

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 17th October 2012 at 9.30am.

PRESENT

Councillors D Owens (Chair), I W Armstrong, B Blakeley, J A Butterfield, , J.A. Davies J.M. Davies M Ll. Davies (vice chair), R J Davies, S.A. Davies, , R L Feeley, H Hilditch-Roberts, C. Hughes, T.R. Hughes, G Kensler (observer), M McCarroll, W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts, D Simmons, J Thompson-Hill, J S Welch, C H Williams, C L Williams and H O Williams

ALSO PRESENT

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

Planning Policy and Information Manager (Angela Loftus) and Planning Officer (Renewable Energy)(Denise Shaw) attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillor W L Cowie C. L. Guy-Davies E.A. Jones P M Jones, and W.N. Tasker

2 DECLARATIONS OF INTEREST

None

3 URGENT ITEMS: None

4

MINUTES OF THE MEETING HELD ON 19TH SEPTEMBER 2012.

These were agreed as a true record subject to the following amendment to Page 16 Application 03/2012/0029/PF: Councillor S Davies asked for it to be noted that he stated that Cilmedw land was blighted (by a proposal for a roundabout and subsequently by UDP designation for industrial use) and had not been “greenfield” for many years

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, Regeneration and Regulatory Services (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 Advertisements 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: 07/2012/0539/PFT

Location: **Syrion Llandrillo Corwen**

Description: Installation of 2 No. 50kw micro-generation wind turbines with control box and access track

The following additional letters of representation were received
Scottish Power Renewables (advising curlews are not present near the site)
and from Countryside Council for Wales asking for clarification of the SPR
advice requesting grid references of breeding sites prior to any revision of
their response. Together with 23 individual letters in support 1 letter of
objection.

Councillor Cefyn Williams requested this application be deferred to allow the
applicant time to address the queries raised by CCW

VOTE:

On being put to the vote

25 voted to defer

0 voted against deferral

0 Abstained

Resolved therefore that this application be deferred to allow the applicant the
opportunity to address queries raised.

Application No: 11/2012/0373/PFT

Location: Cil Llwyn Bontuchel Ruthin

Description: Installation of a 50kw micro-generation wind turbine (No. 1) with control box and access track

Public Speaker: FOR Dylan Roberts (applicant)

Mr Roberts advised committee that farming is becoming more reliant on diversification as costs are increasing. He felt that as a Young Farmer it was up to his generation to embrace renewable energy and he was willing to diversify. This proposal would supply an income throughout the year. Mr Roberts pointed out there was no objection from Ministry of Defence, Airbus, CCW or the Council's Biodiversity officer.

In Mr Roberts' opinion it would not be against policy or detrimental to the countryside and asked committee's support.

Planning Officer (Renewable Energy) Denise Shaw responded - the CCW focus on statutory designations, leaving it to the Local Authority to consider locally important issues. For this, Denbighshire uses a Landscape Advisor.

On farm diversification, Ms Shaw considered that the committee should not give significant weight to diversification. The Interim Planning Guidance (to be discussed later in the agenda) addressed this issue. Both Community Councils have objected.

Councillors expressed the following opinions:

- As a forward thinking Council, Denbighshire should encourage young farmers
- Committee should not refuse a single turbine considering the number already erected
- Turbines are visible but quite attractive
- Officers and Committee do not always agree with Town/Community Councils' views

D C Manager (Paul Mead) urged consistency, as there were more application for single turbines and the Officers were trying to give a balanced view.

If this is granted it would be more difficult to resist future applications and the landscape will change.

Mr Mead advised that statistically, the authority agrees with Community Councils 95% of the time.

Councillor S Davies proposed permission be granted. This was seconded by Councillor H Hilditch-Roberts.

On being put to the vote

24 voted to GRANT
0 voted to REFUSE
1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Conditions to be drafted by officers and reported back to committee

The decision was CONTRARY to the Officers' Recommendation

Application No: 40/2012/0456/PF

Location: Pengwern Farm, Nant y Faenol Road, Bodelwyddan

Description: Erection of a loose housing building for cattle
(partly in retrospect)

Representations were reported: from
CCW (stating that, as the site had been cleared, there was no need for a
condition to monitor protected species)
Ramblers Association (relating to the public footpath)

A plan showing the route of the public footpath together with elevations and
floor plans of the proposed building was circulated.

Councillors spoke in support, content that the issue regarding the footpath
had been resolved. The Chair expressed disappointment that the work had
started without permission,

Councillor S Davies proposed permission be GRANTED. This was seconded
by Councillor Blakeley

On being put to the vote:

25 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to:

Removal of Conditions 1 & 2 and insertion of New Note to Applicant:

In view of the carrying out of site clearance works in anticipation of the
grant of planning permission, prior to any further development, you are
strongly advised to contact the Countryside Council for Wales to ensure
there has been no breach of Habitats Regulations or related legislation in
relation to protected species which may be present on or around the site.

Application No: 44/2012/0780/PF

Location: 4 Seymour Drive, Rhuddlan, Rhyl

Description: Erection of a single storey flat roof extension to side and conversion of garage into habitable accommodation

Notes of a site visit which took place on Friday 12th October 2012 were circulated.

Public Speakers: Mr David Vicary (neighbour) spoke against this proposal. Mr Vicary informed committee that this was a narrow road which is used by learner drivers and school traffic. The development would, in Mr Vicary's opinion, lead to on street parking and parking on the pavement. He also felt the development would prevent access for emergency services vehicles. Mr Vicary advised that the extension could not be built without entering onto his land and that access would not be granted. His main concern was that this development would set up a precedent for others on the estate to enlarge their properties

Councillor Ann Davies was also of the opinion that this would set a precedent and that it was out of scale.

Councillor Arwel Roberts felt that the extension would be too close to the neighbouring property. The site is untidy and this would further spoil the amenity of the estate.

Chair referred to the site visit where they were advised that under Permitted Development Rights, the applicant could build an extension only a little smaller than proposed but could build it further forward, to the neighbour's detriment.

Councillor M LI. Davies had tendered his apologies for being unable to attend the site visit but had visited the area himself. He felt that the neighbour would have to be served notice by the applicant as the foundations for the extension would be on the neighbour's land. A Boundary Surveyor would be needed to look after the boundary line.

D.C. Manager Paul Mead indicated the extent of the extension on the displayed photographs and advised that the extension was entirely on land at No. 4. Mr Mead mentioned negotiations which had resulted in a reduction of size of the proposed extension. He stated that the applicant could build further forward without permission and this could have more impact on the neighbouring property. As it is, the main impact would be on the front door and bathroom, not a major room

Rhuddlan Town Council had objected to the smaller extension but not to the original proposal.

Councillor Ann Davies proposed permission be REFUSED against recommendation.

This was seconded by Councillor Arwel Roberts

VOTE:

On being put to the vote

16 voted to GRANT

7 voted to REFUSE

2 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2012/1181/PF

Location: **Rear of Town Hall, part Market Street, part Glanglasfor and Part High Street Rhyl**

Description: Use of land as market for sale of Class A1 (retail goods) and Class A3 (hot food and drink) on Thursdays and Saturdays with 14 additional days in any one year

Representations were reported from Rhyl Town Council and Rhyl Town Centre Management Group

Councillor Joan Butterfield praised the Rhyl Market Study and the publicity it had been given. There had been little objection. Councillor Butterfield also advised Committee of the meetings she had attended, with the Town Centre Manager, and with the Rhyl Members Area Group where this had been discussed. She understood that Rhyl Managers and Rhyl Town Council were not objecting in principle but were against the use of land to the rear of the Town Hall. There were objections to allowing an additional 14 days as this would conflict with shop traders at their busiest times. Councillor Butterfield did not want to agree to the sale of hot food on the Market as this would impact on established cafes. Councillor Butterfield was happy that proceeds had been used to purchase gazebos but was concerned about access to the High Street for emergency vehicles. It was felt that the Town Centre Manager should have control of street entertainment and, if granted, the extra 14 days.

Head of Planning (Graham Boase) mentioned the number of meetings he had attended about this issue. Feedback had not been unanimously against hot food, some wishing sale of Hot Chestnuts to take place at Christmas for example. On the 14 days issue, this could allow Farmers Markets or French Markets with the consent of Town Centre Manager. It was not the intention to hold the street market (on Thursday or Saturday) at the rear of the Town Hall. Mr Boase felt that flexibility should be allowed to give the Manager some control. Councillors offered views about allowing too much flexibility which could result in a temptation to fill the streets. The view on hot food was mixed, Councillors not wanting burger vans but happy to allow hot chestnuts baked potatoes or specialist stalls but also mindful of the impact on traders. It was suggested that a vote be taken to Grant or Refuse, with elements being voted on separately if granted.

Councillor Joan Butterfield proposed permission be GRANTED. This was seconded by Councillor David Simmons

On being put to the vote

25 voted to GRANT
0 voted to REFUSE

The separate elements were then voted upon.

1. A3 – food and drink

To remove this element from any consent	12 votes
To retain	11 votes
Abstained	2

It was resolved therefore to exclude the sale of hot food and drink from this consent.

2. Additional 14 days

To allow an additional 14 days under the Control of the Town Centre Manager	24 votes
To not allow an additional 14 days under the Control of the Town Centre Manager	1 vote

It was resolved therefore to allow an additional 14 days in any one year subject to the control of the Town Centre Manager

3. Use of the land to rear of Town Hall

To allow use of land to rear of Town Hall Subject to Town Centre Manager's Control	24 votes
To not allow use of land to rear of Town Hall Subject to Town Centre Manager's Control	1 vote

It was therefore resolved to allow the use of the land to the rear of Rhyl Town Hall subject to the control of the Town Centre Manager

PERMISSION WAS THEREFORE GRANTED

Subject to the following New Conditions 5, 6 and 7

5. No uses shall be permitted to take place on land to the rear of the Town Hall without the prior approval of the Rhyl Town Centre Manager.
Reason : To ensure there are no conflicts with other uses in the area.
6. In respect of the uses to be permitted in the 14 additional days, none shall be permitted to operate without the prior approval of the Rhyl Town Centre

Manager.

Reason : To ensure control is retained over uses to avoid conflict with existing traders in the town.

7. Notwithstanding the proposed uses, there shall be no hot food or drink uses (Class A3 of the Town and Country Planning Use Classes Order) permitted at any time.

Reason : In order to ensure no conflict with existing traders in the town

Item 6

Authorisation to consult on the Draft Wind Energy Development Interim Planning Guidance Document

Submitted: a report by The Policy, Research and Information Manager explaining the Draft Wind Energy Development Interim Planning Guidance Document and requesting authorisation to consult upon it.

The Policy Research and Information Manager advised committee that the draft Local Development Plan covers wind turbines but as this is not yet adopted, Interim Planning Guidance has been produced.

The consultation period was proposed for 8 weeks and it is intended to arrange workshops for Members on this subject. The results will be reported back to Planning Committee and Full Council.

Officers explained the basis of the guidance which included: Permitted Development Rights; the supporting information required to accompany an application; Farm Diversification and the tests to be applied; Community Driven Enterprise clarifying commercial private gain and community benefits.

Members raised questions regarding the need for this document; spreading the community benefits wider; and whether it was wise to conduct this consultation period over Christmas.

The Membership of the AONB Joint Advisory Committee was also discussed. It was agreed to raise the issue of a balanced membership with the AONB JAC.

Councillor Meirick LI. Davies proposed the recommendation be supported, with a longer consultation period of 9 weeks.

This was seconded by Councillor Arwel Roberts

On being put to the vote

21 Voted to support the recommendation

1 voted against

1 Abstained

It was therefore RESOLVED to authorise the consultation on the Draft Wind Energy Development Interim Planning Guidance document, for a period of 9 weeks.

The meeting closed at 11.55 am