

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 16th April 2014 at 9.30am.

PRESENT

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

1 APOLOGIES

Apologies for absence were received from Councillors J.M. Davies, T M Parry, M. McCarroll and W.N. Tasker.

2 DECLARATIONS OF INTEREST

Councillor M. Lloyd Davies declared an interest in item 6 (Glascoed Road St Asaph)
Councillors W Mullen James and J Thompson Hill declared interest in Planning Application Ref No 45/2014/0045/PF (Rhyl High School)

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 19th March 2014.

Agreed as a true record:subject to the inclusion of the following comments on application 31/2013/1069/PF , Proposed Crematorium, Glasoed Road, St Asaph: (pages 9 – 12)

Councillor Bill Cowie wished it to be noted that during debate on 31/2013/1069/PO he had made reference to the need to note the advice in TAN 18 (transport) and had quoted part of TAN 18 which required Local Authorities to ensure buildings are sited to provide convenient access via public transport, walking and cycling, which he had felt would not be possible in this case. He also wished it to be noted that in stating that he could not support the application, he had said that if a development proposal is assessed as having relatively poor accessibility, this may be sufficient grounds to refuse planning permission.

Councillor Barbera Smith provided a written statement asking for it to be noted that she had raised the issue of the proposed landscape mitigation which she considered to be insufficient

Councillor Arwel Roberts wished it to be noted that he stated during debate that he regretted the loss of agricultural land and was concerned at the culminative effect of this development in addition to recent electricity hub construction in the area.

Councillor Huw Hilditch Roberts wished to emphasise his view expressed during debate that if this development were to be allowed "we might as well tear up" the LDP.

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: 01/2014/0072/PO

Location: Land adjoining Fron Deg Ruthin Road Denbigh

Description: Development of 0.6ha of land for residential purposes (outline application including access)

PUBLIC SPEAKERS:

AGAINST: Mr. Simon Evans

Mr. Evans stated his objection to the proposed development, in that it could prove a danger to traffic by opening a new access onto a busy road, adjacent to other estate roads..Mr. Evans also referred to the proposed housing density of 15 dwellings. Previous applications had quoted a maximum of 6 dwellings and Mr Evans wondered if Highways had been made aware of the increase.

FOR: Mr. Alun Jones (Wynn Rogers, Architects).

Mr. Jones outlined the history of the site which had been the subject of outline permission, regularly renewed since 1981. However, with the applicant in failing health in 1996 the outline permission had lapsed. A new outline application was submitted in due course and was subjected to national guidance on density Highways were consulted at that stage.

Mr Jones advised that the number of dwellings is not specified, but an indicative plan was submitted. He also stated there was no intention of developing the land at present, the family just wished to obtain outline planning permission.

Mr. Jones also answered objections relating to ecology; stating that the site had been regularly cultivated so wildlife had not been left undisturbed.

Ian Weaver (Principal Planning Officer) explained that this was an outline application with details of access. Issues of density would be addressed at detailed stage. The site plan, showing 15 dwellings, was for illustration purposes only.

Councillors Ray Bartley and Richard Davies (local Members) had visited the site and were concerned about overcrowding the land. They also expressed their views that the proposed access onto a busy road near to the access to a housing estate could be a danger to traffic and pedestrians.

Other Councillors raised concerns at the stated density but agreed that this could not be used as a reason for refusal.

Further debate regarding traffic safety and the possibility of changing the access point was answered by Mike Parker (Highways) who stated the proposed access is 130m from the entrances to Trewen and Crud y Castell housing estates and as it was situated on the inside of a bend the proposed access was considered suitable. The speed limit in this area is 30mph.

The existing access to Fron Deg would be closed and access to this property would be gained from the new roadway when it is constructed.

Members again raised concern at the danger to pedestrians, particularly children going to school, but it was pointed out that the pavement and verge were wide at that point.

Proposals:

Councillor Huw Williams proposed permission be GRANTED

This was seconded by Councillor Rhys Hughes

On being put to the vote

VOTE:

19 voted to GRANT

3 voted to REFUSE

2 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to the following:

Note to Applicant

You are advised to contact the Planning and Highways Officers of the Council to discuss the approach to the access detailing density of development, and open space/affordable housing provision prior to submission of any detailed plans for the site.

Application No: 20/2013/1545/PO

Location: Former Coach Park Graigfechan, Ruthin

Description: Development of 0.09ha of land by the erection of a dwelling (outline application - all matters reserved)

Members were referred to the contents of the late representations sheets, which contained additional representations from the Highways officer and Officer Notes

PUBLIC SPEAKERS

FOR

Mr Kevin Rogers (applicant)

Mr Rogers drew Members' attention to the close proximity of the site to the development boundary. He outlined the opportunity the site offered for him to live adjacent to his garage business which was opposite the application site and inside the development boundary, and for the development of a dwelling which was affordable. He advised that there was room for 8 cars or vans at the workshop site, and that there was no longer a licence for the operation of coaches, as this was surrendered when that business ceased to operate.

Principal Planning Officer Ian Weaver suggested the application raised difficult issues obliging detailed interpretation of the Local Development Plan's policies and Supplementary Guidance, which needed to be applied in a fair and consistent manner. He suggested the two key matters arising were the principle of erecting a dwelling outside a village boundary, and concerns over the loss of a parking area in connection with the garage business in the building opposite. The main planning policy relating to development on the edge of a village was BSC 8, which set specific tests which needed to be met in order to justify the grant of permission. It was questioned whether the information provided with the application showed the tests of BSC 8 could be met, or whether there was genuine affordable need established in respect of eligibility tests in the justification to the policy and the local connections policy in associated guidance.

Councillor Hugh Evans (Local Member) acknowledged that there were complicated issues to address. He noted Officers' discomfort but was appreciative of the outline of the policy tests. He admitted to struggling to fully appreciate the relevance of some of the policies referred to in the Officer report, and the significance of the Affordable Housing need tests, and wondered if the applicant had been made aware of them. The site was immediately next to the village boundary and the workshop was within the boundary. The case to support a young local businessman was compelling, taking account of the cost of housing in the village, the fact this was a brownfield site. He was aware there were no local objections, and was surprised there had been late concerns from the Highway Officer.

Councillor Stuart Davies stated that Councillor Evans' comments covered all he had intended to say. He considered it reasonable to offer support for local business in accord with the Council's priorities, and referred to a similar situation involving brownfield land in Llangollen. At this point,

**Councillor Stuart Davies proposed that planning permission be GRANTED.
This proposition was seconded by Councillor Colin Hughes.**

Development Control Manager Paul Mead drew Members' attention to the significance of the Local Development Plan policies and the tests which they contained. He respectfully suggested that it was incumbent on Officers and Members to apply the tests to establish whether there was affordable need to justify support for the proposal. He expressed concern at the implications for the Plan's policies if basic tests were overridden.

Highways Officer Mike Parker stressed that there was no desire to oppose development but the proposals did raise concerns over parking for the garage business opposite. There was only limited information to assess these matters and it was not considered acceptable to create a possibility of

congestion along the road as a result of losing the parking facility. He emphasised willingness to work with the applicant to see if the issues could be addressed.

Councillor Huw Hilditch-Roberts accepted the importance of Development Plan policies, but was concerned that these seemed to be discouraging what appeared to be reasonable development. He sympathised with the applicant's situation having regard to the price of houses in the village, and did not believe the road passing the site was busy. He was puzzled at the implication the the garage building (within the boundary) could be demolished and that a house could be built on that site, but not across the road.

Councillor Dewi Owens felt the emphasis was wrong in finding reasons not to allow development, and that we should be looking to work closer to the local community by applying policies flexibly instead of placing hurdles in the way.

Councillor Alice Jones commented that the Committee should be aware of the significance of the Local Development Plan, which was Member approved, and that care should be taken when applying policies to avoid adopting double standards. She considered it necessary for each applicant to be subject to the same tests and suggested that not all applicants would be fortunate enough to have the Leader of the Council to speak at Committee on their behalf.

Councillor Rhys Hughes suggested a mistake had been made in the drafting of the development boundary of the village, which excluded the site. He felt Committee had to exercise care in considering the application as there would be similar proposals for dwellings outside development boundaries. He questioned whether the applicant had proved he was eligible for an affordable dwelling and was concerned at the implications if this was not the case.

Councillor Meirick Davies indicated he was conflicted in relation to the situation. He wanted to support proposals by local people but was concerned that it appeared the tests of the relevant planning policy had not been satisfied. He questioned whether it was necessary to seek the information from the applicant to allow a judgement to be made, as it would be inappropriate to ignore adopted policy and guidance at this stage.

Councillor Huw Williams expressed support for the application, as this involved an applicant wishing to remain in his home village. It was questioned whether Officers had sought relevant information to assist consideration of the application.

Councillor David Simmons sought advice in relation to the parking issue.

Councillor Hugh Evans indicated that there was ample space for parking for business vehicles within the application site. There was no longer a need for coach parking spaces as that business had ceased to operate - the only need now was for spaces for cars.

Highways Officer Mike Parker advised that the Officer concern remained the possibility that a successful business operating from the repair garage opposite would generate a need for suitable off road parking, as there was no planning control over the type of vehicle which could be worked on in the garage.

Development Control Manager Paul Mead sought clarification from Members of what the basis of support was for, in order to move matters forwards. He asked whether this was on the basis of the applicant meeting the tests of Affordable Housing need, and whether this would require agreement to a Section 106 Obligation on the applicant's part to tie the dwelling to those meeting the definition of affordable need; an unrestricted permission, or a restriction tying the dwelling to the business.

Head of Service Graham Boase also suggested that Committee should be clear in what was being dealt with before proceeding to a vote. He was concerned with Members' comments that Officers were in some way impeding the operation of a business, as this was already established. The issues were the policy to be applied to an application for a new dwelling and whether the applicant had proved he was in affordable housing need. The information before the Council suggested the tests set out in the Development Plan and Supplementary Guidance had not been met, hence the grant of permission should not be considered. The dangers of granting permission at this point were that this

would be for a dwelling with no need established, and no controls over occupation. On this basis, he suggested that it would be more appropriate to refuse permission, which would still allow the applicant opportunity to resubmit with the evidence of eligibility, or to go to appeal.

At that point Councillor Stuart Davies sought to progress the discussion by proposing the grant of permission with an Affordable Housing restriction and / or a tie to the business opposite ; and he questioned whether it was appropriate to defer the item.

Head of Service Graham Boase responded by suggesting if Members were minded to proceed to the vote on the proposition to grant permission, this should be subject to Officers seeking the relevant Affordable Housing information from the applicant to determine whether there was evidence of affordable housing need, and / or to explore whether the applicant was prepared to have the occupation of the dwelling tied to a household in affordable need or involved in the running of the garage business.

On being put to the vote, and on the basis of the above suggestions from the Head of Service,

21 voted to GRANT
3 voted to REFUSE
0 Abstained

The resolution was therefore to **GRANT** permission subject to Officers seeking additional information from the applicant on Affordable need / eligibility, the willingness to complete a Section 106 Obligation to tie the occupation of the dwelling to those in affordable need ; and alternatively to agree to a condition or legal agreement to tie occupation of the dwelling to persons involved with the running of the garage business opposite. The application to be referred back to Committee for reconsideration if the additional information indicates no affordable need case and there is no willingness to accept the suggested ties to those in affordable need and / or linked to the garage business.

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Application No: 23/2014/0020/PS

Location: Cae'r Mynydd Caravan Park (North) Saron Denbigh

Description: Variation of Condition No. 3 on planning permission Code No. 23/2007/1327/PF (as amended by application Code No. 23/2011/0016) to allow touring caravan site to be used for 12 months of the year

Councillor Joe Welch (local Member) raised local concerns that allowing 12 month occupation of caravans would mean the site becoming a housing estate. Councillor Welch asked what records were kept and who inspected and checked the evidence that visitors did not live there permanently.

Other Councillors raised similar concerns, giving examples of how permanent residency can be a drain on local resources. It was pointed out that this site did not cater for static caravans but Councillors were aware of improved insulation to touring caravans which would allow year round occupation.

The impact on the Welsh culture was raised and the system of control over permanent residency was discussed. However, it was acknowledged that planning appeals against previous refusals on this issue had been allowed.

Officers advised Committee that Scrutiny Committee would be discussing a report on caravan sites in Denbighshire in the near future. In answer to queries, Committee was also advised that Environmental Health Officers were tasked with checking caravan sites and that static sites would need separate planning permission and be the subject of separate policy. There is no charging regime for inspections at this stage.

Proposals:

Councillor Rhys Hughes proposed permission be GRANTED
This was seconded by Councillor Huw Hilditch Roberts

VOTE:

13 voted to GRANT

10 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 23/2014/0112/PS

Location: **Caer Mynydd Caravan Park (South) Saron Denbigh**

Description: Variation of Condition No. 4 of planning permission Code No. 23/2009/1219/PF (as amended by application Code No. 23/2011/015) to allow touring caravan site to be used 12 months of the year

Proposals:

Councillor Rhys Hughes moved the recommendation to GRANT
This was seconded by Councillor Richard Davies

On being put to the vote:

VOTE:

14 voted to GRANT
8 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2014/0092/PF

Location: **Bryntirion 35 Meliden Road Prestatyn**

Description: Erection of pitched-roof detached garage and construction of new vehicular access

Proposals:

Councillor Peter Evans proposed permission be GRANTED
This was seconded by Councillor J Thompson Hill

On being put to the vote

VOTE:

22 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2013/1078/PF

Location: 9 Seabank Road Rhyl

Description: Conversion and renovation of existing HMOs to include 3 floors of residential accommodation, consisting of two x 2 bedroom apartments and one x 1 bedroom apartment

Late representations were reported from: Denbighshire County Council Community Development Service, supporting the provision of good quality self-contained flats in Rhyl.

Councillor J Butterfield expressed concern at the density of such development in the area and the amount of money being spent rectifying the situation. This application had no support from the Town Council. Other Members agreed with Councillor Butterfield and asked about provision for bin storage and clothes drying.

Officers advised that these would be self-contained flats, improving the existing accommodation and the mix of properties in the area. It was important to provide one and two bedroomed properties provided space standards are met.

It was not clear if these properties would be for sale or rent but that was not a planning issue.

Proposals:

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

VOTE:

12 voted to GRANT
10 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2014/0045/PF

Location: Rhyl High School And Leisure Centre 86 Grange Road Rhyl

Description: Erection of 3-storey secondary school for 1,245 pupils and detached small changing block, associated external play space, grass pitches, all-weather pitch and multi-use games area, associated car parking and service areas. Alterations to existing vehicular access to the highway to include pupil drop-off areas.

Councillor Win Mullen James and Councillor J. Thompson Hill declared an interest in the following application and left the Chamber during consideration thereof. Councillor M. Lloyd Davies took the chair for this item.

Late correspondence was reported from Sport Wales, supporting the proposal

Councillor Joan Butterfield welcomed this application but asked that neighbours are protected from noise and light pollution.

Councillor Butterfield proposed permission be GRANTED
This was seconded by Councillor J. Chamberlain Jones

VOTE:
20 voted to GRANT
0 voted to REFUSE
1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: New Conditions 15 & 16

PRE-COMMENCEMENT CONDITION

The use of the sports pitches shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, a noise assessment in relation to the new sports/games/pitch facilities on site including details of mitigation measures that may be necessary in relation to protecting the residential amenities of nearby residents. Any mitigation measures required shall be implemented prior to the first use of the facilities, and shall be retained at all times the facilities are in use.

Reason: In the interests of residential amenity.

PRE-COMMENCEMENT CONDITION

No development shall be permitted to commence until the details of the design, height and materials proposed for any boundary or internal site fencing and walls have been submitted to and approved in writing by the local Planning Authority. The development shall be completed strictly in accordance with the approved details before the new buildings and associated facilities are first brought into use.

Reason: In the interests of visual and residential amenity.

Application No: 45/20141/0116/PF

Location: 72 Queen Street Rhyl

Description: Change of use of restaurant at 1st floor level into 2 No. self contained flats

Councillor Joan Butterfield expressed concern that this proposal was in an inappropriate location, being on a major highway with no parking facilities. She had concern that this would impact on regeneration strategies and would not wish to see an increase in the number of self - contained flats in the area..

Councillor Meirick Lloyd Davies recalled grants being made available in the past to renovate such buildings to provide living accommodation and felt this was preferable to the building being left vacant..

Councillor Arwel Roberts proposed that permission be GRANTED
This was seconded by Councillor Bill Cowie

On being put to the vote:

9 voted to GRANT
12 voted to REFUSE
1 Abstained

Permission was therefore REFUSED, (against officer recommendation

As no reasons had been put forward to be voted upon, Officers were requested to draft reasons for refusal and discuss with the local members.

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:: Parking issues; arterial route into town, increase in the number of flats in the area,

Application No: 45/2014/0143/PF

Location: Toilet block rear of Ice-Cream Parlour East Parade Rhyl

Description: Change of use from public conveniences to provide office, training and associated changing & drying facilities for the Pro-Kite Surfing School and Club

Councillor D Simmons stated his support of this application – the building had been empty for a while and the Kite Surfing business was providing popular but had no changing or shower facilities. It was pointed out that the existing toilets would be available and other public facilities were situated nearby.

Councillor Alice Jones asked that disabled facilities be provided.

Proposals:

Councillor D Simmons proposed permission be GRANTED
This was seconded by Councillor Colin Hughes

VOTE:

18 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 6

GROUNDS OF REFUSAL

ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARK, ACCESS ROAD, AND GARDENS OF REMEMBRANCE, CONSTRUCTION OF A NEW VEHICULAR ACCESS AND INSTALLATION OF A PACKAGE TREATMENT PLANT

LAND WEST OF ST. ASAPH BUSINESS PARK ON SOUTH SIDE OF GLASCOED ROAD, ST. ASAPH

APPLICATION NO. 31/2013/1069/PF

Submitted Report by the Head of Planning and Public Protection seeking Members' consideration of, and resolution on the reasons for refusal of planning application 31/2013/1069, which was considered at the 19th March 2014 Planning Committee.

The item sought clarity from Members on the precise reasons for refusal, in order to fairly articulate the matters raised in debate on the item at the March Committee, and to protect the interests of the Council in the event that the applicants exercise their right of appeal.

Members were invited to consider the suggested wording of the drafted reasons for refusal, to suggest revisions to the suggested wording and/or to contribute to any alternative grounds of refusal, with the objective of agreeing to a final resolution of the contents of the reasons for refusal of application 31/2013/1069/PF.

Members referred to the debate during the March Committee and the additions requested for incorporation in the minutes.

Questions were raised by the Committee regarding the proposed wording of the reasons for refusal. Members accepted that the proposed reasons covered all points raised.

Councillor Bill Cowie proposed that the Reasons for Refusal, as suggested, be agreed. This was seconded by Councillor Richard Davies

On being put to the vote

14 voted to accept the reasons for refusal as suggested

1 voted against this proposal

There were no abstentions.

At this juncture, the Committee became inquorate. It was agreed to defer the remaining items – Affordable Housing Supplementary Planning Guidance and North Wales Wind Farms Connection Major Infrastructure Projects - to the next planning committee. It was further suggested that due to the timescales regarding submission of the Council's observations on the Wind Farm Connections MIP that a briefing be held between officers and local members prior to next planning committee.

The meeting closed at 12:55 pm