

## PLANNING COMMITTEE

Date – 17<sup>th</sup> JULY 2024

## 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 (pages 5 – 6)
2. DECLARATIONS OF INTEREST (pages 7 - 8)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 9 – 16)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Items 5 - 8)

### ORDER OF APPLICATIONS

#### PART 1

	Application no.	Location	Page
<b>Public speaker items</b>			
<b>6</b>	19/2022/0783/PF	Tyn Y Mynydd, Llanelidan, Ruthin	117
<b>7</b>	40/2023/0627/PF	Bryn Morfa, Bodelwyddan, Rhyl	153
<b>8</b>	46/2023/0719/PF	New Vision Business Park, Glascoed Road, St Asaph	215
<b>Non-Speaker Items</b>			
<b>5</b>	01/2020/0315/PF	Former North Wales Hospital, Llys To Castle Junction, Denbigh	17

## PUBLIC SPEAKER ITEMS

**Item No.6** – Page 117

**Code No.** 19/2022/0783/PF

**Location:** Tyn Y Mynydd, Llanelidan, Ruthin

**Proposal:** Change of use of agricultural building and land to canine day care and boarding, erection of site office, installation of a cess pit and associated works (retrospective application)

**LOCAL MEMBER:** Councillor Hugh Evans

**OFFICER RECOMMENDATION:** TO GRANT

**PUBLIC SPEAKER FOR** – Huw Edwards (applicant)

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**Late representations** – None.

**Additional Information** – Additional elevational drawings have been received. The revised elevations now show the proposed position of bat and bird boxes. A green infrastructure statement has also been received.

**Officer Note** – The additional information does not materially affect the recommendation other than to require condition 1 (the ‘plans’ condition) to be updated.

### **Amended/ additional conditions –**

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) Proposed elevations (Drawing No. TY-1192-PL02) received 9 July 2024
- (ii) Proposed floor plan (Drawing No. TY-1192-PL01) received 2 September 2022
- (iii) Proposed site plan (Drawing No. TY-1192-PL03B) received 23 June 2024
- (iv) Proposed site plan (Drawing No. TY-1192-PL04A) received 23 June 2024
- (v) Location plan (Drawing No. TY-1192-PL05A) received 16 December 2022
- (vi) Noise Impact Assessment (E2 Consultants Ltd. dated 24 August 2022 V2) received 20 December 2022
- (vii) Additional info from agent on foul drainage - Received 19 October 2022
- (viii) Additional info from agent -specification of cesspit - Received 20 October 2022
- (ix) Site Office floor and elevations (Drawing No. TY-1192-PL02) - Received 9 July 2024
- (x) Additional information email- site operations - Received 16 December 2022
- (xi) Shelters document (reference to Site Plan 4 R1) - Received 23 June 2024
- (xii) Green Infrastructure Statement- Received 9 July 2024
- (xiii) Noise Assessment Plan (dated December 2022) - Received 14/01/2023

Reason: 1. For the avoidance of doubt and to ensure a satisfactory standard of development.

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**Item No.7 – Page 153**

**Code No.** 40/2023/0627/PF

**Location:** Land at Bryn Morfa, Bodelwyddan

**Proposal:** Demolition of dwelling and erection of 31 new affordable dwellings including new vehicular access, internal access road and associated works

**LOCAL MEMBERS:** Councillor Raj Metri (C)

**OFFICER RECOMMENDATION:** TO GRANT

**PUBLIC SPEAKER AGAINST –** Saul Page (local resident – attending virtually)

**PUBLIC SPEAKER FOR –** Endaf Roberts (agent)

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**Late representations –** None

**Additional Information –** Since drafting the main report there have been further discussions with the County Ecologist. The County Ecologist has subsequently requested that Officers negotiate with the applicants to explore options to create off site habitat to act as compensation for the habitat which would be lost as a result of this development.

**Officer Note –** Officers consider that the Ecologists request is reasonable. The creation/provision of offsite compensatory habitat is a matter which can be controlled through the Section 106. It is therefore Officers additional recommendation that paragraph 5.7 of the main report (page 209) be amended to:

“5.7 It is therefore recommended that Members resolve to grant planning permission subject to:-

A. Completion of a Section 106 Obligation to secure an open space contribution of £38,353.70, an Education contribution of £56,000 and the delivery/creation of off-site compensatory habitat by way of either land transfer, or commuted sum (to be negotiated in conjunction with the applicants, LPA and County Ecologist).

The precise wording of the agreement would be a matter for the legal officer to finalise. In the event of failure to complete the agreement within 12 months of the date of the resolution of the planning committee, the application would be reported back to the Committee for determination against the relevant policies and guidance at that time. The Certificate of Decision would not be released until the completion of the agreement.

B. Compliance with the following conditions:

The Certificate of Decision would not be released until the completion of the Section 106 Obligation”

**Amended/ additional conditions –** None.

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**Item No. 8 – Page 215**

**Code No.** 46/2023/0719/PF

**Location:** New Vision Business Park, Glascoed Road, St. Asaph

**Proposal:** Erection of 2 commercial units (Use Class D1) including the formation of parking, landscaping and associated works (amendment to previously approved B1 use)

**LOCAL MEMBER(S):** Councillor Peter Scott

**OFFICER RECOMMENDATION:** TO REFUSE

**PUBLIC SPEAKER FOR –** Steve Grimster (agent) (attending virtually).

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**Late representations –** None.

**Additional Information –** None.

**Officer Note –** None.

**Amended/ additional conditions –** None.

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## Non-Speaker Items

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**Item No.5 –** Page 17

**Code No.** 01/2020/0315/PF

**Location:** Former North Wales Hospital, Lllys To Castle Junction, Denbigh

**Proposal:** Conversion, restoration, part demolition and adaptation of main range listed buildings to residential use, demolition of Nurses Home, Mortuary, Isolation ward, Aled ward and former gasworks buildings and development of land within the hospital grounds for mixed use as enabling development, including residential units and business/commercial units, provision of biodiversity areas and open space, access, drainage and associated works

**LOCAL MEMBER(S):** Councillor Pauline Edwards  
Councillor Geraint Lloyd- Williams  
Councillor Delyth Jones (c)

**OFFICER RECOMMENDATION:** FOR PLANNING COMMITTEE TO DELEGATE THE POWER TO COMPLETE THE SECTION 106 TO OFFICERS (IN CONJUNCTION WITH THE DENBIGH MEMBER AREA GROUP) HAVING REGARD TO THE BROAD TERMS SET OUT IN THE REPORT AND LATE SHEETS.

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**Late/Additional representations:**

**Officer Note**

As Members will appreciate, a development proposal of this scale, containing many complex technical issues and delivery processes over a long development period requires a careful balance between flexibility and certainty.

Discussions between Officers of the Council, NRW and the applicants have continued since the main report was drafted. This has resulted in some required amendments to the report as contained in the main agenda reports pack. The changes primarily relate to the biodiversity mitigation 'tranches', the triggers for when certain elements of mitigation should be delivered, and the timing of payments of money. The changes are summarised below:

### **Changes from main report:-**

#### **Page 21:**

##### NEW TRANCHE – TRANCHE 0:

A new tranche is to be introduced before Tranche 1 – 'Tranche 0'. This new tranche brings the delivery of the 2 bat houses forward so that work can begin on their construction this year. It is envisaged that the bat houses will be transferred to DCC once the works are completed to a satisfactory level, and the payments of monies towards the ongoing maintenance and monitoring of the bat houses has been arranged. This will reflect the requirements of the Bat License (to be issued by NRW), and so discussions are still on going in this regard and therefore the 'Annual Payment' as referred to on page 21 may need to be amended. The bat houses are to be completed and transferred prior to any demolition works.

##### TRANCHE 1:

With the bat houses removed from Tranche 1, Tranche 1 is reduced in its scope and relates to the establishment of mitigation areas surrounding the stream, park and surrounding the established bat houses. The expectation is that the establishment of this tranche will occur in the first planting season following the completion of the bat houses.

##### TRANCHE 2

Due to the practicalities of developing the wider site, the trigger for establishing Tranche 2 is proposed to be amended to 'prior to the commencement of above ground development on the dwellings in areas A6 – A9'. This will allow dwellings to be constructed and occupied in area A2-A5 along with earth works and foundations to be constructed in A6-A9. Upon satisfactory establishment of the Tranche 2 mitigation works, DCC are to accept transfer of the land, along with annual payments for the ongoing maintenance and monitoring of the works. The final figure of the annual payments are still under review owing to the changes in the Tranches.

#### **Page 22:**

##### NEW TRANCHE – TRANCHE 2A

Insertion of a new Tranche – Tranche 2A. This relates to the woodland area and is intended to allow the management and improvement of the woodland to be undertaken alongside the development of the site. A program of works to the woodland and timing of works/establishment is to be agreed in conjunction with DCC and NRW (reflecting, where necessary, any License requirements). The woodland area works should, however, be commenced prior to any works above foundation level work on dwellings within A6 to A9. Once established in accordance with the approved program of works, the land will be transferred to DCC for ongoing management and monitoring. Costs of this and mechanism of how the payments are to be secured are still being considered.

##### TRANCHE 3:

Areas O3 Path, O3 Oak, O3 Pines, O3 West and O3 East to be established prior to Occupation of any dwellings in area A9. Established means completed (as per the discussed definition) and a certificate of completion served by the Owner on the Council.

Thereafter, following Establishment, there will be a mechanism in the s.106 whereby following the certificate of completion, the Council inspects within a reasonable period, may request reasonable

remediation works, and once carried out (or if remediation works are unnecessary) the Council is obliged to accept the transfer.

The ongoing method of payments / service charges to cover the long-term management of these areas is still under review and will be finalized for any s.106 agreement.

**TRANCHE 4:**

The 'chapel' area – this is a separate matter that stands outside of the main development. Once an end use has been agreed for the chapel it would be subject to its own planning application and European Protected Species license.

**TRANCHE 5:**

Establishment of the Balancing Pond to be carried out by the Developer (including any remedial works reasonably required by the Council) and transferred to the Council within 12 months of the date of issue of final certificates/adoption of the access roads connecting the Development to the public highway.

**FUNDING OF CONTRIBUTIONS:**

As stated above, due to the changing nature of the Tranches the sums presented in the main report are still under review. However, the aim is that DCC will accept the transfer of the land along with payments/service charges to ensure that the Authority receives sufficient funds to allow it to manage and monitor the ecological assets in the long term. This will all be set out in the finalized s.106 agreement and shared with Denbigh Member Area Group as necessary.

**Conservation – Works to the Main Range Listed Building**

No changes to this section, other to emphasise that the phasing statement of works to the Main Range Listed Building is of key importance to delivering the main aim of the project – the restoration of the former hospital. The required survey of the buildings current condition will inform the phasing strategy having identified the most urgent remedial works required to stop the further deterioration of the building.

**Page 23:**

The main report refers to the payment of monies (required to facilitate the delivery of highway improvement) within 1 month of permission being granted. The trigger for the payments referred to in the report is currently being reviewed. However, Officers primary aim is to ensure that the highway improvements are delivered at an appropriate time.

**Officer Note -**

Having discussed the proposed changes to the main report with NRW Officers, DCC's Ecological Officer, Conservation Officer and Highway Officers it is considered that the proposed amendments are acceptable to the Council.

Officers would reiterate that negotiations on precise final wording for the s.106 terms are still ongoing. The general terms as set out above are agreed between the Council and the applicant, however, further precise details of the completed s.106 will be presented to Denbigh Member Area Group for agreement and signing.

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