

To: Chair and Members of the Planning Committee

Date: Thursday, 13 July 2023

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 19 JULY 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

1 APOLOGIES (Pages 3 - 4)

2 DECLARATIONS OF INTEREST (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 10)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 21 June 2023 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8) -

5 APPLICATION NO. 18/2023/0237/PF - CWM HYFRYD, LLANDYRNOG, DENBIGH LL16 4HW (Pages 23 - 50)

To consider an application for the erection of an agricultural building and associated works at Cwm Hyfryd, Llandyrnog (copy attached).

6 APPLICATION NO. 18/2021/1243/PF - LAND TO THE REAR OF KINMEL ARMS INN, LLANDYRNOG, DENBIGH LL16 4HN (Pages 51 - 92)

To consider an application for the erection of 5 Rotunda Roundhouses for holiday let purposes, erection of associated storage shed, alterations and extension to existing access, formation of parking, landscaping and associated works at land to the rear of Kinmel Arms Inn, Llandyrnog (copy attached).

7 APPLICATION NO. 01/2023/0231/PF - LAND ADJACENT TO PEN DDWY ACCAR, LAWNT, DENBIGH LL16 4SU (Pages 93 - 126)

To consider an application for the change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works at land adjacent to Pen Ddwy Accar, Lawnt (copy attached).

8 APPLICATION NO. 45/2023/0122/PF - 39 WELLINGTON ROAD, RHYL LL18 1BA (Pages 127 - 148)

To consider an application for the change of use of shop (Use Class A1) to form Gallery and Music Bar (Use Class A3) and associated works at 39 Wellington Road, Rhyl (copy attached).

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones
Julie Matthews

Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Andrea Tomlin
Cheryl Williams
Elfed Williams

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items where we have received requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information prior to the start of the meeting, including the late representations/amendments summary sheets ('Late Sheets') and any supplementary or revised plans relating to items for consideration.

The Late Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee currently consists of 21 elected Members. In accordance with protocol, 11 Members must be present at the start of a debate on an item to constitute a quorum and to allow a vote to be taken.

County Council Members who are not elected onto the Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Late Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, **he/she should not speak again** unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason(s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officers on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what motions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

Members attending via Zoom

The voting will proceed with the Chair going around all the Planning Committee members eligible to vote to ask for their verbal "For", "Against" or "Abstain" vote. The votes will be marked down.

Members attending in person in the Chamber

The Members will use the electronic voting system and the result will be read out by the Chair.

Final Result

The Chair will add up the votes and will announce whether the application has been approved or refused.

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 21 June 2023 at 10.30 am.

PRESENT

Councillors Karen Edwards, Gwyneth Ellis, James Elson, Chris Evans, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Win Mullen-James, Merfyn Parry, Arwel Roberts, Gareth Sandilands, Peter Scott (Vice-Chair), Andrea Tomlin and Mark Young (Chair)

ALSO PRESENT

Legal Officer (CL); Development Control Manager (PM); Principal Planning Officer (PG); Zoom Host (SJ) and Committee Administrator (RhTJ)

1 APOLOGIES

Apologies for absence were received from Councillors Ellie Chard, Raj Metri and Elfed Williams.

2 DECLARATIONS OF INTEREST

Councillor Andrea Tomlin declared a personal interest in Item 6 (30 Bedford Street, Rhyl) as the applicant was known to Councillor Tomlin.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

4 MINUTES

The minutes of the Planning Committee held on 24 May 2023 were submitted.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 24 May 2023 be approved as a correct record.*

5 APPLICATION NO.09/2022/1080 - LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH

An application was submitted for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works (previously circulated). At the 24th May 2023 meeting of Planning Committee, it was resolved to grant planning permission. As this was contrary to the Officer recommendation to refuse, Members also requested that Officers draft a set of planning conditions and allow Planning Committee to agree them before any decision was issued. Member's approval of the conditions to be imposed on the planning consent permission was sought.

General Debate –

Councillor Merfyn Parry (local member) thanked the officers for the communication, which was carried out whilst formulating the conditions following the discussion at the previous Planning Committee meeting.

Councillor Merfyn Parry proposed the conditions be approved as listed within the report, seconded by Councillor Peter Scott.

VOTE –

For – 17

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** in accordance with the conditions set out within the report.

6 APPLICATION NO. 45/2022/0644 - 30 BEDFORD STREET, RHYL

An application was submitted for a change of use of offices to form a dwelling and agree proposed condition at 30 Bedford Street, Rhyl (previously circulated). At the 24th May 2023 meeting of Planning Committee, it was resolved to grant planning permission. As this was contrary to the Officer recommendation to refuse, Members also requested that Officers draft a set of planning conditions and allow Planning Committee to agree them before any decision was issued. Member's approval of the conditions to be imposed on the planning consent permission was sought

General Debate –

Councillor Alan James (local member) thanked all officers for the assistance with the conditions which were set before members for consideration at today's meeting.

Officers thanked the local member for the introduction and guided members towards the late representation sheet, circulated before the committee and highlighted a change to condition 3. The condition would restrict the change the use to use solely as a C3(a) dwelling and for no other purpose (including any other purpose in class C of the schedule to the Town and Country Planning (Use Classes) Order 1987(amended) (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification). Officers clarified that this was to ensure the proposal provides a dwelling for the community.

Councillor Alan James proposed the conditions be agreed seconded by Councillor Win Mullen James.

VOTE –

For – 17

Against – 0

Abstain – 0

RESOLVED that the planning application be **GRANTED** in accordance with the conditions set within the report.

7 MONA OFFSHORE WINDFARM NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

The Development Control Manager introduced the Mona offshore windfarm nationally significant infrastructure project report (previously circulated), seeking members' approval to submit a formal consultation response to the pre-application consultation on behalf of the Council.

Officers guided members to Appendix 1 within the report, identifying all concerns raised throughout the pre-consultation period. The officer reassured members that there would be many opportunities to raise concerns throughout the whole process with the application; however, they were happy to receive any comments or additions members had to include within the pre-application consultation response.

General Debate –

Councillor James Elson raised concerns with the project, especially regarding the cumulative nature of the proposals in Cefn Meiriadog. He accepted the need for renewable energy; however, he suggested a holistic approach be taken to minimise the impact on the rural community. Councillor Elson suggested the possibility of an offshore substation to bring all projects together, then one line into the land, which would preferably be at a brownfield site.

Councillor Merfyn Parry suggested a health impact report be produced to ascertain the short-term and long-term impacts of exposure to EMF and the possible links with childhood leukaemia; Councillor Chris Evans seconded these concerns.

Councillor Peter Scott echoed the concerns that Councillor Elson had raised; the cumulative impact was the main issue, which would significantly impact a small area.

The Development Control Manager thanked members for the comments with regards to the project pre-consultation, and summarised what would be included within the response as comments from Planning Committee–

- emphasise the need for a holistic approach;
- long-term health impacts to be raised and;
- longer-term impact of EMF issues, impacts on St Asaph (vehicle routes etc.).

Councillor James Elson proposed approval to submit the comments set out in APPENDIX 1 as the Council's formal consultation response to the developer's statutory pre-application consultation on the proposed Mona offshore windfarm with the addition of the comments from Planning Committee set out above seconded by Councillor Peter Scott.

VOTE –

For – 17

Against – 0

Abstain – 0

RESOLVED that the pre consultation response be APPROVED in addition to the comments made by the Planning committee.

The Development Control Manager informed the committee once the changes were made, local members would have sight of the response before any response was sent.

The meeting concluded at 11:00am

PLANNING COMMITTEE

Date – 19th JULY 2023

ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair. They provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 7 - 10)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Items 5 - 8)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public Speaker items			
7	01/2023/0231	Pen Ddwy Accar, Lawnt, Denbigh	83
6	18/2021/1243	Kinmel Arms Inn, Llandyrnog, Denbigh	41
5	18/2023/0237	Cwm Hyfryd, Llandyrnog, Denbigh	13
Non Speaker items			
8	45/2023/0122	39, Wellington Road, Rhyl	117

PUBLIC SPEAKER ITEMS

Item No.7 – Page 83

Code No: 01/2023/0231

Location: Pen Ddwy Accar, Lawnt, Denbigh

Proposal: Change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works

LOCAL MEMBER(S): Cllr Pauline Edwards
 Cllr Delyth Jones (c)
 Cllr Geraint Lloyd -Williams

OFFICER RECOMMENDATION IS TO **DEFER (see Officer note below)**.

PUBLIC SPEAKER FOR – Martin Shutt (Agent)

PUBLIC SPEAKER AGAINST- None.

Addendum Report

The application was subject to a Site Inspection Panel meeting at 10.50am on Friday 14/07/2023

In attendance were:

CHAIR – Councillor Mark Young (noted that Cllr Young had to depart early and handed control of the meeting to Councillor Merfyn Parry to close the meeting).

VICE CHAIR – Apologies sent.

LOCAL MEMBER – Councillor’s Delyth Jones, Pauline Edwards and Geraint Lloyd-Williams

GROUP MEMBERS –

Green Group – No representative, apologies sent

Independent Group – Councillor Merfyn Parry

Labour group – represented by Councillor Alan James

Plaid Cymru Group – represented by Councillor Delyth Jones

COMMUNITY COUNCIL – Councillor Alan Ashworth

The Officers present were Paul Griffin and Luci Mayall (Development Management).

The reason for calling the site panel was to allow opportunity to view the site and to appreciate material planning issues raised by the neighbours.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the siting of two timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access and parking.
2. The proposed layout, size and scale of the units and relationship with nearby properties.
3. Representations received and other issues arising in relation to the application.

In relation to the matters outlined:

1. Members viewed the site from the farm to the north and walked across the fields to the application site. Officers outlined the application proposals which involved the siting of two small

scale, 1 bed, chalet type units within the trees, including the vehicular access, parking area and landscaping arrangements.

2. The site panel was informed of the relevant material planning concerns raised by neighbours. Objections to the development had been received on the grounds of the impact to residential amenity by reason of noise and overlooking, visual amenity concerns and highways impacts.
3. Members observed the entire site and noted the locations of mature trees as shown on the plans.
4. Members viewed the proposed location of both cabin units within the site in relation to the existing mature trees. They also noted the separation distance of the proposed cabin units from Pen Ddwy Accar and other nearby properties. Members also noted the intended location for additional hedgerow planting along with the location of the vehicular access and parking arrangements.
5. Members queried the location of the proposed septic tanks and associated soakaway's as shown on the submitted plans.
6. Members viewed the potential impacts of the development on the side elevation window of Pen Ddwy Accar which is close to the application site boundary. Members noted the location of the limited proposed windows on the cabins and their relationship to the nearby dwelling.
7. Members discussed the potential for relocating Cabin A over to the north out of the line of sight from the window of Pen Ddwy Accar. Members also noted the overhead cable above the site. Officers described the location of the proposed new hedgerow separating the cabins and the other intended landscaping arrangements on the site. Members queried the type and maturity of the hedge to be planted and Officers advised that a detailed landscaping condition is included with the Officer's recommendation.

Late representations -

NATURAL RESOURCES WALES-

"We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage, pollution prevention and European Protected Species. If this information is not provided, we would object to this planning application."

Additional Information –

Officer Note –

On the basis of the above Late Representation received from NRW, Officers now consider it necessary to request that the application is **DEFERRED** until a later planning committee date.

Additional/amended condition – N/A

Location: Kinmel Arms Inn, Llandyrnog, Denbigh

Proposal: Erection of 5 Rotunda Roundhouses for holiday let purposes, erection of associated storage shed, alterations and extension to existing access, formation of parking, landscaping and associated works.

LOCAL MEMBER(S): Cllr Merfyn Parry (c)

OFFICER RECOMMENDATION IS TO: **GRANT**

PUBLIC SPEAKER FOR – Zac Addison (Agent)

PUBLIC SPEAKER AGAINST- Victoria Conry (objector)

Addendum Report –

The application was subject to a Site Inspection Panel meeting at 10.00am on Friday 14/7/23.

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Peter Scott

LOCAL MEMBER – Cllr Merfyn Parry

GROUP MEMBERS –

Green Group – apologies sent

Independent Group – represented by Cllr Pauline Edwards

Labour group – represented by Cllr Alan James

Plaid Cymru Group – represented by Cllr Delyth Jones

COMMUNITY COUNCIL – Emyr Morris

The Officers present were Luci Mayall and Paul Griffin (Development Management)

The reason for calling the site panel was to allow Members opportunity to view the application site in relation to the surrounding area and neighbouring properties.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the erection of 5 roundhouses for tourist accommodation.
2. Representations on the application made by neighbouring properties and the Community Council and the planning policies of relevance to the application.
3. The detailing of the proposal, location of parking, amount of parking, size of the roundhouses, opportunities for landscaping.

In relation to the matters outlined:

1. The Officers outlined the application proposals which involve the creation of a new parking area, access track, storage building and erection of 5 roundhouses. Members walked through the site to view the relevant elements of the proposal. At the Site Panel Officers also outlined the potential for the Kinmel Arms public house to be reopened and advised members that the

applicants have submitted a 'Phasing Plan' which indicated that phase one of the project is to re-open the public house. Adherence to the phasing plan could be conditioned.

2. Officers outlined the nature of responses received from local residents as well as the technical responses from statutory consultees. The Community Council representative detailed the objections of the Community Council (these are reported below). The Officers explained the key policy relevant to the principle of the proposal was Policy PSE5. Officers confirmed that due to the building style of the roundhouses they were not classed as static caravans.
3. A distance of 11 metres (the diameter of the roundhouses) was measured out on the ground, so that members could better appreciate the size of each. Members asked how many bedrooms would be in the roundhouse. Officers advised that only one bedroom was shown on the plans, but that there was the potential for more informal sleeping accommodation in each roundhouse (i.e. sofa beds). Members considered the location and amount of parking for the proposal. They viewed the site boundaries considering what impacts additional landscaping might have on the proposals.

Late representations -

In objection

Victoria Conry, Rectory Cottage, Llandyrnog
Viviane Allinson, Hen Dyr Esgob, Llandyrnog
Philip Knight, Argoed, Llandyrnog
C J Porter and Margaret Porter, Coed Coppi Fancer, Llandyrnog
Glyn Roberts, Kinmel Farm, Llandyrnog
David Taylor and Jackie Le Fevre, Greenfield, Llandyrnog
Wendy Charles- Warner, Cross Keys, Llandyrnog

Summary of responses made in objection:

Principle

The development is on unallocated land outside the development boundary defined by the LDP
The opening of the pub should not form part of the application
No legal guarantees the pub will reopen
Not farm diversification
Site is disconnected from the Kinmel Arms
The roundhouses will have limited financial benefits for the pub
Business case lacking detail to demonstrate how the pub can only survive with the addition of the roundhouses
Only one job created as a result of the development
No local suppliers to benefit from the development
No local amenities nearby
PSE12 not relevant
Set a precedence for further development in the future

Loss of high grade agricultural land

Loss of Grade 2 agricultural land which is against National Policy
Actual development area lost to agriculture is 1.2ha, not 0.05ha as indicated
Loss of part of second field to track and access
In appropriate development at a time when there is a drive towards National Food Security

Highways

Highways safety a concern

Cars entering site multiple times per day on dangerous bend with heavy agricultural machinery and other traffic.

Unclear parking arrangement associated with the pub.

Access is on a blind bend leading to a busy roundabout

A footpath should be constructed from the pub to the roundabout

Parking is inadequate for staff, customers, visitors and deliveries

Visual amenity and impact on the AONB

Size of roundhouses larger than the average UK home

Not appropriate in scale and nature to location

No screening or wooded areas so highly visible from the road

The central sky lights will impact the darks skies initiative of the AONB

Set a precedence, more developments like this, so close to the AONB could impact negatively

Highly visible from main road and public footpath including Offa's Dyke.

Light pollution

Residential amenity

Concerns that no site manager will be living on site and no staff after business hours to control noise or any health and safety issues.

Noise impacts to nearby properties

Clarification required on number of occupiers

Increase noise and light pollution

Overlooking concerns and loss of privacy

Drainage

Welsh Water have not confirmed connection is available to the foul sewer

SAB approval will be required

Ecology

No protected species surveys submitted

Loss of protected species habitat

Loss of habitat for wildlife

In Support

Keith Evans, Tyddyn Bach, Llandyrnog

Zoe Owen, Nant Lewis Alyn Farm, Llandyrnog

Summary of responses in support:

The establishment of the glamping site will help make the pub/restaurant financially viable in the long term

Benefits to the community to keep the pub open

Additional employment opportunities

LLANDYRNOG COMMUNITY COUNCIL

'This application was considered originally July 2022 by the community council and considered again at their meeting held 12th July 2023 where there were members of the public present

It should be made clear to Members at the outset that this application has nothing to do with re opening of the Kinmel Arms – the public house has been shut for a number of years and there is nothing to stop the applicant from opening the kinmel as a viable business immediately – some of the letters of support want to see the pub open again – which is fine – but their enthusiasm should be aimed at the owners to ask them why this has not happened and this is not a planning matter

- *Although a business case has been submitted it is pure rhetoric and does not contain any evidence that the income from the development will ensure the opening or subsequent success*

of the business – members should read this document to form their own opinion – the community council felt it is not credible or detailed enough to allow the Planning Committee to make an informed decision as to whether this development is required to sustain the business or allow the kinmel to open again as a viable proposition – the applicant needs to show more credible evidence

- *Loss of grade two agricultural land – the community council referred to this in their original objections and although a statement of justification has been provided the total area of the site is 1.203ha but the statement refers to .05ha lost – the percentage is irrelevant the fact is that the ‘ green ‘ areas will not be available for farming.*
- *The community council had concerns about the size of these round house being 95sq much larger than your average house which will be between 75 and 85sq m – however no attempt has been made to reduce the footprint of the structures however a crude attempt made to show that they are not permanent by virtue of being secured by ground anchors rather than a foundation*
- *Proximity to nearby properties – previous concerns have been partly met simply by handing the properties from one side of the site to another and the amenity and privacy of adjoining properties will be severely affected and unacceptable*
- *Unless something has changed this application will be considered against policy PSE 12 – the community council would urge members to familiarise themselves with this Policy prior to making a decision – it clearly states that this sort of development will not be permitted in open countryside and therefore any inclination to approve this scheme would be totally contrary to DCC Policy and would be the thin end of a very big wedge making it difficult if not impossible to refuse any similar application for a stand alone camping site – the community council would at this point again like to remind members that application has nothing to do with the public house – there is no evidence to substantiate that this is vital to the re opening of the Kinmel Arms*
- *The community council requested that a traffic impact assessment be provided however this has not been provided.*
- *The very nature of these units being connected to the main sewer makes them permanent and not temporary structures*
- *According to local residents who are vehemently against this application by virtue of it flying in the face of any policy - there is more badger movement on the fields than the ecologist seems to imply and a more detailed survey including night time cameras and a report by the Clwyd Badger Group would be required to ascertain the exact locations of the badger set and the impact of this development on the local badger population*

To conclude the Community Council are unable to support this application’.

NATURAL RESOURCES WALES

No objection now the proposals intend to connect to the mains sewer. The development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

DWR CYMRU/WELSH WATER

‘We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development’.

The development requires SAB approval by the SuDS Approval Body.

‘Additional condition suggested requiring no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment’.

Additional Information –

The applicant has submitted protected species surveys, and offered a Unilateral Undertaking (a legal document linked to the proposed development) to tie the proposed tourist use to the opening and running of the Kinmel Arms Public House.

Officer Note –

Protected species surveys were submitted with the proposal but kept confidential (as required by Protected species legislation) in order to prevent risks of persecution to any protected species on the site. The reports were assessed by the Council’s Ecology Officer and NRW. No objections were raised but conditions were recommended to be attached as detailed on the committee report.

The applicant has agreed, in principle, to offer a Unilateral Undertaking which would enable the re-opening and running of the currently vacant Kinmel Arms Public House in conjunction with the operation of the proposed new tourist facility.

Officers consider that the Unilateral Undertaking adds additional weight to the recommendation to grant planning permission as it affords greater certainty to the reopening of the public house and the potential economic benefits that it could bring to the locality. It is considered that the greater degree of certainty that the public house will reopen, and remain open as part of the proposed business, further offsets and justifies the partial loss of Grade 2 agricultural land.

Officers therefore suggest that the recommendation is amended to include reference to a Unilateral Undertaking being signed prior to the permission being released.

Revised recommendation

GRANT planning permission subject to:

1. Completion and submission of a Unilateral Undertaking to secure the reopening of the Kinmel Arms Public House, and to ensure that the public house remains open for the benefit of the community.

The precise wording of the Unilateral Undertaking would be a matter for the legal officer to ratify. In the event of failure to complete a satisfactory Unilateral Undertaking within 6 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.

Members are advised that the Unilateral Undertaking to secure the reopening (minimum hours/days per week to be controlled in the Unilateral Undertaking) of the Kinmel Arms Public House is required because the partial loss of Grade 2 agricultural land has been, in part, justified on the basis of securing the reopening of a community facility.

Additional conditions

1. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: 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

2. No development shall take place until a fully detailed scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the first Rotunda Roundhouse is brought into use. The scheme shall be implemented in full and retained for the lifetime of the development.

Reason: to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Amended/ additional conditions:

Amended Condition 9:

Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of:

- i. proposed materials including finish and colour to be used on the paths, patio areas and other hard surfaced areas;
- ii. proposed positions, design, materials and type of all boundary treatments including all fences and gates
- iii. proposed earthworks, grading and mounding of land including bunds (*height, width, composition etc*) and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
- iv. native species hedgerow planting to all bunds including a species mix of at least 7 species, maturity, timing of implementation
- v. details of the bin and recycling storage including materials, finish and colour
- vi. full details of all proposed tree (including recommended fruit trees) and shrub planting including species, maturity and timing of implementation and locations shown on plans
- vii. details of wildflower areas including species mix and management
- viii. details of the future management of all trees, hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period

Amended condition 7:

Notwithstanding the provisions of Class B of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the site to which this permission relates shall not be used for camping unless as approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

Additional condition:

Notwithstanding the provisions of Part 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the site to which this permission relates shall not be used as a caravan site unless as approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

Location: Cwm Hyfryd, Llandyrnog, Denbigh

Proposal: Erection of an agricultural building for the storage of fodder/implements including sheep pens, two stables, formation of access track and associated works.

LOCAL MEMBER(S): Cllr Merfyn Parry (c)

OFFICER RECOMMENDATION IS TO **GRANT**

PUBLIC SPEAKER FOR – Fiona Jones (applicant)

PUBLIC SPEAKER AGAINST- None.

Addendum Report –

The application was subject to a Site Inspection Panel meeting at 9.30am on Friday 14/07/2023

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Councillor Peter Scott

LOCAL MEMBER – Councillor Merfyn Parry

GROUP MEMBERS –

Green Group – No representative, apologies sent

Independent Group – Councillor Pauline Edwards

Labour group – represented by Councillor Alan James

Plaid Cymru Group – represented by Councillor Delyth Jones

COMMUNITY COUNCIL – Councillor Emyr Morris

The Officers present were (Development Management) Paul Griffin and Luci Mayall

The reason for calling the site panel was to allow Member opportunity to view the site and to appreciate issues raised by the Community Council and neighbours.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the erection of an agricultural building for the storage of fodder/implements including sheep pens, two stables, formation of access track.
2. The proposed layout, size and scale and its relationship with surrounding properties.
3. Issues arising in relation to the application.

In relation to the matters outlined:

1. The Case Officer outlined the proposals which involved the erection and use of an agricultural building as shown on the final submitted plan.

2. The site panel viewed the proposed siting of the building and assessed the scale of the proposal. They observed the distance to surrounding properties and considered the existing site boundaries/landscaping. Members queried details of the fencing and landscaping around the building and hardstanding areas. Officers advised that an additional condition could be attached to include this detail.
3. Members were advised of the justification for the building in connection with the dwelling Cwm Hyfryd. Councillor Parry advised that the applicant had an agricultural holding number. The size and height of the building were discussed and Officers explained that the applicants had reduced the size and height of the building. Concerns were raised regarding the visual impact of the building from views from the north and Officers explained a landscaping scheme was included as a condition to ensure the building can be assimilated into the landscape and screened well within the site.

Members asked for clarification on the drainage scheme and Officers advised that SAB Approval will be required from the SuDS Approval Body due to the size of the construction area of the building and hardstanding being over 100sqm.

Members queried manure management at the site and Officers advised that the manure is proposed to be stored in a midden which is on a hard-standing adjacent to the building. Officers advised that NRW were satisfied with these arrangements.

Late representations - None received.

Additional Information – None.

Officer Note –

There is a mature tree located within the hedgerow to the rear of the proposed building. It is important that the tree is protected from the development and it is suggested the following additional condition is attached to the final decision:

Additional/amended condition -

Amended condition 4:

4. Prior to the commencement of development, a detailed scheme of landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.
 - (c) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
 - (d) proposed locations, design, materials and type of boundary treatment/fencing/gates around the building, hardstanding areas and site entrance
 - (e) the timing of the implementation of the planting and landscaping scheme.
 - (f) finished floor levels of the proposed building in relation to the surrounding ground levels.

Reason: In the interests of visual amenity, biodiversity enhancement and highway safety and to ensure a satisfactory standard of landscaping in conjunction with the development.

NON-SPEAKER ITEMS

Item No.8 – Page 117

Code No: 45/2023/0122

Location: 39 Wellington Road, Rhyl

Proposal: Change of use of shop (Use Class A1) to form Gallery and Music Bar (Use Class A3) and associated works.

LOCAL MEMBER(S): Cllr Joan Butterfield
 Cllr Alan James (c)

OFFICER RECOMMENDATION IS TO **GRANT**

Addendum report – None.

Late representation received – None.

Additional Information – None.

Officer Note – None

Additional/amended condition – None

Agenda Item 5

Luci Mayall

WARD : Llandyrnog

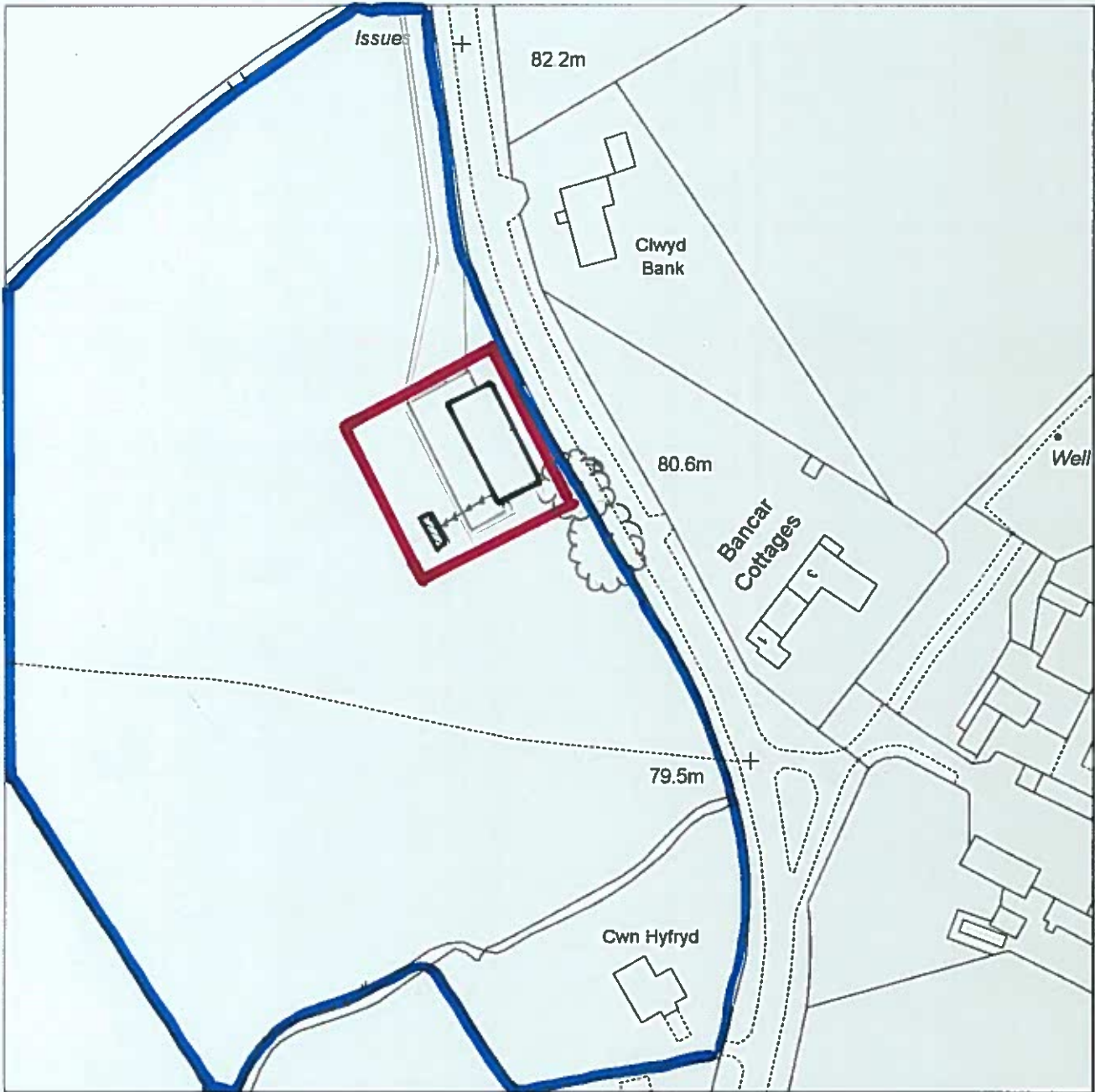
WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 18/2023/0237/ PF

PROPOSAL: Erection of an agricultural building and associated works

LOCATION: Cwm Hyfryd, Llandyrnog, Denbigh LL16 4HW

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Cwm Hyfryd, Llandymog, Denbigh

Scale 1:1250



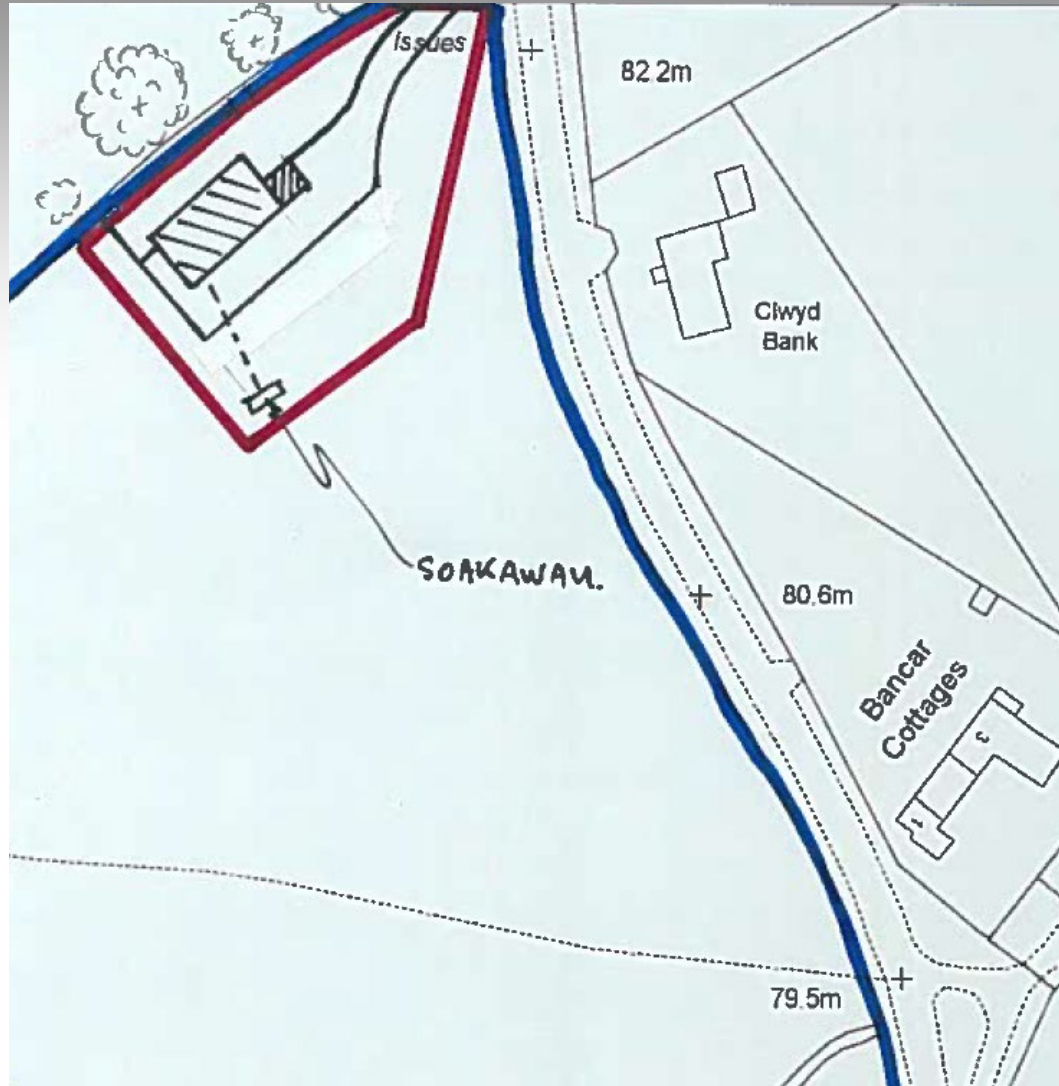
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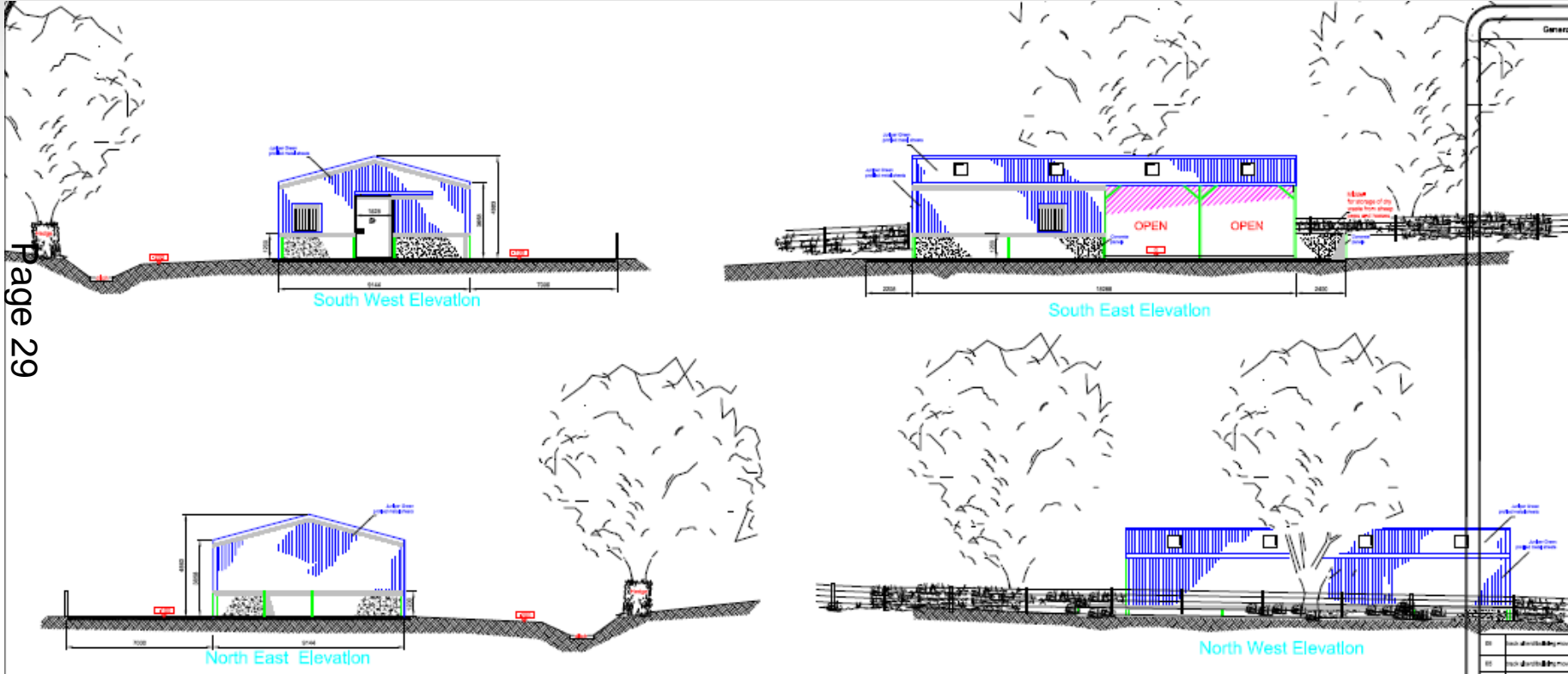
The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

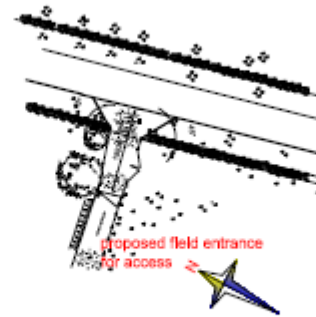
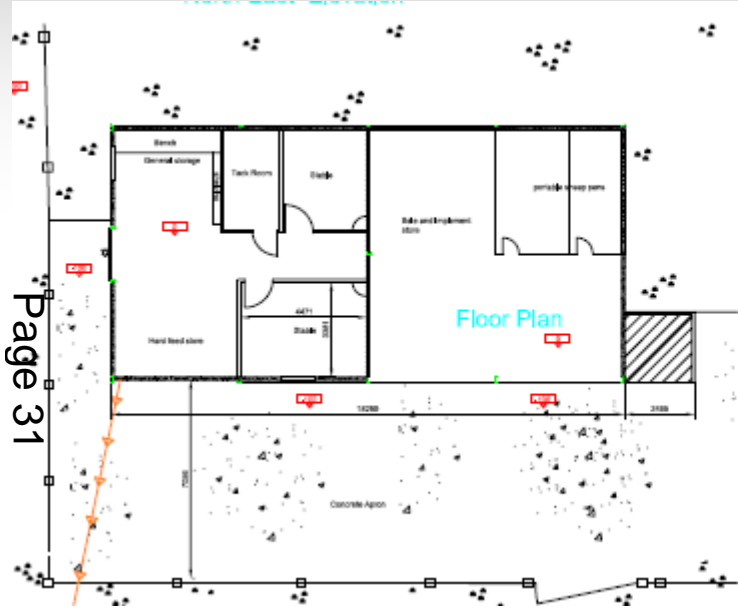
Date Of Issue: 31 March 2023
Supplied By: Getmapping
Supplier Plan Id: 302666_1250
OS License Number: 100030848
Applicant: Mark Jones
Application Reference: Cwm Hyfryd Llandymog



Location plan



Proposed elevations



Proposed floor, access and site plan



Aerial view of the site



View to the south towards Llandyrnog



View to the north towards Bodfari

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 18/2023/0237/ PF

PROPOSAL: Erection of an agricultural building and associated works

LOCATION: Cwm Hyfryd Llandyrnog Denbigh LL16 4HW

APPLICANT: Ms Fiona Jones

CONSTRAINTS: None

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES 1:

LLANDYRNOG COMMUNITY COUNCIL

Objection.

- Shed disproportionately large for size of holding
- No justification statement why size of shed is required.
- No indication as to frequency of vehicle movements
- Impacts to residential amenity due to use of farm access track regularly
- No landscaping or lighting proposed
- Shed would be visible from the AONB
- Shed too far from the house and does not form logical extension to main holding
- No details of manure management
- Manure could impact neighbours and the nearby watercourse

NATURAL RESOURCES WALES

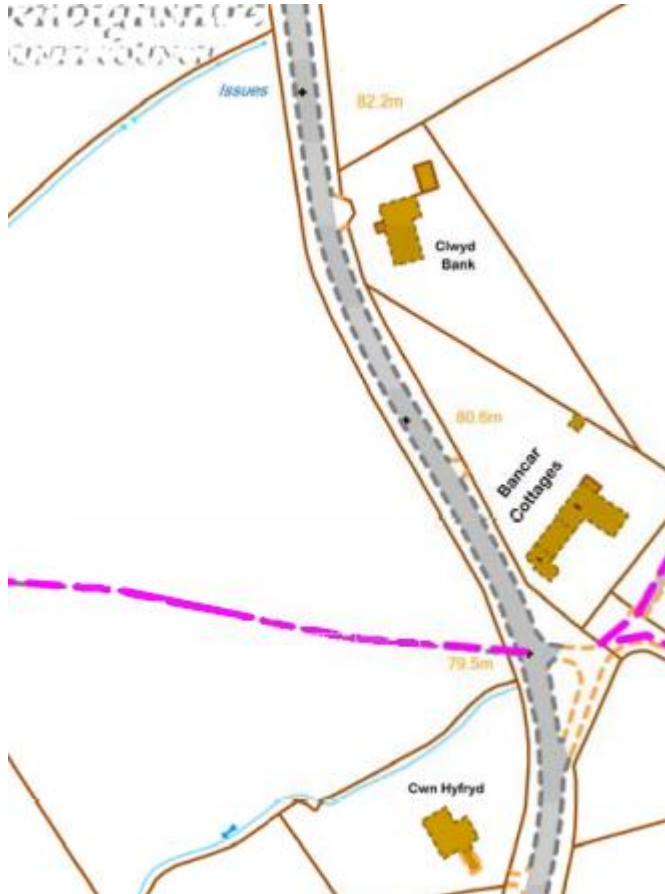
No objection but provide advice on pollution to watercourses. Any manure produced should be managed (storage and application to land) in line with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and Code of Good Agricultural Practice guidance.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Footpaths Officer –

Although path 43 Llandyrnog is near to the development, it is a sufficient distance away to not have an effect. The applicant needs to be advised with any approval that the path need sufficient area to remain free of obstruction during construction works. This will ensure the land over which the path crosses is left open and free of obstruction.



Location of Footpath 43 Llandyrnog

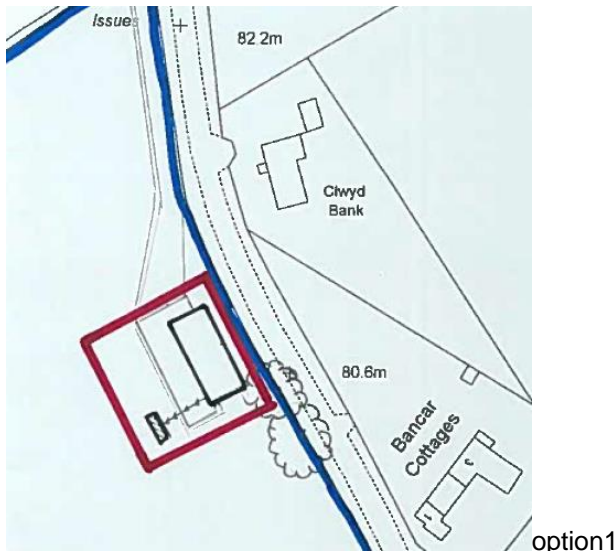
- Highways Officer –
The building will serve a small scale farm for pleasure rather than business and consider that vehicle movements to and from the site will not be excessive. Improvements are being carried out to the access to allow vehicles off the highway and an internal gate to allow the parking and turning of vehicles within the site so they can exit in forward gear.

Tan 18 states that where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporates a substantial access improvement, even though the improved access would still be below standard. I therefore consider the access acceptable for the use and do not foresee any highway related issues arising from proposals.

- Public Protection-
No comments received.
- Drainage Officer-
SAB approval required.

RESPONSE TO PUBLICITY 1:

As submitted- building located to the north side of the trees along the hedge



In objection

Representations received from:

David McCoole, 1 Bancar Cottages, Llandyrnog Sarah McCoole and Emyr Jones, 3 Bancar Cottages, Llandyrnog

Owain Williams, Clwyd Bank, Llandyrnog

Summary of planning-based representations in objection:

Principle

No justification for size of building on the holding of that size.

The land cannot accommodate 200 sheep

According to sheep pasture rules, the maximum number of sheep on 4 acres of land would be approximately 15.

Visual amenity and impact on AONB

The building is located close to neighbouring properties

Visually intrusive in the landscape

Location too far from Cwm Hyfryd

Size is significant and disproportionate to size of holding

Impacts on AONB

Residential amenity

Location not appropriate as it will impact on quality of life

The track to the building would run parallel to the road and raise noise concerns

Lighting pollution

Impacts to privacy

Loss of light into properties nearby

Noise concerns during lambing season

Odour impacts from manure

Highways Impacts

Impact on the traffic and movement of vehicles between the entrance off the road to the building

Pollution

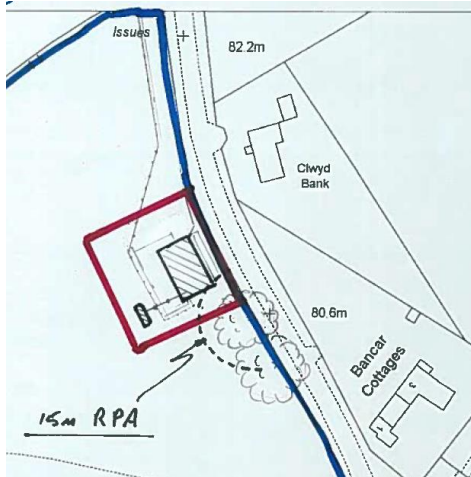
Building near to watercourse in adjoining field, no details on manure storage or management

RE-CONSULTATION RESPONSES 2:

Building relocated outside the root protection area of the trees

LLANDYRNOG COMMUNITY COUNCIL

No comments received.



Option 2

RE-CONSULTATION RESPONSES TO PUBLICITY 2:

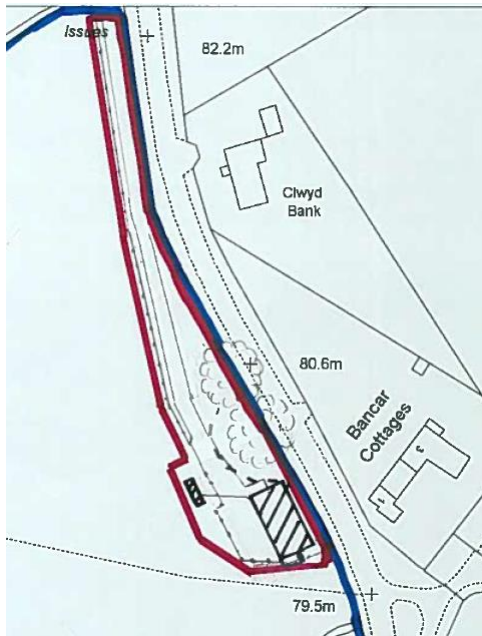
In objection

Representations received from: Sarah McCoole, 3 Bancar Cottages, Llandyrnog
Owain Williams, Clwyd Bank, Llandyrnog

Summary of planning based representations in objection:
Amendments do not appease previous concerns.
Previous comments still stand regarding size and location
Concerns about the proximity to the tree roots

RE-CONSULTATION RESPONSES 3:

Building relocated to the south side of the field.



option 3

LLANDYRNOG COMMUNITY COUNCIL-

'Although the shed has now been repositioned, smaller and closer to Cwm Hyfryd the council still feel it is disproportionately large to the size of the paddock and the justification statement does not prove the need for such a large shed on what is not an agricultural holding and capable of holding a lot more animals than what realistically can be kept on the paddock'.

RE-CONSULTATION RESPONSES TO PUBLICITY 3:

In objection

Representations received from:

David McCoole, 1 Bancar Cottages, Llandyrnog Sarah McCoole, 3 Bancar Cottages, Llandyrnog

Summary of planning based representations in objection:

Building is now closer to neighbouring property (approximately 10m) and the height is excessive.

Concerns about the proximity to the stream and tree roots

Concerns over lighting pollution at night

Detrimental to health and wellbeing due to poor air quality and soundscape impacts

RE-CONSULTATION RESPONSES 4:

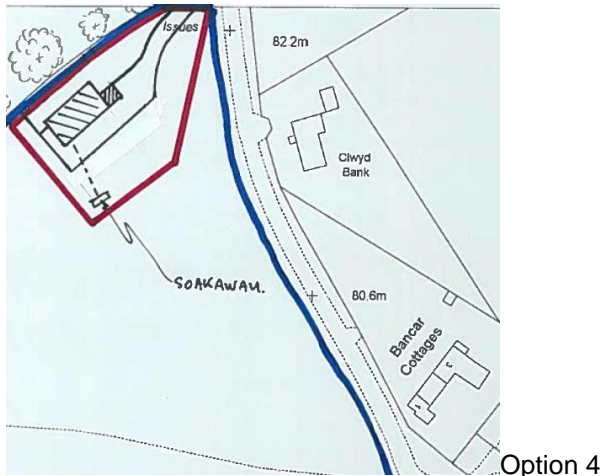
Building relocated to the north side of the field.

LLANDYRNOG COMMUNITY COUNCIL-

The original comments stand.

'The council considered the shed to be disproportionately large for the size of the holding and the justification statement is unclear. There is no indication as to the expected frequency of vehicular movement, although the shed has been repositioned to the detriment of the neighbouring property Clwyd Bank and there is very minimal information regarding the frequency of vehicles revision 6 as presented lacks detail in terms of landscaping etc and does not demonstrate measures to reduce the visual impact from the B5429.

The shed is located much too from Cwm Hyfryd and does not form a logical extension in any shape or form and presumably there is no holding number and therefore would not be covered under agricultural permitted development rights. The council are unable to support the application in it's current amended form'.



RE-CONSULTATION RESPONSES TO PUBLICITY 4

In support

Representations received from:

John Morgan, Coed Ffynnon, Llandyrnog

Summary of responses in support:

The size of the unit proposed would ensure the health and welfare of any livestock/pets is achieved. Larger implements and equipment are required to manage the field and appropriate storage is required.

EXPIRY DATE OF APPLICATION: 29/05/2023

EXTENSION OF TIME AGREED? Yes, 21/07/2023

REASONS FOR DELAY IN DECISION (where applicable):

- numerous amended plans received
- reconsultation periods on all amended plans
- awaiting consideration at Committee.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of an agricultural building and associated works on land adjacent to Cwm Hyfryd, Llandyrnog.
- 1.1.2 The proposed building would be located within the north side of the field parallel to the ditch and hedgerow (approximately 10.5m from the tree trunk in the hedge) and approximately 170m from the dwelling, Cwm Hyfryd.
- 1.1.3 The building is proposed to comprise two stables, tack room, storage and feed rooms and an open sided bale and implement store with two portable sheep pens.
- 1.1.4 The building would serve a small holding comprising 2 horses and 20 sheep.
- 1.1.5 It would measure 18.2m x 9.1m in size with a height of 4.8m and eave height of 3.5m.
- 1.1.6 The building would be finished in juniper green profiled metal sheeting with a concrete panel lower section. A concrete apron is proposed to the west measuring 23.3m x 6m.
- 1.1.7 A barred window and door are proposed to the north elevation with open sides to the west elevation and 8 roof lights in total.
- 1.1.8 The building would be accessed via an existing field access which is proposed to be improved and a new hardstanding track is proposed up to the building.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Additional information from agent on the justification for the building.

1.3 Description of site and surroundings

- 1.3.1 The site is an existing agricultural field located adjacent to the dwelling known as Cwm Hyfryd and opposite a cluster of dwellings including Bancar Cottages and Clwyd Bank to the east.
- 1.3.2 The site is bound to the east by a mature hedgerow fronting the road and a ditch with hedgerow and a number of mature trees to the north. There is an existing agricultural access to the northeast corner of the field.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of the development boundary of Llandyrnog as defined by the LDP.

1.5 Relevant planning history

- 1.5.1 No history relating to the field.

1.6 Developments/changes since the original submission

- 1.6.1 Reduced size and height of the building. Relocation of building to the south of the trees and finally to the north side of the field.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

No planning history relating to the field.

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

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: 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: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes:

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 18 Transport (2007)

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 Visual amenity including impact on AONB
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

PPW 11 advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

Technical Advice Note 6 (TAN6) Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN 6 paragraph 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. Whilst it is acknowledged that this is not an application for a prior notification due to the size of the agricultural holding, the principles are still relevant to this application in terms of impacts.

TAN6 section A.14 states the siting of a new agricultural building can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

The justification provided to support the application states that the site is approximately 0.02 hectares in size and the applicant has 2 horses and 20 sheep.

The building is proposed to comprise 2 stables, 2 portable sheep pens, feed and fodder storage including storage for implements used for maintenance of the land.

Given that the use of the land has been for agriculture in the past, the building is considered to be acceptable in principle subject to further detailed assessment of its visual impact and other materials considerations.

4.2.2 Visual amenity including impact on AONB

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.

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. It should be noted that the site is not within the AONB, but approximately 700m to the west of the AONB boundary.

Representations raising visual amenity concerns have been received due to the size and location of the building and its impacts on the AONB.

The proposed design of the agricultural building is typical for agricultural development, and would be set in front of an existing hedgerow with mature trees. The building is proposed to have juniper green steel profile walls and roof. No external lighting has been proposed at the site and it is recommended that this is carefully considered to ensure no negative impacts on the character of the area and the AONB arise.

The building is proposed to have a footprint of some 165sqm with a height of 4.8m. It would protrude above the boundary hedge but is set back into the site from the road by some 47m. The building size is considered to be typical of this type of development and is considered to be justified against the number of animals proposed and the maintenance of the land. Ideally the building should be located nearer to where the applicants live, however, the proposed location has been selected due to there being a Public Right of Way adjacent to the applicants dwelling and to reduce the impact on neighbouring properties. Officers consider the final chosen siting of the building to be appropriate considering the constraints of the site.

It is not considered that the proposal would have a detrimental impact on the visual amenity of the area as the colour of the building would be recessive in the landscape and typical of agricultural development in the area. The building would be set back into the site and partly screened by existing hedgerow and trees and other buildings on the east side screening it from views from the AONB which is approximately 0.7km to the east.

Overall, it is not considered that the proposal would result in an unacceptable degree of visual harm or impact the character of the area in a negative way subject to the details being submitted within a scheme of external lighting which will be conditioned on any decision to grant to ensure the character of the area is protected.

4.2.3 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.

Representations have been received raising concerns relating to residential amenity including loss of privacy, loss of light and noise and odour impacts.

There are residential properties to the east of the site on the opposite side of the main road with the nearest dwelling, Clwyd Bank, approximately 57m to the east of the proposed building on the other side of the road.

With respect to comments received, it is not considered that the erection of an agricultural building in this location would raise privacy concerns given the separation distances, boundary treatments and the use of the building for agricultural purposes. It is not considered that the proposed building would result in a loss of light to the dwellings opposite and the noise impacts from vehicles using the track are likely to be minimal and would not be considered to warrant a reason for refusal in this regard. A midden is proposed to the east of the building and as the proposal serves a small number of animals (compared to a larger holding), it is not considered likely that the manure storage arrangements would result in a degree of odour nuisance that would justify a reason for refusal.

Having regard to the comments received, on balance, it is not considered that the proposed development would have an unacceptable impact on residential amenity.

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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW 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).

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) 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.

The proposal is not supported by an ecology survey however PPW states that all new developments should demonstrate a biodiversity enhancement. It is therefore considered reasonable to attach a condition to demonstrate that biodiversity

enhancement will be provided at the site as a result of the development. It is therefore considered subject to a condition, that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity net gain at the site.

Subject to the imposition of an appropriately worded condition it is considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 Drainage

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 drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 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*'.

The application is for the erection of an agricultural building within an existing field. Hardstanding is proposed to the new access track and a concrete apron to the front of the building.

SUDs approval will be required from the SAB as the building's size exceeds 100sqm and the additional hardstanding is also over 100sqm.

It is therefore considered that, subject to the SAB approval being obtained, the development would not have an unacceptable impact on the drainage of the site.

4.2.6 Highways (including access and parking)

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.

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

The proposal involves the utilisation and improvement of the existing field access to the north east corner of the site to facilitate the development.

The building will serve a small scale farm for pleasure rather than business and Highways Officers consider that vehicle movements to and from the site will not be excessive. Improvements are being carried out to the access to allow vehicles off the highway and an internal gate to allow the parking and turning of vehicles within the site so they can exit in forward gear.

The Highways Officer raises no objection to the proposal and does not foresee any highways related issues arising and over all, it is considered to be acceptable from a

highways perspective.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant subject to conditions.

RECOMMENDATION: GRANT- subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 19th July 2028
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:
 - (i) Proposed elevations, floor and site plan (Drawing No. 01 Rev 6) received 13 June 2023
 - (ii) Location plan (Drawing No. 02 Rev. 6) received 13 June 2023
 - (iii) Additional Info from agent received 26 April 2023
 - (iv) Additional info from agent received 9 May 2023
3. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
4. No development shall take place until a detailed scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include a full planting list of the species proposed ensuring only native species are implemented. The development shall be carried out strictly in accordance with the approved details.
5. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing
6. Notwithstanding the hereby approved plans, no external lighting shall be permitted to be installed on the building until the written approval of the Local Planning Authority has been obtained to details of the proposals, which shall be designed to avoid negative impacts on nocturnal wildlife. The approved measures shall be implemented in full and retained at all times thereafter.

7. Should the use of the building for agricultural and equestrian purposes cease, the building shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to a state fit for revegetation.
8. The use of the building shall be not be used at any time other than for purposes ancillary to the residential use of the dwelling at Cwm Hyfryd, and shall not be used for any commercial purpose at any time except by residents of the aforementioned dwelling.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In order to maintain and enhance biodiversity
4. In the interests of visual amenity and in order to maintain and enhance biodiversity
5. In the interests of visual amenity and in order to maintain and enhance biodiversity
6. In the interest of the amenities of occupiers of nearby properties and to protect nocturnal wildlife
7. In the interest of landscape and visual amenity
8. For the avoidance of doubt, in the interests of residential amenity

Agenda Item 6

WARD : Llandyrnog

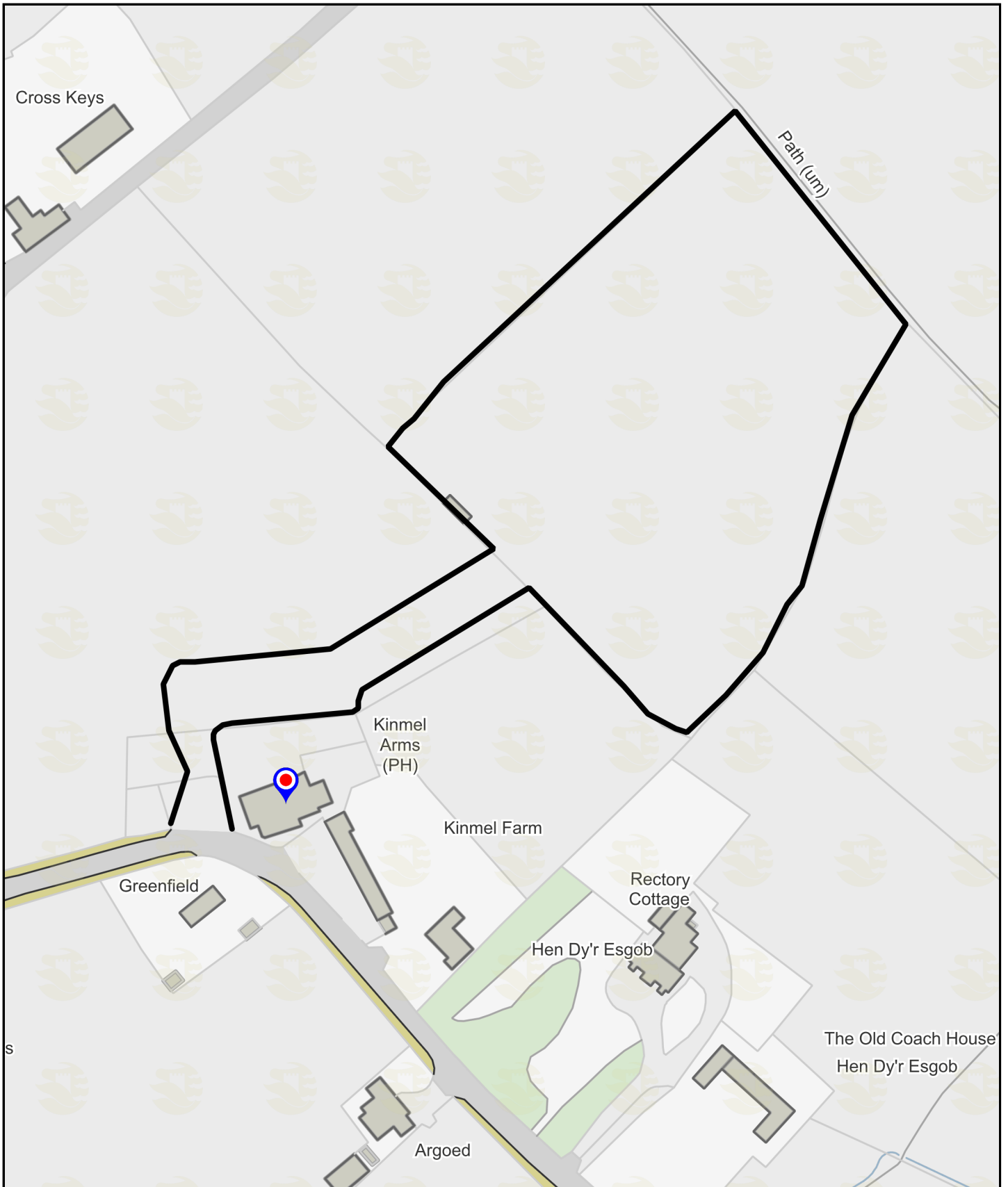
WARD MEMBER(S): Councillor Meryn Parry (c)

APPLICATION NO: 18/2021/1243/ PF

PROPOSAL: Erection of 5 Rotunda Roundhouses for holiday let purposes, erection of associated storage shed, alterations and extension to existing access, formation of parking, landscaping and associated works

LOCATION: Land to the Rear of Kinmel Arms Inn, Llandyrnog, Denbigh LL16 4HN

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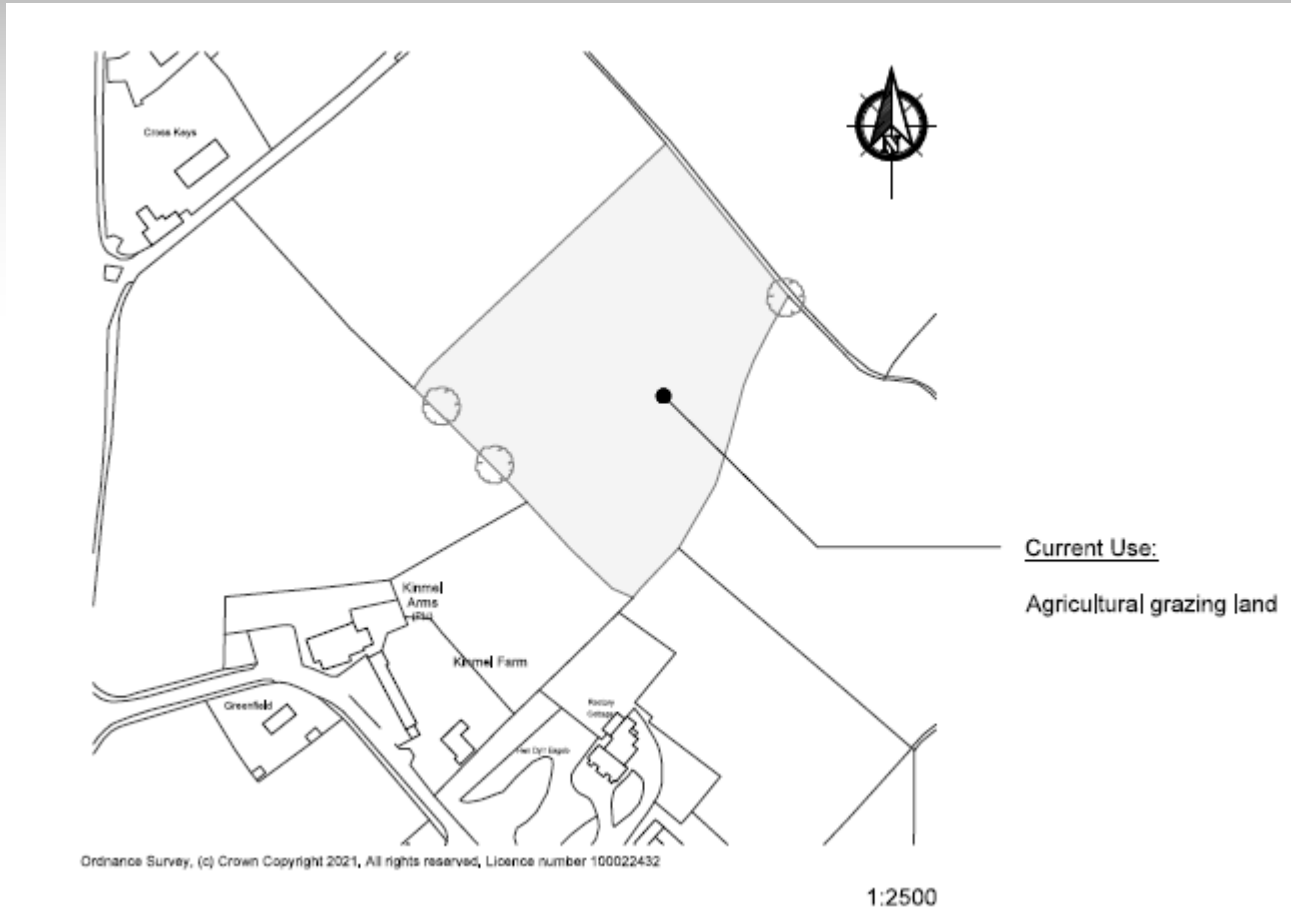
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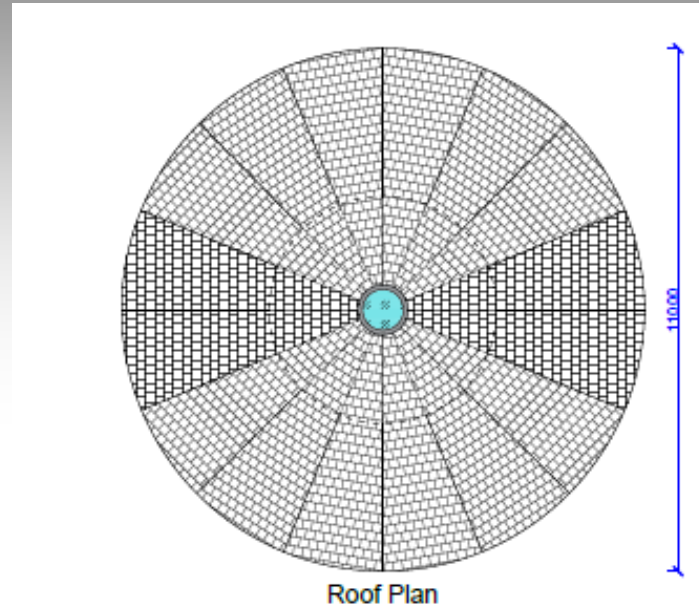
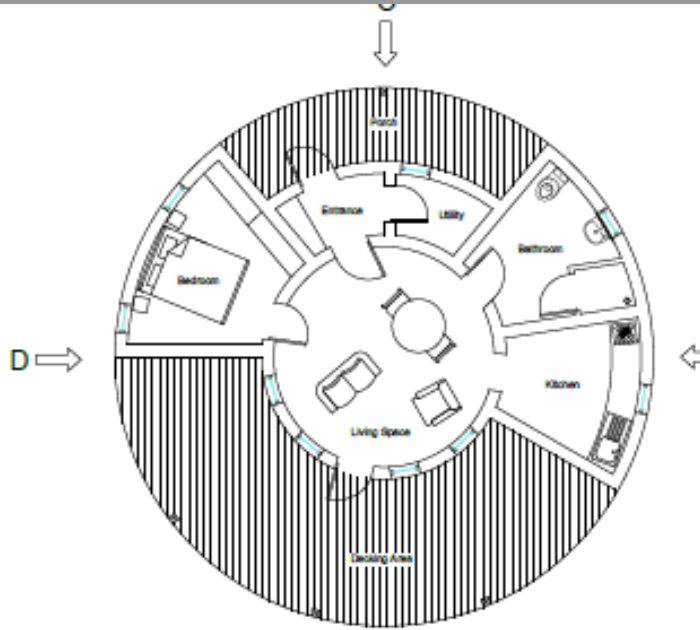
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Location plan



Front Elevation [A]

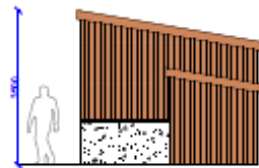
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Side Elevation [B]

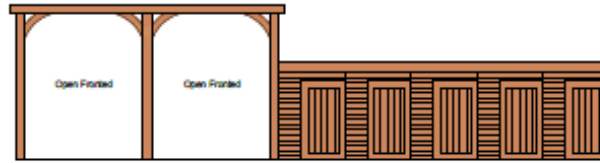
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Proposed floor and elevations



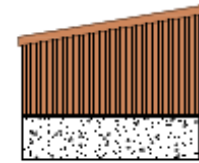
Side Elevation

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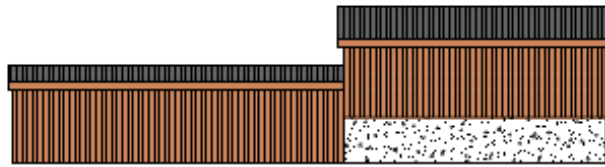
Front Elevation

Scale 1:100



Side Elevation

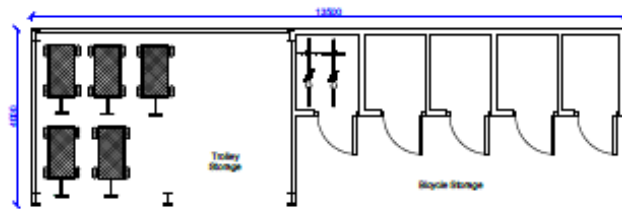
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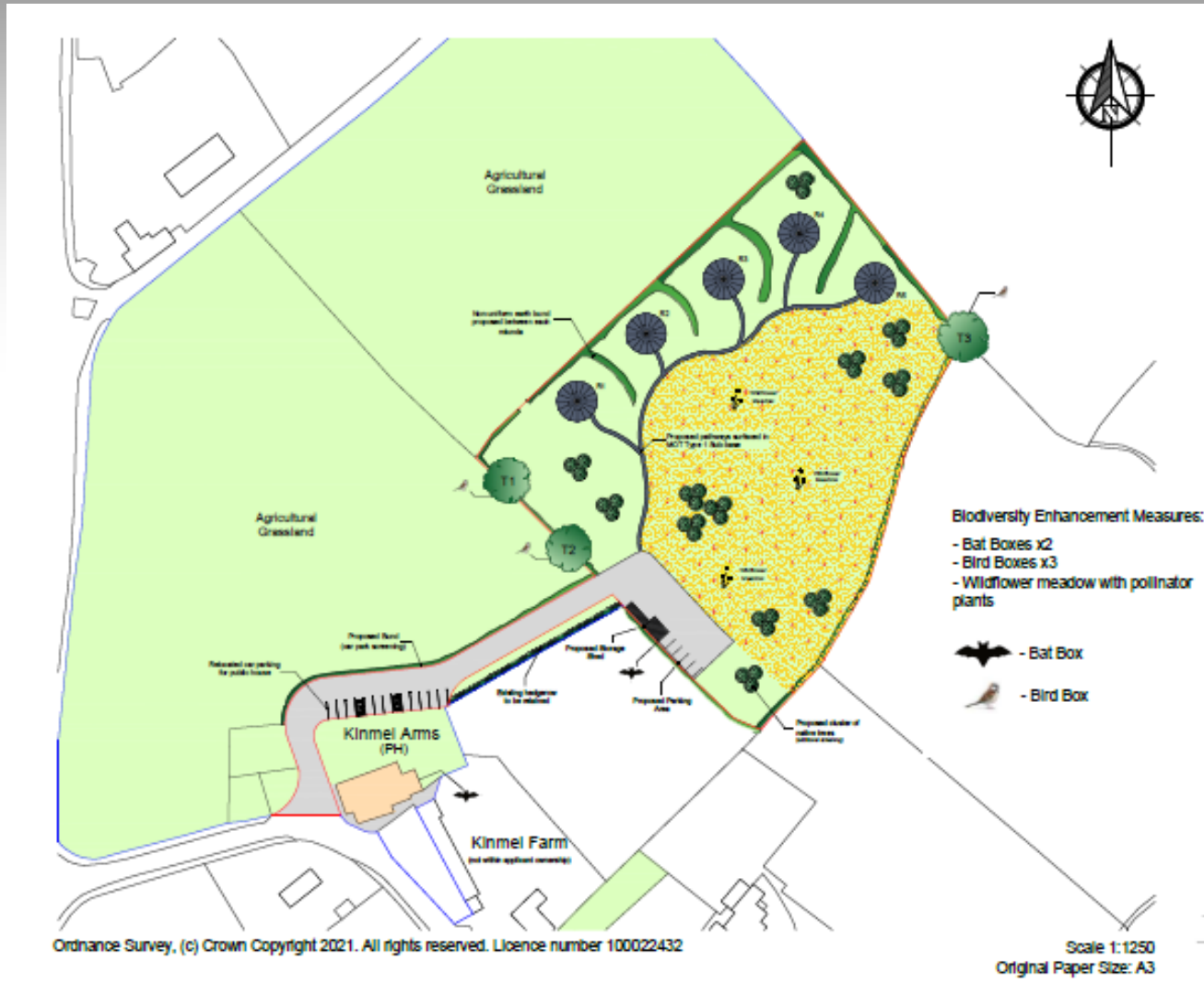
Rear Elevation

Scale 1:100

Proposed Floor Plan: (Storage Shed)



Proposed floor and elevations of shed storage building



Proposed site plan with landscaping



Aerial view of the site



Page 65

Location of access
to new parking
area





View towards glamping site along rear boundary of pub where new access track and parking will be located



View towards glamping site (behind trees) across neighboring field to the rear of the pub



View facing east within the site towards Clwydian Range and AONB

WARD : Llandyrnog

WARD MEMBER(S): Councillor Meryn Parry (c)

APPLICATION NO: 18/2021/1243/ PF

PROPOSAL: Erection of 5 Rotunda Roundhouses for holiday let purposes, erection of associated storage shed, alterations and extension to existing access, formation of parking, landscaping and associated works

LOCATION: Land to the Rear of Kinmel Arms Inn, Llandyrnog, Denbigh, LL16 4HN

APPLICANT: M Evans

CONSTRAINTS: PROW

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

Having studied the guidance as given in 'Supplementary Planning Guidance – caravans, chalets and camping' and PSE 12 within the LDP, the community council are unable to support the application for the following reasons:

- There is no design and access statement
- There is no business plan to show that this is a form of diversification from the farming enterprise
- Loss of grade two agricultural land
- Seriously lacking in landscaping details
- The application states that it does not affect a watercourse yet the treatment plant seems to indicate that it discharges into a water course
- No traffic impact assessment has been provided
- The rotunda units are 95sqm larger than the average size house so clearly they are not glamping ' pods' or any form of glamping experiences they are virtually huge permanent structures
- The treatment plant has been designed to deal with twelve people yet common sense dictates that the sofas shown will probably be sofa beds so the occupancy of these units will be at least four so the treatment plant shown would not be able to cope
- The proximity of these units would severely affect the amenity and privacy of nearby properties some within 100m of the site – by the very nature of people being on holiday the noise generated would be to an unacceptable level
- Although the location refers to the Kinmel arms this may give the false impression that allowing this development would somehow benefit the public house business but there is no evidence to suggest this is the case.

NATURAL RESOURCES WALES

Concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We note that the intention is to dispose of foul drainage to a package treatment plant (a private sewerage system). According to our records, the proposed development is located within a publicly seweraged area. The installation of private sewage treatment facilities within publicly seweraged areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 6.6.21 of Planning Policy Wales states 'Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...'

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer
Requested anticipated vehicle movements from the glamping site and once received added no further information was required.

- Footpaths Officer
Public footpath 2, Llandyrnog runs alongside the hedge at the north east boundary of the site in the neighbouring field. We therefore have no comments in relation to this application.

- County Ecologist-
Additional information required. Evidence of protected species has been noted on site. The proposed installation of fencing alongside the hedgerows may block movement across the site. Therefore, further survey effort is required to determine their use of the area access points through the boundaries.

- Drainage Officer-
SAB approval required.

- Strategic Housing & Policy Officer-
The proposed holiday units are rotunda roundhouses that appear to have permanent bases. If the proposed units do not have permanent bases then policy PSE 12 Chalet, static and touring caravan and camping sites applies. It appears however that the proposal is for permanent bases particularly as the proposal includes a sewerage treatment plant and the units include a bathroom, kitchen and utility area which indicates permanent utilities connections will be required. The relevant policy for this application is PSE 5 rural economy.

The application does not currently comply with PSE 5 Rural economy and additional information is required.

The proposal does not appear appropriate in scale and nature to its location. 1.2 hectares of land is being proposed for five roundhouses which cannot be considered an appropriate density. It is also not in keeping with its location between open fields. If the proposed units were situated closer to established buildings then this would be more in keeping with the rural location.

Secondly there is no evidence to indicate whether there are any existing buildings that could be converted or re-used in preference to the new build. Justification is required to confirm that the use of existing buildings is not possible and how the “roundhouses” will enhance the landscape and biodiversity. An assessment should also consider whether any protected or priority species are present on site.

Thirdly there is no business case to support the new business and explain how it will support the immediate local economy. It is not clear from the application as to whether the holiday accommodation is intended as a standalone business or is it intended to support The Kinmel Arms or Kinmel Farm diversification? The applicant needs to demonstrate the need for the holiday accommodation and the benefits it will bring to the immediate rural economy and community.

Renewable energy technologies should be considered.

No tree survey submitted which are impacted by the storage shed, package treatment plant and parking.

No external lighting details.

No landscaping scheme or landscaping management plan submitted

RECONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

Awaiting response.

NATURAL RESOURCES WALES

Awaiting response.

DWR CYMRU/WELSH WATER

Awaiting response.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

The proposed point of access for the development is to be provided at the location of the existing parking area for the Kinmel Arms Inn. This has been a previous established point of access and parking for frequenters of the Kinmel Arms. The proposal includes for the re-locating of this parking area to rear of the Kinmel Arms and the provision of a dedicated parking area on the site of the Rotunda Roundhouses. The access into the development is to be of sufficient width to accommodate the passing of two vehicles unobstructed. Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county leading to developments of a similar size.

Following consultation with the applicant, it is understood that one vehicle is permitted per accommodation unit. In which case, it is expected that during times of full occupancy five vehicles will be present on site. It would not be unreasonable to assume that guests would leave in the morning to enjoy the local amenities and return in the evening. This would generate five vehicle movements in the morning and five in the evening at potential peak traffic times.

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.

Having regard to the assessments above, taking into consideration the capacity of the existing highway network and the site access proposals, Highways Officers would see no reason to object to the proposed development.

- County Ecologist-

No objection providing conditions are attached to ensure there are no negative impacts on protected species or the nature conservation value of the site.

These conditions recommended include, the submission of a biodiversity enhancement scheme, all details of landscaping are carried out in the first available planting season following the commencement of development and the development is carried out in accordance with section 5 of the protected species survey.

- Strategic Housing & Policy Officer-

A balanced approach is required in protecting the environment and permitting change for the benefit of the community.

It is essential that the use of the public house and roundhouses support community life for future generations.

Careful consideration is required of conditions and legal agreements so that they can then be enforced in the future and the development will always benefit the community. Input from a legal officer is required.

It should be noted that an application for holiday accommodation alone, in a high quality agricultural field, without surrounding buildings and without a supporting farm diversification business case cannot be supported. Bringing the Kinmel Arms back into use is a consideration of this application.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Dr C J Porter and Margaret Porter Coed Coppi Fancer, Llandyrnog

Viviane C. Allinson, The Old Rectory, Llandyrnog

Victoria Conry, Rectory Cottage, Llandyrnog Carol Bellis, Erw Fran, Llandyrnog

Karen Law, Glan y Wern Lodge, Llandyrnog

Glyn Roberts, Kinmel Farm, Llandyrnog

Jackie Le Fevre, Victoria Le Fevre Taylor and David Taylor Greenfield, Llandyrnog

Philip Knight, Argoed, Llandyrnog

Andrew Raven and Annette Raven, 2 Penygroes, Llandyrnog

Chris Jones, Meadow Cottage, Llandyrnog

Summary of planning based representations in objection:

Principle of development

Insufficient detail submitted - no planning statement or business case/market research

Appears to be unconnected to the Kinmel Arms and its future use.

No outdoor sports facilities in the area to justify the development

No facilities such as shops, pubs, restaurants to support development

Development would set precedence for other applications in the area and AONB.

Only provides employment for 1 part time employee which does not benefit the local employment levels

Units should be classed as lodges and treated as 'static caravans' as DCCs policy states which are not supported.

Development would not contribute significantly to sustainable development in the area

Loss of high quality agricultural land

Site is on prime agricultural land and should be protected for agricultural and food security

Other more suitable sites available.

Impacts on AONB

Development close to AONB and visible impacting on views across from footpaths
No natural screening of the development from the AONB
Impacts on AONB Dark Skies by the central roof light
No external lighting details

Visual amenity

Not appropriate in scale and nature to its location
No landscaping or maintenance of site or management of hedgerows to maintain rural character
No screening proposed
Clearly visible on approach into the village
Visible from footpath running on northern boundary
Development obtrusive in the landscape
Set a distance from development
Buildings are larger than houses and would set a precedent
A landscape visual Impact Assessment should be carried out
No details of refuse storage or recycling facilities
Concerns over the future expansion of the site

Residential Amenity

Close to residential properties, noise and light pollution.
Loss of privacy to nearby properties
Noise from holiday makers, anti-social behaviour
Odour from BBQ's, fires etc
Noise impacting tranquillity of the area
Disturbance from car headlights straight into dwelling opposite

Highways impacts

Traffic generation impacting new vehicle access, road safety on narrow roads without footpaths or cycle lanes
The access is on an unclassified road on a bad bed and is dangerous for walkers with no pavements or cycle lanes.
No safe access to public transport
Sited next to a public footpath
Cumulative impacts of traffic on the roads from Highfield Park and the new development at Maes y Llan
Footpaths should be installed from the Kinmel Arms to the nearby roundabout and speed reduction management on nearby roads.

Trees and Ecology

No tree survey submitted and clearly impacts a line of trees and hedgerow.
Biodiversity enhancement measures should be provided

Sustainability

No details submitted on sustainability, energy consumption, offsetting, promotion of sustainable transport and reducing car journeys.
Car charging points should be provided
No solar panels proposed or renewable energy in the design of the units

Neither support nor object

Wendy Charles-Warner, Cross Keys, Bodfari Road, Llandyrnog
Summary of planning based representations:
Concerns over the layout and scale of the development which could expand across the field.
The huts should be closer to the Kinmel Arms
Concerns over noise generated impacting nearby by properties
Support diversification of the Kinmel Arms
Design of huts is tasteful

In support

Representations received from:
Paul Clark, Cefn Buddel, Llandyrnog

Summary of planning based representations in support:
Support proposal providing pub reopens.

RECONSULTATION RESPONSE TO PUBLICITY:

In objection:

Representations received from:
Wendy Charles-Warner, Cross Keys, Bodfari Road, Llandyrnog
Jackie Le Fevre, Greenfield, Llandyrnog
Bernard Summerfield, Green Pastures, Llandyrnog

Summary of planning based representations in objection:

Principle

No evidence of demand in the area, already low occupancies elsewhere
No security that the pub use will be opened
The benefits to the rural economy have been exaggerated
10 visitors will not sustain a pub restaurant business
No source provided for the spend and occupancy calculations
Less than £4k pre year profit is will not sustain the viability of the Kinmel Arms
Structures akin to static caravans which are not allowed by policy.
The accommodation is not 'vital' to the success of the pub which ran independently previously
The reopening of the pub should not enable holiday accommodation when the two are separate legal entities.
Concerns the development will be expanded within the site in the future
Loss of agricultural land

Visual Amenity

Units are not small scale and are obtrusive in the landscape
The accommodation is not 'modest' given bungalows are typically 77sqm in size.

Residential Amenity

Noise is a concern and could impact AONB
Concerns regarding proximity of units to property causing noise and disturbance year round

Ecology, trees and landscaping

The parking area and access road is close to the trees and roots
The hedgerow is made up of thorn bearing species which will need to be cut back to prevent thorns on the road
No stabilisation method for the bunds
Planting proposed is not suitable
Bunds won't be able to support species year round
Biodiversity enhancement proposed is lacking
No results from a badger survey have been submitted

Highways

The access road has a bund and no pedestrian or cycle access
Access and egress at the site isn't appropriate due to close proximity of roundabout and the bend
Service vehicles and additional staff, guests will result in an increase in traffic which is not appropriate for this location

In Support

Representations received from:

Christopher Burrows, The Green, Llandyrnog

Julia Duffy, 4 Hamdden Clwyd, Llandyrnog

Gilian Fraser, Gilfach, Llandyrnog

Ian Hunt, Dre Goch Ganol, Llandyrnog

Summary of representations in support:

Support the scheme if the Kinmel Arms is opened again

Re-opening of the Kinmel Arms will be a positive asset to Llandyrnog and surrounding area

Additional attraction for tourists

The holiday lets would provide jobs and support a local business

Eco credentials supported and low impact

Benefits to the community

Concerns over location of car park impacting views from the pub and accessibility

Neither Support nor Object:

Representations received from:

M. Williams, Y Glog, Llandyrnog

Summary of representations:

The Kinmel Arms was open to the community right up until it was sold to the applicants.

It has been left in a state of disrepair since being purchased.

EXPIRY DATE OF APPLICATION: 16/08/2022

EXTENSION OF TIME AGREED: 21/07/2023

REASONS FOR DELAY IN DECISION (where applicable):

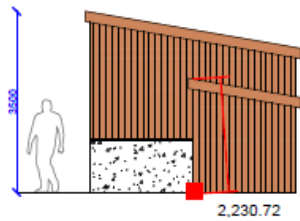
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

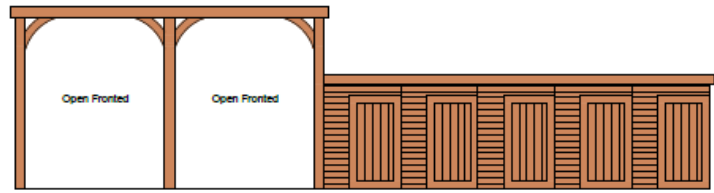
1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of 5 holiday accommodation units, a storage building, alterations and extension to existing access, formation of parking, landscaping and associated works on land to the rear of Kinmel Arms Inn, Llandyrnog.
- 1.1.2 The proposal is put forward as a joint venture with the reopening of the Kinmel Arms Inn and the application contends that the future success of the pub will be supplemented by the year round clientele of the glamping site.
- 1.1.3 The proposal involves the erection of 5 round houses adjacent to the eastern field boundary accessed via a pedestrian track from a car parking area on the south west boundary. The car park proposes 5 spaces and includes space for a storage shed.
- 1.1.4 The storage shed is proposed to have 5 bike storage lockers with a lean to roof with a height of 2.2m and a open sided trolley storage area with a lean to roof height of 3.5m. The shed would measure 4m x 13.5m.

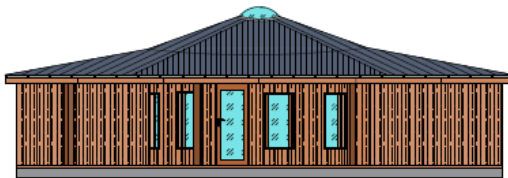


Side Elevation

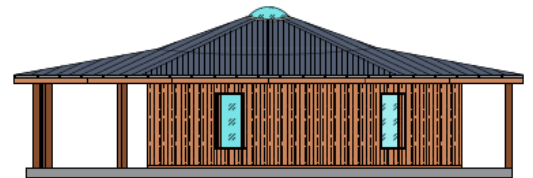


Front Elevation

- 1.1.5 The site is to be accessed via the south west side of the Kinmel Arms pub and creates a new access track with parking to the rear of the pub for 13 vehicles. The track runs parallel to the existing fence boundary and would be bound on the other side by a bund with planting.
- 1.1.6 The round houses comprise of timber cladding with tile/slate effect roofing sheets and upvc windows and doors. They have a diameter of 11m (total area measuring 95sqm) and would comprise a central living space, double bedroom, bathroom, kitchen and utility which takes up 55sqm of the footprint and the remaining footprint measures 40sqm which comprises a covered decking area.
- 1.1.7 The units are proposed to connect to the existing foul drainage sewer to the south of the site in the road.



Front Elevation [A]



Side Elevation [B]

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Statement, Business Case, Design and Access Statement, Landscaping plan, Explanatory Statement, development of graded agricultural land justification, and Phasing plan.

1.3 Description of site and surroundings

- 1.3.1 The site is an existing agricultural field located to the north east of the Kinmel Arms Inn. The field measures some 1.2ha in size and is bound on three sides by hedgerow and mature trees including a number of oaks in the north east hedge boundary.
- 1.3.2 The site is located in the open countryside and is approximately 1km from the boundary of the AONB designated area of protection.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside any development boundary defined by the LDP.
- 1.4.2 The site is located on land of grade 2 quality according to the Predictive Agricultural Land Classification

1.5 Relevant planning history

- 1.5.1 None.

1.6 Developments/changes since the original submission

- 1.6.1 Updated site layout plan, ecological survey and submission of landscaping scheme, foul drainage plan, explanatory statement, business case, justification for loss of high grade agricultural land and phasing of development plan.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC12 – Community facilities

Policy PSE5 – Rural economy

Policy PSE12 – Chalet, static and touring caravan and camping sites

Policy PSE14 – Outdoor activity tourism

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

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

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: Caravans, Chalets & Camping

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 13 Tourism (1997)

TAN 18 Transport (2007)

TAN 23 Economic Development (2014)

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 Loss of BMV agricultural land
- 4.1.3 Visual amenity including impact on AONB
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Section 5.5 of PPW11 relates to tourism and sets out a general presumption in favour of encouraging sustainable tourism, where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.

PPW11 states that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse local/national economy, but requires development to be sympathetic to the local environment and to the needs of visitors and the local community.

Section 5.5.2 of PPW11 confirms that in Wales “the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.”

TAN15 -Tourism is consistent with the approach of PPW and confirms the importance of the tourism sector to the Welsh economy and under paragraph 4 states that Tourism “Makes a major contribution to the Welsh economy, provides employment in

a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas”.

TAN 6 Planning for Sustainable Rural Communities provides guidance on how Authorities should seek to create sustainable rural economies. Para. 3.1.2 states that they “should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment.”

The proposal is considered to reflect this guidance, as it would be a relatively small scale rural business that would assist in supporting and diversifying the economy of the rural area in which it is set, and would provide employment for local people. The proposal has been put forward as a scheme which would go hand in hand with the reopening of the Kinmel Arms Inn which has been closed for some time. The holiday accommodation is proposed to compliment the proposed high standard eatery/restaurant which is to occupy the pub in the near future. The Statement contends that the proposed joint venture would support the local economy and local community by bringing a community facility back into use.

The proposed holiday accommodation site has not been put forward as farm diversification as such, but rather as a scheme to supplement the reopening of one of the remaining village pubs. The pub is in need of renovation works which will be carried out by local trades people and local suppliers will serve the pub/restaurant once opened.

Having regard to relevant Local Development Plan Policies, Policy PSE 12 relates to chalets, static/touring caravans and camping sites and allows for the environmental improvement of existing sites but does not allow any new static caravan sites to be created. Noting the suggestion in some consultation responses that the units should be treated as caravans, Officers hold the contrary opinion that the proposed units would not meet the definition of a caravan due to the fact that they must be erected in situ and are not capable of being moved once erected. The roundhouses are proposed to be screw piled into the ground which indicates a degree of permanency and therefore constitute development of the land as opposed to a use of the land.

The proposal is not directly linked to a specific outdoor activity, and as such Officers are of the opinion that Policy PSE14 is not directly relevant to the assessment of the proposal. Officers instead consider that the most relevant policy to be ‘Policy PSE5 - Rural Economy’.

Policy PSE 5 states that:

Appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and*
- ii) any suitable existing buildings are converted or re-used in preference to new build; and*
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and*
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.*

The justification to Policy PSE 5 establishes the need to sustain rural employment throughout the County is recognised and relevant considerations relating to sustainability and minimising environmental concerns are identified. The 5 proposed roundhouses have a footprint of 95sqm and are situated on a field measuring 1.2ha in

size. The development area would take up approximately 10.3% of the total field, with the remaining field left to wild naturally.

Having regard to criteria i) of PSE5, Officers consider that 5 roundhouses of the scale proposed would not be unacceptable in this location. Whilst the scheme does not make efficient use of the field for development as such, allowing a large area to wild would have many other ecological benefits than retaining it for monocultures or increasing the number of units on the site. The nature of development for holiday purposes in this rural location is not uncommon and would enhance the tourism offer in the county, bringing visitors to rural areas and increasing spending in local shops and services therefore enhancing the rural economy.

The appropriateness of the scale and nature of the proposal is not considered to be unacceptable in this location.

As the proposal does not relate to farm diversification, no alternative buildings are available for conversion to holiday lets instead of the new build roundhouses and it is not possible to comply with criteria ii). The proposal aims to renovate and bring life back into a local pub whilst supplementing it with an offer of conveniently located holiday accommodation nearby. Policy BSC12 Community Facilities states that 'the Council will support and encourage the retention and improvement of community facilities which provide an essential facility to support the sustainability of Denbighshire's communities'. The Explanatory Statement explains that the two business ventures are interlinked and the Phasing Plan states that the pub renovations would commence first, along with the access track and parking area to serve the pub. The pub is intended to be opened before the glamping units. It is considered reasonable to condition this Phasing Plan document to ensure that appropriate phasing controls are in place prior to occupation of the units.

Having regard to criteria iii) of the above Policy, a Business Case was submitted with the proposal. It includes a discussion on how the scheme would contribute to the local economy including an estimated guest spend in the locality based on an occupancy of 60%. The site will require maintenance and management which will create jobs for local people including the job creation through the reopening of the pub. Marketing is proposed over social media, a booking agent and website. The set up costs of the roundhouses alone are estimated to be up to £300,000. Representations have been noted which raise concerns over the true value to the rural economy a development of this size would bring and Officer's acknowledge that this has not been backed up by any specific evidence. However, the future benefits to the economy are difficult to quantify but on balance the reopening of the pub and provision of tourism accommodation would likely have some benefit to the local economy and community.

Nevertheless, should the units become no longer financially viable, a condition can be attached to any decision to ensure the units are removed from the land and the land is restored to a state fit for revegetation.

To conclude, the principle of holiday unit accommodation in this location is not considered to be unacceptable and in addition the proposal presents a very realistic opportunity for the pub to reopen. The proposal is therefore consider acceptable subject to an assessment of the localised impacts.

4.2.2 Loss of agricultural land

PPW 11 Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an

environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

Representations have been received raising concerns regarding the loss of high grade agricultural land.

Having regard to the loss of Grade 2 agricultural land, Officers consider that the size of the area which is proposed for development (1.2ha) which would account for 10.3% of the total field would not result in an unacceptable loss of agricultural land as the site could be returned to agricultural use should the use for holiday accommodation cease. The Justification statement claims that the project is low impact as the site is situated to one side of a field, adjacent to hedgerow boundaries and the units are proposed to be ground screwed into the ground. The sub base proposed for the access track and parking area is permeable and low impact as it can be easily removed if required. Officers consider it is likely that the ground could be returned to a state fit for revegetation should the use of the site cease and the land could be restored for agricultural purposes once again.

It is considered reasonable to ensure a condition of this nature is attached to any decision to ensure it is returned to agricultural use should the proposed use cease.

The proposal has been put forward as development in conjunction with the reopening of the Kinmel Arms Inn. Officers consider this to be an important local community asset which would have numerous community benefits and its reopening is supported. It is considered that the proposed development of the site for holiday purposes in connection with the reopening of the pub, would not be detrimental to the availability of best and most versatile agricultural land elsewhere and the proposal is considered to be justified in this instance.

4.2.3 Visual amenity including impact on AONB

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

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

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 Planning Policy Wales 11 that which requires planning authorities should 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.

Representations have been received raising visual amenity issues which include that the development is not appropriate in this location, will be obtrusive in the landscape and will be clearly seen from the Clwydian Range and the AONB.

Officers acknowledge that the location of the site is away from the existing development, however, it is considered that the proposal could be well integrated into the site through a comprehensive landscaping scheme which would provide adequate screening for the site from views from the east and road to the west. The proposal is for 5 large roundhouses to the north west side of a field against a hedge backdrop, it is not considered that the scale of the development would result in an unacceptable impact on the visual amenity of the area as the screening proposed would set the units into the site. More than 5 units or units spread over the wider field area may have an impact and Officers consider a condition should be attached to restrict the number of units permitted on the site.

The roundhouses are sited with a back drop of hedgerow and trees to the east and are proposed to be clad in a natural timber. Additional planting and landscaping is proposed between the units and along the new access track which would help integrate the site into the wider landscape. The shed and bike storage buildings are also proposed to be set back against the backdrop of hedge and are not considered to not raise any significant visual amenity concerns.

Having regard to the comments received, whilst it is acknowledged that the site is a distance away from any existing buildings, it is considered that, with sufficient screening and landscape arrangements, on balance, the proposal could be considered to be acceptable in this location in terms of visual amenity impacts and would not unacceptably harm the character of the setting of the AONB. It is considered reasonable that a condition is attached to any decision regarding further details of the landscaping, planting arrangements and external lighting to ensure that the development would not appear prominent in views into or out of the AONB, particularly to the eastern boundary and between the units.

It is considered that the scheme would not result in an unacceptable adverse visual impact due to the siting of the units within the field and the proposed landscape and screening arrangements. It is not considered that the development would have an unacceptable impact to the visual appearance and character of the area close to the AONB and the proposal is in general compliance with the tests contained within the DMM and Policy VOE2.

4.2.4 Residential amenity

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

Representations have been received raising residential amenity concerns. These included overlooking and loss of privacy concerns and impacts including noise, odour and light pollution from the site.

The nearest dwellings are located approximately 80m to the south east of the site including, Kinmel Farm, Rectory Cottage and Hen Dy'r Esgob with Cross Keys and Hafod Hedd located to the north west and north of the site approximately 100m away separated by fields and hedgerows.

With respect to comments received, it is not considered that overlooking or privacy issues would arise as a result of the development given the separation distances

between the properties and the site and the hedgerow boundaries which screen the site.

As the proposal is for 5 x 1 bed roundhouses, it is considered that the likely increase in vehicles coming to the site would be 5 and a minimum number of 5 couples occupying the site with the potential for an increase in numbers of people if the sofa beds are used for children or other guests, possibly up to 20 people. It is not considered that there would be an unacceptable noise generation at the site when it is at full capacity as a result of vehicle movements when considering the noise associated with the pub being brought back into use.

It is not considered that the level of activity associated with the proposed holiday accommodation units would result in a level of noise and disturbance to occupiers of nearby properties which would give rise to a reason for refusal in this regard. The Public Protection Officer has informally advised that noise nuisance is not usually associated with this type of development, however the granting of any planning permission would not preclude Public Protection from investigating should any complaints arise in the future.

Given the separation distances between the site and unrelated properties, it is not considered the proposal would result in an unacceptable impact to residential amenity. It is considered that an external lighting scheme should be submitted for approval to ensure that any impacts from light pollution can be managed to an acceptable level.

4.2.5 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW 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).

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.

Representations have been received on ecological grounds raising concerns over the impacts to the trees within the hedgerows and the lack of ecological enhancements.

A Preliminary Ecological Assessment (PEA) and protected species survey were submitted with the application.

The assessment identified the site comprised improved agricultural grassland with hedgerow with remnant earth banks and concluded that there was little suitable habitat available to support protected species. The hedgerows are tightly trimmed with a few mature trees included 3 mature oaks. The development includes proposals to increase biodiversity on the site by creating either a species-rich neutral grassland (haymeadow) or an annually-sown native mix suitable for pollinators; and also planting small groups of smaller native flowering and fruiting trees and shrubs around the development to benefit pollinators, birds and small mammals.

The Ecology Officer has reviewed the report and advised that further surveys were required. The submitted survey concluded there was no recent activity of protected species within the site, however recommended further surveys are carried out pre commencement and that the proposed works will retain the existing site boundaries and will have no direct impact on protected species providing precautions are taken during the construction element of the work. The Ecology Officer has recommended conditions are attached to ensure the recommendations in the report are carried out.

Section 6.4 of PPW 11 advises that all new developments should provide a biodiversity enhancement and it is considered reasonable to include appropriately worded conditions to any decision to ensure there are no negative impacts to protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity. This can also include an external lighting scheme and ensuring the landscaping scheme delivers a net benefit for biodiversity.

4.2.6 Drainage

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 drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 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*'.

The initial proposal as submitted proposed the installation of a package treatment plant. NRW advised that the site was located within a sewered area and efforts should be made to connect to the existing public sewer or the proposal needs to be justified against the Drainage Circular.

The application was amended to include a connection to the foul public sewer to the front of the pub within the road and NRW's and Dwr Cymru/Welsh Water's response were awaited at the time of the report.

It is considered that surface water can likely be appropriately managed at the site given the field location. As the site involves a construction area of over 100sqm, SAB approval will be required to be obtained from the SAB approval body and a note to applicant will be included to remind the applicant of this duty.

4.2.7 Highways (including access and parking)

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.

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. These policies reflect general principles set out in Planning Policy Wales 11 (PPW11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received regarding highways related matters including the impacts of traffic generation from this development and others in the area, road safety on narrow roads without footpaths or cycle lanes and no safe access to public transport.

The proposed point of access for the development is to be provided at the location of the existing parking area for the Kinmel Arms Inn. This has been a previous established point of access and parking for frequenters of the Kinmel Arms. The proposal includes for the re-locating of this parking area to rear of the Kinmel Arms and the provision of a dedicated parking area on the site of the Rotunda Roundhouses. The access into the development is to be of sufficient width to accommodate the passing of two vehicles unobstructed. Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county leading to developments of a similar size.

The hardstanding proposed would be type 1 sub-base to allow for natural drainage which is considered to be acceptable. The holiday accommodation units require one space per unit which is in line with the advised 1 space per bedroom guidance adopted within the Parking Standards SPG relating to dwellings but is considered to be applicable here. It is expected that during times of full occupancy five vehicles will be present on site. It would not be unreasonable to assume that guests would leave in the morning to enjoy the local amenities and return in the evening. This would generate five vehicle movements in the morning and five in the evening at potential peak traffic times.

The Highways Officer has considered the proposal and has had regard to the scale of the proposed development, the existing highways network and the submitted highways details, and considers that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

The proposed access to the site is not considered unacceptable in this location and would provide additional parking for the pub preventing parking along the roadside during village/ pub events. With respect to the comments received, the anticipated vehicle movements to the roundhouses are not expected to raise unacceptable impacts on the highway network when considering the movements expected at the pub once reopened.

It is therefore considered that the proposal would not have an unacceptable impact on the highway network.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 The application is considered to be acceptable on the basis of the information submitted regarding the impact to visual amenity and tourism benefits and is recommended to be granted subject to conditions.

RECOMMENDATION: GRANT- subject to the following conditions:

1. The development to which this permission relates shall be begun no later 19th July 2028
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:
 - (i) Existing Site Plan - Received 17 June 2022
 - (ii) Proposed Elevations, Floor Plans & Site Layout - Received 26 June 2022
 - (iii) Preliminary Ecological Appraisal (Emlyn Ecology, Dated 23 June 2023) - Received 23 June 2023
 - (iv) Planning Statement - Received 19 May 2023
 - (v) Proposed site plan - Received 26 June 2023
 - (vi) Existing parking provision block plan - Received 23 June 2023
 - (vii) Proposed Landscaping Scheme - Received 26 June 2023
 - (viii) Proposed foul drainage scheme- Received 26 June 2023
 - (ix) Explanatory Statement - Received 26 June 2023
 - (x) Business Case - Received 26 June 2023
 - (xi) Protected Species/Badger Survey (confidential) (Switch Ecology, dated 27 June 2023) - Received 30 June 2023
 - (xii) Development of Graded Agricultural Land Justification - Received 3 July 2023
 - (xiii) The Kinmel Arms and Associated Glamping site development Phasing (Z.Addison, dated 3/07/23) - Received 4 July 2023
3. The Rotunda Roundhouse holiday accommodation hereby approved shall be occupied for holiday purposes only and not as a person's sole or main place of residence. A record shall be kept of all occupiers of the units and shall be made available for inspection at the reasonable request of the Local Planning Authority. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.
4. Should the use of the site cease for holiday accommodation purposes, the Rotunda Roundhouses, car parking area and storage sheds shall be removed from the land within 6

months of the date of the cessation of the use and the land shall be restored to a state fit for revegetation.

5. The development shall only be implemented in accordance with the approved phasing contained within The Kinmel Arms & associated Glamping Site Development Phasing Plan (Z. Addison, dated 3/07/23) unless otherwise agreed in writing by the Local Planning Authority and development in connection with the specified phases shall not be permitted to commence until all the elements of the preceding phase have been completed and brought into use.
6. Notwithstanding the hereby approved plans and documents, none of the Rotunda Roundhouses hereby approved shall be brought into use until the Kinmel Arms Inn has completed its renovation and is operating/open to the public.
7. No more than 5 Rotunda Roundhouses, including any other types of holiday accommodation including caravans, camping tents and yurts shall be located within the application site at any time.
8. None of the Rotunda Roundhouses shall be permitted to be occupied until the access track and parking serving the site have been completed in accordance with the approved plans
9. Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of:
 - i. proposed materials including finish and colour to be used on the paths, patio areas and other hard surfaced areas;
 - ii. proposed positions, design, materials and type of all boundary treatments including all fences and gates
 - iii. native species hedgerow planting to all bunds and boundaries including a mix of at least 7 species.
 - iv. details of the bin and recycling storage including materials, finish and colour
 - v. full details of all proposed tree (including recommended fruit trees) and shrub planting including species, maturity and timing of implementation and locations shown on plans
 - vi. details of wildflower areas including species mix and management
 - vii. details of the future management of all trees, hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period
10. Notwithstanding the hereby approved plans and documents, within 3 months of the commencement of development, a detailed Site Management Plan shall be submitted to the Local Planning Authority for approval in writing. This shall include details of all on site operations and rules for visitors to adhere to. The development shall proceed in line with the details as approved.
11. Notwithstanding the hereby approved plans and documents, the development shall not be brought into use until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
12. The development hereby approved shall be carried out in strict accordance with the recommendations set out in Section 9 of the approved Preliminary Ecological Appraisal (Emlyn Ecology, dated 23/06/2023) and Section 5 of the Badger Survey (Switch Ecology, dated 27/06/2023).
13. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any hedges, trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of similar size and species, unless otherwise agreed in writing.

14. No external lighting shall be permitted to be installed or operated on the site, including emergency/ security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage. The scheme shall be carried out strictly in accordance with the approved details and retained as such thereafter.
15. 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 an a scheme to be agreed in writing by the Local Planning Authority prior to the commencement of development. 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.
16. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any retained trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority, no later than the next planting season.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure that the units are utilised for holiday accommodation purposes only in line with national and local planning policies.
4. In the interest of landscape and visual amenity
5. To ensure the progressive development of the site and that the Kinmel Arms Inn is brought back into use in conjunction with the approved holiday accommodation development.
6. To ensure the progressive development of the site and that the Kinmel Arms Inn is brought back into use in conjunction with the approved holiday accommodation development.
7. The extent of development is considered to represent the maximum acceptable to ensure the delivery of the Kinmel Arms reopening.
8. To ensure the units are served by adequate access and parking provision
9. In the interests of landscape and visual amenity and to maintain and enhance biodiversity
10. In the interests of visual amenity and to maintain and enhance biodiversity
11. In order to maintain and enhance biodiversity
12. In order to maintain and enhance biodiversity
13. In the interests of landscape and visual amenity
14. In order to maintain and enhance biodiversity
15. In the interest of visual amenity and enhancing the biodiversity of the area.
16. In the interests of visual and residential amenity

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Agenda Item 7

Luci Mayall

WARD : Denbigh - Caledfryn - Henllan

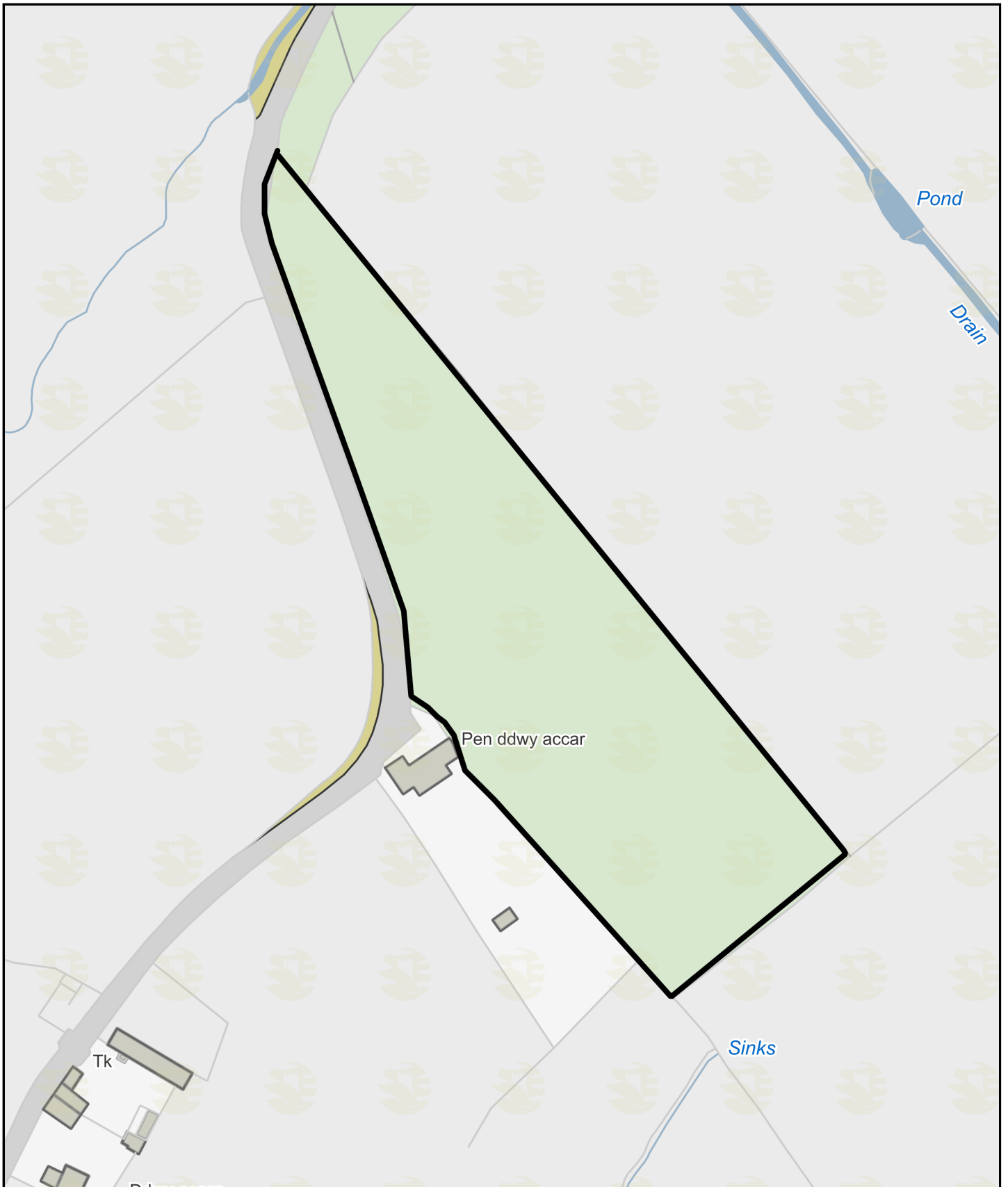
WARD MEMBER(S): Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd Williams

APPLICATION NO: 01/2023/0231/ PF

PROPOSAL: Change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works

LOCATION: Land adjacent to Pen Ddwy Accar, Lawnt, Denbigh, LL16 4SU

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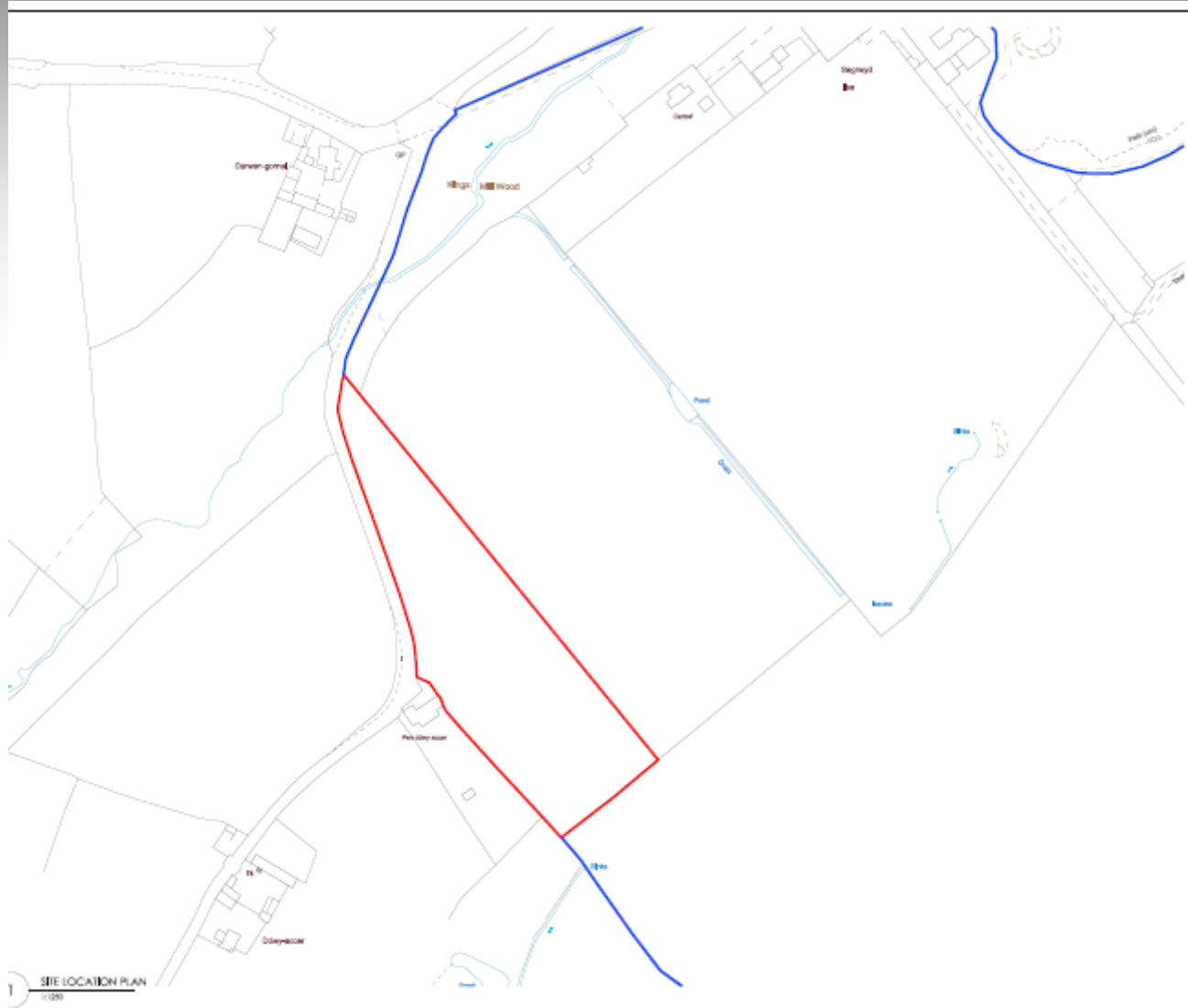
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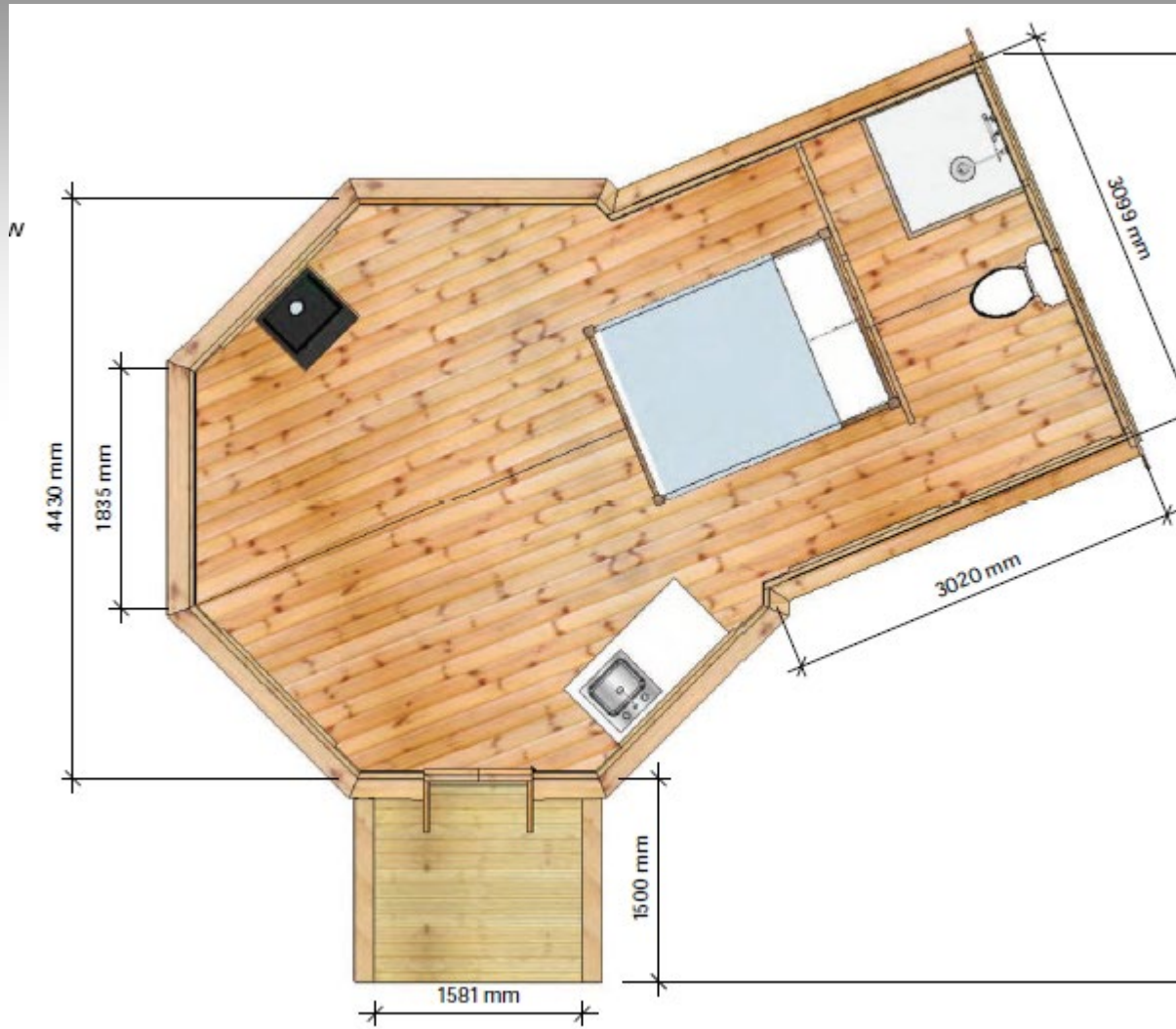
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Location plan



Proposed site plan



Proposed floor plan



Proposed elevations





Views within the site facing
north east and south east



View within the site towards Pen Ddwy Accar

View of the access
facing north



Page 109

View from the
access facing
south west

WARD : Denbigh - Caledfryn - Henllan

WARD MEMBER(S): Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd Williams

APPLICATION NO: 01/2023/0231/ PF

PROPOSAL: Change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works

LOCATION: Land adjacent to Pen Ddwy Accar, Lawnt, Denbigh, LL16 4SU

APPLICANT: Mr Rhys Hooson

CONSTRAINTS: None.

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL-
No objection.

NATURAL RESOURCES WALES

Additional information required.

Concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage and pollution prevention.

The developer has not submitted any porosity/percolation testing results. Nor are there calculations for the specific size of any proposed soakaway.

Applicants wishing to operate a private sewerage system will need *either* to apply to us for an environmental permit *or* register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

DWR CYMRU / WELSH WATER

The proposal intends utilising an alternative to mains drainage, seek advice from NRW and building regulations.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer-

“No objection.

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

- o *Capacity of existing network*
- o *Site access*

The following information has been reviewed as part of the assessment of the proposals;

- Design and Access Statement
- Site Plans

The application site as existing has no direct access from the local highway network. Alterations will be required for the provision of a suitable access. As part of the development, a new access point is proposed from the public road (B4501). In the applicant's submission, they have stated that this location has been chosen to ensure maximum visibility from each of the existing road corners. This is evident from the Proposed Site Plan. The site access will be located approximately 95m from the Northern corner and 50m from the Southern corner. Whilst the road is subject to a maximum speed limit of 60mph, it is highly unlikely that these speeds can be achieved on a relatively narrow and low trafficked country lane. The access point shown is to be approximately 5m wide with splayed post and rail timber fencing not exceeding 1.1m in height thus not reducing the visibility for exiting vehicles. The access is shown to be of sufficient width to accommodate the passing of two vehicles unobstructed. This type of access arrangement is not uncommon for access onto a country lane. Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county leading to developments of a similar size.

A timber gate is to be installed at the site entrance, shown on the Proposed Site Plan to open inwards. The location of the gates appear to be approximately 5m from the edge of the highway, which would accommodate one vehicle to stop clear of the highway if the access gate was closed. A hardstanding is illustrated within the site to accommodate the parking of 4 vehicles along with sufficient space for the turning of vehicles to ensure exiting of the site can be carried out in a forward gear.

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.

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

- Public Protection Officer-
Informally advised that this isn't the sort of development that has historically raised noise complaints and there would be no requirement for a noise impact assessment to be submitted. The applicant may want to surround the hot tubs with substantial fences that would act as a solid noise barrier.

Please note, the granting of planning permission does not preclude the Public Protection Department from carrying out a formal investigation should a statutory nuisance complaint be received in the future.
- Ecology Officer
No objection providing conditions are attached to ensure there are no negative impacts on protected species or the nature conservation value of the site. Recommend conditions are attached around the submission of a biodiversity enhancement scheme, ensuring that all works take place outside of bird nesting season, an external lighting scheme is submitted for approval and a detailed landscaping scheme is submitted ensuring all trees and hedges to be retained are protected during site clearance.
- Drainage Officer
SAB approval required.

- Tree Specialist-
The site clearly has mature trees and whilst the application is only for two holiday pods I still consider that a BS5837:2012 tree survey is necessary with an accompanying Arboricultural Impact Assessment. An Arboricultural Method Statement will only be necessary if the AIA finds that trees will be affected.

RE-CONSULTATION RESPONSES:

Percolation test results and Arboricultural Impact Assessment submitted.

NATURAL RESOURCES WALES

Awaiting response.

- Tree Specialist-
Awaiting response.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Paul Davies and Natalie Pollard Cartref, Lawnt, Denbigh

Gerwyn Lloyd, Coed Derw, Lawnt, Denbigh

Arwyn Lloyd, Geraint and Gwenfyl Lloyd, Derwen Gornel, Lawnt, Denbigh

Kathryn Jones, Penddwy Accar, Denbigh

Helen a Iorwerth Jones, 13 Ffordd Thomas Gee, Denbigh

Sian Vaughan Jones, 72 Trewen, Denbigh

Summary of planning based representations in objection:

Principle

New static caravan sites not permitted PSE12

Visual amenity

Location not suitable as its on the top of a hill with direct views to properties below and walkers using the footpaths passing Segrwyd Isa.

Prominent location and will stand out and be visible for a great distance.

Alternative sites nearer to the farm would be more suitable and less obtrusive.

Extensive screening required to separate the site from the agricultural land not in line with the SPG guidance

Residential amenity

Noise concerns being within 200m of nearby properties

Other sites across the farm should be considered

Elevated site and noise travels

Hot tubs will generate noise outdoors.

Privacy impacts from overlooking

Lack of foliage in winter will raise more overlooking concerns

Disturbance from visitors lost trying to find the site, already occurs.

Overlooked by adjacent property

Highways Impacts

The site is off the B4501 which is a national speed limit road

The main road is steep and narrow and has blind corners either side of the entrance where the wall and hedge will be retained.

Site not served by footpaths or cycle ways and narrow roads are a hazard for pedestrians/ cyclists

Access not suitable for more vehicle use

No street lighting on this road B4501

No public transport or reasonable walking distance from- car access only

In support

Representations received from:

Marian Hooson, 115 Garden Lane, Chester

Tracie Hope, 22 Brussels Road, Stockport

Summary of planning-based representations in support:

Similar businesses in the area and will bring additional benefits to local business through tourism and employment opportunity in the area.

The cabins are small scale and would not cause disruption to immediate neighbours

Farm diversification scheme should be supported to generate income for the farm

Location does not impact farm operations and will regenerate the land which is currently neglected.

Additional planting will reduce visual impacts and noise.

EXPIRY DATE OF APPLICATION: 28/05/2023

EXTENSION OF TIME AGREED: 21/07/2023

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works at land adjacent to Pen Ddwy Accar in connection with Segrwyd Isa farm, Lawnt, Denbigh.
- 1.1.2 The units are to be fixed to a timber base piled into the ground and would be located within the site approximately 51m from each other. A car park for 4 vehicles is proposed near the new entrance into the site including turning area and bin store.
- 1.1.3 The units would have a round hipped roof to a height of 3.7m and lower pitched roof height of 3m. A front porch is proposed along with open plan kitchen/living/dining and separate shower room and toilet. The total footprint of the units would measure 20sqm.
- 1.1.4 A woodfired hot tub is proposed outside the cabins along with an internal log burner.
- 1.1.5 The cabins are accessed from the gravel car park via a permeable footpath.
- 1.1.6 Soft landscaping is proposed including native species hedgerow to the north east boundary to demark from the agricultural field, tree planting, wildflower meadow planting and ornamental and native shrub planting.
- 1.1.7 Bollard lighting is proposed around the paths.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Design and access statement, business case, Preliminary Ecological Appraisal, Tree Survey, percolation test results.

1.3 Description of site and surroundings

- 1.3.1 The total site area measures 1.16ha and comprises a number of mature trees within an area of the field which is used for grazing.
- 1.3.2 The site is bound by a stone wall to the west and southern boundaries with timber fencing to the north and east. There are a number of mature trees within the site and the site has previously been used for grazing.



Photos from Design and Access statement

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of the Denbigh Development Boundary and is considered to be in the open countryside for planning purposes.
- 1.4.2 The site is located on Grade 3a land according to the Welsh Government Predictive Agricultural Land Classification.

1.5 Relevant planning history

- 1.5.1 None.

1.6 Developments/changes since the original submission

- 1.6.1 Tree survey, ecological survey, percolation test results.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy PSE12 – Chalet, static and touring caravan and camping sites

Policy PSE14 – Outdoor activity tourism

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 13 Tourism (1997)

TAN 18 Transport (2007)

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 Impact on best and most versatile Agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology and trees
- 4.1.6 Drainage
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Section 5.5 of PPW11 relates to tourism and sets out a general presumption in favour of encouraging sustainable tourism, where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.

PPW11 states that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse local/national economy, but requires development to be sympathetic to the local environment and to the needs of visitors and the local community.

Section 5.5.2 of PPW11 confirms that in Wales “*the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.*”

TAN15 -Tourism is consistent with the approach of PPW and confirms the importance of the tourism sector to the Welsh economy and under paragraph 4 states that Tourism “*Makes a major contribution to the Welsh economy, provides employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas*”.

TAN 6 Planning for Sustainable Rural Communities provides guidance on how Authorities should seek to create sustainable rural economies. Para. 3.1.2 states that they “*should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment.*”

It is considered that the proposal reflects this guidance, as it would be a small rural business that would assist in supporting and diversifying the economy of the rural area in which it is located and would provide employment for local persons.

Concerns have been raised that the principle of development is not acceptable as Policy PSE12 does not permit new static caravan sites.

The Planning Statement submitted with the application states that proposal is a farm diversification scheme and would provide stability for the family and farm business. The proposal is intended to support and diversify the contribution to the rural economy in the area and the proposed units are stated to be a valuable addition to the farm business located on an unused piece of land connected to the farm and would help to provide a positive impact on the local economy including the nearby pubs and restaurants and attractions.

With regard to agricultural development, Planning Policy Wales 11 (PPW 11) states that diversification activities come in many forms and include both agricultural and non-agricultural activities. PPW 11 goes on to state that diversification projects “*should be supported where there is no detrimental impact on the environment and local amenity*”. The Planning statement confirms that the existing farm will be operating as usual and will not be impacted by the proposal and vice versa.

Having regard to relevant Local Development Plan Policies, Policy PSE 12 relates to chalets, static/touring caravans and camping sites and allows for the environmental improvement of existing sites but does not allow any new static caravan sites to be created, however it states that proposals for new sites involving holiday accommodation which sustain the rural economy will be supported subject to the criteria in policy PSE5 being met. Officers are of the opinion that the proposed units would meet the definition of a caravan due to the fact that they are of a size and scale which is likely to be capable of being moved once sited on the land. It is therefore considered that the units meet the definition of a caravan and Policy PSE12 would apply in this case.

PSE12 states that new touring caravan and camping sites will be encouraged where all the following criteria are met:

- (i) *the site is small in scale and proportionate to its location, particularly within and adjoining the Area of Outstanding Natural Beauty or Area of Outstanding Beauty, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas; and*
- (ii) *the development would not result in an over concentration of sites in any one locality to the detriment of the landscape or residential amenity; and*
- (iii) *the development makes a positive contribution to the local biodiversity, and natural and built environment; and*
- (iv) *the development would not appear obtrusive in the landscape and is high quality in terms of layout, design and landscaping in line with the development principles, and it has no adverse highway or community impacts;*

It is important to note that the reasoned justification for PSE 12 explains:

“Static and touring caravan sites together with chalets and camp sites are an important source of holiday accommodation, which can be crucial to the success of the tourism industry, although such sites are often seen as being visually intrusive. This is particularly felt in the main resort areas of Rhyl and Prestatyn where a series of adjoining sites are prominent and in various countryside locations. In some areas the cumulative impact of existing sites may be considered visually obtrusive and dominant in the landscape therefore the Council will encourage landscaping schemes to improve and screen sites. The Plan will seek to ensure that future development is permitted only where the proposal would not result in an over concentration of similar uses in the locality and where there is significant enhancement of the biodiversity of the area.”

The proposal is for the siting of 2 holiday pod units on land which is adjacent to ploughed fields in connection with Segrwyd Isa farm, Lawnt. The number of units is considered to be small scale and proportionate to its location within the parcel of land outside of the main field. The proposal is not considered to represent an

overconcentration of similar sites in the locality as each site has different characteristics and offers a different experience to visitors, no one site is the same.

The Planning statement describes that the site is well situated in relation to reinforcing and expanding the tourism offer in line with Policy PSE14 in connection to the outdoor activity sector as it would complement the extensive outdoor pursuits available within the local area. The proposal is not directly linked to a specific outdoor activity, and as such, Officers are of the opinion that Policy PSE14 is not directly relevant to the assessment of the proposal. Officers instead consider that the relevant policy is 'Policy PSE5 - Rural Economy'.

Policy PSE 5 states that:

Appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

i) the proposal is appropriate in scale and nature to its location; and

ii) any suitable existing buildings are converted or re-used in preference to new build; and

iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and

iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.

The justification to Policy PSE 5 establishes the need to sustain rural employment throughout the County is recognised and relevant considerations relating to sustainability and minimising environmental concerns are identified. Having regard to criteria i) the appropriateness of the scale and nature of the proposal is not considered to be unacceptable in this location. The site is on land in association with the Segrwyd Isa Farm complex and is currently used for periodic grazing as it cannot be ploughed due to the constraints and trees on the site. It is acknowledged that the site is a distance away from the main farm complex, however, the small-scale nature of the site is not considered to be detrimental to the nature of location.

The proposal is for small scale pods to be sited on the land with extensive landscaping and environmental improvements. It is considered that the smaller units are more akin to caravans and are capable of being moved off site and not permanent development.

Officers acknowledge the points raised and consider that the proposal for 2x 1 bed holiday units at the site would not result in an overconcentration of holiday accommodation sites within the area given the uniqueness of these developments across the county. It is accepted by the Council that small scale holiday accommodation contributes a large section of the holiday accommodation on offer in Wales.

To conclude, it is acknowledged that there is some conflict with Policy PSE 12, but that there is also support for the proposal from Policy PSE 5. Assessing the principle of development in this instance is a matter which requires a balanced view to be taken between compliance with policy and an assessment of the impacts of the proposal. Noting the reasoned justification of Policy PSE12 and the support from Policy PSE 5, Officers consider the principle of a small-scale holiday unit accommodation as part of a farm diversification scheme in this location to be unacceptable, subject to an assessment of the localised impacts.

4.2.2 Impact on best and most versatile Agricultural land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The application site is located within land of Grade 3a which is good quality agricultural land as defined by the Welsh Government Predictive Agricultural Land Classification.

The site area measures 1.16ha in size and involves the siting of two holiday pods with a footprint of 20sqm each including parking area, landscaping and access paths. The land is not currently used for farming practices due to its topography and numerous mature trees present. No justification has been provided on the loss of this land and why there is an overriding need for the development, other than the camping business is part of a farm diversification proposal. However, as the units are proposed to be sited on the land and are of a scale which are capable of being moved, Officers consider that the loss of this small area of land which is currently not used for agricultural purposes despite being part of the farm, is not unacceptable and could be suitably returned to a condition fit for vegetation. It is considered reasonable to attach a condition to any decision to ensure this is undertaken should the use of the site for holiday accommodation cease.

4.2.3 Visual amenity

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

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states *there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.*

The Caravans, Chalets and Camping SPG states that proposals should have regard to the following:

- *The scale of a development must respect its surrounding environment;*
- *Larger development will generally only be permitted within or adjacent to settlements;*
- *Proposals in rural locations must be sensitively developed;*
- *Proposals should be sited so as to avoid skylines, prominent hillsides or exposed sites.*
- *Proposals in open countryside should normally be set against a backdrop of semi-mature/mature trees or within woodland settings. Sites which require extensive screening through new planting will not be appropriate;*
- *Proposals should respect the topography of the site and existing site levels should be retained wherever possible. Where minor changes in level are*

- necessary in parts of a proposed site, the preference will be for cutting into slopes rather than creating platforms for building;*
- *All planning applications must be accompanied by a comprehensive landscaping scheme;*
 - *Close scrutiny should be given to environmental designations throughout the county. In line with national guidance, proposals within areas of flood risk will not be permitted;*
 - *For development within the AONB or its setting, developers should have regard to the AONB Management Plan and the need to conserve and enhance the special qualities of the protected landscape. Similar considerations apply to the Pontcysyllte Aqueduct & Canal World Heritage Site and its buffer zone.*

Representations have been receiving raising visual amenity concerns over the impact siting of the units in a prominent location which will be visible for a great distance. Representations also suggest there are alternative sites near to the farm which would be more suitable and less obtrusive.

The proposal involves the siting of 2 small scale holiday accommodation units within an area of land not currently used for agricultural purposes due to the presence of a number of mature trees restricting its ability to be managed for monocultures. The land directly adjacent to the site is used for crops and is extensively managed for agricultural purposes. The site slopes up to the west and contains standalone trees with little scrub or vegetation below the canopies.

The layout of the 2 units involves them staggered into the sloping site set at a distance of approximately 50m from each other. They are situated closer to the east boundary which is at a much lower level than the property to the west and they face onto the open farmland and Segrwyd Isa which is approximately 300m away. Whilst it is acknowledged that ideally farm diversification schemes such as this should be located close to existing development, the location choice statement submitted by the applicant clearly explains why the site was chosen for the scheme and why siting the units closer to the farm would interfere with the operations taking place daily at the farm complex. The site was chosen as it could provide a safe access for guests without them having to come through the main farm lane which is busy and dangerous and electricity and water could be provided the site without extensive cables or pipes. The proposed site is an area of land which is not used for agricultural purposes and would offer visitors a secluded rural experience whilst providing additional income for the farm. The site is not considered to be situated in a prominent location given the back drop of trees and the fact there is already a dwelling located to the immediate west of the site. The units are very small scale and would be integrated well into the site through the extensive landscaping which has been proposed.

With respect to the representations received regarding the site being an exposed and prominent location, the Caravans, Chalets and Camping SPG states that 'proposals should be sited so as to avoid skylines, prominent hillsides or exposed sites'. It is not considered that the units would be sited on a skyline or on a prominent or exposed site due to the back drop of trees and landscaping. The proposed landscaping arrangements would further integrate the units into the slope rather than provide a screen for the units. Officers acknowledge that the proposal involves extensive landscaping, however, are of the opinion that this will enhance the visual appearance of the site whilst creating important habitats and opportunities for a range of wildlife. Currently the site has limited biodiversity value except for the mature trees and deadwood and the additional shrub and hedgerow planting will provide a large biodiversity enhancement for the local area.

The design of the units involve a front canopy entrance and circular central space with outdoor decking for a woodfired hot tub. The small scale nature of the units and the limited windows on them would reduce the amount of internal light spill which could cause harm to the landscape or nearby occupiers. No external lighting scheme has

been submitted with the application and Officers consider it reasonable to attach a condition to any decision to ensure that any new lighting to the footpaths or emergency/security lighting for each unit is strictly controlled.

Overall, subject to the imposition of conditions controlling the details of the external lighting scheme and ensuring a more detailed hard and soft landscaping scheme is submitted for approval including details about how it will be maintained into the future, Officers consider that the scheme would not result in any unacceptable visual amenity impacts to the character of the area.

4.2.4 Residential amenity

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

Representations have been made regarding residential amenity issues such as overlooking concerns and noise generation from the occupiers of the units.

The nearest dwelling to the site lies to the immediate west, Pen Ddwy Accar. Its side elevation abuts the boundary of the application site and is orientated north to south with a large garden to the rear. The site is bound by a stone wall and a number of trees help to screen the property from views from the east.

It is noted that other objections on overlooking and noise grounds have been submitted by occupiers of properties located a distance away from the site including Derwen Gornel approximately 220m away, Cartref located approximately 270m away, and Coed Derw approximately 500m to the north of one of the units.

Regarding the comments received raising overlooking concerns, it is noted the proposal involves extensive screening and landscaping as part of the scheme which helps integrate the units into the site and provides a biodiversity enhancement. The site is separated from the properties to the north by the road, hedgerows, open farmland, and mature trees within the site. Having visited the site and assessed the proposals from the ground, Officers do not consider that the proposed units would raise unacceptable overlooking or privacy concerns to the occupiers of nearby properties.

The Public Protection Officer has advised that in his experience this is not the type or scale of development that results in noise complaints being made and there is no requirement for a noise impact assessment to be submitted. The scheme is likely to generate a maximum of 4 visitors at any one time due to the units only having a single bedroom. The Public Protection Officer has advised that screen fences around the hot tub areas may act as a noise barrier. The most affected neighbour is likely to be Pen Ddwy Accar due to the proximity of the units. Officers consider it reasonable to impose a planning condition which requires the detail of screen fences to be submitted for approval and secure the erection of those fences prior to the use commencing.

As the proposals are for 2 x 1 bed units it is considered that the likely increase in vehicles coming to the site would be 2 with an occupancy of 4 people. It is unlikely that the traffic generation from the site would not result in unacceptable impacts to other users of the road or an unacceptable level of disturbance to occupants of neighbouring properties.

Limited details regarding external lighting has been proposed with no lighting included on the units. Bollard lighting 0.5m high along the paths is proposed but no details of the specification have been provided. The units contain small windows and a canopy area over the front door. It is not considered the internal light spill would impact unacceptably on the residential amenity of the nearby occupiers. Officers consider it reasonable to ensure an external lighting scheme is submitted for approval by the Local Planning Authority to control the lighting on the units and to the outside hot tub area to ensure this does not impact unacceptably on nearby properties or nocturnal wildlife.

To conclude, it is not considered that the level of activity associated with the proposed holiday accommodation units would result in a level of noise and disturbance to occupiers which would give rise to a reason for refusal.

4.2.5 Ecology and trees

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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW 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).

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.

No representations have been received on ecological grounds.

A Preliminary Ecological Assessment (PEA) has been submitted with the proposal.

The PEA survey identified the main ecological interest for the site is the mature trees, deadwood and the boundary hedgerow. In terms of recommendations in the report, it was advised that the woodland area/scattered trees should be fenced out (with an access gate) from the adjacent field to prevent any future grazing and to allow an understorey/ground flora to develop. Some additional tree planting can take place within the open areas of grassland to enhance the site, species should include beech *Fagus sylvatica*, hawthorn *Crataegus monogyna*, holly *Ilex aquifolium*, hazel *Coryllus avellana*, field maple *Acer campestre* and English oak *Quercus robur*. All large sections of deadwood/timber should be retained on the ground for the benefit of invertebrates.

As additional enhancement measures, the report recommended 2 schwegler bat boxes to be placed on suitable mature trees facing south or west, 4 vivaro pro bird nest boxes to the north and east trees and 2 swift bricks per unit to be installed on the north elevation. It also made recommendations regarding an external lighting scheme ensuring a low luminance and no upward directional lighting.

The County Ecologist has reviewed the details in the Preliminary Ecological Appraisal and has advised that they raise no objections but recommend conditions should be attached to any decision the submission of a biodiversity enhancement scheme, ensuring that all works take place outside of bird nesting season, an external lighting scheme is submitted for approval and a detailed landscaping scheme is submitted ensuring all trees and hedges to be retained are protected during site clearance.

Officers have assessed the contents of the Ecology Report and the advice provided by the Ecologist and consider that appropriately worded conditions should be attached to any decision 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 11.

4.2.6 Drainage (including flooding)

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 drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 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*'.

The proposal involves the installation of a septic tank per unit. Percolation test results have been provided and NRW have raised no objection to the scheme.

The Drainage Officer has advised that SAB approval from the SUDS Approval Body will be required due to the construction area being over 100sqm. A note to applicant will be attached to any decision to remind the applicant of this duty.

4.2.7 Highways (including access and parking)

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.

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. These policies reflect general principles set out in Planning Policy Wales 11 (PPW11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Concerns have been raised by neighbours regarding the steepness and narrowness of the lane and the additional volume of traffic using the lane as generated by the new proposal. The road is not served by footpaths or cycle ways and there are no streetlights. Public transport is a distance away from the site.

The site is proposed to be served by a new access off the B4501 to the south of the existing access into Pen Ddwy Accar and has been selected to provide the maximum visibility from both directions. It would involve removing a section of stone wall and levelling into the site. Car parking for 2 vehicles plus 2 disabled spaces are proposed with turning space within the site. A pedestrian track is proposed through the centre of the site to each unit.

The Highway Officer has raised no objection to the proposal and has advised that whilst the road is subject to a maximum speed limit of 60mph, it is highly unlikely that these speeds can be achieved on a relatively narrow and low trafficked country lane. The access point shown is to be approximately 5m wide with splayed post and rail timber fencing not exceeding 1.1m in height thus not reducing the visibility for exiting vehicles. The access is shown to be of sufficient width to accommodate the passing of two vehicles unobstructed. This type of access arrangement is not uncommon for access onto a country lane. Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county leading to developments of a similar size.

A timber gate is to be installed at the site entrance, shown on the Proposed Site Plan to open inwards. The location of the gates appear to be approximately 5m from the edge of the highway, which would accommodate one vehicle to stop clear of the highway if the access gate was closed. A hardstanding is illustrated within the site to accommodate the parking of 4 vehicles along with sufficient space for the turning of vehicles to ensure exiting of the site can be carried out in a forward gear.

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

Having regard to the advice provided by the Highways Officer above, taking into consideration the capacity of the existing highway network and the site access proposals, the proposal would not have an unacceptable impact on the highway network subject to appropriate conditional controls.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 The application is considered to be acceptable on the basis of the information submitted regarding the impact to the character of the area and the associated tourism benefits, and is recommended to be granted subject to conditions.

RECOMMENDATION: GRANT - subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 19th July 2028
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:
 - (i) Proposed plans and elevations received 31 March 2023
 - (ii) Existing site plan (Drawing No. AL-10-001-P1) received 31 March 2023
 - (iii) Proposed site plan (Drawing No. AL-20-001-P5) received 16 June 2023
 - (iv) Location plan (Drawing No. AL-00-001-P1) received 31 March 2023
 - (v) Hot tub information received 31 March 2023
 - (vi) Septic tank details received 31 March 2023
 - (vii) Ecological Assessment (Clwydian Ecology, dated 22/02/2023) received 5 May 2023
 - (viii) Cofnod Environmental Information Search (dated 24/02/2023) received 5 May 2023
 - (ix) Location Choice Statement- received 16 May 2023
 - (x) Tree Constraints Plan (Drawing No 13652 Rev 01) - received 16 June 2023
 - (xi) ACR Appendix 1 - received 16 June 2023
 - (xii) Arboricultural Impact Assessment with Tree Protection Measures (Tyrer Ecological Consultants Ltd, dated June 2023) - received 22 June 2023
 - (xiii) Percolation Test Results (Eilir Davies) - received 28 June 2023
3. The holiday units hereby approved shall be occupied for holiday purposes only and not as a person's sole or main place of residence. A record shall be kept of all occupiers of the units and shall be made available for inspection at the reasonable request of the Local Planning Authority. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.
4. Notwithstanding the hereby approved plans, the development shall proceed in strict accordance with the details contained within the Arboricultural Impact Assessment with Tree Protection Measures (Tyrer Ecological Consultants Ltd, dated June 2023).
5. Notwithstanding the hereby approved plans and documents, prior to the commencement of development or any site clearance, a detailed scheme of hard and soft landscaping shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas.
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
 - (e) proposed positions, design, materials and type of boundary treatments.
 - (f) the timing of the implementation of the planting and landscaping scheme including the future management of all trees, hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period
 - (g) details of minor artefacts and structures including any furniture, bin/recycling store or other storage units and screen fencing to the rear of the hot tub areas.The scheme shall proceed in strict accordance with the approved details.

6. Notwithstanding the hereby approved plans and documents, within 3 months of the commencement of development, a detailed Site Management Plan shall be submitted to the Local Planning Authority for approval in writing. This shall include details of site operations and all rules for visitors to adhere to. The scheme shall proceed in strict accordance with the approved details.
7. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any hedges, trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
8. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
9. Notwithstanding the hereby approved plans and documents, no development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
10. No external lighting shall be permitted to be installed externally on or around the the units or operated elsewhere on the site including emergency/ security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.
11. Should the use of the site cease for holiday accommodation purposes, all units shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored in accordance with a scheme of land restoration to be submitted in writing to the Local Planning Authority within 6 months of the cessation of the use. The scheme of land restoration shall include details of the timing of restoration, and the restoration shall proceed in accordance with those approved details.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure that the units are utilised for holiday accommodation purposes only in line with national and local planning policies.
4. To maintain and enhance biodiversity
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development
6. In the interests of residential and visual amenity
7. In the interests of visual amenity and to maintain and enhance biodiversity
8. In the interests of visual amenity and to maintain and enhance biodiversity
9. To maintain and enhance biodiversity
10. In the interest of residential amenity and to ensure the favourable conservation status of protected bat species.
11. In the interest of landscape and visual amenity

Agenda Item 8

WARD : Rhyl West

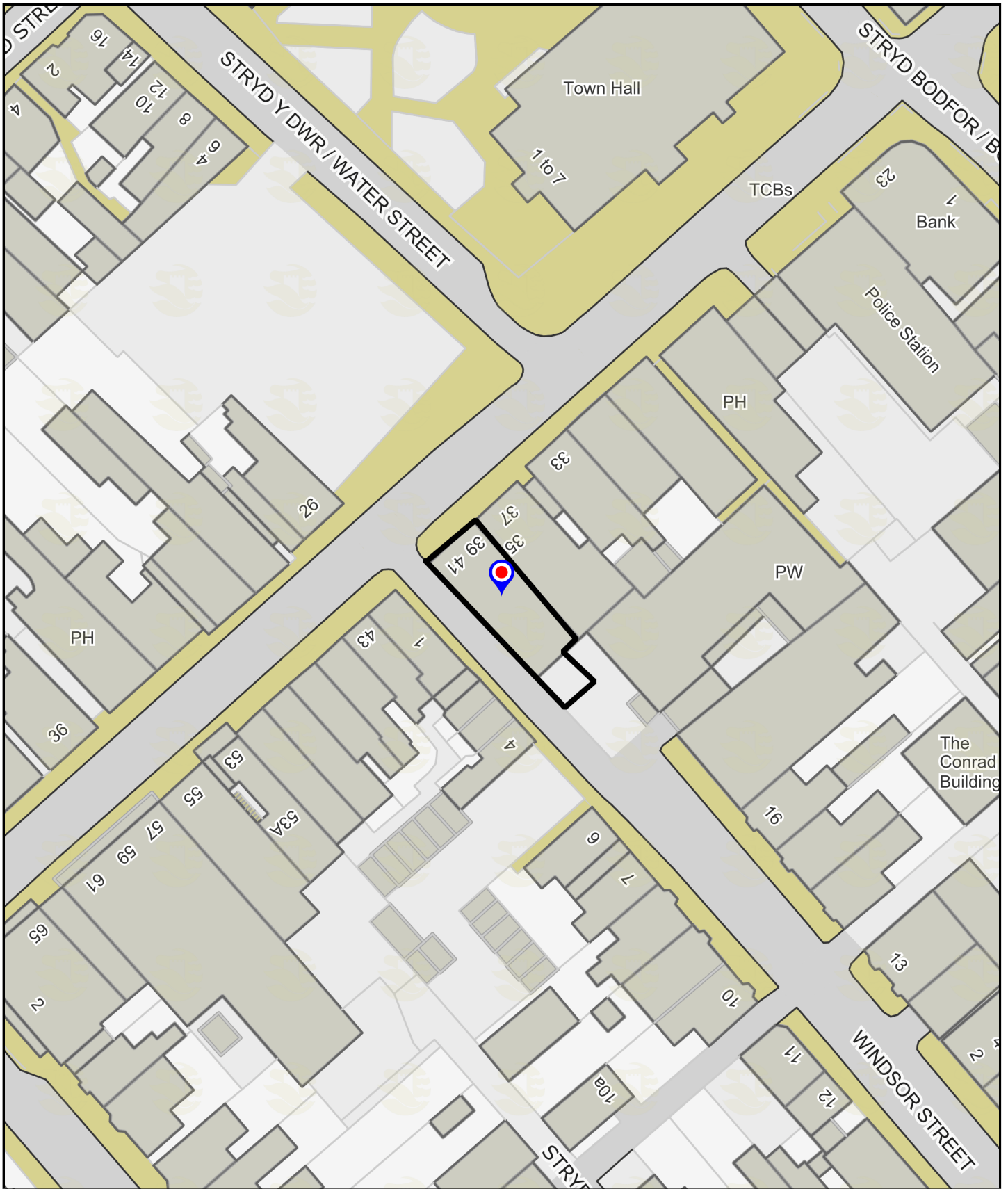
WARD MEMBER(S): Cllr Joan Butterfield
Cllr Alan James (c)

APPLICATION NO: 45/2023/0122/ PF

PROPOSAL: Change of use of shop (Use Class A1) to form Gallery and Music Bar (Use Class A3) and associated works

LOCATION: 39 Wellington Road, Rhyl, LL18 1BA

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45/2023/0122

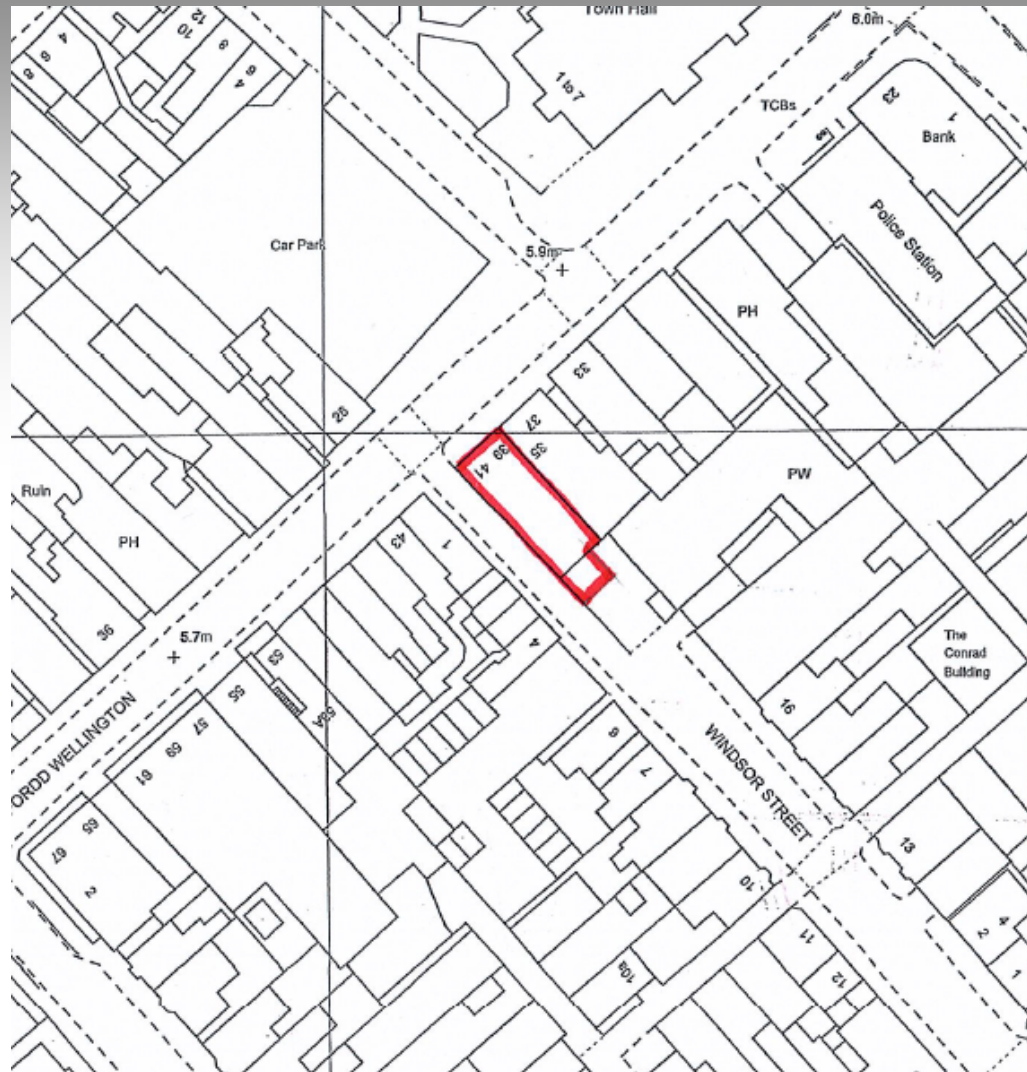


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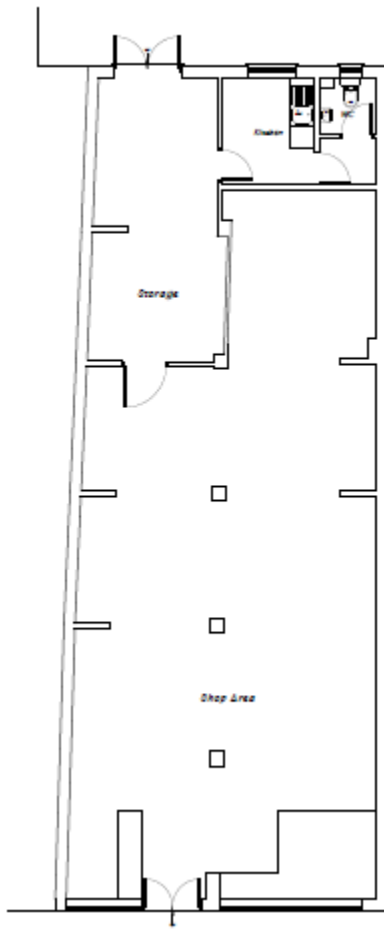
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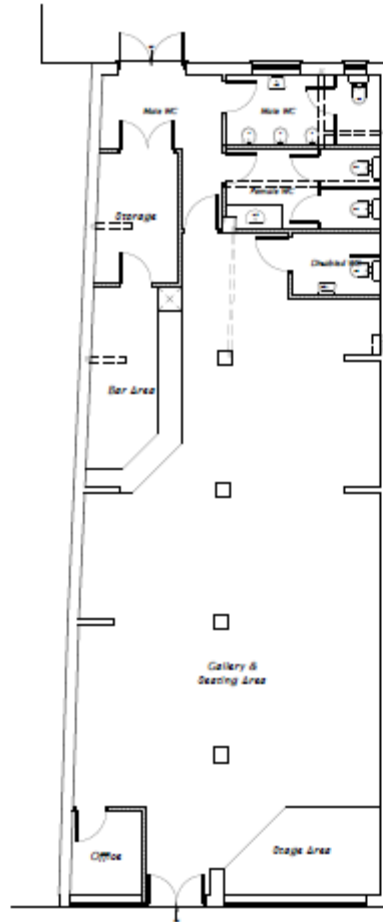
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Location plan



Existing floor plan



Proposed floor plan



Front elevation



Rear elevation

WARD : Rhyl West

WARD MEMBER(S): Cllr Joan Butterfield
Cllr Alan James (c)

APPLICATION NO: 45/2023/0122/ PF

PROPOSAL: Change of use of shop (Use Class A1) to form Gallery and Music Bar (Use Class A3) and associated works

LOCATION: 39 Wellington Road Rhyl LL18 1BA

APPLICANT: Mr Gary Longworth

CONSTRAINTS: C1 Flood Zone

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
No objection

DWR CYMRU / WELSH WATER
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Traffic, Parking and Road Safety:
- Highways Officer
No objection

Public Protection Officer
Requested noise survey, currently under review.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Andrae Christmas-Arden, The Salvation Army, Windsor Street, Rhyl

Susan Collins, 4 Tan Rhiw, Penrhyn Bay, Llandudno

Chris Davidson, 28 Elm Grove, Rhyl

Sam Davidson, 28 Elm Grove, Rhyl

Adrian Hattersley, 4 Llys Tegid, Rhyl

John Holt, 10 Arnold Gardens, Kinmel Bay

Gareth Morris, Flat 12 Windsor Court, Crescent Road, Rhyl

Janet Murfin, 1 Lees Road, Llandudno

Alan Rosenwoud, 27 Heol Y Hendre, Rhuddlan

Jason Selby, 3 Clos Belyn, Llandudno Junction

Diane Selby, 3 Clos Belyn, Llandudno Junction

Summary of planning based representations in objection:
Appropriateness of the location in proximity to Salvation Army
Need for A3 use (Pub) in Rhyl
Residential amenity considerations- noise
Highways issues- parking problems

EXPIRY DATE OF APPLICATION: 02/05/2023

EXTENSION OF TIME AGREED: 19/07/2023

REASONS FOR DELAY IN DECISION (where applicable):

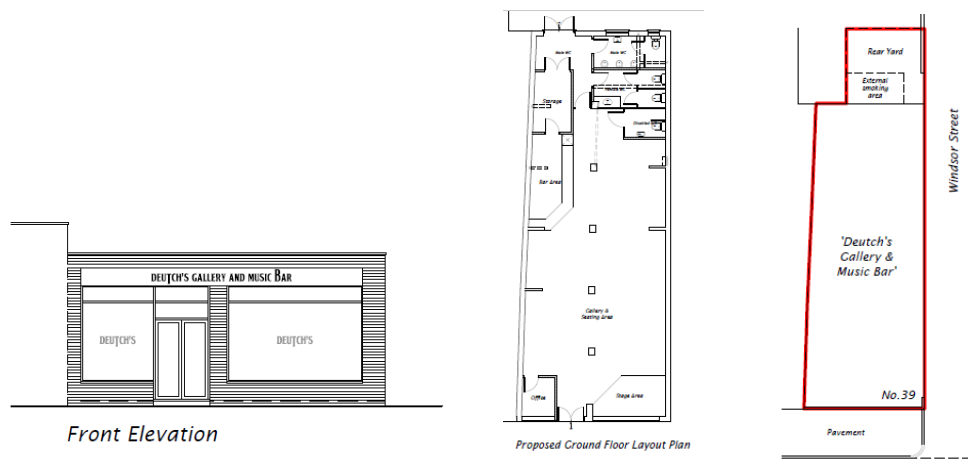
- re-consultations on additional information (noise report).

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the change of use of shop (Use Class A1) to form Gallery and Music Bar (Use Class A3) and associated works at 39 Wellington Road in Rhyl.
- 1.1.2 Externally the site frontage would remain broadly as existing with the roller shutter canopies being removed to open up the shopfront and enable the installation of a fascia sign above.
- 1.1.3 Internally the layout would be altered to install a bar and office area, as well as toilets in the former kitchen area at the rear of the shop.
See snip of site frontage and floorplan and site plans* (not to scale)



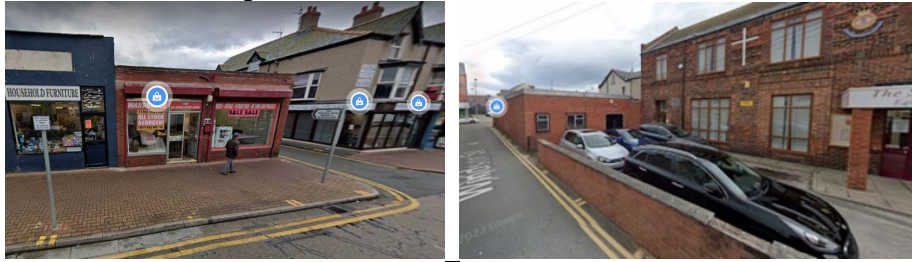
1.2 Other relevant information/supporting documents in the application

- 1.2.1 An Acoustic Report has been submitted in support of the application.
- 1.2.2 The Applicant has also submitted a statement setting out how the use will operate and the extent of the gallery and music related activity proposed to take place on site.
- 1.2.3 Hours of operation of the gallery and music bar are proposed from 10:00 to 00:00 hours daily.

1.3 Description of site and surroundings

- 1.3.1 The site is located on the southern side of Wellington Road in Rhyl town centre. No. 39 is bounded by Windsor Street on its western side, and a small yard abutting the Salvation Army Centre (off Windsor Street) to the rear.

Photos of site frontage and side/rear:



1.3.2 The existing building is a single storey structure with a flat roof. It was formally occupied by “Bargain Corner” a discount home furnishings shop.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary and within the allocated town centre PSE 8 allocation as defined by the local development plan.

1.5 Relevant planning history

1.5.1 There is no planning history on the site.

1.6 Developments/changes since the original submission

1.6.1 The Public Protection Officer requested additional information be submitted in relation to noise. A Noise Impact Assessment Report was submitted on the 6th June.

1.7 Other relevant background information

1.7.1 The Applicant has provided some background in relation to the description of the use, setting out that; his late father was an artist and he wants to display his paintings. He feels that the gallery element of the use would be unviable on its own, hence the mix with a music venue. He aims to attract people with a creative outlook to come in & play their own songs, recite poetry etc. and intends to run the bar in a responsible manner.

2. DETAILS OF PLANNING HISTORY:

2.1 N/A

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 BSC1 – Growth Strategy for Denbighshire

Policy PSE6 – Retail economy

Policy PSE8 – Development within town centres

Policy ASA3 – Parking standards

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

TAN 15 Development and Flood Risk

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 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl BSC1 allocation as identified within the LDP. Within the BSC 1 development boundary allocations, new development will, in principle be supported provided that it meets with the criteria of other policies in the Local plan and material planning considerations. This assists in working towards a sustainable pattern of development by directing most development to existing settlements thereby making the most effective use of existing infrastructure, facilities and services by reducing the need to travel.

The application site is also within the PSE 8 Development within Town Centre allocation for Rhyl. LDP Policy PSE 8 sets out the local policy criteria that address developments within a defined town centre boundary. The policy says, development proposals within town centres defined on the proposals maps will be permitted provided that all of the following criteria are met: i) they enhance the vitality and viability of the town centre and ii) they do not result in an unacceptable imbalance of retail and non retail uses iii) within the primary shopping frontage of Rhyl the change of use of ground floor retail premises (A1 shops) to any other use class will be resisted. To clarify the site is not within the 'primary shopping frontage' in Rhyl.

PSE 8 criteria must be interpreted in line with the provisions contained in Future Wales (2021), Planning Policy Wales (PPW) Edition 11 (2021) and Welsh Government 'Building Better Places' (July 2020). All of these documents stress the importance of diversification in town centres uses to maintain vitality and viability.

Whilst Policy PSE 8 criteria i) and ii) also focus the assessment on a proposal's impact on the balance of retail and non-retail uses in terms of town centre vitality and viability preferring the retention of A1 units in particular in Rhyl, Welsh Government is very vocal about the 'town centre first principle', see Future Wales and PPW Edition 11. The policy says complementary uses in the town centre include, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres.

The former furniture shop is located on a block of properties on Wellington Road between Windsor Street and the Rhyl Police Station. At present there is a public house 'The North', two vacant shops (the former KFC and former Full Monty Café), a Tattoo Studio, a Barbers, and the Domestic Appliance shop to which no. 39 is attached. Opposite this block is a recently constructed Council car-park and the Town Hall.

The Applicant was asked to consider if there were any existing A3 sites in the town centre which may be more appropriate for his use and may not need planning permission for change of use. He responded that he had considered other properties (including a public house) however owing to the gallery element of the use and requirement for light and footfall he considered the proposed site to be the most suitable unit.

Representations have been made relating to the use of the A3 bar and questioning the need for another public house in the town. Officers note these concerns, but consider that there is no planning requirement to establish a need for such a use, particularly in this town centre location.

Concern has also been raised that the proposal may introduce temptation or an attraction to individuals, some with addiction problems, who may be visiting the Salvation Army Church (immediately to the rear of the site) for support. Whilst understanding this concern, Officers consider that without firm evidence to support the assertion that the use would be detrimental to these individuals it would be difficult to resist the application. As these concerns are broadly based on behaviours not land use planning. It is further noted that there are other public houses within the town centre and in the immediate vicinity of the site; on Wellington Road, Bodfor Street and Kinmel Street.

More generally the social problems in Rhyl are acknowledged and land use based regeneration work and projects are supported by some of the Councils planning policies, however Officers consider that there is no policy grounds to resist the change of use for social reasons at present.

Lastly in respect over the control of the use and its management, it is noted that the site would be subject to licensing control which planning should not seek to duplicate.

It is noted that National policy not only supports town centre diversification but explicitly considers food and drink establishments (A3 uses) as a reasonable complementary use. The introduction of the proposed gallery and music bar (A3) use on Wellington Road is therefore supported by national policy in principle. In conclusion it is considered that there is no reason to oppose the principle of the proposal.

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 land / buildings and spaces between buildings, which are matters relevant to the visual impact of development.

Limited external alterations are proposed to the building to facilitate the change of use. The building is of no historic merit with existing oversized grill housing. The proposal would not alter the shopfront significantly. An advert application may be required once the signage detail has been finalised.

The proposal is considered acceptable in relation to visual amenity and the relevant policies.

4.2.3 Residential amenity

Policy RD 1 sets specific tests to be applied to residential amenity impacts of development. Criterion vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Whilst this is a town centre location where there are a mix of uses, there is the potential for noise to impact upon neighbouring properties from an A3 use. There are dwellings to the rear of the site on Windsor Street and some flats above properties on Wellington Road. A Noise Report with mitigation is proposed as part of the development. The noise report concludes that "The assessment presented in Table 8 above indicates that at the worst case the overall noise breakout from the proposed gallery and music bar is likely to be at least 3 dB(A) below the measured background sound level. This is indicative that noise breakout from the proposed gallery and music bar is unlikely to be discernible or identifiable when compared to the local residual noise climate."

The Public Protection Officer has reviewed the submission and additional information and has raised no initial objection informally. His final comments will be reported to the Committee alongside conditions in the late representations.

Having regard to the location of the proposed development in the town centre where there are a mix of uses, and in relation to the existing site and neighbouring properties, it is considered that subject to the controls proposed by the Public Protection Officer the proposals would not have an unacceptable impact on residential amenity.

4.2.4 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. TAN 15 – Development and Flood Risk provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The site is an existing building with established drainage connections and facilities. It is located within a zone C1, however it is noted that the application proposes an equivalent risk of development to existing.

It is considered that the application raises no significant flood risk issues.

4.2.5 Highways (including access and parking)

Criteria vii) and viii) of Policy RD1 of the LDP require assessment of the impact of development on the local highway network, including consideration of congestion, danger and nuisance arising from traffic generated.

The site is located on Wellington Road one of the main through routes into the town centre. There is restricted vehicular stopping/delivery controls in front of the site. There are town centre car parks and public transport links close to the site including a new town centre car-park opposite no. 39. There is a small yard area to the rear of the site and deliveries could be undertaken from Windsor Street.

Highways Officers have raised no objection to the consultation.

In conclusion, this site is located in a sustainable and accessible location. It is not considered that the proposal conflicts with the highways considerations of the policies mentioned above.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

5. SUMMARY AND CONCLUSIONS:

6.

6.1 Taking into account the most up to date national policies and balancing other material consideration it is the opinion of Officers that the proposal is acceptable and recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 19th July 2028
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:
 - (i) Location Plan (Drawing No. 1004/LP) - Received 21 February 2023
 - (ii) Existing and Proposed Site Plan (Drawing No. 1004/1 Rev A) - Received 30 March 2023
 - (iii) As Existing (Drawing No. 1004/2) - Received 21 February 2023
 - (iv) As Proposed (Drawing No. 1004/3 Rev A) - Received 30 March 2023
 - (v) Acoustic Report (Received 06 June 2023)
3. Prior to the operation of the premise the applicant shall install all noise mitigation measures as detailed in section 6 of the submitted Noise Impact Assessment. Verification that the required mitigation measures have been installed as detailed in the Noise Impact Assessment shall be submitted and approved in writing by the local planning authority before the commencement of the use. The installed mitigation measures shall be retained at all times.

4. On receipt of a verified noise complaint (verified by the Councils Environmental Health Officers) relating to noise from the installed external plant services, the applicant shall instigate a noise impact assessment at their own expense, submit a report of the findings to the Local Planning Authority, implement any recommended noise mitigation measures and submit a final verification report to the Local Planning Authority in writing.
5. On receipt of a verified noise complaint (verified by the Councils Environmental Health Officers) relating to noise from the internal operation of the premise, the applicant shall instigate a noise impact assessment at their own expense, submit a report of the findings to the Local Planning Authority, implement any recommended noise mitigation measures and submit a final verification report to the Local Planning Authority in writing.
6. The operating times for the premises shall be 10:00hrs until 24:00hrs Monday to Sunday only.
7. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development
3. In the interest of residential amenity.
4. In the interest of residential amenity.
5. To protect the amenity of neighbouring residential properties.
6. In the interest residential amenity.
7. 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

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