

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 20th March 2013 at 9.30am.

PRESENT

Councillors D Owens (Chair), I W Armstrong, J R Bartley (observer), B Blakeley, J A Butterfield, W L Cowie, J.A. Davies, J.M. Davies, M Li. Davies (vice chair), R J Davies, S.A. Davies, R L Feeley, C. L. Guy-Davies, H Hilditch-Roberts, C. Hughes, T.R. Hughes, E.A. Jones, P M Jones, G.M. Kensler (local member), M McCarroll, W M Mullen-James, R M Murray, T M Parry, A Roberts, B.A. Smith, (local member) W.N. Tasker, J Thompson-Hill, J S Welch, C H 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); Mike Parker (Highways Officer); Team Leader (Support) (Gwen Butler); Customer Services Officer (Judith Williams); and Translator (Catrin Gilkes).
Planning & Public Protection Policy Manager (Angela Loftus) and Planning Officer, Local Development Plan (Catrin Roberts), attended part of the meeting

1 APOLOGIES

Apologies for absence were received from Councillor, P W Owen, D Simmons, and C L Williams

2 DECLARATIONS OF INTEREST

Councillor E.A. Jones declared a personal interest in application 40/2011/0181/PF
Councillor T.M. Parry declared a non pecuniary interest in application 22/2012/1363/PF
Councillors C Williams declared a non pecuniary interest in application 01/2013/0080/PF
Councillors W Mullen James and I Armstrong declared a non pecuniary interest in application 45/2013/0024/PF

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 20th FEBRUARY 2013.

These were agreed as a true record subject to an alteration to Page 23, "St Asaph City Council" should read "Rhuddlan Town Council"

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: 01/2013/0080/PF

Location: 52 & 54 Vale Street, Denbigh

Description: Demolition of existing offices and erection of a new office building, relocation of vehicular access and associated works

Councillor Cefyn Williams declared an interest in the following application and left the Chamber during consideration thereof. (also see note below)

A report of the site inspection which took place at 3 pm on 18th March 2013 was circulated

Public Speakers:

Against

HELENA MOORE (NEIGHBOUR)

Ms Moore referred to the previous refusal but felt that the revised proposal brought additional issues of access to light for herself and her neighbour. Ms Moore stated that the proposed building is higher due to the pitched roof and would block sunlight from her neighbour's kitchen and would reduce the sun to her (Ms Moore's) garden. It will be necessary to rely on artificial light. She felt the design was not in keeping with the Conservation Area as it was not a converted building but a new office block.

In Favour:

ALWYN ROWLANDS (AGENT)

Mr Rowlands showed committee drawings and samples of materials and explained they had considered moving the building deeper into the site but the proposal retains the access which Highways preferred. Moving the building would also mean moving the mains electricity cable and as part of the site is on bedrock, the foundations at that point would not be as deep. This would result in the building being higher. Parking is proposed to the rear, to move the building would result in parking at the front, off Vale Street which would impact on the Conservation Area and street scene.

Councillor M. Lloyd Davies reported on the site visit. He referred to the potential impact of the new building on the neighbouring properties and sought clarification on the dimensions on the eastern side

Planning Officer Ian Weaver advised that the roof ridge of the new building would be 12.5 m from ground level on this side, this being 2.5 m higher than the previously refused scheme and 5.5 m higher than the existing building.

Councillor M. Lloyd Davies expressed interest in the agent's view that it may be possible to move the electricity cable and felt more could be done to address the neighbours' concerns. He felt the building could be lowered and dormer windows included in the roof.

Councillor G Kensler asked if this was a new application or an amendment and queried the consultation response from Denbigh Town Council, as at the start of the report they had no objection but later it was stated they objected.

Ian Weaver stated that this was an error and confirmed the Town Council had no objection. He advised that this is a fresh application, to be determined on its own merit.

Councillor M Parry proposed permission be granted. He referred to meetings with the agents which highlighted problems with the mains cable and the bedrock. Councillor Parry felt the new design, with solar panels on the roof was acceptable and would ensure employment remained in Denbigh.

On being put to the Vote

15 Voted to GRANT

8 Voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE GRANTED

NOTE

During the course of the committee meeting Councillor H Hilditch Roberts asked that it be noted that he had not voted on this proposal as he had not been present to hear the start of the debate.

Councillor Colin Hughes also wished it to be noted that he had sought advice from the Legal Officer and had been advised that his interest (declare at a previously meeting) was not prejudicial and he had therefore voted on this item.

Application No: 02/2013/0043/PF

Location: Land between 5 & 6 Tan Y Castell Dog Lane
Ruthin

Description: Erection of a 2-bedroomed dwelling and formation of new
vehicular access to Tan y Castell

There was no debate on this item

**Councillor M. Lloyd Davies proposed that permission be granted this was seconded by
Councillor S Davies**

On being put to the vote

22 voted to GRANT

0 voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 02/2013/0085/PF

Location: Land used for garage block Maes Hafod Ruthin

Description: Erection of a terrace of 3 no. dwellings and construction of new vehicular accesses (site area 0.05ha)

Councillor Cefyn Williams declared an interest in the following application and left the Chamber during consideration thereof.

There was no debate on this item

Councillor M. Lloyd Davies proposed that permission be granted this was seconded by Councillor S Davies

On being put to the vote

22 voted to GRANT

1 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 02/2013/0099/PF

Location: Ellie Louise Market Street Ruthin

Description: Change of use of retail unit (Class A1) to cafe (Class A3)

Councillor H Hilditch Roberts referred to a letter of objection from J. Thomas, sent to the Chair. Councillor Hilditch Roberts explained the history of the premises, presently vacant. It was most recently a clothes shop, and was situated opposite Wetherspoon's. He stated that Ruthin had many other cafes and felt it was important to retain shop premises. He had made enquiries with the Estate Agents who had offered the premises for sale as a café subject to planning permission. (On being asked if he should declare an interest, Councillor Hilditch Roberts stated that the query was for research purposes and he was not in the market for the property himself)

Councillor Bobby Feeley agreed there were sufficient cafes in Ruthin, and felt it was important to retain the vitality of the town by having a mixture of outlets.

In course of debate, Councillors referred to similar applications for "Next" in Rhyl, which was refused at last committee. They reiterated the view that more shops were needed in town centres.

DC Manager Paul Mead advised that the site was not in a principle shopping street and general retail policy (RET 6) looked favourably on a mixed use in town centres. Councillor Cefyn Williams asked about the chances of successfully defending an appeal. Councillor Bobby Feeley was of the opinion that it was important to test the policy and would be happy to defend a refusal at appeal.

Councillor H Hilditch Roberts proposed that permission be Refused

This was seconded by Councillor RL Feeley.

On being put to the vote:

7 voted to GRANT

15 voted to REFUSE

1 Abstained

PERMISSION WAS THEREFORE REFUSED

REFUSED contrary to Officer recommendation for the following reason :

It is the opinion of the Local Planning Authority that the proposal to change the use of an A1 shop to an A3 use in this location would have an unacceptable impact on the retail offer and character of the Town and District centre of Ruthin, contributing to an over concentration of A3 uses which would not enhance or improve the viability and vitality of the centre, contrary to the intentions of Policy RET 6 of the Denbighshire Unitary Development Plan.

.....

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason: The proposals were considered likely to have an unacceptable impact on the Town Centre of Ruthin

Application No: 18/2013/0023/PF

Location: **Bryn Egwalt Llandyrnog Denbigh**

Description: Demolition of redundant Dutch barn and erection of detached single-storey pitched-roof annexe ancillary to the main dwelling

Councillor M Parry proposed this application be DEFERRED to establish whether a triangular piece of land (agricultural land, sold to the applicant by the County Council) was included in the curtilage and if so whether a change of use would be required. He was not content to resolve this issue by imposition of a condition.

This was seconded by Councillor H Hilditch Roberts

On being put to the vote

23 voted to DEFER

3 voted against deferral

0 Abstained

This application was therefore DEFERRED

Application No: 22/2012/1363/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 the following application and left the Chamber during consideration thereof.

Additional representations were reported from:

Mr. I. McGregor

A report of a site inspection which took place at 2.00 p.m. on 5 March 2013 was circulated.

Public Speakers:

Mr. Ian McGregor spoke against the development which he stated was a security and health risk to his family. It was no longer possible to use the garden as the family would wish because of the smell from cows gathering at the gate. The proposed hedge would block the view but not reduce the effluent. He felt Highways were wrong to approve the gateway as vehicles emerging would be invisible. He urged committee to return sanity to their lives.

Mr. Charles Whittingham (applicant) spoke in favour. Mr. Whittingham explained the reason for the gate was to allow cattle to go straight across the road for milking. If they were made to use an existing gate further away they would have to walk along the road. Since they have been using this new gateway the hedgerows are flourishing, there is less effluent on the road and less traffic disruption. Mr. Whittingham stated that he had won awards for ecology, has 350 cows which were well looked after and he had never had a dispute with a neighbour before.

Councillor M. Ll. Davies reported on the Site Visit. The inspection panel had walked along the road, which proved to be busy and had noticed the location where it was understood cows congregate close to Mr. McGregor's house. It was appreciated that cows ambling along the road could annoy motorists. Councillor Lloyd Davies thought it was unfair on the cows to expect them to walk long distances on the road but sympathised with the neighbour. Councillor Davies felt that erecting a fence or hedge to keep the cattle away from the house may spoil the view but asked whether there was right to a view, and the mud would still be there.

Councillor B. Feeley thought the gate was unacceptably close to the house. Councillor Feeley emphasised that the McGregor family were not recent incomers but had lived at Llidiart Fawr for many years.

Ian Weaver (Principal Planning Officer) advised that the right to a view was not a planning consideration which could be attached significant weight.

Councillor H. Hilditch Roberts felt that even if the gateway was not there, the cows would still be in that field and slurry would still be spread. He asked for a comment from the Highways Officer.

Mike Parker (Highways) stated that this gateway was onto a minor lane and although used frequently there are no records of accidents along this road. Highways have no objection as walking the cows a further distance could increase the traffic issues.

Councillor H Williams spoke in support and felt the issue had been investigated in depth. He stated that it was a busy road and the cattle cross at busy times. He suggested a condition requiring a hedge or fence for security purposes with a restriction on the height.

Councillor H. Williams proposed permission be **GRANTED**.

Subject to the additional condition

This was seconded by Councillor Ann Davies

On being put to the vote:

21 voted to GRANT

4 voted to REFUSE

There were no abstentions

PERMISSION WAS THEREFORE GRANTED

Subject to the following additional condition.

2. Within a period of one month from the grant of this permission, details of a scheme of hedgerow planting and the provision of a stock proof fence along the boundary with Llidiart Fawr shall be submitted for the consideration of the Local Planning Authority, to include details of species and density of planting, the fencing and measures to protect the planting from damage, the physical extent of such hedgerow and the height the hedgerow is to be retained at; and such details as may be approved shall be implemented no later than the autumn 2013 planting season. Any planting which dies within a period of 5 years, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Application No: 40/2011/0181/PF

Location: Little Pengwern Nant Y Faenol Road Bodelwyddan Rhyl

Description: Retention of stable block and use of land as manege and erection of 6 no. 5m high lighting columns

Councillor Alice Jones declared an interest in the following application and left the Chamber during consideration thereof.

Additional representations were reported from:

Senior Drainage Engineer

A & R Jones, Llys Menyn, Bodelwyddan

Public Speakers:

Mr. Neil Williams (applicant) spoke in favour.

Mr. Williams explained that the family all ride horses and had competition ponies which need to be regularly exercised. The property was purchased in 2005 and stables built in 2007 with a clay riding surface. However this surface cannot be used if hard or wet. The new surface is more suitable and has been approved by County Drainage Engineers. The lighting has been approved by County Pollution Officer as suitable. The lighting will only be used during early evenings in the winter when horses are exercised after school.

Paul Mead clarified that this land is not part of Pengwern Farm and Susan Cordiner (Legal Officer) advised that the email from Alice and Richard Jones was sent in a private capacity.

Councillor A. Roberts pointed out that the area is subject to flooding.

Paul Mead stated that attempts have been made to assess drainage problems but did not believe the manege has exacerbated it.

Councillor S. Davies proposed permission be GRANTED.

This was seconded by Councillor Merfyn Parry

On being put to the vote:

24 voted to GRANT

1 voted to REFUSE

0 Abstentions

PERMISSION WAS THEREFORE GRANTED

(Councillor M. Ll. Davies regretted that this was another retrospective application. He felt applicants should be penalised in some way for not seeking permission prior to development)

Application No: 45/2012/1634/PC
Location: 127/129 High Street Rhyl
Description: Retention of replacement shop front

Additional letters of representation were received:

Rhyl Town Centre Manager

Rhyl Going Forward Programme Manager

(who supported the suggestion of a condition to replace the shop front at a later date.)

Councillor J. Butterfield was of the view that the shop front should be allowed to remain. She felt it could be replaced with a timber frame in due course.

Paul Mead advised that the original timber had been deteriorating and had been replaced with UPVC. The officers agreed with Conservation colleagues who were against this development. There had been an offer of a THI grant to assist the applicant but this had been rejected.

Councillor M. Lloyd Davies did not sympathise with the applicant as a grant had been available. He felt that if this application was refused, it may still be possible to sell the property before all appeal avenues had been exhausted. He felt it was important to deal with this within the law.

Councillor J. Butterfield suggested the painted curtains in the upstairs windows should be removed.

Councillor M. Ll. Davies proposed REFUSAL. This was seconded by Alice Jones.

Councillor J. Butterfield proposed it be GRANTED subject to a condition limiting consent to a temporary period.

This was seconded by Councillor Ian Armstrong.

Members were asked to vote for or against the proposal to GRANT permission, with the suggested condition

On being put to the VOTE:

12 voted to GRANT

12 voted not to GRANT

0 Abstentions

On the Chair's casting vote this proposal was defeated.

Members were then asked to vote on the proposal to REFUSE

8 voted to GRANT

16 voted to REFUSE

There were no abstentions

PERMISSION WAS THEREFORE REFUSED

Application No: ENF/2013/00007

Location: 127/129 High Street Rhyl

Description: Unauthorised Development , installation of new shop front

Councillor J. Butterfield felt that it was futile to remove the new shop front as it would look worse boarded up.

Councillor Stuart Davies was of the opinion that there should be no exception and everyone should comply with planning rules.

Councillor Alice Jones did not feel it was offensive but there should be no exceptions.

Councillor J. Butterfield suggested the compliance period could be extended to allow the owner time to sell and protect the “decimated” High Street.

General Debate:

Councillor M. Ll. Davies wondered if 2 years was excessive. Officers acknowledging it was a lengthy period but considered it not to be unreasonable .

Councillor Alice Jones asked if householders would be afforded such an extension of compliance period, Officers explained that each case should be taken on its own merit.

Councillor J. Butterfield proposed Enforcement action be authorised with a compliance period of 2 years.

This was seconded by Councillor B. Blakeley.

On being put to the vote:

16 agreed to authorise Enforcement Action with a compliance period of 2 years.
8 voted not to take Enforcement Action.

RESOLVED therefore that authorisation be given to:

Serve an Enforcement Notice to secure the removal of the unauthorised shop front and its replacement with a shop front of design and material which respects the site and surroundings and preserves or enhances the Conservation Area, subject to a compliance period of two years.

Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served, should they fail to comply with the requirements thereof.

Application No: 45/2013/0024/PF

Location: Marine Lake Wellington Road Rhyl

Description: Installation of single-line Cableski system with associated power supply and control cabin

Councillors Win Mullen James and Ian Armstrong declared an interest in this application.

Councillor W. Mullen James requested this item be deferred to allow the result of a meeting to be held on 27 March 2013 between various stakeholders, County and Town Councils to be reported back to Committee prior to determination. This was seconded by Councillor Bill Tasker.

Paul Mead queried the benefit of deferral as Management issue of the lake would not be relevant to Planning merits of application.

VOTE:

On being put to the vote

15 voted to DEFER

11 voted not to DEFER

Resolved therefore to DEFER this item.

Application No: 45/2013/0024/PF

Location: Bar Blu 1 Kinmel Street Rhyl

Description: Formation of rooftop sheltered area and alterations to the ground-floor entrance doors fronting High Street

Additional representations were reported from the County Council's Conservation Officer.

There was no debate on this item.

Councillor J. Butterfield proposed permission be GRANTED

This was seconded by Councillor Pat Jones.

VOTE:

On being put to the vote:

23 voted to GRANT

0 voted to REFUSE

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 45/2013/0052PO

Location: Land at (Part garden of) 2 Elm Grove Rhyl

Description: Development of 0.03ha of land by the erection of a dwelling
(outline application including access and layout)

Additional representations were reported from Mr M.A. Evans

There was no debate on this item.

Councillor J. Butterfield proposed permission be GRANTED

VOTE:

On being put to the vote:

23 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item: 12

Application No: 45/2013/0065/PF

Location: **The Sussex 20-26 Sussex Street Rhyl**

Description: Change of use of land from highway to form extension to premises by the addition of a demountable fabric barrier system to the front of the building to provide a pavement cafe area

Councillor Win Mullen James explained that the Town Council had objected as they felt traffic may be impeded by the development but she understood the area concerned would be behind the existing bollards.

Councillor M. Parry asked about the social nuisance if drinking in the street was to occur.

Paul Mead advised that this would require a change to the license. The Licensing Department would be informed.

Councillor J. Butterfield stated that in the 8 – 9 years this premises had been in operation there had been no complaints.

Councillor J. Butterfield proposed permission be GRANTED.

This was seconded by Councillor Pat Jones.

VOTE:

23 voted to GRANT
0 voted to REFUSE
0 Abstained

PERMISSION WAS THEREFORE GRANTED

Application No: 47/2012/1130/AC

Location: **White House Hotel Holywell Road Rhualt St. Asaph**

Description: Details of landscaping submitted in accordance with condition no. 6 of planning permission code no. 47/2011/0527

Additional representations were reported from CPRW and I & J Hansford

A report of a site inspection, which took place on Wednesday 6 February 2013 was circulated.

Councillor M. Ll. Davies gave a report of the site visit. He felt the screening of the development was acceptable. Councillor B. Smith made comment on both this and the following applications. She regretted that landscaping had not been retained as it would take time for the new plants to establish. She felt that larger specimens could have been used.

Ian Weaver (Principal Planning Officer) explained that until a planning permission is implemented, conditions do not become effective but it was a legal issue whether work can be undertaken to remove trees before work starts on a development permitted. He advised that an extensive scheme of landscaping was being undertaken, the new trees at 3 – 4.5m high were quite large for start-off planting and there was the danger of larger specimens failing. It was to be noted that the landscaping would not mature for 5 – 10 years and it was not reasonable to expect instant screening.

Councillor M. Ll. Davies proposed the plans be APPROVED subject to a condition requiring hedges to be maintained at a height of at least 2m to aid screening.

This was seconded by Councillor S. Davies.

On being put to the vote:

22 voted to APPROVE
1 voted to REFUSE
1 abstained

It was resolved therefore that details of the landscaping be APPROVED subject to the inclusion of a condition to ensure the hedgerows are maintained at an appropriate height as a natural screen for the development.

Item: 14

Application No: 47/2012/1137/AC

Location: **White House Hotel Holywell Road Rhualt St. Asaph**

Description: Details of sanitation building submitted in accordance with condition no. 15 of planning permission code no. 47/2011/0527

Additional representations were reported from:

CPRW and Mr E. George.

A report of a site visit which took place on Wednesday 6 February 2013 was circulated.

Public Speakers:

Mr. Emyr George (neighbour) spoke against the application. Mr George stated that the original detailing had been ambiguous. The landscaping masterplan showed a sanitation building without sizes and with little detail apart from the number of cubicles. The Design and Access Statement showed a portable, log cabin style unit. He felt the proposal was too large.

Peter Lloyd (Agent) spoke in favour of the application He reminded committee that this was given permission in 2011 to enable the White House to be renovated. The hotel is due to open soon which Mr. Lloyd felt that committee had welcomed. The proposal is larger than originally indicated, but the building would serve the whole site, including the static caravans and is eco-friendly.

Councillor M. Lloyd Davies reminded members of the rule which prevents Councillors from voting if they have not heard the whole debate. He regretted that again they were being asked to approve a retrospective development. However, he was pleased that the White House Hotel would soon open.

Councillor B. Smith explained she had requested a committee decision although approval of conditions are usually delegated to officers to determine. She recalled the debate at committee was focussed on the development taking place at all, rather than details. It was acknowledged there was a discrepancy in the plans. It was regrettable that they were dealing with a fait accompli and wished it was possible to reject anything retrospective. However by bringing it to committee everyone has had a chance to raise issues. Councillor Smith asked whether Khaki or Olive Green (as suggested by AONB Committee) was preferable and added the building was presently very stark and would benefit from being finished. She asked for a minimum hedge height to be included.

Legal Officer Susan Cordiner advised that as the building was within the footprint of the original proposal it was suitable to be determined as an approval of condition without needing a fresh planning application.

Ian Weaver advised that the proposed building would be slightly larger at 260 square metres and is a different shape. However it was up to committee to decide if the details were acceptable as it was within the footprint of the original proposal. With regard to colour, Khaki Green had been suggested but the AONB Committee had requested Olive Green be used which is slightly darker. However once screened it would not be too obtrusive.

Councillor M. Parry proposed the condition be approved subject to a minimum hedge height.

This was seconded by Councillor R. Davies

On being put to the VOTE:

19 voted to APPROVE

4 voted to REFUSE

1 Abstained

It was resolved therefore that details of the landscaping be **APPROVED** subject to the inclusion of a condition to ensure the hedgerows are maintained at an appropriate height as a natural screen for the development.

ITEM 6

INSTALLATION OF 2 NO. 50Kw MICRO GENERATION WIND TURBINES WITH CONTROL BOX AND ACCESS TRACK

SIRIOR, LLANDRILLO CORWEN

REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION No. 07/2012/0539

This report submitted by the Head of Planning and Public Protection sought a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 07/2012/0539, granted planning permission at the previous meeting of the Committee.

Councillor Cefyn Williams proposed that the decision on this report be DEFERRED. This proposal was seconded by Councillor Arwel Roberts

On being put to the Vote

4 voted to DEFER
19 Voted NOT TO DEFER

It was therefore resolved to continue with consideration of this report

Mr Andrew Jedwell (Public Speaker) spoke requesting consideration be given to deferring the decision . Mr Jedwell's contention was that there was insufficient time to consider all the conditions and felt a full page of late representations and changes submitted late the previous evening also needed to be considered. He felt deferral was fair as the applicant had deferred the application himself in the past. This was in a highly sensitive area.

Officers explained that permission had been granted for the turbines. It was suggested the issue had not been rushed as the report and committee papers together with the late representations had been produced and circulated in the normal way to the usual timescales.

Councillor M. Lloyd Davies proposed the conditions be approved subject to the additional conditions suggested in the late representations sheet This was seconded by Councillor H.O. Williams

On being put to the vote
23 voted to APPROVE
0 voted to REFUSE
There were no abstentions

The conditions suggested in the officer's report were therefore approved subject to:

A) the following additional conditions:

19. PRE-COMMENCEMENT CONDITION

No work shall commence on site until a Construction Methodology Statement has been submitted in writing to and approved by the Local Planning Authority, and the development shall be implemented strictly in accordance with the approved details. The Statement shall include provisions relating to:

- a) Construction of and drainage from all internal access tracks, parking and turning facilities, including measures to reinstate the land once constructed.
- b) Laying of cables and any backfill of trenches.
- c) Storage of plant and materials onsite during construction.
- d) Measures to protect private water supplies and prevent groundwater

pollution.

- e) Soil stripping management to ensure large volumes of silt are not allowed to run off.
- f) Surface and foul water drainage.
- g) Recording the existing geological state of the excavation area.
- h) Recording the existing state of the site.

The excavation works associated with the construction of the wind turbines and any ancillary development including the access track and laying of cables, shall be carried out in accordance with the following provisions:

- a) No excavation shall take place below the depth of the water table. If excavation below the water table is necessary, no construction works shall take place until information to demonstrate that there will be no adverse effects has been submitted to and approved in writing by the Local Planning Authority. The information shall include, but not be limited to, details of intrusive investigations, monitoring and characterisation of the hydrogeology regime of the area.
 - b) Measures to prevent groundwater contamination during excavation shall be applied which may include, but not be limited to, the provision of a geomembrane or other similar impermeable membrane.
 - c) Any water that either collects in, or arises from the excavation works, shall be pumped out and allowed to drain onto the surrounding land at a rate that allows for infiltration and prevents erosion.
 - d) The excavation for the base of the turbines shall be inspected for the presence of features in the bedrock that could result in significant infiltration of water.
 - e) Where there are any geological features that could provide a means for the rapid infiltration of water, then construction operations shall cease and measures to prevent infiltration of concrete or other building materials into such features shall be agreed in writing by the Local Planning Authority and implemented as approved.
 - f) Geological features shall be defined as areas of open or gaping joints, cleavages or faults.
20. All refueling / oil changes for vehicles shall be carried out off site.
21. No contaminating liquids or soluble materials shall be brought to site until details of the proposed mitigation measures to contain any spillage have been submitted in writing to and approved by the Local Planning Authority.
22. Where the construction or future operation of the wind turbines hereby granted is proven to have a detrimental impact on the water quality and / or flow regime of any private water supply, a mitigation strategy to rectify the adverse hydrological effects shall be submitted in writing and approved by the Local Planning Authority, and the approved strategy shall be implemented within 1 month. Where mitigation measures cannot overcome the adverse hydrological impacts, the applicant will be required to cover the costs of providing an alternative water supply to any affected property.

And

- B)** The satisfactory completion of a Unilateral Undertaking / Section 106 Agreement in respect of the proposed Community Benefit Payment(s) to the Llandrillo Community Council.

Item 7

Application No: ENF/2013/00006

Location: Y Foelas, Peakes Lane Denbigh

Description: Unauthorised Development , insertion of uPVC windows and door at dwelling within Conservation Area covered by Article 4(2) Direction

Paul Mead explained this property was within the Article 4(2) Direction Area of Denbigh and therefore required permission for replacement windows and door.

Councillor Alice Jones asked why this had a 12 month compliance when a similar situation in High Street Rhyl had been given a longer period of compliance

Councillor M. Ll. Davies and Stuart Davies agreed and asked that, for consistency, this should also have a 2 year compliance period.

Councillor C. Hughes explained the location and background to this issue and urged sympathy for the householder.

Members asked if window companies had been advised of the need for permission and whether they could be served with Enforcement notices

In reply, officers advised that negotiation had been taking place with the householder for 3 years and this action was not taken lightly.

They further advised that it is not possible to target window companies, Enforcement Notices can only be served on those with interest in the land. However, officers will continue to negotiate on this particular case.

VOTE:

On being put to the vote:

13 voted to take Enforcement Action with a 12 month compliance period.

8 voted to not take enforcement action.

2 Abstained.

RESOLVED therefore that authorisation be given to

Serve an Enforcement Notice to secure the removal of the unauthorised uPVC windows and door and their replacement with traditional timber sliding sash style windows and timber panelled door similar to those removed. (Compliance period 12 months).

Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

ITEM 8

ADEQUACY OF CONSULTATION

CLOCAENOG FOREST WINDFARM

Submitted Report by Head of Planning and Public Protection The report arises as RWE npower Renewables (Applicant) has indicated that they are finalising the application seeking planning permission for the Erection of 32 No. Wind turbines and associated works (a Nationally Significant infrastructure Project (NSIP)) and are likely to be submitting the Development Consent Order (DCO) application to the Planning Inspectorate (PINS) at the end of March.

The report advised committee that response time on the Adequacy of Consultation request by PINS once the NSIP application has been submitted is very restrictive – 14 days – and there is inadequate time for Officers to prepare a detailed report for Committee.

Members were of the opinion that this was an important issue, and agreed with officers that little time had been given to respond.

Officers emphasised that the application had not yet been submitted but the report also considered the timescale for response to be short.

On being put to the vote 18 voted to agree to the report conclusion.
There were no votes against

Resolved therefore :

That the Committee authorise the Head of Planning and Public Protection to make representations on the Adequacy of Consultation request from PINS once the NSIP application for the erection of wind turbines at Clocaenog has been formally submitted

ITEM 9

REPORT BACK ON THE DRAFT WIND ENERGY DEVELOPMENT INTERIM PLANNING GUIDANCE DOCUMENT FOLLOWING PUBLIC

Submitted : report by Angela Loftus, Planning & Public Protection Policy Manager.

This report informed Members about the consultation responses received to the Wind Energy Development Interim Planning Guidance document, and noted any subsequent changes proposed to the document. The consultation for the Wind Energy Development Interim Planning Guidance ran from November 7th 2012 – February 6th 2013.

As with the existing suite of Supplementary Planning Guidance documents, if adopted, Wind Energy Development Interim Planning Guidance will be a material planning consideration when assessing planning applications.

Angela Loftus explained that this document did not introduce new policy which would be included in the Local Development Plan. This is an interim policy measure and will be reported to Full Council on 9th April 2012.

Members thanked officers for a clear and full report but felt further discussion was necessary on this important issue. To this end:

Councillor Huw Williams proposed that, instead of reporting to the next Full Council, a Task and Finish Group be set up

This was seconded by Councillor Arwel Roberts

On being put to the vote

12 voted to set up a Task and Finish Group

9 voted to take the report to Full Council on 9th April 2013

RESOLVED THEREFORE

That a Task and Finish Group be established with the agreed document being reported to Full Council in due course.

The meeting closed at 1:20 pm