

At a **MEETING of the PLANNING COMMITTEE** held on Wednesday 4th September 2019 in the Council Chamber, Wellington Community Centre, Rhyl following the preceding meeting of the Finance and General Purposes Committee.

PRESENT

Councillor Mrs W. Mullen James (Chair)

Councillors J. Ball, B. Blakeley, Mrs J. Butterfield JP MBE, J. Chamberlain-Jones, Ms. J. Hughes, A.S. Johnson, K. R. Jones, Mrs. P.M. Jones, Mrs D. L. King, Ms J. L. McAlpine, B. Mellor, Miss S. Roberts, Ms V. Roberts, R. Turner and Miss C.L. Williams.

Mr G. J. Nickels – Town Clerk

13. APOLOGIES

An apology for absence was submitted from Councillor A. J. Rutherford.

14. PLANNING APPLICATIONS DETERMINED DURING THE AUGUST RECESS

Further to Minute No. 49 of the Meeting of Council held on 17th July 2019 Members noted the following applications which had been responded to during the August Recess by the Town Clerk in consultation with the Chair and Vice Chair.

Note 1: The Local Planning Authority is advised that the Rhyl Town Council wish to state that where appropriate all applications listed below relating to locations such as offices, businesses, shops and supermarkets should be required to erect bilingual signage reflecting the linguistic nature of the Rhyl area.

PLANNING APPLICATIONS SCHEDULE	
14.1	<p><u>SITE LOCATION</u> 27 Seabank Road Rhyl</p> <p><u>WARD:</u> Foryd</p> <p><u>WARD CLLRS:</u> Mrs. J. Butterfield A.R. James</p> <p><u>APPLICATION No:</u> 45/2019/0661</p> <p><u>DESCRIPTION:</u> Works to tree within Conservation area</p> <p><u>APPLICANTS</u> : Mr. Tim Davies, Davies land and Sea Ltd. The Old Police Station, Lloc</p> <p><u>DECISION:</u> <i>No objection</i></p>
14.2	<p><u>SITE LOCATION:</u> Land at Ernest Street, Rhyl</p> <p><u>WARD:</u> Cefndy</p> <p><u>WARD CLLRS:</u> J. Ball Mrs. P.M. Jones P. Prendergast</p>

	<p><u>APPLICATION No:</u> 45/2019/0681</p> <p><u>DESCRIPTION:</u> Change of use from former metal yard to Car Sales and siting of sales cabin</p> <p><u>APPLICANTS</u> : J.K. Bagri, The Wendover, 1 Penisaf Avenue, Towyn</p> <p><u>DECISION:</u> <i>No objection</i></p>
14.3	<p><u>SITE LOCATION:</u> 117 Marsh Road, Rhyl</p> <p><u>WARD:</u> Cefndy</p> <p><u>WARD CLLRS:</u> J. Ball Mrs. P.M. Jones P. Prendergast</p> <p><u>APPLICATION No:</u> 45/2019/0635</p> <p><u>DESCRIPTION:</u> Installation of three rollershutters to front elevation</p> <p><u>APPLICANTS</u> : Mr. A. Webber, Rhyl Tyre and Battery, 117 Marsh Road, Rhyl</p> <p><u>DECISION:</u> <i>No objection</i></p>
14.4	<p><u>SITE LOCATION:</u> 1 West Parade, Rhyl</p> <p><u>WARD:</u> Bodfor</p> <p><u>WARD CLLRS:</u> Ms J. Hughes Ms J. McAlpine</p> <p><u>APPLICATION No:</u> 45/2019/0695</p> <p><u>DESCRIPTION:</u> Change of use of shop to arcade</p> <p><u>APPLICANTS</u> : Parker Leisure Holdings Limited, The Bright Spot, 1 West Parade, Rhyl</p> <p><u>DECISION:</u> <i>No objection</i></p>
14.5	<p><u>RECONSULTATION</u></p> <p><u>NB. WHEN THE APPLICATION WAS ORIGINALLY CONSIDERED BY THE TOWN COUNCIL A NUMBER OF RELEVANT DOCUMENTS HAD NOT BEEN RECEIVED FROM THE LOCAL PLANNING AUTHORITY</u></p> <p><u>SITE LOCATION</u> Land at former Crown Bard, Ffordd Derwen, Rhyl, LI18 2RI</p> <p><u>WARD:</u> Derwen</p> <p><u>WARD CLLRS:</u> Mrs. J. Chamberlain Jones</p>

	<p>Mrs. E.M. Chard Miss S. Roberts</p> <p><u>APPLICATION No:</u> 45/2019/0592</p> <p><u>DESCRIPTION:</u> Erection of Drive Thru takeaway restaurant, associated car parking, landscaping, customer order displays, child's play area and associated works</p> <p><u>APPLICANTS :</u> McDonald's Restaurant's Limited, 11- 59 High Road, East Finchley, London</p> <p><u>DECISION:</u> To be considered by Town Council Planning Committee 4th September 2019 (see below)</p>
14.6	<p><u>SITE LOCATION:</u> 95 Dyserth Road, Rhyl</p> <p><u>WARD:</u> Trellewelyn</p> <p><u>WARD CLLRS:</u> A.S. Johnson Mrs. W. Mullen-James Ms. V. Roberts</p> <p><u>APPLICATION No:</u> 45/2019/0623</p> <p><u>DESCRIPTION:</u> Erection of single storey side and rear extensions to dwellings</p> <p><u>APPLICANTS :</u> Mr. Jim France of the above address</p> <p><u>DECISION:</u> <i>No objection</i></p>

15. **PLANNING APPLICATIONS**

Members gave consideration to the received planning applications as shown below and **RESOLVED** as now marked thereon.

Note 1: The Local Planning Authority is advised that the Rhyl Town Council wish to state that where appropriate all applications listed below relating to locations such as offices, businesses, shops and supermarkets should be required to erect bilingual signage of equal prominence, reflecting the linguistic nature of the Rhyl area.

PLANNING APPLICATIONS SCHEDULE	
15.1	<p><u>SITE LOCATION:</u> 69 – 71 Wellington Road, Rhyl</p> <p><u>WARD:</u> Bodfor</p> <p><u>WARD CLLRS:</u> Ms J. Hughes Ms J. McAlpine</p> <p><u>APPLICATION No:</u> 45/2019/0657</p> <p><u>DESCRIPTION:</u> Installation of 5 no. external air conditioning condenser units</p>

	<p>and associated works</p> <p><u>APPLICANTS</u> : Ms. J. Bartlett-Jones, 69 -71 Wellington Road, Rhyl</p> <p><u>DECISION</u>: <i>No objection</i></p>
15.2	<p><u>SITE LOCATION</u>: 44 Bedford Street, Rhyl</p> <p><u>WARD</u>: Bodfor</p> <p><u>WARD CLLRS</u>: Ms J. Hughes Ms J. McAlpine</p> <p><u>APPLICATION No</u>: 45/2019/0715</p> <p><u>DESCRIPTION</u>: Change of use of maisonette into office and meeting rooms for use in connection with existing veterinary surgery</p> <p><u>APPLICANTS</u> : Mr. Kieren Barlow, of the above address</p> <p><u>DECISION</u>: <i>No objection</i></p>
15.3	<p><u>RECONSULTATION</u></p> <p><u>SITE LOCATION</u>: Land at Brookdale Road, Rhyl</p> <p><u>WARD</u>: Pendyffryn</p> <p><u>WARD CLLRS</u>: Mrs. D.L. King A.J. Rutherford</p> <p><u>APPLICATION No</u>: 45/2019/0415</p> <p><u>DESCRIPTION</u>: Application for Deed of Variation to remove Plot 5 from Section 106 obligation relating to affordable housing provision in connection with planning permission 45/2006/0816/PF</p> <p><u>APPLICANTS</u> : Nigel Gizzi of the Gatehouse, Bodoryn Fawr Farm, St. George, Abergele.</p> <p><u>PREVIOUS DECISION</u>: <i>Object: While the Council appreciates the reasons for the request to verify the Section 106 the Council is concerned that if the development had been completed within a reasonable timescale of the original application (45/2006/0816) being approved then the agreed affordable housing would have been provided. No reason or justification for the delay in delivering the development has been provided by the applicant. Therefore the Council must conclude that the delay was the responsibility of the applicant and as such the S106 obligation should be honoured.</i></p> <p><i>In the event that the Local Planning Authority determine that the variation should be approved then the Town Council would request that the developer</i></p>

	<p><i>be required to provide a suitable commuted sum for community facilities</i></p> <p><u>DECISION:</u> <i>Objection notwithstanding the offer made by the applicant of a financial contribution the Council considers that the level of affordable housing originally agreed by both parties when the planning consent was agreed should be provided.</i></p>
15.4	<p><u>SITE LOCATION:</u> 13 Oakville Avenue, Rhyl</p> <p><u>WARD:</u> Brynhedydd</p> <p><u>WARD CLLRS:</u> B. Mellor R. Turner</p> <p><u>APPLICATION No:</u> 45/2019/0726</p> <p><u>DESCRIPTION:</u> Erection of single storey extension to side and rear of dwelling</p> <p><u>APPLICANTS :</u> Mr. Terry Ledden of 4 Pen Y Maes Avenue, Rhyl</p> <p><u>DECISION:</u> <i>No objection</i></p>
15.5	<p><u>RECONSULTATION</u></p> <p><u>NB. WHEN THE APPLICATION WAS ORIGINALLY CONSIDERED BY THE TOWN COUNCIL A NUMBER OF RELEVANT DOCUMENTS HAD NOT BEEN RECEIVED FROM THE LOCAL PLANNING AUTHORITY</u></p> <p><u>SITE LOCATION</u> Land at former Crown Bard, Ffordd Derwen, Rhyl, LI18 2RI</p> <p><u>WARD:</u> Derwen</p> <p><u>WARD CLLRS:</u> Mrs. J. Chamberlain Jones Mrs. E.M. Chard Miss S. Roberts</p> <p><u>APPLICATION No:</u> 45/2019/0592</p> <p><u>DESCRIPTION:</u> Erection of Drive Thru takeaway restaurant, associated car parking, landscaping, customer order displays, child's play area and associated works</p> <p><u>APPLICANTS :</u> McDonald's Restaurant's Limited, 11- 59 High Road, East Finchley,</p> <p><u>Amended Decision</u> <i>Objection on the following grounds</i></p> <ol style="list-style-type: none"> <i>It is considered that the proposed access and egress to the restaurant from Ffordd Derwen will have significant impact on traffic flows for vehicles seeking to join or leave the A525 particularly at peak travel times. Although it is noted that the original entrance to the Crown Bard was located in a similar position the volume of traffic utilising that establishment was not comparable to the likely usage of a drive through restaurant. Currently at peak traffic movement times it is normal for traffic queues waiting to join the A525 from Ffordd Derwen to extend beyond the entrance to the HB Leisure facility. This is likely to cause difficulties to vehicles leaving the site exasperating the existing traffic flow problems to the detriment of other road users and neighbouring residents</i>

and businesses.

It should be noted that the traffic audit for the plan was conducted prior to commencement of the operation of the regular car boot sales located on the Rhyl Show Field which generates significant increased traffic in the area. In addition, one off events such as the Annual Community Bonfire are also likely to generate significant increased business at the restaurant with the potential to create tailbacks onto the A525.

It is submitted that the current proposal would be contrary to Criteria viii) of Policy RD 1 of the adopted Local Development Plan which advises that proposals should not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate

It is also noted that the proposed entrance will cut through the existing designated cycle path which would also appear to be potentially contrary to criteria vii of the above policy RD 1 and the Denbighshire County Council "Safer Routes to School" initiative

In the event that the application is approved the Council would request that the proposed pedestrians and cyclists crossing point at the entrance/exit should include appropriate mechanisms/markings to avoid traffic waiting to leave the site obstructing the cycle/pedestrian crossing. Traffic leaving the site will inevitably wait nose to tail resulting in waiting pedestrians and cyclists seeking to move round the vehicles by entering on to the highway

NB The Town Council considers that the above could be resolved by linking the development to the current Clwyd Retail Park spine road which is adjacent to the application site.

- 2. The application for planning permission states that there are no protected and priority species affected by the proposal however local members have advised of the possibility of water vole and hedgehogs in this area.*

It is therefore considered that the application could be contrary to Policy VOE 5 – Conservation of natural resources. Development proposals that may have an impact on protected species or designated sites of nature conservation will be required to be supported by a biodiversity statement which must have regard to the County biodiversity aspiration for conservation, enhancement and restoration of habitats and species.

- 3. The application will require the removal of a significant number of healthy trees from land adjoining Ffordd Derwen. Some of these trees are the subject of Tree Preservation Orders. These trees currently act as a visual and sound buffer between residential properties on Ffordd Derwen and the Clwyd Retail Park and their loss would be considered detrimental to the residential amenities currently enjoyed by the residents and persons using Ffordd Derwen to enter the town.*

- 4. The application form claims that the hours of opening are not relevant to the*

	<p><i>proposal. The Town Council would strongly dispute this.</i></p> <p><i>The proposed hours of operation are 24 hours per day with deliveries/servicing of the restaurant by articulated lorries to be scheduled to occur 3 times per week within a time frame of 6:00 am and 10 pm</i></p> <p><i>The Town Council therefore consider that the 24-hour operation of the site within close proximity to a number of residential properties would be contrary to criteria (iv) of policy RD 1 in that the 24-hour operation and potential early morning and or late evening deliveries would be detrimental to the residential amenities of neighbouring residential properties. In addition, the Council are also concerned at light pollution from the site affecting near-by properties.</i></p> <p><i>In the event that the application is approved the Town Council would request that the hours of operation be restricted as was done in the case of Application Nos. 45/2011/1512/PF and 45/2018/0341/PF at the nearby Derwen House. It is also noted that when permission was granted by the then Planning Authority for a Fish and Chip shop in close proximity on Rhuddlan Road a condition restricting opening hours was placed on the business. By permitting the current application to operate 24 hours it is difficult to see how future applications to vary the opening hours of these other businesses could be defended.</i></p> <p><i>It is therefore considered that the application is contrary to criteria's (iii), (iv) and (vi) of Policy RD 1</i></p> <p>5. <i>Recent incidents of flooding have occurred in the vicinity of the application site particularly from rain water along Ffordd Derwen. The Council is concerned that the removal of land which may currently assist with a natural soakaway would potentially exasperate future flooding.</i></p> <p>6. The proposed Litter Management plan does not take account of litter which will be carried to the Car Boot sales and other events held on Showfield and the nearby circus field and the pedestrian routes between the sites. If the application is approved the Litter Management Plan should be amended to reflect the potential increase in litter between the sites when events are held.</p>
--	--

16. APPLICATION NO. 45/2019/0592 LAND AT FORMER CROWN BARD, FFORDD DERWEN, RHYL

A member advised that concerns had been raised by local residents that a number of trees the subject of tree preservation orders had already been cleared from the site and that she had advised the Denbighshire County Council Planning Department accordingly who were investigating.

17. CLOSURE OF MEETING

There being no further business, the Chair declared the meeting closed.

Signed:

Date: