

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 13 May 2015 at 9.30 am.

PRESENT

Councillors Raymond Bartley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Councillor David Smith, Lead Member for Public Realm attended for agenda item 11

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Management Manager (PM); Principal Planning Officer (IW); Planning & Public Protection Policy Manager (AL) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Ian Armstrong and Dewi Owens

2 DECLARATIONS OF INTEREST

No declaration of personal or prejudicial interest had been raised.

3 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of the Planning Committee for 2015/16. Councillor David Simmons proposed, seconded by Councillor Paul Penlington that Councillor Win Mullen-James be appointed Chair. Councillor Joe Welch proposed, seconded by Councillor Huw Hilditch-Roberts that Councillor Ray Bartley be appointed Chair. The candidates addressed the committee in support of their nominations following which a secret ballot was undertaken.

VOTE:

Councillor Win Mullen-James – 8

Councillor Ray Bartley – 18

***RESOLVED** that Councillor Ray Bartley be appointed Chair of the Planning Committee for the ensuing year.*

4 APPOINTMENT OF VICE CHAIR

Nominations were sought for the position of Vice Chair of the Planning Committee for 2015/16. Councillor David Simmons proposed, seconded by Paul Penlington that Councillor Win Mullen-James be appointed Vice Chair. Upon being put to the vote it was unanimously –

RESOLVED that Councillor Win Mullen-James be appointed Vice Chair of the Planning Committee for the ensuing year.

5 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

6 MINUTES

The minutes of the Planning Committee's meeting held on 15 April 2015 were submitted.

Matters Arising – Page 16: Agenda Item 11: S106 Update Report – Pool Park Ruthin – The Chair had made enquiries to Denbigh North Wales Hospital Archives and confirmed that historical records relating to Pool Park Hospital had been kept.

RESOLVED that the minutes of the meeting held on 15 April 2015 be approved as a correct record.

7 APPLICATION NO. 43/2015/0220/PF - LAND AT 1 BOSWORTH GROVE, PRESTATYN

An application was submitted for erection of detached garage (partly in retrospect) at land at 1 Bosworth Grove, Prestatyn.

Public Speakers –

Mr. J. Duncan (**Against**) – expressed concerns regarding the height and position of the garage and run off of water from the roof.

Mr. A. Dean, Applicant (**For**) – explained his reasoning behind the choice of garage and gave assurances regarding water drainage provision.

General Debate – Members' attention was drawn to the findings of the site visit undertaken on 7 May 2015 as detailed in the supplementary blue sheets. Councillor Julian Thompson-Hill (Local Member) confirmed he had no objection to the erection of the garage in principle providing the water drainage issue was addressed. Whilst he was sympathetic to the objectors' views, he did not consider granting the application would lead to a significant negative impact on neighbouring properties. Consequently he proposed the officer recommendation to grant, subject to a condition to ensure no inconvenience to neighbours as a result of run off water from the garage. Members' attention was drawn to suggested condition 2 in the report which would ensure appropriate arrangements were made for the disposal of roof water. An explanation of the accompanying plans was also given in response

to questions and it was clarified that the existing property was 1 Bosworth Grove and the new build under construction would become 1a when completed.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendations to grant, seconded by Councillor Peter Owen.

VOTE:

FOR – 25

AGAINST – 0

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.*

8 APPLICATION NO. 03/2015/0340/PS - BERWYN WORKS, BERWYN STREET, LLANGOLLEN

An application was submitted for removal of three conditions imposed on planning permission 03/2012/1407/PS for food store development at Berwyn Works, Berwyn Street, Llangollen as follows –

- Conditions 18 and 19 – to remove the requirement for compliance with BREEAM construction standards in the food store development
- Condition 45 – to remove the restriction on the development of land below 84.6m AOD.

General Debate – Councillor Stuart Davies (Local Member) confirmed he was happy to move officer recommendations to remove the three conditions given that the BREEAM construction standards had effectively been superseded by building regulations and that flooding was not an issue. Councillor Rhys Hughes (Local Member) also confirmed he had no objection to removal of condition 45 but sought further clarification regarding BREEAM construction standards and subsequent impact of their removal. Planning officers explained the reasoning behind the introduction of BREEAM standards with a view to improving building standards and provide a quality stamp for development. Conditions 18 and 19 were imposed in 2012 in accordance with Welsh Government's Technical Advice Note 22 (TAN 22). However TAN 22 was cancelled in 2014 on the basis that subsequent changes to the building regulations process would now address the sustainability issues.

The committee considered the requests to remove conditions separately.

Proposal – Councillor Stuart Davies proposed the officer recommendations to remove Conditions 18 and 19, seconded by Councillor Joan Butterfield.

VOTE:

FOR – 21

AGAINST – 2

ABSTAIN – 1

RESOLVED that the application to remove Conditions 18 and 19 be **GRANTED** in accordance with officer recommendations as detailed within the report.

Proposal – Councillor Stuart Davies proposed the officer recommendations to remove Condition 45, seconded by Councillor Joan Butterfield.

VOTE:

FOR – 21

AGAINST – 3

ABSTAIN – 0

RESOLVED that the application to remove Condition 45 be **GRANTED** in accordance with officer recommendations as detailed within the report.

9 APPLICATION NO. 45/2015/0316/PF - 23 LYNTON WALK, RHYL

An application was submitted for erection of single storey and two storey extensions to rear at 23 Lynton Walk, Rhyl.

General Debate – Councillor David Simmons (Local Member) spoke in favour of the application despite objections from Rhyl Town Council on the grounds of over intensification. Councillor Simmons felt the application was not out of line with extensions made to other properties within the same street. It was noted that no objections had been received from neighbours.

Proposal – Councillor David Simmons proposed the officer recommendation to grant, seconded by Councillor Barry Mellor.

VOTE:

GRANT – 24

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

10 PLANNING ENFORCEMENT REPORT - GOLYGFA, LLWYN Y RHOS, LLANRHAADR, DENBIGH

A planning enforcement report was submitted regarding an infringement relating to the erection of fencing in excess of the permitted development limit at Golygfa, Llwyn y Rhos, Llanrhaadr. The fencing exceeded two metres in height and therefore required planning permission which had not been sought or granted.

General Debate – The Planning Officer explained the circumstances of the case and reasoning behind the officer recommendation to take no further action given that the breaches were minor and in officers' opinion had no significant impact on the amenities of the neighbouring property Ty Maen.

Councillor Joe Welch (Local Member) reported upon a site visit to the premises and highlighted the breaches and concerns of neighbouring Ty Maen. It was the neighbour's opinion that the breaches had a detrimental impact and affected the view of the Clwydian Range. Councillor Welch advised that the situation was likely to escalate and queried at what point enforcement action would be taken. He felt that failing to take action would send out the wrong message.

During debate members noted the history of complaint and counter-complaint by the neighbours and expressed concern regarding the aggressive behaviour experienced by officers and lack of engagement by the contravener in this case. There were mixed views on the best way forward with some members considering that it would not be best use of resources to take enforcement action in this case and involve the Council in a neighbour dispute. Other members felt the Council should enforce its policies and take action against the breaches of planning control. Officers asked members to concentrate on material planning considerations when determining whether to take enforcement action – whether the breaches of planning control had so detrimental an impact on the neighbour's amenities to justify enforcement action in this case. If members decided against officer recommendation there should be clear reasons why it would be expedient to take enforcement action. Not taking enforcement action at this time would not preclude action being taken in future should the situation change. If members were minded to take action an enforcement notice would be served to restrict the height of the fence in line with the two metre permitted development limit.

The following propositions were put to the vote –

Proposal – Councillor Joe Welch proposed, seconded by Councillor Merfyn Parry that, contrary to officer recommendation, enforcement action be taken on the grounds of significant detrimental impact on the amenity of the neighbouring property by reason of the visual impact of the fencing.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to take no further action, seconded by Councillor David Simmons.

VOTE:

FOR ENFORCEMENT ACTION – 17

AGAINST ENFORCEMENT ACTION – 6

ABSTAIN – 1

RESOLVED that, contrary to officer recommendation, enforcement action be taken against the breach of planning controls at Golgyfa, Llwyn y Rhos, Llanrhaeadr on the grounds of significant detrimental impact on the amenity of the neighbouring property by reason of the visual impact of the fencing.

11 RE-USE AND ADAPTATION OF RURAL BUILDINGS SUPPLEMENTARY PLANNING GUIDANCE - ADOPTION

Councillor David Smith, Lead Member for Public Realm introduced the report recommending adoption of the final Supplementary Planning Guidance (SPG) on Re-use and Adaptation of Rural Buildings for use in the determination of planning

applications. He provided some context to the report and explained the different stages in the process before adoption of SPG documents by Planning Committee.

An eight week consultation period had been carried out and a summary of the representations received together with the Council's response had been provided. Members' attention was drawn to the key issues raised which had resulted in a number of proposed changes as highlighted in the final document and revisions as set out in the late supplementary papers. Particular reference was made to the Affordable Task and Finish Group recommendations and subsequent proposal to amend the SPG to allow for the conversion of rural buildings for market housing if it could be demonstrated that the building had been marketed for economic use, without success and that conversion for affordable housing would not be viable.

During debate members took the opportunity to thank both the Lead Member and officers for their hard work in producing the final SPG document to provide clear guidance on appropriate and acceptable uses for rural buildings. The clear manner in which changes and amendments had been highlighted in the SPG document was also appreciated. Members particularly welcomed changes which would allow for the conversion of rural buildings into market housing in particular circumstances, enabling dilapidated buildings to be restored and converted into living accommodation. The following issues were also raised –

- reference was made to the small size of some rural buildings and officers confirmed that the Council had adopted guidance in terms of minimum space standards and any extensions required should be subordinate to the original building – however the minimum space standard was for guidance only and each application would be treated on its own merits
- after much debate a twelve month marketing period had been deemed reasonable and included within the guidance – but again each case would be assessed on its individual merits
- officers noted the word “yn” had been duplicated in the Welsh SPG document and needed to be removed (page 75, paragraph 5.3, first bullet point).

Proposal – Councillor Stuart Davies proposed the officer recommendation, seconded by Councillor Merfyn Parry.

VOTE:

FOR – 23

AGAINST – 0

ABSTAIN – 1

RESOLVED that members adopt the final Supplementary Planning Guidance on Re-use and Adaptation of Rural Buildings as amended, for use in the determination of planning applications (as detailed in Appendix 1 to the report and the revisions as set out in the late supplementary papers).

The meeting concluded at 11.00 a.m.