

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 12 February 2020 at 9.30 am.

### PRESENT

Councillors Ellie Chard, Ann Davies, Peter Evans, Alan James (Vice Chair), Gwyneth Kensler, Christine Marston, Melvyn Mile, Bob Murray, Pete Prendergast, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

**Observer** – Councillor Peter Scott

### ALSO PRESENT

Team Leader – Places Team (SC); Principal Planning Officers (IW & SS); Senior Engineer – Development Control (MP) and Committee Administrator (KEJ)

#### 1 APOLOGIES

Councillors Brian Jones, Huw Jones, Tina Jones, Merfyn Parry and Andrew Thomas

#### 2 DECLARATIONS OF INTEREST

No declaration of interest had been raised.

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

No urgent matters had been raised.

#### 4 MINUTES

The minutes of the Planning Committee held on 15 January 2020 were submitted.

**Accuracy** – Page 12: Item 5 Application No. 25/2018/1216 Bwlch Du, Nantglyn, fifth bullet point – the Chair advised that the sentence should read “*The first reason given by officers was on abandonment, and it was clear the four tests were not met as above.*” and that the reference to “*with council tax having being collected*” should be moved to the end of the sentence in the fourth bullet point above.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 15 January 2020 be approved as a correct record.

#### APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -

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 contained

additional information relating to those applications.

**5 APPLICATION NO. 41/2019/0671/PC - LAND SOUTH-WEST OF TY DRAW FARM, MOLD ROAD, BODFARI, DENBIGH**

An application was submitted for change of use from agricultural to mixed use of land for agriculture and keeping of horses, retention of stables at land south-west of Ty Draw Farm , Mold Road, Bodfari, Denbigh.

**Public Speaker –**

Kerry James (agent) (**For**) – provided further detail and reasoning behind the application to accommodate Arab horses, emphasising the facilities would be for private use only and not for commercial purposes. Also stated that the application complied with the relevant planning considerations and policy tests and measures had been proposed to mitigate concerns raised, particularly visual amenity.

**General Debate –** Councillor Christine Marston (Local Member) raised concerns regarding the retrospective nature of the application and access onto the A451 and sought assurances that the proposed planting scheme would not impede visibility at the site exit. She appreciated that officers had worked hard with the applicant to address other areas of concern and welcomed the proposed conditions to address those issues. However the site was in a visually sensitive location and she asked whether the AONB Joint Committee’s recommendation for tree planting around the stable block and storage area could be implemented to soften the appearance. Finally given the close proximity to the River Wheeler and position in a flood risk area, Councillor Marston requested an additional condition to ensure the stable block had a sustainable drainage system. Councillor Mark Young was supportive of the application overall but had concerns regarding the retrospective nature of the application and sought clarification regarding the drainage system given the differing requirements for horses and other farm animals, noting that previous permissions had been subject to changes to the drainage system. He also sought further assurances regarding prohibiting use of the site for commercial purposes.

The Principal Planning Officer (IW) responded to the issues raised advising that –

- the planning system allowed for applications to be made retrospectively and each application must be dealt with on its merits
- condition 4 related to the requirement for the landscaping and planting scheme at the site to be approved by the authority and officers would ensure there would be no obstruction in terms of visibility at the site entrance as a result
- the request for additional planting around the stable block/storage area itself could be accommodated as part of the actual design plan stage of the scheme and notes could be added to draw the applicant’s attention to those matters which the authority felt needed to be addressed in relation to the scheme
- it would be possible to include an additional condition in relation to the drainage system for the stables building and how surface water from the roof was being dealt with. This was considered reasonable, given there was no reference on the plans submitted

- a new condition had been suggested in the late supplementary information (blue sheets) to address concerns over the disposal of animal waste with suitable arrangements in place for its storage and removal to ensure there was no potential pollution risk in relation to the nearby River Wheeler
- the wording of condition 3 was unequivocal in that it prevented commercial livery of any use at any time.

**Proposal** – Councillor Christine Marston was satisfied with the conditions as presented together with an additional condition with regard to a suitable drainage system for the stable block and on that basis she proposed, seconded by Councillor Mark Young, that the application be granted in accordance with officer recommendation.

**VOTE:**

GRANT – 14

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers and subject to an additional condition requiring a suitable drainage system for the stable block to be approved by the local planning authority.

**6 APPLICATION NO. 43/2019/0730/PF - FORMER PLAS DEVA CARAVAN PARK, Ffordd Talargoch, Meliden, Prestatyn**

An application was submitted for erection of 41 affordable dwellings and associated works at former Plas Deva Caravan Park, Ffordd Talargoch, Meliden, Prestatyn.

**Public Speaker –**

Stuart Andrews (McBryde Homes) (**For**) – detailed the proposed development of affordable housing on the site including the mix of dwelling types which would address identified social housing need in the area; the development met all Welsh Government requirements (being largely funded by Welsh Government’s Social Housing Grant Fund) and satisfied all planning constraints on the site.

**General Debate** – Councillor Peter Evans (Local Member) highlighted the positive aspects of the development which made good use of a brownfield site and helped take the pressure off greenfield developments. It would provide a good mix of dwellings to meet local housing needs, provide opportunities for those who could only afford rented accommodation, and would also help to sustain local businesses. The proposal adhered to the Local Development Plan (LDP) and Corporate Plan. Councillor Evans thought it regrettable that Talargoch Villa could not be retained but retaining the stone boundary wall and provision of a plaque would help preserve the character of the village. His main concern related to traffic generated onto the A541 given the existing congestion at peak times due to the flow of traffic in and out of Prestatyn which would only get worse. He suggested there may be merit in looking at other alternatives such as improving the A548 towards Rhyl and then over to Bryn Cwnin in Rhuddlan.

Councillor Tony Thomas spoke in favour of the application advising that the development would help meet local housing need identified in the area and would provide almost 10% towards the Council's Corporate Plan commitment to deliver 430 affordable homes.

The Senior Engineer – Development Control explained that the site had lapsed outline planning permission dating back to 2007 and 2011 relating to residential development and had also been allocated for housing in the LDP. In response to concerns regarding the traffic impact and capacity of the highway network he advised that the applicant had commissioned a cumulative impact assessment of all potential developments that would have an impact on the A547. The report concluded that the highway network should operate within capacity with all the proposed development sites, both committed and current applications. The visibility stands at the access met the standards within TAN18 and the parking standards met the Council's Supplementary Planning Guidance. Taking all relevant issues into account it was suggested there was no reason to refuse the application on highway grounds.

The Principal Planning Officer (SS) also responded to further questions raised by Councillor Mark Young as follows –

- with regard to Talargoch Villa the building was not listed and was not situated in a conservation area and given that there was no protection afforded to the building there was no requirement to submit a heritage impact statement as part of the planning application process [Councillor Mark Young advised that previous applications without listed building status had provided heritage assessments and highlighted the need for consistency in that regard]
- in terms of affordable housing the criteria was based on local income and a local lettings policy would be prepared in consultation with the local member
- assurances were provided that in terms of the detail of the affordable housing scheme the dwellings had to remain affordable for perpetuity a restriction which was part of the conditions attached to the grant funding provided for the scheme.

**Proposal** – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Bob Murray.

**VOTE:**

GRANT – 14

REFUSE – 0

ABSTAIN – 0

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

**7 BWLCH DU, NANTGLYN, DENBIGH - PLANNING CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 25/2018/1216**

A report was submitted seeking a resolution on the planning conditions to be attached to planning permission 25/2018/1216 granted on 15 January 2020 in respect of Bwlch Du, Nantglyn, Denbigh.

The Planning Committee originally considered the Bwlch Du application in September 2019 when it was resolved to grant permission. Following notice of a potential legal challenge to the lawfulness of the decision the application was reported back to Committee in January 2020 when it was resolved to grant permission and officers report back to the Committee with a draft list of conditions to be included on the Certificate of Decision for consideration and ratification.

The report set out a schedule of planning conditions which officers believed would be reasonable and necessary to attach to a planning permission. Since publication of the proposed conditions officers had been in positive dialogue with the applicant's representatives over the detailed wording of some of the drafted planning conditions. As a result of those discussions officers had put forward suggestions for the revised wording of those conditions which had been detailed in the late supplementary information (blue sheets) in italic type with a brief commentary where relevant. The applicant's representatives had confirmed they had no issues with the amendments. For clarity, and to ensure that members were satisfied with the wording of the conditions, it was agreed to consider each condition individually highlighting the proposed revisions together with the reasoning behind them. In summary –

- **Conditions 1 & 2** – no changes proposed
- **Condition 3** – reworded to clarify the drafted wording of the condition and the timing of completion of the parking and turning area
- **Conditions 4 & 5** – no changes proposed
- **Condition 6** – reworded and split into two separate ecology conditions. The rewording in Condition 6 clarified proposals in relation to the safeguarding of bats at construction stage. The separate condition (now numbered Condition 7) set out the separate requirement for submission of details of reptile avoidance measures, and provision of bat friendly features within the development.
- **Condition 7** – new condition following the split of Condition 6 (above) into two separate ecology conditions. This condition dealt with reptile avoidance measures and bat friendly features.
- **Condition 8** – a redraft of Condition 7 included in the officer report to secure an 'end date' by which the log cabin was to be removed together with a revision of the final clause to allow a longer period to restore the land to its previous condition.
- **Condition 9** – a redraft of Condition 8 included in the officer report to allow a longer time period to undertake the works to the barn structure following completion of the works on the dwelling.

- **Condition 10** – a redraft of Condition 9 to recognise trees growing within the footprint of the former barn which had to be removed.
- **Condition 11** – new condition to ensure there was no risk to the structure of the listed building in the course of constructing the extension.

Having considered the draft list of planning conditions and suggested revisions as set out by officers the Chair read out the officer recommendation on the late supplementary information sheets in that regard.

**Proposal** – Councillor Alan James proposed the officer recommendation to grant planning permission subject to the planning conditions presented, seconded by Councillor Melvyn Mile.

**RESOLVED** that the suggested revisions to conditions and the additional condition (no.11) as detailed in the late supplementary information (blue sheets) be accepted and attached to the Certificate of Decision for application 25/2018/1216, along with conditions 1,2,4 and 5 as drafted in the officer report to the Committee.

Other matters

At this point, and with the Chair's consent, Councillor Tony Thomas raised an issue with regard to hidden charges imposed by developers on freeholders, such as maintenance charges for open space/playgrounds and approval of subsequent building work. Officers accepted that it would be beneficial to have clarity around such issues and agreed to take the matter forward, however some issues were subject to private arrangements between the developer and home owner and as such were beyond the Council's control.

Prior to the close of the meeting the Chair advised that Susan Cordiner, Team Leader – Places Team was attending her last meeting before retirement and he presented her with a bouquet of flowers as a token of appreciation for her wise counsel and valuable contribution to the Committee's work. The Principal Planning Officer (IW) also expressed his thanks on behalf of officers for her tremendous support and extended his best wishes. In conveying her thanks for the kind words and flowers Mrs. Cordiner advised that she had been proud to work for the Council and wished everyone well for the future.

The meeting concluded at 10.15 a.m.