

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 14 December 2016 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie (Vice-Chair), Meirick Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Bob Murray, Dewi Owens, Merfyn Parry, Pete Prendergast, Arwel Roberts, Anton Sampson, Gareth Sandilands, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Huw Williams and Mark Young

ALSO PRESENT

Head of Planning & Public Protection (GB), Team Leader – Places (SC), Development Manager (PM), Principal Planning Officer (IW), Planning Officer (DR), Senior Engineer – Highways Development Control (MP), and Committee Administrator (SLW)

Prior to commencement of the meeting, Members were informed that the Chair, Councillor Raymond Bartley, would be unable to attend the meeting and, in his absence, the Vice-Chair, Councillor Bill Cowie, would Chair the Planning Committee meeting (hereinafter referred to as “the Chair”).

1 APOLOGIES

Apologies for absence were received from Councillors Raymond Bartley, Stuart Davies, Alan James, Barry Mellor, Bill Tasker and Cheryl Williams

2 DECLARATIONS OF INTEREST

Councillor Gareth Sandilands – Personal Interest – Agenda Item No. 8

Councillors Joan Butterfield, David Simmons, Julian Thompson-Hill and Meirick Lloyd Davies – Personal Interest – Agenda Item No. 9

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 16 November 2016 were submitted.

RESOLVED that the minutes of the Planning Committee meeting held on 16 November 2016 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (AGENDA ITEMS 5 - 10)

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. 03/2016/0300/PF - LAND OFF VICARAGE ROAD, LLANGOLLEN

An application was submitted for erection of 95 no. dwellings, together with associated roads, open spaces and related works at land off Vicarage Road, Llangollen.

Public Speakers –

Mr. Lawrence (**Against**) – raised concerns regarding the application. He objected to the fact that the current application bore no resemblance to the application granted in 1997 when the upper field had not been considered for development. He expressed the need for a larger number of affordable housing. Also concerns were expressed on the pressure on schools and the amount of open space within the proposed development.

Mr. Gilbert (**For**) – provided background and information to the development. The whole site had been allocated for development within the LDP. Discussions had taken place with planning officers and the developers were complying with Denbighshire's planning standards. There would be a new road proposal in relation to the application which would improve problems and ease local residents concerns.

General Debate – The Planning Officer made reference to the allocated site combining 2 parcels of land - one containing extant planning permission for 50 dwellings and the second had been allocated within the LDP for development of 45 dwellings.

During intense discussion the following issues were raised:

- The previous planning consent had been kept live due to the fact that the access road to the development had been constructed within 5 years of the granting of the planning permission.
- Open Space – Following negotiations, a larger more centralised public open space had been proposed. The management responsibilities were proposed to lie with the developer/landowner and would be secured by a legal agreement. An additional £1818.28 was proposed as a contribution to off-site provision.
- A drainage strategy had been submitted indicating that soakaways were a realistic option on the site. Officers considered that sufficient information had been submitted to demonstrate that foul and surface water could be acceptably managed. The exact size and location of the proposed

soakaways had not been established, however, it was considered that the detail could reasonably be controlled through condition.

- Various concerns had been raised in relation to the impact of the development in relation to the local highway network and highway safety. Assessments had been undertaken by the Highways section and based on the submission together with the collation of additional information, the Highways Officers considered that it would be necessary that the new access road be completed prior to the construction of any dwellings. This would allow construction traffic relating to the dwellings to use this as a route into the site. Having regard to the technical consultee responses, the detailing of the proposed access and parking arrangements, the design of junctions, the location of the site and scale of the development, it was not considered that the development would have an unacceptable impact on the local highways network.
- The proposal was for the erection of 95 dwellings on 3.7 hectares. This would represent a density of 26 dwellings per hectare which fell below the figure which would arise from applying the Policy RD1 figure of 35 d/ha.
- An agreement had been reached with the developers in relation to education contribution which was proposed to be secured through a legal agreement.
- It was confirmed by the Head of Planning and Public Protection that the application was for 95 dwellings which included a previous application for 50 dwellings. The extant planning permission had been for different layout and design. The current application was for the whole site for 95 dwellings.
- A number of Members questioned the allocation of affordable housing. The Head of Planning and Public Protection explained that the extant planning permission for 50 houses predated the affordable housing requirement and therefore accepted the negotiation of affordable housing for the 10% of 45 dwellings. This would equate to 4 affordable housing units with an additional payment of £47,074.50 proposed towards off site provision. Officers considered that significant weight must be afforded to the extant permissions.
- Members expressed their disagreement to the calculation and insisted that the 10% of affordable housing should be allocated to the whole site of 95 dwellings. This would equate to 9 affordable housing units with an additional payment of £47,074.50 proposed to off site provision.

The Local Member, Councillor Rhys Hughes expressed his disagreement to the development especially the affordable housing allocation.. Councillor Hughes also requested that additional parking be provided close to Castle Buildings as set out on the plan. The developer had agreed to one parking space per household but Councillor Hughes requested additional spaces be provided.

Proposal – Councillor Merfyn Parry proposed an amendment, seconded by Councillor Huw Hilditch-Roberts to grant the application with the Section 106 Agreement applying to 10% affordable housing to be applied to the whole site (95 dwellings).

The precise wording of the Section 106 would be a matter for the legal officer to finalise. In the event of failure to complete the Section 106 Agreement within 12 months of the date of the resolution of the Planning Committee, the application

would be reported back to the Committee for determination against the relevant policies and guidance at that time.

Proposal – Councillor Rhys Hughes proposed the refusal of the application, seconded by Councillor Arwel Roberts on the grounds there were insufficient affordable housing, highway issues and impact on the AONB.

The Head of Planning and Public Protection confirmed that the vote regarding the amendment proposed by Councillor Merfyn Parry would take place in the first instance.

VOTE:

For – 22

Abstain – 0

Refuse – 0

The amendment was unanimously agreed.

The Head of Planning and Public Protection confirmed that that vote would take place as to whether to grant the planning permission including the Section 106 Agreement 10% of 95 dwellings to be considered for affordable housing or to refuse the application.

VOTE:

For – 17

Abstain – 0

Refuse – 6

RESOLVED that the planning permission be **GRANTED** in accordance with the Officer recommendation subject to completion of a Section 106 Obligation to secure affordable housing contributions based on 10% of 95 dwellings and education and open space contributions as per the Officer report.

At this juncture (11.40 a.m.) there was a 20 minute break.

The meeting reconvened at 12.00 p.m.

6 APPLICATION NO. 43/2016/0432/PF - PARC DYFFRYN INDUSTRIAL ESTATE, FFRODD PENDYFFRYN, PRESTATYN

An application was submitted for the demolition of existing buildings and erection of foodstore (Class A1), car parking and service areas, vehicular and pedestrian accesses and associated works at land at Parc Dyffryn Industrial Estate, Ffordd Pendyffryn, Prestatyn.

Public Speaker –

Mr Stuart Jardine (**For**) – spoke on behalf of the applicant advising that the site had been vacant for over 10 years and the development would be an improvement to

the town. The supermarket would provide up to 40 jobs for local people. Lidl were keen to invest in Denbighshire and planned for the store to be open in 2018.

General Debate – the Development Manager outlined the proximity of the site to Prestatyn High Street. He explained that the report set out all material planning considerations, no objections had been raised and there had been local support.

Councillors Bob Murray, Gareth Sandilands and Julian Thompson-Hill supported the application but expressed some concerns regarding the volume of traffic. It was confirmed by the Senior Engineer, that full consideration had been given to the highway implications of the development and in acknowledging local reservations, the proposals were considered acceptable in relation to highway safety and parking provision and were compliant with the relevant planning policies and guidance.

The brief Community Linguistic Statement submitted with the application concluded that the proposals would have no negative impact on the needs and interests of the Welsh language.

Proposal – Councillor Meirick Lloyd Davies proposed an additional condition to be included dealing with Local Employment Strategy to include for Welsh Language impacts, seconded by Councillor Rhys Hughes.

Proposal - Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, and to include the additional condition for Welsh language impacts, seconded by Councillor Anton Sampson.

VOTE:

For – 20

Abstain – 0

Refuse – 0

RESOLVED that permission be **GRANTED**, in accordance with officer recommendation as detailed within the report and to include the additional condition for Welsh language impacts.

7 APPLICATION NO. 45/2016/0740/PF - PAVILION THEATRE AND SUN CENTRE AND ADJOINING LAND/CAR AND COACH PARKS, EAST PARADE, RHYL

An application was submitted for the re-development of 4.25ha of land incorporating the following hybrid (Full/Outline) elements:- Demolition of the former “Sun Centre” and the external refurbishment of the adjoining Pavilion Theatre incorporating over-cladding. (Full) – Erection of 4,000sq.m Class D2 Exhibition/Events Centre as extension to Pavilion Theatre. (Outline) – Erection of 2,825sq.m detached 73 bedroom Class C1 hotel. (Full) – Erection of 2 no. Class A3 Family Restaurants (Outline) – Retention and re-use of existing retail kiosk and land train shed building for retail/leisure/community use (Full) – New and reconfigured car/coach parking (Full) – Improvements and alterations to existing vehicular access and turning areas. (Full) – Hard and soft landscaping details (Full/Outline) at the site of Pavilion Theatre and Sun Centre and adjoining land/car and coach parks, East Parade, Rhyl.

Public Speaker –

Mr R Gee (**For**) – spoke on behalf of the applicant, Neptune Developments Ltd. The development was to be the first key phase of the Rhyl Waterfront development intended to reinvent and reinvigorate Rhyl sea front. The development would create a considerable number of jobs and enhance tourism.

General Debate - Councillor David Simmons (ward member) stated this development was a great opportunity for Rhyl and Denbighshire.

The Leader, Councillor Hugh Evans, informed the Committee that although he was not a member of Planning Committee he wanted to explain the amount of work which had taken place between Denbighshire County Council, the Welsh Government, Neptune Developments Ltd., and private investors. Rhyl currently had a regeneration issue but hoped this would be a catalyst for changing Rhyl.

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

VOTE:

For – 18

Abstain – 0

Refuse – 0

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

8 APPLICATION NO. 03/2016/0845/LB - PEN Y BEDW COTTAGE, BIRCH HILL, LLANGOLLEN

A Listed Building application was submitted for replacing existing roof structure on rear conservatory to a glazed roof; re-instate square pyramid roof structure to rear; form new natural slate colour zinc clad roof covering above store to rear and replace guttering and downpipes to Cast Iron at Pen Y Bedw Cottage, Birch Hill, Llangollen.

Proposal – Councillor Rhys Hughes proposed the officer recommendation to grant the Listed Building application, seconded by Councillor Brian Blakeley.

VOTE:

For – 18

Abstain – 0

Against – 0

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

9 APPLICATION NO. 23/2016/0875/PF - CLOCAENOG FOREST, SARON, DENBIGH

An application was submitted for the erection of a 132kV electrical substation and associated works (amended application) at Clocaenog Forest, Saron, Denbigh.

The Local Member, Councillor Joe Welch, stated that an application had been submitted for an electrical substation and associate works in 2014 which had been refused but granted upon an appeal on 1 June 2016. It appeared that the compound area was smaller than the original planning permission but there was an increase in the height specified.

The Planning Officer explained the application was of different character and impact from the original and the noise impact would be accommodated with planning conditions.

Proposal – Councillor Rhys Hughes proposed the officer recommendation to grant the planning permission, seconded by Councillor Dewi Owens.

VOTE:

For – 12

Abstain – 0

Against – 7

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

10 APPLICATION NO. 47/2016/0997/PF - GROESFFORDD TREMEIRCHION

An application was submitted to increase the height of the front boundary wall at Groesffordd, Tremeirchion, St. Asaph.

Proposal – Councillor Julian Thompson-Hill proposed the officer recommendation to grant the planning permission, seconded by Councillor Huw Williams.

VOTE:

For – 18

Abstain – 0

Refuse – 0

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

11 CONFIRMATION OF TWO DENBIGHSHIRE COUNTY COUNCIL TREE PRESERVATION ORDERS IN RELATION TO LAND IN THE MELIDEN AREA

The Development Manager introduced a report for Members to confirm Denbighshire County Council Tree Preservation Order Number 03/2016 relating to

land at Ffordd Hendre, Meliden, and Denbighshire County Council Tree Preservation Order Number 04/2016 relating to land at Maes Meurig, Meliden.

The Council had made use of powers laid out in Town and Country Planning Act 1990, section 201 (provisional Tree Preservation Orders) on 9 August 2016. A decision was required on the Council's intention to confirm the Tree Preservation Orders (TPOs), before the respective provisional TPOs expire at the beginning of February 2017. One of the Orders (Maes Meurig) having an objection lodged to it as set out in the report.

TPOs generally aim at protecting individual trees or a group of trees that contribute towards the characteristic of the landscape, provide amenity for the enjoyment of the public, provide habitat for local wildlife, or because of their intrinsic beauty. In legal terms, they make it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the local planning authority's permission.

Proposal - Councillor Peter Evans proposed to accept officer recommendation to confirm the Tree Preservation Orders, seconded by Councillor Gareth Sandilands.

VOTE:

For – 17

Abstain – 0

Against – 1

RESOLVED that members confirm Denbighshire County Council Tree Preservation Order Number 03/2016 relating to land at Ffordd Hendre, Meliden and Denbighshire County Council Tree Preservation Order Number 04/2016 relating to land at Maes Meurig, Meliden in accordance with officer recommendation as detailed in the report.

At this juncture, the Head of Planning & Public Protection wished Councillor Raymond Bartley (Chair) a full recovery and gratitude to Councillor Bill Cowie for chairing the meeting. He also sent best wishes to everyone for a Merry Christmas and New Year.

Councillor Bill Cowie wished everyone a Merry Christmas and Happy New Year.

The meeting concluded at 12.50 p.m.