

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 15th February 2012 at 9.30am.

PRESENT

Councillors S Thomas (Chair), I Armstrong, J R Bartley, J B Bellis, B Blakeley, J Butterfield, J A Davies, M LI Davies, P A Dobb, M J Eckersley, G C Evans, R L Feeley, I A Gunning, T R Hughes, E R Jones, H LI Jones, G M Kensler, L M Morris, P W Owen, D Owens, B A Smith, D I Smith, D A J Thomas, J Thompson-Hill, C H Williams

ALSO PRESENT

Head of Planning, Regeneration and Regulatory Services (G Boase), Principal Solicitor (Susan Cordiner), Development Control Manager (P Mead), Principal Planning Officer (I Weaver), Highways Officer (M Parker), Team Leader (Support) (G Butler), Customer Services Officer (J Williams) and Translator (Catrin Gilkes)

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors J M Davies, D Hannam, C Hughes, N J Hughes, A G Pennington

2 DECLARATION OF INTEREST

Councillors S Thomas declared an interest in application 45/2011/1470AD and ENF 2012/00418 (51 Russell Road, Rhyl)
Councillor C.H Williams declared an interest in application 02/2011/1041 (Maes Hafod, Ruthin)

3 URGENT ITEMS: None

4 MINUTES OF THE MEETING HELD ON 15TH DECEMBER 2011

Resolved that the minutes of 15th December 2011 be confirmed for accuracy.

5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) was submitted enumerating applications submitted and required determination by the Committee.

RESOLVED that:-

- (a) *the recommendations of the Officers, as contained within the report 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 1991 and/or Planning (Listed Buildings and Conservation Areas) Act 1990 to the proposals comprising the following applications subject to the conditions enumerated in the schedule submitted:-

Item 1

Application No: 01/2011/1417/PF

Location: 37 High Street, Denbigh

Description: Change of use of Class A1 shop to Class B1 constituency office

The following additional letters of representation were reported, from:

- The applicant, advising on the efforts to market the property
- The office of Antoinette Sandbach AM asking for the temporary permission to extend to June 2016, (the end of The Welsh Assembly's term).

Councillor G Kensler felt that although this is a shopping street, she would prefer to see the property used as an office than left empty.

Councillor R Bartley asked whether the property had been marketed as a shop. Principal Planning Officer Ian Weaver advised that it had been unsuccessfully marketed for 2 years but he understood there were contractual issues which meant it would not be available for vacant possession until October 2012. Officers try to avoid "dead frontage" on a street scene (blank windows/offices/betting shops) but agreed that the proposal was better than empty premises.

Councillor M LI Davies still felt it should be put on the open market.

Head of Planning, Regeneration and Regulatory Services, Graham Boase advised that a 2 year temporary permission could be renewed. The proposed use is against policy, but it is preferable to an empty shop on the High Street.

Councillor J Thompson Hill asked whether members of the political party involved should declare an interest. The committee was advised that would not be necessary.

Proposals:

It was proposed that permission be GRANTED

On being put to the vote:

19 voted to Grant

3 voted to Refuse

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to New Note to Applicant

Delete first Note to Applicant and substitute with:

You are advised that planning permission has been granted on a temporary basis (2 years) as the Council does not consider the long term loss of a Class A1 retail shop in this location to be acceptable in terms of planning policy or

principle. You are advised to investigate the potential use of alternative premises outside the Principal Shopping Frontage with the Council's Economic Development Officers.

Item 2

Application No: 02/2011/1041/PF

Location: Land use for garage block Maes Hafod, Ruthin

Description: Erection of terrace of 3 No. dwellings on 0.0536 hectares of land and construction of new vehicular accesses

(Councillor Cefyn Williams declared an interest in this application.)

The following additional letters of representations were reported:

- DCC Affordable Housing Officer – (in support)

Councillor T R Hughes was concerned that there be sufficient street lighting and Councillor M LI Davies asked where the residents who used to park in the garages would now park.

Planning Officer Emer O'Connor explained that the garages on the site have been demolished and the area is vacant. The proposed dwellings have dedicated parking space.

Proposals:

Councillor D I Smith proposed permission be Granted

This was seconded by Councillor R L Feeley

On being put to the vote:

24 voted to GRANT

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 3

Application No: 02/2011/1419/PR

Location: Land to the rear of 27 Well Street fronting Wynnstay Road, Ruthin

Description: Details of the access, appearance, scale, landscaping and layout of 2 No. dwellings submitted in accordance with Condition No. 1 of Outline planning permission Code No. 02/2007/0867/PO

Councillor T R Hughes asked about the impact on the Conservation Area.

Councillor M LI Davies suggested the proposed dwellings should be stone clad, to match the surrounding buildings. Principal Planning Officer, Ian Weaver, advised that the stone wall in front of the site is to remain. He was not against the use of brick. The Conservation Architect had raised no objection.

Councillor M LI Davies said that the only brickwork nearby was the Co-op gateway. He referred to an appeal decision on properties in Bodelwyddan where it was agreed to use stone because of the impact on the nearby Conservation Area.

Principal Planning Officer, Ian Weaver, felt that if the applicants' objected to using stone they could appeal against the condition. He did not have a strong view either way and would be guided by committee.

Councillor M LI Davies **proposed** a condition be included to require the buildings to be stone clad. This was seconded by Councillor G M Kensler.

On being put to the vote:

7 voted to include a condition that stone be used

18 voted against

This amendment was therefore lost

Proposals:

Councillor R L Feeley proposed that permission be GRANTED

This was seconded by Councillor D I Smith

On being put to the vote:

24 voted to Grant

1 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to New Note to Applicant

Add Note to Applicant

Prior to submission of the details required by Condition 3 of this permission, you are advised to discuss the proposed external materials to be used with the

Case Officer, in particular to investigate the possible use of more stone on the walls of the dwellings and the type of facing brick to be selected.

Item 4

Application No: 16/2007/1363/PO

Location: Land at Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin

Description: Demolition of main hall (11no. flats) and development of 0.33ha of land by the erection of replacement building containing 11no. flats and erection of 6 no. dwellings within grounds and alterations to existing vehicular access (outline - all matters reserved for further approval)

A report of a site visit which took place on Friday 10th Friday 2012 was circulated.

Public Speakers: RHYS DAVIES (AGAINST)

Mr Davies spoke against this proposal on behalf of a number of local residents. He had studied policy HSG8 and came to the same conclusion as the officers. He wondered if the Hall could be repaired but felt that the Structural Survey did not have sufficient detail to make a judgement.

He thought the officers gave clear guidance in the report and urged committee to refuse permission.

Development Control Manager, Paul Mead, explained there were two applications before committee today. The site is in the Clwydian Range AONB and is outside the development boundary for Llanbedr DC.

The last official planning use of the Hall is as a restaurant with 11 flats above - the applicant was now living there. The Hall is not Listed and does not merit retention but national policy does not allow replacing one building with several dwellings. The Unitary Development Plan does not cover this situation but policy HSG8 is the nearest relevant policy. However this policy only allows a like for like replacement.

Councillors P A Dobb and J R Bartley wanted to debate the general issue of the site during consideration of the second application. Councillor J R Bartley felt sympathy for residents and hoped the Hall would not be allowed to fall into disrepair like North Wales Hospital in Denbigh.

Councillor S Thomas referred to the site visit and thought the building was worth retaining.

Proposals:

Councillor P A Dobb proposed that permission be REFUSED

This was seconded by Cllr D Owens

On being put to the vote:

0 voted to Grant

**23 voted to Refuse
1 Abstained**

PERMISSION WAS THEREFORE REFUSED

Item 5

Application No: 20/2009/0941/PF

Location: Land at Llanbedr Hall, Llanbedr Dyffryn Clwyd, Ruthin

Description: Demolition of Llanbedr Hall and replacement with 9 no. detached family houses set into the gardens and refurbishment, extension and change of use of adjacent garages to provide 1 No. dwelling under extensive roof-space which will be fitted out as a substantial refuge for bats

Public Speakers:

Mr RHYS DAVIES (AGAINST)

Mr Davies reiterated his previous comments relating to HSG8 - that the policy does not allow the demolition of the Hall and replacement with 9 dwellings. He raised concerns about the impact on the AONB. The proposed dwellings are substantial. He referred to other similar derelict buildings which have been renovated with imagination

Ms JILL NAYLOR (IN FAVOUR)

Ms Naylor accepted the proposal does not site well with the AONB. However she was aware of an undersupply of housing land in Denbighshire and suggested that the Council may therefore have to consider greenfield sites and those in the AONB. Ms Naylor felt that the renovation of the Hall was uneconomic, the collapse of the housing market having affected the sale of apartments particularly badly. Ms Naylor felt the proposal was a good scheme, sustainable and innovative, respected the topography. The green roof scheme would compliment the landscape.

Development Control Manager, Paul Mead, reminded committee that permission had just been refused for 6 dwellings, this application is for 9 new dwellings. The Hall is not Listed and CADW do not consider it suitable for listing so the situation is not comparable to that of the Former North Wales Hospital Denbigh. The applicant had planning consent to convert the Hall to 20 flats but this has lapsed. In answer to the speaker's claim that there is an under-allocation of land for housing – Mr Mead pointed out that while this scheme is for 9 dwellings there are already 11 flats in the Hall. This equates to a net loss of 2 dwellings. The proposal would be detrimental to the AONB.

General Debate:

Councillor P A Dobb stated that she had attended a recent meeting of the Community Council and went through the proposal with them. They are now in favour of this proposal

Councillor Dobb advised committee that Llanbedr Hall is one building in a site of 20 dwellings, the area is a community in itself with a private roadway. The residents have lived with the uncertainty for many years and it was affecting the value of their homes. Most neighbours are supportive.

The site is in the AONB but can not be seen from Moel Famau or the footpath. The Hall was bought in 1919 with 12 acres, there are now only 7 acres as the rest has been sold for housing. Councillor Dobb felt that the main building is not of architectural merit and is an eyesore to residents.

Councillor B A Smith supported Councillor Dobb and referred to AONB Joint Advisory Committee comments which she felt were subjective. She urged a pragmatic approach and thought the HSG policy acknowledged that inappropriate housing could be replaced.

Councillor R L Feeley also voiced support. She felt that comparisons with North Wales Hospital were unwarranted. The Hall is not Listed and it was no longer possible to run such a large property efficiently. She felt it was an exciting proposal and the roads and access were suitable for many more properties.

Councillor M LI Davies asked about the impact on the nearby Church.

Councillor G C Evans asked about affordable housing provision.

Development Control Manager, Paul Mead, agreed that the neighbours are tired of the situation but are being made to feel this is the lesser of two evils as the houses proposed by this application are further away from existing properties. He reminded committee that if they felt 6 properties were unsuitable, then 9 must also be unsuitable. The layout suggested for the proposed houses would provide the potential opportunity for infilling in the future. The proposed houses are of a modern design and The Church would be affected by having 9 houses nearby. None of the proposed dwellings are affordable units.

Head of Planning, Regeneration and Regulatory Services, Graham Boase, advised on the impact of development. The Hall is sited in its own landscape, it is proposed to site 9 5-bed dwellings spread across that landscape. He further advised on policy issues, that this site is in open countryside and if the AONB policy HSG8 is relevant, this proposal is contrary to it. If the application is refused, the applicant still has the opportunity to appeal and justify the proposal to an Inspector.

Councillor M LI Davies asked how affordable housing can be provided. G Boase stated that there is no affordable housing proposed and it is up to committee whether or not to approve the application.

Councillor P A Dobb thought that the 2-bed converted garage on site would count as an affordable unit.

Proposals:

**Councillor P A Dobb proposed the application be GRANTED
This was seconded by Councillor R L Feeley**

On being put to the vote:

12 voted to Grant

12 voted to Refuse

1 Abstained

The Chairman used his casting vote to REFUSE permission

PERMISSION WAS THEREFORE REFUSED

Item 6

Application No: 17/2012/0038/PF

Location: Penlan, Ruthin Road, Llandegla, Wrexham

Description: Erection of extension to existing agricultural building

Principal Planning Officer, Ian Weaver, advised Members that this application needed to be determined by committee because it had been submitted by the partner of a member of staff.

There was no debate on this item.

Proposals:

**Councillor T R Hughes proposed it to be GRANTED
This was seconded by Councillor G M Kensler**

On being put to the vote:

24 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 7

Application No: 30/2011/1280/PF

Location: Land adjacent to The Trefnant Inn, Trefnant, Denbigh

Description: Erection of 8 no. dwellings and associated works

Late letters reported from Welsh Water,
E Davies, Bryntirion, Trefnant
E P & M A Carey, 2 Bryn Dyffryn, Trefnant
E M Hughes, Arfryn, Trefnant

Public Speakers:

Mr Huw Evans (in favour.)

Mr Evans advised that the scheme had been revised following the previous refusal, a reduction in the proposed number of dwellings meant that recreational space would not be required. The public house had been sold separately and sufficient land was available to provide car parking. The curtilage of the Listed Building would not be affected as the front of the building is the only part Listed. The site is not in the Conservation Area. The only practical access to the site is as existing, and the design has had to be within those constraints. It is not possible to increase visibility along the Henllan road.

Mr Evans felt that as only four objections had been received, in contrast to the number of objections to the previous scheme, this is evidence of an improvement.

Councillor M LI Davies asked how the Affordable Housing allocation had been calculated. He was also concerned about the danger to traffic and pedestrians on the Henllan road and near the school.

Councillor G C Evans asked about the contribution each house is required to make for Great Crested Newt habitat. Principal Planning Officer, Ian Weaver, introduced Highways Officer, Mike Parker, and explained the Affordable Housing provision is calculated as 30% of 8, rounded down to 2 units. He further advised that although no newts had been seen on the site, CCW were of the opinion that newts could cross the site during migration periods. The contribution towards habitat improvement had been negotiated with the applicants.

Highways Officer, Mike Parker, explained that there is to be a footpath constructed next to the pub, along Henllan Street. The increase of traffic to the site, which is already used for parking would not be significant. There was adequate provision for pub parking, the access was sufficiently wide and there would be a new footpath to the village. It would not be possible to justify a refusal on highway grounds. In reply to questions, Mr Parker did not think it would be possible to extend the double yellow line parking restrictions on the Henllan road.

Proposals:

**Councillor P W Owen proposed that permission be GRANTED
This was seconded by Councillor J Bellis**

On being put to the vote:

21 voted to Grant

3 voted to refuse

1 Abstained

PERMISSION WAS THEREFORE GRANTED

Subject to Section 106

The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure

- (a) the provision of 2 affordable housing units and the retention of these units for affordable purposes
- (b) the payment of a commuted sum of £2,500 for improvement/maintenance of Great Crested Newt habitat within 1km radius of Trefnant village.

The Certification of Decision would only be released on completion of the legal obligation and on failure to complete within the time period. The application would be re-presented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this committee.

Item 8

Application No: 40/2011/1515/PF

Location: Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan, Rhyl

Description: Relocation of existing Accident & Emergency Department to new facility including refurbishment and extension of existing building with first-floor addition of theatre space and second-floor plant space, associated landscaping works and new ambulance drop-off

Members asked for clarification on the location of the new facility.

Principal Planning Officer, Ian Weaver, explained there would be a complete re-configuration of the hospital, together with some demolition. The Accident & Emergency Unit will move to the rear of the main building. He advised committee that some staff parking would be lost. However, no additional staff are to be recruited and a large dedicated parking area for staff had recently been approved. There would be a rationalisation of Ambulance parking near to the new Accident & Emergency Department.

Highways Officer, Mike Parker, stated that the existing main traffic access would not be affected. Conditions will be imposed to ensure a Green Travel Plan is established for the area.

Councillor E R Jones queried the “temporary” nature of the new car park.

Ian Weaver advised that it was temporary, for 5 years. However the surfacing work was of high quality and was a major investment for the hospital. The temporary permission could be extended.

Councillor M LI Davies asked why the application had been brought to committee and felt it would be useful if the Officer’s reports could explain this in future. Ian Weaver said this was a major development which required a committee decision but he would ensure the reason for a committee resolution is made clear in officers reports.

Councillor M Eckersley thought the hospital should consider a multi-storey car park on the site as it was often busy.

**Councillor E R Jones proposed that permission be GRANTED
This was seconded by Councillor J R Bartley**

On being put to the vote:

25 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 9

Application No: 44/2011/1326/PF

Location: Land adjacent to Castle Hill, Hylas Lane, Rhuddlan, Rhyl

Description: Erection of a single storey dwelling and construction of a new vehicular access (site area 0.04ha)

Councillor J A Davies declared an interest in the following application.

The following additional letters of representation were reported from:
Rhuddlan Local History Society

A report of the site visit which took place on 10th February 2012 was circulated.

Councillor J A Davies queried the quoted height of the wall and raised concerns about the safety of highway users, as the site is on a hill and a bend, with no footpath on the side nearest the site. The safety of the children going to the nearby school was a further concern as vehicles sometimes find it necessary to reverse into the school gates to turn around.

Councillor Davies particularly wished to note the incident when emergency services could not gain access to the school because of parked vehicles on the roadside.

Councillor J R Bartley reported on the site visit. He said he arrived at 8.40am, a busy time for the school run but he observed all the children walking on the pavement on the opposite side of the road the site. He stated there were double yellow lines on the side of the road, preventing parking there.

Councillor I Armstrong agreed that this was a narrow, two way road.

Councillor G C Evans felt that such objections should have been raised at outline stage.

Councillor J Bellis wondered why the Conservation Officer had no observations to make. He felt the Town Council's objection should be acknowledged as the historical importance of the stone wall and thatched cottage nearby should be considered.

Councillors D Owen and J Thompson-Hill felt loss of the wall would be detrimental to the area.

Councillor B A Smith was of the opinion that the wall could be removed as there was no Preservation Order on it.

Councillor M LI Davies hoped the wall would be retained, Councillor D I Smith pointed out that only 6m of the wall was being removed.

Councillor S Thomas, a local resident for many years, felt the yellow lines had made a great difference to the traffic chaos. The opening in the wall was proposed at the widest point in the road and the work could be sympathetically treated.

Development Control Manager, Paul Mead, referred to plans circulated. A 6m gap was proposed in a wall frontage of 20m. The design of the bungalow is small and fairly inconspicuous. In response to Councillor J A Davies' query about the quoted height of the wall, he felt it could vary because of the sloping site and the overhanging hedge. The hedge would screen the site. Development had previously been allowed on appeal.

Highways Officer, Mike Parker, reported on his in-depth assessment of the area. The development was granted on appeal in July 2006 but none of the reasons given for refusal were on highway grounds. He said the access appeared safe.

Proposals:

Councillor E R Jones proposed that permission be GRANTED

This was seconded by Councillor J R Bartley

A request was made for a RECORDED VOTE. This was supported by the requisite number of Members.

On being put to the vote:

IN FAVOUR OF GRANTING PERMISSION: 15

I Armstrong, J R Bartley, B Blakeley, J Butterfield, M LI Davies, G C Evans, R L Feeley, T R Hughes, E R Jones, H LI Jones, L M Morris, D I Smith, D A J Thomas, S Thomas, C H Williams

AGAINST GRANTING PERMISSION: 8

J Bellis, J A Davies, P A Dobb, M J Eckersley, I A Gunning, P Owen, D Owens, J Thompson-Hill

ABSTENTIONS: 2

G M Kensler, B A Smith

PERMISSION WAS THEREFORE GRANTED

Subject to:

Additional Condition

11. Pre-Commencement Condition

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

Notes to applicant

Welsh Water Standard Advisory notes.

Item 10

Application No: 45/2011/0766/PR

Location: Land at Rhyl South East between Bro Deg and Dyserth Road, Rhyl

Description: Details of Phases 2 and 3 development including siting, design and external appearance of 228 dwellings, landscaping, access roads and associated open space submitted in accordance with Condition No. 1 of outline planning permission Code No. 45/2004/1376/PO (including an indicative-only site plan and layout of 2.5ha of land outside the application site for school, community centre, playing field and multi-use games area)

Councillor B Blakeley thanked Officers for the hard work in effecting the submission of this application.

In response to Councillor J Bellis' query, Development Control Manager, Paul Mead, advised that the Town Council had decided to raise no objection.

Proposals:

**Councillor I Gunning proposed that permission be GRANTED
This was seconded by Councillor B Blakeley**

On being put to the vote:

23 voted to Grant

1 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 11

Application No: 45/2011/1304/PF

Location: 16 Rhodfa Maes Hir, Rhyl

Description: Erection of extensions to front, side and rear of dwelling

There was no debate on this item.

Proposals:

Councillor B Blakeley proposed that permission be GRANTED

This was seconded by Councillor J Butterfield

On being put to the vote:

23 voted to Grant

1 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 12

Application No: 45/2011/1444/PF

Location: Land adjacent to H Bridge between Kwik Save and Railway, Marsh Road, Rhyl

Description: Change of use of existing office and store to part office/part store/and part Class A1 retail shop

Councillor D A J Thomas expressed concern about the loss of retail premises in town centre, the danger of fireworks/high explosives near residential properties and the main railway line. He thought more suitable premises could be found for this business.

Councillor J Butterfield was also concerned about health and safety and thought this was an inappropriate place to have such a business.

Councillor I Gunning expressed concern about the nearby petrol station - if it were to be affected by fire, the proximity to explosives in the proposed business could result in a major incident.

Councillor M Eckersley asked if the Fire Brigade had made comment and referred to a recent incident in a residential area of Yorkshire.

Development Control Manager, Paul Mead, felt that the recommendation to allow a temporary permission was an on-balance decision and understood Members' concerns. He requested that the committee suggest planning reasons for a refusal.

Proposals:

**Councillor D A J Thomas proposed that permission be REFUSED as it was not considered acceptable to permit the introduction of a retail use within a designated Main Employment Area
This was seconded by Councillor J Butterfield**

On being put to the vote:

2 voted to Grant

20 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE REFUSED AGAINST RECOMMENDATION

Reason for Refusal:

In the opinion of the local planning authority, the introduction of a retail outlet on land forming part of a designated Main Employment Area in the Denbighshire Unitary Development plan would be unacceptable in principle, the purpose of such areas being to accommodate employment development and not retail and commercial uses. The proposal is considered contrary to the intention of Policy EMP2 of the Unitary Plan and would set an unacceptable precedent for the

development of retail uses outside recognised retail areas of the town, limiting the available land for employment.

Add new Note to Applicant

You are advised to contact the Council's Economic Regeneration Officers to discuss options for the operation of the business.

The decision being CONTRARY to the Officers' Recommendation was taken for the reasons given above.

Item 13

Application No: 45/2011/1449/PF

Location: Land between 101 and 111 Trellewelyn Road, Rhyl

Description: Erection of 1 no. single storey detached dwelling and alterations to existing vehicular access (site area 0.04 ha)

This application is before Committee because the site is owned by the County Council.

There was no debate on this item.

Proposals:

Councillor B Blakeley proposed that permission be GRANTED

This was seconded by Councillor J Butterfield

On being put to the vote:

21 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

Item 14

Application No: 45/2011/1470/AD

Location: 51 Russell Road, Rhyl

Description: Display of 1 no. freestanding sign (retrospective application)

Councillor S Thomas declared an interest in the following application and left the Chamber during consideration thereof - Councillor J R Bartley took the Chair.

Councillor J Butterfield agreed with Officers and felt signs should be more sympathetic to the area.

Proposals:

**Councillor J Butterfield proposed that permission be REFUSED
This was seconded by Councillor J Bellis**

On being put to the vote:

6 voted to Grant

14 voted to Refuse

1 Abstained

PERMISSION WAS THEREFORE REFUSED

Item 15

Application No: 45/2011/1490/PF

Location: Ysgol Dewi Sant, Rhuddlan Road, Rhyl

Description: Erection of two-storey extension to provide level access link to existing ground-floor corridor, additional toilets to first-floor and stairwell for additional means of escape

Councillor M LI Davies expressed reservations about the modern design but there was no further debate on this item.

Proposals:

Councillor B Blakeley proposed that permission be GRANTED

This was seconded by Councillor I Gunning

On being put to the vote:

20 voted to Grant

0 voted to Refuse

0 Abstained

PERMISSION WAS THEREFORE GRANTED

6 ENFORCEMENT REPORTS

ENFORCEMENT ITEM

Ref. No: ENF/2012/00418

Location: 51 Russell Road, Rhyl

Description: Unauthorised advert sign

Councillor S Thomas declared an interest in this application and left the Chamber during consideration thereof and Councillor J R Bartley took the Chair.

Development Control Manager, Paul Mead, advised that a further sign had been erected advertising staff vacancies. This sign was also unauthorised. He explained that the business did not receive “passing trade” visits and therefore did not need a large sign.

Proposals:

**Councillor J Butterfield proposed that Enforcement Action be authorised
This was seconded by Councillor J Bellis**

On being put to the vote:

17 voted to authorise Enforcement Action

1 voted not to authorise Enforcement Action

3 Abstained

RESOLVED that authorisation be granted to instigate prosecution proceedings against the person, or persons responsible, should the company refuse or fail to remove the advertisement

ENFORCEMENT ITEM

Ref. No: ENF/2012/00003

Location: 'Hardly Nickels', 9 St. Peter's Square, Ruthin

Description: Without consent, change of paint colour scheme to front of Listed Building in a Conservation Area

Councillor D I Smith felt it was better to have a purple shop open than a correctly coloured one closed. However, he could not discuss anything with the shop owner as the premises is now closed.

Councillor R L Feeley was a member of the Civic Society which gave the Quayle Award to this property for the sympathetic restoration and thought that if every retail premises on the square painted the front different colours it would not be in keeping with the Conservation Area.

Councillor Feeley asked if it would be cheaper for the Council to paint the premises and invoice the owner rather than proceed with legal enforcement.

Head of Planning, Regeneration and Regulatory Services, Graham Boase, stated that this is a breach of Listed Building Consent but if authorisation is given, Officers would take the opportunity to negotiate further. The owners would have a right of appeal but ultimately the Council has the power to use direct action and send the owner a bill.

Councillor J Bellis felt that there were many different colours on the street and thought it better to try and keep premises open.

Proposals:

Councillor R L Feeley proposed that Enforcement Action be authorised

On being put to the vote:

18 voted to authorise Enforcement Action

3 voted not to authorise Enforcement Action

0 Abstained

RESOLVED that the Planning Committee authorise the service of an Enforcement Notice, under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with a one month compliance period, requiring the repair, priming and painting with satin top coat in a colour to match the previous colour scheme.

To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof within the specified time period.

PART II CONFIDENTIAL ITEM

7 Application No: . 03/2011/0696/OB Plas Derwen, ,Abbey Road, Llangollen

Submission for Modification or Discharge of Planning Obligation relating to payment of commuted sum for the provision of affordable housing and public open space.

The Legal Officer advised that public speaking may be permitted on this item in Part 1 of the meeting, but following any presentations for or against the application, the press and public (including applicants, agents and any supporters and objectors) will be asked to leave the chamber to allow Members to consider the application in confidence as a Part II item.

PUBLIC SPEAKER (AGAINST): **SIMON COLLINGE:** he said

“From the outset, Town Council and local residents objected to the size of this imposing, or some might say, incongruous building and also their failure to install mains drainage. However, the correct democratic planning processes were followed and we have had to accept the building.

At least we felt we would have something in return. A previous 106 agreement made with Bryn Melyd Motor Services, paid £214,000 to schemes in Llangollen

- The Willows, 3 affordable apartments
- Pentredwr, 3 affordable houses for local people
- One Homebuy for a local couple

The Plas Derwen developers are now seeking to discharge their commuted sum payment of £273,000 on the basis of the scheme no longer being viable to sustain the payment.

However, I understand that 19 out of the 20 Units have now been sold or reserved and that the developer may retain the last unit for their own use.

Taking a closer look at the signatories on the agreement shows

Belgrave Homes is a developer of prestigious and quality homes for contemporary living which, as of 11th February, according to Company Check, had Total Assets of £3,539,062.

Bridging Finance Manchester Website openly boasts “Short-term funder Bridging Finance today hailed a £150m lending milestone. The Manchester-based business said it had doubled its lending from £75m in the past two years while other key players have struggled amid tough market conditions.”

Tonic Leisure - third signatory company dissolved

Affordable housing is urgently needed in Llangollen and these property speculators took a risk and we should not have to pay for their losses.

Another major concern is if they avoid honouring their agreement it will set a precedent for other developers, who will be claiming financial hardship on their outstanding section 106 agreements, resulting in the loss of considerable funding towards affordable housing nationally.

This Section 106 is a Common Seal of Agreement 2nd June 2006 between DCC and the authorised signatories of these developers - it is imperative that this is honoured in full.”

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the rest of this item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.

Following the debate the Members were asked to vote to Discharge or not to Discharge the June 2006 Section 106 Obligation.

On being put to the vote:

1 voted to Discharge

20 voted NOT to Discharge

0 Abstained

RESOLVED therefore:

1. *That the Local Planning Authority do not agree to the discharge of the June 2006 Section 106 Obligation relating to the payment of Commuted Sums for Affordable Housing and Open Space at Plas Derwen, as it is considered the Obligation still serves a useful purpose, and the viability argument is not a significant consideration to justify discharge.*
2. *That the Legal Officer be authorised to take appropriate legal action to secure compliance with the terms of the Section 106 Obligation.*

The meeting closed at 1.30pm