wide cul-de-sac roads which are located off the main spine road and these road widths offer sufficient width to accommodate on-street parking for visitors particularly in low traffic speed environments.

The proposed parking arrangements are not compliant with the standards set out in the Parking SPG. However, having regard to the consideration that the parking proposals strike the correct balance of providing sufficient parking to avoid creating problems, whilst not over providing to the potential detriment of encouraging non-car modes of travel. It is therefore considered that the proposed parking provision is not unacceptable.

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.

#### 4.2.8 Open Space

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

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity, quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis.

On the basis of 49 dwellings, the following Community Recreational Open Space (CROS) and Children's Play Space (CPA) is required: -



Insert the appropriate number of dwellings into the box shaded red.

Total Number of Units	49
TOTAL OCCUPANCY	112.7
TOTAL OPEN SPACE REQUIREMENT	2704.8 Square metres
CROS	1803.2 square metres
Children's	901.6 square metres

The layout plan provided shows an area of open space within the site located relatively centrally along with other green/amenity areas shown around the site and along the boundaries meeting the CROS requirement.

The full amount of children's play space is offered off site resulting in a commuted sum payment of £35,595.17. Given the proximity of public open space, which includes both sports and children's play provision, adjacent to the Community Centre and within walking distance of the site, children's play requirements would be best met via a commuted sum payment.

Based on 49 units with some on-site provision, a commuted sum of £35,595.17 would be payable to meet the full open space requirements from this proposal.

#### 4.2.9 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 for Ysgol Glan Clwyd (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 y Faenol (nearest Primary School) a financial contribution of £112,000 will be required to accommodate the additional pupils in the local primary school.

Having regard to this application and other recent planning permission for housing developments in Bodelwyddan with commuted sums required towards education, Education Officers have provided further details in relation to the use of Section 106 contributions: -

*Previous discussions had been undertaken with regards to a requirement for a new school in Bodelwyddan due to the proposed development of the Key Strategic Site which was anticipated to generate 1,715 dwellings (equivalent to 412 primary and 298 secondary pupils). Unfortunately, the KSS site has since been withdrawn from the North Wales Growth Deal and is no longer a site considered for development due to reduced demand for housing and significant site infrastructure requirements.*

*It was previously proposed that any development beyond 400 dwellings would trigger the need to build a new school however, as the combined number of dwellings from the 3 developments currently proposed within the Bodelwyddan area totals 184 this would be below the trigger for a new school and as such we would suggest the contribution be used towards an extension for Ysgol Y Faenol.*

*Considering the total number of pupils anticipated to be generated from the 3 developments we would likely look into the feasibility of extending the Ysgol Y Faenol's capacity in order to accommodate 180FT and 30PT pupils. In order to achieve this we would need to extend the existing classrooms and school hall along with reviewing the available ancillary facilities and on site parking.*

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.

#### 4.2.10 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 (Edition 12, 2024); 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.

The site lies outside development boundaries and is therefore a windfall site for the purposes of TAN20.

The application has been submitted with a Community and Linguistic Impact Assessment (CLIA). The approach to the consideration of the effects undertaken in the CLIA has been informed by TAN 20 - Planning and the Welsh Language (2017), and the Council's Supplementary Planning Guidance (SPG) note - Planning and the Welsh Language.

The assessment methodology uses the checklist in the Council's SPG note and recorded a positive, negative or neutral score reflecting the perceived impact of the development against the five sets of issues: Population, quality of life, the economy, infrastructure and the social and

cultural life of the community.

*"The proposed development will deliver new affordable housing for people within an affordability bracket which is achievable taking account of annual household incomes. This in turn can help enable people to continue living within their local community, reducing out-migration, protecting and encouraging the use of the Welsh language. This aligns with the key themes set out in the Cymraeg 2050: A Million Welsh Speakers, the Denbighshire Welsh Language Strategy, and the Welsh Language SPG referenced earlier in this Assessment."*

Overall inclusive of the proposed mitigation and enhancement measures, it is not considered that there would be any adverse impacts on the Welsh language.

### **Other Matters**

#### **Impact on the capacity of local Health Care infrastructure**

The Town Council along with some local representations have raised concerns in relation to the capacity of local health care infrastructure in the area.

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 HNS 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.

### **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.

#### **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

### **5. SUMMARY AND CONCLUSIONS:**

5.1 The site lies outside of the development boundary of Bodelwyddan as defined in the adopted Denbighshire Local Development Plan (LDP).

5.2 The proposal is a 100% affordable scheme and complies with Policy BSC 8, meeting the policy tests to be considered a Rural Exceptions site.

5.3 Objections have been received from some local residents raising concerns on grounds of principle, residential amenity, drainage, highway safety and increased traffic and ecological impacts.

5.4 The Highways Officer and other specialist consultees have not raised objections to the proposal subject to the inclusion of conditions.

5.5 NRW and the Ecology Officer have raised no objections subject to the inclusion of conditions and a legal agreement (water vole)

5.6 In conclusion, given the scale of need for affordable housing in the Bodelwyddan area, Officers consider the opportunity to deliver 49 affordable homes in a sustainable location on land which abuts the Bodelwyddan development boundary to be acceptable.

5.7 It is therefore recommended that Members resolve to grant planning permission subject to:-

A. Completion of a Section 106 Obligation to secure an open space contribution of £35,595.17 and an Education contribution of £112,000 along with measures to protect the long-term conservation of the local population of water vole.

The precise wording of the agreement would be a matter for the legal officer to finalise. In the event of failure to complete the 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 agreement.

B. 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 INSERT DATE (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

Location Plan Received 15-04-2024  
Existing Site Plan Received 15-04-2024  
Existing and Proposed Site Elevations Received 15-04-2024  
Proposed Site - Visuals Received 15-04-2024  
Proposed Drainage Strategy Received 15-04-2024  
Proposed Highway Layout (Drawing No. 5604-CAU-XX-XX-DR-C-1504 Rev. P03) Received 25-11-2024  
Soft Landscape Proposals Sheet 1 of 3 Drawing No 09.23.PP.01.1 V7) Received 25-11-2024  
Soft Landscape Proposals Sheet 2 of 3 (Drawing No 09.23.PP.02.2 V7) Received 25-11-2024  
Soft Landscape Proposals Sheet 3 of 3 Drawing No 09.23.PP.01.3 V7) Received 25-11-2024  
Boundary Details Received 15-04-2024  
Proposed Boundaries Plan Received 15-04-2024  
Bungalow 2B3P Received 15-04-2024  
4 Bed Unit Sections Received 15-04-2024  
4 Bed Unit Types Received 15-04-2024  
3 Bed Unit Sections Received 15-04-2024  
3 Bed Detached Unit Sections Received 15-04-2024  
3 Bed Unit Types Received 15-04-2024  
2 Bed Unit Sections Received 15-04-2024  
2 Bed Unit Types Received 15-04-2024  
Walk-up Apartment Sections Received 15-04-2024  
Walk-up Apartments 1B2P Received 15-04-2024  
2 Bed Bungalow Sections Received 15-04-2024  
Proposed Site Plan No Constraints Shown (Drawing No. 1872-JMA-XX-00-DR-A-0103 Rev. P15) Received 25-11-2024  
Proposed Site Plan (Drawing No. 1872-JMA-XX-00-DR-A-0102 Rev. P15) Received 25-11-2024  
Proposed Site levels 01 (Drawing No. 1872-JMA-XX-00-DR-A-0106 Rev. P05) Received 25-11-2024  
Proposed Site levels 02 (Drawing No. 1872-JMA-XX-00-DR-A-0107 Rev. P04) Received 25-11-2024  
Proposed Site levels 03 (Drawing No. 1872-JMA-XX-00-DR-A-0108 Rev. P05) Received 25-11-2024  
Proposed Flood Levels & Flood Map - Received 15-01-2025

#### Documents

Planning Statement (English) FINAL (March 2024) Received 15-04-2024  
Pre-Application Consultation Report FINAL (March 2024) Received 15-04-2024  
PAC Appendix 1 Part 1 Received 15-04-2024  
PAC Appendix 1 Part 2 Received 15-04-2024  
PAC Appendix 1 Part 3 Received 15-04-2024  
PAC Appendix 1 Part 4 Received 15-04-2024  
Pre-Application Consultation Report (March 2024) Received 15-04-2024  
Design and Access Statement Received 17-04-2024  
Green Infrastructure Statement (V4) Received 25-11-2024  
Transport Statement (Report Reference 1871/1/C dated November 2024) Received 25-11-2024  
Community and Linguistic Impact Assessment FINAL (March 2024) Received 15-04-2024  
Green Infrastructure Statement Part 1 Received 15-04-2024  
Delivery Statement - Bodelwyddan March 2024 Received 15-04-2024  
Affordable Homes Statement - Bodelwyddan - March 2024 Received 15-04-2024  
Delivery Statement - Bodelwyddan Cymraeg Mawrth 2024 Received 15-04-2024  
Drainage Strategy Statement FINAL Received 15-04-2024  
Arboricultural Impact Assessment Received 15-04-2024  
Flood Consequences Assessment (Caulmert) Received 15-04-2024  
Water Vole Report (Revision A dated November 2024) Received 18-11-2024  
Bat Activity Transect Report Received 15-04-2024  
Bat Activity Survey Report Received 15-04-2024  
Preliminary Roost Assessment for Bats Received 15-04-2024  
Extended Phase 1 Habitat Survey Received 15-04-2024  
Tree Survey Schedule Received 15-04-2024  
Agricultural Land Classification Survey Received 15-04-2024

Noise Assessment Report Received 15-04-2024  
Utilities Study Received 15-04-2024  
Phase 1 and 2 Geoenvironmental Assessment Part 2 Received 15-04-2024  
Phase 1 and 2 Geoenvironmental Assessment Part 1 Received 15-04-2024  
Landscape Aftercare Plan (V7 Revised 21/11/2024) Received 25-11-2024  
Parking Schedule - Received 15-11-2024  
Biodiversity Benefit Assessment (Egniol Consulting Ltd Revision A ) Received 21 – 01/2025

#### Drainage

3. 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.

#### Materials and dwelling details

4. No Air Source Heat Pumps (or other heating systems) shall be installed on any dwellings until such time as the details of the siting, design and specification (including noise rating) have been submitted to and approved in writing by the Local Planning Authority.  
The development shall proceed only in accordance with those details as approved.

5. 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

6. 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.

7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed phasing, layout, design, means of traffic calming, street lighting, signing, drainage and construction of the access/accesses to the site, footway links and associated highway works.

The scheme shall proceed in accordance with such approved details.

8. The approved car parking arrangements shall be completed in accordance with the approved plans before the use hereby permitted is commenced.

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

#### Biodiversity, landscaping and trees

10. No development shall commence until a species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Details of water vole and otter avoidance and mitigation measures.
- Submission of details concerning retained and compensation areas including a management plan that considers initial aftercare and long-term maintenance.
- Details of timing, phasing and duration of construction activities and conservation measures.

- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development.
- Ecological Compliance Audit, including key performance indicators.
- Persons responsible for implementing the works.
- Post construction management and monitoring.
- Biosecurity Risk Assessment.

The Conservation Plan shall be carried out in accordance with the approved details.

11. No ground clearance/excavations within 15m of the ditches on the eastern and western boundaries shall be undertaken until all water vole surveys and associated reports to include Reasonable Avoidance Measures (RAMS) are completed and have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the approved details.

12. No development shall be permitted to commence on any dwellings above slab level 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.

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

14. The kerb stones to the rear of each gully pot in the adopted highway shall be a 'Wildlife Kerb' design to allow the amphibians to pass the gully grate.

15. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and shall be implemented in full during the first planting season immediately following completion of the development.

16. 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. .

17. Notwithstanding the hereby approved plans and documents, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats, 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.

18. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

19. 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 and throughout the course of the development by a fence one metre from the outermost limit of the root protection area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations). 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.

20. 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.

Reasons: -

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

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

Reason 3: 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

Reason 4: In the interests of residential amenity

Reason 5: In the interest of visual amenity

Reason 6: In the interests of protecting public and residential amenity, pollution prevention and control, and of the safety and the free flow of traffic on the adjoining highway

Reason 7: In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

Reason 8: To provide for the parking of vehicles clear of the highway

Reason 9: In the interest of highway safety and residential amenity

Reason 10: To ensure that an approved Water Vole Conservation Plan is implemented, which protects Water Voles affected by the development.

Reason 11: To maintain the favourable conservation status of protected species.

Reason 12: To maintain the favourable conservation status of protected bird species and the favourable conservation status of protected bat

species.

Reason 13: In the interest of the biodiversity of the area

Reason 14: In order to maintain and enhance biodiversity

Reason 15: In order to maintain and enhance biodiversity.

Reason 16: In order to maintain and enhance biodiversity.

Reason 17: In the interest of preserving ecological interests

Reason 18: In the interest of visual amenity

Reason 19: In the interest of visual amenity and enhancing the biodiversity of the area

Reason 20: In the interest of visual amenity and enhancing the biodiversity of the area.

## Notes to Applicant

In relation to Condition 5, it is suggested that red roof tiles may not be appropriate in this particular area, darker grey/brown colours only should be considered.

### Notification of Commencement of Development (Major Development)

Notification of Commencement of Development and Display of Site Notice.

The Development Management Procedure (Wales) (Amendment) Order 2016 places a duty on you to notify the Local Planning Authority of the commencement of development and to display a notice on site. You must complete and return a 'Notification of initiation of development' form and display a site notice (please find blank forms/notice attached). Further information relating to the requirements is available on the Planning pages at [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk) or [www.gov.wales/topics/planning](http://www.gov.wales/topics/planning).

### COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk) quoting the reference of your planning permission.

### SUDS GENERAL – SuDS Approval required

Developments of more than a single dwelling, or those involving a construction area of more than 100sq.m may be subject to the Sustainable Urban Drainage approval process. Denbighshire County Council is the appointed SuDS Approval Body, contact 01824 706901 or email [landdrainage.consultations@denbighshire.gov.uk](mailto:landdrainage.consultations@denbighshire.gov.uk)

Detailed information and advice is available on the Councils website:

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/sustainable-drainage-systems-suds.aspx>

### Highway Advisory Notes

Please be aware that in addition to planning permission the following agreements will need to be secured in order for the highways works related to the scheme to be authorised;

Highways Act 1980 Section 278/38 Combined Agreement

This agreement relates to the adoption of any new highways proposed and works required to existing highways which are proposed to be improved as part of the development.

The following matters shall be drawn to the applicant's attention as Advisory Notes.

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10
- (ii) New Roads and Street Works Act 1991-Part N Form

### Biodiversity

Bat External Lighting In accordance with the recommendations of the Ecological Appraisal submitted with the application, should external lighting be required, details to be submitted in accordance with the condition above should include details of how the lighting has been designed to avoid/minimise light spill on bat roosts, site boundaries, areas of soft landscaping and ecological features in proximity to the site which may provide habitat for commuting bats.

Guidance is set out in Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) published by Bat Conservation Trust and the Institution of Lighting Professionals. The document can be found at <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

#### Protected Species General Note inc. trees

Many trees support wildlife, such as bats and nesting birds, that is protected by law. The consent given by this notice does not override the protection afforded to these species and their habitats through legislation including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

#### General Note Destruction of Bird Nests

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

#### Bat and Bird Boxes

Planning Policy Wales (Edition 12) recommends that biodiversity and ecosystem resilience considerations should be taken into account in development proposals. It would therefore be recommended that biodiversity enhancement measures are incorporated into this development in the form of the provision of bat/bird boxes.

It is preferable to incorporate these features in the structure of the proposed new development as these are discrete, maintenance free, and ensure the building remains suitable for protected species in perpetuity. You are advised to discuss this detail with a suitably qualified ecologist. Boxes such as the 1FR Schwegler Bat Tube, Ecosurv Bird Boxes, and Bird Brick Houses are all designed to be integrated into new build developments.

Regarding Condition 15, a full plant list is required for the landscaping scheme. No species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list.

#### **Dwr Cymru Welsh Water (DCWW) Advisory Notes**

##### Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

##### Water Supply

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may also need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)