

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, Russell House, Rhyl on 28 January 2004 at 10.00 a.m.

PRESENT

Councillors F.D. Jones (Chair), J. Butterfield, S Drew, M.LI. Davies (observer), E.C. Edwards, A.E. Fletcher-Williams, I.M. German, M.A. German, K.N. Hawkins, N.J. Hughes, R.W. Hughes, N. Hugh-Jones, D. Jones, G. Jones, M.M. Jones (observer), P. Jones, R.E. Jones, S. Kerfoot-Davies, A. Owens, F. Shaw, J.A. Smith, D.A.Thomas, D.A.J. Thomas, S. Thomas, C.H. Williams, P.O. Williams, and R.LI. Williams.

ALSO PRESENT

Head of Planning and Public Protection, Legal Services Manager, Development Control Manager, Principal Planning Officer (South), Administrative Officer (G. Butler) and translator D. Bryn Jones.

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors D. Holder, E.R. Jones, R.J.R. Jones and K. Wells.

896. URGENT MATTERS

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 matters requiring urgent attention:

- (i) Affordable Housing
- (ii) Tree Preservation Order - St David's Lane Denbigh

897. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning and Public Protection (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

Application No.

Description and Situation

30/2002/1129/PF

Subject to the receipt of no further representations raising a planning matters not already covered in the report by 10 February 2004. Following consideration additional letters of representation from: Trefnant Community Council; D.A. Bonston, 3 Ffordd Pen y Coed; Mrs J.A. Edwards, 4 Ffordd Pen y Coed, A. Lewis, 11 Ffordd Pen y Coed, B. Sandbach, 2 Ffordd Pen y Coed, W. Green, 15 Ffordd Pen y Coed. Erection of 26 No. dwellings, construction of means of access and formation of open space, play area and landscaping, construction of pumping station and formation of nature conservation mitigation areas.

Land off (forming continuation of) Ffordd Pen y Maes, Parc Grosvenor Trefnant Denbigh

This resolution is subject to the applicant first entering into a Section 106 Obligation to deal with mitigation and management proposals for great crested newts habitat; maintenance of on-site open space; and affordable housing provision.

Subject to New Conditions 8, 9, 10 and 11

8. Highway details
9. Timing of implementation of highway works
10. Provision of parking
11. Details of pumping station, including any noise/smell mitigation.

Notes to applicant –

1. Your attention is drawn to the attached Highway Supplementary Notes No. 1, 3, 4, 5, 6, 7, 8, 9 and 10.
2. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991)
3. Your attention is drawn to the attached County Council's specification for road construction highway lighting installations traffic signs and road markings.
(Councillor S. Drew voted to refuse and Councillors F. Shaw and A. Owens abstained from voting)

43/2003/1228/PR

Following consideration of amendment to report paragraph 7: ("Access" point is to South not to North) and one additional letter of representation from: Mrs Shelia M. Hatch, 21 Cefn y Gwyrch, Prestatyn. Details of design and external appearance of 18 No. dwellings and landscaping of the site submitted in accordance with condition No.1 of outline planning permission Ref No. 43/2000/0875/PO (Reserved matters).

Land adjoining Brookdale Cefn y Gwyrch Prestatyn

Subject to New note to applicant – You are requested to work closely with local residents to ensure that the construction is carried out with due regard to the living conditions of nearby occupiers and with no obstruction to driveways etc. In this respect provision should be made within the construction site for storage of any construction materials and space included for the parking of construction vehicles and buildings workers vehicles.

43/2003/1359/PF

Following consideration of one additional letter of representation from Head of Transport and Infrastructure. Demolition of existing and erection of new dormer bungalow. 26 Melyd Avenue Prestatyn
(Councillor S. Drew voted to refuse).

44/2003/0006/PF

Demolition of school and associated buildings, erection of 20 No. detached dwellings, formation of open space, landscaping and alterations to existing vehicular access. Plots 1-20 inc. Tir Morfa Site Meliden Road Rhuddlan Rhyl.

This resolution is subject to the applicant entering into a Section 106 Obligation to provide affordable housing and open space commuted sums. Section 106 Obligation needs to ensure public access is retained to the open space.

Subject to New Notes to applicant –

1. Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 4, 5 and 10.

2. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

3. Your attention is drawn to the attached County Council's specification for road construction, highway lighting installations, and traffic signs and road markings.

(Councillors S Drew and S Thomas voted to refuse permission; Councillors C.H.Williams and P.O. Williams abstained from voting)

45/2003/1215/PF

Alterations to existing vehicular access.
14a, 14b and 16 Pendyffryn Road Rhyl.

45/2003/1282/PF

Demolition of existing buildings and erection of new block of 20 No. flats with basement car parking.

63-64 West Parade Rhyl

RESOLVED to grant planning permission but this resolution is subject to a Section 106 Obligation dealing with commuted sums for off-site open space provision and maintenance. Section 106 Obligation should also include a clause relating to the future management of the development including split between prospective tenants e.g. 50% key worker, 50% general needs.

(Councillors J. Butterfield and P. Jones wished it to be noted that they voted to refuse permission).

45/2003/1356/PF

Following consideration of one additional letter of representation from applicant.

Erection of storage building in association with adjacent Dee-Jays retail outlet.

Land rear of 93-97 Vale Road Rhyl

Subject to Amended condition – No deliveries shall take place outside the following hours: 08.00 to 18.00 hrs on Saturdays, 10.00 to 16.00hrs on Sundays.

45/2003/1414/PF

Erection of 3-storey high block of 12 No. Flats and 4. No. town houses in 3-storey high block and construction of new vehicular/pedestrian access. Graham's Site/Grosvenor Garage Westbourne Avenue Rhyl.

This Resolution is subject to the applicant first entering into a Section 106 Obligation to deal with commuted sums for off-site open space provision and maintenance

Subject to Amended Condition – Add "Surface water drainage shall be provided to the car parking areas in accordance with the details to be submitted to and approved in writing by the Local Planning Authority".

(Councillor P.O. Williams wished it to be noted that he voted to refuse permission in recognition of the perceived flood risk).

46/2003/0074/PO

Development of 0.19ha of land by erection of 10 No. 2storey town houses and alterations to existing vehicular access (outline application). Land rear of Kentigern Arms fronting Gemig Street St. Asaph.

subject to conditions and to the applicant first entering into a Section 106 Obligation to provide open space and affordable housing

This decision being contrary to the Officers' recommendations was taken for the following *Reason*: Member considered that the highways objections could be overcome.

46/2003/1425/PF

Councillor Andrew Thomas declared an interest in the following application and left the Chamber during consideration thereof.

Extension to existing pavilion/store to form community facilities, changing rooms and storage facilities.

The Pavilion Roe Plas High Street St. Asaph.

Subject to 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 building works.

47/2003/0438/PF

Installation of 18.3m high monopole mast in new position (to replace existing 15m high mast), installation of equipment cabinet and associated ancillary equipment.

Blue Barn Field (OS No.8568) Bryngwyn Farm Rhualt St. Asaph.

Subject to Amended Condition – The Committee resolved that the mast be of monopole construction and of a suitable colour to blend into the landscape.

(Councillors S. Drew and I.M. German voted to refuse permission and Councillor D. Jones abstained from voting).

47/2003/1285/PR

Details of design, external appearance of dwelling and landscaping submitted in accordance with Condition No.1 of outline planning permission Ref. No.47/2002/1028/PO (Reserved matters).

Land rear of 7 Heol y Brenin Land at Cartref Bach Groesffordd Tremerchion St. Asaph.

Subject to Deletion of note to applicant.

47/2003/1335/PC

Retention of caravan for temporary period during course of construction of new dwelling (retrospective application).

Land rear of 7 Heol y Brenin Land at Cartref Bach Groesffordd Tremerchion St. Asaph.

Subject to New Condition – Notwithstanding the submitted details the caravan shall be sited in an alternative location within the plot within 2 months of the date of this permission in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason In the interest of residential amenity.

Delete note to applicant.

01/2003/1222/PF

Following consideration of one additional letter of representation from G.A. Cooke, 30 Ffordd Caledfryn.

Erection of 2 No. detached dwellings.

Land adjoining Ffordd Caledfryn Denbigh.

Subject to Amended Conditions 4 and 5,

4. No development shall commence until details of the precise location, design, height and materials on the screen wall(s) and/or fence(s) shown on the layout plan have been submitted to, and approved in writing by, the Local Planning Authority. Such screen wall(s) and/or fence(s) shall be erected before the dwelling is completed or occupied, whichever is the earlier.

5. The detailing of the side elevation of the Plot 64 dwelling facing No. 30 Ffordd Caledfryn shall not be as shown on the submitted plans, and the development shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained thereto; in connection with which the proposed ground floor window

serving the dining room shall be deleted and the proposed first floor window serving bedroom 3 shall be revised to either a high level cill design or such other detail as may be approved, to obstruct the potential for overlooking of adjacent property.

Reason In the interests of the privacy and amenity of occupiers of adjoining property.

Add note to applicant – You are advised, prior to the preparation of any places in connection with Condition 5, to contact the Case Officers to discuss your ideas for the detailing of the side elevation.

02/2003/0954/PF

Change of use of ground floor from existing retail shop to café/bar.
8 Castle Mews Well Street Ruthin.

Subject to Amended condition 4 – Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order with or without modification, the premises shall be used solely as a café/bar and for no other uses within Use Class A3 of the Order at any time.

02/2003/1343/PF

Amendment to application Code No. 02/2003/1202/PF conversion of derelict retail and residential property into commercial and office premises, also to include for the demolition of an existing building and a new access road and parking off Wynnstay Road.
11 Crown House Well Street Ruthin.

Subject to New Condition 7 – No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the precise details of the hard and soft landscaping of the site, and the building shall not be brought into use until the completion of the approved scheme.

Reason In the interests of visual amenity.

02/2003/1344/PF

Following consideration of one additional letter of representation from Head of Transportation and Infrastructure.

Erection of detached dwelling and construction of new vehicular and pedestrian access.

Land to the rear of 30-33 Llys Erw Ruthin.

Subject to Amended Condition 4 – The detailing of the access and parking area shall not be as shown on the submitted plan, and no work thereon shall be permitted to commence until the written approval of the Local Planning Authority has been obtained including details of the hard and soft landscape; and the dwelling shall not be occupied until the completion of the access, parking, and landscaping arrangements in accordance with such approval.

03/2003/1340/PF

Following consideration of three additional letters of representation from Llangollen Town Council; Llangollen Civic Society and Head of Transportation and Infrastructure.

Amended details of residential development, involving the erection of 23 dwellings, construction of vehicular and pedestrian accesses and open space (previously approved for 25 dwellings under application Code No. 03/2002/0611/PR).

Greenacres Fron Bache Llangollen.

Subject to Section 106 Obligation – The resolution is subject to the completion of a Section 106 Obligation within 12 months of the date of the committee requiring the provision of commuted sums for the maintenance of the open space or a voluntary payment to cover maintenance.

New Conditions 3, 4, and 5,

3. The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate roads shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any work on site.

4. None of the dwellings hereby approved shall be occupied until the roads and foot ways have been constructed to the base course level, and the final dwelling of the development shall not be occupied until all the roads and foot ways have been completed to adoption standards or as otherwise agreed in writing by the Local Planning Authority.

5. No dwellings shall be occupied until the parking spaces have been laid out and hard surfaced in accordance with the approved plans.

Amended Reason for Condition 5: To provide for the parking of vehicles clear of the highway in the interest of traffic safety.

Notes to applicant:

1. Your attention is drawn to the attached Highway Supplementary Notes No. 1, 3, 4, 5, 6, 7, 8, 9 and 10.

2. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991)

3. Your attention is drawn to the attached County Council's specification for road construction, highway lighting installations, traffic signs and road markings.

17/2003/0999/PF

Erection of building for the shelter of sheep.

Land opposite Casgan Dittw Ruthin Road Llandegla Wrexham.

Subject to New condition 4 – The building shall not be brought into use until the roof sheets have been painted or finished in dark green, dark grey, or dark brown colour, and the sheets be maintained in that colour at all time.

Reason In the interests of visual amenity.

20/2003/1319/PF

Following consideration of amended planning history, and new location plan circulated.

Erection of extension to existing dwelling.

Hafan Llanfair Dyffryn Clwyd Ruthin.

28/2003/1346/PF

Erection of extension to existing dwelling.

Garreg Lwyd Mynnydd Llech Llanrhaeadr Y.C. Denbigh.

28/2003/1292/PF

Erection of extension to existing dwelling.

10 Bryntirion Henllan Denbigh.

Subject to Amended condition 2 – The window proposed in the south elevation to serve bedroom 2 shall not be as shown on plan (Drawing No. 3), and no work shall be permitted to commence until the formal approval of the Local Planning Authority has been obtained to the detailing of the window.

Site visits

21/2003/1339/PF

Following consideration of four additional letters of representation from Llanferres Community Council; Community Councillors G. Harvey and D. Clough and The Applicant.

Erection of bedroom extension.

Camp Alyn Tafarn-y-Gelyn Llanferres Mold.

Subject to a site visit – and deferral to allow consideration of the planning implication of lawful use and consideration of late representations received.

23/2003/1158/PF

Development of land by the erection of a dwelling (outline application).
Land adjacent to Ffordd Las Mynydd Lech Llanrheadr Denbigh.
Subject to a site visit to consider the impact on neighbouring property and the provisions of policy HSG5 in this particular case.

Listed Building Consent

45/2003/1216/LB

Alterations to front boundary wall for improvements to existing vehicular access.
14a, 14b and 16 Pendyffryn Road Rhyl.
Subject to consideration by CADW – Welsh Historic Monuments.
Amended Condition 2 – “the stonework, mortar and pointing to be used....”

Refusals

47/2003/1347/PF

Following consideration of three additional letters of representation from Tremeirchion/Cwm/Waen Community Council; Head of Transportation and Infrastructure; Emyr George, Gorwth, Cwm Road, Waen, St Asaph
Change of use of agricultural land to touring caravan park (50 new units).
Tan yr Onnen Waen St. Asaph.
Subject to Amended reason for refusal – “.....be harmful to the visual amenities of the locality and the countryside generally in an area recognised by the Denbighshire Landscape Strategy as being a landscape of high value. The development would be contrary to criteria (i), (iii), and (iv)(b) of Policy TSM 12 and criteria (i), (ii), (iii) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan and the planning policy of the Welsh Assembly Government”.

10/2002/1348/PO

Development of land for residential purposes, and alterations to existing vehicular access.
Land adjacent to St Tysilio Church Bryneglwys Corwen.
Subject to Amended condition for refusal – It is the Local Planning Authority's view that the proposal is contrary to Policy HSG 10 of the Denbighshire Unitary Development Plan in that the applicant is unable to enter into a legal obligation to secure the delivery and retention in perpetuity of an element of affordable housing as part of the development, the existence of such need being demonstrated by the Authority's Housing Needs Survey; and in the absence of any exceptional circumstances the failure to make provision for affordable housing is considered to conflict with the requirements of Policy HSG 10 and the strategic housing policy STRAT 15.
(Councillor S. Drew abstained from voting, Chairman's casting vote to refuse).

14/2003/0998/PO

Development of land by the erection of a dwelling and alterations to existing access (outline application).
Bryn Awel Bontuchel Ruthin.
(Chairman's casting vote to refuse)

Defer

45/2003/1330/PF

Change of use from hotel to single dwelling unit.
Tremorfa Hotel 38 Marine Drive Rhyl
Deferred to allow the property to be marketed as a hotel in accordance with Policy TSM8.

898. APPEAL COSTS

2 TUDOR AVENUE/50 GRONANT ROAD, PRESTATYN AND THE SHOWFIELD, RHYL ROAD, RHUDDLAN

Submitted – Report by Head of Planning and Public Protection advising Members of the appeal costs awarded against the Council following appeal decisions on 2 Tudor Avenue/50 Gronant Road, Prestatyn and The Showfield, Rhyl Road, Rhuddlan.

Officers reported that costs in the sum of £1500 for the Tudor Avenue appeal and £15000 for the Showfield had been submitted by the appellants.

Members were concerned about the Inspectors involved in both appeals and requested that feedback be given to the Planning Inspectorate.

RESOLVED that Members note the content of the officers' reports, and in respect of The Showfield Appeal:

- (i) That officers write to Welsh Assembly Government on the correct interpretation of Planning Policy Wales with regard to Markets and Car Boot Sales and where they might best be located
- (ii) Write to the Planning Inspectorate to include concerns about the reasoning of the Inspector on the Showfield appeal, the timing of site visits, and the Inspector's attitude on the Tudor Avenue/Gronant Road appeal.

899. APPEAL DECISION UPDATE

Submitted report by Head of Planning and Public Protection advising members of recent appeal decisions received during October to December 2003.

RESOLVED that the report be received for information.

900. GUIDELINES FOR SITE INSPECTION PANELS

Submitted report by Head of Planning and Public Protection reinforcing the guidelines for site inspection panels and requesting approval for a leaflet to be made available to the public.

Members were reminded to request a site visit only where it would "add value" to the decision making process. Members took the view, that local knowledge could "add value", particularly if the local Member was not on the Planning Committee, but could attend the site visit.

Members discussed paragraph C(xiii) on "confidentiality" requesting clarification. The Legal Services Manager considered it acceptable for Members to discuss issues amongst themselves and within their groups, but not in public. This would be further clarified.

Members also sought clarification on the suggested political balance.

RESOLVED

- (ii) that the Committee reinforces the previously approved guidelines (subject to clarification of B(i) and C(xiii))
- (iii) That the leaflet be approved for use, in bilingual form.

901. DATE OF SITE VISIT

The Head of Planning and Public Protection written report (previously circulated) was submitted seeking approval for site visits arising from Agenda item No. 2 to be held on 5 February 2004 and advising of the current membership of the Site Visit Panel.

***RESOLVED** that the approved site visits be held on Thursday 5 February 2004 (in the afternoon).*

902. LIST OF APPLICATIONS DEALT WITH UNDER DELEGATED POWERS

The Head of Planning and Public Protection submitted his report (previously circulated) of applications for Planning Permission determined by him under delegated authority between 1 and 31 December 2003.

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

903. AFFORDABLE HOUSING

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

Circulated, bilingual position statement by the Head of Planning and Public Protection detailing a study carried out by an external body into the affordable housing needs of Denbighshire County; the weight given to the findings of this study in decisions made by the Local Planning Authority and requesting:

- Acceptance of the broad findings of the Report
- Acceptance of the Element (or percentage) of on site affordable housing to be normally required for a planning application
- Approval of supplementary Planning Guidance to deal with the various detailed arrangements to make such provision part of any planning application.

Members voiced concern over the validity of the position statement as it had not been fully explored and discussed at Committee, or approved by Cabinet or Full Council. Further concerns were expressed about the statistical analysis of the Report itself.

In relation to specific applications on the agenda, members express unease over the approach to secure affordable housing.

Members felt there may be inconsistencies in the approach between different applications.

Head of Planning and Public Protection advised that this issue was complicated by the dates the applications were received in relation to the development and interpretation of UDP Policy HSG10.

It was agreed to set aside the position statement until it had been discussed by Cabinet/Full Council and to deal with planning applications in accordance with Policy HSG10 of the U.D.P.

904. TREE PRESERVATION ORDER (ST DAVID'S LANE) DENBIGH

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

Submitted report by Head of Planning and Public Protection (circulated at the meeting) detailing trees to be the subject of a Preservation Order and requesting Members' confirmation of the Order.

***RESOLVED** that TPO No. 4/2003 The Rectory, St David's Land, Denbigh be confirmed without modification*

The meeting closed at 1.00 p.m.
