

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 21st March 2012 at 9.30am.

PRESENT

Councillors S Thomas (Chair), I W Armstrong, J R Bartley, J B Bellis, B Blakeley, J Butterfield, J Chamberlain-Jones (local member), W Cowie (observer), J A Davies, J M Davies, M Lloyd Davies, P Dobb, M J Eckersley, G C Evans, R L Feeley, D Hannam, C Hughes, R W Hughes, T R Hughes, E R Jones, H LI Jones, G M Kensler, D W Lee (local member), P W Owen, D Owens, A G Pennington, B A Smith, D I Smith, D A J Thomas, J Thompson-Hill and C H Williams.

ALSO PRESENT

Development Control Manager (P Mead), Principal Solicitor (Susan Cordiner), Principal Planning Officer (I Weaver), Team Leader (Support) (G Butler), Customer Services Officer (J Williams) and Translator (Catrin Gilkes)

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors I A Gunning and L M Morris.

2 DECLARATION OF INTEREST

Councillors S Thomas declared an interest in application 44/2011/1500/PF (Nevis, Marsh Road, Rhuddlan).

Councillor R W Hughes declared an interest in application 43/2012/0102/PF (Scala Cinema, Prestatyn).

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 15TH FEBRUARY 2012

Resolved that - subject to noting apologies received from Councillor R W Hughes - the minutes of 15th February 2012 be confirmed for accuracy.

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) was submitted enumerating applications submitted and required determination by the Committee.

RESOLVED that:-

- (a) *the recommendations of the Officers, as contained within the report submitted, be confirmed and planning consents or refusals as the case*

may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act 1991, Town and Country Planning Advertisements Regulations 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-

Item 1

Application No: 06/2011/1509/PFT

Location: Land east of Maesgwyn Ucha, at Tyn Y Celyn, Gwyddelwern, Corwen

Description: Erection of a single 36.4m to hub, 46m to tip Wind Turbine and associated works.

The following additional letters of representation were reported:

- Gwyddelwern Community Council
- Denbighshire Head of Highways and Infrastructure
- Clwydian Range and Dee valley AONB Planning Officer

Public Speakers: Haydn Roberts (in favour)

Mr Haydn Roberts explained that he has been studying Civil Engineering in Cardiff University and is returning to convert a barn on his parents' farm. He hopes to play his part in ensuring the conversion is as "green" as possible. The turbine will benefit him to help pay his loans, provide energy for the barn and benefit the community. He has offered to pay £1000 per annum to the Community Council. Mr Roberts mentioned that he had local support for this initiative.

Councillor H LI Jones referred to the lack of objections received and felt that the impact of the AONB would be less than the existing turbines. The applicant is proposing a contribution to the community which is welcome. He did not think it would set a precedent as this is unique in that the site is already connected to the Grid.

Councillor D Hannam asked for clarification on the cumulative effect. Councillor R Hughes thought local opinion was important but referred to statutory responses from CCW, Environment Agency and Civil Aviation Authority who offered no objection.

Councillor P Dobb referred to a recent AONB JAC meeting, where there was support but some misgivings about setting a precedent.

Principal Planning Officer, Ian Weaver responded to the queries - the cumulative effect is detailed in the officer's report. There will be an impact but it is up to committee to decide if this makes matters much worse. Precedent is important - 46m is large for domestic use.

Denise Shaw (Renewable Energy Officer) stated that a turbine under 5mgw receives a tariff to stimulate income.

Councillor H LI Jones mentioned the scale of the turbine, that there was no definition of "small" in the report. He stated that UDP Policy MEW 8 supports such development provided there is little impact. The Landscape Officer has an opinion on this but so do the local residents.

Councillor D I Smith sought clarification on the capacity of the Grid - if this development fills the Grid, can no one else feed into it?

Ms Denise Shaw (Renewable Energy Officer) advised that there was an issue of capacity on the Grid in North Wales but it was a statutory function.

Councillor G M Kensler asked who the Landscape Officer was. Development Control Manager, Paul Mead advised that Wrexham County Borough Council supplied that service.

Proposals:

Councillor H LI Jones proposed that permission be Granted

This was seconded by Councillor G M Kensler

On being put to the vote:

15 voted to GRANT

13 voted to refuse

0 Abstentions

**PERMISSION WAS THEREFORE GRANTED AGAINST
RECOMMENDATION
Subject to New Conditions**

Officers to draft conditions and consult the local Member prior to issuing the decision notice.

The decision being CONTRARY to the Officers' Recommendation was taken for the following reason:

Committee felt that the turbine would make a positive contribution to the local economy.

Item: 2

Application No: 07/2011/1260/PF

Location: Former Byre at Cadwst Mawr Farm, Llandrillo, Corwen

Description: Conversion of outbuilding into dwelling, installation of non-mains drainage and construction of access drive to highway

The following additional letters of representation were reported:

- Llandrillo Community Council
- Clwydian Range and Dee Valley AONB Planning Officer
- Countryside Council for Wales
- Denbighshire Head of Highways
- FWAG Tree Consultant

Public Speakers: Mr Keith Evans (in favour)

Mr Evans asked the Committee to approve this conversion and suggested benefits in doing so: retaining the historic fabric of the building, improving the character of the landscape and supporting the family farm.

Mr Evans suggested there would be no impact on the landscape but to improve it and there is no danger of flooding. The Royal Commission on Ancient and Historic Monuments has supplied photographs of the building in the 1960s and it is intended to restore it in keeping with the original building.

He considered that Policy HSG8 did not apply and hoped the Committee would support this family.

Councillor C Williams (local member) wanted to do his best for his community, but within guidelines. He said there has been no substantial building here for many years but thought that the remains were suitable for renovation and provided photographic evidence of successful conversions in other areas. He also made reference to the lack of objection from Llandrillo Community Council, AONB Committee, CCW, and Clwyd Powys Archaeological Trust. The Building Inspector had also said it was suitable for conversion. He felt that restoration of an existing building would not impact on the landscape as much as the 24 turbine windfarm proposed nearby.

Councillor D Hannam felt there would be no harm in this conversion if done sympathetically, using stone and slate.

Councillor B Smith asked about the procedure if Committee voted to grant permission without suggesting conditions.

Councillor M LI Davies thought that the building could be restored sympathetically and be blended into the landscape. He felt the applicant

should retain feature such as window openings and wondered if the finished dwelling could be linked to the farm by condition.

Principal Planning Officer, Ian Weaver felt that this situation is on the edge of policy advice and urged caution to avoid new construction in the open countryside. Policy allows for minor reconstruction of buildings but more than half of this building needs to be rebuilt. He referred to Councillor Williams' statement about renovations in other authority areas but their policies may be different. Mr Weaver advised that conditions could be imposed regarding materials but it is not usual, or reasonable, to tie a barn conversion to a farm.

Development Control Manager, Paul Mead felt that this situation was between a sound building ready to convert and a pile of stones, neither extreme being the case here. If Committee grants permission, officers will draft conditions and consult the local Member.

Proposals:

Councillor C H Williams proposed this application be Granted

This was seconded by Councillor G M Kensler

On being put to the vote:

25 voted to GRANT

3 voted to refuse

0 Abstentions

**PERMISSION WAS THEREFORE GRANTED AGAINST
RECOMMENDATION**

Subject to:

Officers to draft the conditions and consult the local Member prior to issuing the decision notice.

The decision being CONTRARY to the Officers' Recommendation was taken for the following reason:

The building is capable of conversion and would make a contribution to the landscape.

Item: 3

Application No: 19/2011/1499/PF

Location: Land at Garreg Einws, Llanelidan, Ruthin

Description: Change of use of land for a holiday 'camping pods' site, installation of a new septic tank and associated works

Councillor M LI Davies drew comparison with the application for a barn conversion in open countryside, preferring a conversion to the siting of "sheds".

Councillor P A Dobb agreed, asking how big the pods were and what impact they would have on the countryside.

Planning Officer, Mr David Roberts referred to photographs on the Committee report and said the pods were smaller than a caravan. They did not have electricity or water, the facilities were available in a separate shower block.

General Debate:

Councillor B Smith asked whether pods fell within UDP Policy for static caravans.

Mr David Roberts advised that it falls between caravans and farm diversification policies, which require such development to be subordinate. Once built, the pods are not intended to be moved so impact would not change like a mobile caravan site. There was also less need to ensure the site is accessible to public transport.

Proposals:

On being put to the vote:

22 voted to GRANT

3 voted to refuse

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Item: 4

Application No: 24/2010/0086/PF

Location: Bod Ynys, Rhewl, Ruthin

Description: Erection of 2 no. extension to existing agricultural buildings (partly in retrospect).

The following additional letter of representation were reported from:

- Llanynys Community Council

A report of a site visit which took place on Friday 16th March 2012 was circulated

Councillor G C Evans (local Member) reported on the retrospective nature of this application and his attempts to assist the applicant. The site visit showed that the building is in the right place but needs planning permission.

Councillor Dewi Owens proposed this application be deferred. He felt it was unacceptable that a Council owned farm failed to seek planning permission before building.

Councillor M LI Davies felt that the Committee should advise relevant departments to ensure this does not happen again.

Development Control Manager, Paul Mead promised that the Committee's comments would be passed on to the Estates Department but the Committee should focus on the Planning issues. The building is acceptable.

Proposals:

Councillor G C Evans proposed that permission be Granted

This was seconded by Councillor Ray Bartley

On being put to the vote:

25 voted to GRANT

1 voted to refuse

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Item: 5

Application No: 24/2010/2017/PC

Location: Bod Ynys, Rhewl, Ruthin

Description: Construction of a circular slurry store - amended details (retrospective application)

The following additional letters of representation were reported from:

- Llanynys Community Council
- E & J Jones, Erw Eithin, Rhewl, Ruthin
- C I Williams, Brynhafryd, Rhewl, Ruthin

A report of a site visit which took place on Friday 16th March 2012 was circulated

Development Control Manager, Paul Mead requested a deferral of this application to allow further discussions on screening and landscaping to take place.

Proposals:

Councillor G C Evans proposed deferral

Councillor D Owens seconded the proposal

He further requested a report be submitted regarding the situation

On being put to the vote:

27 voted to DEFER

0 voted against Deferral

Item: 6

Application No: 43/2010/0102/PF

Location: Scala Cinema & Tourist Information Centre
45/47/49 High Street, Prestatyn

Description: Change of use of shop (Class A1) at 45 High Street to café (Class A3) with formation of internal access into cinema complex and external seating area

Councillor Rhiannon W Hughes declared an interest in this application and left the Chamber during consideration thereof.

Councillor R L Feeley asked how the refurbishments were being financed.

Councillor P Dobb advised that it was Grant -Funded.

Proposals:

**Councillor G Kensler proposed permission be granted
This was seconded by Councillor D Owens**

On being put to the vote:

24 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item: 7

Application No: 44/2011/1500/PF

Location: Nevis, Marsh Road, Rhuddlan, Rhyl

Description: Demolition of existing single-storey dwelling and erection of new 4-bed two-storey dwelling

Councillor Selwyn Thomas declared an interest in this application and left the Chamber during consideration thereof.

A report of a site visit which took place on Monday 19th March 2012 as circulated. Councillor J Bellis asked whether confusion over the ownership of the site rendered the application invalid.

Legal Officer, Susan Cordiner explained there had been initial uncertainty over the ownership certification submitted with the application but it did not mean the application was invalid as all landowners involved had been served the requisite notice. This notice allowed anyone with an interest the opportunity to comment. There had been queries as to whether Land Registry records were up to date but that did not warrant deferring the planning application.

Public speakers:

Mr Pownell (Speaking against).

Mr Pownell made reference to ownership issues in that Land Registry showed the whole site being in the same ownership as Clwyd View Caravan Site. Previous applications for the caravan site and warden's lodge had used part of the garden of Nevis. He also disputed the claim that a gate had been there.

Mr Chris Noble (Speaking in favour)

Mr Noble advised Committee that Nevis was a small one-bed bungalow. When Simon Thomas returned with his family after working abroad, his father offered him Nevis and a cash transaction took place. Legal matters were subsequently organised and they submitted change of ownership to Land Registry. When an increase in the family was imminent a larger property was required so Simon made enquiries with Planning Officers about the feasibility of extending Nevis. Officers suggested that while an extension was not an easy solution, if he had sufficient land a new larger dwelling would be acceptable. Simon's father offered him the additional land to allow a larger dwelling to be built.

Development Control Manager, Paul Mead advised Committee that the application is valid, and there is no reason to delay determination.

The site is within the Development Boundary and there is a mix of dwellings. The new dwelling is proposed on a slightly different site to the building "Nevis" to increase the distance from existing dwellings. Consultations regarding Highways, Flood Risk and Drainage have not resulted in any objection.

Councillor Ann Davies raised concerns about legality of ownership and issues of the shared access which could be blocked during construction. Councillor Davies also asked whether Nevis would be demolished first.

Councillor R Bartley referred to the site visit which looked at the access issues and the drainage. He mentioned that construction vehicles are to be restricted by condition.

Councillor M LI Davies queried whether the floor levels are to be raised against flooding and suggested the number of site visit panel members should be increased.

Councillor B A Smith suggested officers ensure Nevis is demolished, to prevent two houses remaining on the plot.

Development Control Manager, Paul Mead answered the queries and advised that moving the new dwelling and demolishing Nevis gives a larger front garden to the new property. He agreed to condition the demolition of Nevis within 6 months of occupation of the new property.

Mr Paul Mead also agreed to review site panel membership in the New Authority Year.

He further advised that land ownership issues were a legal matter, not invalidating the planning process.

He further confirmed that access issues were covered.

Proposals

**Councillor J Butterfield proposed permission be granted
This was seconded by Councillor Cefyn Williams**

On being put to the vote:

23 voted to GRANT

2 voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Minor correction to wording of Condition 11

3rd line, the word HILLCRESET should read HILLCREST

Add new condition

15. The existing dwelling, Nevis, shall be demolished no later than 6 months after the first occupation of the dwelling hereby approved.

Reason: The permission granted is for a replacement dwelling and the existing dwelling will need to be removed to permit construction of the access and turning area.

Item: 8

Application No: 45/2011/1512/PF

Location: Land rear of Sanlam Offices, Derwen House, Ffordd Derwen, Rhyl

Description: Use of land and buildings for provision of a storage centre and siting of container units

Public Speakers:
Colin Williams (in favour)

Mr Colin Williams stated he had run his family business in Marsh Road for 20 years and now employs 20 local people. There have been no complaints but the site is now reaching capacity. An additional 3 jobs will be created by opening the new site. He understood residents near the new site had problems with noise in the past but the previous occupants worked all hours and used larger vehicles. Mr Williams' firm is only open during the day. He felt that traffic calming causes noise in itself. He has written to local residents and said the containers would not be placed near existing properties, and the site would be locked overnight.

Councillor J Chamberlain Jones (local Member) referred to residents' concerns but was reassured by the speaker. However, she expressed disappointment at the number of trees removed and referred to traffic problems at peak times. Councillor Chamberlain Jones thought the application should be refused but asked that hours of opening be reconsidered if permission was granted.

Councillor David Lee (local Member) was concerned about the scale of operation and the impact on local residents. He also referred to traffic problems locally.

Councillor A Pennington agreed there was a local traffic problem and Councillor B Blakeley suggested the new Aberkinsey development nearby would make these problems worse. However, he did sympathise with the applicant.

Councillor Blakeley **proposed** opening times by changed to:

Monday - Friday	8am – 6pm
Saturday	8am – 5pm
Sunday and Bank Holidays	10am – 4pm

This was **seconded** by Councillor M LI Davies

Councillor B Smith asked about regulation of the content of the containers.

Councillor G Kensler asked whether there were any Preservation Orders on the trees.

Councillor J Butterfield felt strongly about the trees and the traffic would be made worse when the nearby H Bridge traffic flow is changed to one-way. Councillor Butterfield did not think the site should be open on Sundays.

Other members agreed with issues raised about trees and traffic and disturbance to residents.

Planning Officer, David Roberts advised that there would be no further strain on the highway by this use. There would be ample parking and turning space and a condition will restrict the number of containers on site. The proposed use is acceptable as the site is a designated Employment Site in the UDP. Mr Roberts advised that there are no Tree Preservation Orders on the site itself but condition could be imposed to require a protection area of 3m around each tree to prevent damage. There is an operational need for the opening hours but it was up to Committee to change it if required. Separate consent is required to store hazardous materials and enforcement of that consent lies with the Environment Agency.

AMENDEMENT

The proposals relating to the hours of operation

Monday - Friday	8am – 6pm
Saturday	8am – 5pm
Sunday and Bank Holidays	10 am- 4pm

was put to the vote

10 voted to impose these hours

14 voted not to impose

0 abstentions

This amendment was therefore lost.

Proposals:

Councillor R Hughes proposed permission be Granted

This was seconded by Councillor G Kensler

On being put to the vote:

23 voted to GRANT

1 voted to REFUSE

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to

Minor correction to Condition 4

4. No container units shall be stored within 3 metres of the crown spread of boundary trees marked on the plans hereby approved.

**6 NOTICE OF PLANNING APPEAL, ST DAVID'S RESIDENTIAL HOME,
EAST PARADE, TARLETON STREET, RHYL**

Submitted report by Head of Planning Regeneration and Regulatory Services advising Committee of the receipt of an appeal against the refusal of the above application. The appeal is due to be heard by the Planning Inspectorate on Tuesday June 19th 2012.

The report sought nominations for representation by two Committee members to give evidence at the Appeal Hearing.

RESOLVED by 23 votes to 0 that subject to being returned at the forthcoming local elections, Councillor D Hannam and J B Bellis represent Committee to give evidence at the Appeal Hearing.

Chair closed the meeting by congratulating all concerned at a recent appeal relating to Castlefields, Rhuddlan.

Councillor Cowie also congratulated St Asaph in receiving City Status.

The meeting closed at 12.15 p.m.