

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 16th October 2013 at 9.30am.

PRESENT

Councillors, I W Armstrong, J.R. Bartley (observer) J Chamberlain-Jones, W L Cowie, J.M. Davies, M Ll. Davies, , S.A. Davies, H Hilditch-Roberts, T.R. Hughes, P M Jones, 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 E.W. Williams (local member/observer) and H O Williams

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 (Catrin Gilkes).

Mike Parker (Highways), and Angela Loftus (Planning Policy Manager) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillors J A Butterfield, P. Duffy, R J Davies, P A. Evans, C. L. Guy, E.A. Jones, W.N. Tasker,

2 DECLARATIONS OF INTEREST

None

3 URGENT ITEMS: None

Paul Mead (Development Control Manager) reminded Councillors of the Town and Community Council training event (on Supplementary Planning Guidance) to be held on 21st October 2013 at 6:30pm to which they were also invited. Councillor M. Lloyd Davies offered his apologies.

4 MINUTES OF THE MEETING HELD ON 11th September 2013.

Agreed as a true record:

Councillor D Owens asked for advice on the protocol for voting Members if they arrive after debate has started. Susan Cordiner (Solicitor) advised that it was a question of natural justice. Members were not prohibited from voting but it was for them to decide if they have sufficient information to make a judgement.

Page 30 (typographical error) - should read GRANTED not GRANTED/REFUSED

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: 02/2013/0829/PO

Location: Land to rear of Ty Cefn, Llanfwrog, Ruthin

Description: Development of 0.09 hectares of land for residential purposes, installation of a new septic tank and associated works (outline application including access)

General Debate:

Councillor D Owens referred to the Ruthin Town Council's objection quoted in the report and asked for details of the location of the development boundary. He also requested officers' opinion on whether this proposal constituted ribbon development.

Mr Ian Weaver, Principal Planning Officer identified the development boundary for the meeting, showing that the line cuts through the site, with approximately three quarters of the site within the development boundary for Ruthin. He explained that "Ribbon Development" constitutes building in a string along a road; and that this proposal is not therefore considered to be ribbon development.

Councillor M. Ll. Davies asked if any building works would be outside the boundary line, Officers assured committee that at this stage it was the applicant's intention to build within the boundary but details would follow if outline permission was granted.

Proposals:

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

On being put to the vote

VOTE:

18 voted to GRANT
2 voted to REFUSE
1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: New Condition 12

With the exception of the access detailing, the proposed site layout plan has been treated for illustrative purposes only and does convey the Local Planning Authority's approval to the landscaping, scale, layout, and appearance of the development.

Reason: For the avoidance of doubt, as the application is for outline permission and only seeks approval of access.

New Note to Applicant

You are advised in relation to Condition 11 that the Local Planning Authority has produced an Interim Practice Note to assist all parties on the approach to Open Space provision, which is attached to the Certificate. Developments of under 20 dwellings require payment of a commuted sum, which would be based on the Council's current Open Space Calculator, and you would be advised to contact the Case Officer to discuss this in advance of any submission.

Application No: 11/2013/0632/PF

Location: Plas Cwtta, Clocaenog, Ruthin

Description: Erection of two-storey and first –floor pitched-roof extensions, alterations to dwelling and alterations to existing vehicular access

The following late information was circulated:

A report of the site visit which took place on Friday 11th October 2013.

Public Speakers: Mrs Katy Stubbings spoke in favour.

Mrs Stubbings told committee that she had lived at Plas Cwtta since childhood. Her own children now attended the local school and her husband had a local business. The property included 12 acres of agricultural land and the nearest neighbours who were 150m away had no objection to the proposal. The children were now 6 and 9 years old and shared a bedroom. Mrs Stubbings considered the house too small for the growing family. It was desired to have another bedroom for the children together with a guest bedroom and an additional bathroom. The scale of the proposed extension had been reduced in consultation with the officers and it was not considered to be excessive. Mrs Stubbings stated they would have to move the family if unsuccessful but was reluctant to do so as they were very happy at Plas Cwtta.

General Debate:

Ian Weaver advised committee that this property was originally a small 2 up 2 down house, much extended. It was for Committee to decide if the extensions proposed were “subordinate” to the dwelling or not, Officers’ opinion being that they were not.

Councillor Eryl Williams (local Member) expressed disappointment at the recommendation to refuse and suggested that if this property was demolished the family could build a bigger house. Councillor Williams considered the house to be “higgledy piggledy” and pointed out on the various extensions on the displayed photographs. However he said it was still a small 3 bedroomed property and he urged committee to be sympathetic to this local family.

Councillors D. Owens and S. Davies expressed a sympathetic view.

Councillor H Hilditch Roberts asked whether the quoted size increase was based on the original property or the present extended dwelling.

Ian Weaver stated that the additional floor space had been calculated at 50 square metres.

Proposals:

Councillor S. Davies proposed permission be GRANTED.
This was seconded by Councillor Dewi Owens

(Councillor M. Ll. Davies asked whether conditions would be imposed if permission was Granted. Officers replied that standard conditions, to include details of materials to be used, could be imposed. Officers felt there would be no purpose in removing permitted development rights and if approved, draft conditions would be discussed with the local Member)

on being put to the vote

VOTE:

19 voted to GRANT
2 voted to REFUSE
1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

The following Conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the submitted plans, no development shall be permitted to commence on the external walls or the roof(s) of the proposed extensions until the formal written approval of the Local Planning Authority has been obtained to the details of the materials to be used thereon.

Reasons :

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.

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

Members did not consider the proposal to be contrary to policy RD 3.

Application No: 14/2013/1026/PFT

Location: Land north of Caerhafod Isaf, Bontuchel, Ruthin

Description: Installation of a single 50kW wind turbine on a 36.4m hub height tower with total height to blade tip of 46m and associated control cabin

Public Speakers:

Mr. Rhodri Ellis (applicant) spoke in favour

Mr. Ellis explained that his four children attended Llanrhaeadr School and this proposal would provide diversification income for his wife's family farm in Ty Newydd Trefnant and his farm Caerhafod Isaf. The turbine would not be visually intrusive.

Councillor Joe Welch advised committee that there had been no objection from Cyffylliog Community Council and he had not personally received any objections. Councillor Welch considered this was similar to other proposals in the area and there was a strong case for farm diversification.

Ian Weaver stressed that visual impact on the landscape was an important factor. A recent appeal at Frith Fawr Prion was an indicator of this as the Inspector has supported the refusal on landscape grounds. Members felt that grid / line capacity should also be a factor and that the proposed Supplementary Planning Guidance would assist deliberations on this type of proposal.

Proposals:

Councillor H. O. Williams proposed permission be GRANTED
This was seconded by Councillor Rhys Hughes

On being put to the vote

VOTE:

22 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 18/2013/0981/PC

Location: Pentre Mawr, Llandyrnog, Denbigh

Description: Mixed use of premises as dwelling and bed and breakfast facility (retrospective application)

Councillor M. Parry extolled the virtues of this local facility and urged support

Proposals:

Councillor M. Parry proposed permission be GRANTED
This was seconded by Councillor J. Thompson Hill

On being put to the vote

VOTE:

20 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 22/2011/1373/PF

Location: **Outbuilding at Wern Fawr, Llangynhafal, Ruthin**

Description: Conversion and partial demolition of barn to form separate single dwelling

Additional copies of the report plans were circulated. A Consultation response from Clwydian Range Joint Advisory Committee was also reported.

Councillor S. Davies was of the opinion that the AONB JAC comments on Affordable Housing were outside their remit and Councillor R. Hughes asked for an explanation of the Affordable Housing issue in this case.

Ian Weaver (Principal Planning Officer) apologised for the poor reproduction of the plans on the report and referred Members to the improved copies circulated. On the Affordable Housing issue, he explained that it is now policy to require any proposed conversions to provide an element of Affordable Housing. However, in this case a previous permission, without an affordable element, was still valid, so it was not considered reasonable to insist on an affordable unit being provided.

Proposals:

Councillor H. O. Williams proposed permission be GRANTED
This was seconded by Councillor S. Davies

On being put to the vote

VOTE:

21 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 22/2011/1374/LB

Location: **Outbuilding at Wern Fawr, Llangynhafal, Ruthin**

Description: Listed Building Application for conversion and partial demolition of barn to form separate single dwelling

Proposals:

Councillor H. Hilditch Roberts proposed Listed Building Consent be given
This was seconded by Councillor M. Ll. Davies

On being put to the vote

VOTE:

21 voted to GRANT
0 voted to REFUSE
0 Abstained

Subject to the application being referred to CADW for authorisation to issue
Listed Building Consent

PERMISSION BE GRANTED

Application No: 27/2013/0712/PF

Location: Former Llantysilio School, Llantysilio, Llangollen

Description: Change of use and conversion of redundant school to form a dwelling

Public Speakers: Bob Dewey (agent) spoke in favour.

Mr. Dewey referred to the affordable housing issue raised in relation to this proposal and advised Committee that he understood there were no eligible applicants for Affordable Houses in Llantysilio. He suggested the conversion of older properties was expensive. His clients were the only prospective purchasers; if they did not get planning permission the sale would fall through and he was concerned that the Church in Wales would be left with an empty building they could not sell.

Councillor Stuart Davies agreed and proposed permission be GRANTED but suggested not imposing the proposed condition removing permitted development rights.

Ian Weaver advised that Condition 6 (which removed permitted development rights) was important in that it allowed the authority control over further extensions but did not preclude the possibility of such extensions.

Councillor Stuart Davies amended his proposal and suggested permission be GRANTED in accordance with officer's recommendation.

This was seconded by Councillor Rhys Hughes.

On being put to the vote

VOTE:

22 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 43/2013/0589/PF

Location: Land rear of 91 Victoria Road adjacent to 3 Victoria Park Avenue Prestatyn

Description: Demolition of former bakehouse, erection of terrace of 3 no. dwellings and construction of a new vehicular access

General Debate:

Councillor J. Davies stated he would not vote against this proposal for 3 dwellings although he preferred the layout of the existing permission for 2 dwellings on this plot. However he asked that consideration be given to the re use of materials from the bakehouse.

Paul Mead Development Control Manager suggested a condition be included regarding materials. In response to queries on Affordable Housing he referred Members to an additional report on this subject at the end of the agenda.

Proposals:

Councillor J. Davies proposed permission be GRANTED subject to a condition regarding the re-use of materials from the Bakehouse. This was seconded by Councillor B. Cowie.

On being put to the vote

VOTE:

19 voted to GRANT
2 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

New Condition 10

10. No development shall be permitted to commence on the external walls and roof(s) of the development until the written approval of the Local Planning Authority has been obtained to the details of the materials to be used there.

Reason : In the interests of visual amenity.

Application No: 43/2013/0954/PS

Location: Land off, Graham Avenue, Meliden, Prestatyn

Description: Variation of condition no. 3 of outline planning permission code no. 42/2010/1056 to extend the time period by a further two years to obtain approval of reserved matters

The following letter of representation was reported:
R Patterson 120 Ffordd Ty Newydd, Meliden, Prestatyn

Paul Mead (Development Control Manager) explained that the applicants were seeking to extend the life of an existing planning permission.

Proposals:

Councillor J. Thompson Hill proposed permission be granted
This was seconded by Councillor B. Cowie

On being put to the vote

VOTE:

21 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 31/2013/0400/PF

Location: Land south of St. Asaph Business Park (south),
Glascoed Road, St. Asaph

Description: Installation and operation of electrical substation compound with outdoor equipment, internal road layout & perimeter fencing south-east of St. Asaph Business Park and up to 11.14 km of underground electricity cables between the St. Asaph substation and the coast at Ffrith Beach, Prestatyn, in connection with the proposed Burbo Bank offshore windfarm

The following late information was circulated :
Additional plans showing the proposed route of the cable layout at the substation end.
A report of a Member briefing which took place on Friday 11th October 2013

Public Speakers:

Mrs Linda Griffiths (AGAINST)

Mrs. Griffiths resides at Cottage Villa, Glascoed Road, St. Asaph and asked committee to consider the effect the proximity of the cable would have on her property. Mrs. Griffiths was concerned about the health risks to her daughter who suffered Tourettes Syndrome and gave a detailed outline of scientific evidence supporting concerns over exposure to EMF. Mrs. Griffiths requested planning conditions to move the cable corridor further from her home. She felt that although the applicants, Dong, had indicated it may be possible to move the cable as far away as possible within the route corridor, this was still not acceptable. There was no objection from neighbouring landowners to the corridor moving further west and despite reference being made to the presence of granite, Mrs Griffiths advised committee that there was none in the area.

Mr. Merfyn Cutting (AGAINST)

Mr Cutting spoke against the application in relation to traffic issues at the coastal end of the proposed route. Mr. Cutting lived at Terfyn Pella Avenue, Rhyl and was concerned that large vehicles would use the Avenue for site access. He stated that it was a narrow road with unrestricted parking on both sides which occasionally resulted in difficulties for refuse lorries negotiating the roadway. He felt that construction traffic should be routed elsewhere and urged committee to consider the health and safety of the residents.

Jennifer Brack (Dong Energy) (FOR).

Ms. Brack spoke in favour of the proposal and indicated this development to be of national importance. While acknowledging there would be disruption during construction a traffic management plan would be provided. Ms. Brack referred to the long period of consultation and the public meetings held. The company were committed to sensitive design and the cable route had been carefully considered in consultation with other

providers. The cable will be buried which will ensure there would be no overhead lines and a community benefit fund would be offered.

Duncan Tilney (FOR)

Mr Duncan Tilney spoke in favour of the proposal. Mr. Tilney referred to the health fears raised and alluded to a World Health Organisation report of 2007 which did not support the basis of the health risk arguments. A WHO Task Force in 2012 had concluded that attempts to reduce emissions would make little impact and taking precautions would be counter productive as it would only confirm irrational fears.

In regard to traffic issues Mr. Tilney stated that the planning application shows two accesses at the coastal end, from Terfyn Pella Avenue and from Rhyl Coastal Road. He felt there was no perfect time to start such works but conditions would be imposed to minimise the impact.

General Debate:

Paul Mead (Development Control Manager) reported on the briefing held for Members in Rhyl recently which had been beneficial. Mr Mead felt that the proposal complied with policy, that the applicants have researched the issues fully for over 3 years and any disruption would be temporary.

Mike Parker (Highways Officer) advised committee that as Terfyn Pella Avenue was a residential street, only smaller vehicles would use this route to allow workers to gain access to Rhyl Golf Club area. Bigger delivery wagons would use the Coast Road access. There were no figures available for traffic flow at present.

Councillor B. Cowie was concerned that traffic should not go through St. Asaph but use the St. Asaph Business Park access to Glascoed Road. He also spoke in support of Mrs. Griffiths who had asked for the cable to be moved further from her property. Councillor Cowie questioned the proximity of the cables to Cottage Villa. He asked if consideration could be given to the possibility of moving the cables / cable corridor further to the west and whether a distance of 50 m could be achieved.

Councillor Arwel Roberts raised concerns about archaeological remains being disturbed during construction in the Rhuddlan area.

Councillor S. Davies cited a cluster outbreak of leukaemia which centred around cables near Blackpool. He was concerned that while measurements had been taken from Mrs Griffiths house, children would play in the garden and at that point would be much closer to the cables.

Councillor M. Ll. Davies was concerned the applicants had not contacted Mrs. Griffiths until after she had objected to the application. He was unsure of the affects on health, although aware of the dangers of overhead power lines. He observed that the cable is to go under the A55 Trunk Road but wondered how it would go under Glascoed Road as this was not specified. He agreed that science cannot predict anything with certainty, and gave the example of asbestos which workers used for many years before it was deemed dangerous. He confirmed there is no granite in the area of Glascoed Road.

Councillor D. Simmons asked for details of traffic movements along Terfyn Pella Avenue and asked, if the cable corridor was moved, whether a new application would be required.

Mike Parker felt it was not unreasonable to allow light traffic along Terfyn Pella Avenue, He considered there would be 3 months work at the Rhyl Golf Club, possibly 18 vehicle movements per day but once they had arrived on site they would stay there. He felt there may be some disruption in Rhuddlan and St. Asaph but a Traffic Management scheme would cover this area. He offered to consult local members.

Paul Mead advised that detailed investigations on archaeological remains had already taken place in the proposed trenching area. Regarding the potential for moving the cable route corridor, there was a legal issue relating to revising red line application boundaries, which could not be overlooked.

He suggested there may be 4 potential options open to Committee

1. REFUSE permission
2. GRANT with the suggested conditions
3. GRANT with reworded conditions requiring the cable to be moved (but this could be by no more that 25 metres)
4. GRANT with a suggestion that the applicant submit an amendment when the works reach Glascoed Road.

Members were unhappy with option 4 and Graham Boase suggested this would have to rely on the goodwill of the applicants.

Proposals:

Stuart Davies proposed Planning Permission be REFUSED on health grounds
This was seconded by Councillor M. Parry

Councillor D. Simmons proposed consideration be DEFERRED to allow further negotiations to take place.
This was seconded by Councillor Bob Murray

The motion to Defer was taken first

VOTE:

13 voted to DEFER
8 voted not to DEFER
1 Abstained

It was therefore resolved to DEFER consideration of this application to allow further negotiation to take place on issues raised at Committee, in particular the proximity of the cable route to Cottage Villa and whether the applicant could take steps to move the cable route corridor to increase the distance from that property.

Application No: 45/2013/1053/PF

Location: 94 Dyserth Road Rhyl

Description: Erection of extension to ground floor and alterations and extensions to provide first floor living area

The following late information was circulated:

Report of the site visit which took place on Friday 11th October 2013

General Debate:

The Chair reported on the site visit and pointed out that the neighbouring properties were taller and there was a mix of dwelling in the vicinity. Paul Mead (Development Control Manager) explained that the Local Development Plan asks for extensions to be subordinate and respect the locality. In this case there is a mix of dwelling types so a large property would not look out of place. However it was important to retain a mix of dwelling sizes. It was acknowledged that there were no local objections but the proposed extension is not considered subordinate to the original dwelling as it extends upwards and outwards.

Proposals:

Councillor Rhys Hughes proposed permission be REFUSED
This was seconded by Councillor Arwel Roberts

On being put to the vote

VOTE:

7 voted to GRANT
14 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE REFUSED

ITEM 6

Affordable housing – interim calculation for financial contributions

Submitted: report by Head of Planning and Public Protection explaining a proposed interim method for calculating financial contributions towards affordable housing, for developments of 3-9 dwellings.

Angela Loftus (Planning Policy Manager) explained the proposed process of calculation and sought Members' approval to use this approach in determining planning applications, pending adoption of new Supplementary Planning Guidance (SPG) on affordable housing.

Ms Loftus stated that the Unitary Development Plan (UDP) required 30% of a development to consist of Affordable Housing. The Local Development Plan (LDP) requires a level of 10% but a development of 1 to 9 houses requires a financial contribution instead. It is suggested that this is based on "build costs".

Councillor A Roberts questioned if it was possible to increase the 10% figure.

Graham Boase (Head of Planning and Public Protection) advised that the Inspector at the LDP Inquiry had set the 10% figure, considering 30% to be unrealistic.

Members queried how the figure of "build costs" would be calculated, whether it would be up to the developers to supply that figure and what the procedure would be if the Authority did not agree with the figure submitted. They also asked how the funds would be allocated.

Officers advised that the Council's Valuation and Estates Section would be consulted and the figure would be based on Industry Standards. The Housing Section would administer the funds.

Officers emphasised that this suggestion was an interim measure and a new SPG would be produced within 6 months.

Councillor S Davies Moved the officers' recommendation, seconded by Councillor J Chamberlain Jones:

That That Members agree the method of calculation for affordable housing financial contributions on developments of 3-9 dwellings, prior to adoption of a new SPG on affordable housing

On a show of hands this was Carried

THE MEETING CLOSED AT 12:20 pm