

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 9 October 2019 at 9.30 am.

PRESENT

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

Local Members – Councillors Joan Butterfield, Bobby Feeley, Hugh Irving and Huw Hilditch-Roberts.

Observers – Councillors Bob Murray, Peter Scott, Rhys Thomas and Glenn Swingler.

ALSO PRESENT

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

1 APOLOGIES

Apologies for absence were received from Councillors Peter Evans, Melvyn Mile and Gwyneth Kensler.

2 DECLARATIONS OF INTEREST

Councillor Emrys Wynne – declared a personal interest in agenda item 5, as family lived in close proximity to the proposed application.

Councillor Tina Jones – declared a personal and prejudicial interest in agenda item 14 and 15 as she owned land within the LDP.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The chair allowed Councillor Peter Scott to address a concern which had arisen following an article which had been published in the Journal. The matter concerned the Gypsy and Traveller site, which stated that the matter was being discussed on the 9 October. He believed that the headline had jeopardised the decision on the Gypsy and Travellers site, as people of St. Asaph would believe that there would not be chance to send their concerns on the matter. It was requested the application be withdrawn and included within the LDP as originally planned.

4 MINUTES

The minutes of the Planning Committee held on 4 September 2019 were submitted.

Matters of Accuracy –

- Page 14 – Councillor Huw Hilditch-Roberts stated that his comments on the Corporate Plan on housing was not noted, however Councillor Joe Welch covered all of the other matters which he raised.
- Page 19 – Councillor Tony Thomas stated that the points he raised on the Mindale Farm application, that there was a need for 2 bedroom housing in the Prestatyn area, there was a need for housing to allow residents to stay within the county and that the allocated site had been appropriately scrutinised were not recorded in the minutes, which were therefore not a balanced reflection of the meeting.

RESOLVED that the minutes of the meeting held on 4 September 2019 be approved as a correct record with the above comments.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 13) -

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. 11/2019/0472 - LAND AT TYN Y CELYN, CLOCAENOG

An application was submitted for the Erection of a manure storage building for use in connection with existing poultry unit, formation of a new vehicular access to serve the building and associated works at Land at Tyn Y Celyn, Clocaenog, Ruthin.

Councillor Ann Davies requested that the application be deferred until clear plan on how storage and disposal manure was detailed within the report, and that the local ward member was present.

Proposal – Councillor Ann Davies proposed application be deferred, seconded by Councillor Emrys Wynne.

VOTE:

GRANT – 11

REFUSE – 1

ABSTAIN – 0

RESOLVED that the application be **DEFERRED**.

6 APPLICATION NO. 11/2019/1149 - BRON PARC, GALLTEGFA, RUTHIN

The application for the erection of a free range egg production unit including silos and associated works including access at Bron Parc, Galltegfa, Ruthin had been withdrawn by the applicant.

Local Members – praised the planning officers for their hard work with the application, thanks were also extended to the applicant who had withdrawn the application as they did not want to have an adverse impact on their neighbours.

RESOLVED that the application be withdrawn by the applicant.

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

An application was submitted to reconsider the Mindale farm, Meliden planning applications which were considered at the Committee on 4th September 2019.

Councillor Merfyn Parry requested that both application number 43/2018/0750 and 43/2018/0751 be differed, due to a clear understanding of the cost implications would be required by the Planning Committee. It was also requested that a flood risk report be produced for the both applications. Lastly it was requested that both applications be brought back as one application.

Councillor Tony Thomas informed the committee that there were two applications as the original application was brought to the committee in April 2017, which went to the inspector and the application had a second attempt with the application, if the road was integrated into the application it would have had a cost implication to the applicant. The decision to bring the application back was with the monitoring officer under the scheme of delegation.

Proposed - Councillor Merfyn Parry proposed the application be deferred, to allow members of the planning committee to have a clear understanding risk of implicated costs with the development and a flood risk report be produced. Seconded by Councillor Mark Young.

VOTE:
GRANT – 13
REFUSE – 1
ABSTAIN – 0

RESOLVED that the application be **DEFERRED**.

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

An application was submitted to reconsider the Mindale farm, Meliden planning applications which were considered at the Committee on 4th September 2019.

Councillor Merfyn Parry requested that both application number 43/2018/0750 and 43/2018/0751 be differed, due to a clear understanding of the cost implications would be required by the Planning Committee. It was also requested that a flood risk report be produced for the both applications. Lastly it was requested that both applications be brought back as one application.

Proposed - Councillor Merfyn Parry proposed the application be deferred, to allow members of the planning committee to have a clear understanding risk of implicated costs with the development and a flood risk report be produced. Seconded by Councillor Mark Young.

VOTE:

GRANT – 13

REFUSE – 1

ABSTAIN – 0

RESOLVED that the application be **DEFERRED**.

9 APPLICATION NO.43/2019/0359 - WOODLEA, BISHOPSWOOD ROAD, PRESTATYN

An application was submitted for the erection of extensions and alterations to dwelling at Woodlea, Bishopswood Road, Prestatyn.

Public Speakers –

Mr Tony Connor (**Against**) – reminded that an identical application was refused by the planning committee on the 18 January 2019. The proposed development would have a detrimental effect on neighbouring houses, it would also cause loss of privacy due to the size of the development. The residential development SPG, stated that where a proposed window which would face a neighbouring property would be required to be 21 meters from other buildings, however the proposed development would only be 18 meters. The elevation of the building would exacerbate the impact of the close proximity. The proposed hedge would not mitigate the extent of overlooking and loss of privacy which would be caused. The maintenance and the monitoring of the hedge caused concern.

Mr Ray Williams (**For**) – thanked the committee for the opportunity to speak, the applicant clarified that they had complied with the recommendations with screening from the town council. The screening option that was taken was a hedge, Western Red Cedar were planted which were quick growing, there were no regulations in place with the height of the hedge, the hedge would be at 2.5 meters, planning officers approved of the screening.

General Debate –

Councillor Tina Jones (Local Member) – reminded the committee of a tragedy which occurred twelve years ago when a supporting wall had collapsed and killed a young girl. The property of the rear of Woodlea was situated below the property and required a supporting wall which was not in a good condition. The local members queried that the supporting wall could fall, however the members was informed that the wall was a building regulation matter, and not a planning issue. The privacy of the rear building would be impeded, to rectify the privacy hedges had been planted, the roots could also impair on the wall's integrity. The growth of the hedge was queried and what monitoring would be carried out, as the hedges could quickly become an anti-social issue if they were not properly monitored and maintained.

Councillor Hugh Irving (Local Member) – commented as a local member who attended the site visit last week. The application was to develop a bungalow to a house. The local member had received seven objections to the proposed development, in which some indicate that the development did not meet the guidelines. The impact on the boundaries was raised, and that visibility would be affected, alongside major concern with the development and the potential strain on the boundary walls. The wall was a building regulation matter, the hedge would also be a civil matter between both residents. The local member reminded the committee that the application had been refused previously, and raised to members whether enough work has been carried out since the previous refusal to grant the application.

Officers responded to local members. The geography of Prestatyn cause issues especially in regards to privacy. All concerns were considered by planning officers whilst reviewing the application. In terms to the boundary, the wall was situated within the land of the lower property and would be their responsibility.

Members were informed that if the applicant at Woddelea had planted a hedge, they could have done so without any planning permission, which is the reason it would be a civil matter. The committee needed to decide whether the hedge had a mitigating effect on the planning application. Planning officers felt with the assessing of the proposed developed and the screening proposed that application was sound. However the screening could be monitored, and neighbours would be likely to notify the planning department if the hedge caused any concerns. There was another condition that on the application that a detailed ground survey be carried out.

Members discussed whether a wall or fence would be better as a screen rather than a hedge. Members were concerned maintenance as enforcement was strained and policing would be difficult. Maintenance was raised, that it would be difficult for residents on the lower side of property to maintain the hedge.

The officers responded that they could not change what was proposed, and for member to determine a choice with what was shown in front of them. The maintenance was reliant for the applicant to comply with a planning condition, however if the conditions were not met then neighbouring residents would let the planning team know and the matter would be dealt with accordingly.

Proposal – Councillor Tina Jones proposed that the application be refused, unless a complete structural review of the retaining wall be carried out, as the current retaining wall would not be able to support the proposed development seconded by Councillor Ann Davies.

The officers responded that the retaining wall was not on the applicant's land, if the wall was unsafe it was the place of the owner of the wall to rectify the issues. The planning team could control the ground control on the applicant's side of the wall, which was the condition 6 on the blue sheets.

Councillor Hugh Irving (Local Member) queried the retaining wall, whether it was just for the owner of the retaining wall could have a cost implication on maintenance of the wall.

The Planning team, would require a full review of the ground condition is carried out prior to any work being carried out. It was also advised that it was not the planning team's place to come into disagreements between neighbours.

Councillor Huw Hilditch-Roberts highlighted that the wall could be an issue regardless of the proposed development, Councillor Rhys Thomas commented that he believed that the concerns of the committee were all addressed within the conditions which had been presented by the planning officers.

Proposal - Councillor Alan James proposed the officer recommendation to grant the application, seconded by Councillor Merfyn Parry.

Planning officers stated that the reason for refusal, was dealt with condition 6 within the blue sheets, and that a clear reason for refusal would be required.

Councillor Andrew Thomas suggested that a condition be included notwithstanding the boundary condition that currently exists between the properties to the rear of the site, further details of a screen wall or fence should be submitted and approved in writing to the local planning authority.

Officers notified the committee that a vote would need to be taken whether to include the condition as requested by Councillor Andrew Thomas.

VOTE:

GRANT – 4

REFUSE – 9

ABSTAIN – 1

The additional condition to the application was not carried forward.

VOTE:

GRANT – 9

REFUSE – 4

ABSTAIN – 1

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

10 APPLICATION NO. 43/2019/0555 - 15 PENDRE AVENUE, PRESTATYN

A retrospective application was submitted for the erection of single storey rear extension at 15 Pendre Avenue Prestatyn.

Public Speaker –

Mr Steve Connor (**AGAINST**) – thanked the committee for allowing him the opportunity to speak, it was stated that he represented himself and neighbours. It was clarified the opposition was to the development and not the applicant of the development. The application was submitted previously which was too large and imposed on privacy and which was rejected. However the neighbours were surprised that a development had begun this year without planning permission, the development was being carried out through Permitted Development. Neighbours believed that the development which was carried out through Permitted Development was not within the allowances within Permitted Development. The report that was produced for September had multiple errors throughout, the site visit was carried out following the deferral of the item, during the site visit there was no mention of lighting. The report which was published once again for the meeting in October had inaccuracies. Lastly the public speaker informed the committee whether the application be approved they would be voting against planning regulations.

General Debate –

Councillor Julian Thompson-Hill (Local Member) normally the committee decry retrospective applications, however this retrospective application allowed the site visit to see the impact the development has on neighbouring properties. The geography of Prestatyn meant that there would always be overlooking with any development. A smaller development could have been carried out with Permitted Development. It was highlighted that the development would have an increased negative impact on neighbouring visual amenities. The additional conditions which were included in the late representation were welcomed following the site visit, and if the application is approved it would mitigate some negative impact of the development.

Officers reminded members of Permitted Development, the fall back with the application would be a slightly smaller development. Multiple similar developments have been created across the County under Permitted Development. The development would have an impact as it was a new building in close proximity to the neighbours' boundary, however this was not a reason for refusal. Officer believed following assessing the development holistically for the general impact and the fall back development rights and with the additional conditions they would recommend approval.

Members were concerned with what could be carried out with permitted development and that any breaches of the Permitted Development should be passed onto the Planning Committee sooner. Concerns were raised that if the application was accepted it could cause a precedent that slight allowance would be acceptable. The differences with the fall-back position was queried and what the difference in sizes would be.

Officers responded that the fall-back position was highlighted within the report, and whether the application was refused the planning authority could only enforce back to the Permitted Development size. The size reduction was 8 inches to projection and 4 inches reduction to the height, the figures were not guaranteed to be

completely accurate. Retrospective developments were not encouraged at planning committee.

Proposal – Councillor Julian Thompson-Hill proposed the application be refused contrary to officer recommendation, on the grounds of an unacceptable impact on neighbouring amenities, seconded by Councillor Brian Jones.

Proposal – Councillor Alan James proposed the officer recommendation to grant the application, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 10

REFUSE – 4

ABSTAIN – 0

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

11 APPLICATION NO. 02/2019/0680 - PENNANT, BRYN GOODMAN, RUTHIN

An application was submitted for the Erection of 2 No. dwellings, 2 detached garages, construction of a new vehicular access and associated works at Land at (Part garden of) Pennant, Bryn Goodman, Ruthin.

General Debate – Councillor Emrys Wynne (Local Member) reminded members of the outline planning permission which was approved earlier in the year. Although there were changes to the application, there was not a large impact on the neighbours of the proposed development. It was asked that the developers take the concerns of residents in mind, if the development was granted. It was clarified that there were objections to the proposed development by local residents. It was stated that the proposed two story development would have an adverse effect on the views in the area. The area would not be overdeveloped with two properties. The plan for the houses have changed 90 degrees and the houses would look down on neighbouring bungalows.

It was proposed that whether the application be granted that obscured glass included on the balconies. The local bowling club did not have any objections to the development, however requested that the fence between the bowling green and development be kept throughout the development and afterwards. The drainage was raised and how the owners of Pennant were concerned that the drainage would go into their land, the local member believed that the issue with drainage had been resolved however wanted clarification from officers.

Councillor Bobby Feeley (Local Member) – endorsed the application, highlighted that a similar application was granted earlier in the year,.

Officers responded to Councillor Emrys Wynne's query with the drainage, the drainage would not go through neighbouring land, it would go through the drive way of the proposed house and connect the main drainage. In regards to the proposal of

conditioning the boundaries and the balconies they could be included to the application.

Councillor Huw Hilditch-Roberts (Local Members) – highlighted that he had not received any personal objections to the development. It was raised that Ruthin did require additional housing, and the development of properties of this size would allow large families the opportunity to move to appropriately sized houses,

Councillor Emrys Wynne (Local Member) – informed the committee that he had received personal objections. Councillor Emrys Wynne proposed that that the application be granted with the conditions of the inclusion of obscured glass, and the inclusion of the boundary between the bowling green and development be maintained.

PROPOSAL - Councillor Emrys Wynne proposed the officer recommendation with the inclusion of condition of obscured glass the balcony and the boundary with the bowling green, seconded by Councillor Mark Young.

VOTE:

GRANT – 14

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with the conditions included by the committee and officer recommendations as detailed within the report.

12 APPLICATION NO. 43/2019/0697 - 27 PLAS AVENUE, PRESTATYN

An application was submitted erection of extension and alterations to dwelling at 27 Plas Avenue, Prestatyn.

Officers requested the application be deferred as per the details included in the blue sheet.

Proposal – Councillor Julian Thompson Hill proposed the deferral, seconded by Councillor Mark Young.

VOTE:

GRANT – 12

REFUSE – 0

ABSTAIN – 0

RESOLVED that the applications be **DEFERRED** in accordance with officer recommendation.

13 APPLICATION NO. 45/2019/0181 - 17/19 WESTBOURNE AVENUE, RHYL

An application was submitted for the Refurbishment and conversion of two derelict houses to form 4, 1xbed apartments on the first floor (to provide supported accommodation for the homeless) with ground floor offices at 17/19 Westbourne Avenue Rhyl.

General Debate –

The chair informed members that some information was available in the late representation, there were also some late emails received. He requested that any applicants who wanted to share information that it would be sent earlier than the day of the committee, to allow members to digest all of the information.

Councillor Joan Butterfield (Local Member) as ward members she had been requested by local residents to speak against the application. The residents did hold a public meeting to discuss and their concerns with regard to the planning application. The proposed property was highlighted as having potential as a possible family homes. There were multiple issues in the area, parking was an issue as multiple properties in the area had already been developed into flats. It was also highlighted that the in the application two of the flats did not meet the regulations and would be too small, the size of the proposed flats would reduce the quality of life of the occupiers of the flats. The suggested occupants for the development would be vulnerable people and the area in Rhyl had many issues, and bringing people who were already in a vulnerable situation was not deemed appropriate.

Councillor Alan James (Local Member) agreed with the points that were raised by his fellow ward member. There had been multiple meetings with the local residents, it was stated that he was surprised that the housing association had not attended the planning committee to represent themselves.

Councillor Tony Thomas stated that the houses had been derelict for a number of years, and the possibility of a private development on the site was not likely. The applicant Adullam Housing Association had been commissioned by the Council to assist with homelessness within Denbighshire along with other services.

The officers responded to queries that two of the flats did fall below the space standard which is in the planning guidelines, one issue was the derelict condition of the property, which has an impact on the regeneration aspirations. There was also a corporate housing policy in regards to the homelessness. The applicant were also commissioned by the Council, there were conditions in place that whether the applicants were to leave the flats could not be used by anyone else. With the area and the residents' concerns with crime there had been no objections by the police or Rhyl town council.

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

Councillor Alan James clarified to the committee that he was representing the feelings of his residents, and not his own. However believed that the local residents' concerns needed to be heard.

Councillor Joan Butterfield, requested conditions which could be included with the application –

- Parking to the rear of the property should be used by the staff and not on the streets in front of the property.
- That the flats be used to fulfil the needs of Rhyl residents.
- The bin provisions be located at the rear of the property, rather than the side of the property.
- Support systems to be available at all times 24/7 for the residents, and if a need was not required then the provision could be revisited within 6 months.
- The company host a quarterly meeting after 6 months to discuss any issues that the residents would have.

Officers responded to the requested conditions and what could be carried out by Planning Committee, many of the conditions come down to management and Councillor Butterfield could go directly to the applicant and discuss the conditions. Alternatively a planning condition could be included which would state not prior to any development full detail of management arrangement document could be produced. However the officers suggested that the best option would go the relevant department to deal with the matter. The planning committee clarified that condition five within the application allowed control with the bin stores which could be located at the back of the development. The other matters were advised that they would be best dealt with the department of the council who had commissioned the work.

Members agreed with the bins condition however there was a large car park nearby to the proposed application, parking permits could be a possibility to the staff who would be located in the offices. It was discussed that why other areas within the council were not identified for a similar development. The parking condition was requested to be included within the condition.

Officers responded that it would be hard to enforce where staff would park, the parking nearby was suggested as an alternative, and if the staff were parking legally Denbighshire could not enforce the condition.

VOTE:

GRANT – 12

REFUSE – 2

ABSTAIN – 0

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

14 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN 2006 - 2021: DRAFT ANNUAL MONITORING REPORT 2019

The Planning Officer introduced the Denbighshire Local Development Plan 2006 - 2021: Draft Annual Monitoring Report 2019

The Council was duty bound to produce an Annual Monitoring Report (AMR) for the adopted Denbighshire Local Development Plan (LDP) 2006 – 2021

The report highlighted the progress with implementing the Local Development Plan, which highlighted any challenges within the LDP. Three areas were noted as a concern however these concerns were known early in the LDP. These were the growth strategy and not meeting the housing need within the LDP. Addressing the needs of Gypsy and Travellers: LDP monitoring trigger required the need for Gypsy and Travellers to be addressed within 18 months of receipt of the Gypsy and Traveller Accommodation Needs Assessment. Lastly was the Waste Management and Minerals: Changes to legislative and regulatory requirements necessitated the review of local policy and site designations

RESOLVED – *that the planning committee note the content of the Draft Annual Monitoring report.*

15 WELSH GOVERNMENT: NATIONAL DEVELOPMENT FRAMEWORK 2020 - 2040; CONSULTATION DRAFT

The chair informed members that the Welsh Government: National Development Framework 2020 - 2040; Consultation Draft, would be discussed in Council on the 15 October, however the Strategic Planning Group (SPG) thought it would be beneficial to discuss the matter in Planning Committee.

Members highlighted appendix 2 with the map which was attached, and the undefined growth area, which covered from Caernarfon to Prestatyn. It was clarified that it was uncertain with the scope of development which could happen on the North Wales coast and wanted the Council to be aware of the matter. The maps were highlighted as not being clear. Concerns were raised that Denbighshire could be likely to lose out with the development framework.

Officers reiterated that they were present to receive any comments or concerns from members, and informed members that officers could talk to members individually. The framework was an open consultation to everyone not only elected members. Officers would circulate more detailed maps to members.

RESOLVED – *that the Planning Committee note the content of the consultation draft.*

16 INFORMATION REPORT - PLANNING APPEALS UPDATE

An information report was submitted outlining the recent planning appeal decisions received from the Planning Inspectorate on cases within the county for the period March 2019 to date. An addendum to the report had also been circulated at the meeting which contained a summary of six appeal decision received following completion of the main report. Full versions of the Planning Inspectors' decisions on the appeals could be viewed via the Denbighshire website.

RESOLVED *that the information report be received.*

The meeting concluded at 11:55 a.m.