

**Proposed Demolition of Existing Structures and Raising of Site Levels,  
Together with Provision of 84 Dwelling Houses (to include Affordable  
Housing Provision), Convenience Store (with additional Self-  
Contained Apartment Above), Means of Access, Landscaping,  
Recreational Open Space and Play Provision.**

**Land South of Gwellyn Avenue and East of St. Asaph Avenue,  
Kinmel Bay, LL18 5HR**

## **Planning Statement**

**On Behalf of:-**

**Mr R.D. Proffitt and Mr S. DeGregory**  
**(The Applicants)**

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*[March 2024]*

**KENYON PLANNING**  
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**RTPI**

mediation of space - making of place

## **1. INTRODUCTION: -**

- 1.1 This statement has been prepared on behalf of Mr R.D. Proffitt and Mr S. DeGregory in support of a planning application in respect of land situated to the south of Gwellyn Avenue and to the east of St. Asaph Avenue, Kimmel Bay. The planning application proposes the demolition of existing structures, raising of site levels and the provision of 84 dwelling houses, including provision for affordable housing. Also proposed is a convenience store with an additional self-contained apartment above, together with means of access, landscaping, recreational open space and play provision. The application is submitted in outline form, with matters of appearance and scale reserved for subsequent approval.
- 1.2 This statement is to be considered in conjunction with and with reference to all submitted drawings, surveys and reports submitted in support of the planning application, as detailed in the application covering letter. It should be noted that, in preparation of the planning application, the applicants have consulted with Natural Resources Wales and with planning and other officers of Conwy CBC regarding flood risk, affordable housing provision, open space provision, education capacity and planning obligations.

## **2. THE APPLICATION SITE AND ITS SURROUNDINGS: -**

- 2.1 The application site comprises land to the south of Gwellyn Avenue and east of St. Asaph Avenue, Kimmel Bay. The site is irregular in shape and extends to around 3.85 ha in total. The site enjoys existing accesses from both Gwellyn Avenue to the north and from St. Asaph Avenue to the west. Existing site levels range between 3.69 and 4.45 metres AOD, with average site level being around 4.15 metres AOD. A location plan is provided at Appendix I.
- 2.2 The site is currently used for a variety of commercial purposes including caravan sales and storage, vehicle repairs and car recovery services, caravan transportation and haulage, plant hire depot and the storage of fairground equipment. The site also accommodates steel storage containers let to businesses for storage purposes and a recycling plant. To northern and eastern portions of the site are a total of eight large poultry sheds and associated workshop. The poultry sheds and workshop are now mostly vacant, previously having been used for intensive poultry rearing at the site.
- 2.3 For the most part, the site is bordered by existing residential development. To the north are detached and semi-detached houses and bungalows situated on Gwellyn Avenue and facing St. Asaph Avenue. There are also semi-detached houses situated on Kingsway, which borders part-western boundary to the site. Bordering the eastern site boundary is a caravan park and a residential mobile home park, both accessed from Gwellyn Avenue and backing onto the existing poultry sheds. To the south of the site is the River Gele and open fields. Further to the west and north-west, on the opposite side of St. Asaph Avenue, is the extensive Tir Llwyd Enterprise Park. The site, which extends to more than 40 hectares, is designated a safeguarded office and industrial site in the Conwy Local Development Plan. Whilst accommodating a variety of commercial and industrial uses, large parts of the park remain vacant and undeveloped.
- 2.4 The site is within walking distance of bus stops providing services to Bodelwyddan and Rhyl and rail links are available from both Rhyl and Abergele to Chester, Holyhead and London. To the south, there is easy access by car to the A55 Expressway. The site is also within easy reach of a primary school at Morfa Avenue and of the medical centre situated on Foryd Road.

### 3. **PLANNING HISTORY: -**

- 3.1 There is extensive planning history relating to the site. A schedule of planning history is provided at Appendix 2 to this statement. The applications considered to be of most relevance to the current proposals are as follows:-

#### Continued Intensive Poultry Rearing:-

- 3.2 In 1987 planning permission was refused for the extension of 2 of the broiler house units on the site (Ref No. 1/10778). Following this in 1990, planning permission was refused for the change of use of a broiler house to light industrial use, as result of perceived noise and disturbance and lack of parking and turning provision within the application site (Ref. No. 1/12695). A further application to extend the broiler houses on site was again refused by the Local Planning Authority in 1996 (Ref. No. 0/20146).

#### Residential Development:-

- 3.3 Planning permission was previously granted in 1990 for the erection of 40 dwellinghouses on land forming western part of the application site (Ref. No. 0/20705). In 2002, planning permission was refused for the demolition of the poultry houses and use of the land as a residential mobile homes park (Ref. No. 0/26184).
- 3.4 More recently, on the 13<sup>th</sup> February 2013, planning committee members resolved to approve outline planning application for the provision of 100 dwellinghouses (including affordable housing provision), means of access and recreational open space at the site (Ref No. 0/33825). In accordance with Council protocol, the application was subsequently listed for referral back to committee on the 13<sup>th</sup> March 2013 for confirmation. However, on the 12<sup>th</sup> March 2013, Article 18 Direction was issued by Welsh Ministers restricting grant of planning permission by the local planning authority. Therefore, approval of the application could not be confirmed by planning committee members on the 13<sup>th</sup> March.
- 3.5 Subsequently, on the 23<sup>rd</sup> July 2013, the Welsh Government confirmed call-in of the planning application. On the 14<sup>th</sup> August 2013, planning committee resolved to inform Welsh Government that the local planning authority maintained its support for the planning application. However, following the holding of an informal hearing in March 2014, Welsh Ministers determined to refuse to grant planning permission for the development on the 2<sup>nd</sup> July, 2014.

### 4. **THE APPLICANTS PROPOSALS:-**

- 4.1 The applicants propose demolition of existing structures, raising of site levels and the provision of 84 dwelling houses, including provision for affordable housing. Also proposed is a convenience store accessed from St. Asaph Avenue, with an additional self-contained apartment above. The proposals include means of access provision, landscaping, recreational open space and equipped children's play area. The application is submitted in outline form, with matters of appearance and scale reserved for subsequent approval.
- 4.2 The proposed dwellings comprise of 76 houses and 9 apartments. The apartments comprise of 5 x 1 bed and 4 x 2 bed units. There are 36 x 2 bed houses, 26 x 3 bed houses and 14 x 4 bed houses. The houses are provided in the form of 27 terraced properties, 28 semi-detached properties and 21 detached properties. Apart from 8 dormer bungalows, all dwellings are 2 storey. Apartment blocks are also of 2 storey construction.
- 4.3 The scheme includes for the provision of 8 affordable homes, including provision for both social general needs and for intermediate rent. A total of 6 affordable homes will be

available for social need (2 x 1 bed, 1 x 2 bed, 1 x 3 bed & 2 x 4 bed), with 2 affordable homes for intermediate rent (1 x 2 bed & 1 x 3 bed).

- 4.4 Existing site levels would be raised on average by around 1100mm across the site, with finished floor levels at a minimum of 5.45 AOD. With exception of the convenience store and apartment above, access to the development would be from Gwellyn Avenue. Proposed site layout is provided at Appendix 3.

## **5. PLANNING POLICY:-**

- 5.1 The Statutory Development Plan relating to the site includes the Conwy Local Development Plan, as adopted by the Local Planning Authority in October 2013.

### **The Conwy Local Development Plan:-**

- 5.2 Upon the proposals map of the adopted development plan, the site is shown as being situated within the settlement boundary of Towyn and Kimmel Bay. Kimmel Bay is identified as being within the Urban Development Strategy Area and, under the provisions of Policy CFS/2, Kimmel Bay is defined as a district centre within the retail hierarchy. Land immediately to the west of the application site, on the opposite side of St. Asaph Avenue, is allocated for employment development and is safeguarded for employment purposes.
- 5.3 At Section 2.3, spatial objectives of the local development plan are set out. These include promoting the comprehensive regeneration of the coastal towns of Colwyn Bay, Abergele, Towyn and Kimmel Bay to broaden economic activity, address social exclusion and reduce deprivation through the Strategic Regeneration Area Initiative. A further objective is stated to be to provide land and develop a diverse supply of housing to contribute to needs, including affordable housing for local need, at a scale that is consistent with the ability of different areas and communities to grow.
- 5.4 At Section 3.9, the plan advises that the urban areas offer the greatest range of employment, facilities and services and that these areas have a high degree of accessibility by public transport and other sustainable modes. They also have the greatest need for affordable housing for local needs. To enhance the role of urban areas and to tackle communities needs and issues, it is advised that the Council will focus the majority of future housing and employment on a combination of previously developed land and greenfield land through existing commitments, windfall development and new allocations. The plan advises that Abergele, Kimmel Bay and Towyn will also benefit from improvements having been included in the Strategic Regeneration Area Initiative.
- 5.5 Of relevance in consideration of the applicants proposals are the following policies:-
- **Strategic Policy DP/1 - Sustainable Development Principles;**
  - **Policy DP/2 - Overarching Strategic Approach;**
  - **Policy DP/4 - Development Criteria;**
  - **Policy DP/5 – Infrastructure and New Developments;**
  - **Policy DP/6 – National Planning Policy and Guidance;**
  - **Strategic Policy HOU/1 - Meeting The Housing Need;**
  - **Policy HOU/2 - Affordable Housing For Local Needs;**
  - **HOU/4 – Housing Density;**
  - **HOU/5 – Housing Mix;**

- **EMP/4 – Safeguarding B1, B2 & B8 Office and Industrial Sites;**
- **Policy CFS/11 - Development and Open Space, and;**
- **Policy CTH/5 – The Welsh Language.**

- 5.6 Strategic Policy DP/1 provides that development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development. The policy requires all development to accord with national guidance and to be consistent with the sequential approach to development set out in Spatial Policy DP/2. The policy further requires development to make efficient and effective use of land, buildings and infrastructure by giving priority to the use of previously developed land in accessible locations and to take account of and address the risk of flooding and pollution. Development proposals are required where appropriate to provide safe and convenient access by public transport, bicycle and on foot in order to minimise the need to travel by car. In explanation of the policy, the plan advises that sustainable development means achieving economic stability and removing social inequalities whilst at the same time protecting and enhancing the environment.
- 5.7 With regard to the overarching strategic approach, Policy DP/2 identifies Kimmel Bay as within the urban area and provides that approximately 85% of new housing and employment development during the plan period will be located within, or on the fringe of, the urban areas to reflect the spatial priorities of contributing to the creation of sustainable communities. The policy further provides that the urban areas will be the key focus in the provision of a combination of market and affordable housing for local needs on both allocated and windfall sites. It is advised that efficient reuse of previously developed land within the development framework will generally be supported, subject to the satisfaction of relevant policies, in the interests of sustainability.
- 5.8 Policy DP/4 provides that development proposals should provide, amongst other matters, affordable housing for local need, safe access from the highway network and enhancement of public transport, cycling and pedestrian infrastructure and open space. The policy provides that planning permission will not be granted where the proposed development would have an unacceptable adverse impact upon, amongst other matters, residential amenity, environmental conditions, flooding and flood risk and the best and most versatile agricultural land.
- 5.9 Policy DP/5 provides that all new development will be expected to make adequate contribution toward new infrastructure to meet additional social, economic, physical and/or environmental infrastructure requirements arising from the development or future maintenance of facilities. Policy DP/6 provides that development proposals must comply with national planning policy guidance.
- 5.10 Strategic housing policy is set out at Policy HOU/1. This policy largely rehearses the approach adopted in Policy DP/2 with regard specifically to housing provision. The policy provides the level of new housing to be provided during the plan period by way of completions, commitments, windfalls and new allocations and including a contingency level. The policy again provides that 85% of housing development will be located within the accessible Urban Development Strategy Area. The policy provides that the Council will give priority to housing on previously developed land and that the Council will ensure that housing developments make the best and most efficient use of land by achieving a broad mix of housing types that are of an appropriate density which reflects the diverse needs of residents. An allowance of 1,256 dwellings is included for windfalls throughout the plan period. In explanation of the policy, the plan advises that the level of housing growth

reflects natural population change, household size change, net migration and, at the same time, contributes to tackling the key objectives of affordable housing delivery, protection of the natural and built environment and provision of suitable housing for the existing and future younger population to remain and work in the area. It is advised that, in accordance with national planning policy, development in sustainable and accessible locations on previously developed land is preferred to development of greenfield sites.

- 5.11 Policy HOU/1 is supplemented by Policy HOU/2 regarding affordable housing for local needs. This policy provides that the Council will require the provision of affordable housing in new housing development as identified in the local housing market assessment and the Conwy Affordable Housing First Steps Register. The policy provides that the provision of affordable housing will be given a high priority through negotiating with developers to include affordable housing on site in all housing developments within the settlement boundaries of the urban development strategy area. In the case of development in Abergele, Towyn and Kimmel Bay, the policy provides that the level of provision should be 10%. The policy provides that all developments will be required to achieve an appropriate mix in terms of housing types and housing sizes for affordable housing within developments, determined by the local circumstances at the time of the submission.. The policy requires that all affordable housing units should be fully integrated within the development and be indistinguishable from non-affordable housing. By way of explanation, the plan advises that a shortage of affordable housing for local needs is one of the most pressing priority issues for the plan area. Overall, a requirement for 1,000 new affordable housing units is identified for the plan period and it is advised that contribution to this affordable housing target will be delivered through completions, commitments, predicted windfalls and new allocations.
- 5.12 Policy HOU/4 provides that residential developments should make the best use of land and that the Council will seek a density of 30 dwellings per hectare on large windfall sites. Policy HOU/5 provides that development proposals should reflect the requirement for tenure, house type and sizes set out in the Local Housing Market Assessment and the affordable housing and first steps register.
- 5.13 With regard to employment land, Policy EMP/4 provides that proposals that would lead to the loss of B1, B2 & B8 employment land or buildings not falling within a designated or allocated area will only be supported in exceptional circumstances. Such circumstances are advised to be where the development is acceptable in terms of other Local Development Plan policies and provided that either, the site has no reasonable prospect of it becoming marketable for B1, B2 and B8 employment development or the site is incompatible with the surrounding area for B1, B2 & B8 employment uses and an alternative land use would benefit the surrounding area and community. In either case, the applicant must also demonstrate that the non-employment use would be compatible with neighbouring employment uses and that it would respect the character and amenity of the surrounding area and be landscaped accordingly.
- 5.14 With regard to open space provision, Policy CFS/11 provides that new housing development of 30 or more dwellings shall make on-site provision for the recreational needs of its residents in line with the Council standards for open space. In explanation, it is advised that in the case of developments of 30 dwellings or more, the Council will also seek a financial contribution towards off-site outdoor sports space. It is further explained that recreation and open space is a contributor to the overall quality of life of local people and that a recent assessment of open space provision highlights a deficiency of outdoor sports, play space and amenity space across the plan area. It is advised that parks and open spaces bring benefits to people in communities including better health and well-being, increased exercise levels, social interaction and greater opportunities for children play. It is advised that it is an aim of

the Conwy Children and Young People's Plan to encourage children and young people to make use of areas such as parks, open spaces, sports and outdoor leisure facilities. However, the deficiency of public open space could present an obstacle to achieving such aims. The explanatory text further advises that recent open space surveys demonstrate the deficiency in the provision of playing pitches, outdoor sports and play space in many of the larger settlements, including Kimmel Bay.

- 5.16 Policy CTH/5 of the Local Development Plan provides that the Council will ensure that development supports and sustains the long term well-being of the Welsh language and will resist development which, because of its size, scale or location, will significantly harm the character and linguistic balance of a community. The policy provides that a Community and Linguistic Impact Assessment should accompany housing applications on windfall sites of 20 units or more in the Urban Development Strategy. The policy provides also that the Council will encourage throughout the Plan Area both the provision of bilingual signs and the retention of traditional Welsh names for new developments and streets.

#### **PLANNING GUIDANCE FROM THE WELSH GOVERNMENT:-**

- 5.12 Advice contained in Planning Policy Wales and In Technical Advice Note 15 relating to development and flood risk is material in consideration of the applicant's proposals.

#### **Planning Policy Wales, Edition 12 | February 2024:-**

- 5.13 At Paragraph 1.2, Planning Policy Wales (PPW) advises that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. PPW goes on at Paragraph 1.3 to promote action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation.
- 5.14 At Paragraph 1.18, PPW advises that a plan-led approach is the most effective way to secure sustainable development through the planning system and advises that it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise, to ensure that social, economic, cultural and environmental issues are balanced and integrated. At Paragraph 1.30, PPW advises that development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness (using the five ways of working) and supports the delivery of key priorities and outcomes (contributing to improving the social, economic, environmental and cultural well-being).
- 5.15 At Paragraph 3.55, PPW advises that previously developed land (also referred to as brownfield) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage,

or because it is highly contaminated. There may also be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. At Paragraph 3.56, PPW advises that planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development.

- 5.16 With regard to housing, PPW advises at Paragraph 4.2.2 that the planning system must identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures and enable the provision of good quality market and affordable housing that will contribute to the creation of sustainable places. At Paragraph 4.2.18, PPW goes on to advise that maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. For example, sites and allocations which are no longer likely to be needed for office, industrial or retail purposes may be appropriate locations for housing. With regard specifically to affordable housing, PPW advises at Paragraph 4.2.26 that a community's need for affordable housing is a material planning consideration which must be taken in to account in formulating development plan policies and determining relevant planning applications.

#### **TAN 15:- Development and Flood Risk, 2004:-**

- 5.17 TAN 15 provides technical guidance which supplements policy set out in Planning Policy Wales in relation to development and flooding. It advises on development and flood risk as this relates to sustainability principles and provides a framework within which risks arising from both river and coastal flooding and from additional run-off from development in any location can be assessed. The note advises how, historically, the topography of Wales has generally resulted in transport infrastructure and development being concentrated on valley floors, lowland areas and in the coastal fringes. It advises that a large proportion of the Welsh population is located within the urban centres along the coastal plain in North and South Wales. It is advised that the precautionary framework outlined in the TAN allows flooding issues to be accorded appropriate consideration whilst recognising that development will continue to be necessary in these areas. It is advised that overall, some 140,000 properties in Wales (12% of the total housing stock) are thought to be at risk from flooding by rivers or the sea.

#### **Flood Management and Sustainability:-**

- 5.18 At Paragraph 2.11, the note rehearses once again that the planning system has a key role to play in the delivery of sustainable development by providing for homes, infrastructure, investment and jobs in a way which is consistent with sustainable development principles. It is advised that, in doing so, it must provide development which is sustainable in the long term and avoid creating a legacy of problems for future generations. The note advises that managing flooding is an important part of contributing towards achieving sustainable development.

#### **The Precautionary Framework:-**

- 5.19 At Section 3, the note advises that the general approach is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. The preferred aim is to direct new development away from those areas which are at high risk of flooding. However, where development has to be considered in high risk areas (Zone C), only developments which can be justified on the



basis of the tests outlined in Section 6 and 7 of the TAN should be located within such areas. Where the risks of, and consequences of, flooding cannot be managed to an acceptable level then developing in these areas should be avoided. Figure 1 of the TAN describes the various flooding zones and advises of use of the zone classification within the precautionary framework. Those areas of the floodplain which are developed and served by significant infrastructure, including flood defences, are described as Zone C1. Figure 1 advises that classification within Zone C1 indicates that development can take place subject to application of the justification tests, including the acceptability of consequences.

### **Justifying the location of Development:-**

5.20 The issue of justifying the location of development is dealt with at Section 6 of the TAN. This section commences by advising that much urban development in Wales has taken place alongside rivers and in the coastal plain. In such context, the note advises that:-

*“It is therefore inevitable, despite the overall aim to avoid flood risk areas, that some existing development will be vulnerable to flooding and fall within Zone C. Some flexibility is necessary to enable risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land. Further development in such areas, whilst possibly benefiting from some protection, will not be free from risk and could in some cases exacerbate the consequences of flooding event for existing development and therefore a balanced judgement is required”.*

5.21 With regard to development proposed in Zone C, it is advised that the tests outlined at Section 6 and 7 of the TAN will be applied, recognising however, that highly vulnerable development and emergency services in Zone C2 should not be permitted. All other new development should only be permitted within Zone C1 and C2 if determined by the planning authority to be justified in that location. It is advised that development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- *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;*
- *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;*
- *It concurs with the aims of PPW and meets the definition of previously developed land, and;*
- *The potential consequences of a flooding event for that 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.*

5.22 The note goes on to advise that, if a development proposal in C1 meets the tests outlined in Section 6, the justification will be in the knowledge that those developments will flood and will need to be planned accordingly. Whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effect on existing development. Where development is considered justified, assessment will need to establish whether suitable mitigation measures can be incorporated within the design to ensure that the development is as safe as possible and there is minimal risk to life, minimal disruption to people living and working in the area, minimal potential

damage to property and minimal impact of the proposed development on flood risk generally.

- 5.23 With regard to development control, the note advises at Section 11 that the susceptibility of land to flooding will be a material consideration in deciding the planning application. Where the proposal is located within Zone C, developers will need to demonstrate to the satisfaction of the planning authority that the development can be justified in that location and that the consequences associated with flooding are acceptable with reference to Section 7 of the TAN and Appendix 1.

Assessing Flooding consequences and Considering Climate Change:-

- 5.24 Provided at Appendix 1 of TAN 15 is guidance on assessing flooding consequences and acceptability criteria for flooding consequences. At Appendix 2 of TAN 15, the advice note addresses flooding and the impacts of climate change.

Draft Revised TAN 15 (December 2021):-

- 5.25 A revised version of TAN 15 was issued by Welsh Government in December 2021. Although currently suspended from coming into force, advice contained in the note relating to justifying the location of development is considered here for completeness.
- 5.26 At Section 5 of the Draft TAN (Figure 2), areas where flood risk management infrastructure provides a minimum standard of protection against flooding from rivers of 1:100 (plus climate change and freeboard) and from the sea of 1:200 (plus climate change and freeboard) are defined as TAN 15 Defended Zones. With regard to such Defended Zones, the note advises at Section 10 that development will be justified if:-
- Its location meets the definition of previously developed land, AND;
  - The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable in accordance with the criteria contained in Section 11.
- 5.27 Requirements for the development to be necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlements or region are removed. Similarly, the current requirement for the proposed development to specifically concur with the aims of PPW is also removed.

**6. PLANNING CONSIDERATIONS: -**

- 6.1 The application site is situated within the settlement boundary and within the Urban Development Strategy Area defined in the Local Development Plan. Development of the site would clearly be consistent with the sequential approach to development. The development will make efficient and effective use of previously developed land and provide much needed market housing. The development would also provide affordable housing for local needs and help address social exclusion. The shortage of both market and affordable housing in Conwy is both well documented and widely acknowledged. The last Joint Housing Land Availability Study carried out in 2019, identified housing land supply at just 2.5 years, compared with the 5 years supply required at that time. Similarly, evidence papers prepared for the emerging replacement local development plan have confirmed that

delivery of both market and affordable housing has been a continuing problem in recent years, with annual housebuilding consistently falling below targets. In addition to this, population has continued to grow slightly and a trend towards smaller households has contributed to greater shortfalls (Topic Paper 1 – Housing 2018). The authority's Interim Housing Market Assessment 2022 has again confirmed that population increase is likely in the short term and that the supply of new housing, including affordable housing, has not kept pace with demand in the county.

- 6.2 The development will provide a broad mix of housing, reflecting the needs of anticipated residents and the housing requirements set out in the Local Housing Market Assessment. It will also provide appropriate mix of affordable housing to reflect registered social need. The mix of dwellings proposed will be at an appropriate density and the development will contribute to infrastructure requirements. On site provision for recreational needs and commuted sum towards off site recreational open space will be provided. As set out in the community and linguistic impact assessment provided, the development has the potential to positively contribute towards the number of Welsh speakers in the local area. Furthermore, mitigation measures would be delivered with the development to secure and enhance Welsh language in the local area. The small convenience store proposed would serve the local community and further reduce the need to travel.
- 6.3 Whilst the development would lead to the loss of the currently vacant poultry houses and some employment land and buildings, the site is bordered on 3 sides by existing residential development. Existing uses are therefore clearly non-conforming and, historically, poultry rearing operations at the site have given rise to local objection on environmental grounds, relating in particular to noise, disturbance and odour. Certainly, residential development of the site would benefit the surrounding area and the local community. The vast majority of existing commercial uses at the site are in any event open storage uses only and, immediately to the west and north-west (on the opposite side of St. Asaph Avenue), is the Tir Llwyd Enterprise Park which is designated as a safeguarded office and industrial site in the Local Development Plan. Whilst extending to more than 40 hectares and accommodating a variety of existing commercial and industrial uses, large parts of the park remain vacant and undeveloped.
- 6.4 Subject to consideration of issues of flood risk, the development is clearly in broad accord with relevant planning policies set out in the adopted Conwy Local Development Plan. Similarly, again subject to consideration of issues of flood risk, the development is in broad accord with relevant guidance from the Welsh Government contained in Planning Policy Wales.

#### **Flood Risk and Justification for the Proposals:-**

- 6.5 With reference to the TAN 15 tests rehearsed in Section 5 above, it is considered that location of the proposed development within Zone C is necessary to assist and, to be part of, a local authority regeneration initiative and local authority strategy required to sustain an existing settlement. It is also considered that development of the site as proposed concurs with the aims of PPW and meets the definition of previously developed land. Certainly, subject to acceptability of assessment of the consequences of a flooding event, there is no reason to suggest development of the site should not proceed.

#### **Location in Zone C:-**

- 6.6 Development strategy for Conwy County Borough is set out in the Conwy Local Development Plan adopted in 2013. Within the LDP the proposed development site is

situated within the settlement boundary of Kimmell Bay and Towyn and within the defined strategic regeneration area. It is stated that a fundamental aim of the plan is to facilitate comprehensive regeneration of the coastal towns, including Towyn and Kimmell Bay. The plan seeks to achieve such regeneration by broadening economic activity, addressing social exclusion and reducing deprivation. This is to be achieved also by developing a diverse supply of housing, including affordable housing for local needs. The strategy seeks to focus future development within the existing urban area for the very purpose of bringing about regeneration, to support existing services, provide affordable housing and to sustain the existing communities. It is a fundamental aim of the stated development and regeneration strategy to create attractive, high quality sustainable places where people wish to live, work and relax. A further aim is to achieve a broad mix of housing types to cater for the needs of all residents and to contribute to addressing the priority issue of deficiency in affordable housing provision. The strategy set out in the LDP is clear that the range of housing to be secured in achieving such objectives should include windfall developments. A further objective of this stated regeneration strategy is to address the deficiency in open space provision and to so direct housing development to existing settlements in order to address such deficiency.

- 6.7 It is now 34 years since the Towyn floods of 1990. For 30 of those 32 years, Towyn and Kimmell Bay have been subject of moratoriums upon development for reason of perceived flood risk. In such context, it is hardly surprising that the settlements display obvious signs of deprivation and lack of investment. Nor is it surprising that there is a significant demonstrable need for both market and affordable housing provision and an acknowledged deficiency in open space provision. In securing regeneration and sustainability of existing settlements, the development and regeneration strategy set out in the Authority's Local Development Plan is entirely reliant upon new development coming forward to provide the necessary mix of new housing, both for changing existing households and for new households. It is also reliant upon such new development in order to create the attractive, high quality environments within which people will wish to live and work.
- 6.8 Similarly, the strategy also relies upon new development coming forward to provide demand for existing facilities and services and in order to ensure viability of the district centre in the future. There is reliance on new housing development to provide the necessary affordable housing required for local needs and to address the identified deficiency in open space and recreation provision. The whole of the existing settlements of Towyn and Kimmell Bay are located within Zone C flood risk areas. Quite simply, other than allowing development within Zone C, stated regeneration objectives for these particular settlements are not going to be achieved. It is a simple fact that there is no other alternative meaningful strategy by which such objectives could be secured. Clearly location of the proposed development in Zone C is necessary, to assist and to be part of, the Local Authority's regeneration strategy which is required to sustain the existing settlement.

#### The Aims of PPW and Previously Developed Land:-

- 6.9 It is the stated primary policy objective of PPW to ensure that the planning system contributes towards the delivery of sustainable development and improve the social, economic, environmental and cultural well-being of Wales. The document encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. PPW advises that key planning principles are to grow the economy in a sustainable manner, to make the best use of resources, to facilitate accessible and healthy environments, to create and sustain healthy communities and to maximise environmental protection and limit environmental impact. PPW advises that the efficient

use of resources, including land, underpins sustainable development and that the planning system has a vital role to play in making development resilient to climate change. The policy document advises that previously developed land should be used wherever possible, in preference to greenfield sites, where the land is suitable for development. Within settlements, PPW advises that previously developed land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

- 6.10 Development of the application site would clearly assist in regeneration of the existing settlement and assist in enhancing social, economic, environmental and cultural well-being. The development proposals offer a mix of housing types and would secure much-needed affordable housing and open space for local needs. The proposed development would be well integrated within the existing settlement pattern and with surrounding residential development. The development would be sustainably located with easy access to public transport and services and would be located adjacent to the Tir Llwyd Enterprise Park situated on the opposite side of St. Asaph Avenue. Development is clearly needed within Towyn and Kimmel Bay in order to sustain existing services and to secure viability of the district centre in the future.
- 6.11 The application site is situated within the existing settlement boundary and accommodates a variety of commercial uses, with associated buildings and access provision. Commercial uses include caravan storage and sales, vehicle repairs, car recovery services, caravan transportation, plant hire depot, fairground equipment storage, builders yard, drainage depot and container hire. Most of the site is hard surfaced and various uses are defined by substantial permanent fencing. The eastern portion of the site accommodates substantial former poultry sheds and ancillary buildings. Those sheds were previously used for intensive poultry rearing industrial in nature, involving regular visits by articulated vehicles for the delivery and collection of poultry, for delivery of poultry feed, for removal of poultry manure and for deliveries of fresh bedding for the poultry sheds. The sheds are now used for occasional storage. Clearly the site meets the definition of previously developed land and the proposed development concurs with the aims of PPW.

#### The Potential Consequences of Flooding Events:-

- 6.12 TAN 15 advises (Section 7) that, if a development proposal in zone C1 meets the tests outlined in Section 6, the justification will be in the knowledge that developments might flood and will therefore need to be planned accordingly. Whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed. Where a development is justified, an assessment will be required to establish whether suitable mitigation measures can be incorporated within the design to ensure that development is as safe as possible.
- 6.13 In this particular case, a Flood Consequences Assessment has been prepared by BEK Enviro and is submitted in support of the planning application. With reference to relevant guidance contained in TAN 15, that assessment has demonstrated that any potential consequences of a flooding event are acceptable and can be adequately managed. Accordingly, appropriate mitigation measures are to be incorporated, including the raising of finished floor levels to a minimum of 5.45m AOD.

7. **CONCLUSION: -**

- 7.1 The application site is situated within the settlement boundary and within the Urban Development Strategy Area defined in the Local Development Plan. Development of the site would clearly be consistent with the sequential approach to development. The development will make efficient and effective use of previously developed land and provide much needed market housing. The development would also provide affordable housing for local needs and help address social exclusion. The development will provide a broad mix of housing, reflecting the needs of anticipated residents and the housing requirements set out in the Local Housing Market Assessment. It will also provide appropriate mix of affordable housing to reflect registered social need.
- 7.2 The mix of dwellings proposed will be at an appropriate density and the development will contribute to infrastructure requirements. On site provision for recreational needs and commuted sum towards off site recreational open space will be provided. As set out in the community and linguistic impact assessment provided, the development has the potential to positively contribute towards the number of Welsh speakers in the local area. Furthermore, mitigation measures would be delivered with the development to secure and enhance Welsh language in the local area. The small convenience store proposed would serve the local community and further reduce the need to travel.
- 7.3 Whilst the development would lead to the loss of the currently vacant poultry houses and some employment land and buildings, the site is bordered on 3 sides by existing residential development. Existing uses are therefore clearly non-conforming and, historically, poultry rearing operations at the site have given rise to local objection on environmental grounds, relating in particular to noise, disturbance and odour. Certainly, residential development of the site would benefit the surrounding area and the local community.
- 7.4 With regard to flood risk, location of the proposed development within Zone C is necessary to assist and, to be part of, a local authority regeneration initiative and local authority strategy required to sustain an existing settlement. It is also considered that development of the site as proposed concurs with the aims of PPW and meets the definition of previously developed land. Certainly, subject to acceptability of the consequences of a flooding event, there is no reason to suggest development of the site should not proceed.
- 7.5 A Flood Consequences Assessment has been prepared by BEK Enviro and is submitted in support of the planning application. With reference to relevant guidance contained in TAN 15, that assessment has demonstrated that any potential consequences of a flooding event are acceptable and can be adequately managed. Appropriate mitigation measures are to be incorporated, including the raising of finished floor levels to a minimum of 5.45m AOD.
- 7.6 The development is clearly in broad accord with relevant planning policies set out in the adopted Conwy Local Development Plan and with relevant guidance issued by the Welsh Government. There are no other material considerations of weight which suggest that planning permission should be refused. Accordingly, it is considered that planning permission ought to be granted.
-

## APPENDIX 1





## APPENDIX 2

#### LAND MARKED 'A' ON LOCATION PLAN

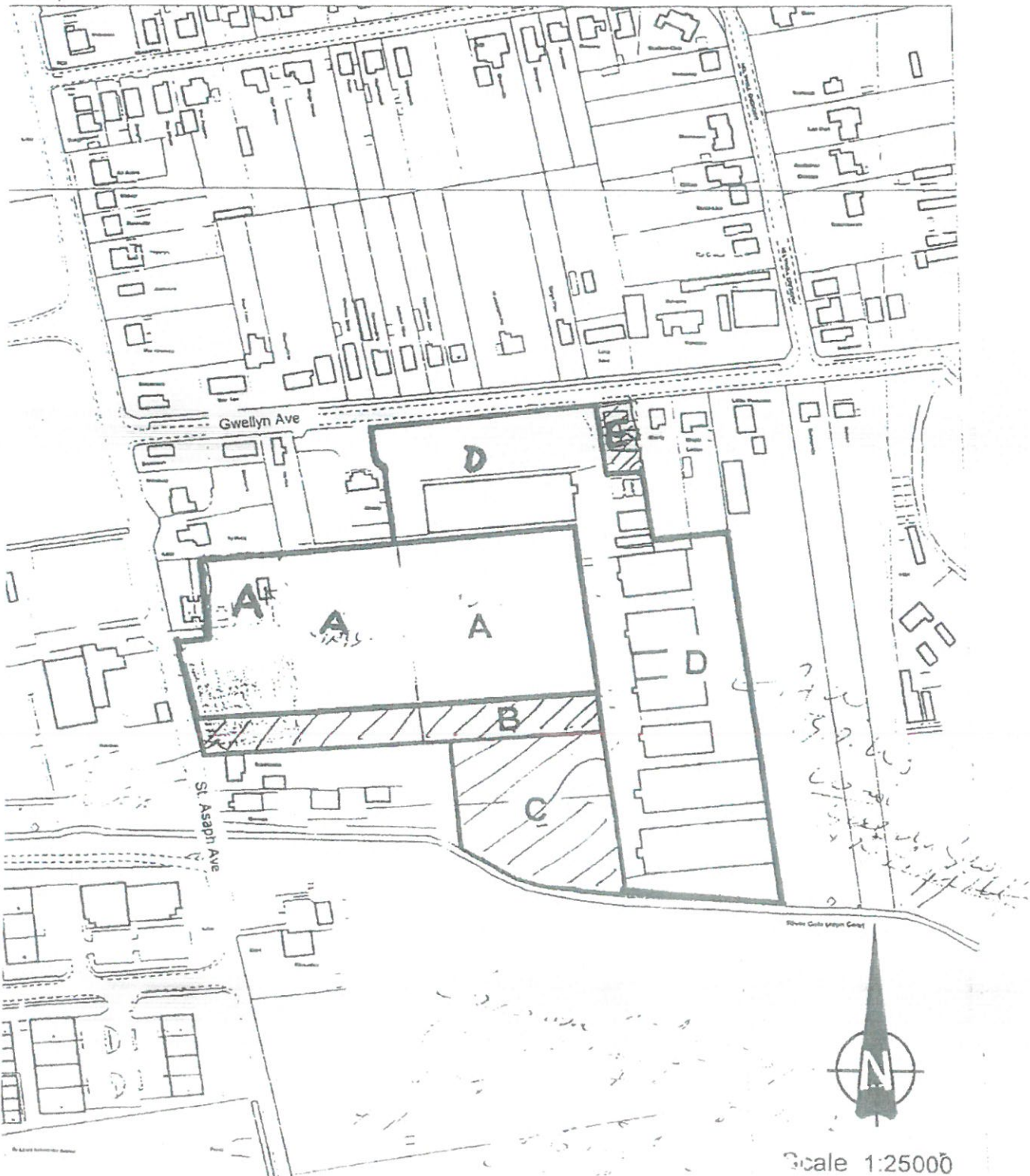
- 1/AGT/1519 - proposed residential development and construction of estate roads - refused 09/12/76  
1/AGT/2196 - use of land as open air retail market - non determination.  
1/AGT/4517 - retention of office unit - approved 30/10/80  
1/AGT/4595 - use of land as market garden and erection of commercial greenhouse - withdrawn 11/06/80  
1/AGT/4827 - erection of 20 industrial units of 230 and 460 sq metres and alterations to existing vehicular access - approved 30/10/80  
1/11581 - use of land as extension to existing caravan sales and storage site, erection of caravan sales office, workshop and shop, erection of 16 industrial units and construction of means of access - approved 28/07/88  
1/12135/A - display of non-illuminated fascia sign - approved 21/02/89  
1/12156 - extension to workshop and sales area to form shop and warehouse - approved 16/03/89  
1/13033 - erection of motor repair workshop - approved 22/05/90  
1/15814 - temporary use of land as a residential caravan site for occupation by contract workers - refused 08/09/94  
1/16801 - erection of 50 dwellings - withdrawn 29/03/96  
0/20705 - erection of 40 dwellings - approved 15/04/98  
0/22470 - use of land as a contractors yard (application deemed to have been made under Section 174(1)(A) of the Town and Country Planning Act 1990) - not decided  
0/22736 - change of use from shop and caravan sales area into cafe and associated car parking - refused 06/05/99, refused on appeal 08/05/00

#### LAND MARKED 'D' ON LOCATION PLAN

- 1/AGT/1774 - erection of building to be used for the storage of implements and feed for broiler houses - approved 24/09/76  
1/AGT/2716 - erection of broiler house - approved 27/04/78  
1/AGT/2985 - erection of 2m high fence - approved 27/07/79  
1/AGT/3208 - details of broiler house for which planning permission was granted under code ref 1/AGT/2716 approved 01/02/78  
1/AGT/4112 - erection of 200 metres of 11kv line - approved 18/10/79  
  
1/AG 175 - erection of overhead electricity line - approved 10/09/82  
1/TOW. 334 - extension to two broiler houses - approved 26/06/84  
1/10314 - erection of dwelling - approved 06/10/86  
1/10778 - extension to two broiler houses - refused 16/07/87  
1/12695 - change of use from broiler house to light industrial use - refused 25/01/90  
0/20146 - extension to broiler houses - refused 23/10/96  
0/21395 - extension to broiler house - withdrawn 11/12/97  
0/26184 - demolition of poultry houses and use of land as residential mobile homes park - refused 13/11/02

nt brief for  
ve./St. Asaph Ave.,  
ay. Plan ref. GA/SA/A.3

### PLAN 3: LAND PARCELS AND PHASE 1



Scale 1:25000

APPENDIX 3



A	4 Bedroom (house)	2
B	3 Bedroom (house)	16
C	4 Bedroom (house)	9
D	3 Bedroom (house)	4
E	4 Bedroom (house)	16
F	4 Bedroom (house)	1
G	4 Bedroom (house)	2
H	3 Bedroom (house)	1
J	1 Bed (former bungalow)	2
K	1 Bed (former bungalow)	1
L	2 Bed (former bungalow)	6
M	3 Bedroom (Apartment)	4
N	3 Bedroom (Apartment)	4
O	2 Bedroom (Apartment)	4
Dwellings		95
Convenience Store		1
Total		96

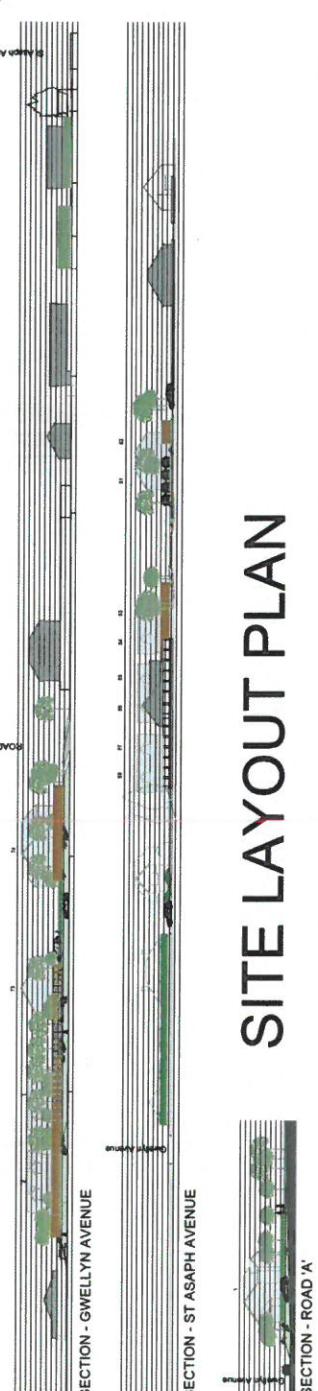
- Refuse bin collection area
- V Visitor parking
- Bicycle Store

**REVISIONS:**

1. 2023/02/01: Update to include changes to the site plan and landscaping details.
2. 2023/02/01: Update to include changes to the site plan and landscaping details.
3. 2023/02/01: Update to include changes to the site plan and landscaping details.
4. 2023/02/01: Update to include changes to the site plan and landscaping details.
5. 2023/02/01: Update to include changes to the site plan and landscaping details.
6. 2023/02/01: Update to include changes to the site plan and landscaping details.
7. 2023/02/01: Update to include changes to the site plan and landscaping details.
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10. 2023/02/01: Update to include changes to the site plan and landscaping details.
11. 2023/02/01: Update to include changes to the site plan and landscaping details.
12. 2023/02/01: Update to include changes to the site plan and landscaping details.
13. 2023/02/01: Update to include changes to the site plan and landscaping details.
14. 2023/02/01: Update to include changes to the site plan and landscaping details.
15. 2023/02/01: Update to include changes to the site plan and landscaping details.
16. 2023/02/01: Update to include changes to the site plan and landscaping details.
17. 2023/02/01: Update to include changes to the site plan and landscaping details.
18. 2023/02/01: Update to include changes to the site plan and landscaping details.
19. 2023/02/01: Update to include changes to the site plan and landscaping details.
20. 2023/02/01: Update to include changes to the site plan and landscaping details.



R.D. PUGH  
 Proposed Residential Development  
 1:500  
 27 June 2022  
 P.1031/2



# SITE LAYOUT PLAN