

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 18th April 2012 at 9.30am.

PRESENT

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

ALSO PRESENT

Head of Planning, Regeneration and Regulatory Services (G Boase), Principal Solicitor (Susan Cordiner), Development Control Manager (P Mead), 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 J A Davies & J M Davies

2 DECLARATION OF INTEREST

None

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 21st March 2012

Resolved that the minutes of 21st March 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: 01/2011/0621/PF

Location: The Glyn Lleweni Parc, Mold Road, Denbigh

Description: Siting of 20 holiday lodges with associated access, parking and installation of a sewage treatment plant

The following additional letter of representation reported:

Ann Jones, 4 The Haybarn, Lleweni

A report of a site visit which took place on Thursday 12th April 2012 was circulated.

Public Speakers:
Jeni Winstanley (Against)

Ms Winstanley lived near the site. She felt there were too many caravans in Denbighshire and cited recent problems in policing all the sites.. She referred to the historic parkland under threat at Lleweni and considered this proposal to be unsustainable due to the need to travel there by car, the lodges being made outside Wales and the damage to the countryside.

Mr R Witter (In Favour)

Mr Witter, the applicant, referred to the history of the site, stating that it was on the location of a walled garden, demolished in 1820. There had been no access to the site until the 1980's when the Gliding Field was established and the conversion of the outbuildings had opened up access into the area. He felt there was a demand for tourism to such quieter places and said the lodges were well made and would be enclosed and well screened. Mr Witter considered the proposal to be a delightful Welsh tourism project.

Members were given time to read the addendum report.

(At this juncture (09.40 am) Councillor M LI Davies arrived and asked for permission to speak on the debate. Legal Officer Susan Cordiner reminded Members of the convention which states that Councillors should not vote on an item unless they were present from the start.)

Councillor R Bartley (local Member) referred to the potential for light and noise pollution, that it would be naïve to think occupants of the lodges would not play games outside the lodges. He felt committee had a duty to protect the permanent residents. Councillor Bartley was concerned about the need to travel by car, the density of the development, whether the water supply would cope, the loss of trees, whether tourism would truly benefit and the loss of high grade agricultural land.

Councillor S Thomas referred to the site visit. He commented that it was a long walk to the site and thought the development would be cramped and the site may be open to expansion in the future.

He also felt there was little to safeguard the trees. Councillor Thomas was also unhappy at the lack of cycleways, the need to use a car and limitations on parking within on site.

Councillor M LI Davies referred to the change to the location map and asked why a report had not been requested to discover the grade of the land.

Councillor L Morris asked how this proposal differed from previous applications with a recommendation to refuse.

Councillor D Hannam asked about the Authority's chances of winning an appeal.

Councillor E R Jones referred to the Agricultural Land Grading and stated his opposition to development on Grade 1 or 2 land.

Councillor R Bartley referred to the presence of bats and Councillor D Owens asked if a licence was required for a borehole to supply water.

Principal Planning Officer Ian Weaver responded:

It would not be reasonable to refuse on residential amenity grounds as the site is 300m from the nearest dwelling and is well screened.

Highways Officers considered the private track with passing places to be acceptable. The AONB Committee and Landscape Officer had no objection.

There was an absence of detail for the lodges but it would be possible to control this by condition. One car space per lodge was considered reasonable by Highways Officers.

The Environment Agency would need to approve the discharge from the sewage treatment works into the brook but had raised no objection. DCC Water Services were satisfied there would be sufficient water available from the proposed new borehole and it should not affect the supply to the existing dwellings. The trees are all within the control of the applicant and can be protected by condition. A condition can also be imposed restricting use of the lodges to holiday use only.

(At this juncture - 10.15am - Councillor M Eckersley arrived)

Principal Planning Officer, Mr Ian Weaver mentioned that CCW and the DCC Biodiversity Officer had no objection provided mature trees were retained to reduce disturbance to bats. A tree management condition could be imposed.

He apologised for the inaccurate location plan initially included with the committee papers. This had been corrected and circulated to all Members prior to committee.

Finally, the reliance on car travel was a negative factor but in a recent appeal on nearby land to the north, the Inspector did not feel this should be a determining issue.

This application should be dealt with on its own merits but the basis of an Inspector's decision on a similar proposal in the locality was a relevant consideration.

Proposals:

**Councillor J Thompson-Hill proposed that permission be GRANTED
This was seconded by Councillor P Owen**

On being put to the vote:

10 voted to Grant

13 voted to Refuse

3 Abstained

(Councillor M Eckersley wished it to be noted that he did not vote as he had been late arriving)

PERMISSION WAS THEREFORE REFUSED

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

The decision to refuse permission being contrary to recommendation of the Planning Officer was taken on the basis that the proposals as submitted were contrary to Unitary Development Plan and Welsh Government Policies on sustainability, agricultural land quality, and unacceptable layout and parking details

Officers to draft the full reasons for refusal and consult the local member.

1. It is the opinion of the Local Planning Authority that the proposed layout of the lodges in the site appear unduly cramped with a number of units sited in close proximity to one another, to the retained trees, and to the southern boundary of the site; and it is considered there is inadequate provision for the parking of vehicles for occupiers of the lodges and potential visitors. The proposals are therefore considered to be in conflict with tests of GEN 6 and TRA 9 of the Denbighshire Unitary Development Plan.
2. The Local Planning Authority do not consider there is sufficient information with the application to determine whether the proposals involve development on the best and most versatile agricultural land (of Grades 1, 2 or 3a), and hence whether the lodge development would be in conflict with policies ENV 11 and TSM 9 of the Denbighshire Unitary Development Plan and Welsh Government's key objective to conserve the best and most versatile agricultural land, as set out in Chapter4 of Planning Policy Wales 2011.
3. It is the opinion of the Local Planning Authority that the location of the proposed development would mean people using the lodges would be highly dependent on the private car for access, and there is an absence of safe pedestrian routes linking the site to the public footpath network or along the A road to Denbigh, all limiting the accessibility of the site; contrary to key tests in Policies STRAT 1, STRAT 13, GEN 6, TSM 9 of the Denbighshire Unitary Development Plan, and Welsh Government's key policy objective of locating developments so as to minimise the

demand for travel, especially by private car, as set out in Planning Policy Wales Chapter 4 and Chapter 8.

Item 2

Application No: 13/2012/0259/PO

Location: Land adjacent to Bryn Myfyr Galltegfa, Ruthin

Description: Development of 0.095ha of land by the erection of an affordable local needs detached dwelling. Detached garage, installation of a new septic tank, and formation of a new vehicular access (outline application including access).

The following additional letters of representations were reported:
Denbighshire County Council - Affordable Housing Officer
Nerys Ellis, Llys Awel, Galltegfa, Ruthin

A report of a site visit which took place on 12th April 2012 was circulated.

Public Speakers:
Mr P MacCarter (in favour)

Mr Phil MacCarter told committee that his partner and himself were from the Ruthin area and had attended local schools. They were presently in rented accommodation in Pwllglas and were struggling to get a mortgage. Building a house on this land would help them have their own property and be near his parents and help on the farm.

Councillor E W Williams (local member) urged committee to approve this application as he felt it fell within policy HSG5 – Galltegfa is a small community of houses with a chapel. He cited other successful applications which he considered set a precedent. There had been no other development in Galltegfa for a number of years and Councillor Williams felt that the committee ought to support local people.

Councillor R Bartley referred to the site visit and said the plot was in a picturesque location. He sympathised with young local people but this proposal was a departure from policy.

Councillor S Thomas also referred to the site visit when they observed that there was a cluster of houses and a chapel but that this plot was located on its own. It would require a new access to the road.

Councillors L Morris, C H Williams, H L Jones, D Owens & E R Jones expressed sympathy and thought the policy should be reviewed. Other Councillors understood the policy situation but felt it wrong that many houses can be built in Bodelwyddan, or Officers recommend approval for lodges in the countryside while a single dwelling for a local family is recommended for refusal.

Councillor D A J Thomas suggested a 106 Agreement be entered into.

Officers explained that the other applications Councillor Williams had referred to had complied with policy relating to infill conversions as part of a group.

Policy HSG5 has been used consistently where an identifiable group of six or more houses in a continuous frontage is involved.
This application relates to a separate plot and therefore in “open countryside” and does not meet the criteria of HSG5.

Head of Planning, Graham Boase advised members that as this constituted a departure application he would have to discuss it with the Monitoring Officer if Committee was minded to grant permission.

Proposals:

Councillor H LI Jones proposed that permission be GRANTED

This was seconded by Councillor D Owens

On being put to the vote:

12 voted to Grant

14 voted to Refuse

1 Abstained

PERMISSION WAS THEREFORE REFUSED

Item 3

Application No: 17/2012/0207/PR

Location: Llandegla Memorial Hall, Llandegla, Wrexham

Description: Erection of a single storey extension to provide two new classrooms, community room and formation of a new playground

Councillor G C Evans felt that parking for parents should have been considered.

Principal Planning Officer, Ian Weaver, agreed that parking was inadequate and the road was narrow but the hard area for play could be used for parking in the evening.

Highways Officers had raised no objection.

On being put to the vote:

26 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 4

Application No: 28/2011/0207/PR

Location: Henllan Centre, Henllan, Denbigh

Description: Reserved matters submission for Phase 2 of development, including construction of six dwellings and an electrical substation

The following letters of representation were reported:

Letter from the applicant confirming that the substation had been omitted from the application.

Councillor C Hughes advised committee that he had discussed this application with officers and hoped the applicant would market the dwellings locally.

Proposals:

Councillor P Dobb proposed that permission be GRANTED

This was seconded by Councillor D Hannam

On being put to the vote:

25 voted to Grant

0 voted to Refuse

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 5

Application No: 45/2010/1470/PF

Location: 37/39 Pendyffryn Road, Rhyl

Description: Alterations, extension and partial demolition of Plas Penyddeuglawdd with conversion to 3 residential units and erection of terrace of 3 single-storey dwellings within garden and alterations to existing vehicular/pedestrian access (total site area 0.165ha)

The following additional letters of representation were reported:
Denbighshire County Council Affordable Housing Officer

Public Speakers:

Mr Mark Pearson (Against)

Mr Mark Pearson spoke in objection to both this application and the following Listed Building application.

Mr Pearson agreed the property should be renovated but questioned whether six affordable units could be accommodated or would be in keeping with the locality. He thought it could set a precedent as a number of houses nearby had large gardens which could be developed.

Councillor I Gunning advised committee that this is the oldest house in Rhyl and thinks it should be renovated. But he thought it should be a residence and it was the wrong place for this development.

Councillor J Bellis agreed the Listed Building should be restored but this was not the place for social housing.

Councillor D A J Thomas stated that permission exists for three units. The new application is for apartments, not houses and there would be a tight regime for prospective tenants - no children, interviews and a probationary period to address anti-social issues. The existing permission does not have such restrictions. He said this is an “enabling development” to provide funds for the Listed Building renovation.

Councillor D Hannam supported the renovation of the Listed Building but objected to the suggestion that someone living in social housing is “anti-social”.

Councillor L Morris referred to a similar conversion of a Listed Building in Llangollen into three affordable units which proved to be a great success.

Councillor M LI Davies asked whether the older building to the rear could be retained.

Councillor J Butterfield told of her attempts to buy the property in the 1980s and regretted that it had deteriorated. Councillor Butterfield also expressed her

offence at comments about anti-social behaviour and said everyone has a right to decent housing.

Development Control Manager, Paul Mead, advised that policy allowed affordable units on this site and agreed that The Willows, Llangollen was a similar renovation which had been a great success. This application was before committee for determination because of changes made to accommodate wheelchair access.

Head of Planning, Graham Boase, stated that the social landlord had stepped in when the open market had failed. There was a need for quality affordable housing.

Proposals:

Councillor J Butterfield proposed that permission be GRANTED

This was seconded by Councillor C Hughes

On being put to the vote:

21 voted to Grant

4 voted to Refuse

2 Abstained

PERMISSION WAS THEREFORE GRANTED

The decision is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure

- (a) the provision of 6 affordable housing units and the retention of these units for affordable purposes

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period, the application would be re-presented to the committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this committee.

Revisions to conditions

Condition 1:

The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

The reasons for the suggested recommended revisions are to ensure the early commencement and completion of works on the Listed Buildings.

Add new condition

- 17. The development shall be carried out strictly in compliance with the recommendation in the Badger Assessment report dated 21st October 2010 and the Protected Species Survey Report received on 30th November 2011.

Reason: To ensure due protection to wildlife in connection with the development.

Item 6

Application No: 45/2010/1471/LB

Location: 37/39 Pendyffryn Road, Rhyl

Description: Listed Building application for alterations, extension and partial demolition of Plas Penyddeyglawdd with conversion to 3 dwelling units and alterations to existing vehicular/pedestrian access

The following additional letters of representation were received:

Public Speaker(against):

Mr Mark Pearson did not take the opportunity to speak separately on the listed building application.

There was no further debate.

Councillor D A J Thomas proposed that Listed Building Consent be GRANTED

This was seconded by Councillor M LI Davies

On being put to the vote:

20 voted to Grant

4 voted to Refuse

1 Abstained

LISTED BUILDING CONSENT WAS THEREFORE GRANTED

Item 7

Application No: 45/2011/1510/PF

Location: 4 Wellington Road, Rhyl

Description: Change of use of ground-floor from shop (Class A1) to Financial & Professional Services (Class A2)

Councillor J Butterfield felt that this application was premature as the premises was still trading as a retail shop. She thought there was no need for the proposed use and the new Town Manager should liaise with owners to retain retail properties.

Councillor D A J Thomas agreed as he felt there was an over-intensification of this type of use in the area and gave example of enforcement action being taken for an unauthorised sign at The Money Shop nearby.

Councillors expressed opinions about “Rhyl Going Forward” encouraging retail shops rather than money lenders and whether Welfare Rights should be advised of such applications for change of use. Other Councillors though the application premature, that Town Centres should be as diverse as possible. Conversely some felt that internet shopping had changed habits and a realistic view should be taken.

Councillors D A J Thomas and R W Hughes felt there should be a Town Centre Policy to ensure a mix of shops, not clustered together by type and Councillor I Gunning suggested lower business rates for local retailers.

Head of Planning, Graham Boase, explained that the proposed change of use was acceptable in planning terms. The committee had to judge whether A2 use (which would include a Bank or Building Society) is suitable in the area or not. However he felt that “loss of an existing A1 shop” would be possible to justify as a reason for refusal.

Councillor J Butterfield said she would prefer not to have vacant shops in the town centre but felt there was already a proliferation of this proposed type of business in Rhyl and as they cluster together (as do charity shops or Banks) they create their own areas and atmospheres.

Councillor B Smith suggested that this proposal would be contrary to policy RET6 and therefore this could be a suitable reason for refusal.

Proposals:

Councillor J Butterfield proposed that permission be REFUSED

This was seconded by Councillor D Hannam

On being put to the vote:

6 voted to Grant

19 voted to Refuse

1 Abstained

PERMISSION WAS THEREFORE REFUSED

For the following reason:

1. In the opinion of the Local Planning Authority, the change of use from an existing and operating A1 retail shop to an A2 use in this location would be unacceptable in that it would contribute to a further dilution of the retail shopping function in the town centre, as it would not maintain, enhance or improve the viability and vitality of the centre, contrary to policy RET6 and RET1 of the Denbighshire Unitary Development Plan, and to the wider aims of the Council's Rhyl Going Forward Strategy and Delivery Plan.

The decision to refuse permission, being contrary to the recommendation of the Planning Officer, was taken on the basis that the proposed use of the building would have a detrimental impact on the viability and vitality of the town centre, contrary to planning policy.

Item 8

Application No: 45/2012/0042/PC

Location: Molly Mouse Day Nursery, The Church, Princes Street, Rhyl

Description: Internal alterations and change of use to provide multi use community facility including café/food co-op, resource centre and community meeting venue (retrospective application)

The following additional letters of representation were reported from:
Chris Ruane MP

Councillor T R Hughes asked whether a flood assessment had been carried out.

Development Control Manager, Paul Mead, explained that as this is an existing use, the flood assessment policy did not apply.

Councillor J Butterfield gave the history of the property. It had a planning use for a play centre, limited to Monday to Friday. It was subsequently granted weekend opening for a café. Pennaf bought it and gave it to the community. At present the only business operating from the premises is a Company Car scheme. Change of use is required for D2 use from D1 use as there is a public entrance to the café.

Councillor G C Evans referred to Rhyl Town Council's objection on behalf of local businesses.

Councillor J Bellis suggested adding the conditions requested by Rhyl Town Council.

Development Control Manager, Paul Mead, noted the Town Council comments and advised that Highways Officers had assessed parking issues and considered that it would not exacerbate the present situation.

He suggested imposing a temporary permission to allow the impact to be monitored.

Councillor J Butterfield said that this was a contentious issue. There are double yellow lines in the vicinity and although the business had previously had two parking permits this was no longer the case. Councillor Butterfield understood the business may move to the town centre in due course, subject to funding.

Councillor J Bellis asked again about the Town Council suggestions but officers felt the existing conditions sufficiently covered these issues.

Proposals:

Councillor J Butterfield proposed that permission be GRANTED

This was seconded by Councillor I Armstrong

On being put to the vote:
21 voted to Grant
0 voted to Refuse
2 Abstained

PERMISSION WAS THEREFORE GRANTED

This meeting being the last before the Local Elections, Head of Planning, Graham Boase, thanked all the Members of Committee and particularly those Councillors who were not standing for re-election.

He thanked past chair, Councillor M LI Davies, Vice-Chair Councillor R Bartley and singled out the outgoing Chair Councillor S Thomas, who was not standing again for Council. He thanked Councillor S Thomas for his professionalism and fairness and for the unique and lively way he conducted the meetings.

Councillor S Thomas thanked Officers for the support he had received over the years and wished everyone all the best for the future.

The meeting closed at 12.20pm