

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 17 February 2016 at 9.30 am.

### **PRESENT**

Councillors Raymond Bartley (Chair), Brian Blakeley, Joan Butterfield, Bill Cowie, Meirick Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Dewi Owens, Merfyn Parry, Pete Prendergast, Arwel Roberts, Anton Sampson, Julian Thompson-Hill, Joe Welch, Cefyn Williams and Huw Williams

**Observers:** Councillors Ann Davies and David Smith

Attending on behalf of Councillor Peter Owen – Councillor Martyn Holland

### **ALSO PRESENT**

Head of Planning and Public Protection (GB), Principal Solicitor – Planning and Highways (SC), Development Manager (PM), Principal Planning Officer (IW), Senior Planning Officer (LG), Development Planning and Policy Manager (AL) and Committee Administrator (SLW).

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Ian Armstrong, Jeanette Chamberlain-Jones, Richard Davies, Peter Owen, Bill Tasker and Cheryl Williams

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

Councillor Merfyn Parry declared a Personal & Prejudicial interest in Item 6  
Councillor Huw Williams declared a Personal interest in Item 6  
Councillor Brian Blakeley declared a Personal and Prejudicial interest in Item 12.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters.

#### **4 MINUTES**

The minutes of the Planning Committee's meeting held on 20 January 2016 were submitted.

Page 11 – The Chair, Councillor Raymond Bartley, confirmed all Councillors had been sent a brief regarding the content of minutes. Councillors agreed with the Chair's suggestion that as the content of minutes had been approved by Group Leaders in 2010, the matter should be taken back to the Group Leaders to re-evaluate the contents of recorded minutes for all Committee meetings.

It had been stated within the brief that if a Member of a Committee wished their comments to be recorded then they should state at the meeting.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 20 January 2016 be approved as a correct record.

## **APPLICATONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 14) -**

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. 14/2015/0854 - FOEL UCHAF, CYFFYLLIOG, RUTHIN**

[Councillor Merfyn Parry declared a personal and prejudicial interest in this item because Councillor Parry's daughter is married to the applicants' son. Councillor Parry left the Chamber at this point].

[Councillor Huw Williams declared a personal interest in this item because he knows both the applicant and the objector].

An application was submitted for installation of 2 wind turbines (hub height 24.8m, ground to blade tip height 36.6m) associated equipment housing and access tracks at land at Foel Uchaf, Cyffylliog, Ruthin.

#### **Public Speaker –**

Jo Anne Williamson (**Against**) – referred to her family links with the area. The reasoning behind the objection was elaborated upon and was due to the visual amenity and noise nuisance.

Richard Adams (**For**) – explained the Local Community Council were in favour of the application. There were no noise issues in relation to the proposal, and the turbines were in a favourable position and low hub height.

**General Debate –** Councillor Joe Welch (Local Member) advised Committee on the background of the application. The application had been submitted some time ago originally for one large turbine. This has been amended to two smaller turbines. The fact the turbines were to be outside the strategic area was raised as there had been concern of the spread of turbines outside the strategic area.

Members discussed the various factors of the application and Councillors Stuart Davies and Huw Williams expressed their support of the application and the need for farm diversification.

The Planning Officer confirmed a noise assessment had been provided to both the internal and external consultant.

Councillor Huw Hilditch-Roberts stated that he had been informed that previous planning applications were not to be considered but yet now the application informed members of the history of other applications to enable an informed decision to be made. Councillor Hilditch-Roberts requested clarification on the matter. The Development Manager confirmed the comment regarding planning history would be covered later in the meeting under the Part 2 item.

The Committee discussed the merits of the application and material planning considerations.

**Proposal** – Councillor Stuart Davies proposed, seconded by Councillor Huw Williams that the application be granted, contrary to officer recommendation, on the grounds that the balance of diversification over amenity.

**VOTE:**

GRANT – 7

ABSTAIN - 0

REFUSE – 15

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

**6 APPLICATION NO. 40/2015/1150 - TY FRY INN, TY FRY LANE, BODELWYDDAN**

An application was submitted for variation of condition No. 3 of planning permission Code No. 40/2014/1445/PF to read “deliveries shall not be taken at or dispatched from the site, including the handling and collection of waste and other activity within the service area, outside the hours of 07.00hrs and 21.00hrs Monday to Friday, 07.00hrs – 20.00hrs Saturdays and 09.00hrs – 18.00hrs Sundays and Bank Holidays” at land at Ty Fry inn, Ty Fry Lane, Bodelwyddan, Rhyl.

**Public Speaker –**

Gillian Whitfield (**For**) – explained the reason behind the application for variation on delivery times. It was clarified that the number of deliveries would not increase, these would remain at two per day.

**General Debate** - Councillor Alice Jones (Local Member) first of all drew the Committee’s attention to the incorrect location and stated the site was not Ty Fry Lane but, in fact, Ronaldsway. Councillor Jones confirmed she would not be supporting the application because she had concerns as to how the Road Safety Audit had been carried out. She explained that a Road Safety Audit had been carried out at the site but had been carried out between 10.00 a.m. and 11.00 a.m. by two person in overcast and showery weather who reported that both the traffic and pedestrian movement had been light. Councillor Jones stated she would be

taking the Road Safety Audit to Scrutiny Committee for consideration. Councillor Arwel Roberts supported Councillor Alice Jones' proposal.

**Proposal** – Councillor Joan Butterfield proposed the officer recommendation to grant the application, seconded by Councillor Win Mullen James.

**VOTE:**

GRANT – 20

ABSTAIN – 1

REFUSE – 2

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

**7 APPLICATION NO. 43/2015/1120 - 72 GRONANT ROAD, PRESTATYN**

An application was submitted for the felling of 1 horse chestnut tree subject to a Tree Preservation Order at land at 72 Gronant Road, Prestatyn.

**Public Speaker –**

Caroline Jones (**Against**) – explained to Committee her home was opposite the site of the Tree concerned. Ms Jones stated that the builders had not protected the roots of the tree during work on the driveway and some of the roots had been cut. Even through all the recent bad weather, the tree was still standing which showed the strength of the tree.

**General Debate** – Councillor Anton Sampson (Local Member) expressed his objection to the felling of the tree as it was under a Tree Protection Order.

It was explained to the Committee that the original planning permission had been granted showing the tree to be retained. Members requested the Development Manager to enquire whether action could be taken against the developers for damage to a protected tree. The Development Manager confirmed he would take advice regarding this issue.

**Proposal** – Councillor Anton Sampson proposed, seconded by Councillor Julian Thompson-Hill that the application be refused, contrary to officer recommendation on the grounds that the tree provides significant amenity value to the locality and in the absence of sufficient evidence to show that the felling of the tree is essential and it is considered that the felling of the tree would have an unacceptable impact on the amenity of the locality.

**VOTE:**

GRANT: 1

ABSTAIN: 1

AGAINST: 21

**RESOLVED** that permission be refused, contrary to officer recommendations on the grounds that the tree provides significant amenity value to the locality and in the

*absence of sufficient evidence to show that the felling of the tree is essential and it is considered that the felling of the tree would have an unacceptable impact on the amenity of the locality.*

**At this juncture (11.05 a.m.) there was a 15 minute break.**

**Meeting reconvened at 11.20 a.m.**

## **8 APPLICATION NO. 44/2015/1075 - TIRIONFA, RHUDDLAN**

An application was submitted for Development of 3.39 hectares of land for residential development (outline application – all matters reserved) at Land east of Tirionfa, Rhuddlan, Rhyl.

### **Public Speaker –**

Pauline Evans (**Against**) – raised concerns about how the development of the site would affect the local area as there were issues with drainage, there were no GPs in Rhuddlan and the local schools were full. This development would also cause issues with the amount of traffic in the area.

**General Debate –** The Development Manager confirmed it was an application for a residential development site on one of the allocated housing sites. This was an outline planning application and, therefore, full details of the number and size of the development would not be known until a full planning application was received. No objections had been received from National Resources Wales, Welsh Water or Highways.

Councillor Arwel Roberts (Local Member) stated he was against the development, as were Rhuddlan Town Council. He stated the allocated site was farming land and should not be utilised for a residential development. Councillor Roberts raised the issue of the land being marsh land, the fact there was no GP in Rhuddlan, and the local schools were full. Councillor Roberts stated he wished to have sight of a road traffic survey.

Councillor Ann Davies (Local Member) also stated she was against the development for similar reasons as stated by Councillor Roberts.

The Development Manager confirmed that a Highways Inspector would have assessed the particular site to confirm whether the field would be suitable for development. The issues raised regarding schools, this would be part of the conditions as “no dwelling shall be occupied until the written approval of the Local Planning Authority has been obtained for the arrangements for compliance with the Councils policies in relation to the provision of contributions towards education facilities”.

**Proposal –** Councillor Arwel Roberts proposed, seconded by Councillor Alice Jones that the application be refused, contrary to officer recommendation.

**VOTE:**

GRANT – 14

ABSTAIN – 1

AGAINST – 7

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

**9 APPLICATION NO. 45/2015/1182 - 29 VEZEY STREET, RHYL**

[Councillor Brian Blakeley declared a personal and prejudicial interest in this item as he had previously employed the applicant. At this juncture, Councillor Blakeley left the Council Chamber].

An application was submitted for variation of condition 3 imposed on planning permission 45/2013/0828 to allow an increase in the hours of use to:

06.00 – 20.30 Monday to Friday (currently 08.00 – 20.00)

07.00 – 14.00 Saturday (currently 08.00 – 14.00)

08.00 – 14.00 Sundays (as existing)

at 29 Vezey Street, Rhyl

**Public Speaker –**

Katie Jones (**For**) – stated that the family run gym had been a leisure facility for the past two years. The time extension would provide the facilities to more local people and encourage the use of the transformation gym for people to lead a healthier lifestyle.

**General Debate** - Councillor Pat Jones (Local Member) confirmed she and fellow Councillor Peter Prendergast had visited the gym and did not hear any noise outside the building which would cause a disturbance to the local residents. Councillor Jones stated she was in support of the application for extended opening hours.

**Proposal** – Councillor Pat Jones proposed, seconded by Councillor Peter Prendergast, that the application be granted, contrary to officer recommendation, on the grounds of supporting local businesses, supporting health and wellbeing and the extra hours would not cause any extra noise or disturbance.

**VOTE:**

GRANT – 17

ABSTAIN – 0

AGAINST – 0

**RESOLVED** that permission be **GRANTED**, contrary to officer recommendation, on the grounds of supporting local businesses, supporting health and wellbeing, and the extra hours would not cause any extra noise or disturbance.

**10 APPLICATION NO. 46/2015/0984 - LAND OFF CWTIR LANE, ST. ASAPH**

An application was submitted for construction of 16MW power generating plant building including ancillary equipment and new access at land off Cwtir Lane, St. Asaph.

**Public Speaker –**

Elizabeth Evans (**For**) – the plant was to support the National Grid when there was not enough power to meet demand. Noise and Air Quality Assessments have been obtained. The proposed site was chosen as a brown field. The development was well located and well designed and would provide four full-time jobs.

**General Debate –** Councillor Bill Cowie supported the application.

Councillor Meirick Lloyd Davies proposed the road be widened rather than rely on the approved passing places. Seconded by Councillor Arwel Roberts.

The Chair confirmed a vote would take place as per Councillor Meirick Lloyd Davies' proposal to widen the stretch of road.

**VOTE:**

GRANT – 3

AGAINST – 16

Proposal to widen the road dismissed.

**Proposal –** Councillor Bill Cowie proposed the officer recommendation to grant the application, seconded by Councillor Rhys Hughes.

**VOTE:**

GRANT – 18

ABSTAIN – 0

AGAINST – 1

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

**11 APPLICATION NO. 06/2014/1436 - HENDRE BRYN CYFFO, GWYDDELWERN, CORWEN**

An application was submitted for installation of a single endurance X29 wind turbine with associated access track, crane hardstanding, foundation and meter house at land at Hendre Bryn Cyffo, Gwyddelwern, Corwen.

**Proposal –** Councillor Stuart Davies proposed the officer recommendation to grant the application, seconded by Councillor Meirick Lloyd Davies.

**VOTE:**

GRANT – 14

ABSTAIN – 1

AGAINST – 3

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

**12 APPLICATION NO. 18/2015/1146 - HIGHFIELD PARK, LLANGWYFAN, DENBIGH**

The planning application for variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow 2 no. access points to remain open at Highfield Park, Llangwyfan, Denbigh, had been formally **WITHDRAWN** by the Agent.

**13 APPLICATION NO. 25/2015/1164 - LAND EAST OF LLYN BRENIG**

An application was submitted for variation of condition number 3 of planning permission ref: 25/2007/0565 to allow turbine number 12 and relevant spur road to be permitted a 30m micro-siting allowance and turbine 14 and relevant spur road to be permitted a 49m micro-siting allowance at land east of Llyn Brenig, Nantglyn.

**Proposal** – Councillor Stuart Davies proposed the officer recommendation to grant the application, seconded by Councillor Brian Blakeley.

**VOTE:**

GRANT – 17

ABSTAIN – 0

AGAINST – 1

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

**14 APPLICATION NO. 47/2015/1174 – 11 LLYS Y TYWYSOG, TREMEIRCHION**

An application was submitted for the erection of a balcony to rear of dwelling at 11 Llys Y Tywysog, Tremeirchion, St. Asaph.

**Proposal** - Councillor Stuart Davies proposed the officer recommendation to grant the application, seconded by Councillor Rhys Hughes.

**VOTE:**

GRANT – 17

ABSTAIN – 0

AGAINST – 1

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



## 15 SITE DEVELOPMENT BRIEF: CAE FFYDDION, DYSEARTH - ADOPTION OF FINAL DOCUMENT

Councillor David Smith, Lead Member for Public Realm, introduced the report for the Site Development Brief: Cae Ffyddion, Dyerth – Adoption of final document (previously circulated).

Members had approved the draft document for public consultation at Planning Committee on 15 July 2015 and had been subject to public consultation for 13 weeks up to 30 October 2015.

The report was to inform Members of comments received in response to the public consultation on the draft Site Development Brief for Cae Ffyddion, Dyerth and to seek Members' approval of the Development Brief with proposed changes. If approved, the Site Development Brief would be used to assist in the determination of any planning applications on the site.

The Senior Planning Officer outlined the changes within the Site Development Brief.

Councillor Martyn Holland attended the Planning Committee to speak on behalf of Councillor Peter Owen who, unfortunately, was unable to attend due to illness. Councillor Owen wished it to be known that he was against the development. The main reasons for not being in favour of the development were as follows:

- (i) Impact on local roads by a large development
- (ii) Water run-off for a high density development, and
- (iii) Impact on education as the local school was almost at full capacity.

The Chair, Councillor Raymond Bartley asked Councillor Holland to send Councillor Peter Owen best wishes from all on the Planning Committee.

Councillor Peter Evans stated he had raised concerns about the A547 and traffic into Meliden over the years at the LDP meetings.

The Senior Planning Officer confirmed that all matters would be investigated when the detailed planning permission was received. Once full details of the number of properties, size etc., were known the application would be submitted to Planning Committee.

**Proposal** - Councillor Meirick Lloyd Davies proposed the adoption of the proposed Site Development Brief for Cae Ffyddion, Dyerth with recommended changes, for the determination of planning applications and planning appeals.

### **VOTE:**

FOR (to adopt) – 13

ABSTAIN – 1

AGAINST (not to adopt) – 3

**RESOLVED** that Members agreed to adopt the proposed Site Development Brief for Cae Ffyddion, Dyerth attached as Appendix 1, with recommended changes, for the determination of planning applications and planning appeals.

**16 REPORT ISSUED UNDER SECTION 21 OF THE PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005**

The Development Manager introduced a Report issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005 (Case Reference 201400990) (previously circulated).

The Public Services Ombudsman for Wales (PSOW) had submitted an investigation report as an alert to Members of the Planning Committee. The first part provided a summary of the investigation report and was anonymised. The second part of the report was Part 2 and analysed the findings and recommendations of the PSOW in more detail.

**VOTE:** Unanimous show of hands to accept the recommendation within the report.

**RESOLVED** that Members note the contents of the summary report at Appendix A and the comments provided on the recommendations a) to c) within the report.

**RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 12, 13, 14, 16 and 18a of Part 4 of Schedule 12A of the Local Government Act 1972.

**17 REPORT ISSUED UNDER SECTION 21 OF THE PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005**

The Principal Solicitor – Planning and Highways introduced the Part 2 report.

The Development Manager explained the contents of the relevant investigation report issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005.

Indepth discussion took place regarding the issues under Section 21 of the Public Services Ombudsman (Wales) Act 2005.

**VOTE:**

FOR – 15

ABSTAIN – 0

AGAINST – 0

**RESOLVED** that:

- (a) Members note and accept the PSOW recommendations a) to c) having regard to the measures agreed and implemented by Officers.
- (b) After due consideration of the issues and advice of this report that the Council confirms it will not be seeking the formal revocation of the planning permission

- (c) *Members agree to further instruct the District Valuer (DV) to assess the impact of any completed development (the subject of a reserved matters application linked to the outline consent) on the complainants' properties, within one month of the completion of the development, and pay her an amount which equates to the difference in value before and after the development.*

**The meeting concluded at 1.35 p.m.**