

# Agenda Annex

## PLANNING COMMITTEE

Date – 9<sup>th</sup> March 2022

## 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 -14)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Item numbers 5 – 9)

### ORDER OF APPLICATIONS

#### PART 1

	<b>Application no.</b>	<b>Location</b>	<b>Page</b>
<b>Public Speaker items</b>			
<b>5</b>	01/2021/0950	LAND ADJACENT TO YSGOL PENDREF, GWAENYNOG ROAD, DENBIGH	15
<b>6</b>	02/2021/1179	LAND AT (PART GARDEN OF) LLYS GWYN, BRYN GOODMAN, RUTHIN	67
<b>9</b>	45/2021/0516	KYNSAL HOUSE, VALE ROAD, RHYL	157
<b>Other items</b>			
<b>7</b>	15/2021/0681	GRAIANRHYD FARM HOUSE, LLANARMON YN IAL	105
<b>8</b>	43/2021/1279	1 LLWYN MESEN, MELIDEN, PRESTATYN	135
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## PUBLIC SPEAKER ITEMS

### Item No.5 - Page 15

**Code No:** 01/2021/0950

**Location:** Land Adjacent Ysgol Pendref, Gwaenynog Road, Denbigh

**Proposal:** Erection of 110 dwellings, construction of a new vehicular access, landscaping and associated works

LOCAL MEMBER: Cllr Glenn Swingler

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against – Helga Viswanathan (objector)

Public Speaker: For – Stuart Andrew (Agent)

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### Addendum Report:

The application was subject to a Site Inspection Panel meeting at 10.15am on Friday 4<sup>th</sup> March 2022.

In attendance were:

CHAIR – apologies sent

VICE CHAIR – Councillor Christine Marston

LOCAL MEMBER – Councillor Glenn Swingler

GROUP MEMBERS –

Conservative Group – represented by Councillor Peter Scott

Labour group – no representative

Plaid Cymru Group – represented by Councillor Rhys Thomas

Independent Group – represented by Councillor Mark Young

DENBIGH TOWN COUNCIL – Councillor Pauline Edwards

The Officers present were Paul Griffin and Luci Duncalf (Development Management)

The reason for calling the site panel was to allow opportunity to view the site and its context, and to appreciate issues relating to highways infrastructure and the character of the area.

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

1. The basis of the application for the erection of 110 dwellings, site access and associated works.

2. The recent hedgerow removal by the applicants ahead of bird nesting season.
3. The nature of representations received on the application.
4. The proposed access arrangements, and surrounding highway infrastructure.
5. Drainage implications for the site and existing drainage infrastructure.
6. Character of the area.

In relation to the matters outlined:

1. The Officers outlined the proposals which involved the construction of the new access and removal of the front boundary hedgerow, the erection of 110 dwellings including 22 affordable semi-detached dwellings.
2. Members were advised that the hedgerow which had been removed to root level didn't fall within the Hedgerow Regulations 1997 as an 'important hedgerow' and was not worthy of retention notice. The works undertaken to the hedge did not require consent from the Local Planning Authority.
3. The site panel was informed of the basis of comments on the application from the Local Member, objectors and consultees, including the Town Council. The Highway Officer, Ecologist, Drainage Officer and CPAT had raised no objections. The Town Council had raised concerns on a number of grounds including the principle of development, removal of the hedgerow, insufficient affordable housing provided, and highways infrastructure concerns. Other objections included concerns about the need for the development, over development, loss of light, flood risk concerns, highways concerns regarding traffic, impacts to ecology and the environment, pressure on local services and on the grounds of the loss of good quality agricultural land.
4. Members viewed the site and proposed access arrangements. Some time was spent discussing the potential highways implications regarding the number of vehicles using Gwaenynog Road and Lenten Pool and raised concerns regarding the capacity of the existing highways network from the number of cars generated from the development. Discussions took place that a roundabout design option at the top of Gwaenynog Road might be safer. However Officers advised that this was not a design which had been submitted with the application. The Highways Officer raised no objection to the submitted scheme subject to the imposition of conditions to control the detailing of the new access and pedestrian/cycle link down to lower Gwaenynog road. The proposed pedestrian links to the school were also considered.
5. Members asked for clarification over existing flood risk concerns along Henllan Street and whether the capacity of the existing drainage network in Denbigh could accommodate the development. Officers advised that the Council's Flood Risk and Drainage Officer raised no objection to the scheme. He had also confirmed that the existing drainage network had capacity for accommodating the development and that surface water drainage would be controlled through separate legislation (Sustainable Drainage Approval Body – SAB).

6. Members observed the site levels in relation to the surrounding development, and considered how the development would appear within that context. The site was observed from its two main frontages. The existing form of development in the area was noted.

**Officer Notes:**

Removal of a section of hedgerow

In the timeframe between when the Committee report was written and Planning Committee on 9<sup>th</sup> March, a section of hedgerow proposed for removal to create the new access into the site, has been removed by the developers to root level. The developers informed the Council that this had been done to avoid the bird nesting season which is from March to August (inclusive).

In response to concerns raised in relation to the removal of this hedgerow at the end of February, Officers have sought further clarification as to whether the hedgerow is classed as “important” under the Hedgerow Regulations 1997 and whether or not a breach of the regulations has occurred.

The Council’s Planning and Compliance Officer has confirmed that the removal of the hedge to root level does not breach the Hedgerow Regulations 1997. The Council’s Ecologist also advised that although the hedgerow hasn’t technically been removed, if a hedgerow removal notice had been submitted to us, we would not have been able to issue a hedgerow retention notice, as the hedge fails to meet the criteria of an “important hedge”. Clwyd Powys Archaeological Trust (CPAT) have also advised that they cannot confirm for certain that the parish boundary was designed to run along the precise hedgerow boundaries for it to be classed as an “important hedgerow” under the Hedgerow Regulations 1997 but it is unlikely as the OS 6" 1874 survey shows the parish boundary further to the north on the watercourse which makes more sense as a fixed topographic boundary.

**Late representations received:**

Mair Jones, Gwenallt, 14 Beacons Hill, Denbigh

Summary of response received:

- Proposal will have a detrimental impact upon the Welsh language and Culture, highway infrastructure, air quality, will result in flooding off site, put increased pressure on services, will result in the loss of high quality agricultural land, and the loss of an important hedgerow. In addition to the impacts, the dwellings will not be affordable to the majority of local people. As a result the proposal is considered to be in conflict with the Councils Climate and Ecological Change Strategy and the Well Being Plan.

CAROLYN THOMAS MS/AS

‘Objection’ on the following grounds:

*Loss of high grade agricultural land*

The land is Grade 3a good quality agricultural land and a lower grade land should be considered before this land is developed.

*Sustainability*

Questioned why this land was placed in the LDP given the climate change emergency declaration.

The location of the site would encourage more car use and is not in a sustainable location which is contrary to guidance contained in Planning Policy Wales.

*Social housing provision inadequate*

The housing is not predominantly social housing and will be beyond the means of the majority of the residents of Denbigh and there is no overwhelming need for this housing type in Denbigh.

*Over-intensification of the site*

Over-intensification of houses with the density being 41 dwellings per hectare, above the guidance of 35 per hectare.

*Impacts on local amenities*

Impacts on local amenities including GP surgeries, dentists and school capacities. The houses are not affordable to local people which will impact the Welsh Language and local culture.

*Impacts to ecology*

Impacts to ecology and biodiversity and the important ancient hedgerow on the site. The proposed replanting to the north of the site is not adequate and will not mitigate the loss of this hedgerow.

*Highways impacts*

Highways assessment is not adequate, the entrance to the site has seen a number of accidents and vehicles speed around the corner. The situation will get worse as a result of the development if it goes ahead.

WELSHWATER/DWR CYMRU

Response the same as previous.

DENBIGH TOWN COUNCIL

'Object'. Town Councillors very concerned regarding the removal/destruction of hedgerow without consent.

- Insufficient Social Housing at the location
- No planned work to improve Lenten Pool – Highways issue.
- Insufficient infrastructure in town
- No Housing needs assessment completed
- Futures generation not taken into account

**SUGGESTED REVISED CONDITIONS:**

**ECOLOGY**

*12. Where site levels allow, access for hedgehogs (of at least one 13cm x 13cm opening per garden) shall be made at ground level through the fencing used to separate the gardens of each property, to allow the movement of hedgehogs throughout the site. The location of these features shall be shown on appropriate site plans, and submitted to the Local Planning Authority for review and approval in writing. The development shall proceed in accordance with*

*the approved details. Reason: In the interests of biodiversity and protection of the natural environment.*

#### DRAINAGE

*13. Notwithstanding the submitted plans, no development shall be permitted to commence on the surface water drainage system until the formal written approval of the Local Planning Authority has been obtained to details concerning the installation and maintenance of an amphibian friendly surface water management system. The approved details shall be implemented and retained at all times. In the interests of the natural environment.*

#### FOOTPATHS

*19. Remove condition – duplication of controls in condition 16.*

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#### **Item No.6 - Page 67**

**Code No:** 02/2021/1179/PF

**Location:** Land at (Part garden of) Llys Gwyn Bryn Goodman

**Proposal:** Erection of 2 no. detached dwellings and associated works

LOCAL MEMBER: Cllr Emrys Wynne (c)  
Cllr Bobby Feeley  
Cllr Huw Hilditch-Roberts

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against - None

Public Speaker: For – Robert Jones (Agent)

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#### Addendum Report:

The application was subject to a Site Inspection Panel meeting at 09.15am on Friday 4th March 2022.

In attendance were:

CHAIR – apologies sent

VICE CHAIR – Cllr Christine Marston

LOCAL MEMBER – Cllr Emrys Wynne (c), Cllr Bobby Feeley, Cllr Huw Hilditch-Roberts

GROUP MEMBERS:

Conservative Group – Cllr Peter Scott

Labour group – no representative

Plaid Cymru Group – Cllr Emrys Wynne

Independent Group – Cllr Huw Hilditch-Roberts

RUTHIN TOWN COUNCIL – Heather Williams

The Officers present were Paul Griffin (Development Management)

The reason for calling the site panel was to allow opportunity to view the impact the proposal would have on the amenity of neighbouring properties, visual amenity and the character of the area.

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

1. The detailing of the proposal including position of access, and proposed dwellings.
2. Relationship to the surrounding properties, existing highway conditions, site levels.
3. Character of the area and visibility of the site.

In relation to the matters outlined:

1. Members studied the proposed site location plan, and plans showing the level changes to the site. They walked and observed the access route and then identified the position of the dwellings. Site boundaries were also observed. Members were advised as to what the site had looked like prior to it being cleared of vegetation.
2. Members considered the proposed plans and viewed the surrounding dwellings to assess the separation distances that would be achieved between existing dwellings and the proposed dwellings. Members also viewed the site from a neighbouring garden ('Tracery') to assess the potential impacts of the proposal. Members familiarised themselves with the approximate ridge height of the proposed dwellings in relation to surrounding development.
3. Members looked at the character of the development in the area, and also viewed the site from a distant point adjacent to the roundabout on the A494. A photo of the site from the roundabout is included here to give Members an idea of the way the site appears from a distance. The arrow indicates the approximate location of the site. The dwellings would be seen behind the tree.



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**Item No.9 - Page 157**

**Code No:** 45/2021/0516

**Location:** Kynsal House Vale Road Rhyl

**Proposal:** Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation. including formation of internal pathways and parking, landscaping and associated works

LOCAL MEMBER: Cllr Pete Prendergast, Cllr Pat Jones

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against – Mr Scott Drummond

Public Speaker: For - None

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**Addendum Report:**

The application was subject to a Site Inspection Panel meeting at 11.30am on Friday 4th March 2022.

In attendance were:

CHAIR – apologies sent

VICE CHAIR – Councillor Christine Marston

LOCAL MEMBERS-

Councillor Pete Prendergast

GROUP MEMBERS:

Conservative Group - Councillor Tony Thomas

Plaid Cymru Group - Councillor Arwel Roberts

Labour Group - Councillor Ellie Chard

RHYL TOWN COUNCIL–

Councillor Andy Rutherford

Councillor Diane King

The Officers present were: Principal Planning Officer Paul Griffin and Case Officer Emer O'Connor

The reason for calling the Site Panel was to enable Councillors 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 development proposal and the background to the application for the residential Traveller Site.
2. The proximity of neighbouring properties, the character of the area.



In relation to the matters outlined:

1. Members understood the nature the application i.e. that is was a permanent residential Traveller site comprising 6 caravan pitches proposed to be developed by the Applicant, who is the occupier of Kynsal House, and that the 6 caravan pitches would be for his family members. Officers gave a brief introduction to the application and Councillors were shown the plans of the proposed development. The Local Member outlined concerns relating to the history of the site since the occupiers took ownership, the access, and neighbour relations.
2. The group entered the site noting the features thereon, including the layout and spacing of caravan pitches and relationship to boundaries. Members observed the character of the area and separation distances between the site and adjacent dwellings on Knowsley Avenue and Brookdale Road, and land uses at Glan Aber Trading Estate and Vale Road.
3. The Town Councillor expressed Rhyl Town Councils concerns relating to over intensification, neighbour relations and anti-social behavior, and more general concerns relating to the access to the site, querying whether the access arrangements would be sufficient for static caravans to be delivered to the site if permission was granted.
4. Members concluded the visit on Knowsley Avenue to the west of the site.

## **REPRESENTATIONS RECEIVED ON RECONSULTATION:**

### **RHYL TOWN COUNCIL:**

Rhyl Town Council were re-consulted on additional information from Agent (referred to in the Officers Report).

The Town Councils re-consultation response (received 4<sup>th</sup> March) reiterated their original objection as set out on the Committee Report.

Additional representation received:

Carmel Roberts (via email)

Additional response (with two photos attached) from neighbour also circulated to Members prior to the Committee. Representation reiterated original objection as set out on the Committee Report.

## **OFFICER NOTES**

Officers have reviewed the Rhyl Town Council re-consultation and additional representation and consider the points raised in relation to the material planning considerations are covered in the Planning Committee Report.

The application seeks to regularise an existing unauthorised use, the report makes it clear than additional works are also proposed alongside the regularisation. Officers and Members must consider the information in the application and make a decision on the proposal based on an assessment of the proposal as submitted.

## **SUGGESTED REVISED CONDITIONS:**

5. The occupation of the main dwelling and 6 residential pitches shall be for a single Gypsy and Traveller family only.

Reason: In order to address flood risk concerns arising from the creation of multiple unrelated households on the site.

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## **OTHER ITEMS**

### **Item No.7 - Page 105**

**Code No:** 15/2021/0681

**Location:** Graianrhyd Farm House, Llanarmon yn Ial

**Proposal:** Erection of proposed extension to provide annexe accommodation

LOCAL MEMBERS: Cllr Martyn Holland

OFFICER RECOMMENDATION IS TO **GRANT**

No Public Speakers

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### **Additional Information:**

Additional 3D visuals submitted by the applicant to help demonstrate the scale, massing, design and appearance of the proposed extension.



**Officer Notes:**

Officers considered that the submitted visuals further demonstrate that the proposed design and scale would not have an unacceptable impact on the character of the existing dwelling.

**Code No:** 43/2021/1279

**Location:** 1 Llwyn Mesen Meliden Prestatyn

**Proposal:** Alterations and extension to existing outbuilding to form annex accommodation ancillary to existing dwelling and associated works.

LOCAL MEMBERS: Cllr Peter Evans (c)

OFFICER RECOMMENDATION IS TO **GRANT**

No Public Speakers

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CONSULTATION RESPONSE

HIGHWAYS OFFICER

No objection, sufficient parking is available for the dwelling and the annex.

**Additional Information:**

An additional plan was submitted showing the parking layout on the site. This was sent to the Highways Officer who has confirmed formally that there is no objection to the proposal on highway grounds.

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**ADDITIONAL ITEM:**

**Item No.10 - Page 207**

**Code No:** N/a

**Location:** N/a

**Proposal:** RESPONSE TO STATUTORY PRE-APPLICATION CONSULTATION - HyNet North West Carbon Dioxide Pipeline

No additional information.