

To: Chair and Members of the Planning Committee

Date: Thursday, 9 February 2023

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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, 15 FEBRUARY 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE**.

Yours sincerely

G Williams
Monitoring Officer

AGENDA

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 7) – Late Reps

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones

Julie Matthews
Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Pete Prendergast
Gareth Sandilands
Andrea Tomlin
Elfed Williams

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PLANNING COMMITTEE

Date – 15th FEBRUARY 2023

ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

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 7 - 12)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Item numbers 5 – 7)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public Speaker items			
7	21/2022/0980/PF	The Paddock, Llanferres, Mold	87
6	20/2022/0983/PF	Land at Graig Cottage, Graigadwywynt, Ruthin	35
Other items			
5	03/2022/0862/PF	42 Market Street, Llangollen	13

PUBLIC SPEAKER ITEMS

Item No. 7 – Page 87

Code No: 21/2022/0980/PF

Location: The Paddock, Llanferres, Mold

Proposal: Change of use of land and part of building to form donkey trekking business and associated works (partly retrospective)

LOCAL MEMBERS: Cllr Huw Williams

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker Against – Ian Hemming

Public Speaker For – Matthew Davies (applicant)

Addendum Report – N/A

Late representations received –

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE

No further comments.

FOOTPATHS OFFICER

The new documents appear to now illustrate the definitive line of path 6 along with the route of their permissive path. No further comments.

NATURAL RESOURCES WALES

Natural Resources Wales confirm that they have no objection to the proposed development.

Protected Sites:-

Foul Drainage: Natural Resources Wales note that the foul drainage proposals have been removed from the scheme and therefore will not increase phosphorus levels on site.

Manure: Natural Resources Wales note that the donkey waste will be sent to biomass and therefore there will be no increase of phosphorus levels from this on site.

Pollution Prevention: The details submitted to contain the manure storage are acceptable and would prevent issues of pollution provided the structure is designed and built by a suitably qualified engineer to meet the standards set in the Regulations and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading).

Other Matters: Natural Resources Wales advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. The biomass boiler does not currently have an exemption or permit and therefore the applicant will need to consider under the Environmental Permitting Regulations 2016 necessary permits/exceptions for the proposed burning of waste.

LLANFERRES COMMUNITY COUNCIL

Three Councillors attended a site meeting with the applicant on 4th February 2023 and were provided with information which is inconsistent with that contained in planning application.

The Council feels it cannot support plans that have not been presented in writing and formally sent out for consultation via the planning system.

The Council wishes to outline the nature of the discrepancies between what is stated on the planning application and what was said by the applicant during a site meeting with the applicant and 3 Councillors on 4th February 2023.

1. The application states the donkey trekking business would be operating 7 days a week. The applicant has now said it would only be operating 2 days a week on Saturday and Sunday.
2. The application states the business would be open from April to December from 9am to 9pm. At the site meeting the applicant said the donkeys would only be walked during daylight hours so lighting after darkness fell would not be required. Councillors felt the stated opening times should reflect this to avoid future misunderstandings.
3. The portaloo had been removed from the second revision of the drawing but there were no details on the drawing to show if toilet facilities were to be provided. The applicant said visitors could use the toilet facilities in the sawmill and councillor felt this should have been shown on the revised drawings.
4. There is no reference to the hand washing facilities as required by legislation for visitors when handling animals. Councillors were shown hand washing facilities in the corner of the stables where the donkeys are housed and felt these should be shown on the drawings to avoid misunderstands.
5. The applicant addressed the councils previous safety concerns over the interaction between traffic movements from the sawmill and visitors by stating the sawmill would be closed on Saturday and Sunday when visitors were present.
6. Concerns had been raised over the disposal of waste with residents claiming the applicants plans were illegal. The applicant stated the manure would be dried and burned in his bio-mass boiler.

Members of the Public –

In objection:

Representations received from:

- Paul and Gwenda Jelley Bryn Ffynnon Farm, Forestry Road, Llanferres.
- Liz and Phil Mann, 2 Bryn Eithin, Tafarn-y-Gelyn
- Mark Wilding, Oldfield, Forestry Road, Llanferres

Summary of planning based representations in objection:

- No mention of fresh water supply - this whole site is fed by spring water supply. Concerned that if not treated this could be a health hazard to the visiting general public.
- Concerns over route of footpath.
- Opening hours still unacceptable due to noise, traffic and light pollution.
- Concerns over the composting toilets reference and not detailed on plans.
- Concerns over how donkey waste will be disposed of. Concerned that it has been suggested that donkey waste is burnt in the on site biomass boiler. Environment Agency (England) states that solid waste must be sent to a licenced facility.
- Concerns over donkey welfare.
- No mention of lighting.
- Concerns that no hand washing facilities shown.
- Insufficient parking for the expected visitors with other businesses.

- With the proposed change of use of the car park at the site (to accommodate members of the public coming and going and longer hours of use) together with the proximity of the outdoor meet and greet to the boundary at this point, it would be appropriate to upgrade the existing fence between the car park and Oldfield to bring it to the same specification as that proposed around the donkey paddock in order that the neighbour privacy considerations are consistent close to these areas of high public footfall.

In support:

Representations received from:

Neil Blackburn, Llys Fynydd, Llanferres.

- Scheme provides economic employment benefits that benefit the local area.

Officer Note –

In terms of issues raised by the Community Council and Members of the public, Officers would clarify the following points:

Proposed Condition 4 within the main Committee Report sets out hours of operation controls. The business does not have to operate for the full hours and has advised that they will not be operating in the dark. Notwithstanding this, the hours proposed to be conditioned cover times that Public Protection Officers considered are acceptable throughout the year. Proposed Condition 11 would enable control over any potential lighting should the business decide to operate during the hours of darkness. Details of lighting would need to be further agreed by the LPA.

The toilet facilities have been removed as the business does not need to provide these. There were some discussions regarding compost toilets with Natural Resources Wales but there are no plans for toilets as part of this proposal. The applicant/ agent has confirmed that there is no intention to allow visitors to use existing toilet facilities – the sawmill toilets are for the sole use of staff of the sawmill business and have been in place for the past 5 or 6 years. These toilet facilities are not available for the general public or visitors to the donkey trekking business. Natural Resources Wales raise no objection on this basis.

Hand washing facilities would be covered by separate legislation.

Any private water supply must comply with the Private Water Supply (Wales) Regulations 2017. In certain circumstances, Public Protection Officers require annual monitoring of private water supplies. This is not a material planning consideration as it is covered by this separate legislation.

The Footpath Officer has no concerns with the route of the footpath or use of the footpath.

Donkey waste will be mixed with sawmill waste and dried. This will be used in the biomass boiler on site. The biomass boiler does not currently have an exemption or permit and therefore the applicant will need to consider under the Environmental Permitting Regulations 2016 necessary permits/exemptions for the proposed burning of waste. This is covered by separate legislation so does not need to be controlled through condition. A note to applicant can be included on any permission to cover this requirement. Natural Resources Wales are also satisfied with the storage of this waste on site provided the structure is designed and built by a suitably qualified engineer to meet the standards set in the Regulations and BS 5502

(Building and Structures for Agriculture Code of Practice for Design, Construction and Loading). A note to applicant can be included on any permission to cover this requirement.

Donkey welfare is covered by other legislation which the applicants must comply with. Public Protection Officers are aware of the business and have visited the site.

The agent confirmed that the existing fence to the rear of the car parking area is a substantial fence that was erected as part of a requirement of a previous planning application and has been in place for approximately 5 to 6 years. This is a close boarded timber fence and is at least 1.80m high. The applicant considers that this fence already provides appropriate screening and also acts as a sound barrier. Officers concur with this.



Additional information received –

Amended plans Proposed Site Layout Plan (Drawing No. 0993/2 REV D) and Topsy Royale Litter Bin details; were submitted in response to queries from Natural Resources Wales.

These included:

1. Details of the manure storage compound to show the impermeable concrete base and block walls enclosing the compound area. A 'sleeping policeman' barrier has been added to the entrance to the compound to prevent dirty water escaping the compound area and rainwater run-off from the sawmills yard area entering the compound area.
 2. A litter bin has been added near to refreshment hut.
-

3. Timber screen fence to the donkey compound area specification shown as required by your Public Protection Department (also covered by planning condition).

Additional/ Amended condition(s) –

From the additional information submitted the list of plans in Condition 2 will need to be updated as follows:

- (i) Location Plan (Drawing No. 0993/LP) - Received 24 January 2023*
- (ii) Existing Site Layout Plan (Drawing No. 0993/1 Rev A) - Received 24 January 2023*
- (iii) Proposed Site Layout Plan (Drawing No. 0993/2 REV D) - Received 1 February 2023*
- (iv) Existing & Proposed Floor Plans (Drawing No. 0993/3) - Received 14 November 2022*
- (v) Business Plan - Received 14 November 2022*
- (vi) Planning Justification Statement REV A - Received 13 December 2022*
- (vii) Timber Shed/ Refreshments Hut (Drawing 0993/4) - Received 13 December 2022*
- (viii) Topsy Royale Litter Bin details - Received 1 February 2023*

Satisfactory litter bin arrangements are proposed in Proposed Site Layout Plan (Drawing No. 0993/2 REV D) and Topsy Royale Litter Bin details – therefore Condition 7 is proposed to be amended to

7. Prior to the use of the development the litter bins detailed on plans “Proposed Site Layout Plan (Drawing No. 0993/2 REV D) and Topsy Royale Litter Bin details” shall be installed and retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason 7: In the interest of visual and residential amenity.

Condition 9 has a slight typographical error, and is proposed to be amended to state:

*9. All planting, seeding or turfing comprised in the approved details of landscaping (Proposed Site Layout Plan (Drawing No. 0993/2 REV C) and Location Plan (Drawing No. 0993/LP)) shall be carried out no later than the first planting and seeding season following the first use of the site. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
The boundary hedge shall be grown to and maintained at a height of a minimum of 2 meters.*

Reason 9: In the interest of visual amenity and enhancing the biodiversity of the area.

Additional condition proposed regarding manure management plan:

12. Notwithstanding the submitted details, a manure management plan shall be submitted to and agreed in writing 2 months of the date of this permission, and the disposal of manure shall only be carried out in strict accordance with the details as approved.

Reason 12: in the interest of residential amenity.

Item No.6 – Page 35

Code No: 20/2022/0983/PF

Location: Land at Graig Cottage, Graigadwywynt, Ruthin

Proposal: Erection of 1 affordable dwelling, installation of a new septic tank and associated works

LOCAL MEMBER(S): Cllr Hugh Evans

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker Against – None

Public Speaker For – Tanya Reaich (on behalf of applicant)

Addendum Report – The application was subject to a Site Inspection Panel meeting at 11.15am on Friday 10th February 2023.

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Councillor Peter Scott

LOCAL MEMBER – Councillor Hugh Evans

GROUP MEMBERS –

Conservative Group – represented by Councillor Terry Mendies

Green Group – no representative

Independent Group – represented by Councillor Huw Hilditch-Roberts

Labour Group – no representative

Plaid Cymru Group – no representative

COMMUNITY COUNCIL – no representative

The Officer present was Paul Griffin (Development Management)

The reason for calling the site panel was to allow opportunity to view the nature of the surrounding area and how the proposed development would relate to existing dwellings.

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

1. The basis of the application for the erection of an affordable dwelling
2. Representations on the application
3. The design and siting of the proposed dwelling in relation to the surrounding area.

In relation to the matters outlined:

1. The Officer outlined the proposals which involved the erection of a single dwelling which would be restricted to local affordable needs.
2. The Officer outlined the concerns raised by members of the public, detailing that they related to: visual amenity/design/materials, impact on amenity of neighbours, drainage and highways. The Officer also detailed the planning history of the site, and previous percolation test results.
3. Plans of the site layout and design of the proposed dwelling were circulated to members, who then viewed the site and the surrounding area. The access to the site and relationship to other dwellings was also observed. The design of the dwelling in relation to the neighbouring properties was observed, as was the topography of the site (in relation to surface water drainage).

Late representations received – None

Officer Note – None

Additional information received - None

Additional condition(s) – None

OTHER ITEMS

Item No.5 – Page 13

Code No: 03/2022/0862/PF

Location: 42 Market Street, Llangollen

Proposal: Change of use from a shop (Use Class A1) to shop (Use Class A1) with ancillary coffee shop (Use Class A3)

LOCAL MEMBER(S): Cllr Karen Edwards (c)
Cllr Paul Keddie

OFFICER RECOMMENDATION IS TO **GRANT**

Addendum report – The application was subject to a Site Inspection Panel meeting at 10:00am on Friday 10th February 2023.

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Councillor Peter Scott

LOCAL MEMBERS – Councillor Karen Edwards and Councillor Paul Keddie

GROUP MEMBERS –

Conservative Group – represented by Councillor Peter Scott

Green Group – no representative

Independent Group – no representative

Labour Group – no representative

Plaid Cymru Group – no representative

COMMUNITY COUNCIL – Charlie Jones

The Officer present was Paul Griffin (Development Management)

The reason for calling the site panel was to allow opportunity to view the nature of the surrounding area and how the proposed development would relate to existing dwellings. It was also to view the internal layout of the premises to assess the ratio of retail to café as shown on the plans.

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

1. The basis of the application to include an 'A3' café element alongside the existing retail use.
2. The location of the site in relation to the 'town centre', and the other existing uses within the area.
3. The internal layout of the shop was observed.

In relation to the matters outlined:

1. The Officer outlined the proposals and explained that, in officers opinion, the existing retail use of the shop was established.
2. Members viewed the mix of uses in the area – residential and commercial. They also observed the relationship to the car park and the main town centre. Members asked for clarity as to where the boundary of the town centre (Policy PSE8) was in relation to the site. With regard to the impact on residential amenity Members asked what the hours of operation would be. The officer clarified that these points could be addressed in the Late Representation sheets.

3. Members entered the premises and viewed the area proposed to be used as an A3 café.

Late representations received – None

Additional information received - None

Officer Note –

Following up on questions raised at the site panel meeting, Officers can confirm that the hours of operation would be:

Monday – Saturday: 9am – 5pm

Sunday and Bank holidays: 10am – 4pm

It is proposed that these hours be controlled through the imposition of a suitably worded planning condition.

In relation to the boundary of the ‘town centre’ as defined by Policy PSE 8, the plan below shows the site to be some 700 metres west of the town centre boundary:



Additional condition(s) –

Customers are not permitted on the premises outside the hours of 09:00hrs and 17:00hrs Monday to Saturday, and 10:00hrs and 16:00hrs on Sundays and Bank Holidays.

Reason : In the interest of protecting residential amenity.
