

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 24th July 2013 at 9.30am.

PRESENT

Councillors, I W Armstrong, B. Blakeley (observer) J A Butterfield, J Chamberlain-Jones, W L Cowie, M Ll. Davies, R J Davies, P Evans, C. L. Guy, H Hilditch-Roberts, P M Jones, G Kensler, (observer), M McCarroll, W M Mullen-James, R M Murray, A Roberts, D Simmons, J Thompson-Hill, C H Williams, C L Williams and J S Welch

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Bryn Jones).

1 APOLOGIES

Apologies for absence were received from Councillor, J.M. Davies, S.A. Davies, P. Duffy, C. Hughes, T.R. Hughes E.A. Jones, P W Owen, D Owens, T M Parry, W.N. Tasker, and H O Williams

2 DECLARATIONS OF INTEREST

None

JANE KENNEDY

One minute silence was observed in memory of former Legal Services Manager, Jane Kennedy, who died recently.

3 URGENT ITEMS: None

The Chair requested that details of any proposed urgent items be forwarded to her in advance of Committee

4 MINUTES OF THE MEETING HELD ON 19th JUNE 2013.

Agreed as a true record subject to the following :

- Councillor M. Lloyd Davies again advised that the Welsh translation of "Abstained" is "Ymatal" not "Nid Pledleisiol" which has been used incorrectly throughout the minutes in Welsh.

Councillor J. Butterfield asked for an update on the additional condition requiring the Ocean Beach site to be cleared within 1 month and questioned if details been submitted as it had been more than 1 month since the last Committee.

Paul Mead stated that the condition required relevant works to be approved within 1 month from date of permission (not the date of Committee) but advised that Rhyl Going Forward Manager Tom Booty had met with the applicants and it was hoped that the site clearance would commence soon. The Local Members would be kept informed

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (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: 03/2012/1342/PC

Location: 88 Pengwern Llangollen

Description: Retention of an attached replacement outhouse, erection of a conservatory to rear and erection of a dog kennel/run

The following late representations were reported

Llangollen Town Council
AONB Joint Advisory Committee
JK & D Pearson, 89 Pengwern, Llangollen

Public Speakers:

Against

Ms. J. K. Pearson (Neighbour) spoke against this application, objecting to the retrospective nature of the development and the effect on her property – in terms of the value, blocking of the view and light, and the smell and disturbance from dogs. As Ms. Pearson works from home she considered that the distraction of dogs barking to be unacceptable. She had been led to believe the higher building would be a workshop but this is now the kennel. Ms. Pearson complained that planning officers had not visited the property to assess the impact this development would have.

For

Mr. Claybrook (applicant) spoke in favour, stating that he had spoken to Ms. Pearson and other neighbours and received no objection. He felt that the proposals were acceptable and he was improving the home his partner's mother had lived in for 50 years, which they were now occupying.

Ian Weaver (Planning Officer) explained that the case officer had been on site and observed a new conservatory, utility room and a wooden structure described as a dog kennel and run. It was necessary to balance impact on amenity, taking into consideration this is a residential estate where extensions would be part of the development of such an area.

Councillors asked if this kennel is to be used for dog breeding; whether this extension would be in excess of the new Permitted Development Rights coming into force in September; whether a site visit could be held and the reason for the delay reporting to Committee.

Councillor Cefyn Williams passed on the views of the local member (Rhys Hughes) who was in support of the proposal.

Ian Weaver replied that the delay in reporting this to Committee was due to Town Council objections resulting in a reduction in height of the kennel building (by half

a metre) and a subsequent reconsultation exercise. There is no objection from the Town Council in response to the amended plans. It was not stated how many dogs are to be accommodated; any commercial breeding would require separate planning permission. This property is within the AONB so the permitted development limit is 50cum and this is 60-70cum in total. New legislation coming in September would mean this proposal may be permitted development. It would be up to the local members to request a site visit if required.

Councillor D. Simmons considered that the photographs displayed gave a different perspective to the written report - he had not visualized the extent of development. He asked that conditions be placed to restrict the number of dogs and that no breeding be allowed.

Paul Mead (DC Manager) advised that personal hobbies are allowed within the curtilage of a dwelling and in this case there has been nothing to suggest a commercial venture. (He suggested monitoring the situation and including a Note to Applicant). He felt that if it would be helpful, the photographs could be made available prior to the meeting.

Graham Boase (Head of Planning) explained that it is acceptable to keep pet dogs in a garden but if breeding and selling puppies becomes a business then change of use would be needed. The Committee's judgment should be on the acceptability of the structures.

Councillor H. Hilditch Roberts asked the Officers whether there was any reason to refuse.

G. Boase stated that officers considered the development to be acceptable.

Proposals:

Councillor Cefyn Williams proposed permission be GRANTED.

This was seconded by Councillor Arwel Roberts.

ON BEING PUT TO THE VOTE:

12 Voted to GRANT

7 Voted to REFUSE

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to:

Note to Applicant:

You are advised that the planning permission has been granted for the dog kennel / run for use purely incidental to the enjoyment of a dwellinghouse.

Use of the dog kennel / run for commercial purposes, (dog breeding, kenneling) will require separate planning permission and is unlikely to be supported in this location by the Local Planning Authority.

Application No: 13/2013/0312/PFT

Location: Pool Park Farm Ruthin

Description: Installation of a 50kw micro generation wind turbine with control box and associated works

Public Speakers:

For

Alun Edmunds (applicant) spoke in favour, stating that he was a Young Farmer trying to continue the dairy farm set up by his Grandfather. The electricity bill was high due to the milking machines, sterilising and cooling of the milk as required by the creamery in Llandyrnog. He hoped to reduce the carbon footprint of the farm but understood the impact a turbine would have. He had received a great deal of support and was grateful for the advice of the landscape architect.

There was no further debate.

Proposals:

Councillor M. Ll. Davies proposed permission be GRANTED.
This was seconded by Councillor H. Hilditch Roberts

ON BEING PUT TO THE VOTE:

19 Voted to GRANT
0 Voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Amended Condition 3

Line 1 – delete first sentence. Replace with -

“3. The location of the turbine, site access and track shall be as indicated on the approved plans.”

Application No: 14/2013/0501/PF

Location: **Plot 1 Land Adjacent To St Mary's Church
Cyffylliog Ruthin**

Description: Erection (on 0.09 ha of land) of a two-storey dwelling, construction of new vehicular access, installation of new septic tank and resiting of existing septic tank for Bryn Llan

Public Speakers:

Euros Evans (applicant) was present but declined the invitation to speak in favour of the application.

Proposals:

Councillor J. Welch advised Committee that there was no objection in the community to this development and proposed it be GRANTED.

This was seconded by Councillor M. Lloyd Davies.

ON BEING PUT TO THE VOTE:

19 Voted to GRANT

0 Voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Amended Condition 11

11. No development shall be permitted to commence until the mechanism for securing a contribution for the provision of recreational open space has been agreed in writing by the Local Planning Authority and such contribution has been made.

Application No: 43/2013/0203

Location: 55 Pendre Avenue Prestatyn

Description: Erection of a single storey extension to rear of dwelling

Public Speakers:

Against Michelle Adams (neighbour)

Ms Adams spoke against this application, giving committee her reasons for moving to Prestatyn following problems with her health. She stated that she had got on well with the neighbours and did not object to their proposal to erect a “15 foot extension” but was dismayed when this turned out to be a 6 metre long extension. While appreciating the proposal had subsequently been changed it would still affect the view. Ms Adams felt the applicant should have bought a larger house rather than extending this one

For: Mr. Geoff Gray (applicant)

Mr Gray spoke in favour of this application advising committee that following objections they had reduced the proposal to a smaller single storey extension with a hipped roof, moved it away from the boundary and removed the attic area. Mr Gray explained that the neighbour overlooks them and following the removal of 60 - 70 foot high trees now had a better aspect.

Councillor Cheryl Williams proposed permission be GRANTED. This was seconded by Councillor Arwel Roberts.

Paul Mead (Development Control Manager) explained the steep topography of Prestatyn in this area – this property is at a lower level to the neighbour and illustrated this with photographs showing the properties. He explained the changes to the proposals – to reduce the size by 2.5m and removed the proposed dormer windows. He advised that the proposal meets adopted policy.

Councillor J Thompson Hill (local member) understood the applicant had made changes but still felt the impact on the neighbour to be detrimental. Councillor J Thompson Hill proposed permission be **REFUSED** on grounds of the negative impact on residential amenity of the neighbouring property. This was seconded by Councillor Carys Guy.

Councillor Carys Guy referred to SPG24 which set out measures to ensure good neighbour relations and didn't feel the suggested communication has taken place in this case. The Town Council had objected and Councillor Guy felt some compromise could be reached so the neighbours could both retain the view.

Councillor J Chamberlain Jones stated that this was a popular area because of the views and as each property extends the one behind it extends further. She suggested there should be a limit.

In reply to a query from Councillor M Lloyd Davies, Councillor Carys Guy advised that Town Council had seen the amended plans but still objected.

Councillor Cefyn Williams requested advice on the potential for costs to be awarded against the Council if an appeal was lost but Members did not feel this should be an issue.

Paul Mead (Development Control Manager) advised that SPG 24 suggests that neighbours should discuss proposals but it would not be a planning reason for refusal if this did not take place. He further advised on the prospect of defending an appeal in that the Inspector would be mindful of Council policies. While this extension is large, the Inspector would consider the surrounding area and the size of other extensions already built.

At this point Councillor Cheryl Williams retracted her proposal to GRANT permission. Councillor Arwel Roberts stated his continued support for the development and formally made that proposal.

There was no seconder to Councillor Roberts' proposal but as a proposal to REFUSE (Councillor J Thompson Hill seconded by Councillor Carys Guy) had been submitted, a vote was taken.

On being put to the vote

VOTE:

8 voted to GRANT

11 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE REFUSED (against Officers' recommendation) for the following reason:

In the opinion of the Local Planning Authority, the proposed extension would have an unacceptable impact on the residential amenities of the occupiers of adjoining property by virtue of its size and height, which would appear overpowering, and contrary to Policy RD1 (i) of the Denbighshire Local Development Plan and guidance in Supplementary Guidance Note No. 1 relating to the detailing of extensions.

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

The impact on the neighbouring property was considered to be unacceptable

Application No: 45/2013/0072/PF

Location: 38 Crescent Road Rhyl

Description: Conversion of dwelling to form 3 no. 1 bedroomed self contained apartments

Councillor Joan Butterfield stated her opposition this proposal as it was felt that Rhyl would be best served in resisting this type of development. Councillor Butterfield pointed out the Rhyl Town Council and Rhyl Going Forward Strategy were against it. While accepting that individuals displaced from the Rhyl West redevelopment needed to be accommodated, approving similar proposals for flats would exacerbate the situation.

Councillor D Simmons agreed and felt that there is depravation in the area and this proposal just shifted the problem.

Councillor J Chamberlain Jones felt this would be against the principles of The Big Plan.

Councillor J Welch asked about policy issues and Councillor M Lloyd Davies requested that officers advise Committee on the difference between a block of flats and a House in Multiple Occupation (HMO). He felt it was important to have single bedroom accommodation as the “bedroom tax” may be a consideration but Housing Associations also needed to comply with the law.

Paul Mead (Development Control Manager) noted the committee’s concerns but explained that the Unitary Development Plan policy HSG 13 should now be disregarded. Housing colleagues had advised that there is a need for good quality single bed accommodation and SPG 7 and the Local Development Plan set space standards which are exceeded in this proposal. Mr Mead felt that it was important to have a mix of dwelling sizes available.

Councillor D Simmons pointed out that the “bedroom tax” relates to Council (Public Sector) Housing, not social (Housing Association) Housing.

Councillor Joan Butterfield stated that the Council had taken 25 years to decide to resist single bed flats and so in her opinion the size was not relevant. Councillor Butterfield felt that good management of such properties was needed and clear guidance was essential.

Graham Boase (Head of Planning) understood the clear message from committee and would discuss the issues with Housing, Regeneration and Economic Development colleagues.

Councillor M Ll. Davies considered the aim of the task was to rid Rhyl of Houses in Multiple Occupation (HMOs), (where a bathroom and kitchen were shared) with preference for self contained accommodation (flats).

Councillor Joan Butterfield strongly suggested that the problems of West Rhyl should be seen as a problem for the whole County and all front line services should be involved. She stated that the houses in the area were sold in 1985 for modest sums and Clwyd Alyn Housing Association was the largest landlord. However the quality of accommodation is not good, and it is very difficult to let flats in this area.

Proposals:

Councillor J Butterfield proposed permission be REFUSED

This was seconded by Councillor D. Simmons

On being put to the vote

VOTE:

5 voted to GRANT

14 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE : REFUSED (against Officers' recommendation) for the following reason

It is the opinion of the Local Planning Authority that the proposed subdivision of this single dwelling house would give rise to an unacceptable intensification of the use of the property, perpetuating the concentration of single bedroom units in west Rhyl in one of the most deprived areas in Wales as measured by the Wales Index of Multiple Deprivation. The proposal is therefore contrary to the intentions of Policy BSC 7 and policy PSE 1 North Wales Coast Strategic Regeneration Area of the Denbighshire Local Development Plan, and the Council's regeneration aims in Supplementary Planning Guidance Note 27 – West Rhyl Regeneration Area, the Rhyl Going Forward Strategy, and the Council's Big Plan.

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

The intensification of use of flats in this area should be resisted and the perpetuation of flats is not in keeping with Rhyl Going Forward or The Big Plan Strategy and Contrary to Policy PSE 2

Application No: 45/2013/0566/PO

Location: **Former Thorpe Engineering and Design Site
Ffordd Derwen Rhyl**

Description: Development of 0.29ha of land by the demolition of redundant factory unit and construction of a church and community centre to include church coffee shop, sports hall, day centre for the elderly and children's youth facility (outline application including access and layout)

A report of the Site Visit held on Monday 22nd July 2013 was circulated

Public Speakers:

Against : Peter Lloyd (on behalf of neighbour D Parry)

Mr Lloyd considered that successful regeneration of Rhyl should include the availability of Employment sites. This site is designated as such in the Local Development Plan. In order to approve this proposal officers would have to consider imposing a "Grampian" condition, which could not be complied with.

Speaker For: Rev Mike Bettany (applicant)

Reverend Bettany spoke in favour of the proposal explaining the existing Church was too small and much time had been spent looking for new premises. This site became vacant following a failed attempt to let it locally. Reverend Bettany quoted from the Local Development Plan, and considered that this proposal complies with BSE 12 as the work of the Church is aimed at local Rhyl people and provides help for old people and vulnerable families. There was support from the Town Council and the local MP and this new facility would provide work for many people.

Paul Mead (Development Control Manager) explained the Local Development Plan had revealed a shortage of allocated employment land in Rhyl and loss of this site would reduce this further. Mr Mead did not feel the applicant had sufficiently exhausted alternative accommodation and wondered if the stated employment opportunities would be voluntary positions. He noted the property had not been marketed for a whole year and other sites were being let - for example "Howden's" had recently moved into a neighbouring site. Mr Mead also explained the site visit had shown the site to be large and the building to be adjoining a noisy manufacturing business.

Councillor M Ll. Davies reported on the site visit and agreed that the adjoining iron fabrication works were hot inside and particularly noisy when the doors were open.

Councillor M McCarroll congratulated Reverend Bettany on the work he did in Rhyl and supported this proposal. Councillor McCarroll considered present day needs demanded care for the whole family, day care and youth club and felt this Church delivered such care. It would also provide 18 jobs in addition to volunteering opportunities. She felt the site would not be let for employment as the lease was only available for 3 months.

Councillor Pat Jones found the decision difficult to make as she was also appreciative of Reverend Bettany's good work in Rhyl. However, she was worried about losing employment land and felt the Church should find more suitable accommodation.

Proposals:

Councillor M McCarroll proposed permission be GRANTED
This was seconded by Councillor Arwel Roberts

Councillor Pat Jones proposed permission be REFUSED
This was seconded by Councillor Joan Butterfield

On being put to the vote

VOTE:

5 voted to GRANT
14 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE REFUSED

Officers agreed to encourage the relevant departments of the Council to engage with the applicants in the search for alternative sites.

Application No: 46/2013/0303/PF

Location: Plas Yn Roe Glascoed Road St Asaph

Description: Erection of replacement timber garage and attached store (Partly in retrospect)

Councillor B Cowie requested that this application be DEFERRED until the September Committee to allow ownership issues to be investigated.

This was seconded by Councillor Cefyn Williams

VOTE:

19 voted to DEFER

0 voted not to Defer

The application was duly deferred

ENFORCEMENT ITEMS

ENFORCEMENT ITEM A

Ref ENF/2013/00008

Location: Amber Coffee Shop, High Street, Rhyl

Description: Unauthorised installation of shop front

Paul Mead (Development Control Manager) understood the property concerned was now vacant but as the previous occupants had changed the shop front it was necessary to request Enforcement Action be taken.

Proposals:

Councillor Joan Butterfield proposed authorisation be given to take Enforcement Action

This was seconded by Councillor Ian Armstrong

Councillor M. Lloyd Davies asked for a progress report on the neighbouring property (The Money Shop) for which Enforcement Action had been authorised previously. Paul Mead advised that a planning application had been received which was going through due process.

Councillor H Hilditch Roberts felt that the policy may need to be reviewed if it is having an effect on businesses but Councillor Butterfield considered it important to take Enforcement Action.

VOTE:

12 voted to Authorise Enforcement Action

7 voted NOT to authorise Enforcement Action

Resolved therefore

That authorisation be granted for the following:

Serve an Enforcement Notice to secure the removal of the unauthorised timber cladding shop front.(Compliance period – 4 months)

Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served, should they fail to comply with the requirements thereof.

ENFORCEMENT ITEM B

Ref ENF/2013/00011

Location: 26 Butterton Road, Rhyl

Description: Unauthorised change of use from flatlets to self-contained flats

Councillor J Butterfield moved officer's recommendation to authorise
Enforcement Action

This was seconded by Councillor M Lloyd Davies

On being put to the vote:

18 Voted to Authorise Enforcement Action

1 Voted not to authorise

Resolved therefore

That authorisation be granted for the following:

Serve an Enforcement Notice to secure the removal of all unauthorised works creating a subdivision of the property. (Compliance period 9 months)

Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served, should they fail to comply with the requirements thereof.

ENFORCEMENT ITEM C

Ref ENF/2013/00010

Location: **Graig Villa, Abraham's Lane, Denbigh**

Description: Unauthorised Development - installation of uPVC windows in Article 4 area

Proposals:

Councillor Bill Cowie proposed Enforcement Action be authorised

This was seconded by Councillor M. Ll. Davies

VOTE:

On being put to the vote

16 voted to Authorise Enforcement Action

3 voted not to authorise

Resolved therefore

That authorisation be granted for the following:

Serve an Enforcement Notice to secure the removal of the unauthorised uPVC windows and door and their replacement with traditional timber sliding sash style windows and timber panelled door similar to those removed.

(Compliance period 12 months)

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.

DELEGATION SCHEME – VERSION 5

Submitted – Report by Head of Planning and Public Protection, as part of the annual review of the scheme, suggesting changes to the Delegation Scheme.

Paul Mead advised Members of the proposed changes, detailed in Appendix A of the report. The previous delegation scheme (version 4) was also included as Appendix B for Members' information. Apart from minor wording changes, it was proposed to remove the requirement for all Council application to be approved by Committee. Councillors would still have the ability to "call in" any application.

It was also suggested that Enforcement Action be delegated to officers to speed the process.

In response to misgivings from some Councillors, Officers were content to liaise with Members on issues in their ward and keep them informed if it was intended to take Enforcement Action, to giving the local Member an opportunity to request a Committee decision. Councillors were of the opinion that the whole process of taking enforcement action was slow. Officers advised that any Enforcement Action should be a last resort and that it was a legislative requirement to accept retrospective applications and allow an opportunity for an appeal but agreed that some processes could be quicker.

Proposal

Joan Butterfield moved officer's recommendation subject to the requirement for liaison with the local member on issues in their Ward.

This was seconded by Councillor D. Simmons

On being put to the vote

18 voted to adopt version 5 of the delegated scheme

1 voted against the adoption

This being subject to additional liaison requirements with Local Members being included.

THE MEETING CLOSED AT 12.20 pm