

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 13<sup>th</sup> November 2013 at 9.30am.

### PRESENT

Councillors I W Armstrong, J.R. Bartley (local member/observer), J A Butterfield, J Chamberlain-Jones, W L Cowie, M Ll. Davies, R J Davies, S.A. Davies, M. L Holland (local member/observer), H Hilditch-Roberts, T.R. Hughes., P M Jones, G. Kensler (observer) M McCarroll, W M Mullen-James (Chair) , R M Murray, . D Owens, T M Parry, D Simmons, W.N. Tasker, J S Welch, C H Williams, C L Williams 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), Martha Savage (Minerals Planning Officer) and Angela Loftus (Policy Manager) attended part of the meeting

#### 1 APOLOGIES

Apologies for absence were received from Councillors P. Duffy, J.M. Davies, P A. Evans, C. L. Guy, P W Owen, E.A. Jones, A Roberts and J Thompson-Hill

#### 2 DECLARATIONS OF INTEREST

None

#### 3 URGENT ITEMS: None

#### 4 MINUTES OF THE MEETING HELD ON 16<sup>th</sup> October 2013.

Agreed as a true record:

#### 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: 15/2013/1080/PO**

**Location: Land at Erw Goed Llanarmon Yn Ial Mold**

**Description: Development of 0.60 hectares of land for residential purposes (outline application including means of access)**

The following late representation were reported:  
Clwydian Range AONB Joint Advisory Committee  
Ian & Jennifer Trigger, Alyn Bank, Llanarmon yn Ial

Councillor Martyn Holland (local Member) reported that the community was not in objection to the development of this land, having voted to include it in the Local Development Plan (LDP). However some local concerns had been expressed regarding the indicated density. The LDP requires 12 units but this appears cramped. The village would prefer a mix of dwellings to include bungalows. It was suggested that as a play area already exists 50 yards away there is little need for on-site provision.

Concern had also been raised about the loss of hedgerow and Councillor Holland suggested a footpath be provided on site rather than at the road side. The village would welcome a 30 mph speed limit in this area and hope it would be extended to cover the existing play area. Councillor Holland understood there were no local people registered on the Affordable Housing list and wondered if a financial contribution towards Affordable Housing could be made, and also towards the maintenance of the existing play area. Councillor Holland warned that the lane in this area was prone to flooding and hoped that this development would not exacerbate the situation. He further requested that no trees or hedges be removed until the details of dwellings had been approved.

Councillor M. Parry asked that lessons be learnt from his experience with a similar development in Llandyrnog where the developer went into administration without finishing the estate and the play area. He felt one well maintained play area in the village would be preferable.

Councillor M. Lloyd Davies felt that there was little purpose in a short section of roadside pavement. He felt that kerb stones were an urban feature, alien to a village setting. He felt a footpath to the village between the houses would be more appropriate.

Councillor Rhys Hughes wondered why no one was on the Affordable Housing Register for this area and asked who administered this function.

Mr Ian Weaver (Principal Planning Officer) answered the questions raised, advising that the landowner was willing to discuss any issues, and was happy to make a contribution toward the maintenance of the off site open space. On the issue of Affordable Housing, if no one is on the list, a contribution would be better than a unit on the site. On the field drainage/flooding, Mr Weaver acknowledged that the road did hold water and had consulted County Drainage Engineers, who felt the development would not exacerbate the situation. However they would examine the details when submitted. Opinion differs on the issue of houses or bungalows but removing the open space from the plan would allow more room to spread the dwellings out. Mr Weaver concluded by agreeing that a roadside pavement would not be appropriate but a footpath to the village would have to be over private land.

Councillor Joan Butterfield asked that a report be submitted to Scrutiny Committee regarding Affordable Housing – to establish how the list is compiled, how to register for it, and who decides those eligible.

This was agreed.

It was proposed that permission be granted in accordance with officers' recommendation  
On being put to the vote

VOTE:

21 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

**Subject to:** amended Condition 12

- With the following revised wording of Condition 12:  
12. No trees within the application site shall be lopped, topped, felled or removed without the prior written approval of the Local Planning Authority, and all trees and hedges which are to be retained as part of the final approved plans shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

#### **Add Note to Applicant**

You are advised to contact the Case Officer in the Planning Section to discuss ideas for the development of the site prior to the submission of detailed plans, including the approach to the highway/footway details, open space and affordable housing, and proposed dwelling types.

**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

A clearer set of plans circulated  
Late representations was reported from:  
Denbighshire Pollution Control  
DONG Energy;  
Gillian Wallis, The Cottage, Glascoed Road, St. Asaph  
Professor M O'Carroll

**Public Speakers:**

**AGAINST: Mrs Linda Griffiths**

Mrs Linda Griffiths spoke against this development, expressing concern that Dong had refused to alter their stance. Mrs Griffiths felt that Dong spoke empty words in claiming to be "good neighbours" as they had not consulted her household before finalising the cable route. Mrs Griffiths explained that her daughter suffered a neurological disorder which can be exacerbated with EMF sensitivity and she wanted her child to grow up without unnecessary risks. Mrs Griffiths was of the opinion that Dong could not guarantee there were no risks but were unwilling to make low cost alterations. She urged Committee to move the cable further to the west and to take account of the suggestions made by Professor Mike O'Carroll.

**FOR: Duncan Tilney**

Mr Duncan Tilney spoke in favour of the development, stating that moving the cable corridor was not justified; it would set a precedent that would require all cables in Denbighshire to be moved. Mr Tilney was not convinced by the health risk argument. He stated that a 30m separation would not be possible in this area without it impacting on other members of the public and would not be justified in planning terms.

**General Debate:**

Councillor Bill Cowie referred to Dong's request to meet with the Chief Executive stating that planning decisions were not for the Chief Executive to make, and the courtesy of an invitation had not been extended to him as local member. Councillor Cowie did not accept that the corridor could not be moved, the nearest people to the west worked on the Business Park and therefore not so affected as a permanent resident. Councillor Cowie hoped Dong would agree to a trefoil system of cable management and that a condition be imposed to move the cable as far west as possible and this should be closely monitored during construction.

Councillor S. Davies felt that the mood of Committee was to refuse the application but acknowledged this would only delay the matter. He urged that strong conditions be imposed.

Councillor Dewi Owens felt the company should take more account of local views, and thought the application should be refused.

Councillor M. Lloyd Davies did not understand the difficulty in moving the corridor.

Paul Mead Development Control Manager reminded committee that the application covered the cable corridor from the coast at Ffrith Beach. However, the issues were now concentrated on Glascoed Road and he referred to proposed conditions on the addendum report. These included a requirement to configure the cable in a trefoil arrangement and confirming the precise location of the cable when the work reaches Glascoed Road. Mr Mead suggested Committee could require the exact location to be stated in the condition but did not feel it was reasonable to do so at this moment in time.

**Proposals:**

Councillor D. Simmons expressed disappointment in the Company and proposed that the suggested condition be altered to include a distance of no more than 1m from the western most wall of the cable corridor and insulation be included around the cables.

This was seconded by Councillor S. Davies.

(Councillor D. Owens sought clarification on the distance of the cable from Mrs Griffiths house if this condition was implemented: he was advised that it would be 27m from the garden boundary).

On being put to the vote

**VOTE:**

**16 voted to GRANT**

**5 voted to REFUSE**

**0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

**Subject to:** Amended Condition 19

Condition to be redrafted and the local member to be consulted on the wording prior to the issue of the decision certificate.

**Application No: 45/2013/0805/PF**

**Location: Shirley 23 Marine Drive Rhyl**

**Description: Erection of lobby extension at first floor level, staircase from first floor balcony to rear garden, and balustrade to limit access to first floor flat roof area ; and widening of existing doorway from kitchen onto existing balcony**

The following late representations were reported:  
Rhyl Town Council (no objection to amended plans)  
A report of the site visit which took place on Friday 8<sup>th</sup> November 2013 was circulated

**Public Speakers:**

**AGAINST: Mrs Theresa Howard**

Mrs Theresa Howard spoke on behalf of the neighbours at 24 Marine Drive

Mrs Howard advised Committee that the neighbours had no objection in principle but the proximity of the proposed stairway would dominate and adversely impact on their privacy. There would be issues of overlooking and the intrusion would remove the amenity of their private area. It had been requested that screens be erected - similar to those elsewhere in the area. However, Ms Howard has little faith in compliance with conditions as she stated that previous conditions had been ignored and not enforced by Planning.

**FOR: Mr Russell Moffat spoke in Favour**

Mr Moffat acknowledged personal disagreements but urged committee to deal with the planning merits of the two proposals rather than the personal relationship between the neighbouring households. There has been no objection to the proposed "lobby" which was designed to protect their privacy. At present residential amenity was compromised as it was possible to see into the property through the windows.

The proposed staircase was intended to replace a previous fire escape which had fallen into disrepair. Mr Moffat advised Committee that other properties in the area had existing fire escapes without privacy screens.

Ian Weaver (Principal Planning Officer) explained the elements of the planning applications and pointed out the relevant areas on the photo display. He urged committee to deal with the application as a whole, comprising of four elements. He advised that a previously approved 1m high screen would not be adequate.

Councillor D. Simmons (ward member) had suggested the staircase be relocated but understood that this may lead to other problems. Part of the flat roof area was not to be used because of a condition on a previous permission.

In response Graham Boase explained that the application should be dealt with as it stands, if it is unacceptable to Committee then it should be refused. The applicant would have the right of appeal.

Ian Weaver advised that Councillor Simmons' suggestion had been put to the applicants but they wished the application to be determined without change. Mr Weaver explained the history of the balcony which had been in place for some years. Part of it was not to be used and a previous permission had required Juliet balconies to be installed on the external doors, to prevent access to the flat roof but this had not been carried out. This application, if permitted would address some of these issues.

Councillor J. Butterfield understood the neighbours' grievance and asked how large the staircase was going to be. Mr Ian Weaver demonstrated the size on a plan.

Councillor M. Ll. Davies reported on the site visit and gave his opinion that moving the staircase would cause other problems to the occupants of the ground floor flat.

### **Proposals:**

Councillor J. Butterfield proposed permission be REFUSED for the reason of the intrusion on the privacy of the neighbouring property.  
This was seconded by Councillor Cheryl Williams.

Mr Graham Boase suggested that if the application was refused the local members would be consulted on the wording but advised committee to disregard any impact on the applicant's own property as a reason for refusal. It was pointed out that officers' recommended permission be granted.

Councillor H. Hilditch Roberts asked if the balcony was not already an intrusion and asked if the proposed staircase would make any difference. Ian Weaver agreed that officers are not suggesting there would no impact but committee must be clear that the level of overlooking is additional to that already occurring.

On being put to the vote

### **VOTE:**

10 voted to GRANT  
10 voted to REFUSE  
1 Abstained

On the chair's casting vote

Permission was **GRANTED**

- Subject to the minor rewording of Condition 5  
5. Notwithstanding the submitted plans, the detailing of the screen to be erected to prevent access from the existing balcony onto the adjacent area of flat roof shall not be as shown, but shall be a 1.5 metre high screen in accordance with such alternative detailing as may be submitted to, and approved by the Local Planning Authority within two months of the date of this permission, and the approved scheme shall be implemented in its entirety no later than 6 months from the commencement of the development permitted by this permission. The approved screen shall be retained at all times thereafter.
- and the following Note to Applicant  
You are invited to contact officers in the Development Control section to discuss the approach to compliance with Condition 5 of this permission prior to the submission of any details of the screen. The Authority will be seeking early compliance with this condition and others on the permission if it is implemented; and is aware of outstanding issues in

relation to the 2011 planning permission (45/2010/1360) which will require attention if the current scheme is not undertaken.



**Application No: 45/2013/1179/PF**

**Location: 37 Marine Drive Rhyl**

**Description: Change of use of second-floor flat to a children's day nursery in conjunction with existing nursery at ground floor level**

The following additional letters of representation were reported:

County Highways

Pollution Control

Report of a site visit on Friday 8<sup>th</sup> November 2013 was circulated

**Public Speakers:**

**FOR: Tony Thomas** (applicant)

Mr Thomas explained that Marine Drive, a wide thoroughfare is quiet on weekdays. He said there have been no objections from Highways or the Police regarding traffic issues. Mr Thomas was aware of a strong local demand for babies to be accommodated. Some of these children had special needs and would be looked after by his wife (a nurse). The premises had restrictions on outdoor play for the older children and the babies would only go out in prams. He understood that the main objection had been from the neighbouring Bed & Breakfast which was open 24 hours a day. Mr. Thomas considered the additional 6 jobs to be created as a positive measure together with the much needed additional childcare facilities.

Councillor D. Simmons (ward member) reported on the site visit . He expressed concern regarding parking arrangements and wondered if an additional 18 children (although, he acknowledged, only between 3 and 18 months old) would be excessive.

Councillor Simmons proposed permission be GRANTED provided it be restricted to children under 18 months old.

(this proposal was not seconded at this stage)

Councillor R. Davies reminded committee of the refusal of a much smaller establishment in Lower Denbigh, which was refused on grounds of noise and disturbance to neighbours.

Councillor J. Butterfield agreed that babies were not always quiet and would be voting to refuse.

Paul Mead Development Control Manager asked committee to consider if this premises had reached a limit, as had been suggested during consideration of previous applications. However, Mr Mead had reservations about being able to enforce a condition restricting the age limit to 18 months.

In response to Councillor Rhys Hughes' query about double yellow lines in front of the premises, Mike Parker (Highways) explained that the restrictions were seasonal. Parking was allowed from October to March and loading and unloading was permitted at other times. During a recent monitoring exercise Highways Officers observed 22 vehicles visiting this property between 7.40 am and 8.50 am. Parking bays were available on the opposite side of the road. Highways had no objection to the planning proposal.

Councillor D. Simmons acknowledged the difficulty in enforcing a condition based on age and proposed permission be GRANTED without the restriction.

This was seconded by Councillor Huw O. Williams who also felt it important to encourage jobs in the area.

However there was some dissent to this view, Councillor J. Butterfield reminding committee that this was a predominantly residential area and Councillor M. Lloyd Davies urging committee that the property had reached capacity.

Paul Mead, advised that, if permission was granted by Committee, conditions would be drafted and local members consulted.

On being put to the vote

**VOTE:**

10 voted to GRANT

10 voted to REFUSE

1 Abstained

On the Chair's casting vote permission was REFUSED in accordance with officers' recommendation

**PERMISSION WAS THEREFORE REFUSED**

**For the following amended reason**

1. In the opinion of the Local Planning Authority, the intensification of use and associated activity at the property arising from an additional 18 children on top of the numbers permitted by previous permissions, would give rise to unacceptable additional levels of disturbance to occupiers of nearby dwellings, contrary to test vi of Policy RD 1 of the Denbighshire Local Development Plan, which seeks to ensure new development does not unacceptably affect the amenity of local residents.

**Application No:** 46/2013/1162/PF

**Location:** The Old Court House Chester Street St Asaph

**Description:** Change of use of former youth club to a mixed use development to include Classes A1, B1 and D1 uses

Councillor D. Owens stated that this property had been an eyesore but the new landlord was trying very hard and should be encouraged.

**Proposals:**

Councillor B. Cowie proposed permission be GRANTED  
This was seconded by Councillor D. Owens

On being put to the vote

**VOTE:**

21 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Subject to:** Amended Condition 3

3 The premises shall not be open to customers other than between the hours of 0800-2330 on any day.

**ITEM 6**  
**MAES Y DROELL QUARRY, LLANARMON YN IAL**

This item was proposed as a Part 2 item by virtue of paragraph 16 of part 4 of Schedule 12A of the Local Government Act 1972 in that information which is exempt would be disclosed.

Ms Martha Savage was in attendance for this item.

Councillor M. Ll. Davies proposed that the press and public be excluded this was seconded by Councillor B. Cowie.

This was agreed by a show of hands.

Following the confidential debate it was proposed that the officers' recommendation be agreed en bloc

On being put to the vote

21 voted to agree

0 voted to Not to agree

There were not abstentions

It was therefore resolved to agree the officers' recommendation in accordance with the submitted report.

## Item 7 Supplementary Planning Guidance

Angela Loftus (Development Policy Manager) attended for this item.

Ms Loftus introduced the three reports and gave an overview of the process so far. The Local Development Plan now adopted required some minor changes in wording of 4 SPG documents and the introduction of a number of rewritten or new Guidance Documents.

### **(i) Consultation Draft Supplementary Planning Guidance (SPG) Affordable Housing**

Ms Loftus advised that this SPG had been rewritten to reflect the change in requirement for Affordable Housing. This figure was 30% in the UDP, now reduced to 10% in the LDP in the case of development of 10 dwellings or more with a financial contribution required if below that figure. The Draft SPG was a result of consultations and workshops held with Town and Community Councils the LDP Working Group and consultations will extend to agents and other local authorities. An 8 week consultation period was proposed.

Following Councillors' comments and queries, Ms Loftus assured committee that Housing colleagues would be included as would County Councillors and Registered Social Landlords. Officers agreed to attend Community Council meetings if possible.

On a show of hands the draft SPG on Affordable Housing was approved for consultation.

The final version to be referred back to committee in March.

### **(ii) Draft SPG - Welsh Language**

Angela Loftus explained this new SPG follows the requirement in Local Development Plan Policy RD 5 for a Community Linguistic Assessment and the recent Technical Advice Note 20 from Welsh Government

As with the Affordable Housing SPG, workshop sessions had been held and suggestions incorporated in the Draft SPG. A similar timescale and approach would be adopted.

The recent TAN 20 requires Local Authorities without a Local Development Plan to incorporate a Welsh Language element but those (such as Denbighshire) with an LDP already adopted can review the requirement after 4 years.

Following Members comments and queries Ms Loftus advised that following the consultation period the SPG would be referred back to Planning Committee in April.

On a show of hands the Welsh Language Draft Supplementary Planning Guidance was approved for consultation.

### **(iii) Minor Changes To Supplementary Planning Guidance:**

- 1 Residential Space Standards (SPG 7)
- 2 Shop Fronts (SPG 12)
- 3 Pontcysyllte Aqueduct and Canal (SPG 26)
- 4 West Rhyl Regeneration (SPG 27)

Ms Angela Loftus explained the minor changes to wording.

On a show of hands the proposed changes to the four SPGs above were approved.

(Councillors thanked officers for the clarity in presentation).

The meeting closed at 12-20 pm