

# Agenda Annex

PLANNING COMMITTEE  
20<sup>th</sup> January 2016

## ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC PROTECTION

### AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

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

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

#### AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST (Pages 11-12)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 13-20)

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Items 5 - 12)

#### ORDER OF APPLICATIONS

##### PART 1

#### ITEM No

#### PAGE

Public Speaker items	Application no.	Location	
6	18/2015/0887/PF	Pentre Mawr Country House Hotel, Llandyrnog, Denbigh	37
7	18/2015/0888/LB	Pentre Mawr Country House Hotel, Llandyrnog, Denbigh	67
8	18/2015/0327/PS	Pentre Mawr Country House Hotel, Llandyrnog, Denbigh	89
9	23/2015/0889/PF	Land at Bryn Glas, Depot Saron, Denbigh	103
10	45/2015/0468/PO	Former Thorpe Engineering and Design Site, Ffordd Derwen, Rhyl	119
11	45/2015/0780/PR	Ocean Beach Site, Wellington Road, Rhyl	139
12	46/2015/0969/PF	Former Pilkington Special Glass Site, Glascoed Road, St Asaph	165
Other items			
5	09/2015/1121/PF	Outbuildings at Efail Y Waen, Bodfari, Denbigh	21

The letter (c) after a Local Member's name denotes a Member of Planning Committee.

## Public speaker items

<p><b>ITEM 6</b> 18/2015/0887/PF</p>	<p><b>Pentre Mawr Country House Hotel, Llandyrnog, Denbigh</b> Change of use of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard and use of paddock as overspill parking area</p>	<p><b>Page</b> 37</p>
<p><b>LOCAL MEMBER:</b> Councillor Merfyn Parry ( c)</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p><b>Public Speaker: For : Mr G Carrington-Sykes</b></p> <hr/> <p><b>LATE REPRESENTATIONS</b> R. and S. Edwards, Pentre Bach, Llandyrnog</p> <p>Main points:</p> <p>Building not fit for purpose 250 years old brick barn with a tin roof. Concerns that the need for the proposed building to be insulated has not been recognised – without substantial soundproofing, it is clearly going to cause a noise nuisance.</p> <p>People noise is another issue of concern.</p> <p>Alternative location available to the owners. There is a huge area around the property which could be used to relocate the venture so that nobody other than themselves are affected by disco noise.</p> <p><b>OFFICER NOTES</b> Pollution Control Officer The Officer appreciates the concerns of the neighbours, but points out that a noise condition has been stipulated which should safeguard their amenity, and it has been made clear to the applicant that if further complaints are received, compliance monitoring will be necessary. If this monitoring does show that there is a breach of condition or that a noise nuisance still exists, then further mitigation measures will be necessary – which could include the insulation of the building.</p>		

<p><b>ITEM 7</b> 18/2015/0888/LB</p>	<p><b>Pentre Mawr Country House Hotel, Llandyrnog, Denbigh</b> Conversion of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard (Listed Building application)</p>	<p><b>Page</b> 67</p>
<p><b>LOCAL MEMBER:</b> Councillor Merfyn Parry ( c)</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p><b>Public Speaker: For : Mr G Carrington-Sykes</b></p>		

<p>-----</p> <p><b>CORRECTION TO REPORT</b>  Paragraph 4.4.1 refers to the now superseded version of Planning Policy Wales. This should refer to PPW 8, issued in January 2016.</p>	
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<b>ITEM 8</b> 18/2015/0327/PS	<b>Pentre Mawr Country House Hotel, Llandyrnog, Denbigh</b> Variation of condition no. 12 of planning permission code no. 18/2014/0793 to permit use of part of courtyard for wedding functions	<b>Page</b> 89
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<p><b>LOCAL MEMBER:</b> Councillor Merfyn Parry ( c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p><b>Public Speaker: For : Mr G Carrington-Sykes</b></p> <p>-----</p> <p>No late information</p>	
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<b>ITEM 9</b> 23/2015/0889/PF	<b>Land at Bryn Glas, Depot Saron, Denbigh</b> Highway improvement works on B4501	<b>Page</b> 103
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<p><b>Public Speaker: Against : Mr M. Wynne</b>  <b>Public Speaker: For: Mr M. Cole</b></p> <p><b>LOCAL MEMBER:</b> Councillor Joseph Welch ( c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p>-----</p> <p>No late information</p>	
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<b>ITEM 10</b> 45/2015/0468/PF	<b>Former Thorpe Engineering and Design Site, Ffordd Derwen, Rhyl</b> Development of 0.29ha of land by the demolition of redundant factory unit and construction of a church and community centre (outline application including access)	<b>Page</b> 119
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<p><b>LOCAL MEMBERS:</b> Councillors Pat Jones ( c ) and Pete Prendergast ( c )</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: For: Mr M. Gilbert (agent)</b></p> <p>-----</p> <p><b>LATE REPRESENTATIONS</b></p> <p>From the applicant's agent.  The agent considers the report is unclear to the point of being misleading in relation to the following matters-</p>	
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Neighbour representations. It is stated that the clients have never received an offer for the site from Kwikweld or indeed any other party, although it is understood the previous owner may have received an offer (entirely a matter for them to consider, and there has been no approach since). The 'interested' Company has since acquired other premises to facilitate their expansion.

Flood risk analysis. This quotes selectively from the NRW advice, and it is a serious omission that it is not acknowledged that NRW regard the ground floor use as 'less vulnerable', which provides the basis for them not objecting. Members are requested to be informed clearly of the difference in approach of the planning officers and NRW, who are the statutory consultee and experts on the flood issue.

Planning policy reference. In considering PSE3(i), it is unclear whether it is accepted there are no suitable alternative sites to relocate to, given the comment that the report is not particularly comprehensive. The Planning Policy Team's comments in June 2015 were unequivocal in stating there are not any other suitable sites available for this development. No information has been provided to the applicants on any other sites which should have been considered if the analysis was not sufficiently thorough.

## **OFFICER NOTES**

In relation to the agent's comments:

Neighbour representations – the representations are summarised as received.

Flood risk analysis – in respecting the agent's comments, the NRW provided a complex 3 page response on the application following consideration of the Flood Consequences Assessment (FCA). The Case Officer quoted what was considered to be the most relevant section (Page 131 of the report).

For the record, NRW does not object to the proposal. The main points raised in the rest of their response are:

- the site is entirely within a C1 Flood Zone,
- on an assumption that the site benefits from a 'less vulnerable' land use and the location of what may potentially defined as 'less vulnerable development' at ground floor level, there is a case that the development will mimic a 'less vulnerable' use at ground floor level.
- the FCA acknowledges that the site and the development proposed could be susceptible to tidal flooding, but it is unclear whether the report correctly refers to the climate change scenarios to be used for land use planning, in relation to which flooding depths discussed in the FCA may have underestimated flooding depths at the site.
- There is an absence of appropriate emergency access and egress routes to and from the development, or discussion on them in any particular detail in the FCA.
- There is no consideration of the 0.1% climate change flood event against the tolerable limits set out in A1.15 of TAN 15, and that given the relatively low lying topography of this site and surrounding area, that it is probable that compliance with A1.15 of TAN 15 cannot be achieved.
- Any permission should include a planning condition requiring the development to be carried out in accordance with recommendations and the submission and approval of a Flood Plan.

In relation to the agent's comments and the NRW response, Officers consider –

- The existing lawful use is likely to be a B2 General Industrial use. This would fall within the 'less vulnerable' development category in TAN 15.
- The proposed ground floor uses are indicated on the submitted plans as a foyer / reception, church coffee bar and associated prep/service area and toilets. These are uses involving the collection of members of the public. A 'public building' is in the 'highly vulnerable' development category in TAN 15. The use of the ground floor by members of the public introduces a risk not currently present in the factory use.
- Whilst acknowledging NRW have not lodged objection to the application, their response raises a number of concerns over the contents of the Flood Consequences Assessment and draws attention to Planning Inspectors Reports that provision of emergency refuges within developments should not be used as a means of justifying new development in a

<p>flood risk area.</p> <ul style="list-style-type: none"> <li>Having weighed up the contents of the whole NRW response, Officers take a different view on the acceptability of the proposals on flood risk grounds.</li> </ul> <p><u>Planning policy reference</u> – the Officer report does not directly rebut the agent’s arguments over the availability of alternative sites, the reason for refusal being primarily on the lack of marketing, which does not appear to be disputed by the applicant.</p>	
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<p><b><u>ITEM 11</u></b> <b><u>45/2015/0780/PR</u></b></p>	<p><b>Ocean Beach Site, Wellington Road, Rhyl</b> Details of appearance, landscaping, layout and scale of phase 1 of mixed-use redevelopment scheme incorporating the development of 2 no. blocks containing retail uses (bulky goods, food and non-food) and leisure uses; a detached 54 bed hotel, 2 no. substations, car parking and other ancillary works submitted in accordance with condition number 1 of outline planning permission 45/2013/1510 (Reserved Matters Application)</p>	<p><b>Page</b> 139</p>
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<p><b>LOCAL MEMBERS:</b> Councillors Ian Armstrong (c ) and Joan Butterfield (c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p><b>Public Speaker: For: Mr M Ralphs</b></p> <hr style="border-top: 1px dashed black;"/> <p><b>Additional Information Provided by Applicant</b></p> <p>The applicant has submitted a Local Employment Agreement. This document sets out genuine initiatives which the developer and its subsequent partners and contractors will adopt in an attempt to maximise opportunities for local employment. The document acknowledges the levels of deprivation seen in the most local Rhyl wards to the site and seeks to target opportunities for people in construction and post-construction phases of the development.</p> <p>The document highlights the work already done with Job Centre Plus and RCS Wales (a social enterprise body which improves local outcomes for Rhyl and other deprived areas in North Wales) with over 200 jobs anticipated for the development site.</p> <p>The document also sets out commitments to monitor how the Agreement is working, ensuring contractors and operators capture details of those employed within the development.</p> <p><b>Additional Suggested Conditions</b></p> <p>2. The development hereby approved shall be carried out strictly in accordance with the details shown in the following submitted plans and documents: Waterco Flood Consequence Assessment November 2015; Proposed Local Employment Agreement (Zerum – Jan 2016); Building A Roof Plan (15036-P110A); Building A Elevations (15306-P111B); Building A Coloured (15306-P302); Building B Floor Plan (15306-P120); Building B Elevations (15306-P121A); Building J Floor Plan (15306-P190A); Building J Elevation (15306-P191B); Site Plan Phase 1 (15306-P102C); Site Plan Phase 2 (15306-P103C); Site Plan Proposed (15306-P100C); Proposed Site Levels (15306-P101C); Sub-Station 1&amp;2 (15306-P200) all received 3<sup>rd</sup> or 4<sup>th</sup> November 2015 unless specified as otherwise within any other conditions pursuant to this decision.</p> <p><b>Reason:</b> For the avoidance of doubt and to ensure the development proceeds in accordance with relevant plans and documents.</p> <p>3. Notwithstanding the details contained within the submitted Local Employment Agreement</p>	
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(Zerum Jan 2016) within 2 months of the date of this approval an Employment and Training Strategy shall be submitted to and approved in writing by the Local Planning Authority. This Strategy shall include further details of the weighting given to local contractors and businesses in the tendering and procurement process along with further details on training and apprenticeship arrangements during construction and post-construction phases. Those details subsequently approved shall be implemented in full thereafter.

**Reason:** In order to maximise opportunities for local people and businesses to benefit from the development in the interests of a sustainable economy.

<p><b>ITEM 12</b> <b><u>46/2015/0969/PF</u></b></p>	<p><b>Former Pilkington Special Glass Site, Glascoed Road, St Asaph</b> Construction of a new access and alterations to existing access</p>	<p><b>Page</b> 165</p>
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**LOCAL MEMBER:** Councillor Bill Cowie (c)

**OFFICER RECOMMENDATION IS TO GRANT**

**Public Speaker: Against : Mr E. Davies**

**Public Speaker: For: Mr T Anwyl**

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Members are referred to the WHITE sheet which has been circulated, which is an extract from the Ordnance Survey showing the relative location of the access to the property Derwen Deg.

**ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 8.30 am on the 15/01/2016.

In attendance were:

CHAIR – Councillor Raymond Bartley

LOCAL MEMBER – Councillor Bill Cowie

Councillor Meirick Lloyd Davies (neighbouring ward)

GROUP MEMBERS –

Plaid Cymru Group – Councillor Alice Jones

COMMUNITY COUNCIL – Councillor Peter Scott

The Officer present was Emer O'Connor

The reason for calling the site panel was to see the site and surroundings.

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

1. The detailing of the proposed development, including the existing access arrangements.
2. The relationship of the proposal to the neighbouring dwelling, Derwen Deg, opposite the site.

In relation to the matters outlined:

<p>1. It was noted that the application proposes a new central access to the site, and that the existing access would be stopped up. Members were informed that the foot way and cycle track would be retained along the front of the site, and that these would cross the access. Highways Officers had considered the access arrangements and had raised no objection to the proposal on highway safety grounds.</p> <p>2. Members observed that the proposed access would be sited to the north east of an existing dwelling on the south side of Glascoed Road. Questions were asked over the impact of the comings and goings from the access on the occupiers of the dwelling, and in particular the noise from larger vehicles revving their engines to exit the employment site, which is at a lower level than the road.</p> <p>3. Further questions were raised over the need for the access when there was an existing access to the site, and whether the applicants had considered alternatives to limit impacts on neighbours. Officers advised that it was necessary to deal with the application before the Council and that there is no requirement in planning policies for an applicant to look at alternatives.</p>	
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## Other items

<p><b>ITEM 5</b> 09/2015/1121/PF</p>	<p><b>Outbuildings at Efail Y Waen, Bodfari, Denbigh</b> Conversion of redundant agricultural building to form 3 no. holiday let accommodation, demolition of steel portal farm building and installation of a package treatment plant 18/2015/0327/PS</p>	<p><b>Page</b> 21</p>
<p><b>LOCAL MEMBER:</b> Councillor Merfyn Parry (c)</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p><b>Public Speaker: <i>Against</i> :</b> <b>Public Speaker: <i>For</i> :</b></p> <p>-----</p> <p>No late information</p>		

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