

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 17 October 2018 at 9.30 am.

### **PRESENT**

Councillors Ellie Chard, Meirick Davies, Brian Jones, Huw Jones, Christine Marston, Bob Murray, Merfyn Parry, Pete Prendergast, Andrew Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Local Members – Councillors Mabon ap Gwynfor, Martyn Holland and Graham Timms.

### **ALSO PRESENT**

Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW); Senior Engineer – Highways (MP); Strategic Planning & Housing Manager (AL); Strategic Planning Officer (KB); Local Housing Strategy & Development Officer (JA); and Committee Administrator (SLW)

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Ann Davies, Peter Evans, Alan James, Tina Jones, Gwyneth Kensler and Tony Thomas

#### **2 DECLARATIONS OF INTEREST**

None.

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

None.

#### **4 MINUTES**

The minutes of the Planning Committee held on 17 October 2018 were submitted.

**RESOLVED** that the minutes of the meeting held on 17 October 2018 be approved as a correct record.

#### **5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 8 AND 11 - 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.

**6 APPLICATION NO. 21/2018/0293/PF - 16 RECTORY LANE, LLANFERRES, MOLD**

An application was submitted for the demolition of porch and erection of an attached garage (amended scheme) at 16 Rectory Lane, Llanferres, Mold.

**Public Speaker –**

Mr B. Barton (**Against**) – raised concerns regarding the impact of the proposals on the access and egress from No. 18 Rectory Lane. He also referred to comments in the Officer report to the September Committee.

**General Debate** – Councillor Emrys Wynn spoke on behalf of Councillor Gwyneth Kensler who was unable to attend the meeting but had attended a Site Visit which had taken place on Friday 12 October 2018. Councillor Kensler had confirmed that in her view, there was no reason to object to the application.

It was confirmed that the site visit had proven extremely useful as officers from the technical team had also been in attendance.

The Local Member, Councillor Martyn Holland expressed concern regarding controls over the constructional detailing/stability of retaining walls close to the boundaries of the adjacent properties. The Principal Planning Officer responded by confirming Building Control Officers had advised approval under Building Regulations would be required in relation to the detailing of the retaining wall. As the retaining wall in front of the garage was shown as a continuation of the garage building it was understood that this would also be subject to assessment as part of a Building Regulations application.

It was also confirmed that a special note to the applicant, if permission were to be granted, would be attached to emphasise the need to follow appropriate procedures in relation to the design and approval processes concerning the retaining wall elements of the proposals.

**Proposal** - Councillor Alan James proposed the officer recommendation to grant the application, seconded by Councillor Bob Murray.

**VOTE:**

GRANT – 13

ABSTAIN – 0

REFUSE – 1

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

**7 APPLICATION NO. 47/2018/0411/PF - NEW INN COTTAGE, TREMEIRCHION, ST. ASAPH**

An application was received for the demolition of cottage and erection of a replacement dwelling and detached garage together with the siting of a temporary

static caravan and associated enclosure at New Inn Cottage, Tremeirchion, St. Asaph.

**Public Speaker –**

Mr Edward Hughes (**for**) – explained the application had been submitted for the demolition of the existing cottage and to build a family home fit for the future. He intended recycling as much of the materials from the old cottage as possible. Locally sourced materials would be used as would local trades people. He confirmed he had worked with officers of Denbighshire County Council, outside agencies and the local community to ensure the application would be acceptable to everyone.

**General Debate** - it was confirmed that the site visit had proven exceptionally useful due to the fact the exterior of the old cottage looked in a relatively good condition but once inside the property it was clear it was in a dilapidated state and not structurally sound. It would prove difficult to improve the current building at a reasonable cost.

The applicants had worked hard with the Planning Department and had taken into consideration the advice given. The proposed dwelling would provide a modern, energy efficient family home.

Officers confirmed that due to the age of the existing cottage, a complete photographic record would be taken for posterity.

Members were informed that an additional condition would be included if the application were to be granted:

“9. The residential caravan shall be removed from the site no later than one month from the first occupation of the replacement dwelling.

Reason: In the interests of visual amenity and as the accommodation is only required for the construction phase of the development.”

**Proposal** – Councillor Christine Marston proposed the officer recommendation to grant the application, seconded by Councillor Julian Thompson-Hill.

**VOTE:**

GRANT – 13

ABSTAIN – 0

REFUSE – 1

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

**8 APPLICATION NO. 03/2018/0531/PF - PRINCE OF WALES, REGENT STREET, LLANGOLLEN**

An application was submitted for the conversion and alterations to residential accommodation above the public house to form 2 no. self-contained flats at Prince of Wales, Regent Street, Llangollen.

Local Member, Councillor Graham Timms expressed his support for the application as the type of housing proposed was in much need in the area.

**Proposal** - Councillor Huw Jones proposed the officer recommendation to grant the application, seconded by Councillor Julian Thompson-Hill.

**VOTE:**

GRANT – 14

ABSTAIN – 0

REFUSE – 0

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

**9 APPLICATION NO. 21/2018/0601/PF - HYFRYDLE, MAESHAFN, MOLD**

An application was submitted for the erection of extensions to dwelling and demolition of garage to provide off road parking at Hyfrydle, Maeshafn, Mold.

Local Member, Councillor Martyn Holland expressed his support for the application as the property required updating to meet modern living standards.

**Proposal** - Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Brian Jones.

**VOTE:**

GRANT – 14

ABSTAIN – 0

REFUSE – 0

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

**10 NORTH WALES CONNECTION PROJECT**

The report was submitted to provide background information in relation to the National Grid proposals to run a grid connection from the proposed Wylfa nuclear power station to a substation at Pentir, near Bangor.

It outlined the basis of the proposals and the procedural steps involved in the examination of the application by the Planning Inspectorate, which included notification to Denbighshire County Council as an authority with a shared

administrative boundary with Gwynedd, one of the Counties in which the development would take place.

Following discussion, members agreed Denbighshire County Council should not engage further in the Examination stage of the North Wales Connection project.

**Proposal** – by Councillor Huw Jones to agree to the officer recommendation as set out in the report, seconded by Councillor Bob Murray.

**VOTE:**

AGREE WITH OFFICER RECOMMENDATION – 14

REFUSE AND GO AGAINST OFFICER RECOMMENDATION – 0

**RESOLVED** that the Committee agree to Officers notifying the Planning Inspectorate that Denbighshire County Council do not wish to engage further in the Examination stage of the North Wales Connection project.

**11 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN 2006 - 2021: DRAFT ANNUAL MONITORING REPORT 2018**

A report was submitted by the Strategic Planning Officer to inform members of the content of the Local Development Plan (LDP) Annual Monitoring Report 2018.

**Proposal** – Councillor Alan James proposed to note the contents of the report, seconded by Councillor Ellie Chard.

Unanimous show of hands in agreement.

**RESOLVED** that Members note the contents of the LDP Annual Monitoring Report 2018, Appendix 1.

**At this juncture (10.25 a.m.) there was a 20 minute break.**

**The meeting reconvened at 10.45 a.m.**

**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 items of business on the grounds it would involve the likely disclosure of exempt information as defined in paragraph 14 of Part 4 of Schedule 12A of the Act.

**12 APPLICATION NO. 07/2018/0243/OB - 11 RHOS HELYG, LLANDRILLO**

An application was submitted for Deed of Variation to remove 11 Rhos Helyg from Section 106 Obligation relating to affordable housing provision in connection with planning permission 07/2004/0805 at 11 Rhos Helyg, Llandrillo, Corwen.

## **Public Speaker –**

Mr Sion Roberts (**for**) – explained the situation had been ongoing for two years. He had advertised the property for sale in the Free Press and also on his facebook page but was unable to sell the property. He stressed the property was no longer suitable as a family home. The Community Council were in support of the family but Mr Roberts felt he was unable to move on unless the S106 Obligation was removed.

**General Debate** – the application related to a legal agreement which was attached to the planning permission for the Rhos Helyg development in 2005. 11 Rhos Helyg was one of three affordable dwellings. Within the report, officers outlined the tests which needed to be applied in order to determine the application, which centred on whether the legal agreement continued to serve a useful planning purpose.

The Local Member, Councillor Mabon ap Gwynfor spoke in favour of removing the Section 106. He supported the applicant, as when the property was first purchased, Mr Roberts' circumstances were different, but he now had a young family. He stressed the point that the family wanted to remain within the community in a property more suitable for their needs. Officers had, in the past, offered Mr Roberts advice on marketing the property which possibly could have been more effective. The property had been built to social landlords sizing, which was an adequate two bedroomed bungalow but was now too small for Mr Roberts' growing family.

Members raised questions in relation to the application of policy and guidance, the process concerning removal of obligations, and general principles behind securing and retaining affordable dwellings. Officers provided factual responses to assist consideration of the issues.

**Proposal** – Councillor Julian Thompson-Hill proposed to refuse in accordance with the officer recommendation, seconded by Councillor Brian Jones.

### **VOTE:**

APPROVE TO REMOVE THE SECTION 106 – 0

ABSTAIN – 3

REFUSE TO REMOVE THE SECTION 106 – 11

**RESOLVED** that the Local Planning Authority **REFUSE** to discharge the Section 106 Obligation in relation to No. 11 Rhos Helyg, Llandrillo.

## **13 APPLICATION NO. 07/2018/0901/OB - LAND AT RHOS HELYG, LLANDRILLO**

An application was submitted for Deed of Variation to remove 11 Rhos Helyg from Section 106 Obligation relating to affordable housing provision in connection with planning permission 07/2004/0805, in return for a commuted sum of £10,000 – Land at Rhos Helyg, Llandrillo, Corwen.

## **Public Speaker –**

Mr Sion Roberts (**for**) - explained he had offered £10,000 to discharge the Section 106 Agreement, but Denbighshire County Council asked for a sum of £36,000. Mr Roberts explained he could not afford such a large amount. He emphasised he wanted to move on with his family to a home which was more suitable.

**General Debate** the application related to a legal agreement which was attached to the planning permission for the Rhos Helyg development in 2005. 11 Rhos Helyg was one of three affordable dwellings. Within the report, officers outlined the tests which needed to be applied in order to determine the application, which centred on whether the legal agreement continued to serve a useful planning purpose and whether a commuted sum in the amount served that purpose equally well.

Local Member, Councillor Mabon ap Gwynfor expressed his support for the applicant and stated that, in his opinion, £10,000 was a suitable offer, and whether provision of a commuted sum of £10,000 served that purpose equally well.

At this juncture, Councillor Emrys Wynne proposed that the item be deferred to enable Mr Roberts and the Council to discuss further what commuted sum would be acceptable for the matter to move on. There were no seconders to Councillor Wynne's proposal and, therefore, the deferral was not put to the vote.

Members raised questions in relation to the calculation of commuted sum figures, and Officers provided factual responses to assist consideration of the issues.

**Proposal** – Councillor Brian Jones proposed to refuse in accordance with the officer recommendation, seconded by Councillor Christine Marston.

## **VOTE:**

AGREE TO ACCEPT THE COMMUTED SUM – 3

ABSTAIN – 1

REFUSE TO ACCEPT THE COMMUTED SUM – 10

**RESOLVED** that the Local Planning Authority **REFUSE** to modify the Section 106 Obligation by removing 11 Rhos Helyg from the agreement on payment of a commuted sum of £10,000.

**The meeting concluded at 11.30 a.m.**