

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held via VIDEO CONFERENCE on Wednesday, 10 February 2021 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Peter Evans, Alan James (Vice-Chair), Brian Jones, Tina Jones, Christine Marston, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast, Peter Scott, Tony Thomas, Joe Welch (Chair) and Mark Young

ALSO PRESENT

Development Control Manager (PM), Solicitor (TD), Planning Officer (PG), Committee Administrator (SJ) (Host) and Committee Administrator (RTJ)

Observers– Councillors Meirick Lloyd Davies, Bobby Feeley and Huw Hilditch-Roberts,

1 APOLOGIES

Apologies received from Councillors Emrys Wynne, Julian Thompson-Hill and Gwyneth Kensler

Councillor Merfyn Parry, apologised to the chair for arriving late to the meeting as he had experienced technical problems in accessing the meeting.

2 DECLARATIONS OF INTEREST

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

4 MINUTES

The minutes of the Planning Committee held on 13 January 2021 were submitted.

Matters of accuracy –

Councillor Meirick Lloyd Davies highlighted some translation errors within the minutes. He also raised how he felt that his points raised at the previous meeting were not conveyed fairly within the minutes for application number 31/2020/0338 - Land Adjoining Marllwyn, Groesffordd Marli. He asked if the following points could be noted –

- (i) "Reference was made to the Local Development Plan attracting residents in to the Towns and killing Rural Villages."

- (ii) "A better opportunity and arrangement for rural locals to access affordable housing was called for in the New Local Development Plan"

RESOLVED that, subject to the above, the minutes of the meeting held on 13 January 2021 be received and confirmed as a correct record.

5 APPLICATION NO.02/2020/0811- 73A ERW GOCH, RUTHIN

An application was submitted for the erection of a detached dwelling, construction of a new vehicular access and associated works at 73A Erw Goch, Ruthin.

Officers informed members of the late representation within the blue sheets. Having regard to the Tree Consultant's comments the applicant's agent had requested more time to deal with the issues raised. Therefore, Officers requested the application be deferred to allow the applicants to address the issue of impact on trees more adequately

Proposal – Councillor Merfyn Parry proposed the application be deferred for the reasons explained by the Planning Officer above, seconded by Councillor Alan James.

Vote –
For – 13
Abstain – 0
Against – 1

RESOLVED that the application for Land at rear of 73A Erw Goch, Ruthin be deferred to a future meeting.

6 APPLICATION NO. 02/2020/0989 - FORMER WYNNSTAY STORES, PARK ROAD, RUTHIN

An application was submitted for the variation of condition number 7 of planning permission code no. 02/2020/0251 to allow the use of noise generating machinery between 0800 - 17.30 Monday to Friday and 08.00 - 12.30 on Saturdays at the Former Wynnstay Stores, Park Road, Ruthin.

Public Speakers –

Gail Banks (**Against**) –

The public speaker outlined the reasons for her objection to the application for the removal of condition 7 which included the following reasons:

- The conditions imposed acknowledged the noise concerns from residents and had the aim of protecting the residents' amenities. The public speaker reported that the applicant had breached these conditions.

- The continual breach of conditions and the use of noise generating equipment has had a detrimental impact on the family's daily lives. The crusher makes a continual droning sound when running and it bangs and vibrates when it was crushing materials.
- The noise associated with the yard also affected the family's amenity to enjoy relaxing in the back garden, there have been times when we had needed to come into the house because the noise of the crusher was too distracting.
- Concern that should condition 7 be removed, it would 'open the floodgates' for more noise generating equipment to be used in the yard and residents would again be on the 'back foot' with regards to needing to record the noise generating activities in the yard to provide a true picture of the day-to-day activities as opposed to the limited information supplied by G Parry.
- If on initial application, the true activities of the day to day running of the yard had been presented, would the application have been granted?
- The official issuing of a breach of three of seven conditions highlighted that the activities on the site did not fit in with the surrounding area. Five residents on two sides of the yard, who were in direct proximity were in objection and the Mill childcare provision objected too.
- The activities were more suited to an industrial estate environment, which Ruthin was fortunate to have less than a mile up the road.

Mike Hall (**For**) –

The public speaker for the application outlined the applicant's business history and employment opportunities. The operations within the yard were summarised.

The speaker advised that the yard did not have fixed plant or machinery and was not used for manufacturing. Noise was made from moving materials/plant around the storage yard, unloading/loading materials, the occasional use of hand tools for cutting materials and/or preparing materials for site, and the recycling of materials to reduce waste and environmental impact. The Committee was advised that the noise made was minimal and infrequent, and nothing that would be deemed excessive or unreasonable for any business on this site. He reported that both the Planning Office and the Public Protection Office had been to the site and thought the level and timing of the noise was reasonable.

It was reported that the site has been a commercial site for over 50 years, with all previous businesses making considerably more noise than now. The speaker outlined the previous operations undertaken on the site and how the site had been left empty for two years. During that period, there had of course been no noise generated and nearby residents may have become accustomed to that position.

The speaker acknowledged that on taking over the site there had been an initial few months of greater levels of noise as the site was being prepared but that the company had worked with the local authority in order to minimise noise and the impact on local residents. He advised that the company could not successfully operate their business from the site without being able to make reasonable levels of noise from their activities.

General Discussion –

Officers reminded members the condition was added at a previous planning committee meeting. The conditions that officers had recommended were changed by the committee to add the condition that there was no noise generating equipment at the site. The application today was for the adoption of the original conditions recommended by planning officers.

Councillor Bobby Feeley (local member) highlighted points in support of the application. The site has had a business on for in excess of 40 years which produced noise, and the site was also located near a busy road. The company had also been providing local employment. She reported that the pandemic had made any noise pollution more apparent as people were spending more time working from home, however she felt that the proposed planning officers' conditions were the best options for all involved.

Councillor Huw Hilditch-Roberts (local member) queried with officers how an industrial unit was meant to operate with no noise generating equipment and contrasted the use now with the site's previous noise generating usage, which had not been contained by planning conditions.

Councillor Ann Davies queried whether the rock crusher could be limited to 30 minutes a day, and whether there had been any noise barriers included on site to mitigate any noise pollution, also it was queried whether the issue of dust had been highlighted.

Proposal Councillor Merfyn Parry proposed the application be granted in accordance with officers' recommendations (condition 7 and 8) seconded by Councillor Brian Jones.

Officers responded to members on enforcement activity for planning condition breaches. Members were also reminded that regulatory bodies such as the public protection team would be involved with issues such as dust nuisances.

Vote –

For – 16

Abstain – 0

Against – 0

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

7 APPLICATION NO. 03/2020/0909 - LAND PART GARDEN OF 15 MAES BACHE, LLANGOLLEN

An application was submitted for the erection of 1 no. dwelling, construction of a new vehicular access and associated works at land part garden of 15 Maes Bache, Llangollen.

Having regard to the late representation from Natural Resources Wales, officers requested that the application be deferred to allow the applicants to address the issue of impact on the River Dee Special Area of Conservation (SAC).

Proposal – Councillor Melvyn Mile proposed the application be deferred given the late representations from Natural Resources Wales and for the applicant to address the issue of impact in respect of SAC, seconded by Councillor Alan James.

Vote –

For – 16

Abstain – 0

Against – 0

RESOLVED that the application for land part garden of 15 Maes Bache, Llangollen be deferred to a future meeting.

8 APPLICATION NO. 43/2020/0907 - BRIGADOON, 2 TALTON COURT, PRESTATYN

An application was submitted for the erection of a first floor extension and associated works at Brigadoon 2, Talton Court, Prestatyn, LL19 9HF (previously circulated).

Public Speaker –

Susan Brown (**For**) –

The public speaker in favour of the application reported on her family's connections with the area. She reported that her family's need for home working and currently home schooling underlined some of the reasons for the application.

The speaker advised that the applicants had worked closely with the planning officer on the application and the scheme has been carefully designed to make the most of the positioning of the existing house.

In respects of concerns over the street scene she reported that there were a large number of nearby properties in Prestatyn which had already undergone similar developments and would have a similar visual impact, which had been granted planning permission. The speaker outlined the neighbours' support and objections to the proposal, with objections having been raised that related to being overlooked. The committee was advised of the measures taken by the applicants to amend the proposals to mitigate concerns of being overlooked.

General Discussion –

Councillor Tina Jones spoke on behalf of Julian Thompson-Hill (local Member) who was unable to attend the meeting. She reported that Councillor Thompson-Hill thought an element of overlooking was common due to the topography of Prestatyn. However, the development would increase the prospect of being overlooked from Talton Court to the properties below, and would impact on the

visual amenities of those residents. Councillor Jones reported that had Councillor Thompson-Hill been present he would likely have proposed the application be refused.

Councillor Paul Penlington reported that he knew the area well and understood the building was on a hill and overlooked other properties. However, he understood that the only objections were from properties 50 metres away.

Proposal – Councillor Paul Penlington proposed the application be granted in accordance with officer recommendations, seconded by Councillor Peter Evans.

Vote –
For – 16
Abstain – 0
Against – 0

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

9 APPLICATION NO. 45/2020/0897 - LAND AT REAR OF 2 ELM GROVE, RHYL

An application was submitted for the erection of one dwelling, a detached garage, means of access and associated works at land to the rear of 2 Elm Grove Rhyll LL18 3PE.

Public Speakers –

Gordon Milton (**Against**) –

The public speaker against the application advised members of his family's connection to the area and their medically-proven need to avoid disruption and anxiety which they anticipated would be inevitable should the application be granted. Indeed, the speaker advised that the prospect of the development had itself caused the family significant problems.

The speaker also advised members of the practical problems associated with the application which included negative impacts on flooding and sewers, privacy, use of the family garden and the loss of light.

Jared Hughes (**For**) –

The public speaker for the application reported that the applicants had worked with the planning officer to address the concerns raised by the objectors, as far as was reasonably practicable. In particular, the application had been designed to meet the local authority's requirements in respect of wildlife and biodiversity; reasonable distances between properties and the prevention of loss of privacy through the design of windows.

The speaker informed members that outline permission had been granted on the site and that formed the basis for this application. If granted, the development would be the family home.

General Discussion -

Councillor Tony Thomas (local member) reported that this proposal was to erect a dwelling on a site with an existing planning permission. He commented that there were no objections from highway officers and there was adequate distance from the existing buildings. Councillor Thomas also advised that the proposed development was in line with the corporate plan aim to provide homes for young families.

Proposal – Councillor Christine Marston proposed the application be granted in accordance with officer recommendations, seconded by Councillor Peter Scott.

Vote –

For – 15

Abstain – 1

Against – 0

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

10 APPLICATION NO. 03/2020/0472 - PENGWERN HALL, LLANGOLLEN

An application was submitted for the construction of a slurry lagoon and associated works at Pengwern Hall, Llangollen.

General Discussion –

Councillor Melvyn Mile (local member) reported that the town council wanted to raise awareness of how close the development was to two schools and to residential properties. He advised that there had been no objections from any external bodies and he would support the application as long as appropriate conditions were in place.

Proposal - Councillor Melvyn Mile proposed the application be granted in accordance with officer recommendations, seconded by Councillor Alan James.

Vote –

For – 15

Abstain – 1

Against – 0

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

11 APPLICATION NO. 10/2020/0642- LAND AT BROOKLYN, BRYNEGLWYS, CORWEN

An application was submitted for the variation of conditions 2 and 3 of outline planning permission 10/2017/0330 to allow an extension of time for the submission of reserved matters and the date of commencement of development at Brooklyn, Bryneglwys, Corwen.

Having regard to the late representation from Natural Resources Wales, Officers request the application be deferred to allow the applicants to address the issue of impact of the development on the River Dee Special Area of Conservation (SAC).

Proposal Councillor Brian Jones proposed a deferral given the late representation from Natural Resources Wales and for the applicants to address the issue of impact of the development in respect of SAC, seconded by Councillor Bob Murray.

Vote –
For – 16
Abstain – 0
Against – 0

RESOLVED that the application for Land at Brooklyn, Bryneglwys, Corwen be deferred to a future meeting

12 APPLICATION NO. 42/2020/0903 - LAND ADJACENT TO CARTREFLE, FFORDD FFYNNON, DYSERTH, RHYL

An application was submitted for the development of 0.12 hectares of land by the erection of 2 detached dwellings (outline application - all matters reserved) at land adjacent to Cartrefle, Ffordd Ffynnon, Dyserth, Rhyl.

General Debate –

The chair informed the committee that the local member Councillor David Williams could not attend the meeting. However, he had sent a statement outlining that he had assessed the objections raised to the application and was content for the committee to determine the application on the information contained within the report. Had he attended, Councillor Williams would have declared a personal interest as he had a property in the vicinity of the application site.

Proposal – Councillor Bob Murray proposed the application be granted in accordance with officer recommendation, seconded by Councillor Merfyn Parry.

Vote –
For – 16
Abstain – 0
Against – 0

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

13 APPLICATION NO. 47/2020/0271 - LAND PART GARDEN OF GLANRAFON, RHUALLT, ST ASAPH

An application was submitted for the erection of one dwelling, formation of a new vehicular access, installation of a septic tank and associated works on land at (part garden of) Glanrafon Rhualt St Asaph.

General Discussion –

Councillor Christine Marston (local member) informed the committee that Glanrafon was a three story grade 2 listed building, and the application was for development in the garden. The application was being discussed due to concerns raised by the Tremeirchion, Cwm, and Waen Community Councils on the impact it would have on Glanrafon and highway safety.

Members were advised that there had been applications proposed for two affordable dwellings at the site in May 2013. Those had been withdrawn due to several reservations raised by the conservation officer whilst highway officers also has concerns about the impact on the highways and visibility. Members were informed that the proposed development would have an overbearing impact on Glanrafon because although the proposed development had only two stories, the ridge height would be higher than Glanrafon.

Proposal Councillor Christine Marston proposed the application be refused contrary to officer recommendations in line with Technical Advice Notes 14 and 18 and given concerns about the impact on listed building and highways safety, seconded by Councillor Peter Scott.

Councillor Ann Davies felt strongly that listed buildings should be protected, and queried whether CADW had made any comments with the application. Officers advised that CADW would not normally comment on a planning application at this stage but the Council's Conservation officer had felt the development was acceptable.

Proposal Councillor Paul Penlington proposed the application be granted in accordance with officer recommendations, seconded Councillor Alan James.

Alongside the proposal it was suggested that harmonising the floor levels between the listed building and the new development could be beneficial.

Vote –
For – 4
Abstain – 0
Against – 12

RESOLVED that permission be **REFUSED** contrary to officer recommendations as detailed within the report.

14 APPLICATION NO. 47/2020/0272 - LAND PART GARDEN OF GLANRAFON, RHUALLT, ST ASAPH

An application was submitted for the removal of part of a wall to form access (Listed Building Application) at land that formed part of the garden of Glanrafon, Rhualt, St Asaph

Proposal Councillor Christine Marston proposed the application be refused as it impacted on the visual amenities of the listed building, seconded by Councillor Peter Scott.

Vote –
For – 4
Abstain – 0
Against – 10

RESOLVED that permission be **REFUSED** contrary to officer recommendations as detailed within the report.