

To: Members of the Planning
Committee

Date: 1 February 2017

Direct 01824 712568
Dial:

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 8 FEBRUARY 2017** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 APPOINTMENT OF CHAIR

To appoint a Chair of the Planning Committee for the remainder of the 2016/17 municipal year.

4 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

5 MINUTES (Pages 11 - 22)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 11th January 2017 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 6 - 7) -

6 APPLICATION NO. 03/2016/1195/PO - LAND AT (PART GARDEN OF) FAIRLAWNS, FRON BACHE, LLANGOLLEN (Pages 23 - 36)

To consider an application for the development of 0.07ha of land by erection of one dwelling (outline application – all matters reserved) at land at (part garden of) Fairlawns, Fron Bache, Llangollen (copy attached).

7 APPLICATION NO. 41/2016/1113/PS - THE OLD CREAMERY, MOLD ROAD, BODFARI, DENBIGH (Pages 37 - 48)

To consider an application for the variation of conditions 2 and 3 of planning permission code no. 41/2000/1065/PC, to allow for the permission for Class B2 use of the building to inure for operations other than Mr D. R. Parsonage, and for the operations ancillary to the use of the building to be carried out on the land surrounding the building (retrospective application) (copy attached).

MEMBERSHIP

Councillors

Councillor Bill Cowie (Vice-Chair)

Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Meirick Davies
Stuart Davies
Peter Evans
Huw Hilditch-Roberts
Rhys Hughes
Hugh Irving
Alan James
Alice Jones
Pat Jones
Barry Mellor
Bob Murray

Dewi Owens
Merfyn Parry
Pete Prendergast
Arwel Roberts
Anton Sampson
Gareth Sandilands
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams
Mark Young

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

There are display screens in the Council Chamber which are used to show photographs, or plans submitted with applications. The photographs are taken by Officers to give Members a general impression of a site and its surroundings, and are not intended to present a case for or against a proposal.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason (s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

If any Member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair and Officers will clarify the procedure to be followed. The names of each voting Member will be called out and each Member will announce whether their vote is to grant, to refuse, or to abstain. Officers will announce the outcome of the vote on the item.

If a vote is to proceed in the normal manner via the electronic voting system, the Chair will ask Officers to set up the voting screen(s) in the Chamber, and when requested, Members must record their votes by pressing the appropriate button (see following sheet).

Members have 10 seconds to record their votes once the voting screen is displayed, unless advised otherwise by Officers.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair and Officers will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item.

Where the formal resolution of the Committee is contrary to Officer recommendation, the Chair will request Members to agree the process through which planning conditions or reasons for refusal are to be drafted, in order to release the Decision Certificate (e.g. delegating authority to the Planning Officer, to the Planning Officer in liaison with Local Members, or by referral back to Planning Committee for ratification).

PLANNING COMMITTEE

VOTING PROCEDURE

Members are reminded of the procedure when casting their vote. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

+	To GRANT Planning Permission
-	To REFUSE Planning Permission
0	to ABSTAIN from voting

Or in the case of Enforcement items:

+	To AUTHORISE Enforcement Action
-	To REFUSE TO AUTHORISE Enforcement Action
0	to ABSTAIN from voting

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 11 January 2017 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie (Vice-Chair), Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Hugh Irving, Alan James, Alice Jones, Barry Mellor, Dewi Owens, Merfyn Parry, Pete Prendergast, Arwel Roberts, Anton Sampson, Gareth Sandilands, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Huw Williams and Mark Young

Observers – Councillors Martyn Holland, Gwyneth Kensler and Win Mullen-James

Councillor David Smith, Lead Member for Public Realm attended for agenda item 12 & 13

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principal Planning Officer (IW); Strategic Planning and Housing Manager (AL); Senior Engineer – Highways (MP) and Committee Administrator (KEJ)

COUNCILLOR RAYMOND BARTLEY - TRIBUTE

On behalf of the Planning Committee the Vice-Chair Councillor Bill Cowie paid tribute to Councillor Raymond Bartley who had sadly passed away after a short illness. Councillor Bartley had been a gentleman, professional and a very good friend. He had been an excellent Chair and would be a huge loss to the Planning Committee and Denbighshire. Thoughts were with his family at this time. It was noted that individual members would be given the opportunity to pay tribute to Councillor Bartley at the next meeting of Full Council. Members and officers stood in silent tribute.

As Vice-Chair, Councillor Bill Cowie took the Chair for the meeting.

1 APOLOGIES

Councillors Bob Murray, Bill Tasker and Cheryl Williams

2 DECLARATIONS OF INTEREST

Councillor Stuart Davies – Personal Interest – Agenda Item 11

Councillor Gareth Sandilands – Personal Interest – Agenda Item 10

Councillor Huw Williams – Personal Interest – Agenda Items 5 & 6

Councillor Mark Young – Personal Interest – Agenda Item 7

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee's meeting held on 14 December 2016 were submitted.

Accuracy – Councillor Meirick Davies advised that some of the voting figures recorded in the minutes differed from his own notes and he would speak to the relevant officers about the matter following the meeting. It was noted that any variance in the figures did not have an impact on the voting outcome.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 14 December 2016 be approved as a correct record.*

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 16/2016/1045/PS - LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD, RUTHIN

[Councillor Huw Williams declared a personal interest in this item because the Agents acting on behalf of Llanbedr Hall were also acting as his Agents in respect of work relating to his farm]

An application had been submitted for variation of condition number 12 of planning permission ref 16/2016/0545 to allow continued use of both accesses to the development, removing the requirement to restrict the use of Lon y Mynydd access at Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin.

Public Speaker –

Ms. G. Crawley (**For**) – referred to previous planning history and the Inspector's appeal findings that there would be no significant impact on traffic using the rear drive and highlighted improvements to be made to the front drive to encourage use. All construction traffic would use the front drive. It was argued that it was not reasonable to refuse the variation given the planning history and existing use rights.

General Debate – Councillor Huw Williams (Local Member) drew attention to the rear access point and road network as marked on the plans and illustrated by the presentation slides and he highlighted particular highway concerns. Concerns included the inadequacies of the rear access track and Lon y Mynydd / Lon Cae Glas and onto the A494 Trunk Road including poor/no visibility at the junction

leading from the rear, speeding along the rear access roads, and the A494 Trunk Road between Ruthin and Mold which was narrow and dangerous and a notorious blackspot. He also highlighted an area of the rear access track specifically signposted as unsuitable for vehicles and numerous road traffic accidents at points along the back route. Finally reference was made to the wealth of local objections on highway grounds and given the potential increase in traffic arising from the development Councillor Williams confirmed he could not support the application.

During debate members considered the factors for and against the variation, weighing up the planning history and road safety concerns. Councillors Merfyn Parry, Dewi Owens and Huw Hilditch-Roberts confirmed they were familiar with the area and reported upon their own experiences and traffic safety concerns in that regard. It was felt that much weight should be given to local knowledge and the wealth of objections received detailing highway safety concerns. Whilst acknowledging the planning history and likelihood of an appeal against a decision to refuse the application those members felt safety concerns were paramount in this case, particularly given that the front drive provided a safer and adequate route.

Planning and Highways Officers did not contest the limitations of the rear drive route and acknowledged the concerns raised regarding its inadequacies. However it was reiterated that the significant planning history in this case offered limited support to refuse the application and officers elaborated upon the implications arising from the planning permissions previously granted by the committee in 2006 [No. 16/206/0872 – appeal upheld concerning the use of the respective drives], 2015 [No. 16/2014/1020 – extant planning permission for 9 dwellings with no restriction], and 2016 [No. 16/2016/0545 – subsequent approval of arrangement relating to condition 10 restricting the route of construction vehicles to the front drive]. Given that history officers did not consider the impact of the 2 additional dwellings granted under the latest planning permission sufficient justification to refuse the application for variation. In terms of evidence there had been only one recorded accident along the route during October 2011 – October 2016, although it was accepted that not all accidents were reported. In response to further questions officers clarified that both driveways were privately owned up to the public highway. With regard to enforcement of condition number 12 the applicant was required to show the means of preventing access to the rear drive to the local authority for approval following which any breach would become an enforcement matter.

Proposal – Councillor Huw Williams considered the use of the Lon y Mynydd access to be dangerous and not fit for purpose and he proposed, seconded by Councillor Dewi Owens, that the application be refused, contrary to officer recommendation, on highway safety grounds.

VOTE:

GRANT – 6

REFUSE – 16

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on highway safety grounds.

In the event of an appeal against the committee's decision it was agreed that, as proposer and seconder respectively, Councillors Huw Williams and Dewi Owens attend any subsequent appeal hearing. It was also noted that the Highways Officer would be unable to defend the decision at an appeal and members agreed to the engagement of a Highways Consultant if necessary. It was also resolved that the wording of the reason for refusal be agreed with the local member.

6 APPLICATION NO. 16/2016/1044/PF - LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD, RUTHIN

[Councillor Huw Williams declared a personal interest in this item because the Agents acting on behalf of Llanbedr Hall were also acting as his Agents in respect of work relating to his farm.]

An application was submitted for conversion of garages into single dwelling at Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin.

Public Speaker –

Ms. G. Crawley (**For**) – advised that the proposed scheme offered an improvement to the existing planning permission with better arrangements for bat migration and improvements to the courtyard.

General Debate – Councillor Huw Williams (Local Member) raised no objection to the application confirming there were no issues in terms of access due to the natural traffic flow. However he did raise concerns regarding the delay in developing the site and hoped that works would commence as soon as possible. In response to a question from Councillor Merfyn Parry regarding traffic flow officers confirmed that access to serve the site was via the rear drive.

Proposal – Councillor Huw Williams proposed the officer recommendations to grant the application, seconded by Councillor Anton Sampson.

VOTE:

GRANT – 25

REFUSE – 0

ABSTAIN – 0

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

7 APPLICATION NO. 31/2016/1003/PF - OUTBUILDING AT TYDDYN EOS, GROESFFORDD MARLI, ABERGELE

[Councillor Mark Young declared a personal interest in this item because the Applicant was a family friend.]

An application was submitted for conversion of outbuilding to form 1 no. dwelling (amended design to that previously approved under code no. 31/2005/1468) at outbuilding at Tyddyn Eos, Groesffordd Marli, Abergele.

Public Speaker –

Mr. A. Pierce (**For**) – referred to previous planning history and explained the delay in progressing building work on site and revisions to the original application.

General Debate – Councillor Meirick Davies (Local Member) advised that officers had been happy with the amended design. Cefn Meiriadog Community Council had raised concerns regarding the time taken to progress the building works and the applicant had provided assurances that he would proceed quickly to finish the development within twelve months. Consequently Councillor Davies proposed that the application be granted subject to a condition requiring completion of the building work within twelve months as opposed to the usual five years. The Development Manager explained that the five year timescale referred to commencement of the development which had already started in this case. Consequently he suggested that condition number 1 as detailed in the report be removed in its entirety.

Proposal – Councillor Meirick Davies proposed the officer recommendations to grant the application, subject to removal of condition no. 1 with regard to commencement of the development, seconded by Councillor Rhyl Hughes.

VOTE:

GRANT – 23

REFUSE – 0

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED**, in accordance with officer recommendations as stipulated within the report, subject to the removal of condition number 1 with regard to commencement of the development.*

8 APPLICATION NO. 40/2016/0256/PC - FIELDS SOUTH-WEST OF BORTH CROSSROADS, ABERGELE

An application was submitted for retention of and change of use of agricultural building to allow wood processing and use of yard for wood storage (retrospective application) at fields south-west of Borth Crossroads, Abergele.

Public Speaker –

Mr. B. Owen (**For**) – explained the operation of the business and benefits in terms of local employment and the rural economy. Responded to (1) noise concerns arguing minimal impact and acceptance by Pollution Control Officers, and (2) highway concerns arguing agricultural use would generate higher levels of vehicle use and that mitigation measures would be implemented to address concerns.

General Debate – The Development Manager drew attention to additional information as detailed on the supplementary papers circulated at the meeting and detailed the planning history of the site to the best of officers knowledge. He explained the issue under consideration was whether the use of the building, vehicular access and site were suitable and acceptable for a wood processing

business. Despite noise concerns the Pollution Control Officer considered that noise from wood processing itself would not justify refusal because levels could be controlled through conditions. Notwithstanding that agricultural use was the fall-back position, officers considered the use for wood processing would give rise to unacceptable impacts on highway safety which had been detailed within the report.

Councillor Arwel Roberts reported upon the site visit undertaken on 12 September 2016. He referred to numerous accidents on the carriageway and considered the site access/egress to be very dangerous. He believed granting the application would exacerbate the situation and agreed with officers that the application should be refused on highway safety grounds. Consequently Councillor Roberts proposed that the application be refused in accordance with officer recommendation.

Councillor Alice Jones (Local Member) elaborated upon the planning history of the site from 2004 and highlighted the owners disregard for planning regulations and procedures since then with no serious use of the site for agricultural purposes. She also raised concerns regarding the retrospective planning application and proposed change of use from agricultural to wood processing/manufacturing and highlighted the objections from nearby residents. Councillor Jones supported the officer recommendation for refusal on highway grounds and felt there was no basis to the applicant's argument that agricultural use would generate higher volume of vehicles given that there had been little or no agricultural use in the past and unlikely to be in the future. However she asked that consideration also be given to noise and residential amenity and the loss of agricultural land as valid planning reasons for refusal of the application. The Chair advised that the reasons for not including those planning grounds had been detailed within the report. Consequently Councillor Alice Jones seconded the proposal by Councillor Arwel Roberts that the application be refused in accordance with officer recommendation.

Members discussed further the material planning considerations with officers and sought clarification regarding a number of issues. With regard to highways further questions were raised regarding the applicant's argument that the fall-back use of the site for agricultural purposes could result in a higher volume of vehicle movements and whether there was evidence to support the highway safety grounds in terms of accidents recorded, particularly given that it was a retrospective application. Questions were also raised regard the planning policies around change of use from agriculture to manufacturing, definition of the wood processing operation and whether it could be classed as a farm diversification project.

Officers responded to comments and questions as follows –

- elaborated upon the planning policies regarding potential change of agricultural use advising that the commercial use of redundant buildings was permitted in planning policy terms providing evidence was submitted in that regard – that proof had not been submitted and operation of the wood processing business had commenced without planning consent, hence the retrospective application
- referred to the highways assessment, including the swept path analysis, and conclusions that there would be an adverse effect on highway safety resulting in the recommendation that the application be refused. There had been six recorded accidents since operation of the wood processing business but it was

accepted that not all accidents were reported. Officers also considered that resuming agricultural use of the site would have minimal impact given the size of the field whereas operation of the wood processing business would result in increased traffic generation and adverse impact on highway safety

- members' attention was drawn to the business case for the development as detailed within the report regarding the operation of the business and nature of the wood processing use with regard to the application in question
- elaborated further on the previous planning history and explained the reasoning behind refusal of the planning application in November 2015.

Proposal – Councillor Arwel Roberts proposed the officer recommendation to refuse the application, seconded by Councillor Alice Jones.

VOTE:

GRANT – 6

REFUSE – 16

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, in accordance with officer recommendation as detailed within the report.

9 APPLICATION NO. 43/2016/0512/PF - 74 GRONANT ROAD, PRESTATYN

An application was submitted for erection of 5 no. apartments, 6 no. detached dwellings and associated works at 74 Gronant Road, Prestatyn.

Public Speaker –

Mrs. C. Jones (**Against**) – argued the development was not in keeping with the area given the imposing and domineering nature of the apartment block which also affected residential amenity but welcomed development of the site in line with previous planning permission granted in 2005.

General Debate – Councillor Julian Thompson-Hill (Local Member) provided some planning history and confirmed he had no objection to the principle of development. However he objected to the proposed development based solely on the apartment block and agreed with the views of the public speaker in that regard. He did not consider the proposed location of the apartment block to be appropriate and felt it was of a size and mass vastly out of keeping with the area, even taking into account the very large detached properties in the vicinity and allowing for the fact that the apartment block would provide a wide range of occupancies and one affordable housing unit. He also raised concerns regarding the loss of 13 trees.

Councillors Anton Sampson (Local Member), Hugh Irving and Gareth Sandilands (Prestatyn Members) were unanimous in supporting the views of Councillor Julian Thompson-Hill believing the apartment block to be totally out of keeping with the area and would have a detrimental impact on residential amenity.

The Development Manager reported upon the following factual matters for members to take into account when making their decision –

- the issue of housing land availability was raised and ensuring the maximum use of land in development plan boundaries for housing
- a residential development had been proposed and given that planning permission had been previously granted at the site for seven dwellings history suggested that housing was acceptable in that location
- the density of the proposed scheme at 21 dwellings per hectare was below the threshold in planning polices which stated 35 dwellings per hectare but was considered acceptable in this case taking into account the character of the area
- referred to the plans provided which showed a street elevation along Gronant Road where the apartment block was proposed which aimed to demonstrate that the building itself was no higher than existing buildings adjacent to it and provided an indication in terms of size and scale
- with regard to the loss of trees it was found that most of the trees to be removed were low quality specimens and there would be a replanting scheme within the site and therefore the loss of trees was considered acceptable in this instance.

Proposal – Councillor Julian Thompson-Hill proposed, seconded by Councillor Anton Sampson that the application be refused on the grounds that the apartment block was of a size and scale which would have a significant negative impact on the visual amenity of the area for surrounding properties and residents.

VOTE:

GRANT – 10

REFUSE – 12

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the grounds that the apartment block was of a size and scale which would have a significant negative impact on the visual amenity of the area for surrounding properties and residents.

In the event of an appeal against the decision it was agreed that as proposer and seconder respectively, Councillors Julian Thompson-Hill and Anton Sampson would attend on behalf of the committee.

At this juncture (11.35 a.m.) the meeting adjourned for a refreshment break.

10 APPLICATION NO. 43/2016/1083/PF - 2 LICHFIELD DRIVE, PRESTATYN

[Councillor Gareth Sandilands declared a personal interest in this item because he lived near to the application site.]

An application was submitted for erection of extension to rear of dwelling (re-submission) at 2 Lichfield Drive, Prestatyn and reference was made to the additional supplementary information circulated at the meeting.

General Debate – Councillor Gareth Sandilands (Local Member) raised a number of objections against the application on behalf of local residents which related to traffic congestion, parking capacity on a public highway, over intensification of

property, anti-social behaviour at the property and loss of privacy. He referred to refusal of previous planning application and his suspicion that the application was partially retrospective.

The Development Manager drew members' attention to the plans showing the existing timber structure which was lawful and officers did not consider the proposed extension to be significantly different in terms of size, scale, impact on neighbours etc. In response to a query regarding the existing use of the wooden structure officers clarified that if the building was ancillary to the main dwelling it could be lawfully used as living accommodation. In light of local residents objections Councillor Gareth Sandilands proposed that the application be refused and officers advised as to applicable material planning considerations in this case.

Proposal – Councillor Sandilands proposed that the application be refused due to the impact on neighbours in terms of loss of privacy. There was no seconder for the proposition. Councillor Meirick Davies proposed the officer recommendations to grant the application, seconded by Councillor Huw Hilditch-Roberts.

VOTE:

GRANT – 18

REFUSE – 2

ABSTAIN – 0

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

11 RATIFICATION OF 14 DECEMBER 2016 PLANNING COMMITTEE RESOLUTION ON APPLICATION NO. 03/2016/0300/PF - LAND AT VICARAGE ROAD, LLANGOLLEN

[Councillor Stuart Davies declared a personal interest in this item because he lived opposite the site subject of the application.]

A report was submitted seeking ratification of the Planning Committee resolution made on 14 December 2016 on an application for erection of 95 dwellings, together with associated roads, open space and related works at land at Vicarage Road, Llangollen. Planning permission had been granted for the development subject to an increased provision of affordable housing.

The report updated members on additional information supplied by the applicant in relation to that resolution as summarised below –

- Affordable Housing – the applicant would provide 10% affordable housing on the full 95 dwellings which equated to 9 dwellings on site and a commuted sum payment of £47,074.50 in lieu of the 0.5 dwellings. The applicant proposed those affordable units be shared ownership
- Security of Financial Contributions – the development of the on-site affordable units, payment of the commuted sum and open space responsibilities, and the provision of the financial contribution towards education could be adequately

controlled via the S.106 legal agreement and therefore officers did not consider it necessary to require a financial bond to be entered into by the developer

- Parking Area – a landscaping condition had been proposed in the original officer report seeking further agreement to the precise details of the open space and landscaped areas on site which could, if agreed, include additional parking space for vehicles. It would be for the developer to submit a landscape proposal for the areas and officers could liaise with local members on the final scheme.

Councillor Stuart Davies (Local Member) was pleased to report that local residents had acknowledged the robust debate at the last meeting when considering the application and were thankful for it. He thanked planning officers for their work in securing the relevant agreements with developers which could be controlled and enforced via the S.106 agreement as detailed within the report. However he sought further clarification on the proposed shared ownership scheme and whether the Council could be involved in that provision as opposed to other social landlords. Officers confirmed the proposal for shared equity in relation to the 9 affordable housing units and advised they would liaise with housing officers regarding Denbighshire's role in that provision. It was also open to the developer to take the matter up with other social landlords and propose a scheme. Assurances were provided that local members would be kept informed of those discussions.

Officers responded to further questions as follows –

- advised of the policies and procedures for dealing with affordable housing and ensuring requirements were met in terms of the appropriate allocation of units to meet local need, floor space standards and value/affordability factors and criteria – any concerns regarding individual cases should be raised outside of the meeting and any broader concerns regarding those policies should be taken up via the Local Development Plan Steering Group or Scrutiny Committee
- late representations had been received from Llangollen Civic Society who had queried the contributions proposed in relation to Education and Open Space and officers explained the reasoning behind the view that the provision of open space and a contribution based on the 45 additional units would be acceptable in this case given the planning history and principle.

Proposal – Councillor Stuart Davies proposed the officer recommendations to ratify the resolution to grant planning permission on the basis as outlined in the report, seconded by Councillor Huw Hilditch-Roberts.

VOTE:

FOR – 18

AGAINST – 0

ABSTAIN – 0

RESOLVED that members ratify the 14 December 2016 Planning Committee decision and grant planning permission subject to the following –

- *the completion and signing of a S.106 legal agreement*
- *the planning conditions as set out in the original officer report*
- *the revised developer offer of 10% affordable housing on 95 dwellings.*

12 SUPPLEMENTARY PLANNING GUIDANCE: 'CARAVANS, CHALETS & CAMPING' - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance document on Caravans, Chalets & Camping as a basis for public consultation. The document provided further guidance for developers, officers and members.

Councillor Smith reminded members of the different stages in the process before final adoption of SPG documents by the Planning Committee. He urged members to respond with their views during the consultation period.

Upon being put to the vote it was unanimously –

***RESOLVED** that members agree the draft Supplementary Planning Guidance on Caravans, Chalets & Camping as a basis for public consultation.*

EXCLUSION OF PRESS AND PUBLIC

***RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 14 of Part 4 of Schedule 12A of the Act.*

13 FORMER NORTH WALES HOSPITAL DENBIGH - CPO - GENERAL VESTING DECLARATION

A confidential report was submitted seeking authorisation for the making of the General Vesting Declaration to complete the compulsory purchase of the former North Wales Hospital site and the immediate transfer of ownership to the North Wales Building Preservation Trust.

The report provided some background history to the situation and process to date and two members briefing sessions had also been held on the subject over the last month. Members took the opportunity to raise questions with officers regarding the process itself, including legal arguments, likely timescales involved and financial implications including compensation payable. The role of the Building Preservation Trust was also discussed. During debate tribute was paid to both former and current officers involved in the process.

Proposal – Councillor Mark Young proposed the officer recommendation, believing it presented the best solution in this case, seconded by Councillor Meirick Davies.

VOTE:

FOR – 15

AGAINST – 0

ABSTAIN – 1

***RESOLVED** that –*

- (a) *Planning Committee authorises the making of a General Vesting Declaration to complete the compulsory purchase of the former North Wales Hospital site as shown edged red on the plan as detailed within Appendix 1 to the report pursuant to section 47 of the 1990 Act, and that the ownership of the site is immediately transferred to the North Wales Building Preservation Trust, and*
- (b) *that the General Vesting Declaration is served only after the amended Back to Back Agreement has been signed by North Wales Building Preservation Trust and the Council.*

The meeting concluded at 12.45 p.m.

Agenda Item 6

WARD : Llangollen

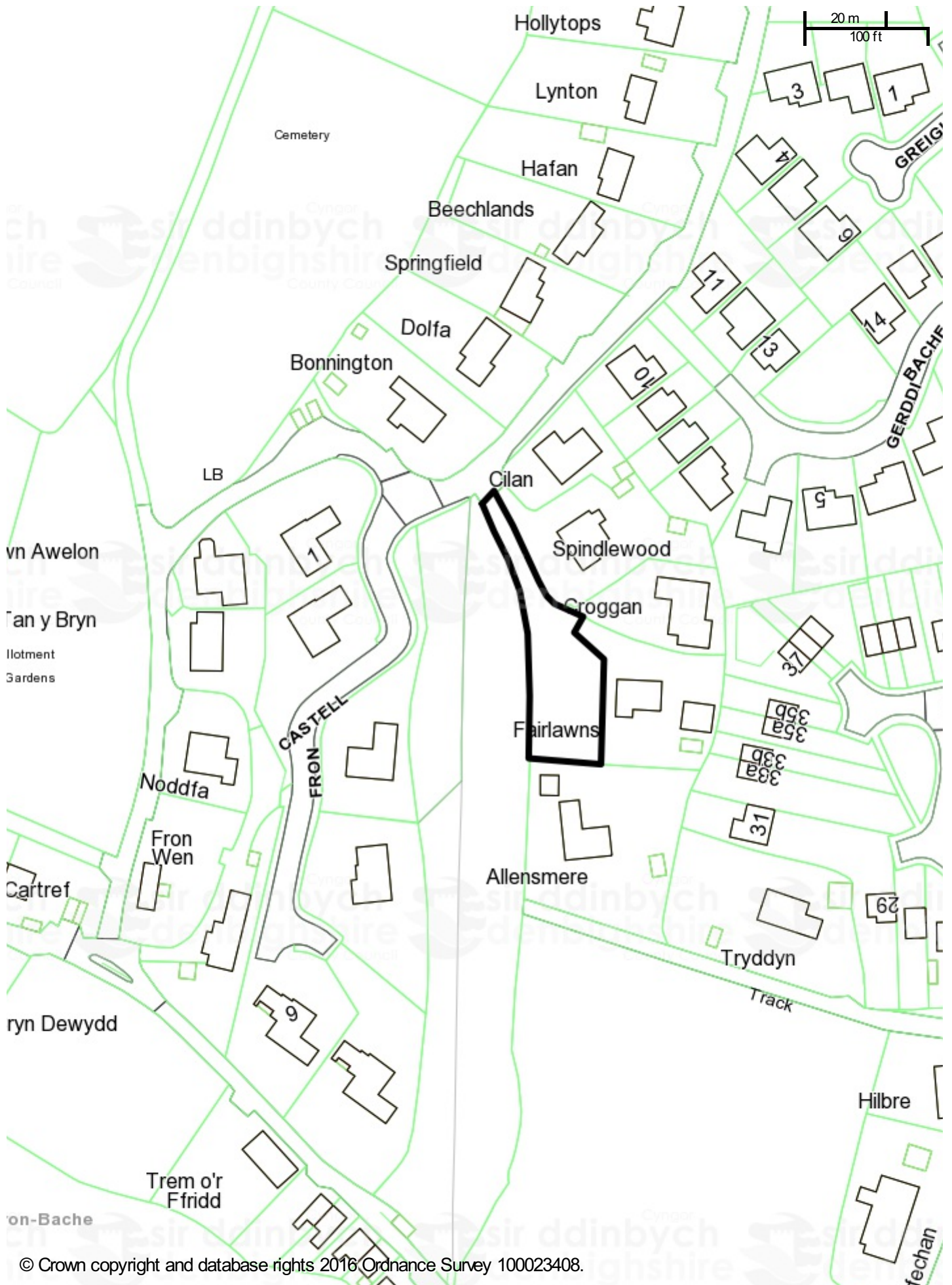
WARD MEMBERS: Councillors Rhys Hughes (c) and Stuart davies (c)

APPLICATION NO: 03/2016/1195/ PO

PROPOSAL: Development of 0.07 ha of land by erection of 1 dwelling (outline application - all matters reserved)

LOCATION: Land at (Part garden of) Fairlawns Fron Bache Llangollen

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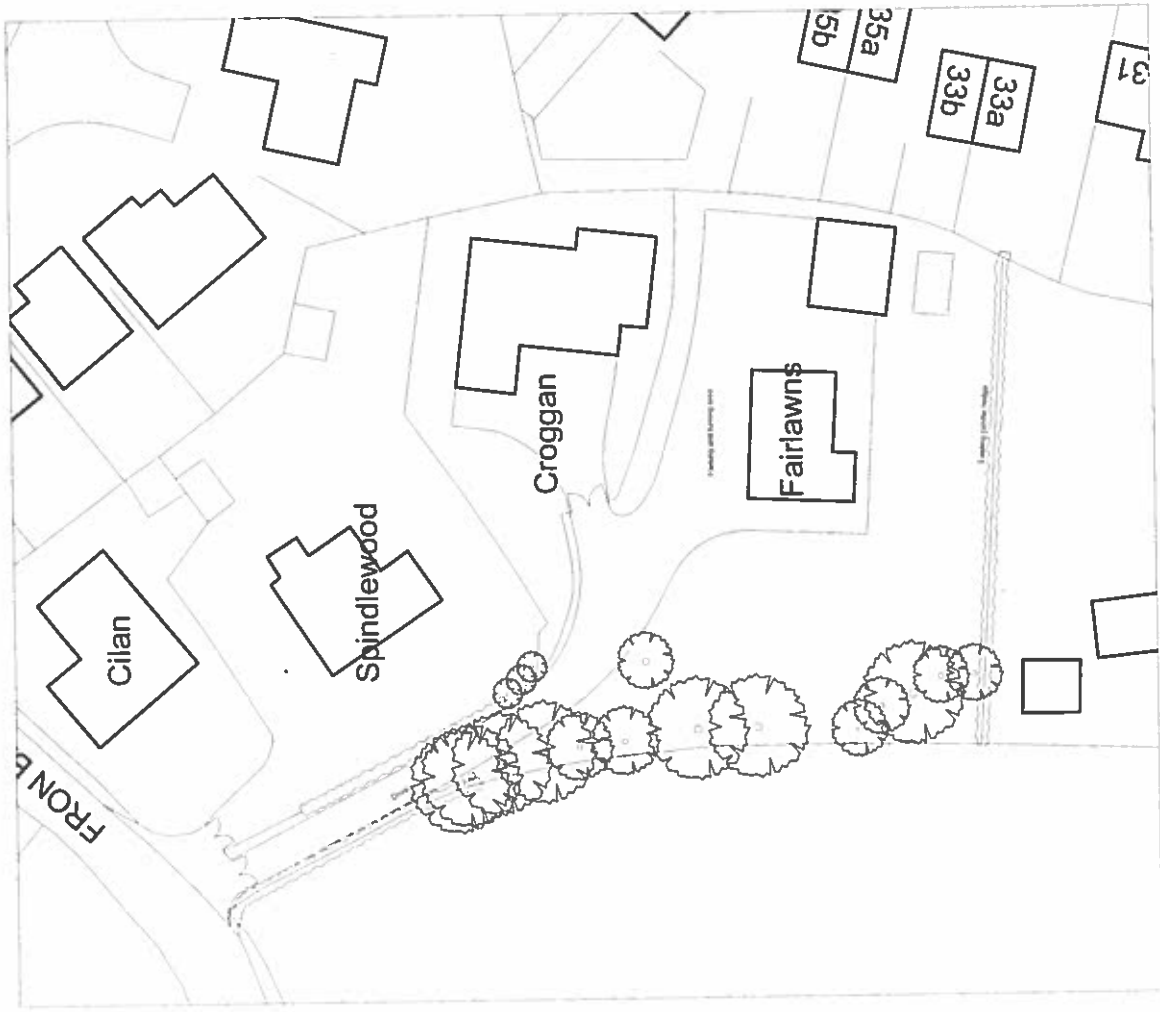
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03/2016/1195/PF

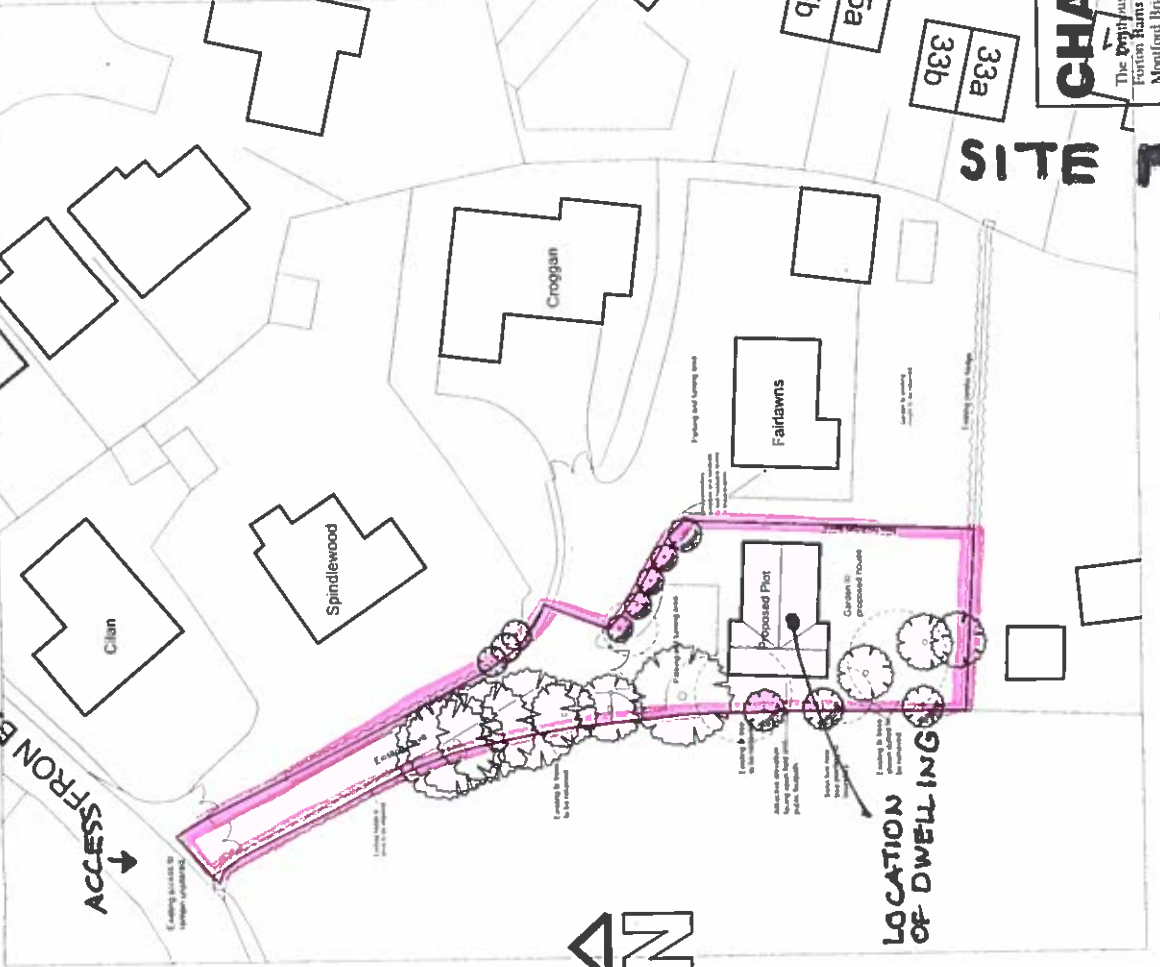
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PROPOSED PLOT AT FAIRLAWNS, FROMBACHÉ, LLANGOLLEN.



EXISTING SITE PLAN 1:250



PROPOSED SITE PLAN 1:250

CHART

The Property Studio
Fenton Hams
Montford Bridge
Shrewsbury SY4 1HT

Client	Mr. C. Smith
Project	Proposed Fairlawns, Jan
Drawing	Site Plan F

SITE PLAN

- 2 DEC 2016

WARD : Llangollen

WARD MEMBERS: Councillors Rhys Hughes (c) and Stuart davies (c)

APPLICATION NO: 03/2016/1195/ PO

PROPOSAL: Development of 0.07 ha of land by erection of 1 dwelling (outline application - all matters reserved)

LOCATION: Land at (Part garden of) Fairlawns Fron Bache Llangollen

APPLICANT: Mr Christopher Smith

CONSTRAINTS: World Heritage Site BufferPROWAONB

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL:

"Members believe that the proposed shared access with the adjoining properties does not comply with Local Development Plan Policy RD1 -Sustainable development and good standard design, in that the development does not:

- i) Respects the site and surroundings in terms of the siting, layout, and intensity of use of land/buildings and spaces around and between buildings; and
- ii) Provide a safe and convenient access for vehicles and emergency vehicles together with adequate parking, services and manoeuvring space.

It was therefore resolved to object to this application on the above grounds."

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE:**

"The Joint Committee has no objection to this application."

DWR CYMRU / WELSH WATER:

No objections, subject to details of drainage being requested through planning condition prior to the commencement of development.

CADW WORLD HERITAGE SITE:

"The proposed development will add a single dwelling to an extant group of buildings. The Pontcysyllte Aqueduct and Canal World Heritage Site Supplementary Planning Guidance classified the proposed development as being type 2 "Small scale development within the Buffer Zone in Settlement Limits". The proposed development will not have an impact on the Outstanding Universal Values of the World Heritage Site and will not have more than a local impact on the World Heritage Site."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure

- Highways Officer :
Has no objection in principle to the proposals.
Planning Permission was obtained under application 03/2011/0260/PO in 2011 and I advise that the current scheme in terms of access has not changed since then. Although the existing access onto Fron Bache is substandard in terms of visibility and no improvements can be made as the land in ownership of the applicant is outside their control, the Highway Authority consider that this small scale development of 1 additional dwelling and low speeds and traffic on Fron Bach Road will not result in any danger to road users.

Archaeologist:
No objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Barbara Pugh, Crogen, Fron Bache
John & Dawn Marjoram, 1 Fron Castell, Llangollen
Dr. T. Downes & Dr. A. Evans, Spindlewood, Fron Bache

Summary of planning based representations in objection:
Impact upon highway safety as a result of inadequate visibility

EXPIRY DATE OF APPLICATION: 5/2/17

EXTENSION OF TIME AGREED? 10/2/17

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Outline planning permission is sought for the development of a dwelling on land adjacent to Fairlawns, Fron Bache, Llangollen. All detailed matters (layout, access, appearance, etc.) are reserved for further approval.

1.1.2 Indicative plans show:

- A dwelling sited centrally on the site to the west of Fairlawns, with parking and turning to the north and an amenity area to the south.
- An indicative access to the north of the site, off the existing driveway.
- Three Fir trees on the boundary to be removed to accommodate the dwelling.

1.1.3 The indicative plan is included at the front of the report to assist assessment of the application.

1.2 Description of site and surroundings

1.2.1 The site is located on the southern fringe of Llangollen in an area known as Fron Bache.

1.2.2 Fairlawns is a detached two storey dwelling, rendered with a tiled roof. To the north a bungalow Grogan has been developed in the former orchard of Fairlawns.

- 1.2.3 There are further detached dwellings to the north and semi-detached dwellings to the east.
- 1.2.4 Fairlawns has a relatively large curtilage with an outbuilding to the rear on the eastern side, and the open area (subject to this application) on the west.
- 1.2.5 Two dwellings currently share the main driveway to the plot, and another dwelling Spindlewood has its access running off the same opening onto Fron Bache (i.e. a double access). This arrangement can be appreciated from the plan at the front of the report.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Llangollen and is also within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, and the World Heritage Site Buffer zone.

1.4 Relevant planning history

- 1.4.1 Outline permission for the same development was granted consent in 2011. The current application seeks a renewal of that permission.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 03/2011/0260 - / Development of 0.07 ha of land by erection of 1 dwelling (outline application – including access).
Granted 16/05/2011

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC 3 – Securing infrastructure contributions from development

Policy BSC 11 – Recreation and open space

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE3 – Pontcysyllte Aqueduct and Canal World Heritage Site

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4). Development Management Manual 2016 states that material considerations can include

the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity including AONB
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)
- 4.1.6 Open Space
- 4.1.7 Pontcysyllte Aqueduct & Canal World Heritage Site
- 4.1.8 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development in towns as BSC1, which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries.

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. The proposal would therefore be acceptable in terms of the general principles of these policies.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The application is made in outline form, with all matters relating to the appearance of the development being reserved for later consideration. However, the application states that the maximum height of the building would be 8.2m, and it would not exceed 13m wide or 12m long.

Having regard to the site characteristics, it is considered that the site can be developed without harming the visual amenity of the area or wider Area of Outstanding Natural Beauty.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The application is made in outline form, with all matters relating to the siting of the dwelling and layout of the development being reserved for later consideration.

Having regard to the site characteristics, it is considered that the site can be developed in a way which provides sufficient amenity for future occupants of the dwelling, and without harming the residential amenity of neighbouring dwellings.

4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

No drainage details have been provided as part of the application. Dwr Cymru have not raised an objection, but have requested that full details of the proposed drainage are conditioned to be approved prior to the commencement of development.

It is considered that the proposal is acceptable in terms of drainage and is therefore compliant with policy RD 1 in this respect.

4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Concern has been raised by the Town Council and local residents that the access to the site is inadequate and would impact on highway safety. The Highway Officer notes the access is below standard, but concludes given that it is in existence and would serve only one additional dwelling, the increased risk to highway safety would be negligible. In addition, although this application is made with all matters reserved (including access), the previous application included access for consideration and was granted planning permission.

With respect to the comments of the Town Council and local residents, having regard to the planning history of the site, the amount of development proposed, and the Highway Officer response, it is not considered that there is a sustainable objection to the proposal on highway safety grounds. The application is therefore considered acceptable in terms of access, subject to the final details being approved as a reserved matter.

4.2.6 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with policy BSC 11. Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided onsite, or where it is impractical to provide the full requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

As the current application seeks outline permission it would be appropriate to consider imposition of a standard planning condition to ensure arrangements for

complying with open space requirements in line with policy and guidance in paragraph 7.5 of Supplementary Planning Guidance Open Space.

4.2.7 Pontcysyllte Aqueduct & Canal World Heritage Site

Policy VOE3 of the Local Development Plan relates specifically to development which may impact on the Pontcysyllte Aqueduct and Canal World Heritage Site and its Outstanding Universal Value, and in particular the authenticity and integrity of the attributes which justified its designation. It indicates that development which would lead to harm to the attributes will not be permitted, and refers to the setting of the World Heritage Site as a key material consideration. SPG 26 – Pontcysyllte Aqueduct and Canal World Heritage Site provides guidance on the determination of applications that may affect the Site and its setting.

Planning Policy Wales (Section 6.5.24) reiterates that the World Heritage Site is a material consideration in the determination of applications, and that impact on the site and its setting should be carefully considered.

The application is made in outline form, with all matters relating to the appearance of the development being reserved for later consideration. However, CADW (WHS) have been consulted, and no objections have been raised to the proposal.

It is not considered that the development of this site would have an adverse impact upon the character of the World Heritage Site buffer zone.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 Having regard to the responses received and the planning history of the site, it is considered that the application is acceptable, and it is recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the layout, scale, appearance of the building, access and the landscaping of the site (hereinafter called ""the reserved matters"") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing and proposed site plan (Drawing No. Fair01 Rev. A) received 2 December 2016
 - (ii) Location plan received 2 December 2016

5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
7. Notwithstanding the approved plans, the detailed landscaping plan shall show full details of replacement trees along the western boundary of the site, including species and precise siting.
8. Prior to the commencement of work on the external walls and roof of the dwelling, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used and no materials other than those approved shall be used.
9. Facilities shall be provided and retained with the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and shall be completed prior to the proposed development being brought into use.
10. PRE-COMMENCEMENT CONDITION
No development shall be permitted to commence until the mechanism for securing a contribution for the provision of recreational open space has been agreed in writing by the Local Planning Authority and such contribution has been made.
11. PRE-COMMENCEMENT CONDITION
No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

The reasons for the conditions are:-

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. In the interests of visual amenity.
9. To provide for the parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of highway safety.
10. In the interest of providing public open space
11. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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Agenda Item 7

WARD : Tremeirchion

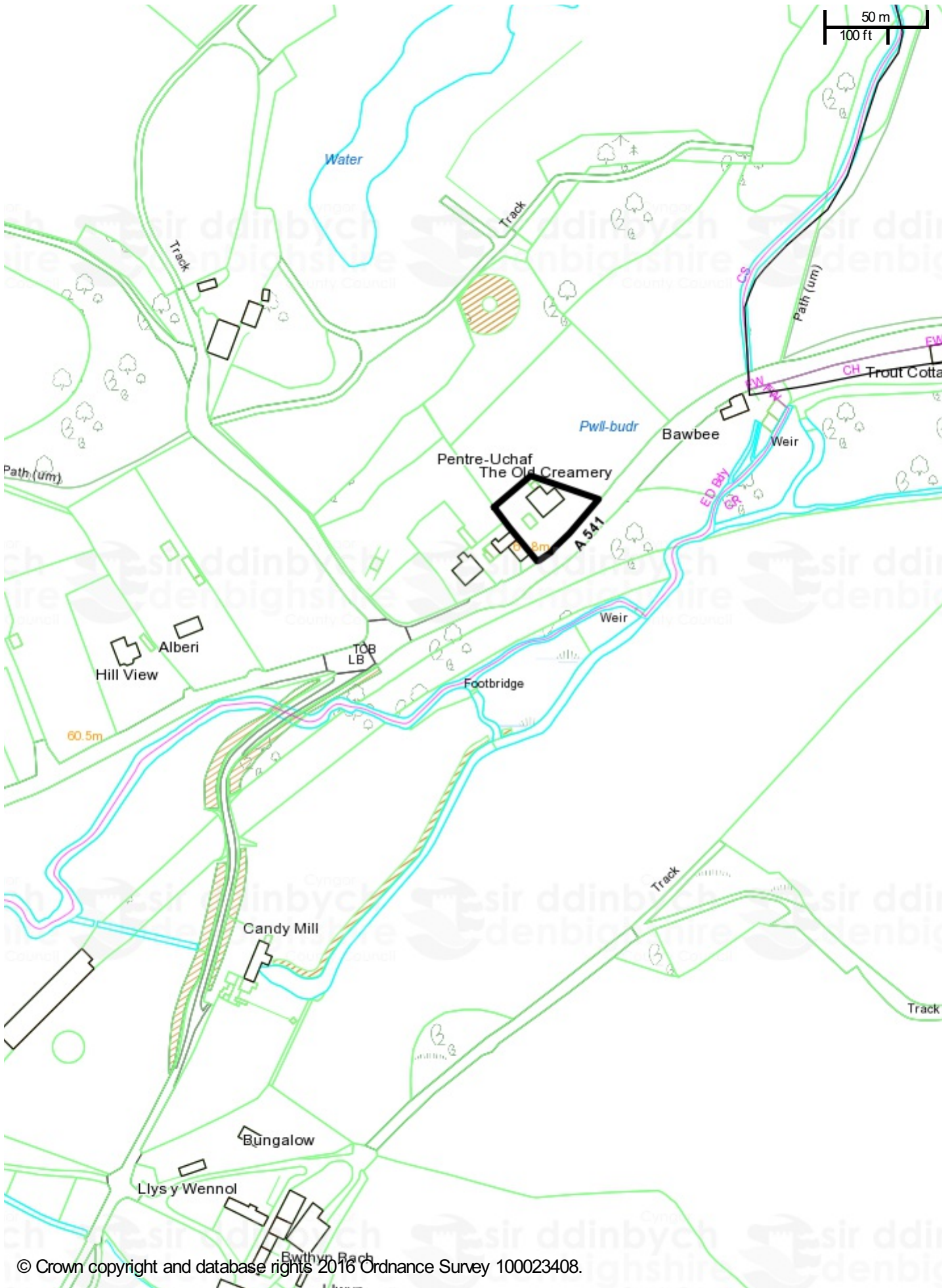
WARD MEMBER: Councillor Barbara Smith

APPLICATION NO: 41/2016/1113/PS

PROPOSAL: Variation of conditions 2 and 3 of planning permission Code No. 41/2000/1065/PC, to allow for the permission for the Class B2 use of the building to inure for operations other than Mr. D. R. Parsonage, and for operations ancillary to the use of the building to be carried out on the land surrounding the building (retrospective application)

LOCATION: The Old Creamery Mold Road Bodfari Denbigh

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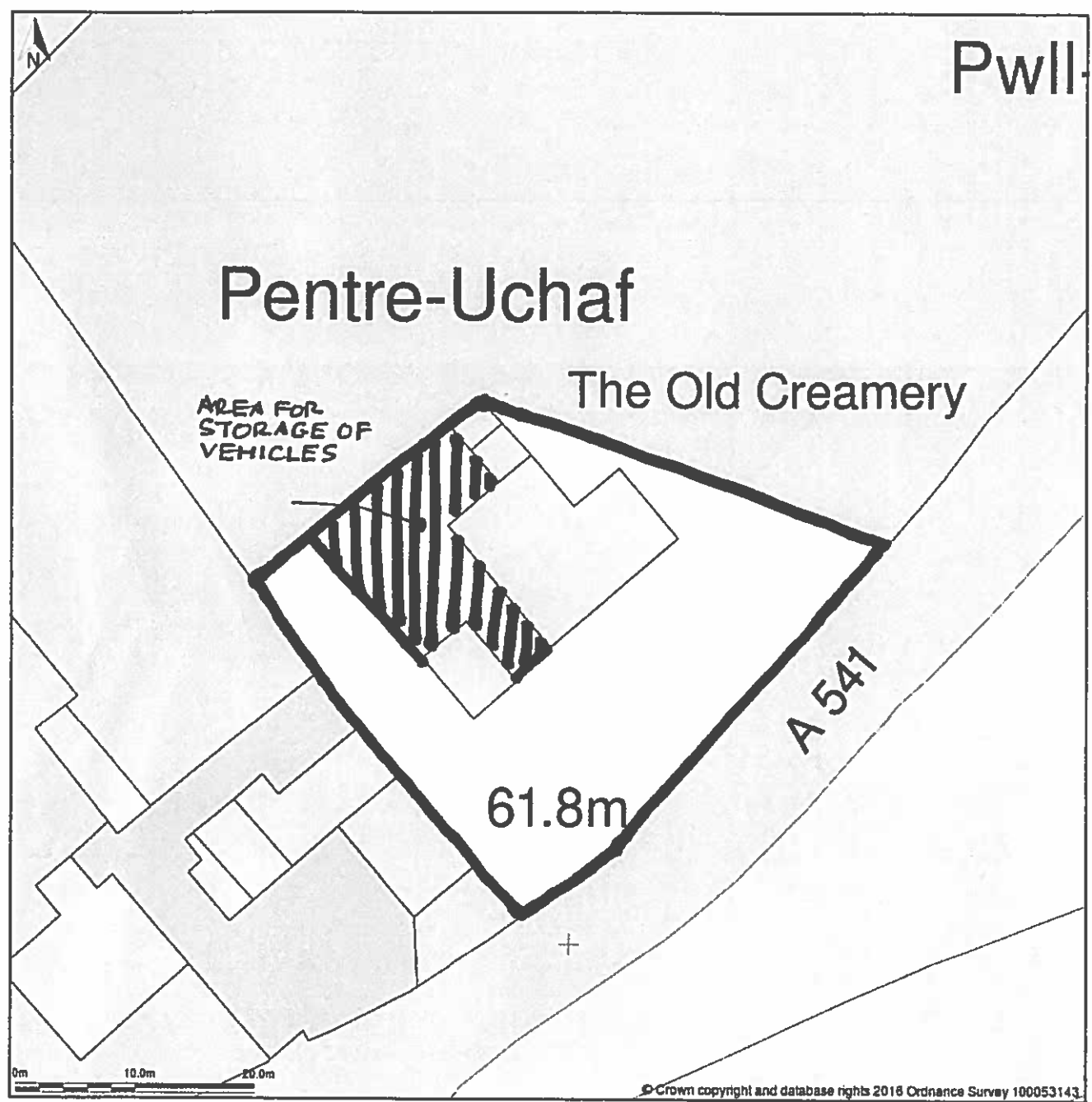
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41/2016/1113/PS

Scale: 1:2500

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Workshop, Pentre Uchaf, A541 Rose Garden Bends Bodfari To Cty Boundary, Denbigh, LL16 4DR



Block Plan shows area bounded by: 310926.0, 371800.0, 311016.0, 371890.0 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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WARD : Tremeirchion

WARD MEMBER: Councillor Barbara Smith

APPLICATION NO: 41/2016/1113/PS

PROPOSAL: Variation of conditions 2 and 3 of planning permission Code No. 41/2000/1065/PC, to allow for the permission for the Class B2 use of the building to inure for operations other than Mr. D. R. Parsonage, and for operations ancillary to the use of the building to be carried out on the land surrounding the building (retrospective application)

LOCATION: The Old Creamery Mold Road Bodfari Denbigh

APPLICANT: Mr John Houlston JBH Repairs

CONSTRAINTS: C2 Flood Zone AONB

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

Scheme of Delegation Part 2

- Application submitted by Relative of Member of Staff of Planning Service

CONSULTATION RESPONSES:

BODFARI COMMUNITY COUNCIL

"Following their meeting on 11th January 2017, Bodfari Community Council recommend approval with the comments that, while the community council had no objection in principle to the change of use from B1 to B2, the application appears to put no limit on the area of the site to be used. In addition there are concerns about extra traffic in view of the difficult nature of the National Speed Limit road, and about the visual impact and untidiness of the site in an AONB as well as concerns that the whole site will have adequate hazardous substance protocols and environmental protections in place, considering the proximity of the site to the River Wheeler".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
HEAD OF HIGHWAYS AND INFRASTRUCTURE**
No objection.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr I Allnutt, Pentre Uchaf, Bodfari
Catherine Allnutt, Redcroft, 12 Parkfield Road, Liverpool
Sophie Allnutt, 14 Seldon Close, Winchester

Summary of planning based representations in objection:
Visual amenity- concerns over the appearance of the site.
Waste products create health and safety risk.

In support

Representations received from:

Arthur Roberts, Ty Draw Farm, Bodfari
Margaret Ceri Brooks, Ty Draw Cottage
Kevin Davies, 129 Crud y Castell, Denbigh
S Berger, Pentre Ucha Quarry, Bodfari

Christopher Davies, Pen yr Hwylfa Cottage, Brynford
Frank Ainsworth, The Rose Gardens, Bodfari
Jane Howard-Brooks, Llys y Wennol, Bodfari

Summary of planning based representations in support:
Site supports valuable local business which has been in operation for some time.

Other
John Daniel Sheard, Bawbee Cottage, Mold Road

Summary of planning based comments
No objection however would not want to see use intensified.

EXPIRY DATE OF APPLICATION: 02/02/2017

EXTENSION OF TIME AGREED: 10/02/2017

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for a variation of conditions imposed on a planning permission granted in January 2001, which permitted the retention of a mixed use Class B1 (Furniture Workshop) and Class B2 (Vehicle Repair/Bodywork) business.

1.1.2 The original conditions read:

2. The permission for the Class B2 use of the building on the easterly side of the site shall inure for the benefit of the applicant Mr D.R. Parsonage, only.

Reason: In view of the special circumstances of the application and so that the Local Planning Authority can control the use of the site in the interests of residential amenity.

3. No operations related to the uses hereby permitted shall be carried out anywhere on the site other than within the buildings.

Reason: In the interests of visual and residential amenity

1.1.3 Condition no. 2 is proposed to be varied to allow for the permission for the Class B2 use of the building to inure for operations other than by the original applicant Mr Parsonage. The reason for this request is that Mr Parsonage is no longer involved in operations at the site. The submission indicates that the current applicant has been operating the site for 14 years without Mr Parsonage.

1.1.4 Condition no. 3 is proposed to be varied to allow for operations ancillary to the use of the building to be carried out on the land surrounding the building. The plan submitted in support of this application indicates the area proposed to be used for these operations is between the workshop and the smaller building to the west and to the rear of the buildings. It measures approximately 180 sq m.

1.2 Description of site and surroundings

1.2.1 The site is located on the northern side of the A541 approximately 1 mile to the east of Bodfari as it runs towards Mold.

1.2.2 There are two buildings on the site, a large rendered detached building which houses the garage and a smaller brick building which has permission to be used for storage.

1.2.3 There is an area of hardstanding to the front and side of the buildings. This area is used for the parking and storage of vehicles at present.

1.2.4 The highway boundary of the site is bounded by a mix of wall and a 1m high fence.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside any development boundary and within the Clwydian Range and Dee Valley AONB.

1.4 Relevant planning history

1.4.1 The use of the site for the carrying out of vehicle repairs and bodywork was permitted in January 2001.

1.4.2 Previously the site has been in use for other business / industrial uses, and it is understood its original use was a creamery.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 41/2000/1065 Retention of mixed use on site, Class B1 (Furniture Workshop) and Class B2 (Vehicle Repair/Bodywork). Granted 11/01/2001.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

3.1 Government Policy / Guidance

Planning Policy Wales Edition 9 2016

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4). Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highway Safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site lies outside any development boundary. Local Development Plan Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

Welsh Government Guidance in TAN6 encourages the development of appropriate scale enterprises in rural areas to build sustainable rural communities. Section 7.3 of Planning Policy Wales seeks to promote diversification in the rural economy, and offers in principle support for suitable small scale enterprises, and the expansion of existing businesses located in the open Countryside provided there are no unacceptable impacts on local amenity.

The commercial use of the premises is already established through the 2001 permission, so the principle of a B1 and B2 use has been accepted. The proposal is for the variation of conditions on the 2001 permission which restricts the use of the site to an individual and limits the use of the area surrounding the buildings. The reason the condition was attached related to amenity impacts. Amenity issues are therefore considered to be the key considerations and are reviewed in the following sections of the report.

4.2.2 Residential amenity

Paragraph 3.1.7 of PPW states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

It is understood that the current Applicant has been operating from the site since 2005/6. The planning use of the site remains as approved in 2001 albeit that the name of the principal operator has changed. No objections have been received on residential amenity grounds.

Owing to the separation distances to the neighbouring occupiers, and the nature of the use, it is not considered that variation of the condition would give rise to significant impacts on the amenity of adjacent occupiers. It is considered there would be no policy conflicts as a result of granting the variation.

4.2.3 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The use of the site is established and has been operating for a substantial period of time. The vehicle repairs take place within the building and there are vehicles (including longer term repair jobs) parked at the rear and side of the building. The Applicant has advised that he is willing to screen the rear and side of the site. He also advises that the parking to the front of the building is predominantly used during the working day.

The site has been in operation for some time. Whilst the storage / parking of vehicles in the open has some visual impact, the area involved is not extensive and in Officers' opinion was not excessively untidy at the time of the site visit. With respect to the opinions of the JAC and the objectors, Officers consider the use and associated storage that the application is seeking would not appear visually obtrusive or harmful to the AONB. To allay fears of the use becoming unregulated the condition can be reworded with a requirement for screening added. A condition can also be attached to require the removal of vehicles in the area in front of the building whilst the use is not in operation. Subject to these conditions, it is considered that the proposals would not have an unacceptable landscape and visual impact.

4.2.4 Highways (including access and parking)

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales Section 8 relating to consideration of highways safety and transport implications of development proposals.

Access to the site would be from the existing entrance off the A road. Concerns have been raised by the Community Council over the highways safety implications of the variation of the condition.

Highways Officers in their assessment of the application have considered that this is an existing use and the proposals would not result in an increase in intensity or activity on the site. Highway Officers have raised no objection to the proposal. Hence it is not considered that the proposal conflicts with the highways considerations of Policy ASA 3 or PPW.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the variation proposed is reasonable having regard to relevant planning policies, and it is therefore recommended for grant.

RECOMMENDATION: APPROVE VARIATION OF CONDITIONS 2 and 3 - subject to imposition of the following conditions:-

1. The permission for the Class B2 use of the building on the easterly side of the site and associated vehicle storage area shall inure for the benefit of the operators of the garage only.
2. The area hatched red on the approved plan shall be only used for the storage of vehicles in connection with the B2 use of the site.
3. No later than three months from the date of this consent, a screen fence shall be erected in the location marked A-B on the plan attached to this certificate, and a screen / gate shall be erected in the location marked C-D, in accordance with such detailing as may be submitted to

and approved in writing by the Local Planning Authority within one month of the consent. The approved screens shall be retained as approved at all times thereafter.

4. The land between the buildings and the A541 boundary, as coloured blue on the plan attached to this certificate, shall not be used for the parking, storage or servicing of any vehicles associated with the B2 use outside the business hours of that use.

The reasons for the conditions are:-

1. To enable the Local Planning Authority can control the use of the site in the interests of residential amenity.
2. In the interests of visual and residential amenity.
3. In the interests of visual amenity.
4. In the interest of visual amenity.

NOTES TO APPLICANT:

You are reminded that the remainder of the conditions of the original planning permission are still applicable on the site. The conditions relate to the storage or materials or machinery, permitted development, access arrangements and opening hours. The original certificate of decision is attached to this consent for your information.