

To: Chair and Members of the Planning Committee

Date: 14 February 2024

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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, 21 FEBRUARY 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 - 12)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 17 January 2024 (copy attached).

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEM 5) -**

### **5 APPLICATION NO. 23/2023/0468/ PF - BRYN GOLAU, SARON, DENBIGH (Pages 13 - 44)**

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 at Bryn Golau, Saron, Denbigh, LL16 4TH (copy attached).

## **ADDITIONAL INFORMATION**

### **6 PLANNING APPEAL HEARING - KYNSAL HOUSE, VALE ROAD, RHYL - APPLICATION NO. 45/2021/0516/ PF (Pages 45 - 104)**

To request the support and involvement of Member(s) in defending the Local Planning Authorities decision to refuse planning permission for Planning application 45/2021/0516/ PF - Kynsal House, Vale Road, Rhyl.

## **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

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, ( <i>name</i> )	<input type="text"/>
a *member/co-opted member of <i>(*please delete as appropriate)</i>	<b>Denbighshire County Council</b>
<b>CONFIRM</b> that I have declared a <b>*personal / personal and prejudicial</b> 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:- <i>(*please delete as appropriate)</i>	
Date of Disclosure:	<input type="text"/>
Committee ( <i>please specify</i> ):	<input type="text"/>
Agenda Item No.	<input type="text"/>
Subject Matter:	<input type="text"/>
Nature of Interest: <i>(See the note below)*</i>	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

\*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, 17 January 2024 at 9.30 am.

### PRESENT

Councillors 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, Win Mullen-James, Arwel Roberts, Gareth Sandilands, Andrea Tomlin, Cheryl Williams, Elfed Williams and Mark Young (Chair)

### ALSO PRESENT

Paul Mead – Development Control Manager, Paul Griffin – Principal Planning Officer, Clare Lord – Legal Officer, Sue Rees – Legal Officer, Local Member – Councillor Huw Williams, Zoom Host – Rhodri Tomos-Jones and Committee Administrator – Nicola Hughes.

#### 1 APOLOGIES

Apologies for absence were received from Council Merfyn Parry.

#### 2 DECLARATIONS OF INTEREST

None.

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No items of an urgent nature had been raised with the Chair prior to the commencement of the meeting.

#### 4 MINUTES

The minutes of the Planning Committee meeting held on the 13 December 2023 Were submitted. It was:

**RESOLVED:** *that the minutes of the meeting held on the 13 December 2023 be received and approved as a true and correct record of the proceedings.*

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. 21/2021/0903/ PF - LAND ADJACENT TO THE Paddock, LLANFERRES, MOLD, CH7 5SH

An application was submitted for the change of use of land by the sitting of 4 no. holiday accommodation units, installation of a package treatment plant, formation of

parking, internal track, pedestrian footbridge and associated works on land adjacent to the Paddock, Llanferres in Mold.

**Public Speaker –**

Paul Dyson (AGAINST) – Mr Dyson informed the Committee that the application had been pending for approximately 2 ½ years and details of external lighting at the site were only made available on 12 January 2024. The recent amendment in the application had not given residents the opportunity to respond with any objections or comments. Mr Dyson therefore requested a **deferral** of the application to allow residents and other concerned parties to respond.

There were already two holiday accommodation sites on the narrow lane, Bryn Bowlio and Camp Alun. There was no demand for additional holiday accommodation in the area and sites already in operation remained vacant for many months of the year. The application would encourage more tourism to the area which was already at its capacity. The location of the site was not suitable as there were no shops, public houses, footpaths or streetlighting on the road.

The Area of Outstanding Natural Beauty (AONB) Dark Skies initiative should be considered with the lighting scheme proposed within the application. Noise from visitors would impact the tranquillity of the AONB landscape. The noise screening plans proposed in the application would take many years to establish and would not suppress the noise. The application would have the possibility of generating noise over a 24-hour period with hot tubs at the site generally being used in the evening along with the consumption of alcohol which could lead to conflict between visitors and residents.

The Local Development Plan (LDP), Policy PSE12 states that there would be no new campsites in Denbighshire unless demand could be clearly indicated.

A **deferral** of the application was requested.

**Public Speaker –**

Gethin Jones (Agent) (FOR) – the application was for four luxury accommodation units within the ground adjoining the applicant's home. The vision was to create a unique holiday experience for visitors in the Clwydian Range and AONB area. As a young family the applicants aim was to grow and diversify the business to create something special within the community.

Throughout the planning process the units have been strategically positioned to maximise screening and minimise the visual impact within the area. A focus had been placed on retaining and enhancing existing ecology and acknowledging the significance of preserving biodiversity. The County Ecologist and the Footpaths Officer had raised no objections to the application. During the planning process the applicant had invested a significant amount of funds working with Water Co Ltd,



who were experienced water and drainage engineers to address queries raised from Natural Resources Wales (NRW) regarding the application. NRW had now confirmed their willingness to grant a permit to proceed with a private treatment site on site once the development commenced. The applicant anticipated an increase in revenue for local businesses including shops, public houses, and local eateries within the area. The application would also contribute to the wider economy creating employment opportunities.

### **General debate –**

Councillor James Elson sought clarity on the conflict between Policies PSE5 and PSE12 within the LDP.

The Principal Planning Officer explained to the Committee that Policy PSE5 related to a development that benefits the rural economy and PSE 12 related to camping, static and touring caravan sites. The proposal in front of the Committee related to lodges. Officers had taken a balanced view when determining which policy supported the application. Officers had come to the conclusion that the impact on the visual landscape could be mitigated through a landscaping condition. With reference to the lighting proposed for the site a condition had been put in the application that required further agreement prior to any lighting being installed. A response from the Public Right Of Way Officer had been received confirming that they agreed with the proposal, providing that there was no harm to the amenity of the area. The application report on balance concluded officers support for Policy PSE 5 in relation to the application.

Councillor Delyth Jones thanked officers for the comprehensive report and late representations. Councillor Jones noted the objections for the application in the report and sought clarity that the consultation process had been followed.

The Principal Planning Officer informed the Committee that the most recent information received related to a lighting and drainage scheme which was a direct response from statutory consultees. It was officers' opinion that relevant parties had been consulted on the objections raised. Residents had been given the opportunity to comment and had been notified in accordance with legislation and therefore, officers were content that they had followed the process in this regard.

Councillor Delyth Jones questioned the conditions that were in place for an applicant to show the demand for the development in an AONB.

The Principal Planning Officer explained, referring back to Policies PSE5 and PSE12, there was no condition where applicants needed to show the demand for the application within the area however, the applicant needed to demonstrate the benefit to the rural economy.

Councillor Arwel Roberts expressed his surprise that AONB were in agreement with the application due to their Dark Skies status. The Principal Planning Officer referred

members to condition 10 of the report ensuring that any lighting would be down lit to avoid negative impacts on bats and this recognised the AONB Dark Skies status.

Councillor Chris Evans raised concerns regarding record keeping of visitors to such holiday sites and requested information on who enforces it. The Development Control Manager stated that Welsh Government, as part of their National Planning Policies, encouraged year round tourism. The onus was on the applicants and operators of the holiday sites to keep a log and this required confirmation of council tax for all visitors to the site. This was a standard process in place across the whole of the County. This was a planning enforcement issue and reference was made to condition 3 of the application which would hopefully provide members with the security that this was being managed.

Councillor Huw Hilditch- Roberts stated that lots of due diligence had gone into the application and felt confident that officers had taken into consideration what the application was offering and its location. The Business Survey for Denbighshire highlighted the demand for tourism accommodation within the area which attracted 250,000 visitors per year.

#### **Proposal –**

**PROPOSED** by Councillor Huw Hilditch-Roberts that the application is granted.  
**SECONDED** by Councillor Alan James.

Councillor Huw Williams (**local member**) expressed his support for the application stating that the holiday lodges proposed in the application were very popular within the area and there was a growing demand for them. This application would bring money into the local economy.

#### **Vote –**

For – 19

Against – 0

Abstain – 0

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

#### **6 APPLICATION NO. 23/2023/0468/ PF - BRYN GOLAU, SARON, DENBIGH, LL16 4TH**

An application was submitted 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 on Bryn Golau, Saron in Denbigh.

## **Public Speaker –**

Sam Harrison (Agent) (For) – the existing farm had 7 poultry houses and operates with an environmental permit which was issued and controlled by NRW for the rearing of broiler chickens, the site currently had a capacity of 87,200 birds with around 7.5 flocks each year. It is proposed to demolish the existing farm and replace it with a modern turkey breeder unit which would be designed with the best techniques, unlike the current units in situ. Following the development, the farm would operate as a turkey laying unit producing fertile eggs for hatching. The capacity of the new farm would be 6000 birds consisting of 5,500 hens and 500 stag turkeys and the new development would create 5 full time jobs on the site.

The development was a far less intensive use of the existing broiler units. The turkey cycle is based on the 36 week turkey breeding cycle, with birds being housed for approximately 28 weeks following the site then being emptied for cleaning and preparation for 8 weeks. The proposal amounts to breeding 1.6 flocks per annum opposed to the existing 7.5 flocks per annum.

The impact of the development had been assessed through various technical reports covering odour, noise, ammonia, ecology, transport and waste management. The development would implement a number of improvements including, but not limited to, a reduction in odour and ammonia, the reduction of nighttime catching operations and a reduction in daytime traffic. The appraisal had been fully appraised from a technical standpoint by NRW, Highways, Ecology and Environmental Health, all of whom had raised no objections subject to conditions.

## **General debate –**

Councillor Elfed Williams (**local member**) raised concerns regarding the operational hours of the site and the position of the entrance/ access to the site. Referring to **condition 10** –

Notwithstanding the hereby approved plans and documents, all deliveries, the transport of live poultry from the site (with the exception of live bird transport which can be undertaken outside these hours) shall take place Monday -Friday 07.00-19.00hrs, Saturday 07.00 – 17.00hrs and Sundays and Public Holidays 10.00-16.00hrs only.

It was felt unreasonable for the operational hours to be late at night during the week and a request was made that the operational hours were changed from 19.00 to 17.00hrs during the week, due to the noise disturbance this could cause local residents. It was highlighted that for a period of 6 weeks throughout the year lorries could arrive anytime over a 24hour period.

The biggest concern for local residents and Llanrhaeadr Yng Nghinmeirch Community Council was access to the site. The proposed new access to the site was in close proximity to a set of crossroads which was not appropriate for large

vehicles entering and leaving the site. It was requested that the access proposed for the site was moved to a different area away from the crossroads and neighbouring properties.

The Development Control Manager informed members of the Committee of their options as follows –

- The local member could propose alternative wording for condition 10. Granting the application subject to condition 10 being amended.
- The access point was a fundamental part of the proposed application and members of the Committee could not change the access as shown. Members would need to assess the information from Officers and Highways Engineers before them and conclude whether the access shown was acceptable. If it was felt to be unacceptable, members would need to refuse the application.
- The application be deferred to allow officers to conduct discussions with the applicant regarding amending the proposal in terms of the location of the access to the site and hours of operation.

Councillor Alan James questioned the distance between the current access to the site and the new proposed access to the site. The Principal Planning Officer referred members to the ariel view plan within the application and highlighted the existing and proposed new access to the site.

Councillor Huw Hilditch-Roberts questioned operational hours currently at the site. The Principal Planning Officer stated that there were currently no controls over the delivery or operational hours on the existing permission on the site.

#### **Proposal –**

Councillor Elfed Williams **PROPOSED** the application be deferred until Officers contacted the applicant in relation to access to the site and operational hours. Councillor Delyth Jones **SECONDED** the application be deferred.

#### **Vote –**

For – 14

Against – 4

Abstain – 1

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

#### **7 APPLICATION NO. 43/2023/0549/ PF - 9 CADNANT AVENUE, PRESTATYN LL19 7HW**

An application was submitted for the provision of dormer roof windows to front and rear elevations and associated works at 9 Cadnant Avenue in Prestatyn.

Councillor Andrea Tomlin (**local member**) informed the Committee that the photographs within the report application clearly detailed the proposed changes to

the property. The property did not look over another property at the front and changes had been made by the applicant to have obscure glass in the rear windows of the property following residents' concerns. The proposed changes to the property would have little impact within the area and on neighbours.

PROPOSED by Councillor Andrea Tomlin that the application is granted.  
SECONDED by Councillor James Elson.

**Vote –**

For – 19

Against – 0

Abstain – 0

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

Meeting concluded at 10.30am

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# Agenda Item 5

Luci Mayall

**WARD :** Llanrhaeadr Yng Nghinmeirch

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

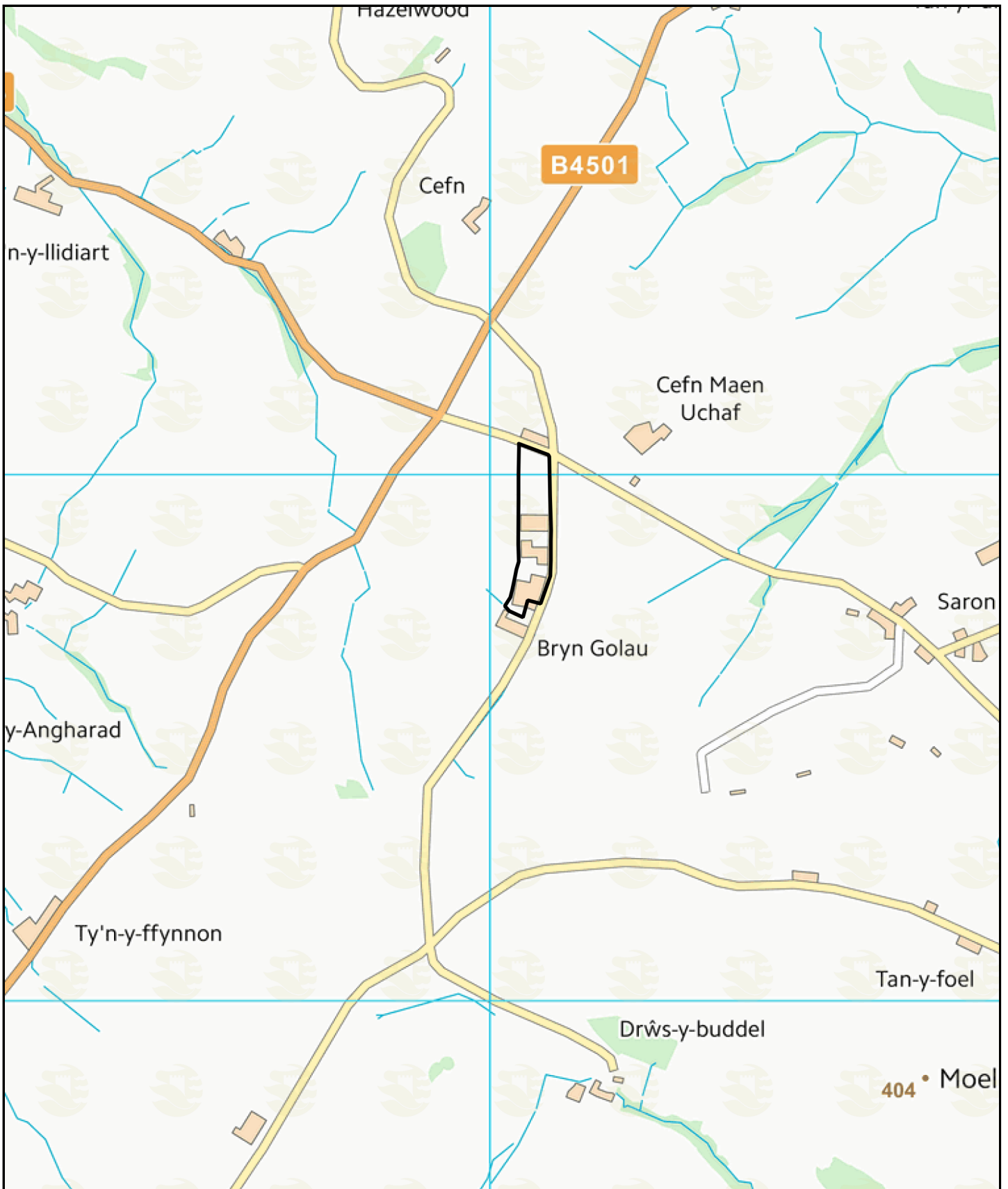
**APPLICATION NO:** 23/2023/0468/ PF

**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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**23/2023/0468**



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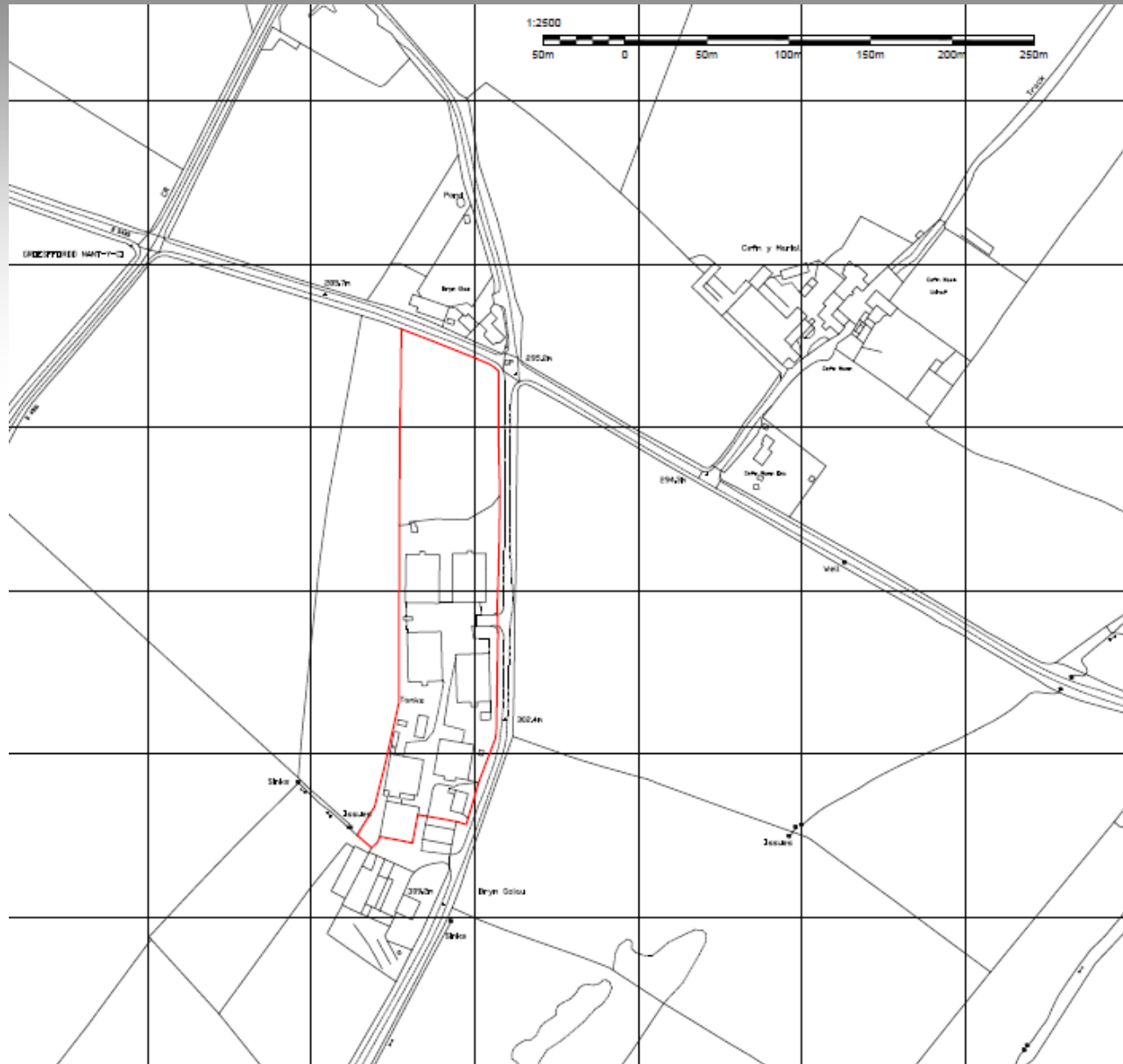
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**Bryn Golau, Saron**

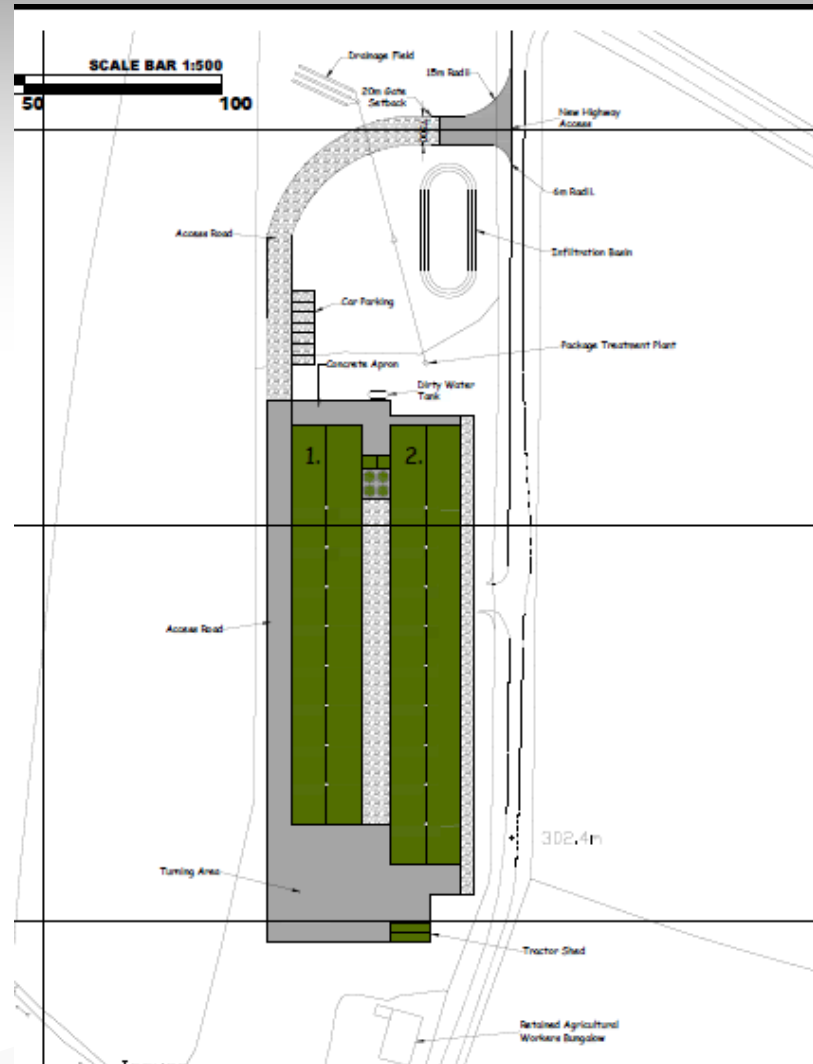
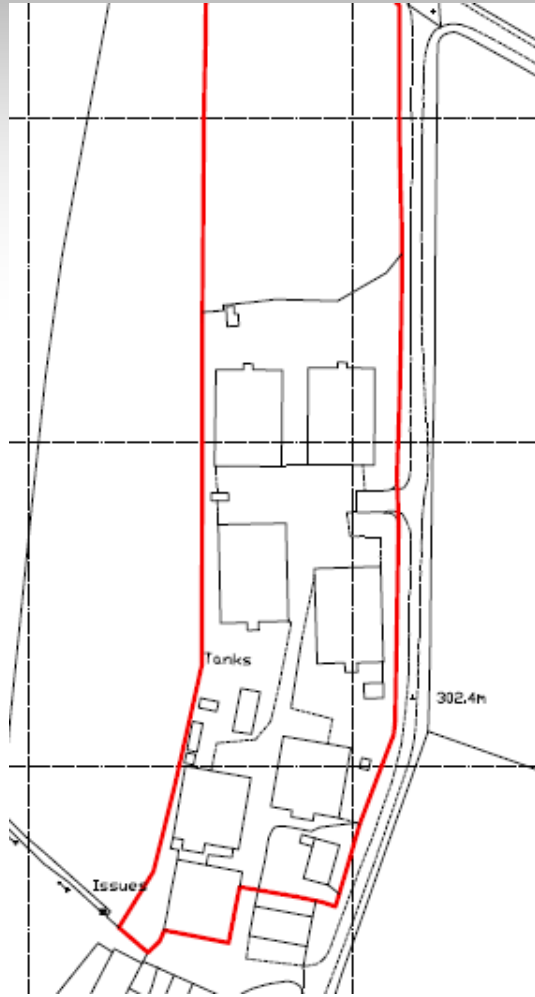
Demolition of existing poultry farm and erection of a poultry unit for turkey breeding comprising 2 no. linked poultry units with associated feed bins, tractor shed, hardstandings, access road, new vehicular access and associated works





Location plan





Existing and proposed site plan

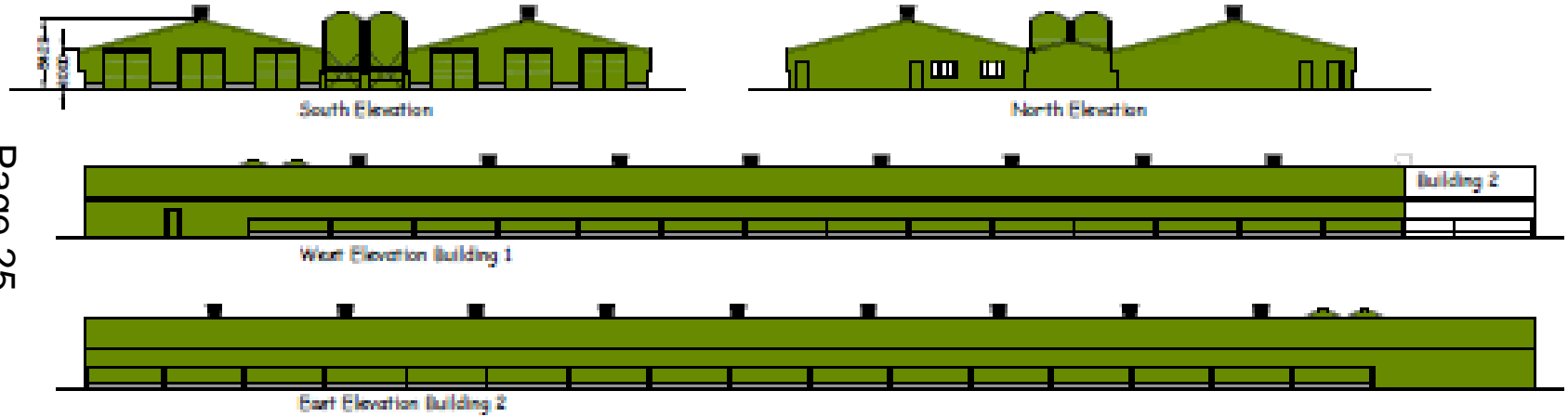






Proposed aerial view of new sheds





# 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? Yes 23/02/2024**

**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
- deferral 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- 1818sqm. Poultry unit 2 is proposed to measure 111m x 18m – 1998sqm with a link measuring 7m x 3m – 21sqm. The proposed tractor shed would measure 10m x 5m= 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 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.
- 1.1.10 Deliveries have been agreed to take place between Mon-Fri 7am to 7pm, and Sat 7am to 5pm and Sun/public holidays 10am to 4pm.

## 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 Members will recall that the application was deferred by the January Planning Committee at the request of the Local Member. The request was made to allow Officers to go back to the applicants to re-consider the access arrangements and hours for deliveries to and from the site. Officers have done this, but the applicants are unwilling to change the access and the delivery times previously agreed. Officers reiterate that, in their opinion, and the opinion of technical consultees, the proposed access arrangements and delivery times are considered to be acceptable and do not constitute robust reasons to refuse the application. This reasoning is explained in the highways and residential amenity sections of the report.

## 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 4<sup>th</sup> 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 raised 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.

The proposed delivery times to and from the site were initially put forward by the Agent to be between 7am to 9pm (with the exception of live bird transport which can be undertaken outside of these hours). The Public Protection Officer raised concerns with the lateness of the delivery hours and recommended the delivery hours were conditioned to be 7am- 7pm Mon to Fri, 7am – 5pm Sat and Sun and 10am – 4pm on public holidays. This was discussed with the agent who accepted the proposed condition.

As there is currently no restriction on delivery times on the existing poultry unit, Officers consider the delivery hours and frequency of vehicle movements to be reasonable.

*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.

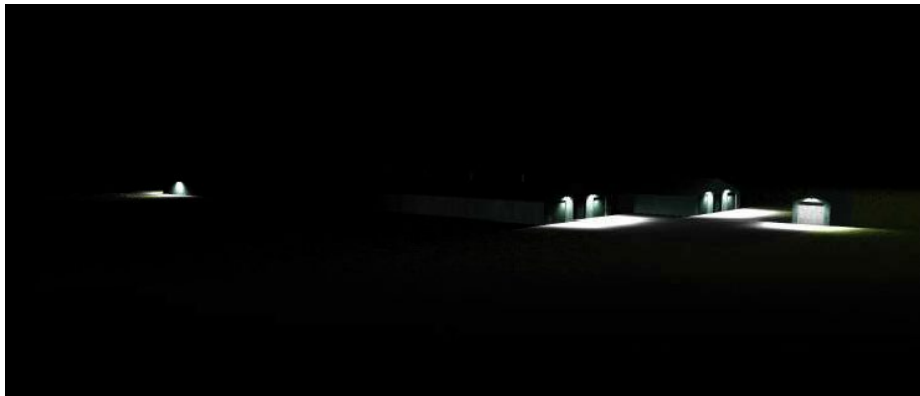
There are dwellings within 100m of the site and an Ammonia Impact Assessment has been submitted with the application. The Public Protection Officer and NRW have raised no objections to the proposal in regard to ammonia or airborne pollutants. The proposals will result in lower concentrations at habitat 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 cross roads 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 use of the existing site and the vehicle 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 Engineer, 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 21st February 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 2023

Documents:

- (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 and only feature species of known benefit to wildlife.
  - (c) proposed hedgerow species, maturity, numbers, spacing and timing of planting to the former 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 all boundary treatments.
- 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 commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
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; 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- 1700 hrs and Sunday and Public Holidays 1000- 1600 hrs 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.

## REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

### Request for Member involvement at upcoming Planning Appeal Hearing 45/2021/0516/ PF - KYNSAL HOUSE, VALE ROAD, RHYL

#### 1. PURPOSE OF REPORT

To seek the support and involvement of Member(s) in defending the Local Planning Authorities decision to refuse planning permission for the:

*“Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works”*

The appeal is to be held as an Informal Hearing, and will take place in Russel House in Rhyl, and scheduled to be held on 30<sup>th</sup> April 2024.

#### 2. BACKGROUND

Planning permission was sought in 2022 for the:

*“Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works”*

Officers recommended to Planning Committee in March 2022 that planning permission should be granted for the above planning proposal. After a lengthy and full debate Members resolved to refuse planning permission against Officer recommendation. The refusal was proposed by the late Councillor Peter Prendergast and seconded by Councillor Ellie Chard. The reason for refusal was:

1. *It is the opinion of the Local Planning Authority that the change of use of land site would result in an over-intensification of the use of the site. The cumulative impact of the creation of a 6 pitch site residential Traveller site alongside the dwelling on the 0.2 ha site would represent an overintense form of development in*

*close proximity to residential properties on Knowsley Avenue which would give rise to the potential for increased disturbance and activity in the area and resulting in a detrimental impact on the health and well being of residents. As such the proposal is considered to be in conflict with criterion vi) of policy RD 1 and criterion iv) of Policy BSC10 of the Local Development Plan Policy BSC10, which require proposals not to be detrimental to the amenity of the occupiers of adjacent properties.*

2. *It is the opinion of the Local Planning Authority that the proposal would formalise the increased use of an access onto Vale Road which is considered substandard. The use of the access for the scale and nature of the development proposed would result in a danger to pedestrians and road users on Vale Road contrary to criteria vii) and viii) of policy RD 1 of the Local Development Plan.*

The vote was 13 to refuse planning permission, 2 to grant planning permission and 2 abstentions.

In preparing for the upcoming appeal, Officers have secured the services of a Planning Consultant (Mr Philip Garner) to lead the Council's case. To this end he has already prepared a Statement of Case which was agreed with the late Councillor Peter Prendergast, and local Member Councillor Dianne King. This statement has been submitted to PEDW.

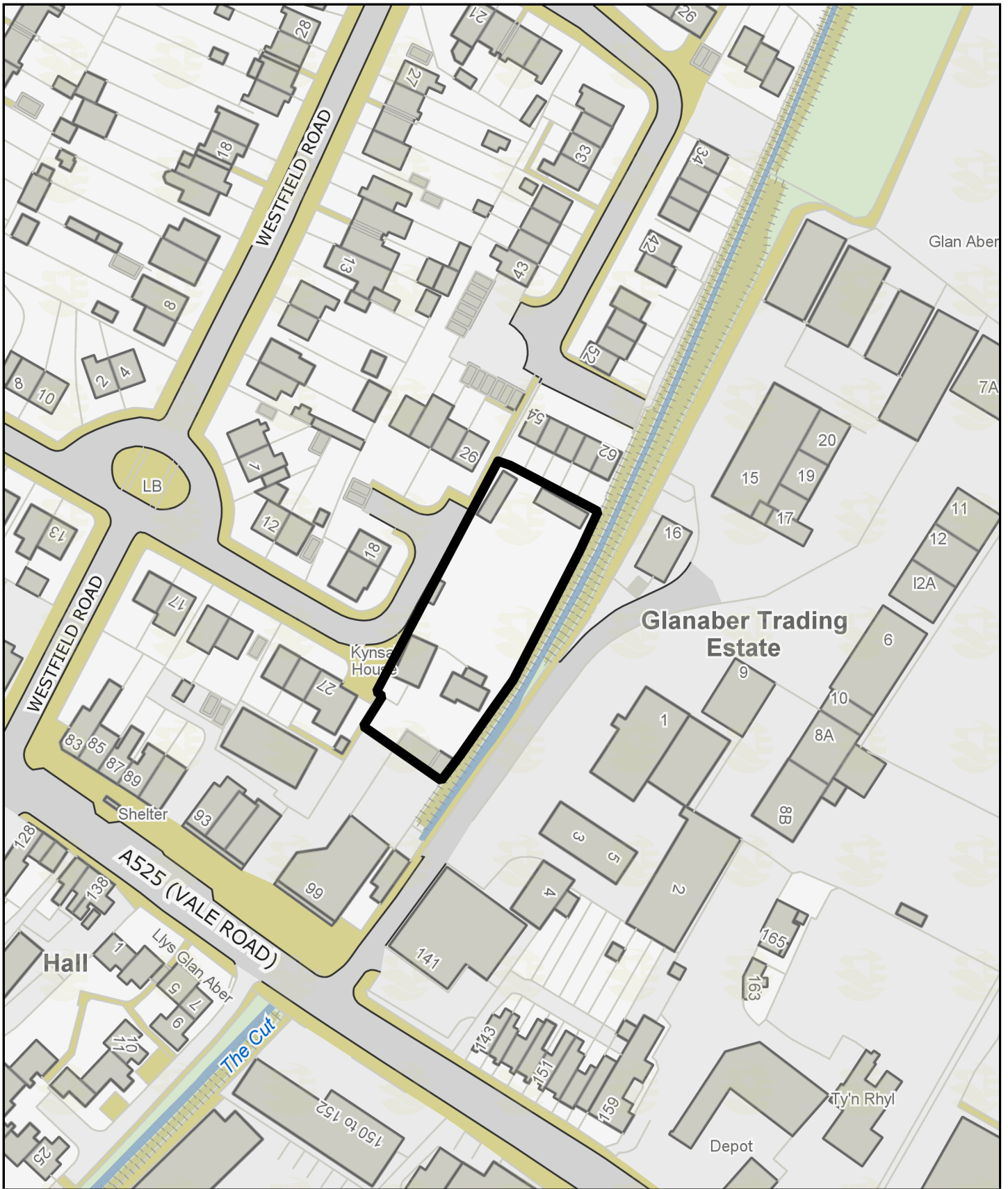
Following the sad passing of Councillor Pete Prendergast, Officers are now asking for Members to nominate a member (or members) of planning committee to represent the Council at the planning appeal alongside the Planning Consultant.

A copy of the original Officer report is attached as Appendix A, a copy of the minutes of the meeting as Appendix B, and a copy of the decision to refuse is attached as Appendix C.

### **3. RECOMMENDATION**

That Planning Committee nominate up to 2 Members to represent the Local Planning Authority, with relevant Officer support, at the forthcoming Planning Appeal. That those Members attend the appeal hearing and provide relevant input in the defence of the Planning Committee decision.





**45/2021/0516**



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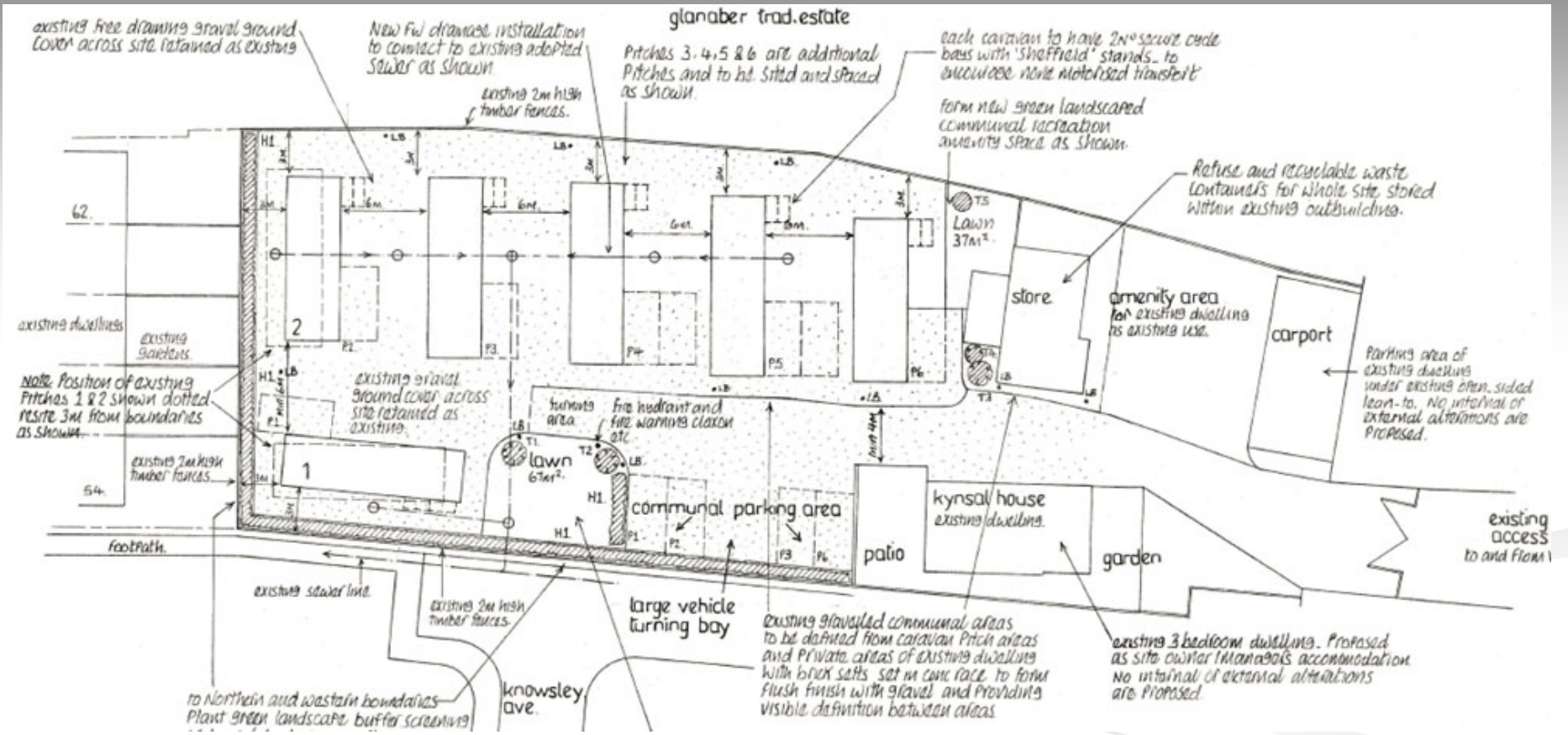
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# Site location plan







# Proposed Site Plan







Site entrance







Existing arrangements within the site





Existing arrangements within the site







Existing arrangements within the site





Entrance to site from Vale Road







Western boundary





Western boundary





Eastern boundary







Eastern boundary





**WARD :** Rhyl South West

**WARD MEMBER(S):** Cllr Peter Prendergast (c)  
Cllr Pat Jones

**APPLICATION NO:** 45/2021/0516/ PF

**PROPOSAL:** Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works

**LOCATION:** Kynsal House Vale Road Rhyl LL18 2PG

**APPLICANT:** Mr Phillip Purcell

**CONSTRAINTS:** C1 Flood Zone  
Public Right Of Way  
Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
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
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

Objection

“It is emphasised that this response is about the site and not the site users and these concerns raised would be the same for any change of use that had a similar impact.

The reasons for the objection are as follows –

- This application, in part is retrospective, in that there has been, since 2019, two static caravans have been sited on this land without any permission being sought at that time, so this application reflects this in addition to adding a further four static caravans, if you add in the point that Kynsal House is also occupied then this is clearly over intensification of the site.

- There is also the point that in 2019, all hedges and shrubbery that was in existence was removed by the owner, without any permission, along with the installation of a dropped kerb to gain entrance from Knowsley Avenue, this in part has been rectified by the installation of a fence from Knowsley Avenue, however the dropped kerb remains which would suggest there is an option for the owner to reinstate access via Knowsley Avenue at some point in the future.

- The justification statement for the site states that this application is to create a permanent site for the owners family, however the application and the statement both use the terminology of owner/manager, the latter of which would suggest the nature of some users to be more ‘transient’ than what is stated in the statement, It accept that this is a perception of wording but the Council feel that clarity is required, - does a site for family and extended family require a site manager?

- It is clear from the plan that the spacing between caravans is not sufficient, a point that has been confirmed by the Fire and Rescue Service, who state in their response that they have noted

that the proposed layout does not conform with the model 2008 standards (2008) for caravan sites in Wales or the Welsh Governments document (Designing Gypsy and Traveller Sites).

- Furthermore 3.26 of the document references that 'if a site has a cul-de-sac layout there should be adequate turning space to accommodate large vehicles such as fire engines, ambulances, refuse lorries and large vehicles, whilst the plan reflects a turning area, this does not appear to be suitable.

- Given the location of the site and the over intensification as mentioned earlier, this site is not suitable for the number of caravans being proposed, access in and out of the site (from Vale Road) is, in the view of the Council, dangerous for the increase in usage.

- Since this development was created in 2019, there has been no attempt to engage with the immediate community next to the site, any attempts by residents to address concerns around removal of tree/shrubs, changes to the boundary and creating access from Knowsley Avenue has been ignored or challenged.

- Section 1.9 of the Designing Gypsy and Traveller Sites Guidance states 'Local Authorities having regard to the Sites Guides will help to ensure that Gypsy and Traveller sites in Wales:  
1) are sustainable, well managed and maintenance is planned and not always reactive;  
2) are equivalent to the relevant parts of standards which would be expected on other types of mobile home sites and social housing; and,  
3) create the necessary conditions to encourage and develop good relations between Gypsies and Travellers and the settled community, and between site residents and owners / managers.

- Residents have experienced anti-social behaviour and have been impacted by noise and light pollution that arises from the 'ill placed' siting of security lighting, the removal of hedges etc which has increased the impact of this.

- Given the size (and location) of the site, the size of caravans proposed and including car parking and other buildings and the numbers of residents proposed then all of this could have an adverse impact on the health and wellbeing of the occupants, this would be the same considerations that would be expected to be considered should an applicant wish to develop housing on the plot."

#### NATURAL RESOURCES WALES

No objection

Recommend inclusion of a condition requiring occupancy restriction to Applicant and family, and condition to ensure the mitigation measures proposed (including preparation of a flood plan) are implemented.

#### DWR CYMRU / WELSH WATER

No objection

Recommend inclusion of condition relating to drainage details if the Planning Authority are minded to grant (no surface water is permitted to connect to mains sewerage).

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

No objection

Recommend inclusion of condition relating to use of access being restricted to Vale Road only and no access to be gained from Knowsley Avenue.

- Footpaths Officer

No observations

The proposal does not impact on any public path.

Public Protection Officer

No objection

Recommends inclusion of conditions relating to restricting any commercial use on the site.

County Ecologist

No objection

Recommends inclusion of conditions relating to Hedgehog access, landscaping/biodiversity enhancement and lighting if the Planning Authority are minded to grant.

Flood Risk Engineer

No objection

Proposal will be subject to SAB approval.

Strategic Housing & Policy Officer

No objection

The site is considered suitable and acceptable when assessed against adopted LDP Policy BSC 10 and other relevant LDP policies.

Other responses

NORTH WALES POLICE DESIGNING OUT CRIME OFFICER

No objection

NORTH WALES POLICY DIVERSITY UNIT

"From the perspective of North Wales Police, we confirm we have not received any significant concerns or tensions which would be relevant to any Planning Application decision. We will remain impartial to this process as with other planning applications."

NORTH WALES FIRE SERVICE

Initial recommendations made in relation to access for fire appliances, water supply and site layout. \*see "Re-Consultation Response" as updated plans provided to address Fire Officers concerns.

#### **RE-CONSULTATION RESPONSES (IF RELEVANT)**

RHYL TOWN COUNCIL

To be reported on Addendum Report /Late Sheets

NORTH WALES FIRE SERVICE

The developers have addressed all previous concerns.

The Fire Authority does not have any observations in regard to access for appliances and water supplies.

#### **RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Chris Rich, 1 The Crescent, Rhyl

Neil Griffiths, 11 Beech Avenue, Rhyl

Phillip Roberts, 24 Knowsley Avenue, Rhyl

Carmel Roberts, 24 Knowsley Avenue, Rhyl

Scott Drummond, 14 Knowsley Avenue, Rhyl

Stephen Williams, 21 Knowsley Avenue, Rhyl

Tracey Lynn Jenkins, 22 Knowsley Avenue, Rhyl

Patricia Treacy, 16 Knowsley Avenue, Rhyl

Summary of planning based representations in objection:

Proposal is contrary to Planning Policy- there is no identified need for the development.

Access/Highway Safety- proposal will increase the use of the access which would be unsafe.

Visual Amenity/ Landscape Impact - proposal would be out of keeping with the local area, existing trees/landscaping has been removed without permission.

Residential Amenity - impacts of the development on residential amenity by virtue of increased activity on the site and the noise/disturbance associated with this.

Fear of Crime / Antisocial behaviour - proposal may impact on crime and disorder/ ASB in the area.

Local Amenities - proposal would impact on local services.

**EXPIRY DATE OF APPLICATION: 03/02/2022**

**EXTENSION OF TIME AGREED: 09/03/2022**

**REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

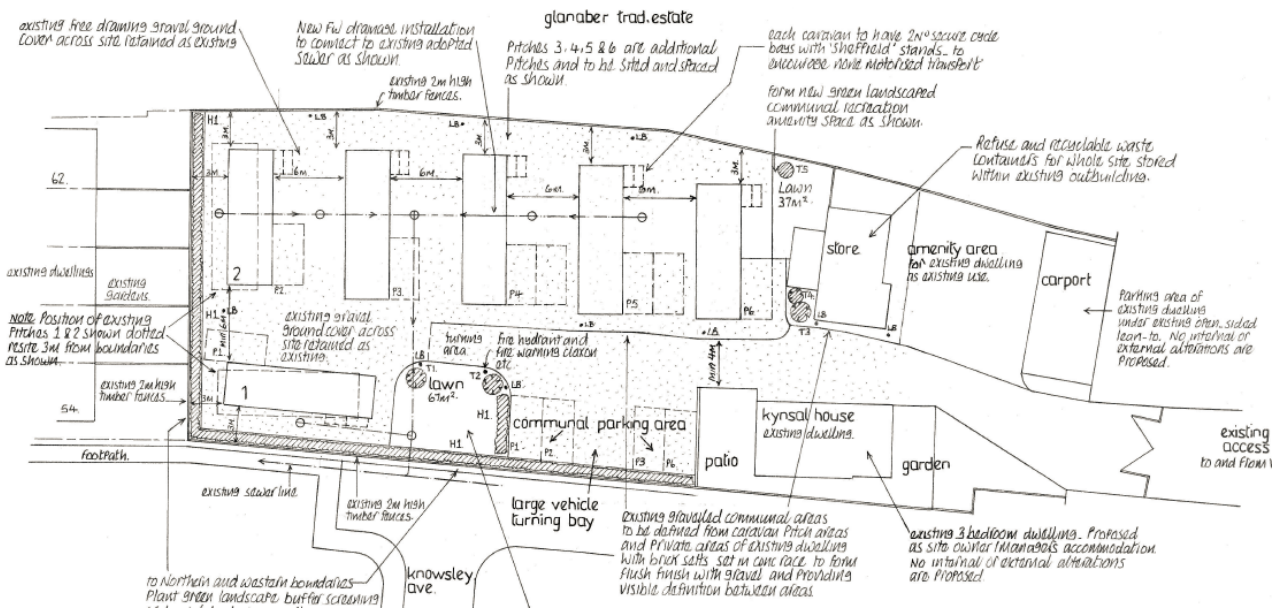
1.1 Summary of proposals

- 1.1.1 The application description is the "Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works".
- 1.1.2 The application is described as partly retrospective as the site has been cleared and is currently occupied. The Applicant and his family reside in the dwelling, two static caravans, a touring caravan and motorhomes on the site.
- 1.1.3 Factually, in relation to the individual elements of the application, the scheme involves the following:-
- The application site comprises of the dwelling Kynsal House, its curtilage and a parcel of land to the north/rear of the house with a combined area of 0.21 hectares.
  - The 3 bedroom dwelling Kynsal House would be retained as existing, with a patio area to the rear of the dwelling and a small garden area to the front. Opposite the dwelling a parking area and car-port would also be retained for the dwelling (used as existing).
  - To the north/rear of the dwelling a six plot static caravan development arranged in a 'L' shape is proposed. Each plot would comprise of gravel hard standing on which there would be one static caravan pitch, along with parking for one vehicle and two bicycles. There would be no formal demarcation between the pitches. The access/amenity space would be demarked by paving brick setts flush with the gravel finish, to provide visible definition between the site pitches, the access, and communal spaces.
  - An existing brick building is proposed to be retained as a store for refuse and recycling facilities for the site.
  - Two lawn / communal amenity space areas are proposed adjacent to the Store and communal parking area (measuring 67m<sup>2</sup> and 37m<sup>2</sup> respectively). Landscaping has been annotated on plan with trees specified in a landscaping schedule (Laurel on the north and west boundaries, other tree planting to include Oak and Holly).
  - Communal parking for 4 additional vehicles is shown on the western side of the site.
  - Low wattage solar lighting bollards are proposed around the site, with a capped top for side lighting only.
  - Boundaries to the site would be defined by the existing 2 metre high fencing to the north, east and west. An additional landscape buffer screen is shown to the

north and west boundaries, comprising of Laurels set behind the existing 2 metre timber fence.

- Drainage arrangements show foul connections from each pitch with a link to the mains sewer to the west of the site.
- Surface water is referred to as soakaway (Surface Water drainage details would be subject to SAB approval).
- The access to the site would be as existing, joining Vale Road between no. 97 and no. 99.

See Site Layout Plan \*not to scale



1.2 Other relevant information/supporting documents in the application

1.2.1 The application has been submitted by a Planning Agent on behalf of the Applicant who identifies as a Traveller. The Applicant is the site owner and has resided at Kynsal House since October 2019. His intention is to continue to reside in the dwelling with his family occupying the pitches on a permanent residential basis.

- 1.2.3 The following documents have been submitted as part of the application:
- Planning Statement
  - Limited FCA Richard Broughton
  - Flood Consequences Assessment Waterco
  - Landscaping Schedule
  - Additional Statement in Response to Planning Consultation Responses

1.3 Description of site and surroundings

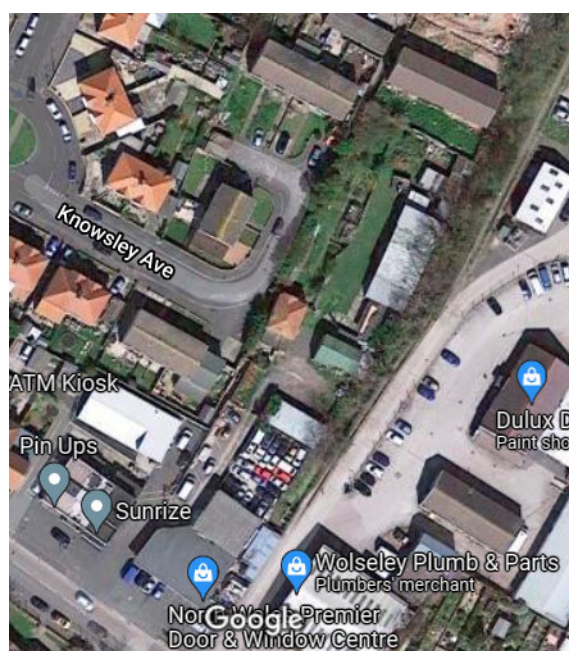
1.3.1 The site is located off Vale Road on the approach to Rhyl town centre. The access lies between no. 97 and no. 99 Vale Road.

1.3.2 The parcel of land is a relatively flat gravelled area on which the existing dwelling, carport and store are sited. As mentioned above, plans show there are two static caravans, a touring caravan and two motorhomes currently on site.

1.3.3 Site boundaries are demarked by 2 metre panel fencing to the north, east and west, with metal fencing and a gate to the east (front).

- 1.3.4 The north of the site is bounded by the rear gardens of dwellings fronting Brookdale Road (a cul de sac to the north). The west of the site is bounded by Knowsley Avenue (a cul de sac to the west) and a footpath which cuts through from Knowsley Avenue to Brookdale Road. The east of the site is bounded by Rhyl Cut (Watercourse), with the access to Glan Aber Trading Estate beyond. To the south of the site abutting the entrance there are commercial buildings along the access and fronting Vale Road.
- 1.3.5 It is understood that the site was historically used for some form of commercial use alongside the residential use of Kynsal House. There is no planning history for the site, but historic aerial photographs show a large corrugated structure and other smaller outbuildings/sheds abutting the eastern boundary and grass and some form of external storage on the west side.

See Site Location Plan and Historic google maps site image \*not to scale





Site Photos:

Entrance to site showing Kynsal House, Carport and Store



Photos within site showing existing arrangements





Photos of Site Entrance/ Access between No. 97 and 99 Vale Road



Photos of Western Boundary to Knowsley Avenue





Photo of Western Boundary to Knowsley Avenue & path to Brookdale Rd



Photos from the Eastern Boundary across the Cut



#### 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Rhyl for the purposes of planning policy considerations. It has no other specific allocation/designation in the Denbighshire Local Development Plan.
- 1.4.2 The site is located within a C1 Floodzone as defined by the Development Advice Maps of TAN 15 Development and Floodrisk.

#### 1.5 Relevant planning history

- 1.5.1 There is no planning history on the site.
- 1.5.2 An application was made in 2000 to create an access onto Knowsley Avenue from the site, however this was subsequently withdrawn and the access closed off.

#### 1.6 Developments/changes since the original submission

- 1.6.1 On review of the initial consultation responses the Agent updated the Site Layout plan to address initial concerns raised by the Fire Officer regarding spacing/access to the site.
- 1.6.2 A Statement was also submitted to address some queries raised in the consultation responses. The Statement also referred to the Applicants willingness to accept conditions (as specified by NRW) and their preference to enter into a Unilateral Undertaking to cover Planning Obligations (mentioned by the Policy Officer).

#### 1.7 Other relevant background information

- 1.6.3 In the interests of clarity, what is proposed is a private residential Travellers site with the dwelling Kynsal House encompassed into the use. The Applicant and his family

identify as members of the Travelling community. The application is made on the basis of policy BSC 10 – Gypsy and Traveller Sites. The Agent states that the proposal will therefore contribute to meeting an identified need in Denbighshire for Gypsy and Traveller Sites.

- 1.6.4 The Agent advised in the initial justification statement and subsequent statement that the existing residential dwelling will be the permanent residence of the Applicant, enabling him to; implement the permission as planned, control the use, and manage and maintain it accordingly, albeit for his own family members only. The Agent clearly states that “the dwelling together with the 6 pitches will form the same entity with the applicants 6 children and their respective families residing in the proposed static caravans.”
- 1.6.5 The definition of 'Gypsies and Travellers' is contained within section 108 of the Housing (Wales) Act 2014. The same definition is used in Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites and is applicable here.

For reference this definition is as follows;

- (a) Persons of a nomadic habit of life, whatever their race or origin, including –
- (i) Persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently, and
  - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and

- (b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

The intention of the above definition is to ensure that ethnic Romani Gypsies and Irish Travellers are included, as well as those from any ethnic group who follow a nomadic habit of life. Members of these communities do not necessarily need to demonstrate a continued nomadic habit of life to be considered to be Gypsies or Travellers.

## 2. DETAILS OF PLANNING HISTORY:

- 2.1 45/2020/0007 Construction of a new vehicular access and erection of wall to boundary of site.  
Application withdrawn 27/04/2020

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

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

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC10** – Gypsy and traveller sites

**Policy BSC11** – Recreation and open space

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

**Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites

Technical Advice Notes

TAN 15 Development and Flood Risk (2004)

**Other**

The Housing (Wales) Act 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)
- 4.1.7 Open Space
- 4.1.8 Density of development
- 4.1.9 Fear of crime
- 4.1.10 Impact on local services

4.2 In relation to the main planning considerations:

4.2.1 Principle

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

In terms of the specific justification put forward for the case, i.e. the provision of a Traveller site. By way of background the Housing (Wales) Act 2014 requires that an assessment of accommodation needs of Gypsies and Travellers must be undertaken and submitted to Welsh Government every 5 years. An assessment report was submitted to and approved by Welsh Government in 2017 and a new assessment (2021) has recently been approved by Denbighshire County Council and submitted to Welsh Government for approval. The 2017 and 2021 assessment reports both found a need for residential pitches for Gypsy and Traveller families in Denbighshire.

The Housing Act 2014 requires that where a need is identified that the Council must take positive steps to meet this need. This could be through the provision of local authority sites or through the granting of planning permission on private land.

The current need is assessed as being for 8 pitches. If permitted the proposal would assist in meeting this need and in the Council meeting its duty under the Housing Act (2014) Wales.

Planning Policy Wales 2021 paragraph 4.2.35 reiterates the need to carry out an assessment of housing needs for Gypsy and Traveller families and to meet any identified unmet need.

The detailed LDP policy to consider this application against is policy BSC 10 Gypsy and Traveller Sites. The policy is reproduced below, however the justification text has not been included as this has been superseded by more recent legislation and guidance including the Housing Act (2014) Wales and WG Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites (2018) referred to above.

Policy BSC 10 Gypsy and Traveller Sites states;

*Proposals for gypsy and traveller caravan sites (including mixed residential and business sites) will be permitted provided the following criteria are met:*

- i. the site is situated outside the Area of Outstanding Natural Beauty, Green Barriers and the Pontcysyllte Canal and Aqueduct World Heritage site (including the buffer zone); and*
- ii. the site is located within or on the outskirts of an established settlement boundary with access to a range of facilities/services (including schools), public transport and main transport routes; and,*
- iii. the proposal makes suitable provision for on-site play space, storage and parking; and,*
- iv. the proposal would not be detrimental to the amenity of occupiers of adjacent properties.*

In relation to the detailed policy BSC 10 criteria as set out above, Officers views are as follows;

- i. the site is not situated within any of the designated areas;*
- ii. the site is located within the development/settlement boundary of Rhyl, a principle town in the County. The site has access, within 10 to 15 minutes walking distance, to the range of services and facilities specified in the policy. These facilities include Primary and Secondary schools, GP Surgery's and Pharmacy's, Rhyl town centre retail offer and local shops on Vale Road, Bus Stop on Vale Road and Rhyl train station, and Vale Road itself which is an A road.*
- iii. the proposal makes suitable provision for on-site play space, 100 metres<sup>2</sup> amenity space is proposed, storage would be accommodated in the existing brick outbuilding and parking is shown for each pitch and visitor spaces. The site is also a 255 metres walk from the gates of Coronation Gardens which has a full range of play and sporting opportunities in addition to informal recreation.*
- iv. the proposal is not considered to be detrimental to the amenity of occupiers of adjacent properties; as discussed further below the impacts on adjacent occupiers are not consider to be so significant to warrant refusal of the application*

As set out above there are planning policies at local and national level specific to the consideration of Gypsy and Traveller site proposals whether submitted by the Local Authority or private individuals. Officer's opinion is that in the context of Planning Policy Wales and the LDP, the principle of the development in this location is not precluded by policy and guidance and would be acceptable subject to assessment of relevant and more detailed planning considerations.

The assessment of the detailed considerations are set out in the following sections of the report.

#### 4.2.2 Visual amenity

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.

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.

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

There are objections to the proposal based on potential visual impact of the development from neighbours and the Town Council. There are no substantive objections from other specialist consultees on these grounds.

The site is visible from Knowsley Avenue, Brookdale Road and across the Cut from Glan Aber Trading Estate. As the site is located to the rear of commercial premises fronting Vale Road, with Kynsal House itself located at the front of the site, there are limited views of the site from Vale Road. There is screening around the site boundaries in the form of a 2 metre high panel fence with supplementary laurel hedging proposed. The static caravans are set some .5 metres off ground level, with a total overall height of 3.5 metres, therefore they are visible from the adjacent residential and commercial areas.

The site or wider area has no specific allocation or landscape designation in the Denbighshire Local Development Plan. It is located in an area where there is a mix of

development as described above. The residential development surrounding the site is varied and of no particular architectural significance. The design and character of housing ranges from 1970's semi-detached dwellings and terraces on Knowsley Avenue to more the modern 2000's terrace off Brookdale Road. There is commercial development to the south/front of the site which is of no particular merit and there is a range of industrial units on Glan Aber to the east.

The loss of the screening/trees has been mentioned in representations, as the site was historically bounded by a mix of planting including substantial Leylandii hedging. This was removed when the site was cleared, however as the trees/landscaping was not protected, no permission would have been required for the site clearance.

The fact the site is visible from surrounding roads is not in itself a reason to resist development, the question is whether the visual impact would be harmful. Officers consider that there is a sufficient mix of development in the locality to permit the continued use of the site without detriment to the visual amenity of the area.

Subject to suitable control over the detailing and implementation of the proposed additional landscaping/planting, in time the visual impact of the site would be further improved. The mix of development the locality, combined with the scale of the proposal and potential for additional landscaping to supplement the screening, would not give rise to a level of harm sufficient to merit refusal. In Officers opinion, it is not considered that the proposal would result in an unacceptable impact on the visual amenity of the site, or surrounding area.

#### 4.2.3 Residential amenity

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.

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

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

There are local concerns expressed at the potential for increased noise and disturbance from the development, and light pollution from the site. The Town Council raise similar issues as well as concerns over the potential amenity impacts on the proposed occupiers.

The proposal has been considered by the Public Protection Officer, who has taken into account the concerns raised in relation to the potential impacts on residential amenity by way of noise, disturbance and light pollution. The Public Protection Officer does not consider that such concerns could be substantiated or defended at a planning appeal, and therefore raises no objection to the proposal.

The application proposes a 6 pitch Traveller site with owner's accommodation at Kynsal House. The Justification statement refers to the occupiers of the dwelling as the Applicant with his wife and elderly mother, 6 adult children, their partners and children.

In relation to impacts on residential amenity, it is to be noted that there are residential dwellings in the vicinity of the site, the closest being the terrace on Brookdale Road which bounds the rear of the site. The pitches would be set 3 metres off the boundaries and as mentioned earlier there would be 2 metre screening around the site, supplemented by hedging. The specific detailing of each of the statics has not been



included but a typical elevation is provided which shows the main outlook from living space would be to the south and into the site rather than to the north into adjacent gardens. In terms of overall height the 3.5 metre height and low profile roof of the statics would be lower than that of an average bungalow.

Details have been submitted of a proposed lighting scheme with low level solar power bollard lighting.

Amenity space would be provided centrally on the site, with a circulation area and at least 6 metre spacing between the pitches.

Officers consider that the assessment of relevant impacts of this proposal should be no different to a corresponding residential scheme. This means that relevant factors are distances to neighbouring properties, and potential for planning conditions to be imposed to mitigate impacts.

In respecting the basis of concerns from residents, Officers consider that it would be difficult to justify a refusal based on the potential increased level of noise and disturbance associated with a 6 pitch residential Traveller site, and on the level of activity/traffic associated with such a residential use. There is a mix of uses in the wider area, including commercial and industrial uses to the south and east of the site. Furthermore the site is located off one of the main approach roads to Rhyl town centre. Given the relatively modest scale and nature of the proposed development, (which it is accepted could be comparable to a similar scale residential development on the site), the separation distances between the site and existing residential properties and the imposition of conditions to mitigate impacts it is not considered there would be unacceptable impacts from noise, disturbance, overlooking or privacy in relation to local residents from the operation of the site.

Details of low level lighting bollards have been submitted which downlight the site which are preferable to the temporary lighting which has resulted in concerns being raised by neighbours.

Circulation space, amenity space and utility facilities have all been shown on the site for the occupiers which Officers consider would be adequate to cater for their amenity.

Subject to controls over the residential use and occupancy, Officers the proposal acceptable in relation to the policies and guidance listed above.

#### 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) 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 Council's Biodiversity Officer has raised no objection. He suggests inclusion of conditions relation to landscaping, native hedge planting as a biodiversity enhancement and the installation of Bat and Bird boxes. NRW have raised no objection to the proposed development in relation to the ecological issues.

On the basis of the relevant technical advice, Officers conclusion is that there would be no unacceptable ecological impacts and that suitable conditions can be attached to ensure proper measures to mitigate / protect and enhance ecological interests if permission is granted.

#### 4.2.5 Drainage (including flooding)

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

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

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed.

TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

In terms of the Development Categories in TAN 15, the existing site falls within the 'highly vulnerable development' category.

Section 6.2 of TAN 15 states that development will only be justified if it can be demonstrated that:

*i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,*

*ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

*and,*

*iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1), and*

*iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.*

Having regard to the justification criteria in paragraph 6.2 of TAN15, Officers' view is that:-

- The proposal complies with test i). The site is located within the development boundary of Rhyl. In accordance with the PPW, the GTAA acknowledges a need for the provision of 8 Residential Traveller pitches countywide. If permitted the proposal would assist in meeting this need and in the Council meeting its duty under the Housing Act (2014) Wales. The preference is for Traveller sites to be located within development boundaries.
- The site is located within the development boundary of Rhyl on an established part residential site.
- Development in existing settlements concurs with the aims of Planning Policy Wales, the new site would be located on a part brownfield site which meets the definition of 'previously developed land' in PPW 11, hence the proposal complies with test iii)
- The potential consequences of a flooding event for the particular type of development have been considered, and are reviewed below.

Officers' conclusion is that the proposals meet the main justification criteria in section 6 of TAN 15.

A Flood Consequences Assessment (FCA) has been prepared in support of the application by Waterco. The FCA has assessed the risk of flooding from tidal and fluvial sources. NRW confirms that the primary source of flooding is tidal flood risk from the River Clwyd. NRW have assessed the FCA and concur with Waterco, that the proposal fails to comply with the requirements of TAN15. However they go on to state that they appreciate the nature of the application and it could be argued that the caravans are linked to the existing family use of the main dwelling. Based on the specific details of the application, NRW advise that appropriate controls should be imposed to ensure that the site is only used for the benefit of the applicant and their family who currently occupy the site, which would limit use of the site to the owner and their family only and prevent the static caravans from being sold on to other users (and potential future redevelopment).

Subject to an appropriately worded planning condition limiting the use of the site to the applicants and their family only, and implementation of the mitigation measures proposed (including preparation of a flood plan) they consider that the consequences of flooding can be managed to a level acceptable for the type of development.

Dwr Cymru Welsh Water have no objections to the proposal subject to the imposition of planning condition controlling drainage as details have not been provided of the specific surface water disposal.

Having regard to the advice of NRW and Dwr Cymru, who are the relevant experts in relation to floodrisk and development, it is considered that the proposal is acceptable in relation to flood risk and drainage and are therefore considered to be compliant with the policies and guidance.

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

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

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

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

There are objections to the application based on the potential highway impacts. These relate to the access to the site; potential for increased traffic movements owing to the nature of the site users and potential for access to Knowsley Avenue to be re-opened.

The Highway Officer has assessed the proposal offered no objections to the application.

The application proposes use of an existing access to Kynsal House to serve a 6 pitch Traveller site. The access serve the dwelling, its historic commercial use and the commercial used to the rear/fronting Vale Road.

Once in situ, given a residential Traveller site is proposed there would be limited comings and goings of actual static caravans. The use of the site would be for the proposed occupiers of the Traveller site and the dwelling Kynsal House which would be comparable to a similar residential development on the site.

The plans clearly show the access to Knowsley Avenue blocked up and the Highways Officers suggests a condition to ensure this remains the case.

Having regard to the relevant factors in relation to the likely highways impact of the development, in the absence of clear evidence that the proposal would give rise to unacceptable road safety issues or would adversely affect the free movement of traffic on the adjacent highways, it is respectfully suggested there is no sound basis for resisting the grant of permission on highway grounds.

#### 4.2.7 Open Space

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

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

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

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

On the basis of the evidence within the Open Space Assessment and Audit Report, it is considered that the proposal, which would introduce 6 permanent residential pitches, should make a financial contribution to mitigate the increased usage on the existing open space and equipment within the area. The proposal is considered acceptable in relation to open space policy subject to the requisite contribution being secured through an appropriate agreement.

#### 4.2.8 Density of development

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare (d/ha) should be achieved in order to ensure the most efficient use of land, and that these minimum standards should be achieved unless there are local circumstances that dictate a lower density.

Concerns have been raised locally and by the Town Council that the proposal would represent an over intensification of use of the site.

The site area is 0.2 hectares and the existing house plus the 6 static caravans would give a site density of 35/hectare. This is considered an appropriate density for the site which reflects both the density of housing in the surrounding area and the requirements of adopted planning policy.

Having regard to the nature of the development, its location and proximity to services and public transport, Officers consider this density can be accommodated without unacceptable impacts, and would not be out of character with the nature of existing development and the locality.

#### 4.2.9 Fear of crime

Local Development Plan Policy RD 1 test (xii) requires account to be taken of personal and community safety and security in the design and layout of development and public and private spaces, and to have regard to implications for crime and disorder.

This reflects general advice in the Crime and Disorder Act 1998 and subsequent good practice guide that the effects of a development on crime is a potential material consideration a planning authority should address when exercising its functions.

There are objections to the application based on the fear of crime and anti-social behaviour as a result of the development. The Town Council reiterated these concerns in their consultation response.

Both North Wales Police Design Team and Diversity Unit have been consulted on the application. The Design Team raise no objection to the detail of the proposal. The Diversity Unit have advised they are not aware of any significant concerns or tensions which would be relevant to any planning application decision, adding that they remain impartial to this process as with other planning applications.

In acknowledging the effects of development on public safety and crime is a material consideration, clear evidence needs to be provided to establish that a particular development / use would give rise to negative effects on an area sufficient to justify a refusal of permission. Consequently, whilst Officers note the representations received in relation to the fear of crime, having regard to the consultation response of North Wales Police, it is respectfully concluded that the evidence base for a refusal on grounds of fear of crime is limited, and is not a matter which should be accorded significant weight.

#### 4.2.10 Issues of potential impacts on local services

Objective 12 in Chapter 4 of the Local Development Plan indicates that the Plan will ensure that an adequate level of community infrastructure (including schools) will, where relevant and required, be provided to mitigate the impact of certain new developments.

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 service availability and the effects of a development on, for example, health, public safety and crime. Therefore it would not be unreasonable to have regard to the adequacy of existing public facilities and services when considering the application.

There are objections to the application based on concerns over the capacity of local services to deal with demands arising from the users of the site.

The Agent has advised that the site is currently occupied by the Applicants family who attend local schools and utilise local services. The application seeks to regularise the use and establish a permanent base for the four generations of the family.

North Wales Police raise no objections or concerns relating to the impacts of the development on the capacity within their respective service. The Councils Education Section states there is capacity in local schools for prospective students.

To justify a refusal of permission of the application it would be necessary to establish that the development proposed would give rise to demands which would prejudice the delivery of public services to an unacceptable degree. On the basis of the scale and nature of development actually involved and the specialist consultation responses there are limited grounds to suggest this is the case.

#### Well – being of Future Generations (Wales) Act 2015

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

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

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

- 5.1 The application proposes the development of a private residential Traveller site with owner's accommodation at Kynsal House. The site layout with 6 permanent pitches would accommodate four generations of a Traveller family who are currently resident in the dwelling and other accommodation on site.
- 5.2 Officer's assessment of local and national planning policy and guidance suggests there are no fundamental planning policy grounds to oppose the principle of the development of a residential Gypsy and Traveller site in this location.
- 5.3 This report sets out what Officers believe to be the main issues of relevance to the consideration of the application. Having regard to the responses from key consultees and other representations, the planning policies and material considerations, Officers conclude there are limited land use planning grounds to justify a refusal of planning permission. Hence the recommendation is to grant planning permission.

## **RECOMMENDATION:**

It is recommended to GRANT permission subject to the following conditions and:

- Completion of an Unilateral Agreement or Agreement under Section 106 of the planning act to secure an open space contribution of £7423.30 (as per the 'Open Space Calculator')
- In the event of failure to complete the Agreement within 12 months of the date of the resolution of the grant of permission, the application would be reported back to Committee for determination against the relevant policies and guidance at that time.

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

1. The development to which this permission relates shall be begun no later than 9th March 2027
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Location Plan - Received 29 October 2021
  - (ii) Existing Site Plan (Drawing No. DG1) - Received 10 December 2021
  - (iii) Proposed Site Plan (Drawing No. DG2 Rev B) - Received 9 February 2022
  - (iv) Existing and Proposed Outbuilding Floor Plan (Drawing No. DG3) - Received 29 October 2021
  - (v) Justification Statement - Received 10 December 2021
  - (vi) Limited Flood Consequences Assessment - Received 10 December 2021
  - (vii) Landscaping Schedule - Received 17 May 2021
  - (viii) Lighting Bollard Specification - Received 17 May 2021
  - (ix) Waterco Flood Consequences Assessment (Dated 26/10/21) - Received 27 October 2021
  - (x) Statement in Response to Consultation Responses - Received 9 February 2022
3. The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 2 of Circular 005/2018: 'Planning for Gypsy & Traveller Caravan Sites'.
4. There shall be no more than 6 permanent static caravan pitches on the site any time as defined in the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968.
5. The occupation of the main dwelling and 6 residential pitches shall be for a single G&T family only.
6. No commercial or livery activities shall take place on the land, including the storage of materials. There shall be no loading or unloading of vans, open backed vehicles or lorries on the site at any time other than for domestic purposes. No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and commercial vehicles shall not exceed 3.5 tonnes in weight
7. There shall be no burning on site except to provide a residential heat source so as not to cause a smoke nuisance.
8. Access for hedgehogs (at least one 13cm x 13cm opening per boundary) should be made at ground level through any existing and proposed fencing used around the site boundary, to allow for the movement of hedgehogs.
9. Notwithstanding the approved plans, an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats, must be submitted and approved in writing by the LPA. This should follow the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK (2018) Bat conservation Trust & The Institute for Lighting Professionals. A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component. Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. The approved measures shall be implemented in full.
10. Notwithstanding the approved plans, within 6 months of the date of this permission a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include full planting plans, with additional planting along the eastern boundary of the site (hedgerow using native species) and an implementation programme with appropriate future maintenance regime. The landscaping scheme should be designed to deliver a net benefit for biodiversity, must be submitted to, and approved in writing by, the Local Planning Authority. This must include a species list for the new planting, and only feature species of known benefit to wildlife. No species listed on schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list. The landscaping shall be carried out in accordance with the approved details within 6 months of their

approval.

11. The development must contain provision for roosting bats and nesting birds. The number, location and specification of these features should be determined by a suitably qualified ecologist, and shown on appropriate plans and drawings. The updated plans should be submitted to the LPA for approval and the approved measures shall be implemented in full.
12. Within 6 months of the date of this permission details of a scheme for the disposal surface water shall be been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the full residential use of the development and retained in perpetuity.
13. The development shall be carried out in accordance with the recommendations contained in the Waterco Flood Consequences Assessment (Dated 26/10/21) - Received 27 October 2021 and Richard Broughton Limited Flood Consequences Assessment - Received 10 December 2021.
14. The access shall be as shown on the approved plan, Proposed Site Plan (Drawing No. DG2 Rev B - Received 9 February 2022) onto Vale Road only, and access to Knowsley Avenue shall remain permanently closed.

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. The residential use of this site has been allowed on the basis of the need for Gypsies and Travellers pitches and therefore the future occupation of the site accommodation must be controlled.
4. In the interests of clarity to define the extent of the planning permission and prevent over-development of the site.
5. In order to address flood risk concerns arising from the creation of multiple unrelated households on the site.
6. To ensure no commercial activities adversely affect the residential amenity of residents of nearby properties.
7. To ensure no activities on the site adversely affect the residential amenity of residents of nearby properties.
8. In the interest of maintaining the favourable conservation status of the species.
9. To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and nature conservation.
10. To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and nature conservation.
11. To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and nature conservation.
12. To prevent pollution of the environment by ensuring the provision of adequate surface water drainage.
13. To ensure relevant measures are undertaken to limit any risks arising from flooding.
14. In the interests of clarity, as it is the opinion of Highways Officers that proposed access is adequate for the purpose of the proposed development.

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## **MINUTES OF DEBATE ON APPLICATION NO. 45/2021/0516/ PF - KYNSAL HOUSE, VALE ROAD, RHYL**

An application was submitted for the change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works at Kynsal House, Vale Road, Rhyl.

### **Public Speaker –**

Mr Scott Drummond (**Against**) confirmed the concerns he wished to put forward were regarding the site uses. He provided objections on behalf of some residents local to the site including the proposed plan did not offer suitable turning space for large vehicles. The plan was an over intensification of the site. Access to and from the site from Vale Road is and would be a danger to existing businesses and pedestrians. He stressed in his opinion that the change of use of the land to form residential gypsy and traveller site, in close proximity to existing residential properties would give rise to the potential for increased activity on site. Which was in conflict with the criteria within the Local Development Plan policy BSC10 which required proposals for sites not to be detrimental to the amenity of occupiers of adjacent properties. It was his opinion that the size and location of the site proposed, the size of caravans proposed and including car parking and nearby buildings would have an adverse impact on the health and wellbeing of the occupants. The same considerations that would be expected to be considered should an applicant submit an application for a building on the plot. He informed members the application should be a retrospective application as two static caravans had been on site since 2019, with no planning permission. He also raised the removal of trees, shrubbery and hedges had taken place and a dropped curb installed all without planning permission. Since 2019 when the development was first established, no attempt to engage with the immediate community had taken place, with any concerns or engagement by local residents ignored or challenged by the occupants. He informed members some local residents had experienced anti-social behaviour, including noise and light pollution. It was felt that the many vehicles and noise produced at the site were from business activities and not purely residential.——

**General Debate** – The Chair informed members a site visit had taken place at the site on Friday 4<sup>th</sup> March. Councillor Christine Marston had been in attendance at the site visit. Councillor Marston concluded the visit had been to establish the setting and character of the area, the proximity of the neighbours and the access at the site and neighbouring properties.

Councillor Pete Prendergast (Local Member) urged planning committee members to object to the planning application. He stated since 2019 all hedging and shrubbery had been removed and a drop curb installed to gain access to the site, two static caravans had been installed on the land and all done without any planning permission from the authority. He confirmed the vehicular access off Knowlsley Avenue had been blocked up by fencing but the dropped kerb remained. He informed the committee that to date all local businesses and residents had all been subject to anti-social behaviour and had raised concerns about light and noise pollution. Councillor Pete Prendergast proposed the application be refused against officer recommendations for the following reasons, the siting of six static caravans and the occupied house on the site would be over intensification of the site. The proposed layout of the site did not conform with model 2008 standards for adequate turning space to accommodate large vehicles such as ambulances and fire engines. Access to the site, via Vale Road would be dangerous to both traffic and pedestrians. A change in use of this site in close proximity to residential buildings would give rise for the potential for increased disturbance and activity in the area which was in conflict of the criteria 5 of the LDP Policy number BSC10.

Councillor Prendergast further raised policies he felt relevant to the objection of the application, including Policy RO5 the Welsh language and the social and cultural fabric of communities, Policy BSC 3, Securing Infrastructure contributions from the development, Policy BSC 11, Recreation and Open Space, Policy VOE 5, Conservation of Natural Resources, Policy ASA3 Parking Standards and TAN 11 Noise 1997 and TAN 12 design 2016. He reminded members the application had been fully opposed by Rhyl Town Council. Councillor Ellie Chard Seconded the proposal to refuse the application.

Local member Councillor Pat Jones confirmed that the local residents and businesses in the area had experienced, obstructions and noise issues since 2019. Councillor Jones echoed the thoughts of Councillor Prendergast.

Councillor Ellie Chard asked if the proposal was successful would residents have to pay a higher rate of council tax.

Councillor Joan Butterfield stated she was in full agreement with the ward members and the reasons for the object against the application. She confirmed the hedgerow had been removed and had reduced the quality of life at the area. It was confirmed the site was close to the town centre and would be detrimental to the residents.

Councillor Christine Marston, confirmed at the site visit the attendees walked the plot, and informed members the applicant had planted trees at the rear of the site. Councillor Marston asked if lighting at the site could be controlled with a condition if granted.

In response to the questions and comments raised the Development Control Manager (DCM) confirmed that the information requested had been provided for members. The DCM provided further information on the application stating that the model standards for the siting of caravans had been met. Communication with the fire officer had no objections with the spacing at the proposed site. He confirmed that the proposal was acceptable.

Concerns raised on unacceptable noise and disturbance at the site had been raised by members the DCM noted from North Wales Police. It was also confirmed that no reported noise complaints from the public had been received.

The applicant was fully accepting and willing to comply with the authority's policies in relation to operation. It stressed that no objections had been received from any local businesses. It had only been residential concerns confirmed that if the proposal was successful the residents at the site would be required to pay any costs. Conditions could be imposed to soften the impact of the development via a landscaping and lighting scheme.

Councillor Brian Jones asked if a previous application for a change of use of the land had been refused in recent planning history. The application presented to committee was within the development boundaries and the proposed housing was acceptable.

Councillor Joan Butterfield suggested three conditions be imposed on the application if the proposal was approved. Butterfield listed them as follows:

Proper and adequate housing for gas bottles; electric cables are put into housing and correct and protected that had been installed was re installed at the site.

In response to the proposed conditions suggested by Councillor Butterfield the DCM directed members to the conditions already suggested for the application. It was the opinion of the DCM that the conditions suggested had been considered and conditions for the application detailed within the report.

The DCM suggested if the application was successful officers would confirm with the local members that they would bring the amended conditions back to committee to agree.

It was highlighted that the application was for a private application for 6 pitches to meet a need for the site. A study had been established to assess the need for Gypsy and Traveller needs.

**Proposal** – Councillor Pete Prendergast proposed, seconded by Councillor Ellie Chard that the application be refused against officer recommendation, for the following reasons, over intensification in the use of the site, concerns about the impact on highway safety with the access at Vale Road and concerns on unacceptable impact on neighbours by reason of increased noise and disturbance.

The DCM reminded members of a policy included in the Local Development Plan, around the provision of Gypsy and Traveller sites. The policy included a specific criterion was included in the policy, officers had consulted with a number of specialists and considered the criteria in the policy was met.

**VOTE:**

FOR – 2

AGAINST – 13

ABSTAIN – 2

## **CERTIFICATE OF DECISION**

**TOWN & COUNTRY PLANNING ACT 1990  
TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012**

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In pursuance of their powers under the above Act and Order, the County Council as Local Planning Authority hereby

**REFUSE TO GRANT PLANNING PERMISSION FOR:**

**PROPOSAL: Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works**

**LOCATION : Kynsal House Vale Road Rhyl**

**PLANS AND DOCUMENTS SUBJECT TO THE DECISION:-**

- (i) Location Plan - Received 29 October 2021
- (ii) Existing Site Plan (Drawing No. DG1) - Received 10 December 2021
- (iii) Proposed Site Plan (Drawing No. DG2 Rev B) - Received 9 February 2022
- (iv) Existing and Proposed Outbuilding Floor Plan (Drawing No. DG3) - Received 29 October 2021
- (v) Justification Statement - Received 10 December 2021
- (vi) Limited Flood Consequences Assessment - Received 10 December 2021
- (vii) Landscaping Schedule - Received 17 May 2021
- (viii) Lighting Bollard Specification - Received 17 May 2021
- (ix) Waterco Flood Consequences Assessment (Dated 26/10/21) - Received 27 October 2021
- (x) Statement in Response to Consultation Responses - Received 9 February 2022

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THE REASONS for the Council's decision to refuse permission are:-

1. It is the opinion of the Local Planning Authority that the change of use of land site would result in an over-intensification of the use of the site. The cumulative impact of the creation of a 6 pitch site residential Traveller site alongside the dwelling on the 0.2 ha site would represent an overintense form of development in close proximity to residential properties on Knowsley Avenue which would give rise to the potential for increased disturbance and activity in the area and resulting in a detrimental impact on the health and well being of residents. As such the proposal is considered to be in conflict with criterion vi) of policy RD 1 and criterion iv) of Policy BSC10 of the Local Development Plan Policy BSC10, which require proposals not to be detrimental to the amenity of the occupiers of adjacent properties.
2. It is the opinion of the Local Planning Authority that the proposal would formalise the increased use of an access onto Vale Road which is considered substandard. The use of the access for the scale and nature of the development proposed would result in a danger to pedestrians and road users on Vale Road contrary to criteria vii) and viii) of policy RD 1 of the Local Development Plan.

### **PLANNING POLICIES RELEVANT TO THE DECISION**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

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

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC10** – Gypsy and traveller sites

**Policy BSC11** – Recreation and open space

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

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**Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021  
Development Control Manual November 2016  
Future Wales – The National Plan 2040

Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites

Technical Advice Notes  
TAN 15 Development and Flood Risk (2004)

Other  
The Housing (Wales) Act 2014

**SPECIAL NOTES TO APPLICANT**

None

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## **NOTES TO APPLICANT**

### **1. APPEALS AGAINST REFUSAL OF PLANNING PERMISSION, OR IMPOSED CONDITIONS**

- 1.1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to grant permission or approval subject to conditions he/she may by notice served, appeal to PEDW in accordance with Section 78 of the Town and Country Planning Act 1990. In the case of a householder appeal or a minor commercial appeal, the notice must be served within twelve weeks from the date of the notice of the decision or determination giving rise to the appeal; in the case of any other appeal under section 78(1), six months from the date of the notice of the decision or determination giving rise to the appeal; or in a case in which the local planning authority have served a notice on the applicant in accordance with article 3(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2015 that they require further information and the applicant has not provided the information, the date of service of that notice.
- 1.2 If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by PEDW, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the County in which the land is situated, as the case may be, a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- 1.3 In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by PEDW on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

### **2. THE CHOICE OF APPEAL PROCEDURES**

- 2.1 There is a choice of three appeal procedures and PEDW will co-operate with you, or your agent, in enabling your appeal to be processed in the way you would prefer. But there may be a few occasions when PEDW has to use a procedure which is not your own preference, in order to ensure that all aspects of the appeal are thoroughly and fairly considered. When this happens, PEDW will explain why.
- 2.2 The available appeal procedures are:
- i. by written representations which you and the Local Planning Authority make, followed by an accompanied or unaccompanied inspection of the appeal site by the appointed Inspector.
  - ii. by written representations which you and the Local Planning Authority make, followed by an Informal Hearing conducted by the appointed Inspector who hears oral representations from interested parties which may continue on an accompanied inspection of the appeal site.

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- iii. by a formal Local Inquiry conducted by the appointed Inspector following submission of proofs of evidence/statements of case. The Inspector hears representations from interested parties, allowing cross-examination of witnesses, and undertakes an accompanied inspection of the appeal site.

The procedures described in i. and ii. are likely to enable you to receive the quickest possible decision on your appeal, as the procedures for exchanging written representations are tightly timetabled. Written representations or Hearings are not suitable for cases which have generated substantial third party representations, or which involve cases where it is desirable to cross-examine evidence.

The procedure described in iii. is usually the slowest and most expensive method of appealing and you should only opt for this procedure if you have good reason to ask for a local hearing of your appeal. Normally, local inquiries are confined to those cases that require advocacy.

- 2.3 Should the appellant wish PEDW to appoint a Welsh speaking Inspector to hear any appeal against the Local Planning Authority's decision, the request should be made to PEDW when notice of the appeal is forwarded.

#### THE ADDRESS FOR APPEALS AND APPEAL FORMS

- 2.4 All appeals have to be submitted to PEDW within the relevant period of the date of the Local Planning Authority's decision against which you are appealing. The best way to appeal is to complete PEDW's official appeal form which may be obtained from:

PLANNING & ENVIRONMENT DECISIONS WALES, CROWN BUILDINGS, CATHAYS PARK, CARDIFF, CF10 3NQ.

- 2.5 The telephone number is 0300 060 4400, if you need more information or advice from PEDW.

### 3. COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

- 3.1 You are reminded that any permission or consent must be carried out strictly in accordance with the approved plans, and any conditions attached to the certificate of decision. If any amendments are proposed to the plans, you should not proceed without obtaining the written approval of the Local Planning Authority. Any proposed amendments must be notified to the Head of Planning Services in writing with detailed plans suitably revised to illustrate the changes proposed. The Head of Planning Services will advise in writing whether the amendments can be accepted within the terms of the permission granted, or whether a fresh application is required. You are reminded in accordance with other Notices that it will also be necessary for you to ensure that amendments are acceptable to the other County Council Departments and statutory bodies where separate legislation applies.
- 3.2 Responsibility for the accuracy of the detailed plans and drawings forming part of the submission rests with the applicant, agent or developer.

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- 3.3 Applications for compliance with conditions - If this Decision Certificate includes conditions requiring the further consent, agreement, or approval of the planning authority, you should submit the information required for consideration by way of a letter stating the reference number of the permission and the condition in question, and with a suitable description of the proposed details, and plans or drawings to a recognised metric scale. No fee is required in connection with this type of application. The planning authority has eight weeks to determine such an application.
- 3.4 Proceeding without permission - Any development carried out prior to the grant of the relevant permission/consent, without compliance with the plans and particulars forming part of this permission, or without compliance with the conditions of this permission, is entirely at the owner/developer's own risk, and may oblige the planning authority to take formal Enforcement Action.
- 4. REQUIREMENT FOR SEPARATE CONSENTS**
- 4.1 It is important to appreciate that this decision certificate relates solely to an application submitted in accordance with the Acts/Regulations specified on the first sheet of this document. The Certificate does not convey any approval which may be required under separate legislation or from other statutory bodies, and does not override any private legal restrictions which may prevent the implementation of the proposal. (e.g. development on land in third party ownership).
- 4.2 Your particular attention is drawn to the possibility that the proposal MAY require Building Regulations Consent or oblige compliance with regulations under the control of the Council's Public Protection Officer. The onus rests on the applicant, agent or developer to ensure all relevant consents are obtained BEFORE the commencement of any development.
- 4.3 The erection of building extensions or other property alterations may give rise to important issues affecting the provision of gas, electricity, water and/or telephone services for an occupier and his/her neighbours. In certain circumstances interference may contravene legislation and you are advised that if it is possible that the provision of any service to the premises is within the area of a proposed extension or alteration you should notify the appropriate authority prior to commencing the works.
- 4.4 Where development involves works on or close to a boundary, including on shared internal walls, compliance may be necessary with the requirements of the Party Walls etc.. Act 1996, and you should obtain separate legal advice on this matter. The Local Planning Authority is not responsible for the enforcement of The Party Walls etc.. Act, or for resolving private legal disputes arising therefrom.

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