

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 12 September 2018 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Alan James (Vice Chair), Peter Evans, Brian Jones, Huw Jones, Gwyneth Kensler, Christine Marston, Bob Murray, Merfyn Parry, Pete Prendergast, Andrew Thomas, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Local Members – Councillors Tony Flynn, Martyn Holland and Rhys Thomas attended for particular agenda items relating to their wards

ALSO PRESENT

Team Leader – Places Team (SC); Development Control Manager (PM); Principal Planning Officer (IW); Senior Engineer – Highways (MP) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Meirick Davies and Tina Jones

2 DECLARATIONS OF INTEREST

No declaration 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 held on 18 July 2018 were submitted.

Matters Arising – Page 12, Item 5 Clocaenog Forest Wind Farm – The application had been deferred at the last meeting and had since been withdrawn.

RESOLVED that the minutes of the meeting held on 18 July 2018 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 (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. 21/2018/0166 - 12 BRYN ARTRO AVENUE, LLANFERRES, MOLD

An application was submitted for the erection of a single storey rear extension at 12 Bryn Artro Avenue, Llanferres, Mold.

Public Speakers –

Mr. B. Barton (**Against**) – raised concerns regarding accuracy of plans submitted, some of which had since been revised. Disagreed with officers' interpretations in respect of the 45 degree rule for rear extensions and provided details of his own calculations to demonstrate how the proposal would fail to meet that rule.

Mrs. S. Harris (**For**) – explained the application had been submitted to extend the kitchen and meet growing family needs for more space without having to move away from the area given their established links to the community. Guidance had been sought from architects and there had been no intention to cause upset.

General Debate – Councillor Alan James reported upon the Site Inspection Panel meeting on 7 September 2018 and was satisfied with the outcome of that visit. Councillor Martyn Holland (Local Member) referred to concerns raised by Llanferres Community Council and advised that, given the proposal for a chimney had been withdrawn and planning officers' assurances that the extension would meet planning regulations, there was no further objection to the application.

The Principal Planning Officer referred to the application of planning policies in this case and consideration of the impact on neighbouring properties. Representations had referred to the 45 degree guide included in the Residential Development Supplementary Planning Guidance which could be used to assess applications to give an indication as to the reasonableness of a proposal. Officers' calculations in that regard had been detailed within the report and suggested that the 45 degree line was close to, or may actually be infringed by a small part of the extension. However there was also a requirement to apply the guidance taking into account the circumstances at the site and the extent of the extension in relation to neighbouring properties – in this case the screening between the properties, i.e. height of boundary fencing, shrubbery, etc. was also a mitigating factor to consider. Taking all factors into account officers concluded that the proposal was reasonable and the impact on neighbours was not unreasonable.

Proposal – Councillor Tony Thomas proposed the officer recommendation to grant the application, seconded by Councillor Ann Davies.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

6 APPLICATION NO. 01/2018/0607 - LAND AT CAE TOPYN OFF OLD RUTHIN ROAD, FFORDD EGLWYSWEN, DENBIGH

An application was submitted for details of the scheme for the disposal of foul and surface water, sustainable drainage principles and provision of subsequent management and maintenance arrangements submitted in accordance with condition 8 of planning permission code 01/2016/0374/PF at land at Cae Topyn, Off Ruthin Road, Ffordd Eglwyswen, Denbigh.

General Debate – Councillor Mark Young (Local Member) sought assurances regarding management and maintenance arrangements for the proposed scheme and questioned the risks involved and how they would be managed. Councillor Rhys Thomas (Local Member) thanked officers for helping to resolve problems raised by neighbours following commencement of the development and sought assurances that the site would be closely monitored going forward. Councillor Gwyneth Kensler also sought assurances with regard to flood risk and the Council's capacity to ensure compliance with planning conditions imposed.

Officers responded to the issues raised and further questions, including the adequacy of the proposed systems and financial liabilities, as follows –

- the management and maintenance of the surface water in the highway and surface water drainage outside of the plot boundaries would be adopted by the Council upon completion via a Section 38 Highways Agreement which would include a bond to ensure completion of the construction works. A commuted sum was also payable to cover future maintenance costs. Assurances were provided that officers would be supervising the construction works and would be willing to meet with local members to discuss matters further
- the Lead Local Flood Engineer was satisfied that the developer had exercised due diligence in employing a suitably qualified and experienced engineering consultancy to design the surface water drainage system – the proposed system managed the risk of flooding of the development site and adjacent land and property in an appropriate fashion in accordance with current guidelines
- heavy rain falling on water logged ground could cause flooding almost anywhere. Technical Advice Note 15 stated that development must not increase the risk of flooding elsewhere and the proposed scheme in this case would not increase the risk of flooding at the site
- it was accepted that the grounds for objection from Denbigh Town Council were unclear and nothing further had been received to clarify their objection – officers would continue to try and seek clarity on such representations
- some level of disruption was expected given the size of the development and the recent commencement of works had resulted in a number of issues being raised with developers. The importance of maintaining an open dialogue with the developer and collective working between officers, members and the community was highlighted in order to deal quickly with any issues raised and ensure compliance with planning conditions. In terms of the Council's commitment to taking enforcement action, evidence of non-compliance would be required hence the reliance on collective involvement. However, such action

was a last resort and the Council would continue to work with the developer to ensure they were responsible and considerate of neighbours.

Proposal – Councillor Alan James proposed the officer recommendation to grant the application, seconded by Councillor Brian Jones.

VOTE:

GRANT – 16

REFUSE – 1

ABSTAIN – 0

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

7 APPLICATION NO 21/2018/0293 - 16 RECTORY LANE, LLANFERRES, MOLD

An application was submitted for the demolition of a porch and the erection of an attached garage (amended scheme) at 16 Rectory Lane, Llanferres, Mold.

Taking into account the late representations received and after discussion with the Local Member, Councillor Julian Thompson-Hill sought deferral of the application.

Proposal – Councillor Julian Thompson-Hill proposed, seconded by Councillor Brian Jones that the application be deferred pending a site visit to take into account matters in relation to highway safety and the impact on adjoining properties.

VOTE:

FOR DEFERRAL – 16

AGAINST DEFERRAL – 1

ABSTAIN – 0

RESOLVED that the application be **DEFERRED** pending a site visit to take into account matters in relation to highway safety and the impact on adjoining properties.

8 APPLICATION NO. 43/2018/0328 - 1-5 PARC DYFFRYN INDUSTRIAL ESTATE, PRESTATYN

An application was submitted for the construction of a new surface level car park and associated works at 1 – 5 Parc Dyffryn Industrial Estate, Prestatyn.

General Debate – The Chair drew attention to the response from the agent in relation to the representations on the application which had been detailed within the late supplementary information (blue sheets) circulated at the meeting. Councillor Julian Thompson-Hill referred to Prestatyn Town Council's objection which mostly related to the wider issues of the provision of a new store as opposed to the specific provision for staff car parking at the rear of the building together with other complaints highlighting inconveniences whilst the store was being constructed and would likely be resolved following its completion. Consequently he did not consider there to be valid grounds for objection to this specific application.

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

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. 43/2018/0439 - 45 BEACH ROAD WEST, PRESTATYN

An application was submitted for demolition of an existing garage and change of use of the domestic curtilage to accommodate a static caravan for use as a holiday let at 45 Beach Road West, Prestatyn. The application had been subject to a Site Inspection Panel meeting on 7 September 2018.

General Debate – Councillor Tony Flynn (Local Member) spoke in favour of the development on behalf of the Applicant and read out a statement (circulated at the meeting together with an aerial photograph) explaining that the caravan would predominately be used by visiting family and friends for which planning permission was not required. The reason for submitting the application was to allow for the provision to let the caravan to contractors from the Applicant's workplace which would account for approximately 10% of its use. In terms of flooding it was argued that the caravan was no different to the pods recently granted planning approval at Ffrith beach and caravans at the nearby Lido Beach Caravan Site were located closer to the sea. There had been no objection to the application from neighbours.

Notwithstanding the Applicant's late representations, the Development Control Manager explained that granting the application would effectively create a holiday zone within a residential curtilage. It was clarified that planning permission was not required for anyone wishing to site a caravan within their garden for purposes ancillary to the enjoyment of the dwelling house because it did not constitute a change of use. However operating a caravan for business purposes in a residential curtilage did constitute a change of use for which planning permission was required, and action was taken in cases of non-compliance. Officers had assessed the application on the basis of the Local Development Plan (LDP) and consultation with Natural Resources Wales (NRW). Officers had considered the change of use contrary to policies in the LDP and would set an unwanted precedent – other sites referred to by the Applicant such as the Ffrith and Lido Beach had been allocated tourism development zones. NRW had advised that the application site was in an area at risk of flooding and given that it was not an allocated tourism development zone planning permission should not be granted for that use in a flood risk area.

Proposal – Councillor Tony Thomas proposed the officer recommendation to refuse the application, seconded by Councillor Christine Marston.

VOTE:

GRANT – 1
REFUSE – 14
ABSTAIN – 2

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

10 APPLICATION NO. 43/2018/0522 - FOUR WINDS FARM CARAVAN SITE, Ffordd Ffynnon, Prestatyn

An application was submitted for the removal of condition no. 3 of planning permission code no. 43/2018/0030 ('The site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days') at Four Winds Farm Caravan Site, Ffordd Ffynnon, Prestatyn.

General Debate – Councillor Bob Murray (Local Member) advised that his initial concerns with regard to traffic had been allayed by officers and Councillor Peter Evans also believed removal of the condition may help relieve traffic pressures. In response to a question from Councillor Andrew Thomas the Development Control Manager advised that the situation had not changed since the application was granted in April 2018. He explained that the condition proposed for removal had been imposed in response to concerns raised with regard to highway movement and residential occupation. However there were two other conditions relating to residential occupancy to address those concerns and the condition to move caravans on and off site within 21 days would potentially generate more traffic than if the condition was removed.

Councillor Merfyn Parry raised no objection to the application but highlighted the potential implications in terms of water and waste/effluent control if caravans remained on-site for longer periods following removal of the condition. The Development Control Manager agreed to look into the matter and report back thereon. Members noted two points of accuracy in the report (1) page 98 reference should be to 'Town' not 'Community' Council, and (2) page 99, paragraph 1.1.3 reference should be from '31 October' not '31 March.'

Proposal – Councillor Bob Murray proposed the officer recommendation to grant the application, seconded by Councillor Peter Evans.

VOTE:
GRANT – 16
REFUSE – 1
ABSTAIN – 0

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

11 INFORMATION REPORT - PLANNING APPEALS UPDATE

An information report was submitted outlining the recent planning appeal decisions received from the Planning Inspectorate on cases within the county for the period

March 2018 to date. An addendum to the report had also been circulated at the meeting which contained a summary of two appeal decisions received following completion of the main report. Full versions of the Planning Inspectors' decisions on the appeals could be viewed via the Denbighshire website.

RESOLVED that the information report be received.

FORMER NORTH WALES HOSPITAL DENBIGH - INFORMATION UPDATE

The Development Control Officer provided a verbal update on the latest position with regard to the former North Wales Hospital, Denbigh.

The General Vesting Declaration (GVD) to complete the compulsory purchase had been formally served on Freemont (Denbigh) Ltd and Northern Estates Ltd, a company with a first charge on the property, on 30 August which meant that the Council would become owners of the site on 27 September 2018. A legal challenge against the GVD could be launched but the legal grounds for such a challenge were limited. Assuming the Council became owners of the site compensation would need to be offered to Freemont (Denbigh) Ltd and Northern Estates Ltd based on the value of the site. The Council considered the value of the site limited and it was unlikely that an agreement on compensation would be reached and the issue would likely be dealt with by the Lands Tribunal.

Prior to the close of the meeting Councillor Emrys Wynne raised two issues (1) lack of bilingual signage at the recently opened Iceland store on Clwyd Retail Park and planning requirements in that regard, and (2) lack of use of official names for roundabouts in planning advertisements. Officers agreed to provide a full response to the issues raised in due course.

The meeting concluded at 10.48 a.m.