

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 11<sup>th</sup> September 2013 at 9.30am.

### **PRESENT**

Councillors, I W Armstrong, J.R. Bartley (local member/observer) J A Butterfield, J Chamberlain-Jones, W L Cowie, J.M. Davies, M Ll. Davies, R J Davies, S.A. Davies, P A. Evans, H Hilditch-Roberts, T.R. Hughes. H. Ll. Jones (local member/observer), P M Jones, W M Mullen-James, R M Murray, P W Owen, D Owens, T M Parry, A Roberts, D Simmons, D.I Smith (observer) J Thompson-Hill, J S Welch, C H Williams, C L Williams E.W. Williams (local member/observer) 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).

Mike Parker (Highways), and Phil Ebbrell (Conservation Architect) attended part of the meeting

### **1 APOLOGIES**

Apologies for absence were received from Councillor, P. Duffy, C. L. Guy, M McCarroll, E.A. Jones, , W.N. Tasker,

### **2 DECLARATIONS OF INTEREST**

Councillor P.A. Evans declared an interest in item 14 (46/2013/0882/PC – Plas Elwy, The Roe, St Asaph)

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

### **4 MINUTES OF THE MEETING HELD ON 24<sup>th</sup> JULY 2013.**

Agreed as a true record:

#### Page 10 of Minutes of 24<sup>th</sup> July 2013– Ocean Beach, Rhyl

Councillor J. Butterfield asked for a further update on the Ocean Beach site which had been the subject of much local debate. Paul Mead (DC Manager) explained that the 106 Agreement had still not been signed but he would ask Rhyl Going Forward Manager Tom Booty to liase closely with the Rhyl Members

## 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:** 01/2013/0783/PF

**Location:** 16, Y Maes, Denbigh

**Description:** Use of dwelling for childminding of 10 children maximum (including childminders' 2 children under the age of 8 years)

The following late representations/additional information were reported – Report of site visit which took place on Friday 6<sup>th</sup> September 2013.

**Public Speakers:** For: Tracy Green (applicant)

Ms Green referred to the required standards that they had in place and that registration was being sought. It was proposed that a fully bilingual service would be provided and a strategy had been devised to reduce noise impact. It was intended to accommodate 6 children under 5 years and Ms Green explained the stages of play at different ages – from solitary play up to 2 years, to co-operative play at age 5. She felt that children would be aware of acceptable and unacceptable noise. Any disturbance would be limited to between 3.15 pm and 5.15 pm. If granted permission, Ms Green was willing to work with all concerned to minimize the impact.

**General Debate:**

Councillor Richard Davies (local member) explained he had been unable to attend the site visit due to ill health but relayed objections he had received from neighbours – 3 properties adjoining the site. The noise concerns were an ongoing issue.

Councillor Ray Bartley attended site visit and although not a committee member, reiterated the Denbigh Town Council's concern about noise.

**Proposals:**

Councillor J Thompson Hill proposed permission be REFUSED  
This was seconded by Councillor H. Hilditch-Roberts

On being put to the vote

**5 voted to GRANT**

**17 voted to REFUSE**

**2 Abstained**

**PERMISSION WAS THEREFORE REFUSED**

**Application No:** 05/2013/0484/PF

**Location:** Berwyn Lodge, Glyndyfrdwy, Corwen

**Description:** Change of use of industrial unit, visitor attraction, cafe and two residential units to a Class D1 non-residential education and training facility

The following late representations/additional information were reported:  
Letter from Ken Skates (AM)

**Public Speakers:**

Sue Franke (Against)

Ms Franke expressed concern at this development, stating that neighbours of the site fear future crime. It was suggested that Branas accommodate youths who are dangerous and anti-social but that they have stated they cannot stop anyone walking out and would not involve the police unless there was violent conduct. Ms Franke stated that youths would need to use the neighbours' right of way to access parts of the site. Ms Franke explained that two small children lived in the house next door to this property and the proposal that 30 youths be accommodated was unacceptable. She also disputed whether jobs would be created and that the claim there would be no more noise than present.

Bob Yetze (For)

Mr Yetze disputed Ms Franke's figures and stated there would be no more than 25 residents, and that they would not be allowed to "wander around". He stated that visitors to The Butterfly Man studio could walk anywhere at present. He considered that the reputation of the company Branas was high and it employed 120 people in the Dee Valley. The residents would be protected from the abuse they suffered at home and have a right to education. Mr Yetze stated that if Branas did not educate them they would be sent to local schools instead and come into contact with local children.

**General Debate:**

Councillor H. Ll. Jones (Corwen) suggested that the photographs of the site on display showed the lack of security and felt that it was a blow to the locality that an education establishment is able to move in when local schools were being closed. He felt the location was ill advised and, of the 225 households in the village of Glyndyfrdwy, 108 have objected, although he noted that one person in Shrewsbury had no objection. Councillor Jones stated that the site was adjacent to the A5 Trunk Road and was puzzled that the Highway Agency raised no objection. He thought that educational establishments should be protected by a 20 mph speed limit.

Councillor Jones felt that 'fear of crime' was legitimate as the access track to 16 dwellings went through the site. The Company had other establishments, in Llandrillo and Bontuchel, and Councillor Jones stated that there had been 22 reported crimes in Llandrillo recently. Branas have procedures for tackling missing persons including the provision of a 1.8 metre fence but state they are not in a position to restrain a child if any ran away. As Branas state they are 'helping children who sexually harm', Councillor Jones felt that there had to be controls in place to help protect the children.

He sympathised with the family of two small children nearby and the fear of the other neighbours. He referred to the lack of consultation with Corwen Town Council and to Ken Skates' request for the application to be refused.

Councillor Stuart Davies agreed, quoting the circumstances of a murder in Llangollen by a troubled youth.

**Proposals:**

Councillor S. Davies proposed that permission be REFUSED on the grounds of Fear of Crime, and Public Safety. Councillor Rhys Hughes seconded this proposal adding grounds of disturbance to local residents.

Councillor Rhys Hughes felt that as a Governor of Dinas Bran School he objected to the speaker's comments over children being placed in local schools. He also considered that as Committee had earlier refused permission for the proposed nursery in Denbigh on noise grounds this argument would equally apply to this application.

Councillor Eryl Williams spoke as Head Member for Education, also challenging the comments made by the speaker.

Paul Mead (Development Control Manager) stated in answer to Councillor Huw Jones' query about consultation that all statutory publicity had been undertaken by the planning department but presumed he was referring to the Company's consultation exercise. He also stated that most schools had high fencing but he understood Councillors' views and suggested that if a refusal were to follow, reasons for refusal would be drafted and circulated to the local members for comment prior to issuing the decision

**VOTE:**

1 voted to GRANT  
22 voted to REFUSE  
1 Abstained

**PERMISSION WAS THEREFORE REFUSED For the following reasons:**

1. In the opinion of the Local Planning Authority, the proposed use is likely to give rise to an unacceptable fear of crime and disorder, having a negative impact on personal and community safety. The use is therefore considered inappropriate in nature in this location, contrary to Policy PSE 5 test i), the general development control considerations in Policy RD1 test xii) of the Denbighshire Local Development Plan, and Section 3.1 of Planning Policy Wales Edition 5, 2012.

2. In the opinion of the Local Planning Authority, the proposed use is likely to give rise to an intensification of activity at the site, leading to unacceptable levels of disturbance to occupiers of nearby residential property, inappropriate in scale and nature in this location, contrary to Policy PSE 5 test i), the general development control considerations in Policy RD1 tests i) and vi) of the Denbighshire Local Development Plan, and Section 3.1 of Planning Policy Wales Edition 5, 2012, which require due consideration of the effect of development on the neighbourhood and the environment.

(Drafts of the reasons to be circulated for consideration and agreement by Councillors H. Jones, S. Davies & R. Hughes)

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

The proposals are considered unacceptable in relation to public safety and residential amenity considerations.

**Application No:** 13/2011/1276/PF

**Location:** Pool Park Complex, Pool Park, Ruthin

**Description:** Redevelopment to provide care village comprising 38-bedroom nursing home within the main house, refurbishment of existing buildings to provide 6 No. dwellings, demolition of former boiler house and chapel. Provision of 62 No. apartments and dwellings within the grounds as enabling development, together with provision of new services and facilities and restoration of the grounds

The following late representations/additional information were reported:

- Mr G Thomas Pine Lodge Pool Park, Ruthin
- Darren Miller (AM)

A report of the site visit held on 6<sup>th</sup> September 2013 was circulated.

**Public Speakers:**

Rob Atkinson (Against)

Mr Atkinson stated his objection to the loss of the garden and parkland. He welcomed the rescue of the Listed Building but felt the building had been allowed to deteriorate for 20 years, now requiring this application to fund the repairs. He did not agree with the need for 3/4 bed houses and the requirement that only one person in the household need be over 60 years old. Mr Atkinson was also concerned at the standard of the access, particularly in the winter. He felt the proposal was for financial gain.

Matt Gilbert (Agent) spoke in favour,

Mr Gilbert said the Listed Building and grounds would be lost if nothing was done but the cost of renovation was increasing and it was necessary to be realistic. The reason for the provision of 3-4 bed housing was to provide a mixture within a retirement village, it was not just a care home. He felt the access was adequate as it would not generate a high volume of traffic.

**General Debate:**

Councillor Eryl Williams queried the worth of the Listed Building, stating the grand porch entrance was from a property in Bychymbyd and not original to Pool Park. The fireplaces were no longer there and windows were beyond repair. He also wondered if transport to the proposed care home had been adequately addressed and whether it was suitable for housing people in need of care. Councillor Williams asked how the condition restricting occupants from moving in to the dwellings would be enforced. He felt this would prove an enormous impact on the community and urged caution.

Councillor H O Williams queried the access arrangements and Councillor Rhys Hughes asked if the site would include affordable housing.

Councillor M. Lloyd Davies reported that the Site Visit Panel had been unable to see the historic garden as the area was overgrown and he was concerned that a number of trees would be lost. It was also clear that one block of apartments would be in front of the Listed Building, Councillor Davies also wondered why nothing had been done to protect the Listed Building as it had been on the "At Risk" Register since 2002. He regretted that the site visit panel had been unable to access the building to view the stairs which were part of the listing. He asked if the use of a Bond as part of a legal agreement would appropriate

Councillor H. Hilditch Roberts also reported on the site visit and asked for an explanation of the observations from Highways.

Ian Weaver (Principal Planning Officer) explained there were two applications to be considered by committee, one for planning permission and one for Listed Building Consent to follow. He stated that the property is Grade II\* and the authority has a statutory duty to protect such an important building. Mr. Weaver pointed out that the Officer's report also covered the issue of smells from the nearby farm which Public Protection does not consider to be a nuisance. He answered Members' queries on Affordable Housing – this is proposed as a care village and the applicants have said if affordable housing was required to be included there would have to be an increase in the number of units to make the proposal viable. It was important to save the Listed Building but there were quite a number of conditions and Heads of Terms in the proposed 106 Agreement, including phasing. The provision of a Bond may only be acceptable in certain circumstances. It was suggested that this is on "balance" recommendation on a complex application and there are specific policies for "enabling" development in the Local Development Plan.

Mike Parker (Highways Officer) explained the traffic flow had been measured by counters placed in various locations around Ruthin and Clawddnewydd. While there were peaks of up to 150 vehicles at 8am -9 am and 5pm -6 pm the proposed use would not increase the volume of traffic to the extent justifying a refusal. Mr. Parker acknowledged that winter gritting would only take place on the main road and it would be up to the management to maintain the site road. Passing places along this access road have been requested.

Phil Ebbrell (Conservation Architect) addressed the issue of the Listed Building. It was erected by Lord Bagot originally as a hunting lodge, with Mock Tudor and later additions in a "Jacobethan" style. There was a fine staircase as part of the listing and CADW had no objection to the development. It was unfortunate that restoration would cost more than the finished property would be worth, leaving a "Conservation Deficit". Enabling Development is a legitimate way of dealing with this as there are no grants available. In reply to further queries, Mike Parker (Highways) acknowledged the visibility to the left on exiting the site onto the main road is substandard but to the right is suitable.

Councillor Eryl Williams was concerned that although Pool Park used to have four exits, there was now only one available for all traffic to this site. He also had concerns about the impact of the recently approved wind turbine on the proposed housing and smells from the farm. He had also heard that the listed staircase was no longer there and wondered if this affected the listed status of the main building.

Phil Ebbrell stated that he had seen the staircase within the last 18 months but could not say if it was there now. However, he doubted this would affect the listing.

(In response the agent in the public gallery was allowed to advise committee and stated that the staircase is still in situ, the decorative angels had been stolen but recovered and were now in storage).

Paul Mead (Development Control Manager) summed up the discussion, advising that this was on a balance recommendation, involving a level of enabling development required to ensure the refurbishment of the listed building.

**Proposals:**

Councillor M. Parry proposed planning permission be GRANTED.  
This was seconded by Councillor J. Welch

Councillor R. Hughes proposed planning permission be REFUSED on the grounds of highway safety, due to an increase in use of a sub standard access and pressure on local services, lack of affordable housing and the impact on the welsh language.  
This was seconded by Councillor H. O. Williams

On being put to the vote

**VOTE:**

15 voted to GRANT

6 voted to REFUSE  
2 Abstained

Councillor Bill Cowie wished it to be noted that he did not vote as he was not present for the full debate)

### **PERMISSION WAS THEREFORE GRANTED**

Subject to the completion of a Section 106 Obligation regarding the phasing of the scheme and the preparation of a detailed Conservation Management Plan..  
Officers to enter into detailed negotiation with the applicants over the precise terms of a Section 106 obligation in accordance with the basic heads of terms set out below and the completion of the Obligation within 6 months of the date of the resolution of Planning Committee.

#### Basic heads of terms

In order to ensure that the enabling development provides the funding for the restoration works to meet the primary objectives in planning and conservation terms, the following terms are suggested:

1. The occupancy of the new units shall be restricted to at least one person in the household being either over 60 years of age and/or in need of care. Details of the how the site will be managed to be agreed.

#### 2. Phase 1: Comprising Pool Park, The Vegetable Store, The Stables, Units 1 – 5 and Block A.

None of the dwellings shall be occupied until the initial restoration of Pool Park House has been completed and the use of the Nursing Home established. Details of the specified works to Pool Park House to be set out within the definitions/appendices of the Section 106 agreement.

#### 3. Phase 2: Comprising Units 6 – 21

No more than 5 of the dwellings shall be occupied until the specified works for the conversion and restoration of The Bothy have been completed.

#### 4 Phase 3: Comprising The Bothy, Units 22-33, and Block B

No more than 15 units shall be occupied unless works for the restoration and laying out of the Walled Garden have been completed. Details of the specified works to the walled garden would be set out within the definitions/ appendices of the Section 106 agreement.

5. The preparation of a more detailed Conservation Management Plan seeking out the works proposed to the grounds, a programme of works and specifications is linked to the phasing and timings set out in the other Heads of Terms.



**Application No:** 13/2011/1277/LB

**Location:** Pool Park Complex, Pool Park, Ruthin

**Description:** Listed Building application for redevelopment to provide care village comprising 38-bedroom nursing home within the main house, refurbishment of existing buildings to provide 6 No. dwellings, demolition of former boiler house and chapel. Provision of 62 No. apartments and dwellings within the grounds as enabling development, together with provision of new services and facilities and restoration of the grounds.

A Report of the Site Visit of the 6<sup>th</sup> September was circulated.

Public Speakers: (The registered speaker decided not to address the committee)

Ian Weaver reminded Committee that this application was for Listed Building Consent and would be referred to CADW.

**Proposals:**

Councillor S. Davies proposed that consent be given  
This was seconded by Councillor M. Lloyd. Davies.

On being put to the vote

**VOTE:**

20 voted to GRANT CONSENT  
0 voted to REFUSE  
2 Abstained

**Application No: 17/2012/1637/PF**

**Location: Maes Maelor, Llandegla, Wrexham**

**Description:** Temporary change of use of land for 3 years for use as a laser quest / family fun site with associated car parking

The following Late representations/information were reported additional letters of representation were received:

Report of a Site Visit held on Friday 6<sup>th</sup> September 2013

**Public Speakers: FOR:** Sioned Edwards spoke in favour of this application, requesting a temporary change of use. The use would provide additional income to the farm offering a laser quest experience to visitors. The site is adjacent to, but outside the AONB and all structures would be of natural materials and removable. All livestock would be kept out of the site and the car park and portals would be screened and landscaped. 10 parking spaces were proposed which would be adequate for the small parties catered for. There would be alterations to the access and the venture would be of economic benefit to the County.

**General Debate:**

Councillor M. Lloyd. Davies reported on the site visit and felt it would be well screened although the AONB Joint Advisory Committee had felt the proposed kerbing would be a discordant urban feature.

In reply to queries from Councillor Arwel Roberts in the impact on the public footpath and Councillor Rhys Hughes on the aforementioned kerbing, Mike Parker stated that the public footpath would not be compromised and further details on the kerbing would be requested.

**Proposals:**

Councillor Rhys Hughes proposed temporary permission be GRANTED  
This was seconded by Councillor M. Lloyd. Davies

On being put to the vote

**VOTE:**

22 voted to Grant  
0 voted to REFUSE  
0 Abstained

(Councillor Peter Owen did not vote as he was not present for the full debate)

**PERMISSION WAS THEREFORE GRANTED**

***Subject to the following: revised conditions and new Note to Applicant.***

3. The detailing of the new access and the treatment of the area around it shall not be as shown on the submitted plans, but shall be in accordance with such details as are submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the details as approved under this condition, and shall be completed prior to the use commencing.

10. Second line – delete words “the next planting and seeding season” and substitute with “the commencement of the use”.

**Suggested new Note(s) to Applicant:**

You are advised to contact the Case officer to discuss the detailing of the new access / kerbing prior to submission of the details required by condition 3 of this permission.

**Application No:** 21/2013/0646/PF

**Location:** Coed Moel Famau, Llanferres

**Description:** Erection of a play structure and a timber cradle nest swing

The following late representations/information was reported: :

M Whitley (unable to attend as speaker)

Councillor Martyn Holland

**Public Speakers: AGAINST** Mr John Evans spoke against this proposal.

Mr Evans stated that the site, within the AONB, was accessed by a country lane "unsuitable for large vehicles" used by walkers and cyclists. He felt saturation point had been reached in terms of traffic as 250,000 visitors to the site represented many vehicles. Children play happily in the woods without artificial structures and he doubted there was strong local support.

**General Debate:**

Councillor M. Parry pointed out that the Community Council had objected and felt visitors should be encouraged into the Country's towns to spend money. He thought children should visit the areas within the AONB to learn about the countryside and felt strongly that it should not become a theme park. Councillor Huw Hilditch Roberts was aware of frequent accidents on this road. He felt the proposed nest structure was not pleasing and it should be made of locally sourced natural material.

Councillor Dewi Owens agreed the road was inadequate and safety of children should be considered.

Councillor R, Hughes was also against this proposal.

Ian Weaver (Principal Planning Officer) reassured Members that no parking spaces were being lost and much of this scheme by NRW (formerly Forestry Commission) was permitted development, only the two elements applied for needing permission. He felt the proposal of a swing and a nest was low key and would not generate any more traffic. The structures were to be made of wood, and placed within the forest. In reply to queries Mr Weaver confirmed toilet facilities were established near the car park.

Mike Parker (Highways) stated that there were 8 structures in total, only two needing permission. He acknowledged problems with the road in winter but had not been aware of traffic issues in the area.

**Proposals:**

Councillor J. Butterfield propose permission be GRANTED

This was seconded by Councillor Pat Jones

On being put to the vote

**VOTE:**

**16 voted to GRANT**

**6 voted to REFUSE**

**0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 22/2013/0666/PF

**Location:** Land at Tirionfa, Hendrerwydd, Denbigh

**Description:** Erection of 3 No. holiday chalets and associated works including alterations to existing highway access and change of use of land from agriculture/equestrian to holiday use

Mike Parker declared a personal interest in the following application and left the Chamber during consideration thereof.

**Public Speakers: FOR** Ceryl Jones spoke in favour explaining the dream of sharing their enjoyment of walking and cycling in the area. There was support from the local community and it would benefit local services. It was felt this is the best time to offer this type of holiday considering the increased popularity of cycling and the area offering such a variety of tourism options.

**General Debate:**

Councillor Huw Williams supported the application, stating the family is long established in the area. He said Denbighshire is the cycling hub of North Wales and this will help the White Horse Hendrerwydd and other excellent pubs and restaurants in the area.

Councillor M. Parry agreed and stated that the National Eisteddfod had shown up a lack of tourism accommodation in the area.

**Proposals:**

Councillor J. Butterfield proposed permission be GRANTED  
This was seconded by Councillor Rhys Hughes

On being put to the vote

**VOTE:**

23 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 24/2013/0750/PF

**Location:** Cil y Graig, Rhewl, Ruthin

**Description:** Erection of extensions to existing dwelling

The following late representations/ information was reported:

- In objection DM & K Bryan, Fron Haul, Rhewl
- In support A. Smith & M Howarth (Applicants)

**Public Speakers:**

**AGAINST**

Rhian Jackson spoke against this application, stating that the extension would increase the footprint of the house by 50% and reduce the available parking area. The access is by private road which needs to be maintained at all times. The proposal overlooks the neighbouring property and the windows should have obscure glazing to prevent overlooking.

**FOR**

Alan Smith (applicant) spoke in favour stating that he has 2 children and wished to enlarge the house by removing the garage and extending upwards, not outwards. He had agreed to obscure glazing and parking spaces would be available for 3 vehicles. During building work the family would park their two cars elsewhere. All materials would match the existing and he was upset and surprised at the neighbours' objection.

**General Debate:**

Councillor M. Parry asked if obscure glazing was possible, and whether it encroaches onto Fron Haul land.

Councillor Huw Williams expressed concern about the blind exit onto the main road.

Councillor M. Lloyd Davies stated that planning permission does not give anyone the right to enter or work on someone else's land. Windows can be designed to eliminate overlooking but obscure glazing is not of value if the windows are open.

Ian Weaver (Principal Planning Officer) advised Members that previous extensions approved in 2009 could still be implemented, and are of a similar scale to this proposal. The extensions were comfortably within the definition of "subordinate". A Construction Methodology Scheme could be requested. There is a large tree near the proposed building work which it may be unreasonable to insist on retention. However, Councillor M. Parry was of the opinion that the tree did not belong to the applicant.

Mike Parker (Highways) considered that sufficient parking space was available and some disruption during building work was inevitable.

**Proposals:**

Councillor S. Davies proposed permission be GRANTED  
This was seconded by Councillor M. Lloyd. Davies

On being put to the vote

**VOTE:**

20 voted to GRANT  
2 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED  
SUBJECT TO THE FOLLOWING**

New Note(s) to Applicant

You will be aware that the Local Planning Authority has received representation on behalf of adjoining property owners, drawing attention to the delineation of ownership along the property boundary. You should ensure that you have the legal right to carry out the development before proceeding further as the Local Planning Authority cannot act as an arbitrator in a civil dispute over ownership, and the grant of permission does not convey any rights to undertake works on or to gain access to third party land in order to implement a permission.

**Application No:** 40/2013/0830/PO

**Location:** **Former Indesit Site, Royal Welch Avenue,  
Bodelwyddan, Rhyl**

**Description:** Development of 11.2 hectares of land for mixed-use development, comprising:  
PLOT 1 (4.7 ha) – industrial use (Use Class B1/B2/B8) - part-demolition of industrial unit (18,844 m<sup>2</sup>); part-refurbishment of industrial unit (15,156 m<sup>2</sup>); part-extension of industrial unit (340 m<sup>2</sup>); 219 parking spaces; change of use of canteen building for training centre (657 m<sup>2</sup>) – seeking approval of access, appearance, layout, and scale  
PLOT 2 (3.6 ha) – residential development (Use Class C3), 126 no. units – all matters reserved except for access  
PLOT 3 (1.6 ha) – industrial use (Use Class B1/B2/B8) (6,845 m<sup>2</sup>); 124 parking spaces – all matters reserved except for access  
PLOT 4 (0.7 ha) – vehicle depot (Use Class Sui Generis) (790 m<sup>2</sup>); 22 parking spaces – all matters reserved except for access

**Public Speakers: FOR**

Richard Lanyon spoke in favour, stating that the factory closed some years ago and they had been unable to find a new occupier, the site is land-locked on 3 sides and the building is large. . The proposed range of smaller units supported by Enabling Development has not resulted in local objection. The development will provide construction jobs and regenerate the area.

**General Debate:**

Councillor J. Thompson Hill felt in a difficult position in that it was against policy but did not want to see the site left empty. While unhappy with the number of houses proposed he felt a pragmatic approach to be appropriate.

Councillor S. Davies proposed this be GRANTED although he felt the number of houses to be excessive.

Councillor D. Simmons referred to recent debate about the lack of industrial land and

Councillor M. Lloyd Davies asked what conditions would be proposed if permission were to be granted.

Paul Mead (Development Control Manager) explained that officers were concerned at the scale of housing proposed. The Local Development Plan Inspector recently allocated this land for employment use. Mr Mead appreciated the building was large but the site had not been marketed as a cleared area of land. He felt strongly that this proposal went against Local Development Plan Policy and should be refused.

**Proposals:**

Councillor M. Lloyd Davies proposed permission be REFUSED

This was seconded by Councillor Peter Evans

On being put to the vote



**VOTE:**

7 voted to GRANT

14voted to REFUSE

1 Abstained

**PERMISSION WAS THEREFORE REFUSED**

**Application No:** 46/2013/0303/PF

**Location:** Plas yn Roe, Glascoed Road, St. Asaph

**Description:** Erection of replacement timber garage and attached store  
(Partly in retrospect)

**Public Speakers AGAINST:** Julie Donovan (neighbour) spoke against this application and explained that on return from holiday she found their hedgerow removed and footings built. There was concern that the foundations were unsafe and their parking area had been affected. Although it had been stated that no trees were to be removed the hedgerow had already gone.

**FOR**

John Helm (applicant) spoke in favour stated that the previous structure was dilapidated and he had removed and replace it. A dead tree had also been removed. Mr Helm stated that he intended to reduce the size of the new garage and that access and parking will not be affected.

**General Debate:**

Councillor Bill Cowie did not feel the new building blended in and was out of character with the Listed Building. There had been queries about land stability and ownership and Councillor Cowie did not feel conditions to be appropriate as the building was already there.

Paul Mead (Development Control Manager) referred to photographs on display which showed the previous garage. He explained that the proposal would not need planning permission if it was not in the curtilage of a Listed Building. The applicant had agreed to reduce the size and stain the building a darker colour.

Susan Cordiner (Legal Officer) explained it was not necessary to own land to seek planning permission but Notice had to be served on the landowner

**Proposals:**

Councillor J. Butterfield proposed permission be GRANTED  
This was seconded by Councillor Cheryl Williams

On being put to the vote

**VOTE:**

14 voted to GRANT  
4 VOTED TO refuse  
2 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**AT THIS JUNCTURE IT BEING 1.30 PM  
THE MEETING WAS ADJOURNED FOR LUNCH BREAK, TO BE RECONVENED AT 1.50  
PM**

## **PLANNING COMMITTEE**

Minutes of the reconvened meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 11<sup>th</sup> September 2013 at 1:50 pm.

### **PRESENT**

Councillors, I W Armstrong, J.R. Bartley (local member/observer) J A Butterfield, J Chamberlain-Jones, W L Cowie, M Ll. Davies, P A. Evans, H Hilditch-Roberts, T.R. Hughes, P M Jones, G.M. Kensler (local Member/observer) W M Mullen-James, R M Murray, D Owens, T M Parry, A Roberts, D Simmons, D.I Smith (observer) J Thompson-Hill, J S Welch, C L Williams E.W. Williams (local member/observer) 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).

Phil Ebbrell (Conservation Architect) Mike Parker (Highways) and Gareth Roberts (Housing Area Renewals and Conservation Manager) attended part of this session.

#### **1 APOLOGIES**

Apologies for absence were received from Councillor, J.M. Davies, R J Davies, S.A. Davies, P. Duffy, T.R. Hughes E.A. Jones, P W Owen, and W.N. Tasker,

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

Councillor P.A. Evans declared an interest in item 14 (46/2013/0882/PC – Plas Elwy, The Roe, St Asaph)

**Application No:** 46/2013/0802/PO

**Location:** Land at north side of Bryn Gobaith, Bryn Gobaith, St. Asaph

**Description:** Development of 101 hectares of land for residential purposes (Outline application including access)

The following late representation / information was reported:

- Denbighshire Highways – no strong highway grounds to refuse

**Public Speakers: AGAINST**

Mr Gene Grube spoke against. Mr. Grube made detailed comparisons of the highway width and the required space for vehicles including emergency vehicles. He stated that vehicles presently park on the pavement leaving a narrow gap for vehicular movement. He considered this to be detrimental to those trying to use the pavements, requiring prams etc. to use the road. More traffic would increase the danger.

**FOR**

Matt Gilbert (agent) spoke in favour of this application, and considered any new residents were unlikely to park on the existing roadway and therefore not add to the parking problems. The new estate would add little extra traffic. He further reminded Committee that the previous application was refused because the site was outside the Unitary Development Boundary, not on highway grounds. As the site is now allocated for housing the Local Development Plan Inspector would have taken account of the traffic situation.

**General Debate:**

Councillor Dewi Owens stated that this site was a late entry into the Local Development Plan. Other sites such as H. M. Stanley should be developed first. He felt the number of houses in the Local Development Plan were excessive considering the miscalculation of population growth.

Councillor R. Hughes asked if this was one of the sites which were not to be released before the original Local Development Plan sites; Councillor Arwel Roberts asked how many houses were proposed.

(Councillors M. Lloyd Davies, Peter Evans and Joe Welch arrived at this point )

Paul Mead Development Control Manager stated there were 18 houses indicated. The land was presently agricultural but not farmed and it is within the Local Development Plan. The previous refusal was on the basis that the land was not within the Unitary Development Plan boundary.

Mike Parker (Highways) did not agree that existing parking was insufficient. There are 20 houses, 14 with parking space. Traffic surveys were conducted in May 2011, the traffic flows in both directions were 197 vehicle movements. Mr Parker stated that Mount Road nearby is much busier – 1300 vehicles during peak times. Parking restrictions are now in place and narrower roads are a traffic calming measure suggested in "Manual for Streets" highway guidance.

Councillor D. Owens suggested that if the survey took place in May it would be during the half term break and therefore quieter.

Councillor M. Lloyd Davies considered that that as the previous application was refused only because it was outside the Unitary Development Plan development boundary the committee

would not have included any other reason, but now it is in the Local Development plan development boundary it cannot be refused.

Paul Mead (Development Control Manager) felt the Local Development Plan Inspector would not have included the site if access was considered unsuitable. Committee would have further opportunity to consider the acceptability of any detailed application.

Mike Parker (Highways) stated that traffic calming would be subject to consultation with local residents.

Councillor D. Owens proposed permission be REFUSED on highway grounds  
This was seconded by Councillor H. O. Williams

**Proposals:**

On being put to the vote

**VOTE:**

10 voted to GRANT

5 voted to REFUSE

2 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 40/2013/0839/PF

**Location:** **Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan, Rhyl**

**Description:** Erection of extension to existing cardiac catheter suite to include new/additional procedures suite, waiting area, reception, consulting rooms and offices

There was no debate on this item.

**Proposals:**

Councillor J. Butterfield proposed permission be GRANTED  
This was seconded by Councillor M. Lloyd Davies

On being put to the vote

**VOTE:**

19 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 43/2013/0989/PF

**Location:** 1A, Tudor Avenue, Prestatyn

**Description:** Erection of extension to side of dwelling, removal of existing front entrance porch and erection of open porch with balcony above

**Proposals:**

Councillor J. Thompson Hill proposed permission be GRANTED  
This was seconded by Councillor Bill Cowie

On being put to the vote

**VOTE:**

19 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 46/2013/0882PC

**Location:** Plas Elwy Hotel, The Roe, St. Asaph

**Description:** Erection of extension to side of dwelling, removal of existing front entrance porch and erection of open porch with balcony above

Councillor Peter Evans declared an interest in this application and left the Chamber during consideration thereof.

**General Debate:**

Councillor Bill Cowie reported little local objection to this proposal but was concerned that customers were parking on double yellow lines outside the premises. He asked that conditions be imposed requiring on site parking to be provided.

**Proposals:**

Councillor M. Lloyd Davies proposed permission be GRANTED  
This was seconded by Councillor H. Hilditch Roberts

On being put to the vote

**VOTE:**

18 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED / REFUSED**

**Subject to:** Amended Condition

2. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the submitted site plan (Drawing DG2), within one month of the date of this permission, and shall be retained at all times thereafter.



**Application No:** 43/2013/0914/PF

**Location:** 218 High Street Prestatyn

**Description:** Change of use from Retail (use Class A1) to Insurance brokers (Use Class A2)

**General Debate:**

There was no debate on this item

**Proposals:**

Councillor Bob Murray proposed permission be GRANTED  
This was seconded by Julian Thompson Hill

Paul Mead suggested an additional condition relating to roller shutters

On being put to the vote

**VOTE:**

19 voted to GRANT  
0 voted to REFUSE  
0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

***Subject to:*** New Condition

2. The use hereby permitted shall not be allowed to commence until the written approval of the Local Planning Authority has been obtained to a scheme for the improvement / renewal of the roller shutters on the front of the property, and the approved scheme has been implemented.

*Reasons for the condition :* In the interests of visual amenity.

**Agenda ITEM 6**

**PLANNING APPEAL 15/2011/0692**

**MAES Y DROELL QUARRY, LLANARMON YN IAL**

Submitted report by Head of Planning and Public Protection requesting representatives of Planning Committee be nominated to give evidence at the Public Inquiry into the above appeal, and seeking agreement to engage a Barrister and consultants to defend the reason for refusal following a proposal by Councillor Rhys Hughes (seconded by Merfyn Parry)

**RESOLVED**

- 1 That Councillor Martyn Holland be nominated to represent Planning Committee at the Appeal Inquiry.
- 2 To agree to officers engaging a barrister and consultant to assist the defence of the reasons for Refusal

## **Agenda ITEM 7**

### **CLOCAENOG FOREST DEVELOPMENT CONSENT ORDER (D.C.O)**

Submitted report by Head of Planning and Public Protection seeking a resolution by committee on the principle of development and to authorise officers to make representations to Planning Inspectorate on the D.C.O in accordance with deadlines.

Neil Walters (Planning Officer) explained the process which will be run by the Planning Inspectorate and emphasised the short timescales involved which will not allow time to seek a Committee resolution.

In response to Members questions Mr. Walters advised that the draft paper had been circulated by email to all Members and is not a public document. It was agreed that a hard copy be printed and placed in the Members' Room for reference purposes and that officers will liaise with Local and Lead Members.

#### **On being put to the vote**

18 voted to approve the recommendation

1 voted to Refuse

There were no abstentions

#### **RESOLVED THEREFORE**

- a) That the Council raise no objection to the principle of a large scale Wind Farm development in the SSA at Clocaenog Forest
- b) That the council raise objection to the potentially significant negative impacts of the development in respect of the landscape and visual impact, noise and any other negative impact that the Head of Planning and Public Protection and / or Development Control Manager considers to be significant following receipt of consultation responses.
- c) That the Committee authorises the Head of Planning and Public Protection and / or Development Control Manager to complete the Local Impact Report (LIR) and the Statement of Common Ground (SOCG), and make representations on the development proposal and the draft Development Consent Order (DCO), and to respond to other matters raised during the Examination process.

## **Agenda ITEM 8**

### **FORMER NORTH WALES HOSPITAL DENBIGH**

Submitted Report by Head of Planning and Public Protection seeking authorisation for Compulsory Purchase Order of the former North Wales Hospital, Denbigh.

Chair gave Members time to read the additional information circulated.

The report was introduced by Gareth Roberts (Housing & Area Renewal Manager/ Building Control Manager) who explained the background to this issue. Cabinet have supported this proposal but Planning Committee authorisation is needed. Mr. Roberts explained that Urgent Works Notice had been served but not complied with. A subsequent Listed Building Repair Notice had also been ignored and meant that the Council could seek to issue a Compulsory Purchase Order.

Susan Cordiner (Legal Officer) advised Committee that part of the report to Councillors was confidential and to be mindful of this during the debate.

Councillor Joe Welch spoke on behalf of Denbigh Member Councillor Richard Davies stating that there was local confusion about whether Denbighshire sold the property and that it had been sold cheaply. The closure of the North Wales Hospital had been a blow to Denbigh and it was important to take the site forward. Councillor M. Parry agreed provided there was no risk to Denbighshire County Council.

Councillor J. Thompson Hill supported the proposal and reassured Members as Lead Member for Finance that the proposal was unanimously supported by Cabinet while not being able to eliminate all risk.

Councillor Ray Bartley explained his involvement having worked at North Wales Hospital for many years.

Councillor Gwyneth Kensler filled in the background to the deterioration of the site which was bought at auction by the present owner unseen. Councillor Kensler paid tribute to the dedication of Jane Kennedy who worked on this issue up until her death.

Councillors Huw O. Williams, Rhys Hughes and H Hilditch Roberts agreed that lessons should be learnt and that it was important to the community to save Listed Buildings as early as possible.

Gareth Roberts reassured Committee that they would not exceed the available funds but it was important to do something positive.

Phil Ebbrell (Conservation Architect) explained that part of the building had collapsed and people were accessing the site which contained asbestos it was a public health hazard. Mr. Ebbrell said there are 1800 Listed Buildings in Denbighshire - 7% are "At Risk" because the owners cannot (or will not) restore them. The North Wales Hospital issue was taking 50% of his time so in that respect was a resource issue for Denbighshire County Council.

Councillor Rhys Hughes felt all committee members should have visited the site.

Councillor J. Welch proposed the recommendation be agreed. This was seconded by Councillor M. Parry.

On being put to the vote.

18 voted to Authorise the commencement of a compulsory purchase order.  
1 voted not to Authorise.

Resolved therefore:

That Planning Committee authorises the commencement of the compulsory purchase of the Former North Wales Hospital site pursuant to section 47 of the 1990 Act and that a further report be submitted to Cabinet and Planning Committee prior to acquiring title to the land pursuant to the compulsory purchase order.

**Agenda ITEM 9**

**CHANGE OF USE OF EXISTING DWELLING TO CREATE THREE APARTMENTS AND  
THE CONSTRUCTION OF TWO DORMERS IN THE REAR: 19 WEST PARADE, RHYL**

Submitted Report for Members' information relating to the Appeal decision recently issued.

Resolved that the report be received for information

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Members were reminded of the Planning Training scheduled for 20<sup>th</sup> September 2013 which will be conducted by an officer from the Planning Inspectorate.

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**The meeting closed at 3.15 pm**