

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, Russell House, Churton Road, Rhyl on 25 February 2004 at 10.00 a.m.

PRESENT

Councillors F.D. Jones (Chairman), M.LI. Davies (observer), E.C. Edwards, A.E. Fletcher-Williams, I.M. German, M.A. German, (arrived 11.35 am) K.N. Hawkins, D.M. Holder, R.W. Hughes, N. Hugh-Jones, E.R. Jones, D. Jones, G. Jones, P. Jones, R.E. Jones, R.J.R. Jones, A. Owens, F. Shaw, J.A. Smith, D.A. Thomas, D.A.J. Thomas, S.Thomas, K.E. Wells, C.H. Williams, E.W. Williams (observer/local member), 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), Administration Officer (G. Butler) and Translator (B. Jones).

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors J. Butterfield, S. Drew and N. Hughes.

1016 URGENT MATTERS

None

1017 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 Community Planning (General Permitted Development) Order 1995, Planning and Compensation Act, 1991, Town and Community Planning Advertisements 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>
01/2003/0793/PF	Change of use of part of existing farm building to boarding kennels and animal hostel. Brookhouse Farm Brookhouse Denbigh.
02/2004/0001/PF	Following consideration of one additional letter of representation from Ruthin Town Council. Erection of dwelling and construction of new vehicular access. Land adjacent to Oaklea Bryn Goodman Ruthin. <i>Subject to:</i> Amended Condition 4 – No development shall be permitted to commence on

the proposed access to the site until the written approval of the Local Planning Authority has been obtained to its precise detailing, to include sectioned details of surface and subsurface construction, edging and drainage, and measures to protect the trees immediately adjacent.

Reason: To ensure all reasonable measures are taken to protect the trees either side of the access.

03/2003/0848/PF

Following consideration of two additional letters of representation from Llangollen Town Council and Public Protection Manager.

Demolition of existing dwelling and erection of a replacement dwelling and new septic tank.

Bryn Hyfryd Bungalow Dinbren Llangollen.

Subject to: Amended Condition 6 – Notwithstanding the submitted details, no works shall be permitted to commence on the foul drainage system to serve the dwelling until the written approval of the Local Planning Authority, in consultation with the Environment Agency has been obtained to the precise type of system to be installed, to take into account the presence of a water supply borehole and the existing water supply pipe network to the proposed dwelling and others in the vicinity.

New note to applicant –

1. Your attention is drawn to the attached Environment Agency Guidance Note for developer relating to relevant pollution control measures required in the course of development.

2. You are also advised that there should be no interference with the public footpath which runs close to the site at any time.

16/2003/1342/PF

Following consideration of correction to report – Environment Agency has not objected; also external walls to be stone/render and roof slated.

Erection of detached dormer bungalow, construction of new vehicular access and installation of new septic tank.

Land at Kingsmead Llanbedr Dyffryn Clwyd Ruthin.

Subject to: Amended Condition 4 – The Surface of the proposed access shall be paved with bituminous material for a minimum distance of 5.0m behind the highway boundary, and the boundary of the access with the highway shall be formed with bullnose kerbs prior to the occupation of the dwelling.

New Conditions 8 and 9 –

8. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of: (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development. (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting; (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas; (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform; (e) Proposed positions, design, materials and type of boundary treatment.

9. 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 occupation of the final dwelling of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reasons for 9 and 10.: "In the interests of visual amenity "

20/2003/1434/PF

Following consideration of expiry date, (should be 26 January 2004) and two additional letter of representation from Llanfair D.C. Community Council and Head of Transportation and Infrastructure.

Erection of residential dwelling, installation of private treatment plant and construction of new vehicular access.

Land adjacent to Cilgwyn Pentrecelyn Ruthin.

Subject to: New Conditions 9, 10 and 11

9. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plans and shall be completed prior to the proposed development being brought into use.

10. The surface of the proposed access shall be paved with a bituminous material for a distance of 5.0m behind the highway boundary to the Highway Authority's approval before the development is brought into use.

11. The wall, hedge or fence either side of the proposed access shall be no higher than 1.05m above the adjacent carriageway.

Reasons:

9. *To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.*

10. *To ensure the formation of a safe and satisfactory access.*

11. *To ensure that adequate visibility is provided at the proposed point of access to the highway.*

23/2003/1244/PF

Following consideration of correction to report and additional letter of representation from the Pollution Control Manager;

Retrospective application for the erection of extension to existing agricultural building to provide a parlour and dairy and erection of a silo.

Penbryn Llan Llanrhaeadr Denbigh.

Subject to: New Condition 3 – Within 3 months of the date of this permission, measures shall be undertaken for the prevention of passage of water/slurry from the site onto the public highway; such measures to be strictly in accordance with details to be approved in writing by the Local Planning Authority prior to their implementation.

Reason: *In the interests of users of the public highway.*

28/2003/1456/PF

Erection of extension to existing dwelling.

5 Maes yr Efail Henllan Denbigh.

40/2004/0011/PF

Following consideration of amended location plan. (Members were also advised they should take no account of anonymous representations.) Erection of first-floor pitched-roof extension over existing garage at side of dwelling and new canopy to rear.

12a Llwyn Harlech Bodelwyddan Rhyl.

42/2003/1494/PO

Following consideration of amended site plan circulated.

Development of 0.17ha of land for residential purposes (outline application).

Land adjoining No. 19 Rhodfa Gofer Dyserth Rhyl.

Subject to: New Condition 7 – 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

occupation of the final dwelling of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Amended Note to Applicant – Add the following to the second note to applicant: “This area should be utilised for the construction of the footway as required by condition no. 6”.

43/2003/1431/PF

Subject to the receipt of no further representations raising a planning matters not already covered in the report by 5 March 2004 (amended plans – reconsultation).

Erection of conservatory at rear of dwelling house.

17 Princes Avenue, Prestatyn

Subject to: New Condition 3 – The east elevation of the conservatory hereby permitted shall be constructed with glazing in opaque glass above the base wall and shall not be of solid wall construction.

Reason: In the interests of residential amenity.

43/2003/1444/PF

Following consideration of alteration to report – ward name Prestatyn not Rhuddlan.

Erection of detached dwelling and alterations to existing vehicular access.

Land at Claremount Meadows Lane Prestatyn.

Subject to: New Note to Applicant – You are requested to ensure that construction traffic does not use Meadows Lane at school start and finish times due to the significant use of the lane as a safe route to schools. The lane is also a public footpath. Peak times for school use are 08.30 to 09.00 in the morning and 15.00 to 16.00 in the afternoon.

43/2003/1504/PF

Subject to the receipt of no further representation raising a planning matter not already covered in the report by 11 March 2004.

Following consideration of letters of representation received from the County Archaeologist and Councillor Sophia Drew

Demolition of existing cinema and shops, retention of part of existing façade and erection of new cinema and theatre complex, community meeting rooms, café/bar, shop and roof terrace.

Scala Cinema & Tourist Information Centre
45/47/49 High Street Prestatyn.

Subject to: Conservation area consent being granted by CADW.

44/2003/1111/PO

Following consideration of correction to paragraph 3 (should read "22 dwellings") and additional letters of representation from Rhuddlan Town Council and the Head of Transportation.

Development of 1.4ha of land for residential purposes and alterations to existing vehicular access (Outline application).

Abbey Nurseries Abbey Road Rhuddlan Rhyl.

Subject to: the applicant entering into a Section 106 Obligation dealing with off-site open space, maintenance and adoption of on-site open space, and affordable housing provision.

Add Conditions 1, 20 and 21,

1. Approval of details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.

20. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 0.75 metres above the level of the adjoining carriageway.

21. The detailed layout, design, means of traffic calming, street-lighting, signing, drainage and construction of the access onto Abbey Road, the internal estate road and widened footways on Abbey Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and provided in accordance with the approved plans and Condition No.5.

Reason: In the interest of highway safety and amenity.

Notes to Applicant 1, 2, 3 and 4 -

1. Your attention is drawn to the attached Highway Supplementary Notes Numbers 1, 3, 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 notes relating to applications for consent to construct a vehicular crossing over a footway/verge under Section 184 of the Highways Act 1980.

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

44/2003/1483/PF

Councillor F.D. Jones declared an interest in the following application (Councillor Ll. Williams took the chair)

Subject to the receipt of no further representations raising a planning matter not already covered in the report by 2 March 2004. Following consideration of nine additional letters of representation from Head of Transport, Rhyl Environment Association, seven local residents – J. Hemmings, 127 Ffordd Derwen, Rhyl; T. Logan, 117 Ffordd Derwen, Rhyl; Mrs E. Smith, 95 Ffordd Derwen, Rhyl; Kay Fynan, 125 Ffordd Derwen, Rhyl; Helen Hudson, 115 Ffordd Derwen, Rhyl; E. Unsworth, 113 Ffordd Derwen, Rhyl and Mrs J. Hodgeson, 123 Ffordd Derwen, Rhyl.

Erection of new special needs school and construction of new vehicular access and provision of on-site parking for 103 cars and 3 minibuses.

Ysgol Tir Morfa, Ffordd Derwen, Rhyl.

Subject to: Amended Conditions 6 and 8 6. "Phase 1 of"

8. The footway to the entire site frontage, the pedestrian crossing points, and the access, etc...."

New Condition 11, 12 and 13 –

11. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway.

12. Positive means to prevent the run-off of surface water from the site to the highway shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained so long as the development hereby approved is in use.

13. Details of the finished floor levels to the building and the car parking areas shall be submitted to and approved in writing prior to the commencement of the development and the building and parking areas shall be constructed in accordance with the approved levels.

Reasons: 12 – In the interests of highway safety and 13 – To prevent flood risk.

New note to applicant 1 and 2 –

1. Your attention is drawn to the possibility that great crest newts may forage in the vicinity of the site. Great crested newts are a European protected species and it is a criminal offence to damage or destroy their breeding sites or resting places. You should satisfy yourself that great crested newts will not be affected prior to the carrying out of the development.

2. It is suggested that deliveries to the site during the construction of the buildings are programmed so as to avoid the peak start and finish times of the school.

- 45/2003/1480/PC Retention of car port (retrospective application).
115 Rhyl Coast Road, Rhyl.
- 46/2003/1445/PF Councillor D.A. Thomas declared an interest in the following application and left the Chamber during consideration thereof.
Subject to the receipt of no further representations raising a planning matter not already covered in the report by 1 March 2004.
Following consideration of three additional letters of representation from St.Asaph Town Council; County Ecologist; Pamela Hodkin, 44 Rhodfa Glenys.
Erection of 9 No. detached houses, road junction alterations and traffic calming along Mount Road and Bryn Gobaith, construction of new vehicular access and formation of wildlife habitat areas.
Bryn Gobaith, St. Asaph.
Subject to the applicant entering into a Section 106 Obligation addressing the following issues: (1) The contribution towards the provision of affordable housing development off-site for Heol Clwyd, St. Asaph. (2) Detailed mitigation and future management proposals for Great Crested Newt habitat to secure the long term conservation status of the habitat site. (3) Highway junction improvement/traffic calming at the Mount Road/Bryn Gobaith junction and along Bryn Gobaith Road.

Refusals

- 21/2003/1339/PF Following consideration of legal clarification of issues relating to the term “dwelling”, and rating matters.
Erection of bedroom extension.
Camp Alyn Tafarn-y-Gelyn Llanferres Mold.
- 23/2003/1158/PO Development of land by the erection of a dwelling (outline application).
Land adjacent to Ffordd Las Mynydd Llech Llanrhaeadr Y.C. Denbigh.
- 23/2003/1238/PF Councillor Selwyn Thomas and R.E. Jones (non pecuniary) declared an interest in the following application and left the Chamber during consideration thereof.
Following consideration of deletion of paragraph 5 and additional letters of representation from Llanrhaeadr YC Community Council, MI and S Boyd, Minafon Llanrhaeadr; Head of Transport and Infrastructure; Public Protection Manager; Pollution Control Manager.

Change of use of land from 12 van touring caravan site to 12 van static caravan site.
Llwyn Afon Caravan Park, Llanrhaeadr, Denbigh.
(Councillor P.O. Williams and D. Jones wished it to be noted that they voted to grant planning permission).

Site Visit

12/2003/1462/PO

Development of land for residential purposes, installation of new septic tank and formation of new vehicular access (outline application).
Land opposite Derwen Chapel, Derwen, Corwen.
Subject to: Site visit to assess the application against planning policies.

Defer

30/2002/1129/PF

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.
Deferred at the request of Officers to allow:
1. For consideration of substantial representations received since the preparation of the report. This should include seeking a legal opinion on the implications of the UDP process, the Bronallt Appeal Decision, and the Habitats Directive tests to be fulfilled.
2. Further discussions on affordable housing provision related to the development.

43/2003/1389/PF

Erection of 19 dwellings (amendments to house types) and construction of balancing pond (partly retrospective).
3-7 and 20-33, Melyd Avenue, Prestatyn.
Defer to await key consultation responses.

1018 ENFORCEMENT MATTERS

Enf/2004/07

Following consideration of additional 1:5000 scale plan circulated.
Residential use of portable pre fab unit & use of land in the countryside for residential purposes.
Gon Rite, Bachymbyd, Llanrhaeadr YC.
RESOLVED (1) *Serve an Enforcement Notice to secure the removal of the two storey unit from the land and cessation of the residential use of the site.* (2) *Instigate prosecution proceeds, or other appropriate action under the Planning Acts, against the person or persons upon whom*

any Enforcement Notice or toher such Notices served, should they fail comply with the requirements thereof.

1019 PUBLIC SPEAKING AT PLANNING COMMITTEE

Submitted: Report by the Head of Planning and Public Protection requesting consideration of the implementation of public speaking at Planning Committee and to agree a protocol.

Members were generally in favour of allowing public speaking, which would give the decision making process more openness.

There were concerns expressed regarding the control required, the need to adhere strictly to time limits and the possibility of additional workload for the administration staff.

An alternative proposal, to commence the trial period after the June election, was defeated.

After some debate it was,

RESOLVED that Members recommend to County Council that public speaking be adopted for a two month trial period commencing on 21 April 2004 to be reviewed after the County Elections in June.

It was further resolved that the protocol for public speaking be based on the submitted proposal subject to minor changes regarding contact details.

1020 DATE OF SITE VISIT

RESOLVED that the site visit be held on Tuesday 2 March 2004 (in the afternoon).

Following requests made at the meeting of 28 January 2004. Members were advised on the issue of confidentiality – that details of site visits should not be discussed publicly before the Committee agenda is published – and political balance. Councillor Ann Owens requested that the position of the non-aligned members be considered.

RESOLVED that the Guidelines submitted to the Committee on 28 January 2004 be confirmed and distributed in a bilingual format as soon as possible.

1021 LIST OF APPLICATIONS DEALT WITH UNDER DELEGATED POWERS

The Head of Planning and Public Protection submitted his written report (previously circulated) of applicants for Planning Permission determined by him under delegated authority between 1st and 31st January 2004.

RESOLVED that the report be received.

1022 ADDITIONAL ITEM UNITARY DEVELOPMENT PLAN REVIEW WORKING GROUP

Submitted letter from the Development Plan and Policy Manager requesting five (5) nominations from amongst Members of the Planning Committee, to sit on the UDP Review Working Group.

Members felt that while the review is necessary, it could be commenced after the June County Elections to allow new Members to be part of the process.

RESOLVED that the composition of the Review Panel be agreed but nominations from Planning Committee be held in abeyance until after the June County Elections.

(Councillor M. German abstained from voting on this item).

The meeting closed at 12.35 p.m.
