

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, Wynnstey Road, Ruthin on 20th June 2007 at 09.30 a.m.

PRESENT

Councillors J R Bartley, R E Barton, B Blakeley, J Chamberlain-Jones, J M Davies, M LI Davies, G C Evans, H H Evans, S Frobisher, M A German, D Hannam, K N Hawkins, T K Hodgson, T R Hughes, N Hugh-Jones, E R Jones, H Jones, G M Kensler, P W Owen, N P Roberts, J A Smith, D A J Thomas, S Thomas, J Thompson-Hill, C H Williams and R LI Williams.

ALSO PRESENT

Head of Planning and Public Protection Services, Legal Services Manager, Development Control Manager, Team Leader (Major Applications), Team Leader (Support) (G.Butler) Customer Services Officer (Judith Williams) and Bryn Jones (Translator)

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors S A Davies, M M Jones, J Butterfield and I M German

124 URGENT MATTERS

Head of Planning and Public Protection advised Committee of the result of the recent appeals regarding Wern Ddu Windfarm. Both appeals had been allowed by the Planning Inspectorate. The details of the decision will be circulated and made available on the Public Access Portal.

125 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning and Public Protection 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, 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

Application No.

Description and Situation

05/2006/0382/PR

Approval of details relating to siting of dwellings and means of access, as part of condition 1 attached to outline planning permission code no 5/2004/0541/PO

Land adjacent to Cwm Arddau, Glyndyfrdwy, Corwen GRANT

Subject to Additional Note to Applicant

It is noted that material has been deposited on the site and this is currently being investigated by the Council and the Environment Agency. The deposit of material may have implications in relation obtaining consent under the Building Regulations.

11/2006/1236/PF

Erection of agricultural store and stable building
Brynhryfd, Betws Gwerfil Goch, Corwen
GRANT

Subject to new condition No. 2

2. No trees or hedges within the land under the control of the applicant site shall be felled, lopped or topped without prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

Reason

To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

15/2007/0271/PF

Public Speaker in favour: Mr A Povey

Following consideration of 1 additional letter of representation from AONB Committee

Erection of two-storey pitched roof extension to side of dwelling

1 Maes Llan, Llanarmon yn Ial, Mold

GRANT

Subject to new conditions 3&4

Additional Conditions:

3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme shall include details of:

(a) all existing trees, hedgerows, shrubs or 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

Reason

To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of the landscaping shall be carried out in the first planting and seeding seasons following the commencement 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.

Reason:

To ensure a satisfactory standard of development, in the interests of visual amenity.

25/2007/0285/PF

Public Speaker in Favour: Mr Romas Aleknavicious

Use of land as personal allotment garden and erection of polytunnel

Land opposite Glyn House, Nantglyn, Denbigh

GRANT

Subject to new condition 3 Hedge

3. The existing hedge to the site of frontage with the B5435 shall be retained at a minimum height of 2 metres unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity

42/2005/1150/PO

Following consideration of 1 additional letter of representation from Applicant

Development of 0.14ha land by the erection of 2 No dwellings and construction of new vehicular and pedestrian access (outline application)

Land at (part garden of 97 Cwm Road) known as 93/95 Cwm Road, Dyserth, Rhyl

GRANT

42/2007/0508/PC

Retention of summerhouse at rear of dwelling (retrospective application)

12 Glan Ffyddion, Dyserth

GRANT

Note to Applicant

You should contact the Environment Agency to ensure that they are satisfied that the summer house does not breach their requirements in relation to proximity to a main river, the Afon Ffyddion.

45/2006/0236/PC

Following consideration of correction to report.

Correction to Report

Paragraph 2 – A Lawful Use Certificate was issued in 1992 (see para 4). The certificate confirms the Lawful Use of the premises is as 12 flatlets with two owners flats to form 8 no self contained apartments

39/41 Aquarium Street, Rhyl

GRANT

Resolved to GRANT planning permission but subject to seeking a contribution to the “regeneration pot” for West Rhyl. This could be via a voluntary payment or through a Section 106 Obligation.

45/2007/0103/PS

Public Speaker in favour: Mr Bahattin Nas

Following consideration of clarification of report. The premises operate as a hot food takeaway (Class A3).

Variation of Condition No. 2 on Planning Permission Ref. No. 45/2001/0632/PF to allow hours of opening to read 0800 to 0300 hours on Fridays and Saturdays, 0800 to 2330 hours on Mondays to Thursdays and 1000 to 2330 hours on Sundays

36-38 Vale Road, Rhyl

GRANT

Additional Condition

2. Within 3 months of the date of this permission a CCTV system to monitor the conduct of customers shall be installed to operate on the premises at all times when the premises are open to customers.

Reason: In the interests of amenity and crime and disorder.

(ii) Refusals

01/2006/1098/PF

34-36 Vale Street, Denbigh

Following consideration of 1 additional letter of representation from Head of Transport and Infrastructure

REFUSE

The decision being CONTRARY to the officer's Recommendation was taken for the following reason:

1. The proposal makes no provision for off street car parking or servicing for the residential units and thus it would be likely to give rise to increased on street car parking, manoeuvring and dropping off on the adjacent and nearby highways to the detriment of the safety and convenience of other highway users and in conflict with Policy TRA 9 of the Denbighshire Unitary Development Plan and Supplementary Planning Guidance Note No. 21- Parking Requirements in New Developments.

01/2007/0367/PF

Retention of 2 No retractable awnings to front of premises

Hand Inn, Henllan Street, Denbigh

REFUSED

Also authorised enforcement action.

45/2007/0042/PF

Councillor T K Hodgson declared an interest in the following application and left the Chamber during consideration thereof.

Following consideration of clarification of report.

Clarification to Report

Planning Policies and Guidance

Policy TSM 17 (Entertainment Zone Rhyl) is also relevant in that it provides an area for amusement arcades and similar uses on West Parade. The policy itself does not preclude amusement uses elsewhere although the explanation to the Policy states that "proposals for amusement/entertainment uses will not normally be permitted outside the defined areas".

In an appeal for amusement centre on the High Street in 2004, the Inspector acknowledged Policy TSM 17 but considered this policy did not preclude amusement uses outside the entertainment zone.

Erection of single storey extension to rear and change of use to form target shooting gallery (for amusement purposes)

30 Wellington Road, Rhyl

REFUSED

The decision being CONTRARY to the Officer's Recommendation was taken for the following reason:

1. The proposal would result in an amusement centre type use outside the entertainment zone in Rhyl as defined by Policy TSM 17 of the Denbighshire Unitary Development Plan. The dissipation of amusement type uses beyond the designated zone would be to the detriment of the tourism function of the resort of Rhyl and impact adversely on the amenities of residential and other uses in close proximity to the application site. In particular, the activities associated with the use, including persons congregating in the rear yard, would impact adversely on the residential amenities of nearby properties in conflict with criteria v of Policy GEN 6 of the Denbighshire Unitary Development Plan.

45/2007/0302/PF

Following consideration of 2 additional letters of representation from Ann Jones (AM) (in favour) David Jackson (Neighbour) (against)

Variation of Condition No. 2 on Planning Permission Ref. No. 45/2006/0868/PF to allow increase in number of children from 25 to 32

37 Marine Drive, Rhyl

REFUSED

The decision, being CONTRARY to the Officer's Recommendation was taken for the following reason

1. The proposed increase in child numbers at the premises would increase the intensity of use of the day nursery and lead to additional disturbance in the area, including through comings and goings of vehicles dropping off and picking up children. This would be harmful to the residential character of the area and the residential amenities of nearby occupiers and conflict with criteria (v) of Policy GEN 6 of the Denbighshire Unitary Development Plan.

(ii) Enforcement Action

ENF/2005/0084

Unauthorised change of use;
Boundary Fence over 2m high;
Untidy Land.

Garden Centre, Church Street, Henllan

ENFORCEMENT ACTION

Resolved in accordance with the following amended recommendation:

- (i) Serve an enforcement notice to secure the removal of the unauthorised fence,
- (ii) Serve an enforcement notice to cease the current mixed use of the site as a garden centre and for the storage of building materials.
- (v) Period for compliance – one month for the fence and six months for the mixed use.

ENF/2005/0015

Installation of UPVC windows

Former National Milk Bar, (Castle Café) 48-52 High Street, Denbigh

Resolved in accordance with the following amended recommendation:

- (i) Serve an enforcement notice to secure the removal of the unauthorised 2 no. UPVC windows and replace them with windows of a type to be specified in the notice.

ENF/2006/0029

Unauthorised Farm Shop

Land at Entrance to Abbey Grange Hotel, Llantysilio, Llangollen

WITHDRAWN

Application submitted

ENF/2007/0039

Erection of unauthorised building

Lakehill Fishery and Farm, Llandegla

Amended

(iv) Recommendation

That authorisation is granted for the following:

- i) Serve an enforcement notice to secure the demolition of the building and the removal of all construction materials along with restoration of any damaged areas within the SSSI and SAC.
- ii) Instigate prosecution proceedings etc.
- iii) Period for compliance of 3 months.

ENF/2007/0040

Erection of Conservatory; Erection of Decking; Erection of cellar area for use as Manager's accommodation

Lakehill Fishery and Farm, Llandegla

(v) Recommendation

That authorisation is granted for the following:

- i. Serve an enforcement notice to secure the demolition and/or removal of the conservatory, decking and cellar area used as manager's accommodation and the removal of all construction materials from the site along with the restoration of any damaged areas of SSSI and SAC.
- ii) To instigate prosecution proceedings etc
- iii) Period of compliance of three months.

ENF/2007/0041

Unauthorised siting and use of mobile unit

Lakehill Fishery and Farm, Llandegla

(vi) Recommendation

That authorisation is granted for the following:

- iii) Serve an enforcement notice against the use of the land for the siting of the mobile unit for use as an office/store and removal of the mobile unit from the site.
- ii) Instigate prosecution proceedings etc
- iii) Period for compliance of three months.

The meeting concluded at 11:55 am
