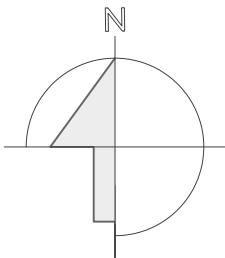


SU04 LOCATION PLAN



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PROJECT ADDRESS
LAND ADJACENT TO 121 CWM ROAD, DYSERTH

PROJECT DESCRIPTION
PROPOSED NEW DWELLING

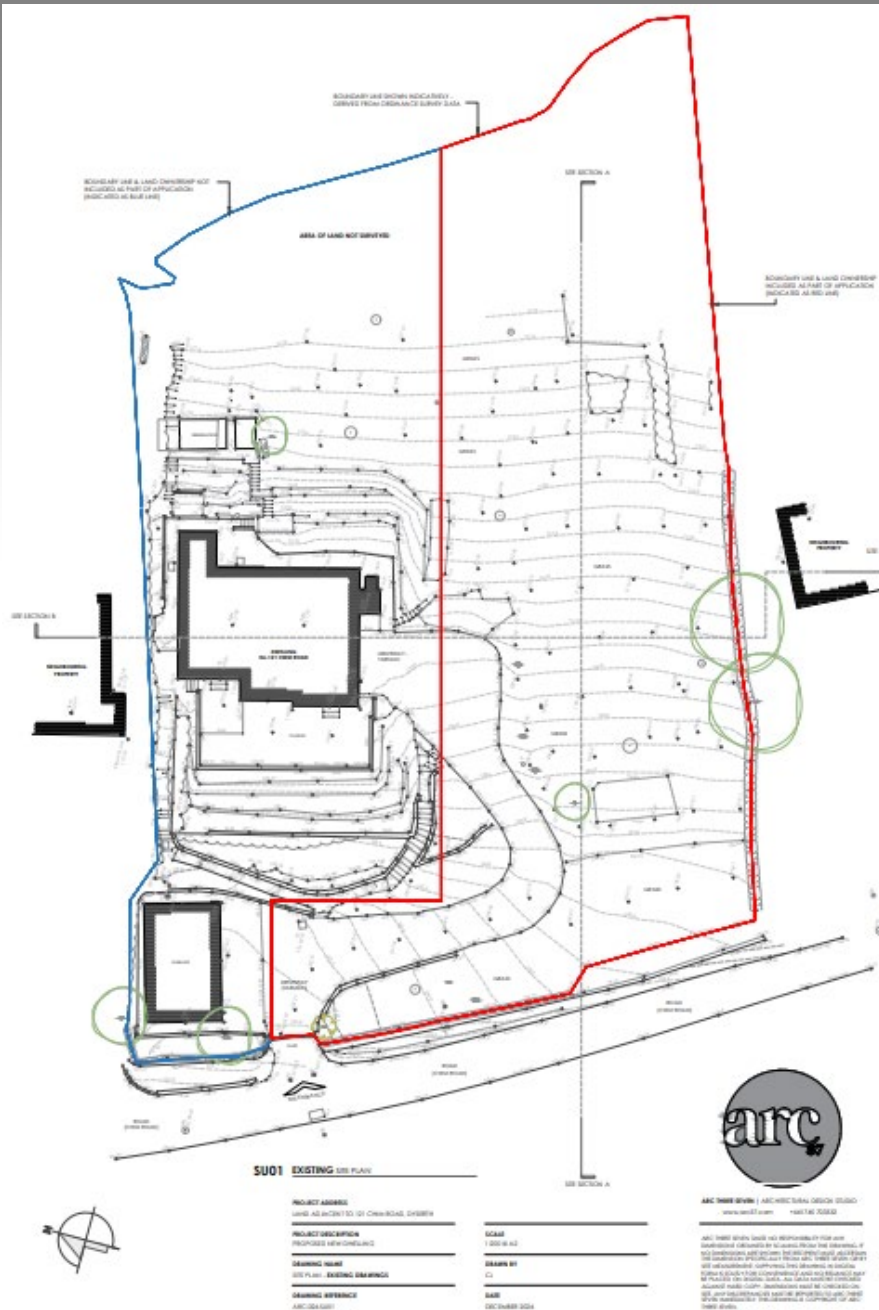
DRAWING NAME
LOCATION PLAN - EXISTING DRAWINGS

DRAWING REFERENCE
ARC.026.SU04

SCALE
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DRAWN BY
CJ

DATE
DECEMBER 2024



Existing Site Plan



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PROJECT ADDRESS
LAND ADJACENT TO 121 CWM ROAD, DYSEARTH

PROJECT DESCRIPTION
PROPOSED NEW DWELLING

DRAWING NAME
PROPOSED SITE PLAN - PLANNING

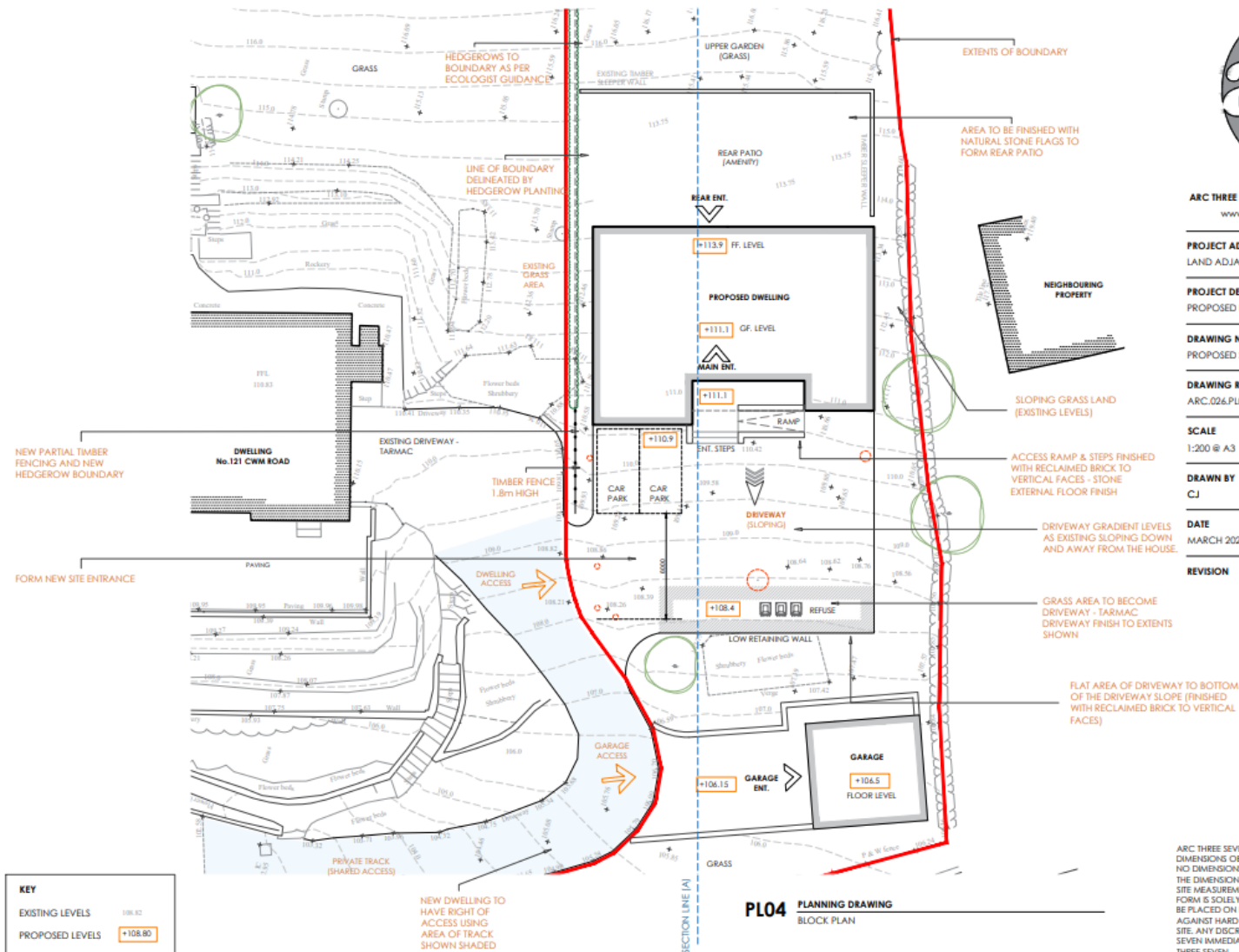
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ARC.026.PL04

SCALE
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DATE
MARCH 2025

REVISION



Site Plan

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PROJECT ADDRESS
LAND ADJACENT TO 121 CWM ROAD, DYSEARTH

PROJECT DESCRIPTION
PROPOSED NEW DWELLING

DRAWING NAME
PROPOSED ELEVATIONS (1) - PLANNING

DRAWING REFERENCE
ARC.026.PLO6

SCALE
1:100 @ A3

DRAWN BY
C.J

DATE
MARCH 2025

REVISION



PROPOSED EXTERNAL FINISHES

EXTERNAL WALLS - RECLAIMED FACING BRICK
SELF COLOURED RENDER (OFF WHITE)

ROOF - GREY TILES BY MARLEY OR SIMILAR

EXTERNAL DOORS / WINDOWS - DARK GREY UPVC OR ALUMINIUM (RAL 7016)

FASCIA & GUTTERS - DARK GREY UPVC BY MARLEY OR SIMILAR (RAL 7016)

DOWNPipes - DARK GREY UPVC BY MARLEY OR SIMILAR (RAL 7016)

ENTRANCE WALLS - RECLAIMED BRICK TO MATCH HOUSE WITH STONE CILL

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Proposed elevations



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PROJECT ADDRESS
 LAND ADJACENT TO 121 CWM ROAD, DYSERTH

PROJECT DESCRIPTION
 PROPOSED NEW DWELLING

DRAWING NAME
 PROPOSED ELEVATIONS (2) - PLANNING

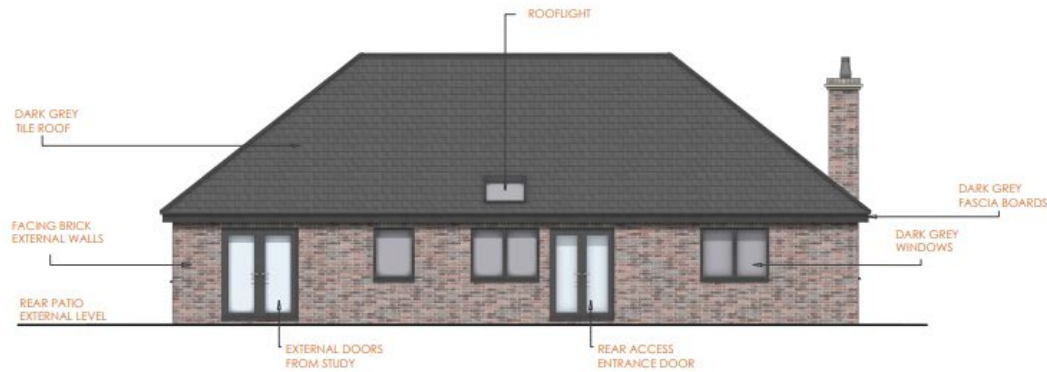
DRAWING REFERENCE
 ARC.026.PL07

SCALE
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DATE
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REVISION



PL07 PLANNING DRAWING
 REAR ELEVATION



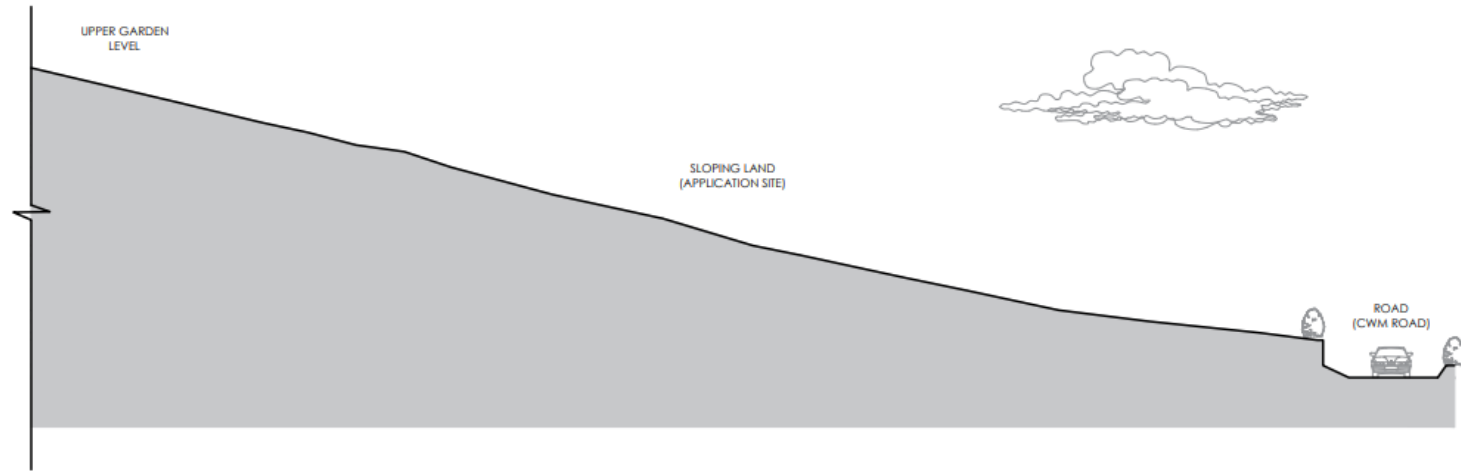
PL07 PLANNING DRAWING
 SIDE ELEVATION (2)

PROPOSED EXTERNAL FINISHES

EXTERNAL WALLS - RECLAIMED FACING BRICK
 SELF COLOURED RENDER (OFF WHITE)
 ROOF - GREY TILES BY MARLEY OR SIMILAR
 EXTERNAL DOORS / WINDOWS - DARK GREY UPVC OR ALUMINIUM (RAL 7016)
 FASCIA & GUTTERS - DARK GREY UPVC BY MARLEY OR SIMILAR (RAL 7016)
 DOWNPIPES - DARK GREY UPVC BY MARLEY OR SIMILAR (RAL 7016)
 ENTRANCE WALLS - RECLAIMED BRICK TO MATCH HOUSE WITH STONE CILL

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Proposed elevations



SU02 EXISTING SITE SECTION (A)



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PROJECT ADDRESS
LAND ADJACENT TO 121 CWM ROAD, DYSETH

PROJECT DESCRIPTION
PROPOSED NEW DWELLING

DRAWING NAME
SITE SECTION A - EXISTING DRAWINGS

DRAWING REFERENCE
ARC.026.SU02

SCALE
1:200 @ A3

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DECEMBER 2024

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Existing section



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PROJECT ADDRESS

LAND ADJACENT TO 121 CWM ROAD, DYSEARTH

PROJECT DESCRIPTION

PROPOSED NEW DWELLING

DRAWING NAME

PROPOSED SITE SECTION - PLANNING

DRAWING REFERENCE

ARC.026.PL05

SCALE

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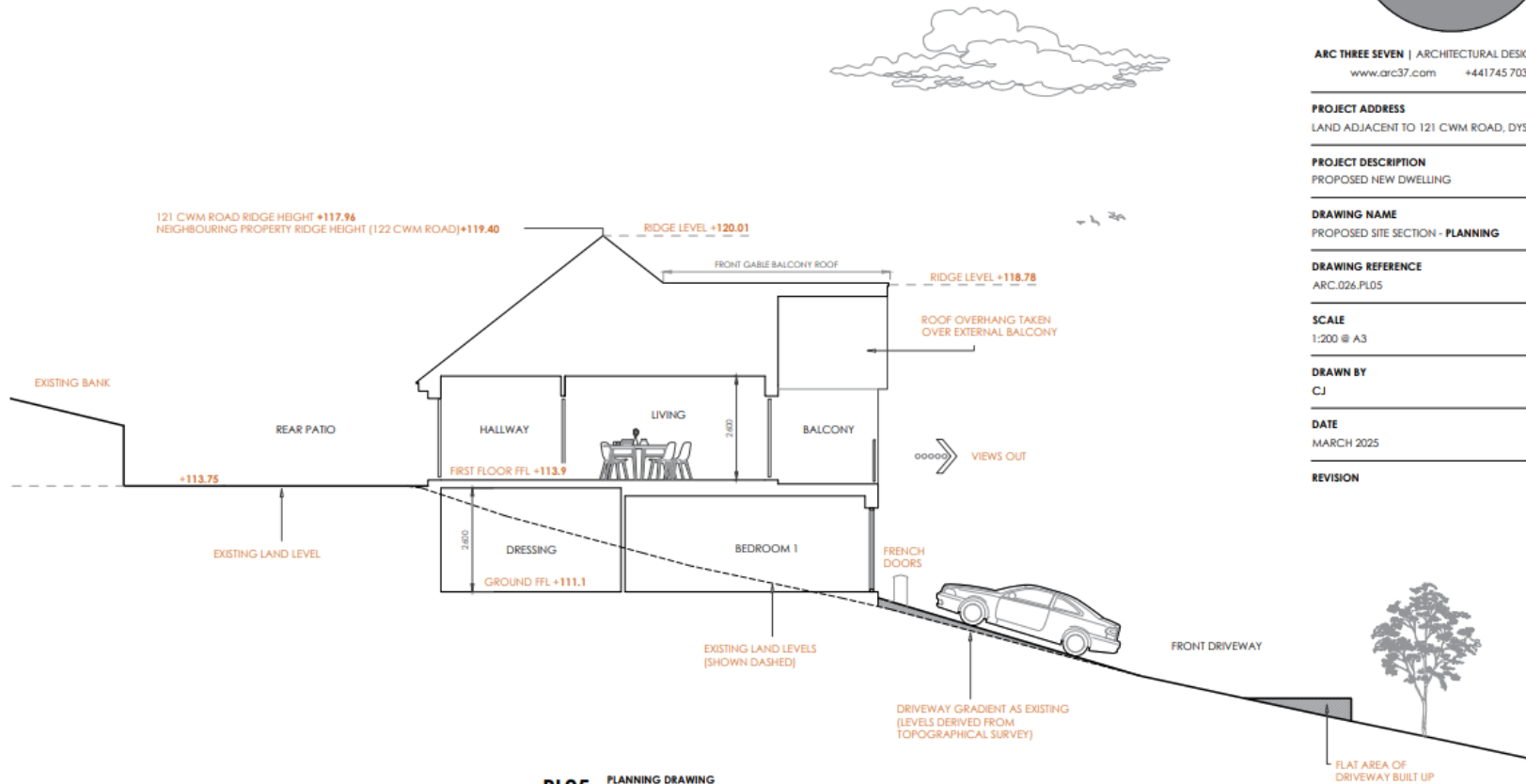
DRAWN BY

C.J

DATE

MARCH 2025

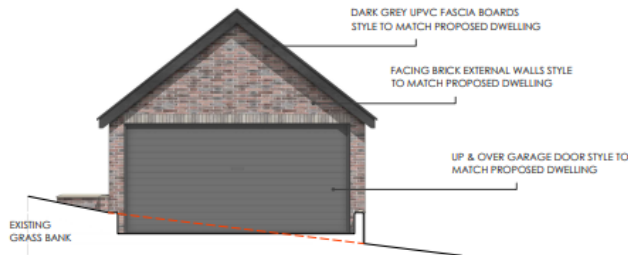
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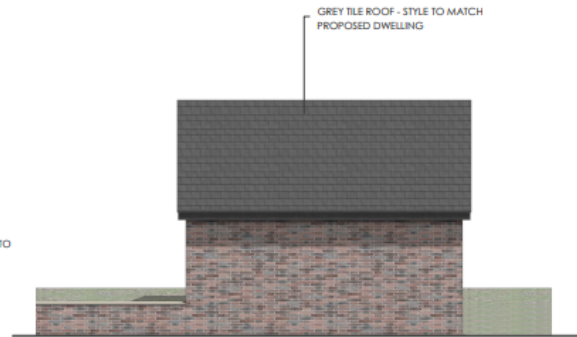
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PL05 PLANNING DRAWING
SITE SECTION

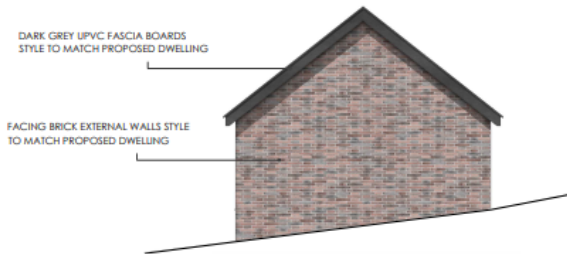
Proposed section



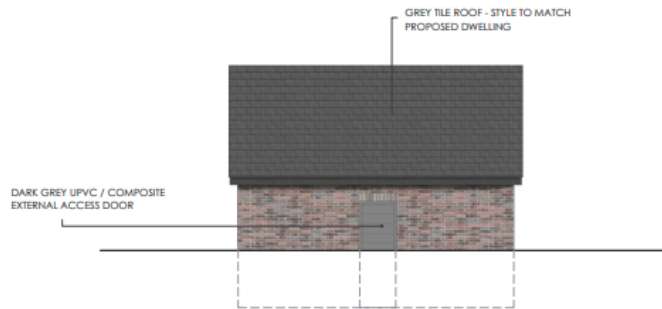
PL10 PLANNING DRAWING
GARAGE FRONT ELEVATION



PL10 PLANNING DRAWING
GARAGE SIDE ELEVATION 1



PL10 PLANNING DRAWING
GARAGE REAR ELEVATION



PL10 PLANNING DRAWING
GARAGE SIDE ELEVATION 2

PROPOSED EXTERNAL FINISHES

EXTERNAL WALLS - RECLAIMED FACING BRICK TO MATCH DWELLING

ROOF - GREY TILES BY MARLEY OR SIMILAR TO MATCH DWELLING

EXTERNAL DOOR - DANK GREY UPVC OR ALUMINIUM (RAL 7016) TO MATCH DWELLING

FASCIA & GUTTERS - DANK GREY UPVC BY MARLEY OR SIMILAR (RAL 7016) TO MATCH DWELLING

DOWNPipes - DANK GREY UPVC BY MARLEY OR SIMILAR (RAL 7016) TO MATCH DWELLING



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PROJECT ADDRESS
LAND ADJACENT TO 121 CWM ROAD, DYSEARTH

PROJECT DESCRIPTION
PROPOSED NEW DWELLING

DRAWING NAME
PROPOSED GARAGE ELEVATIONS - PLANNING

DRAWING REFERENCE
ARC.026.PL10

SCALE
1:100 @ A3

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DATE
MARCH 2025

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Proposed garage elevations



View of site



Views to south and north



Views to east (rear of site) and west (front of site)

Officer - Philip Garner

Ward - Dyserth

Ward Member(S) - Councillor David G Williams

Application Number - 42/2025/0119/PF

Proposal - Codi 1 annedd a gwaith cysylltiedig / Erection of 1 no. dwelling and associated works

Location - Land At (part Garden Of), 121 Cwm Road, Dyserth, Rhyl, Denbighshire,

Applicant - Mr Rob Evans

Constraints

City Town and Community Councils	Dyserth Community
Denbighshire Electoral Divisions	Dyserth
Areas of Outstanding Natural Beauty - AONB	Clwydian Range and Dee Valley
Scheduled Ancient Monuments 500m Buffer	Moel Hiraddug Hillfort
Mining	Rhualt
Building Control 2000-2017	FP/2005/0359/
Building Control Pre 2000	82/295
Appeals Pre 2024	DYS/674/78
Enforcement Pre 2024	ENF/2022/00008
Planning Applications 1974 to 1999	2/DYS/0040/77
Planning Applications 1974 to 1999	DYS/674/78
Permitted Development Removed Pre 2024	42/2003/1448 - Cond. 3 No additional windows in N & S elevations of new dwelling AND Landscaping
Local Development Plan	Area of Outstanding Natural Beauty
Groundwater Vulnerability Drift 100k	1
Nitrate Vulnerable Zone 25k	NVZ
Groundwater Vulnerability 100k	MINOR
Public Rights of Way 10m Buffer	203/2
Applications	42/2025/0077/HH
Locations	Land At (part Garden Of), 121 Cwm Road, Dyserth, Rhyl, Denbighshire,
Locations	123 Cwm Road, Dyserth, Rhyl, Denbighshire,

PUBLICITY UNDERTAKEN:
Neighbour letters - 11

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

- Member request for referral to Committee by Councillor David G Williams on the following basis:

As County Councillor for Dyserth, and having lived here for almost seventy years, I strongly feel that this particular case needs to be brought before the full Planning Committee of Councillors for full debate and detailed discussions on a few pertinent issues; namely some as follows:

This case raises material planning considerations relating to infill BSC9 of the LDP and should be discussed by Councillors at full Planning Committee.

This application relates to land that is within an established residential area of Dyserth and NOT in open countryside. I believe that Councillors need to debate and discuss this matter.

If allowed, this proposed development will allow a multi-generational family unit on the garden of an existing residential plot, and I believe that Councillors will appreciate this and will be keen to debate the matter in full.

CONSULTATION RESPONSES:
CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE -

The Joint Committee object to this application. The application site lies in open countryside outside defined settlement limits. Development for housing therefore is limited to it being in compliance with LDP policies BSC4, BSC6, BSC8 or BSC9. All homes permitted through these policies will be affordable housing for local needs. No information has been provided with the application to prove that the dwelling would be provided for local needs affordable housing in perpetuity. Consequently, the proposed development does not comply with any of these policies and should be refused. A similar application was refused on similar grounds on 10th January 2017 and there has been no change in circumstance which would facilitate a different outcome.

DWR CYMRU / WELSH WATER -

This site is within close proximity to public sewers (operational and non – operational) with the approximate position being marked on the attached statutory public sewer record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to the submitted plans, it appears the proposed development would be situated outside the protection zone of the operational public sewer measured 3 metres either side of the centreline and therefore acceptable in principle. Please note, the distance specified for this protection zone is indicative and based on industry standard guidelines. However, the depth of the asset will need to be verified on site which may infer a greater protection zone.

In addition, this site is within close proximity to a non-operational public water main with the approximate position being marked on the attached statutory public watermain record and the developer should liaise further with us regarding this specific asset.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer - No objection.

Public Rights of Way Officer - Notes that public path 2 Cwm (footpath) lies immediately to the east and adjacent to the property, but is satisfied that the path sits outside of the development boundary and so has no comment to make on the proposed development with reference to its impact on the Public Rights of Way network.

Ecology Officer - No objection, subject to conditions being attached to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales (Edition 12).

Drainage Officer - Confirms that new developments of more than one dwelling or that involve construction work of more than 100m² are required to obtain approval from the SuDS Approving Body (SAB) prior to the commencement of those construction works. Furthermore, the surface water drainage systems serving proposals of greater than one property will be subject to adoption by the SAB and must be constructed in such a manner as to be compliant with new national statutory standards. Given the potential implications for the development, in particular its layout, it is essential that it is identified whether SAB approval is required, and if so, that it can be demonstrated that the surface water drainage arrangements will be compliant with the national standards.

Strategic Housing and Policy Officer - Objects to the application as follows:

Planning Policy Wales (Edition 12) provides the national policy position in relation to infill sites in open countryside.

Development in the Countryside

3.60 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, 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 be of a scale and design that respects the character of the surrounding area.

PPW sets the policy framework for an infill plot in the open countryside. It clearly states that these types of sites may be suitable for affordable housing to meet local needs but that otherwise development should be strictly controlled. There is no provision for market housing on an infill plot in open countryside

Denbighshire Adopted LDP

The site lies outside of any settlement development boundary or hamlet area of search in the adopted Denbighshire LDP, as such the principle of development on the site can only be considered under LDP Policy BSC 9 – Local Connections Affordable Housing within small groups or clusters.

Policy BSC 9 allows for the development of one or two dwellings within a gap in an otherwise continuously development frontage for local connections affordable housing. The attached Housing Market Assessment details the types and size

of affordable homes required in the area.

The current proposal is for a single large open market dwelling. Policy BSC 9 only allows for local connections affordable dwellings. The proposal fails to meet the requirements of the policy by introducing market housing and is not supported.

Affordable Housing Need

The attached housing market assessment demonstrates that there is a strong need for affordable housing in Dyserth and this site has the potential to deliver against this evidenced need.

There is no policy provision for open market housing in this location and the proposal is therefore not supported.

Design

The planning statement supplied states that the proposed dwelling being of a large size would not be viable in this location. It also states that the site is not large enough to accommodate an affordable dwelling due to WDQR standards. The large footprint of the proposed dwelling could easily accommodate 2 affordable dwellings meeting WDQR as a pair of semi-detached dwellings on the site. The property could retain the scale and massing of adjacent properties and therefore not be out of character in the area.

In conclusion national and local policy only allows for the development of this site for affordable housing to meet local needs. The proposal is for a single large market dwelling and is not supported in policy terms.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 16-05-2025

EXTENSION OF TIME AGREED 25-06-2025

REASONS FOR DELAY IN DECISION (where applicable):

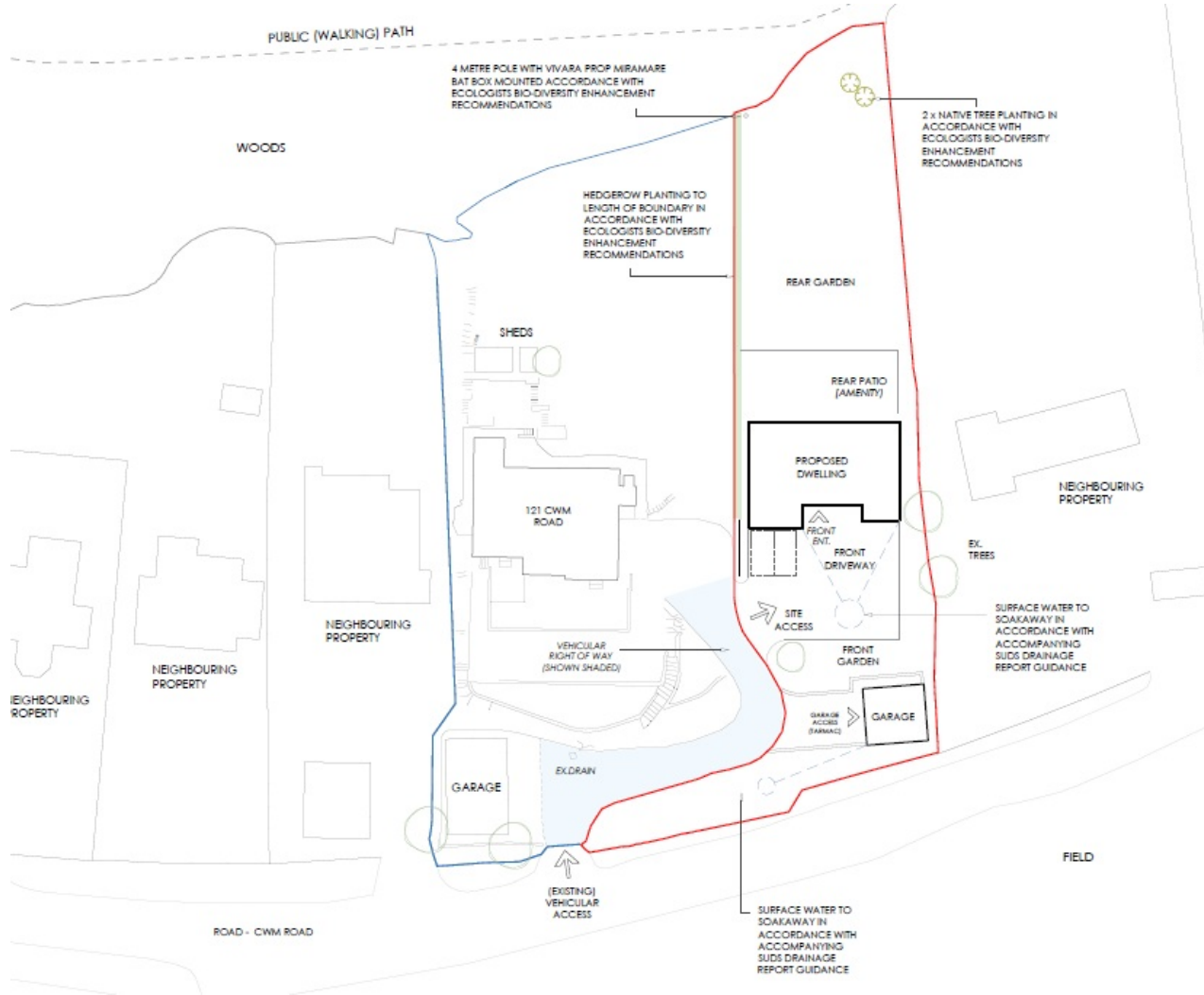
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL: Erection of 1 no. dwelling and associated works

1.1 Summary of proposals

1.1.1 The application proposes to erect one detached dwelling placed parallel to the road with a detached garage within its front curtilage, and with the new house and the existing dwelling of 121 Cwm Road sharing the existing vehicular access point. The proposed house is placed broadly in line with the existing houses to each side of the site, with the driveway to the garage incorporating a front apron and with the access enabling the turning of vehicles within the site so that they can enter and leave in a forward gear. The property will have a rear patio along with a large rear garden sloping upwards towards the wooded land at the back, along with a front driveway placed abutting the facade of the dwelling to allow for more car parking. The side boundary of the plot between the existing house to the west and the new property will be formed by a wooden fence. An extract from the proposed site plan is provided below:



1.1.2 The new dwelling is shown as being two-storey in nature with a tiled hipped roof over and using materials of render and stonework with windows primarily placed to the front and rear only other than some secondary and non-habitable room openings to the sides. The house has a balcony to the front and places the three bedrooms on the ground floor with the upper floor containing the main living areas, presumably to take account of the expansive views to the west of the site. The proposed appearance of the front elevation of the house is illustrated below:



1.1.3 The house is confirmed within the application documents as being for the open market, rather than for any type of affordable housing.

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a Planning Statement which seeks to make the case in favour of the development, including the provision of the following information:

Mr Rob Evans and Mrs Ruth Evans currently reside in 121 Cwm Road. They are local family who have connections with the local area, particularly Ruth who was born and raised within Dyserth. Upon a successful approval for the proposed development, it is the intention of the applicant to live within the new dwelling. Their current dwelling would then be renovated for Ruth's parents and brother to move into. Having Ruth's parents close by will enable Rob and Ruth the opportunity to care for Ruth's parents in the future rather than relying on the NHS care system for the majority care which would happen should Rob and Ruth not be in close proximity.

The application site is located outside of the defined settlement boundary of Dyserth which ends at No. 99 Cwm Road, approximately 150m north of the application site. Therefore, for planning purposes and assessment, the application site is classed as being within the 'Open Countryside' despite the fact that the application site lies within a distinct linear built form of development comprising of multiple properties together with sitting directly between two existing dwellings known as No. 121 and 125 Cwm Road. Notwithstanding its policy designation as being within the Open Countryside, the application site is considered to be within a sustainable location due to its close proximity to the existing development boundary, together with its distance to public transport links including bus stops which are within walking distance.

The proposed development does not comprise of an affordable house due to two distinct reasons; the development of an affordable house at the location would not be viable for either a Registered Social Landlord or a developer and it is considered that the size and design of an affordable house would not meet criteria iii. of Policy BSC9.

Another consideration relating to the viability of developing an affordable dwelling is the topography of the site which requires area of cut in order to obtain a suitable area to develop as a site. Added to this that affordable dwellings require level access, including pedestrian access to the highway, which would be difficult to overcome at the application site.

The site is not large enough, due to the topography, to accommodate more than one dwelling and therefore, should an affordable dwelling be proposed at the application site, it would be smaller in scale than the surrounding properties and not meet criterion iii. of Policy BSC9.

The planning system allows the decision maker to balance the various material planning considerations in order to then come to a decision. In this case, the proposed development complies with three of the four criterion of Policy BSC9. The proposed development would result in an additional market house being added to Denbighshire which developing an in-fill plot and the proposed development would enhance the areas biodiversity by the planting of additional hedgerows and trees.

Taking the above material planning considerations into account, and undertaking a planning balance assessment, it is considered that the proposed development should be supported in principle due to it delivering an additional unit of housing stock together with meeting criterion contained within BSC9.

Whilst the proposed development does not accord fully with the principle development management and strategic policies contained within the Denbighshire LDP, there are mitigating material planning considerations which, when included within the planning balance, finds in

favour of the proposed development. The proposed development would provide 1 no. residential unit which would contribute to the chronic housing supply shortage identified within Denbighshire.

1.3 Description of site and surroundings

1.3.1 The application site is comprised of land rising steeply up from the road to the west along the front of the plot, leading upwards to the tree planting and land to the rear within which runs a public footpath at a higher level than the house. The land is abutted to each side by existing detached houses, and the site lies within an elongated ribbon of housing development along the eastern side of Cwm Road leading south from the village of Dyserth.

1.4 Relevant planning constraints/considerations

1.4.1 The site lies outside of the development boundary, and has the AONB designation adjacent to the east (rear) boundary. The land is generally open in nature with a hedge along the road frontage and some trees planting at the rear.

1.5 Relevant planning history

1.5.1 The site has a mixed planning history comprised of refusals and approvals for a detached dwelling, with the decisions varying according to the planning policies which were in place at the time. The most recent decision ref 42/2016/0834 for a dwelling and access was a refusal for the following reason, with the same set of local planning policies still in place at the current time:

"The application site lies in open countryside outside of the development boundary and accordingly its development for housing is limited to it being in compliance with Policies BSC4, BSC6, BSC8 or BSC9 of the Denbighshire Local Development Plan. However, as no information has been provided with the application to prove that the dwelling would be provided for local needs affordable housing in perpetuity the development does not comply with any of the policies and as such the development proposed is unacceptable in principle as it is contrary to the Denbighshire Local Development Plan and the advice of Planning Policy Wales Edition 9."

1.6 Developments/changes since the original submission

1.6.1 None.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 42/2016/0834 - Erection of detached dwelling and construction of new vehicular access: Refused 10-01-2017.

2.2 42/2007/0822 - Construction of new vehicular access - amendment to previous scheme for erection of dwelling with shared vehicular access granted under Code No. 42/2004/1623/PF: Granted 03-09-2007.

2.3 42/2004/1623 - Erection of detached two-storey dwelling incorporating basement-level parking area: Granted 06-05-2005.

2.4 42/2003/1448 - Erection of detached dwelling house: Granted 23-01-2004.

2.5 DYS/674/78 - Erection of dwelling: Refused 20-07-1979.

2.6 DYS/0040/77 - Outline application for one house or bungalow: Refused 05-04-1977.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy BSC 4 - Affordable Housing

Policy BSC 6 - Local connections affordable housing in hamlets

Policy BSC 8 - Rural exception sites

Policy BSC 9 - Local connections affordable housing within small groups or clusters

Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE 5 - Conservation of natural resources

Policy ASA 3 - Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Affordable Housing

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

Supplementary Planning Guidance Clwydian Range and Dee Valley Area of Outstanding Natural Beauty: Planning for the Dark Night Sky

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Parking Requirements in New Developments

Supplementary Planning Guidance Residential Development

Supplementary Planning Guidance Residential Space Standards

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)

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 Visual amenity

4.1.3 Residential amenity

4.1.4 Ecology

4.1.5 Drainage (including flooding)

4.1.6 Highways (including access and parking)

4.1.7 Affordable Housing

4.1.8 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

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 (Edition 12, 2024). The countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.

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.

PPW 12 Section 3.60 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, 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 or it can be demonstrated that the proposal will increase local economic activity. However, 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 be of a scale and design that respects the character of the surrounding area.

In terms of the national planning policy context, Planning Policy Wales (Edition 12, 2024) para 3.60 states that development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that 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 be of a scale and design that respects the character of the surrounding area.

Paragraph 3.38 of PPW 12 states that *"The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources"*.

National policy therefore restricts new building outside development boundaries unless it is justified as an exception to the policy of restraint.

Accordingly, the principle of a new open market dwelling outside the defined development boundary is not acceptable, unless there are other material considerations which dictate that a contrary decision can be made with an examination of the primary issues provided below.

4.2.2 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 (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The 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.

The appearance of the house is considered to be acceptable, given that the ribbon of development contains detached dwellings of an array of age, form and appearance using a variety of materials.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

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.

It is not considered that the proposed dwelling will result in any substantial adverse impact on adjacent occupiers given the siting and design of the property, with the small number of side facing windows capable of being fitted with obscure glazing if adjudged to be necessary to prevent overlooking.

4.2.4 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.

PPW 12 states that all new developments should demonstrate a biodiversity enhancement. The proposal is supported by an ecological appraisal with the Ecology Officer offering no objection to the proposals. It is therefore considered that the proposals are in line with the advice contained in PPW 12 to provide enhancement measures to increase the biodiversity net gain at the site, subject to the imposition of an appropriately worded condition if permission were to be granted.

4.2.5 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

Whilst the comments made by the drainage officer in respect of the SAB requirement are noted, the scheme is accompanied by a drainage strategy report and it is considered that this aspect of the proposal is therefore addressed.

4.2.6 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.

The confirmation of no objection made by the Highway Officer is noted, and on this basis the scheme is not considered to have any adverse impact in respect of access or parking considerations.

4.2.7 Affordable Housing

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.

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4.

Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (Edition 12, 2024) para 4.2.26 states that a communities need for affordable housing is a material planning considerations which must be taken into account in formulating development plan policies and the determination of planning applications. It states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

The Local Development Plan includes a number of policies which may be relevant to the provision of affordable housing within and outside identified settlement boundaries, in support of its strategies for meeting the needs of a growing population. The policies have been developed with regard to the objectives of Planning Policy Wales (PPW 11), and Technical Advice Note 2: Planning and Affordable Housing in relation to new housing provision.

Local Development Plan Policy BSC6 relates to 'local connections affordable housing in hamlets'. The hamlets are identified in the Plan. The policy permits such housing in the listed hamlets providing all of 5 tests are met. The tests are:

- "i) the proposal would provide an affordable dwelling to meet local needs; and*
- ii) the proposals would help to secure the viability of the local community, and strengthen the community and linguistic character; and*
- iii) new housing is located within the defined area of search of the hamlet and overall growth levels restricted to that indicated below; and*
- iv) the proposal is in keeping with traditional building styles and is sympathetic in design, scale and materials to other traditional buildings in the locality; and*
- v) satisfactory arrangements are made to ensure the dwelling is retained in perpetuity as an affordable dwelling for local need and this is contained in a Section 106 agreement."*

Policy BSC6 refers to guidance in the Affordable Housing Supplementary Planning Guidance, which provides assistance in interpretation of the 'local connections' policy, and how assessment of need and eligibility should be undertaken by a responsible body such as a Registered Social Landlord.

In relation to the tests of BSC6, the scheme is not considered to be in accord with the requirements of Policy BSC6 as it does not propose an affordable unit.

Local Development Plan Policy BSC8 relates to what are termed 'Rural Exceptions Sites', and supports affordable housing development as an exception to normal policy (i.e. outside development boundaries) provided all the following criteria are met:

- " 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".*

In relation to the tests of BSC 8, as with Policy BSC6 the scheme for one open market house outside of the development

boundary is not considered to adhere to the requirements of the LDP.

Local Development Plan Policy BSC9 relates to local connections affordable housing within small groups or clusters in open countryside, and allows for the development of one or two units provided all the following criteria are met:

- “i) comprises infilling of a small gap between buildings within a continuously developed frontage; and*
- ii) does not result in ribbon development or the perpetuation of existing ribbon development; and*
- iii) is of comparable scale and size to, and is sited so as to respect adjacent properties and the locality; and*
- iv) satisfactory arrangements can be made to ensure that the dwelling(s) are retained in perpetuity as affordable dwelling for local need and this is contained in a Section 106 agreement.”*

In relation to the tests of BSC9, once more as the site lies outside of the development boundary and seeks consent for one open market dwelling rather than any form of affordable housing, the application demonstrably fails to adhere to the requirements of Policy BSC9 as verified by the objection raised by the Strategic Housing and Policy Officer.

Overall, as a proposal for an open market house on a site outside of any defined settlement or hamlet the scheme is contrary to the requirements of Policies BSC4, BSC6, BSC8 and BSC9 along with the guidance of PPW12 and TAN2.

4.2.8 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

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

This reflects guidance in Planning Policy Wales (Edition 12, 2024) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

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

The objection raised by the AONB JC is noted; however as the site is outside of the protected designation and is set within a ribbon of built development, it is not considered that a refusal based on harm to the setting of the AONB via the development of one house in a fringe location could be justified.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

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 In conclusion, as national and local policy only allow for the development of this type of rural site for affordable housing to meet local needs, and the proposal is for a single large market dwelling, the recommendation has to be to refuse permission as the scheme is not supported in policy terms.

RECOMMENDATION: REFUSE for the following reason: -

1

The application site lies in open countryside outside of the development boundary and accordingly its development for housing is limited to it being in compliance with Policies BSC4, BSC6, BSC8 or BSC9 of the Denbighshire Local Development Plan. However, as no information has been provided with the application to prove that the dwelling would be provided for local needs affordable housing in perpetuity the development does not comply with any of the policies and as such the development proposed is unacceptable in principle as it is contrary to the Denbighshire Local Development Plan, the advice of Planning Policy Wales Edition 12, and Technical Advice Note 2 'Planning and Affordable Housing'.

Notes to Applicant