

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 23 May 2018 at 9.30 am.

### PRESENT

Councillors Ellie Chard, Ann Davies, Meirick Davies, Peter Evans, Alan James (Vice-Chair), Brian Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Bob Murray, Merfyn Parry, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

**Observers** - Councillors Hugh Evans, Rachel Flynn, Tony Flynn, Andrew Thomas and Huw Williams.

### ALSO PRESENT

Corporate Director: Economy and Public Realm (GB), Team Leader – Places Team (SC), Development Manager (PM), Principal Planning Officer (IW), Senior Engineer – Highways (MP) and Committee Administrator (SJ)

#### 1 APOLOGIES

Apologies for absence were received from Councillors Tina Jones and Christine Marston

#### 2 DECLARATIONS OF INTEREST

Councillor Bob Murray declared a personal and prejudicial interest in Agenda item 8  
Councillor Alan James declared a personal interest in Agenda item 8  
Councillor Ellie Chard declared a personal and prejudicial interest in Agenda item 10

#### 3 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of the Planning Committee for 2018/19. Councillor Huw Jones proposed, seconded by Councillor Peter Evans that Councillor Joe Welch be appointed Chair.

There was a unanimous show of hands in agreement to the proposal.

**RESOLVED** that Councillor Joe Welch 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 2018/19. Councillor Ellie Chard proposed, seconded by Councillor Bob Murray that Councillor Alan James be appointed Vice-Chair.

There was a unanimous show of hands in agreement to the proposal.

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

## **5 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters.

## **6 MINUTES**

The minutes of the Planning Committee meeting held on 18 April 2018 were submitted.

**Matters arising** – Page 13, Item 7 Application no. 43/2018/0030/pf - Four Winds Caravan Site, Ffordd Ffynnon, Prestatyn – Councillor Peter Evans requested his concerns raised previously, regarding the unsuitability of the access road be noted.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 18 April 2018 be approved as a correct record.

## **APPLICATIONS FOR PERMISSIONS FOR DEVELOPMENT (ITEMS 7 - 12) -**

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) 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.

### **7 APPLICATION NO. 16/2018/0027/ PF - TY CAPEL (FORMER LLWYNEDD CHAPEL), LLANBEDR DYFFRYN CLWYD, RUTHIN, LL15 1UT**

An application was submitted for the erection of 1 no. dwelling (amended details to previously approved/implemented scheme ref. 16/294/96) at Ty Capel (former Llwynedd Chapel) Llanbedr Dyffryn Clwyd, Ruthin.

#### **Public Speaker –**

Mr Bob Barton (**Against**) – stated that he represented Llanbedr Community Council. The Community Council had 4 key points against the proposal – scale, biodiversity, access and surface water runoff. Mr Barton expanded on the 4 points stating –

- Scale – the proposal did not reflect the existing dwellings in the area. The Community Council had been in full support of the initial consultation reps made with the AONB.
- Biodiversity – The Community Council felt a biodiversity statement should have been included in the application. The area of land had been undisturbed for numerous years and had since been completely cleared
- Access – the proposed access is inadequate.

- Surface water runoff – The access roads had history of problems with surface water.

**General Debate** – Councillor Huw Williams (Local member) explained that he had concerns with the application and access road to the proposed site. He informed members the area had been known for flooding. Councillor Williams highlighted the need to consider the location and keeping with surrounding properties.

Councillor Brian Jones requested confirmation from officers regarding the highway and access routes to the site. In response to the question raised the Senior Engineer- Highways clarified in Denbighshire there was two roads managed by the Welsh Government, one being the access road to the area. Comments on planning applications would have been sought from Welsh Government. With regard to the application no objects had been presented. To impose a condition preventing turning into or off that road would have to be pursued from Welsh Government. In response to member's questions regarding the use of slate on the property, the Principal Planning Officer informed members that a condition for natural slate to be used on the property could be imposed on the application. Plans had been approved in 1996 for a similar application at the site, in officer's opinion the revised application had been in keeping with the surroundings, the changes made to the proportions had not been significant to visually impair neighbouring sites. The previous planning application had not included a biodiversity assessment.

Councillor Emrys Wynne had attended the site visit and stated he was pleased to see development had commenced at the site. He felt the revised application was in keeping with the area and stated it would be difficult to reject due to the similarity from the previous planning permission.

Councillor Gwyneth Kensler wanted to raise concern of the environment and the surroundings of the area.

The Principal Manager confirmed that a condition had been included to protect the trees on the site.

Officers when assessing planning applications regard the comments from Area Of Outstanding Beauty (AONB) when determining officers recommendations.

Councillor Meirick Lloyd Davies proposed that a condition to use natural slate be included in the building application, also the use of natural stone be included as part of the boundary wall. Officers stated those conditions could be included if members agreed.

The Development Officer confirmed that the Planning department would write to Welsh Government to relay the concerns of the Committee and Local Member.

**Proposal** – Councillor Meirick Lloyd Davies proposed the application with the additions to the amended conditions, seconded by Councillor Gwyneth Kensler.

**VOTE:**

GRANT - 14

ABSTAIN - 2

REFUSE – 0

**RESOLVED** that the application be **GRANTED** in accordance with officer recommendation as stipulated in the report.

**8 APPLICATION NO. 43/2017/1121 - FFRITH BEACH, VICTORIA ROAD WEST, PRESTATYN**

[Councillor Bob Murray declared a personal and prejudicial interest in this item because he had known the family well, he left the meeting during consideration of the application.

Councillor Alan James declared a personal interest in this item because the applicant was known to him through his Ward work.]

An application was submitted for the use of land for the siting of an additional 65 touring caravan pitches and 39 timber camping pods, storage building and associated works at Ffrith Beach, Victoria Road West, Prestatyn.

Clarification that Denbighshire County Council are the owners of the land with a lease hold agreed with the applicant.

**Public Speaker –**

Mr Mark Roberts (**Against**) referred to discussions regarding quality of the proposed layout of the site. He stated the layout of the proposal. The size of the car park was deficient and the width of the road was inadequate. Mr Roberts stated that conditions would not be sufficient the plan was unsatisfactory and would not meet the required standards in Policy PSE12.

Mr Noah Robinson (**For**) stated he and his wife were the current leaseholders of the site having occupied the site for 15 years. He gave members a brief background to the application. In relation to the issue regarding highways he stated that traffic does not all enter or leave the site at the same time. It was his opinion that it would not have an impact on highways. Regarding issues of access for the public to the site, a public right of way and path allow adequate access to the site to and from the beach. Mr Robinson agreed that security was needed at the site. In his opinion the application had no negative impact on the surrounding businesses.

**General Debate –** the site was subject to a Site Inspection Panel meeting on Tuesday 15<sup>th</sup> May. Councillor Meirick Lloyd Davies attended the site visit. One concern raised at the inspection had been the lack of clear boundaries at the site. Security at the site needed to be imperative.

Councillor Rachel Flynn (Local Member) stated that Prestatyn Town Council had objected due to the loss of open space to be a detrimental loss to the wider society. The council felt it had not seen improvements to the site as was stated by the occupants when tenancy was granted. The outer area of the site had been left in a poor state. Councillor Flynn stated a number of requests from the Town Council which they would like to be included if application was granted, these included –

- Planting of trees and specific species
- Boundary fences – softer than metal

- Street lighting
- Free disabled parking
- Not to be made a site for static caravans

Councillor Tony Flynn (Local Member) informed members of a public meeting which had taken place on 12 February 2018, in which residents attended to discuss the site. It was the opinion of the residents the land could be developed more productively.

The plans for access to the site are not adequate and needed further development to satisfy the local residents.

The Development Officer highlighted the planning application was for a tourism development on an allocated site on the Local Development Plan for tourism. Denbighshire County Council where the legal owners of the area of land, if members had concerns with the lease and tenancy agreement that was a separate issue not in relation to the planning application.

Officers believed the application had met the legal requirements for development. Additional controls had been included that addressed a number of concerns raised by Prestatyn Town Council. The revised conditions of landscaping had included the use of fencing, further approval from officers or planning committee would be required to impose fencing at the site. Officers felt reassurance of the concerns raised had been identified and conditions imposed to address the concerns of local residents.

Reassurance to members was given in relation to highway concerns, parking facilities had been for 500 vehicles the application would result in the loss of 264 spaces. It was considered to not be a major impact on the site. The addition to condition 6 had addressed concerns regarding space around the pods.

The application had specified the areas that had been proposed for the use of holiday accommodation and the type of accommodation. The proposal is specific to the type and number of accommodations if this was to change a separate application would need to be presented. Planning and licencing would both have conditions imposed on the site.

Councillor Peter Evans raised concerns regarding the access roads that passed through his ward to access the site. The increased number of vehicles in the area would be problematic on minor roads. The Development Manager confirmed that a note to applicant could be requested to highlight the route to the site via alternative routes.

**Proposal** – Councillor Tony Thomas proposed the officer recommendation to grant the application, with additional conditions including specifying the type of accommodation at the site, seconded by Councillor Pat Jones.

**VOTE:**

GRANT - 10

ABSTAIN - 0

REFUSE - 4

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

At this juncture (10.55 a.m.) there was a 20 minute break.

The meeting reconvened at 11.15 a.m.

**9 APPLICATION NO.45/2018/0194 - ARRIVA CYMRU LTD, FFYNNONGROEW ROAD, RHYL**

An application was submitted for the erection of an acoustic boundary fence and new roof to the existing bus wash to contain overspray at Arrive Cymru Ltd, Ffynnongroew Road, Rhyl.

**Public Speaker –**

Rev. Mike Bettany (**Against**) – stated the application proposed does not address the issues and concerns from the site. Three main problems at the site stated were –

- Water spray- that had blown to neighbouring properties
- Aroma – the airborne detergent and diesel had been smelt from residents
- Noise – the level of noise created at the site

The proposal for the development of a new roof may not address the problems nearby residents had already been subject to. Rev Bettany stated that the inclusion of a fence would not stop the noise level or spray affecting properties in the area.

**General Debate –** Councillor Alan James (Local Member) had attended the site to visit. He explained to members that a new roof along with fence and curtains had been proposed to eliminate spray and noise pollution. The proposal intention had been to better the current situation for neighbouring residents. Arriva acknowledged the concerns of residents, and believed the proposal would be beneficial and address some concerns raised.

Councillor Merfyn Parry highlighted the location of the site is central to a residential area in Rhyl. He suggested to members that a liaison group be initiated between local residents and Arriva. He stated this would allow both parties to observe comments and concerns. Councillor Alan James as ward member stated he would be happy to discuss a liaison group between the residents and the applicant.

**Proposal –** Councillor Julian Thompson- Hill proposed the officer recommendations to grant the application, seconded by Councillor Ellie Chard. The Development Manager explained a note to the applicant to establish a liaison group with local residents could be included. If residents had any concerns regarding noise and smells complaints to pollution control were to be adopted.

**VOTE:**

GRANT - 13

ABSTAIN - 0

REFUSE – 2

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report, with a note to applicant regarding a liaison group be attached.

**10 APPLICATION NO.45/2018/0217 - 42 WEAVERTON DRIVE, RHYL**

[Councillor Ellie chard declared a personal and prejudicial interest in this item because she had known the family for a number of years, she left the meeting during consideration of the application.]

An application was submitted for the demolition of garage to erect a single storey pitched roof extension to rear of the dwelling at 42 Weaverton Drive, Rhyl.

**Public Speaker –**

Mr Terry Dunlea (**Against**) – stated that he represented the local residents who would potentially be affected by the development. The inclusion of a breezeblock wall which will screen neighbouring sites to screen noise would not be sufficient. Noise level had been a concern of neighbouring residents. Mr Dunlea explained the parking available at the site had not been used, with vehicles parked on the footpath which had often caused obstructions to other vehicle access.

**General debate –** A site Inspection Panel meeting had taken place on 15 May to assess the impact of the proposal on the surrounding area and adjacent residential properties.

Speaking on behalf of local Member Councillor Jeanette Chamberlain – Jones, Councillor Bob Murray expressed concerns regarding the proposed application stating the property was out of character for neighbouring properties. The proposal would increase the volume of traffic and cause more disruption to the area.

Councillor Meirick Lloyd Davies had attended the sight visit. He confirmed the size of the garden was large for a big family and the proposal would not affect the size of the rear garden, with no loss to parking.

The Development Officer confirmed to members that the property accommodated a single family. The conversion of the garage would not have needed planning permission it would have only required building regulation.

**Proposal –** Councillor Bob Murray proposed refusal of the application, against officer recommendation, due to the impact on neighbouring properties and over intensification of use of the site, seconded by Councillor Pat Jones.

**VOTE:**

GRANT - 9  
ABSTAIN - 0  
REFUSE - 4

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

## 11 APPLICATION NO.45/2018/0244 - 433 441 RHYL COAST ROAD, RHYL

An application was submitted for a variation of Condition No 2. Of planning permission Code no. 45/217/99/PF to allow amendments to layout and design of approved plans, at 433 - 441 Rhyl Coast Road, Rhyl.

### Public Speaker –

Mr Malcolm Wilkinson (**Against**) – stated he represented 19 residents who would potentially be affected by the application. He highlighted to members a number of reasons for refusal these included –

- The new proposed height of the property is out of character for local area. Local residents had considered this a major design alteration to the original plan approved.
- Finished floor heights vary, with no justification given from Natural Resource Wales for this.
- Invasion of privacy to neighbouring residents, with overshadowing a major concern.
- Certain plots had already been built prior to planning permission being granted.

**General Debate** – The Development Manager gave a brief history of previous planning permission granted at the site. He confirmed that Natural Resource Wales had been consulted by the applicant with regard to potential flood risk and had adopted the floor levels as suggested.

Councillor Tony Thomas (Local Member) highlighted the need of housing in the area and was in support of the application.

Councillor Rachel Flynn expressed concern regarding the development of housing in an area dominated by bungalows. Councillor Flynn highlighted an additional issue which concerned the boundary wall. Following discussions with the developer, if agreed with all residents affected a new wall would be erected at the rear of the properties.

Councillor Tony Flynn highlighted his disapproval, that properties had been advertised and sold prior to planning permission being granted.

Members during the debate questioned the height of the properties whether they were in keeping with the surroundings.

The Development Manager informed members that the application was applying for a certain height of properties. The officer recommendation is that the application is acceptable in relation to planning regulations.

**Proposal** – Councillor Tony Thomas proposed the officer recommendations to grant the application, seconded by Councillor Alan James.

### VOTE:

GRANT - 8

ABSTAIN - 0

REFUSE - 7

***RESOLVED**, that permission be **GRANTED** in accordance with officer recommendation as stipulated in the report.*

**12 APPLICATION NO. 23/2018/0268 - LLWYN AFON, LLANRHAEDR, DENBIGH**

At this junction, the Chair Councillor Joe Welch stated as Local Member of the application he would be speaking regarding the proposal. He decided he would vacate the Chair for this application.

The Vice-Chair, Councillor Alan James took over the Chair of the Planning Committee for this one item.

An application was submitted for the development of 0.44hs of land by the erection of three dwellings at Land at Llwyn Afon, Llanrhaedr, Denbigh.

**General Debate** – Councillor Joe Welch (Local Member) gave members a brief history of the site of the application. He made reference to the pre planning advice that had been given to the applicant in respect of the planning application. In support of the applicant Councillor Welch informed members that the proposal included two market homes and one affordable house, in an area of need of housing.

The Principal Planning Officer explained to members regard to the Local Development Plan (LDP) policies had to be incorporated in planning applications. Decisions for applications should be made in accordance with the LDP and other significant considerations. The decision is made from weighting the LDP policies against the other material considerations.

Councillors were pleased to receive the application for development of use for the land.

**Proposal** – Councillor Mark Young proposed, seconded by Councillor Tony Thomas, that the application be granted, contrary to officer recommendation, on the grounds that land supply on the LDP had not been met, the site is a brownfield site, it is an infill site and weight should be given for houses to be developed when applications received.

The Deployment Manager emphasised to members that the LDP had two sites both with a number of dwellings proposed for the site. There had not been a need identified in the area for affordable housing. In the opinion of officers the application did not meet the policy for infill in turn had not been complainant with the LDP.

**VOTE:**

GRANT - 9

ABSTAIN - 1

REFUSE - 5

***RESOLVED** that permission be **GRANTED**, contrary to officer recommendation.*

At this juncture, the Chair Councillor Joe Welch retook his seat to continue with the remainder of the meeting.

## **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 Paragraph 14 of Part 4 of Schedule 12A of the Act.

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

Councillor Hugh Evans, Leader & Lead Member for the Economy and Corporate Governance introduced the confidential report. The report provided some background history to the situation and process to date and the decision by Cabinet in April 2018 regarding the preferred party to take ownership.

**Proposal** – Councillor Meirick Lloyd Davies proposed the officer recommendation, seconded by Councillor Mark Young.

#### **VOTE:**

GRANT – 14

ABSTAIN – 0

REFUSE – 0

**RESOLVED** the 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.

The meeting concluded at 12:50 p.m.