

### 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. 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
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 11 - 16)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Item numbers 5 – 11)

#### ORDER OF APPLICATIONS

#### PART 1

	<b>Application no.</b>	<b>Location</b>	<b>Page</b>
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# PUBLIC SPEAKER ITEMS

## Item No.6

Page 41

**Code No.** 04/2018/1146

**Location** : Glascoed, Melin Y Wig, Corwen

**Proposal** : Demolition of rear extension and outbuildings, erection of extension and alterations to dwelling

LOCAL MEMBER : Councillor Eryl Williams

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: For – Catherine Hibbert

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### OFFICER NOTES

Suggested revised condition:

3. The development shall only proceed in strict accordance with the approved bat mitigation strategy (received 04/02/19) and plans contained in appendix A of Bat Survey Report (Document Reference: 2371093 received on 05/12/18). The approved measures shall be implemented in full.

Reason: in the interest of protecting the favourable conservation status of a protected species.

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## Item No.8

Page 73

**Code No.** 16/2018/1137

**Location** : The Old Rectory, Llanbedr Dyffryn Clwyd, Ruthin

**Proposal** : Erection of 38 dwellings, construction of a new vehicular access, provision of open space and associated work

LOCAL MEMBER : Councilor Huw O. Williams

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Mr Bob Barton

Public Speaker: For – Mr Peter Lloyd

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### LATE REPRESENTATIONS

Consultees:

Public Protection Officer

No objections

Private individuals:

In objection, from:

Summary of representations:

## OFFICER NOTES

### Odour/Noise assessment:

The main report refers to additional information in the form of Odour and Noise Assessments awaited at the time of writing. These reports have now been received, and the Public Protection Officer has been consulted. Members are advised that the reports indicate that whilst there is unlikely to be an impact on the amenity of the dwellings by way of odour from the waste water treatment plant, there is a potential for noise impact. It has therefore been recommended that an acoustic fence be installed to protect those dwellings affected. It is suggested that the detailed design and location of this fence can be secured by planning condition.

### Public Open Space:

The main report also refers to the need for arrangements for Public Open Space to be finalised. Officers from both the Development Management and Planning Policy teams have been in discussions with the applicants, and it has been agreed that:

- the on-site space be used as landscaped informal play space and a community recreational space.
- a commuted sum of £27,604.42 which would represent the cost of provision of an equipped play area on site, be provided for that facility to be located in the allocated village recreation ground to the rear of St Peter's Church). This can be secured through a legal agreement to be completed prior to the release of the certificate of decision.

### Education:

The education section have confirmed that there is adequate capacity in the nearby primary school and secondary school to accommodate the potential extra demand for school places generated by the proposal. There is therefore no requirement for a financial contribution towards education.

### Cultural and linguistic impact

For clarification, as the application site is an allocated housing site within the Local Development Plan, the impact of development on the Welsh language has been assessed during deliberations on the Local Development Plan and therefore in accordance with TAN 20, a Welsh Language impact assessment is not a requirement in support of this planning application.

This approach was agreed by the Planning Committee in December 2017 when a report was presented on the 'Implications of TAN 20: 'Planning and the Welsh Language – In relation to the consideration of Planning Applications'.

### Suggested new conditions:

17. None of the dwellings shall be occupied until the written approval of the Local Planning Authority has been obtained to full details of the design, appearance and location of an acoustic barrier to mitigate noise from the sewage treatment plant, and the barrier has been erected in accordance with the approved details. The barrier shall be retained at all times.

Reason: In the interest of residential amenity.

18. The dwellings hereby approved shall only be occupied for affordable purposes as defined in the Council's adopted planning policies and Supplementary Planning Guidance, and shall be retained as such in perpetuity.

Reason: To ensure the retention of the dwellings for affordable purposes.

### Unilateral Undertaking

A draft Unilateral Undertaking has been submitted by the applicants (12<sup>th</sup> February) setting out terms and conditions for payment of the open space contribution.

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## **Item No.9**

**Page 105**

**Code No.** 23/2016/0557

**Location :** Dolwar, Llanrhaeadr, Denbigh

**Proposal :** Development of 1.2 hectares of land by the erection of 33 no. dwellings (outline application including access and layout)

LOCAL MEMBER : Councillor Joseph Welch (c )

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Mr Elfed Williams

Public Speaker: For – Sioned Edwards (agent)

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### **ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 9.15 am on Friday 8th February 2019

In attendance were:

CHAIR – Councillor Joseph Welch

VICE CHAIR – Councillor Alan James

GROUP MEMBERS –

Plaid Cymru Group – Councillor Meirick Lloyd Davies

Conservative Group – Councillor Ann Davies

LLANRHAEADR COMMUNITY COUNCIL – Councillor Elfed Williams

The Officers present were: Emer O'Connor, Ian Weaver and Mike Parker (Highways)

The reason for calling the site panel was to inspect the application site and surroundings having regard to the location of the development proposed.

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

1. The detailing of the proposals and the background to the application.
2. The relationship with neighbouring properties, roads and site characteristics.
3. Representations received on the application.

In relation to the matters outlined:

1. Members viewed the submitted site plan. Officers provided a basic outline of the proposals and issues arising, noting this was an outline application seeking approval of layout and access.
2. Members viewed the application site from the A road. Attention was drawn to the location of the proposed entrance to the site and other access points onto the A525 in the vicinity of the site.
3. The Planning Officer outlined the basis of representations received on the application.
4. The Community Council representative referred to local concerns relating to the impact on highway safety, and instances of surface water collecting on the A525 at the Capel y Wern junction to the south.

### **OFFICER NOTES**

In relation to issues raised at the site panel:

- The recently introduced Sustainable Urban Drainage Systems (SuDS) legislation, which requires separate approval of surface water drainage schemes by a SuDS Approving Body is not applicable

to this development, as its provisions only apply to planning applications submitted after 7<sup>th</sup> January 2019.

- Natural Resources Wales and the Council's Land Drainage Engineer have considered the proposals for treatment of surface water and raise no objections
- Recommended Conditions 6 and 8 require submission and approval of full drainage details, including highway drainage systems, which Officers consider adequate to address the impacts of the development, and to take into account the potential impacts of the collection of surface water on the highway at the southern end of the site. .

#### Education contribution

Officers in the Education section have confirmed that the the development is likely to create demand for an additional 8 primary pupils. The nearest school, Ysgol Bro Cinmeirch currently has capacity for one additional pupil. Based on a remodelling of the current school to increase capacity, a financial contribution of £56,000 is sought to mitigate the impact of the proposed development on the local school. No contribution is required for secondary education.

#### Community and Linguistic Assessment

For clarification, as the application site is an allocated housing site within the Local Development Plan, the impact of development on the Welsh language has been assessed during deliberations on the Local Development Plan and therefore in accordance with TAN 20, a Welsh Language impact assessment is not a requirement in support of current planning applications.

This approach was agreed by the Planning Committee in December 2017 when a report was presented on the 'Implications of TAN 20: 'Planning and the Welsh Language – In relation to the consideration of Planning Applications'.

As the application was originally submitted in 2016, the applicant's agents submitted a Community and Linguistic Impact Statement, and they updated this document in April 2018.

Notwithstanding the Officer assessment of this issue in section 4.2.10 of the report, having regard to the contents of the submitted Community and Linguistic Impact Statement, it is suggested that this is an instance where impacts on the community and linguistic balance can be best mitigated through the imposition of a suitably worded planning condition obliging submission and implementation of a Welsh Language Mitigation Strategy, to ensure the positive actions outlined in the submission are implemented, such as provision of information packs for occupants, with information on

- opportunities to learn the language locally
- opportunities to practice the use of the language at local events and organisations
- Welsh medium schools in the vicinity
- Welsh traditions and culture, local organisations and events providing opportunities for Welsh and non-Welsh speakers to use and learn the language

Additionally, all advertising of the development and communication would be bilingual, and all street names within the development would be in Welsh.

Page 124, second paragraph under 4.2.2

The final sentence should be deleted. There is no Site Development Brief relating to the Dolwar site.

Suggested new condition:

12. . No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a 'Welsh Language Strategy', to include ideas for securing the promotion of the language and culture in association with the development, use of signage, branding and marketing, support for Welsh courses or related initiatives active in the community.

Reason: In the interest of assimilating the development into the settlement and to protect the Welsh language

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## Item No.11

Page 165

**Code No.** 42/2018/0923

**Location :** Land off, Meliden Road, Dyserth

**Proposal :** Erection of 61 no. dwellings, single and double garages, alterations to existing vehicular access and associated works

LOCAL MEMBER : Councillor David Gwyn Williams

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: For – Mr Stuart Andrew (applicant)

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### OFFICER NOTES

Community and linguistic impact

For clarification, as the application site is an allocated housing site within the Local Development Plan, the impact of development on the Welsh language has been assessed during deliberations on the Local Development Plan and therefore in accordance with TAN 20, a Welsh Language impact assessment is not a requirement in support of this planning application.

This approach was agreed by the Planning Committee in December 2017 when a report was presented on the 'Implications of TAN 20: 'Planning and the Welsh Language – In relation to the consideration of Planning Applications'.

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### OTHER ITEMS

## Item No.5

Page 17

**Code No.** 01/2018/0992

**Location :** North Wales Hospital, Denbigh

**Proposal :** Change of use of land to a site construction training area, erection of a building for use as workshop, plant repairs and storage; alterations to existing access and associated works

LOCAL MEMBERS : Councillors Glenn Swingler and Geraint Lloyd Williams

OFFICER RECOMMENDATION IS TO GRANT

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### LATE INFORMATION

From the applicants:

Pleased with the recommendation but have some concerns regarding condition 6 relating to hours of operation. Refer to the purpose of the construction training and plant yard being to create a presence on site which will deter trespassers and vandals from entering the site and causing further damage to the listed building, which remains a problem even with two full time security guards and CCTV in place, and close liaison with the police.

The main concern is that by stating the hours of operation, this is advertising to vandals and trespassers what time the site will be unoccupied, and it is suggested that these be the subject of a private agreement with the Council

Draw attention to the fact the application is for a temporary permission and the training facility will be removed following the completion of the development of the hospital.

## OFFICER NOTES

Applicants' late information

With regard to the applicants' concerns over inclusion of condition 6 setting out restrictions on the hours of operation associated with the set up of the site, the operation of the workshop building, and the training centre,

Officers are not aware of any alternative mechanism through which such controls can be imposed which would meet relevant legal / planning tests. The Council has to be seen to be acting in a wholly transparent manner in addressing the potential impacts of the development proposed on occupiers of dwellings in the locality, hence Officers would advise against removing condition 6 in the event Committee were to resolve to grant permission.

In respecting the applicants' concerns, there are no suggested restrictions on the use of the proposed portacabins / offices by those involved in providing site security, the condition relating solely to activities associated with the plant training centre.

Point of clarification – Top of Page 29

The comments in general support of proposals for the retention of the historic buildings are made by one of the individuals who has expressed concerns over the local impacts of the training area proposals, hence the headers "In support Representations received from" are redundant in relation to this section of the report.

Suggested revised conditions:

Condition 1 – relating to the date of commencement of the development should read as follows:

"1. The development to which this permission relates shall be begun no later than 13<sup>th</sup> February 2020."

Condition 6 – relating to restrictions on hours of working:

Part b. needs to be edited to delete the **highlighted** words below:

b. In respect of the operation of the workshop building –

The use of the building shall be limited to between 0700 and 1730 Monday – Friday, 0700 and 1300 Saturday, with no **Saturday or** Sunday working, and there shall be no maintenance and repair works carried out on vehicles outside the workshop building at any time.

Condition 14

Minor edit in line 2 – should read ...." 30mph speed **limit**.....

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## Item No.7

Page 59

**Code No.** 15/2018/0968

**Location :** North Hills Farm, Graianrhyd, Mold

**Proposal :** Engineering operations to facilitate the erection of agricultural building and associated works.

LOCAL MEMBER : Councillor Martyn Holland

OFFICER RECOMMENDATION IS TO GRANT

## OFFICER NOTES

The description of the application should read as follows:

" Excavation works and the erection of agricultural building and associated works"

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## **Item No.10**

**Page 131**

**Code No.** 30/2018/0969

**Location :** The Trefnant Inn, Trefnant, Denbigh

**Proposal :** Erection of 13 No. affordable dwellings including access, parking and associated works

LOCAL MEMBER : Councillor Meirick Lloyd Davies (c )

OFFICER RECOMMENDATION IS TO GRANT

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### **LATE REPRESENTATIONS**

Private individuals:

In objection, from:

E and M Carey, The Chase, Trefnant

Summary of representations:

Additional comments made in regard to the impact on the root systems of the trees along the boundary.

### **ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 8.30am on Friday 8<sup>th</sup> February 2019

In attendance were:

CHAIR – Councillor Joseph Welch

VICE CHAIR – Councillor Alan James

LOCAL MEMBERS – Councillor Meirick Lloyd Davies

GROUP MEMBERS –

Conservative group – Councillor Ann Davies

TREFNANT COMMUNITY COUNCIL – Councillors Ralph Collins and Peter Hughes

The Officers present were Paul Griffin and Mike Parker (Highways)

The reason for calling the site panel was to inspect the application site and surroundings having regard to the location of the development proposed.

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

1. The detailing of the proposals and the background to the application.
2. The detailing of the access arrangements.
3. Representations received on the application.

In relation to the matters outlined:

1. Members were shown the submitted plans including the site plan. Members noted the detailing of the proposal in terms of the layout, type of accommodation proposed, the proposed access and parking arrangements.
2. Members walked onto the application site and along the adjacent highway. Members noted the location of the access and the visibility splays that could be achieved, and the relationship with the A525 junction traffic lights.

3. The Planning Officer outlined the basis of representations received on the application, including the comments of neighbours, the Community Council and specialist consultees.

#### **OFFICER NOTES**

Report correction:

Section 1.2.4 of the main report refers to the north western boundary being a 3m high leylandii hedge. Members are advised that this hedge is 1.5m high. Reference is made to the height of the hedge again at section 4.2.4. It is not considered that this change in hedge height materially affects the impact upon residential amenity.

Education contribution:

Officers in the education section have confirmed that the proposal would result in approximately 8 additional children requiring a place in the local primary school and this would generate a need for a commuted sum of £48,000 in connection with the development.

Planning officers have discussed this matter with the applicants, and the applicants have stated that:

- The proposal is for 100% affordable housing by a not for profit Housing Association.
- As a result of the way the housing register works, many of the children in the proposed dwellings will already be attending the local primary school.
- The cost of the education contribution would have a significant impact upon the deliverability/viability of the scheme. If the full commuted sums for Open space and education were paid the scheme would fail to create a surplus in the Net Profit Value and would exceed maximum of a 30 year pay back. If these criteria are not met, then the company cannot invest in the site.

The applicants are willing to make a contribution to the improvement of the local school, and have provided details that a commuted sum of £28,154.19 is the maximum that can be paid and for the scheme to still be viable.

Supplementary Planning Guidance Planning Obligations advises that in exceptional circumstances where the fulfilment of commuted sum requirements make a scheme unviable, it is possible to negotiate lower figures. Given the figures provided by the applicants, and the 100% affordable tenure of the dwellings, Officers consider it acceptable in this instance to accept the lower contribution of £28,154.19. This would be secured through legal agreement.

Welsh Language and the social and community fabric:

The site is technically a windfall site. Policy RD5 requires applications for development proposals of between 5 and 20 dwellings to provide a Community and Linguistic Statement. This has been provided. A summary of the statement concludes that the proposal is unlikely to have a detrimental impact on Welsh language in this area, or the social and community fabric of Trefnant. The reasoning for this is that the proposal would be providing affordable units which would be occupied by people taken from the Housing teams SARTH process which places additional weight on local connections. The provision of additional housing could result in fewer families having to move away from the community as a result of lack of suitable accommodation. This in turn is likely to reinforce the Welsh language as 30% of the existing population are Welsh speakers. The additional houses will also have a positive impact on local businesses and suppliers.

In Officers' opinion the proposal is not likely to result in a detrimental impact on the character and language balance of the community.

Suggested new conditions:

15. The dwellings hereby approved shall only be occupied for affordable purposes as defined in the Council's adopted planning policies and Supplementary Planning Guidance, and shall be retained as such in perpetuity.

Reason: To ensure the retention of the dwellings for affordable purposes.

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