

43/2024/1086



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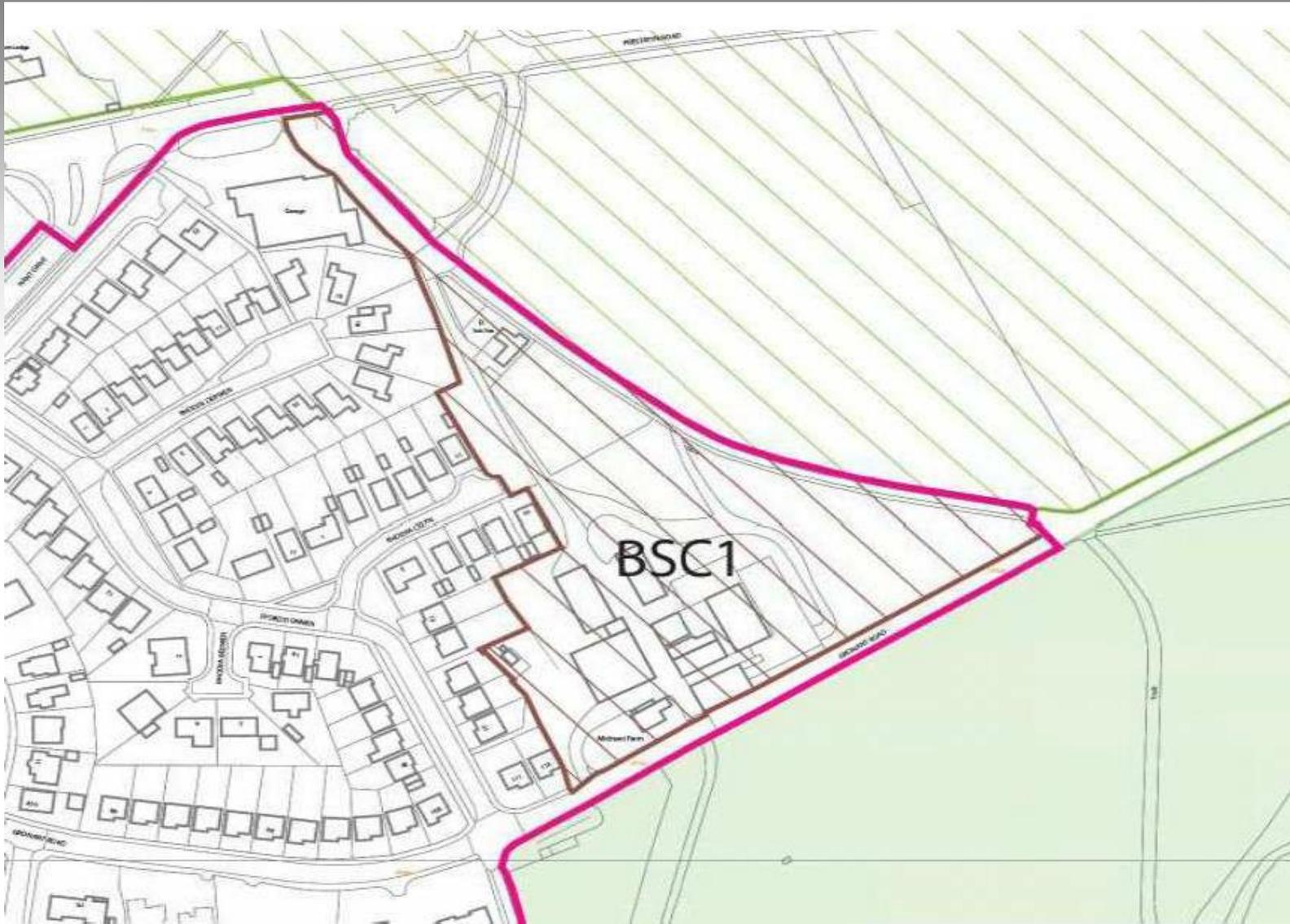
43/2024/1086/PS

Land at Midnant Farm, Prestatyn

Variation of condition no. 2 of planning permission code no. 43/2023/0071 to vary the list of approved plans to include amendments to housetypes and layout



Aerial Photograph/Location plan



Local Development Plan Proposals Map Allocation



Approved Site Plan ref 43/2023/0071/PF



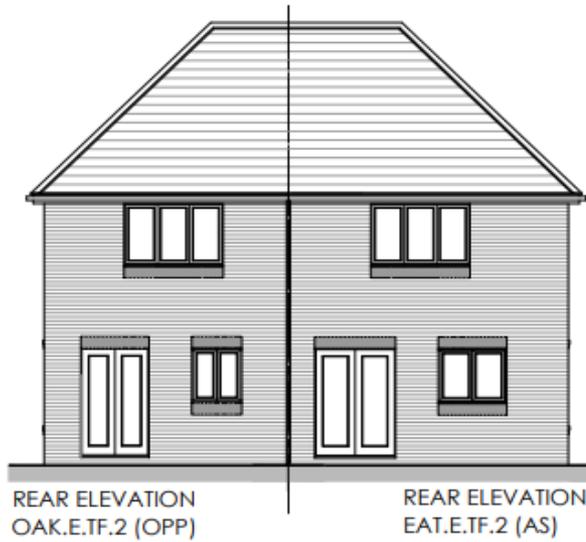
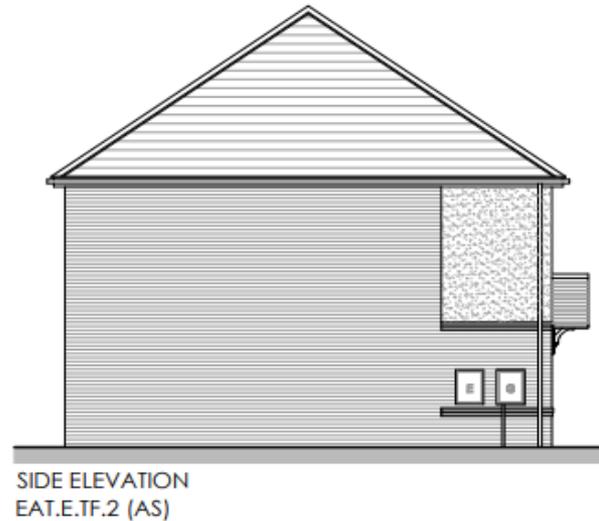
Proposed Site Layout Plan

Original site photographs



Recent site photographs





Housetype examples

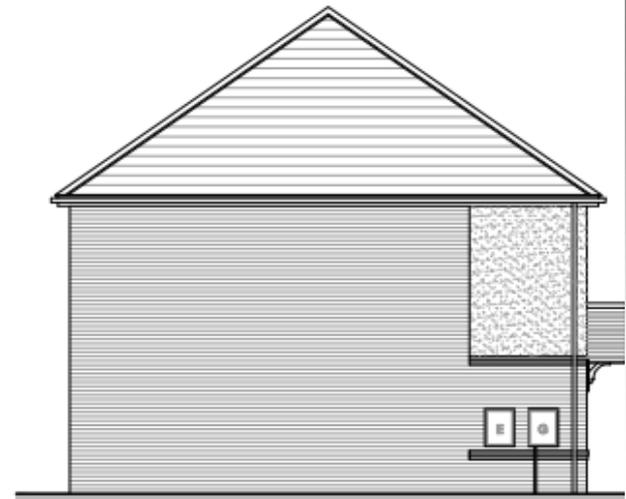


FRONT ELEVATION
EAT.E.TF.2 (AS)

FRONT ELEVATION
OAK.M.TF.2 (AS)

FRONT ELEVATION
OAK.M.TF.2 (OPP)

FRONT ELEVATION
EAT.E.TF.2 (OPP)



SIDE ELEVATION
EAT.E.TF.2 (AS)

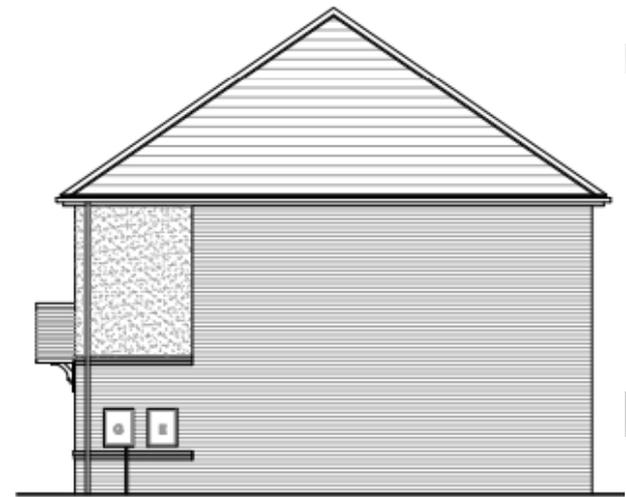


REAR ELEVATION
EAT.E.TF.2 (OPP)

REAR ELEVATION
OAK.M.TF.2 (OPP)

REAR ELEVATION
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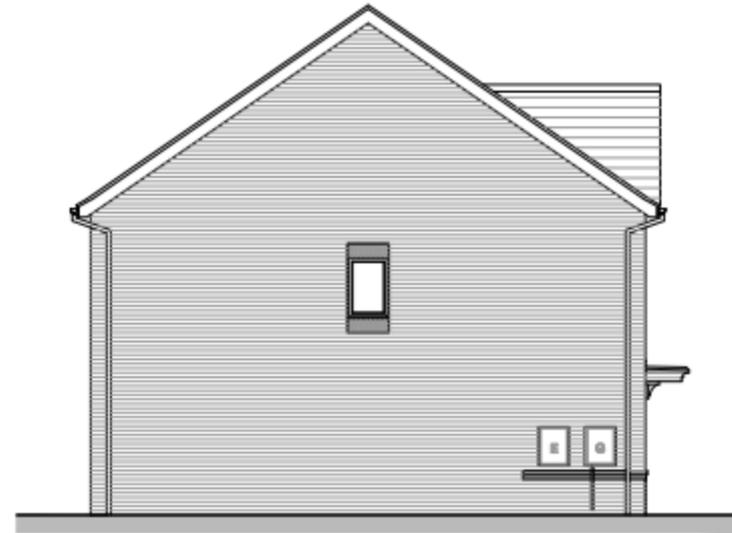
REAR ELEVATION
EAT.E.TF.2 (AS)



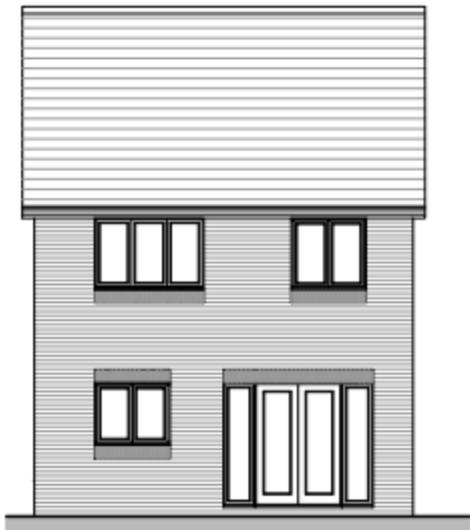
SIDE ELEVATION
EAT.E.TF.2 (OPP)



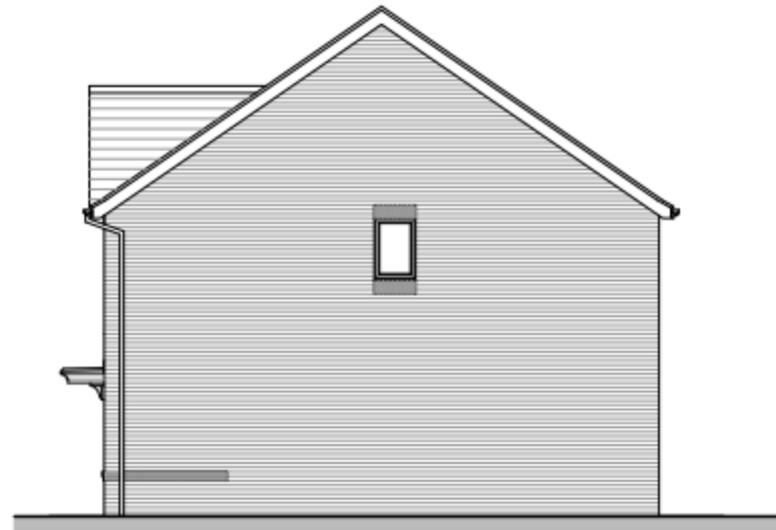
FRONT ELEVATION
OXFORD (AS)



SIDE ELEVATION
OXFORD (AS)



REAR ELEVATION
OXFORD (AS)



SIDE ELEVATION
OXFORD (AS)



FRONT ELEVATION
HENLEY (AS)



SIDE ELEVATION
HENLEY (AS)



REAR ELEVATION
HENLEY (AS)



SIDE ELEVATION
HENLEY (AS)



FRONT ELEVATION
WILTSHIRE (AS)



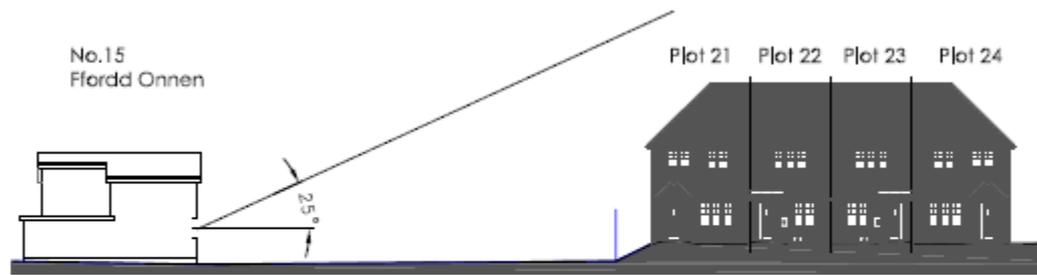
SIDE ELEVATION
WILTSHIRE (AS)



REAR ELEVATION
WILTSHIRE (AS)



SIDE ELEVATION
WILTSHIRE (AS)



Section plan demonstrating relationship with 15
Ffordd Onnen

WARD : Prestatyn East

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

APPLICATION NO: 43/2024/1086/PS

PROPOSAL: Variation of condition no. 2 of planning permission code no. 43/2023/0071 to vary the list of approved plans to include amendments to housetypes and layout

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

APPLICANT: Castle Green

CONSTRAINTS: Tree Preservation Order
Ward Member
Article 4 Direction

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

ORIGINAL CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“NO OBJECTION - Boundary of properties between Ffordd Onnen and Ffordd Fynnon needs further consideration”

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

“The Joint Committee raise no objections to the proposed amendments.”

NATURAL RESOURCES WALES

No objection subject to condition ensuring ecology surveys are approved documents

DWR CYMRU / WELSH WATER

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

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

DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES –

Traffic, Parking and Road Safety:

- Highways Officer

No objection.

Public Protection Officer

No response received.

Ecology Officer
No objection

Flood Risk Officer
No response received

Strategic Housing & Policy Officer
The site is allocated for housing in the adopted Local Development Plan. Raise no objections.

Tree Specialist
No response received

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Andrew Lord, 15 Ffordd Parc Onnen, Presatyn

Summary of planning-based representation in objection: -

Residential amenity:

Plots 21 – 24 in the position on the proposed layout plan will adversely impact on the rear garden and amenity, will be faced with a blank, brick gable wall located right up against the boundary that spans the entire width of my rear garden instead of the existing backdrop of well established trees.

Will create an overbearing and unsightly urban feature that is not in keeping with the locality and countryside location.

Affordable Housing

Affordable housing provision is in one area and tucked away into a corner.

EXPIRY DATE OF APPLICATION: 09/10/2024

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This is a Section 73 application for *Variation of condition no. 2 of planning permission code no. 43/2023/0071 to vary the list of approved plans to include amendments to housetypes and layout* on land at Midnant Farm, off Gronant Road, Prestatyn.
- 1.1.2 Full planning permission was granted in May 2024 for the erection of 45 dwellings, construction of a new vehicular access, landscaping and associated works.
- 1.1.3 This application relates to changes to the housetypes and layout of the site from that previously approved. The approved site layout plan along with the proposed site layout plan are included below.
- 1.1.4 The planning permission has not been implemented and no works have been commenced on site by the applicant. The tenant farmer has now vacated the farm and it is understood that there has been recent activity on the site with buildings or parts of agricultural buildings having been dismantled by the farmer.
- 1.1.5 45 dwellings are still proposed, however some terraced properties have now been introduced in addition to the approved detached and semi detached dwellings.

- 1.1.6 Amendments to the layout relate to the re-siting of the of the open space/surface water attenuation area which has in turn resulted in changes to approved arrangements to the rear boundary off Ffordd Onnen and side of Rhodfa Celyn with the layout and housetypes amended.
- 1.1.7 41 open market dwellings are proposed with 4 on site affordable dwellings. The open market housing mix remains the same as per the approved scheme which is as follows: -

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

- 1.1.8 The affordable dwellings are now shown within a terrace of 4 dwellings consisting of 2 no. 2-bedroom and 2 no. 3-bedroom dwellings, located at plots 25,26,27 and 28. The previous approval was for the same provision but semi detached houses. A commuted sum is still offered for the remaining 0.5 which has been secured by the Section 106 agreement.
- 1.1.9 The properties would be constructed using facing brick and render with concrete roof tiles.
- 1.1.10 The site access is off Gronant Road with some properties accessed directly off Gronant Road. New internal estate roads and footpaths are proposed within the site, and parking would be provided for each dwelling.
- 1.1.11 The location of the open space has changed and is now shown to be at the northern end of the site (lowest ground level) where underground cellular surface water attenuation crates are proposed, rather than a basin as previously approved. The space would be available for use however due to its function the proposal still includes a commuted sum for open space, which has already been secured by the Section 106 agreement.
- 1.1.12 Foul water would connect to the existing mains sewer and surface water drainage proposals show a connection to the surface water sewer in Prestatyn Road, as per the previous approval. An on-site underground cellular surface water attenuation area is shown at the northern end of the site.
- 1.1.13 The site layout plans for the approved scheme and the scheme now proposed are shown below:

As Approved Site Layout Planning permission ref 43/2023/0071/PF



As Proposed



Some example house types are below:





1.2 Other relevant information/supporting documents submitted

1.2.1 In addition to proposed plans, the following documents have also been updated to reflect the changes proposed to the layout of the site and to ensure approved documents are consistent: -

- Arboricultural Impact Assessment and Arboricultural Method Statement
- Preliminary Ecological Appraisal, Daytime Building Inspection for Bats and Nocturnal Surveys for Bats
- Flood Consequences Assessment & Drainage Strategy
- Highway longsections
- Transport Statement
- Landscaping plans

1.3 Description of site and surroundings

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

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

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

1.3.4 Since the application was referred to Planning Committee in October 2023, the farm has been vacated.

1.4 Relevant planning constraints/considerations

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

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

1.5 Relevant planning history

- 1.5.1 Full planning permission granted in May 2024 for 45 dwellings following completion of Section 106 legal agreement.

1.6 Developments/changes since the original submission

- 1.6.1 Some amendments have been submitted relating to the the housetypes and layout adjacent to Ffordd Onnen and Rhodfa Celyn including submission of a section plan showing the relationship between 15 Ffordd Onnen and plot 21 (as proposed).
- 1.6.2 The location of the affordable units has been amended and moved from plots 21 to 24 to plots 25 to 28 (4 units).
- 1.6.3 Amendments to landscaping/planting plans and relevant reports to reflect ecology officers comments in relation to landscaping and biodiversity enhancement matters linked to approval of conditions (to ensure consistency).

1.7 Other relevant background information

- 1.7.1 The applicant has also submitted a number of applications to discharge all planning conditions imposed on planning permission reference 43/2023/0071/PF.

- 1.7.2 The applicant has also explained the reasons for submitting the application and why the amendments are necessary: -

"In terms of the reasons for the minor replan, as discussed this is due to further information now being available in respect of the ground conditions, and this changing the surface water drainage strategy. As you know we're now obliged to seek approval for the surface water drainage proposals separately, to confirm compliance with WG's SUDs Standards. These standards include a hierarchy of preferred surface water drainage solutions in preferential order, which we have to discount until we arrive at the most acceptable workable solution.

The first typical solution within the hierarchy is infiltration, with surface water collected by the development site being drained back into the natural ground water table. Obviously this requires suitable ground conditions that will soak away surface water at acceptable rates. Our initial assessment of the Midnant Farm site was that this could be achieved by forming an infiltration basin in the area of the site indicated on the approved Site Layout. However, this was subject to further testing that we were not able to complete until after the planning permission was granted. Now we have the benefit of that testing we are aware that the bed rock depth in the area proposed is shallow enough to interfere with these rates of percolation, and so infiltration will not be an acceptable solution after all.

We will therefore be required to adopt the next available solution within the hierarchy, and discharge surface water from the site to the local adopted surface water drainage network. The rate of this discharge will be required to be slowed during periods of heavy rainfall, and this will require surface water to be stored at the site during rainfall events to achieve this, a process called attenuation. The best location on the site for this attenuation is naturally at its lowest point, hence we have applied to revise the approved layout to omit the originally intended infiltration basin and replace this with an aquacell storage below ground in the lowest area of the site. The proposed POS area and dwellings have also been moved around to suit.

In respect of the clustering of affordable housing, the reason for this is it is preferable for the RSL taking ownership of that affordable housing, for several reasons. One main reason is that it simplifies maintenance obligations on the RSL if all the affordable housing being provided is in one area of land. The clustering of the four properties being provided as the affordable housing provision at Midnant Farm will therefore be transferred as one area of land, and maintained as such"

2. DETAILS OF PLANNING HISTORY:

2.1 43/2023/0071/PF Erection of 45 dwellings, construction of a new vehicular access, landscaping and associated works 29th May 2024.

43/2024/1111/AC Details of photographic survey submitted in accordance with condition no 8. of planning permission code no. 43/2023/0071/PF APPROVED 17th July, 2024.

43/2024/1112/AC Details of Welsh language strategy submitted in accordance with condition no 9. of planning permission code no. 43/2023/0071/PF APPROVED 18th September, 2024.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

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

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

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

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA1 – New transport infrastructure

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Archaeology

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

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Planning and the Welsh language

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12) February 2024

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 2 Planning and Affordable Housing (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

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

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

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

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

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

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

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

4.1.14 Contamination

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

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

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

4.2.2 Density and housing type and mix

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

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

Supplementary Planning Guidance Note 'Residential Development' reinforces the need for developments to make the best use of land available for residential development in line with Policy RD 1.

Density

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

Housing Type and Mix

Policy BSC1 sets out that 'Developers will be expected to provide a range of house sizes, types and tenure to reflect local need and demand and the results of the Local Housing Market Assessment.' This requirement goes beyond the provision of market and affordable houses, and includes the mix of houses addressing the findings and results of the latest Local Housing Market Assessment (LHMA).

The proposed development will comprise the following housing mix in comparison to the recommended mix within the latest Local Housing Market Assessment (LHMA).

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

There is no change to the mix from the approved scheme ref 43/2023/0071/PF.

The housing mix is therefore considered acceptable offering a range of house types that meets local need and demand satisfying the requirements of Policies BSC 1 and RD1.

4.2.3 Affordable Housing

Local Development Plan Policy BSC 4 seeks to ensure that all developments of 3 or more residential units provide a minimum of 10% affordable housing. Developments of 10 or more are expected to make on site provision and development of less than 10 residential are expected to make provision by way of financial contribution.

4 affordable dwellings are proposed as part of the development with a commuted sum offered for the 0.5 which is in accordance with the 10% requirement set out in Policy BSC4.

The proposal has been amended to show the affordable provision within a terrace (instead of semi detached) however the provision itself remains the same as the approved scheme, which is 2 no. 2 bed properties and 2 no. 3 bed properties.

Some concerns were raised that the 4 affordable units appeared tucked away in the corner of the site. An amended plan has been submitted showing the units re-positioned at plots 25,26,27 and 28 which is relatively central in the site. The dwellings are grouped together (as previously approved) and the applicant has advised that this is in arrangement that Registered Social Landlords prefer mainly for management reasons.

A commuted sum has been secured for the remaining 0.5 which based on the calculation in the Affordable Housing SPG (Appendix 2) now amounts to £79,905.70 based on the current BCIS build costs (was previously £68,545.80)

A Section 106 agreement has been completed therefore a Deed of Variation will be required to secure the higher affordable commuted sum payment. As with the main planning permission, this deed of variation would need to be completed prior to the decision notice being released.

4.2.4 Visual amenity

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

There are no objections based on visual amenity.

The site layout plans, for the approved and proposed layout of the site can be seen from plans included within/and at the front of this report.

The amended layout and detail demonstrates that an acceptable standard of development will still be achieved. The site is located in an area of mixed property styles and it is considered that the mix of house types and designs proposed across the site, along with the landscaping shown would remain acceptable in this location.

Existing hedgerows and trees around the boundaries of the site are largely being retained with additional planting proposed throughout the site. Detailed landscaping plans are under consideration to satisfy planning conditions imposed on 43/2023/0071/PF. An Arboricultural Method Statement relating to the road side trees has also been submitted to satisfy a planning condition.

4.2.5 Residential amenity

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

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

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

In terms of privacy and overlooking, the Residential Development SPG at 6.41 states *“Extensions and new built houses should not overlook neighbouring houses or gardens. If habitable rooms such as bedrooms, living rooms, studies or kitchens are proposed on the first floor or above, care should be taken to avoid direct overlooking from windows and balconies particularly where the extension is close to the boundary. In some cases such as sloping sites, care should be taken to avoid overlooking from ground floor extensions.”*

” At 6.43 it states that *“Where a proposed window to a lounge, dining room, bedroom or kitchen will directly face a similar window or a neighbouring property the distance between them should be at least 21 metres in a back to back situation. Where direct overlooking of a lounge, dining room, bedroom or kitchen can be avoided by the positioning of the windows then the distance can be a minimum of 18 metres.”*

“At 6.44 it states that *“Where a wall containing windows of a lounge, dining room, bedroom or kitchen overlooks a wall with no windows on an adjacent property the distance should be a minimum of 15 metres. If buildings are at different heights, these minimum distances may need to be increased to maintain adequate privacy.”*

In terms of overbearing impacts the Residential Development SPG at 6.36 states that *“Whilst the danger of over-shadowing adjoining properties primarily arises from householder development, new residential development in high density built up areas may cause the same effect. This can be reduced by following the so-called 45° and the 25° guide.”*

At 6.38 in relation to the 25° guide *“An imaginary line is vertically drawn at 25° from the centre of the nearest ground floor window of any habitable room in an opposite property. Suitable sunlight is achieved when no part of the proposed development crosses this line. If the proposed building opposite would have a high ridge, the loss of daylight will be more notable than if it were to have a lower ridge height. However, the minimum separation distances between buildings precedes this approach”.*

A representation has been received from the resident of 15 Ffordd Onnen raising residential amenity concerns in relation to the proposed changes close to their rear garden boundary.

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

With regards the relationship of the new development with 113 Gronant Road – there are no changes proposed in this area of the site.

With regards the relationship of the new development with the dwellings on Ffordd Onnen, the dwellings at 13,15,17, 19 and 21 Ffordd Onnen previously had a back to back relationship with the approved dwellings on the application site and achieved separation distances ranging from a minimum of 29m to a maximum of 36m. This exceeds the minimum distance of 21m required.

The amendments proposed result in the open space/attenuation area moving from a relatively central location close to Rhodfa Celyn to the northern end of the site which in turn has resulted in changes to the housing layout backing on to Ffordd Onnen. There are 2 properties on the development site that now have gable ends facing 2 dwellings on Ffordd Onnen, no's 15 and 19.

19 Ffordd Onnen has a rear garden depth of approx. 11m with an area of scrub beyond its rear garden separating it further from the development site. The distance from the rear elevation of no 19 to the side gable of the 'Oxford' housetype at plot 20 is 28m. This exceeds the minimum distance of 15m required in this situation. Furthermore, the new dwelling would have a single window at first floor level in the side elevation, serving an en-suite which would be obscurely glazed, so no overlooking or loss of privacy would occur.

15 Ffordd Onnen has a rear garden boundary slightly angled with the development site with a garden depth of 20 to 21m. The side elevation of the 'Eaton' housetype at plot 21 is sited 2m away from the boundary with no 15 at its closest point, and 2.5m at its widest point, achieving a separation distance of 22 to 23.5m with a side to rear elevation relationship. This exceeds the minimum distance of 15m required in this situation. Furthermore, the 'Eaton' housetype has no windows in the side elevation so no overlooking or loss of privacy would occur.

To ensure there would be no overbearing impact on no 15 and having regard to some minor differentiations in ground levels, a site section plan was requested from the applicant (included at the front of the report). With a distance of 22 to 23.5m, the imaginary 25° line (drawn from the centre of the nearest ground floor window in the rear of no 15) shows the development would not impinge on this line and therefore suitable sunlight would be achieved at no 15.

With regards the relationship of the new development with the dwellings on Rhodfa Celyn, this is a small cul de sac with the side and rear elevations of no 10 bounding the application site. No 8 shares a rear boundary and no 11 shares a side boundary. There is a group of trees close to the boundary with no 11 which would be retained. The side elevation of no 10 would now be close to plot 30 as a result of the amended layout proposed and would have a side to side relationship with this property. There are no side windows in the 'Eaton' housetype and the property has been sited to minimise impacts on no 10 Rhodfa Celyn. Plots 21 to 24 have a back to back relationship with 8 and 10 Rhodfa Celyn however achieve minimum spacing standards.

Therefore, in terms of the impact on existing residents, the amended layout in terms of siting, orientation and separation distances ensure there would be no unacceptable levels of overlooking or overbearing impacts and avoid the proposal giving rise to adverse impacts on existing residents within the area. Whilst respecting the concerns, having regard to the spacing standards and general amenity considerations in respect of overlooking, privacy and overbearing impacts Officers cannot conclude that the amendments would conflict with any policy or guidance and consider the

amendments are acceptable.

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

4.2.6 Ecology

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

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

The amendments proposed in this application have no implications on the previous assessment made on ecological matters. The Ecology Officer has raised no objection.

A number of planning conditions have been imposed on the planning permission (conditions under consideration) and therefore ecological interests will be protected in relation to the development of the site.

4.2.7 Drainage (including flooding)

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

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

The site is not within an area of known flood risk. The application is supported by a Drainage Strategy which sets out the drainage principles to be adopted for the site and there is an awareness of the location of a culvert which members of the public have raised.

Foul and surface water drainage is shown to connect to the existing public systems on Prestatyn Road (A548). Surface water drainage proposals now show an on-site underground cellular surface water attenuation crate system proposed at the northern end of the site.

In consideration of the original planning application, Dwr Cymru/ Welsh Water (DCWW) confirmed that they are satisfied that capacity will be created in the system to accommodate the foul only flows from the development. Condition 25 imposed on planning permission 43/2023/0071/PF ensures that no building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. DCWW have been consulted in relation to this application and the amendments to the layout/housetypes and have no objections.

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

It is understood that the SAB application has been submitted and is progressing.

The amendments to the layout have been made following further detailed ground conditions and the need to comply with SAB requirements. This has resulted in the need to relocate the attenuation area to the northern end of the site.

The amendments proposed to the planning permission are therefore considered acceptable in relation to drainage.

4.2.8 Highways (including access and parking)

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

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

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

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

The Highway Officer's response on the original planning application is set out below for reference.

Capacity of Existing Network

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

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

The applicant has also noted in the Transport Statement that the trip generation estimates may be considered robust given that travel patterns have changed due to

the recent pandemic, with many people continuing to work from home, reducing the number of people traveling to work in the peak hours.

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

Accessibility

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

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

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

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

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

Site Access

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

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

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

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

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

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

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

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

This application proposes some minor changes to the internal estate roads that go hand in hand with the amendments proposed to the layout and housetypes. The main access is the same as planning permission reference 43/2023/0071/PF.

The Highway Officer has raised no objections to the amendments and Section 278/38 Highway Agreements have already been submitted to the Local Highway Authority.

4.2.9 Archaeology

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

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

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

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

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

A historic building record has been Approved in agreement with Clwyd Powys Archaeological Trust (CPAT) to satisfy the requirements of Condition 8 of planning permission 43/2023/0071/PF.

4.2.10 Open Space

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

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

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

The planning permission showed an area of 1497 square metres of CROS on site located relatively centrally within the site with an attenuation basin on part of it which is 757 square metres. It was agreed that whilst this area would be open and available for use, due to its function it has not been included within the open space calculations. The remaining CROS and CPA provision was therefore secured by a commuted sum which would be paid towards enhancing existing open spaces in the area. The commuted sum payment required for the shortfall in on site provision is £45,403.52 and is secured by the Section 106 agreement.

The area of CROS is shown to be re-located to the northern end of the site following ground infiltration testing which revealed the approved attenuation basin was not in the most suitable location. Further investigations have also confirmed that an attenuation basin is no longer the most suitable design and having regard to the topography and ground conditions of the site, an underground cellular surface water attenuation crate system is now proposed at the northern end of the site in the area of open space. Whilst the open space area is likely to be more useable following the proposed changes, the applicant is still offering to pay the £45,403.52 already secured in the Section 106 agreement.

Officers are satisfied with the approach to open space and there is no need to amend the Section 106 agreement.

4.2.11 Education

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

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

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

At the time of completing this report, Education Officers had not advised of any changes to the school roll information that would impact on the commuted sum required.

The Section 106 secures a contribution of £40,000 to be utilised for the purposes of the accommodation of additional pupils at Ysgol Bodnant.

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

4.2.12 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Planning Policy Wales (PPW 11); TAN 20 and Policy RD 5 of the Local Development Plan.

TAN 20 (2017) provides the most up to date guidance on the consideration of the Welsh Language and paragraph 3.1.3 states that planning applications should not routinely be subject to Welsh Language impact assessment, as this would duplicate the Sustainability Appraisal (SA) and LDP site selection process. An assessment of the impacts to the Welsh Language of a development at this site would therefore have been undertaken during the site allocation process at the plan preparation stage of the adopted LDP.

There are no representations expressing concerns over the potential impact of the development on the Welsh language.

The planning system does not attempt to discriminate between individuals on the basis of their linguistic ability nor control housing occupancy on linguistic grounds. According to the Welsh Language SPG, a housing survey carried out in 2011 by the Authority revealed that 67% of the people living in new-build housing in the County had moved from within Denbighshire with an additional 27% from elsewhere in Wales. Of the new occupants 24.9% were fluent Welsh speakers which is very similar to the overall 2011 census figure of 24.6%. This survey strongly indicates that a high percentage of new occupants were either County residents or from other areas of Wales (New Housing Occupancy Survey Denbighshire: December 2011).

A Community Linguistic Impact Assessment has been Approved to satisfy the requirements of Condition 9 of planning permission 43/2023/0071/PF.

4.2.13 Contamination

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

As the site was a working farm for many years, the Public Protection Officer requested a Contaminated Land Assessment as part of the main planning application which is an approved document on planning permission 43/2023/0071/PF.

There are no changes to the planning permission in this respect other than to advise Members that details to satisfy Condition 10 of planning permission 43/2023/0071/PF (intrusive contaminated land investigations) are under consideration and additional information is awaited at the request of the Pollution Control Officer.

Other matters

None

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable

steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

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

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out the main planning issues which appear relevant to the consideration of a Section 73 application to amend the details of an existing planning permission for housing on an allocated housing site within the adopted LDP and concludes that the proposal is acceptable having regard to relevant policies and guidance.
- 5.2 Officers acknowledge the concerns relating to the change in layout and relationship of dwellings to the rear of Ffordd Onnen. However having regard to the spacing standards and general amenity considerations in respect of overlooking, privacy and overbearing impacts Officers cannot conclude that the amendments would conflict with any policy or guidance and consider the amendments to be acceptable.
- 5.3 In Officers view the scale and nature of the amendments proposed to the housetypes and layout are not substantially different from which has been approved.
- 5.4 It is therefore recommended that Members resolve to grant permission to vary planning permission reference 43/2023/0071/PF subject to :

1. Completion of a Deed of Variation to the Section 106 agreement to secure the increased affordable housing commuted sum of £79,905.70,

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

2. Compliance with the following Conditions:

The Certificate of Decision would not be released until the completion of the Deed of Variation.

RECOMMENDATION: GRANT - subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 29th May 2029. (date on original planning permission).
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

Plans

- (i) House Types Pack received 16 September 2024
- (ii) Location plan (Drawing No. GRPR-LP,01) received 16 September 2024
- (iii) Proposed site plan (Drawing No. GRON-PRS-SP01 Rev. N) received 17 September 2024
- (iv) Topographic and GPR Survey (Drawing No. B481-02) received 2 February 2023
- (v) Landscape Layout (Drawing No. 4169 101 Rev L) received 23 September 2024
- (vi) Planting Plan 1 of 3 (Drawing No. 4169 201 Rev K) received 23 September 2024
- (vii) Planting Plan 2 of 3 (Drawing No. 4169 202 Rev J) received 23 September 2024
- (viii) Planting Plan 3 of 3 (Drawing No. 4169 203 Rev K) received 23 September 2024
- (ix) Boundary Treatment Plan (Drawing No. GRON-PRS-BTP01 Rev. D) received 2 February 2023
- (x) Screen Fencing, 1.8m, Standard Effect (Drawing No. SD-700) received 2 February 2023
- (xi) Gate Within Screen Fence, 1.8m High (Drawing No. SD-701) received 2 February 2023
- (xii) Free Standing Brick Walls, 215mm Wide (Drawing No. SD-709) received 2 February 2023
- (xiii) Proposed Site Access Arrangement Plan (SCP/220361/D 01 Rev C) received 6 June 2023
- (xiv) Site Section Plan (plot 21 to 15 Ffordd Onnen (GRON – PRS – SEC01 Revision A) Received 17 September 2024

Drainage

- (i) Flood Consequences Assessment and Drainage Strategy (Coopers ref: 8007_FCA updated June 2024) received 12 June 2024
- (ii) Foul Calculations (8007 N1 FW01) received 2 February 2023
- (iii) Surface Water Calculations (8007 N1 SW01) received 2 February 2023
- (iv) Drainage Strategy Plan (Drawing No. 8007-SK03 Rev B) received 12 June 2024
- (v) Highway Longsections (Drawing No. 8007-SK04 Rev B) received 12 June 2024
- (vi) Castle Green letter to DCWW with proposed site plan (Ref CGH/MFP/SWTS dated 25/9/2023) re: Existing drainage status and farmhouse roof surface area calculation for reduction in net increase Received 26 September 2023
- (vii) Site Section plan – plot 21 to 15 Ffordd Onnen Received ** September 2024

Documents

- (i) Planning, Design and Access Statement (Grimster Planning dated December 2022) received 2 February 2023
- (ii) Pre-Application Consultation Report (Grimster Planning dated January 2023) received 2 February 2023
- (iii) Arboricultural Impact Assessment (AIA) (Amenity Tree Version 8) received 3 September 2024
- (iv) Preliminary Ecological Appraisal and Daytime Building Inspection for Bats (Ascerta Ref P.1715.22 Dated August 2024) received 3 September 2024
- (v) Transport Statement (SCP Ref: CT/220361/TS/05 dated June 2024 revised Sept 2024) received 23 September 2024
- (vi) Desktop Study Report (Coopers Chartered Consulting Engineers dated 12 May 2023) received 15 May 2023
- (vii) Market Demand Report (Grimster Planning dated March 2023) received 6 June 2023
- (viii) Noise Impact Assessment (Hepworth Acoustics Report Ref P23-178/R02v1 dated May 2023) received 17 May 2023
- (ix) Arboricultural Method Statement (Ascerta Ref P. 1715.23.02 Rev C) received and in Condition 21 ref 43/2024/
- (x) Nocturnal Surveys for Bats (Ascerta Ref P.1715.22 dated July 2023) received 19 July 2023
- (xi) Nocturnal Surveys for Bats (Ascerta Ref P.1715.22 Revision A dated 23rd August 2023) received 24 August 2023

Materials

3.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

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

- a) the arrangements for the parking of vehicles of site operatives and visitors;
- b) the location of any construction compound and measures to reinstate the land following completion of the works;
- c) the hours of site works and deliveries;
If works or deliveries are required outside of approved hours, you must give at least 48 hours notice in writing to the Local Planning Authority advising what works are required, why they cannot be carried out during approved working hours, what mitigation is proposed and the duration of out of hours working.
- d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary;
- e) the location of areas designated for the loading, unloading, and storage of plant and materials;
- f) the proposals for security fencing or hoardings around the site;
- g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses;
- h) measures to minimise noise and disturbance to neighbouring residential properties / properties in the vicinity of the site;
- i) wheel washing facilities;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) any proposed external lighting.
- l) the piling methods, in the event that this form of foundation construction is proposed.
If Piling operations are not currently proposed, should unexpected ground conditions be encountered, no piling works shall be carried out without the prior written approval of the Local Planning Authority to the method, location and timing of piling operations, including details of measures to prevent and / or minimise the potential for ground and water pollution, noise and vibration.
- m) A Communications protocol setting out procedures for dialogue with the community throughout the construction phase and the management of complaints.

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

5. Prior to the commencement of the development, the detailed layout, design, street lighting, signing, drainage and construction of the internal estate road including compliant gradients/and access to the site, extension of existing 30mph zone, footway links and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.

6. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.6 metres above the level of the adjoining carriageway

7. Notwithstanding the submitted details, no site clearance or construction works shall be permitted to commence until there have been submitted to and approved in writing by the Local Planning Authority:

- a scheme for the recording of existing road conditions by the developer for the main construction traffic delivery routes to site from the A547 and A548
- arrangements for the repair and reinstatement of public highways

Photographic Survey

8. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 3 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must

meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: neil.bayliss@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the resulting report should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy of the report and whole project archive should also be sent to the National Monuments Record, RCAHMW.

Condition Approved by application ref 43/2024/1111/AC dated 16 July 2024

Welsh Language and Social and Cultural Fabric

9. No development shall commence until a strategy setting out mitigation measures to reduce adverse linguistic, social and cultural effects has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.

Condition Approved by application ref 43/2024/1112/AC dated 18 September 2024

Contamination

10. No construction works shall be permitted to commence on site until intrusive contaminated land investigations have been undertaken to meet the following objectives: Initial phase of trial pits to assess ground conditions (geochemical and geotechnical properties) and infiltration test pits compliant with soakaway design – BRE 365 and the resulting report has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such approved details.

Biodiversity, Landscaping & Open Spaces

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

12. The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in the approved Nocturnal Surveys for Bats (Ascerta ref P.1715.22 dated July 2023) and P.1715.22 Revision A dated 23rd August 2023)

13. No site works, including any demolition or vegetation clearance, shall be permitted to take place until further badgers surveys have been undertaken and the relevant Reasonable Avoidance Measures (RAMS) along with a mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details.

14. No development shall be permitted to commence until the details of the provision for roosting bats and nesting birds, has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans. The preference is for integrated bat and bird boxes. The development shall proceed in strict accordance with the approved plan and details.

15. Notwithstanding the hereby approved plans and documents, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats and recognising the AONB's Dark Skies status, shall be submitted to and approved in writing by the Local Planning Authority. This shall include plans illustrating the location and type of existing and proposed external lighting in relation to any biodiversity enhancement features and have regard to any retained or proposed features planned

for bats functional use in foraging/dispersal purposes. The scheme shall be carried out strictly in accordance with the approved details.

16. Access for hedgehogs (at least one 13cm x 13cm opening per garden) should be made at ground level through the fencing used to separate the gardens of each property, to allow the movement of hedgehogs throughout the site.

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

18. Notwithstanding the approved landscaping plans, within three months of the commencement of development, a detailed scheme of soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

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

20. Prior to the commencement of any site works a detailed Arboricultural Method Statement for the roadside trees (T1, T2 and T3) shall be submitted to and approved in writing by the Local Planning Authority. Careful consideration must be given to how the footway and kerbs will be installed around the trees. The approved details shall be implemented in full.

21. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance in accordance with the protection measures within the Arboricultural Impact Assessment (Ascerta Ref P. 1715.23.02) or in accordance with an alternative scheme as agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

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

23. No dwellings shall be permitted to be occupied until the written approval of the Local Planning Authority has been obtained to details of the design of the public open space area which should include details of the proposed drainage, earthworks/grading and mounding of land and final contours along with details of any boundary treatments. The development shall proceed in strict accordance with the approved plan and details.

24. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

25. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

The reasons for the conditions are:

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

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

Reason 3: In the interest of visual amenity

Reason 4: In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

Reason 5: In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

Reason 6: To ensure that adequate visibility is provided at the proposed point of access to the highway

Reason 7: In the interests of highway safety and to prevent damage to the highway

Reason 8: Reason: In the interests of investigation and recording of historic buildings

Reason 9: To protect the Welsh language and the social and cultural fabric of communities.

Reason 10: To protect residential amenity

Reason 11: In order to maintain and enhance biodiversity

Reason 12: In order to maintain and enhance biodiversity

Reason 13: To maintain the favourable conservation status of protected species

Reason 14: In order to maintain and enhance biodiversity

Reason 15: To maintain the favourable conservation status of protected species

Reason 16: In the interest of preserving ecological interests.

Reason 17: In the interest of preserving ecological interests.

Reason 18: In the interest of visual amenity and character of the area and preserving ecological interests.

Reason 19: In the interest of visual amenity and character of the area and preserving ecological interests.

Reason 20: In the interest of good arboricultural practice and interests of amenity of the area

Reason 21: In the interest of good arboricultural practice and interests of amenity of the area

Reason 22: In the interest of visual amenity and enhancing the biodiversity of the area

Reason 23: In the interest of visual and residential amenity

Reason 24: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Reason 25: 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