

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 21<sup>st</sup> December 2012 at 9.30am.

### **PRESENT**

Councillors D Owens (Chair), R Bartley (observer), B Blakeley, J A Butterfield, J.A. Davies, J.M. Davies, M LI. 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, T M Parry, A Roberts, D Simmons, B.A. Smith (local member), W.N. Tasker, J Thompson-Hill, C H 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), Planning Officer (David Roberts), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Sandra Williams).

Conservation Architect (Phil Ebbrell) attended part of the meeting

#### **1 APOLOGIES**

Apologies for absence were received from Councillor I W Armstrong W L Cowie, R L Feeley, P W Owen, J S Welch, and C L Williams

#### **2 DECLARATIONS OF INTEREST**

None

#### **3 URGENT ITEMS: None**

#### **4**

##### **MINUTES OF THE MEETING HELD ON 21<sup>st</sup> NOVEMBER 2012.**

These were agreed as a true record subject to an amendment to Page 13 (ref 47/2012/1120/PF) Councillor A Jones wished to add to her comment on Great Crested Newts – to the line “should not be used as an excuse not to develop” add “unless there was clear evidence that newts were present”

#### **5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

The report by the Head of Planning, and Public Protection (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:-*

## **Item: 1**

**Application No:** 01/2012/1062/PF

**Location:** 52 & 54 Vale Street Denbigh

**Description:** Demolition of existing offices and erection of a new office building, relocation of vehicular access and associated works

Councillors Colin Hughes, Cefyn Williams, Huw Hilditch Roberts declared an interest in the following application and left the Chamber during consideration thereof.

A report of the site visit held on 14<sup>th</sup> December 2012 was circulated.

### **Public Speakers:**

Mrs. Helen Moore (neighbour) spoke against the proposal, stating that they would be directly affected by the larger building which would block light to house and garden. She felt that the visual impact of the new proposal would be detrimental to the Conservation Area, in opposition to the work promoted by the Council's Heritage Initiative.

Rhys Dafis (Cymdeithas Tai Clwyd) spoke in favour. Mr. Davis gave the history of Tai Clwyd's attachment to Denbigh. There are 65 members of staff but they are scattered in various locations in Denbigh. The company would like a building large enough to accommodate everyone. Mr. Davis appreciated the sensitive nature of the Conservation Area but having consulted Council Officers (Highway, Planning and Conservation) the siting was chosen to satisfy highways requirements and the presence of electricity cabling. The design reflects the size of existing properties in the area. Mr. Davis asked committee to support the proposal as an economic boost to the town.

Conservation Architect Phil Ebbrell advised Committee that he was not against the proposed demolition as the present building had no historical merit. The town of Denbigh contained buildings dating from Medieval times and examples from each century thereafter. Vale Street had Georgian, Victorian and older buildings and he felt the 21<sup>st</sup> century should also be represented. He felt the design was acceptable in terms of scale, rhythm and massing.

Councillor M. Ll. Davies thought the design was not in keeping with the Conservation Area and would look out of place.

Other Councillors agreed with this opinion, while some felt that losing the income from the staff based here would have a detrimental impact on local shops.

Members who attended the site visit reported that the neighbouring properties were visited to assess the potential impact.

Councillor M Ll. Davies proposed permission be REFUSED, on grounds of design. This was seconded by Councillor Julian Thompson Hill.

on being put to the vote.

**VOTE:**

9 voted to GRANT  
11 voted to REFUSE  
1 Abstained

**PERMISSION WAS THEREFORE REFUSED** (contrary to Officer recommendation) on the grounds that the design of the building was not thought to be appropriate in this particular location

Members resolved to REFUSE permission for the following reason.

1. In the opinion of the Local Planning Authority, the design detailing of the proposed building would be inappropriate in their location within the Denbigh Conservation Area, close to a number of attractive period listed buildings, contrary to Policies GEN 6 and CON 5 of the Denbighshire Unitary Development Plan.

**Note to applicant**

You are encouraged to discuss alternative ideas for the design of the building with Planning Conservation and Regeneration Officers, with a view to adopting a more traditional style better reflecting the character of development in the locality.

**Application No:** 02/2012/1063/CA

**Location:** 52 & 54 Vale Street Denbigh

**Description:** Conservation Area Consent for the demolition of existing offices (redevelopment of site subject to a separate application – ref: 01/2012/1062)

Councillors Colin Hughes, Cefyn Williams, Huw Hilditch Roberts declared an interest in this application and left the Chamber during consideration thereof.

**Public Speakers:** Against Helena Moore (Neighbour)

Ms. Moore spoke against the demolition of this building as she felt it serves a purpose and was centrally located.

Mr Rhys Dafis (Tai Clwyd) spoke in favour, expressing his disappointment at the committee's decision to refuse planning permission.

Officers advised committee that a condition would prevent demolition until planning permission for replacement is given. This should avoid the possibility of being left with a vacant plot.

**Proposals:**

Councillor M. Lloyd Davies proposed that permission be given. This was seconded by Councillor Rhys Hughes

on being put to the vote:

**VOTE:**

18 voted to GRANT

3 voted to REFUSE

There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

Subject to: Amended condition 2

**Revised Wording of Condition**

Condition 2

2. No demolition works shall be permitted to commence until there is in place a planning permission for a redevelopment scheme, and the written approval of the Local Planning Authority has been obtained to the contractual arrangements for undertaking the demolition works and any phasing of the demolition or redevelopment works, to ensure the redevelopment scheme proceeds in a reasonable timeframe.

## **Application No: 03/2012/1407/PS**

**Location: Berwyn Works Berwyn Street Llangollen**

**Description:** Proposed variation of conditions attached to planning permission 03/2012/0030/PF for Use Class A1 foodstore: Condition 8d : in relation to the restriction on the provision of a cafe facility within the store, to delete this requirement; - Condition 13b : in relation to noise emissions, to vary the restrictions on permitted levels; -Condition 16 : in relation to measures to be taken in the event of noise emissions exceeding permitted levels, to vary the arrangements for investigation and implementation of mitigation; - Condition 19 : in relation to the need to submit a Certificate of Compliance with BREEAM standards before trading commences, to require the submission within 12 months of the store opening; -Condition 21 : in relation to the provision of an additional pedestrian access into the site, to revise the wording of the condition to refer to a revised or additional pedestrian access

The following additional representations were reported:

Head of Highways  
Philip Jones, Glen Garreg, Tyndwr, Llangollen

### **Public Speakers:**

John Palmer (Llangollen Chamber of Trade) spoke against the variation of condition 8d which he felt was important to not only to protect the cafe facility in the park but also those in the town. He considered passing trade would stop in the supermarket cafe rather than the town.

Paul Shuker (White Young Green) spoke in favour of the proposals. He considered the provision of a cafe facility to be important, and commented that most other supermarkets have one. He was of the opinion that Sainsbury's would attract trade from Wrexham to Llangollen but would not compete with town's facilities which are geared towards tourists.

The Chair advised that as there are several different elements to this application each element would be debated and voted upon separately:

Condition 8d (cafe)

Councillors expressed the opinion that the retail expert who addressed committee at the last meeting gave a satisfactory argument, and that many jobs were dependant on this development. The view that supermarkets should contribute towards town centres was also made. In answer to a query Officers explained that the Council would require professional input if an appeal was lodged against a refusal.

Councillor S. Davies proposed that the variation of Condition 8d be approved

This was seconded by Councillor R. Davies

On being put to the vote

21 voted to Approve the variation

3 voted against

0 Abstentions

It was therefore agreed to delete condition 8d and add a new 8b as detailed in the report.

Condition 13b in relation to noise emissions

Sean Awbery, Technical Officer, Pollution Control was in attendance for this item and explained that the noise levels were likely to be below that of the present factory on site

On being put to the vote

23 voted to approve the variation

1 voted against

It was therefore agreed to vary Condition 13b

Condition 16 – relating to the measure to be taken in the event of noise levels exceeding permitted levels.

The Officers recommended that this condition is not varied

Councillor S. Davies moved the Officers' recommendation. This was seconded by Councillor H. Hilditch Roberts

On being put to the vote:

0 voted to approve the variation

23 voted to refuse the variation

1 Abstained

It was therefore agreed NOT to vary Condition 16

Condition 19 – relating to BREAM certification to be provided but with a 12 month period for compliance, in order to allow assessments and adjustments to be made after operation starts.

In reply to queries about penalties for non compliance, Officers advised that BREAM standards were aspirational. The Local Authority has no powers to close the premises down. However, where there was a Breach of Condition, this would be a matter for the Authority to determine whether enforcement action should be pursued.

On being put to the vote

16 voted to approve the variation  
6 voted to refuse  
1 Abstained

It was therefore agreed to vary Condition 19.

Condition 21 relating to a change to the wording of the condition to allow submission of details for a single or double access. Officers advised that the details would be brought back to Committee for approval and the store would not be able to commence trading until the approved details are implemented.

On being put to the vote:

24 voted to approve the variation of condition 21  
0 voted to refuse  
0 Abstained

It was therefore agreed to allow the variation of condition 21.

**Proposals:**

Councilor H. Hilditch Roberts proposed that a substantive vote be taken incorporating the amendments. This was seconded by Councillor M. Ll. Davies

On being put to the vote

**VOTE:**

**24 voted to approve the changes**  
**0 voted to refuse**

**PERMISSION WAS THEREFORE PARTLY GRANTED /PARTLY REFUSED as set out in the preceding notes**



**Application No:** 03/2012/1487/PS

**Location:** Land at Cilmedw Farm Berwyn Street Llangollen

**Description:** Proposed variation/deletion of conditions attached to planning permission 03/2012/0029 for new print works building: Condition 5 - in relation to the restriction on the operation of the factory on Sundays, other than with the prior permission of the Authority, to delete the condition. Condition 6 - in relation to hours of deliveries and collection of waste; to allow these to take place between 0600 - 2300 Monday to Sunday

There were no public speakers on this item. There was no further debate and it was proposed that both elements of the application be taken together.

Councillor S. Davies proposed that the proposed variation be approved. This was seconded by Councillor B. Blakeley

On being put to the vote

**VOTE:**

22 voted to approve the proposed variation /deletion of conditions 5 & 6  
0 voted to refuse

**PERMISSION WAS THEREFORE GRANTED**

**Application No: 40/2012/1343PS**

**Location: Church School The Village Bodelwyddan Rhyl**

**Description:** Removal of condition no. 7 and variation of condition no.11 of planning permission code no. 40/2011/0029 to allow for retail sales in connection with existing haberdashery work room and storage/distribution use

Councillor Alice Jones commented on the usual busy nature of the road which leads to the hospital and the danger this development could pose to traffic and cyclists on the cycle track which fronts the property.

Councillor J. Butterfield stated that it was not clear how much traffic would be generated by the new development and thought a “factory shop” could attract more traffic than present.

Officers explained that the retail space would comprise less than 20% of the premises. The grass verge adjoining the highway is wide, so allowing plenty of visibility for emerging traffic. There were no objections from Head of Highways and the property is within the 30 mph limit.

Councillors discussed the general parking problem in the area, and the need to restrict the number of cars entering the premises to allow vans to turn. It was also felt that employment was an important consideration and the traffic would be no worse that at present.

Councillor A. Jones proposed that permission be REFUSED on road safety grounds. This was seconded by Councillor B. Blakely.

On being put to the vote:

**19 voted to GRANT**  
**3 voted to REFUSE**  
**0 abstentions**

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 41/2012/0829/PF

**Location:** Tyn-y-Caeau-Mawr Bodfari Denbigh

**Description:** Erection of a two storey pitched roof extension to front of dwelling

There was no debate on this item.

Councillor H. Hilditch Roberts proposed that permission be GRANTED. This was seconded by Councillor R. Davies

On being put to the vote

**VOTE:**

**19 voted to GRANT**

**2 voted to REFUSE**

**0 Abstentions**

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 43/2012/1150/PF

**Location:** 204 High Street Prestatyn

**Description:** Change of use from a shop to a hot food takeaway

Councillor James Davies stated his opposition to the reduction of A1 uses in the town. In this area five properties in a row did not provide retail A1 use. The proposal is against policy RET 6 which is designed to maintain the vitality of a shopping area. This proposal would mean disturbance in the evening, and a cumulative impact of noise and smells. Councillor Davies did not think the property would remain empty as he knew of some interest in acquiring it. Councillor J. Thompson Hill agreed there was already a noise problem in the area and it was important not to lose valuable retail space.

Councillor C Guy-Davies understood that Wales as a whole had many empty shops. It was a matter of balance but the retail element should be encouraged. Officers explained that this property is outside the Principal shopping area of Prestatyn so Policy RET 16 applies and it was important to avoid clustering of similar uses. A similar takeaway use (in Llangollen) was refused under delegated powers but granted on appeal.

Councillor James Davies proposed that permission be REFUSED for the following reasons: loss of A1 use, Policy RET16, amenity issues of noise and smells. This was seconded by Councillor J. Thompson Hill.

On being put to the vote

**VOTE:**

**11 voted to GRANT**  
**10 voted to REFUSE**  
**0 Abstentions**

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 43/2012/1196/PF

**Location:** 2 Ffordd Ffrith Prestatyn

**Description:** Demolition of existing dwelling and erection of one pair of semi detached dwellings, construction of new vehicular access and associated works

**Public Speaker:** Anthony Astbury (applicant) spoke in favour of this application

Mr. Astbury advised committee that the site is derelict and there was a need for affordable housing in the area. He explained the financial viability of providing smaller houses. He felt there was sufficient garden space and hoped the committee would grant the use of the brownfield site.

Councillor Carys Guy-Davies expressed support for this proposal, feeling that it was important to provide affordable housing and that this was a sustainable development. Councillor Guy-Davies also felt the small gardens were sufficient, that busy families do not always want the responsibility of maintenance and there is plenty of open space in the area.

Councillor J. Thompson Hill understood the Officers' view but considered the benefits of providing affordable housing and tidying the site to be important. Councillor J. Davies also felt the "open space" provided by the site at present was not of use. He asked that conditions be imposed regarding the boundary treatments. Councillor M. Ll. Davies agreed that the site was untidy but thought it could be better secured.

Officers explained that as the site is less than 0.1 ha it would not be necessary to provide affordable housing. It was however important to provide sufficient outside space for bins, washing and cycle stores in line with the Code for Sustainable Homes.

Councillor Carys Guy-Davies proposed that permission be GRANTED and that the imposition of conditions be delegated to officers.

This was seconded by Councillor B. Murray

On being put to the vote:

17 voted to GRANT

3 voted to REFUSE

1 Abstained

Councillor Carys Guy-Davies wished it to be noted that she did not vote

**PERMISSION WAS THEREFORE GRANTED**

***Subject to:***

Conditions to be drafted by Officers and the wording agreed with the Local Member prior to issuing the certificate of decision.

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

Members felt the proposal was acceptable in terms of detailing and would provide much needed low cost housing.

**Application No:** 46/2012/1270/PF

**Location:** 29 Tan y Bryn St. Asaph

**Description:** Erection of garden shed and storage area and formation of additional vehicular access

Councillor D. Owen advised committee of the neighbours amenity issues arising from this property but explained that there were no planning reasons to refuse this proposal.

Officers advised that planning permission is only needed in this instance because of the proximity to the dwelling.

A change of use would be necessary if a business is conducted from this building.

**Proposals:**

Councillor H. Hilditch Roberts proposed permission be GRANTED

This was seconded by Councillor R. Davies

On being put to the vote:

18 voted to GRANT

2 voted to REFUSE

1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 47/2012/0988/PF

**Location:** Plas Coch Farm Rhuddlan Rhyl

**Description:** Erection of two-storey pitched roof extension and alterations to dwelling

A report of a site visit which took place on Friday 14<sup>th</sup> December 2012 was circulated.

**Public Speaker:** Ian Roberts (applicant)

Mr. Roberts explained that he was not a developer; he wanted a home to bring up his family in the local area. His aunt and uncle had farmed the land, and it was Mr. Roberts' wish to extend the property which needed a great deal of work to accommodate his growing family and make the house eco-friendly and efficient.

Councillor B. Smith spoke as local member. Councillor Smith urged Committee to grant permission, as the present house was unattractive and small. It is also surrounded by fields and isolated. The nearest buildings are a stone built barn and a red brick house so Councillor Smith considered that a mix of styles meant it was not possible to match the proposal to anything in the vicinity. Councillor Smith felt it was important to retain that mix. While acknowledging that the proposed extensions were not "subordinate" Councillor Smith hoped committee would show flexibility to allow this local family to live here.

Councillor S. Davies proposed that permission be GRANTED  
This was seconded by Councillor Alice Jones

On being put to the vote

21 voted to GRANT  
1 voted to REFUSE  
0 Abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Subject to:** the following Conditions:

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

*Reason:* To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.



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

Committee considered that the proposed extensions acceptable in relation to planning policy.

**Application No:** 47/2012/1249/PF

**Location:** Hillside Holywell Road Rhualt St. Asaph

**Description:** Change of use of land to form extension to residential curtilage and erection of store/workshop and formation of driveway, parking and turning areas (Partly in retrospect)

There was no debate on this item

Councillor H. Hilditch Roberts proposed that permission be GRANTED  
This was seconded by Councillor R. Davies

On being put to the vote

21 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**ITEM 6**

**CONWY AND DENBIGHSHIRE LANDSCAPE SENSITIVITY AND CAPACITY ASSESSMENT  
TO WIND ENERGY DEVELOPMENT**

Officers advised Committee that the process had begun  
It was agreed that details of the assessment be sent to Members electronically for  
information in due course

**THE MEETING CLOSED AT 12:15 pm**