

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 9-21)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT
(Item numbers 5 and 6)

ORDER OF APPLICATIONS

PART 1

| | Application no. | Location | Page |
|-----------------------------|-----------------|--|------|
| Public Speaker items | | | |
| 5 | 41/2019/0671 | Land south-west of Ty Draw Farm, Mold Road, Bodfari, Denbigh | 23 |
| 6 | 43/2019/0730 | Former Plas Deva Caravan Park, Ffordd Talargoch, Meliden, Prestatyn | 43 |

PUBLIC SPEAKER ITEMS

Item No.5

Page 23

Code No. 41/2019/0671

Location: Land south-west of Ty Draw Farm, Mold Road, Bodfari, Denbigh

Proposal: Change of use from agriculture to mixed use of land for agriculture and keeping of Horses and retention of stables.

LOCAL MEMBER: Councillor Christine Marston (c)

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: For – Kerry James (agent)

OFFICER NOTES

To address the Community Council's concerns over the disposal of animal waste, it is suggested that a condition be added to any permission, requiring submission and approval of suitable arrangements for storage and removal.

Suggested new condition:

7.The developments / uses hereby permitted shall not be allowed to continue after 1st September 2020 unless the written approval of the Local Planning Authority has been obtained to details of arrangements for the storage and removal of animal waste, and the approved arrangements have been implemented. The approved arrangements shall remain in place at all times the land is in use for agricultural and equestrian purposes.

Reason: In order to ensure there is no potential pollution risk in relation to the nearby River Wheeler.

Item No.6

Page 43

Code No. 43/2019/0730

Location: Former Plas Deva Caravan Park, Ffordd Talargoch, Meliden, Prestatyn

Proposal: Erection of 41 affordable dwellings and associated works

LOCAL MEMBER: Councillor Peter Evans (c)

OFFICER RECOMMENDATION IS TO GRANT

Public Speaker: For – Stuart Andrew

LATE REPRESENTATIONS

Consultees:

NATURAL RESOURCES WALES (NRW)

Final Response to re-consultation

No objection subject to the inclusion of conditions relating to landscaping, boundary details and Bat Conservation Plan.

Private individuals:

From:

W. and M. Ward, Mindale Farm, Ffordd Hendre, Meliden

Summary of representations:

Drainage matters

Revised plans show surface water connecting to drainage in Rhofa Plas, part of the drainage system for the housing estate, football field and Melyd School field; with attenuation, all this flows into a channel at Mindale Farm and then into Meliden Wildlife Wetland. No objections to arrangements but require developer to control run-off during construction so particulate matter does not enter the system and contaminate the Farm or the Wetland.

OFFICER NOTES

In relation to the individual representation:

With regard to controlling any surface water run off during construction, the developer has a legal obligation under the Control of Pollution Act 1974 (as amended) to ensure that any waste water used on the site for construction is not allowed to enter the local surface water drainage network. Officers are satisfied that the drainage arrangements are adequately detailed in the submission.

In relation to NRW's final response:

A number of conditions are included in the Officer report in relation to the landscaping, boundary detailing and ecological matters. An additional condition is suggested in order to deal with NRW's points in relation to bat conservation.

The suggested new condition is as follows:-

CONDITION 19:

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to details of an Ecological Compliance Audit (ECA) for the scheme. The Audit shall be completed in accordance with the submitted details and the final report shall be submitted to the Local Planning Authority prior to the completion of the development.

Reason: In the interests of nature conservation

SPECIAL REPORT

ITEM NO.7

ADDITIONAL REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

REPORT SEEKING A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 25/2018/1216

PROPOSAL: Alterations and rear extension to existing building, demolition of curtilage structure, erection of ancillary building, retention of log cabin (for temporary period), boundary fencing and gates, and provision of on-site parking and turning area.

LOCATION: Bwlch Du, Nantglyn, Denbigh

OFFICER NOTES

Officers have been in positive dialogue with the applicant's representatives over the detailed wording of some of the drafted planning conditions. Officers' suggestions for the revised wording of these conditions are shown in *italic* type below, with brief commentary where relevant.

The applicant's representatives have confirmed they have no issues with the amendments.

Condition 1 – no changes proposed

Condition 2 – no changes proposed

Condition 3

Reword as follows:

3. No works shall be permitted to commence on the parking and turning area until the written approval of the Local Planning Authority has been obtained to the details of the proposed grass reinforcement grid. The parking and turning area shall be completed in accordance with the approved detailing no later than 24 months from the Bwlch Du dwellinghouse being occupied subsequent to the completion of the works hereby approved for its alteration and extension. The parking and turning arrangements shall be retained as approved at all times.

(This clarifies the drafted wording of the condition and the timing of completion of the parking and turning area).

Condition 4 – no changes proposed

Condition 5 – no changes proposed

Condition 6

Reword and split into 2 separate conditions as follows:

6. *The development hereby approved shall be undertaken in accordance with the following proposed measures to ensure adequate protection of bats :*

a) All roof panels shall be carefully removed by hand to ensure that no roosting, torpid or hibernating bats are injured during the proposed works.

b) Door and window frames shall be removed with care to ensure that no roosting, torpid or hibernating bats are injured during the proposed works.

c) Structural members, lintel bearings, purlins or wall plates shall be removed with care to ensure that no roosting, torpid or hibernating bats are injured during the proposed works.

d) In the event that bats are found during the renovation process then all work shall cease and Natural Resource Wales Species Officer 0300 065 3000 and/or a licensed bat worker shall be contacted for further advice.

e) In the event that the works to the Bwlch Du dwelling are not commenced within 18 months of the date of the Clwydian Ecology 14.04.2019 protected species survey, then a further inspection/bat emergence survey shall be undertaken to determine whether the situation has changed in the interim period. A copy of the survey and any measures it proposes for mitigation, compensation and enhancement shall be submitted for the consideration and approval of the Local Planning Authority.

(The rewording in Condition 6 clarifies proposals in relation to the safeguarding of bats at construction stage. The separate condition (numbered 7 below) sets out the separate requirement for submission of details of reptile avoidance measures, and provision of bat friendly features within the development).

Condition 7

(This is the second ecology condition, dealing with the requirement for submission of details of reptile avoidance measures, and provision of bat friendly features within the development).

7. *None of the approved alterations to the main building or works on the construction of the extension and the ancillary building and the parking and turning area shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to:*
 - a) *A report or method statement detailing Reptile avoidance, mitigation and compensation measures, and a timescale for implementation; and*
 - b) *Plans showing the detailed proposals for the incorporation of features suitable for use by roosting bats and nesting birds within the development site, and a timescale for implementation.*

The approved measures in a) and b) shall be implemented in full.

Condition 8

(This is a redraft of Condition 7 as included in the Officer report.

The condition is intended to secure an 'end date' by which the temporary living accommodation unit (the log cabin) is removed from the site. The applicant's representatives have suggested a 7 year limit here as the standard commencement condition (No.1) requires the development to commence within 5 years.

It is also suggested that the final clause of this condition be revised to allow a longer period to restore the land to its previous condition, to allow natural restoration – hence a period of 18 months from removal of the log cabin is suggested.

It is recommended that the Condition be reworded as follows:

8. *The log cabin shall be used solely as living accommodation ancillary to the Bwlch Du dwellinghouse, and shall be removed from the site within:*
 - a) *6 months of the Bwlch Du dwellinghouse being occupied subsequent to the completion of the works hereby approved for its alteration and extension; or*
 - b) *7 years of the date of this permission,*
whichever is the sooner.

The land on which the log cabin is sited shall be restored to its previous condition within 18 months of the removal of the cabin.

Condition 9

This is a redraft of Condition 8 as included in the Officer report. Reword as follows:

9. *The proposals for the treatment of the former barn structure shall be completed in accordance with the details on plan reference RJH/12/2019/02 no later than 24 months from the completion of the works of alteration and extension on the Bwlch Du dwellinghouse.*

(This offers a longer time period to undertake the works following completion of works on the dwelling).

Condition 10

This is a redraft of Condition 9 as included in the Officer report. Reword as follows:

10. *Excluding the trees growing within the enclosed footprint of the former barn structure, no other trees within the site shall be lopped, topped or removed without the prior written approval of the Local Planning Authority.*

(This recognises there are trees growing within the footprint of the former barn, which have to be removed to allow the implementation of the proposals for use of this space as a sitting out area).

In addition:

The Conservation Officer has drawn attention to the need for inclusion of a condition to secure submission and approval of a structural engineers' report in the event that excavations for the foundations of the proposed extension require works of consolidation on the base of the existing wall of the Bwlch Du building. This is referred to on the submitted plans in a note stating ' Base of wall may require consolidating where ground has been excavated, precise details to be subject engineers inspection and report, and agreement with DCC Conservation Officer.'

Officers are therefore suggesting that an additional condition be attached to cover the above, to be worded as below:

New Condition 11

11. *In the event that works of consolidation of the base of the rear wall of Bwlch Du are required where the ground has been excavated in connection with the foundations of the proposed extension, no works shall be permitted to continue until the written approval of the Local Planning Authority has been obtained to the detailing thereof. The works shall be undertaken strictly in accordance with the approved details.*

Reason: To ensure there is no risk to the structure of the listed building in the course of constructing the extension.

The Officer recommendation is that the Committee accept the suggested revisions to conditions as detailed in the Late Information Sheets, and the additional condition (No.11, as set out above), and that these be attached to the Certificate of Decision for application 25/2018/1216, along with conditions 1,2,4 and 5 as drafted in the Officer report to Committee.