

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 10th September 2014 2014 at 9.30am.

PRESENT

Councillors J.R. Bartley (Chair), I W Armstrong, J A Butterfield, W L Cowie, M LI Davies, R J Davies, S A Davies, P A Evans, R L Feeley (Obs), H Hilditch Roberts, E A Jones, P M Jones, G M Kensler (observer), M. McCarroll, W M Mullen-James (Vice Chair), T M Parry, P Penlington, A Roberts, D Simmons, J Thompson-Hill, J S Welch, C H Williams, C L Williams and H O Williams

ALSO PRESENT

Head of Planning and Public Protection (Graham Boase) Principal Solicitor (Planning and Highways) (Susan Cordiner), Development Management Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Planning Officer (Sarah Stubbs), Development Management Officer (Paul Griffin), Senior Support Officer (Judith Williams) and Translator (Sandra Williams).

1 APOLOGIES

Apologies for absence were received from Cllr Jeanette Chamberlain Jones, Cllr Martyn Holland, Cllr Colin Hughes, Cllr Bob Murray, Cllr Bill Tasker, Cllr Rhys Hughes, Cllr Dewi Owens, Cllr Ann Davies, Cllr Peter Owen

2 DECLARATIONS OF INTEREST

Cllr Peter Evans – Personal/Prejudicial – Items 2 & 3
Cllr Ray Bartley – Personal – Item 12
Cllr Huw Hilditch Roberts – Non-prejudicial – Item 12

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 18th June 2014.

Agreed as a true record with an amendment to record that P.34 Last paragraph, first bullet point should read:

- Clarification of site access (no access from front of Marble Church, no construction traffic through the village or the road in front of Marble Church, **or Nant y Faenol Lane**

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

Report by the Head of Planning and Public Protection (previously circulated) relating to applications submitted and requiring determination by the Committee were considered.

It was RESOLVED that:-

- (a) *the recommendations of Officers, as contained within the reports submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the relevant legislation in relation to:-*

Item: 1

Application No: 12/2014/0611/PF

Location: Land at south east of Maes Llan, Derwen, Corwen

Description: Erection of a detached dwelling together with a detached single garage, formation of a new vehicular access and installation of a new septic tank

Public Speakers:

Mrs Manon Jones (For)

Mrs Jones explained that they had sought advice from policy and development management officers in order to ensure that the size and design of the proposed dwelling were acceptable. There was also a thorough assessment made by Grwp Cenefin as part of the submission. Mrs Jones explained that her family had strong links to the local community and felt that they met the local connections policy.

General Debate:

Cllr Eryl Williams (Local Member) pointed out that this application was one of the first applications of this type to be assessed against the Local Connections Policy of the Local Development Plan. He had only requested that this application be brought to Planning Committee as he felt that the decision should be totally transparent and to give all parties the opportunity to speak.

Cllr Huw Williams felt that this application was a true case of local people wanting a local home.

Cllr Cefyn Williams pointed out that houses of the size that met the needs of the applicants sold for approximately £300 - £400 in Derwen.

Cllr Meirick Lloyd Davies felt that the reasons for the officer recommendation was clearly explained in the Committee report and that was why the Officer was recommending grant.

Proposals:

Cllr Huw Williams proposed the Officer recommendation to GRANT subject to the signing of a S106 to secure the dwelling as an affordable home. This was seconded by Cllr Mervyn Parry

VOTE:

GRANT – 21

ABSTAIN – 0

REFUSE - 0

The resolution was therefore to GRANT permission subject to the completion of a Section 106 Obligation.

- a) Securing the dwelling as affordable for local needs in perpetuity.
- b) Securing the relevant commuted sum payment for Open Space

Item: 2

Application No: 43/2014/0205/PF

Location: 105-107 High Street Prestatyn

Description: Conversion of upper floors over existing retail unit to form 3 no. flats, demolition of two storey rear outrigger building and erection of extension to rear to form 5 no. 1 bed flats and associated works

Councillor Peter Evans declared an interest in this application and left the Chamber during consideration thereof.

The following information was reported on the late sheets:

Prestatyn Town Council

“OBJECTION

Lack of on site parking. Demolition of stone wall and replacement with brick not in keeping with conservation area status.

Multiple occupancy and increased residential development will lead to loss of High Street retail opportunity.

Over intensification of site. The site is within curtilage of listed building. Proposed flats considered too small.”

Public Speakers:

Allyson Evans (Against)

Ms Evans felt that the proposal would set a precedent for similar types of applications in the area. It was accepted that development was necessary for the vitality of the town but it was felt that local parking issues would compromise parking safety.

General Debate:

Cllr Thompson Hill (Local Member) had objected to a similar application in a previous Committee and felt that this application should also be refused. Although there was general support to bring upper floors of shops back into use, it was felt that this proposal would represent an overintensification of development in the area. Although the Conservation Architect did not object, it was felt that this was a subjective issue and that as the proposal was adjacent to a listed building, the size and scale of the development would have an adverse impact and would be out of keeping with the surrounding buildings. Cllr Thompson Hill therefore proposed to refuse the application, contrary to Officer recommendation.

Cllr Penlington echoed the sentiments of Councillor Thompson-Hill and seconded the proposal to refuse the application.

Cllr Butterfield also supported refusal as there had been a similar application in Rhyl in the past which contained one bedroom flats and this had caused a tidal wave of similar applications.

Cllr Meirick Lloyd Davies pointed out that if a refusal was going to be proposed, then good reasons needed to be put in place before the vote.

Officers explained that overintensification due the number of flats being proposed may be a land use ground for refusal. It had been accepted that there was a demand in the area for one bedroom flats and it was questioned whether impact on the Conservation area could be used as a defensible reason for refusal as the stone wall currently fronting the site was proposed to be retained.

Proposals:

Cllr Thompson Hill proposed refusal due to overintensification, impact on the Conservation Area, impact on the Listed Building, scale
The proposal for refusal was seconded by Cllr Paul Penlington

VOTE:

GRANT	-	5
ABSTAIN	-	0
REFUSE	-	15

PERMISSION WAS THEREFORE REFUSED

The decision, being CONTRARY to the Officer Recommendation was taken on the grounds that the proposals represented an over intensification of use and would impact adversely on the Conservation Area.

The grounds for refusal subsequently agreed with Local Members were:

1. In the opinion of the Local Planning Authority, the conversion of the upper floors of the existing property to create 3 flats combined with the rebuilding and extension to the rear to create 5 flats (8 flats in total) represents an over intensification of use of the site, contrary to Policy RD1 (tests i and vi) of the Denbighshire Local Development Plan given that there would be a shortfall of private amenity space for occupiers of the flats, contrary to the Council's adopted Supplementary Planning Guidance on Residential Space Standards.
2. The scale and design of the redevelopment at the rear of the main building is considered likely to have an adverse impact on the character and appearance of the Conservation Area and on the setting of the nearby listed building (Old Vicarage), contrary to Policy VOE1 of the Denbighshire Local Development Plan, advice in Chapter 6 of Planning Policy Wales Edition 7 (2014), and Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas.

Item: 3

Application No: 43/2014/0206/CA

Location: 105-107 High Street Prestatyn

Description: Conservation Area Consent for the demolition of a garage (redevelopment of site subject to separate application - ref: 43/2014/0205)

Councillor Peter Evans declared an interest in this application and left the Chamber during consideration thereof.

Proposals:

Cllr Julian Thompson Hill proposed refusal on grounds that there was no redevelopment scheme in place. Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT: 6

ABSTAIN: 0

REFUSE: 14

PERMISSION WAS THEREFORE REFUSED

The decision, being CONTRARY to the Officers' Recommendation was taken on the grounds that there was no planning permission in place for a redevelopment.

The ground for refusal was:

1. In the opinion of the Local Planning Authority, the grant of Conservation Area Consent for demolition would be premature in the absence of a planning permission for redevelopment on the footprint of the buildings to be removed, and would create the potential for an eyesore in a sensitive location in the town centre and Conservation Area, close to a listed building.

Item: 4

Application No: 43/2014/0250/PF

Location: 55 Pendre Avenue, Prestatyn

Description: Erection of a single-storey extension to rear of dwelling with alterations to roof and dormer window to side elevation to provide accommodation in roofspace

The following information was reported in the late sheets:

Private individuals

In objection, from:

Mrs B. Gee, 15 Linden Drive, Prestatyn

- Summary of representations :
Unacceptable impact on privacy/ overlooking from bedroom window into bedroom and garden
Roof level should be lower

Proposals:

Cllr Arwel Roberts proposed the Officer's recommendation to grant the application. Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT: 21

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED

Item: 5

Application No: 45/2014/0617/AC

Location: Shirley, 23 Marine Drive, Rhyl

Description: Details of proposed screen to prevent access from existing balcony to flat roof area submitted in accordance with condition no. 5 of planning permission code no. 45/2013/0805

General Debate:

Cllr David Simmons pointed out that the people who had the most issues with this site were the next door neighbours and he noted that they did not have any objections to this proposal.

Cllr M Lloyd Davies agreed that site had been a contentious one and had been the focus of much debate. He felt that the screen should have been put up long ago and that it should have been a fixed screen.

Officers explained that it was a complicated situation and that this approval of condition sought solely to resolve the issue of the details of the screen. It was proposed as a movable item rather than fixed due to fire escape reasons.

Proposals:

Cllr David Simmons proposed that the condition be approved and Cllr Pat Jones seconded the proposal.

Cllr M Lloyd Davies proposed that the time to comply with the condition was reduced to 1 month and Cllr Alice Jones seconded the amendment.

VOTE:

The first vote was in relation to the amendment of one month to comply with the condition.

GRANT: 10
ABSTAIN: 0
REFUSE: 11

Therefore the amendment was not approved.

The second vote was for the proposal to grant the application.

GRANT: 19
ABSTAIN: 0
REFUSE: 2

THE CONDITION WAS THEREFORE APPROVED

Item: 6

Application No: 45/2014/0924/PF

Location: Shirley 23 Marine Drive Rhyl

Description: Amended details of alterations and extensions to dwelling (previously granted under code no. 45/2013/0805), eliminating external staircase, involving alternative design of first floor lobby to incorporate internal staircase to ground floor level and the erection of a 1.8m high side boundary screen to permit use of additional section of flat roof area as extension to existing balcony

The following information was reported on the late sheets:

Rhyl Town Council
"No objection".

Officers reported receipt of a late letter from Mr & Mrs Soudegar, 24 Marine Drive, Rhyl, expressing the hope that this would be the final application relating to this property.

Public Speakers:

Mr Moffat (For)

Mr Moffat explained that there had been a rather protracted history to the application site and that the main issue had been the external staircase. He had sought to achieve a better scheme to appease the neighbours. He felt that the scheme now in front of Officers would greatly improve the neighbours view and would be less overbearing. He also stated that he was happy to comply with the screen height suggested by Officers

General Debate:

Officers introduced the item and explained that the application was a revision of a previous scheme. The proposal eliminated the external staircase and addressed the issue of overlooking.

Cllr David Simmons agreed that the proposal was the best solution to date.

Proposals:

Cllr David Simmons proposed the Officer recommendation to grant and Cllr Win Mullen James seconded the proposal.

VOTE:

GRANT: 21

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED SUBJECT TO THE ADDITION OF THE CONDITION SET OUT IN THE LATE REPRESENTATION SHEET IN RELATION TO THE HEIGHT OF THE BOUNDARY SCREEN.

Item: 7

Application No: 45/2014/0746/PF

Location: Fronfraith 1 Boughton Avenue Rhyl

Description: Change of use of offices to form 6 no. residential apartments

The following additional letters of representation were received:

Consultees :

Rhyl Town Council
"No objection".

ADDITIONAL INFORMATION

The applicant has forwarded a 25 page document setting out matters in support of the grant of permission 'in order to achieve a sustainable development of flats in Boughton Avenue' and to ..."assuage the unfounded fears of the neighbours." The summary of the submission advises

- "Elderly people are prone to mobility problems, and prefer Bungalows and Ground floor accommodation, to first (and second) floor flats.
- Already, half the first floor residents on Boughton Avenue are ready to sell their first floor flats since three years, revealing the absence of interest.
- Clarence House is a nearby example of an over 55s flat that was recently was forced to convert back to 'normal use' due inability to sell first floor flats.
- There has been hardly any sale of first floor flats for over 55s on Boughton Avenue itself mostly because of the age / ability exclusion criteria.
- Fronfraith is NOT designed for the elderly, and will not find over 55s takers (buyers or leasors) for the upper floors, especially in the current market.
- In view of the already saturated market for over 55s flats in the neighbourhood, there is a high risk of excess flats becoming vacant, dilapidated or vandalised.
- Lifts are environmentally damaging and cause harm to future generations and hence, both economically and environmentally unviable. Also, extensive work is needed if the top floors are to be at the same level for over 55s.

- Never have there ever been age restrictions on Fronfraith. There are no stated policy of the Council restricting age groups from this neighbourhood.
- There is ample space and fence wall, surrounding Fronfraith, separating it from the other blocks. The only shared space is the Avenue itself.
- Not purchasing the building while it was on the market, and now threatening unviable age limits, are unfair to the purchaser.
- The middle aged purchaser himself would like to stay in the property, being close to his workplace.
- The younger generation too, should be given equal opportunity to benefit from the location, in accordance with sustainable development policy. The Equality Act 2010, prohibits age or ability discrimination in benefitting from location.
- There are many examples of the elderly cohabiting peacefully with younger neighbourhoods even in Rhyl itself
- It will be an endeavour of the developers to ensure that the fears of noise, parking, pets and unruly elements are baseless. “

Public Speakers:

John Horton (For)

Mr Horton was speaking as an agent for the applicant and explained that the applicants had sought to put forward a sustainable use for the building. The proposal being put forward would not require significant changes to the current building and although the parking did not quite meet the SPG standard, they felt that there was plenty of off site parking in the vicinity. They also felt that the proposal would mean a reduction in the amount of vehicular movements to and from the property.

General Debate:

Cllr Simmons felt that the objections received were due to the fact that the other properties within the cul de sac were for people aged 55 or over and that this proposal would bring increased activity. However, he noted that the access that had been in place prior to the last use of the building had been reinstated which would help the issue and he would prefer to see this proposal than a proposal for lots of one bedroom apartments.

Cllr M Lloyd Davies asked how the information on the late representations should be read as he was unclear what it was trying to say.

Officers explained that the information on the late representations sheet was a summary of the applicant's attempts to address the neighbour objections.

Proposals:

Cllr Simmons proposed the Officer recommendation to grant and Cllr Butterfield seconded the proposal.

VOTE:

GRANT: 22

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED

Item: 8

Application No: 45/2014/0787/PF

Location: Fronfraith 1 Boughton Avenue Rhyl

Description: Conversion, alterations and extensions of existing office to form a residential institution

The following information was reported on the late sheets:

Rhyl Town Council
"No objection".

ADDITIONAL INFORMATION

The applicant has forwarded a 22 page document setting out matters in support of the grant of permission 'in order to achieve a sustainable development of flats in Boughton Avenue' and to ... "assuage the unfounded fears of the neighbours." The summary of the submission advises –

- 2 Fronfraith Hostel was previously a 26 bedded Mental Care Home. There have never been age or ability restrictions on its usage. This application is only for reversion to an older Planning Permission.
- An age, or ability, discrimination on the residents in the neighbourhood may be an infringement on the Equality Act 2010.
- The demand for Care Home beds, with >90% occupancy, is already the highest in the UK, and is set to increase with an ageing population.
- Designing rooms of sufficiently suitable size to meet the latest regulations of the CSSIW / HIW is possible. These standards can be expected to be higher than some of the care homes under older regulations in the area.
- By being able to adapt the newer standards of Care Homes, Fronfraith can attract users who do not get similar standards in existing homes that cannot adapt. Though this would require some major work, this will be commercially viable.
- Care Homes can create new jobs, employ people, and directly contribute to economic growth.
- There is ample space and fence wall, surrounding Fronfraith, separating it from the other blocks. The only shared space is the Avenue itself.

- Not purchasing the building while it was on the market, and now threatening unviable age / ability restrictions on the purchaser, are unfair to the purchaser.
- The purchaser himself would like to work here, being close to his workplace.
- The younger generation and disabled too, should be given equal opportunity to benefit from the location, in accordance with sustainable development policy. The Equality Act 2010, prohibits discrimination, in this case amongst those who may benefit from the location.
- There are many examples of the nursing homes successfully cohabiting peacefully in neighbourhoods, even in Rhyl itself
- It will be endeavour of the developers to ensure that the fears or noise, parking, pets and unruly elements are baseless. “

Public Speakers:

John Horton (For)

Mr Horton explained that the application was being proposed as his client wanted to keep his options open regarding the site. He was currently considering his business model and the C2 use would be one of his options. However, if this option was taken up, it would require the installation of a lift extension at the rear of the property. He pointed out that the building had been used as a nursing home in the past.

General Debate:

Cllr Simmons explained that whichever option the applicant chose to implement, there would be a demand in the area. Both options would also help to create jobs in the area

Proposals:

Cllr Simmons proposed the Officer recommendation to grant and Cllr McCarroll seconded the proposal.

VOTE:

GRANT: 19

ABSTAIN: 0

REFUSE: 3

PERMISSION WAS THEREFORE GRANTED

Item: 9

Application No: 45/2014/0927/PO

Location: Former Honey Club Site 21-26 West Parade Rhyl

Description: Development of 0.18ha of land by the erection of a 70 bedroom hotel (Class C1), Restaurant (Class A3) and a ground floor Class A1 /A3 unit (retail shop / food and drink use) (Outline application including access, appearance, layout and scale).

The following information was reported in the late sheets:

Rhyl Town Council
"No objection".

Public Speakers:

Julian Seabrook (For)

Mr Seabrook thanked Officers for their support in getting the application to Committee with a recommendation to grant.

He explained that the application was for a Premier Inn and a Brewers Fayre and that the project would hopefully be moving forwards fairly quickly.

General Debate:

Cllr Butterfield said that she was delighted that this much needed accommodation had come forward and proposed the Officer recommendation to grant.

Cllr Simmons commented that the 70 jobs that could come forward would be appreciated.

Both Cllr Arwel Roberts and Cllr M Lloyd Davies commented that a Welsh name would be preferred for the site.

Proposals:

Cllr Butterfield proposed the Officer recommendation. Cllr Cheryl Williams seconded the proposal.

VOTE:

GRANT: 22

ABSTAIN: 0

REFUSE: 0

**PERMISSION WAS THEREFORE GRANTED WITH THE FOLLOWING
ADDITIONAL NOTES TO APPLICANT**

1. Please be reminded that Reserved Matters approval for landscaping will be required prior to the commencement of any development on the site.
2. Advert Consent will be required for the new signage. The Council request that consideration be given to bilingual signage.

Item: 10

Application No: 46/2013/1222/PF

Location: Land at Bronwylfa Nurseries Bryn Gobaith, St Asaph

Description: Erection of 15 No. detached dwellings and construction of new vehicular accesses on 1.44 hectares of land

General Debate:

Cllr Cowie explained that there were two sites on the agenda that were very close together. He felt that there was currently a parking issue on Mount Road. Cllr Cowie also asked whether signage could be considered in relation to the play area

Cllr Cefyn Williams asked what the species of reptile was that had been found on the site.

Officers explained that the species of reptile found was a lizard. Officers also explained that a commuted sum for open space was required as part of the permission and that maybe this could be used for signage.

Proposals:

Cllr Cowie proposed the Officer recommendation and Cllr Simmons seconded the proposal.

VOTE:

GRANT	- 20
REFUSE	- 0
ABSTAIN	- 1

PERMISSION WAS THEREFORE GRANTED

Subject to the completion of a Section 106 obligation to secure the terms set out in Section 5.4 of the report (Page 154)

S106 to include (c) Ecological Management Plan to include details of the implementation and completion of long term site security, management and surveillance proposals.

Item: 11

Application No: 46/2014/0436/PS

Location: Land at north side of Bryn Gobaith, Bryn Gobaith, St Asaph

Description: Removal of condition no. 15 of outline planning permission code no. 46/2013/0802 requiring a scheme of improvements at the Mount Road/Bryn Gobaith Junction and traffic calming on Mount Road and Bryn Gobaith

General Debate:

Cllr Cowie was present at the site meeting and pointed out that he did not see any signage to warn road users of the presence of children.

Officers agreed that they would raise the issue with the Highways section.

Proposals:

Cllr Cowie proposed the Officer recommendation to grant and Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT: 21

ABSTAIN: 0

REFUSE: 0

PERMISSION WAS THEREFORE GRANTED

Item: 12

Application No: 46/2014/0126/PF

Location: H M Stanley Hospital, Upper Denbigh Road, St Asaph

Description: Partial demolition of buildings and redevelopment of site to provide 54 no. dwellings, 33 no. apartment assisted living facility, and associated works

Cllr Dewi Owens and Cllr H Hilditch Roberts declared an interest in this application.

The following additional letters of representation were received:

Consultees :

Highway Officer

No objection subject to reconsideration of detailing of road widths, and parking arrangements for the Ambulance Trust and Hospice. Suggests inclusion of conditions to cover these issues in relation to the phasing of development.

Biodiversity Officer

Suggests the inclusion of conditions to secure implementation of the recommendations in submitted surveys

General Debate:

Cllr Cowie and Cllr Dewi Owens wanted to ensure that the following issues were addressed:

1. Proper access for ambulances.
2. Adequate parking with level ground for wheelchairs
3. Consultation on siting before the 3rd phase.

Cllr Bob Murray did not understand why the affordable housing element had been disregarded due to viability issues and asked the Officers to justify this.

Cllr M Lloyd Davies stated that he was looking forward to seeing this proposal come forward. He asked whether the developers would be dealing with the older building first and also whether anything was going to be done to protect the gate by the roadside.

Officers explained that the applicant had had to submit a detailed viability appraisal with the application. The works required to the listed building would be expensive and this had to be taken into consideration. It was also clarified that there would be 39 units of new build, 33 assisted living units and 13 residential units within the listed building. The proposal had been discussed in the Elwy Member group and the developer had explained then that they wanted to deal with the issue of the Listed Building as soon as possible. The gate that had been mentioned by Cllr Lloyd Davies would be dealt with by Condition 13 of the Officer's report.

Cllrs Simmons, Butterfield, Cefyn Williams, Mervyn Parry and H Hilditch Roberts all felt that the affordable housing contribution calculations should be clearer in future.

Proposals:

Cllr Cowie proposed the Officer recommendation to grant and Cllr M Lloyd Davies seconded the proposal.

VOTE:

GRANT	- 18
REFUSE	- 0
ABSTAIN	- 1

In accord with the Officer recommendation in report to Committee

- Subject to the completion of a Section 106 Obligation to secure the terms set out in Section 5.1 of the report (Page 184) and the inclusion of the additional conditions/revised number of conditions set out in the late representation sheet.

Agenda Item: 6

Reconsideration of Application No: 45/2013/1545/PO

Location: Former Coach Park, Graigfechan

Proposals:

Cllr Huw Hilditch Roberts proposed that this item be deferred to allow for further negotiations regarding the signing of a S106

VOTE:

DEFER: 21

NOT TO DEFER: 0

Therefore the item was deferred.