

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 30th July 2014 2014 at 9.30am.

PRESENT

Councillors J.R. Bartley (Chair), I W Armstrong, J Chamberlain-Jones, W L Cowie, J A Davies, M LI Davies, R J Davies, R L Feeley (observer), M Holland (observer), C. Hughes, H Hilditch-Roberts, T.R. Hughes, E A Jones, M. McCarroll, W M Mullen-James, R M Murray, P W Owen, D Owens, T M Parry, P Penlington, A Roberts, D Simmons, B A Smith, W H Tasker, J Thompson-Hill, C H Williams, C L Williams and H O Williams

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Head of Legal (Gary Williams), Development Management and Compliance Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Senior Highways Engineer (Mike Parker), Planning Officer (Denise Shaw), Development Planning and Policy Manager (Angela Loftus), Environmental Health Officer (Sean Awbery), Senior Support Officer (Judith Williams), Democratic Services Manager (Steve Price) and Translator (Sandra Williams).

1 APOLOGIES

Apologies for absence were received from Councillors J A Butterfield, S A Davies, P M Jones, J S Welch,

2 DECLARATIONS OF INTEREST

Councillor Paul Penlington declared an interest in Items 2 & 8 of the Applications for Permission for Development.

Councillor Alice Jones declared an interest in Item 6 of the Agenda.

Councillor Colin Hughes declared an interest in Items 11 & 12 of the Applications for Permission for Development.

3 URGENT ITEMS: There were no urgent items

4 MINUTES OF THE MEETING HELD ON 14th May 2014.

Agreed as a true record with an amendment to record :

- a) Apologies section should read Cllr Ann Davies, not Cllr Ann Jones
- b) The first item speaker was Martin Bill not Bill Martin
- c) That the minutes did not show what the changes were to the Protocol for Site Visits. Graham Boase agreed that the revised protocol would be sent out to Members after the meeting.
- d) There were various items where the voting figures were not recorded

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

Report by the Head of Planning and Public Protection (previously circulated) relating to applications submitted and requiring determination by the Committee were considered.

It was RESOLVED that:-

- (a) the recommendations of Officers, as contained within the reports submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the relevant legislation in relation to:-*

Application No: 09/2014/0547/PF

Location: Ty'r Aer Bach, Llandyrnog, Denbigh

Description: Erection of timber barn for storage purposes and creation of concrete hard-standing

General debate:

Cllr Mervyn Parry stated that he would go with officer's recommendation on this application. He wanted a condition relating to the materials due to the impact on the Clwydian Range. Also, he felt that if the building was to be used for animals then he would like to see some control over effluent. Cllr Parry proposed the application and Cllr Huw Hilditch Roberts seconded the proposal.

Ian Weaver explained that the applicants were proposing a timber cladding which would be acceptable to the Clwydian Range AONB and also confirmed that the description of the application was for 'storage' purposes only, therefore if it was used for housing animals, this would be in breach of the permission. He stated if justified, that a condition could be used to restrict the use.

Cllr Mervyn Parry sought clarification that the shed was for storage only and Ian Weaver confirmed that this was the stated use.

Proposals:

Cllr Mervyn Parry proposed that the application be GRANTED subject to the conditions in the Officers report and also with an additional condition relating to the prevention of use of the building for livestock. This was seconded by Cllr Huw Hilditch Roberts.

VOTE:

GRANT - 25

ABSTAIN -0

REFUSE - 0

**PERMISSION WAS THEREFORE GRANTED WITH AN ADDITIONAL
CONDITION PRECLUDING TO THE USE OF THE BUILDING FOR
LIVESTOCK**

Application No: 21/2014/360/PF

Location: Bryn Ffynnon Sawmills, Llanferres

Description: Change of use of part of existing agricultural building and rear yard area to sawmill business use, erection of a dry wood storage building and retention of staff car parking (partly retrospective)

The following additional information was reported to Committee in the Late sheets:

LATE REPRESENTATIONS

Consultees:

Clwydian Range and Dee Valley AONB Joint Advisory Committee

(Comments on amended details)

“The JAC notes that the amended description and plans now include the retention of existing staff parking outside the original site boundary. The Committee is disappointed and concerned that this element of the proposals is also retrospective.

At a recent meeting of the JAC, concerns were expressed by some members about the increasing scale of operations at the site and the need for particular care to ensure that the business does not exceed the capacity of the site given the environmental limits set by its location within the AONB. In this context, the JAC has serious concerns about extending the operational area to include this external parking and associated turning area and would prefer all operations to be contained within the existing site. In addition, the proposed landscaping of the parking area incorporating a close boarded timber fence and Leylandi tree planting is not sympathetic to the rural setting. The JAC would also suggest that additional tree and hedgerow planting comprising native local species on adjoining land in the applicant's ownership would help screen and assimilate the complex into the surrounding landscape.” (AONB Management Plan Policies: PCP1, PCP2 and PCP4)”

Public Speakers:

Mr Mark Wilding (neighbour) – Against

Mr Wilding stated that both applications being heard for this site today were retrospective and that they were both outside of the original agricultural site. He felt that neighbour amenity was being eroded due to conditions imposed earlier being breached. The noise, dust and disturbance were now dominating their enjoyment of their own dwelling and that the impact was now a long way from the type of disturbance experienced when the site was a small family farm. Letters of objection had been lodged from all three of the closest neighbours. The fact that the site was within an AONB should require applications to enhance the natural beauty of the area. The application would not create enough economic benefit to outweigh the harm so Mr Wilding felt that the application should be refused.

Mr Mathew Davies (applicant) - For

Mr Davies explained that the proposals were a diversification project and the application before the Committee formed part of a waste management strategy for the business. The application was made up of two parts, the first part being a replacement shed for one that had collapsed previously due to heavy snow, the second being a car park area for staff. Mr Davies explained that the new building would be for storage purposes and would also help to act as an acoustic barrier between the application site and the neighbours. He also explained that the new car park would be screened with new fencing and also some planting with species agreed by the AONB Joint Advisory Committee.

General Debate:

Cllr Martyn Holland (Local Member) stated that this was a difficult application for him as he understood the view of both parties. However, he did feel that it would be a logical move to use the waste from the sawmill to generate energy. Cllr Holland said that he was aware of issues of noise that have been raised in the past and felt that the erection of the new shed would help to alleviate some of these problems. However, Cllr Holland did feel that if any activity was to be carried out in the shed, the doors should be kept closed in order to reduce any disturbance. Cllr Holland's only real concern was the addition of a new staff car park. He felt that it was located very close to the neighbouring property and that it was likely to have an impact on the residents. It was suggested that the conditions should be kept tight in order to control the use of the car park and prevent it being used for any other purpose than for staff.

Cllr Huw Williams supported the Officer recommendation as he felt that the applicants have tried to work with the community and their neighbours. He pointed out that the applicants provided 12 jobs in the AONB and that these were welcome. Cllr Williams proposed the officer recommendation and Cllr Huw Hilditch Roberts seconded the proposal.

Cllr Mervyn Parry also supported the application and felt that the appearance of the site would be improved with the addition of the new shed as the new drive had already been a big improvement. He felt that the new car parking would be a good addition and that it would not be a problem.

Ian Weaver (Principal Planning Officer) explained that the new car parking area would be some 37 metres from the neighbouring dwelling and that the addition of the new fence and extra planting would mitigate the visual impact. He accepted that this was not an ideal solution but felt that given the circumstances, the proposals did not justify a refusal recommendation. He agreed that tighter controls on the car park would be a reasonable addition to the conditions.

Sean Awbery (Pollution Control) confirmed that he had monitored the premises and that it was working within recommended noise levels and provided that conditions imposed previously at the site were carried forward he did not see a problem.

Cllr Huw Hilditch Roberts felt that the site looked better recently. He asked if there had been any smoke or odour problems experienced, or any breaches. Cllr Roberts supported Cllr Williams and applauded the applicants for their success. He felt that the conditions already in the report were fair and reminded the Committee that Denbighshire was “open for business”.

Cllr Meirick Lloyd Davies asked if it could be agreed that the car park be used for cars only. He also wanted to know if there could be more done to alleviate noise at the site, and whether the applicants could look at using the kind of materials that helped to reduce the noise impact. He pointed out that the AONB JAC had raised a number of points which were reported on the late representations sheet and wanted to know whether these could be taken into account in creating stronger conditions.

Ian Weaver confirmed that there had been no recorded breaches in relation to noise and no action had been taken in relation to this issue. He did feel that a reasonable condition could be imposed on the restriction of the car park but it would require someone to propose this. He accepted that the AONB JAC had expressed concerns about the planting but this could be controlled at approval of condition stage.

Graham Boase felt that the discussion on impact with regard to noise, odour etc. was something that would have been more significant had this been a new use being proposed. However, the principle of the use had long been accepted in that this was an established business and the shed being proposed was for storage purposes. He pointed out that the Council’s Pollution Control Officer had not found any breaches within the current operation. Mr Boase felt that Condition 6 could be amended to prevent the use of the car park by any HGVs.

Cllr Martyn Holland did not want to see excessive use of conditions but did not want to see HGVs using the car park overnight adjacent to a neighbouring property.

Proposals:

Cllr Huw Williams proposed that permission should be GRANTED subject to Condition 6 being amended to exclude the use of the car park for HGVs. This was seconded by Cllr Huw Hilditch Roberts

VOTE:

On being put to the vote:

Grant – 22

Abstain – 0

Refuse - 0

PERMISSION WAS THEREFORE GRANTED

Application No: 21/2014/0427/PF

Location: Bryn Ffynnon Sawmills, Llanferres, Mold

Description: (i) Installation of 2 no. biomass boilers to serve existing sawmill business and dwelling (ii)
Erection of dry wood storage building

Public Speakers:

Mr Peter Jelley (Neighbour) – Against

Mr Jelley pointed out that he was speaking on behalf of his family and also two other neighbours living close to the sawmill. Mr Jelley explained that a biomass boiler had already been installed at the site approximately 9 months ago without permission along with other structures and equipment. He suggested the boilers had emitted smoke 24 hours a day, 7 days a week. The neighbours have suffered dust, smoke and odour pollution ever since as the applicants were not using the correct fuel. This has meant that at times his family have not been able to use their garden. He felt that this type of business should be operated on a business park, not in a Country park and that this application poses a serious health risk to the adjoining neighbours. Therefore he strongly recommended that the Members refuse this application.

Mr Mathew Davies (Applicant) – For

Mr Davies explained that the sawmill produces waste wood and having taken guidance from Welsh Government and DCC it had been decided to implement a waste management strategy and reduce their carbon footprint. In 2013 the sawmill had 2 boilers installed by a reputable company. Introducing these boilers has meant that the applicants have not used any oil for heating since that time. The application in front of the Members today was to seek permission to move the boilers due to the smoke issues experienced by the neighbours. The installations have been passed by both the installers and the pollution department of DCC. Only dry, virgin wood is used in the boilers as all other waste material is taken off site. The boilers will be screened by trees of a species recommended by the AONB Joint Advisory Committee.

General Debate:

Ian Weaver clarified what was involved in this application by explaining that the application was not for new boilers, but simply to move them to another location further away from the neighbouring properties. He pointed out the plan that showed the location of the boiler and the dry wood store.

Cllr Holland (Local Member) stated that he was no expert on biomass boilers but in principle, they sounded like a sensible option. He explained that there had been complaints from the neighbours and acknowledged the fact that due to the recent weather, the issues had more impact due to people being outdoors. The boiler company had advised the applicant that planning permission was not required. He wondered whether the Council ought to be writing to a national body to explain to them that planning permission is indeed required.

Cllr Huw Williams proposed that the application be granted. This was seconded by Cllr Rhys Hughes.

Cllr Mervyn Parry had visited the site and advised that he knows little about biomass boilers. However, he noticed that they are not noisy but tick away constantly. Sometimes mistakes can be made when learning how to use these boilers. He felt that as they were moving the boilers closer to the applicant's house, if there was any problem with them, the issues would be more for the applicant rather than the neighbours.

Ian Weaver explained that the boilers were used to heat water and if operated properly they should not create problems. However, there was no guarantee that smoke would not be generated but the question is whether this is enough to cause a problem. A lot of work had taken place to ensure that there would be limited impact in the new location.

Sean Awbery (Pollution Control) explained that he had carried out monitoring of this site and did support the application to move the boilers further away from the neighbouring properties. He had not witnessed any statutory nuisance from the current boilers.

Ian Weaver confirmed that the issue of companies giving the wrong advice is something that happens and the Council can only ask that individuals seek advice from the Planning section before they go ahead with potentially, costly projects. However, this application had been put in to seek to regularise the situation and we could only deal with the application that is before Committee.

Cllr Penlington declared an interest as his wife's uncle is the architect on this item.

Cllr Huw Hilditch Roberts was confused. He heard the first speaker saying how bad the smoke was, the Pollution Officer had explained that there was no statutory nuisance and the applicant was seeking to move the boilers further away from the current site. He pointed out that if Members were to refuse this application the current unsatisfactory situation would stay the same.

Cllr Meirick Lloyd Davies explained that the speaker had mentioned photographs of smoke billowing out of the boilers from as far afield as Moel Famau and wanted to know if the Officers had seen these photographs.

Ian Weaver explained that he understood why the objectors were objecting but felt that it was better to grant the boilers and exercise control rather than refuse and be left with the situation that is currently causing a problem.

Sean Awbery acknowledged that the boilers would smoke on occasion but as long as they did not cause a statutory nuisance he would be happy to support them.

Graham Boase explained that these boilers were commercially available products and if installed and used properly they should not cause a problem and felt that this application is an improvement on the current situation.

Cllr Martyn Holland was happy to support the application as it made sense to use the waste materials. He was also happy that there would still be a mechanism in place if a statutory nuisance arose in the future.

Proposals:

Cllr Huw Williams proposed that the application be granted in accordance with the Officer recommendation. This was seconded by Cllr Rhys Hughes.

VOTE:

GRANT 24

ABSTAIN 1

REFUSE 0

The application was therefore GRANTED subject to the conditions in the Officers report.

Application No: 23/2014/0375/PO

Location: Land adjacent to Llys Gwilym, Llanrhaeadr, Denbigh

Description: Development of 0.53 ha of land by the erection of 15 no. dwellings and construction of a new vehicular access (outline application including access and layout)

General Debate:

Cllr Richard Davies passed on the comments of Cllr Joe Welch in his absence. He was in full support of the Community Council and moved that the application be granted with the conditions in the officers report

Cllr Rhys Hughes proposed the recommendation and Cllr Mervyn Parry seconded the proposal

Cllr Meirick Lloyd Davies questioned the statement that the development “may slightly add to the number of non-welsh speakers in the development but this will not be a significant increase”. He wanted to know numbers and how they came to this conclusion.

Cllr Colin Hughes asked how the affordable housing element would be calculated on a proposal such as this.

Cllr Bill Cowie asked if the Highway Officers anticipated any problems in implementing the new speed restrictions that were mentioned in the officer’s report.

Graham Boase emphasised that there is a very clear adopted Supplementary Planning Guidance on affordable housing and recommended that Members read this thoroughly before dealing with issues on affordable housing as the issue of percentages is clearly explained within the guidance.

Ian Weaver explained that when there are 10 or more dwellings then clearly 1 unit can be provided. However, when there is a .5 on top of that, there would be a commuted sum payment for that proportion. The Highways section is happy that the speed sign could be moved if the application was granted. In answer to Cllr Meirick Lloyd Davies’ question regarding the welsh language, Ian explained that what he had quoted was part of the applicants submission and he had not seen any documents that laid down figures on what percentage of change made an application acceptable or unacceptable in terms of impact on the local language and culture. The LDP has already gone through a Welsh language assessment and this was one of the allocated sites in the approved plan

Proposals:

Cllr Rhys Hughes proposed that the application be GRANTED. Cllr Mervyn Parry seconded the proposal.

VOTE:

GRANT – 23
ABSTAIN – 1
REFUSE - 1

Permission was therefore GRANTED subject to the conditions within the Officers report.

Application No: 25/2014/0337/PFT

Location: Hafoty Ddu, Saron, Denbigh

Description: Erection of a single 850kw horizontal axis wind turbine 55m ub height with three 26m blades, associated access track and substation building

Public Speaker:

Mr Richard Welch (Against)

Officers had expressed initial concern over cumulative visual and noise impact. He explained that in 2008 the Committee had refused an application for the Gorsedd Bran windfarm and this had gone through a number of appeal judgements including conclusions that enough was enough for residents. Although the appeals related to a much bigger proposal, Mr Welch pointed out that there is also another approved site for 16 more turbines at Brenig.

Although the current application was originally justified as 'farm diversification', Mr Welch pointed out that the Officer had disagreed with this and felt that it should be considered to be a commercial venture.

Mr Welch also pointed out that all the representations received against the application were from local people and most of those in support were from out of the area. The Community Council objected to the proposal.

He wanted to know what has changed since the Council's landscape advisor described the area as highly sensitive and felt that granting this application may set a precedent and that more turbines may appear along the ridge line.

Mr Welch felt that the commercial venture did not outweigh the impact on the local residents and urged the Committee to refuse the application.

Mr Rheinallt Williams (For)

Mr Williams felt that the views expressed by the Community Councils within their objection did not reflect the views of the majority of the community. He felt that had the objectors read the Environmental Statement that was submitted as part of the application, they would have realised that their concerns had been addressed within it.

Mr Williams felt that the decline of the Welsh Language is due to the lack of opportunities for local people and felt that applications such as this would safeguard local employment.

Mr Williams explained that the Officer had given a fair and balanced view of the proposal and pointed out that the project will generate sufficient energy to meet the demands of over 300 homes within the local area.

General Debate:

Cllr Huw Williams supported the officer's recommendation and therefore proposed that the application be granted. This was seconded by Cllr Richard Davies.

Cllr Meirick Lloyd Davies explained that he was aware of the Tir Mostyn windfarm and asked for clarification on the whereabouts of the new turbine.

Cllr Mervyn Parry supported the application and pointed out that wind turbine applications always raise delicate issues. He felt that Officers had done in depth work on the application therefore he felt comfortable in supporting the Officer's recommendation.

Cllr Colin Hughes stated that he had supported agricultural diversification projects in the past but would like to know what Government targets are for producing energy through wind.

Denise Shaw (Planning Officer) indicated on the presentation where the wind turbine was to be sited. In terms of wind turbine targets these were set out in UK and Welsh Government policy and are expressed in Gigawatt hours.

Cllr Dewi Owen asked if a S106 was linked to this proposal.

Denise Shaw explained that it was not a material planning consideration to secure community benefit via a S106 although sometimes these are offered as part of an application on bigger wind turbine applications.

Proposals:

Cllr Huw Williams proposed that the application be GRANTED subject to the conditions in the Officers report. This was seconded by Cllr Richard Davies

VOTE:

GRANT - 19

ABSTAIN -0

REFUSE - 6

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2014/262/PF

Location: Prestatyn High School, 2 Princes Avenue, Prestatyn

Description: Erection of a lean-to canopy extension and decking/stage area with timber seating to existing grass bank to form outdoor performance area/auditorium and 2m high mesh fencing to enclose boundary

The following additional Information was reported in the late sheets.

LATE REPRESENTATIONS

Private individuals

From:

Mrs Merriel Jones, 88 Meliden Road, Prestatyn, Denbighshire

- Summary of representations
Following a site meeting, having received reassurances that Environmental Health will be monitoring noise levels, wish to withdraw objection

Phil Pierce, Head Teacher, Prestatyn High School

- Summary of representations :
Proposal will support the school's delivery of creative arts subjects as well as adding much needed capacity for meeting space for activities such as assemblies. Accept the inclusion of planning restrictions to minimise impact on neighbours.

General debate:

Cllr Julian Thompson Hill said that the application was to regularise existing activities which occur on a more informal basis. Putting it in a more formal structure would help to alleviate problems that are currently experienced. Obviously there would be a potential noise impact; however the conditions sought to alleviate that. Cllr Julian Thompson Hill proposed the Officer recommendation and Cllr Bob Murray seconded this.

Cllr Meirick Lloyd Davies asked whether an acceptable level could be set for noise as he felt that there would be a high dependency on Officers to be in attendance to monitor the situation.

Cllr Win Mullen James had concerns about the close proximity to neighbours and noted that the new structure would also be used during the daytime as extra classroom space as well as being used for evening functions. It was considered that this could create extra noise nuisance all day long.

Cllr Penlington lived very close to this site and confirmed that the only time that this does cause a problem is during sports day and that area is usually used by pupils all day currently so felt that this proposal would not make matters worse but will formalise what is already on site.

Paul Mead (Development Manager) confirmed that the area is currently used and it is a Denbighshire County Council school. Imposing too many restrictive conditions would not be necessary and the Council should strive to work with neighbours to achieve a harmonious relationship.

Cllr Meirick Lloyd Davies questioned where the Council could not enforce conditions against the school. The Legal Officer, Gary Williams confirmed that it would not be adopted procedure for a Council to take enforcement action against itself but felt that there were sufficient controls that the public could rely on should any problems be experienced.

Proposals:

Cllr Julian Thompson Hill proposed the Officer recommendation to GRANT and Cllr Bob Murray seconded this.

VOTE:

GRANT - 21

ABSTAIN -0

REFUSE - 3

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2014/0609/PF

Location: 79 High Street, Prestatyn

Description: Change of use of 1st and 2nd floors to provide 3 no. 1-bed self-contained flats and external access staircase

Public Speaker:

Mr Goodwin (For)

The proposal seeks to bring back into use the floors above a retail unit on the High Street. Policy BSC7 supports the subdivision of premises into self-contained flats and this was particularly relevant in town centre areas.

Mr Goodwin explained that only one local resident objected to this proposal due to what he felt was poor pedestrian access and this was adequately addressed within the application.

It was pointed out that within the Officer's report; there was a need for the provision of open space and affordable housing. Mr Goodwin acknowledged the need for open space but questioned the need for affordable housing as a condition as the proposal was seeking to provide 3 apartments and would already be affordable due to the fact that the flats would be below the threshold for local income levels.

General debate:

Paul Mead introduced the item and acknowledged that there was a general feeling amongst Members around the provision of flats within the County and a little fear that flats mean problems with the kind of occupants that they attract and difficulties that this may produce in some areas. However, in the location that the flats were being proposed, he felt that as long as they met the space standards within the SPG then they were acceptable. The requirement for a mix of housing types meant that flats such as these were acceptable. The vitality and viability of town centres required the upper floors of retail units to be used and not left empty. Mr Mead explained that the provision of affordable housing is required as part of the recommendation to grant and unfortunately information relating to the subsequent value of the proposed flats had not been included as part of the application therefore it could not be considered whether or not these units would be kept affordable. This could be dealt with at a later date when dealing with the relevant approval of condition submission.

Cllr Julian Thompson Hill pointed out that the Town Council had objected to this proposal and acknowledged that fact that the proposal had been reduced in relation to the number of units to enable the proposal to meet the current space standards. However, that was only one part of the objection. He felt that the external staircase would also be a problem and that the application failed to meet adequate amenity provision within a town centre location. If Members were of a mind to grant, he would like to see an additional condition on the materials relating to the covering of whatever is to be used on the external staircase. He proposed that the application be refused and it was seconded by Cllr Bob Murray.

Cllr Meirick Lloyd Davies asked whether there had been an area set aside for a drying area and bin store. He also asked if the external staircase that was already there would have a roof put on it.

Cllr Bob Murray agreed with the other Members that this could open the flood gates for one bedroom flats within the County and could not support this application.

Cllr Rhys Hughes noted that the Town Council had objected due to the lack of car parking but wondered whether there are car parks around the area as there are many places around the County that do not have car parking.

Paul Mead went through some of the points raised. He did not feel that there would be a problem with the additional condition relating to the stair case and pointed out that the staircase has been at the property for many years and was originally a fire escape. Mr Mead felt that the external staircase would not harm any residential amenity as the property backed onto a primarily commercial area. He also explained that there was a large car park nearby and also some off street car parking.

Cllr Penlington pointed out that all the car parking in Prestatyn is pay and display.

Graham Boase asked that Cllr Julian Thompson Hill provided some clarity of the basis of any reasons for refusal should the vote go with his proposal to refuse.

Cllr Julian Thompson Hill said that the reason would have to be unacceptable impact on amenity due to the external staircase.

Cllr Rhys Hughes proposed to grant and Cllr Huw Hilditch Roberts seconded this.

Proposals:

Cllr Julian Thompson Hill proposed that the application be REFUSED on the grounds that the external staircase did not provide adequate residential amenity. This was seconded by Cllr Bob Murray.

Cllr Rhys Hughes proposed that the application be GRANTED subject to the conditions in the Officers report and a couple of additional conditions around the materials for the external staircase and the bin/drying area. This was seconded by Cllr Huw Hilditch Roberts.

VOTE:

GRANT - 13

ABSTAIN -1

REFUSE - 11

**PERMISSION WAS THEREFORE GRANTED WITH ADDITIONAL
CONDITIONS RELATING TO THE EXTERNAL STAIRCASE AND A
BIN/DRYING AREA**

Application No: 43/2014/0664/PF

Location: **Bodnant Junior School, Nant Hall Road, Prestatyn**

Description: **Erection of extensions and remodelling of school, construction of new vehicular access, parking, hard play areas, landscaping and associated works**

General debate:

Cllr Julian Thompson Hill felt that the issues with this application relate to transport, parking and impact on surrounding residential areas. There was a considerable amount of consultation in relation to this application and plenty of modifications relating to this. He felt that this was the best application that could be hoped for given the circumstances and therefore proposed to grant the application. Cllr Peter Owen seconded this.

Proposals:

Cllr Julian Thompson Hill proposed the Officer recommendation to GRANT and Cllr Peter Owen seconded this.

VOTE:

GRANT - 24

ABSTAIN -1

REFUSE – 0

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2014/0037/PS

Location: **Former Children's Resource Centre, Ysgol Plas Cefndy, South Meadow, Cefndy Road, Rhyl**

Description: Variation of condition No. 1 of original application/approval 45/2008/0601 to further extend permitted use for a further 5 years

General debate:

There was no debate on this item.

Proposals:

Cllr Jeanette Chamberlain Jones proposed the Officer recommendation to GRANT and Cllr Cheryl Williams seconded this.

VOTE:

GRANT - 25

ABSTAIN - 0

REFUSE – 0

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2014/0042/PF

Location: Land at Cefndy Trading Estate, Ffordd Derwen, Rhyl

Description: Erection of 24 dwelling including 22 affordable dwellings, access, parking, open space and landscaping

The following additional information was reported in the late sheets:

LATE REPRESENTATIONS

Consultees:

Rhyl Town Council

“Objection on the grounds of over intensification of social housing in accordance with Policy BSC 4 of the adopted local Development Plan – *“...in the interests of creating and maintaining sustainable mixed communities, proposals for 100% affordable housing sites will only be considered on sited of 10 units or less.”*”

Dwr Cymru Welsh Water

No comments.

General debate:

Cllr Margaret McCarroll welcomed this application it brought much needed affordable housing and employment to the area. Cllr McCarroll proposed the Officer recommendation. Cllr Jeanette Chamberlain Jones seconded this.

Cllr M LI Davies pointed out that this application meant the loss of employment land and wondered why this was different to the application that was rejected for similar reasons in Rhyl.

Cllr Win Mullen James said that this land was in a flood zone and wanted reassurance that this has been dealt with.

Cllr Jeanette Chamberlain Jones stated that this proposal was for housing that linked up to existing housing before reaching the industrial park, which gave a natural progression rather than being part of the industrial park. The current neighbours of the site welcomed this housing development rather than having an industrial park next to them.

Paul Mead noted the comments of support from the Members. He confirmed that this site was allocated for employment in the Unitary Development Plan and that this had followed through to the Local Development Plan. However, there had been a planning appeal on the initial larger site following a refusal due to the ratio of housing to employment being unacceptable previously. The appeal inspector felt that the economic viability of the site meant that 100% commercial use would not be acceptable, and a ratio closer to 50/50 residential/commercial would be more appropriate. Mr Mead now felt that the right balance had been achieved. The biggest change in the proposal as opposed to the previous refusal was that there were now 22 out of 24 units being offered as affordable. This meets with the policy of not being 100%

affordable. The flood risk issue had been addressed with a flood bund wall and NRW are happy with this.

Cllr Meirick Lloyd Davies asked whether the proposed 'wall bund' had been suggested by NRW as previous bunds in the County had not been sufficient.

Mr Mead clarified that this proposal was for a 'wall' rather than a 'bund'. It was explained that raising the floor levels on this site would have been unacceptable due to the surrounding dwellings being bungalows.

Proposals:

Cllr McCarroll proposed that the application be GRATED as the Officer recommendation. Cllr Jeanette Chamberlain Jones seconded this.

VOTE:

GRANT - 24

ABSTAIN - 0

REFUSE – 1

PERMISSION WAS THEREFORE GRANTED

Application No: 46/2014/0436/PS

Location: Land at north side of Bryn Gobaith, Bryn Gobaith, St Asaph

Description: Removal of condition no. 15 of outline planning permission code no. 46/2013/0802 requiring a scheme of improvements at the Mount Road/Bryn Gobaith Junction and traffic calming on Mount Road and Bryn Gobaith.

The following additional letters of representation were received:

LATE REPRESENTATIONS

Consultees:

Dwr Cymru Welsh Water

Repeat the need for inclusion of relevant conditions and advisory notes (referred to in the Officer report).

General debate:

There was no debate on this item.

Proposals:

Cllr Dewi Owen proposed that this application be deferred for a site visit and this was seconded by Cllr Meirick Lloyd Davies.

VOTE:

On a show of hands this item was deferred.

DEFER - 24

ABSTAIN - 1

Application No: 46/2013/1222/PF

Location: Land at Bronwylfa Nurseries, Bryn Gobaith, St Asaph

Description: Erection of 15 no. detached dwellings and construction of new vehicular accesses on 1.44 hectares of land

Insert late reps

General debate:

There was no debate on this item.

Proposal:

Cllr Dewi Owen proposed that this application be deferred for a site visit due to road safety issues and this was seconded by Cllr Meirick Lloyd Davies.

VOTE:

On a show of hands this item was deferred.

DEFER - 23

ABSTAIN - 1

Application No: 47/2014/0577/PC

Location: Ty Capel, Waen, St Asaph

Description: Retention of conservatory extension

General debate:

Cllr Barbara Smith explained that this was subject to an enforcement report previously and whilst she did not like retrospective planning application, she would prefer this than no applications at all.

Proposals:

Cllr Arwel Roberts proposed that the application be GRANTED as per the Officer recommendation. Cllr Bill Cowie seconded this.

VOTE:

GRANT - 24

ABSTAIN - 0

REFUSE - 1

PERMISSION WAS THEREFORE GRANTED

Application No: 47/2014/0579PC

Location: Waen Chapel, Waen, St Asaph

Description: Retention of previously formed vehicular access and alteration to form new disabled access and turning/parking area

The following Information was reported to Committee in the late sheets:

LATE REPRESENTATIONS

In support, from:

Councillor Bobby Feeley (as Older Peoples Champion and Lead Member for Social Care)

Emphasises the value of the voluntary service provided at the property and supports moves to achieve a compromise in relation to the access and parking situation.

General debate:

Cllr Barbara Smith again explained that the developments had been the subject of enforcement. However, she suggested that the applicants had made considerable effort in terms of the details to make this a much safer proposal.

Mike Parker explained that this had been a difficult situation, particularly given that this was a retrospective application. The access arrangements previously created were dangerous but he believed that the best option had now been agreed upon in the current application.

Cllr M Lloyd Davies thanked the Officers for all their hard work in this case as it had been a difficult one.

Proposals:

Cllr Arwel Roberts proposed that the application be GRANTED as per the Officer recommendation. Cllr M Lloyd Davies seconded this.

VOTE:

GRANT - 22

ABSTAIN - 1

REFUSE - 2

PERMISSION WAS THEREFORE GRANTED

AGENDA ITEM NO. 6

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

BODELWYDDAN DEVELOPMENT BRIEF

Cllr Alice Jones, the Local Member declared an interest in this item due to owning property nearby and being a Member of the Bodelwyddan Action Group. Cllr Jones had completed a Declaration of Interest form and had been advised previous to the meeting by the Legal Officer that her interest was non-prejudicial.

A late letter of representation had been received from Bodelwyddan Action Group and circulated at the meeting.

Angela Loftus introduced the item and explained that the Development Brief has been produced to add detail to back up the LDP Policy BSC5. This report was written following a full consultation on the draft version. The current report shows the changes that had been made following the consultation. An outline planning application has been received for the site but that has no bearing in this report.

If the Brief was approved, it would be a material planning consideration.

Angela then outlined what information the various papers contained for the benefit of the Members.

There was early community involvement which was facilitated by, "Planning for Real" which helped to inform work on the draft Brief. The Brief was then reported to the LDP Steering Group before being reported to Planning Committee for authority to go out to consultation. Planning Committee agreed for the brief to go out to 2 month consultation which finished on 6th May. 107 responses were received.

Main issues related to:

- traffic impact, including construction traffic
- a spine road through the development
- impacts on conservation area and Marble Church
- requirements for landscape buffers around the edge and the back of Marble Church Grove
- flood risk and drainage
- location of school
- need for employment

Main changes proposed:

- Clarification of site access (no access from front of Marble Church, no construction traffic through the village or the road in front of Marble Church
- Added reference for spine road from J26 and Sarn Lane
- Maximise benefit for biodiversity
- Reference to AONB
- Amendments to masterplan to include landscape buffers

- Clarifying the line of the spine road as being indicative
- Plan also shows an extension to St Margaret's Church yard
- Additional design guidance to protect St Margaret's Church
- Greater emphasis on footways and cycle routes
- Additional reference to lifetime homes

Cllr Alice Jones explained that the biggest concern that the Community had was the position of the spine road. Cllr Jones pointed out two plans, one that was part of the Committee papers and one referred to as the BE plan that showed a different line. (the BE plan had been circulated to Members as part of the late papers in the blue sheet).

Cllr Jones said the Elwy Member Area Group members had been informed by the developers that they did not intend to develop a substantial link road. This was a disappointment as the Group understood this to be a key element of the key strategic site and they were told that the proposal was now to be a meandering street. It was felt that this would now split the key strategic site into two halves. This is not what was envisaged. The Group had never been consulted on the current plan. The LDP Steering Group had chosen the original plan showing the road around the site as the preferred option. Cllr Jones stated that Bodelwyddan town would not be a joined up town with a connected community if it were to have a road splitting it down the middle.

Cllr Jones also said the Inspector had explored the viability issue during the examination of the LDP and requested a full statement of Barwoods financial position for the key strategic site. This statement showed that the developers had £30 million set aside for this site and it was this strong financial position that deemed the LDP a sound plan by the Inspector. It was this that made Cllr Jones feel that viability could not therefore be used as an issue at this stage.

Angela Loftus clarified the fact that the plan circulated was taken from the BE Group/Faber Maunsell – Bodelwyddan MMDA Report produced in 2007. The plan was produced at the time as the Council was looking at a number of different options for the LDP. The Council was looking at various other areas with a view to allocating a key strategic site. The plan circulated was part of an option that was suggested which would also have enabled another parcel of land to the west of the Bodelwyddan to be opened up to development, including a HGV lorry park, a conference centre etc. The plan was an historic background document and was not taken forward as part of the LDP examination although it did form part of the "library" of background information. The Council's pre-deposit consultation in 2008 showed the potential site for development with a link road through the development, not around the boundary of the site. This went out for public consultation. The BE Group report plan was not part of this consultation but was part of the examination library of documents. All documents that had formed background evidence to inform development of the LDP and consideration of the site had to be submitted along with the documents that considered Rhyl and St Asaph as potential key strategic sites.

The road had been shown through the development, not around the boundary of the site throughout the consultation. The LDP Members Working group

looked at various options in 2009 and this showed the road going through the site and not around it. A draft Development Brief was submitted to the LDP Inspector as part of the Examination library. This had been considered by the LDP Members Working Group and it included a masterplan with a line indicating a road through the site, not around it.

The draft Development Brief which had just been out for consultation also showed an indicative road going through the site, not around it and this had been agreed for consultation by both the LDP Steering Group and Planning Committee. However, it was felt that from the responses received, further clarity was needed in the Brief to indicate a clear link through the site.. There was also a motion that was agreed in the public meeting arranged by the Bodelwyddan Development Action Group regarding the site stating that there was a requirement for a properly constructed link road from the St Asaph business park roundabout through the site to Sarn Lane and this had been reflected by the majority of the comments from the public. No comments were received to say that the public wanted a bypass around the site or a boundary road. If a road was built around the site, then it would still require a road to be built through the site in order to access it. There will be employment and residential development on the site and by having a road through the middle, this would provide access for both. A more commercially viable bus route would be created with the road also. There would also be an opportunity to provide a vehicle free, safe pedestrian/cycle route around the site but this would be more difficult if there was a bypass around the site.

The exact line of the road is something that would be debated as part of a detailed planning application but at the Development Brief stage, it is simply indicative, and we simply need to say a road will be provided between Junction 26 and Sarn Lane.

Mike Parker (Highways) explained that the spine road would permeate the development and provide good access from the A55 and Sarn Lane. Mr Parker also stated that a pedestrian/cycle path would be more suitable around the outside of the site.

Cllr M Lloyd Davies felt that Cllr Jones had outlined the situation well. Bryn Cwnin (Rhyl) was a spine road and that had not worked well. A road around the site would allow ambulances and other emergency vehicles to get around the site quicker. He was surprised and disappointed that highways are supporting the spine road option. The open meeting that he had attended made it clear that the public wanted a road that went around the site. He felt that the smaller road through the site would inevitably end up with speed bumps along it. He urged Members not to listen to Officers.

Graham Boase pointed out that this is a development brief which is indicative, not a detailed planning application. The broad concept is that a road running through the site is required as part of the site. His recommendation is that the paragraph 6.29 page 215 should not be changed. A subsequent planning application would be the time to discuss details. However, if he was asked as a Planner which option is best, he would have to say that a spine road running through the site would be a better design solution, than a boundary road running along the perimeter of the site

Cllr Arwel Roberts stated that in the LDP Steering Group meeting Cllr Smith had proposed that the road should be placed “around” the site, not “through” the site. He felt that Cllr Jones’ proposal was a fair proposal.

Graham Boase explained that on page 1 of the late representation received from the Bodelwyddan Development Action Group; they are asking a properly constructed road “through” the site. This is exactly what is being proposed in the Development Brief. Details should be left until the detailed planning application stage. The wording of the Development Brief is appropriate to set the broad concepts.

Cllr J Chamberlain-Jones felt that she had to disagree with Graham Boase. The problems that a spine road would bring would be similar to those experienced by those who live on Bryn Cwnin Road. The money it has cost to have traffic calming measures onto this road and the effort that it had taken to get these measures put into place. Cllr Chamberlain-Jones felt that now is the time to make changes to ensure that the road is not put through the middle of the site.

Cllr Mervyn Parry felt that Cllr Jones was right. He felt that the road should be future proof as the roads are getting busier and not everyone would want to have to go through the site. He felt that the road around the outside would benefit the wider area instead of just the development site.

Cllr Rhys Hughes stated that if he were the developer, he would not put a road around the outside of the site as he felt that this would condemn the land on the other side from ever being developed in the future.

Graham Boase felt that changing the Development Brief as proposed dismissed the option of the spine road but what the Development Brief intended was to try and keep those options open. It simply stated that a road should go from one point to another through the site. Cllr Jones’ option would be redesigning the brief, committing the Council to one option only.

Cllr Penlington was going to suggest taking the word ‘spine’ out of the Brief.

Cllr Jones explained that this is a massive development and that she had a job to do in defending this site as the Local Member. The BE Group/Faber Maunsell report gave the bigger picture on how this site sits within the wider area and recommended that all Members read this report. The site would require a road through the site anyway to serve the dwellings, by making it the main road of the site, this would divide the community of Bodelwyddan into five parts making it more divisive not inclusive.

Gary Williams (Legal) suggested that paragraph 6.29 should read “a road connecting these two locations is required to ensure the safe and efficient operation of the local highway network improving access to Ysbyty Glan Clwyd and relieving pressure on Junction 27 of A55” and without having an indicative line on the map would then ensure that it would not predetermine where the road is going to be and would be determined by Members and Officers when all the relevant assessments have been submitted as part of an application.

Cllr Jones however stated that her proposal, as seconded was for the words “development boundary road” to be added to the Brief to replace the words “spine road”.

Garry Williams clarified that the word “spine” would be deleted and replaced with the word “development boundary”.

Proposal

Cllr Alice Jones proposed that the development brief be amend so that the word “spine” is replaced with the words “development boundary road” and to remove the line of the road on the map. This was seconded by Arwel Roberts The reasons for the amendment to the Brief were the need for the community on the site not to be split by a main spine road, the need for a route for emergency vehicles and others between the hospital and the A55, and concerns about the impact that other spine roads have had elsewhere in the County.

Vote for amendment:

GRANT - 19
ABSTAIN - 1
REFUSE - 4

THEREFORE THE AMENDMENT WAS ACCEPTED

Vote on recommendation for the Development Brief:

GRANT - 18
ABSTAIN -1
REFUSE – 4

THEREFORE THE DEVELOPMENT BRIEF WAS ADOPTED WITH THE ABOVE AMENDMENT

AGENDA ITEM NO. 7

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

AFFORDABLE HOUSING TASK AND FINISH GROUP

The following Information was reported to Committee in the late sheets:

Update in relation to update to para 4.5 of the report on page 344 –
The following dates, times and venues for all 6 sessions have been confirmed

-

Each is booked for 2 hours

Tuesday, 16th September at 3.00 pm - Meeting Room 2, Brighton Road, Rhyl

*Tuesday, 23rd September at 1.30 pm - Conference Room 3, County Hall,
Ruthin*

Thursday, 9th October at 2.30 pm - Meeting Room 1, Caledfryn, Denbigh

Friday, 24th October at 1.30 pm - Conference Room 3, County Hall, Ruthin

*Tuesday, 4th November at 3.00 pm - Conference Room 3, County Hall,
Ruthin*

Friday, 28th November at 1.00 pm - Conference Room 3, County Hall, Ruthin

The Chair nominated Cllr Rhys Hughes as a representative. This was seconded by Cllr Arwel Roberts.

Cllr Peter Owen was proposed and seconded as a representative.

A nomination for two reserves was also suggested to mitigate the fact that there were dates already set that may not be suitable for the main nominees.

Cllr Rhys Hughes nominated Cllr Stuart Davies as a reserve.

Cllr Joan Butterfield was also nominated by Cllr J Chamberlain Jones

AGENDA ITEM NO. 8

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

LLANBEDR HALL APPEAL

Ian Weaver explained that there was to be an informal hearing and this report sought to formalise the representation of two Members at the hearing. The Members that actually proposed and seconded the refusal were Cllr Huw Williams and Cllr Huw Hilditch Roberts. A Planning Consultant has already been engaged on this appeal because of the dates involved.

Proposal

It was proposed that Cllr Huw Williams and Cllr Huw Hilditch Roberts represent the Council at the appeal and that a Planning Consultant is engaged.

AGENDA ITEM NO. 9

DENBIGH HERITAGE INITIATIVE

Phil Ebbrell gave a brief presentation regarding the work done by the Townscape Heritage Initiative in Denbigh.

The Committee applauded all the Officers that had been involved in the scheme for the excellent results achieved.

The meeting closed at 1.45 p.m.