

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 14<sup>th</sup> May 2014 at 9.30am.

### **PRESENT**

Councillors J.R. Bartley, J A Butterfield, W L Cowie, M Li. Davies, J.M. Davies , R J Davies, S.A. Davies, P A. Evans, H Hilditch-Roberts, C. Hughes., T.R. Hughes, P M Jones, M. McCarroll , W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts, D Simmons, W.N. Tasker, 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 Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Planning Officer (David Roberts), Team Leader (Support) (Gwen Butler), Senior Support Officer (Judith Williams) and Translator (Catrin Gilkes).

Angela Loftus (Local Development Plan & Policy Manager) Claire Macfarlane (Local Development Plan & Policy Officer) and Denise Shaw (Planning Officer - Renewable Energy) attended part of the meeting

### **1 APOLOGIES**

Apologies for absence were received from Councillors I W Armstrong, J Chamberlain-Jones, E.A. Jones and D Owens.

(In submitting her apologies Councillor J Chamberlain-Jones requested a note be made that she is unable to attend Planning Committee due to a diary clash with Fostering Panel.)

It was noted that Councillor Ray Bartley has replaced Councillor Peter Duffy as representative of the Independent Group on Planning Committee with immediate effect.

Members were reminded of their obligation to maintain a level of training in Planning matters to ensure they are eligible to vote on planning applications. It was noted however that those Members without the requisite training can vote on all other matters on the agenda.

### **2 DECLARATIONS OF INTEREST**

None

### **3 APPOINTMENT OF CHAIR**

Nominations were sought for the position of Chair of Planning Committee for the ensuing year.

Councillor Ray Bartley was nominated by Councillor Joe Welch, seconded by Councillor Merfyn Parry.

Councillor Win Mullen-James was nominated by Councillor Joan Butterfield, seconded by Councillor Bill Tasker.

The candidates addressed the committee and a secret ballot was conducted. The result was as follows:

15 votes to Councillor Ray Bartley  
10 votes to Councillor Win Mullen-James

In accordance with the constitution Councillor Ray Bartley was duly elected Chair of Planning Committee for the ensuing year.

Councillor Bartley took the Chair and thanked the Committee. He also praised the work of Councillor Win Mullen James during her year as Chair

Councillors Meirick Lloyd Davies and H Hilditch Roberts also thanked Councillor Win Mullen James for her support during the last year.

#### **4 APPOINTMENT OF VICE CHAIR**

Nominations were sought for the position of Vice Chair of Planning Committee.

Councillor Win Mullen-James was nominated as Vice Chair for the ensuing year by Councillor Joan Butterfield, seconded by Councillor Bob Murray.

There being no other nominations, Councillor Win Mullen James was duly elected as Vice Chair of Planning Committee for the ensuing municipal year.

#### **5 URGENT ITEMS: None**

#### **4 MINUTES OF THE MEETING HELD ON 16<sup>th</sup> April 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 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: 12/2013/1384/PO**

**Location:** Land off Crud Yr Awel Clawddnewydd Ruthin

**Description:** Development of 0.07ha of land by the erection of 2 no. detached dwellings (outline application - all matters reserved)

Councillor M Lloyd Davies asked if this application would affect the provision of affordable housing.

Councillor Colin Hughes raised concerns that Denbighshire had not provided as many affordable houses as neighbouring Counties.

Ian Weaver (Principal Planning Officer) stated that this application was before Committee to allow debate on this very issue following an appeal which was allowed on a site in Cyffylliog – where land was subdivided and affordable housing not provided. This application raised similar issues, the site being part of a larger allocated housing area, in the development boundary, in the same ownership. The appeal judgement in Cyffylliog showed that it was important to address the affordable housing provision at an early stage in the event that subdivision takes place.

This application was for 2 houses, which is below the Affordable Housing trigger level, and makes no provision for open space for the larger potential development at this stage. A condition is suggested to ensure delivery of affordable housing.

Councillors expressed concern at the complexity of affordable housing as a wider issue.

### **Proposals:**

Councillor H O Williams proposed that permission be GRANTED. This was seconded by Councillor M Parry.

### **VOTE:**

**22 voted to GRANT**  
**0 voted to REFUSE**  
**0 abstained**

## **PERMISSION WAS THEREFORE GRANTED**

### ***Subject to:***

#### **Correction to Reason for Condition No's 6 & 7**

6. In the interest of compliance with adopted affordable housing policies, to prevent subdivision of an allocated housing site creating the possibility of circumventing policy, in order to ensure delivery of affordable housing.

7. In the interest of compliance with adopted open space policy, to prevent subdivision of an allocated housing site creating the possibility of circumventing policy, in order to ensure delivery of open space.

#### **Suggested new Note to Applicant:**

In relation to Conditions 6 and 7 of this permission, you are advised to contact the Planning Officer to discuss the approach to be adopted to the provision of Affordable Housing and Open Space in connection with the development of the application site and the larger allocated housing site.

**Application No:** 16/2013/1542/PF

**Location:** Llanbedr Hall Estate Llanbedr Dyffryn Clwyd  
Ruthin

**Description:** Conversion of former boiler/glasshouse into a single dwelling and erection of ancillary summerhouse

additional representations were reported:

AONB Joint Advisory Committee  
Natural Resources Wales  
PLP Planning on behalf of D Hughes, Carneddi, Llanbedr DC

**Public Speakers:**

**Mr Guy Alford (Against)**

Mr Alford challenged the officer's recommendation, suggesting that policies should be adhered to. Mr Alford said this site is in the open countryside and AONB and to ignore LDP policy because of a previous permission is not logical. This development does not provide the affordable housing required by Policy PSE4. Mr Alford urged committee to refuse permission on this basis. He was also concerned that the access to this site would open it up for future development.

**Rhys Davies (For)**

Mr Davies spoke in favour, stating that in answer to Mr Alford's submission, the access does not open other areas for development and suggested the owner had communicated well with all concerned. The AONB Committee was in support of the "innovative design" which is the subject of this amendment to an existing permission. Mr Davies reiterated that, as permission exists, this building could be developed now but this amendment is, in Mr Davies' opinion, a better scheme. It is a sensitive conversion introducing elements to reflect this history as a glass house. The small garden room proposed would be smaller than a single garage and there was no intention to redevelop this.

Councillor H O Williams indicated support for concerns raised by Mr Alford. Councillor Williams had spent a great deal of time on Llanbedr Hall issues and stated that locals did not want the access to be built but this was part of the

appeal decision which overturned a 2011 refusal. He was concerned at the proposed loss of trees and would not be able to support the application.

Other Members asked whether there were sustainable grounds for refusal; whether the new roadway could be surfaced with non-reflective material to better blend into the mountainside; and the age of the trees that are to be felled.

Officers responded to explain that this site had planning permission but suggested the start date be the same as that of the extant permission to avoid increasing the life of the planning permission. The trees to be felled included some mature specimens to the south of the building. It is intended to retain one Yew tree, estimated to be 188 years old but there was a similar one which would have to be removed due to its proximity to the building.

The access has already been approved but officers would request details of materials to be used. The LDP requires the provision of affordable housing but the extant permission based on previous policy outweighs that requirement.

### **Proposals:**

Cllr H O Williams proposed permission be REFUSED on the grounds that the proposal does not comply with the Policy PSE 4 requirement to provide affordable housing and the unacceptable impact of the proposed summerhouse outside the curtilage, within the AONB. This was seconded by Cllr H Hilditch Roberts.

### **ON BEING PUT TO THE VOTE:**

**8 Voted to GRANT**  
**12 Voted to REFUSE**  
**1 Abstained**

### **PERMISSION WAS THEREFORE REFUSED**

**The decision, being contrary to the Officer recommendation**, was taken on the basis that the proposals were in conflict with Local Development Plan policy.

Reasons drafted -

1. In the opinion of the Local Planning Authority, the proposals do not comply with test ii of Policy PSE4 of the Denbighshire Local Development Plan in that the dwelling is not proposed as an affordable unit to meet local needs, hence would not contribute to the delivery of affordable housing in accordance with the Council's strategies.
2. The proposal to extend the residential curtilage beyond that approved as part of the extant planning permission 16/2009/1155/PF, including the development of a detached summer house, is not considered acceptable in principle and in terms

of physical impact in terms of Policy VOE2 of the Denbighshire Local Development Plan in that it would have an unacceptable visual impact and cause unacceptable harm to the character and appearance of the landscape within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

The reasons for refusal are to be agreed with the proposer and seconder, Chair and Vice Chair of Committee.



**Application No:** 18/2014/0303/TP

**Location:** 11 Park Tyn Llan Llandyrnog Denbigh

**Description:** Felling of sycamore tree No. T1 and 30 per-cent canopy reduction of sycamore and elm trees in Area G1 shown on the plan annexed to the Glyndwr District Council Tree Preservation Order 1996

A clearer plan was circulated.

**General Debate:**

Cllr Merfyn Parry had no objection and moved officer's recommendation to GRANT. This was seconded by Councillor H Hilditch Roberts.

**VOTE:**

**22** voted to GRANT

**0** voted to REFUSE

**0** Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No: 45/2014/0193/PF**

**Location:** Land adjoining 21 Stanley Park Avenue Rhyl

**Description:** Erection of a single storey pitched roof double garage

Cllr Bill Tasker stated that he had no objection in principle, but asked that the site be monitored to ensure it is not used by the applicant to store building materials for his business.

Other Councillors asked for clarification on the rules relating to businesses at home. Officers explained that if residential amenity is changed by the activity or the balance is more towards the business, permission would be required. It would be important to review activities.

Cllr W Mullen James advised Committee that parking was an issue in this area and restrictions should be placed on the storage of vehicles and large plant.

Officers referred committee to Condition 3 which covered commercial activity.

Cllr Bill Tasker proposed permission be **GRANTED**. This was seconded by Cllr M Lloyd Davies.

**VOTE:**

**22 voted to GRANT**

**0 voted to REFUSE**

**0 Abstained**

Permission was therefore **GRANTED**

## **ITEM 8**

### **RECONSIDERATION OF PLANNING APPLICATION**

#### **CHANGE OF USE OF RESTAURANT AT FIRST FLOOR LEVEL INTO 2 NO. SELF-CONTAINED FLATS**

**72 QUEEN STREET, RHYL**

**APPLICATION NO. 45/2014/0116/PF**

Submitted: report by Head of Planning and Public Protection

Paul Mead, Development Manager explained the circumstances leading to a refusal of permission at last Committee the Officers' request for a review of this decision

Highway concerns were given as a reason for refusal but on discussion with Highways Officers it was clear that, given the site location near to a town centre with suitable local car parks, this was not a sustainable reason for refusal. The Rhyl Going Forward Team were also consulted and they were comfortable with this development – stating that future focus for business premises would be confined to a smaller area of town centre this premises would be on the outskirts which would become more residential in nature.

Cllr J Butterfield reiterated her opinion that the demolition of houses in Rhyl was creating a problem and felt this area was not appropriate for flats.

Cllr Bill Cowie thought that potential residents would consider if parking was an issue for them before moving into such a property and said he would prefer it to be occupied than left vacant.

Cllr M Parry agreed with Councillor Cowie and asked that soundproofing be considered to protect residents from noise from the restaurant.

Officers explained that the restaurant to be converted was on the first floor and there were policy restrictions on using ground floor shops for residential purposes, so noise from a late opening restaurant should not prove to be an issue.

Cllr M LI Davies proposed permission be GRANTED. This was seconded by Cllr Bill Cowie.

Graham Boase, Head of Planning and Public Protection strongly advised those proposing to vote against this proposal to state their reasons prior to the vote being taken.

Cllr J Butterfield proposed permission be REFUSED, for the reason that loss of commercial premises would be detrimental. This was seconded by Cllr Bob Murray.

**ON BEING PUT TO THE VOTE:**

**13 voted to GRANT**

**8 voted to REFUSE**

**1 abstained**

Permission was therefore **GRANTED** in accordance with officer recommendation  
, subject to the addition of the following planning condition:

*3. Neither of the flats shall be permitted to be occupied until there has been submitted to and approved in writing by the Local Planning Authority, facilities for the secure parking of bicycles within the site, and the approved arrangements have been implemented.*

*Reason – To ensure satisfactory arrangements for the parking of cycles in the interests of accessibility.*

**ITEM 9**  
**NORTH WALES WIND FARMS CONNECTIONS MAJOR**  
**INFRASTRUCTURE PROJECT**  
**CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT**  
**2008**

Denise Shaw (Planning Officer Renewable Energy) was in attendance for this item.

Denise Shaw explained that this report related to consultation prior to the submission of a planning application to the Planning Inspectorate for overhead electricity power lines from Clocaenog to St Asaph. Denbighshire County Council is one of the Statutory Consultees. The report also requests a resolution regarding resource allocation dedicated to respond to the project when the application is submitted. The consultation period for response had been extended to June 2014.

Cllr Joe Welch spoke at length on the inadequate consultation in his ward, including the case of a property, Tan yr Allt, within 25m of the proposed line which was not included in the consultation. He also referred to the inaccuracy of the viewpoint diagrams submitted. A number of properties in Peniel and Saron had been left out of the consultation and the exercise had to be repeated. There was a strong local opinion that large pylons would have a detrimental effect on tourism and landscape, and he urged that cables be routed underground.

Other Councillors agreed, stating that cabling had been routed underground from the coast to St Asaph, and that the Council's response should include (at 4.2b) that "all the route should be underground" and not "most of the route". There was dismay expressed that an Ancient Woodland had not been identified as being in the path of the pylons and that the views at the gateway to Denbighshire (on the Groes Road) would be affected by pylons crossing at this point.

Denise Shaw stated that these were valid points but advised that the proposal was for overhead lines and it would be necessary at the Inquiry to robustly defend why overhead lines are not acceptable.

It was also pointed out that Denbighshire County Council was one of many consultees and other consultees (including members of the public) should issue a response on their own behalf.

At this point Councillor Colin Hughes proposed a strong message be included stating the Council's preference for the cables to be routed underground. This was seconded by Councillor J Butterfield and unanimously agreed on a show of hands.

Members continued the debate, raising the following issues:

- requesting that neighbouring counties affected be advised of Denbighshire's opinion in order to seek their support.
- to note that magnetic fields are emitted from underground cables and this should be taken into consideration
- that cost should be used as part of the argument.
- that there will be an effect on wildlife.

Officers referred Members to the recommendation on the Addendum Report which would be redrafted and shared with Local Members, Chair and Vice Chair before it is issued to SPManweb as the Council's response.

There was a further proposal from Councillor D Simmons that all concerned should write to their MP/AM advising them of their constituents concerns. This was seconded by Cllr Colin Hughes and unanimously accepted by a show of hands.

Cllr Arwel Roberts proposed that the Officers' recommendation be accepted, subject to the additions suggested by Committee. This was seconded by Cllr Bill Cowie.

**ON BEING PUT TO THE VOTE:**

23 voted to accept the report recommendations

0 voted against

There were no abstentions

Denise Shaw was thanked for the recent Member briefing and her work on this issue.

**ITEM 10**  
**AFFORDABLE HOUSING SUPPLEMENTARY PLANNING**  
**GUIDANCE –**  
**ADOPTION OF FINAL DOCUMENT**

Angela Loftus and Claire Macfarlane (Local Plan and Policy Section) were present for this item.

Angela Loftus explained the background to this item, advising Members of the reason for reducing the requirement for affordable housing to 10% of the proposed dwellings but emphasised that this can rise to 30% if the housing market recovers. Officers would monitor build costs, income and house prices on an annual basis.

Smaller developments require a financial contribution, details of which have been included in the SPG.

Members voiced the opinion that

- Affordable Housing was not addressed properly in Denbighshire, “red tape” makes it difficult to get on the waiting list but the list was being used as an indicator of need for affordable housing in a given locality.
- The “Local Connection” element was too restrictive.
- Average house prices in some locations are high so there are few opportunities for young people to stay. School pupil numbers are reducing as a result.
- Financial Need is not necessary for the hamlets policy.
- Denbighshire County Council should be ‘open for housing’ as well as ‘open for business.’

Officers responded to advise that they understood the issues of getting on the waiting list and would feed back to colleagues in Housing.

- The Hamlets policy is aimed at retaining young local families.
- Financial Need is central to this policy.
- There must be some control over building outside development boundaries.
- If Members considered the SPG to be flawed then it should be rejected and redrafted.
- Clear lack of communication – Officers will seek to discuss with Head of Housing, Housing Officers and relevant Planning staff to discuss issues in depth.
- The LDP is due to be reviewed from June 2014 so issues can be addressed at that point.

Councillor Stuart Davies proposed acceptance of the Affordable Housing SPG in accordance with the report subject to further work on the Affordable Housing

policy during the LDP review starting in June 2014, together with associated policies. Discussions to take place between Housing and Planning Officers on the wider issue of Affordable Housing in Denbighshire and Members to be offered opportunities for involvement in training sessions on relevant topics.

This was seconded by Councillor H Hilditch Roberts.

**ON BEING PUT TO THE VOTE:**

**22 voted in favour of this proposal**

**1 voted against**

**There were no abstentions.**

It was therefore RESOLVED that the proposed final Supplementary Planning Guidance on Affordable Housing be adopted for use in the determination of planning applications.

That the affordable housing and related policies within the adopted Local Development Plan be the subject of further discussion with Members, possibly through the medium of training sessions involving Officers from Housing, Planning and other relevant services

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## **ITEM 11 FORMER NORTH WALES HOSPITAL**

### **Development Design Brief – Proposal for Adoption**

Angela Loftus introduced this item, explaining the 8 week consultation period consisted of a substantial mail drop and exhibitions in Denbigh library.

The proposed Development Design Brief is a proactive approach to secure this important Listed Building, including the minimum enabling development to generate sufficient income to fund the necessary works.

It also protects various important view points of the building and establishes a framework for consideration of future proposals.

Councillor D Simmons proposed the Former North Wales Hospital Development Design Brief be adopted.

This was seconded by Cllr Win Mullen James

#### **ON BEING PUT TO THE VOTE:**

**20 voted in agreement**

**3 voted against**

**0 abstained**

It was RESOLVED therefore to adopt the proposed Site Development Brief: Former North Wales Hospital Denbigh for use in discussions prior to the submission of and, consequently, in determination of future planning applications

**The Meeting closed at 12.45 p.m.**