

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 15th May 2013 at 9.30am.

PRESENT

Councillors, I W Armstrong, R Bartley (observer), J A Butterfield, J Chamberlain-Jones, M Ll. Davies, R J Davies, J.M. Davies, S.A. Davies, P Evans, C. L. Guy, H Hilditch-Roberts, C. Hughes, T.R. Hughes, E.A. Jones. H. Ll. Jones (local member), M McCarroll, , R M Murray, W M Mullen-James, P W Owen, D Owens. T M Parry, D Simmons, B.A. Smith (Local Member), W.N. Tasker, J Thompson-Hill, J S Welch, C H Williams, C L Williams and H O Williams

ALSO PRESENT

Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor – (Planning and Highways) (Susan Cordiner), Team Leader (Support) (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Highways Officer, Mike Parker attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillor, W L Cowie, P M Jones and A Roberts and Head of Planning (Graham Boase),

NB Changes to Membership – Councillors P. Duffy, P. Evans and J. Chamberlain Jones have replaced Councillors B Blakeley, R L Feeley and J.A. Davies as members of Planning Committee.

2 DECLARATIONS OF INTEREST

Councillor Merfyn Parry declared a personal interest in application 16/2013/0289/PF

Councillor Alice Jones declared a personal interest in application Code No 47/2013/0137/PFT

3 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of Planning Committee.

- Councillor **Dewi Owens** was nominated by Councillor Julian Thompson-Hill and seconded by Councillor Huw O Williams.

- Councillor **Meirick Lloyd Davies** was nominated by Councillor Alice Davies and seconded by Councillor Cefyn Williams
- Councillor **Win Mullen-James** was nominated by Councillor Joan Butterfield and seconded by Councillor David Simmons.

The candidates addressed the committee and a secret ballot was conducted.

After round 1 of the ballot, Councillor Meirick Lloyd Davies was eliminated.

A second ballot was conducted and resulted in the following:

9 votes cast for Councillor Dewi Owens
17 votes cast for Councillor Win Mullen-James

In accordance with the constitution Councillor Win Mullen-James was duly elected Chair of Planning Committee for the ensuing year.

Councillor Mullen-James took the Chair and thanked Committee for the opportunity. Councillors Dewi Owens and Meirick Lloyd Davies wished her every success.

5 APPOINTMENT OF VICE CHAIR

Nominations were sought for the position of Vice Chair of Planning Committee.

Councillor Meirick Lloyd Davies was nominated by Councillor Alice Jones and seconded by Councillor Huw Hilditch-Roberts.

As there were no other nominations, Councillor Meirick Lloyd Davies was elected unopposed to the position of Vice Chair of Planning Committee for the ensuing year.

3 URGENT ITEMS:

None

4 MINUTES OF THE MEETING HELD ON 19TH DECEMBER 2012.

Agreed as a true record subject to the following :

- Page 23 (Bryn Ffynnon, Bodfari) Voting should read 19 to Grant (not 10)

- Councillor M.LI. Davies pointed out that the welsh translation of “Abstained” is “Ymatal”.

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (previously circulated) was submitted enumerating applications submitted and requiring determination by the Committee.

RESOLVED that:-

- (a) the recommendations of the Officers, as contained within the report submitted, be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act 1991, Town and Country Planning Advert Regulations 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-*

Application No: 02/2013/0149/PF

Location: Mike Williams Engineering Lon Parcwr Ruthin

Description: Change of use from trade counter/industrial to builders merchants' (sui generis) and erection of new 2.75m high boundary palisade fencing

Public Speakers:

Mr. Dylan Jones spoke in favour of this application. Mr Jones advised Committee that the applicants (builders merchants firm Huws Grey) established their business in 1990 on Anglesey. They have since expanded and wanted to locate in Ruthin to increase their customer base. This would be their second branch in Denbighshire. Mr. Jones considered that as the property concerned is within a designated employment site and has a B8 use category, so it could be used for plumbing or wholesale without the need for permission. This proposed change of use should be accepted as it would bring 6 jobs to Ruthin. There was a small amount of landscaping proposed together with re-surfacing of the forecourt. Highways had raised no objection and conditions could be imposed if required. In response to objections received, Mr. Jones felt that noise would be no greater than potential levels for the existing use.

General Debate:

Councillor D. Smith (Local Member) raised concerns. He understood business competition was not a planning issue but felt other similar businesses employing 30 people in the area should be considered. Councillor Smith was also concerned about traffic. Although Highways had raised no objections, Councillor Smith advised Committee that the nearby junction to the Tesco supermarket was busy and delivery lorries enter Tesco at that point. He noted there were only six parking spaces allocated on site and considered that to be insufficient. Exterior stock displays could reduce available space for parking and turning.

Councillor H. O Williams was of the opinion that business investment should be encouraged. Members raised concern about parking and access and asked if conditions could be imposed to ensure the forecourt is kept free of obstruction.

Ian Weaver, Principal Planning Officer explained that competition was not a planning issue but understood Members' concerns regarding traffic. He suggested a condition could be imposed to control site layout and parking. The present use could include an element of external display/trading anyway. Mike Parker (Highways) advised there were no reasonable highways grounds to refuse permission.

Proposals:

Councillor H. O. Williams proposed permission be GRANTED
This was seconded by Councillor Rhys Hughes
On being put to the vote

25 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 05/2012/1396/PF

Location: Land at (part garden of) The Cottage, Carrog Corwen

Description: Erection of a detached dwelling and detached single garage, alterations to the existing vehicular access and associated works

Additional information reported in the late representations sheets from:
Carrog Village Hall Committee
I & B Lebbon, Pentir Carrog.

Public Speakers:

Against: Mr Rhys Webb.

Mr Webb said many local residents felt that the proposal was too big for the plot. This area is considered to be the hub of the village, with the school and village hall nearby. Recent extensions to the village hall required stone cladding but Mr Webb understood the proposed dwelling would be of modern materials. He felt they could build elsewhere in the village as there was land available.

In favour: Peter Matischok (agent). Mr. Matischok stated that the principle of development was not in question as the plot was within the village boundary. The plot is a partly overgrown garden area with existing vehicular access. It is intended to include traditional features in the design and adequate space is available for a useable garden space. Mr. Matischok did not consider it overdevelopment; and there would be no overlooking of, or loss of privacy to neighbouring properties. Mature trees were to be retained and fruit trees to be removed will be replaced.

General Debate:

Councillor Huw Llewelyn Jones (local member) stated that this was overdevelopment of the site, and pointed out that the displayed photographs showed the garden was not overgrown. He suggested that any rear windows could be glazed with obscure glass although if opened this would negate the purpose. However he hoped the committee refused permission.

Councillor M. Ll. Davies, while agreeing with Councillor Jones, wondered if it would be possible to clad part of the front and east elevations in stone. Other Members voiced the view that they considered that this proposal constitutes overdevelopment of the land, and regretted the loss of the orchard.

Principal Planning Officer Ian Weaver explained that as this site is in an established village the principle of development is not in dispute. There is

pressure to provide housing to support local communities. Mr Weaver referred Members to the layout plan which showed that one third of the site is would be developed, which suggested this was not over-development. The garden area exceeded the Council's standards for amenity space of 40 sq m. With regard to the windows, Mr Weaver referred to condition 17 which requires further details of fenestration and suggested top hung windows could be requested. On the issue of stonework details, he felt that as there was a mixture of finishes in the area it may not be a reasonable request.

Mike Parker (Highways) reported that he had visited the site but had no objection on highways grounds as the proposal is to use an existing gateway.

Proposals:

Councillor M. Ll. Davies proposed that if permission is granted a condition requiring a stone finish to the front and east elevations be imposed, where visible above the roadside wall.

This was seconded by Councillor J. Thompson Hill

On being put to the vote

Vote:

9 voted to include the suggested condition

11 voted not to include it

4 abstained

The motion was therefore lost.

Councillor Stuart Davies proposed that permission be REFUSED for the reasons of overdevelopment and impact on neighbouring amenity.

This was seconded by Councillor Cefyn Williams

On being put to the vote

VOTE:

13 voted to GRANT

11 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to: New Note to Applicant

You are asked to contact the Planning Section Case Officer to discuss the use of materials on the external walls of the dwelling in view of the location of the site, prior to submission of the details required by Condition 2 of this permission.

Application No: 06/2013/0253/PFT

Location: Lletty Llety Road Gwyddelwern Corwen

Description: Installation of a 500 kW wind turbine up to 77m to blade tip (up to 50m to hub height), access tracks and hardstanding, transformer station and ancillary works

Officers requested deferral of this application to allow full consideration of the landscape and Visual Impact Assessment recently received.

On a show of hands, Committee deferred this applicaiton.

(Councillors queried the lack of response from Gwyddelwern Community Council Officers explained that they did not usually respond if there was no objection.)

Application No: 11/2013/0136/PFT

Location: Cil Llwyn Bontuchel Ruthin

Description: Installation of a 50kw micro generation wind turbine with control box and formation of access track

This application was WITHDRAWN by the applicant

Application No: 16/2013/0289/PC

Location: Land at Pen Y Waen Llanbedr Dyffryn Clwyd Ruthin

Description: Retention of agricultural building for the housing of livestock (retrospective application)

Councillor Merfyn Parry declared a personal interest in the application

Councillors expressed concerns about the retrospective nature of this development, and raised the issue of individuals building under Permitted Development Rights, changing the use of a building but not seeking permission.

Principal Planning Officer Ian Weaver explained that this building did not need planning permission as a store but the use of the building for livestock did. In reply to questions Mr. Weaver stated it was not reasonable to impose conditions relating to colour or refuse it on visual amenity grounds. He explained the process of "Prior Notification". Councillor D. Owens asked about effluent from the livestock. It was explained that this would be an issue for licensing by Natural Resources Wales who had assessed this as a low environmental risk and had no concerns.

On being put to the vote

VOTE:
19 voted to GRANT
5 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 46/2012/1522/PF

Location: **St. Winifreds School Heol Esgob St Asaph**

Description: Erection of 21 no. dwellings, means of access and creation of children's (toddler) playspace area

Additional representations was reported in the late representations sheet from:

Dafydd Jones, 14 Ffordd Siarl, St. Asaph

Councillors requested information relating to flooding in the area and whether this application constituted overdevelopment of the site.

Development Control Manager Paul Mead explained the site history. Permission had originally been given for 17 dwellings. The present application was for 21 houses but it still met density standards for the site. Officers were mindful of the recent flooding in St. Asaph which was an exceptional event. Natural Resources Wales had made suggestions for floor levels and this was covered in Condition 11. In reply to a question it was explained that this would be achieved by raising the ground level, not by installing steps to the properties. .

Proposals:

Councillor M. Ll. Davies proposed permission be GRANTED
This was seconded by Councillor Bill Tasker

On being put to the vote

VOTE:

22 voted to GRANT

1 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to the completion of a S.106 agreement.:

to secure 6 affordable units and payment of a commuted sum of £60,168.96 for provision and maintenance of open space

Application No: 47/2013/0373/PS

Location: Penisa'r Mynydd Caravan Park Caerwys Road
Rhuallt St. Asaph

Description: Variation of condition no. 3 of planning permission code no. 47/2005/1170 to allow use of residential unit (bungalow) as a separate dwelling in connection with Penisa'r Mynydd Caravan Park (removing link to Penisa'r Mynydd dwelling)

Councillor B. Smith (local member) understood that there was presently no condition attaching the house to the Caravan Park. She considered that the Community Council's objection was based on this but thought they feared this permission could allow the owner to sell the house separately. However, it was understood the manager of the site was presently living in one of the caravans and granting this variation of condition would allow him to move to the bungalow. It would also make it possible to tie the bungalow to the site. Councillor Smith was happy to explain this to the Community Council.

Proposals:

Councillor Joan Butterfield proposed that permission be GRANTED
This was seconded by Councillor D. Simmonds

On being put to the vote

VOTE:

21 voted to GRANT

1 voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE GRANTED

ITEM 7

REPORT TO SEEK A RESOLUTION ON PLANNING APPLICATION No. 47/2013/0137

INSTALLATION OF 1 NO. 50Kw MICRO GENERATION WIND TURBINE WITH CONTROL BOX AND ACCESS TRACK

Marian Mawr, Cwm, Rhyl

Public Speakers

Karen Roden (Against)

Ms Roden explained that she had not spoken against this application at the previous committee as she thought committee would not approve it.

She felt this should be refused as it was within the AONB and only 700m from Offa's Dyke, Granting permission for this turbine would set a powerful precedent.

Aled Morris (in favour)

Mr Aled Morris spoke in favour of the development. As a young farmer, Mr Morris felt it important to continue the farming industry for future generations. He was disappointed to have to return to committee but explained that he took care in choosing the site for the turbine and had invited the AONB Committee to visit but they declined. The farm electricity bill is in excess of £20,000 and Mr Morris is hoping to reduce this and the carbon footprint of the farm.

General Debate

Paul Mead (DC Manager) explained the reason for bringing this application back to committee It would be a significant Departure from the Unitary Development Plan. It had been advertised as a departure and further objections from CPRW, Ramblers Cymru, NRW, Flintshire County Council, and the Council's Landscape Consultant had been received. Seventeen private individuals had objected and 9 had written in support. The period for the receipt of representations ends on 21st May 2013. Mr Mead advised committee that although Welsh Government is considering a request to "Call In" the application, the decision on the application is one for committee at this point. If the resolution is to grant the application, the report includes suggested conditions.

Councillor Barbera Smith (local Member) expressed disappointment at having to speak again on this application but stated that precedent had already been set. This turbine is to be sited lower down the slope so will not be visible above the buildings. Councillor Smith stated the AONB contained pylons and industrial

units and each proposal is to be taken on its own merit. Farmers should be supported as they protect the land. Councillor Smith urged permission be granted as it fulfils criteria in policy MEW 2.

Councillor H. O. Williams spoke strongly in favour, stating that the AONB was not a play area. He pointed out there were few local objections. While not wanting the AONB to be covered in turbines there were already pylons and masts in the area.

Councillor S. Davies proposed that permission be GRANTED
This was seconded by Councillor Merfyn Parry.

A recorded vote was requested but as insufficient members indicated support for this; the voting proceeded as normal.

On being put to the vote

21 voted to GRANT
5 voted to REFUSE
0 Abstained

On matters of procedure

Paul Mead advised it was necessary to wait for the consultation period to expire before issuing a certificate of decision. If the application is called in by Welsh Government it would be out of the Local Authority's hands.

As permission was granted it was necessary to approve the suggested conditions.

In relation to the suggested list of conditions:

Public Speakers.

Karen Roden (in objection) expressed her disappointment and felt committee had not been fair on her as a lone voice. She considered the turbine to be too tall.

(A point of order was raised by Councillor Colin Hughes on the issue of recalling speakers. Councillor S. Davies felt the Point of Order should take precedence to debate as it was a valid query. However, this point of order was not heard).

Aled Morris (applicant) thanked committee and was happy with the conditions proposed. On the issue of the height, he advised that turbines shown on the map circulated show hub height and stated that his turbine would be 36m to the hub.

In answer to questions from the Members, Paul Mead advised that the conditions were standard ones used in relation to similar turbine applications, including Condition 12 relating to noise.

On being put to the vote

25 voted to approve the conditions

0 voted to reject

1 Abstained

ITEM 9

REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION No. 42/2012/1638

DEVELOPMENT OF 0.1HA OF LAND BY THE ERECTION OF ONE DWELLING (OUTLINE APPLICATION INCLUDING ACCESS)

MOUNT HOUSE, DYSERTH, RHYL

Submitted: Report by the Head of Planning and Public Protection suggesting conditions to be imposed on the GRANT of planning permission which was given by committee on 15th April 2013.

There was no debate on this item.

On being put to the vote

22 voted to approve the conditions

0 voted to reject

0 Abstained

**ITEM 10
PLANNING APPEAL**

**CHANGE OF USE OF RETAIL UNIT (CLASS A1) TO A CAFÉ
(CLASS A3)**

ELLIE LOUISE , MARKET STREET, RUTHIN

APPLICATION NO. 02/2013/0099/PF

Submitted: Report by Head of Planning and Public Protection advising committee on the receipt of an appeal which is to be dealt with by way of an Informal Hearing. Committee was requested to appoint two representatives to attend the Hearing, in accordance with adopted protocol.

RESOLVED: That Committee appoint Councillor Huw Hilditch-Roberts and Councillor Bobby Feeley to represent Planning Committee at the Informal Hearing on 16th July 2013.

ITEM 11

THE SUGGESTED CREATION OF A WIND ENERGY WORKING GROUP

Submitted report by Head of Planning and Public Protection for information updating Members on the request which was made by Planning Committee in February 2013 to create a new working group to examine the planning issues associated with wind energy developments and farm diversification in the County.

Resolved: That the report be received for information. It was also agreed to progress the production of Planning Guidance on Renewable Energy through the Local Development Plan Steering Group.

PROPOSED CLOCAENOG FOREST WIND FARM
(Verbal Report for information)

Renewable Energy Planning Officer Neil Walters advised Committee that the application for the Clocaenog Forest Windfarm has been submitted to Welsh Government and interested parties wishing to make representations must register their intention with the Planning Inspectorate by 12th June 2013.

In answer to Members questions, Mr Walters advised that in relation to the route of the cabling from St. Asaph to the Windfarms in the Strategic Search Area, Scottish Power have published their preferred route but this is at pre-application stage. There will be a consultation period.

PRESENTATION BY BBC

BBC 2 programme “The Planners” – Approach for Filming Denbighshire Planning Process and Committee

Dympna Jackson, the producer of the BBC 2 programme “The Planners” addressed Committee seeking support to involve Denbighshire in the second series of the programme. She explained that it would be necessary to film proceedings at Planning Committee while following selected planning applications through the decision making process.

Dympna Jackson took questions from Members who were, in the main, pleased to be included in the project. Those who had not seen the first series were advised that it was available online, or the BBC could provide recordings.

In conclusion Members felt that being included in the programme would be positive. It would also promote Denbighshire as an attractive area thereby boosting tourism.

The Meeting closed at 12:50 pm