

To: Chair and Members of the Planning Committee

Date: 7 October 2019

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Dear Councillor

I refer to this agenda for the meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 9 OCTOBER 2019** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN** and enclose the following report(s).

**Agenda Item
No**

8 APPLICATION NO. 43/2018/0750 - LAND AT MINDALE FARM, MELIDEN, PRESTATYN (Pages 3 - 8)

To reconsider the Mindale farm, Meliden planning applications which were considered at the Committee on 4th September 2019 (copy attached).

9 APPLICATION NO. 43/2018/0751 - LAND SOUTH WEST OF FFORDD TY NEWYDD OFF FFORDD TALARGOCH (A547), MELIDEN, PRESTATYN (Pages 9 - 14)

To reconsider the Mindale farm, Meliden planning applications which were considered at the Committee on 4th September 2019 (copy attached).

Yours sincerely

G Williams
Head of Legal and Democratic Services

MEMBERSHIP

Councillors

Ellie Chard
Ann Davies
Peter Evans
Alan James
Brian Jones
Huw Jones
Tina Jones
Gwyneth Kensler
Christine Marston

Melvyn Mile
Merfyn Parry
Pete Prendergast
Andrew Thomas
Tony Thomas
Julian Thompson-Hill
Joe Welch
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PLANNING AND PUBLIC PROTECTION

DEVELOPMENT MANAGEMENT AND COMPLIANCE SECTION SCHEME OF DELEGATION

The Scheme of Delegation enables Officers within the Development Management & Planning Compliance Section of the Service to deal with a range of applications, notifications, consultations, enquiries and enforcement matters without formal authorisation from Members through Planning Committee.

The Scheme of Delegation seeks to strike an appropriate balance in ensuring an efficient, customer focussed approach whilst maintaining the necessary democratic checks which Planning Committee provides.

1. PART 1 – OFFICER LEVEL DECISIONS

Subject to the provisions in Part 2 of the Scheme of Delegation, Part 1 authorises the Head of Planning and Public Protection, Development Management & Planning Compliance Manager and any Officer within the Development Management & Planning Compliance Section so authorised by them to determine the range of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement actions listed in Columns 1 and 2 of Appendix A.

In relation to the following, the scheme authorises the above Officers to: -

1.1. Determine Planning or other Applications:-

- 1.1.1. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval where 3 or less individual written objections have been received from different properties* raising material planning objections.
- 1.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending refusal.
- 1.1.3. All types of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement matters listed in Column 2 of Appendix A.

1.2. Determine Pre-Application Enquiries and General Enquiries

- 1.2.1 All types of pre-application and general enquiries requiring a written response from the Local Planning Authority

1.3. Deal with Compliance Issues:-

- 1.3.1. Cases which have been investigated by a Planning Compliance Officer and require no further action.
- 1.3.2. Cases which require the serving of a planning related enforcement notice as listed in Column 2 of Appendix A.
- 1.3.3. Legal action in association with breaches of Notices served under the provisions contained in paragraph 1.3.2 above and any other appropriate **legal action not associated with such notices.

1.4. Deal with Miscellaneous Issues:-

- 1.4.1. To decide the type of planning appeal process to be adopted, subject to consultation with the Local Ward Member(s), and to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 1.4.2. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms have not been significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.3. Minor amendments to the wording of planning conditions / reasons for refusal/notes to applicants on applications determined at Planning Committee, including minor amendments to Committee authorised enforcement notices where the substance of the suggested condition /reason for refusal /note to applicant / notice is not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.4. To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:
- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation
 - Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC)
 - Responding to the IPC's consultation on the adequacy of the developer's pre-application consultations
- 1.4.5 To determine submissions to the Local Planning Authority in accordance with planning requirements contained in Nationally Significant Infrastructure Project Development Consent Orders
- 1.4.6 To make and serve Tree Preservation Order Notices. To deal with

applications for works to Trees in Conservation Areas.

1.4.7 To respond to all EIA screening and scoping requests.

2. PART 2 – COMMITTEE LEVEL DECISIONS

2.1. The scheme requires referral of the following to Planning Committee for formal determination. This means that the following would not fall within Part 1 of this scheme:-

Planning or other applications

- 2.1.1. All types of application listed in Column 1 of Appendix A on which Officers are recommending approval where 4 or more individual written objections have been received from different properties raising material planning objections.
- 2.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval where a relevant material planning objection has been received from a City/Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.1.3. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee.

Departures

- 2.1.4. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.

Member Call-In

- 2.1.5. Any application not already determined under Part 1 above which the Ward Member for the Ward, in which the site is located, has submitted a written request, based on valid planning grounds, that application be referred to Planning Committee. The adjoining Ward Member(s) may request referral to Committee where it can be justified that there would be material planning impact on that area. Requests for referral to Committee must be made in writing to the Head of Planning and Public Protection and/or the Development Management & Planning Compliance.

Officer Call-In

- 2.1.6 Any other application, notification, consultation, enquiry and enforcement matter listed in Column 1 and 2 of Appendix A which the Head of Service or Development Management & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

Applicant

- 2.1.6. All types of applications listed in Column 1 of Appendix A submitted by, on behalf of, or on land in the ownership of:

A County Councillor,

Member of the Senior Leadership Team (SLT)

Member of staff of Planning and Public Protection

A close relative of any of the above

Legal Modifications

2.1.7. Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.

Major Infrastructure Projects

2.1.8. Any formal pre-application (Section 42) consultation on Infrastructure Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.

Referral Back To Committee

2.1.9. Any application which has been determined contrary to Officer recommendation at Planning Committee but which, in the opinion of the Head of Planning and Public Protection in consultation with the Monitoring Officer, could involve one of the following:

a) A significant departure from the adopted Development Plan.

b) A significant risk of costs being awarded against the Council at any subsequent planning appeal, legal challenge, possible Welsh Government call-in or Ombudsman investigation.

2.1.10. The returning report will, in all circumstances, be referred back to Planning Committee in order to protect the interests of the Council and will contain additional information pertaining to the two areas a) and/or b) above.

Column 1 – Types of applications		Column 2 – Notifications/Consultations/Enforcement Actions	
Application Code		Application Code	
AC	Approval of planning Conditions	AA	Agricultural Prior Notification (Roads, tanks, other)
AD	Advert Applications	AG	Agricultural Prior Notification (Buildings)
CA	Conservation Area Consent	CT	Certificate of Appropriate Alternative Development
LB	Listed Building Consent	DA	Demolition Prior Approval
		DM	Demolition Notification – Dwellings
MA	Minerals Application	EL	Electricity Line
OB	Modification/Discharge of obligation (Section 106)	FA	Forestry Prior Approval
PC	Retrospective Applications	FE	Forestry Notification
PF	Full Planning Permission	GD	Government Department
PO	Outline Planning Permission	HE	Notification to remove Hedgerow
PR	Reserved Matters	HR	Hedgerow Retention Notice
PS	Section 73 Variation/Removal of planning condition	HS	Hazardous Substances Consent
TP	Works on trees with Tree Preservation Orders	LE	Certificate of Lawfulness for Existing Use/Development
WA	Waste	LP	Certificate of Lawfulness for Proposed Use/Development
		NA	Neighbouring Authority Consultation
		NMA	Non Material Amendment
		TA	Telecommunications Prior Approval
		TB	Telecommunications Notification
		TC	Work on trees in Conservation Areas
		ENQ	All pre-application and general enquiries
		ENF	Stop Notices, Temporary Stop Notices, Enforcement Notices, Listed Building Enforcement Notices, Urgent Works Notices, Repairs Notices, Discontinuance Notices (Adverts), S215 Untidy Land Notices, Breach of Condition Notice. Any relevant Requisition for Information Notice and any Rights of Entry Notice.

INTERPRETATION

FOR CLARITY REGARDING THE DEVELOPMENT MANAGEMENT & PLANNING COMPLIANCE SCHEME OF DELEGATION:

Valid Representations

Representations will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and contain a full postal address. For the purposes of the Scheme * “different” properties means they should have a different postal address point.

Electronic representations will only be accepted by e-mail. They will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individual’s name and a full postal address. Anonymous letters and e-mails without a name and full postal address will not be taken into account.

Petitions containing names and signatures along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as one single representation.

Definitions

“Close relative” is defined as spouses/partners, parents, children, brothers and sisters.

“Significant Departure” is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the adopted Local Development Plan.

For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order

**For the purposes of this any other appropriate legal action shall include Injunctions.

For the purposes of this scheme all planning applications will include those made by or on behalf of the Council.

Author : Paul Mead	Date adopted at Planning Committee : 14 th September 2016
Contact : Judith Williams	Version : 8
	Date to be reviewed : 01/05/2017

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In relation to the following, the scheme authorises the above Officers to: -

1.1. Determine Planning or other Applications:-

- 1.1.1. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval where 3 or less individual written objections have been received from different properties* raising material planning objections.
- 1.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending refusal.
- 1.1.3. All types of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement matters listed in Column 2 of Appendix A.

1.2. Determine Pre-Application Enquiries and General Enquiries

- 1.2.1 All types of pre-application and general enquiries requiring a written response from the Local Planning Authority

1.3. Deal with Compliance Issues:-

- 1.3.1. Cases which have been investigated by a Planning Compliance Officer and require no further action.
- 1.3.2. Cases which require the serving of a planning related enforcement notice as listed in Column 2 of Appendix A.
- 1.3.3. Legal action in association with breaches of Notices served under the provisions contained in paragraph 1.3.2 above and any other appropriate **legal action not associated with such notices.

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- 2.1.3. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee.

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- 2.1.4. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.

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