

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 (Pages 11 – 20)
5. ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE – CONSULTATION DRAFT (Pages 21 - 34)
6. LISTED BUILDINGS SUPPLEMENTARY PLANNING GUIDANCE – CONSULTATION DRAFT (Pages 35 – 56)
7. CONSERVATION AREAS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT (Pages 57 – 78)
8. DRAFT SITE DEVELOPMENT BRIEF – RHUDDLAN TRIANGLE - – CONSULTATION DRAFT (Pages 79 – 114)

(APPLICATIONS FOR PERMISSION FOR DEVELOPMENT
(Pages 115 – 208)

ORDER OF APPLICATIONS

PART 1

ITEM No

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

<p>ITEM 9 02/2014/0990</p>	<p>Ruthin School, Mold Road, Ruthin Siting of 1 no. temporary classroom unit</p>	<p>Page 115</p>
<p>LOCAL MEMBER(S): Councillors Huw Hilditch-Roberts (c), David Smith, and Bobby Feeley</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: For : Mr David Fitzsimon</p> <hr/>		

<p>ITEM 11 31/2013/1079</p>	<p>Elwy Meadows, Lower Denbigh Road, St Asaph Installation of micro hydro electric scheme</p>	<p>Page 141</p>
<p>LOCAL MEMBER: Councillor Meirick Lloyd Davies (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: Against : Mr Ian Macdonald Public Speaker: For : Mr Ben Pocock</p> <hr/> <p>LATE REPRESENTATIONS Consultees : Natural Resources Wales NRW have been approached for comment on late representations suggesting consideration of the planning application be deferred. This request by, and on behalf of the local Angling Association is to allow NRW to respond to a formal complaint over the decision to grant an abstraction licence, and to inform Denbighshire of the outcome of that process, and whether it impacts on their response to consultation on the planning application, as this may lead the County Council to a different conclusion on elements of the scheme.. NRW's reply advises that at present their response to the planning application remains valid. It confirms that a permit has been issued for abstraction, consent has been granted for permanent works/structures around the bank top, and fish pass approval has been given. However, in relation to the complaint over the grant of the abstraction licence, NRW advise this will be responded to by November 24th, but as the response is yet to be confirmed, they state "your authority may wish to defer determination of the application".</p> <p>Private individuals Martyn Hogg, Ysgoboriau, Lower Denbigh Road, St Asaph Mr and Mrs Donaghy, PenUcha Roe Bach, Lower Denbigh Road, St Asaph</p> <p>- Summary of representations</p> <p>Adequacy of information Concerns over adequacy of information on the impact of the installation under all states of the river, in terms of impacts on the likelihood of flooding</p> <p>Increased flood risk Proposals will further restrict the flow of the river putting property at heightened risk of flooding</p> <p>Emails have been received from Ian Macdonald, Secretary of Rhyl and St Asaph Angling Association, and from Andrew Kelton, Fish Legal, raising matters on behalf of the Association.</p> <p>The emails refer to ongoing exchanges between the Angling Association and Natural Resources Wales (NRW), and in particular to what NRW are treating as a formal complaint from the Association over their responses to issues of concern in relation to the hydro proposals at Elwy Weir. The</p>		

Association advise that NRW have confirmed they are to respond to them by the 20th November , hence the Association suggest as the County Council 'are relying on NRW as being their experts', that the application be deferred to a later meeting.

The Fish Legal email reiterates this point and suggests reliance on NRW is unsatisfactory on the basis that NRW's determination of the abstraction licence has been demonstrably inadequate. There is reference to failure to address the decrepit condition of the weir, and it is suggested that the Council should not be deferring to NRW in relation to all matters to do with flow issues (weir sustainability, flood risk, and fish passage). The concern is that there may be harm to property rights which may infringe the Human Rights Act. It is suggested that it is essential to require a full engineering survey of the weir to ascertain repairs necessary; that the pool redesigns required under the Abstraction Licence should be in consultation with the angling and any other interests; and that provision should be made for compensation to be paid by the developer to angling right holders should there be measurable impact on the quality and capital value of the fishery affected by the development. On these grounds, as there is no consideration of such conditions by the Council, deferral is considered necessary.

OFFICER NOTES

The preceding notes explain the contents of exchanges of correspondence in the days immediately preceding the day of Planning Committee. NRW have been asked for advice on the situation and in particular whether as a result of the investigation into the formal complaint over the issue of the Abstraction Licence, it is possible that NRW could revise the basis of comments previously conveyed to the County Council on the planning application, which could lead to a different recommendation, and may justify determination being deferred. The NRW response is referred to at the head of this item. In the circumstances, where NRW are suggesting the Council may wish to defer determination, Officers feel the Council is in an invidious position and that it may be best to take a cautionary approach and consider this option.

In noting the particular concerns of the individual over the adequacy of information on water flow and control, this is the subject of detailed exchanges between the applicants and Natural Resources Wales as part of the separate Abstraction Licence, Flood Defence Consent, and Fish Pass Approval processes. The applicants have confirmed that as indicated on the submitted drawings the weir crest level will remain the same and the upstream water levels will not be materially different from those under the current situation for example during the low summer flows the water level will only be a few inches below the weir crest with the low flows passing down the fish pass much in the same way as with the current arrangement.

<p>ITEM 12 45/2013/1510</p>	<p>Ocean Beach Site, Wellington Road, Rhyl Development of 5.3 hectares of land for mixed-use redevelopment to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved)</p>	<p>Page 163</p>
<p>LOCAL MEMBER(S): Councillors Ian Armstrong (c)and Joan Butterfield (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>Public Speaker: For - Mike Ralph (agent)</p> <p>Late Representations Consultees:</p> <p><u>SUSTRANS</u> Concerned about the apparent lack of linkages made to existing cycle routes to north and south of the site. The applicant should pay for crossing points on West Parade and Wellington Road to enable pedestrians and cyclists to access and use their development site linking to the new cycle bridge and Marine Lake.</p> <p><u>Denbighshire Highway Officer</u> Require conditions to be imposed dealing with safety audit and crossing points at applicants expense.</p>		

Late Information

Applicant's Agent

The agent for the applicant has submitted detailed information which attempts to address two material planning issues.

The first one pertains to the potential retail impact of the development on the Town Centre of Rhyl. The agent argues that the scheme would only divert a modest amount of expenditure from surrounding defined centres. The agent stresses the regeneration benefits of the scheme on the local economy with jobs being created. He emphasises how the site enjoys good accessibility by a choice of means of transport and how the provision of retail on the site creates a key anchor for wider redevelopment. Without it the prospects for re-use of the site are non-existent. The retail element can also cross-subsidise the provision of needed electricity to the site.

In order to address concerns over the amount of non-food comparison retail on the site the applicant is willing to accept conditions restricting the amount of non-food comparison retail floor space. In addition he has offered to enter an undertaking to pay £25K towards improvements to linkages to the town centre at an appropriate stage in the development of the site. This is set out in the submission as being paid upon completion of 5,000 sq.m of floor space on the site.

The second issue relates to vehicular, pedestrian and cycle access and egress at the site. The agent attempts to address issues raised by Sustrans and the Council's Highway Engineer who are keen to ensure safe crossing points are provided by the developer on West Parade and Wellington Road to enable cyclists and pedestrians to move from the new bridge through the site and over to Marine Lake. The agent is happy to accept planning conditions which will address these issues.

Officer Comments on Late Information

Officers are content that the conditions suggested below will address the retail impact issue. There is a retail led scheme already in place on the site and one must have regard to the likely regeneration of this large site without a level of food and non-food retail. Providing the levels can be controlled, the economic benefits of allowing this scheme outweigh any potential further minor negative impact on the viability of the Rhyl Town Centre.

Officers are also content that the re-worded conditions as below will address the need to make safe and suitable crossing points for cyclists and pedestrians on West Parade and Wellington Road.

Revised Conditions

Conditions 1-10 remain as main report.

Condition 11

The non food comparison retail floorspace shall not exceed a maximum of 2,794 sq.m across the development site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the vitality and viability of the town centre of Rhyl.

Condition 12

A minimum of 931 sq.m of Class D2 leisure floor space will be provided across the development site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the vitality and viability of the town centre of Rhyl.

Condition 13 (Deleted as main report, to now read)

Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, which shall be completed prior to the proposed development (excluding that covered by condition 4) being brought into use.

Reason: To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

Condition 14

Full details of the new vehicular accesses off Quay street and West Parade, the new roundabout and associated highway works as indicated on the approved plans shall be submitted to and approved in writing by the Local Planning Authority before any works (excluding that covered by condition 4) start on site. The details to be approved shall include the detailed layout, design, construction, street lighting and drainage, and the highway works shall be fully completed in accordance with the approved details before any part of the development (except that covered by condition 4) is brought into use or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.

Condition 15

The detailed layout, design, means of traffic calming, signing, drainage, street lighting and construction of the internal site road as indicated on the approved plans shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any work (excluding that covered by condition 4) on site. Those details subsequently agreed shall be implemented in full thereafter.

Reason: In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access.

Condition 16

Before any development commences on site (excluding those covered by condition 4) a scheme to provide for controlled crossings at West Parade, the Quay Street/Wellington Road roundabout and Wellington Road (east) along with details of the additional active travel routes and facilities around and within the site shall be submitted to and approved in writing by the Local Planning Authority. The details to be approved shall include the exact locations, detailed layout, design, signing and construction and the works shall be fully constructed in accordance with the approved details before any part of the development (except those covered in condition 4) is brought into use or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the free and safe movement of all user of the highway and to ensure the formation of a safe and satisfactory access for pedestrians and cyclists.

Additional Notes to Applicant

The developer is advised that suitable legal agreements will be required in relation to the highway works and they should contact the Highway Authority to discuss the requirements of the highway improvements at an early stage. As part of these independent safety audits will be required to be undertaken.

The following matters are drawn to the applicant's attention as Advisory Notes.

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.
- (iii) Denbighshire County Council Specification for Road Construction.
- (iv) Denbighshire County Council General Notes for Highway Lighting Installations.
- (v) Denbighshire County Councils General Requirement for Traffic Signs and Road Markings.

<p>ITEM 10 15/2014/0969</p>	<p>Llys Armon, Llanarmon Yn Ial, Mold Conversion of existing terraced house to form two separate one bedroom terraced houses and associated works</p>	<p>Page 127</p>
<p>LOCAL MEMBER: Councillor Martyn Holland</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <hr/> <p>OFFICER NOTES</p> <p>Suggested new condition :</p> <p>2. The materials to be used in the frames of the new windows and door, and the new entrance door on the front elevation of the dwellings shall be painted timber.</p> <p>Reason : In the interests of visual amenity in the centre of the Conservation Area.</p>		

<p>ITEM 13 45/2014/1079</p>	<p>10 - 24 Abbey Street and, 3 - 29 Gronant Street, Rhyl Demolition of No's 10-24 Abbey Street and 3-29 Gronant Street and erection of 11 2-bed houses and 9 3-bed houses with associated gardens, parking and hard landscaping</p>	<p>Page 185</p>
<p>LOCAL MEMBER(S): Councillors Ian Armstrong (c)and Joan Butterfield (c)</p> <p>OFFICER RECOMMENDATION IS TO GRANT</p> <p>-----</p> <p>LATE REPRESENTATIONS Consultees : Council's Biodiversity Officer Has considered the protected species reports which conclude a medium potential for roosting bats. The proposals have to be carried out in a manner which avoids harm to any bats present and will not affect their favourable conservation status. All works must be in strict compliance with the recommendations in the submitted reports and details of the type and number of bat boxes or roosting opportunities need to be submitted for approval. Developers need to be advised of standard working practices and of the need to contact NRW in the event of bats being found.</p> <p>OFFICER NOTES</p> <p>Suggested new condition : 10. No demolition shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the type and number of bat boxes or other roosting opportunities. The demolition shall only proceed in accordance with the approved details.</p> <p>Reason – In the interests of nature conservation.</p>		