

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 11<sup>th</sup> December 2013 at 9.30am.

### PRESENT

Councillors, J.R. Bartley (observer), W L Cowie, J.M. Davies, M LI. Davies, S.A. Davies, H Hilditch-Roberts, T.R. Hughes., E.A. Jones , H. LL. Jones (local member) P M Jones, W M Mullen-James (Chair) , R M Murray, . D Owens, T M Parry, A Roberts , D Simmons, J Thompson-Hill , J S Welch, C H Williams, C L Williams and H O Williams

### ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Development Control Manager (Paul Mead), Principal Solicitor (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes). Martha Savage (Minerals Planning Officer) attended part of the meeting

#### 1 APOLOGIES

Apologies for absence were received from Councillors I W Armstrong J A Butterfield, J Chamberlain-Jones ,P. Duffy, R J Davies, P A. Evans, C. L. Guy, M McCarroll, P W Owen, , and W.N. Tasker

#### 2 DECLARATIONS OF INTEREST

None

#### 3 URGENT ITEMS: None

#### 4 MINUTES OF THE MEETING HELD ON 13<sup>th</sup> November 2013.

Agreed as a true record: subject to the inclusion of comments made by Councillor M. Lloyd Davies regarding the proposed staircase at 23 Marine Drive Rhyl which he had felt would be more acceptable if placed centrally.

#### 5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (previously circulated) was submitted enumerating applications submitted and requiring determination by the Committee.

*RESOLVED that:-*

- (a) *the recommendations of the Officers, as contained within the report submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning Act 1990, Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act 1991, Town and Country Planning Advert Regulations 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-*

**Application No: 05/2012/0756/PO**

**Location: Land adjacent to Maes y Glyn Glyndyfrdwy Corwen**

**Description: Development of 0.37 ha of land for residential purposes and construction of a new vehicular access (outline application including access)**

An additional plan showing the LDP allocation site at New Inn was circulated. Further policy clarification was also supplied in the addendum report.

Councillor Huw Jones had made the request for a committee decision in order to examine the issues around the potential for this land to flood and the way the LDP allocation has been made. Councillor Jones was fearful of the survival of the village if this site was not developed and queried the advice that the site is at risk of flooding.

Other Councillors agreed, those with local knowledge expressing the view that the allocated LDP site at New Inn has been known to flood but the application site has not, and the recommendation was “knee – jerk” reaction to recent events of flooding in the County. They felt that as this application site had permission for development in the past (although now lapsed), it should be granted

Councillor Rhys Hughes proposed that permission be GRANTED. This was seconded by Councillor Dewi Owens

Officers advised that Natural Resources Wales had originally raised objection to this application on the grounds that the site was within a high risk flood zone. However, the site is outside the current LDP development boundary. The issue of the suitability of sites in this area for housing was fully explored through the LDP process. Officers also suggested that if both this site and the site allocated in the LDP were developed there would be an over supply of housing in the village which would put strain on the facilities available.

**ON BEING PUT TO THE VOTE:**

**5 voted to GRANT**

**14 voted to REFUSE**

**0 Abstained**

**PERMISSION WAS THEREFORE REFUSED**

**Application No:43/2013/1236/PF**

**Location: St. Marys Bishopswood Road Prestatyn**

**Description: Construction of garden retaining wall and access steps to form raised garden/patio terrace at rear of dwelling (partly in retrospect)**

Councillor Bob Murray proposed that permission be GRANTED  
Councillor J Thompson Hill seconded this proposal and made a request on behalf of the local member that landscaping conditions be strengthened and requested that a requirement for replacement trees be included.

Officers to consult with the local member with regard to the exact wording of the conditions

**On being put to the VOTE:**

**19 voted to GRANT  
0 voted to REFUSE  
0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

Subject to the following revised Condition 1:

Any existing trees within the application site shall be protected during the proposed works by fencing erected a minimum of 1m from the trunk. Any trees within the application site which are damaged or die during construction works shall be replaced by suitable specimens to be agreed in writing by the LPA.

**Application No: 43/2013/1353/PF**

**Location: 55 Pendre Avenue Prestatyn**

**Description: Erection of a single storey extension to rear of dwelling**

It was reported that the previous planning application for a rear extension at this property (which Members refused at Committee contrary to Officer Recommendation) has been ALLOWED on appeal. The appeal decision, received on 10<sup>th</sup> December 2013 was circulated separately

**Public Speakers:**

**Ms Tina Gray (Applicant) spoke in favour**

Ms Gray spoke of her wish to address previous objections made by her neighbours and as a result of discussions with planning officers had revised the original proposal. The extension will now be smaller than originally proposed and Ms Gray hoped this would be acceptable to all concerned

Councillor James Davies referred to the difficulties surrounding this application and the topography of the site . He suggested that although the appeal has been allowed the proposal before committee today, for a smaller extension, would be more acceptable.

Councillor J Thompson Hill requested that conditions imposed by the Appeal Inspector, (relating to matching materials), be included.

Councillor Bill Cowie proposed permission be GRANTED. This was seconded by Councillor M. Lloyd Davies

**ON BEING PUT TO THE VOTE:**

**18 voted to GRANT**

**1 voted to REFUSE**

**0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

Subject to the following additional condition:

The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

**ITEM 6  
PLANNING APPEAL**

**IMPORTATION OF INERT WASTE MATERIALS FOR RECYCLING AND USE IN  
RESTORATION OF QUARRY WORKINGS**

**MAES Y DROELL QUARRY, GRAIANRHYD ROAD, LLANARMON YN IAL**

**APPLICATION NO. 15/2011/0692/PF**

Ms Martha Savage (Minerals Planning Officer) was in attendance for this item.

Submitted: report requesting Members' consideration of matters arising from legal and specialist highway consultant opinion on the reasons for refusal of the above application, which will be the subject of a public inquiry.

The report seeks a steer from Members on the Council's stance given the changes to local policy and national policy since the refusal decision in February 2013.

Officers explained the background to this item, stating that as policy has changed from the Unitary Development Plan to the Local Development Plan it had been necessary to review the reasons for refusal. In consultation with the case barrister it is proposed to include "need" as a reason for refusal.

As a result of the changes it has been agreed to postpone the appeal hearing to allow the appellants time to review their case.

In answer to questions officers advised that it was now policy to encourage reuse of inert waste on site rather than transport it to facilities such as that proposed at Maes y Droell. If the waste was not inert then it would not be allowed on this site, but would need to go to a specialist to be treated. It would therefore be an argument that this site is not needed.

There was a further issue with a proposal to change the access arrangements and this should also be raised at the appeal if details are submitted.

Councillor Martyn Holland will represent Committee at the Appeal and is being kept up to date by Officers.

Councillor D Simmonds proposed that the recommendation be accepted  
This was seconded by Councillor Cheryl Williams

On being put to the vote  
19 voted to accept the proposal  
0 Voted not to accept  
There were no abstentions.

**RESOLVED THEREFORE:**

- 1.1. That in light of the changes to national and local policy, the principle of a recycling facility in this location and the need for the disposal element of the proposal forms part of the Council's case in the Council's submissions to the forthcoming inquiry.
- 1.2. That the First reason for refusal, save insofar as it pertains to the second reason for refusal, is not pursued by the Council.

- 1.3. That delegated authority is given to the Head of Planning and Public Protection, and the Development Control Manager to determine whether or not the second reason for refusal is pursued by the Council, should the appellants submit any revision to the access plans. In the absence of any acceptable access details being provided the Second reason for refusal should be maintained.
- 1.4. That the third reason for refusal is pursued in particular in relation to the impact that the new access will have on the residential amenity of occupiers of properties in the vicinity of the site.
- 1.5. That the absence of need be raised as a freestanding concern upon which the appeal could properly be dismissed.
- 1.6. The views of the independent highway consultant appointed by the Council to review the case are drawn to the attention of the inquiry.

### **MEMBER TRAINING**

Members were reminded of their obligation to training on Planning matters and were advised that they would be welcome to attend any of the future training events that had been arranged:

3<sup>rd</sup> February 2014 - 6.30 pm Caledfryn Denbigh (Town and Community Council event)  
4<sup>th</sup> March 2014 – 10 am -venue to be confirmed (Town and Community Council event)  
23<sup>rd</sup> April 2014 – 6.30 pm – Caledfryn Denbigh (Town and Community Council event)

In order to fulfil their training needs Members could also attend Planning Surgeries, Appeals or LDP events and would gain credit for attending 8 or more Planning Committees

**The meeting closed at 10-45 am**