

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 14 October 2015 at 9.30 am.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley, Joan Butterfield, Bill Cowie, Richard Davies, Stuart Davies, Huw Hilditch-Roberts, Pat Jones, Barry Mellor, Win Mullen-James (Vice-Chair), Bob Murray, Peter Owen, Pete Prendergast, Arwel Roberts, Anton Sampson, David Simmons, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Huw Williams

ALSO PRESENT

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

POINT OF NOTICE

The committee was advised that, due to technical issues, it would not be possible to webcast the meeting. The electronic voting system and display screens inside the chamber remained operational.

1 APOLOGIES

Councillors Ian Armstrong, Jeanette Chamberlain-Jones, Meirick Davies, Peter Evans, Rhys Hughes, Alice Jones, Dewi Owens and Merfyn Parry.

2 DECLARATIONS OF INTEREST

No declarations of personal or prejudicial interest had been raised.

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 16 September 2015 were submitted.

***RESOLVED** that the minutes of the meeting held on 16 September 2015 be approved as a correct record.*

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

Applications received requiring determination by the committee were submitted together

with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications.

5 APPLICATION NO. 23/2015/0463/PFT - LAND AT CEFN YFED, CYFFYLLIOG, RUTHIN

An application was submitted for installation of one 500 kw wind turbine with hub height of 48m and a rotor diameter of 45m and associated works at Land at Cefn Yfed, Cyffylliog, Ruthin.

Public Speakers –

Mrs. J. Williamson (**Against**) – objected to the application on the grounds of visual amenity and noise impact and spoke on behalf of a number of local residents in the vicinity who would be directly affected by the development, outlining their concerns.

Mr. M. Jones (**For**) – detailed his family's links to the farm and emphasised the importance of the development for the future sustainability of the farm business which also provided local employment. He argued that the turbine would not breach the skyline; was significantly quieter than other turbines, and in terms of cumulative impact questioned whether other consented schemes would be built.

General Debate – The Principal Planning Officer advised that the application was one of seven currently undetermined applications involving single turbine developments and it was important to consider each one on its own merits. The reasons behind the officers' recommendation to refuse the application in this case had been detailed within the report based on landscape/visual and noise impacts.

Councillor Joe Welch (Local Member) had considered both the benefits of the farm diversification project and the adverse landscape and noise impact. Having considered the size and location of the development, the views of the Council's Landscape Consultant, and given the Pollution Control Officer's concerns that noise levels were too loud and could not be appropriately controlled, Councillor Welch proposed that the application be refused in accordance with officers' recommendation on the grounds of landscape/visual amenity and noise impact.

During debate there was some sympathy with the application and members considered whether the farm diversification benefits outweighed the visual and noise concerns. Members were particularly concerned regarding the potential noise impact and sought further clarification and evidence to support officers' reasoning that noise levels would be too loud and could not be adequately controlled. Reference was also made to the late representations submitted by the Clwydian Range and Dee Valley AONB Joint Committee (as detailed in the blue sheets) and members questioned their role within the process and reiterated previous concerns that they were acting outside their remit. The Chair confirmed that officers were taking up that issue and the Principal Planning Officer explained that the recommendation in this case had been made prior to receiving the AONB Joint Committee's representations.

The Pollution Control Officer responded to questions regarding noise impact and advised that, based on the evidence provided, he could not support the application. He explained the processes used in assessing noise levels advising that noise levels had been underestimated in this case, with no allowance for uncertainty, and therefore were likely to breach the 35dB limit for single turbines. That underestimation had also been carried forward as part of the cumulative noise assessment which had not taken into account consented levels, thereby increasing the underestimation. Noise complaints arising from turbines were generally rare because it was usual for officers to be satisfied as to noise levels during the initial screening process for applications. However this application had failed to demonstrate that acceptable noise levels could be achieved or controlled. Officers considered it inappropriate to grant permission without being able to set a reasonable and enforceable noise level condition that had a demonstrable chance of being achieved.

Proposal – Councillor Joe Welch proposed, seconded by Councillor Win Mullen-James, that the application be refused in accordance with officer recommendation.

VOTE:

GRANT – 5

REFUSE – 15

ABSTAIN – 1

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

6 APPLICATION NO. 47/2015/0741/PS - WHITE HOUSE HOTEL, HOLYWELL ROAD, RHUALLT, ST. ASAPH

An application was submitted for removal of condition no. 3 of planning permission code no. 47/2011/0527 relating to seasonal use condition restricting the use of the site for touring caravans between 31 October and 1 March at White House Hotel, Holywell Road, Rhualt, St. Asaph.

Public Speakers –

Mr. P. Jones-Hughes (**For**) – reported upon the success of the business and reasoning behind the application in order to cater for visitors all year round and meet the current unmet demand for touring caravans. He also responded to comments raised during the application process as detailed in the late supplementary papers (blue sheets).

General Debate – In the absence of Councillor Barbara Smith (Local Member), the Chair spoke on her behalf advising that she was supportive of Tremeirchion, Cwm and Waen Community Council's position but found there to be insufficient planning reasons for refusal. She had noted the additional condition proposed with regard to further landscaping and supported its imposition if the application was granted.

Some concern was expressed that a precedent may be set for year round occupancy of caravan sites leading to unauthorised residential use which would

prove a burden on council services. Officers explained the distinction between the use of static caravan sites and touring caravan sites and confirmed that Communities Scrutiny Committee were keeping the regulation of caravan sites under close review. The application in this case related to the specific use of the site for touring caravans which officers considered to be entirely reasonable and appropriate. In view of the existing condition regarding control over holiday use, officers were satisfied that the necessary controls were in place to restrict the use for holiday purposes only and not as a sole or main place of residence.

Proposal – Councillor Bill Cowie proposed, seconded by Julian Thompson-Hill, that the application be granted in accordance with officer recommendations.

VOTE:

GRANT – 19

REFUSE – 2

ABSTAIN – 0

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

The meeting concluded at 10.20 a.m.