

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, Town Hall, Ruthin on Wednesday, 24th May, 2000 at 10.00 a.m.

### **PRESENT**

Councillors J. Butterfield, D.W. Davies, P. Douglas, A.E. Fletcher-Williams, I.M. German, M.A. German, K.N. Hawkins, D.M. Holder, J.R. Hughes, N.J. Hughes, R.W. Hughes, F.D. Jones, G. Jones, N.H. Jones, R.E. Jones, R.J.R. Jones, G.M. Kensler (substitute for E.W. Williams), F. Shaw, J.A. Smith, K.P. Stevens, S. Thomas, W.G. Thomas, A.J. Tobin, K.E. Wells, C.H. Williams (substitute for M. Ll. Davies), P.J. Williams, P.O. Williams and R.Ll. Williams.

### **ALSO PRESENT**

Head of Planning Services, Head of Legal and Administration, Principal Planning Officer (North) Principal Planning Officer (South) and Administrative Officer (G. Butler).

### **APOLOGIES FOR ABSENCE WERE SUBMITTED FROM**

Councillors M. Ll. Davies and E.W. Williams.

#### **74. APPOINTMENT OF CHAIR**

*RESOLVED that Councillor F.D. Jones be re-elected Chair for the ensuing year.*

#### **75. APPOINTMENT OF VICE-CHAIR**

*RESOLVED that Councillor R.W. Hughes be re-elected Vice-Chair for the ensuing year.*

#### **76. URGENT MATTERS**

(i) Petition

Councillor A.J. Tobin presented a petition signed by 565 signatories objecting to the proposal to erect 22 new houses at Maes Pengwern, Llangollen.

#### **77. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

The report of the Head of Planning Services (previously circulated) was submitted enumerating plans submitted and requiring determination by the Committee.

**RESOLVED that:-**

- (a) *the recommendations of the Officers as contained within the report now submitted be confirmed and planning consents or refusals as the case may be, be issued as appropriate under the Town and Country Planning (General Permitted Development) Order 1995, Planning and Compensation Act, 1991, Town and Country Planning Advertisements Regulations, 1994 and/or Planning (Listed Buildings and Conservation Areas) Act, 1990 to the development proposed by the following plans subject to the conditions enumerated in the schedule now submitted.*

(i) consents

<u>Application No.</u>	<u>Description and Situation</u>
01/2000/0235/PF	<p>(Following consideration of an additional letter of representation from the Environment Agency, Wales). Erection of a stable block, formation of stable yard and use of part of field as menage at Howells School, Park Street, Denbigh. SUBJECT to the following amended condition no. 5 and new note to applicant:-</p> <p>5. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:-</p> <ul style="list-style-type: none"><li>(i) a sample of the colour and texture of the final surfacing material of the menage;</li><li>(ii) the height, type, positions and treatment finish of the wall to be installed around the menage, and</li><li>(iii) the means of disposal of contaminated water/effluent arising from the stables or menage area.</li></ul> <p>REASON - as report. New Note to Applicant - You are advised, in connection with Condition 5(iii) of this permission that the Environment Agency Wales requires that all foul drainage, including contaminated surface water run-off, be disposed of in such a way as to prevent any discharge to any borehole, well spring, soakaway or watercourse, including any dry ditches in connection with a watercourse. Culverting of a watercourse will require separate consents from the local Authority under the terms of the 1936 Public Health Act and from the Environment Agency under the Land Drainage Act and Water Resources Act 1991. (The following Members wished it to be noted that they abstained from voting on this item: Councillors I.M. German, M.A. German, G. Jones, C.H. Williams, P.O. Williams)</p>
01/2000/0236/PF	<p>(Following consideration of a verbal representation from the Head of Highways). Erection of a hay barn at Howells School, Park Street, Denbigh.</p>
03/1999/0366/PF	<p>(Councillors C.H. Williams and P.O. Williams declared an interest in the following application and left the Chamber during consideration thereof). (Following consideration of three additional letters of representation from S. Ellis, 73 Maes Pengwern, Llangollen; Petition presented by Councillor A.J. Tobin and the Head of Highways). Erection of 22 new dwellings and associated vehicular and pedestrian accesses at land of Maes Pengwern, Llangollen. SUBJECT to the following amended condition no. 3 and new note to applicant:-</p> <p>3. No development shall commence on the site until such time as the written agreement of the Local Planning Authority has been obtained to the detailing of:-</p> <ul style="list-style-type: none"><li>(i) all highway works required in connection with the scheme including:-<ul style="list-style-type: none"><li>(a) long and cross sections of the proposed highways;</li><li>(b) traffic calming measures;</li><li>(c) traffic management arrangements, including details of how access to the school is to be safeguarded;</li><li>(d) the proposed programme of construction work, and</li></ul></li><li>(ii) the foul and surface water drainage system.</li></ul>

New note to applicant - With regard to the highway details relating to the development, you are advised to ensure that the relevant consents/agreements have been obtained from the Director of Education, the Head of Property and Estates and the Head of Highways.

The recommendation is subject to the completion of any necessary amendments to the Section 106 Obligation relating to controls over the first and subsequent occupancy of the dwellings to residents of Llangollen; in the event of failure to complete the Obligation, the application would be referred back to the Council for determination against the relevant policies and material considerations at that time. The decision certificate will be issued only on the completion of the Section 106 Obligation.

12/2000/0287/PC

(Following consideration of an additional letter of representation from Derwen Community Council).

Retention of an extension to rear of existing agricultural livestock and implement building at Braich yr Alarch, Clawddnewydd, Ruthin, Denbighshire.

SUBJECT to the following amended conditions nos. 2 and 3:-

2. The area shown edged red on the plan attached to this certificate shall be laid out/planted up no later than April 2001 with the following:-

- (a) a mixed hedgerow including whips of 50% hawthorn and 50% hazel, planted at 1.5m centres in the area marked green on the plan attached to this certificate;
- (b) the planting in accordance with the species shown on plan ref. L1/99 drawing 0/3, including Rowan, Birch and wild cherry at minimum 4 feet high;
- (c) grass seeding on the exposed banks of the cutting, and
- (d) stock-proof fencing to be erected in the position shown on the plan.

3. Those areas where soil has been excavated and levelled shall be seeded and grassed no later than April 2001, and any areas which, within a period of five years of the development die, are removed or become seriously damaged or diseased shall be levelled and seeded in the next planting season.

12/2000/0288/PC

(Following consideration of an additional letter of representation from Derwen Community Council).

Retention of an extension to front of existing livestock building (partly retrospective) at Braich yr Alarch, Clawddnewydd, Ruthin, Denbighshire.

SUBJECT to the following amended conditions nos. 2 and 3:-

2. The area shown edged red on the plan attached to this certificate shall be laid out/planted up no later than April 2001 with the following:-

- (a) a mixed hedgerow including whips of 50% hawthorn and 50% hazel, planted at 1.5m centres in the area marked green on the plan attached to this certificate;
- (b) the planting in accordance with the species shown on plan ref. L1/99 drawing 0/3, including Rowan, Birch and wild cherry at minimum 4 feet high;
- (c) grass seeding on the exposed banks of the cutting, and
- (d) stock-proof fencing to be erected in the position shown on the plan.

3. Those areas where soil has been excavated and levelled shall be seeded and grassed no later than April 2001, and any areas which,

within a period of five years of the development die, are removed or become seriously damaged or diseased shall be levelled and seeded in the next planting season.

- 13/2000/0146/PS (Councillor S. Thomas declared an interest in the following application and left the Chamber during consideration thereof).  
Amended layout of 9 caravans previously granted planning permission under code no. 13/611/99/PF at Woodlands Hall Caravan Park, Llanfwrog, Ruthin, Denbighshire.
- 20/2000/0227/PO Development of land by the erection of a detached dwelling (outline application) on land adj. Glanaber, Pentrecelyn, Ruthin, Denbighshire.
- 43/2000/0273/PF Erection of first floor pitched-roof extension to residential home at 16 Plas Melyd Residential Home, Ffordd Tanrallt, Meliden, Prestatyn, Denbighshire.
- 44/1998/0515/PF Renewal of Application Ref. 2/RHU/144/92/P comprising proposed industrial estate [erection of 24 business and industrial units (Classes B1 and B2) and construction of new vehicular access] on land adjoining HTM Business Park/Lowlands, Abergele Road, Rhuddlan, Denbighshire.  
SUBJECT to an updated Section 106 Agreement covering highway works on the A547; the control of uses on the site; provision of site signage; structural landscaping and surface water.
- 44/2000/0306/PC (Councillor S. Thomas declared an interest in the following application and left the Chamber during consideration thereof).  
(Subject to the receipt of no further representations raising planning matters not already covered in the report by 1st June, 2000).  
(Following consideration of two additional letters of representation from Rhuddlan Town Council and the Conservation Architect).  
Continuation of use of land as a caravan site for the siting of 21 static caravans (retrospective application) at Aberkinsey, Dyserth, Rhyl, Denbighshire.  
SUBJECT to the following new conditions nos. 2, 3 and 4:-  
2. The caravan site hereby permitted shall be used for holiday purposes only.  
REASON - The site is not considered suitable for permanent occupation.  
3. Within 3 months of the date of this decision a detailed scheme of soft landscaping for the eastern boundary of the site shall be submitted to the Local Planning Authority and such scheme shall include details of:-  
(a) all existing trees, hedgerows and other vegetation on the land, and  
(b) proposed new trees, hedgerows, shrubs or vegetation including confirmation of species, numbers and location.  
REASON - To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.  
4. Standard condition no. 15F "next planting and seeding season i.e. October 2000 to March 2001".  
REASON - To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
- 45/2000/0091/PF Conversion of first, second and third floors of building into 5 self-contained flats and alterations to the shop front and external

- elevations, including installation of dormer window and roller shutter at 29-31 Regency Photographic, Water Street, Rhyl, Denbighshire.
- 45/2000/0163/PF      Erection of first floor extension over existing balcony, erection of single-storey pitched-roof extension and continuation of pitched roof over existing flat roof to rear of the dwelling house at 51 Rosehill Road, Rhyl, Denbighshire.
- 45/2000/0196/PC      (Following correction to report paragraph 3 (area outside office has space for no more than 10 cars)).  
Continuation of use of former shower block on holiday camp as radio control taxi office (retrospective application) at Mountain View, 423/425 Rear of Taxi Office, Coast Road, Rhyl, Denbighshire.  
SUBJECT to the following new conditions nos. 1, 2 and 3:-  
1.      The use hereby permitted shall be discontinued and the land restored to its former use on or before 30th June, 2002.  
REASON - To enable the use to be reviewed in the light of the relationship with neighbouring uses and limited parking and turning area.  
2.      No service or repair of vehicles shall take place at the premises.  
REASON - As report.  
3.      No customer waiting area shall be provided at the premises.  
REASON - In the interests of highway safety and the amenity of nearby occupiers.
- 45/2000/0206/AD      Retention of eight 9.35m high flagpole advertisements to front of caravan park at Lyons-Robin Hood Holiday Camp (Rhyl) Ltd., Coast Road, Rhyl, Denbighshire.
- 45/2000/0214/AD      (Following consideration of an additional letter of representation from the Head of Highways).  
Retention of 1 free-standing sign (retrospective application) on land between Avondale Drive and 108 Dyserth Road, Rhyl, Denbighshire.
- 45/2000/0289/PF      (Following consideration of revised location plan circulated at the meeting).  
Continuation of use of land to form part of builders yard and erection of extension to existing office building at T. Anwyl & Sons Ltd., Mona Terrace, Rhyl, Denbighshire.
- 45/2000/0290/PF      (Following consideration of revised location plan circulated at the meeting).  
Change of use of land to form part of builders yard and erection of timber store following demolition of bungalow at T. Anwyl & Sons Ltd., The Bungalow, Greenfield Street and Mona Terrace, Rhyl, Denbighshire.  
SUBJECT to the following amended condition no. 3 and new condition no. 6:-  
3.      Add "and thereafter the parking and turning areas indicated on the approved plan (Drawing No. 4231/10A) shall be retained solely for the parking and turning of vehicles".

6. Prior to the commencement of use of the store a 2m high screen wall shall be provided to the southern boundary of 11 Greenfield Street in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
 REASON - In the interests of residential amenity.

(iii) Refusals

<u>Application No.</u>	<u>Description and Situation</u>
05/1999/0532/PF	(Councillor S. Thomas declared an interest in the following application and left the Chamber during consideration thereof). Change of use of agricultural land to form a tent campsite with associated facilities including stationing of caravan for use as a shop and portaloo/portakabin as toilet/washroom at Pant Tywyll, Holyhead Road, Corwen, Denbighshire.
15/2000/0063/PF	Conversion of barn to form one dwelling and installation of a new septic tank at building opposite Nant Cottage, Llanarmon-Yn-Ial, Mold, Denbighshire.
31/2000/0086/PF	(Following consideration of an additional letter of representation (read out in full) from the Applicant's Agent requesting deferral. The request for deferral was rejected due to the lack of an alternative proposal) Change of use of adjoining agricultural land to form extension to residential curtilage and erection of single-storey pitched roof garage and retention of a dog kennel (partly retrospective) on land adjoining Plas Bryn Celyn, Groesffordd Marli, Abergele, Denbighshire.

(b) *Notwithstanding the recommendation of the Officers the following application be GRANTED for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
27/2000/0241/PF	Reinstatement of former dwelling at Bethesda Chapel Cottages, Pentredwr, Llangollen, Denbighshire. SUBJECT to the following conditions nos. 1, 2 and 3:- 1. Standard 5 years 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no enlargement, improvement or other alteration to the dwelling (as described in Classes A, B, C, D, E and H of Part 1 of the Schedule 2 to the Order, shall be carried out without the prior written permission of the Local Planning Authority. REASON - In order that the characteristics of the building are not impaired by inappropriate alterations. The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:- Substantial works have already been sanctioned by the previous grant of planning permission.

- (c) *Notwithstanding the recommendation of the Officers the following application be REFUSED for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
01/1999/0891/PF	<p>(Following consideration of four additional letters of representation from Denbigh Civic Society; P.G. Shoosmith, 78 Crud Y Castell, Denbigh; D. and S. Garnsey, 52 Crud Y Castell, Denbigh and P.S. Davies, 124 Vale Street, Denbigh).</p> <p>Change of use of agricultural land to school use for the grazing of horses at Howells School, Park Street, Denbigh, Denbighshire.</p> <p>The decision, being CONTRARY to the Officers' Recommendation was taken for the following reasons:-</p> <ol style="list-style-type: none"><li>1. In the opinion of the Local Planning Authority the loss of 8 hectares of land would have an unacceptable and adverse impact on the viability, efficiency and management of the agricultural unit based at Goblin Farm and the grant of permission would be contrary to advice in TAN 6 Wales (Development involving Agricultural Land)</li><li>2. The presence of horses is considered likely to create the potential for dangers to the personal safety of users of the public footpaths which cross the site, detrimental to the public enjoyment of those footpaths.</li><li>3. The activities and likely paraphernalia associated with horses related to the school's proposed stables and menage are considered likely to have an adverse impact on the local landscape, which forms an important foreground to Denbigh Castle lying within a Special Landscape Area as defined in the Clwyd County Structure Plan : First Alteration and a Green Barrier as defined in the Glyndwr District Local Plan, the proposals being considered contrary to Policies H2 and H5 of the Structure Plan and L3 of the Local Plan.</li><li>4. The highway network serving the site is not considered adequate to accommodate the additional traffic likely to be involved in the movement of pupils' horses to and from the site. (Councillor G.M. Kensler wished it recorded that she had abstained from voting on the above item).</li></ol>
18/2000/0272/LB	<p>(Following consideration of two additional letters of representation from Llandyrnog Community Council and W.G. and N.C. Williams, Plas Bennett).</p> <p>Amended details of the conversion of 3 units to dwellings previously granted under code no. 18/1017/98/LB at Outbuildings at Plas Bennett, Llandyrnog, Denbigh, Denbighshire.</p> <p>With the requisite number of Members having indicated, in accordance with Standing Order 13, that they wished for a recorded vote to be taken on the proposal to refuse planning permission, the voting was recorded as follows:-</p> <p><u>For the proposal to refuse planning permission (15)</u> Councillors A.E. Fletcher-Williams, I.M. German, M.A. German, K.N. Hawkins, D.M. Holder, J.R. Hughes, N.J. Hughes, N.H. Jones, G. Jones, R.J.R. Jones, G.M. Kensler, J.A. Smith, S. Thomas, A.J. Tobin and C.H. Williams.</p> <p><u>Against the proposal to refuse planning permission (12)</u> Councillors J. Butterfield, D.W. Davies, P. Douglas, R.W. Hughes, F.D. Jones, R.E. Jones, F. Shaw, K.P. Stevens, W.G. Thomas, K.E. Wells, P.J. Williams and R. Ll. Williams.</p> <p><u>Abstentions (1)</u> Councillor P.O. Williams.</p>

The decision to refuse permission, being CONTRARY to the Officers' Recommendation, was taken for the following reasons:-

1. It is the opinion of the Local Planning Authority that the detailing of the scheme of conversion is unacceptable in terms of the impact on the character and appearance of the Listed Building, contrary to Policy H14(iv) of the Glyndwr District Local Plan and Policy G6 of the Clwyd County Structure Plan : First Alteration.

2. The Local Planning Authority consider the carrying out of unauthorised works on the Listed Building to be unacceptable in contravention of existing consents and in breach of conditions on these consents, such activity constituting an offence in relation to Listed Building Legislation.

New Note to Applicant - You are advised that the works should be carried out on the Listed Building outside the existing Planning and Listed Building consents granted under Code Nos. 18/1016/98/PF and 18/1017/98/LB. The carrying out of unauthorised works on a Listed Building is an offence and you should be aware that the local authority would be obliged to pursue legal action if works which have been or are carried out or which are not in compliance with the relevant consent.

(Councillor D.W. Davies requested that the Monitoring Officer reviews the legal implications of this decision)

(ch) *the following applications be deferred for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
47/2000/0238/PO	Development of 0.29 hectares of land by resiting of existing storage building; erection of 3 detached dwellings; construction of new vehicular/pedestrian accesses and installation of new septic tanks - amendment to Planning Application Ref. No. 47/163/99/PO (outline application) at part field no. 1685 and part garden of Mount View, Holywell Road, Rhuallt, St. Asaph, Denbighshire. DEFER to await further details of the building and to assess the impact the storage buildings will have on the landscape and residential amenity of the area.
08/2000/0061/PO	(Following consideration of two additional letters of representation from the Head of Highways and New Development Consultants). Development of land by the erection of one dwelling and construction of a new vehicular access (outline application) on land at Waterfall Road, Cynwyd, Corwen, Denbighshire. DEFER to assess impact on character of locality and to assess highway issues.

**78. DATE OF SITE VISIT**

There being no site visits required this item was withdrawn.

**79. LIST OF APPLICATIONS DEALT WITH UNDER DELEGATED POWERS**

The Head of Planning Services submitted his written report (previously circulated) of applications for Planning Permission determined by him under delegated authority between 1st April to 5th May, 2000.

**RESOLVED** that the report be received.



**80. EXCLUSION OF PRESS AND PUBLIC**

*RESOLVED* that pursuant to Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during discussions of the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 7 of Schedule 12A of the Act.

**81. ADAS APPRAISAL**

- (i) Goblin Farm, Denbigh ( Re: 1/1999/891/PF - Howell's School, Denbigh)

*RESOLVED* that the report be received.

The meeting closed at 12.30 p.m.

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