

Agenda Annex

PLANNING COMMITTEE

Date - 15th March 2017

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 9 -10)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 11 - 14)

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT
(Item numbers 5 – 11)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public Speaker items			
5	01/2016/0374	Cae Topyn, Denbigh	15
6	01/2016/1241	Middle Lane, Denbigh (planning application)	63
9	20/2016/0164	Ty Coch Farm, Graigfechan	111
10	44/2017/0055	31 Princes Park, Rhuddlan	133
Other items			
7	01/2016/1243	Middle Lane, Denbigh (Conservation Area Consent)	89
8	15/2016/0842	Ty Isa, Pant Du Road, Eryrys	101

11	44/2017/0072	Castle Hill, Hylas Lane, Rhuddlan	145
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PUBLIC SPEAKER ITEMS

ITEM No 5 Page 15	Code no. 01/2016/0374 Location : Cae Topyn, off Old Ruthin Road / Ffordd Eglwyswen, Denbigh Proposal : Erection of 75 no. dwellings, together with associated roads, open space and related works
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LOCAL MEMBER: Councillor Mark Young

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Dr Hywel Watkin

Public Speaker: For – Mr Matt Gilbert

LATE REPRESENTATIONS

DENBIGH TOWN COUNCIL

“Objections were made to the above application together with the attached information from Eiddwen Watkins.

*The Councillors wished to notify Denbighshire County Council on the below points.
 Lack of safe crossing points to local amenities to include Schools, hospital and shops.
 Distance to school and other facilities.
 Flooding issue – inadequate drainage assessment.
 Failure to adhere to planning brief.
 Traffic issue – to include traffic density.
 Greed from contractors, insufficient money being spent on development.”*

DCC HIGHWAYS NETWORK MANAGEMENT MANAGER

Has confirmed that the highway flooding experienced recently on the highway at the bottom of Old Ruthin Road (adjacent to Brookhouse Chapel), is a Highway Authority issue that will require further investigation. This is to be done as soon as possible and is to be resolved using DCC own resources and agreements. The issues are not related to the development of the Cae Topyn Site.

DCC LAND DRAINAGE ENGINEER

Has reiterated his position of **no objection** to the proposal, and provided the following statement:

“Based on the information that the applicant has provided, I’m satisfied in principle that the proposed surface water drainage system will successfully drain the site, notwithstanding that the applicant hasn’t yet provided

details such as pipe sizes and gradients. Regarding the maintenance of the system, I think the Council would need to have sight of, and possibly approve, the wording of any agreement between the applicant and a third party."

Private individuals:
In objection, from:

Dr Hywel Watkin, Tanrallt, Brookhouse, Denbigh

Summary of representations:

Submitted set of photographs at 4.29pm on Tuesday 14th March, 2017 illustrating pooling of water on adjacent highway. These photographs along with a short explanation of his proposed public speaking presentation were forwarded to Members of Planning Committee by Dr Watkin. These photographs have been referred to by Officers within these sheets.

In objection, from
Carole Roxburgh, 21 Hen Ffordd Rhuthun, Denbigh

Summary of representations:

Submitted a 23 page letter at 4.43pm on Tuesday 14th March, 2017. This letter re-iterated previous concerns raised by the objector. These concerns relate to her contention that the planning application fails to comply with the requirements of the Site Development Brief. The letter is detailed and sets out her reasoning for the alleged non-compliance with the Brief. The letter also raises concerns as to the negotiations between Officers and the developer in relation to highways and drainage matters.

The objection also suggests the density of the development is too high; insufficient open space is being provided; the proposal does not meet local housing need; has a detrimental impact on visual amenity and harms the setting of the Listed Building; suggests that there is insufficient parking for bicycles; insufficient consideration for Education provision; insufficient information in respect to ecological impacts; insufficient information on highway and drainage impacts including linkages to the town.

OFFICER CLARIFICATION

CLARIFICATION OF DRAINAGE ISSUES

The Site Development Brief states that the use of Sustainable Urban Drainage System (SuDS) for any development should be **considered** alongside other design solutions. The brief also goes on to suggest that details of adoption and management for the proposed SuDS should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development. The developer has proposed surface water run-off soakaways as part of the development. These would be classed as SuDS.

Specifically the developer has suggested separate soakaway systems for highway surface water run-off and roof water run-off. It is envisaged that the highway surface water system would be adopted by the Highway Authority under a Section 38 agreement. The maintenance of that system would lie with the Highway Authority. The roof water run-off system is proposed to be maintained through a management company set up by the developers.

In Officers opinion there are adequate means to ensure the functionality of the surface water drainage system is maintained in perpetuity, subject to the relevant legal agreements being entered into.

Comments received relating to the flooding of the corner opposite Brookhouse Chapel have been addressed by the DCC Network Manager, who has confirmed this is a highway maintenance issue and not related in any way to the development site.

CLARIFICATION OF EDUCATION CONTRIBUTION

It is acknowledged that the Site Development Brief suggest that an education contribution is required to provide additional capacity in local primary and secondary schools in order to move away from

existing mobile classrooms.

However, the Site Development Brief was written at a time when it was envisaged that there would be a shortage of school places in the local schools, and that this would result in additional costs for the Council as education Authority. However, on the basis of the latest capacity figures (referred to in the main report) there is **no shortfall** in school places and, therefore, no requirement to increase capacity in Denbigh Schools.

Whilst noting the desire to move away from mobile classrooms, this is not reasonably related to the proposal – the schools are not having to use mobile classrooms as a result of this application, it is an existing situation. It is not reasonable to put the cost of improving existing facilities onto a developer where there are no capacity issues. The Welsh Government circular on Planning Obligations states that obligations (such as the payment of funds to offset impacts of the development elsewhere) should be relevant to planning, and directly related to the proposed development and should only be used to make a proposal acceptable in land use planning terms.

AMENDMENTS TO MAIN REPORT

Based on amendments to the determination periods for planning applications (as contained in the amended fee regulations) **paragraph 5.3 (1)** be amended from allowing 12 months to complete the Section 106 agreement, to the set date of completion by 11th July 2017, unless a formal extension of time is agreed with the applicant. In any event, if the Section 106 is not signed within 12 months, the application will be reported back to committee for determination against the relevant policies and guidance at that time.

Following discussions with the applicant it is proposed to amend the wording of certain pre-commencement conditions to allow a phased approach to the commencement of development. These are detailed below.

Suggested revised condition(s):

1. The development to which this permission relates shall be begun no later than 5 years from the date of this permission (the date of the permission shall reflect the completion of the section 106 agreement).

8. No works on the drainage system shall take place until a fully detailed scheme of foul drainage and surface water drainage has been submitted to and approved by the Local Planning Authority and the approved scheme shall be completed before the occupation of the first dwelling.

15. Notwithstanding the details submitted, the siting, design and layout of plot 42 (as indicated on plan 1218-P01 rev K) shall not be as shown, but shall be as further agreed in writing with the Local Planning Authority prior to the commencement of work on that plot.

Conditions will require re-numbering.

<p>ITEM No 6 Page 63</p>	<p>Code no. 01/2016/1241/PF</p> <p>Location Site of former Denbigh Technology And Vocational Education Centre, Middle Lane Denbigh</p> <p>Proposal Demolition of existing buildings and redevelopment of land by the erection of 70 extra care apartments, community living unit, construction of new vehicular and pedestrian accesses, alteration of existing vehicular access and hard and soft landscaping.</p>
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LOCAL MEMBERS: Councillor Gwyneth Kensler

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against –
Public Speaker: For – Mr Rhys Dafis (applicant/company)

For Clarification:

In relation to the Town Council response below to clarify (in brackets) that Fiona Gale is the County Archaeologist.

DENBIGH TOWN COUNCIL
"No objections. The Town Councillors did however wish to confirm that they would like the old building at the location be recorded as per notification from Fiona Gale" **(COUNTY ARCHAEOLOGIST)**

<p>ITEM No 9 Page 111</p>	<p>Code no. 20/2016/0164</p> <p>Location Land at Ty Coch Farm, Graigfechan</p> <p>Proposal Development of 0.1 ha of land by the erection of 2 no. local needs affordable dwellings (outline application - all matters reserved)</p>
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LOCAL MEMBER: Councillor Hugh Evans

OFFICER RECOMMENDATION IS TO REFUSE

Public Speaker: Against -
Public Speaker: For – Mr. Huw Evans (agent)

LATE REPRESENTATIONS
Private individuals:

In support, from:

Matthew Dymock, Vale View, Graigfechan

Summary of representations:

The village needs more affordable housing for young families, this proposal will only have a positive Influence on the village, local schools will benefit, access is good, plenty of space, good parking.

ITEM No 10 Page 133	Code no. 44/2017/0055 Location Land at 31 Princes Park, Rhuddlan Proposal Erection of detached dwelling
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LOCAL MEMBERS: Councillors Arwel Roberts (c) and Ann Davies

OFFICER RECOMMENDATION IS TO REFUSE

Public Speaker: Against -

Public Speaker: For – Mr. Brian Robinson (agent)

NO LATE INFORMATION

OTHER ITEMS

ITEM No 7 Page 89	Code no. 01/2016/1243/CA Location Site of former Denbigh Technology And Vocational Education Centre, Middle Lane Denbigh Proposal Demolition of former school buildings
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LOCAL MEMBER: Councillor Gwyneth Kensler

OFFICER RECOMMENDATION IS TO GRANT

For Clarification:

In relation to the Town Council response below to clarify (in brackets) that Fiona Gale is the County Archaeologist.

DENBIGH TOWN COUNCIL

"No objections. The Town Councillors did however wish to confirm that they would like the old building at the location be recorded as per notification from Fiona Gale" **(COUNTY ARCHAEOLOGIST)**

ITEM No 8
Page 101

Code no.
15/2016/0842

Location
Ty Isa, Pant Du Road, Eryrys

Proposal
Extension to residential curtilage

LOCAL MEMBER: Councillor Martyn Holland

OFFICER RECOMMENDATION IS TO GRANT

NO LATE INFORMATION

ITEM No 11
Page 145

Code no.
44/2017/0072

Location
Castle Hill, Hylas Lane, Rhuddlan

Proposal
Erection of 1 no. dwelling with detached garage and construction of a new vehicular access

LOCAL MEMBERS: Councillors Arwel Roberts (c) and Ann Davies

OFFICER RECOMMENDATION IS TO GRANT

LATE REPRESENTATIONS

Consultees:

Highways Development Control Officer

Although the access arrangement is a relaxation in standards, it is considered that this is deemed appropriate taking into consideration that Hylas Lane is a residential area, has low traffic speeds and no recorded accidents at this location. The proposals are a small scale development of 1 dwelling and the anticipated trips generated from this would not be detrimental to highway safety, furthermore the access proposed is the same arrangement as approved under the previous permission.

Suggest Additional Condition as below:

13. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.
Reason: To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

Private individuals:

Comments (neither object or support) received from:
Christine Wynne, The Chateau, Hylas Lane, Rhuddlan

Summary of representations:

A new pavement on the south side of Hylas Lane is indicated on the plan, this could reduce parking for residents and parents of the school; the height of the current plot needs to be lowered so that the proposed dwelling is in symmetry with Hylas Bach and Castle Hill; the render proposed for the dwelling would benefit from stone facing to blend in with Castle Hill and in keeping with the area; the pitch of the roof is very steep which suggests that the dwelling will be converted into a dormer bungalow in the future.

OFFICER CLARIFICATION

There are no discernable differences in the size, scale and design of the dwelling proposed in this application and the size, scale and design of the scheme which lapsed in February 2017. This is a key material consideration.

SPECIAL REPORTS

ITEM 12 Page 161

SUPPLEMENTARY PLANNING GUIDANCE NOTE: RECREATIONAL PUBLIC OPEN SPACE - DOCUMENT FOR ADOPTION

A report seeking approval of the SPG document 'Recreational Public Open Space' for the use in the determination of planning applications

ITEM 13 Page 257

SUPPLEMENTARY PLANNING GUIDANCE:' PLANNING FOR COMMUNITY SAFETY' - ADOPTION OF FINAL DOCUMENT

A report seeking approval of the SPG document 'Planning for Community Safety' for the use in the determination of planning applications

ITEM 14 Page 283

SITE DEVELOPMENT BRIEF: LAND ADJACENT TO YSGOL PENDREF AND LODGE FARM, UPPER DENBIGH - ADOPTION OF FINAL DOCUMENT

A report recommending adoption of the proposed Site

Development Brief for Land adjacent to Ysgol Pendref and Lodge Farm,
Upper Denbigh, with recommended changes, for the determination of
planning applications and planning appeals

ITEM 15 Page 361

INFORMATION REPORT: PLANNING APPEAL DECISIONS

An information report outlining the recent decisions issued by the
Planning Inspectorate on appeals lodged against determinations on planning
applications by the County Council

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