

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Offices, Ruthin on Wednesday 30th July 2008 at 09.30am.

PRESENT

Councillors I W Armstrong, B Blakeley, J Chamberlain-Jones, W L Cowie, J A Davies, M LI Davies, P A Dobb, M J Eckersley, G C Evans, R L Feeley, I A Gunning, C Hughes, R W Hughes, T R Hughes, E R Jones, H LI Jones, M M Jones, G M Kensler, L M Morris, P W Owen, D Owens, A G Pennington, D I Smith, D A J Thomas, S Thomas, J Thompson-Hill and C H Williams.

ALSO PRESENT

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

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors B Smith, J Bellis, J Davies, P Duffy, N Hughes and C Davies

190 URGENT MATTERS

None

FIRE EVACUATION PROCEDURE

The Chair reminded Members of the Fire Evacuation rules and asked that all visitors ensure they sign in at reception and that Members sign the attendance register.

ELECTRONIC VOTING

The Legal Services Manager conducted a test on the electronic voting system and reminded Members that if they wish to grant permission they vote '+' and to refuse, vote '-'. To abstain they should press 0.

191 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:-*

Morning Session

Application No.

Description and Situation

43/2007/0972/PF

Speaker For: J Willcock

Following consideration of correction to the report. Para 9i should refer to policy ENV5 not EMP5 and additional letters of representation from Welsh Water, County Ecologist and North Wales Wildlife Trust.

Erection of 7 no. detached dwellings and construction of new vehicular access (site area 0.43ha)

Land between Prestatyn Car Sales and Plas Deva Caravan Park off Ffordd Talargorch Prestatyn

REFUSE

43/2008/0224/PC

Speaker for: Thomas Simpson

Following consideration of report of site visit held on 25th July and corrections to report.

Continuation of use of dwelling as guesthouse, retention of log cabin for use as wash and drying room in connection with guesthouse

Plas Ifan 17 Fforddlas, Prestatyn

GRANT

Subject to Additional/ Amended Conditions

2. Reason: To provide for the loading, unloading and parking of vehicles on the site and to ensure the reversing of vehicles into or from the highway is rendered unnecessary in the interests of traffic safety.

3. The log cabin hereby permitted shall be used as a wash/ drying room in connection with the use of the main dwelling as a guesthouse unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority retain a degree of control over the future use of the building in the interests of amenity.

43/2008/0473/PS

Speaker Against: Dr P Perrin

Speaker For: Susan Hughes

Following advice for clarification that this be reported to committee as previously requested by members.

Variation of condition no.8 of planning permission code no. 43/2000/0875/PO relating to stopping up or closure of Cefn Y Gwrych, by proposed design and detail of new estate road junction intended to prevent vehicular access to and from estate via Cefn Y Gwrych to the east

Land Adjoining Brookdale, Cefn Y Gwrych Prestatyn

REFUSE

43/2008/0561/PF

Erection of monopitched shelter at rear of building

Star Inn 75 Ffordd Talargoch Prestatyn

GRANT

Subject to:

Additional Condition

3. Prior to the first use of the shelter hereby permitted the front canopy extension shall be removed in its entirety and the walls and ground reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of visual amenity.

Notes to applicant: You are advised to contact the Council's Corporate Equalities Co-ordinator on 01745 888746 to discuss the potential compliance of the shelter with the Disability Discrimination Act.

46/2007/1538/AC

Following consideration of report of site visit held on 25/07/08

Details of access warning measures submitted in accordance with condition number 4 of Planning Permission 46/2006/1097/PF

Elwy Bank High Street St Asaph

REFUSE

For Highway Safety reasons

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

Reason:

1. The proposed access warning measures are insufficient to adequately warn all highway users of the presence of the vehicular access. This is contrary to Policy TRA 6 of the Denbighshire Unitary Development Plan.

02/2007/1179/PF

Following consideration of report of site visit held on 25/07/08 additional letters of representation from:

P Edwards, Golygfa, Troedy Rhiw, Ruthin Town Council

Erection of two/three storey extension to existing care home to provide 14 no. 2 bed flats, 3 no.1 bed flats and associated communal areas. Internal alterations to existing building and some demolition. Demolition of existing single storey bungalow, and erection of two storey block of 4 no. 2 bed flats to create extra accommodation. Associated ground works to create extra parking and landscaping.

Awelon Extra Care Home School Road Ruthin

DEFER to allow consultation on amended plans.

17/2008/0294/PO

Speaker against: Bob Barton

Following consideration of additional information relating to stopping distances

Development of 0.095ha of land by the erection of a dwelling, construction of new vehicular access and installation of a new septic tank (outline application including siting and access)

Land Adjacent to Bryn Hyfryd Pen Y Stryt, Llandegla, Wrexham

GRANT

18/2008/0289/PF

Speaker for: Mr Carrington-Sykes

Following consideration of correction to report re Highway considerations and letter from Llandyrnog Community Council

Construction of 6 no. chalets, landscaping and pedestrian access routes

Land at Pentre Mawr, Llandyrnog, Denbigh

GRANT (AGAINST RECOMMENDATION)

subject to a Section 106 and Conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the terms of Section 91 of the Town and Country Planning Act 1990.

2. The structures supporting the tented accommodation units and any associated structures and services shall be removed from the site no later than 10 years from the date of the beginning into use of the first unit, and the land shall be reinstated within three months of the expiry of the permission in accordance with such details as may be submitted to and approved in writing by the Local Planning Authority.

Reason: The structures are considered to be of a temporary nature.

3. The tented accommodation units shall be occupied solely as ancillary bedroom accommodation for holiday purposes, serviced by the main dwelling at Pentre Mawr, and at no time as independent living units.

Reason: The planning permission is granted on the basis of the provision of tourist accommodation only, and permanent residential use would be contrary to planning policies.

4. The tented accommodation units shall only be occupied between 1st March and 30th October in any year.

Reason: The planning permission is granted on the basis of the provision of tourist accommodation only, and permanent residential use would be contrary to planning policies.

5. None of the tented accommodation units shall be brought into use until the written approval of the Local Planning Authority has been obtained to the foul drainage arrangements, including an assessment of the capacity of the existing septic tank to accept the volume of water from the units; and the approved arrangement shall be completed before any foul water connection is completed.

Reason: To ensure a satisfactory foul drainage system to serve the development.

6. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to details of additional passing places on the approach highway, and these have been completed in accordance with the approved details.

Reason: In the interests of highway safety.

7. 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 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: In the interests of visual amenity.

8. 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 season 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.

Reason: In the interests of visual amenity.

Notes to applicant – You are advised to contact the Council's Building Control Officers to discuss the necessity for Building Regulations consent for the accommodation units. The permission is subject to a separate legal agreement under Section 106 of the Planning Act and you should be aware of the need to comply with the terms of this agreement.

20/2008/0379/PR

Speaker against: Derek Jones

Councillor Bobby Feeley declared an interest in the following application (on Community Council)

Details of siting, design and external appearance of building, means of access thereto and landscaping, submitted in accordance with Condition No. 1 of outline permission Code No. 20/2007/0205/PO (Reserved matters)

Land at (Part garden of) Ty Berllan, Graigfechan, Ruthin
REFUSE – Against Recommendation

The decision, being **CONTRARY** to the Officers' Recommendation was taken for the following reason:

1. it is the opinion of the Local Planning Authority that the scale, size, mass and design of the proposed dwelling would result in development which is out of character with existing dwellings in the locality, and the erection of a 3 story dwelling would be over dominant in the street scene, and the proposal is contrary to criteria i) and ii) of Policy GEN 6 of the adopted Unitary Development Plan.
2. it is considered that the proposal would result in a cramped and overbearing form of development, harmful to the amenities of adjacent occupiers, contrary to criteria i), ii) and v) of Policy GEN 6 of the adopted Unitary Development Plan.

New Note to Applicant: You are advised to discuss alternative ideas for the detailing of the dwelling to address the reasons for refusal.

21/2008/0359/PF

Speaker Against – Bob Barton

Erection of replacement dwelling and installation of private treatment plan

Ty Pren Hendre Foelas, Pant Du Road Eryrys, Mold
GRANT

Subject to:

New Condition 8

8. No trees within the site shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

Re-number old condition 8 as 9 and re-word sub-paragraph a)

- a) All existing trees, their type, size and condition, and how these are to be retained and protected during and after the construction of the dwelling and associated works.

Re-number old condition 9 as 10.

Delete [approval in writing of the Local Planning Authority]; and the [and] brackets around the final sentence.

Re-number old condition 10 as 11

12. Notwithstanding the submitted plans, the detailing of the gable window serving the bedroom 3/play study area shall not be as shown, but shall be in accordance with such alternative detail as is submitted to and approved in writing by the Local Planning Authority.

13. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for accommodating delivery vehicles off the public highway during demolition works, site clearance and construction phase on the new dwelling.

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

At this juncture (12.30pm) the meeting was suspended for a lunch break of half an hour.

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Offices, Ruthin on Wednesday 30th July 2008 - reconvened at 1.00pm.

PRESENT

Councillors I W Armstrong, B Blakeley, J Chamberlain-Jones, W L Cowie, J A Davies, M LI Davies, P A Dobb, M J Eckersley, G C Evans, R L Feeley, I A Gunning, C Hughes, T R Hughes, E R Jones, H LI Jones, G M

Kensler, L M Morris, P W Owen, D Owens, A G Pennington, D I Smith, D A J Thomas, S Thomas, J Thompson-Hill and C H Williams.

ALSO PRESENT

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

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors B Smith, J Bellis, J Davies, P Duffy, N Hughes and C Davies

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:-*

Afternoon Session

<u>Application No.</u>	<u>Description and Situation</u>
42/2008/0327/PS	Following consideration of relevant planning history omitted from report and additional letters of representation from: Dr Fraser Campbell, 23 Parc Gwelfor, Prestatyn Variation of Condition No.6 on outline planning permission Ref No.42/2003/1494/PO to omit footway provision along frontage of landscape buffer zone east of the building plots Land adjoining No.19, Rhodfa Gofer Dyserth, Rhyl <u>GRANT</u> Subject to Delete Condition 1.
42/2008/0585/PF	Following consideration of relevant planning history omitted. Erection of 1 No. detached dwelling and detached garage on 0.086ha of land Land at rear of 27-35inc. St Asaph Road, Dyserth Rhyl <u>GRANT</u>
43/2007/0504/PC	Retention of UPVC/ glass canopy at front of building Star Inn, 75 Ffordd Talargoch, Prestatyn <u>DEFER</u> (to allow negotiations with the applicant following the earlier granting of permission for a shelter to the rear)
43/2008/0635/PF	Installation of 1 No. 0.6m dish and 2 No. 1.2m dish antennae on existing tower ARQIVA Transmitter Station, Gwaenysgor, Rhyl <u>GRANT</u>
44/2008/0555/PF	Change of use of part of beauty salon to café Skin Deep Fondella Buildings, High Street, Rhuddlan, Rhyl <u>GRANT</u>

- 44/2008/0655/PS Following consideration of 2 additional letters of representation from: Rhyl Town Council, Rhuddlan Town Council.
Proposed variation of condition 21 of planning permission 44/2006/0105/PF restricting use of retail units to sale of non food bulky goods only, to permit use for the sale of non food goods only
(Rhuddlan Triangle) Land at Marsh Road, Rhuddlan Rhyl
GRANT
- 45/2006/1406/PF Councillor Ian Armstrong declared an interest in the following application (member of the Town Council)
- Following consideration of clarification of report relating to floor area. Conversion and alterations to create 16 no. self-contained flats and construction of new vehicular access
Sandringham Hotel 46-47, West Parade and 50/52 Abbey Street, Rhyl
DEFER
To allow further consideration of the affordable housing provision.
- 45/2007/0243/PO Councillor Ian Armstrong declared an interest in the following application (member of Town Council).
Following consideration of site visit held on 25/07/08 and additional letters of representation from Applicants' Agent (relating to gradient and floor levels); and Head of Transport and Infrastructure.
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
GRANT
Subject to Additional Condition:
9. The access and car parking accommodation shall be completed to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced.
Reason: In the interests of highway safety.
Additional Note to Applicant:
The applicant is requested to note that any subsequent landscaping scheme must incorporate adequate retaining walls around the site which must include all necessary structural calculations to show retaining capacity.
- At this juncture (13:44) Councillors Cefyn Williams, Ian Gunning and A Pennington left the meeting.
- 45/2007/1234/PF Councillor Ian Armstrong declared an interest in the following application (on Town Council)
Following consideration of 1 additional letter of representation from A O'Brien (on behalf of Interleisure Rhyl; The Morville Hotel and Caribaret Showbar East Parade Rhyl)
Erection of two pairs of semi-detached houses in place of two detached houses previously approved as part of application code no. 45/2005/0477/PR, and revisions to access and parking arrangements.
Former North Wales Saab Centre, Morville Garage 27-28 East Parade, Rhyl
GRANT
The recommendation is subject to the completion of a Section 106 Agreement (or appropriate revision to the existing agreement) within 12 months of the date of the Committee, to secure:-

- i) The provision of a total of 4 affordable units for the whole development in accordance with the Council's policies and guidance
- ii) The payment of a sum of £38,062.08 for the whole development in lieu of the provision of on-site open space.

The Certificate of Decision will only be issued on completion of the Section 106 Agreement.

On failure to complete the agreement within the 12 month period the application will be reported back to the Committee for reconsideration against the policies and guidance relevant at that time.

45/2008/0442/PF

Construction of footway/cycleway

Land rear of 50-56 adjoining 48 Thornley Aveune, Rhyl

DEFER to allow a SITE VISIT

47/2008/0272/PF

Change of use from repair and sales of agricultural tractors and machinery to Class B1 (Business) use

Clwyd Agricultural Terfyn Farm, Caerwys Road, Cwm Dyserth Rhyl

GRANT

47/2008/0367/PF

Change of use from Class C3 dwelling to form Class C1 retreat house (B&B)

Rowan Marian Cwm Dyserth Rhyl

GRANT

01/2008/0228/LB

Councillor Gwyneth Kensler declared an interest in the following application and left the Chamber during consideration thereof.

Listed Building application for the repair and reinstatement of gates and railing to frontage of property

44 Vale Street, Denbigh

GRANT (subject to referral to CADW)

01/2008/0282/PF

Councillor Gwyneth Kensler declared an interest in the following application and left the Chamber during consideration thereof.

Repair and reinstatement of gates and railing to frontage of property

44 Vale Street, Denbigh

GRANT

01/2008/0552/PF

Following consideration of report of site visit held on 25/07/08 at 12 noon and additional letters of representation from Head of Transport and Infrastructure

Change of use from Class B8 store and internal alterations to form Class A3 food and wine bar

Church Institute, Lenten Pool, Denbigh

REFUSE (Against recommendation)

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:

1. In the opinion of the Local Planning Authority the proposal would have an unacceptable highway impact, being likely to generate additional vehicular and pedestrian traffic and increased congestion close to a busy roundabout and associated road junctions, and the proposed delivery arrangements would lead to the potential blockage of Panton Hall and increase vehicle conflicts close to its junction with Henallan Place, contrary to Denbighshire Unitary Development Plan Policies TRA6 and GEN6 (vii).
2. The operation of a substantial food and wine bar in an edge of centre location is considered likely to have an adverse impact on

the viability and vitality of businesses in the town centre, in particular smaller cafes and bars, contrary to Denbighshire Unitary Development Plan Policy RET7.

- 02/2006/1423/PO Following consideration of amendment to Welsh Water comment – no objection
Development of 0.32 hectares of land by the erection of 9 no. dwellings, including siting details (outline application)
Land adjoining Llys Famau, Ruthin
GRANT
Subject to referral to Full Council as a Departure
- 03/2008/0052/LB Listed Building application for repair and refurbishment as a single dwelling involving demolition of a detached coach-house and erection of garage and conservatory extensions and associated external works
The Willows, Willow Street, Llangollen
GRANT Subject to referral to CADW
- 03/2008/0521/PF Following consideration of amendments to the report.
Retention of storage container by Penddol entrance for storage of floral display equipment and chairs
Royal International Pavillion, Abbey Road, Llangollen
GRANT
Amended Condition:
Replace condition 1 with:
1. The storage container shall be removed from the site no later than the 31st December 2013.
Reason: The location of a storage container is not considered an acceptable long term solution at a prominent location alongside a main entrance to the Eisteddfod site.
- Note to applicant**
You are advised to contact the Planning Services to discuss alternative options for the longer term storage of equipment.
- 05/2007/0509/PF Erection of 9 No. dwellings and construction of new vehicular access (site area 0.4ha)
Land adjoining The Crescent, Corwen
GRANT
Subject to referral to Full Council as a Departure
- 18/2007/1507/PC Retrospective application for the retention of a building to be used for the storage of agricultural machinery and equipment and alterations to existing vehicular access (amended scheme)
Glanwynn Isaf, Llandyrnog, Denbigh
GRANT
Amended condition:
2. The building shall be used solely for the storage of agricultural machinery and equipment, and at no time shall be used for the keeping of livestock or for the repair and testing of machinery or equipment.
3. Delete “before the building is brought into use” insert “within 6 months if the date of this permission”

192 ENFORCEMENT MATTERS

- ENF/2008/001 Land at Brookdale Road, Rhyl
Unauthorised dumping of waste/materials

RESOLVED that the authorisation be given for the following:-

- (i) *serve and Enforcement Notice to secure the removal of the rubble, and*
- (ii) *instigate prosecution proceedings, or other appropriate action under the Planning Act, against any person, or persons, upon whom any Enforcement Notice, or other Notice is served, or against who legal action is taken should they fail to comply with the requirements of the Enforcement Notice*

193 START TIME FOR PLANNING COMMITTEE AND PROTOCOL CHANGES

The Chair introduced his report requesting that members consider moving the start time of the Planning Committee from 9.30am to 10am.

On being put to the vote, this request was not approved, the start time to remain at 9.30am.

The meeting finished at 3pm.
