

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 19<sup>th</sup> June 2013 at 9.30am.

### **PRESENT**

Councillors, I W Armstrong, R Bartley (observer), J A Butterfield, W L Cowie, M Ll. Davies, R J Davies, S.A. Davies, M.L. Holland (observer), H Hilditch-Roberts, T.R. Hughes, P M Jones, G Kensler,(observer), R M Murray, W M Mullen-James, T M Parry, A Roberts, D Simmons, W.N. Tasker, J Thompson-Hill, C H Williams, C L Williams and H O Williams

### **ALSO PRESENT**

Head of Planning and Public Protection (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).

Planning Officer - Minerals and Waste (Martha Savage) and Highways Officer, (Mike Parker) attended part of the meeting

#### **1 APOLOGIES**

Apologies for absence were received from Councillor, J Chamberlain-Jones, J.M. Davies, P Evans, C. L. Guy, C. Hughes, E.A. Jones, M McCarroll, P W Owen, D Owens and J S Welch

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

Councillor H.O Williams declared a personal interest in application 06/2013/0253

#### **3 URGENT ITEMS:**

- A) Councillor J Butterfield presented a petition on behalf of residents near Ocean Beach Rhyl, asking for the site to be renovated
- B) Councillor Rhys Hughes asked that consideration be given in future to avoid arranging meetings during Royal Welsh Show week. He gave his apologies as he would be unable to attend the next planning committee on 24<sup>th</sup> July 2013 for this reason.

#### **4 MINUTES OF THE MEETING HELD ON 15<sup>TH</sup> May 2013.**

Agreed as a true record subject to the following :

- Page 10 – 2/2013/0149 - Huws Grey, Lon Parcwr Ruthin - Councillor H Hilditch Roberts asked it to be noted that he had questioned in depth whether it was possible to trade from the premises without the need to change the use and the answers he received influenced the way he voted.

## **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:-*

**Application No:** 02/2013/0525/PF

**Location:** Ellie Louise Market Street Ruthin

**Description:** Change of use from retail unit (Class A1) to café (Class A3)

**Public Speakers:** In Favour Mr. Irvine Johnston (Agent)

Mr Johnston explained the background and history of this property, a storage unit which is now vacant. The letting agent had found no interest in this property from the retail sector. There have Had some interest from a funeral director, estate agent and café, but all of these are different use classes. Mr Johnston considered that changing the use would not exclude retail in the future but would allow this empty property to be brought back into use.

**General Debate:**

Councillor H. Hilditch Roberts reiterated his view that the authority should resist an over intensification of A3 uses - as stated in the previous refusal of this proposal - as it would cause harm to the character of this retail area of Ruthin.

**Proposals:**

Councillor M. Ll. Davies proposed permission be GRANTED this was seconded by Councillor D. Simmons. On being put to the vote

**VOTE:**

15 voted to GRANT

2 voted to REFUSE

1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 03/2013/0140/PF

**Location:** Haulwen Abbey Road Llangollen

**Description:** Erection of a two storey extension to rear of dwelling

**Public Speakers: Against Mrs. J. Lunt (Neighbour)**

Mrs Lunt spoke against this application, stating that she had lived in the neighbouring property "Arden" for 40 years and the proposed extension would restrict light to her property. 'The extension would be only 2 metres from the boundary and Mrs. Lunt considered this to be against legislation which protects individual right to light. Mrs Lunt was also of the opinion that as Mr. Gibbons (the applicant) did not live in the property he was extending it in order to achieve a sale and maximise financial gain.

**FOR: Mr. Gibbons (applicant) spoke in favour**

Mr. Gibbons stated that he lived in Haulwen for 25 years but at 70 years of age had moved to a smaller property. He considered Haulwen to be his "pension" and he wanted to make improvements to the property in order to sell it. He felt that prospective buyers had been discouraged by the small third bedroom. This extension would increase the saleability as a 3 bedroom house. Mr. Gibbons felt he would not make financial gain from this proposal as the building work would erode the higher sale price.

Councillor Rhys Hughes explained his request for a committee decision on this proposal. He commented on an issue Mrs. Lunt had raised with him. She had sought the advice of The Town Council on receipt of the consultation letter but they had already met to discuss the issue and submitted a response to the Planning Authority stated they had no objection. Councillor Hughes asked if Town Councils received notification in advance of neighbours.

Councillor M. Ll. Davies asked if the affected windows on Mrs. Lunt's house were clear or obscure glazed.

Principal Planning Officer Ian Weaver explained that consultation letters – to neighbours and the Town Council – are posted at the same time. It was unfortunate that in this case the scheduled Town Council planning meeting took place the same day the letters arrived.

Mr Weaver drew committee's attention to the photographs on display showing the lean-to extension which is to be demolished, and the windows in Mrs. Lunt's house. The windows (to a bathroom and the hallway at the bottom of the stairs) were both frosted glass. He explained that Right to Light is a civil matter.

Planning legislation looks at the affect on the enjoyment of a property. In this case these were not principle windows and the proposal complies with policy.

**Proposals:**

Councillor J. Buttefield proposed permission be GRANTED

This was seconded be Councillor Cheryl Williams

On being put to the vote

14 voted to GRANT

3 voted to REFUSE

1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

## **Application No: 06/2013/0253/PFT**

**Location: Lletty Llety Road Gwyddelwern Corwen**

**Description:** Installation of a 500 kW wind turbine up to 77m to blade tip (up to 50m to hub height), access tracks and hardstanding, transformer station and ancillary works

(Councillor H. O. Williams declared a personal interest in the following application)

Further plans were circulated showing the boundaries of the Strategic Search Area (SSA) and Area of Outstanding Natural Beauty (AONB); a wireframe drawing and one showing the relative sizes of local structures.

The following late representations were reported:  
Gwyddelwern Community Council, a petition by 17 local businesses (in support).  
A report of a site visit which took place on Thursday 13<sup>th</sup> June 2013 was circulated.

### **Public Speakers: In favour – Barry Butchard (agent)**

Mr. Butchard put the case in favour of this development stating that the site had been carefully chosen, and consideration given to the impact on highways, landscape, and flicker issues, all of which complied with national policy. Mr. Butchard stated there had been strong support from local residents and reminded Committee that the Landscape Adviser was not local. Mr. Butchard considered the culminative impact to be minimal and stated that farming was a tough industry and wind power generation would be a welcome addition to farm income.

Councillor M. Parry read a statement from the local Member (Councillor H.H. Evans) expressing sympathy with the offer of a local community investment.

Councillor Cefyn Williams referred to the circulated map showing the SSA, AONB and approved turbines and asked that it be noted that while Syrrior, Llandrillo had received Committee approval, a legal agreement had not yet been signed.

Principal Planning Officer Ian Weaver confirmed that the Syrrior planning permission certificate had not yet been issued, awaiting the signing of a 106 Agreement.

Mr. Weaver advised committee that although Gwyddelwern Community Council had been offered a financial contribution this should not form any part of the Committee's consideration. He also defended the Landscape Consultant stating

that the fact he was based in Wrexham was irrelevant. The issue was in relation to the distance from the SSA and the increasing sizes of proposed turbines. This particular proposal is a further 3km away from the SSA . Previously approved turbines which had been accepted as farm diversification projects were 50-55 Kw - providing sufficient electricity for the farm and a little extra to supply the National Grid, gaining some income for the farm. This proposal at Lletty Farm was for a 500 Kw turbine. In response to questions Mr. Weaver advised there was no Planning Guidance yet available which indicates where to draw the line between diversification and the main source of farm income. However, PPG (Wales) suggests support is given to “small schemes” and Mr. Weaver considered a 77m, 500 Kw turbine capable of supplying 400 homes with electricity to be above that level.

Councillor J. Butterfield felt it was important to produce a policy document on this issue as soon as possible.

Councillor H. Hilditch Roberts felt that extending the public speaking arrangement to allow committee to ask questions of the speaker would be useful.

Councillor H. O. Williams asked the difference between this and a similar application which was approved on appeal. Mr. Weaver stated that the Cilgoed turbine was 70m high but was inside the SSA. However he would not wish to predict the chances of the Lletty proposal at appeal.

**Proposals:**

Councillor J. Butterfield proposed that permission be REFUSED  
This was seconded by Councillor J. Thompson-Hill

**VOTE:**

5 voted to GRANT  
13 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE REFUSED**

**Application No:** 18/2012/1595/PF

**Location:** Highfield Park Llangwyfan Denbigh

**Description:** Demolition of existing 'Sycamore' building, gardeners' store and maintenance building, erection of 3 no. eight bedroomed residential health care facilities and construction of associated car park

The following additional letters of representation were reported:  
Highways Officer response suggesting an additional condition  
Report of a site visit which took place on Thursday 13<sup>th</sup> June 2013 was circulated.

**Public Speakers: Against Julia Hughes (neighbour)**

Mrs Hughes stated that she spoke on behalf of 14 local residents who had signed a petition. While welcoming the employment this site offers the area, local residents have been inconvenienced by traffic from the complex on the single track road which leads to their houses. This is especially so during shift changes as some staff fail to respect other road users - speeding or exiting junctions without looking. Mrs Hughes stated that the proposal will increase staff numbers by up to 100. The site is within the AONB and walkers and horse riders often use the lane. The proposal is to phase the work which would mean a prolonged period of disruption. Mrs Hughes urged committee to require additional signage to direct visitors to entrance A and ask for improvements to the road.

**FOR: Mr. John Horden (agent).**

Mr. Horden spoke in favour of the application and advised that this proposal had received permission in 2006 but had now expired. There was little change to the previous approval but he understood the comments on traffic issues and reported on a survey which had been carried out showing that the majority of car movements to be between 7.20 am and 9 am. Mr Horden suggested that the centralised car park as proposed would encourage more vehicles to use Entrance A. The applicant is willing to consider a passing place on the lane but thinks traffic problems would in fact be reduced.

The Chair gave Members time to read the information on the addendum report and then reported on the site visit. Chair explained that the local bus used entrance 2, further up the lane, but the third and fourth entrances further on were locked.

Councillor M. Ll. Davies also attended the site visit and explained the layout of the site and the various accesses. He felt passing places up to the second



entrance would improve matters and encouraged the approval of the proposed conditions.

Councillor M. Parry (local member) stated his support for the condition, explaining that the applicant was a major employer in the area. Delivery vans frequently go on site and the local bus drops staff off in the morning, Passing places on the narrow lane would be an improvement as would an increased splay on entrance A to assist visibility up the lane. He confirmed gates 3 and 4 would be for emergency use only.

Councillor H.O. Williams was in support, Councillor Rhys Hughes asked for the location of the residents using the lane and Councillor Bob Murray asked about the size of wagons expected during the construction phases. Councillor Arwel Roberts asked whether the County or the applicant would fund any road improvements.

Mike Parker (Highways Officer) stated that he did not recommend the road be widened as this would increase the speed of traffic. He did not consider passing places to be necessary as little had changed since the previous permission but nevertheless had suggested an additional condition. In response to the other queries, Mr. Parker explained that the residents' properties were about 500 metres away, the two higher entrances would be closed and there would be no restriction on size of vehicle used during construction. The applicant, not the Local Authority, would pay for the road improvements.

**Proposals:**

Councillor M. Ll. Davies proposed permission be GRANTED with the additional highway condition suggested.

This was seconded by Councillor Bob Murray  
On being put to the vote

**VOTE:**

18 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Subject to:** the following New Condition

No development shall be permitted to commence on the construction of the new accommodation units or the new car park until the written approval of the Local Planning Authority has been obtained to a scheme of highway improvements along the section of road running from the point of

egress from Alexander House to the main site entrance, and the approved works have been completed.

Reason: In the interests of highway safety and the users of the public road.

and

#### Revised Conditions

9. Prior to the first occupation of any of the accommodation units, a final certificate shall be submitted to the Local Planning Authority, certifying that a minimum BREEAM Overall Very Good rating and a minimum of 6 credits under Ene1 - Reduction of CO2 Emissions has been achieved for that individual building in accordance with the requirements of BREEAM in force at the time of granting planning permission.
10. The proposed main parking area shall be completed and brought into use prior to the commencement of use of any of the new accommodation units, and the proposed directional signage shall be erected prior to the first use of the car parking area.

#### Additional note to applicant

You are requested to include bilingual content on the directional signs proposed in conjunction with the development.

**Application No:** 45/2012/1236/PS

**Location:** Ocean Beach Site Wellington Road Rhyl

**Description:** Variation of Condition No. 1 of planning permission Code No. 45/2006/1200/PF (for demolition and redevelopment of 7.625 hectares of land for mixed-use development) to allow the grant of planning permission for a further 5 years

The following additional letters of representation were reported:  
Mike Ralph (in support) – (letter circulated to Rhyl Town Council)

**Public Speakers: Mike Ralph (Agent)**

Mr Ralph spoke in favour of the application and referred to the petition presented by Councillor Joan Butterfield. He stated that the owners are committed to tidying the site and repairing or replacing the hoardings and would accept a condition to that effect. He explained the difficulty surrounding the letting of the site, flooding issues and funding issues and asked that committee consider a longer period than the one year suggested by officers. This would not be long enough to revisit potential occupiers of the site to secure the future. A longer period would be appreciated.

Paul Mead, Development Control Manager explained that this is a key site for Denbighshire. Permission was given in 2007 but the economic downturn stalled investment. The site was boarded up. An extension to the time period has now been requested although the scheme should be deliverable within the period stated. However, Mr Mead suggested an interim measure requiring the site to be re-boarded and tidied up, rubble removed within a month - a further 1 or 2 years extension on the planning permission would be acceptable. It was explained that in due course a new application would be submitted (and will go out to full consultation) which should prove more deliverable in the present economic climate.

Councillor J. Butterfield explained the problems her constituents had reported in associated with the derelict site – dust being blown into houses, hoardings falling down and children playing on the site, where subterranean areas – (under the foundation of the removed fun fair rides) are now accessible. Councillor Butterfield felt this site would not show Denbighshire in a good light to those visiting the new harbour area.

*Councillor Butterfield proposed granting permission for 2 years with the addition of a new condition requiring the site to be renovated. This was seconded by Councillor Arwel Roberts.*

Councillor Arwel Roberts also asked that Rhuddlan Triangle site be considered for renovation.

Councillor M. Ll. Davies agreed the site was an eyesore and suggested local children be asked to submit drawings which could be used to decorate the hoardings.

Councillor Butterfield advised that a local artist has also offered to decorate them.

Paul Mead Development Control Manager suggested officers draft conditions and consult the local members on the wording

On being put to the vote

**17 voted to GRANT**  
**0 voted to REFUSE**  
**0 Abstained**

## **PERMISSION WAS THEREFORE GRANTED**

Subject to:

The resolution is subject to the conditions as contained in the Officer report, as amended below, and to completion of a Section 106 Obligation in accordance with the 1990 Planning Act, to secure:

- a financial contribution by the developer into a 'regeneration pot' in lieu of affordable housing and open space provision on site, to be secured through a bond
- CCTV links provided by the developer
- provision of public open space by the developer
- for the developer to address the relocation of the Asda store in Kinmel Bay to the development site, by putting a planning proposal to Conwy CBC
- flood mitigation works to be carried out by the developer
- landscaping works to be carried out by the developer
- BREEAM "very good" ratings, to be implemented by the developer

The planning permission to be released only on completion of the Section 106 Obligation, and if not completed within 6 months of the date of the Committee resolution, then the application will be reported back to Committee and reconsidered against planning policies and guidance relevant at that time.

**And subject to the following:**

**Revised Condition 1:**

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

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

**And additional condition 33:**

33. Within one month of the date of this permission, a scheme shall be submitted for the consideration and approval of the Local Planning Authority showing details to address the condition of the site, including the treatment and maintenance of hoardings, landscaping, removal of debris and means of dust suppression. The approved details shall be implemented within one month of the date of approval.

Reason: In the interests of visual and residential amenity.

**Application No:** 47/2013/0394/PF

**Location:** Land west of The Abattoir Site Holywell Road  
Waen St Asaph

**Description:** Construction of a salt storage building with associated access, hardstanding drainage, lighting, security, landscaping and fencing

The following additional letters of representation were reported:

**A Petition signed by 51 local objectors**

**Public Speakers: Against : Mr R. Lloyd Williams**

Mr Williams spoke against the proposal stating that Waen is the smallest community in Denbighshire with beautiful views and much of the agriculture land is high quality Grade 2 land. Mr. Lloyd Williams considered that despite the lack of business or housing designation in the UDP or the new LDP this greenfield site is being developed by a waste digestion store and now a salt store. He considered this will cause disruption and disturbance to residents due to delivery wagons using this cul de sac to access the site. The Community Council had objected for the reason that the development would create an industrial estate without the benefit of providing local jobs. Mr Williams also considered that the proposed building was too large.

**FOR : Laurance Madges (Welsh Government) spoke in favour**

Mr. Madges reminded committee of the issues last winter when road gritting salt was in short supply. Unitary Authorities and Welsh Government have agreed this should not occur in the future and suggested 40,000 tonnes of salt be stored in strategic areas for distribution to local depots. This site is next to an old abattoir and chosen for its proximity to the A55 Trunk Road. The building needs to be 13.5 metres high to accommodate the stored salt and will be painted the same colour as the nearby anaerobic digester plant. Lorry movement will be planned in advance and once the salt is on site it will not be moved until needed by local authorities to replenish stocks. Security cameras will be carefully positioned.

Martha Savage, Senior Minerals and Waste Officer explained the consultation process which involved site notices, neighbour letters and press notices. Newsletters had also been produced and leaflets distributed, so it was considered that the applicant had exceeded the minimum requirement. The Community Council did object to the original proposal and the plans were changed – a further consultation period followed.

Ms Savage suggested that the size of the building, at 13.5 metres high, would not be out of scale – the anaerobic digestion plant is between 12.5 – 16 metres high and the abattoir buildings up to 11 metres high. The AONB JAC considered it to be comparable and did not object.

Highway movements would increase for 4 months during construction and the delivery of the stockpile of salt, but cease thereafter until it was necessary to distribute salt to Local Authority depots. The whole site is allocated in the Local Development Plan and already has a B1 storage and distribution use – this proposal is just for storage.

Councillor J. Thompson Hill read a statement of behalf of Barbara Smith, local Member, in support, Councillor Smith had received no objections from residents herself, Community Council had approved the revised proposal the site as a former abattoir car park is a brownfield site and the AONB JAC have no objections therefore Councillor Smith saw no reason not to support the proposal. Councillor R. Hughes asked which communities would benefit the salt and Councillor Bill Cowie asked why Greengates farm had not been considered for this proposal, as there are no residents nearby, properties should not be devalued. He also asked if salt spreaders would visit during bad weather to collect salt. He could not remember St. Asaph being consulted on this proposal. Councillor M. Parry asked the size of the whole site, if there was a Masterplan for the site and what is to become of the abattoir itself. Martha Savage explained that 8000 tonnes of salt would be stored here, it would be delivered to Local Authority depots on request – covering all areas of Denbighshire and neighbouring authorities. Spreaders will not visit the site to fill up. The abattoir building will be on the former hardstanding used by vehicles delivering to the abattoir. The whole site is in the Local Development Plan for waste use. The leaflets were circulated in the local area, not in St. Asaph. The whole site is 3.6ha which includes Biogen's anaerobic digester and Council owned abattoir buildings. There is no specific Masterplan but permission would be needed and any applications would come to Committee.

Councillor M. Ll. Davies asked if the substation on the photographic display was to be removed and whether Hotpoint had been considered for this store. He also asked if Great Crested Newts had been found. Martha Savage stated that many sites had been considered but the Waen was the most suitable. Great Crested Newts had not been found but there was a pond on site so mitigation measures would be put in place.

In answer to Councillor Cowie it was suggested that Greengates Farm would not be suitable.

Graham Boase summed up the debate and gave a strong recommendation to grant permission.

**Proposals:**

Councillor J Thompson Hill proposed that permission be GRANTED  
This was seconded by Councillor H. O Williams.

Councillor Bill Cowie proposed to be REFUSED.  
This was seconded by Councillor Arwel Roberts

On being put to the vote

**VOTE:**

13 voted to GRANT

3 voted to REFUSE

1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**THE MEETING CONCLUDED AT 12:20 pm**