

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on 26th October 2005 at 09.30 a.m.

PRESENT

Councillors. S. Thomas (Chair) J.R. Bartley, R.E. Barton, J. Butterfield, J. Chamberlain-Jones, M.LI. Davies, S.A. Davies, G.C. Evans, S. Frobisher, I.M. German, M.A. German, K.N. Hawkins, T.R. Hughes, N. Hugh-Jones, E.R. Jones, G.M. Kensler, P.W. Owen, N.P. Roberts, D.A.J. Thomas, J. Thompson-Hill, C.H. Williams, E.W. Williams, R.LI. Williams

ALSO PRESENT

Head of Planning and Public Protection Services, Legal Services Manager, Team Leader (Major Applications), Team Leader (Minor Applicants) Senior Support Officer (G. Butler) Admin Officer (Judith Williams) and Bryn Jones (Translator)

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors. D. Jones, H. Jones, J. Davies, D. Hannam, T. Hodgeson, M.A. Webster

513 URGENT MATTERS

None

514 APPLICATION FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning and Public Protection Services (previously circulated) was submitted enumerating plans submitted and required determination by the Committee.

RESOLVED that: -

(a) *the recommendations of the Officers, as contained within the report now 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 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>
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41/2005/0849/PO	
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Public Speaker For - G. Kenyon

Following consideration of 4 additional letter of representation from: Bodfari County Council; Head of Transport; Head of Housing WF, Glazebrook, Pontruffydd Hall; Bodfari.

Development of 0.49 hectares of land by erection of 10 no. dwellings and alterations to existing vehicular access (outline application)

Land at rear of Dinorben Arms, Bodfari, Denbigh

Members requested that the reserved matters application(s) be referred to Planning Committee for determination

GRANT subject to: Amended/Additional Conditions

1. Notwithstanding the submitted plans, approval of the details of the siting, design, and external appearance of the buildings....etc.

6. 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 dwellings to which they relate 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.

7. Delete and replace with:

With the exception of the detailing of the access from the highway to the lower tier of the car park, the layout plans submitted as part of the application have been treated for illustrative purposes only, and do not form part of this permission.

Reason: For the avoidance of doubt.

8. (a) (iii) "arrangements", (b) (i)to ensure the provision and maintenance of open space in connection with the development. (b) (ii) In the event of no open space being provided within the site, arrangements for the payment of commuted sums for off site provision and future maintenance.

9. "...hereby permitted, details site surveys", "...roost survey and nest survey)", "...commencement of any development".

11. Delete and replace with:

Any dwellings proposed on the top tier of the car park shall be of single storey height with no rooms within the roof spaces.

Reason: In the interests of visual amenity, to ensure the impact of the development on the top tier is kept to a minimum.

New Note to Applicant

1. You are advised to discuss sketch proposals for the development with the Development Control Case officer prior to any formal submission of reserved matters. The Authority is particularly concerned to ensure the impact of buildings on the upper tiers of the site is acceptable in terms of the setting of the Conservation Area, nearby listed buildings, and the Area of Outstanding Natural Beauty, which will oblige careful consideration of design, layout, site levels and landscaping.

2. You are advised to contact officers to discuss the approach to the provision of affordable housing as part of the development.

(Councillors I.M. German wished it be noted that she abstained from voting as she arrived during the debate)

43/2005/0912/PF

Erection of pitched-roof extension at front of premises

**Melyd Arms 23 Ffordd Talargoch Prestatyn
GRANT**

43/2005/1049/PF

Erection of a two-storey pitched-roof extension with basement & rooftop solar panels and wind turbines

113 Meliden Road Prestatyn

GRANT Subject to Additional Condition 4 and Note to Applicant

4. Notwithstanding the submitted details the wind turbines included as part of this application are not approved, and no turbines shall be installed on the building until such time as full details of the design of the turbines and a noise impact

assessment has been submitted to and approved by the Local Planning Authority for the particular type of turbine. Such details shall include precise calculations and measurements for any noise produced by the turbines taking account of neighbouring buildings and potential impacts.

Reason: The Authority does not consider there are sufficient details to assess the potential impact of the turbines on the amenities of occupiers of nearby property.

Note to Applicant

1. In relation to Condition 4 of this permission, you are advised to contact the Development Control Case Officer and Public Protection Pollution Control Officer to discuss the appropriate way forward, prior to the submission of any further proposals.

(Members requested that any future detailed application relating to the wind turbines is brought to the Committee for consideration).

43/2005/1067/PO

Public Speaker For - H. Griffiths (Director Lifelong Learning)

Public Speaker Against: Bob Cooper (for residents)

Following consideration of report on site visit on 21/10/05 and a meeting with officers and public held at Deva Chapel, Prestatyn on 13th October 2005. 6 additional letters of representation received from: Environment Agency; CCW; Mark Sherwood AM; Prestatyn and District Association; B and J Owen, 50 Ffordd Penrhwylfa; R Cooper, (2nd letter)

Development of 2.5 hectares of land for primary school with associated vehicular and pedestrian access (Outline application)

Land at Plas Morfa Farm Ffordd Penrhwylfa Prestatyn

Subject to the Following Conditions

Committee resolved to GRANT planning permission. Subject to the Application being referred to Full Council.

The Application is also to be referred to the Welsh Assembly with covering letter explaining current position and referral to Full Council.

Specific issues to address for report to Full Council: Flooding. Assess the Environment Agency's response/request for clarification of levels information, and implications on nearby property.

Amended Conditions

9. "The school building....." (not "holidays")

12. Details of the laying out, design, means of construction, traffic calming, lighting and drainage of the access to the site (known as the "highway works") indicated on Drawing No. H4/05501/D/A, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved "highway works" shall be completed prior to the first use of the school. The details shall be subject to relevant safety audits and preliminary and detailed design stages.

14. Prior to the commencement of any development a detailed scheme for the treatment of the adjacent lay-by on Ffordd Penrhwylfa shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include for a satisfactory turning head and the closing-off of one of the access points therein and all subsequently approved works shall be fully implemented prior to the first use of the school.

Reason: In the interest of highway safety.
(Councillors S. Thomas and R. Ll. Williams wished it to be noted that they voted to refuse permission)

- 44/2005/0650/PF
Following consideration of 1 additional letter of representation from: Rhuddlan Town Council.
Erection of conservatory dining-room at side, single-storey dining room/toilet extension at rear, two-storey kitchen/storage/locker room at rear and alterations to front elevation
Old Bank Restaurant High Street Rhuddlan Rhyl
GRANTED
- 45/2005/0687/PF
Installation of new shop front and variation to condition No. 2 to planning permission 45/2004/1248/PF to allow increase in hours of operation of class A3 takeaway from 22.00 hr closing to 23.00 hr closing
Unit 2 (18) At 18/20 Vale Road Rhyl
(Councillor D.A.J. Thomas thanked officers for work in negotiating reduction in hours from those originally proposed)
- 45/2005/1004/PO
Development of 0.19ha of land by the demolition of existing building and erection of flats and garages and construction of new vehicular and pedestrian access (outline application)
51/52 East Parade Rhyl
GRANTED Subject to Amended Condition
5. In the event of 10 or more units being provided on the site, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to either,
(i) The arrangements to ensure the provision and future maintenance of open space within the site in accordance with the Authority's standards, or
(ii) In the event of no open space being proposed within the site, arrangements for the payment of commuted sums for off site provision and future maintenance.
(J. Chamberlain Jones and J. Butterfield voted against planning permission)
- 47/2005/0834/PF
Following consideration of 1 additional letter of representation from: Tremeirchion Cwm Waen Community Council
Conversion of existing buildings to form 2 no. residential dwellings and alteration to vehicular access
Pant Glas Tremeirchion St. Asaph
Subject to consultation with AONB JAC on landscaping and boundary treatment.
- 47/2005/1028/PF
Councillor R. Ll. Williams declared an interest in the following application and left the Chamber during consideration thereof.
Subject to the receipt of no further representation raising a planning matter not already covered in the report.
Following consideration of amendment to report and 1 additional letter of representation from: Applicant.
Erection of dwelling and installation of private treatment plant
Part OS Field No. 7280 adjoining Bryn Clwyd Holywell Road, St. Asaph
Committee resolved to GRANT planning permission subject to a Section 106 obligation.

Revise part (ii) of recommendation for Section 106 to read:
(ii) remove all buildings from the site and surrounding land within the application's control, with the exception of the former piggery building identification on the attached plan

03/2005/0814AD

Councillor C.H. Williams declared a non pecuniary interest in the following application

Display of non-illumination sign board

Bryn Howel Hotel & Restaurant Bryn Howell Lane Trevor Llangollen

GRANT Subject to Amended Condition

1. The sign hereby permitted shall not be erected until removal of such other sign(s) as agreed in writing by the Local Planning Authority.

03/2005/0939/PF

Public Speaker For - Mr K Rafferty (for the applicant)

Following consideration of correction to report and 1 additional letter of representation from: Applicant's Agent Demolition of petrol filling and garage/bus dept, erection of 36 no. sheltered apartments for the elderly and 1 no. house manager's apartment, retention of existing chapel as shop, communal facilities, landscaping, car parking and associated access works

Abbey Road Garage Abbey Road Llangollen

Committee resolved to GRANT planning permission subject to a Section 106

Revised part a) and b) of Section 106 to read:

(a) The payment of a commuted sum of £214,000 in lieu of the provision of affordable housing of the site.

(b) The payment of a commuted sum of £5852 in lieu of the provision of open space within the site.

Amended Condition

8. ".....required by Condition No. 7 of this permission".

(Councillor G Kensler wished it to be noted that Mr Rafferty confirmed that if this application was granted they would withdraw the appeal presently lodged with the Planning Inspectorate).

(J. Butterfield wished it to be noted she voted against planning permission).

03/2005/0940/CA

Demolition of petrol filling station, garage/bus depot and demolition of side/rear chapel extensions (conservation area consent)

Abbey Road Garage Abbey Road Llangollen

REFUSAL

21/2005/0978/PF

Public Speaker For - Mr R Astbury

Following consideration of 2 additional letters of representation from: Head of Transport at; I.K. Darmant, Garwyn, Cilcaen Road, Llanferres

Erection of dwelling

Camp Alyn Tafarn-y-Gelyn Llanferres Mold

Resolved to Refuse and take enforcement action to cease the use of the building as a dwelling

(Councillor R.E. Barton wished it to be noted that he abstained from voting

Councillors M.LI. Davies and T.R. Hughes voted against)

Councillor D.A.J. Thomas voted in favour of taking enforcement action)

DEFERRED FOR REASONS GIVEN

45/2005/0445/PO

Following consideration of 1 additional letter of representation from: Head of Housing
Demolition of existing dwelling and development of land by the erection of 17 No. apartments with associated vehicular and pedestrian access (outline application)

Land at Tarleton Street Rhyl

DEFERRED to allow:

1. Reassessment of the highway implications by the Highways Officer, in the light of objections received.
2. Inclusion of Highways formal observations in the report.
3. Consultation with the Fire Service on the access arrangements to the adjacent home and the application site itself.

07/2005/0777/PC

Retention of weighbridge, lean-to extension to main timber processing building and structure of house peeler plant and cutter plant (retrospective application)

Corwen Forestry Timber Products Llandrillo Corwen

DEFER

Consideration **DEFERRED** to permit:

1. Clarification/resolution of the undetermined lawful use application and its relevance to the planning application.
2. Discussion with the legal officer on the case for/possibility of imposing hours of operation conditions on parts of the plant/processes other than those involved in the current application.

515 ENFORCEMENT MATTERS

Submitted report by Head of Planning and Public Protection

RESOLVED in all three cases:

Preparation and service of a planning enforcement notice alleging a breach of planning control relating to failure to comply with planning condition imposed on appeal under Code No. 27/75/96/PS with a requirement that the residential use of the cabin should cease and that it only may be used for holiday accommodation. The necessary action be taken to enforce the terms of the Section 106 obligation entered into in 1991.

Recommended period of compliance – 6 months

Prosecute any person(s) on whom a Notice is served if its requirements are not complied with within the appropriate period of compliance and no appeal made in relation to it.

(i) ENF/2005/0059

Plot 1 Holiday Chalet Site Llantysilio Llangollen

(ii) ENF/2005/0060

Plot 3 Holiday Chalet Site Llantysilio Llangollen

(iii) ENF/2005/0061

Plot 4 Holiday Chalet Site Llantysilio Llangollen

516 COMMITTEE AUTHORISATION CASE REVIEW

Submitted report by Head of Planning and Public Protection for Members' information

RESOLVED that Report be received for information

517 INFORMATION ITEM – PUBLIC OPEN SPACE COMMUTED SUMS

Submitted report by Head of Planning and Public Protection for Members' information

RESOLVED that the report be accepted

Councillor Barton requested a review of the protocol to ensure monies not spent by the deadlines in a particular area are not lost

518 APPEALS DECISION UPDATE

Submitted report by Head of Planning and Public Protection for Members' information

RESOLVED that the report be received for information

Councillor Barton requested inclusion of additional information as part of the item in future. It was agreed to include the name of the relevant case officer involved in appeals, and list of forthcoming appeals (including dates of inquiries)

519 DELEGATED POWERS DECISIONS – SEPTEMBER 2005

Submitted report by Head of Planning and Public Protection for Members' information

RESOLVED that the report be received for information

One correction – Page 9 15/2005/0018/AD – Consent was refused.

The meeting closed at 12.45 p.m.
