

# Public Document Pack



To: Members of the Planning Committee Date: 5 December 2019

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 11 DECEMBER 2019** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -**

#### **MEMBERSHIP**

Councillor Ellie Chard  
Councillor Ann Davies  
Councillor Peter Evans  
Councillor Alan James  
Councillor Brian Jones  
Councillor Huw Jones  
Councillor Tina Jones  
Councillor Gwyneth Kensler  
Councillor Christine Marston  
Councillor Melvyn Mile

Councillor Bob Murray  
Councillor Merfyn Parry  
Councillor Pete Prendergast  
Councillor Andrew Thomas  
Councillor Tony Thomas  
Councillor Julian Thompson-Hill  
Councillor Joe Welch  
Councillor Emrys Wynne  
Councillor Mark Young

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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. 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 – 10)

#### ORDER OF APPLICATIONS

##### PART 1

	Application no.	Location	Page
<b>Public Speaker items</b>			
<b>5</b>	01/2019/0752	<b>8 Lon Nant, Denbigh</b>	23
<b>6</b>	01/2019/0757	<b>Graig Quarry, Graig Road, Denbigh</b>	45
<b>7</b>	11/2019/0472	<b>Tyn Y Celyn, Clocaenog, Ruthin</b>	71
<b>10</b>	46/2019/0748	<b>April Cottage, Glascoed Road, St Asaph</b>	135
<b>Other items</b>			
	28/2019/0808	<b>The Riggery, Henllan, Denbigh</b>	95
	45/2019/0537	<b>9 Bodfor Street, Rhyl</b>	115

## PUBLIC SPEAKER ITEMS

**Item No.5**

**Page 23**

**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 - Mr Dyfrig Berry

Public Speaker: For – Mr Richard Jones

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### ADDENDUM REPORT

The application was subject to a Site Inspection Panel meeting at 10a.m on Thursday 5th December 2019.

In attendance were:

CHAIR – Councillor Joseph Welch

VICE CHAIR – Councillor Alan James

LOCAL MEMBER – Councillors Mark Young and Rhys Thomas

GROUP MEMBERS –

Conservative group – Councillor Christine Marston

COMMUNITY COUNCIL – Not represented.

The Officers present were Denise Shaw and Ian Weaver

The site panel was proposed by resolution of Committee in November, to allow opportunity to consider the impacts on visual and residential amenity.

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 and site characteristics.
3. Representations received on the application.

In relation to the matters outlined:

1. Members were shown the submitted plans and noted the proposals involved a first floor extension to the existing bungalow No. 8 Lon Nant.

2. Members observed the mix of dwelling types along Lon Nant. They walked first into the rear garden of No. 8 Lon Nant to appreciate the respective orientation of the dwelling relative to adjacent properties, including the house immediately to the south / south west at No.10. They noted the proposals for the proposed first floor extension and its proximity to adjoining properties, and the distances from the walls of the dwelling to the respective boundaries. For the record, the distance between the nearest part of the bedroom window in the proposed first floor extension on No.8 and the rear wall of No.10 was measured during the site visit, and was recorded as approximately 6.4m. Members next visited the rear garden of No.10 to observe the relationship with the dwelling at No.8 and to assess the potential impacts of the first floor extension on the amenity of users of the rear garden and the dwelling at No.10.

3. The Planning Officer outlined the basis of representations received on the application, including detailed comments raising objections, and responses from the applicant countering these. There was discussion on basic principles to be applied to matters of overlooking, loss of privacy, overdevelopment and overbearing development.

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**Item No.6**

**Page 45**

**Code No.** 01/2019/0757

**Location:** Graig Quarry, Graig Road, Denbigh

**Proposal:** Variation of condition 1 of planning permission 01/2009/1424/PS to allow continuation of extraction of permitted reserves

LOCAL MEMBERS: Councillors Geraint Lloyd- Williams and Glen Swingler

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against - Dr Sue Hewitt

Public Speaker: For – Jo Davies (Breedon Southern Ltd)

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LATE REPRESENTATIONS

Private individuals:

In objection, from:

Dr Sue Hewitt, 36 Pen y Graig, Denbigh

Summary of representations:

Proposals will seriously harm the environment and social wellbeing for Denbigh residents.

Ecological impacts

The Graig Quarry SSSI lies within the quarry site affected by this planning proposal. Neither NRW nor the biodiversity officer has submitted any evidence to prove that the 8 year extension will not have a detrimental effect on the environment or, in particular the Graig Quarry SSSI. It is questioned when plant species referred to in NRW's description and management plan have last been surveyed, what are the results of survey(s) in relation to the health of the species, what steps have been taken to ensure that no sheep grazing is taking place as there is no apparent fencing to prevent the sheep from entering the woodland where the colony lies.

If there is any apparent detriment to the SSSI at this stage then the extension to the time should not be allowed.

Vibration issues

There is no seismic data on the vibration levels experienced by local residents. Whilst there is reference to controls over vibration levels and to levels set in MTAN 1, there is evidence of cracks in plaster in the objector's property since blasting restarted, and it is stated the whole house shakes and at times items have fallen from shelves when the blast occurs. This indicates that the vibration experienced is higher than that advised in MTAN 1. It is questioned what data the operators have collected to prove that vibrations have not exceeded relevant levels, to identify 'sensitive receptors, what consultation has taken place with local residents, and what compensation would be paid for damage already caused by vibration.

Noise issues

It is stated noise levels from the quarry are unacceptable, particularly the beeping of reversing vehicles and the booming as large metal plant is used to gather blasted mineral and rocks. The noise level

experienced has meant that it is unpleasant to spend time outside during quarry operation times and prevents continued enjoyment of the garden and the paths and access areas around the quarry.

#### Site restoration

As the current quarrying permission ceases on 14th March 2020, what activity are the Quarry Company carrying out to put in place the plan to restore the site as in their original application in 2010? As there is significant work to carry out, this work should already have commenced and blasting and removal of minerals should have ceased as restitution is carried out.

#### Controls over future operation

Much stricter control should be exercised over future operations if the application is to be approved. A liaison group should be a requirement, the make-up of this group should be known and activities should be reported regularly to local residents. Recent experiences with blasting taking place without prior notice have been frightening and upsetting, hence steps should be taken to set up a warning system and should be a requirement if the planning extension is approved.

#### Adequacy of information submitted with the application

It is suggested the scoping review submitted by the quarry company in July 2019 in relation to separate proposals for a lateral extension to the quarry should have been appended to this current application, and residents should have had opportunity to comment on the scoping exercise. It is suggested the current application is therefore misleading and lacking in transparency. Finally, it is questioned if the current application to extend the time to extract is not approved then what will happen to the proposed westward extension of the quarry area?

### OFFICER NOTES

#### Clarification re. lateral extension proposals

Paragraph 1.2.3 of the Officer report states that the applicant has commenced pre-application consultation for the lateral extension and consolidation application. Whilst a public consultation event took place on 4th December 2019 to raise awareness about the application, formal pre-application consultation required by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 has not yet commenced. It is understood that the applicant will commence formal pre-application consultation early in 2020.

#### Correction to report

Section 4.2.5 on page 59, 5th para down refers to one small blast being anticipated in the south of the quarry, which was advice given previously to the case officer. The applicants have advised that this is factually incorrect, as there will be more than one blast in the south of the quarry – but the majority of the reserves remain in the north of the site.

#### Comment on the late representations

##### Ecological Impacts

It should be noted that Crest Mawr SSSI lies to the north west of the quarry site, adjacent and outside of the quarry boundary. Part of the Graig Quarry SSSI is located within the quarry boundary on the southern edge of the site. However, the majority of the SSSI falls outside of the quarry boundary. Section 4.2.7 of the Officer's report (pages 61 – 62) examines the ecological issues associated with the proposal. It notes that the boundary of the quarry would remain the same, and therefore there would be no direct loss of protected habitat as a result of the extension of time, as there would be no physical extension of the quarry. It is also significant to note that the records of the purple gromwell are located outside of the extraction area covered by the current permission. Therefore the extension of time, and the continuation of quarrying activity at this site, would not have an impact on this species.

Indirect effects on the SSSIs from the continuation of quarrying at this site could be as a result of dust emitted from the quarrying activities. However, dust management and mitigation are implemented at the quarry at present (see section 4.2.6 of the report), and are controlled by condition. Should planning permission be granted, conditions would be imposed to ensure that dust would continue to be minimised and controlled so that it does not leave the site, and so that it would not have a detrimental

impact on the adjacent SSSIs, or local amenity (conditions 6, 16, 17, 18 and 23). It is significant to note that no dust related complaints have ever been received in regard to dust generated from the quarry.

The existing Section 106 legal agreement requires the protection of the Graig Quarry SSSI. Should planning permission be granted, a deed of variation would be required to be entered in to ensure the continued protection of the SSSI.

Denbighshire County Council's Ecologist and NRW have raised no objection to the variation of condition to the extension of time as there are no physical alterations to the development from that which is already approved. Separate management and legislative controls are in place to provide protection for any species and habitat which could potentially be affected in the future.

Denbighshire County Council do not have a remit to monitor the condition of SSSIs outside of Denbighshire County Council landholding, and the responsibility of assessing and monitoring the condition of SSSIs lies with NRW as the Statutory Nature Conservation Organisation. NRW formally monitored the colony of purple gromwell in 2012. Informal surveillance has most recently been carried out in 2018 and 2019. Monitoring in 2012 suggested that the colony area appeared stable compared to the 2000-2006 monitoring period. The condition of the colony in 2006 was considered to be favourable.

To address the query relating to the growth of the purple gromwell colony, there are different attributes by which the condition of the colony can be assessed such as colony area, number of plants, number of flowering stems or number of seeds set. Given that the last formal monitoring was undertaken in 2012 it is difficult to draw a conclusion of current condition. However, more recent surveillance undertaken by officers at NRW has indicated that management within the woodland could be enhanced to create a more dappled-light environment. Dappled shade has not been formally assessed by NRW, however they considered that the woodland canopy had become too dense and that shading was having a negative impact on the colony. The quarry company agreed to undertake positive management of the SSSI at their own expense and on the advice of NRW in 2018/19. This can be implemented through the section 106 management plan which is due to be submitted. It seems unlikely that limestone dust would negatively impact on the purple gromwell colony unless it is at such a level that it coats the plant's leaves. During monitoring and surveillance in 1993/94, 2000, 2006, 2012, 2014, 2018 and 2019 NRW did not notice mineral dust. NRW will make a note of any increased dust deposition in future monitoring and surveillance of the SSSI. However, with the current dust mitigation and conditions proposed for dust management, dust should not leave the quarry void.

In relation to grazing control, although stock may be able to access parts of the woodland area, stock are not currently able to access the small area of woodland where the purple gromwell is found.

#### Vibration issues

Section 4.2.5 of the Officer's report (pages 58 – 60) provides information in relation to blasting, the effects of blasting and associated complaints. Every blast undertaken at the quarry is monitored by the contracted company who design and then carry out the blast. The current conditional limit of 6 mm/second peak particle velocity ppv has not been breached. The limit of 6 mm/s ppv accords with national guidance set out in MTAN1, and way below the level of vibration in which there is evidence to prove that there could be cosmetic damage to properties. Monitoring results are made available to the minerals and waste shared planning service on request and, the shared service also undertake their own blast monitoring in response to complaints received. However, a minimal amount of complaints have been received in relation to blasting, and furthermore, the individual has not made any complaint with this regard. Should planning permission be granted, conditions relating to controlling the effects of blasting would be imposed (conditions 26 – 29).

As the final paragraph states in section 4.2.5, communication from the quarry operator could be improved to provide advanced notification of blasting. This will be discussed at the next liaison committee meeting due to take place on 16 December 2019.

#### Noise issues

Section 4.2.6 of the Officer's report (pages 60 – 61) examines the effects of noise from the continuation of the operations at Graig Quarry. No noise related complaints have ever been received in association with the quarry operations at Graig Quarry. The time extension would not materially affect the way in which the quarry operates at present, and conditions would be imposed (conditions 20 – 22) to ensure that noise is kept to acceptable levels.

#### Site restoration

As explained in section 4.2.3 of the report, the end date of 14 March 2020 was imposed by condition based on assumptions by the former operators regarding remaining permitted reserves and anticipated exportation rates. For a number of reasons, stated within the report, all the permitted reserves have not been worked and extracted. The extension of time is required in order to allow time to extract the remaining 1 million tonnes of reserves left. Should the application be refused, the operator would be required to submit a revised restoration scheme, and the local planning authority would allow additional time to implement the revised restoration scheme.

#### Communication with the local community regarding future operations

The quarry currently has a Liaison Committee. A meeting is scheduled for 16 December 2019. The membership consists of Council Officers, Town and County Councillors, North Wales Police, members of the public and representatives from Breedon who operate the quarry. Minutes of the meeting could be made available through the Town Council.

In relation to improved communication relating to advanced warning of blasting, examples of best practice from other quarries in the region could be implemented at Denbigh Quarry. This could include an advanced warning email and training in the technology of blasting. The quarry sound a siren prior to the blasting taking place, and after, so those in the immediate area will know that a blast is taking place. The quarry operators have committed to review their blasting practices to establish if there are any further actions that can be taken to reduce the effects of blasting at the quarry.

#### Adequacy of information submitted with the application

The individual has raised concerns that residents were not involved in the Scoping Opinion process undertaken earlier in the year in relation to the proposed lateral extension of the quarry. Respectfully, the formulation of a Scoping Opinion requires technical input from statutory consultees who stipulate what an Environmental Statement should include. The Environmental Statement will then accompany the planning application when submitted. It is not a statutory requirement to consult members of the public during the Scoping process, but the documents are publicly available on the council's website. The information in relation to the western extension is not materially relevant to the determination of this application for an extension of time and it was not considered necessary or relevant to be included in this section 73 application.

Should planning permission be refused for this section 73 extension of time application, should the applicants wish to pursue the western extension application, they will also need to include the land comprising the existing quarry boundary.

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#### **Item No.7**

**Page 71**

**Code No.** 11/2019/0472

**Location:** Tyn Y Celyn, Clocaenog, Ruthin

**Proposal:** Erection of a manure storage building for use in connection with existing poultry unit, formation of a new vehicular access to serve the building and associated works

LOCAL MEMBER: Councillor Eryl Williams



OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Bill Seymour  
Public Speaker: For – Catrin Jones (applicant)

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LATE REPRESENTATIONS

NFU CYMRU

Summary of representations received:

NFU Cymru support the proposal as it is aimed at ensuring compliance with forthcoming regulations as set out by Welsh Government.

OFFICER NOTES

Suggested revised condition:

3. The building and associated egg unit shall operate in strict accordance with the approved Manure Management Plan (Doc ref 0659/MMP, received by the Local Planning Authority 7 November 2019).

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**Item No.10**

**Page** 135

**Code No.** 46/2019/0748

**Location:** April Cottage, Glascoed Road, St Asaph

**Proposal:** Erection of 1.75m high hand woven hazel wood screening with concrete support post clad in timber with square timber cappings (partly retrospective)

LOCAL MEMBER: Councillor Peter Scott

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: Against – Mr Tim Donovan

Public Speaker: For – Mr Tim McSweeney

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LATE INFORMATION

The applicant's agent has submitted photos of other existing garden fencing enclosing April Cottage for comparison purposes. The photos show existing fencing around the perimeter of the rear garden of April Cottage.

LATE REPRESENTATIONS

Private individuals:

In objection, from:

Tim & Julie Donovan, Old Coach House, Glascoed Road, St. Asaph.

Summary of late representations:

Highlighting that the additional photos submitted by the applicants agent show other fencing in the listed building curtilage adjacent to public land in the same materials as the previously refused fence, which was considered to be inappropriate for a listed building and detrimental to the character of the building.

Objects to the fencing the subject of this application due to proximity to listed building, loss of amenity to neighbouring property, loss of access and suggests a change of use.

Reiterate that plans are incorrectly labelled as they do not show The Old Coach House as the adjacent property.

Reaffirm previous assertions regarding land ownership of the relevant boundary.

#### OFFICER NOTES

Members must focus on the assessment of the fencing the subject of this application. Any other fencing shown in photographs and neighbour comments on any other fencing should not cloud their assessment of the acceptability or otherwise of the fencing the subject of the application. Land ownership and the issue of an incorrect property name on a plan are not material to the determination of the application before Members.

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### OTHER ITEMS

#### Item No.8

**Page** 95

**Code No.** 28/2019/0808

**Location:** The Riggery, Henllan, Denbigh

**Proposal:** Erection of a detached garage (amended details to those previously approved)

LOCAL MEMBERS: Councillors Geraint Lloyd- Williams and Glen Swingler

OFFICER RECOMMENDATION IS TO GRANT

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No additional information

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#### Item No.9

**Page** 115

**Code No.** 45/2019/0537

**Location:** 9 Bodfor Street, Rhyl

**Proposal:** Conversion of first and second floors to form 3 no. self-contained flats and formation of a separate access at front of existing retail unit

LOCAL MEMBERS: Councillors Alan James (c) and Joan Butterfield

OFFICER RECOMMENDATION IS TO GRANT

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#### LATE REPRESENTATIONS

Consultees:

RHYL TOWN COUNCIL

“Objection on the grounds that the development represents over-intensification of the site which is considered too small to accommodate three flats.”

#### OFFICER NOTES

The reason the application is reported to Committee is as a result of the objections from Rhyl Town Council. There are no individual objections raised to the proposals.

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