

## **PLANNING COMMITTEE**

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

### **PRESENT**

Councillors Raymond Bartley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Alice Jones, Pat Jones, Win Mullen-James (Vice-Chair), Bob Murray, Peter Owen, Dewi Owens, Paul Penlington, Pete Prendergast, Arwel Roberts, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

Local Members – Councillors Ann Davies, Hugh Irving, Huw Jones and Jason McLellan attended for particular agenda items relating to their areas.

Councillor David Smith, Lead Member for Public Realm attended for agenda item 16 – 18

### **ALSO PRESENT**

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Management Manager (PM); Planning Officer (DR); Planning Officer (DS); Strategic Planning & Housing Manager (AL), and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillors Ian Armstrong, Bill Cowie, Rhys Hughes, Barry Mellor and Merfyn Parry

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

Councillor Ray Bartley – Personal Interest – Agenda Item 5 & 17

Councillor Meirick Davies – Personal Interest – Agenda Item 9

Councillor Jason McLellan – Personal and Prejudicial Interest – Agenda Item 11

#### **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 17 June 2015 were submitted.

Page 17 – Application No. 40/2015/0319 – Councillor Meirick Davies pointed out that the minutes did not record Councillor Alice Jones returning to the meeting following conclusion of the business item relating to Pengwern Farm, Bodelwyddan.

***RESOLVED** that, subject to the above, the minutes of the meeting held on 17 June 2015 be approved as a correct record.*

## **APPLICATIONS 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. 01/2015/0347/PR - LAND ADJOINING FRON DEG, RUTHIN ROAD, DENBIGH**

[Councillor Ray Bartley declared a personal interest in this item as Local Member]

An application was submitted for details of appearance, layout and scale of 14 dwellings and site landscaping submitted in accordance with condition number 1 of outline planning permission 01/2014/0072 (Reserved Matters Application) at land adjoining Fron Deg, Ruthin Road, Denbigh.

#### **Public Speaker –**

Mr. S. Evans (**Against**) – raised concerns over the density of the development and light pollution.

**General Debate** – Councillor Richard Davies (Local Member) shared the concerns expressed by Mr. Evans regarding over intensification of the site which he believed would not be in keeping with the area. He referred to planning history relating to 6 dwellings with the current application showing a significant increase to 14 dwellings. Further concerns had been raised regarding boundary fencing and ownership issues and access arrangements to Denbigh Cricket Club. Taking into account local circumstances Councillor Davies believed fewer houses would be more beneficial on the site. The Chair, Councillor Ray Bartley (Local Member) also shared the concerns raised and asked where the commuted sum would be spent.

The Planning Officer (DR) summarised the reasons behind the recommendation to grant the application. The Local Development Plan (LDP) Policy RD1 sought to ensure the most efficient use of land by achieving minimum densities of 35 dwellings per hectare, unless local circumstances dictated a lower density. The application would provide 28 dwellings per hectare which officers considered appropriate having regard to the locality. As context reference was also made to the Welsh Government's position in respect of the 5 year supply of housing land – it was clarified that whilst Denbighshire had allocated sufficient land for housing the pace of development was slow and therefore Denbighshire was falling below the 5 year target. In this case the site was not an allocated site in the LDP but had been taken into account when calculating the level of housing land required. Officers also responded to local members' concerns, and questions raised during general debate by other members as follows –

- boundary disputes were not planning issues but civil matters
- the application did not include access to the Cricket Club and had therefore not been a matter for officers to assess
- lighting could be easily controlled via condition to ensure no adverse impact although it was acknowledged that there were no special considerations in this location which would warrant that
- any open space generated on-site would be minimal, therefore officers recommended a commuted sum be spent on enhancing existing provision in the lower Denbigh ward – the nearest playground was about half a mile away
- open space provision for housing developments was assessed on a case by case basis and imposing conditions in this regard at outline planning stage was not considered an appropriate option
- the density of the development had been assessed against current planning policy and the number of dwellings fell short of the current threshold, officers considered the density proposed would not have an unacceptable impact on the character of the area and therefore was not considered grounds for refusal.

**Proposal** – Councillor Stuart Davies proposed the officer recommendations to grant the application, seconded by Councillor Dewi Owens.

**VOTE:**

GRANT – 21

REFUSE – 2

ABSTAIN – 1

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

**6 APPLICATION NO. 05/2015/0040/PF - LAND OFF GREEN LANE, CORWEN**

An application had been submitted for erection of single storey dwelling and alterations to existing vehicular access at land off Green Lane, Corwen.

**Public Speakers –**

Mrs. K. James (**For**) – highlighted flood risk as the only issue of concern and argued that Technical Advice Notice (TAN) 15 (Development and Flood Risk Advice Map) was guidance only and mitigation measures could be introduced to address any potential impact and meet the TAN 15 justification test.

**General Debate** – Councillor Huw Jones (Local Member) spoke in support of the application and highlighted the need for a balanced judgement on the application's merits. He advised that the initial objection by the Town Council in terms of access had been resolved and the application needed to be determined on the flood risk element. Consequently members' attention was drawn to the following –

- TAN 15 Section 6: Justifying the Location of Development – there was reference to some flexibility being necessary to enable flood risk to be addressed

- TAN 15 Section 11: 'Development Control' – advised that in terms of minor developments it would be a matter for the planning authority to judge whether to apply Section 6 (above) where a site falls partially within zone C
- some context was provided in terms of the location of the site and its position regarding flood risk which was illustrated on plans shown to the committee – it was argued that the site sat on the very limit of the flood zone, and may well fall outside it, with the nearest point to flooding being some 405 metres away
- Natural Resources Wales (NRW) had not objected to the application but had submitted a number of recommendations and conditions should the application be granted – this included raising the building level to mitigate flood risk
- NRW had also confirmed that there had been 3 flood events in Corwen since 1964 and the area in question had not been flooded
- Local Development Plan – referenced the Council's aspiration to develop existing brownfield sites in Corwen to meet local needs and investment.

Overall members considered that the Local Member had made a compelling case for granting the application. The Planning Officers confirmed their recommendation to refuse the application based on the site's location within a C2 flood zone as identified by NRW maps and TAN 15 advice that residential development should not be permitted in a C2 zone.

**Proposal** – Councillor Stuart Davies proposed, seconded by Councillor Arwel Roberts, that the application be granted, contrary to officer recommendation, on the basis that flood risk could be mitigated in this case via conditions attached to planning permission, and that power be delegated to officers and local members to apply planning conditions to the consent.

**VOTE:**

GRANT – 22

REFUSE – 2

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** contrary to officer recommendation, on the grounds that flood risk could be mitigated in this case, and that power be delegated to officers and local members to apply planning conditions to the consent as appropriate.

**7 APPLICATION NO. 23/2014/1440/PF - CLOCAENOG FOREST, SARON, DENBIGH**

[Councillor Meirick Davies declared a personal interest in this item as he was a member of 'Pylon the Pressure Group']

An application was submitted for erection of a 132kV electrical substation and association works at Clocaenog Forest, Saron, Denbigh.

**Public Speakers –**

Mr. M. Barlow (**Against**) – disputed the need for a substation at this time and highlighted concerns over the landscape and visual impact.

Ms. C. Duffy, SP Manweb (**For**) – explained the extent of consultation undertaken together with mitigation measures to address issues raised. She concurred with the conclusions of the planning report and accepted the proposed conditions.

**General Debate** – Councillor Joe Welch (Local Member) opposed the application and raised concerns regarding –

- the piece meal approach taken to the North Wales Windfarms Project and the cumulative effects of the substation combined with other elements of the project
- argued against the need for a substation at this stage given that the application for the overhead lines project had yet to be approved; the Clocaenog Windfarm being subject to judicial review; and other consented windfarms having yet to be built – consequently the application was considered premature
- lack of public consultation and documents provided in the Welsh Language and misleading information which detracted from the true impact of the substation
- adequacy of the Environmental Report and cumulative noise assessment
- the impact and effects on visual amenity, tourism, residents' health and noise.

The Planning Officer (DS) responded to the issues raised as follows –

- the nature of the planning application process in Wales did not allow for all elements of the windfarm project to be dealt with under one application
- the applicant had advised that the substation was not dependent on the outcome of either the Clocaenog Windfarm legal challenge or the proposed overhead lines project and the substation would still be required should the grid connection be via an underground cable
- the use of Welsh in consultations was encouraged but it was not a legal requirement
- officers considered the application acceptable in principle having assessed the impact of the substation on the local area and taking into account the site was within the Clocaenog Forest Strategic Search Area (SSA) [planning policy stated landscape change from windfarm development was acceptable within SSAs]
- officers largely agreed with the findings of the environmental report believing issues could be mitigated
- whilst the Public Protection Officer had not agreed with all the calculations applied in the cumulative noise assessment he had not challenged its robustness and had accepted its conclusions; noise levels could be controlled via conditions in order to safeguard local residents' amenity.

During a detailed debate members considered the merits of the application and expressed reservations regarding the validity of the cumulative noise assessment's conclusions given that questions had been raised over the methodology used in calculating noise levels. Concerns were also raised over visual amenity and impact on the landscape, particularly the proposed 9 metre high gantry which would likely be highly visible, and the subsequent effects on both the community and tourism.

**Proposal** – Councillor Joe Welch proposed, seconded by Councillor Huw Williams, that the application be refused, contrary to officer recommendation, on the grounds

of the potential cumulative noise impact and potential visual impact on the landscape from the substation.

**VOTE:**

GRANT – 3

REFUSE – 20

ABSTAIN – 0

**RESOLVED** that permission be **REFUSED**, contrary to officer recommendation on the grounds of the potential cumulative noise impact and potential visual impact on the landscape from the substation.

At this juncture (11.15 a.m.) the meeting adjourned for a refreshment break.

**8 APPLICATION NO. 43/2015/0159/PF - FORMER PRESTATYN COMMUNITY HOSPITAL, 49 THE AVENUE, WOODLAND PARK, PRESTATYN**

[Councillor Jason McLellan declared a personal and prejudicial interest in this item because he lived very close to the development. He would be speaking on this item as a member of the public and would leave the meeting whilst the application was being considered and take no further part in the proceedings.]

An application was submitted for redevelopment of former community hospital site by the erection of 24 dwellings and construction of a new vehicular access at 49 The Avenue, Woodland Park, Prestatyn.

**Public Speakers –**

Councillor Jason McLellan (**Against**) – raised concerns regarding over intensification of the site and properties being out of character in the area together with highway issues. [At this point Councillor McLellan left the meeting.]

**General Debate –** The Planning Officer (PM) summarised the report and reasons behind the officer recommendation to grant. Given the density of the proposed development and type of dwellings within the locality it was not considered there would be an unacceptable impact on the character of the area. In terms of highways, given the previous use of the site as a community hospital, there would likely be no significant increase in traffic and it was considered the application raised no significant concerns in respect of highways or accessibility.

Councillor Hugh Irving (Local Member) provided some background history to the site and advised he had been contacted by residents in opposition to the proposals. Concerns were raised regarding the size and scale of the development which was not in keeping with the general character of the area and parking and road safety issues arising from traffic generation. He asked members to consider refusing the application to allow for a development more in keeping with the area. Councillor Julian Thompson-Hill added that whilst density levels fell within the policy threshold the proposals still represented over intensification in terms of the local environment. He accepted the general mix of dwellings within the area but felt the three storey style to be out of keeping with the surrounding area.

Councillor Win Mullen-James reported upon the recent site inspection and observations made in terms of the local context (detail of the site visit had been provided within the late supplementary papers).

The Planning Officer referred to the points raised and responded as follows –

- the density of the development was lower than LDP requirements and similar to existing development in the area
- the proximity of existing properties had been measured and met the minimum standards required for distance between dwellings
- whilst there would be an impact on residential amenity it would not be significant
- the tallest of the proposed dwellings across the site frontage would not reach higher than the existing hospital building and due to the variety of dwellings in the area it was not considered that the development would be harmful to the character and appearance of the locality
- there would be careful attention to landscaping details and conditions applied
- regarding surface water drainage officers were in consultation with Welsh Water who had not raised any concerns to date.

**Proposal** – Councillor Stuart Davies proposed, seconded by Councillor Meirick Davies that the application be granted in accordance with officer recommendations.

**VOTE:**

GRANT – 12

ABSTAIN – 0

REFUSE – 11

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

**9 APPLICATION NO. 44/2015/0364/PF - 6 GROVE TERRACE, PRINCES ROAD, RHUDDLAN, RHYL**

An application was submitted for relocation of brick pillar and installation of wooden gates at 6 Grove Terrace, Princes Road, Rhuddlan.

**Public Speakers –**

Ms. S. King (**For**) – argued for equality with neighbouring properties advising similar structures had been removed and disputed any harm to the character/appearance of the locality.

**General Debate** – Councillor Ann Davies (Local Member) spoke in favour of the application advising that removal and repositioning of the post would enhance the visual impact and be in keeping with properties in the area. No objections had been received to the application and support had been received from Rhuddlan Town Council and other residents. Councillor Arwel Roberts (Local Member) also spoke in favour of the application and felt a precedent had already been set in the area.

**Proposal** – Councillor Huw Hilditch-Roberts proposed, seconded by Councillor Meirick Davies, that the application be granted, contrary to officer recommendation, on the grounds that there would be no detrimental effect on the area as a result of the development which would be in keeping with other properties in the area.

**VOTE:**

GRANT – 20

ABSTAIN – 0

REFUSE – 2

**RESOLVED** that permission be **GRANTED**, contrary to officer recommendation, on the grounds that there would be no detrimental effect on the area as a result of the development which would be in keeping with other properties in the area.

**10 APPLICATION NO. 18/2015/0501/PF - BRYN EGWALLT, LLANDYRNOG, DENBIGH**

An application was submitted for erection of single storey and two storey extensions at Bryn Egwallt, Llandyrnog, Denbigh.

**General Debate** – In the absence of Councillor Merfyn Parry (Local Member) the Chair advised that Councillor Parry had no objection to the application.

**Proposal** – Councillor Meirick Davies proposed, seconded by Councillor Win Mullen-James that the application be granted in accordance with officer recommendations.

**VOTE:**

GRANT – 21

REFUSE – 0

ABSTAIN – 0

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

**11 APPLICATION NO. 21/2015/0562/PF - BRYN HYFRYD, MAESHAFN, MOLD**

An application was submitted for erection of extensions to side and rear of existing dwelling at Bryn Hyfryd, Maeshafn, Mold.

**Proposal** – Councillor Meirick Davies proposed, seconded by Councillor Huw Hilditch-Roberts that the application be granted in accordance with officer recommendations.

**VOTE:**

GRANT – 20

REFUSE – 0

ABSTAIN – 0



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

**12 APPLICATION NO. 20/2015/0199/PF - LAND AT BODELWYDDAN CASTLE, ENGINE HILL, BODELWYDDAN, RHYL**

An application was submitted for construction of replica WW1 trenches at land at Bodelwyddan Castle, Engine Hill, Bodelwyddan, Rhyl.

Officers recommended the application be deferred to allow the Applicants time to provide further archaeological information to Clwyd Powys Archaeological Trust.

**Proposal** – Councillor Julian Thompson-Hill proposed, seconded by Councillor Chery Williams that the application be deferred in accordance with officer recommendation.

**VOTE:**

FOR DEFERRAL – 20

AGAINST DEFERRAL – 2

ABSTAIN – 0

***RESOLVED** that the application be **DEFERRED** in accordance with officer recommendation to allow further archaeological information to be provided.*

**13 APPLICATION NO. 45/2015/0451/PF - APOLLO BINGO CLUB, HIGH STREET, RHYL**

An application was submitted for erection of mono-pitch roof to provide covered smoking area to front, and external alterations at Apollo Bingo Club, High Street, Rhyl.

**Proposal** – Councillor Joan Butterfield (Local Member) considered there would be no detrimental impact as a result of the development and proposed the officer recommendation to grant the application, seconded by Councillor Cheryl Williams.

**VOTE:**

GRANT – 18

ABSTAIN – 1

REFUSE – 0

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

**14 APPLICATION NO. 45/2015/0452/LB - APOLLO BINGO CLUB, HIGH STREET, RHYL**

A listed building application was submitted for for internal and external refurbishment, provision of covered smoking area to front and installation of internally illuminated projecting signs, replacement fascia lettering and facade lighting at Apollo Bingo Club, High Street, Rhyl.

**Proposal** – Councillor Joan Butterfield (Local Member) had no objection to the application and proposed the officer recommendation to grant, seconded by Councillor Jeanette Chamberlain-Jones.

**VOTE:**

GRANT – 20

ABSTAIN – 1

REFUSE – 0

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

**15 NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT**

A report by the Head of Planning and Public Protection was submitted asking members to consider a response to the application for development consent submitted to the Planning Inspectorate in respect of the North Wales Wind Farms Connections Major Infrastructure Project.

Scottish Power Manweb were progressing proposals for overhead lines despite the Council's in principle objection in favour of an underground connection. Without prejudicing the Council's position the committee had since agreed that the Council enter into a Planning Performance Agreement and engage in the Examination process. An update on the latest position and timescales had been provided.

Members considered the Local Impact Report (attached to the report) and in view of the tight timescales involved agreed that the report be fully completed in consultation with the relevant ward members and submitted at the appropriate time. In terms of the Council's representation it was agreed that the Council formally objects to the overhead line project on the basis of the visual impact; loss of agricultural land and the potential impacts on health, tourism and biodiversity. Finally members considered nominating members to represent the Council at subsequent Examination Hearings and Councillors Meirick Davies, Alice Jones and Joe Welch expressed an interest in that regard.

**RESOLVED** that the committee –

- *agree to the format of the draft Local Impact Report attached as Appendix D to the report and for a final Local Impact Report to be submitted to the Planning Inspectorate, in consultation with relevant Ward Members*
- *agree that the Council formally objects to the development proposal on the basis of the visual impact; loss of agricultural land, and the potential impacts on health, tourism and biodiversity, and*
- *nominates Councillors Meirick Davies, Alice Jones and Joe Welch to represent the Council at Examination Hearings.*

**16 DRAFT SITE DEVELOPMENT BRIEF: CAE FFYDDION, DYSERTH**

Councillor David Smith, Lead Member for Public Realm and the Strategic Planning & Housing Manager (AL) jointly submitted a report recommending members agree the draft Site Development Brief (SDB) for the allocated housing site Cae Ffyddion, Dyserth and the accompanying Strategic Environmental Assessment screening document for public consultation.

Councillor Smith provided some context to the report and explained the different stages in the process before adoption of SDBs by Planning Committee and their importance in developing criteria to meet local requirements. Members were also advised that the site had been allocated for housing development in the LDP and the consultation process would be undertaken in liaison with local members.

Councillor Peter Owen (Local Member) referred to representations received from Ann Jones AM regarding the consultation and officers confirmed it had been agreed to extend the consultation period to 13 weeks and a minimum of four public events would be undertaken during that time; all residents would receive notification of the consultation. Councillor Huw Hilditch-Roberts felt more weight should be given to housing allocation sites in the LDP when undertaking school reviews in terms of the impact on educational provision and safer routes. Officers confirmed that education colleagues were provided with details of site allocations and forthcoming developments during that process. If developments generated extra demands on schools a developer contribution would be required to increase capacity.

**Proposal** – Councillor Peter Owen proposed the officer recommendation, seconded by Councillor Meirick Davies.

**VOTE:**

FOR – 19

AGAINST – 2

ABSTAIN – 0

**RESOLVED** that members agree the draft Site Development Brief for the allocated housing site Cae Ffyddion, Dyserth and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation.

**17 DRAFT SITE DEVELOPMENT BRIEF: 'BROOKHOUSE' DENBIGH, LDP ALLOCATED HOUSING SITES**

[Councillor Ray Bartley declared a personal interest in this item as Local Member]

A report was submitted recommending members agree the draft Site Development Brief (SDB) for the allocated 'Brookhouse' housing sites at Denbigh and the accompanying Strategic Environmental Assessment screening document for public consultation.

The principle for housing development had been established in the LDP and the SDB aimed to provide robust guidance for proposed development. Members discussed the consultation process and different approaches to public engagement. It was agreed to apply a consistent approach to consultation in terms of timescale

and number of public events taking into account local members' views in terms of venues and timings.

**Proposal** – Councillor Bill Tasker proposed the officer recommendation, seconded by Councillor David Simmons.

**VOTE:**

FOR – 17

AGAINST – 1

ABSTAIN – 0

**RESOLVED** that members agree the draft Site Development Brief for the 'Brookhouse' housing sites at Denbigh and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation

**18 DRAFT SITE DEVELOPMENT BRIEF: FFORDD HENDRE AND MAES MEURIG, MELIDEN**

A report was submitted recommending members agree the draft Site Development Brief (SDB) for the allocated Ffordd Hendre and Maes Meurig housing sites at Meliden and the accompanying Strategic Environmental Assessment screening document for public consultation.

Officers advised that the two sites had been allocated in the LDP for housing but they remained controversial sites locally and concerns were being addressed within the brief. Councillor Peter Evans (Local Member) was satisfied that the issues of concern had been included within the draft brief and would be open to public consultation. Officers confirmed that the sites would be clearly marked on the location plan prior to public consultation. Members agreed a consistent approach with the previous two items be applied in terms of consultation with a view to maximising public engagement.

**Proposal** – Councillor Huw Hilditch-Roberts proposed the officer recommendation, seconded by Councillor Win Mullen-James.

**VOTE:**

FOR – 20

AGAINST – 0

ABSTAIN – 0

**RESOLVED** that members agree the draft Site Development Brief for the allocated Ffordd Hendre and Maes Meurig housing sites at Meliden and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation.

The meeting concluded at 1.05 p.m.