

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 23<sup>rd</sup> April 2008 at 09.30am.

### PRESENT

Councillors S Thomas (Chair) J R Bartley, R E Barton, B Blakeley, J A Butterfield, J Chamberlain Jones, M LL Davies, S A Davies, G C Evans, S Frobisher, I M German, M A German, D Hannam, N J Hughes, T R Hughes, N Hugh Jones, E R Jones, H Jones, M M Jones, G M Kensler, P W Owen, D Owens, N P Roberts, S Roberts, J A Smith, D A J Thomas, , J Thompson-Hill, C H Williams, R LL Williams

### ALSO PRESENT

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

### APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillor J Davies

#### 967 URGENT MATTERS

#### 968 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 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  
Application No.

#### Description and Situation

43/2008/0072/PF

#### **Speaker For: Tony Thackeray**

Following consideration of 8 additional letters of representation from Environment Agency, Head of Transport and Infrastructure, Prestatyn Town Council, Mr & Mrs M Wright, 27 Bastion Gardens, Prestatyn Councillor Ioan Wyn Jones, Chester Road, Oakenholt Mr M Wright and Mr K Roberts, 27 and 51 Bastion Gardens, Prestatyn, IW Jones, FAW representative, 265, Chester Road, Oakenholt, I Jones, Secretary, Prestatyn Cricket Club, 9 Seven Sisters Road, Prestatyn Extension to and regularisation of stands, clubhouse and store, erection of floodlights and associated works  
**Prestatyn Football Club, Bastion Gardens, Prestatyn GRANT**

Subject to new condition 7

7. No light source shall be directly visible to drivers of vehicles using the adjoining highway.

Reason: to prevent glare or dazzle, in the interests of highway safety

43/2008/0127/TP

Following consideration of 1 additional letter of representation from the County Ecologist  
Felling of 3no sycamore trees and 1no. elm tree, and works to 3no. other sycamore trees subject to Tree Preservation Order No. 5, 1982

**Noddfa, Tan Yr Allt, Prestatyn**  
**GRANT**

Subject to New Note to Applicant:

New Note to Applicant to advise against works being carried out during nesting times to prevent disturbance to wildlife.

Additional Note to Applicant

Your attention is drawn to condition no. 1 and 2 which require replacement trees. The replacement trees shall be standard size (2-3 metres in height) planted into an adequate planting pit with improved soil and staked/protected in accordance with best practice. Planting of bare root specimens should take place between October and March.

01/2008/0134/PF

Councillor G C Evans declared an interest in the following application and left the Chamber during consideration thereof.

Change of use from petrol filling station to Class A3 chip shop/ hot food takeaway.

**Abbey Filling Station, Abbey Garage, Rhyl Road, Denbigh**

**GRANT**

Subject to:

Amended Condition 6 Details of access

New Condition 7 Details of landscaping and fencing.

05/2008/0054/PF

Change of use of redundant chapel to Indian restaurant

**Baptist Chapel, Capel Cernyw, London Road, Corwen**

**GRANT**

Subject to Additional/Amended Conditions

1. Prior to the commencement of development, full details of the design and materials of the extraction system/ vents shall be submitted to and approved by the Local Planning Authority. The system shall be installed in accordance with the approved details prior to the first use of the premises, and following installation the equipment shall be operated whenever preparation and/ or cooking of food is taking place.
6. The premises shall only be open to the public between the following hours: 0800 to 2300 hours, Monday to Sunday inclusive.

(ii) **REFUSALS**

45/2007/1464/AD

Following consideration of representation from the Head of Transport and Infrastructure

Display of externally-illuminated fascia sign and internally illuminated projecting sign (retrospective application)

**Eastern Delight Indian Restaurant, 10 Kinmel Street, Rhyl**  
**REFUSE**

Amended reason for refusal

1. It is considered that the signage by virtue of its

inappropriate design and materials would have an unacceptable impact on visual amenity. The signs fail to preserve or enhance the character and appearance of the Conservation area and appear visually intrusive and out of keeping with the building on which they are sited. As such the proposed is contrary to Policy GEN 11 and CON 8 of the Unitary Development Plan.

Enforcement Report:

Enforcement proceedings were authorised, subject to the following amended action to be taken

Legal Section will be instructed to instigate prosecution proceedings unless signage is removed and a suitable alternative application made within 1 month. After 1 month instruct Legal to prosecute.

(iii) **GRANT Against Officers Recommendation**

47/2008/0003/PF

Continuation of use of land as arboricultural business with associated parking and storage, and erection of unit for office and storage of plant, machinery and vehicles (partly in retrospect)

**Pant Ifan Goch, Holywell Road, Rhualt, St. Asaph**

**GRANT**

Subject to Ratification by Full Council

The decision, being CONTRARY to the Officers'

Recommendation was taken for the following reason:

Members felt the use had not been a specific problem to neighbours and could be controlled by condition.

47/2008/0053/PF

**Speaker for: Peter Lloyd**

Following consideration of revised plan circulated

Demolition of redundant outbuilding and erection of two dwellings (resubmission)

**Outbuildings at Llwyn Derw, Holywell Road, Rhualt, St Asaph**

**GRANT**

Subject to ratification by Full Council

The decision, being CONTRARY to the Officers'

Recommendation was taken for the following reason:

Members felt that the rebuilt dwellings would look similar to the original proposal

27/2007/1450/PF

Erection of detached holiday accommodation unit

**Land at Dinbren Ucha, Dinbren, Llangollen**

**GRANT**

The decision, being CONTRARY to the Officers'

Recommendation, was taken for the following reason:

The Members felt that the development would benefit the tourism industry in Llangollen

Special Notes to Applicant

The Condition(s) is (are):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission
2. No external walls or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roofs of the development hereby permitted and no materials other than those approved shall be used
3. 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.
4. 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, 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,.
  5. The occupancy of the unit shall be limited to holiday accommodation only, and the unit shall not be used as a sole or main unit of living accommodation.  
Records shall be kept and retained for each consecutive two year period and shall be made available for inspection on the request of the Local Planning Authority.
  6. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.
  7. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.

The reason(s) for the condition(s) is (are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
2. In the interests of visual amenity
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development
4. To ensure a satisfactory standard of development, in the interests of visual amenity
5. The caravan/shallet/unit would not be suitable for full-time occupancy
6. To ensure the proper drainage of the site and to minimize the risk of pollution
7. To ensure suitable access for the disabled to the building

**NOTE TO APPLICANT** drawing attention to the guidance from the Environment Agency

(iv) **WITHDRAWN** by the Applicants

01/2007/1505/PF                      Following consideration of report of site visit held on 18<sup>th</sup> April 2008  
Change of use from Class B8 store and internal  
alterations to form Class A3 food and wine bar  
**Church Institute, Lenten Pool, Denbigh**  
**WITHDRAWN**

(v) **DEFER** for the reasons given

40/2005/1500/PO                      Following consideration of 1 additional letter of  
representation from CCW  
Demolition of existing barracks and related buildings and redevelop-  
ment of 2.91ha (7.19 acres) of land for employment uses (B1 and  
B8 uses); development of 2.74ha (6.77 acres) of grassland previ-  
ously occupied by barracks, incorporating existing parking area, for  
residential purposes, and alterations to existing vehicular and pe-  
destrian access (outline application)  
**Part of Kinmel Park Army Camp, Kinmel Park, Abergele Road,  
Bodelwyddan, Rhyl**  
**DEFER**  
Deferred to assess wildlife issues and surveys

01/2008/0108/PF                      Demolition of existing building and reception of 23 no. apartments,  
construction of new vehicular/pedestrian access and associated  
works  
**Former Autoworld Site, Smithfield Road, Denbigh**  
**DEFER**

18/2007/1507/PC                      Deferred to enable further consideration of the parking provision and  
adequacy of arrangements for bin storage  
Following consideration site visit held on 18<sup>th</sup> April  
Retention of agricultural building for agricultural machinery/storage  
**Glanywern Isaf, Llandyrnog, Denbigh**  
**DEFER**  
Deferred to resolve access issues

43/2007/157/PF                      Following consideration of 1 additional letter of representation from  
Michael Rouse, 18 Earlswood Avenue, Prestatyn  
Erection of Zyklon ride  
**Festival Gardens, Ffrith Beach, Victoria Road, West Prestatyn**  
**SITE VISIT to assess impact of noise and visual amenity of  
neighbours and the impact on wildlife**

45/2007/0243/PO                      Additional letters of representation received from:  
1. S N Siddall, 52 Crescent Road, Rhyl  
2. Owner/Occupier, 4 Gordon Avenue, Rhyl  
3. Mr & Mrs Ambrose, 3 Gordon Avenue, Rhyl  
4. Owner/Occupier, 2 Gordon Avenue, Rhyl  
5. L Roberts, 7 Gordon Avenue, Rhyl  
6. J Williams, 5 Gordon Avenue, Rhyl  
7. Mohan Namasiuayam and Ambiri Shaumukhan, 1 Gordon Ave-  
nue, Rhyl  
8. H Roberts, 36 Hopewell Yard, Camberwell, London  
9. K Williams, Gronant Street, Rhyl  
Rhyl Town Council  
Environment Agency Wales  
Development of 0/09 hectares of land for residential purposes and  
construction of new vehicular/pedestrian access (outline application  
seeking approval of means of access)  
**Land at 52 Crescent Road off Gordon Avenue, Rhyl**

## SITE VISIT

To assess site levels and access to the site

### 969 ENFORCEMENT ITEMS ENF/2008/36

Unauthorised engineering operation to create change in land levels and retaining walls

**Ashmount, Ffordd Bryniau, Meliden**

**RESOLVED** that:

authorisation be granted for the following:

- (i) Serve an Enforcement Notice to require the removal of retaining walls from the land and for re-instatement of original land levels
- (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice
- (iii) Period for compliance, 6 months

ENF/2005/37

Change of use of land and restaurant car park for siting and storage of a canal narrow boat and touring caravan

**Clwyd Gate Restaurant, Llanbedr DC**

**RESOLVED** that authorisation be granted for the following:

- (i) serving of an Enforcement Notice ordering the removal of the narrow boat and touring caravan from the car park
- (ii) instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice
- (iii) Period for compliance, 3 months

### 970 ENFORCEMENT CASE REVIEW

Submitted report by the Head of Planning and Public Protection given an update on progress of Enforcement authorisations made by committee

**RESOLVED** that the report be received for information

### 971 APPEAL UPDATE

Submitted report by the Head of Planning and Public Protection giving details of appeals outstanding and decisions received between 1<sup>st</sup> Jan 2008 and 31<sup>st</sup> March 2008

**RESOLVED** that the report be received for information

### 972 INFORMATION ITEM APPEAL DECISION FOR RHEWL QUARRY FIRING RANGE COMPLEX NR RUTHIN

Submitted report for information giving details of the appeal recently allowed by the Planning Inspectorate and the successful claim for costs by the appellant

**RESOLVED** that the report be noted and received for information

Members; mindful that this was the last planning committee before the elections wished their thanks to be recorded for the help and professional advice received from the staff of the Planning Department

This meeting concluded at 12.05

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