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To: Members of the Planning Committee Date: 2 November 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, 8 NOVEMBER 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 - 12) – LATE REPS

MEMBERSHIP

Councillor Ellie Chard
Councillor Karen Edwards
Councillor Gwyneth Ellis
Councillor James Elson
Councillor Chris Evans
Councillor Jon Harland
Councillor Huw Hilditch-Roberts
Councillor Alan James
Councillor Delyth Jones
Councillor Julie Matthews
Councillor Terry Mendies

Councillor Raj Metri
Councillor Win Mullen-James
Councillor Merfyn Parry
Councillor Arwel Roberts
Councillor Gareth Sandilands
Councillor Peter Scott
Councillor Andrea Tomlin
Councillor Cheryl Williams
Councillor Elfed Williams
Councillor Mark Young

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PLANNING COMMITTEE

Date – 8th November 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 5 - 16)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Items 5 - 12)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public Speaker items			
5	01/2023/0231/PF	LAND ADJACENT TO PEN DDWY ACCAR, LAWNT, DENBIGH	17
6	18/2023/0120/PC	WERN, LLANDYRNOG, DENBIGH	55
7	23/2023/0160/PF	LAND OPPOSITE BRYN EGLUR, LLANRHAADR, DENBIGH	89
8	23/2023/0161/PC	HEN SHED, LLANRHAADR, DENBIGH	113
9	40/2023/0473/PF	GLAN CLWYD HOSPITAL, RHUDDLAN ROAD, BODELWYDDAN	137
10	43/2021/0990/PF	93 MELIDEN ROAD, PRESTATYN	171
11	43/2023/0071/PF	LAND AT MIDNANT FARM, GRONANT ROAD, PRESTATYN	201

Non public speaker item			
12	45/2023/0108/PF	20 AQUARIUM STREET, RHYL	257
Non-Application Items			
13	N/a	LDP Annual Monitoring Report – FOR INFORMATION	280

PUBLIC SPEAKER ITEMS

Item No.5 – Page 17

Code No. 01/2023/0231/PF

Location: Land adjacent to Pen Ddwy Accar, Lawnt, Denbigh

Proposal: Change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works

LOCAL MEMBER(S): Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd Williams

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER FOR – Martin Shutt (Agent)

Addendum Report - The application was subject to a Site Inspection Panel meeting at 10.50am on Friday 14/07/2023. This has been reported in the main agenda.

Late representations - None.

Additional Information – None.

Officer Note –

The application was deferred from the July Planning Committee due to NRW issuing a late objection to the scheme, raising concerns on the method of foul drainage, potential groundwater pollution from hot tubs and impacts to European Protected Species.

Percolation test results/calculations were submitted along with amended foul drainage details. Hot tubs have been removed from the scheme in response to potential groundwater pollution concerns, as they could cause hydraulic overloading to the independent domestic sewerage treatment facility.

NRW have since raised no objections but advise that an Environmental Permit will need to be obtained.

Regarding the Officer Report, there are some remaining references to hot tubs which have not been removed in the following report sections, 4.2.3 Visual Amenity and 4.2.4 Residential Amenity.

Officers confirm that the hot tubs have been removed from the scheme following concerns raised by NRW regarding the potential for groundwater pollution.

The siting of the units remain unchanged.

Comment in relation to PPW Update:

On 11th October 2023 Chapter 6 of Planning Policy Wales (PPW) 11 was updated by the Welsh Government (WG) Minister for Climate Change. This is the Chapter of National Policy which deals with Distinctive and Natural Places. In particular, the changes, which are effective immediately, relate to Green Infrastructure, Net Benefit for Biodiversity and the Step Wise Approach, Protection for Sites of Special Scientific Interest and Trees and Woodlands.

Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Additional/amended condition – N/A

Item No.6 – Page 55

Code No. 18/2023/0120/PC

Location: Wern, Llandyrnog, Denbigh

Proposal: Change of use of stable to Dog Day Care Facility and continuation of use of manege as mixed use of equestrian and dog exercise area and continuation of use of land as agricultural, equestrian and dog exercise area (retrospective).

LOCAL MEMBER(S): Cllr Merfyn Parry

OFFICER RECOMMENDATION IS: TO **GRANT**

PUBLIC SPEAKER FOR – MISS CATRIN DAVIES (applicant)

PUBLIC SPEAKER AGAINST – MR THOMAS BROCK (Objector)

Addendum Report

The application was subject to a Site Panel Meeting at 10.30am on Friday 3rd November 2023.

In attendance were:

CHAIR – Cllr Mark Young

VICE-CHAIR – Cllr Peter Scott

LOCAL MEMBER – Apologies sent

GROUP MEMBERS

CONSERVATIVE GROUP – Cllr Peter Scott

GREEN GROUP – No representative, apologies sent

INDEPENDENT GROUP – Cllr Chris Evans

LABOUR GROUP – Cllr Alan James

PLAID CYMRU GROUP – No representative, apologies sent

COMMUNITY COUNCIL – Mrs Gwen Butler

The Officers present were Paul Mead and Luci Mayall (Development Management) and Julie Roberts (Public Protection).

The reason for calling the site panel was to allow opportunity to view the site and to appreciate material planning issues involved in the proposal.

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

1. The location of the site and surroundings along with the various associated buildings, structures and associated areas of land.
2. The planning application proposal and how the existing business operates.

In relation to the matters outlined:

1. Members met in the main parking area and observed the number of spaces available, the drop off area and manege. They then walked through the site and observed the location of the existing stable blocks used for the kenneling of dogs. Members were able to look in the stables and observe sound proofing works which had commenced. Members noted the position of nearby structures such as the hay barn and other buildings within the complex. They then walked to the field used for the walking of dogs and observed the surrounding buildings and landscape. Members were informed as to the proximity of neighbouring residential properties.
2. Members noted the different regulatory regimes involved and were assisted on queries relating to the existing license. Members were told about the current hours of operation at the site which are from 7.30am to 6pm Monday to Friday with no operations on weekends or bank holidays. They were told about periods of exercise for the dogs in day care and how all such dogs are off site at the close of business. They were also informed that a staff member is always present on site during those hours of business.
3. Members requested confirmation on the number of dogs applied for under the planning permission and how many were agreed on the license. Officers confirmed that the planning application seeks permission for 25 dogs and that currently 15 dogs are permitted at the site under the separate license. Officers also confirmed that 22 dogs were on site at the time of the Noise Impact Assessment back in April 2023.
4. Members queried the number of noise complaints received by the Council and the date of the renewal of the Day Care License. Officers can confirm that the Public Protection team had received 6 statutory noise nuisance complaints between October 2022 and October 2023. The current license is due for renewal at the end of 2023.
5. Members queried who would monitor that any noise insulation measures had been installed. Officers advised that Public Protection Officers would be visiting the site to monitor the compliance with the conditions of the day care license and will inform the Planning and Compliance Officers if the noise insulation measures have not been installed within any timescales approved.
6. Members requested clarity on how animal waste was to be managed on the site. Officers advised that this detail could be controlled by condition should Members be of the opinion this is required.

7. Members discussed the option of potentially issuing a temporary planning permission as this has been mentioned in the Public Protection Officer's initial consultation response. Planning Officers advised that a temporary planning permission may not be necessary given suggested planning conditions and other separate legislative controls on any potential noise nuisance.

Late Representations- None

Additional information –

Public Protection have advised that 6 official statutory noise nuisance complaints have been received from 5 individuals from October 2022 to October 2023.

Officer Note-

Following site panel meeting, Officer's reviewed the recommended conditions contained within the report and have provided an updated set as included below for Member's consideration.

Comment in relation to PPW Update:

On 11th October 2023 Chapter 6 of Planning Policy Wales (PPW) 11 was updated by the Welsh Government (WG) Minister for Climate Change. This is the Chapter of National Policy which deals with Distinctive and Natural Places. In particular, the changes, which are effective immediately, relate to Green Infrastructure, Net Benefit for Biodiversity and the Step Wise Approach, Protection for Sites of Special Scientific Interest and Trees and Woodlands.

Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Amended Condition List-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

- (i) Location Plan - Received 17 April 2023
- (ii) Existing / Proposed Floor Plan - Received 1 September 2023
- (iii) Existing / Proposed Elevation - Received 1 September 2023
- (iv) Supporting Planning Statement (Civitas Planning Limited) - Received 1 September 2023
- (v) Noise Impact Assessment v2(Hepworth Acoustics, dated September 2023) - Received 11 September 2023
- (vi) Operational Statement (Civitas Planning Limited) - Received 6 October 2023
- (vii) Annotated plan in conjunction with Operational Statement (Civitas Planning Limited) - Received 12 June 2023

2. Notwithstanding the hereby approved plans and documents, within 42 calendar days of the granting of this permission, a Noise and Waste Management Plan and shall be submitted to the Local Planning Authority for approval in writing. The Noise and Waste Management Plan shall include full details of measures for mitigating disturbance to neighbouring properties and the surrounding soundscape, including: noise insulation measures to be installed; operational controls, on-site operational arrangements for the storage and disposal of animal waste; and a method of logging any complaints

received and actions taken to resolve them. The Noise and Waste Management Plan shall be implemented and adhered to at all times the business is open, and noise insulation measures installed in full within 2 months of its written approval by the Local Planning Authority and retained as approved at all times.

3. A maximum of 25 dogs shall be supervised and cared for on site at any one time.

4. Notwithstanding any approved plans and documents the Dog Day Care Business shall not operate outside of the following hours: 07.30hrs – 18.00hrs Monday to Friday, nor on Bank Holidays. No dogs cared for as part of the Dog Day Care Business shall remain on site outside of those hours and a staff member shall be on site at all times during the opening hours.

5. Only those designated areas shown on the approved plans, namely the manege and individual field, shall be used to exercise dogs cared for as part of the Dog Day Care Business. A maximum of 8 dogs shall be walked and exercised within these designated areas at any one time.

6. Within 3 months of the date of this permission a scheme for biodiversity enhancement shall be submitted to the Local Planning Authority for approval. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.

Reasons for conditions:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interests of residential amenity and to protect the soundscape of the AONB.
3. In the interests of residential amenity and to protect the soundscape of the AONB.
4. In the interests of residential amenity and to protect the soundscape of the AONB.
5. In the interests of residential amenity and to protect the soundscape of the AONB.
6. In order to maintain and enhance biodiversity

Item No.7 – Page 89

Code No. 23/2023/0160/PF

Location: Land Opposite Bryn Eglur, Llanrhaeadr, Denbigh

Proposal: Change of use of yard to form builder's storage yard (sui generis) and use of existing eco cabin building as associated office (B1).

LOCAL MEMBER(S): Cllr Elfed Williams (c)

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER FOR – Endaf Roberts (Agent)

Late representations – None.

Additional Information – None.

Officer Note –

Comment in relation to PPW Update:

On 11th October 2023 Chapter 6 of Planning Policy Wales (PPW) 11 was updated by the Welsh Government (WG) Minister for Climate Change. This is the Chapter of National Policy which deals with Distinctive and Natural Places. In particular, the changes, which are effective immediately, relate to Green Infrastructure, Net Benefit for Biodiversity and the Step Wise Approach, Protection for Sites of Special Scientific Interest and Trees and Woodlands.

Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Amended/ additional conditions – None.

Item No.8 – Page 113

Code No. 23/2023/0161/ PC

Location: Hen Shed, Llanrhaeadr, Denbigh

Proposal: Retrospective application for the change of use of part of the building to form builder's storage depot (sui generis) with associated office space (B1).

LOCAL MEMBER(S): Cllr Elfed Williams (c)

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER FOR – Endaf Roberts (Agent)

Late representations – None.

Additional Information – None.

Officer Note –

Comment in relation to PPW Update:

On 11th October 2023 Chapter 6 of Planning Policy Wales (PPW) 11 was updated by the Welsh Government (WG) Minister for Climate Change. This is the Chapter of National Policy which deals with Distinctive and Natural Places. In particular, the changes, which are effective immediately, relate to Green Infrastructure, Net Benefit for Biodiversity and the Step Wise Approach, Protection for Sites of Special Scientific Interest and Trees and Woodlands.

Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Amended/ additional conditions – None.

Item No.9 – Page 137

Code No. 40/2023/0473/PF

Location: Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan

Proposal: Erection of new hospital unit (Use Class C2) including associated landscaping, car parking and site vehicular access and the erection of a multi-storey car park and associated works

LOCAL MEMBER(S): Councillor Raj Metri (c)

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER FOR - Mr Peter Campbell (Agent)

Late representations – None.

Additional Information – None.

Officer Note –

Comment in relation to PPW Update:

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Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. There is a Green Infrastructure Statement included in this application. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Additional/amended condition –

Amendment to Condition 4

4. Prior to the commencement of development of the respective MHU and carpark buildings hereby approved, details of the materials to be used in the construction of the external walls and roof of those buildings shall be submitted to and approved in writing by the Local Planning Authority for the relevant building. The development shall be carried out in accordance with the approved details.

Additional condition 12:

12. No development shall take place until details of a parking strategy for hospital staff and visitors whilst approved construction work is ongoing have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with those details as approved.

Reason: In the interests of ensuring sufficient parking and highway safety at the site during construction.

Item No.10 – Page 171

Code No. 43/2021/0990/PF

Location: 93, Meliden Road. Prestatyn

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

LOCAL MEMBER(S): Councillor Hugh Irving
Councillor Jon Harland (c)

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER FOR - Sarinah Farooq (Agent)

Late representations – None.

Additional Information – None.

Officer Note –

Comment in relation to PPW Update:

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Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Amended/ additional conditions –

Amendment to Condition 12

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Item No.11 – Page 201

Code No: 43/2023/0071/PF

Location: Land at Midnant Farm, Gronant Road, Prestatyn

Proposal: Erection of 45 dwellings, construction of a new vehicular access, landscaping and associated works

LOCAL MEMBER(S): Cllr Andrea Myatt-Tomlin (C)
Cllr Ellen Heaton

OFFICER RECOMMENDATION IS TO **GRANT**

PUBLIC SPEAKER FOR – Stuart Andrew (applicant)
PUBLIC SPEAKER AGAINST- None.

Late representations - None

Additional Officer response to Cllr Tomlin query

Cllr Tomlin raised a query regarding the retention of the existing farmhouse.

A photograph of the farmhouse is included below, Officers are not of the view that the farmhouse is a building of merit and is not of local architectural or historical significance.

Suggested Condition 8 seeks a programme of building recording and analysis of the site is undertaken prior to any demolition works taking place which would include a record of the existing farmhouse.



Officer Note –

Comment in relation to PPW Update:

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Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

NO PUBLIC SPEAKER ITEMS

Item No.12 – Page 257

Code No. 45/2023/0108/ PF

Location: 20 Aquarium Street, Rhyl

Proposal: Conversion of ground floor retail premises to form a self-contained apartment and alterations to principle elevations

LOCAL MEMBER(S): Councillor Joan Butterfield
Councillor Alan James (c)

OFFICER RECOMMENDATION: TO REFUSE

Late representations – None.

Additional Information – None.

Officer Note –

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Officers have had regard to the updated Chapter 6 and, given the timing of its publication, have taken a reasonable and proportionate approach to its content in regard to the development proposed. Officers are content that the development proposed, and any suggested conditions, comply with the overall aims of the updated PPW 11.

Amended/ additional conditions – None.

Item No.13 – Page 280

Code No. N/a

Location: N/a

Proposal:

LOCAL MEMBER(S): N/a

OFFICER RECOMMENDATION: That members receive and note the contents of the Annual Monitoring Report 2023.
