

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 15 April 2015 at 9.30 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Ann Davies, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, David Simmons, David Smith, Bill Tasker, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Councillor David Smith, Lead Member for Public Realm attended for agenda items 7 – 9.

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Management Manager (PM); Planning Officer (DR); Planning & Public Protection Policy Manager (AL); Senior Planning Officer (LG) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Bill Cowie, Dewi Owens and Julian Thompson-Hill

The Chair welcomed Councillor Pete Prendergast to his first meeting of the Planning Committee. Councillor Prendergast was to replace the late Councillor McCarroll on the committee following completion of the necessary training.

2 DECLARATIONS OF INTEREST

No declaration of personal or prejudicial interest had been raised.

Councillor Cefyn Williams questioned the practice of issuing declaration of interest forms at every meeting and the Chair agreed to take the matter up with officers.

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 18 March 2015 were submitted.

RESOLVED that the minutes of the meeting held on 18 March 2015 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 & 6) -

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 reports.

5 APPLICATION NO. 01/2014/0063/PF - 3A, 3, 5 LENTEN POOL, DENBIGH

An application was submitted for conversion and alterations to existing dwellings and commercial unit to a Class C2 Residential Care Home at 3A, 3 and 5 Lenten Pool, Denbigh.

Public Speakers –

Mr. D. Lewis (**For**) – spoke in favour of the application citing positive benefits to the mental health needs of individual residents and fostering independent living.

General Debate – The Chair reported that Councillor Colin Hughes (Local Member) supported the officer recommendation to grant. Officers responded to questions advising that existing use was two Class C3 dwelling units and one A1 retail unit. The scheme had not yet been registered but the Care and Social Services Inspectorate Wales considered the number of flats submitted generally acceptable.

Proposal – Councillor Win Mullen-James proposed the officer recommendations to grant, seconded by Councillor Richard Davies.

VOTE:

GRANT – 25

REFUSE – 0

ABSTAIN – 0

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

6 APPLICATION NO. 10/2014/1168/PFT - HAFOTTY WEN, CORWEN

A report was submitted seeking approval of suggested planning conditions to be attached to the Certificate of Decision for planning in respect of the erection of a single wind turbine of up to 250kw output, maximum blade tip height 48cm, and associated development comprising construction of access track, hardstanding, borrow pit, grid connection and switchroom at Hafotty Wen, Corwen. Conditional planning permission had been granted by the committee in March 2015.

General Debate – Planning officers believed the draft conditions as detailed within the report to be reasonable and necessary in relation to the application and covered standard matters relevant to wind turbine applications, including noise. Councillor Stuart Davies referred to the electricity control cables and queried the distance to

the substation. Officers advised they had no detail of the grid connection element which would be subject to separate consent.

Proposal – Councillor Stuart Davies proposed the officer recommendations, seconded by Councillor Win Mullen-James.

VOTE:

FOR – 25

AGAINST – 0

ABSTAIN – 0

RESOLVED that the conditions and notes to the applicant as set out in section 3 of the report be approved for inclusion on the Certificate of Decision for planning application 10/2014/1168.

7 ADVERTISEMENTS SUPPLEMENTARY PLANNING GUIDANCE - ADOPTION OF FINAL DOCUMENT

Councillor David Smith, Lead Member for Public Realm introduced the report recommending adoption of the final Supplementary Planning Guidance (SPG) on Advertisements for use in the determination of planning applications. He provided some context to the report and explained the different stages in the process before final adoption of SPG documents by the Planning Committee.

Members were reminded that the report had been deferred by the committee in March 2015 pending feedback from Communities Scrutiny Committee. The consultation exercise had resulted in minor changes as highlighted in the final SPG document which included reference to the work of the Highways department and improvements to the layout. Recommendations from Communities Scrutiny Committee had also resulted in minor amendments, including deletion of Appendix C in order to prevent confusion between planning and highways guidance in relation to unauthorised signs on highway land.

Members discussed with officers the regulation of particular activities and whether they constituted planning or highway matters requiring consent or enforcement including problems associated with the siting of 'A' boards, flyposting and forecourt trading. The need for a consistent approach to those issues was also highlighted. Officers emphasised the purpose of the SPG document to provide guidance on the types of advertisements requiring consent. Issues of concern raised by members including obstruction, highway/pedestrian safety and displaying of goods would need to be dealt with separately and officers agreed to liaise with highway and planning colleagues on particular issues in that regard. Each case would need to be assessed on its own merits and officers were keen to work with businesses concerned to reach a positive outcome. Councillor Huw Hilditch-Roberts, Chair of Communities Scrutiny Committee reported that the policy relating to the removal of unauthorised signs from highway land had been subject to scrutiny. Outcomes included an amendment to the policy guidance to incorporate the involvement of local members in the process together with an enforcement flow chart designed to improve consistency. Once finalised the flow chart could be shared with members.

Councillor Meirick Davies asked that a more appropriate word be used for the Welsh translation of 'fascia' in the Welsh SPG document.

Proposal – Councillor Meirick Davies proposed the officer recommendations as detailed within the report, seconded by Councillor Cefyn Williams.

VOTE:

FOR – 25

ABSTAIN – 0

AGAINST – 0

RESOLVED that members adopt the final Supplementary Planning Guidance on Advertisements for use in the determination of planning applications (as detailed in Appendix A to the report).

8 HOT FOOD TAKEAWAYS SUPPLEMENTARY PLANNING GUIDANCE - ADOPTION OF FINAL DOCUMENT

The Planning & Public Protection Policy Manager submitted a report recommending adoption of the final Supplementary Planning Guidance (SPG) on Hot Food Takeaways for use in the determination of planning applications. Following a request from Councillor Cefyn Williams officers agreed that a more appropriate word be used for the Welsh translation 'takeaway' in the Welsh SPG document.

A twelve week consultation had been carried out and a summary of the four representations received together with the Council's response had been included as an appendix to the report. No changes had been proposed to the draft SPG as a result of the responses received. It was clarified that applications for restaurants/cafes with a takeaway element would need to be considered on their own merits taking into account the operational split between 'eat in' and 'take out'.

Members considered the report and merits of the draft SPG document. Concerns were raised regarding the proposal to introduce a 400 metre restriction on hot-food takeaways near schools, 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 lunchtime. Councillors Rhys Hughes and Stuart Davies did not support that element of the proposal in light of the potential detrimental impact on Llangollen and the local business economy and those concerns were shared by Councillor Huw Hilditch-Roberts about Ruthin. Officers clarified that that the SPG was not a policy document but provided guidance and advised that each case would be treated on its own merits and there may be circumstances where this measure was not appropriate. The reasoning behind the proposed restriction to help tackle the problem of childhood obesity was also reiterated. However members felt the proposal was too restrictive on both new and existing businesses which may wish to diversify and contrary to the message that Denbighshire was open for business. They also considered the proposal would stifle healthy competition between businesses and remove individuals' right to choose. During further debate there was a general consensus that the proposed restriction on new hot food takeaways should be removed from the SPG document.

Proposal – Councillor Win Mullen-James proposed, seconded by Councillor Rhys Hughes, that paragraph 5.2 relating to the 400 metre restriction near schools be removed from the SPG document.

VOTE:

FOR (REMOVAL) – 25

AGAINST (REMOVAL) – 1

ABSTAIN – 0

The committee then voted on the officer recommendation to adopt the SPG document, subject to the removal of paragraph 5.2.

VOTE:

FOR – 26

AGAINST – 0

ABSTAIN – 0

RESOLVED that, subject to removal of paragraph 5.2, members adopt the final Supplementary Planning Guidance on Hot Food Takeaways for use in the determination of planning applications (as detailed in Appendix 1 to the report).

9 SITE DEVELOPMENT BRIEF 'RHUDDLAN TRIANGLE' - ADOPTION OF FINAL DOCUMENT

The Planning & Public Protection Policy Manager (P&PPM) submitted a report recommending adoption of the draft Site Development Brief (SDB) 'Rhuddlan Triangle' including proposed document amendments, for the determination of planning applications and planning appeals. The committee had approved the draft SDB for consultation in November 2014.

The consultation process had included two well attended drop-in sessions at Rhuddlan Library with local people being largely supportive. A summary of the representations received together with the Council's response had been included as an appendix to the report. In responding to those representations a number of amendments had been proposed which had been highlighted in the final document.

Councillor Ann Davies (Local Member) thanked officers for the report and welcomed the SDB as a means of improving the visual appearance of the town and attracting new business to the area. Councillor Arwel Roberts (Local Member) also spoke in favour of the SDB but highlighted the risk of flooding associated with the area and the need for traffic management if the site was to be developed including easing congestion, road improvements and access to the site. Councillor Alice Jones added that the impact on the agricultural industry as a result of the increase in traffic and heavy goods vehicles should also be taken into account. The P&PPM confirmed changes to the draft SDB to reflect the latest guidance on flood risk which had been made clear within the document. She reported upon the traffic problems raised during the consultation process and mitigation measures being considered. The traffic generated was dependent on the proposed uses on the site and financial contributions may be sought to mitigate any impact. A transport assessment would also be required to accompany any proposals.

Proposal – Councillor Ann Davies proposed the officer recommendation to adopt the document, seconded by Councillor Peter Owen.

VOTE:

FOR – 26

AGAINST – 0

ABSTAIN – 0

RESOLVED that members adopt the draft Site Development Brief ‘Rhuddlan Triangle’, attached as Appendix 1 to the report, including proposed document amendments, for the determination of planning applications and planning appeals.

10 FORMER NORTH WALES HOSPITAL, DENBIGH - INFORMATION REPORT

An information report was submitted, as requested by the committee in March 2015, updating members on the developments at the North Wales Hospital site.

The Chair reported that the Inspector’s decision on the inquiry into the objection to the Compulsory Purchase Order was still awaited and he asked the committee to accept the report without comment.

RESOLVED that the information report be accepted.

11 S106 UPDATE REPORT - POOL PARK COMPLEX, RUTHIN

An information report was submitted updating members in relation to progress of the Section 106 Agreement for the Pool Park Complex, Ruthin. Recent photographs of the site had also been provided as requested by members.

The committee granted planning permission for the development in September 2013. Draft terms of a S106 agreement had now been agreed with safeguards to ensure works were carried out to the listed buildings at the earliest opportunity in accordance with phasing of the development.

Councillor Meirick Davies thanked officers for the update. He felt the committee should periodically review progress in such cases to ensure no undue delay. The Planning Officer agreed there may be merit in reporting cases back to members for information or review. Councillor Alice Jones highlighted the importance of recording the buildings’ architecture and history for posterity and assurances were provided that a photographic record was required as part of the restoration and conversion scheme. The Chair advised that he would make enquiries to the North Wales Hospital Archives regarding other records of the complex.

RESOLVED that the information report be accepted.

The meeting concluded at 10.45 a.m.