

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 20th June 2012 at 9.30am.

PRESENT

Councillors D Owens (Chair) I W Armstrong, B Blakeley, J A Butterfield, W L Cowie, J.M. Davies M LI Davies, R J Davies, R L Feeley, C. L. Guy-Davies, H Hilditch-Roberts, C. Hughes, , P M Jones, M McCarroll, W M Mullen-James, R M Murray, P W Owen, A Roberts, W.N. Tasker, J Thompson-Hill, C H Williams, and C L Williams.

ALSO PRESENT

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) and Translator (Catrin Gilkes).

1 APOLOGIES

Apologies for absence were received from Councillor J.A. Davies, E.A. Jones, T M Parry. D Simmons, J S Welch and H O Williams
Also apologies from Graham Boase, Head of Planning Regeneration and Regulatory Services

2 DECLARATIONS OF INTEREST

Councillor M. Lloyd Davies declared an interest in application 46/2011/0998/PC (Rhosfryn, 9 Chester Street, St Asaph) and the associated enforcement report.

3 URGENT ITEMS:

PLANNING APPEAL APPLICATION 01/2011/0621/ PF

Siting of 20 holiday lodges with associated access, parking and installation of a sewage treatment plant

THE GLYN, LLEWENI PARC, DENBIGH

4 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 information was reported on the Late Information report circulated at the meeting:

- Letter in objection received from Mr B Owen (on behalf of Mr. & Mrs. Aiyar, Oaklea, Bryn Goodman Ruthin)
- The Applicant's agent reporting the attempts to negotiate a resolution.
- A report of a Site Visit which took place on Monday 18th June 2012

Councillor R L Feeley was not happy to accept the recommendation to grant. She felt the original access position was better.

Principal Planning Officer Ian Weaver reported on the site visit and explained the background to the application. Permission was granted for a new dwelling now under construction but there was a dispute over land ownership so an application was submitted to alter the access arrangements. The proposal would result in the removal of a 2m length of beech hedge. He admitted his view was the previously agreed arrangement was preferable but it was necessary to deal with the application as it stands. There had been no objection from Highways as it is not uncommon to have shared access. The loss of hedge was not unreasonable, and there was little to refuse permission on.

Councillor Feeley did not think the situation was acceptable.

Councillor M. LI. Davies had been unable to attend the Site Visit so had been to the site himself that morning. He felt it may prove a problem when the houses are sold but it was an issue for the vendor, not the Planning Committee.

Councillor M. LI. Davies proposed that permission be GRANTED this was seconded by Councillor Brian Blakely.

VOTE: 21 voted to GRANT
1 voted to REFUSE
there were no abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to:

No further objections not already covered by the report being received by 22nd June 2012.

Revise condition 8 as below:

8. No gates, fences, walls or other means of enclosure or permanent obstruction to the use of the access / turning area hereby approved shall be permitted at any time, other than with the prior written approval of the Local Planning Authority.

Reason: To ensure the access and turning areas are kept free of obstruction, to allow ease of movement of vehicles seeking access to and from the properties.

Add note to applicant :

The Authority has been made aware of third party representation over land ownership issues in the vicinity of the application site. The Authority can play no part in resolution of ownership disputes, but you are advised to ensure that the permission is capable of implementation on land in the applicant's control.

Application No: 20/2011/1138/PF

Location: Land at Tyn Y Celyn Llanfair Dyffryn Clwyd
Ruthin

Description: Demolition of two redundant stone buildings and
erection of an agricultural workers dwelling

THIS APPLICATION WAS WITHDRAWN BY THE APPLICANT'S AGENT ON
19TH JUNE 2012

Application No: 24/2012/0127/PC

Location: **Bod Ynys Rhewl Ruthin**

Description: Construction of a circular slurry store - amended details (retrospective application)

Councillor Cheryl Williams wished it to be noted that she was not the Cheryl Williams who had written in objecting to this development.

The following additional information was reported on the Late Information report circulated at the meeting:

- Letters in objection received contained the following points:
 - Application was invalid
 - Unacceptable visual impact
 - Unacceptable impact on residential amenity
- Communication from Councillor M Parry requesting the application be deferred
- Officers comment on DEFRA's recommendation on the distance from residential property

Councillor Colin Hughes referred to Councillor Merfyn Parry's reported request to defer consideration of this item and asked for officers' opinion. Officers advised that there were no sound reasons to defer – the application had been deferred prior to the Local Elections, there had been a site visit and further information had been sought. The Council were at risk of an appeal against Non Determination which would mean that Planning Inspectorate would make the decision. The Ombudsman's office could take a detrimental view of a further deferral when making a judgement on the complaint they have received.

Public Speakers:

Mr E Jones (Against)

Mr E Jones is a neighbour of the property and objected to the siting of the tank. He felt there is an unacceptable visual impact and screening or painting it would not help. He also objected to the smells emanating from the tank which he felt would not be helped by the odour management proposal. He said the tank should be moved and have a lid installed.

Mr Dewi Roberts (in favour)

Mr Dewi Roberts is the tenant farmer of Bod Ynys. He was obliged to install a new slurry store to comply with new Nitrate Vulnerable Zone rules. He had planning permission for a 23m diameter tank and there had been no objection. When ordering this tank, rumours were circulating that larger tanks would soon be needed so he took the decision to install a larger one. He thought it would be an advantage to all as it would not need to be emptied so often, so reducing odour when the slurry is disturbed. He was happy to screen the tank and paint it. He pointed out that it was only 25m from the old tank so felt the odours would be no worse.

Development Control Manager Paul Mead advised committee that permission had already been given for a slurry store but a larger one was built. An amended application was submitted to regularise the situation. The item had been deferred previously and held up because of additional plans being received which required a further consultation period. This store is necessary for NVZ legislation and the Environment Agency has no objection.

The following questions were raised by Members:

Councillor Win Mullen James asked how feasible it would be to install a lid on the tank.

Councillor Joan Butterfield asked for a report on the site visit:

Councillor Huw Hilditch –Roberts asked for clarification on the planning issues as opposed to environmental issues.

Councillor Colin Hughes was surprised the previous application had been determined by officers under delegated powers and asked if the site visit had been in relation to the slurry store or the new agricultural buildings.

Planning Officer David Roberts answered.

- The site visit was undertaken at the same time an application for outbuildings was being determined but was for the consideration of the slurry store application. The notes of the site visit meeting were detailed in the committee report.
- He advised committee they should determine the application as it stood, (without a lid) but officers could explore the possibility of the applicant installing a lid at a future point.
- The previous application had been dealt with under Delegated Powers as there had been no objection to it.
- Environmental issues – it has been requested that the tank is filled from the bottom to retain a crust on top of the slurry, this would reduce odours. The NVZ regulations require 6 or 7 months worth of storage and this tank is acceptable but not too big.

- The Environment Agency has its own regulations and requires protection of water courses. Working farms must have slurry stores. In this case it is far enough away from properties and will be screened.

The Chair queried the Scheme of Delegation in relation to how the original planning application was dealt with. Paul Mead, Development Control Manager explained that this was not relevant to the assessment of the current proposal but that the original application had been dealt with in accordance with the Delegation Scheme

Proposals:

Councillor B Blakely proposed this item to be GRANTED

This was seconded by Councillor J Thompson Hill

VOTE:

18 voted to GRANT

3 voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Revised Condition 1

1. The external faces of the concrete panels of the store hereby approved shall be painted in a dark green colour no later than the 30th September 2012. The actual colour shall be as may be agreed in writing by the Local Planning Authority prior to any painting taking place, and the panels of the store shall be maintained in the agreed colour at all times.

Revised Condition 3

3. Notwithstanding the submitted details, the slurry tank shall not be permitted to continue to operate after 30th September 2012 other than in accordance with an Odour Management Plan, the details of which shall be submitted to be approved in writing by the Local Planning Authority, and shall include for the means of minimizing release of odour from the tank during the process of filling, storage and emptying slurry. The tank shall operate in accordance with the approved plan at all times thereafter.
Reason: To ensure reasonable mitigation for release of odour in connection with the operation of the slurry tank, in the interests of residential amenity.

Note to applicant

You are reminded of the need to ensure early submission of the details required by Conditions 1 and 3 of this permission, and the completion of the development in accordance with such details as are subsequently approved by the Council no later than 30th September 2012.

Application No: 24/2012/0382/PF

Location: OS Parcel No. 8912 near Glanynys Llanynys
Denbigh

Description: Relocation of 2 No. existing field shelters, erection
of new implement/food store (Partly in retrospect)

The following additional information was reported on the Late Information report
circulated at the meeting:

V Kalities, Glanynys Bach, Llanynys
Mr & Mrs H J Varney, Glanynys, Llanynys
A & B Isaac, Tai Newydd, Llanynys (unsigned)
J Beasley, Glyn Cottage, Llanynys (unsigned)

There was no debate on this item

Councillor J Butterfield proposed permission be GRANTED
This was seconded by Councillor Brian Blakely

VOTE:
22 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2012/0383/PFRE

Location: Rhyl High School And Leisure Centre 86 Grange Road Rhyl

Description: Installation of self-contained biomass heating system with external silo facility for heating the the leisure centre and swimming pool

Councillor Win Mullen Jones asked how deliveries would be made to site and Councillor J Butterfield was concerned about the cost.

Development Control Manager Paul Mead advised that the present access arrangements were adequate and it was not for planning committee to discuss future potential dangers. This heating system would heat the leisure centre. Councillor M Ll. Davies asked why preferred suppliers were identified in the report.

Development Control Manager Paul Mead said that was a quote from the Design and Access Statement supplied with the application.

Councillor B Blakely proposed that permission be GRANTED This was seconded by Councillor Cheryl Williams. on being put to the vote

22 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Revision to Condition 3

3. The height of the flue shall be as shown on the approved plans and any variation shall require a fresh planning application.

Revision to Condition 4

Please add at end

The development shall be carried out strictly in accordance with the details approved in relation to this condition

Application No: 46/2011/0998/PC

Location: Rosfryn 9 Chester Street St. Asaph

Description: Retention of conservatory, alterations to kitchen roof at rear and re-rendering of front of dwelling

Councillor M Lloyd Davies declared an interest in this application and left the Chamber during consideration thereof.

There was no debate on this item

**Councillor Bill Cowie proposed this be REFUSED
Seconded by Councillor Huw Hilditch Roberts**

**VOTE:
2 voted to GRANT
17 voted to REFUSE
1 Abstained**

PERMISSION WAS THEREFORE REFUSED

Application No: 46/2011/0998/PC

**Location: Rosfryn 9 Chester Street St. Asaph
Enforcement Report –**

Description: Unauthorised development – erection of extension

Councillor M Lloyd Davies declared an interest in this item and left the Chamber during consideration thereof.

Officers requested authorisation to take enforcement action to remove the unauthorised extension, allowing a six month compliance period.

Councillor J Thompson Hill proposed that authorisation be given

This was seconded by Councillor Bill Cowie

**On being put to the vote
18 voted to authorise enforcement action
0 voted against it.**

RESOLVED THEREFORE:

That authorisation be granted for the following:

- (i) Serve an Enforcement Notice to secure the removal of the unauthorised extension within a period of 6 months
- (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

8 PLANNING APPEAL: The Glyn, Lleweni Parc, Denbigh

Circulated; report by the Head of Planning, Regeneration and Regulatory Services, advising that an appeal had been submitted to The Planning Inspectorate against the refusal of permission to site 20 lodges at The Glyn, Lleweni Parc, Denbigh.

Development Control Manager, Paul Mead explained the background to this case and stated that planning permission had been refused by Committee in April 2012, just prior to the local elections.

The appeal is to be heard by way of an Informal Hearing on Tuesday 18th September 2012.

As the officer's recommendation was to grant permission, a request was being made for two representatives of Planning Committee to give evidence at the Hearing in accordance with paragraph 9.3 of the Planning Appeals and Member Involvement Protocol. Officers also requested authorisation to appoint a planning consultant to assist in the preparation and presentation of the case at the hearing

It was acknowledged that Councillor Ray Bartley (local member) would not be able to attend the appeal due to other commitments so Members requested that those Councillors who voted to refuse permission in April be identified. This was formally agreed by those present

Officers advised that, of those Councillors who are still Members of Committee, the following voted to refuse permission:

Councillors Ian Armstrong, Brian Blakeley, Joan Butterfield, Meirick Lloyd-Davies, Colin Hughes, and Cefyn Williams

Councillor Colin Hughes was unsure of his eligibility as his new employment in tourism may prove to be a conflict of interest but Members felt it was important to appoint a local representative.

It was proposed that Councillors M. Lloyd Davies and Colin Hughes be nominated to represent the committee at the appeal hearing.

Councillor Richard Davies (the new local member for the ward of Denbigh Lower) would attend as an observer.

This was duly Carried

It was further agreed to appoint a planning consultant to assist in the preparation and presentation of the case.

THE MEETING CLOSED AT 10:50 am