

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 13 February 2019 at 9.30 am.

PRESENT

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

Local Members – Councillors Martyn Holland, Glenn Swingler and Huw Williams attended for particular agenda items relating to their wards

ALSO PRESENT

Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW); Planning Officer (PG); Senior Engineer – Highways (MP) and Committee Administrator (KEJ)

1 APOLOGIES

There were no apologies.

2 DECLARATIONS OF INTEREST

The following members declared a personal interest –

Councillor Gwyneth Kensler – Agenda Item 6 – because she worked closely with one of the owners of the dwelling subject of the application

Councillor Emrys Wynne – Agenda Item 7 – because he was a friend of the family who had submitted the application

Councillor Huw Williams – Agenda Item 8 – because he was a friend of the landowner and his nephew worked for the developer

Councillor Julian Thompson-Hill – Agenda Item 11 – because he was the Lead Member for Property and the land was in the Council's ownership

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee held on 16 January 2019 were submitted.

Accuracy – Councillor Alan James had been omitted from ‘members present’.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 16 January 2019 be approved as a correct record.*

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 11) -

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.

5 APPLICATION NO. 04/2018/1146/PF - GLASCOED, MELIN Y WIG, CORWEN

An application was submitted for demolition of rear extension and outbuildings, erection of extension and alterations to dwelling at Glascoed, Melin y Wig, Corwen.

Public Speaker –

Ms. C. Hibbert (**For**) – explained her family circumstances and reasoning behind the application in order to further modernise the dwelling to meet family needs and stay in the area. The intention was to reuse the existing stones and slates for the new build and ensure it was in keeping with its original appearance.

General Debate – Councillor Meirick Davies expressed concern regarding the loss of the building given its historical value and importance to the village. It was noted that a consultation response had not been received from local Community Council.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Ann Davies.

VOTE:

GRANT – 17

REFUSE – 1

ABSTAIN – 0

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

6 APPLICATION NO. 16/2018/1137/PF - LAND ADJOINING THE OLD RECTORY, LLANBEDR DYFFRYN CLWYD, RUTHIN

An application was submitted for the erection of 38 dwellings, construction of a new vehicular access, provision of open space and associated works at land adjoining The Old Rectory, Llanbedr Dyffryn Clwyd, Ruthin.

Public Speakers –

Mr. B. Barton (**Against**) – submitted the report was misleading given that the area allocated for public open space was outside the village development boundary; disputed the sufficiency of the proposed commuted sum payable to equip the proposed play area to the rear of St. Peter's Church for which there was currently no access, and sought deferment of the application.

Mr. P. Lloyd (**For**) – highlighted the acute need for affordable housing and merits of the application in providing a high quality, sustainable development. The scheme had been subject to extensive discussions and various designs prior to this stage. There was no conflict with the Local Development Plan including delivery of the public open space element which was linked to the site with a commuted sum offer.

General Debate – The Planning Officer (PG) clarified that the housing element was contained within the allocated boundary but the site for public open space was located outside of the boundary. If the number of dwellings was reduced to allow for additional on-site open space there was a risk that the scheme would not come forward. On that basis and given there was no development beyond the development boundary, an agreement had been reached with regard to open space provision and there was no conflict with the open space policies of the Local Development Plan. The commuted sum payable had been calculated by the Council and provided a contribution towards the cost of an equipped play area for which other allocated sites within the community could also be making contributions to ensure its delivery.

Councillor Huw Williams (Local Member) spoke in favour of the development which would help to ensure that the village continued to thrive by meeting local needs and bolstering the local school and economy. He also supported the proposal for a play area to be located to the rear of St. Peter's Church which would provide a link to the centre of the village and the issue of access was currently being addressed.

Members welcomed the provision of affordable housing in order to meet local needs which was a corporate priority and would also help meet national targets. The positive impact in terms of future sustainability and benefits to the area was also acknowledged. In response to a request from Councillor Merfyn Parry relating to condition no. 5 and highway visibility, officers advised that this element would be considered as part of the Construction Method Statement and they would ensure that access to the highway was made safe at an early stage.

Proposal – Councillor Mark Young proposed the officer recommendation to grant the application, seconded by Councillor Bob Murray.

VOTE:

GRANT – 19

REFUSE – 0

ABSTAIN – 0

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

An application for erection of 61 no. dwellings, single and double garages, alterations to existing vehicular access and associated works at land off Meliden Road, Dyserth.

Public Speaker –

Mr. S. Andrew (**For**) – explained the proposed development of part of the site allocated for housing in the Local Development Plan which included 10% affordable housing provision. There were no adverse impacts of the development regarding visual and residential amenity with acceptable drainage and highway terms. The proposed development was also in accord with the Site Development Brief.

General Debate – The Chair had received an email from Councillor David Williams (Local Member) who had met with the Highways Officer to discuss highway issues. Councillor Williams had also raised concerns about the Construction Management Plan which officers confirmed would be dealt with at a later stage in conjunction with the Local Member.

The Highways Officer directed members to the report which contained comprehensive information regarding highway issues and access to the site. It was proposed to form a new access road onto the A547 Meliden Road with the existing pedestrianised and cycle link forming part of the access. The existing 40mph speed limit would be moved by 40 metres north west of the proposed access and visibility splays would be provided in accordance with TAN18. An Accumulative Transport Assessment had been carried out taking into account the proposed development along with other committed allocated and current planning applications in the area which showed sufficient spare capacity on the local highway network to accommodate the development. Consequently officers did not consider there to be sufficient cause to refuse the application on highway grounds.

Councillor Peter Evans referred to the number of pending housing development sites nearby and recorded his concerns regarding the amount of traffic to be generated onto the A547 as a result, particularly given the congestion already experienced in Meliden at peak times. As Lead Member for Highways, Councillor Brian Jones shared those concerns going forward and highlighted the need to keep the matter under close review to ensure sufficiency of the highway infrastructure given the anticipated increase in traffic arising from future housing developments.

In response to members' further questions and comments officers advised that –

- the application complied with Local Development Plan policies in terms of the provision of a mix of dwelling types on open market schemes
- the comments of the AONB Joint Advisory Committee had been taken into account as part of the assessment process
- a 30mph speed limit near the site entrance had been considered but the area had been assessed as a 40mph zone taking into account the development – if the situation changed the speed limit would be re-assessed
- there may be a need to change the timings of the traffic lights to accommodate the development, which had been discussed with the Local Member

- following consultation with Welsh Water it was confirmed that odour and noise were not considered an issue in this case.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Tina Jones.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

8 APPLICATION NO. 23/2016/0557/PO - LAND ADJACENT TO DOLWAR, LLANRHAADR, DENBIGH

The Vice Chair, Councillor Alan James took the Chair for this item as the Chair, Councillor Joe Welch was the Local Member.

An application was submitted for the development of 1.2 hectares of land by the erection of 33 no. dwellings (outline application including access and layout) at land adjacent to Dolwar, Llanrhaedr, Denbigh.

Public Speakers –

Mr. E. Williams (**Against**) – objected to the application on behalf of the Community Council on the grounds of drainage/flooding concerns; highway safety; negative impact on the Welsh Language, and lack of capacity in the local school. It was submitted that the application would have a negative effect on the local community.

Ms. S. Edwards (**For**) – responded to issues raised including measures to address highway concerns and drainage/flooding concerns with no objection from statutory consultees. The site was earmarked in Local Development Plan (LDP) for housing and Welsh language impact was assessed at that time and considered acceptable – the development would provide much needed housing and help grow the community.

General Debate – Councillor Ann Davies reported upon the Site Inspection Panel meeting on 8 February 2019 and sought further assurances regarding highway safety and local flooding/drainage concerns.

Councillor Joe Welch (Local Member) provided some background to the application and it was noted that the site opposite was currently being developed for 15 houses. The indicative dwelling numbers in the LDP for the site opposite had been 10 houses and 23 for the current application site, hence granting the application would result in 15 and 33 houses respectively across the two sites which was an increase of nearly 50% on the indicative allocation. Since adoption of the LDP, TAN20 had been issued advising that applicants were no longer required to demonstrate the impact on the Welsh language as it would have been assessed

at allocation stage. Councillor Welch argued that it should be taken into account given that –

- (1) circumstances had changed significantly since adoption of the LDP with nearly 50% more housing being proposed for the area
- (2) the application had been submitted in 2016 prior to the issue of TAN20, and
- (3) the Community and Linguistic Assessment provided by the applicant showed the development would result in a decrease in the number of Welsh speakers from 50.03% to 49.1%, leading to a majority Welsh speaking village becoming a minority Welsh speaking village in a language sensitive area. Reference was also made to the validity of the positive Welsh language comments given the nature of questions asked as part of the assessment process.

In making his case for refusal Councillor Welch argued that Policy RD5 in the LDP should carry significant weight relative to TAN20. Policy RD5 stated ‘development could be refused if its size, scale or location would cause significant harm to the character and language balance of the community’. Councillor Welch also agreed with other considerations raised including the lack of capacity in the local school and likely further pressures on school transport together with highways and flooding concerns. However he proposed that the application be refused on the grounds of significant harm to the Welsh language which he did not consider had been suitably mitigated and had been further increased since the inclusion of the site in the LDP.

Councillor Emrys Wynne agreed that there would be an unacceptable impact on the Welsh language and highlighted the need to protect communities, particularly given the decrease in the number of Welsh speakers generally. He advocated the use of the proposed mitigation measures for the language for all new developments.

Officers responded to the issues raised as follows –

Flooding/Drainage – soakaway drainage considered an acceptable means of dealing with surface water from the development given the ground conditions and a clear drainage strategy had been put forward as part of the development. Natural Resources Wales and the Council’s Drainage Engineer had raised no objection to that strategy. Officers had suggested conditions requiring further details of drainage relating to the highways and the general soakaway layout for the site

Welsh Language – the Community and Linguistic Assessment was intended to give a broad impression of the impact of a development on the community covering a number of elements including Welsh language. An overview of that assessment process and scoring matrix was provided which had been based on the Council’s template in its Supplementary Guidance. The Welsh language element had been assessed as having a negative impact however the statistics were open to interpretation. Councillor Welch’s point was that on the assumptions made in the Assessment, the proportion of Welsh speakers relative to the population of Llanrhaeadr may decrease by 1%, but the development was likely to generate an additional 21 Welsh speakers, which could be considered a positive factor. It was also important to consider that the site had been allocated for housing in the LDP following consideration of the likely impact of the development on the Welsh language at that time. Whilst it was accepted that the development could lead to

change, it had to be considered whether that change was so significant in terms of impact on language that it justified refusal of planning permission.

Highways – concerns had been raised regarding the local highway network and how safe access to the site could be provided. As part of the application visibility splays had been provided and the existing 30mph speed limit would be repositioned along with a new footway verge along the frontage with associated street lighting and drainage which would be controlled through a Highways Legal Agreement. Consequently it was considered that the proposal demonstrated the existing infrastructure was capable of accommodating the development and included sufficient improvements and mitigation to allow safe access subject to the relevant conditions being imposed. It was not considered there were sound reasons for refusal on highway grounds. Data showed one traffic accident with injury during the period January 2013 – December 2017. New drainage was proposed on the site which would improve the situation and be closely monitored and controlled via legal agreement should the application be approved.

During the ensuing debate members sought further clarification on the planning issues raised and also questioned the impact on education and the position in terms of the affordable housing element. Officers responded as follows –

- Education – concerns had been raised regarding the capacity of the local school and lack of foresight in that regard with likely additional pressures on school transport provision. It was confirmed that the education contribution would be ring-fenced for the community area and agreed that it would be useful for departments to look ahead and provide a more robust input into the LDP at the development stage in order to mitigate future issues
- Drainage – the developer would be responsible for adopting the drainage system and ongoing maintenance costs
- Affordable Housing – there was a clear need identified for affordable housing in the area and the application was in line with the Council's existing policy in that regard which was currently 10% provision
- Welsh Language – phasing of developments had been discussed when allocating sites and could be introduced providing there were valid reasons to do so
- Highways – the size and scale of the development did not warrant a transport assessment for which the usual threshold was 100 dwellings; taking into account other nearby developments there was still considered to be spare highway capacity.

At the close of debate officers referred to the material planning considerations discussed by members and whether they considered there was sufficient evidence to justify refusal of planning permission in this case. Given that the site had been allocated for housing in the LDP and having taken into account the relevant policies and guidance, officers strongly recommended that the application be approved.

Proposal – Councillor Joe Welch proposed, seconded by Councillor Bob Murray, that the application be refused on the grounds that significant harm would be caused to the Welsh language balance of the community.

Counter Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Brian Jones.

VOTE:

GRANT – 11

REFUSE – 7

ABSTAIN – 1

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

At this point (11.20 a.m.) the meeting adjourned for a refreshment break.

9 APPLICATION NO. 01/2018/0992/PF - FORMER NORTH WALES HOSPITAL, DENBIGH

An application was submitted for change of use of land to a site construction training area, erection of a building for use as workshop, plant repairs and storage; alterations to existing access and associated works at former North Wales Hospital, Denbigh.

General Debate – Councillor Glenn Swingler (Local Member) highlighted that the proposed route for HGVs was very narrow and a popular walking area and therefore approval of the application would require appropriate controls and ongoing monitoring during its temporary use. He also asked whether measures could be implemented to address speeding concerns along Smithfield Road.

Members considered the merits of the application and noted that the application was for temporary consent. Councillor Gwyneth Kensler was keen to ensure minimum impact on nearby residents given the proposed hours of operation and considered appropriate security for the site to be a separate issue. With regard to the concern regarding noise emanating from the site Councillor Merfyn Parry suggested that the restriction on working hours only be applied to those activities likely to cause noise nuisance. Councillor Mark Young agreed and reported that much work had been done to allay residents' concerns with most local people preferring the proposed HGV route over other alternatives.

Officers responded to members' comments and questions as follows –

- condition 3 confirmed the construction training facility would cease no later than 31 December 2023 unless an extension had been approved by the Council
- condition 6 aimed to ensure minimal impact on residents arising from noise disturbance but a presence on site would also help with site security – it was agreed that the condition could be amended in line with Councillor Parry's suggestion to restrict the operation of noisy activities on site
- condition 13 ensured there would be no removal of hedgerows, trees, shrubs and climbing plants without approval from the Council
- the proposed route had been used previously for the North Wales Connections Project and Transformers Project and therefore was also considered acceptable

in this case with conditions relating to the provision of visibility splays and relocation of the 30mph speed limit; the road would continue to be monitored.

Proposal – Councillor Merfyn Parry proposed, seconded by Councilor Mark Young that the application be granted subject to a change in wording to condition 6 to be agreed with Denbigh Members regarding the imposition of a restriction on the hours of operation of activities likely to cause noise nuisance to nearby residents.

VOTE:

GRANT – 19

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers subject to a change in wording to condition 6 to be agreed with Denbigh Members regarding the imposition of a restriction on the hours of operation of activities likely to cause noise nuisance to nearby residents.

10 APPLICATION NO. 15/2018/0968/PC - NORTH HILLS FARM, GRAIANRHYD, MOLD

An application was submitted for excavation works and the erection of agricultural building and associated works (partly retrospective) at North Hills Farm, Graianrhyd, Mold.

General Debate – Councillor Martyn Holland (Local Member) supported the application but expressed reservations regarding the amount of work already carried out. In terms of background to the application a previous planning permission had been granted for the replacement of an existing agricultural building to provide holiday accommodation – the applicant intended to erect another agricultural building to replace the one lost. Councillor Holland advised that there was much activity on the site which was subject to a number of applications and he felt it would be useful if officers met with the applicant to understand and discuss his future plans for the site which may allay the fears of local residents in that regard.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Andrew Thomas.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

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

11 APPLICATION NO. 30/2018/0969/PF - LAND ADJACENT TO THE TREFNANT INN, TREFNANT

An application was submitted for the erection of 13 No. affordable dwellings including access, parking and associated works at land adjacent to The Trefnant Inn, Trefnant, Denbigh.

General Debate – Councillor Ann Davies reported upon the Site Inspection Panel meeting on 8 February 2019 when assurances had been provided in response to highway safety concerns. She was also keen to ensure that the local community benefited from the development and were prioritised for affordable housing.

Councillor Meirick Davies (Local Member) highlighted the concerns of the Community Council but also acknowledged the need for affordable housing. He asked that the Housing Association enter into further discussions with the Community Council regarding the development. In acknowledging the highway concerns and mitigation measures he felt there may also be merit in changing the timings of the traffic light signals to accommodate the development.

Members noted the previous planning history relating to the site and the current position and also noted the procedure for occupation of the affordable housing in terms of the SARTH process which placed additional weight on local connections. Whilst welcoming the provision of affordable housing, members were keen to ensure priority was given to local need and discussed Councillor Merfyn Parry's suggestion that a S.106 agreement be used to secure that provision. Given that Welsh Government advised against the need for a S.106 agreement in such circumstances and that the timescale for drawing up the agreement could potentially jeopardise the development, officers suggested rewording condition 15 relating to affordable housing in order to provide a greater level of assurance in terms of meeting the needs of the local community. Councillor Mark Young sought clarity over the education contribution given that the local primary school was federated and officers confirmed that the commuted sum in connection with the development would be ring-fenced for the closest school.

Proposal – Councillor Merfyn Parry proposed, seconded by Councillor Meirick Davies that the application be granted subject to a change in wording to condition 15 to be agreed with the Local Member regarding compliance with affordable housing arrangements and local needs occupation.

VOTE:

GRANT – 19

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers subject to a change in wording to condition 15 to be agreed with the Local Member regarding compliance with affordable housing arrangements and local needs occupation.

The meeting concluded at 12.25 p.m.