

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 30th May 2012 at 9.30am.

PRESENT

Councillors I W Armstrong, B Blakeley, J A Butterfield, J A Davies, M LI Davies, R J Davies, S A Davies, R L Feeley, H Hilditch-Roberts, T R Hughes, E A Jones, P M Jones, G M Kensler (observer), M McCarroll, W M Mullen-James, R M Murray, P W Owen, D Owens, T M Parry, A Roberts, D Simmons, J Thompson-Hill, J S Welch, C H Williams, C L Williams and H O Williams.

ALSO PRESENT

Head of Planning Regeneration & Regulatory Services (G Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor - Planning and Highways (Susan Cordiner), Team Leader (Gwen Butler), Customer Services Officer (Judith Williams) Translator (Catrin Gilkes).

for part of the meeting, Highways Officer (Mike Parker), Renewable Energy Planning Officer (Denise Shaw)

1 APOLOGIES

Apologies for absence were received from Councillor J M Davies.

2 DECLARATIONS OF INTEREST

Councillor T R Hughes declared an interest in application 27/2012/0009/PF (Tan y Fron Farm, Tan Y Fron Lane, Eglwyseg, Llangollen).

Councillor E A Jones declared an interest in item 10 (Burbo Bank Windfarm Extension - Major Infrastructure Project).

3 URGENT ITEMS: None

4 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of Planning Committee.

Councillor Dewi Owens was nominated by Councillor Julian Thompson-Hill and seconded by Councillor Stuart Davies.

Councillor Meirick Lloyd Davies was nominated by Councillor Cefyn Williams and seconded by Councillor Rhys Hughes.

Councillor Win Mullen-James was nominated by Councillor Joan Butterfield and seconded by Councillor Bob Murray.

The candidates addressed the committee and a secret ballot was conducted.

After round 1 of the ballot , Councillor Meirick Lloyd Davies was eliminated.

A second ballot was conducted and resulted in the following:

11 votes to Councillor Dewi Owens
10 votes to Councillor Win Mullen-James
3 abstentions and one blank vote

In accordance with the constitution Councillor Dewi Owens was duly elected Chair of Planning Committee for the ensuing year.

5 APPOINTMENT OF VICE CHAIR

Nominations were sought for the position of Vice Chair of Planning Committee.

Councillor Meirick Lloyd Davies was nominated by Councillor Cefyn Williams and seconded by Councillor Huw Hilditch-Roberts.

Councillor Win Mullen-James was nominated by Councillor Joan Butterfield and seconded by Councillor Bob Murray.

A secret ballot was conducted.

13 votes for Councillor Meirick Lloyd Davies
11 votes for Councillor Win Millen-James
There was 1 abstention

Councillor Meirick Lloyd Davies was duly elected vice-chair of Planning Committee for the ensuing year.

6 MINUTES OF THE MEETING HELD ON 18th APRIL 2012

These were agreed as a true record.

At this point the electronic voting system was tested. As it was found not to be registering all votes cast it was decided that voting in the meeting today would be by means of a show of hands, unless a Recorded Vote was requested.

Paul Mead (Development Control Manager) explained that 4 members of Committee had not yet fulfilled the training requirements and would therefore not be eligible to vote.

Training for those Members had been arranged and will take place before the next Planning Committee.

7 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, Regeneration and Regulatory Services (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 Advertisements 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: 02/2012/0241/PF

Location: Land at (Part garden of) Llys Deri Bryn Goodman, Ruthin

Description: Alterations to vehicular access previously granted under Code No. 02/2011/0167 to serve existing dwelling and proposed new dwelling.

The following additional letters of representation were reported:

- Mr B Owen (on behalf of Mr and Mrs Ayiar, neighbours)

Officers requested deferral of this item in order to clarify issues of ownership and the level of detail submitted.

Councillor R L Feeley proposed this item be deferred and a site visit takes place prior to the next planning committee meeting

This was seconded by Councillor H Hilditch-Roberts.

On a show of hands this was carried.

RESOLVED therefore that this item be ***DEFERRED***

Application No: 23/2011/1144/PF

Location: Bryn Morfydd, Llanrhaeadr YC, Denbigh

Description: Layout and siting of 42 no. holiday lodges, reception and temporary warden's accommodation including associated facilities, parking, landscaping and infrastructure.

Additional information from the applicants' agent was reported.

Public Speakers: Matthew Jones (in favour)

Matthew Jones referred to the history of the Bryn Morfydd and its heyday during the 1960-70s. Fashions changed and the hotel and golf course have now closed down.

Mr Jones explained that during discussions with planning officers he was encouraged to retain the tourism use. This proposal would take advantage of the boom in "staycations" and would reuse part of the redundant golf course. The scheme was for low density, timber clad buildings, which would not be residential.

Development Control Manager, Paul Mead, gave a brief introduction and explained that National Guidance and the Denbighshire Unitary Development Plan encourage suitable tourism projects. This site has a previous leisure/tourism use. Officers considered this proposal to be acceptable. He referred to recent refusals for lodges at other sites but advised that this was not high grade agricultural land and the proposed density of 3.5 per hectare is low and provided sufficient amenity space.

Councillor Joe Welch said that the main building of Bryn Morfydd needed renovation and this development would help fund it. He had spoken to constituents who had raised concerns about additional traffic and light pollution and the potential for a permanent residential use to emerge. While sympathising, Councillor Welch felt that conditions would prevent permanent residential use, the traffic would be more than present but less than to the hotel during its heyday. He also referred to spotlights on the hotel which were more powerful than any lights proposed for the holiday lodges.

He felt the proposal would be a boost to tourism which would benefit local businesses.

Councillor Alice Jones asked for evidence that the land quality was not high grade agricultural land.

Councillor Meirick Lloyd Davies raised concerns about the occupancy condition.

Development Control Manager, Paul Mead, explained that the golf course had been partly returned to grazing land and as it has been a leisure use, it would be acceptable to use it as such again.

With regard to the occupancy conditions, Mr Mead agreed that it was not desirable for a dual accommodation on site and was keen that the warden be accommodated in the Bryn Morfydd. Condition 17 covered this, but it could be strengthened.

Proposals:

**Councillor B Blakeley proposed that permission be GRANTED.
This was seconded by Councillor J Butterfield.**

On a show of hands, this was carried .

PERMISSION WAS THEREFORE GRANTED

Subject to:

Suggested Amendment to Condition 4

Add at the end of the condition - final line, ".....boundary as agreed, and shall provide for the renovation / reinstatement of the stone wall along the public highway running along the eastern boundary of the site."

Revised wording of Condition 17:

17. Before any works commence on site, a phasing strategy and plan shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include details of the timing of the removal of the warden's temporary accommodation unit within 3 years of the first occupation of that unit and the phased renovation of the former Bryn Morfydd hotel buildings. Only those details subsequently agreed shall be implemented thereafter.

Application No: 27/2012/0009/PF

Location: Tan y Fron Farm, Tan Y Fron Lane, Eglwyseg, Llangollen

Description: Erection of an agricultural building for the storing of fodder and housing livestock.

Councillor T R Hughes declared an interest in this application and left the Chamber during consideration thereof.

There was no debate on this item.

Proposals:

Following a proposal to GRANT permission, duly seconded, on a show of hands this was carried unanimously.

PERMISSION WAS THEREFORE GRANTED

Subject to Amended Condition 4

Delete "occupation of the first unit" and replace with "proposed building is first brought into use".

Application No: 43/2012/0143/TP

Location: 20c Bryntirion Drive, Prestatyn

Description: Felling of 2 no. Sycamore trees numbered T41 and T43 and crown reduction by 25 per cent of 2 no. Sycamore trees numbered T40 and T42 on the plan annexed to the Borough of Rhuddlan (Woodland Park, Prestatyn) Tree Preservation Order No. 3 1985 and replanting with British species, i.e. Silver Birch.

Councillor J Thompson-Hill supported the Town Council in objecting to removal of these trees on aesthetic grounds not safety. He felt it would have a negative impact on the area.

Development Control Manager, Paul Mead replied that if a Preserved Tree was dying or diseased, consent is not needed to remove it. In this case consent is needed. He advised that an arboriculture report supported the view that topping or felling would allow more light to the garden to help other trees flourish.

Proposals:

**Councillor J Butterfield proposed that consent be granted
This was seconded by Councillor Peter Owen**

On a show of hands this was carried:

15 votes in favour

3 votes against

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2011/1048/PF

Location: Land at Cefndy Trading Estate, Ffordd Derwen and Cefndy Road, Rhyl

Description: Development of 1.35ha of land by the erection of 24 no. dwellings including landscaping, open space and access and erection of a 1,299 sqm commercial unit including parking, servicing and access.

Officers confirmed the usable open space is 1582 sqm not 929sqm as set out in the report.

Members made the following queries to the officers:

- the stages of highway works proposed
- the reason for water being discharged into Brickfield Ponds
- Whether revenue for allowing the discharge could fund work on Rhyl Cut
- How the affordable housing units will be safeguarded
- Whether a flood assessment had been carried out

Highways Officer, M Parker replied that a Bond would be required to ensure the funding was available to construct the vehicular access

Development Control Manager, Paul Mead explained that sustainable drainage was necessary and Brickfield Pond was available. The Property Section would discuss rights and require payment which could be used to fund improvements to Rhyl Cut.

Councillor Butterfield expected that would have to be discussed at Local Members Forum.

Paul Mead also advised that the Environment Agency were content that the proposed bund would protect the area from flooding. The Affordable Housing funding proposed is for 7 housing units and will be the subject of a S106 Agreement.

Councillor M Parry referred to Parc Tyn Llan Estate in Llandyrnog where a Highways Bond had been drawn up but the Community Council had encountered difficulties in getting the work done after the developer became bankrupt.

Councillor B Blakeley was concerned foul water may discharge into Brickfield Pond or Rhyl Cut.

Paul Mead explained that Welsh Water were happy there was sufficient capacity to cope with the sewage. Mike Parker Highways Officer agreed with Councillor Parry about problems at the estate in his ward but said they had learned lessons from the Llandyrnog Bond. The Highways Officers will ensure

the work is done as soon as possible, although the final wearing course will have to wait until all utilities have been installed to each new house.

Paul Mead reiterated that the Environment Agency was satisfied but a flood consequences report is needed. The coastal defences would help prevent flooding to the rest of Rhyl.

G Boase, Head of Planning, stated that the Affordable Housing would be built first and reminded Committee of Denbighshire's good record in providing Affordable Housing. Further concerns about Brickfield Ponds would be raised with relevant departments.

Councillors continued to raise concerns about the issue of developers failing to providing Affordable Housing, but officers were reassured that this will not be an issue in this case .

**Councillor M McCarroll proposed that permission be Granted
This was seconded by Councillor Ian Armstrong**

On a show of hands this was carried unanimously

PERMISSION WAS THEREFORE GRANTED

Subject to:

the completion of an obligation under s.106 of the Town and Country Planning Act 1990 within 12 months of the resolution of this Committee to secure:

- a) The provision of 7 affordable housing units and the retention of these for affordable purposes
- b) The paying of a commuted sum for the provision of off-site open space and children's play areas.
- c) The provision and maintenance of on-site play areas.
- d) The retention and maintenance of a flood mitigation wall as shown in the approved plans.

The Certificate of Decision would only be released on completion of the legal obligation. Should such an obligation not be completed within 12 months of this Committee resolution, the application would be represented to Planning Committee and determined in accordance with the Policies applicable at that time, should material circumstances change.

Application No: 46/2012/0333/PC

Location: Field No. 6105, Bryntirion Farm, Rhualt, St Asaph

Description: Continuation of use of land as ancillary play area to main dwelling and retention of tree house (retrospective application).

An additional plan was circulated showing the extent of the residential curtilage.

Development Control Manager, Paul Mead explained the background to this application, The property is within the Clwydian Range Area Of Outstanding Natural Beauty and that a tree house had been erected in an area which was not part of the domestic curtilage. The Joint Advisory Committee of the AONB had objected to this development.

Members queried the make up of the AONB Joint Advisory Committee and while some Councillors advised that they were members of the committee, it was made up of a number of bodies with an interest in the countryside.

Councillor Alice Jones asked if the property was a working farm.

Paul Mead referred to the additional plan circulated. The property was not large in farming terms. Planning permission had been granted for retention of garages, kennels, gates and cctv cameras and an increase to the residential curtilage.

The tree house has been built 70m from the dwelling but there was sufficient space within the domestic garden for it.

In response to questions, Paul Mead confirmed that, if refused, the tree house could be moved to the garden without further permission.

G Boase, Head of Planning gave a clear direction that as this development is outside the dwelling unit and within the AONB it should be refused.

A proposal to REFUSE was duly seconded

**On being put to the vote this was carried
3 abstained and 1 voted against**

PERMISSION WAS THEREFORE REFUSED

Application No: 47/2012/0368/PC

Location: Bryntirion, Rhualt, St Asaph

Description: Erection of building to house water storage tank
(retrospective application).

Principal Planning Officer, Ian Weaver explained that this water tank was to serve the lambing shed nearby. It was not visually obtrusive.

Proposals:

**Councillor B Blakeley proposed that permission be GRANTED
This was seconded by Councillor Stuart Davies**

**On a show of hands this was carried
(Councillors Rhys Hughes and Merfyn Parry abstained)**

PERMISSION WAS THEREFORE GRANTED

8 PLANNING APPEAL: ST DAVID'S RESIDENTIAL HOME, EAST PARADE, RHYL

Development Control Manager, Paul Mead explained the background to this case. Planning permission was refused by Committee in September 2011.

An appeal has now been lodged and will be heard by way of an informal hearing on Tuesday 19th June 2012.

As the officer recommendation was to grant permission, a request was being made for a representative of Planning Committee to give evidence at the Hearing in accordance with paragraph 9.3 of the Planning Appeals and Member Involvement Protocol.

In response to Members' questions, Officers advised that it was not possible for committee to reconsider the application, and although it was an "informal" hearing it would be conducted in a formal manner by the appeal Inspector. It was suggested that it would be advisable for an experienced Member to attend.

It was proposed that Councillors Ian Armstrong and David Simmons or Win Mullen-James attend on behalf of Planning Committee.
This was Carried

**9 MAJOR INFRASTRUCTURE PROJECTS
UPDATE REPORT**

This report was for information

Denise Shaw (Renewable Energy Officer) explained that the Localism Act 2011 abolished the Infrastructure Planning Commission. The decision making power on larger power stations, off shore windfarms and high voltage overhead lines now rested with the Planning Inspectorate.

Following a number of questions from Members, Ms Shaw offered to contact them to discuss individual issues.

Resolved that this report be received for information.

**10 BURBO BANK WINDFARM
EXTENSION MAJOR INFRASTRUCTURE PROJECT**

(Councillor Alice Jones declared an interest in this item and left the Chamber during consideration thereof).

Denise Shaw (Renewable Energy Officer) introduced this item and explained that it was necessary to respond to consultation received and sought Committee's views.

Members asked a number of questions:

- How would Wales benefit from income generated off shore, in English waters.
(Denise Shaw explained this was not something the authority could comment on, but communities could apply for benefit).
- Electricity Cables are coming on shore at Prestatyn, how will the cables get to St Asaph; what was the exact route; was there a better entry point (e.g. Foryd Harbour); who defined the entry point.
(Denise Shaw advised that the cables will go underground, but the exact route had not yet been defined. The entry point would be refined by an Environmental Assessment of the geology of the sea bed to identify the best route).
- Which substation would be used at St Asaph Business Park; why not connect to The National Grid at Prestatyn to minimise disruption.
(Denise Shaw stated that a new substation is to be erected near the existing development for the Gwynt y Mor output, at St Asaph/Glascoed Road).

RESOLVED: *Members agreed to the Consultation response as detailed in the submitted report, and agreed to this being submitted to DONG Energy as the Council's response to the formal pre-application consultation in order to meet the timescale directed by the developer.*

11 **PROTOCOL FOR MEMBER TRAINING - VERSION 2**

Submitted: Report detailing the proposed changes to the Protocol for Member Training and seeking approval for the changes.

Changes included recognition for regular attendance at Committee and for work defending planning appeals.

Following questions by Members regarding the level of support given to Members attending appeals; compliments were paid to the officers for the recent training given.

It was

RESOLVED *that Committee approve the suggested changes to the Protocol for Member training.*

12 **UPDATED SCHEME OF DELEGATION - VERSION 4**

Submitted: Minor amendments to the Scheme of Delegation to include issues related to Major Infrastructure Projects. The update also changed the mechanism for reviewing significant departures or decisions where there was a risk of costs awarded against the Council at appeal, legal challenge or Ombudsman investigation. These decisions would be reviewed by Planning Committee, not full Council.

RESOLVED that the updated Scheme of Delegation (Version 4) be approved.

The meeting closed at 12.45 p.m.