

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 16 September 2015 at 9.30 am.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley, Joan Butterfield, Bill Cowie, Meirick Davies, Huw Hilditch-Roberts, Rhys Hughes, Pat Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Dewi Owens, Pete Prendergast, Arwel Roberts, Anton Sampson, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams and Huw Williams

Local Members – Martyn Holland and Huw Jones attended for particular agenda items relating to their wards

Councillor David Smith, Lead Member for Public Realm attended for agenda items 5 – 9.

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Planning Officer (DS); Strategic Planning and Housing Manager (AL); Senior Engineer, Traffic and Transportation (MP) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Ian Armstrong, Jeanette Chamberlain-Jones, Richard Davies, Stuart Davies, Alice Jones, Peter Owen, Merfyn Parry, Pete Prendergast, Bill Tasker and Cheryl Williams

2 DECLARATIONS OF INTEREST

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee's meeting held on 15 July 2015 were submitted.

Page 16 – Application No. 05/2015/0040/PF Land Off Green Lane, Corwen – In response to a question from Councillor Meirick Davies, the Planning Officer advised that further detail was awaited on the flood mitigation measures before liaison with local members regarding the planning conditions to be imposed.

***RESOLVED** that the minutes of the meeting held on 15 July 2015 be approved as a correct record.*

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 9) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 05/2015/0353/PF - PEN Y GRAIG (SOUTH WEST OF PLAS TIRION) GLYNDYFRDWY, CORWEN

An application was submitted for resumption of residential use of dwelling for local needs occupation and erection of extension at Pen y Graig (South West of Plas Tirion), Glyndyfrdwy, Corwen.

Public Speakers –

Mr. B. Dewey (**For**) – explained the family's links with the area, their eligibility for affordable housing, lack of affordable housing in the area and details of the building's proposed restoration. He referred to attempts to market the premises in line with policy highlighting its unsuitability for commercial use.

General Debate – The Planning Officer (PM) summarised the report and relevant policy issues leading to the recommendation to refuse the application. Officers had considered residential use of the property to have been abandoned and contrary to the tests of Policy PSE 4 of the Local Development Plan there had been no evidence the property had been marketed for commercial use and no financial information had been provided to assess whether the dwelling would be affordable for local need. Members had heard from the Public Speaker that some attempt had been made to market the property and given its location it was accepted it would probably be difficult to reuse the building for commercial purposes. However the main basis for refusal had been the issue of affordable local housing need. If members were minded to grant the application consideration should be given to how the property could be controlled in the future for local affordable housing need as opposed to being sold on the open market to someone outside the area. Officers confirmed there were no particular concerns around the extension and design elements.

Councillor Huw Jones (Local Member) spoke in favour of the application and provided assurances that the Applicant was happy to accept a condition to secure future affordability of the property for local need. He referred to the family's circumstances and links to the area, highlighting the lack of current affordable housing and the merits of restoring the dilapidated building for residential use.

During debate members were sympathetic to the application highlighting the importance of affordable housing to meet local needs. The benefits of restoring the

property in terms of aesthetics and visual impact and for worthwhile use rather than leaving it to fall further into disrepair were also highlighted. Reference was made to previous applications when considering similar planning issues and the need to apply a consistent, common sense approach. Much discussion focused on the affordable housing element and officers clarified particular issues as follows –

- the application was for local needs occupation and planning permission could not be granted with the removal of that element
- referred to the eligibility and assessment process for local affordable housing together with the local connections policy and guidance
- confirmed that in the absence of a condition to secure the future of the property to meet local affordable housing need the property could be sold on the open market to a buyer from outside the area
- if the application was granted with an affordable housing clause it would not stop the applicant applying to have that condition removed in future if it was demonstrated there was no longer a need for local affordable housing.

Councillor Meirick Davies referred to the late representations received from the AONB Joint Committee and proposed that, if granted, a condition be imposed in line with their recommendations regarding the staircase which he believed would be more in keeping with the surroundings. There was no seconder for that proposition.

Proposal – Councillor Cefyn Williams proposed, seconded by Councillor Arwel Roberts that the application be granted subject to a condition to secure the future of the property for affordable local housing need.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 1

RESOLVED that permission be **GRANTED**, contrary to officer recommendation, subject to a condition to secure the future of the property for affordable local housing need for the reason it will meet local affordable housing need.

6 APPLICATION NO. 18/2014/1164/PS - HIGHFIELD PARK, LLANGWYFAN, DENBIGH

An application was submitted for variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow 2 no. access points (named Access C D) to remain open at Highfield Park, Llangwyfan, Denbigh.

Public Speakers –

Ms. G. Butler (**Against**) – spoke on behalf of local residents advising their road safety fears over the use of the temporary entrances had been justified and reported upon the dangers posed by traffic movements at both access points.

Mr. A. Armstrong (**For**) – reported upon the road layout and reasoning for retaining the two minor access points which only accounted for approximately 3 – 4 % of

traffic movement with a maximum of eight car parking spaces in order to serve two buildings and allow emergency access.

General Debate – In the absence of Councillor Merfyn Parry (Local Member), Councillor Joe Welch spoke on his behalf and referred to an email sent to committee members detailing his concerns. Whilst the work and investment provided by the Applicant was acknowledged, the safety fears expressed at the time of the original application had been realised and the two temporary entrances had been misused during the construction works. Regular meetings had been held with Highfield Park managers but the situation had not improved. The Applicant had indicated that Access D should be retained because it was land locked – this could have been avoided in development – and the site could operate well without retaining the temporary entrances. Consequently Joe Welch proposed, seconded by Councillor Dewi Owens that the application be refused.

The position of accesses A, B, C and D were pointed out on the plans provided and the Senior Engineer, Traffic and Transportation explained how the traffic flow was managed throughout the site. He reported that Access C was to be used for the sole use of Pine Cottage and Rose House with improved visibility, appropriate signage and traffic management in place. There was a link through to the main site from Access C and although he had suggested installation of a retractable barrier for greater control this had not been accepted by the Applicant. However it was not considered sufficient grounds for refusal given the other traffic management measures. Access D would be used for the sole use of maintenance vehicles with no direct link into the main site for staff. Officers considered those accesses acceptable in relation to relevant policies and guidance.

Members considered the road safety concerns together with the control measures in place to address those concerns. Reservations were expressed over the effectiveness of the control measures and their enforcement, particularly given that the temporary entrances were already being misused, apparently without sanction, and having heard that the initial concerns raised by local residents had been realised, despite assurances to the contrary. The Senior Engineer advised traffic had been particularly busy during the construction phase and confirmed there had been no recorded accidents. He highlighted the lack of evidence to justify refusal in this case given the mitigation measures and traffic management plan.

Proposal – Councillor Joe Welch proposed, seconded by Dewi Owens, that the application be refused on grounds of road safety and urbanisation of country land.

VOTE:

GRANT – 6

REFUSE – 12

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the grounds of road safety and urbanisation of country lane.

7 APPLICATION NO. 40/2014/1445/PF - LAND AT TY FRY INN, TY FRY LANE, BODELWYDDAN

An application was submitted for erection of class A1 convenience store with ATM machine, associated parking, access arrangements and landscaping at land at Ty Fry Inn, Ty Fry Lane, Bodelwyddan.

Mr. T. Hallet (**For**) – highlighted the economic and community benefits of the development and cooperation with Planning and Highway Officers to amend the scheme in order to address issues raised.

General Debate – In the absence of Councillor Alice Jones (Local Member), Councillor Arwel Roberts spoke on her behalf and referred to an email sent to committee members detailing her concern over the use of the Ronaldsway road by delivery vehicles. Councillor Jones was happy to support the development subject to an additional condition restricting delivery vehicles from entering Ronaldsway from Borth Cross Roads in favour of a safer route from the direction of Abergele Road. On exiting the site delivery vehicles should turn right back onto Abergele Road. Members were supportive of the proposal in order to ensure the safety of road users on Ronaldsway and officers agreed the direction of traffic in this manner could be reasonably controlled via condition; the onus would be on the Applicant to advise how he would ensure compliance. Officers provided assurances that there were appropriate controls in place to enforce such conditions.

The Senior Engineer, Traffic and Transportation reported upon the involvement of the Highways Department. The plans had been amended following an independent Road Safety Audit and officers were satisfied that the proposed access arrangements were acceptable and there was adequate on site space for deliveries, parking and turning. Concerns raised by Bodelwyddan Town Council were noted but officers considered the proposals would not have an unacceptable impact on the local highway network. It was clarified that, despite the weight restriction, any commercial vehicle could legally access the road to any premises.

Proposal – Councillor Arwel Roberts proposed, seconded by Councillor Meirick Davies, that the application be granted in accordance with officer recommendations subject to an additional condition restricting traffic movement of delivery vehicles entering and exiting the site via Ronaldsway to ensure the safety of road users.

VOTE:

GRANT – 18

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report subject to an additional condition restricting traffic movement of delivery vehicles entering and exiting the site via Ronaldsway to ensure the safety of road users.

8 APPLICATION NO. 15/2015/0629/PF - GLAN LLYN, ERYRYS, MOLD

An application had been submitted for erection of replacement detached garage at Glan Llyn, Eryrys, Mold.

General Debate – Councillor Martyn Holland (Local Member) had no objection to the application but referred to Llanarmon yn Ial Community Council’s concerns regarding the size of the garage and its potential to be converted into a dwelling in future. The Clwydian Range and Dee Valley AONB Partnership had recommended the natural stone frontage boundary wall should be restored as part of the development. In responding to questions the Planning Officer advised that any change to the future use of the garage would be subject to another planning application and therefore it would not be appropriate to condition its use. The use of stone suggested by the AONB Partnership was already indicated on the plans.

Proposal – Councillor Huw Hilditch-Roberts proposed, seconded by Meirick Davies, that the application be granted in accordance with officer recommendation.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

9 APPLICATION NO. 43/2015/0112/PF - HIGHCROFT RESIDENTIAL CARE HOME, 49 HIGHBURY AVENUE, PRESTATYN

An application was submitted for change of use of former Nursing/Residential Care Home into 5 self-contained dwellings at Highcroft Residential Care Home, 49 Highbury Avenue, Prestatyn.

General Debate – Councillor Anton Sampson (Local Member) reported upon his visit to the site and raised no objection to the application. Councillor Julian Thompson-Hill (Local Member) reported that parking was the residents’ main objection but he did not consider the parking situation would be any worse than when the site was in use as a Nursing Home. In response to questions Planning Officers provided clarification on the affordable housing policy for development of less than 10 residential units by way of a commuted sum payment. It was accepted that there was a need for the type of housing as proposed in Prestatyn and officers were keen to ensure that residential space standards were met.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Barry Mellor.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

At this juncture (11.10 a.m.) the meeting adjourned for a refreshment break.

10 SITE DEVELOPMENT BRIEF: TY NANT, PRESTATYN - ADOPTION OF FINAL DOCUMENT

Councillor David Smith, Lead Member for Public Realm and the Strategic Planning and Housing Manager submitted a report presenting the proposed Site Development Brief for Ty Nant, Prestatyn for adoption following the public consultation exercise. Councillor Smith provided some context to the report and explained the different stages in the process before adoption of Supplementary Planning Guidance documents by Planning Committee.

A summary of the public consultation and representations received together with the Council's response had been included as an appendix to the report. In responding to those representations a number of amendments had been proposed which had been highlighted in the final document. Members were pleased to note the good response to the wide ranging consultation and thanked officers for their hard work in that regard. In response to questions it was clarified that the brief was flexible regarding 6 – 8 Nant Hall Road which allowed for demolition or retention with the proviso that the frontage should be retained and the Council Chamber if possible. In terms of access from Glyn Avenue a landscape buffer had been suggested to the rear of those properties which would allow for the retention of those rear accesses – Property Officers were looking further into the matter.

Proposal – Councillor Julian Thompson-Hill referred to the comprehensive study undertaken and considered the report fairly reflected the representations received. Consequently he proposed the officer recommendation to adopt the document, seconded by Councillor Bob Murray.

VOTE:

FOR – 18

AGAINST – 0

ABSTAIN – 0

RESOLVED that members adopt the draft Site Development Brief for Ty Nant, Prestatyn, attached as Appendix 1 to the report, with recommended changes, for the determination of planning applications and planning appeals.

11 RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance (SPG) document on renewable energy as a basis for public consultation. The draft SPG outlined the national and local policy context for renewable energy technologies, landscape protection and agricultural land protection.

Proposal – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Julian Thompson-Hill.

VOTE:

FOR – 17

AGAINST – 1

ABSTAIN – 0

***RESOLVED** that members agree the draft Supplementary Planning Guidance on renewable energy as a basis for public consultation.*

12 CONSULTATION DRAFT: SITE DEVELOPMENT BRIEF - LAND ADJOINING FORMER HM STANLEY HOSPITAL, ST. ASAPH

Councillor David Smith, Lead Member for Public Realm and the Strategic Planning and Housing Manager submitted a report recommending approval of the draft Site Development Brief for the allocated housing site adjoining the former HM Stanley Hospital in St. Asaph and the accompanying Strategic Environmental Assessment screening document for public consultation.

During debate the development site was clarified as the land to the south and rear of the old hospital site and attention was drawn to the site plan. Officers responded to members' questions and comments as follows –

- confirmed there was a listed building close to the site and the brief specified that any proposals would need to take that into account
- the brief also advised that development proposals should seek to use locally relevant Welsh names for streets and the development as a whole and a Community and Linguistic Impact Assessment would be required alongside any planning application
- it had been made clear in the brief that the site was not in a flood risk area.

As a separate issue local members raised concerns regarding the name 'Livingstone Place' given by developers to another site in St. Asaph and discussion took place around the legalities of the process. Planning Officers agreed to draw the matter to the attention of the relevant department to take up with the developer.

Proposal – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Rhys Hughes.

VOTE:

FOR – 18

AGAINST – 0

ABSTAIN – 0

***RESOLVED** that members agree the draft Site Development Brief for the allocated housing site adjoining the former HM Stanley Hospital, St. Asaph and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation.*

13 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (LDP) 2006 - 2021: DRAFT ANNUAL MONITORING REPORT 2015

Councillor David Smith, Lead Member for Public Realm presented the first LDP Annual Monitoring Report (AMR) assessing policy performance for the period 1 April 2014 – 31 March 2015. The Council was required to produce an annual AMR for submission to Welsh Government by 31 October each year and publication on its website. Approval of the AMR for submission to Welsh Government would be sought from Cabinet.

Members were pleased to note the increase in Denbighshire residents speaking Welsh since 2006 and in response to questions officers referred to the policy in the LDP relating to Welsh Language and requirement for new developments to produce a Community and Linguistic Impact Assessment. Officers also advised there was reference to the Welsh Language in the new Planning Act for Wales and agreed to provide members with a timely update on legislative developments.

RESOLVED that the contents of the report be noted.

INFORMATION REPORT - CHANGES TO NATIONAL PLANNING FEES REGULATIONS AND INTRODUCTION OF PRE-APPLICATION ADVICE CHANGES

An information report by the Head of Planning and Public Protection was submitted providing members with a brief note in relation to the impending changes to the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015. The recent introduction of pre-application charges specific to Denbighshire's Planning Service had also been included.

Officers elaborated on the contents of the report and answered questions thereon.

The meeting concluded at 12.20 p.m.