

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, Town Hall, Ruthin on Wednesday, 26 June 2002 at 10.00 am.

### PRESENT

Councillors J. Butterfield, G. A. Clague (arrived 10.45 am), M. Ll. Davies, A. E. Fletcher-Williams, M.A. German, K. N. Hawkins, D. M. Holder, N. J. Hughes, N. Hugh-Jones, E. R. Jones, F. D. Jones, G. Jones, P. M. Jones, R. E. Jones, R. J. R. Jones, J. S. Kerfoot-Davies (arrived 10.55am), E. A. Owens, J.A. Smith, D. A. Thomas, C. H. Williams and R. Ll. Williams.

### ALSO PRESENT

Head of Planning Services, Legal Services Manager, Principal Planning and Enforcement Officer, Principal Planning Officer (South), Principal Planning Officer (North) and Administrative Officer (G. Butler).

### APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors P. Douglas, S. Drew, I. M. German, S. Thomas, F. Shaw and K. Wells.

### CHANGES TO COMMITTEE MEMBERSHIP

The Chair advised that the following Councillors were no longer members of Planning Committee:-

|                         |               |
|-------------------------|---------------|
| Councillor W G Thomas   | (Labour)      |
| Councillor D W Davies   | (Labour)      |
| Councillor P O Williams | (Plaid Cymru) |

The following Councillors have been nominated to sit as members of the Planning Committee:-

|                             |               |
|-----------------------------|---------------|
| Councillor A Thomas         | (Independent) |
| Councillor E C Edwards      | (Independent) |
| Councillor S Kerfoot-Davies | (Independent) |

Councillor S Drew remains a member of Planning Committee, representing Plaid Cymru

### **157. URGENT**

In accordance with the requirements of Section 100B(4) of the Local Government Act 1972, the Chairman declared that he intended to include for discussion the following item requiring urgent attention:-

- (i) Fraith Villa, Rhyl - Planning Appeal (Agenda Item 7)

### **158. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

The report by the head of Planning Services (previously circulated) was submitted enumerating plans submitted and requiring determination by the Committee.

**RESOLVED** that:-

- (a) *the recommendations of the Officers, as contained within the report now submitted, by 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, 1994 and/or Planning (Listed Buildings and Conservation Areas) Act, 1990 to the development proposed by the following plans subject to the conditions enumerated in the schedule now submitted:-*

(i) Consents

| <u>Application No.</u>                    | <u>Description and Situation</u>  |
|---|---|
| 03/2002/0121/Full Planning                | <p>Following consideration of 2 additional letters of representation from Head of Highways and Save the Vale, Cae Coch, Sunbank Llangollen.</p> <p>Construction of new vehicular access and repairs to part of track to existing dwelling utilising an existing access to the A5 at Pen y Gyrn, Holyhead Road, Llangollen.</p> <p><b>Subject</b> to Amended Condition 3. - All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, with a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next season with others of similar size and species.</p> <p>New Conditions 4 &amp; 5. - 4. The surface of the access shall be paved for a minimum distance of 10m behind the highway boundary before the development is brought into use.</p> <p>REASON: To ensure that no deleterious material is carried onto the highway.</p> <p>5. Positive means to prevent the run-off of surface water from the site to the highway shall be provided to the satisfaction of the Local Planning Authority and retained so long as the development herewith approved remains in use.</p> <p>REASON: In the interests of highway safety and to prevent damage to the highway.</p> <p>NOTES TO APPLICANT - Highway Supplementary Notes 1, 3, 4, 5 and 10.</p> |
| 03/2002/212/Full Planning                 | <p>Erection of extension and alterations to existing dwelling at Pen Y Gryn, Holyhead Road, Llangollen</p> <p><b>Subject</b> to New Condition 2 - No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the type of stone and mortar to be used on the external walls of the extension.</p> <p>REASON: In the interests of visual amenity.</p> <p>NOTE TO APPLICANT - You are advised that this planning permission does not relate to the conservatory(ies) which require separate consent.</p>  |
| 03/2002/0480/Full Planning                | <p>Following consideration of 1 additional letter of representation from Head of Public Protection and revised location plan circulated.</p> <p>Construction of timber decking for use in conjunction with restaurant (partly retrospective) at 11 &amp; 13 Bridge Street, Llangollen</p>   |
| 14/2002/0130/Approval of Reserved Matters | <p>Details of dwelling and vehicular access submitted in accordance with outline planning permission 16/2001/545/PO at Land to the side of Pen Y Gelli, Bontuchel, Ruthin</p>   |
| 43/2002/0412/Full Planning                | <p>Increase in height by 5m of existing 11.5m high lattice tower mast and installation of 2 antennae and equipment cabin for dual-operation by BT Cellnet at Mast Site Adjoining Coed Bell, Gronant, Prestatyn.</p>   |

NOTE TO APPLICANT - You are advised that a public right of way lies adjacent to the development. The right of way must not be disrupted during the duration of the building works.

- 43/2002/0430/Advertisement Consent Continued display of non-illuminated wall-mounted signs (retrospective application) at Rozis Tandoori House, 16 Meliden Road, Prestatyn.
- 44/2002/0453/Full Planning Erection of pitched-roof extension to side/rear and porch to front of dwellinghouse at 2 Bryn Afon, Rhuddlan, Rhyl.
- 45/2001/1240/Full Planning (Councillor Nancy Fletcher-Williams declared an interest in the following application and left the Chamber during consideration thereof.)  
Construction of 2 No. water slides emerging from above roof level and re-entering building to pool hall at the Sun Centre & Pavillion Theatre, East Parade, Rhyl.  
Following a proposal to grant planning permission and following the requisite number of Members requesting a recorded vote, the Chairman invited Members to vote for or against the officer's recommendation to grant planning permission for the construction of 2 No. water slides emerging from above roof level and re-entering building to pool hall  
For the proposal to grant planning permission - Councillors J. Butterfield, M.L.I. Davies, M.A. German, K.N. Hawkins, D.M. Holder, N.J. Hughes, E.R. Jones, F.D. Jones, G. Jones, J.A. Smith, C.H. Williams, and R.L.I. Williams (Total 12)  
Against the proposal to grant planning permission - Councillors N. Hugh-Jones, P.M. Jones, R.E. Jones, R.J.R. Jones, E.A. Owens D.A.Thomas (Total 6)  
Councillors G Clague and J S Kerfoot-Davies did not vote.  
Permission is therefore granted subject to the following additional NOTE TO APPLICANT -  
The Denbighshire Access Group advise that it would be good practice to make sure all facilities are compliant with the Disability Discrimination Act. New legislation comes fully into effect by October 2004. For further advice contact the Access Group on 01745 815797.

Notwithstanding the officers' recommendation, the following application be granted for the reasons given below:-

- 46/2002/0384/Outline Councillors A Thomas and J Smith declared an interest in the following application and left the Chamber during consideration thereof.  
Following consideration of 3 additional letters of representation from Chris Ruane MP, Town Councillor Denise Hodgkinson (Mayor of St Asaph) and Councillor Andrew Thomas.  
Development of 0.16ha of land for residential purposes and construction of new vehicular access (Outline Application) at Open Space Land Junction of Tan Y Bryn and Pant Glas, St. Asaph.  
Resolved to **GRANT** planning permission but subject to the applicant first entering into a Section 106 obligation to ensure that any development value is utilised for community recreation facilities. Officers to report back to Planning Committee with agreed heads of terms of the 106 obligation

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

- Planning Gain
- In the interest of community recreation facilities development elsewhere in St Asaph
- Location of existing open space is not well related to properties

(ii) Refusals

44/2002/0451/Section 73A  
(Continuation/Retention)

Continued use of industrial unit as pre-school nursery (retrospective application) at Unit 4 Cefndy Employment Park, Cefndy Road, Rhyl

It was further resolved that the Council Economic Regeneration Section be asked to assist the applicants in finding alternative premises.

Planning Committee to be advised if alternative premises are not found within 12 months.

45/2002/0248/Full Planning

Continuation of use of vacant shop (Class A1) as car sales area and associated offices (retrospective application) at 115 Coast Road, Rhyl.

(iii) Site Visits

19/2002/0272/Outline

Development of land by the erection of a dwelling house, construction of new vehicle access and installation of septic tank (outline application) at Land at the rear of Bryn Dedwydd, Rhyd-Y-Meudwy, Ruthin.

Site Visit to assess the impact on the character of the area and the location of the site in relation to other properties.

21/2002/0463/Full Planning

Alterations and extension to existing dwelling at 14 Rectory Lane, Llanferres, Mold.

Site Visit to assess whether the extension would have an overbearing effect on adjoining property as a result of the difference in levels.

(iv) Defer

46/2001/0520/Section 73A  
(Continuation/Retention)

Continuation of use of part of OS Field Nos. 5000 and 6300 sawmill/timberworks, retention of covered stacking area, recladding to existing workshop building, formation of new vehicular access and track, provision of parking and turning areas associated landscaping (Partly in retrospect) at Part OS Field Nos 5000 and 6300 at Pen Y Bryn, Glascoed Road, St Asaph.

Defer to allow assessment of extent of works, landscaping, impact on amenity and access.

(v) Withdrawn

15/2002/0333/Full Planning

Following consideration of 1 additional letter of representation from the applicant withdrawing the application.

Erection of swimming pool and enclosing structure to include first floor gym, link to dwelling house and change of use of agricultural land to form extension to domestic curtilage at Foel Las, Eryrys Road, Mynydd Du, Mold.

**159. AUDIT COMMISSION BEST VALUE DRAFT REPORT**

Head of Planning Services advised Members that the Draft Report had been received indicating that Planning Services are to be recommended as a "Good, 2 star service with promising prospects for improvement".

The final report is to be published in July, any recommendations which require action would be brought before Planning Committee.

Head of Planning Services expressed his gratitude to the Members who met the Audit Commission Inspector.

The Chair offered the Committee's congratulations to all staff on this achievement.

**Workshop for Members**

Head of Planning Services advised Members that the annual Members' workshop event would be held at Henllan in September or October and Members would be informed in due course.

**160. URGENT MATTERS**

**Fraith Villa, Rhyl - Planning Appeal**

(This item was considered as a matter of urgency notice having been given by the Chairman at the commencement of the meeting).

Head of Planning Services advised Members of the receipt of a Planning Appeal relating to application 45/2002/1148/PF - Erection of 3 bungalows and 22 Flats at Fraith Villa, Boughton Avenue, Rhyl. The appellant has requested that this be dealt with by Written Representations but the Head of Planning Services sought the views of Committee considering the level of public interest in the planning application.

***RESOLVED** that the Planning Inspectorate be advised that Denbighshire Planning Committee wish to have the appeal dealt with by means of an Informal Hearing because of the weight of public interest*

**161. DATE OF SITE VISIT**

The Head of Planning Services written report (previously circulated) was submitted seeking approval for site visits arising from Agenda Item No. 2 to be held on 1st July 2002 and advising the current membership of the Site Visit Panel

***RESOLVED** that the approval site visits be held on 1st July 2002.*

**162. LIST OF APPLICATIONS DEALT WITH UNDER DELEGATED POWERS**

The Head of Planning Services submitted his written report (previously circulated) of applications for Planning Permission determined by him under delegated authority between 4th May 2002 and 7th June 2002.

***RESOLVED** that the report be received.*

**163. ENFORCEMENT UPDATE REPORT**

Submitted report by Head of Planning Services detailing Enforcement Matters still ongoing and progress made.

***RESOLVED** that the report be received and the following items be identified for particular attention by the Enforcement Officers:*

### Station Yard, Denbigh

Local Members advised that this land has been untidy for a number of years. Officers advise that a notice would be served soon and discussions with other relevant services had taken place with a view to a broader regeneration of the site.

### Elwy Bank, St Asaph

Officers advised that the property had changed hands and the new owner was in negotiation with CADW in an attempt to secure grant aid. The new owner had also discussed the submission of planning application.

### Unit 1, Smithfield Garage, Denbigh

Local Members queried whether the use had now ceased and was assured the officers were monitoring the site and had not witnessed any car wash activity recently. Monitoring will continue.

### 28 - 34 Berwyn Street, Llangollen

Officers will monitor the site and will request that an application be submitted.

## 164. ENFORCEMENT MATTERS

| <u>Application No.</u> | <u>Description and Situation</u>  |
|------------------------|---|
| ENF/2001/010           | <p>Neglect of a Grade II Listed Building and untidy building affecting the amenity of the neighbourhood at Kings Arms, 18 Vale Street, Denbigh.</p> <p><b>RESOLVED:-</b></p> <p>(i) Serve a Notice under the provisions of Section 125 of the Planning Act requiring such steps necessary to be taken to remedy the condition of the land/building.</p> <p>(ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts if the person or persons upon whom a notice is served or against whom legal action is taken should they fail to comply with the requirements thereof.</p> |
| ENF/2002/025           | <p>Change of use of retail premises for the display and sale of cars and associated office at 115 Coast Road, Rhyl.</p> <p><b>RESOLVED:-</b></p> <p>(i) Serve an Enforcement Notice to secure the cessation of the unauthorised vehicle sales and associated office;</p> <p>(ii) Instigate prosecution proceedings or other 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 thereof.</p>  |
| ENF/2002/009           | <p>Storage of caravans/untidy area at Land adjoining Allt Y Graig Cottages, Meliden Road, Dyserth.</p> <p><b>RESOLVED:-</b></p> <p>(i) Serve an Enforcement Notice to secure the removal of the unauthorised caravans from the site.</p> <p>(ii) Serve a Section 215 (Untidy Land) Notice to ensure the site is maintained in a tidy condition.</p> <p>(iii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any</p>  |

*Enforcement Notice, Section 215 (Untidy Land) Notice or other such notice is served should they fail to comply the requirements thereof.*

ENF/2002/003

Insertion of a door and three windows without planning permission at 73 Vale Street, Denbigh.

**RESOLVED:-**

*(i) Serve an Enforcement Notice within 12 months of this decision to secure the removal of the unauthorised U.P.V.C. door and windows and their replacement with traditional box sash type windows with 8 panels over 8 panels of glass and a traditional timber door.*

*(ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any enforcement notice or other such notices are served should they fail to comply with the requirements thereof.*

ENF/2002/023

Siting of portable unit to be used as office accommodation at Pentre Kitchens, Pentre, Llanrhaeadr Y.C. Denbigh.

**RESOLVED:-**

*(i) Serve an enforcement notice to secure the removal of the portable office unit;*

*(ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any enforcement notice or other such notices are served should they fail to comply the requirements thereof.*

**165. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 12A of the Act.

**166. ENF/184/99/S - FORMER NORTH WALES HOSPITAL, DENBIGH**

Head of Planning Services advised the Committee that he wished to withdraw the recommendation included in the submitted Part 2 report and that the report was for information only at this stage. A further report would be brought before Members detailing the Listing Building aspect of this enforcement matter with a recommendation for the Members to consider.

Members discussed issues of alleged theft of assets and vandalism/neglect of the buildings during the last few years.

**RESOLVED** that officers report back to a future Planning Committee.

The meeting closed at 12.15 pm.

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