

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 20<sup>th</sup> February 2013 at 9.30am.

### **PRESENT**

Councillors D Owens (Chair), I W Armstrong, B Blakeley J A Butterfield, W L Cowie, J.M. Davies M Ll. Davies (vice chair), R J Davies, S.A. Davies, H.H. Evans (local member), , C. L. Guy-Davies , M Holland (local member), C. Hughes, T.R. Hughes, E.A. Jones , P M Jones, M McCarroll, , W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts D Simmons, W.N. Tasker, J Thompson-Hill, J S Welch, C H 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), Highways Officer (Mike Parker), Planning Officer (Minerals and Waste) (Martha Savage) and Translator (Catrin Gilkes).

Planning Officers, Local Development Plan (Lara Griffiths and Bryn Bowker), attended part of the meeting

### **1 APOLOGIES**

Apologies for absence were received from Councillor J.A. Davies, R L Feeley, H Hilditch-Roberts, and C L Williams and Head of Planning (Graham Boase),

### **2 DECLARATIONS OF INTEREST**

Councillor M Parry declared an interest in 22/2012/1363

Councillor H.O. Williams wished it to be noted that in relation to application 22/2012/1363 Land adjacent to Llidiart Fawr, Llangynhafal, he has had no contact with the applicant and denies any conflict of interest.

### **3 URGENT ITEMS: None**

### **4**

#### **MINUTES OF THE MEETING HELD ON 23<sup>rd</sup> January 2013.**

These were agreed as a true record subject to the correction of a typographical error: The voting relating to 46/2012/0719 – Land to the North of Bryn Gobaith St Asaph should read:

GRANT - 19  
REFUSE - 1

## **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 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:** 15/2011/0692/PF

**Location:** **Maes y Droell Quarry Graianrhyd Road  
Llanarmon yn Ial Mold**

**Description:** Importation of inert waste materials for recycling and use in restoration of quarry workings

A report of the site inspection panel which took place on Friday 1<sup>st</sup> February 2013 was circulated, together with a summary of late representations from Mr. & Mrs. Thomas, Longhope Cottage, Graianrhyd.

**Public Speakers:**

In response to requests, the Chair of the Committee has agreed in this case that a maximum of two persons will be allowed to address the Committee, speaking against, or for the application.

**AGAINST:**

Carolyn Thomas spoke against the application.

Ms. Thomas is a Flintshire councillor for Treuddyn Ward, bordering the site. Councillor Thomas explained that the A5104 bisects the communities in her ward, providing a leisure trail for cyclists. Along the route few houses have front gardens and suffer from vibration and pollution from large lorries. The traffic is such that walking is not encouraged. The road surface is already damaged; more traffic would cause further disruption and damage.

**AGAINST:**

Dr. Adam Mackeridge spoke against the application

Dr Mackeridge lives adjacent to the quarry and was concerned that officers were imposing too many (31) conditions which he felt were unenforceable. He felt that insufficient consideration had been given to noise protection for the south and east of the quarry and the opening of the present protective bund would increase noise and dust. He feared that the nuisance would continue to dominate the life of his young family for many years to come.

**FOR:**

Mr Steve Blunt spoke in favour of the application

Mr. Blunt explained that the company took on the quarry to extract silica sand and will be able to so for another 30 years. However, they are keen to restore the land as they go along and the importation of clay, soil and similar inert materials from demolition sites will speed the restoration. As the waste is inert Mr. Blunt advised there should be no vermin nuisance or dust and activities would be monitored by the Environment Agency. Mr Blunt was of the opinion that any noise would be deep within the quarry and therefore should not cause undue disturbance to neighbours.

Ms Martha Savage (Planning Officer, Minerals & Waste) advised committee that extraction of silica at this quarry started in 1880 and had permission to continue until 2042. The quarry work was not under consideration. Officers have considered Highways issues, waste, pollution and dust as well as the impact on the AONB.

Councillor Martyn Holland (local member) stated that locals accepted the quarry but are unhappy about the waste management proposal, particularly in terms of highways, access, and residential amenity. He considered that the road network was not suitable for the increased traffic which could continue for many years. He explained that there had been a previous refusal because of the access although it was now proposed to move the access nearer the Rose and Crown public house. Having visited the site with Highways Officers it was clear that it was a dangerous road, with large lorries taking the nearby bend on the wrong side. The new access would cut through the bund which had been installed to protect residents from dust. Noise from crushing machines would be a residential nuisance. Councillor Holland considered that properties would be blighted, particularly those two families living nearby whose small children would be over 30 years old before this activity is finished.

Councillor Meirick Lloyd Davies reported on the Site Visit. He considered the bend in the road near the proposed access to be dangerous but thought the proposal to improve this bend would help, and that traffic issues could be improved by imposing "no overtaking" restrictions. Councillor Lloyd Davies sympathised with local residents but thought the suggested planning conditions may be advantageous to them.

Mr Mike Parker (Highways Officer) explained that the company had originally intended to use an access which subsequently proved unsuitable. The new proposed access would need a visibility splay of 2.4m by 90m but this is not achievable. Highways were aware of a proposal to change the access but had not received a plan showing whether the required splay can be achieved, therefore recommend refusal.

In answer to Councillors' specific points, Mr Parker stated that the road had been assessed for traffic safety -11 accidents had been recorded in the last 10 years but none along the road itself. Visibility would be improved. He did not think the road merited "no overtaking" lines but could discuss this issue with Traffic Safety Officers. The condition of the road was the responsibility of the Local Highways Authority which is required to maintain the surface to a suitable standard.

Councillor Rhys Hughes gave an example of the road damage caused in his ward by quarry vehicles and proposed that permission be refused. Councillor David Simmons asked who would enforce the conditions.

Martha Savage explained Denbighshire and Flintshire shared responsibility for Minerals and Waste and Flintshire would perform 2 chargeable site visits per year, more frequent during the set up period, to monitor conditions. The Environment Agency also had a regulatory role.

Mike Parker reported no objection from Highways Public Rights of Way but that they had asked for the Public Footpath to be protected.

Councillor Martyn Holland understood there was a further proposal to straighten the bend near the new access which would affect the Public Footpath. Mike Parker said he could not comment, as no such plan had been submitted.

Martha Savage advised that a “Grampian Style” condition could be imposed; requiring a plan to be submitted to ensure a satisfactory access is approved prior to commencement of operations.

Ms. Savage advised that the proposal allows the Authority to monitor the land restoration and ensure it is achieved as quickly as possible.

Councillor Meirick Lloyd Davies asked if the condition restricting vehicular movements to 50 lorries per day was reasonable or could it be reduced. Mike Parker considered it to be reasonable given the opening times equated to 12 movements per hour.

Paul Mead Development Control Manager summed up, and advised that conditions would be monitored. The access plans could be reported back to Committee if required.

### **Proposal:**

Councillor Rhys Hughes proposed permission be refused for reasons of highway safety and residential amenity.  
This was seconded by Councillor Bill Cowie

On being put to the vote

**6 voted to GRANT**  
**20 VOTED TO REFUSE**  
**0 Abstained**

### **PERMISSION WAS THEREFORE REFUSED**

The decision, being CONTRARY to Officers’ Recommendation was taken for reasons of highway safety and residential amenity

It was further resolved that the full reasons for refusal be drawn up by officers, and the Local Member be consulted prior to the issue of the certificate of decision

**Application No:** 03/2012/1500/PF

**Location:** The Llangollen Goods Junction Yard Abbey Road Llangollen

**Description:** Erection of a steel portal framed building for storage of locomotive engines and other rolling stock, and re-alignment of existing tracks

Councillor S. Davies advised committee that there had been some local concern but these had been alleviated by his visit to nearby properties to explain the proposal. He asked that a condition be imposed to improve the boundary fencing

**Proposals:**

Councillor S. Davies proposed that permission be GRANTED subject to the additional condition relating to the boundary fencing

This was seconded by Councillor M. Ll. Davies

On being put to the vote

**23 voted to GRANT**  
**1 voted to REFUSE**  
**0 Abstained**

**PERMISSION WAS THEREFORE GRANTED**

**Subject to:** the following new condition:

5. No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed boundary treatment along the northern boundary of the site, including additional planting and fencing. Such details as are approved shall be completed prior to the commencement of the use of the building.

Reason: in the interests of visual amenity.

**Application No:** 07/2012/0539/PFT

**Location:** Sirior Llandrillo Corwen

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

The following additional letters of representations were reported:

In Objection

John Roberts Bryn Eithin Gwyddelwern Corwen  
EH Roberts Bronant Gwyddelwern Corwen  
Carol Keys-Shaw and Philip Shaw Y Beudy Maesmor Maerdy  
B & Y Gulland, Ty'n y Fron, Llandderfel

In support:

E. H. Roberts, Bronant, Gwyddelwern  
G. W. Jones, Nanterwhaidd, Gwyddelwern  
J. Roberts, Bronallt, Gwyddelwern

A report of the site visit which took place on 15<sup>th</sup> February 2013 was circulated.

**Public Speakers:**

**Against:**

Mr Andrew Jedwell spoke against this application and wished to put flesh on the bones of the hundreds of objections to this proposal. Mr Jedwell referred to the beauty of the Upper Dee Valley and was concerned at the visual impact of the turbines. The landscape was important to the success of local businesses. This proposal was located on the Mynydd Mynyllod land and Mr. Jedwell thought the proposals should be assessed in conjunction with the cumulative effect of other turbines. He showed a diagram demonstrating the size of the turbine in comparison to local landmarks and felt the visual impact was unacceptable.

**For**

Rhys Jones (Applicant) spoke in favour of his application. He presently practices as a vet but wishes to return home to support his elderly father. He hopes to be of benefit to the community of Llandrillo by making a financial contribution and to ensure the farm continues. Mr Jones regretted that some farmers have to leave the land because of financial difficulties as this has a negative impact on the local school and shops.

Councillor Cefyn Williams asked for support for this proposal which will benefit the community. Although he was aware of objections he felt the closure of many schools, pubs and shops in the immediate area was cause for concern. However, local industry sawmills, Rhug Estate, Ifor Williams Trailers are all thriving. Farming and tourism are also vital industries in the area.

Councillor Joe Welsh felt that if the proposal was just for farm diversification, one turbine would be sufficient.

Councillor S. Davies understood 1 turbine would provide electricity for 5 houses. He was not in favour of large windfarms but happy to support a young farmer.

Councillor Alice Jones was also happy to support farmers, and Councillor Huw Williams felt it was unfair to single out one small proposal when so many larger ones were coming.

Members reported on the Site Visit where they were told the turbines would be similar to those in Gwyddelwern. The shaft of the Sirior turbines would not be visible.

Neil Walters (Planning Officer, Renewable Energy) stated that his recommendation was on the basis that the turbines spread outside the Strategic Search Area (SSA) which was unacceptable. This view was supported by the Landscape Officer. Mr Walters advised that the turbines would be visible in various degrees from a range of viewpoints and from The Berwyns they would be highly visible. He felt that to qualify as "farm diversification" one turbine would be sufficient to provide power to the farm and surplus to put into the National Grid to provide some income. He felt these larger turbines were moving more towards Rural Diversification

Councillor Huw Williams reminded committee that farmers were also businessmen who need to make a living.

### **Proposals:**

Councillor Rhys Hughes proposed that permission be **GRANTED**  
This was seconded by Councillor Alice Jones

### **On being put to the vote**

14 voted to GRANT  
12 voted to REFUSE  
0 Abstained

## **PERMISSION WAS THEREFORE GRANTED**

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

That the benefit of the development for farm diversification outweighs concerns over the landscape and visual impacts.

It was agreed that officers prepare a list of draft conditions for consideration and resolution at the next Planning Committee

**Application No:** 16/2012/1597/PF

**Location:** Plas Canol Llanrhydd Ruthin.

**Description:** Raising height of existing kitchen roof at rear of dwelling to create additional accommodation at first floor level with dormer windows to side elevation.

There was no debate on this item

Councillor H. O. Williams proposed permission be GRANTED  
This was seconded by Councillor M. Ll. Davies

On being put to the vote

**VOTE:**

24 voted to GRANT

0 voted to REFUSE

0 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 22/20121/1363/PC

**Location:** Land adjacent to Llidiart Fawr Llangynhafal  
Ruthin

**Description:** Retention of new cattle/field access and 7-bar steel  
gate

Councillor M. Parry declared an interest in this application

The following additional letters of representation were reported:

Mr. I McGregor, Llidiart Fawr, Llangynhafal

Officers requested DEFERAL of this item to allow a detailed assessment of late objections received.

**Proposals:**

Councillor M. Ll. Davies proposed this be accepted.

It was further suggested by Councillor J. Thompson Hill, seconded by M. Ll. Davies that a site visit be arranged.

On a show of hands, it was agreed to DEFER this item and arrange a site visit prior to next committee.

## **Application No: 23/2012/1358/PFT**

**Location:** Ffridd Fawr Prion Denbigh

**Description:** Installation of 1 no. 400kw wind turbine at 51 metres ground to blade tip height and associated grid connection cabinets, access road and hardstanding

Late representations were reported from the applicant's agent

Report of a site inspection panel (which took place on Friday, 15<sup>th</sup> February 2013) was circulated

### **Public Speakers**

**FOR:** Mr Richard Williams spoke in favour of this application.

Mr Williams explained that the proposed turbine represented farm diversification. The farm is presently let but it was Mr. Williams' intention to return it to family use and produce Welsh Black Cattle. This single turbine would be more productive than two smaller versions. Mr Williams pointed out there had been fewer objections than the Sirior turbine proposal discussed earlier and the lack of objection from Countryside Council for Wales showed there would be minimal landscape impact.

Councillor Joe Welch was of the opinion that each application should be considered on its own merit. He felt this turbine was too big to be considered farm diversification. Councillor Welch quoted Technical Advice Note TAN 6 which required consideration to be taken on "nature and scale" of the development.

Councillor D. Owens reported on the site visit. He felt that access to the site was adequate but the proposed turbine would be bigger than those in Gwyddelwern and those approved at Sirior, Llandrillo. It would be highly visible in the Vale of Clwyd in a prominent location.

Councillor S. Davies also felt this turbine was too big, being four times bigger than Sirior at 400kw.

Councillor J. Butterfield expressed the opinion that a policy was needed to help Councillors. She was unsure if two small turbines were better than one big turbine.

Neil Walters (Renewable Energy Officer) drew attention to Page 129 of the main report. This proposal is outside the Strategic Search Area (SSA) and a long way from other turbines. It represents development well outside the SSA. The

moving parts of the turbine are much larger than those in Sirior. It is not considered to be farm diversification. He understood that some Councillors had received a letter from the applicant explaining the farm diversification element but this had not been sent to officers so it could not form part of the application for consideration.

Councillor Alice Jones urged support for rural areas. In this case she felt the funds would allow the maintenance of buildings of historic significance which would otherwise be lost. She felt one large turbine would be more efficient. It was Councillor Jones' view that "diversification" should mean "any valid scheme appropriate for that holding to maintain and make the holding viable".

Councillor Colin Hughes supported the initiative and quoted the comment from Countryside Council for Wales that the proposal did not appear to impact on the AONB. He felt that farming had shaped the landscape and should not be discouraged. Renewable energy should also be encouraged, he felt.

Paul Mead advised Committee that Interim Policy Guidance which was being prepared and would be ready for adoption soon. He reiterated that as the issue of farm diversification had not been submitted as part of the application the officers had not been able to consider it or consult the public on it. The recommendation remained to REFUSE permission but if committee was minded to grant permission, conditions would be reported back to the next meeting.

### **Proposals:**

Councillor S. Davies proposed that permission be REFUSED

This was seconded by Councillor M. Ll. Davies

### **On being put to the vote**

10 voted to GRANT

16 voted to REFUSE

There were no abstentions

**PERMISSION WAS THEREFORE REFUSED**

**Application No:** 30/2012/1413/PF

**Location:** 14 Ffordd Pen y Coed Trefnant Denbigh

**Description:** Erection of a single domestic garage and extension to residential curtilage

There was no debate on this item

Councillor M. Ll. Davies proposed that permission be GRANTED

This was seconded by Councillor J Welch

On being put to the vote

**VOTE:**

22 voted to GRANT

1 voted to REFUSE

1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 44/2012/1585/PF

**Location:** Land at rear of Letterbox Recruitment fronting  
Parc Edith Rhuddlan Rhyl

**Description:** Erection of 1 pair of semi-detached dwellings and  
construction of a new vehicular access

Report of a Site Inspection panel which took place on Friday 15<sup>th</sup> February 2013  
at 12.30 pm was circulated

Councillor Arwel Roberts reported on the site visit and explained the road was a narrow cul de sac which had parking along one side. He was aware of emergency vehicles having trouble accessing the houses along this road and of the sewage problems in the area. The site was off a very busy road and additional parking would cause further problems. He advised that the St. Asaph City Council were not in favour of this development.

Councillor J. Butterfield sympathised with the local councillor explaining density problems in Rhyl which lead to parking issues and neighbour disputes.

Mike Parker (Highways) explained that the cul de sac Parc Edith had a hammerhead at the end to aid turning vehicles. The proposal showed four parking spaces but there was extant permission for flats and also for a B1 business which would result in additional traffic anyway.

**Proposals:**

Councillor R Hughes proposed permission be GRANTED this was seconded by Councillor Julian Thompson Hill

On being put to the vote

**18 voted to GRANT**

**8 voted to REFUSE**

**There were no abstentions**

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 45/2012/1519/PF

**Location:** "Next" 56 High Street Rhyl

**Description:** Change of use of premises from use class A1 to use class A2

**Public Speakers: FOR**

Mr. Jonathan Wadcock spoke in favour, and asked that his comments be taken into account for this and the following application for the same premises. Mr Wadcock asked for the two applications to be approved to give the vendors the greatest opportunity to sell the property. He advised committee of the competition that Rhyl Town Centre will be experiencing when Prestatyn Retail Park opens and felt empty shops did not contribute to the vitality of the town. He thought the Financial Sector and that of Food and Drink are viable at present and that planning permission would not be required to return the premises to A1 use if the retail sector proved a more viable option in the future.

Councillor J. Butterfield felt that it was too early to change the use of this property. The new Town Centre Manager should be given the opportunity to find an A1 use for the site.

**Proposals:**

Councillor Butterfield proposed that permission be refused  
This was seconded by Councillor Win Mullen James  
On being put to the vote

**2 voted to GRANT**  
**22 voted to REFUSE**  
**0 Abstained**

**PERMISSION WAS THEREFORE REFUSED**

**Application No:** 45/2012/1490/PF

**Location:** "Next" 56 High Street Rhyl

**Description:** Change of use of premises from use class A1 to use class A3

**Public Speakers: FOR**

Mr. J Wadcock asked for his comments on the previous application to be taken into account.

There was no further debate

**Proposals:**

Councillor Joan Butterfield moved officers recommendation that permission be REFUSED

This was seconded by Councillor Win Mullen James

On being put to the vote

**2 voted to GRANT**

**21 voted to REFUSE**

**0 Abstained**

**PERMISSION WAS THEREFORE REFUSED**

## ITEM 6

### **PLANNING PERFORMANCE AGREEMENT (PPA) CLOCAENOG FOREST WINDFARM**

#### **Submitted, report by the Head of Planning and Public Protection**

The report arises as RWE n power Renewables (Applicant) has offered to enter into a Planning Performance Agreement (PPA) with Denbighshire County Council and Conwy County Council in connection with work in relation to the Clocaenog Forest Windfarm application to be submitted to the Planning Inspectorate in the near future.

Neil Walters, (Planning Officer Renewable Energy) explained that this required the Councils to work outside any planning applications and would allow the developer to contribute financially to the extra work involved. There would be no conflict of interest as the decisions on the development itself would be taken by The Planning Inspectorate not the Council.

On being put to the vote the recommendation was carried 24 votes to 0 :

Resolved Therefore

That the Committee agree to Denbighshire County Council entering into the Planning Performance Agreement (PPA) offered by RWE Npower Renewables in respect of managing the full DCO process

4.2 That the Committee authorise that PPA be signed once the Head of Planning and Public Protection is satisfied that all the obligations placed on the Council can be met and the level of funding will be covered

## **ITEM 7**

### **CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008**

#### **DYFNANT FOREST WINDFARM (POWYS)**

Submitted, report by the Head of Planning and Public Protection.

The report arises from the receipt of a notification from Scottish Power Renewables (SPR) of their intention to submit a consultation under Section 42 of the 2008 Planning Act in relation to a wind turbine development in Dyfnant Forest, Powys. The Council is offered an opportunity to comment on the draft environmental statement and other details of the proposal as an adjoining Local Authority.

Due to the limited timescale given to make a response on this submission and as such responses are not a delegated function, it is necessary to raise the matter at Committee at an early stage to seek a resolution permitting Officers to respond on the Council's behalf.

Members voiced concern about whether delivery of the large turbines will impact on the highways of Denbighshire. Mike Parker (Highways Officer) speculated that the large vehicles involved would use the Trunk Roads, mainly outside Denbighshire, but had not been made aware of the preferred route. He would enquire with Welsh Assembly Trunk Road colleagues if required.

**On being put to the vote, the recommendation was carried**

**22 votes in favour**

**1 vote against**

**There was 1 abstention**

It was resolved therefore that the final response on the Section 42 Consultation be delegated to Officers, in consultation with local members (Corwen and Llandrillo).

Powys to be advised that Denbighshire may have highway concerns regarding the potential transportation of the turbines, subject to confirmation of the preferred delivery route.

**The meeting closed at 13:15**