

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 11 January 2017 at 9.30 am.

### **PRESENT**

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie (Vice-Chair), Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Hugh Irving, Alan James, Alice Jones, Barry Mellor, Dewi Owens, Merfyn Parry, Pete Prendergast, Arwel Roberts, Anton Sampson, Gareth Sandilands, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Huw Williams and Mark Young

Observers – Councillors Martyn Holland, Gwyneth Kensler and Win Mullen-James

Councillor David Smith, Lead Member for Public Realm attended for agenda item 12 & 13

### **ALSO PRESENT**

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

### **COUNCILLOR RAYMOND BARTLEY - TRIBUTE**

On behalf of the Planning Committee the Vice-Chair Councillor Bill Cowie paid tribute to Councillor Raymond Bartley who had sadly passed away after a short illness. Councillor Bartley had been a gentleman, professional and a very good friend. He had been an excellent Chair and would be a huge loss to the Planning Committee and Denbighshire. Thoughts were with his family at this time. It was noted that individual members would be given the opportunity to pay tribute to Councillor Bartley at the next meeting of Full Council. Members and officers stood in silent tribute.

As Vice-Chair, Councillor Bill Cowie took the Chair for the meeting.

#### **1 APOLOGIES**

Councillors Bob Murray, Bill Tasker and Cheryl Williams

#### **2 DECLARATIONS OF INTEREST**

Councillor Stuart Davies – Personal Interest – Agenda Item 11  
Councillor Gareth Sandilands – Personal Interest – Agenda Item 10  
Councillor Huw Williams – Personal Interest – Agenda Items 5 & 6  
Councillor Mark Young – Personal Interest – Agenda Item 7

### **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 14 December 2016 were submitted.

Accuracy – Councillor Meirick Davies advised that some of the voting figures recorded in the minutes differed from his own notes and he would speak to the relevant officers about the matter following the meeting. It was noted that any variance in the figures did not have an impact on the voting outcome.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 14 December 2016 be approved as a correct record.*

### **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -**

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information 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. 16/2016/1045/PS - LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD, RUTHIN**

[Councillor Huw Williams declared a personal interest in this item because the Agents acting on behalf of Llanbedr Hall were also acting as his Agents in respect of work relating to his farm]

An application had been submitted for variation of condition number 12 of planning permission ref 16/2016/0545 to allow continued use of both accesses to the development, removing the requirement to restrict the use of Lon y Mynydd access at Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin.

#### **Public Speaker –**

Ms. G. Crawley (**For**) – referred to previous planning history and the Inspector's appeal findings that there would be no significant impact on traffic using the rear drive and highlighted improvements to be made to the front drive to encourage use. All construction traffic would use the front drive. It was argued that it was not reasonable to refuse the variation given the planning history and existing use rights.

**General Debate** – Councillor Huw Williams (Local Member) drew attention to the rear access point and road network as marked on the plans and illustrated by the presentation slides and he highlighted particular highway concerns. Concerns included the inadequacies of the rear access track and Lon y Mynydd / Lon Cae Glas and onto the A494 Trunk Road including poor/no visibility at the junction

leading from the rear, speeding along the rear access roads, and the A494 Trunk Road between Ruthin and Mold which was narrow and dangerous and a notorious blackspot. He also highlighted an area of the rear access track specifically signposted as unsuitable for vehicles and numerous road traffic accidents at points along the back route. Finally reference was made to the wealth of local objections on highway grounds and given the potential increase in traffic arising from the development Councillor Williams confirmed he could not support the application.

During debate members considered the factors for and against the variation, weighing up the planning history and road safety concerns. Councillors Merfyn Parry, Dewi Owens and Huw Hilditch-Roberts confirmed they were familiar with the area and reported upon their own experiences and traffic safety concerns in that regard. It was felt that much weight should be given to local knowledge and the wealth of objections received detailing highway safety concerns. Whilst acknowledging the planning history and likelihood of an appeal against a decision to refuse the application those members felt safety concerns were paramount in this case, particularly given that the front drive provided a safer and adequate route.

Planning and Highways Officers did not contest the limitations of the rear drive route and acknowledged the concerns raised regarding its inadequacies. However it was reiterated that the significant planning history in this case offered limited support to refuse the application and officers elaborated upon the implications arising from the planning permissions previously granted by the committee in 2006 [No. 16/206/0872 – appeal upheld concerning the use of the respective drives], 2015 [No. 16/2014/1020 – extant planning permission for 9 dwellings with no restriction], and 2016 [No. 16/2016/0545 – subsequent approval of arrangement relating to condition 10 restricting the route of construction vehicles to the front drive]. Given that history officers did not consider the impact of the 2 additional dwellings granted under the latest planning permission sufficient justification to refuse the application for variation. In terms of evidence there had been only one recorded accident along the route during October 2011 – October 2016, although it was accepted that not all accidents were reported. In response to further questions officers clarified that both driveways were privately owned up to the public highway. With regard to enforcement of condition number 12 the applicant was required to show the means of preventing access to the rear drive to the local authority for approval following which any breach would become an enforcement matter.

**Proposal** – Councillor Huw Williams considered the use of the Lon y Mynydd access to be dangerous and not fit for purpose and he proposed, seconded by Councillor Dewi Owens, that the application be refused, contrary to officer recommendation, on highway safety grounds.

**VOTE:**

GRANT – 6

REFUSE – 16

ABSTAIN – 0

**RESOLVED** that permission be **REFUSED**, contrary to officer recommendation, on highway safety grounds.

In the event of an appeal against the committee's decision it was agreed that, as proposer and seconder respectively, Councillors Huw Williams and Dewi Owens attend any subsequent appeal hearing. It was also noted that the Highways Officer would be unable to defend the decision at an appeal and members agreed to the engagement of a Highways Consultant if necessary. It was also resolved that the wording of the reason for refusal be agreed with the local member.

**6 APPLICATION NO. 16/2016/1044/PF - LLANBEDR HALL, LLANBEDR DYFFRYN CLWYD, RUTHIN**

[Councillor Huw Williams declared a personal interest in this item because the Agents acting on behalf of Llanbedr Hall were also acting as his Agents in respect of work relating to his farm.]

An application was submitted for conversion of garages into single dwelling at Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin.

**Public Speaker –**

Ms. G. Crawley (**For**) – advised that the proposed scheme offered an improvement to the existing planning permission with better arrangements for bat migration and improvements to the courtyard.

**General Debate –** Councillor Huw Williams (Local Member) raised no objection to the application confirming there were no issues in terms of access due to the natural traffic flow. However he did raise concerns regarding the delay in developing the site and hoped that works would commence as soon as possible. In response to a question from Councillor Merfyn Parry regarding traffic flow officers confirmed that access to serve the site was via the rear drive.

**Proposal –** Councillor Huw Williams proposed the officer recommendations to grant the application, seconded by Councillor Anton Sampson.

**VOTE:**

GRANT – 25

REFUSE – 0

ABSTAIN – 0

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

**7 APPLICATION NO. 31/2016/1003/PF - OUTBUILDING AT TYDDYN EOS, GROESFFORDD MARLI, ABERGELE**

[Councillor Mark Young declared a personal interest in this item because the Applicant was a family friend.]

An application was submitted for conversion of outbuilding to form 1 no. dwelling (amended design to that previously approved under code no. 31/2005/1468) at outbuilding at Tyddyn Eos, Groesffordd Marli, Abergele.

### **Public Speaker –**

Mr. A. Pierce (**For**) – referred to previous planning history and explained the delay in progressing building work on site and revisions to the original application.

**General Debate** – Councillor Meirick Davies (Local Member) advised that officers had been happy with the amended design. Cefn Meiriadog Community Council had raised concerns regarding the time taken to progress the building works and the applicant had provided assurances that he would proceed quickly to finish the development within twelve months. Consequently Councillor Davies proposed that the application be granted subject to a condition requiring completion of the building work within twelve months as opposed to the usual five years. The Development Manager explained that the five year timescale referred to commencement of the development which had already started in this case. Consequently he suggested that condition number 1 as detailed in the report be removed in its entirety.

**Proposal** – Councillor Meirick Davies proposed the officer recommendations to grant the application, subject to removal of condition no. 1 with regard to commencement of the development, seconded by Councillor Rhyl Hughes.

### **VOTE:**

GRANT – 23

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED**, in accordance with officer recommendations as stipulated within the report, subject to the removal of condition number 1 with regard to commencement of the development.

## **8 APPLICATION NO. 40/2016/0256/PC - FIELDS SOUTH-WEST OF BORTH CROSSROADS, ABERGELE**

An application was submitted for retention of and change of use of agricultural building to allow wood processing and use of yard for wood storage (retrospective application) at fields south-west of Borth Crossroads, Abergele.

### **Public Speaker –**

Mr. B. Owen (**For**) – explained the operation of the business and benefits in terms of local employment and the rural economy. Responded to (1) noise concerns arguing minimal impact and acceptance by Pollution Control Officers, and (2) highway concerns arguing agricultural use would generate higher levels of vehicle use and that mitigation measures would be implemented to address concerns.

**General Debate** – The Development Manager drew attention to additional information as detailed on the supplementary papers circulated at the meeting and detailed the planning history of the site to the best of officers knowledge. He explained the issue under consideration was whether the use of the building, vehicular access and site were suitable and acceptable for a wood processing

business. Despite noise concerns the Pollution Control Officer considered that noise from wood processing itself would not justify refusal because levels could be controlled through conditions. Notwithstanding that agricultural use was the fall-back position, officers considered the use for wood processing would give rise to unacceptable impacts on highway safety which had been detailed within the report.

Councillor Arwel Roberts reported upon the site visit undertaken on 12 September 2016. He referred to numerous accidents on the carriageway and considered the site access/egress to be very dangerous. He believed granting the application would exacerbate the situation and agreed with officers that the application should be refused on highway safety grounds. Consequently Councillor Roberts proposed that the application be refused in accordance with officer recommendation.

Councillor Alice Jones (Local Member) elaborated upon the planning history of the site from 2004 and highlighted the owners disregard for planning regulations and procedures since then with no serious use of the site for agricultural purposes. She also raised concerns regarding the retrospective planning application and proposed change of use from agricultural to wood processing/manufacturing and highlighted the objections from nearby residents. Councillor Jones supported the officer recommendation for refusal on highway grounds and felt there was no basis to the applicant's argument that agricultural use would generate higher volume of vehicles given that there had been little or no agricultural use in the past and unlikely to be in the future. However she asked that consideration also be given to noise and residential amenity and the loss of agricultural land as valid planning reasons for refusal of the application. The Chair advised that the reasons for not including those planning grounds had been detailed within the report. Consequently Councillor Alice Jones seconded the proposal by Councillor Arwel Roberts that the application be refused in accordance with officer recommendation.

Members discussed further the material planning considerations with officers and sought clarification regarding a number of issues. With regard to highways further questions were raised regarding the applicant's argument that the fall-back use of the site for agricultural purposes could result in a higher volume of vehicle movements and whether there was evidence to support the highway safety grounds in terms of accidents recorded, particularly given that it was a retrospective application. Questions were also raised regard the planning policies around change of use from agriculture to manufacturing, definition of the wood processing operation and whether it could be classed as a farm diversification project.

Officers responded to comments and questions as follows –

- elaborated upon the planning policies regarding potential change of agricultural use advising that the commercial use of redundant buildings was permitted in planning policy terms providing evidence was submitted in that regard – that proof had not been submitted and operation of the wood processing business had commenced without planning consent, hence the retrospective application
- referred to the highways assessment, including the swept path analysis, and conclusions that there would be an adverse effect on highway safety resulting in the recommendation that the application be refused. There had been six recorded accidents since operation of the wood processing business but it was

accepted that not all accidents were reported. Officers also considered that resuming agricultural use of the site would have minimal impact given the size of the field whereas operation of the wood processing business would result in increased traffic generation and adverse impact on highway safety

- members' attention was drawn to the business case for the development as detailed within the report regarding the operation of the business and nature of the wood processing use with regard to the application in question
- elaborated further on the previous planning history and explained the reasoning behind refusal of the planning application in November 2015.

**Proposal** – Councillor Arwel Roberts proposed the officer recommendation to refuse the application, seconded by Councillor Alice Jones.

**VOTE:**

GRANT – 6

REFUSE – 16

ABSTAIN – 0

**RESOLVED** that permission be **REFUSED**, in accordance with officer recommendation as detailed within the report.

**9 APPLICATION NO. 43/2016/0512/PF - 74 GRONANT ROAD, PRESTATYN**

An application was submitted for erection of 5 no. apartments, 6 no. detached dwellings and associated works at 74 Gronant Road, Prestatyn.

**Public Speaker –**

Mrs. C. Jones (**Against**) – argued the development was not in keeping with the area given the imposing and domineering nature of the apartment block which also affected residential amenity but welcomed development of the site in line with previous planning permission granted in 2005.

**General Debate** – Councillor Julian Thompson-Hill (Local Member) provided some planning history and confirmed he had no objection to the principle of development. However he objected to the proposed development based solely on the apartment block and agreed with the views of the public speaker in that regard. He did not consider the proposed location of the apartment block to be appropriate and felt it was of a size and mass vastly out of keeping with the area, even taking into account the very large detached properties in the vicinity and allowing for the fact that the apartment block would provide a wide range of occupancies and one affordable housing unit. He also raised concerns regarding the loss of 13 trees.

Councillors Anton Sampson (Local Member), Hugh Irving and Gareth Sandilands (Prestatyn Members) were unanimous in supporting the views of Councillor Julian Thompson-Hill believing the apartment block to be totally out of keeping with the area and would have a detrimental impact on residential amenity.

The Development Manager reported upon the following factual matters for members to take into account when making their decision –

- the issue of housing land availability was raised and ensuring the maximum use of land in development plan boundaries for housing
- a residential development had been proposed and given that planning permission had been previously granted at the site for seven dwellings history suggested that housing was acceptable in that location
- the density of the proposed scheme at 21 dwellings per hectare was below the threshold in planning policies which stated 35 dwellings per hectare but was considered acceptable in this case taking into account the character of the area
- referred to the plans provided which showed a street elevation along Gronant Road where the apartment block was proposed which aimed to demonstrate that the building itself was no higher than existing buildings adjacent to it and provided an indication in terms of size and scale
- with regard to the loss of trees it was found that most of the trees to be removed were low quality specimens and there would be a replanting scheme within the site and therefore the loss of trees was considered acceptable in this instance.

**Proposal** – Councillor Julian Thompson-Hill proposed, seconded by Councillor Anton Sampson that the application be refused on the grounds that the apartment block was of a size and scale which would have a significant negative impact on the visual amenity of the area for surrounding properties and residents.

**VOTE:**

GRANT – 10

REFUSE – 12

ABSTAIN – 0

**RESOLVED** that permission be **REFUSED**, contrary to officer recommendation, on the grounds that the apartment block was of a size and scale which would have a significant negative impact on the visual amenity of the area for surrounding properties and residents.

In the event of an appeal against the decision it was agreed that as proposer and seconder respectively, Councillors Julian Thompson-Hill and Anton Sampson would attend on behalf of the committee.

At this juncture (11.35 a.m.) the meeting adjourned for a refreshment break.

**10 APPLICATION NO. 43/2016/1083/PF - 2 LICHFIELD DRIVE, PRESTATYN**

[Councillor Gareth Sandilands declared a personal interest in this item because he lived near to the application site.]

An application was submitted for erection of extension to rear of dwelling (re-submission) at 2 Lichfield Drive, Prestatyn and reference was made to the additional supplementary information circulated at the meeting.

**General Debate** – Councillor Gareth Sandilands (Local Member) raised a number of objections against the application on behalf of local residents which related to traffic congestion, parking capacity on a public highway, over intensification of

property, anti-social behaviour at the property and loss of privacy. He referred to refusal of previous planning application and his suspicion that the application was partially retrospective.

The Development Manager drew members' attention to the plans showing the existing timber structure which was lawful and officers did not consider the proposed extension to be significantly different in terms of size, scale, impact on neighbours etc. In response to a query regarding the existing use of the wooden structure officers clarified that if the building was ancillary to the main dwelling it could be lawfully used as living accommodation. In light of local residents objections Councillor Gareth Sandilands proposed that the application be refused and officers advised as to applicable material planning considerations in this case.

**Proposal** – Councillor Sandilands proposed that the application be refused due to the impact on neighbours in terms of loss of privacy. There was no seconder for the proposition. Councillor Meirick Davies proposed the officer recommendations to grant the application, seconded by Councillor Huw Hilditch-Roberts.

**VOTE:**

GRANT – 18

REFUSE – 2

ABSTAIN – 0

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

**11 RATIFICATION OF 14 DECEMBER 2016 PLANNING COMMITTEE RESOLUTION ON APPLICATION NO. 03/2016/0300/PF - LAND AT VICARAGE ROAD, LLANGOLLEN**

[Councillor Stuart Davies declared a personal interest in this item because he lived opposite the site subject of the application.]

A report was submitted seeking ratification of the Planning Committee resolution made on 14 December 2016 on an application for erection of 95 dwellings, together with associated roads, open space and related works at land at Vicarage Road, Llangollen. Planning permission had been granted for the development subject to an increased provision of affordable housing.

The report updated members on additional information supplied by the applicant in relation to that resolution as summarised below –

- Affordable Housing – the applicant would provide 10% affordable housing on the full 95 dwellings which equated to 9 dwellings on site and a commuted sum payment of £47,074.50 in lieu of the 0.5 dwellings. The applicant proposed those affordable units be shared ownership
- Security of Financial Contributions – the development of the on-site affordable units, payment of the commuted sum and open space responsibilities, and the provision of the financial contribution towards education could be adequately

controlled via the S.106 legal agreement and therefore officers did not consider it necessary to require a financial bond to be entered into by the developer

- Parking Area – a landscaping condition had been proposed in the original officer report seeking further agreement to the precise details of the open space and landscaped areas on site which could, if agreed, include additional parking space for vehicles. It would be for the developer to submit a landscape proposal for the areas and officers could liaise with local members on the final scheme.

Councillor Stuart Davies (Local Member) was pleased to report that local residents had acknowledged the robust debate at the last meeting when considering the application and were thankful for it. He thanked planning officers for their work in securing the relevant agreements with developers which could be controlled and enforced via the S.106 agreement as detailed within the report. However he sought further clarification on the proposed shared ownership scheme and whether the Council could be involved in that provision as opposed to other social landlords. Officers confirmed the proposal for shared equity in relation to the 9 affordable housing units and advised they would liaise with housing officers regarding Denbighshire's role in that provision. It was also open to the developer to take the matter up with other social landlords and propose a scheme. Assurances were provided that local members would be kept informed of those discussions.

Officers responded to further questions as follows –

- advised of the policies and procedures for dealing with affordable housing and ensuring requirements were met in terms of the appropriate allocation of units to meet local need, floor space standards and value/affordability factors and criteria – any concerns regarding individual cases should be raised outside of the meeting and any broader concerns regarding those policies should be taken up via the Local Development Plan Steering Group or Scrutiny Committee
- late representations had been received from Llangollen Civic Society who had queried the contributions proposed in relation to Education and Open Space and officers explained the reasoning behind the view that the provision of open space and a contribution based on the 45 additional units would be acceptable in this case given the planning history and principle.

**Proposal** – Councillor Stuart Davies proposed the officer recommendations to ratify the resolution to grant planning permission on the basis as outlined in the report, seconded by Councillor Huw Hilditch-Roberts.

**VOTE:**

FOR – 18

AGAINST – 0

ABSTAIN – 0

**RESOLVED** that members ratify the 14 December 2016 Planning Committee decision and grant planning permission subject to the following –

- *the completion and signing of a S.106 legal agreement*
- *the planning conditions as set out in the original officer report*
- *the revised developer offer of 10% affordable housing on 95 dwellings.*

## 12 SUPPLEMENTARY PLANNING GUIDANCE: 'CARAVANS, CHALETS & CAMPING' - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance document on Caravans, Chalets & Camping as a basis for public consultation. The document provided further guidance for developers, officers and members.

Councillor Smith reminded members of the different stages in the process before final adoption of SPG documents by the Planning Committee. He urged members to respond with their views during the consultation period.

Upon being put to the vote it was unanimously –

**RESOLVED** that members agree the draft Supplementary Planning Guidance on Caravans, Chalets & Camping as a basis for public consultation.

## EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 14 of Part 4 of Schedule 12A of the Act.

## 13 FORMER NORTH WALES HOSPITAL DENBIGH - CPO - GENERAL VESTING DECLARATION

A confidential report was submitted seeking authorisation for the making of the General Vesting Declaration to complete the compulsory purchase of the former North Wales Hospital site and the immediate transfer of ownership to the North Wales Building Preservation Trust.

The report provided some background history to the situation and process to date and two members briefing sessions had also been held on the subject over the last month. Members took the opportunity to raise questions with officers regarding the process itself, including legal arguments, likely timescales involved and financial implications including compensation payable. The role of the Building Preservation Trust was also discussed. During debate tribute was paid to both former and current officers involved in the process.

**Proposal** – Councillor Mark Young proposed the officer recommendation, believing it presented the best solution in this case, seconded by Councillor Meirick Davies.

### VOTE:

FOR – 15

AGAINST – 0

ABSTAIN – 1

**RESOLVED** that –

- (a) *Planning Committee authorises the making of a General Vesting Declaration to complete the compulsory purchase of the former North Wales Hospital site as shown edged red on the plan as detailed within Appendix 1 to the report pursuant to section 47 of the 1990 Act, and that the ownership of the site is immediately transferred to the North Wales Building Preservation Trust, and*
- (b) *that the General Vesting Declaration is served only after the amended Back to Back Agreement has been signed by North Wales Building Preservation Trust and the Council.*

The meeting concluded at 12.45 p.m.