

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 14 September 2016 at 9.30 am.

### **PRESENT**

Councillors Ray Bartley (Chair), Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Meirick Davies, Stuart Davies, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Bob Murray, Dewi Owens, Arwel Roberts, Anton Sampson, Gareth Sandilands, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams, Huw Williams and Mark Young

Cabinet Lead Members – Councillor David Smith, Lead Member for Public Realm attended for agenda item 12 and Councillor Eryl Williams, Lead Member for Education attended for agenda item 6

### **ALSO PRESENT**

Head of Planning and Public Protection (GB); Head of Legal, HR and Democratic Services (GW); Development Manager (PM); Principle Planning Officer (IW); Strategic Planning and Housing Manager (AL); Senior Engineer – Highways (MP) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillors Merfyn Parry, Pete Prendergast and Bill Tasker

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

Councillor Ray Bartley – Personal Interest – Agenda Item 5

Councillor Jeanette Chamberlain-Jones – Personal & Prejudicial – Agenda Item 11

Councillor Huw Hilditch-Roberts – Personal Interest – Agenda Item 6

Councillor Julian Thompson-Hill – Personal & Prejudicial Interest – Agenda Item 6

Councillor Huw Williams – Personal Interest – Agenda Item 6

Councillor Mark Young – Personal Interest – Agenda Item 5

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

No urgent matters had been raised.

#### **4 MINUTES**

Minutes of the Planning Committee meeting held on 27 July 2016 were submitted.

Accuracy –

Page 15: Item 8 – Tyn y Wern, Corwen – For clarity Councillor Cefyn Williams asked that reference to Tyn y Wern, Corwen be amended to Tyn y Wern, Cynwyd.

Page 11: Item 2 – Declaration of Interest – Councillor Merfyn Parry had sent a message advising that his declaration of interest in Agenda Item 7 – Land adjacent to Maes Llan, Llandyrnog had been wrongly described in that his partner ran the White Horse in Llandyrnog and not the Golden Lion.

**RESOLVED** that, subject to the above, the minutes of the meeting held on 27 July 2016 be approved as a correct record.

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 11) -**

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. 40/2016/0256/PC - FIELDS SOUTH-WEST OF BORTH CROSSROADS, ABERGELE**

An application was submitted for change of use of agricultural building to wood processing and use of yard as wood storage (retrospective application) (re-submission) at fields south-west of Borth Crossroads, Abergele.

The Development Manager (PM) drew members' attention to the late supplementary information and reasoning behind the officer recommendation to defer consideration of the application following discovery of inaccurate information contained within the planning application and subsequent committee report. Consequently it was considered in everyone's best interest for the application to be deferred whilst further information was sought from the applicant.

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

#### **VOTE:**

FOR DEFERRAL – 22

AGAINST DEFERRAL – 1

ABSTAIN – 0

**RESOLVED** that the application be **DEFERRED** in accordance with officer request.

### **6 APPLICATION NO. 02/2016/0526/PF - RUTHIN SCHOOL, MOLD ROAD, RUTHIN**

An application was submitted for demolition of 2 storey detached house and linked single storey garage and erection of two storey Dining Hall with plant space within the roof void, to replace existing 2 storey detached dwellinghouse at Ruthin School, Mold Road, Ruthin.

**Public Speaker** –

Mr. Martin Watson (**For**) – detailed the school’s close links within the community and local consultation prior to submission of recent planning applications in order to reassure and address any issues of concern. It was explained that the application was submitted with a view to improving facilities and securing the school’s continued success on the site for future generations.

**General Debate** – Councillor Huw Hilditch-Roberts (Local Member) believed that the proposed development would benefit the school and help to ensure its future success in the town. He also noted that local consultation had taken place and there had been some objections – however, he had not been approached directly regarding any concerns and was happy to support the application. Councillor David Smith (Local Member) advised that the school was valued in the town. He had not received any objections to the application and did not have any objection to raise.

**Proposal** – Councillor Huw Hilditch-Roberts proposed, seconded by Councillor Mark Young, that the application be granted.

**VOTE:**

GRANT – 23

REFUSE – 0

ABSTAIN – 0

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

**7 APPLICATION NO. 25/2015/0321/PFWF - LAND ADJACENT TO LLYN BRAN, BYLCHAU, DENBIGH**

An application was submitted for construction and operation of wind farm comprising 7 turbines, transformers, access tracks, on site substation, anemometry tower and associated construction and operational infrastructure at land adjacent to Llyn Bran, Bylchau, Denbigh.

**Public Speakers –**

Mr. Gwyn Bibby (**Against**) – spoke for a large number of local residents who would be affected by the proposed development and referred to previous planning history and objections based on landscape and visual impact.

Mr. John Woodruff (**For**) – reported that the area had been deemed suitable for large scale windfarm development and highlighted the differences from the previous 2007 application in order to lessen the impact and make the new proposal acceptable given the reduction in the number of turbines and their location. Also highlighted the wealth of support for the development.

**General Debate** – The Planning Officer (IW) provided some context to the report including planning history and its relevance to the current application. Members’ attention was drawn to a map (circulated at the meeting) which provided a comparison of site boundaries between the 2007 application and the current application under consideration. The need to balance the harm which might arise

from local impacts against the public benefit of the development of the wind farm was highlighted and those material planning considerations had been set out within the report. Officers were of the view that the harm in terms of the impact on landscape/visual interests and on the historic environment was so significant in this case that it outweighed support for the principle of wind energy development and public benefit in the form of renewable energy regeneration. Consequently officers had recommended that planning permission be refused.

Councillor Joe Welch (Local Member) supported the officer recommendation and spoke against the development, noting the comprehensive report which clearly set out the relevant planning considerations in this case. He believed the history of the site and reference to the 2007 application to be relevant, albeit that it referred to a slightly larger application, and that the reasons for refusal were valid. Councillor Welch was also keen to highlight the wealth of local opposition and public feeling against the development from both individuals and the three local community councils. He noted that most local support for the development had been communicated via the same generic statement.

**Proposal** – Councillor Joe Welch proposed the officer recommendation to refuse the application, seconded by Councillor Jeanette Chamberlain-Jones.

**VOTE:**

GRANT – 0

REFUSE – 23

ABSTAIN – 1

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

**8 APPLICATION NO. 01/2016/0672/PF - DENBIGH MUSEUM, GROVE ROAD, DENBIGH**

[Councillors Ray Bartley and Mark Young declared a personal interest in this item because they were members of Denbigh Town Council who owned the building.]

An application was submitted for change of use of part of Class D1 Museum into a self-contained dwelling at Denbigh Museum, Grove Road, Denbigh.

The Chair advised that, unfortunately, Councillor Gwyneth Kensler (Local Member and Applicant) had been unable to attend the meeting.

**Proposal** – Councillor Meirick Davies proposed, seconded by Councillor Arwel Roberts that the application be granted.

**VOTE:**

GRANT – 22

REFUSE – 0

ABSTAIN – 0

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

## **9 APPLICATION NO. 02/2016/0422/PF - LAND AT GLASDIR FARM, RUTHIN**

[Councillor Huw Hilditch-Roberts declared a personal interest in this item because he was Chair of Governors of Ysgol Pen Barras and parent of a child in the school. Councillor Huw Williams declared a personal interest because he was parent of a child attending Ysgol Pen Barras. Councillor Julian Thompson-Hill declared a personal and prejudicial interest because he was a member of the Project Board and Lead Member for submitting the application and he left the meeting whilst the application was being considered.]

An application was submitted for demolition of existing farmhouse and associated outbuildings, and construction of new school accommodating two primary schools with associated external works, including formation of new vehicular and pedestrian accesses, improvements to existing footpath, on-site parking with drop off areas, external play and games areas, playing field, wildlife gardens and shelters, landscaping and boundary fencing, and surface water drainage works involving filter drains and soakaways at land at Glasdir Farm, Ruthin.

**General Debate** – Councillor Huw Hilditch-Roberts (Local Member) fully supported the much needed school development in order to provide an excellent learning environment for the benefit of local children which had been a long time coming. He paid credit to both schools who were performing well despite difficult conditions within the existing facilities. Given the location of the proposed new school Councillor Huw Hilditch-Roberts sought a number of assurances regarding (1) highway issues and traffic management – in particular volume of traffic and congestion, roundabout issues and access from Glasdir; (2) drainage and flooding given that the development was located in a flood zone, and (3) how the concerns of neighbours had been addressed. Councillor David Smith (Local Member) also welcomed the school development highlighting the inadequacies of the existing facilities and ongoing work over many years in order to turn the vision into reality. Councillor Eryl Williams, Lead Member for Education reiterated the need for the new schools in order to provide modern, fit for purpose educational facilities and he reported upon the Council's modernising education programme and vision for Denbighshire. He referred to an 'Open Day' for local residents which had been held to provide details of the development and allay concerns, including flooding and highways.

Highway and Planning Officers responded to the questions raised as follows –

- (1) Highways – work had been ongoing for a number of years regarding various highway options. Reference was made to a number of highway works to be completed prior to the occupation of the school including a new controlled crossing on Denbigh Road and widening of the footway on the site side of the highway, and an order for parking restrictions adjacent to the site being advertised. In response to Ruthin Town Council's suggestion that vehicles leaving the site should turn left only, that option had been considered as part of the transport assessment and was found to have a detrimental effect on the

A525 roundabout. The large car park and dropping off area proposed within the site complied with parking standards. Consequently officers considered the proposals would not have an unacceptable impact on the local highway network – in addition, pressure on the A494 trunk road would be alleviated by the proposed highways measures. Councillor Huw Hilditch-Roberts sought further assurances that the impact of the livestock market had been considered and that sufficient safety measures had been included to ensure a safe walking route for children. It was explained that the main problem with the cattle market was at weekends and work was ongoing to work with them to improve site management with parking restrictions being considered as part of the scheme. The measures introduced to protect pedestrians on the footway were considered acceptable

- (2) Drainage (including flooding) – officers reported upon the extensive flood modelling work undertaken for the scheme and the drainage strategy for the site and elaborated upon the measures being introduced to protect against flooding which included measures for water to be retained on the sports pitch, additional bunding to divert flood water away and raising of the school onto higher ground – assurances were provided that much multi-agency work had been carried out in preparation for the application and the flood management plan had been specifically designed for the whole area and not just the school development site
- (3) Residential Amenity – reference was made to the wealth of public engagement and consultation on the proposed development and it was testament to that process that only two objection letters had been received given the size of the scheme – discussions had taken place with those residents and steps had been taken to mitigate their concerns including removal of two windows from key elevations and adding acoustic bunds and barriers with additional landscaping. It was considered that the proposals would not have an unacceptable impact on residential amenity and it should be appreciated that the land had been allocated for school development.

Councillor Mark Young sought assurances regarding maintenance of the waterways highlighting the need for a commitment to meet that responsibility. Councillor Stuart Davies referred to previous ambiguity in this area, particularly following flooding of the Glasdir Estate in 2012, advising that it had since been established that the landowner was responsible. He felt it was imperative that it was made clear within the process who was responsible, particularly given past events and that the proposed development was in a flood zone. Whilst acknowledging members' concerns officers advised they were not planning issues for consideration with the application and it was suggested that the relevant scrutiny committee would be best placed to scrutinise arrangements for the responsibility and maintenance of watercourses in the area. Officers further advised that the technical information, statutory consultee responses and flood alleviation document indicated that the development could proceed. Assurances were also provided that there was an ongoing dialogue between the Council, Natural Resources Wales and the housing developer at Glasdir regarding flood alleviation features in the area.

Officers responded to questions raised during further debate advising that –

- there would be security fencing around the site managed by the school

- raising of the land had been detailed in the Flood Consequence Assessment and included within the conditions as detailed in pages 54 and 55 of the report
- an umbrella insurance covered the Council's assets and property portfolio, and
- given the directives outside of the planning process for dealing with protected species officers cautioned against Councillor Huw Hilditch-Roberts's suggestion to remove the condition relating to the immediate cessation of work should any Great Crested Newts be found (as detailed in the supplementary papers) – instead officers provided assurances that they would work closely with the relevant authorities to ensure ongoing dialogue and mitigate any risk of delay

**Proposal** – Councillor Huw Hilditch-Roberts proposed, seconded by Councillor Barry Mellor that the application be granted.

**VOTE:**

GRANT – 22

REFUSE – 0

ABSTAIN – 1

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

**10 APPLICATION NO. 03/2016/0584/LB - WYNNSTAY ARMS HOTEL, BRIDGE STREET, LLANGOLLEN**

An application for listed building consent was submitted for erection of replacement signs to the exterior of the building and repainting of front render at Wynnstay Arms Hotel, Bridge Street, Llangollen.

**Proposal** – Councillor Stuart Davies proposed the officer recommendation to grant the application, seconded by Councillor Rhys Hughes, subject to the inclusion of the additional condition as listed in the late supplementary papers.

**VOTE:**

GRANT – 23

REFUSE – 0

ABSTAIN – 0

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

At this juncture (10.35 a.m.) Councillor Alice Jones left the meeting and there was a short refreshment break.

**11 APPLICATION NO. 44/2016/0378/PF - LAND ADJOINING MORFA LODGE, ABERGELE ROAD, RHUDDLAN**

[Councillor Jeanette Chamberlain-Jones declared a personal and prejudicial interest in this item because she was a friend of the applicant and left the meeting whilst the application was being considered.]

An application was submitted for formation of new vehicular access for agricultural vehicles at land adjoining Morfa Lodge, Abergele Road, Rhuddlan, Rhyl.

**General Debate** – The Development Manager (PM) referred to the additional information contained in the supplementary papers (circulated at the meeting) and proceeded to outline the application. The agricultural field had been used periodically for other purposes, such as the festival, but the application should be dealt with on the basis as to whether the access was safe in that location for the purpose proposed. The Highways Officer explained that such applications were assessed against standards set out in Technical Advice Note 18. Whilst acknowledging the concerns raised he advised that the proposal met the requirements as set out in the standards and was considered a suitable access for agricultural machinery. Consequently there were no strong grounds for refusal.

Councillor Arwel Roberts (Local Member) noted the intention to create a new access for agricultural vehicles separate to the existing access point which would be retained for the dwelling and outbuilding. He was in favour of granting the permission for access for agricultural purposes (and the annual festival) but stressed that if ever there was a change of use the permission for access should come before Planning Committee again. However he did raise concerns regarding safety of the existing entrance in use given the large vehicles using that access point. Councillor Dewi Owens queried the need for an additional entrance and also sought assurances that granting the application would not lead to an automatic grant of further permissions. The Development Manager (PM) explained that the reasoning behind the application was not a relevant planning consideration and the application must be assessed on whether the new access was adequate and safe for purpose. He also clarified that, whilst there were some temporary permitted uses on land which did not require permissions, permanent change of use did require planning permission which would be brought before Planning Committee if there were any concerns. The Highways Officer referred to the position of the new access and intention to retain the existing access for the house and outbuildings only which would be separated from the remainder of the farming land by fencing and hedge. Whilst little could be done to address concerns raised regarding use of the current access point, the proposed new access point was considered an improvement to the existing arrangements.

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

**VOTE:**

GRANT – 19

REFUSE – 2

ABSTAIN – 1

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

**12 SUPPLEMENTARY PLANNING GUIDANCE: 'PLANNING FOR COMMUNITY SAFETY' CONSULTATION DRAFT**



Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance (SPG) on 'Planning for Community Safety' as a basis for public consultation. Councillor Smith reminded members of the different stages in the process before final adoption of SPG documents by the Planning Committee.

The Strategic Planning and Housing Manager (AL) clarified that the aim of the document was to ensure that community safety was considered at the beginning of the design process for developments and concentrated on the overall layout; it did not cover target hardening i.e. secure locks etc. Informal consultation had been carried out with North Wales Police who had indicated they would like an input into the process at the application stage. Members discussed with officers the potential extent of Police involvement when dealing with future applications for housing developments, and it was noted that they would likely want to be involved with larger schemes. Further detail would be provided in the final document submitted to members following the end of the consultation process. Councillor Joan Butterfield referred to problems with travellers having easy access to open spaces such as housing development sites and asked that this be taken into consideration as part of the process. In response to questions raised by Councillor Meirick Davies regarding potential duplication with building regulations officers advised that reference to the possible introduction of building regulations had been included in paragraph 7.2 of the document – the regulations would focus on target hardening of windows and doors in new dwellings as opposed to the overall design and layout covered in the SPG. Finally it was confirmed that, if adopted, the new SPG could not be imposed on existing developments but would encourage new developers to have regard to community safety at an early stage.

**Proposal** – Councillor Bob Murray proposed the officer recommendation to approve the draft SPG for consultation, seconded by Councillor Joan Butterfield. It was unanimously –

**RESOLVED** that members agree the draft Supplementary Planning Guidance on Planning for Community Safety, as attached at Appendix 1 to the report, for public consultation.

### **13      NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT DEVELOPMENT CONSENT ORDERS - APPROVAL OF REQUIREMENTS**

A report was submitted seeking delegated powers to officers to issue decisions on technical detail submitted to the local planning authority in accordance with planning 'Requirements' contained in Nationally Significant Infrastructure Project Development Consent Orders.

The Principal Planning Officer (IW) explained that a minor change to the existing scheme of delegation was proposed to enable officers to deal with relatively minor applications for big infrastructure schemes relating to planning applications quickly without the need for referral to Planning Committee. Assurances were provided that those delegated powers would be used with discretion and in agreement with local members, with more contentious matters being referred to committee.

Councillor Huw Hilditch-Roberts sought further clarification regarding responsibility for decision making in particular cases and officers confirmed that the discretion remained for matters delegated to officers to be brought before committee for determination. There was clear reference to consultation with local members as part of the decision making process and any application of a concern to members would always be brought before committee for consideration. Officers also clarified that the delegation would also cover any future Development Consent Orders.

**Proposal** – Councillor Cefyn Williams proposed the officer recommendations as detailed within the report, seconded by Councillor Bill Cowie. It was unanimously –

**RESOLVED** that powers be delegated to Officers to determine submissions to the local planning authority in accordance with planning Requirements contained in Nationally Significant Infrastructure Project Development Consent Orders, and to revise the Scheme of Delegation through the insertion of the following paragraph –

*“1.4.5 To determine submissions to the local planning authority in accordance with planning Requirements contained in Nationally Significant Infrastructure Project Development Consent Orders”.*

**14 INFORMATION REPORT: NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT - SECRETARY OF STATE DECISION ON DEVELOPMENT CONSENT ORDER APPLICATION**

An information report was submitted outlining the Secretary of State’s decision to grant the Development Consent Order for the overhead line connection scheme.

**RESOLVED** that the information report be received.

**15 INFORMATION REPORT: PLANNING APPEAL DECISIONS**

An information report was submitted outlining the recent decisions issued by the Planning Inspectorate on appeals against decisions of the County Council. 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 information report be received.

The meeting concluded at 11.25 a.m.