

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 15 October 2014 at 9.30 am.

PRESENT

Councillors Ian Armstrong, Ray Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Margaret McCarroll, Win Mullen-James (Vice Chair), Bob Murray, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Local Members – Councillors Hugh Evans, Martyn Holland and Barbara Smith attended for particular agenda items relating to their wards.

Councillor David Smith, Lead Member for Public Realm attended for agenda item 13 – 15

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Management Manager (PM); Principal Planning Officer (IW); Planning Officer (DS); Development Planning & Policy Manager (AL); Senior Minerals & Wales Planning Officer (MS) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Peter Evans, Colin Hughes and Pat Jones

2 DECLARATIONS OF INTEREST

Councillor Hugh Evans – Personal Interest – Agenda Item 7
Councillor Dewi Owens – Personal Interest – Agenda Item 12
Councillor Merfyn Parry – Personal Interest – Agenda Item 5
Councillor Huw Williams – Personal and Prejudicial Interest – Agenda Item 5 and Personal Interest – Agenda Item 7

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee's meeting held on 10 September 2014 2014 were submitted.

Accuracy – Page 12 – Application No. 12/2014/0611/PF – Councillor Cefyn Williams advised that he had not made reference to house prices in Derwen.

RESOLVED that, subject to the above, the minutes of the meeting held on 10 September 2014 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 12) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 19/2014/0702/PFT - MAES TRUAN, LLANELIDAN, RUTHIN

[Councillor Hugh Evans declared a personal interest because the Applicant carried out farming work for him. Councillor Huw Williams declared a personal interest because the Applicant had undertaken farming work for him four years ago.]

An application was submitted for installation of a wind turbine 30.5m hub height and 45.07m to blade tip, control box and associated works at Maes Truan, Llanelidan.

Public Speakers –

Mr. M. Brooker (**Against**) – highlighted concerns over the landscape and visual impact together with associated noise levels from the turbine type.

Mr. A. Jones, Applicant (**For**) – explained his family's links with the area and farming community and the need to diversity to provide future viability of the farm.

General Debate – The Planning Officer summarised the report and reasons behind the officers' recommendation to refuse the application based on landscape and visual impact. Officers responded to a number of procedural issues raised relating to the application, particularly in terms of the consultation process.

Following assurances that neighbouring properties would not be adversely affected by noise, Councillor Hugh Evans (Local Member) spoke in favour of the application, believing that the local economic benefits outweighed the planning concerns raised.

During a detailed debate members considered the merits of the application and discussed, at length, the material planning considerations together with relevant policies. It was generally accepted that the diversification project would ensure the viability of the farm and benefit the wider local community and much debate focused on whether those benefits outweighed the visual impact and other material considerations. Members considered the size and location of turbines in the area in relation to the application site and officers explained the reasoning behind the planning decisions relating to other turbine developments. It was noted that permission for a 15kW turbine at the site remained extant until January 2015. Whether granting the application would add to the spread of wind turbines in the area was debatable. Consideration was given to the objections received from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Advisory

Committee (AONB JAC) and Natural Resources Wales (NRW). It was noted that the AONB JAC was not a statutory consultee and had not undertaken a site visit leading to questions regarding the sufficiency of their response and role within the process. Whilst officers had attached significant weight to NRW's response the strength of their late representations was also subject to debate. Members considered the impact on neighbouring properties and officers provided assurances that noise could be controlled effectively via planning conditions to ensure no adverse impact and a letter of support from a nearby neighbour was noted.

Proposal – Councillor Stuart Davies considered there was a viable case for farm diversification, the benefits of which outweighed other planning concerns, and he proposed, seconded by Councillor Merfyn Parry that the application be granted, contrary to officer recommendation.

VOTE:

GRANT – 18

REFUSE – 6

ABSTAIN – 3

In light of the committee's decision members were asked to vote on whether a report on the planning conditions to be applied to the consent and legal agreement issues should be brought back to the committee for approval or powers delegated to officers in liaison with the Chair and Local Member.

VOTE:

REPORT BACK TO COMMITTEE – 11

DELEGATE POWERS TO OFFICERS – 16

ABSTAIN – 0

RESOLVED that permission be **GRANTED** contrary to officer recommendation, and that power be delegated to officers, in liaison with Chair of the Planning Committee and Local Member, to apply planning conditions to the consent and deal with legal agreement issues arising therefrom.

6 APPLICATION NO. 31/2013/1079/PFHY - LAND AT ELWY MEADOWS, LOWER DENBIGH ROAD, ST. ASAPH

An application had been submitted for installation of micro hydro electric scheme at land at Elwy Meadows, Lower Denbigh Road, St. Asaph. Officers requested that the application be deferred to enable additional consultations to be carried out.

Proposal – Councillor Meirick Davies proposed, seconded by Councillor Dewi Owens, that the application be deferred in accordance with officer request.

VOTE:

FOR DEFERRAL – 27

AGAINST DEFERRAL – 0

ABSTAIN – 0

RESOLVED that the application be **DEFERRED** pending further consultation.

At this juncture (11.00 a.m.) the meeting adjourned for a refreshment break.

7 APPLICATION NO. 41/2013/0857/PF - DINORBEN ARMS PUBLIC HOUSE, BODFARI, DENBIGH

An application was submitted for change of use and conversion, with partial demolition, of former public house to form 1 No. dwelling and erection of detached garage at rear of Dinorben Arms Public House, Bodfari, Denbigh.

Public Speakers –

Mr. A. Williams (**Against**) – asked members to strictly apply their policies arguing that the application did not meet the criteria for change of use in this case.

Mr. T. Thackery, Applicant (**For**) – reported upon financial and economic influences following acquisition of the premises in 2010 and argued against its future viability.

General Debate – Councillor Barbara Smith (Local Member) spoke against the application, supporting the objection submitted by Bodfari Community Council. She argued that the criteria detailed in Policy PSE10 of the Local Development Plan had not been met in that (1) it had not been demonstrated that the premises was no longer viable, (2) the premises had not been actively marketed, and (2) all other reasonable options to find a new user had not been explored.

Members considered the merits of the application and questioned the robustness of the evidence presented in response to Policy PSE 10. Doubts were expressed that the relevant criteria had been fulfilled because the site had not been marketed since 2008 and marketing evidence had not been provided. There were mixed views regarding the future sustainability element with examples provided of comparatively successful public houses but it was also acknowledged that many similar businesses had failed. Concerns were raised about the state of the property and whilst members did not wish to see it falling into further disrepair there was much sympathy with the community's position. Officers acknowledged policy tests had not been clearly met but recommended granting permission given the likelihood of attracting a viable business after years of neglect and because the proposal would secure long term use for the building which was currently an eyesore site. Officers also responded to questions regarding the application detail and car parks on site if the application was granted.

Proposal – Councillor Merfyn Parry proposed, seconded by Councillor Huw Hilditch-Roberts, that the application be refused due to the failure to actively market the property in response to Policy PSE 10. A twelve month timescale was suggested for marketing purposes.

VOTE:

GRANT – 12

REFUSE – 15

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, based on the failure to actively market the property in accordance with Policy PSE 10 of the Local Development Plan.

8 APPLICATION NO. 41/2013/0858/LB - DINORBEN ARMS PUBLIC HOUSE, BODFARI, DENBIGH

A listed building application was submitted for conversion, partial demolition and alterations of former public house to form 1 dwelling with new detached garage at rear of Dinorben Arms Public House, Bodfari, Denbigh.

Officers explained that the committee had refused the earlier planning application for principle use as a dwelling and this application dealt solely with the impact of the proposed alterations. Technically the application could be granted but building works could not commence because there was no planning consent.

Proposal – Councillor Merfyn Parry proposed, seconded by Councillor Huw Hilditch-Roberts that the application be deferred in order to ascertain the applicant's intentions in light of the committee's decision under the previous item. As discussion on the merits of the application had not commenced officers advised it would be appropriate to consider deferral.

VOTE:

FOR DEFERRAL – 22

AGAINST DEFERRAL – 4

ABSTAIN – 0

RESOLVED that the application be **DEFERRED** in order to ascertain the applicant's intentions in light of the committee's decision to refuse the earlier application for change of use.

9 APPLICATION NO. 06/2014/0996/PF - OROR FARM, GWYDDELWERN, CORWEN

[Councillor Huw Williams, as Applicant, declared a personal and prejudicial interest and left the meeting during consideration of this item. Councillor Merfyn Parry declared a personal interest because he had dealt with the Applicant.]

An application was submitted for the erection of agricultural cattle shed, feed silo and handling facilities at Oror Farm Gwyddelwen, Corwen.

Proposal – Councillor Joan Butterfield proposed the officer recommendations to grant the application, seconded by Councillor Rhys Hughes.

VOTE:

GRANT – 25

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as stipulated within the report.

10 APPLICATION NO. 15/2014/0888/PF - LAND ADJOINING CANOL Y CAE, VILLAGE ROAD, ERYRYS, MOLD

An application was submitted for erection of agricultural building for storage and stock shelter at land adjoining Canol y Cae, Village Road, Eryrys, Mold.

General Debate – Councillor Martyn Holland (Local Member) had no major objections but raised a number of issues as to the consultation and size of the proposed building. Officers responded that (1) neighbours had been consulted, (2) in light of the Community Council's concerns further advice had been sought from the Department of Environment, Food and Rural Affairs which indicated the size of the building was reasonable, and (3) the need for screening was accepted and covered in condition 4 within the report.

Proposal – Councillor David Simmons proposed the officer recommendations to grant the application, seconded by Councillor Arwel Roberts.

VOTE:

GRANT – 26

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

11 APPLICATION NO. 43/2014/0906/AD - 79 HIGH STREET, PRESTATYN

An application was submitted for the installation of 2 externally illuminated fascia signs and 1 no. externally illuminated projecting sign at 79 High Street, Prestatyn.

Proposal – Taking into account the revised condition regarding the colour scheme as detailed in the late supplementary papers Councillor Julian Thompson-Hill (Local Member) proposed, seconded by Councillor Rhys Hughes that the application be granted in accordance with officer recommendations.

VOTE:

GRANT – 25

ABSTAIN – 0

REFUSE – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

12 APPLICATION NO. 46/2014/0710/PF - GWYLFA, BRONWYLFA SQUARE, ST. ASAPH

[Councillor Dewi Owens declared a personal interest because he lived close to the planning application site.]

An application was submitted for change of use of Class A1 shop to Class A3 restaurant and takeaway at Gwylfa, Bronwylfa Square, St. Asaph.

General Debate – Councillor Dewi Owens (Local Member) balanced the need for yet another takeaway against empty premises. He sought assurances regarding odour control and opening hours. Councillor Bill Cowie (Local Member) highlighted traffic problems experienced by residents which would be further exacerbated once the housing development in Bryn Gobaith was completed and asked that this issue be revisited. Councillor Meirick Lloyd Davies asked that consideration be given to reinstating the parking space in front of the premises if the application was granted. Officers responded that –

- a condition had been proposed to ensure a fume extraction system was operational at the premises which met the authority's requirements
- officers proposed a new condition regarding the opening hours of the premises which was deemed reasonable for a food premises [0900 to 2100 Monday to Saturday and 1100 to 2000 on Sundays]
- the premises had been designated within the town centre boundary and the Highway Engineer's assessment had considered both previous and proposed uses and considered it would not give rise to any highways issues
- although not part of this application officers agreed to take up the suggestion of reinstating a parking space in front of the premises with Highway Officers.

Proposal – Councillor Rhys Hughes proposed the officer recommendations to grant, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 25

ABSTAIN – 0

REFUSE – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

13 ADOPTION OF DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE: 'PARKING REQUIREMENTS IN NEW DEVELOPMENTS'

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance 'Parking Requirements in New Developments' for adoption following the public consultation exercise.

Discussion focused on the following –

- in terms of parking provision for students in secondary schools it was noted that each school had its own policy on whether or not to permit student parking
- the Council's stance of not supporting bedsits in developments was mentioned and members called for reference to bedsits to be deleted from the guidance

- assurances were sought that a common sense approach would be taken when applying the guidance to future developments at key strategic sites and the Policy Manager (PM) confirmed there would be some flexibility within the policy but stressed the importance of parking requirements as a starting point
- concerns were raised that insufficient parking had been proposed for particular sectors such as self-contained elderly persons dwellings and for houses, particularly in rural areas where public transport was limited, and there were also fears that houses would be crammed together thereby exacerbating the problem. The PM responded that the document was for guidance only and provision for variations had been included to take into account local circumstances which would allow flexibility. Most new houses would likely have more than one bedroom and a new allowance for visitor parking had been proposed for larger developments.

Councillor Stuart Davies asked for parking provision figures to be revised upwards. Councillor David Smith referred to previous opportunities to respond to the consultation advising that any revisions would require additional public consultation.

Proposal – Councillor David Simmons proposed the officer recommendation subject to removal of the word ‘bedsit’ within the table on page 6, paragraph 6.13, which was seconded by Councillor Richard Davies.

VOTE:

FOR – 20

AGAINST – 2

ABSTAIN – 0

RESOLVED that, subject to the removal of ‘bedsit’ within the table on page 6, paragraph 6.13 of the document, members adopt the draft Supplementary Planning Guidance ‘Parking Requirements in New Developments’ in line with proposed amendments for the determination of future planning applications and appeals.

14 HOT FOOD TAKEAWAYS SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance document on hot-food takeaways as a basis for public consultation.

Members referred to paragraph 6.7 regarding litter and existing problems were highlighted leading to calls for measures to be strengthened and swift enforcement action taken against littering offences. The proposal to introduce a restriction on new hot-food takeaways near schools was also mentioned, particularly as a number of schools were located close to town centres, and it was acknowledged that schools had their own policies on whether to allow pupils to leave the school grounds during lunchtimes. The Chair reminded members of their opportunity to comment on the document during the eight week consultation period.

Proposal – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Jeanette Chamberlain-Jones. It was unanimously –

***RESOLVED** that members agree the draft Supplementary Planning Guidance on hot food takeaways as a basis for public consultation.*

15 POSITION STATEMENT: MINERALS LANDBANK IN DENBIGHSHIRE

Councillor David Smith, Lead Member for Public Realm submitted a report recommending members agree a position statement following publication of the Regional Technical Statement 1st Review and Clarification Letter CL-04-14 to demonstrate Denbighshire's commitment to contributing towards demand for minerals.

There was a requirement to ensure an appropriate contribution was made within the Local Development Plan (LDP) to meet the needs for minerals. The Senior Minerals & Wales Planning Officer elaborated upon the implications of the review for Denbighshire's LDP, specifically in terms of crushed rock and sand and gravel, together with the reasoning behind the terms of the position statement. In short the current policy was considered flexible enough to meet new demand if the need arose given the current allocations.

In response to questions the officer explained the potential for fracking in Bodelwyddan but confirmed that oil and gas were not covered by the policy which would be dealt with separately in the event they became an issue. Councillor David Smith suggested the LDP Working Group would be best placed to look into fracking and its implications for Denbighshire. Councillor Martyn Holland highlighted the number of non-working quarries in his ward and queried the potential of future reserves. The officer confirmed there were sufficient reserves within the county and highlighted an allocation in the LDP showing a preferred area of search in Denbigh/Aberwheeler but no interest had been shown from the industry.

Proposal – Councillor Meirick Lloyd Davies proposed the officer recommendation, seconded by Councillor Cheryl Williams. It was unanimously –

***RESOLVED** that members agree the recommended position statement contained within paragraph 5.1 of the report.*

16 PLANNING COMPLIANCE CASE UPDATE

A report was submitted updating members on planning compliance cases, including those which had been previously authorised at committee and general interest cases. Members were encouraged to contact the relevant officers directly outside of the meeting if they required more detailed information on particular cases.

***RESOLVED** that the report be noted.*

The meeting concluded at 1.00 p.m.