

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 11 November 2015 at 1.00 pm.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Dewi Owens, Pete Prendergast, Anton Sampson, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Local Member – Councillor Hugh Evans attended for agenda item 7 relating to his ward.

ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Principle Planning Officer (IW); Planning Officer (DS); Pollution Control Officer (SA) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Bill Cowie, Richard Davies, Bob Murray, Peter Owen, Merfyn Parry, Arwel Roberts and Bill Tasker

2 DECLARATIONS OF INTEREST

Councillor Meirick Davies – Personal Interest – Agenda Items 5 & 8
Councillor Huw Williams – Personal Interest – Agenda Item 5

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 14 October 2015 were submitted.

Page 12, final paragraph – In response to a question from Councillor Stuart Davies, officers confirmed that a letter to the Clwydian Range and Dee Valley AONB had been drafted and would be sent following consultation with the Chair.

RESOLVED that the minutes of the meeting held on 14 October 2015 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 10) -

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.

5 APPLICATION NO. 07/2015/0414/PFT - TYFOS, LLANDRILLO, CORWEN

[Councillor Meirick Davies declared a personal interest because he attended 'Pylon the Pressure Group' meetings. Councillor Huw Williams declared a personal interest because the public speaker for this item was Chair of Llanbedr DC Community Council of which he was also a member.]

An application was submitted for erection of one wind turbine with a hub height of 30.5m (48.01m to tip), control box and associated works at Tyfos, Llandrillo, Corwen.

Public Speakers –

Mr. A. Jedwell (**Against**) – explained the siting of the turbine would be intrusive and harmful to the landscape and would have a detrimental impact on the visitor economy and nearby residents.

Ms. S. Jones (**For**) – detailed the family's links to the farm over four generations and the need to for farm diversification to ensure the viability of the business for the next generation. The scheme would allow investment to be made in the farm which provided employment and support to other local businesses.

General Debate – The Planning Officer (IW) introduced the report and the need to balance the farm diversification merits against the localised impact and incremental spread of turbines. In this case officers recommended the application be refused.

Councillor Cefyn Williams (Local Member) referred to the difficult decision to be made and the need for members to form their own views. He felt the visual impact would be minimal given the location which fell outside the AONB and National Park areas. During debate the importance of the farming industry was emphasised together with the role of farming in preserving and enhancing the natural beauty of the landscape. The difficulties facing the farming community were highlighted, including the loss of farm subsidies, and the need for diversification projects to ensure future sustainability. Members noted that the site fell outside the boundaries of statutory and nationally important landscapes and no objection had been raised by the Clwydian Range and Dee Valley AONB Joint Committee or Natural Resources Wales. In considering the potential cumulative impact members noted that Welsh Government subsidies for future turbines would be withdrawn which would likely lead to fewer applications. Consequently much support was expressed for the farm diversification project subject of the application.

Officers responded to members' questions and comments as follows –

- officers considered the turbine would add to the incremental spread of wind development in the area leading to an unacceptable cumulative landscape impact – cumulative impact was a material planning consideration
- Natural Resources Wales comment primarily on statutory areas and tend to defer to the local authority on local landscape impact such as in this case
- the turbine would be located outside the designated Strategic Search Area for windfarm development, and
- highlighted the need to consider material planning considerations and not personal considerations when determining the application.

Proposal – Having due regard to the landscape/visual impact, tourism issues and potential cumulative impact, Councillor Cefyn Williams believed the case for farm diversification outweighed other planning concerns and he proposed, seconded by Councillor Huw Hilditch-Roberts, that the application be granted. Officers advised that if members were minded to grant the application, planning conditions to be applied to the consent should be brought back to the committee for approval.

VOTE:

GRANT – 14

REFUSE – 6

ABSTAIN – 1

RESOLVED that permission be **GRANTED**, contrary to officer recommendation, on farm diversification benefits, and that planning conditions to be applied to the consent be brought back to the committee for approval.

6 APPLICATION NO. 08/2015/0792/PO - LAND ADJOINING HAFOD WEN, CYNWYD, CORWEN

An application was submitted for development of 0.09ha of land by the erection of 1 dwelling (outline application with all matters reserved) at land adjoining Hafod Wen, Cynwyd, Corwen.

Public Speakers –

Mr. P. Lloyd (**For**) – reported upon the wider community benefits of the applicant’s childminding business and referred to a number of policy references supporting mix use developments, small business and new build outside development boundary.

General Debate – Councillor Cefyn Williams (Local Member) spoke in favour of the application given the particular circumstances of the case and bearing in mind the close proximity of the site to the development boundary. During debate some support was expressed for the application given that the childminding business was a valuable community asset and Councillor Meirick Davies likened the circumstances of the application to that of the crematorium in Cefn Meiriadog which was subsequently allowed based on local need. Questions were raised regarding the proposed business use together with highway matters and officers provided the following response to the issues raised –

- housing development boundaries had been set in order to protect settlements from spreading and the application site fell outside of that boundary
- two sites had been identified for housing within the development boundary in that location and it was preferable that those sites be developed
- the application was for a single dwelling, not a business, and no assurance had been given that the property would be retained as a childminding facility in perpetuity which had contributed to the officer recommendation to refuse
- there were no highway issues or concerns regarding shared access
- personal circumstances were not relevant planning considerations and granting the application may lead to an influx of similar applications.

Proposal – Having considered that a local childminding business would be operated from the dwelling and could be conditioned as such, and given its close proximity to the development boundary, Councillor Cefyn Williams felt that the merits of the application justified the grant of permission in this case. He proposed, seconded by Councillor Stuart Davies, that the application be granted.

VOTE:

GRANT – 8

REFUSE – 12

ABSTAIN – 0

RESOLVED that permission be **REFUSED** in accordance with officer recommendation as detailed within the report.

7 APPLICATION NO. 19/2015/0699/PF - GRAIG, LLANELIDAN, RUTHIN

An application was submitted for demolition of existing attached outhouse building and erection of two storey extension and associated works at Graig, Llanellidan, Ruthin.

Mr. G. Powell (**For**) – explained his family ties to the property and reasoning behind the application in order to renovate part of the farmhouse for his family's benefit and use. Also highlighted local benefits from his glamping site.

General Debate – Councillor Hugh Evans (Local Member) spoke in favour of the application and drew attention to the interpretation of the Extensions to Dwelling Supplementary Planning Guidance. He believed that the proposal was sympathetic to the locality and buildings and was in keeping with the extensions to the two neighbouring properties. He also argued that the report was contradictory in that it stated the proposals would not have an unacceptable impact on residential amenity but recommended refusal because the proposal would have an adverse impact on the building and surrounding local countryside.

Members considered the design, scale and location of the proposed extension and there were mixed views regarding the new design features. There was support for the principle of the development but disagreement over the suitability of the design. Some members believed the design was not in keeping with the character of the existing building and area and that plans should be revised and resubmitted. Other members felt the modernisation acceptable, particularly given similar extensions to

neighbouring properties, highlighting the need for fairness and consistency. Whilst not opposed to the principle of the development officers' view was that the current proposals did not respect enough of the character of the original building and was unacceptable given the traditional features of the property. There were insufficient resources to check the surrounding area for previous planning consents following receipt of planning applications.

In responding to debate Councillor Hugh Evans highlighted the issue of consistency in his locality with more substantial extensions permitted in neighbouring properties and he added that there had been no local objection to the application.

Proposal – Councillor Stuart Davies considered the proposed extension would not have an adverse impact on the character and appearance of the existing dwelling and the surrounding open countryside and he proposed, seconded by Councillor Dewi Owens, that the application be granted, contrary to officer recommendation.

VOTE:

GRANT – 11

REFUSE – 10

ABSTAIN – 0

RESOLVED that permission be **GRANTED**, contrary to officer recommendation, on the grounds that the extension would not have an adverse impact on the character and appearance of the existing dwelling and surrounding open countryside.

At this juncture (2.30 p.m.) the meeting adjourned for a refreshment break.

8 APPLICATION NO. 25/2015/0636/PFWF - LAND EAST OF LLYN BRENIG, NANTGLYN

[Councillor Meirick Davies declared a personal interest because he attended 'Pylon the Pressure Group' meetings.]

An application was submitted for construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565) at land east of Llyn Brenig, Nantglyn.

Mrs. D. Jones (**Against**) – spoke for local residents and referred to previous planning history and objections based on landscape, visual impact and wellbeing.

Mr. J. Woodruff (**For**) – confirmed the scheme had commenced under previous consent and local contractors used. Argued the impact of the proposal to increase the turbine tip height from 100 to 110 metres would be imperceptible but would lead to a wider selection of turbines to choose from.

General Debate – The Planning Officer (IW) summarised the report highlighting the volume of information and representations received. He provided some context to

the application outlining the commenced planning permission for sixteen turbines with a tip height of 100 metres. The proposal was for 110 metres high turbines in the same location within the designated Strategic Search Area (SSA) and reference was made to the size and location of other turbines in the area. The Council had sought independent technical advice on landscape and noise which officers considered gave no grounds for refusal.

Councillor Joe Welch (Local Member) spoke against the application stressing the need to protect local communities in the area. He referred to the wealth of opposition and public feeling against the development, highlighting that the original proposals had been amended to reduce the tip height from 115 to 100 metres in order to fit in with the surroundings and was particularly significant in this case. He elaborated upon the significant landscape and visual impact of the height difference together with concerns regarding noise and hydrology. Councillor Stuart Davies expressed serious concerns regarding the noise impact which in his view would be significant and he also questioned the need for larger turbines when reduced operational use of the turbines had been proposed in order to control noise.

Officers responded to issues raised advising that –

- there was a need to consider whether the impact of the proposed increase in turbine height would be unacceptable given the existing planning consent and taking into account the context of other existing and consented turbines within the area together with the technical advice on landscape and noise
- in terms of hydrology concerns, Natural Resources Wales had considered the detail of the application and raised no objections, however it would be possible to place conditions on the permission if appropriate in order to control impacts
- noise impact was a serious consideration and an independent noise consultant had undertaken a detailed review which concluded noise was not a critical issue provided conditions were imposed in order to meet noise standards – it was accepted that windfarms generated noise but the issue was whether operation of the windfarm would exceed reasonable limits
- a greater choice of turbine was provided in the height range of 110 metres as opposed to 100 metres.

Members discussed the application and planning considerations further and expressed serious concerns over the additional impacts of the proposal over and above those created by the existing permission. Many members felt unable to support the application given the further detrimental impact on the community as a result. In addition to visual amenity concerns some members were not reassured that the proposed development would result in acceptable noise levels and further concerns were raised regarding the impact of the proposed development on health and wellbeing. In response to debate officers asked members to consider that the main difference to the existing planning consent was an increase in the turbine dimensions involving a tip height increase of 10 metres. Welsh Government had classified the area appropriate for large scale turbine developments and consent had already been given for even larger turbines in close proximity. It was likely that refusal would need to be defended at a public enquiry.

Proposal – Councillor Joe Welch proposed that the application be refused, contrary to officer recommendation, on the grounds of increased and significant impact on visual amenity. In light of further concerns raised during debate he proposed an amendment to include additional grounds of noise and health impact. Councillor Stuart Davies seconded the proposal.

VOTE:

GRANT – 3

REFUSE – 16

ABSTAIN – 0

RESOLVED that permission be **REFUSED**, contrary to officer recommendation, on the grounds of increased and significant impact on visual amenity, noise and health.

9 APPLICATION NO. 45/2015/0786/PF - HOME BARGAINS, MARSH ROAD, RHYL

An application was submitted for erection of extension and alterations to existing retail unit and demolition of building at southern end of site at Home Bargains, Marsh Road, Rhyl.

General Debate – Councillor Pat Jones (Local Member) supported the application believing the development would serve the community well and create jobs. Councillor Pete Prendergast (Local Member) also spoke in favour of the application but asked that, in order to further alleviate objectors' concerns, an additional condition be imposed to provide some landscaping/screening to the perimeter fencing. Officers confirmed a condition could be imposed for a proposed scheme of planting to be submitted and approved by the planning authority and confirmed standard maintenance arrangements would be applied to the consent.

Proposal – Councillor Pat Jones proposed the officer recommendation to grant the application, seconded by Councillor Barry Mellor, subject to an additional condition regarding appropriate screening to the perimeter fencing.

VOTE:

GRANT – 17

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendation as detailed within the report and supplementary papers and subject to an additional condition requiring a scheme of planting in order to provide screening to the perimeter fencing to be submitted and approved by the planning authority prior to implementation.

10 APPLICATION NO. 45/2015/0944/PF - 26 WALNUT CRESCENT, RHYL

An application was submitted for erection of garage to front of dwelling at 26 Walnut Crescent, Rhyl.

General Debate – Councillor Brian Blakeley (Local Member) spoke in favour of the officer recommendation to grant. He noted Rhyl Town Council’s objection and one other representation received but considered there were no grounds for refusal.

Proposal – Councillor Brian Blakeley proposed the officer recommendation to grant the application, seconded by Councillor Jeanette Chamberlain-Jones.

VOTE:

GRANT – 16

REFUSE – 0

ABSTAIN – 0

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

11 DEVELOPER GUIDANCE NOTE

A report was submitted presenting for approval the planning guidance note for use in the pre-application process and the determination of planning applications.

Councillor Peter Evans queried the assumption in the guidance note that it would be approved by the Planning Committee and officers explained that the document would not be used unless it was approved. Councillor Evans welcomed the reference to ‘Highways Capacity’ (page 169) to ensure the adequacy of the existing road network and site access but reiterated his frustrations regarding the lack of infrastructure and highways problems at the LDP’s allocated housing development site in Meliden. Councillor Alice Jones referred to ‘Welsh Language and Culture’ (page 170) and highlighted the need for special measures when developing the Key Strategic Site (KSS) in Bodelwyddan. Officers explained that the guidance note had been produced in respect of developments outside the LDP. A report on the S106 agreement in relation to the Bodelwyddan KSS would be submitted to the next meeting and officers advised that Councillor Jones would be best placed to raise the issue of Welsh Language and Culture at that time.

RESOLVED that members approve the planning guidance note (attached at Appendix 1 to the report) for use in the pre-application process and the determination of planning applications.

The meeting concluded at 3.45 p.m.