

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 9 December 2015 at 9.30 am.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Dewi Owens, Pete Prendergast, Arwel Roberts, Anton Sampson, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

ALSO PRESENT

Head of Legal, HR and Democratic Services (GW), Conservation Architect (PE), Head of Planning and Public Protection (GB), Development Manager (PM), Principal Planning Officer (IW), Planning Officer (DAR), Senior Engineer, Highways (MP), Development Planning & Policy Manager (AL), and Committee Administrator (SLW).

1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Joan Butterfield, Peter Owen and Merfyn Parry.

At this juncture, best wishes were sent to both Councillors Ian Armstrong and Peter Owen.

The Chair welcomed everyone to the Planning Committee meeting, and announced with great pleasure that Denbighshire County Council had been recently commended by the Royal Town Planning Institute (RTPI) at the 2015 Wales Planning Awards. The commendation had been in recognition of the regeneration of Grade II Listed Buildings, Plas Penddeuglawdd at 37-39 Pendyffryn Road, Rhyl. The buildings, one of which was believed to be the oldest building in Rhyl, dated from the first half of the 17th Century. Both were listed in a poor condition with no. 37 in a partially derelict state. Located in a suburban residential street and an eyesore for many years, the buildings were on the Council Corporate "Eyesore Sites" list, the Council's "Listed Buildings at Risk" Register and Empty Homes Register.

The Chair expressed thanks to all the officers involved with the excellent scheme and congratulated everyone.

The Head of Planning and Public Protection accepted the Certificate and introduced Phil Ebbrell, the Council's Conservation Architect.

Phil Ebbrell informed Members that negotiations with the owner of 37-39 Pendyffryn Road, Rhyl first took place in the late 1990's as it was empty and the building had been deteriorating. Eventually, the property was sold to a local developer. North Wales

Housing were involved and identified a funding package to assist with the project. Six two-bedroom properties on the site were created. Three are in the listed buildings, with three new bungalows meeting lifetime homes standards, and wheelchair friendly dwellings in the grounds. Rhyl has one of the highest areas of housing need in Denbighshire and this crucial development provided much needed, high quality 2 bedroom affordable housing for local people with a local connection.

The project had resulted in a productive use of a formerly derelict listed building which meets local needs for affordable and specialist housing and had promoted a sense of civic pride.

Councillors Pat Jones and Meirick Lloyd Davies congratulated all involved with the project as it had made a great difference to the area.

2 DECLARATIONS OF INTEREST

Councillor Huw Williams – Personal Interest – Agenda Item 7

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee meeting held on 11 November 2015 were submitted.

At this juncture, Councillor Huw Hilditch-Roberts stated he felt all Members should be attributed to discussions within the meeting. This comment was noted.

RESOLVED that the minutes of the meeting held on 11 November, 2015, be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 12)

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests, it was agreed to vary the Agenda order of applications accordingly.

5 APPLICATION NO. 25/2015/0636/ PFWF - LAND EAST OF LLYN BRENIG, NANTGLYN

To consider an application for the construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565) at land east of Llyn Brenig, Nantglyn.

Mr G Bibby – **(Against)** – spoke on behalf of local residents and referred to previous planning history and objections based on landscape, visual impact and wellbeing.

Mr J Woodruff – **(For)** – confirmed the scheme had commenced under previous consent and local contractors used. Argued the impact of the proposal to increase the turbine tip height from 100 to 110 metres would be imperceptible.

General Debate – The Planning Officer (IW) summarised the report highlighting the volume of information and representations received. He advised that the report sought the resolution of the Planning Committee, on the above planning application considered at the Committee on 11 November 2015, when Members resolved to refuse permission contrary to Officer recommendation.

The application had been referred back to Committee by the Head of Planning and Public Protection in accordance with the current Scheme of Delegation, as following detailed assessment, it was considered the grounds of refusal put forward would give rise to a significant risk of costs being awarded against the Council at any subsequent appeal.

The Council had previously sought independent technical advice on landscape and noise which Officers considered gave no grounds for refusal.

The report provided Members with the relevant background information and the reason why Officers were requesting the reconsideration of the application.

Councillor Joe Welch (Local Member) spoke against the application and proposed the application be refused on the increase on detrimental impact of visual amenity, seconded by Councillor Stuart Davies.

Members discussed the application and planning consideration further and expressed serious concerns over the additional impacts of the proposal over and above those created by the existing permission. Many members felt unable to support the application given the further detrimental impact on the community as a result. Members were not reassured that the proposed development would result in acceptable noise levels and further concerns were raised regarding the impact of the proposed development on health and wellbeing.

In response to debate Officers asked Members, as at the previous Planning meeting, to consider that the main difference to the existing planning consent would be an increase in the turbine dimensions involving a tip height increase of 10 metres. It was likely that a refusal would need to be defended at a public enquiry.

Proposal – Councillor Joe Welch proposed that the application be refused, contrary to Officer recommendation, on the grounds of increased detrimental impact on visual amenity. Councillor Stuart Davies seconded the proposal.

VOTE:
FOR – 3
AGAINST – 20
ABSTAIN – 1

RESOLVED that permission be **REFUSED**, contrary to Officer recommendation, on the ground of increase on detrimental impact of visual amenity.

At this juncture, the Head of Planning and Public Protection requested two Committee members who would be willing to represent the Committee if the matter were to be brought to appeal - Councillor Joe Welch and Stuart Davies agreed.

At this juncture (10.35 a.m.) there was a break.

Meeting reconvened at 10.50 a.m.

The following item had been brought forward on the Agenda at the request of the Local Member, Councillor Cefyn Williams, as he would need to leave prior to the conclusion of the meeting.

6 REPORT TO SEEK A RESOLUTION ON CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION 07/2015/0414/PFT - TYFOS, LLANDRILLO, CORWEN

A report was submitted to seek Members resolution on conditions to be attached to the Planning Permission for a single wind turbine at Tyfos, which had been granted at the November 2015 meeting of the Planning Committee.

The matter had been brought before Members at the request of Committee in November 2015, as the grant of permission was contrary to the Planning Officer recommendation, and there were no conditions before Members to consider.

The merits of the decision were not for debate, solely the suitability or otherwise of the conditions to be attached to the permission.

The Planning Officer confirmed the conditions were standard conditions similar to those imposed on previously granted single turbine permissions.

Proposal – Councillor Cefyn Williams proposed that the conditions within the report be accepted. Seconded by Councillor Rhys Hughes.

VOTE:
For – 25
Against – 0
Abstain – 0

RESOLVED that Members agree to the imposition of conditions on planning permission 07/2015/0414 as drafted, and that the Certificate of Decision be released.

7 APPLICATION NO. 12/2015/0656/PFT - LAND ADJACENT TO CLOCAENOG FOREST, WEST OF TAN Y CREIGIAU, CLAWDDNEWYDD, RUTHIN

To consider an application for the installation of single wind turbine with associated access track, foundation, crane hard standing and equipment housing cabinet at land adjacent to Clocaenog Forest west of Tan y Creigiau, Clawddnewydd, Ruthin.

Mr P Fusco – **(For)** – explained he worked as a Planner for Constantine Wind Energy. The wind turbine would be 15 metres shorter than originally approved which meant significant decrease in noise omissions. Mr Fusco explained the benefits of the single wind turbine on the site.

Proposal - Councillor Rhys Hughes proposed the application be granted. Councillor Hugh Williams seconded the proposal.

VOTE:

For – 24

Against – 1

Abstain – 0

RESOLVED that the permission be **GRANTED** in accordance with Officer recommendation as detailed within the report.

8 APPLICATION NO. 40/2015/0199/PF - LAND AT BODELWYDDAN CASTLE, ENGINE HILL, BODELWYDDAN, RHYL

[Councillor Huw Williams declared a personal interest as he was friends on facebook with Mr Eyton Jones].

To consider an application for the construction of replica WW1 trenches at land at Bodelwyddan Castle, Engine Hill, Bodelwyddan, Rhyl.

Mr P Eyton Jones **(For)** – explained the background of the application. The proposal had been developed following receipt of a capital grant from the Ministry of Defence Community Covenant Grant Fund. Mr Eyton Jones expressed his disappointment at condition 3 relating to an archaeological watching brief to be included as, in his opinion, this was unnecessary.

General Debate – The project would commemorate the 100 year anniversary of the First World War. The trenches would also be open for the Armed Forces Day for North Wales which would take place in June 2016.

Councillor Alice Jones (Local Member) spoke in favour of the application including condition 3, seconded by Councillor Meirick Lloyd Davies.

Members discussed the application and conditions further. Councillor Stuart Davies proposed that condition 3 be removed as a condition to the application and the County Archivist to be involved with the trenches. Seconded by Councillor Rhys Hughes.

The Head of Legal, HR and Democratic Services clarified that a vote would need to take place regarding the proposed amendment which was to remove condition 3.

VOTE:

For – 10

Against – 15

Abstain – 0

The Head of Legal, HR and Democratic Services confirmed that a majority of Members had voted to include the original Condition 3 for the application.

Proposal – Councillor Alice Jones proposed that the application be accepted. Seconded by Councillor Meirick Lloyd Davies.

VOTE:

For – 23

Against – 1

Abstain – 1

RESOLVED that the permission be **GRANTED** in accordance with Officer recommendation as detailed within the report.

9 APPLICATION NO. 42/2015/0237/PF - FORMER ANGLIA BUILDER'S YARD & ADJACENT CAR PARKS, NEWMARKET ROAD, DYSERTH, RHYL

To consider an application for the conversion of offices/workshops to provide (i) 19 self-contained apartments (ii) Erection of block of 6 self-contained apartments (including 2 affordable units) (iii) Erection of 13 employment starter units and (iv) Provision of Associated Car Parking, amenity and recreation space at the former Anglia Builder's Yard & Adjacent Car Parks, Newmarket Road, Dyserth, Rhyl.

Mr K Prydderch - **(Against)** – spoke on behalf of the “Don't Destroy Dyserth Group” and referred to flood defences. Concern was raised over climate change and the amount of rainfall which could have the capability of causing floods. Flood Assessment Infiltration tests were requested.

Mr G Kenyon – **(For)** – explained he worked for Kenyon Planning in Manchester and had been acting for Walsh Investments in this matter. The site had been for sale for the past five years with no interest and, therefore, the development would have significant public benefits as was a Brown Field Site.

General Debate – The Planning Officer (IW) summarised the report highlighting the information and representations received.

Councillor Hugh Irving confirmed he had attended the site meeting on behalf of Councillor Peter Owen who supported the development. Members raised concerns regarding the safety of the A5151 (Newmarket Road). The Senior Engineer, Highways, confirmed that there had been one recorded accident and a speed survey had been carried out and conditions had been suggested to improve junction visibility.

Proposal – Councillor Julian Thompson- Hill proposed that the application be granted. Councillor Barry Mellor seconded the proposal.

VOTE:

For – 20

Against – 4

Abstain – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

10 APPLICATION NO. 46/2015/0765/PF - LAND AT BOD ERW HOTEL, THE ROE, ST. ASAPH

To consider an application for the change of use of land for the siting of secure storage units at Land at Bod Erw Hotel, The Roe, St. Asaph.

Mr Anthony Davies – **(For)** – explained the application would be temporary for 3 years for secure storage units. The location of the siting of the storage units together with the size and description were confirmed. Access times to the units would be from 8 a.m. – 7 p.m. Mr Davies confirmed he would be happy to work with Planning Officers if the application were successful.

General Debate - Councillor Bill Cowie (Local Member) requested if the application were to be granted he be consulted on the conditions to be added.

Proposal – Councillor Huw Hilditch-Roberts proposed that the application be granted, contrary to officer recommendation, as the location was in Policy RD1 and only for a 3 year period. Councillor Peter Evans seconded the proposal.

VOTE:

For – 20

Against – 3

Abstain – 0

RESOLVED that the application be **GRANTED** contrary to Officer Recommendation as the application would be temporary for a three year period. Officers to draft conditions to be attached to the permission.

11 APPLICATION NO. 43/2014/1371/ PF - PLAS DEVA CARAVAN PARK, FFORDD TALARGOCH, MELIDEN, PRESTATYN

Application withdrawn.

12 APPLICATION NO. 43/2015/0985/PF - 96 HIGH STREET, PRESTATYN

To consider an application for change of use of ground floor to use class A3 restaurant and conversion of upper floors to 2 self-contained flats at 96 High Street, Prestatyn.

General Debate – Councillor Hugh Irving (Local Member) supported the application, especially as the property had been standing empty and the building was deteriorating. Councillor Julian Thompson-Hill proposed granting the application. Councillor Anton Sampson agreed but requested condition be included that the property remained as class A3, this was supported by Councillor Bob Murray.

The Head of Legal, HR and Democratic Services clarified to Members that the amendment would be voted on to restrict the application to restaurant use only.

VOTE:

For (to add restriction) – 11

Against (for blanket A3 only) – 13

Proposal – Councillor Julian Thompson-Hill proposed the grant the application. Councillor Anton Sampson seconded the proposal.

VOTE:

For – 18

Against – 5

Abstain - 1

RESOLVED that permission be **GRANTED** with the blanket Class A3 use, in accordance with officer recommendations as detailed within the report.

13 APPLICATION NO. 45/2015/0359/PF - LAND ADJOINING 53 BRIGHTON ROAD, RHYL

To consider an application for the erection of 8 apartments, alterations to existing access arrangements and removal of 7 trees subject to a Tree Preservation Order at Land adjoining 53 Brighton Road, Rhyl.

General Debate: Councillor Barry Mellor (Local Member) informed Members that he was in favour of the proposed development, but was not happy with the design of the façade which faced the road. Councillor Win Mullen James expressed her agreement with Councillor Mellor.

Proposal - Councillor Barry Mellor proposed that the application be refused, contrary to Officer recommendation, on the grounds that the development proposed did not respect the form, character and design of adjacent buildings and the local historic environment. Councillor Jeanette Chamberlain Jones seconded the proposal.

VOTE:

For – 9

Against – 13

Abstain – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the grounds that the development proposed did not respect the form, character and design of adjacent buildings and the local historic environment.

14 S106 LEGAL AGREEMENT TERMS AND UPDATE PLANNING CONDITIONS FOR OUTLINE PLANNING APPLICATION 40/2013/1585/PO, LAND EAST OF BODELWYDDAN

The Development Manager introduced the report and provided Members with details of the Heads of Terms for the proposed S.106 Legal Agreement for the Bodelwyddan Key Strategic Sites (KSS). He sought Members agreement to allow Officers to finalise and complete the S.106 Legal Agreement on the basis of the terms presented, enabling the relevant Outline Planning Permission and conditions to be issued.

The Chair, Councillor Raymond Bartley, thanked the Development Manager for all the information provided and the pre-Committee briefing which had taken place on 30 November 2015.

Councillor Alice Jones (Local Member) explained that she could not support the recommendation in its current form and would request an amendment. The Local Member confirmed she would put her case in full following debate by Members.

It was confirmed that conditions would be imposed on the outline planning permission for the development. Community facilities were to be provided as stated within the report, and confirmed that a contribution of £50,000 would be paid towards improvements to the existing Community Centre.

Regarding serviced employment land, the development would provide 26 hectares of employment land, categorised as B1, B2 and B8 uses which would include:

- micro office units for new start-up businesses to attract and retain Companies in Denbighshire
- self-contained offices
- hi-tech / workshop / warehouse units with a high ancillary office content and specification, and
- warehousing / B8 uses.

The Development Planning & Policy Manager confirmed that Bodelwyddan Town Council had been involved throughout the whole process and Members had previously agreed the draft Brief following the consultation process.

A lengthy discussion took place as the Local Member scrutinised the report provided. The Head of Planning and Public Protection confirmed to members that 12 months negotiation had taken place and officers had negotiated the best development and the best deal.

Proposal – Councillor Alice Jones (Local Member) proposed that the recommendation be agreed but an additional condition be included. Councillor Brian Blakeley seconded the proposal.

VOTE:

For – 18

Against – 0

Abstain – 0

RESOLVED that:

- *Members agree to the proposed heads of terms for the S.106 Legal Agreement as set out in the table which are in line with the previous resolution of the Planning Committee (save for the substitution of the Community Facility Contribution in place of the Abergele Greenway Contribution). Members are further requested to delegate the finalisation (with any minor changes) and thereafter the completion of the agreement to the Head of Planning and Public Protection. In addition that Members allow the release of the Outline Planning Consent (with the relevant updated conditions) on the final completion of the S.106 Legal Agreement.*
- *That a “Community Planning in Progress Group” be set up to jointly work with Denbighshire County Council to draw up a Bodelwyddan Policy akin to an Area Action Plan which could guide development across the existing settlement as well as the urban extension allocation of the KSS, to monitor and evaluate and influence the spend of money already committee and seek alternative funding to establish the aspirations of the local community and enhance the benefit already negotiated and to work with the community to deliver the expectations of residents for the benefit of the Health and Well Being of all resident in the town.*

Meeting concluded at 1.30 p.m.