

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 - 22)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT
(Item numbers 5 – 12)

ORDER OF APPLICATIONS

PART 1

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PUBLIC SPEAKER ITEMS

Item No.5

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Code No.01/2019/0579

Location: The Airfield, Lleweni Parc, Denbigh

Proposal: Change of use of land for the siting of a hospitality /office unit, construction of associated parking area, and dual use of the existing tracks as airfield and or driving school use; and siting of a cabin for induction/ training and associated hard surfacing for skid car tutoring

LOCAL MEMBERS: Councillors Mark Young (c) and Rhys Thomas

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: For – Mr Tim Witham

LATE REPRESENTATIONS

Private individuals:

In objection, from:

Deborah Hughes, Cornelyn, Castell, Bodfari

Glynis Shaw, Castell House, Bodfari

M Green, Tyr Aer Mawr, Bodfari

Janet Read, Erw Las, Mold Rd, Bodfari

Summary of representations:

Visual impact

- Hours of operation from 9am to 7pm – will require external lighting in winter months after 4pm, which would be detrimental to AONB aspirations to achieve Dark Sky Status.
- Woodland on wider site being degraded and trees being felled – no landscaping scheme or re-planting plans.

General amenity impact

- Sound of accelerating and skidding cars would cause noise pollution to the area all day and in early evening.
- Increase of emission from vehicles / air pollution.
- Lesson plan document refers to harsh acceleration, harsh braking and harsh steering – will create screaming tyres on tarmac and adverse noise.
- Will water be sprayed on hardsurfacing to simulate adverse weather? – no details of drainage.
- Recommended speed limit is 30mph – who will monitor and enforce this?
- Thin end of the wedge – glider field use started of silent, but now there is a noise from motorized gliders. Concern this will happen with skid car use – will start of small, but could become a racetrack.
- Gliding field turning into a brownfield site with further developments / increased hardstanding areas.
- Damaging to local environment / local geology.
- Not sympathetic to area within Vale of Clwyd Historic Landscape / conflict with Historic Environment
- Concern regarding operating 7 days a week and opposed to Sundays due to noise.
- Discrepancy retarding supporting statement and lesson plan in terms of skid pan – trolley system is referenced in supporting statement, however lesson plan refers to 'aquaplaning' concern that water will be sprayed on hard-surfaces and cause flooding.

OFFICER NOTES

Minor correction to head of report - The ward is Lower Denbigh, not Trefnant.

Suggested revised condition:

Minor re-wording of condition 4:

4. The tracks and hardstanding areas shown on the submitted plans shall be used solely for the driving school use as described in the application documents, which includes 4 x 4 vehicle training and the use of a training vehicle permanently fixed to a Skid Car frame, and the use shall be carried out strictly in accordance with the 'Driving School - details of days, hours, traffic' and the 'Driving school - details of use and effect' sections in the Supporting Statement (document Ref: Doc_Planning_YDS_Wynn_Rogers received 22 August 2019) and the procedures set out in Skid Car UK Lesson Plan (received 24 October 2019), and speed limits shall not exceed the maximum 25mph limit referred to in these documents, at any time.

Suggested new condition:

The agent has confirmed that water will not be sprayed on the internal access tracks or hardstanding area to simulate adverse weather conditions, however for the avoidance of doubt, Officers are proposing the following condition is attached should planning permission be granted:

12. No water shall be applied to any access track or area of hardstanding for the purposes of simulating adverse driving conditions without the prior written approval of the local planning authority. Any written request shall be accompanied by details of a drainage scheme for the disposal of surface water.

Reason 12: For the avoidance of doubt and to ensure satisfactory arrangements are in place for the disposal of surface water.

Item No.6

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Code No. 01/2019/0752

Location: 8 Lon Nant, Denbigh

Proposal: Proposed erection of extension and alterations to dwelling

LOCAL MEMBERS: Councillors Mark Young (c) and Rhys Thomas

OFFICER RECOMMENDATION IS TO REFUSE

Public Speaker: Against : Dyfrig Berry

LATE REPRESENTATIONS

From the applicant:

The applicant has submitted an additional statement in response to the objections received to the application, which is summarised below:

Privacy and overlooking

The Objector states that the privacy to the rear garden will be negatively affected by the proposed development.

- No windows on the proposal will directly overlook 10 Lon Nant.
- The nearest proposed window is located 5.1m from the boundary with 10 Lon Nant, which is greater than the 2.7m stated in the objection.

- A 7.5m separation distance suggested to prevent overlooking demonstrates that the garden of 10 Lon Nant would be obliquely overlooked by the proposed development.
- 10 Lon Nant and 12 Lon Nant have previously had extensions approved and constructed that directly overlook the property and gardens of 8 Lon Nant. This sets a precedence and refusing on these grounds would be unfair.

Overbearing impact

- The proposed extension does not increase the footprint of the existing building
- There are no windows to the south elevation of 8 Lon Nant
- The proposed extension is between 4m and 6m from the boundary on the southern extent, with the garage (which will not be extended), more than 1m from the boundary.
- 12 Lon Nant has been permitted to complete a two-story extension that abuts the boundary and has ground floor window to the side elevation directly onto the rear garden of 10 Lon Nant. This sets a precedence in this area.

Right to light

The Objector suggests the light to the rear of the property would be negatively affected. Applying the guidance (45 and 25 degree guides), the sight line from ground floor windows does not intersect with the proposed development. The light at 10 Lon Nant will therefore not be affected by the proposed development.

Subordinate scale and form

- Similar types of extensions, in similar areas have been previously approved.
- The present floor area of 8 Lon Nant is 138sq.m with the proposed extension providing additional floor space of 111sq.m, which is subordinate to the original building.
- The proposal is similar to scale and form, with two-storey properties located to the south, east and west of 8 Lon Nant.
- The proposed extension has the same x and y proportions to the existing building, with the roof pitch matching the existing and exterior finishes to match existing.

Conclusion

It is considered that the proposed development will not have any impact upon the neighbour's amenity. It is therefore considered that the proposed development should be approved. Applicants have established connections to the local area and wish to remain at the property in the long-term, subject to the necessary improvements.

Private individuals

In objection, from:

Mr Dyfrig Berry, 10 Lon Nant, Denbigh

Summary of representations:

Background Information

In relation to objectors claim that that 10 Lon Nant have no privacy to the front and side garden, whilst raising the height of the hedge to a level that would provide privacy from the houses opposite, it would cut off light from garden and living room window and would not be in keeping with the neighbouring properties.

The document notes that the extensions to no 10 and 12 overlook the garden of number 8 however since these were extensions to existing 2-storey houses they did not substantially change anything as far as No. 8 is concerned and, in particular, the extension to No. 10, did not affect "the privacy of 8 Lon Nant" and as such set "a precedent for acceptability". Indeed the claim that the application is of "this type of two-storey rear extension" is not valid as the proposal involves turning a bungalow into a two-storey house and not extending an existing two-storey house.

Privacy and overlooking

Accept figures in original objection were incorrect, however the separation distance of 4.5m is still substantially less than the 7.5m adequate separation distance in the SPG. Also suggest that a 45° viewing angle is very conservative. Someone in Bedroom 3 would have a viewing angle of about 60° overlooking our entire rear garden. The fence would not substantially mitigate this.

Overbearing Impact

Whilst the application does conform to the requirements in SPG with reference to windows and distance to boundary, still maintain that the drawings provided with original objection clearly show the overbearing impact the extension will have on the garden.

Right to light

Have not claimed that the proposed extension affects the light in the house therefore the references to the 45° and 25° rules are not relevant.

Subordinate Scale and form

Reference to other applications which have been granted elsewhere are materially different cases to the proposal, and therefore not relevant to the current application.

SPG states that "the extension should not dominate your house and be positioned to the side or rear." The applicants seem to have read this as stating "the extension should not be positioned to the side or rear." The examples given obviously show that in fact it means "the extension should be positioned to the side or rear." The Welsh version of the guidelines also makes this absolutely clear. This extension does not conform to that guideline.

In terms of floor area we leave it to the planning officers to decide whether it's legitimate to include the garage and conservatory in the calculation.

Objection Sketches

All relevant dimensions i.e. height and position of the houses and fence in the original objection were taken from the submitted plans and our house plans and believe them to be as accurate as possible given the scale of the plans.

OFFICER NOTES

In respecting the detailed comments from the applicant and the objector, Officers do not consider these raise substantive issues not already covered in the report.

Item No.7

Page 67

Code No. 02/2019/0159

Location: Land at Fron Haul, Llanfwrog, Ruthin

Proposal: Conversion of existing building to chalet, erection of 3 new chalets, with associated construction of roads, creation of pond, installation of drainage and landscape planting

LOCAL MEMBERS: Councillors Emrys Wynne (c), Bobby Feeley and Huw Hilditch-Roberts

OFFICER RECOMMENDATION IS TO REFUSE

Public Speaker: For : Rhys Davies (agent)

LATE INFORMATION

The applicant's agents have forwarded (in confidence) information on the accounts of the existing business to ' demonstrate...that the existing business is viable and capable of supporting the business'.

OFFICER NOTES

Officers are recommending that the reasons for refusal are revised and linked into a single reason:

1. It is the opinion of the Local Planning Authority that the proposals conflict with key tests of Policy PSE5 of the Denbighshire Local Development Plan, specifically in relation to:

- test (i) - the proposed chalets are not considered to be appropriate in scale and nature to the location, each being substantial detached buildings of non-traditional design and form in an open countryside location;
- test (ii) - there is no evidence to demonstrate that there has been investigation of any suitable existing buildings in the locality for conversion or re-use in preference to new build;
- test (iii) - the business case submitted does not demonstrate there is an overriding market demand for the number and type of accommodation units, why what level of demand exists could not be met in existing premises in the town and locality, or how the development would support the local economy to help sustain local rural communities;

The development is considered to be an unjustified and unacceptable extension of development in open countryside, also contrary to advice and guidance in Planning Policy Wales 10, Sections 3.56 and 6.3.3 and Technical Advice 12: Design (2016).

Item No.8

Page 101

Code No. 22/2019/0544

Location: Old Barn, Hwylfa Llwyn, Gellifor, Ruthin

Proposal: Use of agricultural building for the repair and maintenance of applicant's own vehicles, machinery and equipment used in connection with applicant's agricultural contracting and groundworking business and change of use of adjoining agricultural land to ancillary storage in association with the building (retrospective application)

LOCAL MEMBER: Councillor Huw O. Williams

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against : Eryl Evans

Public Speaker: For : Mark Roberts

LATE REPRESENTATIONS

Private individuals:

In objection, from:

Mr. Eryl Evans, Bryn Clwyd, Gellifor, Ruthin.

Summary of representations:

The email lists 17 points highlighting what are considered to be 'deficiencies and technical omissions with the proposal'.

Main points:

- The application is 'invalid' and should not be considered

Extent of planning enforcement matters have not been considered in full / application should include retention of the existing track from the existing to the building south west / the elevation plans are not the same as those for the agricultural building at one time approved for the site / planning application 'red line' is incorrect and should include the assessment of a larger site area

- Other procedural matters

There is no EIA Screening Opinion included in the LPA application documentation / no SUDS details are submitted / the application form does not confirm that the building's previous use was agricultural, merely when the current use commenced / the agricultural use has never been taken up/ the proposal

should be considered as a 'stand alone' application for an industrial building in the countryside, with views to/from the designated Clwydian Range AONB which is 500m away / there is no landscape assessment included / the AONB should be consulted / there are no details of staff parking, vehicular turning spaces or space for refuse / there are incorrect answers to questions on the application form relating to non-residential use and employment of workers /

- Planning merits of proposals

Site is in 'Open Countryside', hence if basic sustainability tests for new development were applied it is relevant that the site has a constrained and limited highway capacity, is in close proximity to residential properties; includes the formation of a roadway between residential properties; represents 'backland' development and includes the use of Grade 1 Agricultural land: all material planning constraints and obstacles / use of Grade 1 land is unwarranted and unjustified in terms of PPW tests / there is no business case to justify the specific site requirements or assessment of other suitable sites, hence fails test (ii) of PSE 5 in relation to proposals for new buildings, and test iv) in relation to the AONB / no recognition that the site lies within the Registered Vale of Clwyd Historic Landscape

- Other matters

Questions over the 'the relationship and access details with the remaining land 'in blue' / Does this mean further industrial use or housing to take place / questions over the extent of the approved domestic curtilage for the Old Barn, and the relationship of this to the Noise survey assessment.

OFFICER NOTES

In relation to the late representations, Officers would offer the following comments:

- Validity matters.

In officers' opinion, the submission is valid and has to be determined as submitted.

The track to the building across part of a private garden area is not included in the application site.

Officers understand this was created in connection with construction of the agricultural building in 2013, and is consequently beyond enforcement challenge.

There are minor variations in terms of the detailing of the building from that approved in 2012 (a 2m wide lean to extension on the north west elevation), but these are shown on the submitted plans and can be assessed as part of the application.

Inaccuracies in answers to individual questions on the application forms are not considered to be so significant that they prejudice the proper consideration of the application.

- Other procedural matters.

A Screening Opinion has been issued confirming the proposals are not development requiring Environmental Impact Assessment, and this is on the Council's website.

Drainage Officers have confirmed that the requirements of SUDs legislation do not apply to the change of use of the building and the use of land for storage, as these have been in place prior to January 2019.

The applicant has advised that the building was originally in use for agricultural purposes.

The application forms state the change of use started in March 2017.

The application seeks permission to use an existing building that has been on site for 6 years for a different purpose from that which it was granted permission in 2012.

Landscape impacts of the original building would have been assessed at the time of dealing with the application in 2012.

Visual impact issues relating to the current application are considered in the Officer report.

The site is over 500 m from the nearest part of the AONB and as a consequence of intervening tree and hedge cover, it would only be visible from more distant higher ground in the AONB.

It is not considered that what is involved in the proposals impacts on the views into or out of that designation, and justifies consultation with the AONB Committee.

The site is within the non-statutory Vale of Clwyd Historic Landscape. The designation covers the majority of the Vale of Clwyd.

It is not considered necessary in connection with a use of this scale to require formal details of the layout of an external storage area.

- Planning merits of proposals

The impacts of the use on highways and residential properties are reviewed in the Officer report.

The site is open countryside as it is outside any development boundary.

The site is in an area of high agricultural quality, but this is not considered to be a significant negative factor in this instance as the building has been approved previously; the use of land immediately adjacent is for storage of items related to an agricultural contracting business, and Officers understand the land has been used for similar purposes for storage of agricultural items in connection with the originally proposed use of the building.

The business use test referred to in Policy PSE5 is only applicable where new buildings are being proposed.

It is not considered that the area of external storage has unacceptable impact on the AONB or the non-statutory Vale of Clwyd Historic Landscape.

- Other matters

Respectfully, it is not for the Council to speculate on potential future proposals on adjacent land.

The Council's Noise Consultant has assessed the application and has advised there is no reason to believe that the information contained in the Sanctuary Acoustics report is not accurate and correctly assessed. The consultation response states it is clear from the monitoring data provided that sound levels at the nearest noise sensitive receiver are well below that specified by BS 8233:2014 and the WHO guidelines for community noise.

In relation to condition 3 of this permission, Officers are suggesting the inclusion of a Note to Applicant on any permission, to clarify the phrase 'noise emitting operations', as encompassing activities such as welding, grinding, riveting, use of generators, panel beating, use of circular or band saws, compressors, high workshop radio levels etc. but to emphasise that this list is not exhaustive. In terms of non-noise emitting operations, this would include noise of a general domestic nature such as starting up a vehicle which is not being tested.

Suggested revised condition 4:

The use of the building hereby approved shall not be permitted to operate beyond 31st May 2020 unless the written approval of the Local Planning Authority has been obtained to full details of the proposals for a scheme of remedial noise insulation works on the wall and roof elevations in line with the adjoining dwellings of Bryn Defaid and Bryn Clwyd detailed on pages 22 and 23 of the recommendations set out in Section 5 of the Noise Assessment (Rev. 01 by Sanctuary Acoustics, received on 20 June 2019), and the approved scheme has been implemented in full. The approved details shall be retained at all times.

Item No.9

Page 121

Code No. 43/2018/0750

Location: Land at Mindale Farm, Meliden, Prestatyn

Proposal: Demolition of existing dwelling and outbuildings, erection of 133 dwellings, construction of internal estate roads, sewers, SUDS drainage and open spaces, strategic and hard/soft landscaping and ancillary works, in association with application 43/2018/0751 for new link road to Ffordd Talargoch (A547)

LOCAL MEMBER: Councillor Peter Evans (c)

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Mr Bob Paterson

Public Speaker: For – Mr Matt Gilbert

LATE REPRESENTATIONS

Private individuals:

From:

Mr Bob Paterson, 120 Ffordd Ty Newydd, Meliden.

Summary of representations:

The comments relate to the accuracy of the Minutes of the October meeting, with reference to financial costs.

OFFICER NOTES

With regard to the question of the minutes of the October meeting, the interested party has been advised if the committee believes that the draft minutes are inaccurate in some way, it is for members to clarify what the inaccuracy is at the time they are reviewing them, and amendments must be agreed by the rest of the committee. If the committee then confirms that the draft minutes (amended as appropriate) are a correct record, the matter is closed.

Item No.10

Page 297

Code No. 43/2018/0751

Location: Land south west of Ffordd Ty Newydd, off Ffordd Talargoch (A547), Meliden, Prestatyn

Proposal: Construction of new road (approximately 400m in length) from Ffordd Talargoch (A547) to land at Mindale Farm, in association with application 43/2018/0750 for residential development on housing land allocation

LOCAL MEMBER: Councillor Peter Evans (c)

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Mr Bob Paterson

Public Speaker: For – Mr Matt Gilbert

No additional information

OTHER ITEMS

Item No.11

Page 427

Code No. 43/2019/0697

Location: 27 Plas Avenue, Prestatyn

Proposal: Erection of extension and alterations to dwelling

LOCAL MEMBERS: Councillors Julian Thompson-Hill (c) and Anton Sampson

OFFICER RECOMMENDATION IS TO GRANT

No additional information

Item No.12

Page 447

Code No. 47/2019/0766

Location: Land formerly known as Burns Cottage, Cwm, Rhyl

Proposal: Erection of dwelling and garage (amended scheme)

LOCAL MEMBER: Councillor Christine Marston (c)

OFFICER RECOMMENDATION IS TO GRANT

No additional information
