

To: Chair and Members of the
Planning Committee

Date: Thursday, 11 January 2024

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Dial:

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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, 17 JANUARY 2024** 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 - 18)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 13 December 2023 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 7) -

5 APPLICATION NO. 21/2021/0903/ PF - LAND ADJACENT TO THE PADDOCK, LLANFERRES, MOLD, CH7 5SH (Pages 19 - 56)

To consider an application for the change of use of land by the siting of 4 no. holiday accommodation units (use class C6), installation of a package treatment plant, formation of parking, internal track, pedestrian footbridge and associated works (copy attached).

6 APPLICATION NO. 23/2023/0468/ PF - BRYN GOLAU, SARON, DENBIGH, LL16 4TH (Pages 57 - 88)

To consider an application for the demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works (copy attached).

7 APPLICATION NO. 43/2023/0549/ PF - 9 CADNANT AVENUE, PRESTATYN LL19 7HW (Pages 89 - 110)

To consider an application for the provision of dormer roof windows to front and rear elevations and associated works (copy attached).

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Justine 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, 13 December 2023 at 9.30 am.

PRESENT

Councillors Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Justine 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, Elfed Williams and Mark Young (Chair)

Observers - Councillor Pauline Edwards, Councillor Hugh Irving and Councillor Rhys Thomas

ALSO PRESENT

Paul Mead – Development Control Manager; Paul Griffin – Principal Planning Officer; Clare Lord – Legal Officer; Mike Parker – Senior Engineer, Development Control; Sue Rees – Trainee Legal Officer; Zoom Host – Nicola Hughes; and Committee Administrator – Stephanie Jones

Hannah Parish, Manager of the North Wales Minerals and Waste Shared Planning Service was in attendance for agenda item 5.

Public Speaker – Mair Jones and Malcolm Ellis were in attendance for Agenda item 5.

1 APOLOGIES

Apologies for absence were received from Councillors Chris Evans, Andrea Tomlin and Cheryl Williams.

The Chair welcomed Councillor Justine Evans as a new Member of the Planning Committee.

2 DECLARATIONS OF INTEREST

There were no personal or prejudicial declarations raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair declared he intended to include for discussion the following matter requiring urgent attention –

NOMINATION OF VICE-CHAIR

The Chair informed Members that following Councillor Peter Scott's appointment to Chair of the Council, he was now no longer able to sit on the Planning Committee. Nominations were sought for the position of Vice-Chair of the Planning Committee for the remainder of 2023/2024 municipal year.

Councillor Gareth Sandilands proposed Councillor Alan James be appointed Vice-Chair, he stated Councillor James was held in high regards as a Planning Member and over the previous 10 years had completed all Planning training offered, seconded by Councillor Arwel Roberts.

There being no further nominations, it was –

RESOLVED that Councillor Alan James be appointed Vice-Chair of the Planning Committee for the remainder of the 2023/2024 municipal year.

4 MINUTES

The minutes of the Planning Committee held on 8 November 2023 were submitted.

Matters of accuracy – None

Matters arising – None

RESOLVED that, subject to the above, the minutes of the meeting held on 8 November 2023 be approved as a correct record.

APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 5 - 7) -

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information received since the publication of the agenda, which contained additional information relating to those applications.

5 APPLICATION NO. 01/2022/0523/ MA - GRAIG QUARRY, GRAIG ROAD, DENBIGH, LL16 5US

An application was submitted for the extension of winning and working of limestone, importation of inert waste and restoration to amenity land at Graig Road, Denbigh.

The Chair asked the Legal Officer to read through some late representations received from Welsh Government.

The Legal Officer informed Members that the Planning Authority was in receipt, as of this morning, of a holding direction from the Welsh Government under article 18 of the Town and Country Planning Development Management Procedure Wales Order 2012. It was in respect of a consolidating application for the extension of

winning and working of limestone, importation of inner waste and restoration to amenity land at Graig Quarry, Graig Road Denbigh.

The letter stated the Welsh Ministers had been asked to call-in the application for their own determination. Article 18 of the Town and Country Planning Development Management Procedure Wales Order 2012 enabled the Welsh Ministers to give direction restricting the grant of permission by a local planning authority.

The letter permitted the author permission on behalf of the Minister for Climate Change to officially direct Denbighshire County Council, effective from the date stated on the letter, not to grant planning permission in respect of, A- application no 01/2022/0523/ MA or, B- any development of the same kind which was the subject of the application on any site which formed part of or included land to which the application relates, without the prior authorisation of the Welsh Ministers. The direction would enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for determination. The direction prevented Denbighshire County Council only from granting planning permission, it did not prevent the authority to continue to process and consult on the application. It did not prevent the authority refusing the application if it so determined.

The letter referred to article 31 which provided for the Welsh Ministers to vary or cancel the direction in relation to the land and type of development covered. The authority would be informed on the decision of the Welsh Ministers on whether the application was being called in as soon as it was made.

The Development Control Manager clarified that Welsh Government do hold the power to issue a holding direction to a local authority. It prevents the authority from granting planning permission until the Welsh Government had assessed the proposal. It does not prevent the local planning authority processing the planning application. Welsh Government would, in any case, ask the authority what decision the Planning Committee would have made on the application as part of its determination.

The local authority was not permitted to issue a grant of planning permission based on the holding direction.

The Chair thanked the Legal Officer and Development Control Manager for clarifying the meaning of the letter.

Public Speaker –

Mair Jones (**AGAINST**) – She stated Crest fields and woods was a cherished place. The facts and measurements included in the report did not identify the area. She stressed 284 individuals had made legitimate objections against the proposal. If the planning policy had been followed through a place making process, the feelings of the Crest area, its positive impact on individual's health and wellbeing would have been considered at the outset and not dismissed.

The Council had agreed to extend the quarry's operation and not the footprint of the site. She questioned if a promise had been made at that stage that operations would cease in 2028 and the extension allowed on those grounds. She stressed Breedon (applicant) wanted to extend the operations for another 25 years at the site. In her opinion she felt the committee should assess the application as if it was a new quarry. The report stated the nearest residential property was over 250m from the proposed extended quarry boundary, outside the recommended 250m

buffer zone. Currently there was 34 properties within the 250m buffer, some properties would be 90m from the proposed new boundary. Reference to a bill currently being received by Westminster proposed a distance of 1000m from homes due to the toxic effect of mining.

A loss of 4 hectares of Best and Most Versatile (BMV) agricultural land in a climate emergency would be a travesty including the loss of any trees. Objectors questioned officers understanding of chapter 6 (of Planning Policy Wales) when the destruction of the nature corridor was dismissed. Local scientist stated she 'fundamentally refute the officer's assertion that some nature development during restoration after 25 years meets the criteria of net benefit for biodiversity today'.

The objector questioned why one third of our aggregate was being sent to England. She questioned why the report stated that Denbigh was the most strategically placed limestone provider, when the regional aggregate statement stated that limestone was more abundant in Flintshire.

This application failed to improve the economic, social, environmental and cultural wellbeing of the area. It did not contribute to the statutory wellbeing goals.

She stressed she was confident an independent professional would successfully challenge the report and its conclusions.

Malcolm Ellis (**FOR**) – He thanked Members and the Chair for allowing him to speak in favour of the application. The application presented was to provide limestone for the area for the next 20 years. It would provide benefits to the economy and the community to reduce carbon footprint and to confirm sustainability. If approved the proposal would give a future to the quarry and provide job security to 100 workers. The proposal would ensure a supply of limestone to the area as opposed to from other quarry's such as Derbyshire providing Limestone to the area.

He stressed Breedon did not want to increase the lorry movement to and around the site. The intention where possible was to use local businesses and contractors to promote local economy. Which in turn would have a positive effect on reducing the carbon footprint. The application included a final restoration which would increase biodiversity and ecology which would provide an improvement to the woodland area and animals currently residing there.

Breedon and the land owner had included several improvements to public footpaths including servicing and maintenance of the footways. The intention had also to be include further footpaths to the North of the site.

The Chair thanked both speakers for addressing the committee.

He informed Members the site had been subject to a site visit that had taken place on 8 December 2023. He thanked Members for attending the site and was beneficial to those in attendance.

Councillor Delyth Jones who had been in attendance at the site visit felt the meeting was very valuable and beneficial. She felt the fact the site had been pegged out was extremely helpful for members to see first-hand the intentions.

Councillor Parry echoed the thoughts of Councillor Jones. He thanked officers and the operator for arranging the visit.

General debate –

Councillor Delyth Jones (Local Member) thanked the Chair for the opportunity to address the committee. She thanked both speakers for attending the meeting to provide input to the process and discussions.

She reminded Members the quarry had been active close to the site for a considerable time. Currently a 28-hectare site with planning controls in place since 1948 which included a variation of time limiting conditions as recent as 03 October 2022 was approved.

Attention was drawn to Planning Policy Wales 11 section 3.58 and 3.59 which obliged weight to be given to protecting Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system. It noted this land was considered the best and most versatile and land of that quality should only be developed if there was an overriding need for the development. Land on the proposed application was cited as 1.5 hectares of grade 2 land and 2.5 hectares' grade 3A.

The site of the application is located outside the designated development boundary in the current Local Development plan (LDP) and was in close proximity to the Crest Mawr Wood a Site of Special Scientific Interest.

Planning Policy Wales 11 stated 'Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.'

The application argued the need for the limestone assessed on the currently adopted LDP, and to currently assess need of a sub region of the same LDP. She acknowledged a certain level of material was required to support the local construction industry. Councillor Jones argued, as stated in the Minerals Technical Advice Note 1 (MTAN1), this need could not result in an unacceptable detriment of the environment or amenity. The assessment of housing need conducted as part of the current LDP was circa 7500 homes for Denbighshire, a figure now known was greatly over calculated.

Councillor Jones shared figures under discussion for Denbighshire as part current soon to be completed review of the revised LDP. The current preferred development strategy reviewing the level of growth for housing over the period 2018- 2033 was seen to be 3275 homes. Less than half of the current LDP. She informed Members up to 1st April 2023, a sum of 1483 properties had been constructed and a further 878 under construction or with agreed planning permission.

The current Regional Technical Statement second review (RTS2), stated with regards to Denbighshire local authority area the RTS2 did not require Denbighshire to make any crushed rock allocations based on the permitted reserves.

She informed the committee an application of a nearby quarry in Flintshire had recently been approved.

She urged Members to take into consideration the 271 objections against this application when coming to a decision today.

Councillor Pauline Edwards (Local Member) stressed her support for the statement Councillor Jones had shared with the committee. She stressed the objections had included those from Dr James Davies MP, Mr Llyr Gruffydd Member of Senedd and Denbigh Town Council. Concerns raised had included concern on the increase dust, noise and harmful particles in the air, loss of footpaths and green space including local ecosystems with no benefit to the local people. The concerns raised

by the local residents were all part of the Wellbeing of Future Generations Wales Act 2015.

She stressed the application was contrary to Denbighshire County Council's target of climate change and decarbonisation.

In response to the Local Members detailed statements the Development Control Manager informed Members that minerals and waste planning applications were assessed and processed by the North Wales Minerals and Waste Shared Planning Service. Flintshire County Council are the lead Authority for this Service and assisted Denbighshire County Council (DCC) with such applications. He introduced Hannah Parish, Manager of the North Wales Minerals and waste Shared Planning Service, who had been the case officer for this application.

The Manager of the North Wales Minerals and Waste Shared Planning Service responded to some of the points raised by the Local Members by stressing the application had taken a long time to process. This was largely due to the need to obtain the surveys required to support the environmental statement. External consultation with professional consultees had taken place. Within the recommended conditions it was suggested prior to any development within each phase further ecological surveys would be required.

Local Members raised concern the proposal would remove 4 hectares of best and most versatile agricultural land. The report noted that the department in Welsh Government that was concerned with agricultural land did not object to the application stating there was an overriding need for the aggregate that would outweigh the removal of agricultural land.

When the Denbighshire LDP, was being prepared, the evidence based used to consider if a new allocation for crushed rock was the Regional Technical Statement published in 2009. Since the adoption of the Denbighshire LDP, a further two reviews had been published. The Regional Technical Statement Second Review (RTS2) also allowed for regional collaboration should a particular authority not be able to make their required apportionment. Whilst there is no current need for Limestone aggregate in Denbighshire, on a sub-regional level there is a demonstrable need.

When the current adopted LDP was being developed there was no need so no allocation was required. It would not be appropriate for a quarry to be located within the development plan boundary due to the proximity to residential properties. It was stressed there are no residential properties within the 200m mineral buffer zone and the proposed extension area would not be closer to residential properties.

A management plan is required to be completed as part of an existing section 106 agreement for the management of the Crest Mawr Site of Special Scientific Interest. Should planning permission be granted, the existing section 106 legal agreement would be amended by a deed of variation to ensure the obligation to manage the woodland would continue. It was stressed the proposal had been assessed as a new application with a number of technical documents.

Members heard there was a team from the Shared Service that monitor the conditions and ensure the conditions are being adhered to.

The proposal included woodland planting in the restoration which would aid any offset of carbon dioxide.

In further discussions Members stressed the increase in carbon dioxide and impact it would have on the climate emergency declared by the authority. Members requested any subsequent reports or consultations be presented to the committee if the application was granted.

It was also discussed the type of lime that would be mined was not the correct lime that would be used agriculturally. The lime particles would be the wrong size and too big to breakdown quick enough.

The Senior Highway Engineer stated if granted the proposal would not create any additional vehicle or traffic on the highway network, over and above what had previously been deemed acceptable in planning terms from previous applications. As a result, there would be no significant change in vehicle activity to the current and ongoing arrangements.

Officers stressed the difficulty in stating if the proposal would have an impact on the level of carbon footprint of Denbighshire. There would always be conflicting issues for this type of proposal.

Numerous Members were supportive of the Local Members and the reasons highlighted against the application. The amount of conditions presented alongside the application was noted. Members also stressed that the application was for a new quarry. Members asked for clarification that if Denbighshire had no need for aggregate at the current time, was there another authority that was in need of such aggregate.

In response to Members comments the Manager of the North Wales Shared Minerals and Waste Planning Service stressed minerals could only be worked where they are found. Denbighshire imports minerals that do not occur within Denbighshire such as rock salt and therefore deficiency would have to be sourced from other areas.

The minimum requirement for a landbank of crushed rock is calculated by using the local development plan period(15 years) plus ten years. The application was being considered as a new application in regards to collection of information and reports.

The Development Control Manager reminded Members that Welsh Government had issued the holding order and could take the decision out of the committees' power and make the decision. If the application was refused there was also the right of appeal which would mean a Welsh Minister or Planning Inspector would make the decision based on evidence. He stressed to members the importance of providing evidence to support any reasons to refuse the application.

Officers stressed that 44% of the material sourced at the quarry is used as agricultural lime. Therefore, a large proportion of the minerals exported from the quarry is not being used as an aggregate in construction.

Proposal – Councillor Delyth Jones proposed the application be refused contrary to officer recommendation, seconded by Councillor Arwel Roberts.

Councillor Delyth Jones outlined her reasons for refusal as follows:

- The negative impact on the protected species and the environment. In particular, the impact of the species within the Site of Specific Scientific Interest.
- The application is outside of the Local Development boundary.

The Development Control Manager emphasised that the authority would not be issuing a decision notice on this application due to the holding direction from Welsh Government. The precise wording for the refusal would be agreed with the proposer and seconder before submitted to Welsh Government.

Members asked if an additional reason for refusal on the negative impact of local residents could also be included as a factor for refusal.

Councillor Delyth Jones was in agreement that a third reason for refusal, that being the negative impact upon the amenity and well-being of local residents be added to the reasons for refusal. Councillor Arwel Roberts was in agreement. The third reason agreed was:-

- The impact the development could have on the amenity of nearby residents

The Legal Officer outlined the vote and how the responses would be recorded.

Vote –

For – 16

Against – 0

Abstain – 1

RESOLVED that permission be ***REFUSED*** contrary to officer recommendation for the reasons as stated above.

At this juncture (11.30 am) there was a 20 minute comfort break.

The meeting reconvened at 11.50 am.

6 APPLICATION NO. 43/2023/0363/ PF - 46 HIGH STREET, PRESTATYN, LL19 9BB

A retrospective application was submitted for the Installation of perforated roller shutter to front elevation at 46 High Street, Prestatyn (previously circulated).

Local Member - Councillor Jon Harland informed Members he had received several representations from local residents. The main concern he had received had been around the colour of the shutter. A number of other shutters on neighbouring businesses were located on the inside of properties. This retrospective application had the shutter on the outside of the property. In his opinion it did not cause an issue.

General Debate –

Councillor Merfyn Parry confirmed the application was retrospective and sat outside the conservation area within Denbighshire. He was in support of the application as it was not in the conservation area. He suggested that guidance be issued to businesses within the conservation area detailing the rules and policies on planning policies and procedures.

Councillor Merfyn Parry proposed the application be **GRANTED** in accordance with officer recommendation.

Councillor Terry Mendies urged Members to refuse the application. He provided two reasons. The first being the application was retrospective. In his opinion he felt that should give merit to refuse. The second reason was the appearance of the shutter. He felt the shutter was unattractive and visually unappealing. The property although not included within the conservation area was in close proximity.

The Principal Planning Officer stressed that an application received retrospectively was not a material planning consideration for refusal alone for refusal. He confirmed the site was not in the conservation area but in close proximity to the boundary. The concern was based on the impact of shutters on the visual appearance of the property on the High Street. Officers had discussed the application with the conservation officer who was not in support of the application due to its location. Planning officers had taken this into consideration when providing a recommendation along with the need for security on the site.

He guided Members to the illustrations that had been included with the papers, which showed the building with the shutter in place. In officer's opinion the shutter did not have a prominent position in the conservation area or street scene.

The reason officers brought the application to the committee was due to some concerns raised in relation to the visual impact and to enable proper debate on the issues.

Members debated the balance of visual amenity against security for the site. Members were supportive of guidance and information being provided to businesses in the area providing details of planning policies.

Members were mindful of the high value stock retailed at the premises and stressed the need for the site to have appropriate security in place.

Local Member Councillor Hugh Irving echoed Members view on the need of security for the site. He stressed he would not like to see the site vacant on the High Street and supported the application.

Members also noted the potential requirements that may be in place for security at the site to ensure insurance of the goods and property.

Councillor Merfyn Parry proposed the application be **GRANTED** in accordance to officer recommendation seconded by Councillor Alan James.

VOTE –

For – 12

Against – 4
Abstain – 0

RESOLVED that the planning application be **GRANTED** in accordance with officer recommendation.

7 APPLICATION NO. 45/2023/0435/ PF - 157 VALE ROAD, RHYL LL18 2PH

An application was submitted for the change of use of part of existing nursery to form one dwelling and associated works at 157 Vale Road, Rhyl.

The Principal Planning Officer referred Members to the late information that had been submitted on the late representation sheet.

He informed Members that it had been brought to officer's attention a further application had been submitted by the applicant for the remainder of the site which would if granted a total number of 4 dwellings would be on the site. Officers felt it was appropriate that both applications should be presented to the Planning Committee at the same time.

Councillor Alan James proposed deferring the application. Councillor Merfyn Parry seconded the proposal.

VOTE –

For Deferral – 15

Against – 0

Abstain – 0

RESOLVED that the planning application be **DEFERRED**.

8 ADDRESSING THE NATURE EMERGENCY THROUGH THE PLANNING SYSTEM: UPDATED NATIONAL PLANNING POLICY FOR CHAPTER 6 OF PLANNING POLICY WALES

The Development Control Manager introduced the information report to the committee. He reminded Members that from October 2023 there had been a change to Planning Policy Wales 11 Chapter 6 – which addressed nature emergency through the planning system. It specified that all planning applications had to submit a green infrastructure statement to demonstrate any development proposals could provide a net benefit in terms of bio-diversity.

Members suggested a training event on the changes proposed would be beneficial to all Planning Members. The Lead Member for Local Development and Planning agreed that a training session on the new policy and changes was a positive suggestion and was in support.

The Development Control Manager confirmed a training session could be scheduled following officers receiving guidance information from Welsh Government.

RESOLVED that Planning Committee members note the contents of the information report.

9 PLANNING SCHEME OF DELEGATION REVIEW

The Development Control Manager introduced the report on the scheme of delegation (previously circulated).

The Planning Scheme of Delegation was a document adopted by the Planning Committee that set out the range of applications that were presented to Committee for determination.

Officers stressed there was no proposed change to the right for Members to request referral of relevant applications to Planning Committee

The proposed change related to the role and input of the authority in relation to nationally significant infrastructure projects and developments of national significance. The authority was not the decision maker for those applications with the final determination being made by Welsh Ministers.

Members heard often these applications had time restrictions and put pressure on officers and Members to supply input to the developer and Welsh Government as part of the pre application consultations and as part of the local impact report requirements. Often it was difficult given the time limits to produce reports and present to committee.

Officers were seeking, as part of the proposed change, that any pre application and application input that officers intended to provide be delegated to officers in agreement with relevant Local Members and Lead Members.

Members were very pleased and supportive of the proposed change. The Lead Member for Local Development and Planning, agreed the change would be beneficial for officers and residents.

Members heard if the proposed changes were agreeable by the Committee the changes would be effective immediately.

By a show of hands, it was unanimously,

RESOLVED, that Members note the contents of this report and adopt the suggested changes to the Scheme of Delegation.

The Chair closed the meeting by thanking all officers and Members for the commitment and dedication during the year. He concluded by wishing everyone a Merry Christmas and best wishes for the New Year.

The meeting concluded at 12.20 p.m.

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Agenda Item 5

Luci Mayall

WARD : Moel Famau

WARD MEMBER(S): Cllr Huw Williams

APPLICATION NO: 21/2021/0903/ PF

PROPOSAL: Change of use of land by the siting of 4 no. holiday accommodation units (use class C6), installation of a package treatment plant, formation of parking, internal track, pedestrian footbridge and associated works

LOCATION: Land Adjacent to The Paddock, Llanferres, Mold CH7 5SH

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21/2021/0903



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

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21/2021/0903

The Paddock, Llanferres

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Change of use of land by the siting of 4 no. holiday accommodation units, installation of a package treatment plant, formation of parking, internal track, pedestrian footbridge and associated works



Location plan

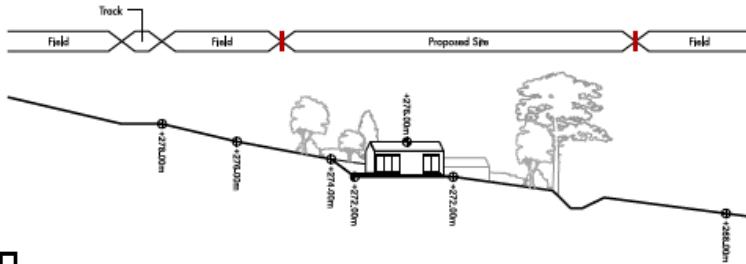
- 06/ Existing ecological area.
- 07/ Existing history.
- 08/ Existing track.
- 09/ Proposed expanded parking area (6 spaces).
- 10/ Proposed woodland pedestrian pathway.
- 11/ Proposed pedestrian footbridge over watercourse.
- 12/ Proposed lodge (Cladding Style 1).
- 13/ Proposed lodge (Cladding Style 2).
- 14/ Proposed communal area with covered canopy.
- 15/ Proposed planting/screening.
- 16/ Proposed lift store area.
- 17/ Proposed wildlife trust planting/screening.



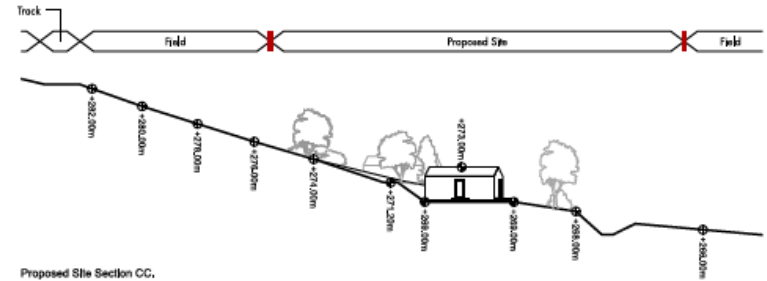
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The Paddocks

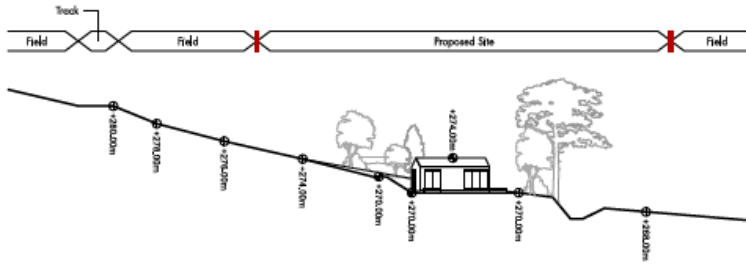
Proposed
site plan



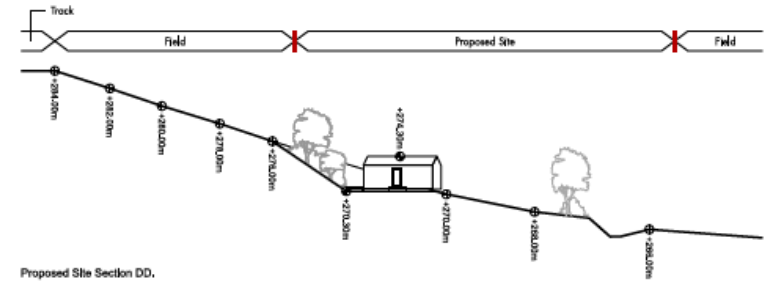
Proposed Site Section AA.



Proposed Site Section CC.

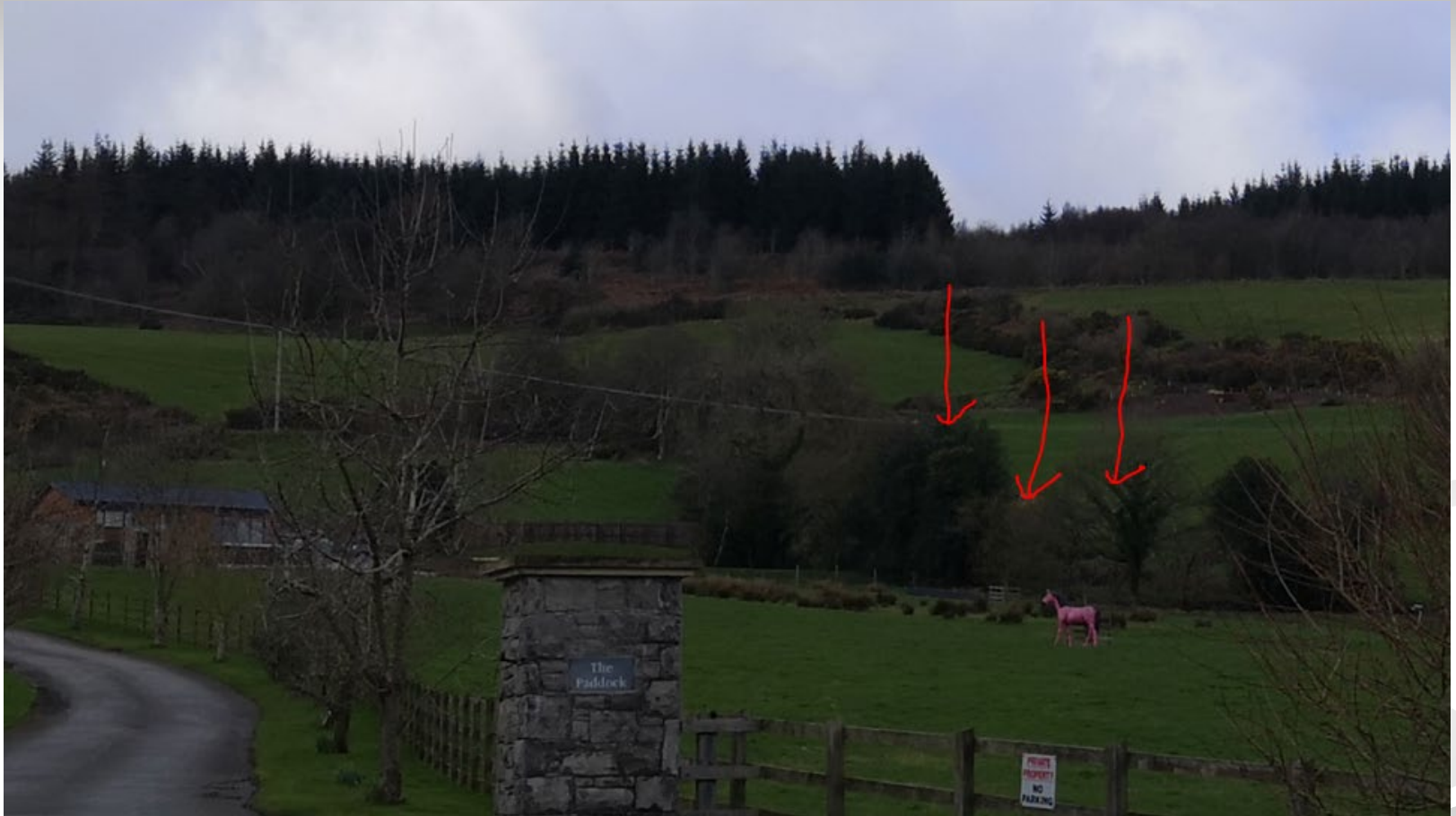


Proposed Site Section BB.



Proposed Site Section DD.

Proposed cross section of site



View towards site from the road



View
towards
site from
the track



Views within the site facing east

WARD : Moel Famau

WARD MEMBER: Cllr Huw Williams

APPLICATION NO: 21/2021/0903/ PF

PROPOSAL: Change of use of land by the siting of 4 no. holiday accommodation units (use class C6), installation of a package treatment plant, formation of parking, internal track, pedestrian footbridge and associated works

LOCATION: Land Adjacent to The Paddock, Llanferres Mold CH7 5SH

APPLICANT: Mr & Mrs G & M Davies, The Larch Cladding Company

CONSTRAINTS: PROW / Phosphorus Sensitive / SAC / AONB

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:

LLANFERRES COMMUNITY COUNCIL-

'Denbighshire's PSE12 Caravan, Chalets and Camping Advisory notes states in section 3.3 that 'lodges, chalets, pods and other similar structures which cannot be lawfully moved on a highway when assembled will be treated as static caravans'. Section 6 states that 'proposals for new static caravan sites will not be permitted'.

Councillors felt the drawings submitted were misleading as they did not show the public footpath; extent of flood risk; lack of mains water and lack of sewage disposal on the site. Councillors did not feel able to support the application for the reasons stated above'

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

'Concerned that the current proposals cannot be assimilated into the landscape as required by LDP Policies PSE5 and VOE2. The committee notes and endorses the detailed comments made by NRW in respect of landscape integration and will reserve judgement on the application until the further detail requested by NRW is made available. In addition, further details of any external lighting should be provided (or confirmation that none is proposed) to ensure that the AONB's dark sky and nocturnal wildlife are conserved'.

NATURAL RESOURCES WALES

Concerns that inadequate information has been provided on landscaping and foul drainage. The proposal needs to demonstrate it can be successfully integrated within the site and fully support the conservation and enhancement of the AONB.

Landscaping

Require a detailed planting list and indicative cross section of the site to determine the height of the chalets against the height of screening vegetation.

Foul drainage

Regarding foul drainage, the site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). The site is within a sewered area and justification provided as to why it is not feasible should be provided.

Protected species

The bat report identified that bats are likely to be present in the area using the site for foraging and commuting. Consider the proposal a lower risk case for bats but require that avoidance measures in the report are implemented.

Advise that the Ecological Appraisal document is included within the approved plans and documents on any decision notice to grant.

DWR CYMRU / WELSH WATER-

'As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
'No objection'

- Footpaths Officer

Public Path 6 Llanferres (footpath) directly abuts the application site and there is a need to protect the line of the path from obstruction during and after any works and ensure the safety at all times of the public using the path.

The line of the path is sufficiently distant that as long as it is kept open free of obstruction for use, the development of the camping facility would not have a negative impact on it. The facility's parking area is off the line of the path at the side of the private access to the property and would not impede path users.

The proposed ecological area (6) which should be managed to ensure vegetation does not obstruct or hinder use of the path that passes through it and ask that this requirement is noted to the applicants in any consents given.

- County Ecologist

No objection but recommend conditions are attached to ensure there are no negative impacts to protected species or the nature conservation value of the site. Conditions include submission of a detailed landscaping scheme, an external lighting scheme and that the development shall contain provision for roosting bats and nesting birds.

RECONSULTATION RESPONSES:

Additional foul drainage information submitted.

NATURAL RESOURCES WALES

Further information required regarding foul drainage. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

The Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.

- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

Landscaping condition is recommended and the ecological appraisal should be included in the list of approved plans and documents.

RECONSULTATION RESPONSE:

NATURAL RESOURCES WALES

No information has been presented to show it is not feasible to connect to the mains, previous response remains valid.

RECONSULTATION RESPONSE:

Revised information relating to proposed foul drainage scheme to serve the two bungalows and the 4 holiday pods. Signed permit from NRW to these arrangements provided.

NATURAL RESOURCES WALES

Phosphate sensitive SAC

Advise that the LPA should undertake a Habitats Regulations Assessment (HRA). Should an Appropriate Assessment be required, we should be consulted on the Appropriate Assessment.

Landscape and Protected species

Landscaping condition is recommended and the ecological appraisal should be included in the list of approved plans and documents.

Pollution of controlled waters

Hot tubs form part of the development and it is strongly recommended that filter backwash and drain down water are not disposed of through an independent domestic sewage treatment facility (e.g. septic tank, or other domestic package treatment plant) as this can cause hydraulic overload and / or kill off microorganisms, rendering the system ineffective and potentially polluting the ground.

Therefore advise that additional information is submitted which demonstrates there will be no groundwater pollution. The plans do not indicate how waste water from the hot tubs will be discharged, where the drainage field will be and that the ground conditions are suitable for a soakaway.

Have no objection to secure these details via condition.

RECONSULTATION RESPONSE:

Appropriate Assessment conducted by LPA Ecologist submitted to NRW.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- County Ecologist

Based on an assessment of the potential impact pathways, and specification of the proposed package treatment plant, the proposed development will not result in adverse effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC), and will not affect the integrity of the site or its' qualifying features.

NATURAL RESOURCES WALES

Concur with conclusions that the development will not have a significant impact on the Phosphate Sensitive SAC.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Paul Dyson, 1 Bryn Eithin, Tafarn y Gelyn
Ian Hemming, 8 Bryn Eithin, Forestry Road, Tafarn Y Gelyn
Phil Mann, 2 Bryn Eithin, Tafarn Y Gelyn, Llanferres
Paul and Gwenda Jelley, Bryn Ffynnon Farm, Llanferres
Mark Wilding, Oldfield, Forestry Road, Tafarn y Gelyn
Yvonne Davies, Erw Delyn, Tafarn y Gelyn, Llanferres

Summary of planning based representations in objection:

Accuracy of plans

The ownership boundary is incorrect and does not extend over the land to the north east of Oldfield.

Principle

Over intensification as already a holiday park nearby, no demand for a new site and no lack of accommodation in the area

Conflict with existing land use being industrial at the saw mill and tourism.

Not suitable site for what holiday makers are seeking

The site is already overdeveloped

Visual Amenity and impacts on AONB

Impact to character of AONB and sets a precedent for this development within the AONB

The development does not conserve or enhance the natural beauty of the area

Light pollution and impacts to the Dark Skies Status of the AONB

Impacts on views from trails above on both sides of the mountain.

Residential Amenity

Residential amenity and noise and light pollution by increased activity and people at the site

Odour concerns by proposed foul water disposal

Highways

Highways impacts to narrow lane and an increase in traffic

Impacts to users of the PROW nearby

Ecology

Already impacts to area with loss of wildlife from the current use of the site, use will exacerbate the issue.

Impacts to European protected species including the Eurasian curlew which is threatened and red grouse

Drainage

Concerns over sewage disposal and odour pollution

Water supply

Concerns over the spring water supply which is unreliable during dry spells.

In support

Representations received from:

Linos Davies, 8 Cae Gwyn, Llanferres
Neil Blackburn, Llys Fynydd, Llanferres, Mold
Alan Pimblett, Tyddyn Y Fawd, Forestry Road, Llanferres
Sion Edwards, Tany Fron, Llanferres
James Smith, Bryn Saeson Ucha, Llanferres

Summary of planning based representations in support:

Local people benefiting from visitors to the area

Longer stays will help support the local economy not just day tripping
Tourism is an important part of the Welsh economy especially in AONBs.
Will provide employment for local people
Diversification of rural business

EXPIRY DATE OF APPLICATION: 12/12/2021

EXTENSION OF TIME AGREED: 19/01/2024

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- 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

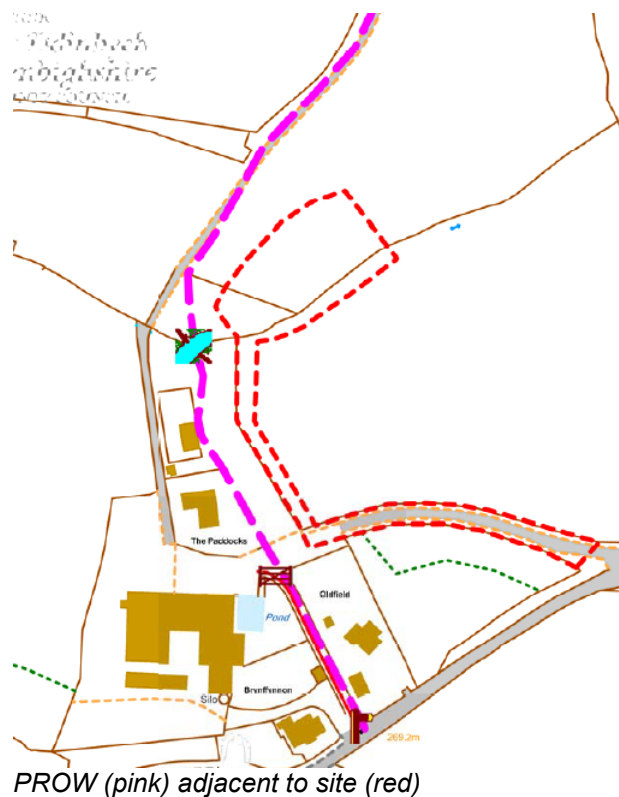
- 1.1.1 The application seeks permission for the change of use of land by the siting of 4 no. holiday accommodation units, installation of a package treatment plant, formation of parking, internal track, pedestrian footbridge and associated works at land adjacent to The Paddock, Llanferres.
- 1.1.2 The proposed units are to be located approximately 60m to the north west of The Paddocks dwelling. The units are proposed to be accessed via a wood chip track located to the east side of the existing fence line along the main access track to the dwelling.
- 1.1.3 The site is accessed through an existing hedgerow boundary and over a stream via a timber footbridge. This area is proposed to have environmental enhancements along its length extending outside the boundaries of the site.
- 1.1.4 The layout involves a central path within the site and 2 units to each side including 2 oriented facing south west and 2 oriented facing east. There is a proposed communal area to the centre of the site with a covered canopy and hedgerow planting to the boundaries of the site and between the units.
- 1.1.5 The proposed units measure approximately 8m x 4m with a pitched roof height of 3.4m and eave height of 2.4m. They would comprise a double bedroom, bathroom and open plan kitchen/dining/living area.
- 1.1.6 Patio doors are proposed to the rear along with corner bi-fold doors to serve the living area which go out onto a decking area. A hot tub area is proposed to the rear along with a bbq and fire pit area.
- 1.1.7 The units are proposed to be finished in natural timber larch cladding.
- 1.1.8 6 parking spaces are proposed at the start of the access track within a yard area opposite an existing parking area.
- 1.1.9 A new package treatment plant is proposed to replace an existing septic tank system and would serve the development as well as the two existing dwellings.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Statement and business case, Ecology Report, Drainage Assessment and Plan, additional information on foul drainage and connection to mains sewer.

1.3 Description of site and surroundings

- 1.3.1 The application site is a field adjoining the complex at The Paddock. The site forms part of a field which slopes down to the south towards The Paddock and consists of scrub, scattered trees and hedgerow along the southern boundary abutting the stream below.
- 1.3.2 The surrounding fields are used for grazing and in association with a donkey trekking business. There is a PROW which runs north to south adjacent to the site, see extract below.
- 1.3.3 There is a long driveway up to the site with existing parking provision available.



1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundary defined by the LDP.
- 1.4.2 The site is within the AONB designated area of protection
- 1.4.3 There is a PROW running north to south immediately west of the site boundary.
- 1.4.4 The site is located within a Phosphorus sensitive Zone- Bala Lake and River Dee Phosphate Sensitive Special Area of Conservation Catchment.
- 1.4.5 The site is partly within a 3b and grade 4 classification as defined by the Predictive Agricultural Land Classification (Welsh Government).

1.5 Relevant planning history

1.5.1 Previous permissions relating to a Rural Enterprise Dwelling, domestic extensions and change of use of land to form donkey trekking business.

1.6 Developments/changes since the original submission

1.6.1 Additional information on foul drainage scheme and why connection to mains sewer was not feasible. Submission of Package Treatment Plant Permit from NRW.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

31/13639 Use of Agricultural Building For Processing/ Treatment Of Raw Timber. GRANTED 24/12/1993.

21/2004/1077 Application for Certificate of Lawful use of existing use of land for the storage of round and square timber. REFUSED 26/04/2005.

21/2007/0915 Continuation of use of land and buildings in connection with sawmills business. GRANTED 07/11/2007.

21/2011/1506 Construction of a new vehicular access and driveway. GRANTED 27/03/2012.

21/2012/0956 Continuation of use of agricultural land as extension to curtilage of the Existing sawmills business for storage of incoming round log timbers and for additional vehicle turning purposes (Retrospective). GRANTED 12/09/2012.

21/2014/0360 Change of use of part of existing agricultural building and rear yard area to sawmill business use, erection of a dry wood storage building and retention of staff car parking (partly retrospective). GRANTED 30/07/2014.

21/2014/0427 (i) Installation of 2 no. biomass boilers to serve existing sawmill business And dwelling (ii) Erection of dry wood storage building. GRANTED 30/07/2014.

21/2015/0213 Erection of ancillary domestic building, GRANTED 24/04/2015

21/2019/1032 Erection of extension to existing domestic ancillary building, formation of access track to serve the domestic ancillary building and associated works (Partly retrospective) WITHDRAWN 5/10/2020

21/2021/0230 Change of use and extension of existing domestic ancillary building to form one Rural Enterprise Dwelling, formation of access track associated works (partly retrospective), GRANTED at planning committee on 16/06/2021

21/2022/0980 Change of use of land and part of building to form donkey trekking business and associated works (partly retrospective) GRANTED at Planning Committee on 15/02/2023

21/2022/0490 Display of 2 no. colour coated aluminium signs with natural timber framing fixed to timber post and boarded fence, GRANTED 24/08/2022

21/2023/0391 Variation of condition 4 of planning permission 21/2022/0980 to allow varied opening hours, GRANTED at Planning Committee on 6/09/2023

21/2023/0510 AD- Erection of 2 no sign board panels displaying 3 no colour coated aluminium signs per panel and fixed to larch boarded panels fixed to timber post supports, GRANTED 24/10/2023

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 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: Access For All

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

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

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 Visual amenity and impact on the AONB
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 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 an additional source of income to an existing rural enterprise 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 by the Community Council and neighbours that the principle of development is unacceptable as Policy PSE12 does not permit new static caravan sites and there is no demand in this area as there is already holiday accommodation site nearby.

The Planning Statement submitted with the application states that the proposal will provide an additional source of income for the existing rural enterprises on the site. It states that the proposal will 'increase their existing business enterprise's resilience to challenges facing the industry in the future'. 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 existing enterprises. The site is located on an unused piece of land and is claimed 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 statement addendum confirms that the existing businesses including the recently approved Donkey Trekking experience, 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 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 56 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 4 holiday pod units on land connected with The Paddock, Llanferres. The land is unused and has a number of trees and scrub on the hillside. The number of proposed units is considered to be small scale and proportionate to its location within the parcel of land. 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 units are not considered to be an obtrusive form of development and would be set into the hillside and well landscaped. The landscaping scheme would provide a large biodiversity enhancement to the wider site through extensive native species planting. The proposal put forward is of a high quality and well thought-out design and will significantly enhance the biodiversity of the area. It is considered the proposal is in compliance with Policy PSE12.

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 The Paddock and is used only for grazing due to the topography. A donkey trekking route is located adjacent to the site which had permission approved earlier in the year. It is acknowledged that the site is a short distance away from the main complex of built development, however, due to the scale of the proposal, it is not considered to be detrimental to the rural nature of location, providing the units are appropriately integrated into the site through landscaping.

Officers acknowledge the points raised by the Community Council and neighbours, however, consider that the proposal for 4 x 1 bed holiday units at the site would not result in an overconcentration of holiday accommodation sites within the area. 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 rural enterprise scheme in this location to be acceptable, subject to an assessment of the localised impacts.

4.2.2. Visual amenity and impact on the 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.*'

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 made on visual amenity issues raising concerns regarding the impacts on the AONB and dark skies status and impacts to views from the wider landscape.

The site is currently in agricultural use, being part of an open field. It is approximately 60m from the nearest built development. The layout of the site is considered to be appropriately sited to take advantage of the existing hedge/tree screening and topography of the land. The layout of the proposed units incorporates the addition of further hedgerow and native planting around the site and between the units, which helps to separate the site from the wider field and screen it from long distance views. Whilst it is acknowledged that the site is slightly away from the main complex, this is considered a logical site for amenity, safety and visitor experience, with sufficient screening and landscape arrangements, on balance, the site is considered to be acceptable in this location.

The site is approximately 185m from the public road, on the hillside and is screened by existing trees and hedging. These are to be improved and supplemented as part of a landscaping scheme and would help to reduce the visibility of the units from wider ranging viewpoints. The site is in a relatively open location, however, having regard to the small scale nature of the proposal and the proposed general planting, existing hedgerows, screening arrangements and topography, it is considered that these would help to integrate the site into the landscape and reduce its prominence in the rural setting.

On balance, it is considered that the scheme would not result in an unacceptable adverse visual impact due to the small scale nature of the proposal. The scheme is not considered to be prominent within the landscape due to the siting of the units the natural timber finish and the proposed landscape and screening arrangements. It is not considered that the development of the site for holiday units would have an unacceptable impact to the visual appearance and character of the AONB and the proposal is considered to be compliant with the tests contained within the DMM.

The indicative landscaping shows that in principle, a suitable landscaping scheme can be delivered, however, further details of the soft landscaping arrangements will be conditioned on any decision to grant, to add to this to ensure that the scheme is successful in ensuring the site is well integrated into the wider setting.

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 made raising residential amenity concerns including the potential for noise and light pollution by increased activity and people at the site and odour concerns by proposed foul water disposal.

The nearest unrelated dwellings to the site is Oldfield approximately 150m from the site and Bryn Ffynnon approximately 180m away. It is not considered that the level of activity through the coming and going of visitors would impact unacceptably on the residential amenity of occupiers, more than what already exists at the site. The car generation is likely to be 1 car per unit given they are 1 bed units. It is not considered that the additional movements of 4 vehicles would impact unacceptably on the amenity of the nearby properties. The site is located within the AONB and it is important to ensure all external lighting respects the dark skies status. A condition will be attached to any decision to ensure this is controlled and does not impact on residential amenity as well as the character of the AONB. Odour concerns have been raised, however odour is not usually an issue from new Package Treatment Plants as the water that is discharged is filtered and cleaned.

Given the separation distances and the existing activities on the site, it is not considered that the level of activity associated with the 4 proposed glamping units would result in a level of noise and disturbance to occupiers which would give rise to a reason for refusal.

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 updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- *Green Infrastructure*
A stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.
- *Net Benefit for Biodiversity and the Step-wise Approach*
Further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.
- *Protection for Sites of Special Scientific Interest (SSSI)*
Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.
- *Trees and Woodlands*
A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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

Future Wales (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.*"

Representations have been received raising concerns regarding the loss of habitat and impact on wildlife.

The application is supported by an Ecological Appraisal which concluded that the main potential ecological constraints would be, loss of habitats for foraging/commuting bats and nesting birds. The report suggested mitigation and recommendations to offset the loss of habitats and that a management regime will be incorporated into the proposals to improve the quality of the retained habitats. This will include the planting of native hedgerow species to provide the new boundary between the site and new path between the parking area and the glamping pods. Any tree or hedgerow (or part thereof) removal should be timed to avoid the bird breeding season, which runs from March to September (inclusive). This is to avoid adverse impacts to any nests present. It is understood there are no plans to remove any standard trees only shrub species.

The report states that a lighting plan sympathetic to any bat species which may roost within the trees or utilise the trees or hedgerows for foraging or commuting will be incorporated into the proposals.

As an enhancement prescription, it is recommended that bat roosting boxes are installed on suitable trees within the vicinity of the site. The new hedgerow to be laid to offset the loss of habitats, once it has matured, is considered to constitute a potential biodiversity gain.

The County Ecologist and NRW raise no objection the proposals on this basis and set out conditions to secure the appropriate mitigation and enhancement measures are implemented.

4.2.5 Drainage including Phosphate Sensitive SAC

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'. Representations have been received raising drainage concerns from the proposed foul drainage arrangements and concerns regarding water supply.

The application site is served by a private water source and the Public Protection Officer has raised no concerns in this regard. The application proposes a replacement Package Treatment Plant to replace an older existing, unregistered, septic tank system. Queries were initially raised by NRW regarding a potential connection to the public sewer which could be available nearby. However, as the site is over 100m away from the sewer, NRW are satisfied that the costs involved in creating a connection would be unreasonable and are satisfied that this connection is not feasible in this instance.

The application site is located within the Phosphate Sensitive Catchment Area (River Dee and Bala Lake). A Record of Assessment of Likely Significant Effect On A European Site was carried out by the Local Planning Authority as the Competent Authority under the Habitat Regulations regarding phosphate. This concluded that the proposed development involves a replacement private sewage treatment system to replace an old septic tank system discharging domestic wastewater to ground more

than 50m from a SAC boundary, and which has a maximum daily discharge rate of less than 2 cubic metres (m³). The location of the proposed private sewage treatment system is however, within 40m of a watercourse and is within 200m of an existing system discharging wastewater to ground (Oldfield registered septic tank, approx. 134m away).

As a result, it was not possible to screen the proposal out against the Habitats Regulations and an Appropriate Assessment was required to be undertaken by the County Ecologist to demonstrate that the development will have no impact on phosphate levels within the Phosphate Sensitive Catchment of the SAC.

The Appropriate Assessment concluded that, based on an assessment of the potential impact pathways, and specification of the proposed package treatment plant, the proposed development will not result in adverse effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC), and will not affect the integrity of the site or its' qualifying features.

Therefore, due to the distance from the SAC boundary being 22km, NRW also concur that there would be no direct pathways for phosphate to enter the catchment and the proposed development will not result in likely significant effects alone, or in combination with other plans or projects. This conclusion resulted in the permit agreement for the replacement Package Treatment Plant which was agreed on 18/10/2023.

NRW raised concerns about the installation of hot tubs to serve the pods and strongly recommended that filter backwash and draindown water are not disposed of through the independent domestic sewage treatment facility as this can cause hydraulic overload and / or kill off microorganisms, rendering the system ineffective and potentially polluting the ground.

NRW therefore recommended that a condition is attached which indicates the location of the hot tubs and drainage details, including soakaway position and porosity tests are submitted to demonstrate the ground conditions are suitable for the additional discharge. Officers consider this to be reasonable, and an appropriately worded condition will be attached to any decision to grant.

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) 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 raising concerns regarding an increase in traffic on the narrow lane and impacts to users of the Public Right of Way (PROW) nearby.

The proposal involves the use of an existing parking area for 4 vehicles in connection with the glamping site. This equates to one parking space per unit which is expected

as there is one bedroom per unit. The access arrangements are to remain as existing and there is adequate parking provision within the site to accommodate the glamping site and for visitors to the Donkey Trekking experience and Sawmills/ log business.

The Highway Officer raises no objection to the proposed scheme and it is not considered an additional 4 vehicles will result in unacceptable impacts on the highway to warrant a refusal of permission in this regard.

Having regard to the PROW, the PROW Highways Officer has advised that Public Path 6 Llanferres (footpath) directly abuts the application site and there is a need to protect the line of the path from obstruction during and after any works and ensure the safety at all times of the public using the path. It is considered that the line of the path is sufficiently distant that as long as it is kept open free of obstruction for use, the development of the camping facility would not have a negative impact on it. The facility's parking area is off the line of the path at the side of the private access to the property and would not impede path users.

To conclude, it is not considered the proposed development would result in an unacceptable impact on the Highways network and adequate parking provision can be achieved within the site.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

5. SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT- subject to the following conditions-

1. The development to which this permission relates shall be begun no later 17th January 2029
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 Location Plan (Drawing No. 21N.A001 Rev P07) - Received 24 November 2023
 - (ii) Existing Site Plan (Drawing No. 21N.A003 Rev P05) - Received 24 November 2023
 - (iii) Proposed Site Location Plan (Drawing No. 21N.A002 Rev P07) - Received 24 November 2023
 - (iv) Proposed Site Plan (Drawing No. 21N.A004 Rev P09) - Received 24 November 2023
 - (v) Proposed Floor Plan (Daytime Configuration) (Drawing No. 21N.A005 Rev P01) - Received 26 August 2021
 - (vi) Proposed Floor Plan (Nighttime Configuration) (Drawing No. 21N.A006 Rev P01) - Received 26 August 2021
 - (vii) Proposed Roof Plan (Drawing No. 21N.A007 Rev P01) - Received 26 August 2021
 - (viii) Proposed Elevation (1 of 4) (Drawing No. 21N.A008 Rev P01) - Received 26 August 2021
 - (ix) Proposed Elevation (2 of 4) (Drawing No. 21N.A009 Rev P01) - Received 26 August 2021
 - (x) Proposed Elevation (3 of 4) (Drawing No. 21N.A010 Rev P01) - Received 26 August 2021
 - (xi) Proposed Elevation (4 of 4) (Drawing No. 21N.A011 Rev P01) - Received 26 August 2021
 - (xii) Planning Statement & Business Case (Dated 07/09/21) - Received 26 August 2021
 - (xiii) Ecological Appraisal (Dated Aug 21) - Received 26 August 2021
 - (xiv) Tree Survey (Treesure, Dated 14/10/21) - Received 18 October 2021
 - (xv) Existing Site Sections (Drawing No. 21N.A012 Rev P01) - Received 4 January 2022
 - (xvi) Proposed Site Sections (Drawing No. 21N.A013 Rev P01) - Received 4 January 2022
 - (xvii) Proposed Site Plan - Planting (Drawing No. 21N.A004 Rev P07) - Received 4 January 2022
 - (xviii) Larch Cladding Company Fencing and Planting Plan - Received 4 January 2021
 - (xix) Waterco Foul Drainage Technical Note (Dated March 2022) - Received 23 March 2022
 - (xx) Drainage Quote (Dated 21/03/22) - Received 23 March 2022
 - (xxi) Permit Issue letter NRW (Ref PAN-022437, dated 18/10/23) Received 18 October 2023
 - (xxii) Signed Permit NRW (dated 18/10/2023) Received 18 October 2023
 - (xxiii) Certificate PIA Kingspan Biodisk + P - Received 31 October 2023
 - (xxiv) Proposed site plan with drainage- Received 31 October 2023
 - (xxv) Additional info hot tub capacity email - Received 24 November 2023
3. The holiday units hereby approved shall be occupied for short term holiday accommodation purposes only (use class C6) and not as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
4. 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

5. Notwithstanding the hereby approved plans, the development shall proceed in strict accordance with the Tree Protection Plan and details contained in the approved Tree Survey (Treesure, Dated 14/10/21).

6. **PRE COMMENCEMENT**
 No development shall be permitted to commence until the details of the provision for roosting bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans having particular regard to the external lighting scheme which shall also be detailed on the plans. The development shall proceed in strict accordance with the approved plan and details.

7. **PRE COMMENCEMENT**
 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 including any to be retained, and measures for their protection during the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including details of grass and wildflower seeded areas (including cut and fill areas), confirmation of species, sizes, numbers and location
 - (c) proposed materials to be used on the 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 all boundary treatments including any screen fencing.
 - (f) the timing of the implementation of the planting and landscaping scheme
 - (g) the future management of all trees, hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period
 - (h) details of minor artefacts and structures including any furniture, foot bridges, bin/recycling store or other storage units
 The scheme shall proceed in strict accordance with the approved details.

8. 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 and shall be implemented prior to the use commencing. 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.

9. 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.

10. Notwithstanding the hereby approved plans and documents, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats and recognising the AONB's Dark Skies status, shall be submitted to and approved in writing by the Local Planning Authority before the units are occupied. This shall include plans illustrating the location and type of existing and proposed external lighting in relation to any biodiversity enhancement features and have regard to any retained or proposed features planned for bats functional use in foraging/dispersal purposes. The scheme shall be carried out strictly in accordance with the approved details.

11. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the details hereby approved and shall be completed prior to the development being brought into use.

12. Notwithstanding the hereby approved plans, no hot tubs shall be permitted to be installed at the site without the prior written agreement of the Local Planning Authority as to the siting, specification and method of drainage, which shall include a soakaway/drainage area shown on appropriate plans. This shall include porosity tests results to assess the suitability of ground conditions to ensure the potential for groundwater pollution is minimised. The hot tubs shall only be installed and operated in accordance with the approved details.
13. Notwithstanding the hereby approved plans, the timber cladding to the units shall have a naturally weathered appearance and shall not be painted or stained without prior written consent of the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the 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 tourism purposes only in line with national and local planning policies
4. In the interest of landscape and visual amenity
5. To maintain and enhance biodiversity
6. To protect the favourable conservation status of protected bat and bird species
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development
9. In the interests of residential and visual amenity
10. To ensure the favourable conservation status of protected bat species
11. In the interest of highway safety
12. To prevent groundwater pollution from hydraulic overloading of the independent domestic sewerage treatment facility
13. In the interest of the visual amenity of the Area of Outstanding Natural Beauty.

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Agenda Item 6

Luci Mayall

WARD : Llanrhaeadr Yng Nghinmeirch

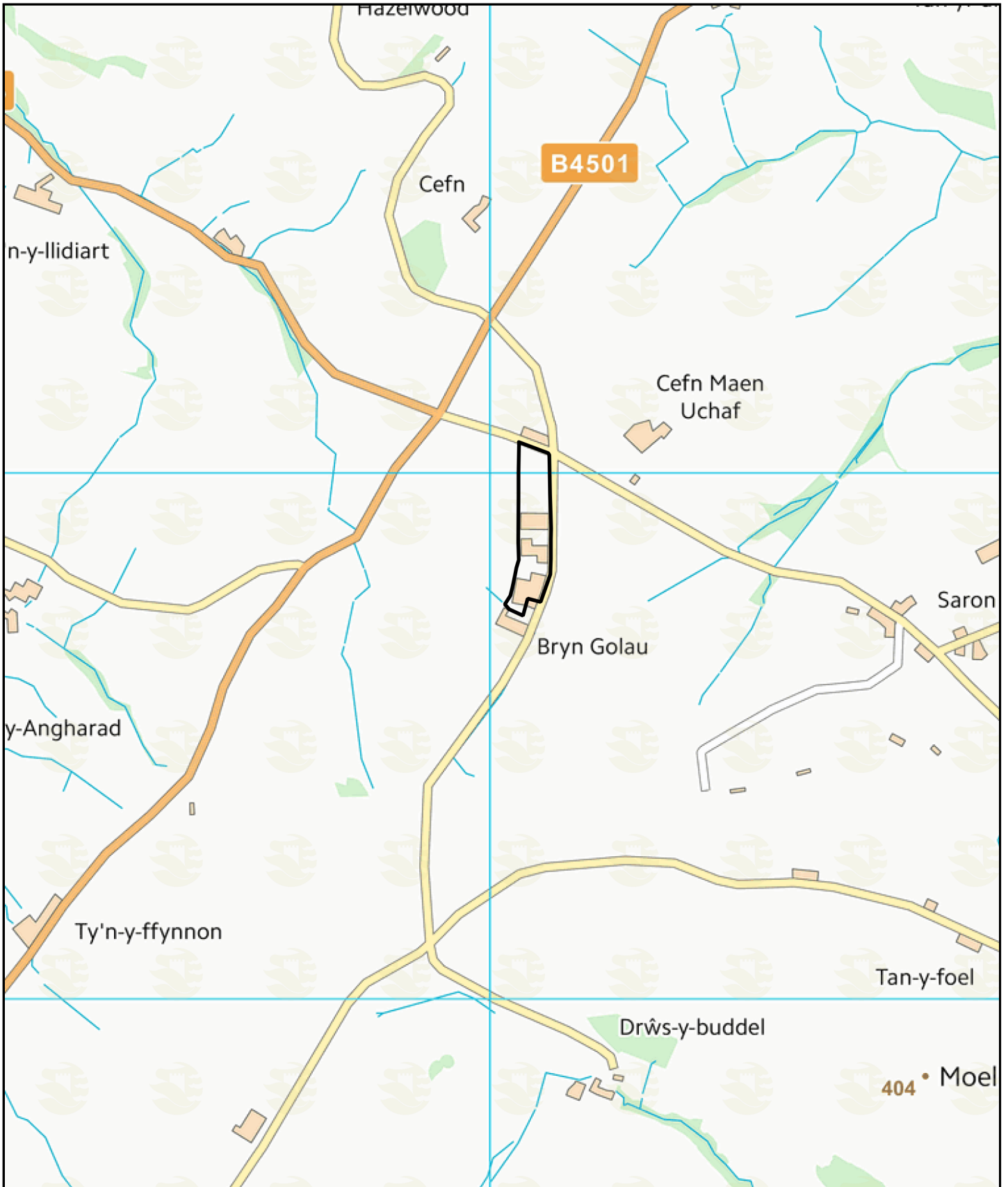
WARD MEMBER(S): Cllr Elfed Williams (C)

APPLICATION NO: 23/2023/0468/ PF

PROPOSAL: Demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works

LOCATION: Bryn Golau, Saron, Denbigh, LL16 4TH

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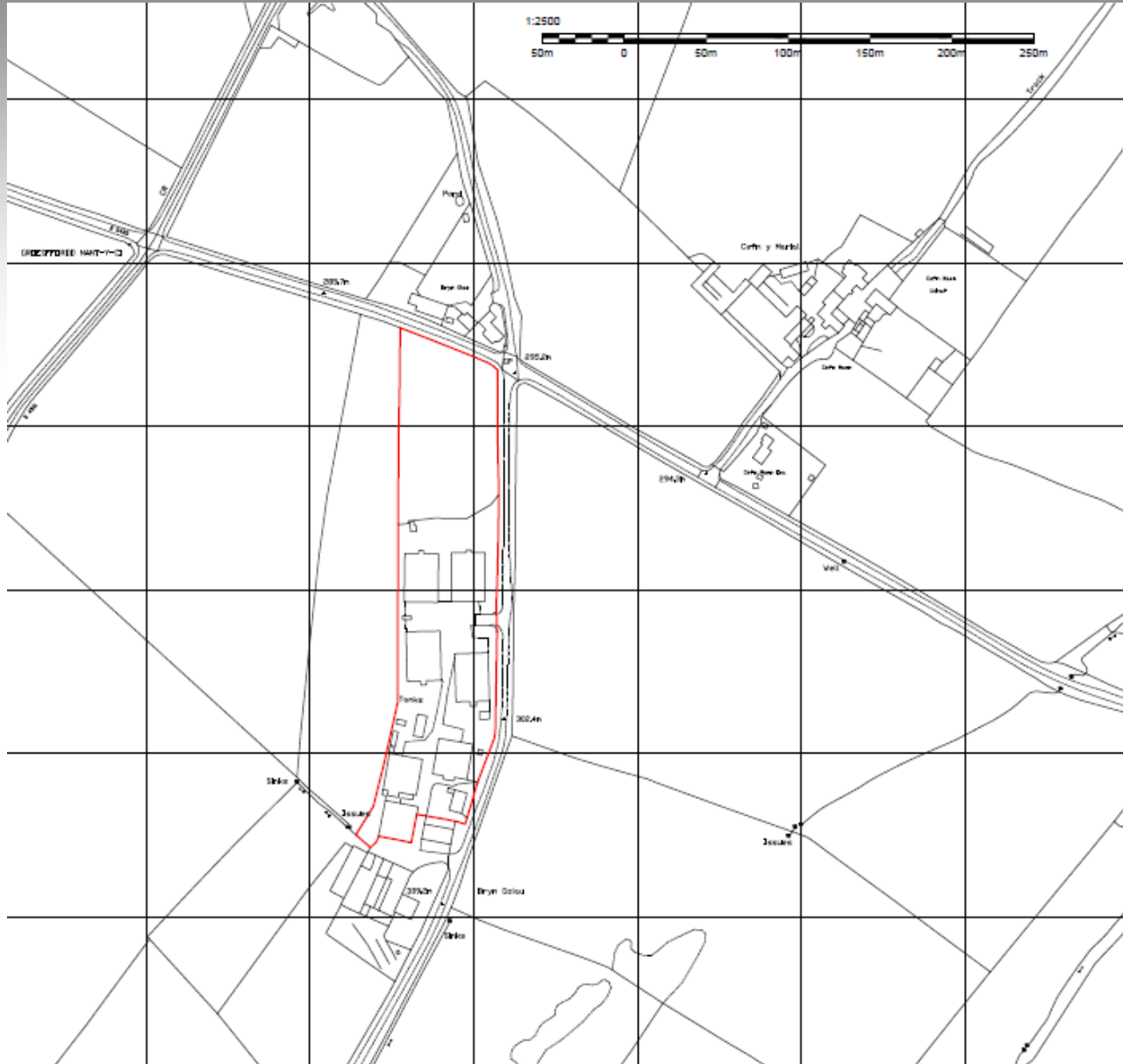
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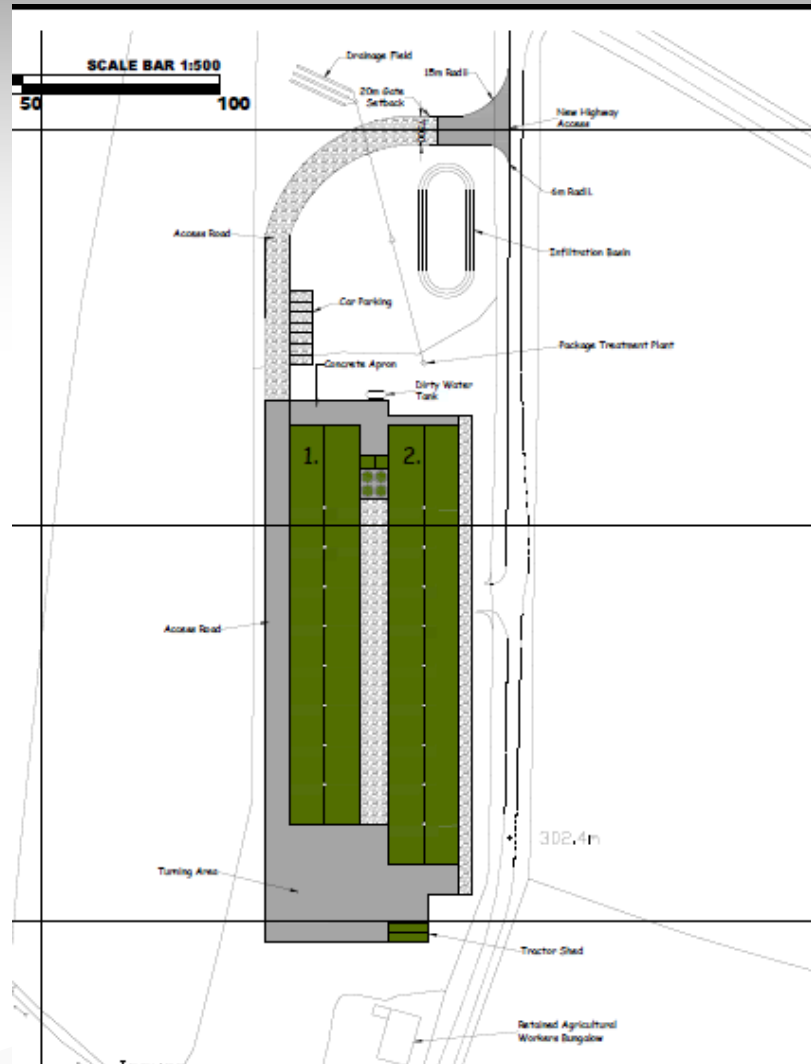
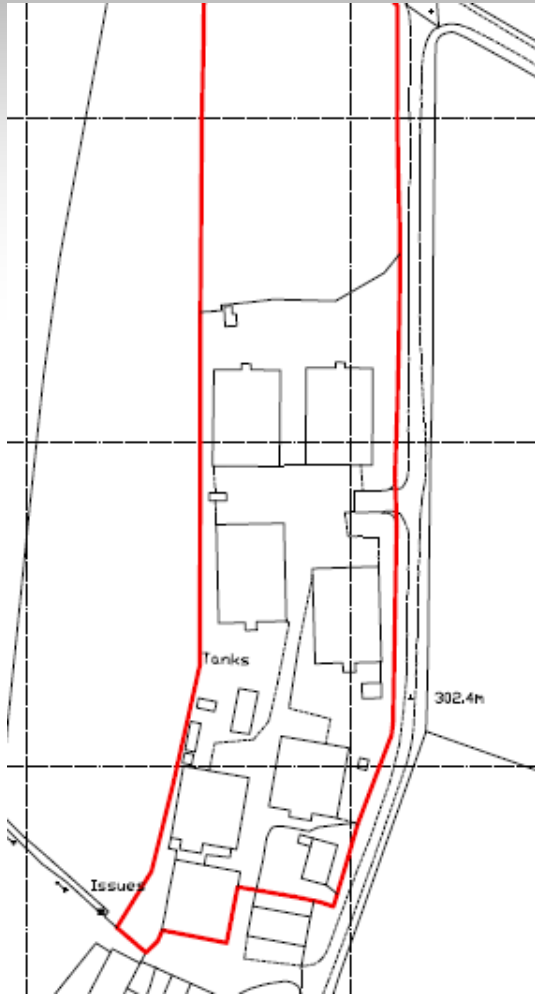
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Bryn Golau, Saron

Demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works



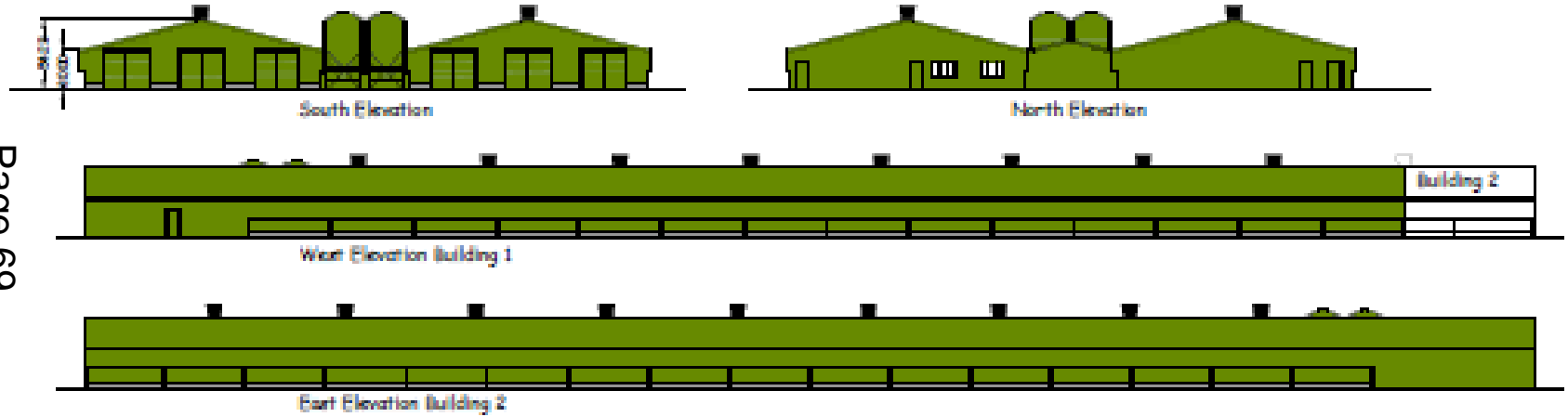
Location plan



Existing and proposed site plan



Proposed aerial view of new sheds



Proposed elevations



View of existing sheds from the lane to the east



View from main road, new access within hedge to the right



Views within the site

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER(S): Cllr Elfed Williams (C)

APPLICATION NO: 23/2023/0468/ PF

PROPOSAL: Demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works

LOCATION: Bryn Golau, Saron, Denbigh, LL16 4TH

APPLICANT: Mr Clay Burrows, Aviagen Turkeys Ltd.

CONSTRAINTS: PROW

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

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

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

CONSULTATION RESPONSES:

LLANRHAEADR YNG NGHINMEIRCH COMMUNITY COUNCIL

Are of 'the opinion that the new vehicular access to the planning application is too close to the highway bend and crossroads junction which is inviting road traffic accidents to the subject planning application and plans site'.

NATURAL RESOURCES WALES

Concerns as inadequate information has been provided in support of the proposal. Additional information is required on manure management and contaminated water.

Management of manure and contaminated water

Concerned that the proposed management of the manure and contaminated water could result in a third party spreading the exported material (or resulting digestate) within a river Special Area of Conservation (SAC) catchment.

We are not satisfied that the regulatory regimes covering spreading of manures, or resultant digestate to land, are adequate in preventing discharge of phosphorus to the river environment.

We are not satisfied that the CoAPR currently have adequate controls to protect rivers from the risk of phosphorus loss from land spreading of manures / slurries or agricultural digestate.

We are also concerned that the disposal of contaminated water could result in an adverse effect on a river SAC. As it is proposed that the disposal of contaminated water is managed by a third party, we are not satisfied that the proposed agreement would be capable of exerting sufficient control over the fate of the contaminated water to avoid an adverse effect on an SAC.

For us to support a conclusion of no adverse effect on site integrity, we would expect an applicant to demonstrate that a robust and enforceable chain of custody was in place for the fate of manures and contaminated water from the site, controlling the location, beneficial use and method of land spreading.

Protected species

Accept the conclusions of the report and recommendations around external lighting.

Protected Sites

The submitted ammonia impact assessments predict the proposals will result in lower ammonia concentrations at habitat sites, than from the existing broiler operations. Therefore, the proposals represent an improvement on existing, and therefore an in-combination assessment is not required.

On this basis, we recognise that the proposed development will result in betterment in terms of the existing air quality and therefore we raise no further concerns with regard to air quality matters.

Foul Drainage

Raise no concerns. If a private drainage solution is progressed, an Environmental Permit will be required.

DWR CYMRU / WELSH WATER

No comments to make as the applicant does not proposed to connect to the public sewer. SAB approval may be required.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

No objection subject to the attachment of a condition which ensures that any other access or egress is permanently closed and the highway verge reinstated should the new access come into use.

- Footpaths Officer

Public path 53 Llanrhaeadr (footpath) abuts the red line outlining the development area. We do not consider that the proposed development would have any physical impact on the path but would ask that during construction the applicant and developer are made aware that the public will be using these routes and ensure their safety is maintained throughout the works. The area also needs to be kept free of any building materials to avoid obstruction or any disturbance to the path surface.

Public Protection Officer -

Lighting impact Assessment required.

Ecology Officer-

No objection subject to conditions around biodiversity enhancement measures, external lighting scheme, and ensuring all trees and hedges to be retained are protected from development.

Recommend that should the existing access no longer be required, details of reinstating a section of native hedgerow in this location should be explored. Additional native hedgerow could be planted up to the gate on the new access point providing the visibility splays can be achieved.

Drainage Officer-

SAB Approval required

RE-CONSULTATION RESPONSES:

LLANRHAEADR YNG NGHINMEIRCH COMMUNITY COUNCIL

Objection.

'We do not agree with the Highways statement and we are of the opinion that the proposed placement of the new vehicular entrance / exit so close to the crossroads with extremely poor sight lines will cause accidents between the large articulated delivery vehicles and the local

traffic from the school bus, local forestry, farm or cars. There is insufficient distance between the new access and the crossroads'

NATURAL RESOURCES WALES

Satisfied concerns can be overcome if the Manure Management Plan and Preliminary Ecological Appraisal are included in the approved plans and documents condition on the decision notice.

The Manure management Plan confirms that there are existing arrangements with regards to the export of manure and contaminated water. The Plan also confirms that the proposal would decrease the amount of manure produced from 936 tonnes of manure per annum (poultry) to 421 tonnes of manure per annum (turkey). Therefore, as the proposal would result in a decrease in manure production and an improvement on the existing scenario, we raise no further concerns.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEEES –

Public Protection Officer –

In addition to my comments dated 17/11/2023 and following further discussions with the applicants' agent and the professional odour consultant the proposed roof mounted fans meet the criteria of Best Available Technique for UK sites. The modern facility and husbandry standards should offer improvement over the existing poor quality poultry units. With the modern facility it may be possible that the odour modelling is over-predicting odour impact and under-estimating the impact of the current sub-standard poultry units.

Recommend conditions are attached to control the transportation of live poultry to reduce impact on the nearest residential receptors, ensuring all deliveries take place between Mon-Fri 7am to 7pm, and Sat 7am to 5pm and Sun/public holidays 10am to 4pm. The external lighting shall be carried out as described in the lighting assessment and an Odour Management Plan shall be submitted before the poultry production cycle begins on site.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Robert Wynne, Bryn Glas, Saron, LL16 4TH
David & Gillian Tyrer Cefn Maen Isaf Saron ,Denbigh

Summary of planning based representations in objection:

Residential amenity:

Odour

Impacts likely to occur similar to previous use

Noise

Timing of deliveries impacting neighbours through noise– operation hours 7am to 4pm

Engine noise and equipment noise filling silos.

Site to operate 24 hours during 4 weeks of cull period- continuous disturbance

Prevailing wind direction not taken into account in noise survey

Continuous noise nuisance from fans operating

New entrance closer to neighbouring properties

Lighting

Impacts and disturbance by movement of vehicles especially during 24 hours during cull period

Impacts of external lighting on nearby properties.

Pests

Demolition of existing buildings causing issues with vermin and pollution

Highways

Site entrance is closer to the main road junction and few metres from a dwelling.
Road condition is already poor and further HGV traffic will deteriorate it further

Ammonia impacts

Concerns the nearby upland wet woodland has not been considered in relation to wind direction from units

RECONSULTATION RESPONSES TO PUBLICITY

In objection

Representations received from:

David & Gillian Tyrer Cefn Maen Isaf Saron ,Denbigh

Summary of responses made in objection

Previous movements occurred into the morning, require assurance that description of deliveries includes 'exception of live bird transport' as recommended by the agent.

Concerns around noise output during the overnight removals

Concerns around the light output during overnight removals

Querying the number of removals

EXPIRY DATE OF APPLICATION: 24/08/2023

EXTENSION OF TIME AGREED: 19/01/2024

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- 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 demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works at Bryn Golau, Saron.
- 1.1.2 The proposal involves the demolition of 7 poultry sheds and the erection of 2 new linked poultry houses and associated infrastructure. The farm is proposed to operate as a turkey laying unit and would have a capacity of 6,000 birds.
- 1.1.3 Poultry unit 1 is proposed to measure 101m x 18m (a floorspace of 1818sqm). Poultry unit 2 is proposed to measure 111m x 18m (a floorspace of 1998sqm) with a link measuring 7m x 3m. The proposed tractor shed would measure 10m x 5m (a floorspace 50sqm) and the 4 feed bins in olive green to match the building would have a height of 8.6m and 3.75m diameter. The total floor area of the buildings proposed is 3887sqm. The buildings are proposed to be located on the same footprint as the existing buildings on the site.
- 1.1.4 The proposed buildings are of a steel portal frame construction with external polyester coated cladding to the walls and roof in olive green. The buildings will be fitted with automatic feeders. Ventilation fans are mounted on the roof.

- 1.1.5 Eggs are proposed to be collected 3 times per week for transport to the hatchery. All manure is proposed to be removed from the site under a contract with a specialist poultry services company (Gamber Logistics).
- 1.1.6 Dirty water tanks will collect dirty water which will be removed from the site at the end of each flock by vacuum tanker under a waste management agreement.
- 1.1.7 Hardstanding areas are proposed with a new internal access road coming from closer to the main Saron road. Car parking is proposed for 7 vehicles with the access road and turning area located to the south of the buildings.
- 1.1.8 The proposed redevelopment of the farm will create 5 full time jobs.
- 1.1.9 A total of 6 vehicles will be required per 36 week cycle to move the birds during the night for welfare purposes. This is broken down to 1 lorry in week 25, 1 in week 26, 2 in week 27 and 2 in week 28. The site is empty for preparation for the next batch of birds from week 28 to 36.

1.2 Other relevant information/supporting documents in the application

- 1.2.1
 - Odour Impact Assessment
 - Ammonia Impact Assessment
 - Noise Impact Assessment
 - Ecology Survey
 - Transport Statement
 - Foul Drainage Strategy
 - Manure and Dirty Water Management Plan
 - Pollution Prevention Plan
 - External lighting Assessment
 - Operational details

1.3 Description of site and surroundings

- 1.3.1 The current use of the site is based on the rearing of commercial broiler chickens and has been established for a number of years. The capacity of the existing site is 87,200 birds, with around 7.5 flocks of birds per annum. The sheds are situated behind a mature hedge within the farm complex. The vents and roofs can be seen from the lane to the east.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundary defined by the LDP.
- 1.4.2 There is a public footpath along the boundary of the site.

1.5 Relevant planning history

- 1.5.1 Previous permissions relating to the poultry farm dating back to 1978.

1.6 Developments/changes since the original submission

- 1.6.1 Submission of amended manure and dirty water management plan, further information on operations.

1.7 Other relevant background information

- 1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 34/2650 Erection of Poultry House, GRANTED 10/3/1978
- 2.2 34/4677 Erection of single storey structure, GRANTED 10/07/1980
- 2.3 34/14085 Construction of 7 additional bulk feed bins, GRANTED 12/05/1994

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 VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA3 – Parking standards

Supplementary Planning Guidance

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)

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

4.2 In relation to the main planning considerations:

4.2.1 Principle

Paragraph 5.6 of 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.

TAN6 Appendix 1 sets out general matters for planning authorities to consider when dealing with agricultural prior notification applications, which are considered to be material to the determination of planning applications. TAN6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

With regard to agricultural development, PPW11 states that diversification activities come in many forms and include both agricultural and non-agricultural activities. The examples given include livestock rearing. PPW11 goes on to state that diversification projects “should be supported where there is no detrimental impact on the environment and local amenity”.

Policy PSE5 of the Local Development Plan states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising any special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

The June 2018 Welsh Government ‘Dear Chief Planner’ letter states:

“Strong rural economies are essential in creating and sustaining vibrant rural places and communities. The planning system should support economic and employment growth in the countryside wherever it is considered appropriate. In adopting a constructive approach towards agricultural development we need to ensure significant consideration is given to environmental protection as well as the well-being of people and the impacts on natural and cultural resources.”

It is evident that national and local planning policy offer general support for appropriate new agricultural development. It is therefore considered that a proposal for the demolition of existing poultry rearing buildings and the erection of modern sheds for breeding turkeys within the same footprint would be acceptable in principle,

and that the key issues to address are the localised impacts, which are reviewed in the following sections of the report.

4.2.2 Visual amenity

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

PPW 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.'

TAN6 A14 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.

No representations have been received raising visual amenity concerns.

The proposal is for the demolition of older poultry broiler units and the erection of a modern turkey rearing facility within the same footprint. The design of the proposed buildings are typical of agricultural development and are not dissimilar to the existing design and layout.

The application site is visible from the lane, over the hedges. The new units however, would also be viewed in the context of the existing site rather than appearing as new development in the open countryside. The buildings are proposed to be finished in olive green cladding.

TAN6 A14 states new buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. It is considered that the siting location, colour and size of the replacement buildings are in keeping with the existing complex. It is not considered the proposal would result in a detrimental impact to the character of the area, given the amount of development currently occupying the site.

It is considered reasonable to ensure that an appropriate landscaping scheme is implemented for this development to help integrate the new buildings into the site and to provide a net benefit for biodiversity. It is also a requirement to close up the existing access and hedgerow planting will be required.

Having regard to the scale and form of the development proposed, Officers consider the proposal would be acceptable in this location having regard to the nature of the site and the existing development and are of the opinion the proposal would not cause adverse harm to visual amenity and landscape character subject to the imposition of a landscaping condition.

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.

Policy PSE5 (i) of the LDP states appropriate employment proposals outside of development boundaries will be supported providing the proposal is appropriate in scale and nature to its location.

The June 2018 Welsh Government Dear Chief Planner letter states:

“Intensive agricultural units particularly pig and poultry farms, can affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise.

There is the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account.”

“While environmental permitting and local controls, such as statutory nuisance, may manage the ongoing effects of development, the planning system should consider the relationship between neighbouring and potentially conflicting land uses in the first instance.”

It is recognised that intensive livestock units therefore have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise, odour and dust / airborne pollution.

The nearest residential properties not related to the site are Bryn Glas located approximately 132m to the north and Cefn Maen Uchaf, 247m and Cefn Maen Isa, 168m to the north west.

In relation to Odour:

Established practice requires odour assessment to take into account the impacts of the proposed unit, associated spreading range and associated manure storage facilities.

In this instance, the submitted Manure Management Plan clarifies the method of disposing of and where necessary storing manure. It points out the farm is already an extensive operation which exports the manure and slurry off site to another location and outlines a contingency plan for the storage of manure when spreading to the land is not possible.

The submitted Odour Assessment identifies relevant sensitive receptors including neighbouring dwellings within 400m of the site. The Assessment indicates that the overall risks are not significant if carefully managed.

Based on the assessment and the responses received from NRW and the Public Protection Officer, it is not considered that the odour from the proposed replacement poultry unit would have an unacceptable impact on the closest residential receptor,

over the existing poultry facility. The facility would decrease the amount of manure produced from 936 tonnes to 421 tonnes per year. In the event that there should be an issue, it is considered that sufficient control exists within the Environmental Protection regime to deal with the situation. The Public Protection Officer has recommended an Odour Management Plan is submitted for approval before the first poultry production cycle begins on site.

In relation to Noise

A Noise and Vibration Impact Assessment has been submitted in support of the application.

Concerns have been raised by neighbours regarding the noise associated with the ventilation system.

The Public Protection Officer has considered the noise and vibration impact assessment and raises no concerns. It is considered that the level of noise generated from the ventilation equipment and other operational noise would not result in an unacceptable level of noise at the nearest residential properties.

Having regard to the advice provided by the Public Protection Officer regarding noise, it is considered that the proposal is unlikely to result in an unacceptable noise impact on residential properties in the locality. In the event that there should be any issues, it is considered that sufficient control exists within the Environmental Protection regime to deal with them.

In relation to vehicle movements

Concerns have been raised by neighbours regarding the noise associated with the noise from HGV movements, particularly at night.

The Public Protection Officer has advised that there is the potential for disturbance to neighbours by the frequency of vehicle movements to the site and has recommended that transport of live poultry shall be limited to 6 vehicles per 36 week production period. It will be required for the site operator to notify the nearest receptors in writing two weeks prior to the movement of the poultry. They have also requested that the deliveries and collections shall take place between specified times to reduce the impact on the potential for noise disturbance to the occupiers of adjacent properties.

In relation to ammonia impacts

The Public Health Board recommends that Local Planning Authorities and regulators ensure that, where there are sensitive receptors within 100m from the boundary of an intensive farming operation, the applicant undertakes a detailed risk assessment that objectively considers how the operator will effectively manage and minimise emissions including ammonia, odour and bio-aerosols.

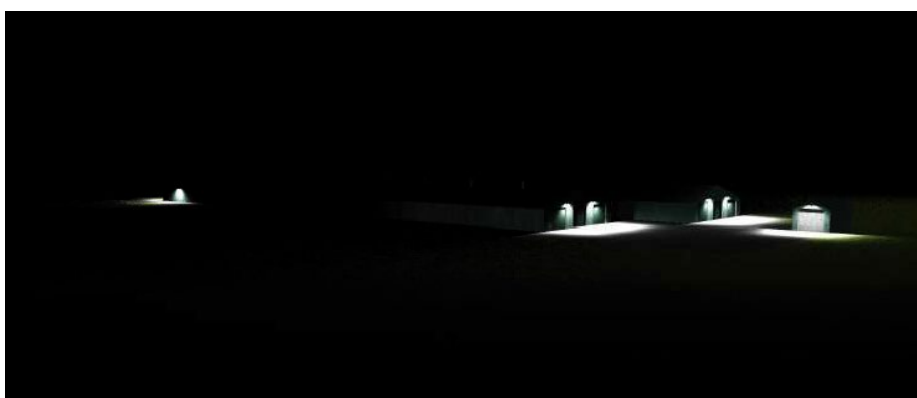
There are dwellings within 100m of the site and an Ammonia Impact Assessment has been submitted with the application. The Public Protection Officer and NRW raise no objections to the proposal in regard to ammonia or airborne pollutants. The proposals will result in lower concentrations at habitat sites than the existing broiler operations. The impacts of ammonia from the proposed development site are therefore predicted to be acceptable either alone or in-combination with other schemes according to NRW assessment criteria and the development is unlikely to adversely impact protected sites.

In relation to external lighting

Representations have been received regarding the impacts of external lighting from a neighbouring property.

External lighting is proposed to the northern gable ends of the buildings for the pedestrian access and east elevation of the building for the delivering and collection of birds.

The external lighting will all be on PIR sensors and will only operate when a presence is detected. No lighting will be directed upwards and will be installed to the east elevation. The nearest dwelling, Bryn Glas is located approximately 132m to the north of the site on the other side of the road. The design of the external lighting will ensure that external light spillage is kept to a minimum, see the extract below showing the lighting on the front gables. As there is over 100m and a mature hedge and road between the site and the property, Officers conclude that the external lighting scheme is not considered to impact unacceptably on residential amenity of the occupiers. There are other properties located to the north east of the northern most gables, approximately 247m and 168m away, however considering the Lighting Assessment and spill modelling, it is not considered the external lighting will impact unacceptably on the amenity of the occupiers of any neighbouring properties.



Modelling eg.

The Public Protection Officer has raised no concerns regarding the external lighting and has recommended the details in the Lighting Assessment are conditioned on any approval.

To conclude, having taken the advice of NRW and the Council's Public Protection Officer, Officers are of the opinion that the proposal is unlikely to result in an unacceptable impact on the amenity of neighbouring properties.

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) which was updated in October 2023 by the publication of an amended Chapter 6 – Distinctive and Natural Places. Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must

work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems” (Section 6.4.5).

Planning Policy Wales (PPW 11) 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 updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- Green Infrastructure

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

- Net Benefit for Biodiversity and the Step-wise Approach

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

- Protection for Sites of Special Scientific Interest (SSSI)

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

- Trees and Woodlands

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

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

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

No representations have been received raising ecological concerns.

The proposal is supported by an ecology survey which concludes that the site has a low intrinsic biodiversity value. Recommendations for biodiversity enhancement are included in the report including the creation of a new attenuation pond, hedgehog nesting boxes and the erection of bat roosting boxes. Providing these are implemented the scheme is not likely to result in a net loss to biodiversity. A Green Infrastructure Statement has been included with the application.

The Ecology Officer has advised that they would require a more detailed biodiversity enhancement scheme and external lighting scheme to be submitted and would require a condition to ensure the development is carried out in line with the recommendations in the ecology report and that all planting is carried out no later than the first planting and seeding season.

Regarding the recommendation for a further external lighting scheme, Officers consider the details contained in the Lighting Assessment and spillage modelling are sufficient which also include details on the specification of lighting proposed and the PIR sensors. The Public Protection Officer has also requested that the details contained in the lighting assessment are included as a condition. It is therefore considered reasonable to attach an appropriately worded condition of this nature to any decision to grant rather than request further details on external lighting.

It is therefore considered subject to conditions, 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.

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'.

There is no known flood risk at the site.

An updated Manure and Dirty Water Management Plan confirms that there are existing contract arrangements with regards to the export of manure and contaminated water. The Plan also confirms that the proposal would decrease the amount of manure produced from 1233 tonnes of manure per annum (poultry) to 565 tonnes of manure per annum (turkey). Therefore, as the proposal would result in a decrease in manure production and an improvement on the existing scenario, NRW raised no objections to the proposal.

In terms of foul drainage the Sewage Treatment Design was considered to be acceptable by NRW. As the development would be over 100sqm of construction area, SAB approval would be required from the SuDS Approval Body. A note to applicant will be included on any decision.

In conclusion, having regard to the comments provided by NRW regarding the Drainage Plans, there are no objections to the proposal from a drainage and flooding perspective.

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

The Community Council and neighbours have raised concerns regarding the proposed new access to the north of the site. They have concerns regarding the visibility splays and the proximity to a crossroads which could cause accidents.

The proposal involves the creation of a new access to the north of the site, closer to the main road through Saron. The existing access is proposed to be closed up.

The Highway Officer has raised no objection to the new access arrangements subject to a condition that the old access is closed. Having regard to the advice provided by a Highways Engineer on the arrangements, with respect to the comments received, it is concluded there would not be an unacceptable impact on the local highways network in terms of highway safety, taking into consideration the existing site and the traffic movements to that which may be involved which are a reduction on the previous levels when the site operated as a broiler unit.

The site layout, movement around the site by HGVs and proposed parking arrangements are not considered to be unacceptable. Given the background of the site and having regard to the advice provided by the Highway Officer, Officers do not consider there would be unacceptable highway impacts arising in this instance.

The PROW runs to the south of the site adjacent to Bryn Golau farmhouse and between the application site. This area of the site is not proposed to be impacted by the development. A note to applicant will be attached to any decision to ensure the applicant is aware that the footpath must not be impacted during the construction phase in the interests of the safety of users.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex;

sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 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 17th January 2029
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
Plans:
 - (i) Location plan (Drawing No. 1) received 30 June 2023
 - (ii) Existing site plan (Drawing No. 2) received 30 June 2023
 - (iii) Proposed site plan (Drawing No. 3) received 30 June 2023
 - (iv) Proposed elevations (Drawing No. 4) received 30 June 2023
 - (v) Proposed floor plan (Drawing No. 5) received 30 June 2023
 - (vi) Tractor shed (Drawing No. 6) received 30 June 2023
 - (vii) Site drainage plan (Drawing No. 7) received 30 June 2023Documents:
 - (i) Pre-application consultation report received 30 June 2023
 - (ii) Ammonia Emissions: Impact Assessment (Isopleth Ltd. dated April 2023 Ref: 01.0196.003 v2) received 30 June 2023
 - (iii) Preliminary Ecological Appraisal (Craig Emms and Linda Barnett dated June 2023 Ref 346a) received 30 June 2023
 - (iv) Foul Drainage Report (Caulmert Ref 5853-CAU-XX-XX-RP-C-0300) received 30 June 2023
 - (v) Manure and Dirty Water Management Plan Rev A received 17 August 2023
 - (vi) Noise Impact Assessment (Matrix Acoustic Design Consultants dated 30th January 2023 Ref: M2133/R01) received 30 June 2023
 - (vii) Odour Impact Assessment (Isopleth Ltd. dated February 2023 Ref: 01.0196.003 OIA v1) received 30 June 2023
 - (viii) Method Statement and Pollution Prevention Plan received 30 June 2023
 - (ix) Transport Statement (DTA dated 4th May 2023 Ref: SJT/BM 25128-01) received 30 June 2023
 - (x) Lighting Assessment (Strenger, dated September 2023) received 21 September 2023
 - (xi) Residential Receptor Location Plan (Drawing No. Sk-01) received 21 September 2023
 - (xii) Assessed Scheme of Lighting (Drawing SK-02) received 21 September 2023
 - (xiii) Light Spill (Drawing SK-03) received 21 September 2023
 - (xiv) Additional Information email - operations - received 29 September 2023

(xv) Green Infrastructure Statement- received 19 December 2023

3. No new buildings shall be erected above slab level until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an attenuation pond and a minimum of 2 hedgehog nesting boxes and 6 roosting bat boxes of mixed designs on suitable trees as detailed within the approved Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, dated June 2023). Full details shall be provided on the locations and specifications of each enhancement feature and shown on appropriate plans and shall include a timeframe for their implementation. The development shall be carried out strictly in accordance with the approved details.
4. The development shall be carried out strictly in accordance with the 'Recommendations' section in the approved Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, dated June 2023)
5. The external lighting shall proceed strictly in accordance with the details contained in the Lighting Assessment (Strenger, dated September 2023) unless otherwise agreed in writing with the Local Planning Authority
6. Within three months of the commencement of development, a detailed scheme of hard and soft landscaping for the site, designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The 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 hedgerow species, maturity, numbers, spacing and timing of implementation to the access to be closed up
 - (d) proposed materials to be used on the driveway(s), paths and other hard surfaced areas.
 - (e) 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.
 - (f) proposed positions, design, materials and type of boundary treatment.
 - (g) the timing of the implementation of the planting and landscaping scheme.The development shall proceed in strict accordance with the details as approved.
7. All planting comprised in the approved details of biodiversity enhancement shall be carried out no later than the first planting and seeding season following the approval of said details. 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
8. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance in accordance with the approved Arboricultural Statement or in accordance with an alternative scheme as agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority
9. Notwithstanding the hereby approved plans and documents, the transport of live poultry from the site shall be limited to 6 vehicles per 36 week production period. The site operator shall notify the closest residential receptors (identified as receptors A to C within the Noise Impact Assessment (Matrix Acoustic Design Consultants, dated 30th January 2023 Ref: M2133/R01)) in writing, a minimum of 2 weeks prior to the movement of poultry
10. Notwithstanding the hereby approved plans and documents, all deliveries and collections to and from the site (with the exception of live bird transport which can be undertaken outside these hours) shall take place Monday to Friday 0700 -1900hrs, Saturday 0700- 1700hrs and Sunday and Public Holidays 1000- 1600hrs only

11. An Odour Management Plan shall be submitted for approval in writing by the Local Planning Authority before the first poultry production cycle begins on site. The development shall proceed in strict accordance with the details as approved
12. Vehicular access to and egress from the adjoining highway shall be limited to the access shown. Any other access or egress shall be permanently closed, and the highway verge reinstated concurrently with the bringing into use of the new access

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. To maintain the favourable conservation status of protected species
5. In the interests of residential amenity and in order to maintain the favourable conservation status of protected bat species
6. To ensure in the interests of visual amenity and enhancing the biodiversity of the area
7. In the interest of visual amenity and enhancing the biodiversity of the area
8. In the interest of visual amenity and enhancing the biodiversity of the area
9. To protect the residential amenity of nearby occupiers
10. To protect the residential amenity of nearby occupiers
11. To protect the residential amenity of nearby occupiers
12. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access

Agenda Item 7

Emer O'Connor

WARD: Prestatyn East

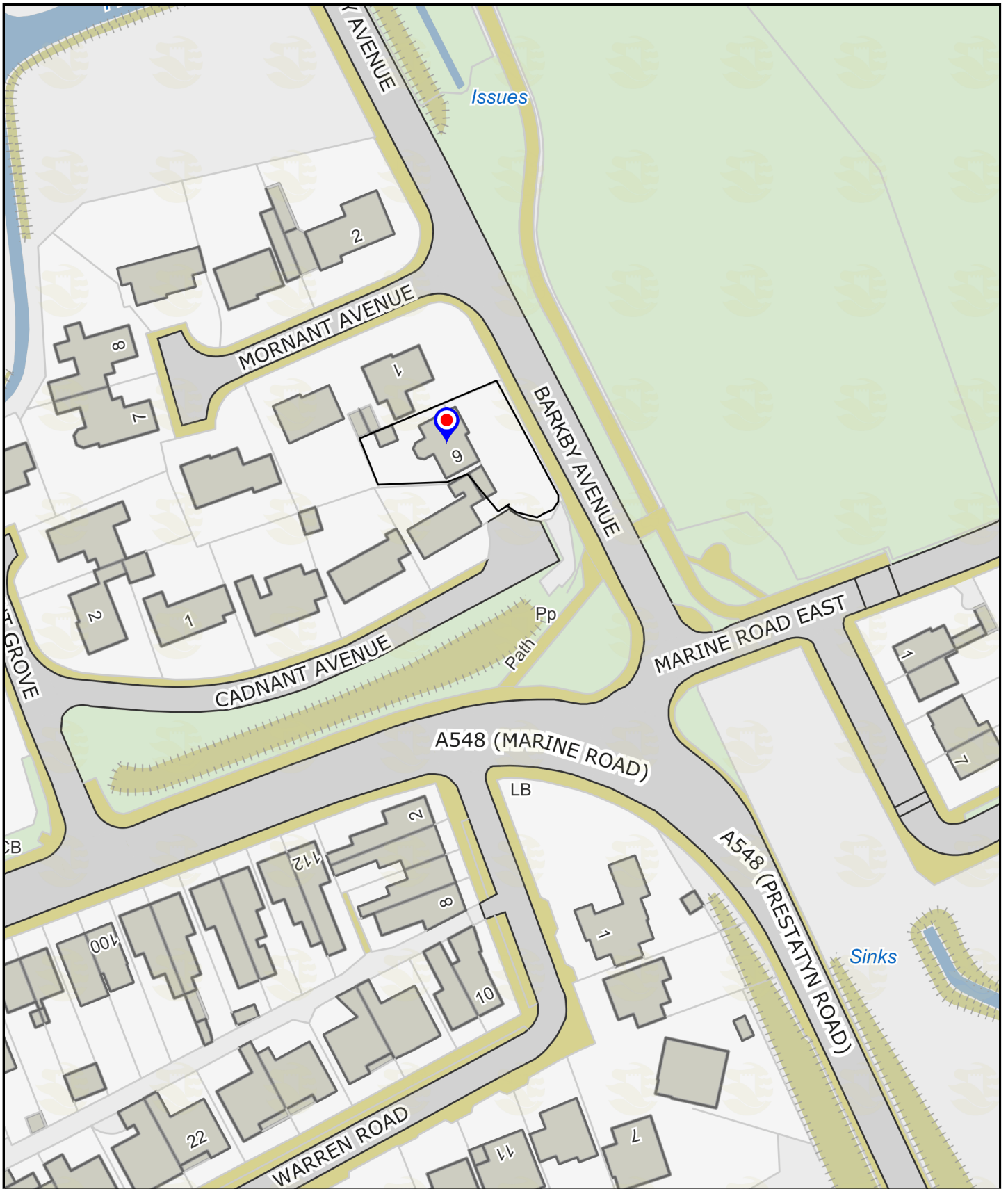
WARD MEMBERS: Cllr Elen Heaton and Cllr Andrea Tomlin (c)

APPLICATION NO: 43/2023/0549/ PF

PROPOSAL: Provision of dormer roof windows to front and rear elevations and associated works

LOCATION: 9 Cadnant Avenue, Prestatyn

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43/2023/0549



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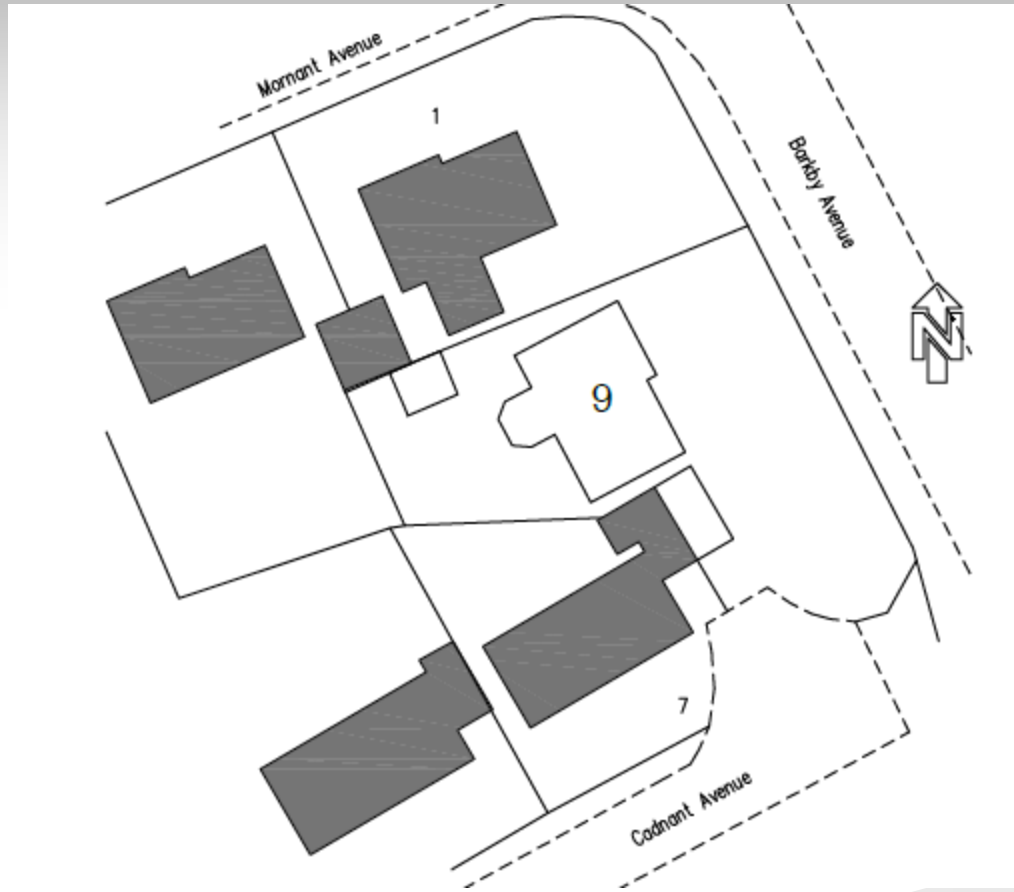
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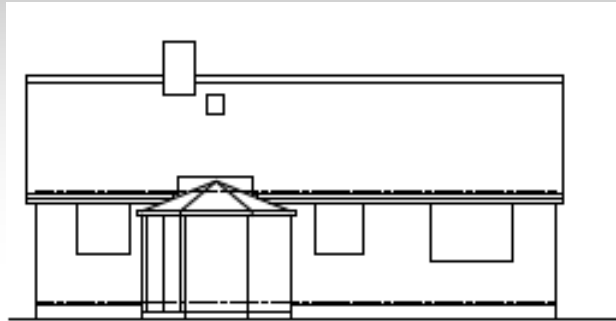
9 Cadnant Avenue, Prestatyn

Page 93

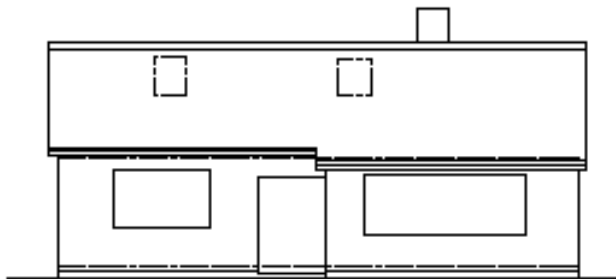
Provision of dormer roof windows to front and rear elevations and associated works



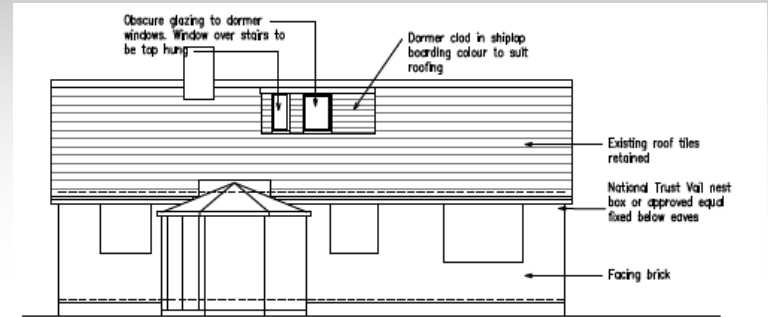
Site Plan



West elevation



East elevation



West elevation



East elevation

Existing and Proposed elevations



Front and rear of Dwelling



Rear views

WARD: Prestatyn East

WARD MEMBERS: Cllr Elen Heaton and Cllr Andrea Tomlin (c)

APPLICATION NO: 43/2023/0549/ PF

PROPOSAL: Provision of dormer roof windows to front and rear elevations and associated works

LOCATION: 9 Cadnant Avenue, Prestatyn

APPLICANT: Mr & Mrs Cooper

CONSTRAINTS: C1 Flood Zone / PROW Article 4 Direction

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:

PRESTATYN TOWN COUNCIL

No observations.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Keith and Gay Davidsin, 5 Cadnant Avenue, Prestatyn, LL19 7HW

Ruth Eardley, 7 Cadnant Avenue, Prestatyn, LL19 7HW

Joyce E Scholes, 3 Mornant Avenue, Prestatyn, LL19 7HW

Rhona Bignall 3 Cadnant Avenue, Prestatyn, Denbighshire LL19 7HW

Summary of planning-based representations in objection:

Residential amenity- loss of privacy amenity from dormers

Character and appearance of the area.

EXPIRY DATE OF APPLICATION: 06/11/2023 EOT 17/01/2023

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

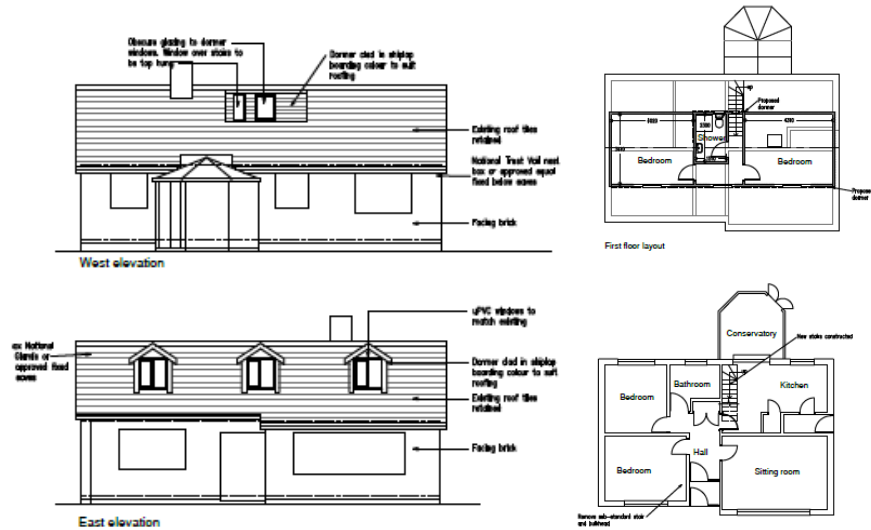
1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes alterations at 9 Cadnant Avenue in Prestatyn.

1.1.2 Dormer windows are proposed to the front and rear of the dwelling to facilitate improvements to the first floor living accommodation in the dwelling.

See snips of proposed elevations and floor plan (not to scale) below:



1.2 Description of site and surroundings

- 1.2.1 Cadnant Avenue is a cul de sac off Pennant Grove (serving 5 dwellings) to the north of the A548 Marine Road. Barky Avenue bounds the east of Cadnant Avenue at a higher level with the open space around Prestatyn Gutter and to the golf course beyond.
- 1.2.2 No. 9 is located on the end of the cul de sac, hence the rear of the site is bounded by the rear gardens of the dwellings to both the north and south of the site.
- 1.2.3 Although there are variations in scale and form of dwellings in the wider area, no. 9 and the neighbouring dwellings are predominantly bungalows and dormer type properties. Opposite the site on Marine Road the dwellings are two storey semi's.

See photo snip * No.9 on the RHS of Photo

(photo taken from the Barkby Avenue to the west at a higher level than of the property)



See site layout snip and google earth snip noting location at the end of the cul de sac

1.3 Relevant planning constraints/considerations

1.3.1 The dwelling is located within the development boundary.

1.4 Relevant planning history

1.4.1 There is no planning history on the site.

1.5 Developments/changes since the original submission

1.5.1 The Agent was invited to amend the proposal following the initial consultation exercise and concerns raised by local residents.

1.6 Other relevant background information

1.6.1 As an alteration to the roof is proposed the application is supported by a protected species report.

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 RD1 – Sustainable development and good standard design

Policy RD3 – Extensions and alterations to existing dwellings

Policy VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

Government Policy / Guidance

Planning Policy Wales Edition 11 February 2021 Chapter 6 updated October 2023

Development Control Manual (2016)

Future Wales – The National Plan 2040

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 Ecology

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments.

The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.2.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made.

Criteria ii) of Policy RD 3 requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

Criteria vi) of Policy RD1 requires that development proposals do not affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Concerns have been raised in representations relating to visual amenity issues and whether the dormer would be in character with the area.

Alterations are proposed to the bungalow to create larger first floor bedrooms and a wc in the existing roof space. The alterations comprise of a single dormer to the rear (west facing) and three individual dormers to the front (east facing). Aside from the dormers the roof height and shape would remain as existing.

There are examples of dormers windows, albeit of significantly larger scale, on dwellings in the area on the approach to the site on Pennant Grove.

Planning policy permits extensions that are subordinate to the original dwelling which the alterations comply with. SPG provides examples of best practice for dormers windows which this proposal also meets. Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

Criteria 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.

There are representations raising residential amenity issues raising concerns that the proposal would impact on the amenity of adjacent occupiers by virtue of loss of privacy and overlooking.

The proposed dormers would be sited on the rear/west and front/east roof planes. The dormer facing rear/west would have two windows which are proposed to serve the hall/ stairwell and the wc/ shower room. The dormers to the east/front serve the bedrooms facing Barkby Avenue and the golf course beyond.

The photo below was taken in the rear of no. 9, and shows views across the neighbouring occupiers rear gardens and beyond.



As can be seen above the site layout and relationship to adjacent properties is such that no. 9 abuts the rear boundaries of several properties and therefore has a view over several rear gardens as existing. Neighbours are concerned the proposal would

result in more overlooking and loss of privacy in adjacent gardens owing to the introduction of first floor windows.

The Agent aimed to address these concerns by redrawing the plans and stating that the windows in the rear dormer would be 'obscure glazed'. The window over the hall/stairwell would also be top hung rather than a casement window. Given this assurance and the fact the windows serve a hall/stairwell and a wc, not habitable room windows as described in SPG, Officers consider it would be difficult to resist the application for this reason. Conditions are suggested to ensure the retention of the obscure glazing and removing permitted development rights for additional windows.

Therefore, having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Ecology

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

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

This reflects policy and guidance in Planning Policy Wales (PPW 11) which was updated in October 2023 by the publication of an amended Chapter 6 – Distinctive and Natural Places. Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*" (Section 6.4.5).

Planning Policy Wales (PPW 11) 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 updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- **Green Infrastructure**
A stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.
- **Net Benefit for Biodiversity and the Step-wise Approach**
Further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider

enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- *Protection for Sites of Special Scientific Interest (SSSI)*
Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.
- *Trees and Woodlands*
A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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

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

The proposal is supported by a Bat and Bird Survey and concludes that there was no evidence of protected species on the site. Reasonable Avoidance Measures (RAMs) are recommended within the report and concludes that provided the recommended mitigation and enhancement measures are undertaken, there should be a net gain in biodiversity, no net loss of roosting or nesting sites nor any danger of harm to any species.

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.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 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.

RECOMMENDATION: GRANT subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 17th January 2029
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 elevations and floor plans (Drawing No. 4150/02) received 1 August 2023
 - (ii) Proposed elevations and floor plans (Drawing No. 4150/03 Revision B) received 14 November 2023
 - (iii) Block and location plan (Drawing No. 4150/01) received 1 August 2023
 - (iv) Protected species survey (Clwydian Ecology dated 7/9/23) - Received 12 September 2023
3. The development hereby approved shall be carried out in strict accordance with the RAM's and biodiversity enhancement measures set out in Section 8 and 9 of the approved Protected Species Assessment (7th September 2023) and shall include the bat and bird boxes, such as those listed in the aforementioned Assessment in the locations shown on the approved plans.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority
5. The first-floor windows on the rear dormer (west elevation) shall be fitted with obscure glazing and shall be top opening only. The windows shall be retained as approved at all times.

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 interest of protecting residential amenity
5. For the avoidance of doubt and in the interests of protecting residential amenity

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