

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday 19<sup>th</sup> September 2012 at 9.30am.

### **PRESENT**

Councillors D Owens (Chair) I W Armstrong, JR Bartley, B Blakeley, J A Butterfield, W L Cowie, J.A. Davies, M LI Davies (vice chair), R J Davies, S.A. Davies, R.L Feeley, H Hilditch-Roberts, C. Hughes, T.R. Hughes, E.A. Jones, P M Jones, G Kensler (observer) M McCarroll, W M Mullen-James, R M Murray, P W Owen, T M Parry, A Roberts, J Thompson-Hill, C H Williams, C L Williams and H O Williams

### **ALSO PRESENT**

Head of Planning (Graham Boase) Development Control Manager (Paul Mead), Principal Planning Officer (Ian Weaver), Principal Solicitor - Planning and Highways (Susan Cordiner), Planning Officers (Sarah Stubbs and Denise Shaw) Highways Officer (M Parker) Team Leader (Gwen Butler), Customer Services Officer (Judith Williams) and Translator (Catrin Gilkes).

Bernard Greep, Retail Consultant (Roger Tym & Partners) attended part of meeting

Planning Policy Manager (Angela Loftus) and Planning Policy Officer (Bryn Bowker) attended for the item on Supplementary Planning Guidance.

#### **1 APOLOGIES**

Apologies for absence were received from Councillor J.M. Davies, C. L. Guy-Davies, D Simmons, W,N. Tasker, and J Welch

#### **2 DECLARATIONS OF INTEREST**

Councillor M Parry declared an interest in application 18/2012/0885/PF (Golden Lion Llandyrnog)

#### **3 URGENT ITEMS:**

PLANNING TRAINING

Councillor M. LI. Davies thanked officers for the recent training on wind energy but regretted the low attendance

#### **4 MINUTES OF THE MEETING HELD ON 18<sup>th</sup> July 2012.**

These were agreed as a true record

## 5 APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

The report by the Head of Planning, and Public Protection (previously circulated) was submitted enumerating applications submitted and requiring 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:-*

**Application No:** 01/2011/0782/PO

**Location:** Land adjacent to 6 Cysgod Y Graig Denbigh

**Description:** Development of 0.19 ha of land by the erection of 1 no. detached dwelling and construction of a new vehicular access (outline application including access)

Councillor Bill Cowie raised concerns about the stability of the site. Development Control Manager Paul Mead advised that condition 14 required the site stability to be established.

**Proposals:**

It was proposed that permission be GRANTED. This was seconded by Councillor Cefyn Williams

On being put to the vote

21 voted to GRANT  
1 voted to REFUSE  
2 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 03/2011/1522/PF

**Location:** **Whitewater Country Park Berwyn Street  
Llangollen**

**Description:** Replacement of 3 No. permitted holiday chalets with revised designs at Plots 34, 35 & 36

In reply to queries, Principal Planning Officer Ian Weaver advised that this has been reported to committee because of the history of the site, but that this application had the potential to tidy the site

Councillor Rhys Hughes proposed that permission be GRANTED. This was seconded by Councillor Stuart Davies

On being put to the vote

25 Voted to GRANT  
0 Voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

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## **Application No: 03/2012/0030/PF**

**Location:** **Berwyn Works Berwyn Street Llangollen**

**Description:** Demolition of existing printing works, erection of Use Class A1 foodstore with associated access, parking, servicing, landscaping, surface water attenuation system, and construction of new vehicular and pedestrian accesses

A report of a site visit which took place on 13<sup>th</sup> September 2012 was circulated.

Correspondence was reported from applicant's agent; The Council's Pollution Control Officer and an e mail received from Gately LLP on behalf of Co-op

In light of the amount of public interest in this and the following application, the Chair agreed to allow two speakers for and two against these proposals.

### **PUBLIC SPEAKERS:**

#### **Speakers Against:**

Rhys Davies (on behalf of the Co-op)

Mr Davies queried the robustness of the retail study, pointing out that Stan's Supermarket was not mentioned although it has been operating for some months. Mr Davies did not think the need had been proven by the study. He felt there would be an impact on the Co-op which stimulates link trips to town.

He considered that the turnover of the proposed supermarket had been understated and said that actual trading figures show a 40% impact and in addition would fail to encourage visits to the town centre.

Catherine Vesey (Friends of the Earth)

Ms Vesey was concerned about the impact a major supermarket chain generally has on local trade. She cited the town of Ellesmere, Shropshire where a Tesco Supermarket had been built. The local grocer had to close and other shops in the town centre were affected. Ms Vesey regretted the replication of nationwide supermarkets, preferring to see independent businesses.

## **Speakers In Favour**

### John Palmer (Llangollen Chamber of Trade)

Mr Palmer welcomed the increase in employment this development would bring to the town and felt it may bring visitors to the area. But he urged that conditions be imposed which would prevent a café being opened in the supermarket and meat and delicatessen products should only be sold pre-packed to reduce the impact on Town Centre businesses. Mr Palmer also asked that the access to the River Park and the paths to the town be located at the North East corner of the car park to make a visible route for supermarket customers. He said that the town relied on tourism and welcomed Sainsbury's offer to showcase the attractions of Llangollen.

### Keith Nutter (White Young Green)

Mr Nutter said that Dobson and Crowther needed to provide a more modern printing facility. This development would provide 109 new jobs which is to be welcomed. Mr Nutter felt that Stan's Supermarket and Co-op did not provide for a full weekly shop and so locals were travelling elsewhere. The new store would claw back these individual and the local stores will be able to trade alongside it. Sainsbury's have agreed to promote leaflets for town attractions and to fund a pedestrian link to the town centre. He said there would be no Pharmacy or Dry Cleaners in the store to compete against town traders.

Susan Cordiner (Legal Officer) drew Members attention to the email from Gately LLP (referred to on the addendum report) which raises the potential for legal challenge and asks for the application to be withdrawn from consideration. Ms Cordiner stated that most of the points were raised by Mr Rhys Davies in his speech and issues have been covered.

Councillor S Davies asked for advice about the soundness of the recommendation and was reassured by the Mr Bernard Greep (Retail Consultant Roger Tym & Partners) who felt there would always be local concerns and emotions raised. But Mr Greep stated that the study took account of the impact on the Town Centre and considered the job creation was a positive. He was happy that the conclusion was sound and robust.

Councillor S Davies was satisfied that concerns had been addressed. He requested that the proposed pedestrian exit be moved to the North East of the car park to connect to Riverside Walk. He said The Riverside Park is a tourist designation and is always short of parking. He asked that the independent café on Riverside Park be protected and conifer trees be removed to open the view. This should encourage visitors into town. He also asked if there was to be a link bus service and felt that the new print work should be built first.

Councillor Rhys Hughes thanked officers for the work on this issue which has divided the community of Llangollen.

Councillor Hughes asked

- how the delayed Local Development Plan would have affected the deliberations if it had been adopted
- Whether conditions could be imposed restricting butcher and delicatessen outlets within the supermarket.
- Whether the Welsh Assembly Government is likely to call-in the applications
- What the costs would be if a refusal went to appeal
- The study showed the retail impact to be about 8% . Councillor Hughes asked what percentage impact would be required for the retail study to consider this proposal to be detrimental.

Planning Officer Ian Weaver answered the questions.

- On Car Parking – Condition 35 stated that no restrictions be placed on parking at the supermarket.
- A different pedestrian access would require the submission of further details
- Removal of conifers could be covered when the landscaping details are approved.

Bernard Greep (Retail Consultant) stated, in answer to Councillors' questions that the proposed café would be less than 4% of the total floorspace and would cater for a different market to the outlets in town. Mr Greep stated there is no set figure for the impact to be "detrimental" although he felt 10% to be "cause for concern".

Local businesses could see a diversion of trade. Although a condition restricting goods for sale in the supermarket could be imposed it may be difficult to enforce.

Planning Officer Ian Weaver advised that.

- The applicants were prepared to accept a Unilateral Undertaking to build the Printworks first.
- The Local Development Plan is not yet adopted so it carries no weight at present.
- If refused an appeal would be heard at a Public Inquiry. The costs would have to include for Retail Consultant to be employed but it was not possible to put a figure on it.
- There had been local requests for the Welsh Government to "call in" the applications but WG would wait for the decision of committee. If granted and the Assenbly considered a call in to be appropriate they would request the authority not to issue the decision. If the application was refused the Planning Inspectorate would deal with it . WG have asked to be kept informed.
- There has been no proposal to provide a bus link.

Councillor Bob Murray stated that supermarkets usually serve meals at their cafes not just hot drinks.

Councillor H Hilditch Roberts thought the Tesco in Ruthin had had restrictive conditions on café and butchers but he was encouraged that retailers in Ruthin Town were now seeing an increase in trade.

Councillor S Davies continued to press for the path to go from the North East corner and was happy to lose two parking spaces if necessary.

Councillor R Hughes reiterated the required conditions:

- Two entrances to Riverside Park
- Removal of conifers
- Signage to town in the car park
- Green Standards for the building
- Recruitment of local staff
- No car park restrictions
- Tourist Information to be in store
- No cafes, butchers or delicatessen in store
- Annual contribution to town funds.

Head of Planning Graham Boase stated that some of these conditions were already in place but officers could amend or add conditions if necessary: However Mr Boase warned that it was possible for the applicant to appeal against the conditions.

He offered to draw up the amended conditions for the Local Members to see and would explore the issue of an annual contribution to Town funds.

### **Proposals:**

Councillor Stuart Davies proposed that permission be GRANTED subject to the suggested amended conditions.

This was seconded by Councillor Bill Cowie.

On being put to the vote

21 voted to GRANT

4 voted to REFUSE

There were no abstentions

### **PERMISSION WAS THEREFORE GRANTED**

**Subject to:** a) The completion of a Unilateral Undertaking to secure the payment of £10,000 to the Council for improvements to the Riverside Park, and to secure the completion of the development on the relocated factory before the commencement of trading of the foodstore.

b the imposition of revised or additional conditions which deal with the following matters:-

- 1, Restriction on cafe, butchers and deli counter in store.
- 2 The provision of a riverside access point for pedestrians to access/egress the site
- 3, The provision of an in store tourist information area..

Officers to provide a draft set of conditions for consultation with the local members.

**Application No:** 03/2012/0029/PF

**Location:** Land at Cilmedw Farm Berwyn Street  
**Llangollen**

**Description:** Erection of new print works building, with associated car parking, servicing, and related accesses, construction of substation, new package treatment plant and soakaways, surface water attenuation system, and new vehicular and pedestrian accesses off trunk road

Report of a site visit which took place on 13<sup>th</sup> September 2012 was circulated.

Late representations from Llangollen Town Council were also reported

**Public Speakers:**

**SPEAKERS AGAINST:**

Mr Mel Lawrence (speaking on behalf of Llangollen Civic Society)

Mr Lawrence spoke against the application, complaining that it would create a private industrial estate on a greenfield site, which was also a site of Special Scientific Interest. He considered it to be against policy ENV 2 and felt that the authority should wait until an AONB Management Plan was in place.

Mr Lawrence pointed out the plan did not show mains drainage and permission should be refused.

Phil Thane (Keep Llangollen Special)

Mr Thane spoke against the development of this area which had been set aside as the potential site for a trunk road roundabout. It had been put forward as an employment site but no one had been willing to develop it because of the expense. Mr Thane suggested that it was only being developed now because Sainsbury's wanted the present factory site.

Mr Thane was of the opinion that as the printing industry was in trouble, with competition from China, the management of this small company might as well sell up and retire. He feared the town could end up with an empty warehouse. Mr Thane also felt development would be against policy and would be detrimental to the AONB and World Heritage Site Buffer Zone.

**SPEAKERS IN FAVOUR**

Paul Holden (Dobson and Crowther).

Mr Holden stated that Dobson and Crowther had been based in Llangollen for 60 years and was the area's biggest employer - half the workforce was from the local area. He explained that the factory produced litho prints and seed packets for major retailers and was trading successfully but now needed to invest in modern equipment. He explained the industry had changed and Dobson & Crowther would benefit from smaller more modern premises. Sainsbury's offer gave them the opportunity to stay in Llangollen.

Keith Nutter (White Young Green)

Spoke in favour of the application and reminded committee that permission had been granted for the supermarket. He was astonished that it had been suggested Dobson & Green would take the money and retire. Mr Nutter advised that this site is designated for "employment" in the Unitary Development Plan. This application would unlock the land for future employment development. He acknowledged the impact as it is a Greenfield site but didn't feel it was sufficient to warrant a refusal. A need for employment land has been established and he urged committee to allow Llangollen's largest employer to stay in Llangollen.

Councillor S Davies stated that the site had been designated as employment land in the Unitary Development Plan but had never been developed due to the Trunk Road roundabout previously proposed on the land. He stated that Dobson & Crowther provided employment on a decent wage and hoped they would stay.

Councillor R Hughes commented on the site visit. He was not happy that the factory had its own private facilities, not providing mains drainage for the site as a whole.

Councillor Alice Jones asked why a brownfield site could not be found.

Planning Officer Ian Weaver said that brownfield sites were limited in Llangollen. He also advised that as this was for a single factory it was not possible to ask for any more detail of drainage for the whole site. If the rest of the site is to be developed then a Masterplan would be required and drainage and suitable infrastructure would be indicated at that time.

Councillor Stuart Davies proposed the application be **GRANTED**  
This was seconded by Councillor B Cowie.

On being put to the vote

25 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Subject to** the completion of a Unilateral Undertaking to ensure the completion of the factory prior to the commencement of trading of the foodstore..

The certificate of decision will not be released until the Undertaking is signed.

The conditions to be in accordance with the submitted report .

Officers to provide a draft set of conditions for consultation with the local members

**Application No:** 03/2012/0870/PF

**Location:** **Dinbren Lodge Dinbren Llangollen**

**Description:** Change of use of grazing land to form extension to residential curtilage (partly in retrospect)ol

Councillor Stuart Davies advised his previous misgivings had been satisfied and he proposed that permission be **GRANTED**  
This was seconded by Councillor Rhys Hughes

On being put to the vote

24 voted to GRANT  
0 voted to REFUSE  
1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 05/2012/0896/PF

**Location:** Land At Tyn Y Llidiart Ind. Est. Opposite Whole Bake Tyn Y Llidiart Industrial Est. Corwen

**Description:** Use of land for construction of additional car park for Whole Bake Ltd. for a temporary period of 5 years

Councillor Cefyn Williams referred to a local issue which had been brought to his attention relating to the offer of land for sale which was subsequently withdrawn by Denbighshire County Council. The proposed buyer of the land wanted assurances as to the future availability of this land following the temporary use as a car park.

Development Control Manager Paul Mead advised that the Estates Department were responsible for sale of assets and offered to pass the comment on.

Councillor Cefyn Williams proposed temporary permission be **GRANTED**. This was seconded by Councillor Meirick Lloyd Davies

On being put to the vote

24 voted to GRANT

0 voted to REFUSE

There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 10/2012/0610/PO

**Location:** Land adjacent to Tyn-y-Bedw Bryneglwys  
Corwen

**Description:** Development of 0.68 hectares of land for residential development (outline application - all matters reserved) (renewal of outline planning permission code no. 10/2004/1279)

There was no debate on this item

It was proposed that permission be GRANTED. This was duly seconded. On being put to the vote:

23 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 11/2012/0372/PFT

**Location:** Maestyddyn Isa Clawddnewydd Ruthin

**Description:** Installation of a 50kw micro generation wind turbine with control box and access track

**Public Speakers:**

Mr Gwion Owen (applicant) spoke in favour of this proposal.

Mr Owen advised that the farm was mainly a sheep breeding enterprise but felt it was necessary to consider diversification. He had deliberated on the issue at length and felt that the location of the turbine was important, in terms of for landscape impact and to make best use of the prevailing wind. He felt that proposed location was best as it would not be affected by tree shelter or affect the local water table. There had been no objection from the Environment Agency. He urged committee to approve.

Councillor Bill Cowie proposed permission be **GRANTED**. This was seconded by Councillor H Hilditch-Roberts.

On being put to the vote:

24 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 11/2012/0373/PFT

**Location:** Cil Llwyn Bontuchel Ruthin (1)

**Description:** Installation of a 50kw micro-generation wind turbine (No. 1) with control box and formation of access track

The following letters of representation was reported: from Llyr Gruffydd AM and a petition in support, signed by nine individuals.

Officers requested this item be deferred; as the following item (for a second turbine on this site) had been withdrawn. Officers considered that a revised assessment would be required to consider the impact of a single turbine instead of two turbines.

On being put to the vote:

24 voted to **DEFER**  
1 voted against deferral

There were no abstentions

**APPLICATION WAS THEREFORE DEFERRED, to be reported back to a subsequent Planning Committee**

**Application No:** 11/2012/0540/PFT

**Location:** Cil Llwyn Bontuchel Ruthin (2)

**Description:** Installation of a 50kw micro-generation wind turbine (No. 2) with control box and formation of access track

This application **WITHDRAWN** by the applicant.

**Application No:** 17/2012/0681/PF

**Location:** Rhos Isaf Llandegla Wrexham

**Description:** Change of use of land to a 20 pitch touring caravan site, installations of a cesspool, erection of a toilet/shower block alterations to existing vehicular access and associated works

Principal Planning Officer Ian Weaver explained the exact location of the site which was along the narrow lanes between Llandegla and Llanarmon yn Ial.

Councillor Colin Hughes had attended a recent planning appeal where arguments over the suitability of the location had been in doubt due to the roads and access to public transport. He asked how this application differed.

Ian Weaver explained that caravan sites were often in open countryside and sometime there is conflict which needs to be weighed up. Accessibility may be an issue but not usually a main reason for refusal. It is necessary to support tourism and in the case of touring caravans, by definition there is a need to use a car. Accessibility can be an issue but Mr Weaver advised that it would not be reasonable to refuse on those grounds in this case.

Councillor Win Mullen James asked how “temporary” the temporary toilet block is likely to be in reality.

Ian Weaver stated that it was proposed that the toilet block would only be there while there were caravans on site. The owners have advised it would be moved to the farm yard in winter.

Councillor Meirick Lloyd Davies pointed out that condition 5 covered this issue.

In response to questions Ian Weaver thought that in future, the Local Development Plan would be more restrictive than the UDP.

Councillor Stuart Davies proposed permission be **GRANTED**. This was seconded by Councillor Huw Owen Williams.

on being put to the vote

25 voted to GRANT  
0 voted to REFUSE  
there were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 18/2012/0885/PR

**Location:** Land rear of Golden Lion Inn, Llandyrnog,  
Denbigh

**Description:** Details of appearance, landscaping and scale of dwelling submitted in accordance with Condition No. 1 of Outline Planning Permission Code No. 18/2010/1503

Councillor Merfyn Parry. declared an interest in the following application and left the Chamber during consideration thereof.

There was no debate on this item.

Councillor Brian Blakely proposed permission be GRANTED, seconded by Councillor Huw Owen Williams

On being put to the vote:

22 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 22/2012/0366/PO

**Location:** Land at (Part garden of) Eirianfa Gellifor Ruthin

**Description:** Development of 0.03ha of land by the erection of 1 no. dwelling (outline application including access)

There was no debate on this item

Councillor Meirick Ll. Davies proposed permission be **GRANTED**  
This was seconded by Councillor H Hilditch-Roberts

On being put to the vote

25 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 13/2011/765/PF

**Location:** Land west side of Golf Driving Range Llanerch Park St. Asaph

**Description:** Change of use of land to holiday use and erection of 5 No. holiday lodges

Councillor Rhys Hughes asked if Highways had any views on this issue.

Councillor Ann Davies was of the opinion that neighbours lived in this location for the peace and would be disturbed by additional traffic on this narrow road. The access to Llanerch Park is private and Councillor Ann Davies thought that if permission was granted, traffic should use the Tweedmill access.

Highways Officer Mike Parker stated that this lane previously served Tweedmill before the present entrance was created. He felt that the lane in question was not busy and wide enough for two cars to pass each other. The private drive was covered by Highways legislation, and it would be difficult to enforce Councillor Ann Davies' suggestion.

Councillor H Hilditch-Roberts urged committee to consider the planning issues. Councillor Meirick Ll. Davies reminded Members that the gates at the main entrance to Tweedmill are closed out of hours.

**Proposals:**

Councillor Richard Davies proposed this application be GRANTED  
Seconded by Councillor H Hilditch-Roberts

On being put to the vote

**VOTE:**

22 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 40/2012/0745/PF

**Location:** **St. Margaret's Church St. Asaph Road  
Bodelwyddan Rhyl**

**Description:** Erection of free standing disabled toilets and bin store on north western side of church

**General Debate:**

Councillor Alice Jones advised that the Town Council had hoped the building would be clad in stone but the Parochial Church did not agree. It would be difficult to source suitable materials so this proposal was a compromise but was designed to protect the setting of the Listed Building.

Councillor Rhys Hughes mentioned areas of Llangollen where buildings in the gardens of Listed Buildings had been refused and urged consistency.

Councillor Alice Jones was of the opinion that without the proposed toilet block people would be discouraged from visiting the Church.

Councillor Arwel Roberts proposed permission be GRANTED  
This was seconded by Councillor B Blakeley.

On being put to the vote

23 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 40/2012/0755/PF

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

**Description:** Amended details of proposed Mortuary and Energy Centre buildings previously granted consent under Code No. 40/2011/1157/PF, with associated revisions to access, service yard, landscaping and retention of contractors' site cabins and car parking

Councillor Alice Jones thanked Mr Ian Weaver for accompanying her on a site visit. Councillor Jones had no concerns about this major development but was aware the land suffered drainage problems.

Principal Planning Officer Ian Weaver explained that drains were being installed now, while the ground is dry. In response to queries about the lack of feedback from the Environment Agency, Welsh Water or Town Council, Councillor Jones explained that Town Council observations had been sent at the time of the original application and no further observations were deemed necessary.

**Proposals:**

Councillor Bill Cowie proposed planning permission be **GRANTED**  
Seconded by Councillor Arwel Roberts

On being put to the vote

23 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Subject to the following Additional Note to Applicant:**

You are advised to ensure the Environment Agency Wales is satisfied at the Surface Water Drainage arrangements in view of the high water table

**Application No:** 43/2012/0563/PF

**Location:** **Beach Court Care Home 35 Beach Road West  
Prestatyn**

**Description:** Alterations and extensions to premises to provide 5  
No. additional bedrooms (total of 27 beds) together  
with general internal and external upgrade of  
existing accommodation

There was no debate on this item

**Proposals:**

Councillor Joan Butterfield proposed permission be **GRANTED**  
This was seconded by Councillor J Thompson Hill

On being put to the vote

23 voted to GRANT  
1 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 43/2012/0816/AD

**Location:** Land at Ffordd Pendyffryn Prestatyn

**Description:** Display of non-illuminated V-shaped free-standing sign

Councillor Bob Murray asked if this was replacing the existing sign, Development Control Manager Paul Mead advised that other signs would be removed.

Councillor Meirick Ll. Davies stated that adverts should be bilingual.

**Proposals:**

It was proposed and seconded that Advert Consent be given

On being put to the vote

19 voted to GRANT  
4 voted to REFUSE  
1 abstained

**PERMISSION WAS THEREFORE GRANTED**

**Subject to the following new Note to Applicant:**

Denbighshire County Council is supportive of a bilingual approach to signage and would encourage you to consider adapting your proposals to include suitable Welsh content.

**Application No:** 44/2012/0686/PF

**Location:** Part garden of Edgefield Eton Park Rhuddlan  
Rhyl

**Description:** Erection of a detached dwelling and formation of  
new vehicular access

A written report of a site visit which took place on 12<sup>th</sup> September 2012 was circulated.

There was no debate

**Proposals:**

Councillor A Roberts proposed permission be GRANTED  
Seconded by Councillor Meirick Ll. Davies

On being put to the vote

**VOTE:**

24 voted to GRANT  
0 voted to REFUSE  
There were no abstentions

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 44/2012/0780/PF

**Location:** 4 Seymour Drive Rhuddlan Rhyl

**Description:** Erection of a single storey flat roof extension to side and conversion of garage into habitable accommodation

Councillor Ann Davies asked that this item be deferred as the neighbour wished to speak against this item. Councillor Davies had advised them that it was not on the agenda.

Paul Mead explained the application had not appeared on the provisional list. However having subsequently received objection from the Town Council it was necessary to bring it to committee.

**Proposals:**

Councillor Ann Davies proposed this item be DEFERRED  
This was seconded by Councillor Arwel Roberts

**On being put to the vote**

18 voted to DEFER  
4 voted not to defer

**THIS ITEM WAS THEREFORE DEFERRED**

## **Application No: 45/2006/0816/PF**

**Location:** Land at Brookdale Road Rhyl

**Description:** Erection of 18 No. dwellings and construction of new vehicular access

A revised report was circulated and had been previously circulated by e mail to all Councillors.

The proposal now provided 1 affordable unit and an open space commuted sum in place of the 5 affordable units referred to in the unsigned 106 agreement drawn up in 2006.

Councillors asked if it was better to ask for a Bond in light of a recent appeal decision in Llangollen.

Officers felt this was a different issue. In this case the applicant could not meet the terms of the 106 agreement but offered to provide one unit of affordable housing and a commuted sum in order to develop the site and to retain jobs for their workforce.

It was also acknowledged that house prices in this area of Rhyl were lower than average. .

Councillor Joan Butterfield asked about the time limits associated with commuted sums and asked if this was going to run out of time. Susan Cordiner (Legal Officer) explained that the time limits started on the receipt of the funds, not the signing of the Agreement.

Officers urged that the committee deals with the merits of the application submitted.

Councillor Meirick Ll. Davies considered that lessons should be learnt, and that it was not advisable to wait 6 years before addressing such an issue.

Councillor McCarroll welcomed that affordable unit proposed.

### **Proposals**

Councillor Pat Jones moved that permission be GRANTED, in accordance with the revised report circulated.

This was seconded by Councillor Brian Blakely.

**On being put to the vote**

22 voted to GRANT

2 voted to REFUSE

There were no abstentions

**RESOLVED THEREFORE THAT PLANNING PERMISSION BE GRANTED  
SUBJECT TO the signing of a 106 Obligation to secure one affordable unit  
on site and a commuted sum payment for open space**

**Application No:** 45/2012/0061/PF

**Location:** 16 West Parade Rhyl

**Description:** Sub-division of existing dwelling unit on upper floors to provide 2 no. self-contained flats

It was reported that the Head of Highways had raised no objection subject to Highways Supplementary Notes.

Councillor Joan Butterfield referred to the Rhyl Going Forward document soon to be published and felt this was against the principles of the document. There was an attempt to reduce living density in Aquarium Street but this site was, in Councillor Butterfield's opinion, over-intensification.

Officers advised that through negotiation the applicants had agreed to reduce the number of flats from three to two which complied with the Supplementary Planning Guidance. There was little scope for alternative development for this vacant space above a commercial unit. Rhyl Going Forward had been consulted and had been supportive.

In reply to queries, officers advised committee that Building Control would ensure suitable means of escape, and both flats had external doors.

Conditions were proposed to ensure the loft space (previously proposed as a flat) would be used as storage by Flat 2 and another condition dealing with access to rear yard /bin storage.

**Proposals:**

Councillor Joan Butterfield proposed the permission be **REFUSED**  
This was seconded by Councillor Ian Armstrong.

On being put to the vote

**VOTE:**

13 voted to GRANT  
8 voted to REFUSE  
3 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Subject** to the following New Note To Applicant:

Your attention is drawn to the enclosed Highways Supplementary Notes

- i) Highway Supplementary Notes 1,3,4,5,& 10
- ii) New Roads and Street Works Act 1991 – Part N form

**Application No:** 45/2012/0716/PF

**Location:** 60/62 High Street Rhyl

**Description:** Change of use of Class A1 (Shops) to Class A2 (Financial and Professional Services) with ancillary accommodation to upper floors

A letter from the applicant's agent was reported

Councillor Joan Butterfield was not in favour of this proposal as she felt it was against the Rhyl Going Forward policy. She felt there was a proliferation of this type of use in the area and it gave the wrong impression.

Paul Mead (Development Control Manager) advised that this was a former "Millets" shop and the proposed change of use to A2 was suitable in principle. In this particular area, A2 uses did not dominate the area, there was a mixture but mostly A1 (34 units). He stated that the A2 use proposed was the same planning use as a bank or building society.

**Proposals:**

Councillor Joan Butterfield proposed that permission be REFUSED  
This was seconded by Councillor Mullen James.

On being put to the vote

13 voted to GRANT  
9 voted to REFUSE  
2 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 45/2012/0774/PF

**Location:** 2 Seabank Road Rhyl

**Description:** Change of use of first floor of day nursery to form manager's accommodation

**General Debate:**

Councillor Joan Butterfield explained the history of this property, and her involvement in the neighbours' problems with it. There had been a number of extensions to the property, including accommodation for a supervisor. The neighbours feared that the proposed flat would be rented out. There were now fewer children in the Nursery so the need for a full time manager was questioned.

If permission was to be granted, Councillor Butterfield asked that the use be closely monitored.

Councillor Meirick Ll. Davies thought that a separate flat would need a fire floor and noise attenuation measures but could not see this on plan.

Planning Officer Sarah Stubbs explained that although permission had been given for a supervisor's flat in 2008, this had not been implemented. The proposal was to have a Day Nursery with Manager's accommodation above. If the day nursery closed, permission would be required to use the building as a dwelling.

**Proposals:**

Councillor Joan Butterfield proposed permission be REFUSED  
This was seconded by Councillor Pat Jones

On being put to the vote

13 voted to GRANT  
9 voted to REFUSE  
1 Abstained

**PERMISSION WAS THEREFORE GRANTED**

**Application No:** 46/2012/0167/PF

**Location:** Talardy Park Hotel The Roe St. Asaph

**Description:** Erection of two-storey block at rear of hotel to provide visitor accommodation with associated car parking and landscaping

There was no debate on this item

Councillor Bill Cowie proposed that permission be GRANTED  
This was seconded by Councillor Meirick Ll. Davies.

On being put to the vote

**24 voted to GRANT**  
**0 voted to REFUSE**  
**There were no abstentions**

**PERMISSION WAS THEREFORE GRANTED**

*At this juncture (it being 1pm) a proposal was made to break for lunch. A counter-proposal was made to continue with business as the end of the agenda was in sight. It was proposed a vote to be taken.*

*17 voted to continue business  
7 voted to break for lunch*

**RESOLVED: To continue business to a conclusion**

## **ENFORCEMENT ITEMS**

### **Ref ENF/2012/00021**

**Location:** Land to rear Hillside, Holywell Road, Rhuallt

**Description:** Unauthorised engineering operation to create hardstanding. Erection of portal framed building and storage of additional detached portable building

Officers displayed photographs of the site which back onto the A55 at Rhuallt. There is a history of unauthorised development at this property. In this case a portal building hard standing and fencing had been erected without permission.

### **Proposals:**

Councillor Brian Blakely proposed Enforcement Action be authorised  
This was seconded by Councillor B Murray.

On being put to the vote

21 voted to take Enforcement Action

1 voted against

### **RESOLVED:**

That the Planning Committee authorise the service of an Enforcement Notice with a 3 month compliance period, requiring

- (i) Removal of the unauthorised portal-framed building from the agricultural land,
- (ii) Removal of the unauthorised detached portable building stored on the agricultural land,
- (iii) Removal of the unauthorised hard-standing and
- (iv) The restoration of the land to its previous state as an agricultural field.

## **Ref ENF/2010/00058**

**Location:** **Pentre Mawr, Llandyrnog, Denbigh**

**Description:** (unauthorised use of land for the erection of 3 tented bedroom canvas lodges)

Development Control Manager Paul Mead explained the history – permission was given for 6 lodges but subject to a 106 Agreement to fund the restoration of the Listed Dairy Block. This agreement was not signed but 3 of the 6 units were built. Officers are still continuing negotiations but felt Authorisation to take Enforcement Action (even if not used) would move this forward.

Councillor M Parry stated that applicants had offered £50K towards the restoration but the economic climate had changed. They built 3 lodges to try and make funds available. This was a valuable attraction in the locality and should be supported.

Principal Planning Officer Ian Weaver advised that no planning permission exists so this is unauthorised development.

The 106 agreement has not been signed and it had taken time to get detail from the applicant to show how the Listed Building would be saved.

Officer's has received a schedule this week. This could move things forward but authorisation to take enforcement Action could help. It was possible to withhold action during negotiations.

Councillor Bobby Feeley was on Committee when permission was given in 2008 but could not find evidence of a 106 Agreement. She thought the applicant to be genuine and hoped something could be worked out.

Councillor J Thompson Hill was minded towards leniency and asked for action to be deferred.

Councillor H Hilditch Roberts asked about the 106 agreement and felt that deferring action would be sensible.

Councillor Meirick Ll. Davies suggested that this should have been reported back to committee after 1 year but thought Enforcement Action should be authorised, even if is not taken.

Development Control Manager Paul Mead stated that taking action was always a last resort but felt it was prudent to have authorisation on file to use if necessary. He was happy to extend the compliance period to 6 months.

Councillor J Thompson Hill suggested that an Enforcement Notice is not served for 6 months.

**Proposals:**

Councillor J Thompson Hill formally proposed that Enforcement Action be authorised, subject to it being held in abeyance for 6 months.

This was seconded by Councillor Bob Murray

On being put to the vote

**22 voted in FAVOUR**

**1 voted AGAINST**

**Resolved:**

That the Planning Committee authorise the service of an Enforcement Notice with a month compliance period, requiring the removal of the unauthorised tented bedrooms/canvas chalets from the land and to restore the land to its previous use as agricultural land.

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

The service of the notice to be deferred for 6 months to allow further negotiation

**Item 8**  
**SUPPLEMENTARY PLANNING GUIDANCE**

**Pontcysyllte Aqueduct and Canal Heritage Site**

Submitted - Written report Informing Members of the consultation responses received and outlining proposed changes to the Supplementary Planning Guidance. Final approval of the document will be undertaken at Full Council on 9<sup>th</sup> October 2012.

Planning Officer Bryn Bowker outlined the history of consultation undertaken and the changes made .

Councillors expressed views about the affect the designation has had on the Dee Valley. Some feeling was expressed that lack of consultation prior to the extension of the Area of Outstanding Natural Beauty (AONB) has resulted in mistrust.

There followed discussion about the composition of the AONB Joint Advisory Committee and the lack of Llangollen members on the World Heritage Site panel.

Officers were asked to clearly highlight the changes prior to the Full Council meeting for ease of reference.

**Resolved** that Planning Committee notes the comments received during the consultation and subsequent changes made to the WHS Pontcysyllte Aqueduct and Llangollen canal Supplementary Planning Guidance.

Officers to highlight the changes made and report to Full Council on 9<sup>th</sup> October 2012 for final approval.

## **Item 9**

### **West Rhyl Supplementary Planning Guidance**

Submitted report detailing the draft West Rhyl Supplementary Planning Guidance. Councillors were asked for comments and officers sought authorisation to consult upon this document.

Planning Officer Bryn Bowker gave an outline of the Supplementary Planning Guidance proposed. He stated that West Rhyl was a deprived area and the SPG would be used to ensure consistency in tenure type, open space provision and to supply a Masterplan for the area. He requested the committee's view on consultation.

Councillors welcomed the document and pointed out some errors in street names on map. Officers noted the changes requested and asked for suggestions for bodies to consult. Councillor J Butterfield offered to supply a list.

There was some discussion about whether to restrict the consultation to local members or to allow other areas to be involved. It was generally agreed to consult local groups and local Councillors.

RESOLVED to approve the draft Supplementary Planning Guidance (subject to road names being corrected) for consultation for an 8 week period commencing at the end of September 2012.

The meeting closed at 1.50 pm