

## **PLANNING COMMITTEE**

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

### **PRESENT**

Councillors Raymond Bartley (Chair), Ann Davies, Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Alice Jones, Pat Jones, Win Mullen-James (Vice-Chair), Bob Murray, Dewi Owens, Merfyn Parry, Arwel Roberts, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Local Member – Councillor Gwyneth Kensler attended for agenda items 5 and 6

### **ALSO PRESENT**

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principal Planning Officer (IW); Senior Engineer, Traffic and Transportation (MP), and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillors Ian Armstrong, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Richard Davies, Rhys Hughes, Margaret McCarroll, Barry Mellor, Peter Owen and Paul Penlington

#### **2 DECLARATIONS OF INTEREST**

Councillor Huw Williams – Personal Interest – Agenda Item 7  
Councillor Cefyn Williams – Personal Interest – Agenda Item 7  
Councillor Merfyn Parry – Personal and Prejudicial Interest – Agenda Item 8

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Planning Committee's meeting held on 12 November 2014 were submitted.

Accuracy – Councillor Cheryl Williams advised that her apologies for absence had not been recorded within the minutes.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 12 November 2014 be approved as a correct record.

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 18) -**

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. 08/2014/1139/PF - LAND ADJACENT TO IFOR WILLIAMS TRAILERS LTD, CYNWYD, CORWEN**

[Councillor Huw Williams declared a personal interest because he did business with the company. Councillor Cefyn Williams declared a personal interest because he used to work for the company.]

An application was submitted for demolition of existing dwelling and construction of car parking area to serve adjacent factory, involving alterations to existing access, changes of levels, landscaping and associated works at land adjacent to Ifor Williams Trailers Ltd, Cynwyd. Corwen.

**Public Speakers –**

Mr. Berwyn Owen (**For**) – explained the reasoning behind the application to provide safe employee and visitor parking highlighting the merits of the proposal long term and in addressing existing parking problems.

**General Debate** – Councillor Cefyn Williams (Local Member) advised that most concerns related to traffic issues and he reported upon a forthcoming pilot scheme introducing a 20 mph speed limit in the area which would mitigate those concerns.

**Proposal** – Councillor Cefyn Williams proposed the recommendation to grant the application, seconded by Councillor Meirick Davies.

**VOTE:**

GRANT – 20

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report and supplementary papers.

**6 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH**

An application was submitted for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph.

**Public Speakers –**

Mr. Ian McDonald (**Against**) – reiterated the basis of his objection to the application as detailed within the written submissions concluding that the scheme would produce very little electricity at great cost and damage to the river and habitat.

Mr. Richard Rees, Applicant (**For**) – highlighted the lack of objection from statutory consultees, council departments and city/community councils, refuted the submissions of the local fishing club, and confirmed that Natural Resources Wales had issued all necessary consents.

**General Debate** – The Planning Officer provided some background information and context to the application. He clarified the distinct roles of Natural Resources Wales (NRW) and the Council as planning authority within the authorisation process. Most concerns raised related to matters under NRW control and members were asked to focus their attention on the material planning considerations in this case. Councillor Meirick Davies (Local Member) was satisfied that full consideration had been given to all issues raised and proposed that the application be granted, seconded by Councillor Huw Williams. Councillor Dewi Owens asked that the proposed conditions submitted by St. Asaph City Council be imposed but officers advised that those issues were for NRW to consider and they had not requested such conditions be imposed. During debate the need to be sensitive to flooding concerns was raised as were concerns regarding fish migration – consequently some members felt there would have been merit in NRW representatives attending the meeting to provide assurances on areas of concern. Officers advised that NRW had concluded there was no additional risk of flooding as a result of the scheme and they had also been satisfied with the fish pass details which had been approved.

**Proposal** – Councillor Meirick Davies proposed the recommendation to grant the application, seconded by Councillor Huw Williams.

**VOTE:**

GRANT – 18

REFUSE – 2

ABSTAIN – 0

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

**7 APPLICATION NO. 44/2014/0830/PC - CIET(UK) LTD, OLD WATER WORKS, ABERGELE ROAD, RHUDDLAN, RHYL**

An application was submitted for continuation of use of land and buildings for the receipting, storage and issue of electricity power line materials, equipment and light vehicles (retrospective application) at CIET (UK) Ltd., Old Water Works, Abergele Road, Rhuddlan, Rhyl.

**Public Speakers –**

Mr. Hughes (**For**) – apologised to local residents if distress had been caused over the last twelve months and detailed measures to address concerns raised.

**General Debate** – Councillor Ann Davies (Local Member) advised that CIET (UK) Ltd had been operating without planning permission and during that time residential amenity had been affected. She felt the proposed conditions were insufficient and asked for a number of additional conditions to further protect local residents. Councillor Arwel Roberts (Local Member) referred to the site history and current context highlighting the difficulty in balancing the need for business and safeguarding residential amenity. Consequently he asked that deliveries to the site be restricted to between 0900 and 17.00 Monday to Friday.

The Planning Officer confirmed officers had put forward suggested conditions to control the use of the business and minimise impact on local residents. He felt those conditions could be strengthened to take into account local members' views. He considered that the operating times detailed in condition 2 were reasonable and that noisy activities would be addressed as part of condition 1. The Senior Engineer provided a viewpoint on the highways issue confirming officers had no grounds for objection. In terms of the potential control of vehicle speed he suggested there may be merit in using advisory speed limit signs. In light of the issues raised by local members the committee felt that additional conditions should be imposed in order to meet local residents' concerns.

**Proposal** – Councillor Merfyn Parry proposed the officer recommendation to grant, seconded by Councillor Win Mullen-James, subject to an amendment to the timings in condition 2 and the detail of the conditions in relation to noise and highways being agreed with local members.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendation as stipulated within the report, subject to a variation of condition 2 amending the time for operation to between 09.00 and 17.00 Monday to Friday, and that power be delegated to officers and local members to apply planning conditions to the consent in order to meet the concerns of local residents.

**8 APPLICATION NO. 45/2014/0388/PF - GRANGE HOTEL SITE, 41 - 42 EAST PARADE, RHYL**

An application was submitted for demolition of easterly villa and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works at Grange Hotel site, 41 – 42 East Parade, Rhyl.

**Public Speakers –**

Mr. Robert Blount (**For**) – referred to the site history and nature of the proposed development to create a balance between rejuvenation and viability of the site.

**General Debate** – Councillor David Simmons (Local Member) was happy to propose the recommendation to grant but raised concerns regarding car parking and asked for a condition that future residents purchase a car park permit. He also asked that due to potential delays in CADW agreeing the demolition the expiration of planning permission be extended from two to three years. Councillor Win Mullen-James highlighted the need to restrict access/egress of heavy construction vehicles from the site in order to allow emergency vehicles access to Bradshaw Nursing Home. The committee considered the history of the site, its state of disrepair and the views of the District Valuer in terms of the site's future financial viability. Concerns were expressed over the loss of heritage as a result of the development and contrast of the modern building designed which was balanced against the likelihood of securing the site's future development if permission was refused. Officers responded to the issues raised, elaborating on the findings of the highway assessment and advising that any requirement to purchase a car park permit would be a matter between the developer and potential purchaser. The reasoning behind the two year timescale for development to follow on from listed building consent was explained and accepted. Councillor Alice Jones asked that consideration be given to a Welsh name for the development.

**Proposal** – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Win Mullen-James.

**VOTE:**

GRANT – 18

REFUSE – 1

ABSTAIN – 0

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

**9 APPLICATION NO. 45/2014/0389/LB - GRANGE HOTEL SITE, 41 - 42 EAST PARADE, RHYL**

A listed building application was submitted for demolition of easterly villa and westerly annex, and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of existing boundary walls and associated works at Grange Hotel site, 41 – 42 East Parade, Rhyl.

**Public Speakers –**

Mr. Robert Blount (**For**) – detailed the site history, state of disrepair of the eastern villa and reasoning behind the proposed demolition to ensure a viable development.

**General Debate** – Councillor David Simmons (Local Member) proposed the recommendation to grant, highlighting the building's status as a top eyesore site subject to regular vandalism which would be benefit from the development. It was noted that listed building consent to the demolition would require authorisation from CADW which may delay the process.

Councillor Meirick Davies was disappointed to note the current state of disrepair of the building and questioned whether enough had been done to secure its future. Officers highlighted the chequered history of the site leading up to the current application and the reasoning behind the lack of enforcement action given the previous owner's financial state. It was suggested that any concerns in that regard could be considered by the relevant scrutiny committee.

**Proposal** – Councillor David Simmons proposed the officer recommendation to grant the application, seconded by Councillor Win Mullen-James.

**VOTE:**

GRANT – 18

REFUSE – 2

ABSTAIN – 0

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

**10 APPLICATION NO. 45/2014/0908/PF - PLAYGROUND OFF CRESCENT ROAD/GORDON AVENUE, RHYL**

An application was submitted for change of use of former MUGA to a community food growing project consisting of raised bed allotments at Playground off Crescent Road / Gordon Avenue, Rhyl.

**Public Speakers –**

Mr. Paul Gallagher (**For**) – highlighted the benefits of the proposed facility as a focal point bringing the community together, referred to the problems associated with the site as a MUGA, and responded to the objections raised.

**General Debate** – Councillor David Simmonds spoke on behalf of local members in support of the project as an excellent use for the site with demand for such a facility. He added that the former MUGA had been subject to anti-social behaviour and was an eyesore site. Members were in favour of the scheme but reference was made to the need to consider the potential for anti-social behaviour at the new facility. It was noted that due to the relocation of families in West Rhyl anti-social problems had reduced.

**Proposal** – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Pat Jones.

**VOTE:**

GRANT – 19

REFUSE – 0

ABSTAIN – 0

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

At this juncture (11.20 a.m.) the meeting adjourned for a refreshment break.

**11 APPLICATION NO. 44/2014/0953/PF - 6 GROVE TERRACE, PRINCES ROAD, RHUDDLAN, RHYL**

An application was submitted for construction of new vehicular access involving removal of front boundary wall to create parking for one vehicle at 6 Grove Terrace, Princes Road, Rhuddlan.

Councillor Ann Davies (Local Member) thought the report had not taken into full account similar access applications in the area in recent months and proposed that the application be deferred pending further information in that regard. The Planning Officer indicated he was not aware of any other applications outside of those within the report and supplementary papers but was happy to accede to the request for deferral and attempt to provide further detail. Councillor Arwel Roberts advised that he had not been present at the recent site visit and his attendance had been wrongly recorded in the supplementary papers.

**Proposal** – Councillor Ann Davies proposed, seconded by Councillor Arwel Roberts, that the application be deferred.

**VOTE:**

FOR DEFERRAL – 16

AGAINST DEFERRAL – 1

ABSTAIN – 0

**RESOLVED** that the application be **DEFERRED** to allow further detail to be provided regarding previous access applications in the area.

**12 APPLICATION NO. 01/2013/1599/PF - THE FORUM, 27 - 29 HIGH STREET, DENBIGH**

An application was submitted for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh.

Councillor Gwyneth Kensler (Local Member) confirmed she had concerns about the application. Councillor Meirick Davies felt that the plans provided with the application were inadequate and proposed that the application be deferred to enable more detailed information to be provided. He also asked that a site visit be arranged. The Planning Officer advised that the majority of work proposed was internal. Officers had considered enough detail had been provided within the report but respected the view that additional information was required.

**Proposal** – Councillor Meirick Davies proposed, seconded by Councillor Arwel Roberts that the application be deferred.

**VOTE:**

FOR DEFERRAL – 17

AGAINST DEFERRAL – 0

ABSTAIN – 0

**RESOLVED** that the application be **DEFERRED** to allow further detailed plans to be provided.

**13 APPLICATION NO. 01/2013/1601/LB - THE FORUM, 27 - 29 HIGH STREET, DENBIGH**

A listed building application had been submitted for conversion of first and second floors to form 2 no. self-contained flats at The Forum, 27 – 29 High Street, Denbigh.

**Proposal** – Councillor Meirick Davies reiterated his view (under the previous item) that inadequate plans had been provided with the application and he proposed, seconded by Councillor Arwel Roberts, that the application be deferred.

**VOTE:**

FOR DEFERRAL – 17

AGAINST DEFERRAL – 0

ABSTAIN – 0

**RESOLVED** that the application be **DEFERRED** to allow further detailed plans to be provided.

**14 APPLICATION NO. 18/2014/1133/PS - LAND REAR OF GOLDEN LION INN, LLANDYRNOG, DENBIGH**

[Councillor Merfyn Parry, as Applicant, declared a personal and prejudicial interest and left the meeting during consideration of this item.]

An application was submitted for removal of condition nos 6, 7 and 8 of outline planning permission code no. 18/2010/1503 relating to Code for Sustainable Homes requirements at land rear of Golden Lion Inn, Llandyrnog, Denbigh.

**Proposal** – Councillor Meirick Davies proposed the recommendation to grant, seconded by Councillor Huw Hilditch-Roberts.

**VOTE:**

GRANT – 15

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendation.

**15 APPLICATION NO. 41/2014/0757/PF - YEW TREE, BODFARI, DENBIGH**

An application was submitted for erection of replacement two-storey dwelling and garage (amendment to previously approved scheme under ref no. 41/2013/1498/PF) at Yew Tree, Bodfari, Denbigh

**Proposal** – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Arwel Roberts.

**VOTE:**

GRANT – 17

REFUSE – 0

ABSTAIN – 0

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

**16 APPLICATION NO. 43/2014/0905/PF - ICELAND FOODS AND BEVANS HOMEWARES, NANT HALL ROAD, PRESTATYN**

An application was submitted for demolition of existing retail units, construction of a terrace of 4 no. new retail units, reconfiguration of existing customer car park, extension to existing staff car parking to north-east of site and associated landscaping and pedestrian/cycle/vehicle access works (Phase 2 Prestatyn Shopping Park) at Iceland Foods and Bevans Homewares, Nant Hall Road, Prestatyn.

**General Debate** – The Planning Officer provided some background information and context to the application and detailed the reasons behind the recommendation to grant. Councillor Julian Thompson-Hill (Local Member) expressed reservations regarding particular aspects of the scheme but accepted the work undertaken in mitigation given the constraints on infrastructure. Taking into account the positive impact of the scheme on employment and the economy, he proposed the recommendation to grant, seconded by Councillor Stuart Davies. Councillor Bob Murray was not opposed to the development but detailed concerns regarding visual impact, residential amenity and highways issues and sought further assurances in that regard. During the ensuing debate members considered the merits of the scheme and discussed matters of concern with officers who reported upon the findings of the highway assessment and independent safety audit together with measures to mitigate highway concerns. Assurances were provided that the development would be monitored for a six month period following its opening with a view to addressing any further issues arising therefrom. With regard to other planning concerns it was considered that they could be adequately addressed via conditions and members discussed the potential for additional conditions to further alleviate the concerns raised.

**Proposal** – Councillor Julian Thompson-Hill proposed the recommendation to grant, seconded by Councillor Stuart Davies, subject to additional conditions requiring the installation of a screen wall along Nant Hall Road and advisory signage for vehicles using the site to alleviate traffic problems.

**VOTE:**

GRANT – 17

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report and supplementary paper, and that power be delegated to officers, in liaison with the Local Member, to apply additional planning conditions to the consent relating to the installation of a screen wall along Nant Hall Road and advisory signage for vehicles on site.

**17 APPLICATION NO. 45/2014/0875/PF - 56 ST. MARGARETS DRIVE, RHYL**

An application was submitted for erection of conservatory to side of dwelling at 56 St. Margarets Drive, Rhyl.

**General Debate** – Councillor David Simmons advised that Local Member Councillor Jeanette Chamberlain Jones had no objection to the application.

**Proposal** – Councillor Cheryl Williams (Local Member) raised no objection and proposed the recommendation to grant, seconded by Councillor Meirick Davies.

**VOTE:**

GRANT – 15

REFUSE – 0

ABSTAIN – 0

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

**18 APPLICATION NO. 45/2014/1132/PF - 11 - 33 ABBEY STREET, RHYL**

An application was submitted for demolition of nos. 11 – 25 Abbey Street and erection of 7 no. dwellings with associated gardens, parking and landscaping; and refurbishment of 4 flats and 2 ground floor shop units at 27 – 33 Abbey Street.

**General Debate** – Councillor David Simmons spoke in favour of the application on behalf of Local Members Councillors Ian Armstrong and Joan Butterfield. He advised that the works formed part of the redevelopment of West Rhyl and proposed far better living accommodation than the existing dwellings.

**Proposal** – Councillor David Simmons proposed the recommendation to grant the application, seconded by Councillor Pat Jones.

**VOTE:**

GRANT – 16

REFUSE – 0

ABSTAIN – 0

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

**19 NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT - PARTICIPATION IN THE PLANNING PROCESS**

A report by the Head of Planning and Public Protection was submitted seeking members' views on whether the Council should participate in the planning process relating to the North Wales Wind Farms Connections Major Infrastructure Project.

Officers reminded members of the background to the report and the Council's adoption of an in principle objection to the overhead line project in favour of an underground connection. Despite that stance Scottish Power Manweb had confirmed their intention to progress with proposals for overhead lines and officers detailed the Council's future engagement options in the planning process together with the implications arising therefrom.

During a detailed debate members considered the merits of each option in order to satisfy themselves as to the best way forward to enable the authority to exert the greatest influence over the wind farm project and provide the best possible representation on behalf of residents. Whilst acknowledging the Council's objection to overhead connection it was noted that refusal to engage in the process may result in a limited opportunity for the Council to put forward any mitigation proposals should the need arise. Members also considered that in light of current financial constraints it may not be appropriate to fund their engagement within the process when it was possible to recover those costs from the developer. Officers confirmed that as part of the process support and guidance would be provided to members as in planning appeals. The risks that engagement in the process may result in independent consultants disagreeing with the Council's stance in relation to overhead lines and undermining that objection were also highlighted.

**Proposal** – Councillor Merfyn Parry proposed Option C as detailed within the report, seconded by Councillor Peter Evans. In view of the potential permutations arising from the vote it was considered practical to vote on the first option as detailed within the report at the outset. Consequently Councillor Julian Thompson-Hill proposed Option A, seconded by Councillor Win Mullen-James.

**VOTE:**

FOR – 15

AGAINST – 0

ABSTAIN – 1

**RESOLVED** *that in accordance with Option A as detailed within the report, the Council enters into a Planning Performance Agreement and engages in the process.*

## **20      PROTOCOL FOR SITE INSPECTION PANELS**

A report by the Head of Planning and Public Protection was submitted presenting a revised protocol for the staging of Site Inspection Panels for adoption by the committee. In light of an ongoing review by Welsh Government into aspects of the Local Authority planning function officers recommended that the revised guidelines be adopted for a further trial period of six months, pending developments.

Members' attention was drawn to the increase in membership to include a representative from each political group. Unfortunately site visits had not been well

attended and Group Leaders were asked to encourage their members to attend and ensure greater representation at those meetings. Councillor Meirick Davies asked for it to be made clearer in the protocol that membership included a representative from each political group in addition to the current membership.

***RESOLVED*** that the revised Site Inspection Panel Protocol, as attached to the main report, be adopted for a further period of six months.

The meeting concluded at 1.00 p.m.