

To: Chair and Members of the Planning Committee

Date: 11 February 2016

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Dear Councillor

I refer to this agenda for the meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 17 FEBRUARY 2016** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN** and enclose the following report(s).

**Agenda Item
No**

Late Representations

Yours sincerely

G Williams
Head of Legal and Democratic Services

MEMBERSHIP

Councillors

Ian Armstrong
Raymond Bartley
Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Meirick Davies
Richard Davies
Stuart Davies
Peter Evans
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones
Pat Jones
Barry Mellor

Win Mullen-James
Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Pete Prendergast
Arwel Roberts
Anton Sampson
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

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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 13-22)

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT
(Items 5 - 14)

ORDER OF APPLICATIONS

PART 1

Public Speaker items	Application no.	Location	Page
6	14/2015/0854	Foel Uchaf, Cyffylliog, Ruthin	51
9	40/2015/1150	Ty Fry Inn, Ty Fry Lane, Bodelwyddan, Rhyl	111
10	43/2015/1120	72 Gronant Road, Prestatyn	119
11	44/2015/1075	Tirionfa, Rhuddlan, Rhyl	131
12	45/2015/1182	29 Vezey Street, Rhyl	145
13	46/2015/0984	Land off, Cwttir Lane, St Asaph	153
Other items			
5	06/2014/1436	Hendre Bryn Cyffo, Gwyddelwern, Corwen	23
7	18/2015/1146	Highfield Park, Llangwyfan, Denbigh - WITHDRAWN	83
8	25/2015/1164	Land east of Llyn Brenig	97
14	47/2015/1174	11, Llys Y Tyrysog, Tremeirchion, St Asaph	169

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

Public speaker items

<p>ITEM 6 14/2015/0854</p>	<p>Foel Uchaf, Cyffylliog, Ruthin Installation of 2 wind turbines (hub height 24.8m, ground to blade tip height 36.6m) associated equipment housing and access tracks</p>	<p>Page 51</p>
<p>LOCAL MEMBER: Councillor Joseph Welch (c)</p> <p>OFFICER RECOMMENDATION IS TO REFUSE</p> <p>Public Speaker: Against – JoAnne Williamson Public Speaker: For – Mr. Richard Adams</p> <hr/> <p>ADDITIONAL PLAN Members are referred to the plan circulated on the WHITE sheet for Item 6. This is a revised version of the location plan in the report, which has notation missing, and it clarifies the location of the site relative to the boundary of the Clocaenog Forest Strategic Search Area (SSA 'A').</p> <p>LATE REPRESENTATIONS Consultees Public Protection Officer Having regard to our external noise consultant's report, has no objection to the proposal providing that conditions are attached to any permission given. The conditions would involve setting noise levels for the turbine and responsibilities for actions in the event of complaints.</p> <p>Private individuals In objection, from: Jo Anne Williamson, Hendre Llan, Cyffylliog</p> <p>Summary of representations: The main points in the letter circulated to Members are summarised in the Officer report (impact on visual amenity, cumulative impact and noise, planning policy, vehicular and transport links).</p> <p>OFFICER NOTES Correction The third last paragraph of Section 4.2.3 of the Officer report (Page 73 of the English version) refers to the relationship between the turbines and the property Gwern y gadfa. The turbines are located to the south west of this dwelling, and not the south east as stated.</p>		

<p>ITEM 9 40/2015/1150</p>	<p>Ty Fry Inn, Ty Fry Lane, Bodelwyddan, Rhyl Variation of condition No. 3 of planning permission Code No. 40/2014/1445/PF to read "deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07:00hrs and 21:00hrs Monday to Friday, 07:00hrs - 20:00hrs Saturdays and 09:00hrs - 18:00hrs Sundays and Bank Holidays"</p>	<p>Page 111</p>
<p>LOCAL MEMBER: Councillor Alice Jones (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: For - Gillian Whitfield</p> <hr/> <p>ADDENDUM REPORT The application was subject to a Site Inspection Panel meeting at 8.00 am on the 12/02/2016.</p> <p>In attendance were: CHAIR – Councillor Raymond Bartley VICE CHAIR – Councillor Win Mullen James LOCAL MEMBER – Councillor Alice Jones</p> <p>GROUP MEMBERS – Plaid Cymru Group – Councillor Meirick Lloyd Davies</p> <p>COMMUNITY COUNCIL – Councillor Lance Daintree</p> <p>The Officers present were– Emer O’Connor (Development Management) and Mike Jones (Highways)</p> <p>The reason for calling the site panel was to see the site and surroundings.</p> <p>At the Site Inspection panel meeting, Members considered the following matters:</p> <ol style="list-style-type: none"> 1. The details of the application. 2. The responses of the consultees. 3. The relationship of the proposal to the neighbouring dwellings. 4. The local highway network. <p>In relation to the matters outlined:</p> <ol style="list-style-type: none"> 1. Members noted the application proposes a variation of planning condition on the originally approved permission for a convenience store at the Ty Fry Inn. It was explained that the variation relates to the Saturday delivery and dispatch times only. It is proposed to allow deliveries to be taken or dispatched from the site, including the handling and collection of waste and other activity within the service area, between 07:00hrs - 20:00hrs. The original conditioned hours were 08:00hrs – 18:00hrs. The reason for the imposition of the original planning condition was to protect the amenity of neighbouring occupiers. 2. It was observed that the site is surrounded by dwellings to all but the west side, where it is bounded by the road. It was accepted that the relationship of the neighboring dwellings to the site was an important consideration owing to the location and the reason for the imposition of the condition. 3. Members were aware that the public road Ronaldsway runs along the western side of the site. The County Council Member raised comments over the access details and impact of the convenience store on the local highway network, and provided a plan showing the other accesses along Ronaldsway, pointing out the fact that the site was located on a ‘safe route to school’. She raised questions over the road safety audit submitted with the original convenience store application. 		

In relation to the Highways issue Officers advised members that the principle of the use of the site was established in the granting of the original planning permission in September 2015. The Highways Officer advised that he was satisfied that the highways impacts of the use were acceptable and the Road Safety Audit had been carried out to an industry standard. It was suggested that the extended delivery and dispatch hours would not lead to additional traffic movements on the site on a Saturday, and this would simply allow greater logistics flexibility for the delivery company.

4. It was reported that there had been no objections from neighbours to the proposal. The Town Council representative advised there were no objections from the Town Council.

Officer Notes

Para. 1.1.1 of the Committee report states that the proposal is for a variation of condition relating the opening hours of a consented convenience store on part of the car park at the Ty Fry. The actual purpose of the variation application is to vary the delivery and dispatch times on Saturdays not the opening hours of the store.

<p>ITEM 10 43/2015/1120</p>	<p>72 Gronant Road, Prestatyn Felling of 1 horse chestnut tree subject to a Tree Preservation Order</p>	<p>Page 119</p>
<p>LOCAL MEMBERS: Councillors Anton Sampson (c) and Julian Thompson-Hill (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: Against – Caroline Jones</p> <hr/> <p>ADDITIONAL PLANS Members are referred to the YELLOW coloured sheet. This shows the access arrangements for plots 1 and 2 as approved in June 2015 with a single shared access off Gronant Road; and the arrangements as originally approved for separate accesses for each plot.</p> <p>LATE REPRESENTATIONS Representations from: - Councillor Hugh Irving .</p> <p>Summary: Objection – Magnificent mature horse chestnut tree in a healthy condition.</p> <p>The removal is opposed by the residents living opposite the site.</p> <p>The developers purchased this site and built on it in the full knowledge that the tree was there and subject to a protection order. It was up to the developer to accommodate it within the plans.</p> <p>To grant consent would set a precedent and endanger many other beautiful trees that grace the area and would be vulnerable to similar applications.</p> <p>- James Davies MP Expresses the wish that the tree be saved if at all possible.</p> <p>OFFICER NOTES The recommendation of Officers is based on the specialist input of the Tree Officer (see para 4.2.3 of main report). The revised access proposal submitted in 2015 as a Non-Material Amendment to the original scheme showed the tree was to be retained and did not indicate an intention to carry out works on the root system in order to implement the scheme. The works now undertaken to create the access have clearly impacted negatively on the health and stability of the tree. The tree now poses a significant risk of failure.</p>		

ITEM 11 44/2015/1075	Tirionfa, Rhuddlan, Rhyl Development of 3.39 hectares of land for residential development (outline application - all matters reserved)	Page 131
<p>LOCAL MEMBERS: Councillors Ann Davies and Arwel Roberts (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: Against – Pauline Evans</p> <p>-----</p> <p>No late information.</p>		

ITEM 12 45/2015/1182	29 Vezey Street, Rhyl Variation of condition 3 imposed on planning permission 45/2013/0828 to allow an increase in the hours of use to: 06:00 - 20.30 Monday to Friday (currently 08:00 - 20:00) 07:00 - 14:00 Saturday (currently 08:00 - 14:00) 08:00 - 14:00 Sundays (as existing)	Page 145
<p>LOCAL MEMBERS: Councillors Pat Jones (c) and Pete Prendergast (c)</p> <p>OFFICER RECOMMENDATION IS TO REFUSE</p> <p>Public Speaker: For - Katie Jones</p> <p>-----</p> <p>LATE REPRESENTATIONS Letter from the applicant The applicant considers the Officer report does not give a fair and balanced assessment of the application, and suggests ‘several features ...are either incorrect factually or omit key material of planning considerations’. The letter refers to matters to be corrected:</p> <ul style="list-style-type: none"> - The area is a mixed commercial / residential street adjoining a busy commercial area / road junction, which has a significant bearing on the merits of the application. The report suggests the area is residential - The premises do not ‘abut’ a residential dwelling as stated in the report. There is an important gap which provides insulation for noise and vibration - There is no reference in the report to noise insulation measures fitted inside the premises to reduce noise and vibration. - There is a considerable level of background noise from commercial activity in the area, and traffic, making it difficult to measure or separate out very low or acceptable noise from the application premises <p>The letter refers to omissions, including no reference to a substantial supporting statement covering relevant points, and notes :</p> <ul style="list-style-type: none"> - No public protection response, which is considered a serious omission - No highways objection <p>The applicant contends there is no evidence to support the Officer recommendation.</p>		

<p>ITEM 13 46/2015/0984</p>	<p>Land Off Cwttir Lane, St Asaph Construction of 16MW power generating plant building including ancillary equipment and new access</p>	<p>Page 153</p>
<p>LOCAL MEMBERS: Councillor Bill Cowie (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: For - Elizabeth Evans</p> <hr/> <p>LATE REPRESENTATIONS Information from the applicants:</p> <p>The applicants have provided a summary of their technical Noise and Air Quality Assessment Reports.</p> <p>They conclude the Noise Assessment Report clearly demonstrates that the proposals will not constitute a detriment to the acoustic amenity of receptors in the vicinity and proposes engineering measures that will ensure this is achieved. They robustly consider that noise is not a material constraint to the granting of planning permission for the proposals.</p> <p>They refer to the air quality assessment to determine the local air quality impacts associated with the construction and operation of the proposed development. In relation to the assessment of the impact of dust generating activities during the construction phase, the Site was classified as Low Risk for dust effects at receptor locations and negligible risk at ecological sites. Detailed air quality modelling associated with stack emissions from the site has demonstrated that there would be no unacceptable impacts. All short and long term impacts, human and ecological, are predicted to be below limit values at locations where the Air Quality Directive states that they must be applied. It is considered that Air Quality is not a material constraint to the granting of planning permission of the proposals as they stand.</p> <p>Consultees The Pollution Control Officer agrees with the comments of the applicant's agents and points to need to ensure the conditions suggested in the Officer report are retained.</p> <p>OFFICER NOTES The numbering of the recommended conditions in the Officer report needs to be corrected.</p> <p>The recommended conditions in the report do not set a noise limit requirement, so an additional condition needs to be inserted after what appears in the report as Condition 13, as follows –</p> <p>Noise from the development shall not be permitted to exceed the levels set out in the Acoustic Technical Report prepared by MLM Acoustics, dated September 2015, at any time.</p> <p><i>Reason: In the interests of the amenities of occupiers of residential property in the locality.</i></p> <p>Condition 15 as set out in the report should be reworded as follows-</p> <p>If complaints of low frequency noise are received by the Local Planning Authority, the developer shall be notified in writing and shall employ a suitably qualified acoustic consultant to undertake an assessment in accordance with the 'Proposed criteria for the assessment of low frequency noise disturbance' - NANR45 document produced by Salford University for DEFRA. If the scheme is found to exceed the noise limits specified above, the plant shall be shut down and shall not be permitted to re-commence operation until the written approval of the Local Planning Authority has been obtained to mitigation measures that will ensure compliance. The mitigation measures as approved shall be carried out prior to the recommencement of the operation of the scheme.</p>		

Other items

<p>ITEM 5 06/2014/1436</p>	<p>Hendre Bryn Cyffo, Gwyddelwern, Corwen Installation of a single Endurance X29 wind turbine with associated access track, crane hardstanding, foundation and meter house</p>	<p>Page 23</p>																																																																																
<p>LOCAL MEMBER: Councillor Hugh Evans</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>ADDITIONAL PLAN Members are referred to the plan circulated on the WHITE sheet for Item 5. This clarifies the location of the site relative to the boundary of the Clocaenog Forest Strategic Search Area (SSA 'A').</p> <p>LATE REPRESENTATIONS Consultees Public Protection Officer Having regard to our external noise consultant's report, has no objection to the proposal providing that conditions are attached to any permission given.</p> <p>OFFICER NOTES In order to give effect to the recommendations of the Public Protection Officer, condition 9 in the Officer report should read as below. Other conditions recommended by the Public Protection Officer are already included in the main report: An additional condition requiring an archaeological watching brief has been requested by the County Archaeologist, which would need to be added as condition 18.</p> <p>Noise condition - 9. Noise from the turbine hereby permitted shall not exceed the levels set out in the table below at the following dwellings when measured in free field conditions:</p> <table border="1" data-bbox="172 1308 1326 1655"> <thead> <tr> <th rowspan="2">Dwelling</th> <th colspan="8">Reference wind speed (Standardised to 10m Height)(m/s)</th> </tr> <tr> <th>5</th> <th>6</th> <th>7</th> <th>8</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> </tr> </thead> <tbody> <tr> <td>Rhos</td> <td>30</td> <td>31</td> <td>32</td> <td>34</td> <td>35</td> <td>36</td> <td>36</td> <td>36</td> </tr> <tr> <td>Pen-y-foel-isaf</td> <td>29</td> <td>30</td> <td>31</td> <td>32</td> <td>33</td> <td>34</td> <td>34</td> <td>34</td> </tr> <tr> <td>Tyn-lechwedd</td> <td>25</td> <td>26</td> <td>28</td> <td>29</td> <td>30</td> <td>32</td> <td>32</td> <td>32</td> </tr> <tr> <td>Bryn-Deicws</td> <td>31</td> <td>32</td> <td>33</td> <td>35</td> <td>36</td> <td>37</td> <td>37</td> <td>37</td> </tr> <tr> <td>Ty'n-y-fedw</td> <td>28</td> <td>29</td> <td>31</td> <td>32</td> <td>33</td> <td>34</td> <td>34</td> <td>34</td> </tr> <tr> <td>Bryn Gwenallt</td> <td>28</td> <td>29</td> <td>30</td> <td>31</td> <td>32</td> <td>34</td> <td>34</td> <td>34</td> </tr> <tr> <td>Siambar Wen</td> <td>28</td> <td>30</td> <td>31</td> <td>32</td> <td>33</td> <td>34</td> <td>34</td> <td>34</td> </tr> </tbody> </table> <p><i>Reason. In the interests of the protecting the amenity of occupiers of residential property in the locality from cumulative windfarm noise.</i></p> <p>Archaeological condition – 18. All groundworks shall be undertaken in the presence of a qualified archaeological contractor so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute for Archaeologists. A copy of the watching brief report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR tel: 01938 553670 within two months of the fieldwork being completed.</p> <p><i>Reason : In the interests of investigation and recording of historic/listed buildings</i></p>			Dwelling	Reference wind speed (Standardised to 10m Height)(m/s)								5	6	7	8	9	10	11	12	Rhos	30	31	32	34	35	36	36	36	Pen-y-foel-isaf	29	30	31	32	33	34	34	34	Tyn-lechwedd	25	26	28	29	30	32	32	32	Bryn-Deicws	31	32	33	35	36	37	37	37	Ty'n-y-fedw	28	29	31	32	33	34	34	34	Bryn Gwenallt	28	29	30	31	32	34	34	34	Siambar Wen	28	30	31	32	33	34	34	34
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ITEM 7 18/2015/1146	Highfield Park, Llangwyfan, Denbigh Variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow 2 no. access points to remain open	Page 83
The planning application has been formally WITHDRAWN by the agent.		

ITEM 8 25/2015/1146	Land east of Llyn Brenig Variation of condition number 3 of planning permission ref 25/2007/0565 to allow turbine number 12 and relevant spur road to be permitted a 30m micro-siting allowance and turbine 14 and relevant spur road to be permitted a 49m micro-siting allowance	Page 97
<p>LOCAL MEMBER: Councillor Joseph Welch (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>No late information.</p>		

ITEM 14 47/2015/1174	11, Lllys Y Tywysog, Tremeirchion, St Asaph Erection of balcony to rear of dwelling	Page 169
<p>LOCAL MEMBERS: Councillor Barbara Smith</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>No late information.</p>		

SPECIAL REPORTS

ITEM 15 SITE DEVELOPMENT BRIEF: CAE FFYDDION, DYSERTH - ADOPTION OF FINAL DOCUMENT (Pages 185 - 338)

To inform Members of comments received in response to the public consultation on the draft Site Development Brief for Cae Ffyddion, Dyserth and to seek Members' approval of the Development Brief with proposed changes.

Late representations

Michelle Higginson

- concerned that the record of a complaint of odour from the Dyserth Sewage Treatment Works in 2004 had not been recorded in the consultation responses and that this is not taken account of in the brief.

- There is no reference to burial sites in the brief

Ann Jones AM – asks if odour from the sewage treatment works in Dyserth has been taken account of in the brief.

Aled Roberts AM – considers the brief doesn't make sufficient reference to flooding. Flood map doesn't show all properties that were flooded. Concerned about methodology used by NRW in flood risk study and potential run off worsening flood risk situation for existing properties.

Officer comments

The issue of odour was considered but due to there being no reports of bad odour from the sewage treatment works in the past 10 years is not considered to be an issue of relevance to the site development brief.

The issue of burial sites has not been raised previously by any respondent. The site is allocated for housing in the adopted Denbighshire Local Development Plan and the principle of development on the site is established. No objections have been received from any of the responsible burial authorities to the allocation of the site or the site development brief.

The issue of flood risk is mentioned in the report. NRW are the recognised experts on these matters and they have confirmed they are happy with the methodology used and results of the study. Any developers of the site will need to demonstrate that run-off rates post development would be the same or less than the current greenfield rates.

PART 2 - CONFIDENTIAL ITEMS

EXCLUSION OF PRESS AND PUBLIC

It is recommended in accordance with Section 100A (4) of the Local Government Act, 1972, that the Press and Public be excluded from the meeting during consideration of the following items of business because it is likely that exempt information as defined in Paragraphs 12, 13, 14, 16 and 18a of Part 4 of Schedule 12A of the Act would be disclosed.

ITEM 16

REPORT ISSUES UNDER SECTION 21 OF THE PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

Report issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005 (Case Reference: 201400990)

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