

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 18<sup>th</sup> July 2012 at 9.30am.

### **PRESENT**

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

### **ALSO PRESENT**

Head of Planning (Graham Boase) Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor - Planning and Highways (Susan Cordiner), Planning Officer (Emer O'Connor), Team Leader (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

#### **1 APOLOGIES**

Apologies for absence were received from Councillor J.M. Davies, R L Feeley, H Hilditch-Roberts and D Owens (Chair)

In the absence of Councillor D Owens, Councillor M. Lloyd Davies took the chair for the duration of the meeting.

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

Councillor T.R. Hughes declared an interest in application 27/2012/0211/PF (Hen Pandy Barn, Eglwyseg)

#### **3 URGENT ITEMS:**

##### **PLANNING TRAINING**

The Chair encouraged all to take part in the training available and reminded Members of the next training session on Thursday. It would primarily be for Town and Community Councils but all would be welcome.

Councillor Alice Jones referred to the booklet on Planning Matters which had been circulated by e mail, asking if Town/Community Clerks could be sent a hard copy.

Officers advised that it was a large booklet available from the WLGA . A printed copy had been placed in the Members' Room.

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**i) MINUTES OF THE MEETING HELD ON 30<sup>TH</sup> MAY 2012.**

These were agreed as a true record subject to the inclusion of apologies received from Councillor W.L. Cowie.

**ii) MINUTES OF THE MEETING HELD ON 20<sup>TH</sup> JUNE 2012.**

Agreed as a true record

**5 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:** 01/2012/0680/PF

**Location:** 64 Park Street Denbigh

**Description:** Erection of 2 no. single storey extensions to rear of dwelling.

A Revised ground floor plan was circulated for information

**There was no debate on this item.**

It was proposed by Councillor A. Roberts that permission be Granted.

This was seconded by Councillor T. R. Hughes.

**on being put to the vote:**

25 voted to Grant  
0 voted to Refuse  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

## **Application No: 18/2012/0481/PF**

**Location:** Land between Canol Y Waen and Capel Y Dyffryn  
Llandyrnog Denbigh

**Description:** Erection of 2 no. detached dwellings, construction of a new vehicular access and installation of a sewage treatment plant (site area 0.16ha)

Representations were reported from Denbighshire Biodiversity Officer suggesting conditions to cover situations where newts are encountered

### General Debate

Councillor T. R. Hughes asked whether this site was in open countryside and if it was, for the reasoning behind the Officers' recommendation to grant planning permission. He also sought reassurance that the hedge to be removed would be replaced.

Principal Planning Officer Ian Weaver stated that this was considered to be an infill plot (in response to further questions, he explained that this was referred to in policy as a plot big enough for one or two houses within a built up frontage. "Ribbon development" would refer to a plot at the end of a row, extending the built up frontage and is usually to be resisted.)

Mr Weaver advised that the Community Council was not comfortable with the proposed development but Policy HSG 5 allows building in an infill plot.

He reassured members that the replacement of hedgerow could be conditioned and consideration would be given to encouraging the habitat for newts in the area.

**Councillor M. Parry proposed that permission be GRANTED  
This was seconded by Councillor J. Welch**

**On being put to the vote**

**25 Voted to GRANT  
0 voted to REFUSE  
0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

**Subject to:** The following amended Condition and New Note to Applicant Condition:

The Development shall be carried out strictly in accordance with the submitted Great Crested Newt mitigation plan, and at post construction stage in accordance with such details as are submitted to and as are approved in writing by the Local Planning Authority prior to occupation of the dwelling, a scheme for the retention and planting of new hedgerows and other suitable habitat (for example, long grass).

Reason: To ensure adequate mitigation in respect of Great Crested Newts.

**Additional Note to Applicant**

You are advised that there is a potential for protected species to become present on the site during the course of clearance and construction. You are requested to follow best practice guidance in respect of this, and should any protected species be discovered during work, then all work must cease and the Countryside Council for Wales be contacted immediately.

**Application No:** 25/2012/0445/PFT

**Location:** Wern Uchaf Nantglyn Denbigh

**Description:** Installation of a 10kw wind turbine on a 15m tower for domestic use

A plan showing the location of the site relative to settlements and other features in the locality was circulated.

**Public Speakers:** Mr Paul Dean (agent) (in favour)

Mr Dean used the opportunity to address queries which he understood had been raised in response to the application:

On the issue of Noise Nuisance, Mr Dean explained that the proposed turbine, was for domestic use and only had two moving parts. As such, if greased regularly, the turbine would prove less of a noise nuisance than commercial units which were driven by a gear box and pulley arrangement. Commercial units were also larger and fed electricity directly into the National Grid. The domestic unit first serves the property, with only surplus energy going to the grid.

**General Debate:**

Councillor J. Welch (ward member) was satisfied that Mr. Dean had answered his concerns but asked where the 35 decibel level mentioned in the officer's report originated and how it would be controlled/monitored.

Principal Planning Officer Ian Weaver replied that 35 dbA is a standard national level used for single turbines or in combination. Nantglyn already has a number of wind turbines so there may be issues of cumulative noise. In the event of the justified complaints, turbines in the area would be required to be switched off in turn to discover which may be causing concern.

In response to the Community Council's request to condition that there be no further turbines, Mr Weaver stated that it was not a reasonable condition to impose. However any future proposed turbines would need planning permission and would have to be considered on their respective merits.

**Proposals:** It was proposed that permission be **GRANTED**  
This was duly seconded

**VOTE:** 26 voted to GRANT  
0 voted to Refuse  
0 Abstained

## **PERMISSION WAS THEREFORE GRANTED**

***Subject to*** the following Amended Conditions:

8. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Planning Authority no later than 1 calendar month after the event.

9. Noise from the turbine shall not exceed 35dBLA90,10min for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor in accordance with ETSU-R-97.

10. If justified complaints of noise nuisance are received by Denbighshire County Council, the applicant shall employ a suitably qualified acoustic consultant to undertake a noise assessment. The purpose of the investigation will be to ensure that condition 9 is being complied with, but if this is found not to be the case, then it should recommend mitigation measures that will ensure compliance, and a date for the implementation of such measures. A copy of the report shall be submitted to the Local Authority within 14 days of its completion.

**Application No: 27/2012/0211/PF**

**Location:** Hen Pandy Barn Tan y Fron Farm Tan Y Fron  
Lane Eglwyseg Llangollen

**Description:** Adaptations to and conversion of existing barn and derelict house to form new dwelling and annex and installation of new septic tank

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

There was no debate on this item

Councillor Bill Cowie proposed permission be **GRANTED**  
This was seconded by Councillor Cefyn Williams

On being put to the vote

**VOTE:** 24 voted to GRANT  
0 voted to Refuse  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**



## **Application No: 43/2012/0504/PF**

**Location:** Plot 11 Melyd Avenue Prestatyn

**Description:** Erection of a detached dwelling

An additional letter was reported from CADW.

A report of a site visit which took place on 16<sup>th</sup> July 2012 was circulated. A copy of the proposed layout plan was also circulated showing the site boundaries.

**Public Speakers:** Mr. M. Lynch (in objection)

Mr. Lynch objected to this proposal as it was larger than that already permitted and was not in keeping with the area. There were problems with foul and surface water drainage. The Town Council were in objection and a petition had been raised. The Roman Bath site is part of Prestatyn's heritage and this proposal would overwhelm the Roman Bath site. He urged the committee to refuse permission.

### General Debate

Councillor Bob Murray expressed disappointment that he, the adjoining ward member, had not been invited to the site visit on Monday.

He asked if an Archaeological Watching Brief would stop building work if anything of interest was found.

He did not agree that obscure glazing would prevent overlooking as such a window could still be opened.

He thought the new building would overshadow the Bath Site and increase the drainage problems. Councillor Murray concluded by saying he thought it would spoil the cul-de-sac.

Councillor J. Thompson Hill advised that although not in his ward, he was aware of the history of the area. He understood that the principle of development was established but was concerned about the scale - some 3.6m wider than the previous permission – which would impact on the surroundings

Councillor J Butterfield accepted that the principle had been established but felt the design approach should be revisited. She proposed refusal.

Head of Planning Graham Boase cautioned that the fact it was a different design was not a reason for refusal; however, size scale or visual impact were material planning considerations.

Planning Officer Emer O'Connor advised committee on the consultation process. Welsh Water had raised no objection and the application form states the development will connect to main drains.

CADW had examined this area during excavations of the Bath site and found little of interest but requested an archaeological watching brief.

Ms O'Connor stated that the previous planning permission was still valid and could be implemented. This proposal is larger (as the garage is incorporated rather than separate) but a mix of house types and designs in the vicinity suggested it was not out of scale.

The 2011 permission showed windows to the rear but this application gives the opportunity to require obscure glazing.

Paul Mead, Development Control Manager considered that the increase in size was not significant in planning terms. He felt it would be difficult to defend a refusal at appeal.

Councillor W. Mullen James asked whether permitted development rights could be removed if permission was granted and any further application be brought to Committee for determination. This was confirmed by Officers.

**Councillor Joan Butterfield proposed that permission be REFUSED  
This was seconded by Councillor Colin Hughes**

It was further proposed that a Recorded vote be taken.

Following the requisite number of Councillors agreeing to a Recorded Vote, members were asked to vote FOR or AGAINST the officer's recommendation to GRANT Planning Permission.

**FOR the GRANT of Planning Permission (9)**

W.L. Cowie; M. Ll. Davies; R.J. Davies; S.A. Davies; E.A. Jones; P.W. Owen; T.M. Parry; J.S. Welch; C.H. Williams.

**AGAINST the GRANT of Planning Permission (17)**

I.W. Armstrong; B. Blakeley; J.A Butterfield; J.A. Davies; C.L. Guy Davies; C. Hughes; T. R. Hughes; P.M. Jones; M. McCarroll; W. M. Mullen-James; R.M Murray; A. Roberts; D. Simmons; W.N Tasker; J. Thompson Hill; C. I. Williams; H. O. Williams.

Permission was therefore **REFUSED** against officers' recommendation for the following reason:

The Local Planning Authority consider the detailing of the proposed dwelling is unacceptable in terms of size and scale, being likely to impact adversely on the character of development in the locality, and would appear overbearing in relation to the neighbouring property No. 44 Melyd Avenue, reducing the level of residential amenity of occupiers that property, contrary to tests (i) and (ii) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

The reason for refusal, being against the Officer's recommendation was on grounds that the proposed dwelling is not considered acceptable in terms of scale, size and impact on the character of the area, and on the residential amenity of the occupiers of the neighbouring dwelling

## **ITEM 6**

### **REPORT ON THE OUTCOME OF A PLANNING APPEAL**

**Maes y Castell, Abbey Road, Rhuddlan**

**APPLICATION REF: 44/2011/0508/OB**

Submitted: report by Head of Planning providing members with feedback on the decision taken on the appeal against the Modification of a Section 106 Obligation.

The appeal was dismissed and the claim for costs made by the appellant was also dismissed.

Members thanked officers for the report which they said was clear and easily understood. They felt that the engagement of a consultant was worth the expense.

Members offered the following observations.

- The appeal hearing had been an enjoyable experience. Credit was paid to the consultants Phil Garner and Chris Armstrong.
- It was suggested that Bonds should be incorporated within 106 agreements.
- The delay in developing the site has resulted in it being abandoned and untidy.
- The site should be tidied up and houses built to give families in Rhuddlan the opportunity to be given a home.

Graham Boase, Head of Planning thanked Members and said that Officers would investigate the case for action if the land was found to be untidy. He accepted that the use of specialists may be justified in negotiating legal agreements.

**THE MEETING CLOSED AT 11 AM**