

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 17th April 2013 at 9.30am.

PRESENT

Councillors D Owens (Chair), R Bartley (observer), B Blakeley, W L Cowie, M Ll. Davies (vice chair), R J Davies, S.A. Davies, R L Feeley, C. L. Guy, H Hilditch-Roberts, C. Hughes, T.R. Hughes, E.A. Jones. P M Jones, M McCarroll, , R M Murray, W M Mullen-James, P W Owen, T M Parry, D Simmons, B.A. Smith (Local Member), J Thompson-Hill, J S Welch, C H Williams C L Williams and H O Williams

ALSO PRESENT

Head of Planning (Graham Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor – (Planning and Highways) (Susan Cordiner), Senior Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).
Highways Officer, Mike Parker attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillor I W Armstrong, J A Butterfield J.A. Davies, J.M. Davies, W.N. Tasker and A Roberts

2 DECLARATIONS OF INTEREST

Councillor Cefyn Williams declared an interest in application 43/2012/1561/PF
Councillor Win Mullen James declared an interest in 45/2013/0024/PF

3 URGENT ITEMS:

Due to technical difficulties it was not possible to display the photo presentation.

4

MINUTES OF THE MEETING HELD ON 19TH DECEMBER 2012.

Agreed as a true record subject to the following :

- Page 17 (Llidiart Fawr, Llangynhafal) and Pages 25 and 27 (White House Rhualt) Councillor M.Ll. Davies requested that the applicants be reminded by letter that the County Council does not look favourably on the carrying out of development in anticipation of the grant of planning permission.

- Page 22 the reference number should read 45/2013/0051/PF
- Page 21 (welsh copy only) (Marine Lake, Rhyl) should read
- 15 votes to Defer
- 11 vote to *NOT* Defer

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 (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: 03/2013/0122/PF

Location: Springbank Birch Hill Llangollen

Description: Conversion of existing 6 flats into 1 single dwelling and associated works

Principal Planning Officer Ian Weaver explained that the local member had withdrawn his request for this application to be determined at Committee, in absence of any local objection. The application had therefore been granted by Officers under Delegated Powers

Application No: 07/2013/0026/PF

Location: Ty Nant Llandrillo Corwen

Description: Change of use of land for camping purposes and siting of associated utilities block. Change of use of land to provide 10 no. touring caravan pitches and installation of a septic tank. Out of season caravan storage area. Retention of new vehicular access.

The following late representations were reported:

Environmental Health Officer (Pollution)

A map was circulated showing details of the public footpath boundary of the AOB and parts of the site previously given permission on appeal. A report of a site visit which took place on Friday 12th April 2013 was also circulated.

Public Speakers: (Against) Mr. Laurance Jones (neighbour)

Mr Jones referred to misleading errors contained in the application submission and suggested this proposal was not secondary to the farm activity. He drew attention to the potential harm to visual amenity and the noise of cars, disturbance to livestock and previous nuisance complaints upheld by the Health department.

Mr Jones referred to refusals on this site and stated that he took no pleasure in objecting but found the situation very stressful.

Chair reported on the site visit. It had been noted that the site was in the AOB but was untidy with rubbish left around.

Councillor Cefyn Williams referred to the number of elements to the scheme which were unacceptable and suggested the applicants tidy the site and review the situation before submitting another application.

Proposals:

Councillor M. Ll. Davies proposed permission be REFUSED

This was seconded by Councillor B. Blakely

On being put to the vote

VOTE:

0 voted to GRANT

18 voted to REFUSE

1 Abstained

(Councillor H. Hilditch Roberts, having arrived during the debate was advised not to vote on this issue)

PERMISSION WAS THEREFORE REFUSED

Application No: 11/2013/0032/PFT

Location: Land adjacent to Clocaenog Forest, west of Tan y Creigiau Clawddnewydd Ruthin

Description: Erection of a single wind turbine with a maximum blade tip height of 62m and associated infrastructure including; creation of a new access track, a crane pad and an equipment housing cabinet

Late representations were reported from Mr H. Jones, Maes Derw, Clawddnewydd.

Public Speakers: (FOR) Charlotte Wilcox
Ms Wilcox spoke on behalf of the applicant. Ms Wilcox advised that site selection had been an important factor, as it is bounded on three sides by forestry. The output of the turbine would subsidise the farm and the proposal was supported by many local people.

Proposals:
Councillor Stuart Davies proposed that permission be GRANTED
This was seconded by Councillor Cheryl Williams

VOTE:
On being put to the vote

22 voted to GRANT
1 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 16/2013/0189/PF

Location: Llanbedr Hall, Llanfair dyffryn Clwyd, Ruthin

Description: Conversion of former garages into a single dwelling

Late representations were reported from:
Gamlins Solicitors on behalf of Mr. McQueen, Cedar Gardens, Llanbedr Hall.

A report of the site visit which took place on Friday 12th April 2013 was circulated

Public Speakers: (AGAINST) Ms Kerry James

Kerry James spoke on behalf of the occupiers of Cedar Gardens, the nearest property to the garages. Ms James suggested that the size of the extension would reduce the access width and result in the property being inaccessible to emergency vehicles. The nearest point a fire engine could get to Cedar Gardens would be 50 m away. This was felt to be unacceptable. Ms James also suggested the design of the proposal was incongruous, out of scale and detrimental to visual amenity and urged that committee refuse permission.

Public Speaker (FOR) Mr Stuart Hatherill

Stuart Hatherill spoke in favour of the application. Mr Hatherill referred committee to the recommendation to grant permission and suggested the applicant would accept conditions relating to the design and screening to prevent overlooking from the proposed balcony. He advised that the occupiers of Cedar Gardens had an on going boundary dispute. He suggested that this was a civil issue not for debate at committee. He also suggested the measurements given were misleading.

Councillor M. Ll. Davies felt the site visit had been useful as it had identified differences in land levels and answered a number of questions. He felt the additional conditions and those suggested by officers would overcome issues raised.

Councillor Huw Williams referred to the difficulties encountered at this site, and felt the plans did not provide a sufficient detail.

Councillor M. Ll. Davies proposed permission be GRANTED subject to additional conditions being imposed together with a Note to Applicant drawing attention to private right of way

This was seconded by Councillor Alice Jones

VOTE:

23 voted to GRANT

1 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to the following New Condition and New Note to Applicant

8. Notwithstanding the submitted plans, no development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) The detailing of the openings / features on the rear elevation of the building;
 - (b) An alternative location for the 2 parking spaces (which shall not be as shown on the site plan), the means of delineating those space, and how a minimum access width of 3.0 metres can be provided to serve land / property to the south of the extension.
 - (c) The detailing of the means of enclosure of the proposed amenity area, and any pedestrian access thereto;
 - (d) The detailing of the proposed turning area as shown on the site plan, including how this area is to be created having regard to the difference in site levels relative to the main forecourt;
 - (e) The external wall materials to be used on the building (colour, type and texture of render);
 - (f) The detailing of the boundary wall(s) of the proposed courtyard area.
 - (g) The detailing of the first floor balcony feature and the area immediately outside the ground floor dining room (steps/Juliette balcony, etc)

Reason for Condition

For the avoidance of doubt, to ensure the development does not adversely impact on vehicle circulation, and in the interests of visual amenity.

Note to applicant

1. You are asked to discuss the details required by Condition 8 of this permission with the Highways and Planning Officers prior to the formal submission of an application.

2. Your attention is drawn to the contents of the letter attached to this Certificate, drawing the Council's attention to private rights of way across the site. The grant of planning permission does not convey any legal right to carry out development which may infringe private legal agreements, so you should ensure that the detailing of the proposed does not conflict with the terms of separate covenants etc.

Application No: 18/2012/1595/PF

Location: Highfield Park Llangwyfan Denbigh

Description: Demolition of existing 'Sycamore' building, gardener's store and maintenance building, erection of 3 no. eight bedroomed residential health care facilities and construction of associated car parks

On a show of hands it was agreed that this application be DEFERRED to allow further consultation to be carried out following the receipt of revised plans.

Item: 6

Application No: 18/2013/0023/PF

Location: Bryn Egwallt Llandyrnog Denbigh

Description: Demolition of redundant Dutch barn and erection of detached single-storey pitched-roof annexe ancillary to the main dwelling

Late representation was reported from Llandyrnog Community Council (in support)

Public Speakers: (FOR) Ruth Thomas (applicant)

Ms Thomas advised committee that the proposed building was required to accommodate office space, together with a large number of documents and stocks of work in relation to her business as an artist and her partner's business as a shipping loss adjuster. The proposed building would be on the site of an old corrugated iron Dutch barn but would be smaller and lower. It would be single storey low carbon and would blend in by being constructed out of cedar, oak and slate. It would not impact on the nearby public footpath. Ms Thomas referred to the additional land recently purchased and advised that the proposed building would not be on this land but within the residential curtilage.

Councillor M. Parry advised that the Community Council, while previously concerned, is now supportive of the proposal.

Proposals:

Councillor C. Hughes proposed permission be GRANTED
This was seconded by Councillor M. Ll. Davies

On being put to the vote

VOTE:

24 voted to GRANT
0 voted to REFUSE
0 Abstained

It was resolved therefore to GRANT permission subject to the following revised Condition 2

The use of the annexe shall be restricted at all times to that incidental to the enjoyment of the dwelling Bryn Egwallt and it shall not be permitted to operate as a trade or business separate from the dwelling.

Application No: 24/2013/0006/PF

Location: The Cartshed Rhyd Y Cilgwyn Farm Lady Bagots Drive Rhewl Ruthin

Description: Change of use of redundant outbuilding to form 1 No. dwelling and erection of detached double-garage (Resubmission of application No. 24/2012/0141/PF)

Councillor M. Parry regretted the photo presentation was not available as it may have helped the committee to visualise the situation. The Community Council was concerned that so many outbuildings at this complex were being converted that a new village is being created.

Officers stated that while a number of outbuildings had been converted, this was not against policy.

Proposals:

Councillor M. Ll. Davies proposed permission be GRANTED
This was seconded by Councillor Bill Cowie

On being put to the vote

VOTE:

22 voted to GRANT
0 voted to REFUSE
0 Abstained

It was resolved therefore that permission be **GRANTED**

Application No: .25/2013/0191/PFT

Location: Wern Uchaf, Nantglyn, Denbigh

Description: Installation of a 20kw wind turbine overall height 27.131m, in place of turbine previously granted

The following additional letters of representation were received:
Airbus; Applicant's Agent; S-Thompson, Tyn Llanwyddan, Nantglyn (in support);
J. Yorke, Pen y Bryn Farm, Nantglyn (against).

Public Speakers:

AGAINST: Judy Young (neighbour) Ms Young explained the proximity of her dwelling, Nantgwyn to the proposed turbine and the potential for the turbine to be visible and overbearing from a number of positions within her property. She indicated the amount of noise already suffered from Tir Mostyn Windfarm. This proposal, in addition to the proposed Brenig development would convey noise from 3 directions. Ms Young referred to the High Court decision to refuse Gorsedd Bran windfarm which mentioned the potential affect on Nantgwyn.

Speaker (FOR) Mr Elgan Roberts (applicant) spoke in favour and explained that this proposal would replace a previously approved turbine. He felt this proposal was in a better location, the newer turbine would be quieter and although larger would be lower down the slope so less obtrusive. He suggested this proposal would have less of an impact on Nantgwyn that that already permitted.

Proposals:

Councillor R. Hughes proposed permission be GRANTED
This was seconded by Councillor Cheryl Williams

Councillor Joe Welch spoke as local member and disputed the submission that this would have less impact. He advised committee that although the applicants would not suffer any visual impact as their property faced the other way, the cumulative affect on Nantgwyn would be unacceptable.

Councillor J. Welch then proposed permission be REFUSED
This was seconded by Councillor Stuart Davies

Neil Walters, Renewable Energy Planning Officer explained that is a large turbine but is to be placed lower down the slope, reducing the impact on the neighbours. He stated that as an extant permission is in place, with conditions mitigating the noise element it would not be easy to defend a refusal on grounds of noise.

As there were two proposals, it was agreed to vote for or against the grant of planning permission

VOTE:

14 Voted to GRANT
10 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Officers advised that they would not issue the certificate of decision until suitable agreement had been reached preventing the implementation of the extant planning permission No.25/2012/0445/PF

Application No: 41/2012/1390/PF

Location: Bryn Ffynnon, Bodfari, Denbigh

Description: Demolition of existing dwelling & outhouses and erection of replacement dwelling & detached double garage

The following additional letters of representation were received:

Bodfari Community Council (recommending refusal)

Public Speakers: FOR – Peter Lloyd (agent)

Mr Lloyd advised that the proposal was the culmination of considerable pre-application discussions with the Planning Officers. The proposal has been altered and provides a better aspect, a smaller dwelling in terms of scale and size to that previously proposed and moves it away from the trees on site. Mr Lloyd considered it met the criteria of policy HSG 8.

Councillor B. Smith spoke as local Member and reiterated the community Council's objection to the loss of a Welsh long cottage, replaced with a substantially larger property.

Proposals:

Councillor Brian Blakely proposed that permission be GRANTED
This was seconded by Councillor Cheryl Williams

On being put to the vote

VOTE:

10 voted to GRANT
5 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 42/2012/1638/PO

Location: Land at (part garden of) Mount House Dyserth Rhyl

Description: Development of 0.1 hectares of land by the erection of one dwelling (outline application including access)

A correction to the report was noted – The community council is Dyserth not St. Asaph.

A report of a site visit held on Friday 12th April was circulated.

Councillor Peter Owen urged committee to grant permission, advising that the site has been chosen to avoid removal of trees near the road. The proposed property is not to be sold, it is for family use and the applicant was willing to accept a condition that no more dwellings are built. Councillor Owen concluded that as there are 6 dwellings in the vicinity this should be seen as an infill plot, complying with policy.

Councillor M. Ll. Davies reported on the site visit which he thought worthwhile although acknowledging this was not a “textbook” infill plot he felt it could be approved. The plot was in a dip and the proposed dwelling would not be visible. He felt this plot should be in the Local Development Plan.

Other Councillors agreed that while it did not strictly follow policy guidelines this proposal should be judged on its merits.

Officers explained that Policy HSG 5 required a continuous frontage of six or more houses with a gap. They felt it was possible to build more than one dwelling in this plot and that the position meant it was not filling a gap in an otherwise continuous frontage. It would not be possible to condition against building more dwellings on the plot and that the recommendation to REFUSE was clear in policy terms.

Proposals:

Councillor P Owen proposed permission be GRANTED
This was seconded by Councillor David Simmons

On being put to the vote
18 voted to GRANT
4 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Officers to draft conditions and report them back to next committee for ratification.

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

The planning committee was of the opinion that this proposal fulfilled the spirit of policy HSG 5.

Application No: 43/2012/1561/PF

Location: 113 Ffordd Talargoch, Meliden, Prestatyn

Description: Erection of 8 no. affordable dwellings, construction of a new vehicular access and associated works

Councillor Cefyn Williams declared an interest in the following application and left the Chamber during consideration thereof.

The following late representation was reported:
Prestatyn Town Council (no objection)

There was no debate on this item

Proposals:

Councillor Stuart Davies proposed permission be GRANTED
This was seconded by Councillor H. O. Williams

VOTE:

21 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

New Note to Applicant. You are requested in view of the condition of the old buildings on the site to arrange for their removal as soon as possible.

Application No: 43/2013/0123/PF

Location: 2 Bastion Road, Prestatyn

Description: Change of use from retail unit to a licensed restaurant and hot food takeaway, insertion of new doorway and construction of wheelchair access ramp and handrail

The following late representation were reported from:

Councillor James Davies
Mrs N. Groese, 8 Marine Road, Prestatyn

Councillor Carys Guy supported the use of this empty property but advised of parking issues in the vicinity. Local residents had complained that because of the charges, few rail travellers leave their vehicles in the car park but park in nearby side streets instead. The use of this building as a restaurant would spread this into the evenings.

Mike Parker (Highways) offered to put Councillor Guy in touch with those responsible in Highways but urged Committee to determine the application on its merits. A retail shop could equally have an affect on parking.

Councillor Guy reiterated that she was not against the use as a restaurant and would welcome discussion with Highways.

Proposals:

Councillor J. Thompson Hill proposed permission be GRANTED
THIS WAS SECONDED BY Councillor Bill Cowie

VOTE:

23 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2013/0181/PF

Location: 19 Kings Avenue, Prestatyn

Description: Change of use of ground floor to Class A3 use and first- & second-floors into a self-contained apartment

The following late representation was reported:
Councillor James Davies

There was no debate on this item

Proposals:

Councillor J. Thompson Hill proposed permission be GRANTED
This was seconded by Councillor Alice Jones
On being put to the vote

VOTE:

22 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2013/0024/PF

Location: Marine Lake, Wellington Road, Rhyl

Description: Installation of single-line Cableski system with associated power supply and control cabin

Councillor Win Mullen James declare a non pecuniary interest.

Public Speakers:

Carol Evans (Rhyl Going Forward Officer) spoke in favour of this application. She advised committee that the proposed development is to be funded by a local businessman willing to invest in this under-used facility. It was hoped it would attract visitors and promote Rhyl as a family resort destination. Safety issues would be addressed by separating the Cableski area from the rest of the lake. There is a great deal of public support and the income generated would be welcome. Councillor W. Mullen James reported on the meeting held between the Town Council and Marine Lake management and requested a condition relating to the demarcation of the area in question and a Note to Applicant requesting suitable contribution to repairs.

Members raised concern over the discussion about costs, feeling it is not a planning issue and that Rhyl needed the investment. Reference was made to the appropriateness of Denbighshire employees promoting private business.

Proposals:

Councillor D Simmons proposed that the permission be GRANTED
This was seconded by Councillor Pat Jones
On being put to the vote

VOTE:

22 voted to GRANT
1 voted to REFUSE
0 ABSTAINED

It was therefore resolved that Permission be GRANTED

Subject to: the following

Additional Condition

No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed extent and means of delineation of the area to be used for the Cableski facility. The use shall only be

permitted to operate within the approved area.

Reason : For the avoidance of doubt.

Note to applicant

1. You are advised to contact the relevant Officers of the Local / Property section to discuss detailed arrangements for the leasing use, and maintenance of the lake.
2. You are also encouraged to adopt a bilingual approach to the signage for the site.

Application No: 45/2013/0299/PF

Location: Fronfraith, Boughton Avenue, Rhyl

Description: Formation of a new vehicular and pedestrian access off Boughton Avenue and closing up of access to Russell House

Councillor D. Simmons advised committee that the housing in the area was specifically for citizens over the age of 50. While there was no objection to the access there was concern about the reduction of the height of the boundary fence and the proximity to the houses. Mike Parker (Highways) stated that the fence needed to be reduced to aid visibility

Proposals:

Councillor M. Lloyd Davies proposed permission be GRANTED
This was seconded by D. Simmons
On being put to the vote

VOTE:

21 voted to GRANT
1 VOTED TO refuse
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 47/2013/0137/PFT

Location: Marian Mawr, Cwm, Rhyl

Description: Installation of a 50kw micro generation wind turbine with control box and access track

Councillor Alice Jones declared a personal interest in this application

The following late representations were reported:

From Airbus; and from the Applicant's Agent relating to the proposed output to the turbine and the usage of the farm.

Public Speakers:

Aled Morris (applicant) spoke in favour

Mr Morris explained that the farm presently used £20,000 worth of electricity per year and he hoped to pass on a sustainable dairy farm to future generations. The location of the proposed turbine had been carefully chosen, nearer the buildings and it was noted there was no local opposition.

Councillor B. Smith explained that the application had been made as a farm diversification proposal. The main use is farming and the proposed turbine will not be a commercial venture - income is within the relevant levels. The turbine will be sited near the electricity meter and will be used for generating power for the farm. The site is right on the edge of the AONB. The neighbour is in favour of the scheme, the turbine will not be visible apart from within a small section of Offa's Dyke and the turbine could be coloured to disguise it if necessary. Councillor Smith quoted policy MEW 10 which encourages development of this kind and requested the committee supports this farming family.

Councillors voiced support, considering that suitable attempts had been made to locate the turbine to cause minimal visual impact, there was no local objection and the electricity generated would be used on the farm. Other Councillors raised concern at the negativity of the AONB Joint Advisory Committee and asked for information on similar developments in the AONB.

Paul Mead advised that there will be examples of development in the AONB but each case must be assessed on its merits. It was a requirement to consult the AONB Committee and their responses add value to Officer assessments.

Proposals:

Councillor S. Davies proposed that permission be GRANTED (because the benefits outweigh the landscape impact)

This was seconded by Councillor Brian Blakely

On being put to the vote

VOTE:

22 voted to GRANT

2 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Officers to draft conditions and report back to next Planning Committee

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

The benefits of the Farm diversification scheme outweigh the potential impact on the landscape designation.

AGENDA ITEM 6

STUDY INTO THE OPERATION OF PLANNING COMMITTEES IN WALES

Submitted : Information Report by the Head of Planning and Public Protection on a Study into the operation of Planning Committees in Wales.

The purpose of the report is to inform Planning Committee of the research project commissioned by the Welsh Government into the operation of Planning Committees in Wales.

Officers explained that Welsh Government intends to bring forward a White Paper at the end of 2013 on the future delivery of the planning system in Wales.

As part of this process they have sought an independent body to examine and research the operation of Planning Committees in Wales to determine whether there is a link between efficiency and effectiveness and committee size

Resolved that this item be received for information.

Members noted the contents of the information report and agreed to allow Officers to feed any necessary information on the operation of Planning Committee to the independent consultants

AGENDA ITEM 7

INTRODUCTION OF CYFOETH NATURIOL CYMRU (CNC)/NATURAL RESOURCES WALES (NRW)

Submitted Report for information by the Head of Planning and Public Protection

This report informed Members of the introduction of Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) on 1st April 2013. This single body will replace Environment Agency Wales, Countryside Council for Wales and the Forestry Commission Wales. The report advised on the arrangements which have been put in place for necessary consultation with the single body in relation to planning applications

Resolved: that Members received the report for information and noted the new arrangements

The Meeting Closed At 12:15 pm