

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 19th February 2014 at 9.30am.

PRESENT

Councillors J.R. Bartley (observer), J A Butterfield, J Chamberlain-Jones, W L Cowie, M Ll. Davies, R J Davies, S.A. Davies, M.L. Holland (local member / observer), H Hilditch-Roberts, C. Hughes., E.A. Jones, P M Jones, M. McCarroll, W M Mullen-James (Chair), R M Murray, P W Owen, D Owens, T M Parry, A Roberts, D Simmons, B. Smith (local member / observer) 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) Principal Solicitor (Planning and Highways) (Susan Cordiner), Principal Planning Officer (Ian Weaver), Highways Officer (Mike Parker), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Angela Loftus (Local Development Plan & Policy Manager) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillors I W Armstrong, J.M. Davies, P A. Evans, T.R. Hughes W.N. Tasker .

Development Control Manager (Paul Mead) also tendered apologies for absence. The Planning Committee extended condolence for Mr Mead's recent bereavement.

2 DECLARATIONS OF INTEREST

Councillor M.Lloyd Davies declared a non-pecuniary interest in the Enforcement item on Ty Capel, Waen, St Asaph.

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 22nd January 2014.

Agreed as a true record:

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 Advertisements 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: 03/2013/1374/PF

Location: River Lodge Mill Street Llangollen

Description: Demolition of existing two-storey former hotel and nightclub. Erection of new two-storey health centre with pharmacy, health visitor facilities and associated car parking and landscaping

Additional representations were reported from the applicant's agent requesting the reconsideration of some of the proposed conditions. Councillor S. Davies (Llangollen) welcomed this application and advised committee on previous discussions with the applicants which covered a proposed extension of the 30mph speed limit, public car parking and the need for pedestrian crossings in the area. While Councillor Davies acknowledged that access was difficult and the site constrained by geography he welcomed the proposed conditions.

Councillor S Davies proposed that permission be GRANTED. This was seconded by Councillor R Davies.

Highways Officer Mike Parker explained that while controlled pedestrian crossings were not included as part of this application this may be the subject of further negotiations. The 30 mph limit would be extended to cover this area and land for a pedestrian link provided. However, at this stage the applicants had not been willing to fund or provide crossings. Members felt that as the footpaths leading to the site were narrow, it was essential to consider road and pedestrian safety. A photographic record of the interior and exterior of the listed property was also suggested.

On being put to the vote:

**23 voted to GRANT
0 voted to REFUSE
0 Abstained**

PERMISSION WAS THEREFORE GRANTED Subject to the following:

Condition 8 relating to the arrangements for the use of the parking areas outside core operating hours should be reworded as follows:

8. The car parking areas shall not be brought into use until the written confirmation of the Local Planning Authority has been obtained to the proposed management arrangements for the use of the parking areas outside core operating hours.

Additional Conditions:

20. No development shall take place within the application site until the applicant, their agents, or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion, appropriate reports and an archive assessment shall be submitted for approval to the Local Planning Authority and the Development Control Archaeologist,

Clwyd Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR
Telephone 01938 553670.

Reason : To ensure appropriate archaeological investigation and works are undertaken in conjunction with the development.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason : To ensure that appropriate steps are taken in the event of contamination being identified in the interests of protecting the adjacent main river from pollution.

Application No:15/2013/1284/PF

Location: **Outbuildings at Tyn y Celyn Llanarmon yn Ial**

Description: Conversion of outbuilding to form office and studio

Councillor M Holland (Llanarmon yn Ial & Llanferres) stated that there was no local objection to this proposal and he welcomed the re-use of this derelict building. While aware of the Community Council's concerns about future potential uses, he suggested the application, as it stood, should be approved.

Councillor Colin Hughes proposed that permission be GRANTED. This was seconded by Councillor J.Butterfield.

On being put to the vote:

**22 Voted to GRANT
1 Voted To REFUSE
0 Abstained**

PERMISSION WAS THEREFORE GRANTED

Application No: 15/2013/1505/PS

Location: Parc Farm Caravan Park Graianrhyd Road Llanarmon yn Ial Mold

Description: Variation of condition no. 6 of planning permission code No. 15/2011/0651 to allow 12 months holiday use

Additional letter of representation from the applicant was reported

Officers advised committee of previous appeal decisions which had resulted in 12 months holiday use being allowed on other sites in the County.

This particular site would retain the condition requiring holidaymakers to prove they have permanent addresses elsewhere and would also retain a condition restricting use to holiday use only.

Members raised some doubts as to the feasibility of monitoring this and queried whether a permanent site would be a drain on local resources. However others felt it was important to encourage visitors to Denbighshire.

Councillor M Holland (Llanarmon yn Ial and Llanferres) explained the history of the site, stating that the previous owners had encouraged visitors to make use of the local facilities, public house and shop. He advised that the site was adequately screened and the 300 caravans were well maintained. Councillor Holland was able to confirm that, despite rumour to the contrary, children from the site did not routinely attend the local school. While acknowledging the potential for a drain on local resources, Councillor Holland considered that a full time site, well maintained and correctly monitored would contribute positively to the local economy.

Head of Planning Graham Boase reinforced the clear recommendation to grant permission, stating that Members' views that the Council lacked sufficient staff resources to adequately monitor such sites would not be a sustainable reason for refusal. He advised that a Scrutiny Panel paper on caravan sites would be the correct vehicle to conduct that debate.

Members suggested residency checks could be made at local hospitals, doctors' surgeries and the electoral roll if checks were to be made on holiday occupancy conditions..

Councillor J Butterfield proposed that permission be GRANTED. This was seconded by Councillor H Hilditch Roberts.

On being put to the VOTE:

19 voted to GRANT

4 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 28/2013/1444/PF

Location: 3 Ffordd Bryn y Garn Henllan Denbigh

Description: Erection of pitched-roof extension to existing double garage and change of use to form a single-storey dwelling

Public Speaker: FOR: Mr Ian Cliffe (Applicant)

Mr Cliffe explained the history of the site and his role in redeveloping the previously derelict land. The improvements had been welcomed by local residents. Mr Cliffe advised Committee that it was his intention to live in the proposed dwelling himself as the present house was too large for him now. He stated that he had discussed the proposals with Planning Officers following a previous refusal and considered the revised scheme to be acceptable. The proposed footprint would be similar to that of the ground floor of the existing property. In answer to criticism of the amount of frosted glass proposed, Mr Cliffe stated that the existing property contained opaque windows and there had been no objection to that at the time. He would live in the property and did not feel it was an issue. In conclusion he advised that there had been no objection from Highways on parking issues.

Councillor Colin Hughes (Local member) explained his reason for requesting a committee decision. He felt the proposal should be allowed, the site was within the development boundary of Henllan, parking issues had been addressed and it would provide suitable affordable housing for the village.

Councillor Dewi Owens stated that the site was much improved and wished to support the applicant. **He proposed that permission be GRANTED (against officer recommendation). This was seconded by Councillor Colin Hughes.**

Principal Planning Officer (Ian Weaver) advised committee that while the previously derelict site had been improved by the applicant, the present proposal left insufficient distances between properties. It also restricted the amenity space of the existing house while proposing no amenity space for the new property. To prevent overlooking, most of the windows of the proposed dwelling were frosted glass which was not acceptable. The Community Council had objected on three grounds. Mr Weaver acknowledged that the parking issues had been resolved to the satisfaction of Highways so this was not included as a reason for refusal.

In reply to Members queries regarding criteria for Affordable Housing, Head of Planning Graham Boase replied that while this property could be classed as "affordable" because of its size and cost, it would not be "Affordable Housing" in planning terms.

VOTE:

12 voted to GRANT

9 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED (Against Officers' recommendation)

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
 - (f) Proposed external space for the location of refuse bins and a clothes drying area
4. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the development being brought into use.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. **PRE-COMMENCEMENT CONDITION**
No development shall take place until the mechanism for compliance with the Council's policy and guidance on Recreation and Open space has been agreed in writing with the Local Planning Authority.
7. The new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
8. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.
9. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit

under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

The reason(s) for the conditions(s) is(are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. In the interests of visual amenity
6. In order to comply with the policy and guidance of the Local Planning Authority in relation to the provision of open space in conjunction with new development.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

It was considered that the provision of a small residential property would be sustainable and meet the needs of the local community.

**ITEM 6
ENFORCEMENT ITEM**

REFERENCE: ENF/2013/00026
C47/2013/00133

LOCATION: Ty Capel, Waen, St Asaph, LL17 0DY

INFRINGEMENT: Unauthorised creation of a vehicular access onto a classified road

(Councillor M LI Davies declared a non pecuniary interest in this item and did not vote)

Officers introduced this item and explained the background to the request to take enforcement action. A new access had been created without permission and was situated near a sharp bend on a fast stretch of rural road and there were concerns about safety. The Officers had been in discussions with individuals concerned. There was a further issue of an extension to the property which needed planning permission but the priority was the danger posed by the unauthorised access. Members were shown photographs of the property and road layout, before and after the access had been formed.

Councillor Barbara Smith (Tremeirchion Cwm & Waen) reported on a recent visit to the site with officers of Planning and Highways together with a Planning Consultant acting on behalf of Ty Capel. While acknowledging the good works performed by the Chapel, Councillor Smith expressed concern about the danger the access posed to road users. However she was pleased that genuine attempts were being made to resolve the issue and suggested the period of compliance be extended, to allow an application to be submitted.

Councillor Colin Hughes, seconded by Councillor M Mc Carroll proposed this item be deferred for 3 months.

Other Members stated their support for the good works carried out by Ty Capel but were urged to view the issue in planning terms only, as there remained a danger to road users. Interim measures were suggested - included stopping up the access and preventing traffic leaving the site from turning right.

At this juncture, **Councillor C Hughes** formerly withdrew his proposal to defer consideration of this item and **proposed that Enforcement Action be Authorised but held in abeyance for 3 months. This was seconded by Councillor J Butterfield.**

On being put to the vote

16 voted to authorise enforcement action

5 voted not to authorise enforcement action

0 abstained

RESOLVED THEREFORE

To authorise the service of an Enforcement Notice in circumstances where application(s) attempting to regularise or address the breach of planning and highway control are **not** submitted within THREE months of authorisation being given. Such Notice would require that use of the vehicular access ceases and that the access be reinstated to a pedestrian access only.

To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof

ITEM 7

Draft LDP Site Development Brief 01: Former North Wales Hospital Denbigh

Angela Loftus (Manager, LDP and Policy Section) presented this report on the draft Site Development Brief for the Former North Wales Hospital site in Denbigh. The report requested Members' approval to undertake consultation on the draft Site Development Brief and accompanying Strategic Environmental Assessment with statutory bodies and the public. If approved, the Site Development Brief will be used in the determination of any planning application on the site.

Ms Loftus gave an overview on the history of the site – the Hospital closed in 1995 and subsequently had a number of owners who had failed to maintain the fabric of the Grade II * Listed Building, which was now in serious disrepair. An Urgent Works Notice was served by the Council in 2011.

The proposed Site Development Brief would be used as background for future submissions on the site and included a Masterplan for redevelopment. The site is not specifically mentioned in a policy in the Local Development Plan but Policy VOE 4 (Enabling Development) was relevant.

It was intended to start an 8 week consultation period on 3rd March 2014, which would include exhibitions in Denbigh Library and Council Offices in Caledfryn, together with visits to relevant bodies such as Denbigh Town Council.

Members of Planning Committee welcomed the plan.

**Councillor M Parry proposed that the document be approved for consultation.
This was seconded by Councillor J Thompson Hill**

On being put to the vote

**19 voted to approved
0 voted not to approve
1 Abstained**

It was therefore Resolved: To agree the draft Site Development Brief for the former North Wales Hospital site in Denbigh and the accompanying Strategic Environmental Assessment (SEA) screening document for public consultation.

MAES Y DROELL QUARRY, GRAIANRHYD ROAD LLANARMON YN IAL

Councillor Martyn Holland advised Members that the scheduled appeal, which he had been nominated to attend and represent the Planning Committee, had been withdrawn by the appellants.

He wished to place on record his thanks to Officers – in particular Martha Savage and Hannah Parrish – for their help and guidance.

THE MEETING CLOSED AT 11:40 am