

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 4 September 2019 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Peter Evans, Alan James (Vice-Chair), Brian Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Melvyn Mile, Merfyn Parry, Andrew Thomas, Tony Thomas, Joe Welch (Chair) and Mark Young.

Local Members – Councillors Huw Hilditch-Roberts, Eryl Williams, Bob Murray and Tony Flynn attended for particular items related to their wards.

Observers – Councillors Peter Scott and Huw Williams.

ALSO PRESENT

Head of Planning and Public Protection (EJ); Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW), Senior Engineer-Development Control (MP), Traffic, Parking and Road Safety Manager (MJ) and Committee Administrator (RTJ)

1 APOLOGIES

Apologies for absence were received from Councillors Emrys Wynne, Julian Thompson-Hill, Huw Jones and Pete Prendegast.

2 DECLARATIONS OF INTEREST

Councillor Huw Hilditch-Roberts – declared a personal interest in agenda item 5, 6 and 7 as the applicants went to the same rugby club.

Councillor Brian Jones - declared a personal interest in agenda item number 16 as he lived in close to the proposed application.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee held on 17 July 2019 were submitted.

RESOLVED that the minutes of the meeting held on 17 July 2019 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 16) -

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. 43/2019/0555 - 15 PENDRE AVENUE, PRESTATYN

An application was submitted for the Erection of single storey rear extension (retrospective application) at 15 Pendre Avenue Prestatyn.

Councillor Tina Jones read a statement for Councillor Julian Thompson-Hill in his absence. It was requested that a site visit be arranged to identify the impact the application would have on surrounding properties. Due to the August recess the site visit was not requested in time. It was therefore requested that the application be deferred until October to allow a site visit and to take place.

Proposal – Councillor Tina Jones proposed the application be deferred until October, seconded by Councillor Christine Marston.

VOTE:

GRANT – 13

REFUSE – 0

ABSTAIN – 0

RESOLVED that the application be **DEFERRED**.

6 APPLICATION NO. 02/2019/0159 - LAND AT FRON HAUL, LLANFWROG

An application was submitted for the Conversion of existing building to chalet, erection of 3 new chalets, with associated construction of roads, creation of pond, installation of drainage and landscape planting at Land at Fron Haul, Llanfwrog, Ruthin.

The local member Councillor Huw Hilditch-Roberts suggested deferral of the application as more information was needed in regards to the application before a decision could be taken.

Proposed – Councillor Peter Evans proposed to defer the application, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 12

REFUSE – 0

ABSTAIN – 1

RESOLVED that the application be **DEFERRED**.

7 APPLICATION NO. 02/2019/0500 - LAND OFF A525 BETWEEN RUTHIN AUCTION AND BRICKFIELD LANE, RUTHIN

An application was submitted for full planning permission for the construction of a foodstore, an employment unit (use class B1/B2/B8) and associated car parking, landscaping, servicing and access, and an application for outline planning permission for the development of employment units (use class B1/B2/B8) with all matters reserved at Land off A525 between Ruthin Auction and Brickfield Lane Ruthin.

Public Speaker –

Mr Bryn Richards (**For**) – Informed members that the proposed store would be the 5th new store in North Wales and would be multi million pound investment to Ruthin. It was clarified the application did not only include the store but would develop access and employment units at the site. The allocated employment land had been idle for seventeen years. Discussions had been ongoing over the last three years with local members and officers. Local residents were very supportive of the proposed development as there was no discount foodstore in the town. There would be a bus stop located on the A525 following residents' concerns. The proposal would open the site for the further employment and industrial use. The proposals complied with the development plan and met all environmental requirements.

General Debate – Members noted a section of development was in a flood zone, and asked who would be responsible for the drainage.

The pavement and cycle path which was situated on the A525 was highlighted as a concern as it was used heavily by students walking to school and it was asked whether there would be adequate safety precautions in place.

Officers responded by stating that the crossing for the ALDI entrance would be pedestrianised. With regards to the flood zone, it was a C category flood zone, and would not be developed on, the drainage would need to comply with the Sustainable Urban Drainage (SUD) system and if the drainage engineers agreed then the Council would adopt the SUD system. The SUD process is not one for consideration at planning application stage. The cost of the drainage system and the SUD's approval process would be incurred by the applicant.

Councillor Huw Hilditch-Roberts (local member) reiterated the work which had been carried out with local members in regards to the ALDI development, and agreed with the concerns raised by members in regards to the footpath. The access with Cae Bricks was a concern as it was heavily used by large goods vehicles, but there had been good discussion with the applicants and the issue had since been resolved. The committee was reassured that there were limited concerns raised by local residents and the due diligence which was carried out was of a high standard. The positive employment impact of the development the town would outweigh the environmental effects.

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

VOTE:

GRANT – 12
REFUSE – 0
ABSTAIN – 0

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

8 APPLICATION NO. 25/2018/1216 - BWLCH DU, NANTGLYN, DENBIGH

An application was submitted for alterations and a rear extension to the existing building, demolition of curtilage structure, erection of an ancillary building, retention of a log cabin (for a temporary period), boundary fencing and gates, and provision of on-site parking and turning area at Bwlch Du, Nantglyn, Denbigh.

The Vice Chair, Councillor Alan James took the Chair for agenda items 11 and 12 relating to Bwlch Du, Nantglyn because the Chair, Councillor Joe Welch was the Local Member.

Public Speaker –

Mr Mark Davies (**For**) – reminded members that the application was submitted by two residents of the ward who had bought the property for residential use, and wanted to use Bwlch Du as a residential dwelling. Although he acknowledged that this was not a material planning consideration he asked the Committee to bear this in mind

Mr Davies drew attention to paragraph 2.7 of the Supplementary Officer Report to the Committee, where the report contradicted the applicants' Counsel's advice that there would need to be 'positive steps' taken to demonstrate abandonment. Mr Davies countered that it was possible to take positive steps to abandon something. He added that the Council needed to show with evidence, that on the balance of probabilities, there had been an absence of residential use, which was not the case here. Referring to case law outlined in the Committee's documents, Mr Davies highlighted the Secretary of State's determination that where the design of the structure was so closely determined by the use and where much of the structure was still standing, then abandonment must rely on evidence of more positive actions. With Bwlch Du being clearly recognisable as a dwelling the Council had to look to more positive evidence of abandonment.

In turning to the officer recommendations for refusal Mr Davies highlighted the use of Policy PSE4 of Denbighshire's Local Development Plan to support refusing the application. PSE4 related to the re-use and adaptation of a rural building in open countryside for use as a dwelling. Mr Davies advised the Committee that as Bwlch Du was still and always had been a residential dwelling, Policy PSE4 did not apply. Mr Davies also stated that reasons 2 and 3 for refusal were not valid. He particularly highlighted reason 4 as being irrelevant – the safeguarding of wind farm sites from other developments which could sterilise them – as again, it relied on the building not already having residential use status.

General Debate - The Development Manager, Planning and Public Protection, referred the Committee to significant information circulated on the addendum report to the main agenda report together with supplementary information submitted by the applicants' solicitors.

Local member Councillor Joseph Welch addressed the following points:

- Natural Power's representations that local residents had not raised Bwlch Du as being a residential dwelling during the wind farm application process, was irrelevant. Whether the building had been abandoned or not depended on the 4 tests of abandonment not on local views about it.
- The report outlined the 4 relevant factors to be taken in to consideration when determining whether the use of a dwelling had been abandoned and Councillor Welch commented as follows:
 - Physical condition of the building: the building at 1,400 feet above sea-level was very high for buildings in Wales. Despite this it had a roof, a chimney, four walls in good condition and overall was in pretty good condition.
 - Whether the building had been utilised for any other purposes: It was clear that this building had only been used for residential purposes.
 - Length of time for which the building had not been utilised for residential purposes: there was uncertainty and confusion here but it was certain that the building had been lived in in the 1960s and that there was reliable witness testimony that it had been used as a weekend cottage much more recently.
 - The intentions of the owners: The previous owner had continued to pay council tax on the property which suggested that it was regarded as still being residential. The Committee would have to decide this point. In addition, that owner had driven to attend a wind farm consultation event.
- He believed that the Committee could and should overcome the reasons given for viewing the building as being abandoned.
- In respect of the proposed reasons for refusal, reason 2 related to the log cabin and the scale of the proposed ancillary building. Councillor Welch advised that the log cabin would be removed once the work requested had been completed so was not an issue. He added that any adverse visual impact from the ancillary building had to be put in the context of the visual impact of the 16 turbine wind farm situated some 400 metres from the property.
- In relation to reason 3 the facts relating to ecological matters were unclear, but mostly related to the protection of bats in the area, of which there was no evidence of any being there. Councillor Welch quoted research which found that 80,000 bats were killed each year by turbines making it an unlikely site for them.

Councillor Welch acknowledged that while permission for a new residential dwelling in the vicinity of a wind farm would not be granted, as Bwlch Du was there before the wind farm he proposed that the application should be granted with appropriate conditions.

The Development Manager, Planning and Public Protection (DM) referred to the deferment of this application from the July 2019 meeting of the Committee to allow consideration of late information submitted on behalf of the applicants. He advised that Counsel for the Council viewed the July committee report to be sound and came to reasonable conclusions. Expert legal advice had also been sought for the Supplementary Officer report and Planning officers had been told that they had assessed matters correctly and the four reasons proposed for refusal were correct.

The DM outlined the risks to the Council should the Committee grant planning permission contrary to officer advice. He reminded members that there was a consented wind farm next to the property which the Council had given planning permission for, and part of that process was the acceptance that Bwlch Du had been abandoned. He reported that officers were confident that their position for refusing permission was legally correct but a decision to grant the application could become the subject of a judicial review.

The Council's Legal Officer advised the Committee that its role was to weigh the evidence presented relating to abandonment and to come to a decision on it. There were legal arguments presented for both sides and the issue of whether the property had been abandoned was for members to assess on the evidence before them. She added that any planning decision made by the Committee was potentially at risk of being judicially reviewed indicating the importance of taking appropriate decisions.

The Head of Planning and Public Protection summarised this part of the discussion as being about ensuring correct, robust decision making with an appreciation of risks.

The DM reported the recent enforcement notice on Bwlch Du, upheld on appeal that required the removal of some of the structures on the site. Councillor Merfyn Parry welcomed the applicants' interest in investing in a listed building.

Councillor Mark Young queried the criteria for an empty building to lose its residential use status, citing one in his ward which had been empty for many years but that had retained its residential status. The DM advised that applications for works to empty properties in rural areas hinged on whether the building had an existing lawful use as a dwelling, and it was officers' opinion that Bwlch Du did not.

Further to this point, the DM advised that the application under consideration was not for a certificate of lawfulness so the judgement on abandonment had to be made holistically on the four relevant factors outlined in the report. The Legal Officer added that the Planning Officer dealing with this application had addressed the four criteria, analysing the relevant factors in the report.

Councillor Tony Thomas advised that he was in favour of following officers' recommendations and refusing the application. There would be the option of appealing the decision which the Welsh Government's Planning Inspector would determine, and this could reduce the Council's liability in the event of an associated judicial review.

The DM, responding to questions by members, confirmed that the identification of Bwlch Du as an abandoned dwelling had been made in the wind farm operator's application. This information had been published and was part of the extensive wind farm planning application process. The building's status as an abandoned dwelling had not been disputed by any of the parties at that time. He advised that the normal procedure from there would be to seek a certificate of lawfulness of use.

Proposal - Councillor Alan James, chairing, confirmed that a proposal by Councillor Welch to grant planning permission had been seconded by Councillor Ellie Chard.

Councillor Welch confirmed that the reasons proposed for granting the application were based on the relevant factors to be taken into consideration when determining whether the use of a dwelling had been abandoned, as he had outlined earlier in the debate. These were that the building was in a reasonably good condition, it had only ever been used or intended for use as a residential dwelling, there was evidence that residential use of the building had continued until relatively recently, and this evidence pointed to the building having an existing lawful use as a residential dwelling.

In respect of objections to the proposal having an adverse effect on visual amenity, this was negligible owing to the significantly greater impact of the adjacent wind farm. Finally, the welfare of bats had been raised but there had been no evidence presented either for this application or during the wind farm process of bats being on this site.

VOTE:

GRANT – 8

REFUSE – 5

ABSTAIN – 0

RESOLVED that permission be **GRANTED** (subject to appropriate planning conditions to be agreed by officers with the local member) contrary to officer recommendations, on the grounds that the building has an existing lawful residential use and would have a negligible adverse impact on the visual amenity or ecological welfare of the area.

9 APPLICATION NO. 25/2018/1217 - BWLCH DU, NANTGLYN, DENBIGH

An application was submitted for alterations and rear extension to existing building, and demolition of curtilage structure (Listed Building application) at Bwlch Du, Nantglyn, Denbigh.

Public Speaker –

Mr Mark Davies (**For**) – endorsed the officer recommendation to grant the application.

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

VOTE:

GRANT – 13

REFUSE – 0

ABSTAIN – 0

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

10 APPLICATION NO. 43/2018/0750 - LAND AT MINDALE FARM, MELIDEN, PRESTATYN

An application was submitted for Demolition of existing dwelling and outbuildings, erection of 133 dwellings, construction of internal estate roads, sewers, SUDS drainage and open spaces, strategic and hard/soft landscaping and ancillary works, in association with application 43/2018/0751 for new link road to Ffordd Talargoch (A547) at Land to the north, west and east of Mindale Farm, Ffordd Hendre, Meliden, Prestatyn.

Public Speaker –

Mr Bob Paterson (**Against**) – explained to the committee that the majority of local residents in Meliden did not want this development to be carried out, with 150 comments in opposition. The town council had also voted unanimously against the development. It was suggested that whilst housing was needed in the Meliden area, this need was for affordable housing and properties where renting was an option. The development was proposed to take place at the bottom of a hill in an area which was known to flood, and this caused major concerns for residents in the vicinity. The developers had produced a report which highlighted the flooding concerns, Waterco had been brought in by Denbighshire to review this and had highlighted a number of aspects, concluding that outstanding issues could be resolved at detailed planning stage of the application - which did not alleviate the concerns of residents. The site was also not considered to be accessible for those with disability.

Mr David Manley (**For**) – informed the committee that he would respond to the points raised by Mr Paterson. The concerns of residents were heard and understood, however the site was allocated in the Local Development Plan (LDP) and in 2017 Inspector Sheffield supported the principle of development of the site notwithstanding the strong feeling expressed against it. Housing land supply in the authority was 1.55 years against a minimum requirement for 5 years, which clearly highlighted the need for housing. A flood risk assessment had been undertaken and mitigation measures were proposed. Waterco and the Council's lead flood risk officer had no objections to the proposals and outstanding matters could be resolved through imposition of conditions. In noting comments on accessibility, Inspector Sheffield had supported the previous application as the standards relating to gradients were not set in stone.

The Planning Officer reminded members of the context set by the original application, which had been refused at Committee in 2017 on two grounds

(highway and flooding), and that this decision has been subject to an appeal which had been dismissed. The current application was a resubmission for the same number of dwellings (133), however there were two applications in front of members, one for the housing element and the other for a new link road to the site. The housing proposals included for 12 different dwelling types, mainly 2/3 bedroom houses, and 13 affordable units were to be provided. The applicants had confirmed willingness to meet relevant Education and Affordable Housing contributions. The officer recommendation was to grant.

General Debate –

Councillor Peter Evans (local member) spoke against the application and expressed concerns over its impacts given the inadequacies of local infrastructure – in particular the highway network, and over the drainage implications, as there were concerns over flooding issues in this area. Questions were raised over Welsh Government's (WG) position on the calculation of housing land availability figures and the approach to determining the education contribution, including the mechanism of securing extensions / alterations to Ysgol Melyd.

In debate, Members referred to the B5119 road, which was on the fringe of the development and was considered to be dangerous, and it was queried whether any assessment had been made of impacts on this highway. It was acknowledged that housing was needed but this was not considered to be an appropriate location. Attention was drawn to the presence of contaminated land and whether investigations had been undertaken into impacts on the development. There was confusion over the submission of separate applications for the housing development and the link road to the A547.

The highway officer responded to highway matters raised by members. It was confirmed that the submitted Transport Assessment had been thoroughly reviewed by highway officers, and through discussions with the applicants and agents, there was sufficient information to allow full assessment of the application. It was recognised that the same basic proposals had previously been before planning committee and that permission had been refused, including on highway grounds, and that a subsequent appeal was dismissed on grounds relating to visibility and emergency access arrangements, which had now been addressed. The Appeal Inspector had considered the highway infrastructure to be capable of safely accommodating the development. It was considered the highway network could accommodate the additional traffic generated, subject to conditions. Assessment of accident data did not show the highways were inherently dangerous for road users including pedestrians. It was considered with the likely proportional split of vehicle journeys, any increase in traffic on the B5119 would be negligible.

The Planning Officer responded to general questions raised, drawing attention to specialist consultee responses and offering interpretation / comment on points of detail. It was confirmed that Welsh Government was reviewing TAN1 and the methodology for calculating housing land supply figures, but based on the original formula, Denbighshire currently has a 1.5 year supply. The need to increase housing supply remains a Government and Council policy.

It was proposed by Councillor Merfyn Parry that a condition should be included on any permission requiring adequate investigation of contaminated land prior to any work being carried out on the site, which was seconded by Councillor Alan James.

Proposal - Councillor Peter Evans proposed refusal of permission. This was seconded by Councillor Merfyn Parry. Councillor Evans put forward the following grounds for refusal –

- Inadequate infrastructure, in particular on the A547 (Councillor Brian Jones asked to add reference to the B5119)
- Flooding implications
- Impact on local amenities and the character of the village
- Councillor Merfyn Parry proposed that contamination be added to the grounds of refusal.

In summing up, the Development Manager drew members' attention to the need to consider the risks to the Authority in refusing permission without clear evidence to support the grounds of refusal, and commented on the proposed reasons as outlined.

Members subsequently accepted that the refusal should not include reference to contaminated land and impact on amenity.

A recorded vote was requested. 1/6 of the present members agreed to the recorded vote, which was as follows –

In favour of the recommendation to grant permission – Councillors Alan James, Christine Marston and Tony Thomas.

Against the recommendation to grant permission - Councillors Ellie Chard, Ann Davies, Peter Evans, Brian Jones, Tina Jones, Melvyn Mile, Merfyn Parry, Andrew Thomas, Joe Welch and Mark Young.

Councillor Gwyneth Kensler did not cast a vote as she arrived late to the committee.

VOTE:

GRANT - 3

REFUSE - 10

ABSTAIN – 0

RESOLVED – *that permission be **REFUSED** contrary to officer recommendation on the grounds of inadequate infrastructure and flooding implications.*

11 APPLICATION NO. 43/2018/0751 - LAND SOUTH WEST OF FFORDD TY NEWYDD, OFF FFORDD TALARGOCH (A547), MELIDEN, PRESTATYN

An application was submitted for new link road to Ffordd Talargoch (A547) at land to the north, west and east of Mindale Farm, Ffordd Hendre, Meliden, Prestatyn.

Public Speakers –

Mr Bob Paterson (**Against**) – It was suggested this was the wrong place to locate the road, and that this would be built over the old Prestatyn mine drain / adit, which took a lot of runoff from the surrounding mountains. If the road were to be built and caused damage to the adit this could increase flood risk. The development would impact on some 43 houses, and would affect property value, which it was considered would decrease by roughly 30%. The point of access proposed was close to the Ffordd Ty Newydd road junction on the A547. The gradient of the road would be such that it raised accessibility issues for persons with limited mobility.

Mr David Manley (**For**) – Responded to the points raised by Mr Paterson. Property value was not a material planning issue. Accessibility had been addressed by the previous planning inspector and was deemed as acceptable. The risk to the adit and old mine had been noted in the Geophysical Assessments, which had been informed by scrutiny of old maps. The assessment identified three shafts in the vicinity of the proposed road. The mine shafts which were identified held no substantial risk. It was suggested that conditions could be included on a permission and that ground work could be carried out prior to any road being constructed.

General Debate –

Councillor Peter Evans (local member) informed the committee that residents were opposed to the proposed development of the road. Clarification was sought as to whether any drilling had been carried out on the site, and whether the applicants owned the land. It was questioned whether there was any point in dealing with the application as the housing site application had been refused, meaning this would effectively be a 'road to nowhere' .

Members queried whether the land was within the Local Development Plan boundary. Further questions were raised over ownership of the land, the implications if the land owner refused to sell the land, and the confusion arising from the submission of two applications as it was considered the proposals should be in a single application.

Officers responded, confirming that the land was not within the Development Boundary for Prestatyn and Meliden, but advised that this did not mean the development was necessarily unacceptable as a consequence. It was also confirmed that the applicant did not own the land, but this was not a matter which should influence any decision on the proposals. In relation to comments on the refusal of permission for the housing site, it was clarified that this decision could be subject to appeal and that the road application should be dealt with on its planning merits. It was pointed out that concerns over the road being developed as a standalone scheme were addressed through the suggested condition and legal agreement which would prevent any work being carried out until there is a planning permission in place for the housing development. It was not possible to advise on whether there had been exploratory drilling, but ground investigation to determine the presence of contaminated land and the need to address any land instability would be required prior to any works of construction. The applicants were acting within their rights by submitting two applications, and it was a matter for the Authority to deal with them on their respective planning merits.

Proposal –

Councillor Merfyn Parry proposed the application be refused on the grounds the road was being developed outside the Local Development Plan and in the open countryside, and the road would not lead to any development. Seconded by Councillor Peter Evans.

VOTE:

GRANT – 1

REFUSE – 11

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the grounds that the application was an unacceptable form of development outside the development boundary.

12 APPLICATION NO. 02/2018/1108 - LAND AT (PART GARDEN OF) Y FRON, MWROG STREET, RUTHIN

An application was submitted for the Erection of a detached dwelling and alterations to existing vehicular access at Land at (Part garden of) Y Fron, Mwrog Street, Ruthin.

General Debate – The local member Councillor Huw Hildtich-Roberts informed the committee that there were no objections from the consultees with the application, although there had been letters from local residents with concerns, they would be listened to throughout the development process.

Proposal – Councillor Gwyneth Kensler proposed the officer recommendation to grant the application, seconded by Councillor Ellie Chard.

VOTE:

GRANT – 12

REFUSE – 0

ABSTAIN – 0

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

13 APPLICATION NO. 02/2019/0095 - CAPEL BRYN SEION, GALLTEGFA, RUTHIN

An application was submitted to Change of use of vacant/redundant Chapel to a dwelling, demolition of lean-to store and erection of new lean-to extension and provision of new treatment plant at Capel Bryn Seion, Galltegfa, Ruthin.

General Debate – Members sought clarification why the property could not be redeveloped into a home for someone to use, rather than let it fall into disrepair.

Officers noted that the policy did allow for conversion of buildings. However policy PSE4 contained tests requiring a reasonable marketing exercise to demonstrate an

employment use was not viable, and that the dwelling was affordable to meet local needs. The marketing exercise was over a 6 week period whereas the recommended period in Supplementary Guidance was 12 months. Officers believed that the 6 week period was not adequate in regards to the policy.

Councillor Huw Hilditch-Roberts (local member) responded and suggested policies could be interpreted to fit what the committee believe to be beneficial to the County. The property in question was landlocked, and the surrounding land was owned by the applicant, the marketing process was carried out by a business and was sold for £33,000, where if local residents saw potential it would have sold for far more.

The applicant wanted to bring the property back into use, which would allow his family to come back to the area, this would also allow a house in the north of the county to be sold, which complied with the corporate priority with housing for Denbighshire.

Proposal – Councillor Merfyn Parry proposed the application be granted contrary to officer recommendation, seconded by Councillor Gwyneth Kensler, on the grounds that the circumstances outweigh the policy, and there would be no employment opportunity available given the lack of parking.

VOTE:

GRANT – 12

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** contrary to officer recommendation, on the basis that the circumstances outweigh the policy implications, and there would be no employment opportunity available with the lack of parking. Conditions would be sorted with the local members.

14 APPLICATION NO. 12/2019/0235 - LAND ADJOINING BRYN BANC, CLAWDDNEWYDD, RUTHIN

An application was submitted for the Development of 0.1ha of land by the erection of 2 no. detached dwellings (outline application including access) for land adjoining Bryn Banc, Clawddnewydd.

General Debate – Councillor Eryl Williams (local member) queried whether all of the land in the application was in the boundary of the Local Development Plan (LDP). Officers responded confirming that the proposed development was within the LDP boundary.

Proposal – Councillor Ellie Chard proposed the officer recommendation to grant the application, seconded by Councillor Peter Evans.

VOTE:

GRANT – 12

REFUSE – 0

ABSTAIN – 0

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

15 APPLICATION NO. 20/2019/0318 - LAND WEST OF WREXHAM ROAD, LLANFAIR DYFFRYN CLWYD, RUTHIN

An application was submitted with details of hard and soft landscaping scheme submitted in accordance with Condition 5 of planning permission Code No. 20/2016/1137 at land West of Wrexham Road, Llanfair Dyffryn Clwyd, Ruthin.

General Debate – Councillor Hugh Evans (Local Member) spoke against the application. It was clarified that he endorsed the development in Llanfair, however the appearance of the village needed to be preserved due the presence of a conservation area, and there were concerns from residents whose properties would be affected by the development and landscaping which would be carried out. Members were informed that a substation was proposed in close proximity to existing dwellings, and it was considered appropriate to require that a stone wall be built along the boundary with the substation and not a timber fence, as proposed.

Officers responded suggesting the key issue was whether a screen fence was appropriate or not. Existing boundaries with the development site showed a mix of materials. Officers stated that it was difficult to insist of the erection of a wall as the screen would not be widely visible including from the road and within the site. As the only issue which had arisen was whether the material for the section of screening the objector's property was appropriate or not, it was suggested if members consider dealing with this through imposition of a condition so the other landscaping could be approved and carried out.

Councillors were disappointed that a substation was built close to existing dwellings. Responding, officers informed the committee that the substation location had been approved as part of the original application for the development.

Proposal - Councillor Merfyn Parry proposed the officer recommendation to grant with the addition that a condition be included that a stone wall be built rather than a screen fence (condition 1 on the report). Seconded by Councillor Alan James.

VOTE:

GRANT – 12

REFUSE – 2

ABSTAIN – 0

***RESOLVED** that permission be **GRANTED** in accordance with officer recommendation as detailed within the report, with alterations to the wording of condition 1 within the report.*

16 APPLICATION NO. 45/2019/0337 - 22 AVONDALE DRIVE, RHYL

An application was submitted for the demolition of existing dwelling, erection of 2 detached dwellings, alterations to existing vehicular access and associated works at 22 Avondale Drive, Rhyl.

General Debate – Councillor Brian Blakeley (Local Member) endorsed the officers' recommendation to grant.

Councillor Tony Thomas raised concerns with the exit from Avondale Drive to the main road, as the visibility whilst exiting from the drive to the main road was considered as a danger. It was queried whether highways could assess the risk as highlighted.

The highway officer clarified to members, that with regard to accident records for the area, there was no recorded accident in the last five years. With the application and the addition of another dwelling, this would have negligible effect on the traffic. It was also clarified that improvements along the approach road could not be carried out because the applicants do not own either side of the entrance to Avondale Drive.

Proposal - Councillor Tony Thomas proposed refusal against officer recommendation, due to highway safety with the additional traffic which would be created by the erection of 2 detached dwellings, seconded by Councillor Christine Marston.

Proposal – Councillor Merfyn Parry proposed the application be granted in accordance with officer recommendations, seconded by Councillor Ellie Chard.

VOTE:

GRANT – 9

REFUSE – 2

ABSTAIN – 0

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

The meeting concluded at 1:40pm.