

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 20 January 2016 at 9.30 am.

PRESENT

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

ALSO PRESENT

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

1 APOLOGIES

Councillors Ian Armstrong, Rhys Hughes, Alice Jones, Peter Owens, David Simmons and Bill Tasker. Councillor Bill Cowie would be arriving late.

2 DECLARATIONS OF INTEREST

Councillor Merfyn Parry – Personal Interest – Agenda Items 6, 7, 8 & 12
Councillor Julian Thompson-Hill – Personal Interest – Agenda Item 5

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 9 December 2015 were submitted.

Page 12 – Application No. 25/2015/0636 – Land East of Llyn Brenig, Nantglyn – Councillor Huw Hilditch-Roberts asked that the minute be amended to reflect the fact that there was a discussion on the impact on employment to the local area and that the extension would not increase or decrease employment. He reiterated his view that contributions to debate by individual members should be recorded within the minutes in order to accurately record the debate. The Chair asked that officers look further into the matter.

Page 11 – Plas Penddeuglawdd, 37/39 Pendyffryn Road, Rhyl – Councillor Meirick Davies felt it should be noted that it was in this building that the Methodist Calvinist movement first started in Rhyl.

Page 20 – Application No. 40/2013/1585/PO – Land East of Bodelwyddan – Councillor Arwel Roberts spoke on behalf of Councillor Alice Jones requesting that an item on the ‘Community Planning in Progress Group’ be added to the agenda for the Elwy Member Area Group (MAG) meeting in February. The Head of Planning and Public Protection advised that the Elwy MAG would not be meeting in February but confirmed the item had been added to the agenda for the March meeting.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 9 December 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. At the request of Councillor Meirick Davies it was also agreed to bring forward on the agenda Application No. 46/2015/0969/PF – Former Pilkington Special Glass Site, Glascoed Road, St. Asaph

5 APPLICATION NO. 18/2015/0887/PF - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH

[Councillor Merfyn Parry declared a personal interest in this item because the applicant was a customer of his partner’s restaurant.]

An application was submitted for change of use of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard and use of paddock as overspill parking area (partly in retrospect) at Pentre Mawr Country House Hotel, Llandyrnog, Denbigh.

Public Speaker –

Mr. G. Carrington-Sykes (**For**) – referred to his family’s historic links with the building and the need to include a wedding venue in the business offer in order to ensure its future viability. He also reported upon noise abatement measures being implemented to address concerns raised in that regard.

General Debate – Councillor Merfyn Parry (Local Member) spoke in favour of the application. He elaborated upon the noise abatement works carried out when it was discovered that noise had been an issue for the neighbouring property adding that the applicant had worked closely with the Council’s Pollution Control Officer in that regard and noise levels would continue to be monitored.

Proposal – Councillor Merfyn Parry proposed the officer recommendation to grant the application, seconded by Councillor Anton Sampson.

VOTE:

GRANT – 22

REFUSE – 0

ABSTAIN – 0

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

6 APPLICATION NO. 18/2015/0888/LB - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH

[Councillor Merfyn Parry declared a personal interest in this item because the applicant was a customer of his partner's restaurant.]

A listed building application was submitted for conversion of part of listed building and part of courtyard for weddings and other functions in association with existing hotel business, including erection of detached marquee and covered timber walkway within courtyard at Pentre Mawr Country House Hotel, Llandyrnog, Denbigh.

Proposal – Councillor Merfyn Parry proposed the officer recommendation to grant the application, seconded by Councillor Joan Butterfield.

VOTE:

GRANT – 22

REFUSE – 0

ABSTAIN – 0

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

7 APPLICATION NO. 18/2015/0327/PS - PENTRE MAWR COUNTRY HOUSE HOTEL, LLANDYRNOG, DENBIGH

[Councillor Merfyn Parry declared a personal interest in this item because the applicant was a customer of his partner's restaurant.]

An application was submitted for variation of condition no. 12 of planning permission code no. 18/2014/0793 to permit use of part of courtyard for wedding functions at Pentre Mawr Country House Hotel. Llandyrnog, Denbigh.

Proposal – Councillor Merfyn Parry proposed the officer recommendation to grant the application, seconded by Councillor Bob Murray.

VOTE:

GRANT – 22

REFUSE – 0

ABSTAIN – 0

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

8 APPLICATION NO. 23/2015/0889/PF - LAND AT BRYN GLAS DEPOT, SARON, DENBIGH

An application was submitted for highway improvement works on B4501 at land at Bryn Glas Depot, Saron, Denbigh.

Public Speaker –

Mr. M. Cole (RW Energy UK) (**For**) – explained the development of Clocaenog Forest Windfarm, including access routes, had already been assessed and approved by the Planning Inspectorate. He reported upon the reasoning for the use of that particular route and steps taken to alleviate residents' concerns including scheduling deliveries to minimise disruption.

General Debate – The Planning Officer (IW) reiterated that construction traffic routes in relation to the Clocaenog Forest Windfarm, including Bryn Glas Depot, had already been considered and approved by the Planning Inspectorate. The application was for minor road improvements associated with that existing permission and, given that the Inspector had deemed the route acceptable, officers considered the application was reasonable and strongly recommended approval.

Councillor Joe Welch (Local Member) advised that valid concerns had been raised regarding the application and he questioned the reasoning behind the use of that particular route and detail of the Construction Traffic Management Plan. He also sought a response to concerns over the fitness of the road, including structural damage, and assurances that any damage caused as a result would be made good. Councillor Hilditch-Roberts also sought assurances regarding suitability of the route and queried how the improvement works would be funded.

The Highways Officer responded as follows –

- reiterated that the route had already been approved for construction traffic and the application was solely to improve an existing road junction involving minor works – in this context and, subject to suitable conditions, he had no objection
- work was currently underway on the Construction Traffic Management Plan which would include mitigation measures to reduce any effect of the development. The road was subject to condition surveys and a 'dry run' of the route had been carried out. The reason for the road signs warning of its unsuitability for large vehicles was to prohibit the road being used as a through route for articulated lorries and steps would be taken to ensure the road was robust enough for the purpose proposed by the applicant and would be restored to its current form following construction of the windfarm
- in terms of funding the necessary highway works assurances were provided that there would be no cost to the council as any works required would be paid for by the developer via legal agreement under the Highways Act.

Proposal – Councillor Win Mullen-James proposed the officer recommendation to grant the application, seconded by Councillor Barry Mellor.

VOTE:

GRANT – 15

REFUSE – 6

ABSTAIN – 1

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

9 APPLICATION NO. 45/2015/0468/PO - FORMER THORPE ENGINEERING AND DESIGN SITE, FFORDD DERWEN, RHYL

An application was submitted for development of 0.20ha of land by the demolition of redundant factory unit and construction of a church and community centre (outline application including access) at Former Thorpe Engineering and Design Site, Ffordd Derwen, Rhyl.

Public Speaker –

Mr. M. Gilbert (**For**) – disputed the two recommended grounds for refusal (1) Flood Risk – highlighted two recent planning applications granted on or near the site with no objection from Natural Resources Wales, and (2) Loss of Employment Land – proposal would result in 11 full time and 13 part time jobs from the outset. He also highlighted community benefits for the area.

General Debate – The Development Manager (PM) outlined the application and reminded members that a similar application had been refused in 2013 due to concerns over the site's suitability. He responded to comments made by the public speaker and elaborated upon the reasons behind the refusal recommendation arguing that the proposals would result in the loss of employment land in its traditional sense without a continuous marketing process of 1 year being carried out to evidence that the site was no longer capable of being retained for employment purposes which was contrary to planning policies. With regard to flood risk he reported upon mitigation measures carried out in respect of the recent housing development near the site. The proposed use of the site would mean a change of development category from 'less vulnerable' to 'highly vulnerable' and after considering the full response provided by Natural Resources Wales officers had reservations in that regard.

Having taken into account the strength of public feeling and wealth of local support for the project and given the community benefits, Councillors Pat Jones and Pete Prendergast (Local Members) spoke in favour of the application.

The committee discussed the merits of the application and material planning considerations. It was noted that when the previous application was refused the committee had been keen for alternative sites to be explored and Councillor Brian Blakeley reported that despite best efforts no suitable alternative sites had been

found. Members acknowledged the community benefits of such a project but discussed whether the application site was suitable for the proposed use and there were mixed views in that regard. The fact that the site was empty was a concern to members and those in favour of the application argued that granting the proposal would put the site to good use and generate some employment whilst providing a much needed community facility. They also argued that Natural Resources Wales had not objected to the application and flood mitigation measures could be introduced to address any concerns in that regard. However it was noted that the development would not generate traditional employment and other members agreed with officers that the proposal did not comply with Policy PSE 2 and PSE 3 of the Local Development Plan in terms of protecting employment sites. It was also noted that there were no other allocated sites for employment use in the area. In view of the need for key employment land in Rhyl some members felt that the application should only be considered if the site had been actively marketed in accordance with PSE 3 and evidence presented that it was unsuitable for employment use. The change of categorisation for use from light industrial to public building was a further cause of concern for some who felt the proposal did not meet the justification tests of TAN 15 in terms of flood risk. Reservations were also expressed regarding the size of the site in relation to the development; potential parking problems and its position on an industrial site.

Proposal – Councillor Pete Prendergast proposed, seconded by Councillor Pat Jones that the application be granted, contrary to officer recommendation, on the grounds that the application would provide much needed community facilities with some employment generated as a result of those community activities and given that flood concerns could be mitigated.

VOTE:

GRANT – 7

REFUSE – 14

ABSTAIN – 0

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

At this juncture (10.50 a.m.) the meeting adjourned for a refreshment break.

10 APPLICATION NO. 46/2015/0969/PF - FORMER PILKINGTON SPECIAL GLASS SITE, GLASCOED ROAD, ST. ASAPH

[Councillor Merfyn Parry declared a personal interest in this item because the applicant was a customer of his partner's restaurant.]

An application was submitted for construction of a new access and alterations to existing access at Former Pilkington Special Glass Site, Glascoed Road, St. Asaph. The application had been subject to a site visit on 15 January 2016.

Public Speaker –

Mr. E. Davies (**Against**) – lived in the neighbouring dwelling (Derwen Deg) to the site and raised concerns about how his residential amenity would be affected by the proposed new entrance together with concerns around road safety and loss of local habitat. He also questioned the accuracy of the latest plan circulated.

General Debate – Councillor Bill Cowie (Local Member) had sympathy with the public speaker but felt there were no planning grounds to refuse the application.

Proposal – Councillor Stuart Davies proposed the officer recommendation to grant the application, seconded by Councillor Julian Thompson-Hill.

Councillor Merfyn Parry considered the existing main entrance was much better placed to service the site, particularly given the road gradient and noise from vehicles exiting the site, and advised he would be voting against the application.

Councillor Meirick Davies also spoke against the application and pointed out the position of Derwen Deg in relation to the site. He highlighted the position of existing access points advising that the main entrance had proved a safe and able entry as opposed to the new entrance which would also have a detrimental impact on Derwen Deg. He submitted a case for refusal arguing that the application conflicted with Local Development Plan (LDP) policies relating to RD1 (Respecting Distinctiveness – sustainable development and good standard design) as follows –

RD1(i) – Respects the site and surroundings in terms of the siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings

RD1(iii) – Protects and where possible enhances the local natural and historic environment

RD1(v) – Incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines

RD1(vi) – Does not unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution etc., and provides satisfactory amenity standards itself

RD1(viii) – Does not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate

RD1(xiii) – Incorporates suitable landscaping measures, including where appropriate hard and soft landscaping treatment, the creation and/or protection of green and blue corridors, mature landscaping, and arrangements for subsequent maintenance. Landscaping should create a visually pleasant, sustainable and biodiversity rich environment that protects and enhances existing landscape features and also creates new feature and areas of open space that reflect local character and sense of place.

Proposal – Councillor Meirick Davies urged members to consider the detrimental impact on the residential amenity of Derwen Deg and he proposed, seconded by Councillor Arwel Roberts that the application be refused, on the grounds that the application did not comply with LDP Policy RD1 (i), (iii), (v), (vi), (viii) and (xiii).

During debate the location of the proposed new access was questioned given the impact on Derwen Deg, particularly when there were other options available, but it was noted that the committee had to deal with the application before it. Questions were raised as to whether refusing the application would restrict redevelopment of the site and in the event of the application being granted whether conditions could be imposed to improve road safety and ensure any lost habitat was replaced.

Planning and Highway Officers responded to issues raised as follows –

- construction of the new entrance would give access to one of the council's designated employment sites and it was considered that the impact of the development would not be greater than the impact of the future development of the site and considered acceptable in relation to highway safety and Policy RD1
- relevant road safety assessments had been carried out and Highway Officers had no objection to the application subject to conditions to ensure safe and satisfactory access which would be subject to detailed design approval and covered by legal agreement
- in terms of future development of the employment site Highway Officers would need to assess whether the site entrance would be acceptable for any new unit
- it would be possible to include an additional condition to address the loss of habitat and replace the hedgerow as appropriate through landscaping.

Proposal – Councillor Anton Sampson proposed, seconded by Councillor Jeanette Chamberlain-Jones that the application be granted, subject to an additional condition to address the loss of habitat as part of the landscaping scheme.

VOTE:

GRANT – 15

REFUSE – 7

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation as detailed within the report subject to an additional condition to address the loss of habitat as part of the landscaping scheme.

11 APPLICATION NO. 45/2015/0780/PR - OCEAN BEACH SITE, WELLINGTON ROAD, RHYL

An application was submitted for details of appearance, landscaping, layout and scale of phase 1 of mixed-use redevelopment scheme incorporating the development of 2 no. blocks containing retail uses (bulky goods, food and non-food) and leisure uses; a detached 54 bed hotel, 2 no. substations, car parking and other ancillary works submitted in accordance with condition number 1 of outline planning permission 45/2013/1510 (Reserved Matters Application) at Ocean Beach Site, Wellington Road, Rhyl.

Public Speaker –

Mr. M. Ralph (**For**) – provided an update of key events over recent months and was pleased to report upon the pace of development and provided assurances as to future works. He also referred to the benefits of the Local Employment Agreement.

General Debate – The Development Manager (PM) clarified that outline consent had already been granted and the proposal was for the first phase of development.

Councillor Joan Butterfield (Local Member) referred to previous frustrations over the site's development and was pleased that progress was now being made and wished the project every success. She was particularly pleased that the development would generate local employment which was desperately needed. Councillor Barry Mellor added his support for the application as a means of further regenerating Rhyl and was pleased to note the local employment agreement. Councillor Arwel Roberts concurred with that view and requested that consideration be given to finding a Welsh name for the site. The Development Manager confirmed that the developers were in agreement with the council's bilingual policy and would discuss the issue with members when seeking advertisement consent.

Proposal – Councillor Joan Butterfield proposed, seconded by Councillor Jeanette Chamberlain-Jones that the application be granted.

VOTE:

GRANT – 19

REFUSE – 0

ABSTAIN – 0

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

12 APPLICATION NO. 09/2015/1121/PF - OUTBUILDINGS AT EFAIL Y WAEN, BODFARI, DENBIGH

[Councillor Julian Thompson-Hill declared a personal interest in this item because the application was from a council service for which he was the relevant Lead Member. He left the meeting at this point in the proceedings].

An application was submitted for conversion of redundant agricultural building to form 3 holiday let accommodation units, demolition of steel portal farm building and installation of a package treatment plant at Outbuildings at Efail y Waen, Bodfari, Denbigh.

General Debate – Councillor Merfyn Parry (Local Member) explained that the tenant had left the farmstead which was now surplus to requirements. Planning permission had been sought in order to add value to the site before it was sold and there were no objections locally with all in favour of the application.

Proposal – Councillor Merfyn Parry proposed, seconded by Councillor Barry Mellor that the application be granted.

VOTE:

GRANT – 18
REFUSE – 0
ABSTAIN – 0

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

The meeting concluded at 12 noon.