

ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC PROTECTION

**AGENDA, LATE INFORMATION AND AMENDMENTS TO PLANNING
COMMITTEE REPORTS**

The following sheets set out the agenda to be followed for the meeting, subject to the discretion of the Chair. They also provide a summary of information received since the preparation of the reports, and matters of relevance to individual items, which will be referred to 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
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

ORDER OF APPLICATIONS

PART 1

ITEM No

PAGE

Public Speaker items			
2	31/2013/1069/PF	Land West of St Asaph Business Park on South side of Glascoed Road St Asaph	35
1	24/2013/1461/PF	Land adjoining Hafod Ynys Rhewl Ruthin	21
3	43/2013/1352/PF	Land off Graham Avenue, Meliden, Prestatyn	77
4	45/2013/1452/PS	Unit 2 and 3 Glan Aber Works Glan Aber Trading Estate, Vale Road Rhyl	89
5	47/2013/1478/PC	Track from Terfyn to Marian Mills Cwm Dyserth Rhyl	99

The letter (C) after a Local Member's name denotes a Member of Planning Committee.

For Members information, Welsh Government has issued a 'revised' version of Planning Policy Wales in late February 2014, in the form of Edition 6 of that document. The Officer reports for the March Committee were completed prior to knowledge of the introduction of Edition 6, hence the reference in the reports on planning applications to Edition 5, 2012. The summary of changes in the February 2014 Edition confirm that the amendments are relatively limited, dealing with revised sustainability standards for new buildings, general updates to reflect advice in Technical Advice Note 23-Planning for Economic Development, (also recently issued), and updates to reflect a new waste policy. Officers have

added notes to those applications on the agenda where the contents of Planning Policy Wales Edition 6, 2014 appear to have a direct relevance to the item.

<p>ITEM 2 31/2013/1069/PF</p>	<p>Land West of St Asaph Business Park on South side of Glascoed Road St Asaph Erection of a crematorium with associated car park, access road and gardens of remembrance, construction of a new vehicular access and installation of a package treatment plant</p>	<p>Page 35</p>
<p>LOCAL MEMBER(S): Councillor Meirick Lloyd Davies (C) Councillor Davies has conveyed apologies for absence at the Committee and has asked that Councillor Barbara Smith be permitted to speak on behalf of local residents. Councillor Smith will not be speaking on behalf of Councillor Davies.</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>In recognition of the interest in this item, and at the Chair's discretion, 2 speakers will be permitted to speak against, and 2 speakers in favour of the application.</p> <p>Public Speakers: <i>Against</i> :</p> <ol style="list-style-type: none"> 1. Mr Huw Evans (Community Council) 2. Mr Martin Barlow (Chair, Cefn Meiriadog and Glascoed Road Residents and Users Group) <p>Public Speakers: <i>For</i> :</p> <ol style="list-style-type: none"> 1. Mr Rhys Davies 2. Mr Jamieson Hodgson (agent) <hr/> <p>LATE REPRESENTATIONS</p> <p>Private individuals Representations received from:</p> <p>Mrs L. Griffiths, Cottage Villa, Glascoed Road, St Asaph David Cumming, by email Gareth Jones, by email Mark Evans, Pebble Hill Property Ltd, Conwy Business Centre, Llandudno Junction, Conwy Mrs K. Barlow, 4 Elwy View, Mill Street, St Asaph Mr M. Barlow, 5 Maes Robert, Cefn, St Asaph</p> <p>- Summary of representations :</p> <p>Public transport improvements Suggestion of improving bus services to serve new bus stops at the crematorium is inappropriate given this would be of no benefit to existing residents along Glascoed Road who can not access existing bus stops because of the absence of footways and the dangers of walking along the road</p> <p>Inadequate public transport and potential traffic increase Concerns over additional traffic in St Asaph High Street</p> <p>Visual Impact Not in keeping with the countryside location / open farmland / ambiguity over the final chimney height makes understanding of impact impossible / extensive planting would go against the open character of the landscape</p> <p>Compatibility with uses on St Asaph Business Park Concerns over potential influence on present and future occupiers of the Business Park / may have adverse impact on jobs and should be a material consideration</p> <p>Assessment of alternative sites Weak assessment involving small area relative to the County / stated rationale refers to a commercial appraisal and not one providing for Denbighshire's needs overall / site is chosen for its availability and profitability and works backwards to justify selection in planning terms / should not form the basis of such an important decision and should be subject to independent assessment</p> <p>Need issues Applicants argue the needs of people of Denbighshire should override planning policy</p>		

considerations, but the need justification relies on numbers of residents of Flintshire and Conwy to show the need / only needs of Denbighshire residents should be taken into account / there are no capacity problems in existing crematoria

Conflict with planning policies

Site is outside development boundaries, employment area, on land protected from development / is not an essential facility for the local community / is not a sustainable development (no public transport access to the site, limited public transport with no footways to the site and no services on Sundays, Bank Holidays, or evenings) / site is on high quality agricultural land which should be protected / no crematorium proposed in the Local Development Plan

Highways issues

Traffic assessment does not take account of seasonal traffic, impact on St Asaph High Street, Engine Hill and Rose Hill

Other representations, including from organisations / groups:

Geoff Roberts, E. Parry and Sons (Penrhewl), Funeral Director, Vale Cottage, Waen, St Asaph
- Unaware of any consultation by Memoria Ltd. Do not support the application

Cefn Meiriadog and Glascoed Road Residents and Users Group

3 page response summarised below under the headings listed in the document -

1. Need of Denbighshire

Applicant's justification of need to override planning policy depends on inclusion of thousands of Flintshire and Conwy residents to arrive at relevant figures, yet argues it is the needs of the people of Denbighshire which allow the LDP to be overridden / only the needs of Denbighshire's residents should be taken into account in the calculation of need.

2. Memoria site search and overview map documents

The claim to override the LDP rests on the site being the best for Denbighshire, but the assessment and map undermine this / the search indicates a predetermined decision to locate close to St Asaph based on purely commercial decisions / the document works back from securing the only available site to justifying it as the best fit for serving the County/ the site search map is out of date and includes sites already developed, disqualified by the presence of dwellings or never available, and the document is not something on which such an important decision should be based / there should be an independent alternative site search based on appropriate considerations in order to secure the development in the right place.

3. Bellamy Roberts letter re transport / access ; comments in Officers report

No bus route passes the site / the site is in effect inaccessible to those reliant on public transport / nearest bus stop is 2/3 mile away and there is a 1/4 mile stretch without a footway / there would be demand to visit the Gardens of Remembrance outside hours of cremation services, when there are no bus services (evenings, Sundays and Bank Holidays)

4. Peter Brett and Associates Audit of Need

There are points of concern in the report – basis of calculating cremation rates, death rates, reliability of drive time data, drive time maps, and there are drafting errors which give cause for concern over the professionalism of the consultants and the reliability of aspects of the report.

5. Height of chimney

Chimney height does not seem to have been resolved / elevation plans indicate exact height of chimney is to be determined by the manufacturer, hence uncertainty over visual impact remains

6. Memoria consultation (Officers report)

There is no evidence produced to inform on Memoria's consultation on the application.

ADDENDUM REPORT

The application was the subject of a Member briefing at Cefn Meiriadog Chapel vestry on the 14th March, 2014.

In attendance were:

CHAIR – Councillor Win Mullen- James

VICE CHAIR and LOCAL MEMBER - Councillor Meirick Lloyd Davies

COMMUNITY COUNCIL – Councillors Robert H. Roberts and Dennis Williams

IN ADDITION TO THE ABOVE – Councillors Barbara Smith, Bill Cowie, Dewi Owens, Colin Hughes, Richard Davies, Arwel Roberts, Peter Owen, Merfyn Parry

The Officers present were Mr Paul Mead and Mr Ian Weaver (Planning), and Mr Mike Parker and Mrs. Gail MacEvoy (Highways)

The reason for calling the meeting was to allow opportunity to view the plans for the development, and for a factual briefing to assist Members appreciation of the main planning issues.

The Planning Officers first offered an outline of the proposals and the basis of representations received up to that point. Members were given opportunity to ask questions and to seek clarification of points of relevance to the proposals.

In the course of the meeting, Members had regard to the following matters:

1. The detailing of the proposed development, and relationship with surrounding development
2. The basis of responses to the application.
3. The main planning issues.

In relation to the matters outlined :

1. Members viewed the submitted plans and were made aware of the main elements of the scheme, and the stages through which the application had progressed. Questions were raised over the detailing and location of the proposed building and chimney height, the access and parking proposals, and the landscaping. Members had access to a series of photographs of the site and surroundings, including Glascoed Road.

2. The Planning Officers outlined the substance of representations received in support and in objection to the proposals (including the comments of the Residents Group), and the basis of consultee responses (including the conclusions of the Council's independent consultants on the issue of need). The Community Council representatives outlined the main points of local concern as expressed in a public meeting. The Highways Officers explained the considerations given to the 'technical' issues relevant to the proposed access and the acceptability of the approach roads.

3. There was a lengthy discussion on a range of details and the land use planning issues. This included questions in relation to –

- The accessibility of the site, public transport links and the feasibility / desirability of improvements such as additional bus stops and developer contributions to improving services
- The acceptability of the highway network in the vicinity of the site
- Matters relevant to the need arguments, and travel time calculations
- The development of 'best and most versatile' agricultural land
- Investigation of alternative sites and the choice of the application site
- Whether the development constituted a 'community facility' in terms of Local Development Plan policy
- The visual impact of the proposed building
- The wording of a number of 'without prejudice' potential planning conditions in the event of Committee granting permission, including the use of stone on the proposed building, routing of buses past the site, and the routing of construction vehicles.

OFFICER NOTES

Factual correction - paragraph 1.1.3, Page 50.

The applicant company Memoria are based in Stratton Audley, Oxfordshire.

Update and factual correction - paragraph 4.2.10, page 69 -

Planning Policy Wales Edition 6, February 2014 has introduced a different requirement in relation to the standards of sustainability to be achieved in the construction of non residential buildings. The crematorium building is subject to compliance with the Building Research Establishment Assessment Method (BREEAM) standards as the development would be carried out on a site area in excess of 1 hectare, and would now need to achieve a 'very good' standard and achieve mandatory credits for 'excellent' in relation to the relevant BREEAM documents. In the event of a permission being granted, these standards would need to be the subject of an additional planning condition, which is worded below (Condition 15).

For clarification -

In relation to the assessment of alternative sites, Officers interpretation of the planning policy context is that there is no requirement for an applicant to demonstrate a sequential test has been undertaken similar to that required in relation to retail applications. Reference in the report to evaluation of alternative sites is in relation to Section 4.10. 1 of Planning Policy Wales, which seeks to conserve best and most versatile agricultural land, and suggests development should only be permitted where there is overriding need, and either previously developed land or land in lower agricultural grades is unavailable.

In relation to the relevance of the application for a crematorium in Flintshire, Officers would wish to clarify the concluding comments in paragraph 5.6 of the report. Whilst Officers' opinion, on the basis of the Peter Brett and Associates assessment, is that the Northop scheme does not impact on the Glascoed Road proposal, it is not inappropriate to take account of the existence of that proposal. It should be concluded that it carries limited weight in the determination by the Committee as it remains undetermined by Flintshire, and even if permitted, will have no material impact on the identified need for the crematorium at Glascoed Road.

In acknowledging the substance of the late representations, Officers do not consider these justify any changes to the recommendation in the report.

Suggested revised condition:

3. Notwithstanding the submitted plans, no development shall take place on the building until samples of the materials to be used on the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and shall include for the use of natural stone on the walls. The development shall be carried out in accordance with the approved details.

4. Notwithstanding the details on the submitted plans, the crematorium shall not be brought into use until the written approval of the Local Planning Authority has been obtained to details of all of the following :

- i) The highway, access and parking proposals, including provision for cycle parking and pedestrian circulation;
- ii) Arrangements for improving the accessibility of the site by public transport and/or pedestrians,
- iii) The proposed hard surfacing materials and the materials to be used on the surfacing of the overspill parking areas;
- iv) The detailed foul and surface water drainage arrangements.

The development shall be undertaken in accordance with the approved details and the crematorium shall not be brought into use until all the approved details have been completed.

5. - insert additional clause -x) The proposed routing of construction vehicles

12(i) - insert at end of clause i - "unless agreed in writing by the Local Planning Authority prior to such work commencing".

Suggested new condition(s) :

15. The development shall be designed to ensure compliance with the relevant BREEAM 'Very Good' standard in place at the time of the construction of the building, and shall achieve the equivalent of :

- the mandatory credits for 'Excellent' under issue Ene1- Reduction of CO2 emissions where BREEAM 2008 applies to the development on registration to BREEAM
- the equivalent credits for 'Excellent' from BREEAM 2008 (as set out in Annex 1 of Planning Policy Wales Edition 6, February 2014) where BREEAM 2011 applies to the development on registration under BREEAM.

The building shall not be brought into use until a 'Final Certificate' has been submitted to the Local Planning Authority confirming that the relevant BREEAM standard in force at that time has been achieved.

<p>ITEM 1 24/2013/1461/PF</p>	<p>Land adjoining Hafod Ynys Rhewl Ruthin Erection of 10 no. dwellings, associated garages, vehicular access, public open space and public car parking area</p>	<p>Page 21</p>
<p>LOCAL MEMBER(S): Councillor Merfyn Parry (C)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>ADDENDUM REPORT</p> <p>The application was subject to a Site inspection panel meeting at 9am on Friday 14/02/2014</p> <p>In attendance were:</p>		

CHAIR – Councillor Win Mullen James

LOCAL MEMBER – Councillor Merfyn Parry

LLANYNYS COMMUNITY COUNCIL – Councillor Mike Denman

The Officers present were Mr Ian Weaver (Planning) and Mr Mike Parker (Highways)

The reason for calling the site panel was to assess the highways and open space issues.

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

1. The detailing of the proposed development.
2. The character of the area and proximity to residential and other property.
3. The basis of representations on the application.

In relation to the matters outlined :

1. Members noted the basic details of the planning application, which involved the erection of 10 dwellings off a proposed single access off the Llanynys Road, and the creation of a small parking area with a separate entrance for use by the school opposite. The Planning Officer outlined the main elements of the scheme, which included the provision of an open space between the cul de sac and the substantial dwelling at Hafod Ynys. The Highways Officer explained the evolution of the proposals and the reasons for the location of the main access.

2. Members were aware that the site was within the development boundary of the village. They viewed the site to appreciate its location relative to the Listed Buildings at Hafod Ynys, the adjacent Chapel and Chapel House, and the village school.

3. There was discussion on the issue raised by the Community Council in relation to the open space proposals, and potential for payment of a commuted sum which could be used in connection with improvements to existing recreation facilities in the village. The Planning Officer advised the meeting of the applicants' offer to contribute the maintenance payment for Children's play equipment as a commuted sum payment, in addition to providing the parking area for school use. Questions were raised over the timing of completion of the internal access road, the parking area and its future maintenance.

Suggested revised condition(s):

6. The development shall not be permitted to commence until the arrangements for the future management and maintenance of the parking area have been approved in writing by the Local Planning Authority, and the parking area shall be completed before the occupation of the first dwelling.

Suggested new Note(s) to Applicant:

You will be aware that the Local Planning Authority has received representations from the owners of Hafod Ynys, drawing attention to the delineation of the site boundary. Whilst the Authority can not act as an arbiter in any civil dispute over the position of a property boundary, you should ensure there are no private constraints over the implementation of the planning permission, or any basis for challenge to the validity of the application or grant of permission based on materially inaccurate or misleading claims on land ownership, or failure to complete the appropriate Notice(s) to accompany the planning application.

Your attention is drawn to the possibility that the tree survey / report may contain reference to trees in separate ownership, hence you should ensure any works to trees or hedgerows on or close to the property boundary are within your ownership.

OFFICER NOTES

In relation to the open space proposals, the applicants have confirmed that they propose to provide the open landscape area as part of the development, to be handed over to the Council together with the adoptable highway and car park. It is not proposed to provide an equipped children's play area on the site, but the applicants are prepared to pay the relevant maintenance payment to the Council in relation to an equipped play area (in addition to the maintenance payment for the open area) as part of the adoption agreement, hence providing a sum in the order of £3500 which would be held in the 'pot' for potential claims for use by bodies such as the Community Council on maintenance of existing play equipment in the area.

ITEM 3

43/2013/1352/PF

Land off Graham Avenue, Meliden, Prestatyn

Erection of 2 no. detached dwellings and construction of a new vehicular access

Page
77**LOCAL MEMBER(S):** Councillor Peter Evans (C)**OFFICER RECOMMENDATION IS TO GRANT**
-----**LATE REPRESENTATIONS**

Consultees :

Natural Resources Wales

Have assessed the application as having low environmental risk.

Prestatyn Town Council

"Committee felt surface water drainage from the site may lead to flooding because of topography. Clarification required on proposed drainage arrangements".

Private individuals

In objection, from:

D. Ashton, 4 Graham Avenue, Meliden

I. Gibbons, Claiville, Ffordd Penrhwyfya, Meliden

- Summary of representations :

New dwellings still appear to be set well in front of the building line of the neighbouring bungalow, dominating bungalows in the area. If built in line with neighbouring bungalow, would not be so overpowering.

Difficult to assess alterations to land levels

Conditions should be imposed to prohibit additional windows to protect privacy of neighbours, and to ensure landscaping is completed before occupation of dwellings.

OFFICER NOTES

With regard to the comments of the Town Council, there are no objections on drainage grounds to the application from the two key statutory consultees, Natural Resources Wales and Dwr Cymru Welsh Water. It is however suggested appropriate to add a condition requiring approval of the land drainage detailing (see below).

In response to the late representations, conditions are already suggested in the report to cover matters relating to additional windows and the completion of landscaping / planting. An additional condition is suggested below to require submission and approval of a proposed site plan clearly showing levels around the proposed dwellings

Density of development

Members will note that the proposal involves the erection of two dwellings on a site which has been the subject of a previous outline permission for 3 units (albeit the plans submitted in 2010 were treated for illustrative purposes and the permission did not approve 3 dwellings). Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density. Applying the density figure referred to in Policy RD1 would give an indicative number of 4 dwellings for the site area involved. However, in looking at the 'local circumstances', Officers would suggest it is relevant in this case to take into consideration the physical constraints on development of the site from the steeply sloping ground and extent of trees/vegetation (which restricts the effective developable area given also the need to provide access, parking and turning space within the plot, and the need to retain natural screening), and the character of development locally (primarily detached dwellings, some in large plots). There are no representations raising issues over the density of development proposed. Consequently, Officers do not believe the proposed density is inappropriate or that there is conflict with test ii) of the policy.

Suggested new condition(s) :

13. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the foul and surface water drainage arrangements. The development shall be carried out strictly in accordance with the approved details prior to the occupation of the first dwelling.

<p>Reason – To ensure a satisfactory drainage system in connection with the development.</p> <p>14. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed site plan showing the final levels of the whole site, including the finished floor levels of the dwellings, all pathways, driveways and parking areas, and the recontouring of the areas proposed as the gardens for the dwellings. Those details subsequently approved shall be implemented in full thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason – For the avoidance of doubt and to ensure the acceptability of the different elements of the scheme.</p>	
--	--

<p>ITEM 4 45/2013/1452/PS</p>	<p>Unit 2 and 3 Glan Aber Works Glan Aber Trading Estate, Vale Road Rhyll Variation of condition numbers 2 and 5 of planning permission ref 45/2012/0280/PF to permit use of part of unit 3 as office and storage of empty skips in front of unit 2</p>	<p>Page 89</p>
--	--	----------------------------------

<p>LOCAL MEMBER(S): Councillors Pat Jones (C) and Margaret McCarroll (C)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>ADDITIONAL PLAN(S) : See YELLOW sheet. This shows the site plan and floor layout of the two units as approved in 2012, and a clearer version of the site plan and floor layout as now proposed.</p> <p>OFFICER NOTES Members' attention is drawn to the correct description of the application above. The original submission sought a variation to condition 3 of the 2012 permission, but this has been omitted in the course of progressing the application.</p> <p>For clarification- The application seeks variation of two conditions imposed on the 2012 permission.</p> <p>Condition 2 limited the use of the site for the storage of sealed asbestos and for no other purpose. The applicants are seeking variation to this condition to allow the continued use of part of unit 3 as office accommodation in connection with the use.</p> <p>Condition 5 stated no waste material or skips shall be stored in the open air. The applicants are seeking variation to this condition to permit the storage of empty skips in front of unit 2.</p> <p>The application has arisen from the use of part of unit 3 for office purposes, and the storage of empty skips, which are not permitted by the wording of conditions 2 and 5 of the 2012 permission.</p> <p>Officers have notified the Town Council of the revisions to the application as now described, and the Town Council have up to the 21st March to respond, i.e. 2 days following the date of the Committee. As no response has been received at the time of preparing these late sheets, Officers are suggesting that if the Committee resolves to GRANT the variations to the two conditions, then the resolution should be to issue the Certificate of Decision subject to the receipt of no representations raising new land use planning matters from the Town Council by the 22nd March. Should the Town Council raise different issues, then the application would be reported back to the 16th April meeting of the Committee.</p>	
---	--

ITEM 5 47/2013/1478/PC	Track from Terfyn to Marian Mills Cwm Dyserth Rhyl Maintenance work to track using recycled aggregate to level the area and topped with soft product (Retrospective application)	Page 99
<p>LOCAL MEMBER(S): Councillor Barbara Smith</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>No late information</p>		

SPECIAL REPORTS

**7. DRAFT SUPPLEMENTARY PLANNING GUIDANCE :
BODELWYDDAN - DRAFT SITE DEVELOPMENT BRIEF**

Members attention is drawn to page 17 of the Brief (page 125 of the Planning Committee papers), paragraph 6.13. This paragraph should read:

"Currently secondary school education in the local area is provided at both Rhyl High School and Ysgol Glan Clwyd in St Asaph. Improvements to increase the capacity of these schools ~~will~~ **may** be required as a result of the development. Contributions towards this ~~may~~ **will** be required as part of the development proposals....."

**8. DRAFT SUPPLEMENTARY PLANNING GUIDANCE :
WELSH LANGUAGE SUPPLEMENTARY PLANNING GUIDANCE**

– Adoption of final document

9. WELSH GOVERNMENT CONSULTATION -

THE USE OF CONDITIONS FOR DEVELOPMENT MANAGEMENT – for information