

**ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC PROTECTION****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 - 16)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT  
(Item numbers 5 – 10)

**ORDER OF APPLICATIONS****PART 1**

	<b>Application no.</b>	<b>Location</b>	<b>Page</b>
<b>Public Speaker items</b>			
<b>5</b>	02/2020/0811	73A Erw Goch, Ruthin	
<b>7</b>	45/2019/0592	The Crown Bard, Ffordd Derwen, Rhyl	
<b>8</b>	45/2020/0844	83 Dyserth Road, Rhyl	
<b>9</b>	46/2020/0850	2 Gemig Street, St Asaph	
<b>10</b>	47/2020/0593	Former Rhyl Rugby Club, Waen Road, Rhuddlan, Rhyl	
<b>No Public speaker items</b>			
<b>6</b>	23/2021/0108	Llwyn Afon, Llanrhaeadr, Denbigh	

# PUBLIC SPEAKER ITEMS

## Item No.5 - Page

**Code No.** 02/2020/0811/PF

**Location:** Land at (Part Garden of) 73A Erw Goch Ruthin

**Proposal:** Erection of a detached dwelling, construction of a new vehicular access and associated works

LOCAL MEMBERS: Cllr Bobby Feeley, Cllr Emrys Wynne (c), Cllr Huw Hilditch- Roberts

OFFICER RECOMMENDATION IS TO **REFUSE**

Public Speaker: Against – John Ferguson

Public Speaker: For – Aled Mosford (son of applicant)

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### LATE REPRESENTATIONS:

None received.

### OFFICER NOTES:

#### Impacts to adjacent trees:

In order to demonstrate the impacts of the proposed development on the adjacent trees, the Applicants conducted excavation works to determine the presence of any tree roots within the site. The Applicants themselves dug 2 x 1.2m deep holes and a trench to connect the two as advised by the Council's Tree Consultant when he went to site to inspect the holes on 26<sup>th</sup> March. A follow up statement from the Applicant's Tree Consultant was provided following the trench dig which explained that no roots were found to be present.

The Council's Tree Consultant has accepted that no roots will be affected by the development and has since removed his objection but has advised that the proximity of the oak and sycamore in relation to the proposed dwelling would likely cause overshadowing of the residential amenity space of the new dwelling. He recommends that an allowance should be made to allow the trees to grow to their full potential rather than be hemmed in by development and cut back because of it.

A TPO request dated 6/04/2021 has been made and the Council's Tree Consultant is currently considering it.

#### Updated reasons for refusal:

Reason 1: No change.

Reason 2: No change.

Reason 3: To be removed (impacts to trees).

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**Item No.7 - Page**

**Code No.** 45/2019/0592/PF

**Location:** Land at Former The Crown Bard, Ffordd Derwen, Rhyl

**Proposal:** Erection of restaurant with drive thru facility, car parking, customer order displays, child's play area, landscaping and associated works and formation of new vehicular access

LOCAL MEMBERS: Councillors Ellie Chard (C) and Jeanette Chamberlain Jones

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against – none.

Public Speaker: For- Phil Usherwood

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LATE REPRESENTATIONS: None

**OFFICER NOTES:**

Officers have received a request from the applicants to amend the wording of a number of conditions. The reason for doing this is to allow work on site to commence in a timelier manner. Having regard to the advice in WG Circular 016/2014 'The Use of Planning Conditions in Development Management', Officers consider this to be a reasonable request and the following suggested conditions are therefore amended as follows:

Revised conditions:

4. Within 3 months of the occupation of the proposed development, a final verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

The report(s) shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

The verification report is required to demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

11. Prior to the commencement of highway works, the detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the access to the site, foot/cycleway links and associated highway works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with such approved details.

20. Excluding the 'Customer Order Displays/Speakers', no external sound amplification systems or the playing of music shall be permitted at any time outside the restaurant.

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**Item No.8 - Page**

**Code No.** 45/2020/0844/PF

**Location:** Sandy Lodge, 83 Dyserth Road, Rhyl

**Proposal:** Alteration and adaptation of existing nursing home to include extension of two additional bedrooms on the first floor, two fire escape stair enclosures and entrance canopy

LOCAL MEMBERS: Cllr Brian Blakeley, Cllr Brian Jones (c), Cllr Cheryl Williams

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against – None

Public Speaker: For- John Horden

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**LATE REPRESENTATIONS:**

Tim Carty (address not supplied) – requests that the application be deferred to allow it to be considered alongside a second application which has been made at the site.

**OFFICER NOTES:**

Requests for deferral should come from Planning Committee Members, not members of the public. In officers opinion, there is not a valid planning reason to defer the consideration of this planning application. The application is made as a standalone planning application for small scale development at the site. As detailed in the main report, the use of the site is not a matter for consideration. Officers have assessed the principle of the proposal, and its potential impacts and are content that there is sufficient information in front of members to allow the application to be determined.

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**Item No.9 - Page**

**Code No.** 46/2020/0850/PF

**Location:** The Chapel, 2 Gemig Street, St. Asaph

**Proposal:** Conversion of existing building to form 7 no. self-contained flats and associated works

LOCAL MEMBERS: Cllr Andrew Thomas

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against – None

Public Speaker: For- Gregory Swain-Hughes

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## LATE REPRESENTATIONS

Following submission of amended plans, neighbours and interested parties were re-consulted on the proposal and since the Committee Report was drafted, the following responses have been received:

### Public representations in objection received from:

Sian Beck, 21 Llys Dyffryn, St Asaph  
Iolo Williams, Glanrafon House, Lower Street, St Asaph.  
Ruth Evans, 55 Roe Parc, St Asaph  
Rebecca Harland, 2 Llys Street, St Asaph  
Eliza Graham, 1 The Chapel, Gemig Street, St Asaph  
Susan Foulkes, 10 Hillside  
Sarah Harrison, 3 May Terrace, Gemig Street, St Asaph  
Debbie Roberts, Pant Tr Afon, Lower Street, St Asaph

### Summary of planning based representations in objection:

- Insufficient parking / narrow road already congested / adverse impact on highway safety.
- Loss of trees & scrub has detrimental impact on wildlife.

### Public representations in support received from:

Ruth Evans, 55 Roe Parc, St Asaph  
Joan Heywood, Melrose, Gemig Street, St Asaph  
Stephen Evans, 55 Roe Parc  
Chloe Dymond, Hillside, St Asaph

### Summary of planning based representations in support:

- Would develop an eyesore derelict building.
- Will provide more homes.
- Sufficient parking has been provided within the site.

### Public representations neither in support or objection received from:

Rebecca Anderson, Summerhill, Luke Street, St Asaph

### Summary of planning based representations neither in support or objection:

- Re-use of historic building.
- Parking is difficult on Gemig Street – queries if number of units be reduced to lessen impact on existing residents.

## OFFICER NOTES

None.

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## Item No.10 - Page

**Code No.** 47/2020/0593/PF

**Location:** Former Rhyl Rugby Club, Waen Road, Rhuddlan, Rhyl

**Proposal:** Development of land to form holiday park including the conversion of existing clubhouse to form reception building, erection of new clubhouse building, bunkhouse building,

7 holiday pod accommodation units, 23 two bedroom holiday lodges, 7 three bedroom lodges and 7 four bedroom lodges. Works to existing access, formation of internal pathways, 2 wildlife ponds, parking, landscaping and associated works.

LOCAL MEMBERS: Cllr Christine Marston (c)

OFFICER RECOMMENDATION IS TO **GRANT**

Public Speaker: Against – Sophie Edwards

Public Speaker: For- Will Ward

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LATE REPRESENTATIONS:

Public representations in objection received from:

Iwan Evans, Planning Consultant

Summary of planning based representations in objection:

- Proposal does to support local, rural communities, only wider economy. Scale is too big and inappropriate in this location, therefore does not comply with PSE5.
- Proposal under consideration goes way beyond existing use, and limited weight should be apportioned to existing D2 use - proposed development is unjustified in its countryside location, and would be run contrary to local and national planning policies.
- Site is rural not semi-urban.
- PPW requires development to enhance sustainability and diversity – NRW have reluctantly accepted a private treatment plan, however private treatment plants are unreliable and waste water, including chlorinated water from swimming pool, could cause pollution and damage biodiversity.
- Applicant's company has only been established to submit this application / no track record of delivering any new development let alone one of this complexity. Lack of experience should be treated with caution. The Craig Park complex nearby in Meliden has remained empty for years and is increasingly becoming a blot on the landscape. If development is financially unsuccessful, there may be future applications for permanent residential development at the site.
- Proposal is a speculative development and does not comply with the LDP and should be refused.

Highways Officer:

Officers sought clarification from Highway Officers on the approach taken to the assessment of accessibility and voluntary contributions to sustainable transport / active travel.

Highway Officers have advised Section 4 of the Transport Statement submitted with the application gives good guidance on what distances are considered practical to access public transport etc. Most guidance documents including Active Travel Act Design Guidance and DfT (Department for Transport) - TA91/05 Provision for Non-Motorised Users consider anything less than 2 miles is a comfortable walking distance. Section 4.1.12 of the Transport Statement lists a number of amenities within a 2 mile walking distance of the development site including access to public transport.

Highway Officers consider issues of increased traffic and the suitability of the road network for the scale of development has been covered well in the Transport Statement particularly when considering the previous use of the site.

In terms of the voluntary contributions, given the scale of the development Highways Officers consider it would be unreasonable to request a dedicated footway into Rhuddlan to service the development or for a dedicated bus route to be diverted to the site, but would be open to discussions about potential improvements to transport network.

### Welsh Government

Welsh Ministers have advised they have received a request to 'call in' the application.

To enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination, Welsh Government have served an Article 18 Direction which prevents the Local Planning Authority from granting planning permission for this application.

The Direction prevents the Local Planning Authority only from granting planning permission; it does not prevent the Authority from continuing to process or consult on the application. Neither does it prevent the Authority from refusing planning permission.

### OFFICER NOTES:

Officers consider the Welsh Government Article 18 Direction does not preclude the consideration of the application at Committee.

If Committee resolve to grant planning permission, the decision could not be issued without prior authorisation from Welsh Ministers. However, if Committee resolve to refuse planning permission, the decision can be issued without conflict with the Direction.

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## NO PUBLIC SPEAKER ITEMS

### Item No.6 – Page

**Code No.** 23/2021/0108

**Location:** Llwyn Afon, Llanrhaeadr, Denbigh

**Proposal:** Variation of condition no's 2 and 3 of outline planning permission code no. 23/2018/0268 to allow a further 2 years for the submission of reserved matters

LOCAL MEMBERS: Cllr Joseph Welch (c)

OFFICER RECOMMENDATION IS TO **REFUSE**

Public Speaker: Against – none

Public Speaker: For- none

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No additional information

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