

PLANNING COMMITTEE

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

PRESENT

Councillors D Owens (Chair), R Bartley (observer) B Blakeley, J A Butterfield, W L Cowie, J.A. Davies J.M. Davies M Ll. Davies (vice chair), R J Davies, S.A. Davies, , C. L. Guy-Davies, H Hilditch-Roberts, C. Hughes, T.R. Hughes, E.A. Jones, P M Jones, M McCarroll, W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts, D Simmons, W.N. Tasker J Thompson-Hill, J S Welch, C H Williams, C L Williams and H O Williams

ALSO PRESENT

Head of Planning (Graham Boase), Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor – (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Minerals and Waste Planning Officer (Martha Savage) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillors I W Armstrong, and R L Feeley

2 DECLARATIONS OF INTEREST

Councillor T. M. Parry declared an interest in Application Ref 47/2012/1120
(Former Abattoir, Holywell Road, Rhualt)

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 17TH OCTOBER 2012.

These were agreed as a true record

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning and Public Protection Services (previously circulated) was submitted enumerating applications submitted and requiring 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:-*

Application No: 01/2012/0813/PF

Location: Gwaenynog Bach, Denbigh

Description: Installation of a 50kw micro generation wind turbine with control box and equipment cabin

Public Speakers: Mr. E Hughes (applicant)

Mr. Hughes explained his need to generate power in order to reduce costs of his dairy farm, which is highly reliant on electricity. He had taken advice on the siting of the turbine and was reassured that the officers were in agreement with his proposal.

Councillor S. Davies proposed that permission be GRANTED

This was seconded by Councillor Meirick Lloyd Davies

On being put to the vote:-

25 voted to GRANT

0 voted to REFUSE

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to: Amended Conditions 3 & 4

3. The location of the turbine, site access and track shall be in the positions indicated on the submitted plans, subject to a permitted variation of the indicated position of the turbine by up to 25 metres to the south, south-west or west to ensure a 50m buffer between the turbine and the northern and eastern hedge lined field boundary can be achieved. Any variation greater than 25 metres shall require the written approval of the Local Planning Authority.

4. This permission relates solely to the erection of a 3 bladed wind turbine as described in the application plans and drawings with a maximum height to blade tip of 46m from original ground level.”

Application No: 24/2012/1032/PO

Location: Land at Village Hall Rhewl Ruthin

Amended Description: Development of 0.29 hectares of land by demolition of village hall and erection of dwellings (Outline application all matters reserved)

The following additional letters of representations were reported:
Agent, confirming ownership (Church Council of Llanynys and Llanychan)
Council's Tree Consultant;
Head of Highways

Public Speakers:

Against - Mr. I Hedley (neighbour)

Mr. Hedley put forward strong objections to this development, stating that he felt there was no need for further housing in Rhewl as there was sufficient underdeveloped land available. He also regretted the loss of the mature mixed hedgerow. Mr Hedley felt that the Church, which had always been the heart of the village, could have been renovated. He stated there had been no consultation or village meeting held to discuss the issue. Mr Hedley felt this was an unwanted and unjustified development.

For - Ms. J Lovelady (Agent)

Ms. Lovelady felt the village would benefit from the proposed housing. She said the land is within the development boundary and is bounded by houses on three sides. The site was last used in 2010 but there was a lack of demand for the church. The building was 90 years old but had only been expected to last 50 years. The design and siting of the proposed dwellings were not decided; the developer is proposing to provide sufficient amenity space and to replace the hedgerow and trees within the site. Despite objections to the contrary, there was no dispute about ownership, the deeds had been checked.

[at this juncture (9.45 am) Councillor J. M. Davies arrived and was advised that as he had not heard the public speakers, it was up to him whether to vote on this application or not]

Councillor H. Hilditch Roberts stated that he grew up in Rhewl and attended this Church. He asked about the Community Council's observations querying the statements about the need for affordable housing. He also wondered if open space was necessary as the village playing field was opposite the site. He urged that any legal agreement be made watertight.

Principal Planning Officer Ian Weaver suggested that the Community Council was offering local opinion and have said they "strongly object". He advised that if more than 10 dwellings were built, the site would need to have an amenity space or play area, but the policy requirement did not apply to less than 10 dwellings.

Councillor M. Parry had attended the Community Council meeting and it seemed to him that little consultation had taken place between church and village [at this juncture (9.50 am) Councillor T. R. Hughes arrived and was advised that as he had not heard the debate he should consider whether to vote or not]

Proposals: Councillor S. Davies proposed permission be GRANTED
This was seconded by Councillor P. Owen

On being put to the vote:-

21 voted to GRANT
3 voted to REFUSE
2 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: New/Amended Conditions

4. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and shall be completed prior to the proposed development being brought into use.
5. The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the proposed road widening, new footway and internal estate road shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site and the work shall be constructed as the approved drawings before any dwelling is occupied.
6. The visibility splays shown on the approved plan shall at all times be kept free of any planting, tree or shrub growth, or any other construction in excess of 1.05 metres above the level of the adjoining carriageway.

The reasons for the conditions are :

4. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.

Application No: 24/2012/1193/PF

Location: Bod Ynys Rhewl Ruthin

Description: Erection of silage clamp

Members were advised that additional Officers' notes were available on the addendum report and they were given time to read them

There was no debate on this item

Proposals: Councillor H. O. Williams proposed that permission be GRANTED
This was seconded by Councillor A. Roberts

On being put to the vote:-

25 Voted to GRANT

1 Voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 47/2012/1120/PF

Location: Former Abattoir Holywell Road Rhualt St. Asaph

Description: Construction of an anaerobic digestion facility, landscaping and associated infrastructure

Councillor Merfyn Parry declared an interest in this application and left the Chamber during consideration thereof.

Public Speaker: Nick Chapman (in favour)

Mr Chapman represented the applicants who wished to build an anaerobic digestion facility to be shared between three councils. The facility will reduce the amount of food waste going to landfill, converting it to bio-fertiliser. Methane gas will be collected and used to produce electricity. The plant will provide local jobs in construction and in the unit itself. The proposal complies with local and national policy.

Ms Martha Savage (Flintshire County Council Minerals and Waste Officer working in collaboration with Denbighshire Planning) was introduced as the case officer.

Councillor Cheryl Williams asked about the threat to Great Crested Newts. Ms Savage advised that a survey had taken place but no Newts or habitat ponds had been found. However as Great Crested Newts are known to be in the vicinity then measures would be taken to prevent harm and protect habitat.

Councillor Alice Jones felt that as this site had been in agricultural use for many years Great Crested Newts should not be used as an excuse not to develop. [at this juncture (10am) Councillor B. Blakely arrived. He wished it to be noted that he would not vote on this application].

Proposals: Councillor B. Cowie proposed that permission be GRANTED
This was seconded by Councillor M. Lloyd Davies

On being put to the vote:-

26 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

New Note to Applicant

In relation to Conditions of this permission, you are advised to contact the Council's Pollution Control Officer to discuss the approach to mitigation of noise in the event of demolition of the abattoir buildings.

Application No: 45/2012/0280/PF

Location: Unit 2 & 3 Glan Aber Works Glan Aber Trading Estate, Vale Road Rhyl

Description: Change of use from motor body repair centre to permit the transfer of bagged and sealed asbestos waste into secure skips; installation of a cesspool/holding tank; weighbridge and siting of a portacabin

The following additional letters of representation were received:

Mr Justin Paul (J10 Planning Ltd) in objection

Councillor P. Jones was concerned that the site backed onto Coronation Gardens, a footpath and proposed housing. Councillor Jones hoped the restrictions would provide sufficient protection.

Members asked for further details of the bagging process, disposal and risk of fire and dust.

Martha Savage (Planning Officer Minerals & Waste) explained that licensed contractors collect waste asbestos from sites. The material is double bagged in thick bags before being put into skips which are taken off site once full. Final disposal of the material takes place in North West of England.

A permit is required which is regulated by the Environment Agency.

A condition is suggested to require air monitoring to be undertaken and to detail any dust and fire prevention measure to be put in place.

Councillor J. Butterfield asked about air monitoring records, where they would be kept and how confident we are that it would take place.

Martha Savage felt it would be appropriate to require copies of the records to be made available to the Council. Councillors asked how often the monitoring would take place and if Town Council would have access to the reports.

Ms Savage advised that although it is up to the Environment Agency, conditions would be in place to require a background air monitoring exercise prior to development. Then weekly monitoring should take place becoming less frequent if no issues are detected.

In answer to other queries, Ms Savage advised that at present asbestos is kept on the building site and transported to England for disposal. It made sense to store asbestos from the area to be transported together to reduce haulage costs.

- The reference to a “cess pit” has been misinterpreted, it is a requirement to carry out the waste management on a sealed surface to prevent contamination of surrounding land any surface water has to be held and removed safely. The “cess pit” is a holding area for this water.
- Delivery lorries are sealed and emptied under cover
- There is a cap on the volume of material permitted to be stored but it is not intended to reach that limit
- This is allocated employment land and is suitable for large vehicles

Concern was expressed about the potential for flooding of the site, with the consequent danger of contaminated flood water going into The Cut nearby.

Proposals: Councillor P. Jones proposed this be GRANTED

This was seconded by Councillor M. McCarroll

It was further agreed that a letter be sent to the Environment Agency stressing concerns that processes are strictly monitored and controlled in view of the location close to footpath and housing.

On being put to the vote

24 voted to GRANT

3 voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2012/1163/CA

Location: 1 Willow Court Rhyl

Description: Retention of 1.8 metre high fence attached to existing boundary wall (Retrospective application)

A location plan for identification was circulated

It was acknowledged that hedging would not need planning permission but even though this was an “open plan” estate any property would need permission for an enclosure more than 1 metre high adjacent to a highway. Legislation was not clear on the definition of “adjacent”, judgement is necessary in each case

On being put to the vote:-

VOTE:

1 voted to GRANT

25 voted to REFUSE

2 Abstained

PERMISSION WAS THEREFORE REFUSED

ITEM 6 - ENFORCEMENT ITEMS

Ref ENF/2012/00032

Location: 1 Willow Court , Rhyl

Description: Unauthorised 1.8 metre high fence attached to existing boundary wall

There was no debate on this item

Proposals: Councillor M. Ll. Davies proposed that enforcement action be taken. This was seconded by Councillor D. Simmons.

On being put to the vote

28 voted to authorise Enforcement Action
0 voted against

Resolved: That authorisation be granted for the following:

- (i) Serve an Enforcement Notice reduce the height of the unauthorised front boundary adjacent to the highway to 1 metre or lower within a period of 2 months
- (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

Ref ENF/2012/00020

Location: **The Royal Hotel Bridge Street Llangollen**

Description: Unauthorised Change of Use of Hotel to mixed use Hotel and Hostel housing the homeless

Councillor S. Davies advised Committee of recent antisocial behaviour in Llangollen being traced back to occupants of the Royal Hotel. Councillor Davies had heard that Wrexham County Borough Council had been using the hotel to accommodate former prisoners.

Proposals: Councillor S. Davies proposed Enforcement Action be taken
This was seconded by Councillor R. Davies

On being put to the vote

26 voted to take Enforcement Action
2 voted against

RESOLVED :

That the Planning Committee authorise the service of an Enforcement Notice with a 2 month compliance period, requiring the cessation of a mixed use of the hotel as a hostel for housing the homeless and the return to its sole use as a Hotel providing shorter stay accommodation for travellers with permanent addresses elsewhere.

To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof

Ref ENF/2012/00033

Location: Bryntirion Farm Rhuallt

Description: Unauthorised change of use of agricultural field to mixed use residential and agricultural Unauthorised development – siting of residential static caravan; erection of tree house and ancillary ladder; zip wire with landing platform

Officers explained that following refusal of permission in May 2012 to retain the tree house, negotiations with the householder had not been successful. There were further breaches of planning control which officers needed authorisation to deal with.

Proposals: Councillor M. Ll. Davies proposed Enforcement Action be authorised. This was seconded by Councillor M. Parry

On being put to the vote:-

26 voted to take Enforcement Action
2 voted against

RESOLVED : That the Planning Committee authorise the service of an Enforcement Notice with a 2 month compliance period, requiring:

- (i) Removal of the unauthorised Tree House and Zip Wire from the agricultural land.
- (ii) Cessation of use of the agricultural land as a play / recreational area and restoration of the land to its previous state as an agricultural field.
- (iii) Removal of the unauthorised static caravan from the land.

To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof

Ref ENF/2012/00031

Location: 45 Aquarium Street Rhyl

Description: Without permission - Sub division of dwellinghouse to 4 self contained apartments

Proposals: Councillor J. Butterfield welcomed this action and proposed that authorisation be given.

This was seconded by Councillor W. Mullen James

On being put to the vote:-

27 voted to authorise Enforcement Action

1 voted against

RESOLVED: That authorisation be granted for the following:

- (i) Serve an Enforcement Notice with a 9 month compliance period to secure the removal of all unauthorised development works and the return the property to its original use as a single residential unit.
- (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

ITEM 7

REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION 11/2012/0373 APPLICATION NO: 11/2012/0373

PROPOSAL: Installation of a 50kW micro-generation wind turbine (No. 1) with control box and access track

LOCATION: Cil Llwyn, Bontuchel, Ruthin

Report by Head of Planning and Public Protection, seeking a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 11/2012/0373 which was granted permission at the previous meeting of the Committee

Officers explained that it was also necessary to report back to committee to establish the reasons for going against recommendation at the meeting held on 27th October 2010. The conditions suggested were very similar to those agreed earlier for the Gwaenynog Back, Denbigh application.

Queries were raised as to the merit of imposing a 25 year planning limit on the permission but it was accepted that this was consistent with other similar proposals.

On being put to the vote

28 voted to accept the conditions and reasons suggested in the officers' report
0 voted against.

Item 8 OUTCOME OF PLANNING APPEAL

**DISCHARGE OF PLANNING OBLIGATION RELATING TO PAYMENT OF
COMMUTED SUM FOR THE PROVISION OF AFFORDABLE HOUSING & OPEN
SPACE**

PLAS DERWEN, ABBEY ROAD, LLANGOLLEN

APPLICATION 03/2011/0696

Officers explained the background to this issue. The Appeal Inspector found in favour of the appellant and allowed the modifications the Section 106 agreement. The developer will not now be required to pay the commuted sum requested in the agreement.

Debate ensued into the future of Section 106 agreements and the merits of Bonds as an alternative.

Officers had suggested that this would be a suitable topic to be debated at a Scrutiny Committee and thanked Members for the helpful discussion, which included comments that:

- One Inspector's decision should not change policy each time
- Bonds should be considered, especially when large sums are involved
- Enforcement Action should be taken sooner if it is apparent that a developer may be in breach of the 106 agreement.

The Meeting closed at 11.05 am