

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, Russell House, Rhyl on Wednesday, 6th September, 2000 at 10.00 a.m.

### **PRESENT**

Councillors F.D. Jones (Chair), M.Ll. Davies, P.Douglas, S. Drew (Local Member), A.E. Fletcher-Williams, I.M. German, M.A. German, K.N. Hawkins, D.M. Holder, J.R. Hughes, R.W. Hughes, N. Hugh-Jones, D. Jones (Substitute for D.W. Davies), G. Jones, M.M. Jones (Substitute for N.J. Hughes), P.M. Jones, R.E. Jones, R.J.R. Jones, F. Shaw, J.A. Smith, K.P. Stevens, S. Thomas, W.G. Thomas, A.J. Tobin, K.E. Wells, E.W. Williams, P.O. Williams and R.Ll. Williams.

### **ALSO PRESENT**

Legal Services Manager, Principal Planning Officer (North), Principal Planning Officer (South), Senior Planning Officer (M. Harris), Administrative Officer (G. Butler) and Administrative Assistant (A. Hughes).

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

Councillors J. Butterfield, D.W. Davies and N.J. Hughes.

### **PERSONAL**

Councillor Tobin thanked everyone for their expressions of concern following his recent accident on the site visit to Pentrefelin Sidings, Llangollen.

### **421. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

The report by 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>
01/2000/0527/PF	<p>Proposed change of use and conversion of former builders yard/workshop to a single self contained dwelling unit at Former Builder's Yard, 52 Park Street, Denbigh, Denbighshire.</p> <p>SUBJECT to the following amended condition nos. 4 and 10 and new condition no. 13:-</p> <p>4. Vehicular access to Park Street shall be limited to the access adjacent to the proposed dwelling, and the existing gap in the wall close to No. 50 Park Street shall be permanently closed off by the erection of a section of wall faced in limestone to match that on the existing wall, such work to be completed prior to the bringing into use of the dwelling and access.</p> <p>10. All stone walls shall be repaired using an appropriate lime and grey sand mortar, with flush joints.</p> <p>13. The drainage arrangements shall not be as indicated in the submission but shall provide for separate connections of the foul sewer</p>

into the public foul sewer and the surface water into the surface water sewer along Park Road.

REASON - to ensure the separation of the foul and surface water.

- 01/2000/0711/AC (Following consideration of four additional letters of representation from Denbigh Town Council, The Applicant, Mr. and Mrs. T. Williams of 5 Rhodfa Elgwern, Denbigh and Mr. and Mrs. B. Jones of 3 Rhodfa Elgwern, Denbigh).  
Reduction/crowning of long branches by 2 metres, covered condition 7 of planning permission code no. 1/10907 at 3 Ffordd Thomas Gee, Denbigh, Denbighshire.  
SUBJECT to new notes to applicant nos. 1 and 2:-  
1. You are advised that the grant of consent by the local planning authority to carry out works on the tree does not override the need to obtain any separate legal permissions which may be necessary in connection with the works.  
2. The works should be carried out strictly in accordance with the terms of this consent and by a qualified tree surgeon, and you should notify the local planning authority when works are in progress to allow the site to be inspected by the County's Forestry Officer.  
(Councillor M.LI. Davies requested that his vote to refuse planning permission be noted).
- 13/2000/0543/PF (Councillor E.W. Williams declared an interest in the following application and left the Chamber during consideration thereof).  
Erection of two dwellings and installation of a new septic tank at land off Y Gorlan, Pwllglas, Ruthin, Denbighshire.
- 18/2000/0595/PC (Following consideration of change to report regarding floor area correction - 27 sq m not 108 m<sup>2</sup>).  
Retention of cold store for use in connection with existing butchers shop at Cold Store at rear of 4 Kinmel Terrace, Llandyrnog, Denbigh, Denbighshire.
- 22/2000/0586/PF (Following consideration of an additional letter of representation from Llangynhafal Community Council).  
Details of dwelling submitted in accordance with outline planning permission previously granted under code no. 22/2000/0118/PO at land adjoining Old Barn, Gellifor, Ruthin, Denbighshire.  
SUBJECT to new note to applicant no. 1:-  
1. You are advised that the grant of planning permission does not convey the legal right to gain access or carry out works on any land in third party ownership and you should ensure you have the relevant control of/interest in land relating to the access and bridleway before proceedings with any development or use thereof. The Local Planning Authority's attention has been drawn to competing claims to ownership of the access, but the authority cannot act as arbiter in any private legal dispute. The North Wales Police have advised that it is an offence under the Road Traffic Act to drive a motor vehicle on a bridleway or footpath without being the owner of the land or having the consent from the owner. Any deliberately misleading or reckless claims over ownership may render any planning permissions subject to challenge.  
(Members requested that Condition 3, relating to the completion of the access prior to the commencement of building works be strictly adhered to)
- 27/1999/0734/PF Erection of a workshop building for the repair/restoration of railway carriages/wagons incorporating a museum facility at Pentrefelin Sidings, Abbey Road, Llangollen, Denbighshire.

SUBJECT to amended conditions nos. 9, 10, 13, 14 and 16, new condition 2 (renumbered as follows) and amended note to applicant:-

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

REASON - To comply with the provisions of section 91 of the Town and Country Planning Act 1990.

2. This permission relates solely to the erection of the workshop building and does not grant consent for any of the ancillary buildings and structures referred to on plan ref. PS/101 (train wash, diesel generator building, lamp posts and gas lanterns, concrete hardstanding for lifting jacks).

REASON - For the avoidance of doubt.

3. The colour of the profiled sheeting proposed for use on the building in accordance with plan ref. Llan/Pen/001/G shall be strictly in accordance with such sample as is agreed in writing by the Local Planning Authority prior to the commencement of development.

4. The sections of external wall shown on plan ref. Llan/Pen/001/G as being finished in a rendered blockwork shall not be constructed in this material, but in such stone or facing brick as is agreed in writing by the local planning authority prior to the commencement of development.

REASONS 3 & 4. To ensure the development preserves a satisfactory appearance, in interest of visual amenity.

5. The uses hereby permitted shall be restricted to between 0800 - 1800 hours Monday to Friday and 0900 - 1700 hours Saturdays and Sundays and public holidays.

6. All repair/restoration work shall be confined solely to within the workshop and the workshop doors must be closed at all times in the course of any repair/restoration activity.

7. No development shall commence until a scheme of noise attenuation for the roof and walls of the building has been submitted for the consideration and written approval of the Local Planning Authority, and the agreed system shall be implemented in its entirety in accordance with the approved details prior to the commencement of the use of the building.

8. The noise levels emitting from the building shall not exceed 40 d B LAeq (1 hr) freefield as measured from any residential premises, at any time between the hours outlined in condition 5 of this permission and 30 d B LAeq (1 hr) at any other time.

9. No spray painting shall be carried out within the building without the written permission of the Local Planning Authority.

REASONS 5 -9 - To protect the amenities of the occupiers of nearby residential properties.

10. The building forming the subject of this application shall be used solely for the storage, repair and restoration of railway carriages/wagons by Llangollen Railway, with an ancillary museum facility.

REASON - In the interests of visual amenity.

11. The parking area adjacent to the workshop building as shown on plan ref. PS/101 and the vehicular access to it from the A539 shall only be used by staff and members of the Llangollen Railway, and persons employed on the repair and restoration of railway carriages and wagons, and there shall be no access or parking for visiting members of the public.

REASON - In the interests of public safety.

12. No development shall be permitted to commence until full details of the proposed pathways providing access to the building for visiting members of the public, the proposed arrangements for access for emergency vehicles, disabled persons and construction traffic have been submitted for the consideration of the Local Planning Authority,

and the written approval of the authority has been obtained thereto; and the arrangements approved shall be completed in their entirety prior to the bringing into use of the building, and maintained in a safe and satisfactory condition at all times thereafter.

REASON - In the interests of the safety of members of the public seeking access to the building.

13. The landscaping/planting to be carried out in conjunction with the development shall not be as shown on the submitted plans, but shall be in accordance with such detailed plans as are submitted to and as are subsequently approved in writing by the Local Planning Authority, to include for planting around the building and alongside the paling fence delineating the site boundary and the painting of the fence in dark green or black prior to the bringing into use of the building.

REASON - In the interests of visual amenity.

14. The landscaping scheme approved in accordance with Condition 13 of this permission shall be completed no later than the first planting season after the bringing into use of the building and any trees or plants which, within a period of five years of the completion of the planting scheme, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

REASON - In the interests of visual amenity.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON - To prevent pollution of the water environment.

16. No development shall be permitted to commence until full details of all foul and surface water drainage arrangements, and any works required to safeguard the canal embankment have been submitted for the consideration of, and have received the formal written approval of the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved details.

REASON - To ensure the development is served by a satisfactory drainage system and that there is no interference with the canal embankment.

- 40/2000/0620/AD      Erection of 3 No. 8-metre high flagpoles at Denbighshire County Council Kinmel Park, Abergele Road, Bodelwyddan, Rhyl, Denbighshire.  
(Councillor G. Jones did not take part in the debate and vote).
- 41/2000/0621/PF      Erection of single-storey extensions to dwellinghouse and erection of conservatory at Tree House Cottage, Tremeirchion Road, Bodfari, Denbigh, Denbighshire.  
SUBJECT to new note to applicant no. 1:-  
1. Notwithstanding the submitted application form I can advise you that there is no mains sewerage system available to serve this property.
- 41/2000/0622/PF      Erection of two floor pitched-roof extension to side of dwellinghouse at Old Chapel, Tremeirchion Road, Bodfari, Denbigh, Denbighshire.

- 41/2000/0730/PC (Following consideration of three additional letters of representation from Head of Highways, Applicant's Solicitor and G. Evans, Forge Farm Cottage, Bodfari).  
 Subdivision of 1 dwelling to form 2 No. dwellings (retrospective application) at The Cottage, Forge Farm, Mold Road, Bodfari, Denbigh, Denbighshire.  
 SUBJECT to amended conditions nos. 1 and 2:-  
 1. The dwellings shall not be occupied until such time as the parking spaces/garages, turning area, and access thereto have been laid out and are available for use in accordance with the approved block plan drawing no. C299/1A.  
 REASON - In order to ensure that adequate parking and turning facilities are available within the site clear of the classified highway.  
 2. The car parking areas, garages, turning areas and access thereto shall thereafter be kept available for the purpose of car parking, turning and access at all times.  
 REASON - In order to ensure that adequate parking and turning facilities are available within the site clear of the classified highway.  
 (Officers were requested to explore the possibility of confirming site and office discussions in writing)
- 42/2000/0282/PF Erection of boundary wall, 4 no. flag poles, stone fountain and bridge, and construction of pathways (in retrospect) at Graig Park Country Club, Allt y Graig, Dyserth, Rhyl, Denbighshire.  
 SUBJECT to additional note to applicant  
 1. The Denbighshire Access Group have requested that all external pathways should have a minimum gradient of 1:15 and there should be no kerb upstands where the pathways meet existing hard surfaced areas.  
 (Councillors expressed concern that light sources around the fountain were visible from the highway.)  
 (Councillors again raised strong concerns about retrospective applications and the fact that the development had been continuing for several months without planning permission)
- 42/2000/0363/PF Change of use of land to form extension to existing builder's merchants and erection of single storey pitched roof building for small plant hire sales and repairs (partly retrospective) at Thorncliffe Buildings Supplies, Allt Y Graig, Dyserth, Rhyl, Denbighshire.  
 SUBJECT to amended conditions 1, 2 and 5, new condition 8 and additional note to applicant:-  
 1. "Revised plan SJ972 Drawing No. 1 Rev B" - correct spellings of "become" and "diseased".  
 2. The proposed trees shall be planted at a minimum height of 2m in height.  
 5. The junction with Allt y Graig, access into the site and the car parking area as indicated on the attached plan shall be hard surfaced and marked out within 3 months of the date of this permission.  
 8. Access to the development from Allt y Graig shall only be until such time as an alternative means of vehicular access is available from Talargoch Trading Estate to the north, at which time vehicular access to the site on Allt y Graig shall cease and all access to the site shall be from the north. At such time the access onto Allt y Graig shall be permanently closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
 REASON - In the interests of highway safety and visual amenity.  
 Additional note to applicant - Your client will need to seek formal diversion of the public footpath which crosses the application site under the Highways Act.

43/2000/0698/PR (Following consideration of three additional letters of representation from Prestatyn Town Council, New Development Consultants and Head of Highways).  
 Details of residential dwelling and detached garage submitted in accordance with condition No. 1 on Planning Permission Ref. No. 43/886/99/PO at 49 Seabank Drive (land at rear 37 Purbeck Avenue), Prestatyn, Denbighshire.  
 SUBJECT to new condition no. 2 and new notes to applicants nos. 1, 2, 3 and 4:-  
 2. No development shall take place until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof(s) of the development hereby permitted and no materials other than those approved shall be used.  
 New notes to applicants:-  
 1. Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 2, 4, 5, and 10.  
 2. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).  
 3. Please note that this development shall be drained on a separate system. For further information please contact New Development Consultants on 01492 543950.  
 4. No new connection to the public sewerage system will be permitted without prior approval and supervision of New Development Consultants.

45/2000/0342/PF Conversion of redundant guesthouse to create 4 No. self contained flats at 33 Warren Road, Rhyl, Denbighshire.  
 SUBJECT to amended condition no. 3:-  
 3. "Drawing No. T.03.03/00".

45/2000/0571/PF Change of use of ground-floor Class A1 shop to Class A3 hot-food takeaway at 43 Water Street, Rhyl.

45/2000/0747/PF (Following consideration of an additional letter of representation from Rhyl Town Council).  
 Change of use from guest-house (Class C1) to residential dwelling (Class C3) at 27 River Street, Rhyl, Denbighshire.

(ii) Refusal

<u>Application No.</u>	<u>Description and Situation</u>
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03/2000/0478/LB	(Subject to the receipt of no further representations raising planning matters not already covered in the report by 6th October, 2000 refused on the casting vote of the Chairman). (a) Proposed removal of render from the front elevation of 15 Bridge Street (b) Retention of stone rubble front elevation of 17 Bridge Street at 15 and 17 Bridge Street, Llangollen, Denbighshire.
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(b) *Northwithstanding the recommendation of the Officers, the following application be refused for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
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43/2000/0372/PF	Erection of a single storey extension to provide 9 no. bedrooms and associated day space to nursing home at Priory House Residential Home, 61-63 Gronant Road, Prestatyn, Denbighshire. The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:-
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1. The proposed rear extension would lead to an over-development of the site by reason of loss of a significant part of the rear garden area leading to inadequate outside amenity space, and a cramped appearance to the detriment of the residential and visual amenities of residents of the premises and occupiers of neighbouring dwellings and in conflict with Policy R17 of the Rhuddlan Borough Local Plan and criteria (ii) and (iv) of Policy CF5 of the Denbighshire Unitary Development Plan.

(Councillor S. Drew requested that her attendance at the site visit be noted).

(c) *the following applications be deferred to enable site visits to be undertaken for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
02/2000/0532/PF	(Following consideration of an additional letter of representation from Mr. R. Owen, Bryn Awel, St Meugans, Ruthin). Erection of a first floor extension to rear of existing dwelling at Rhewl Wen, St Meugans, Ruthin, Denbighshire. (REASON: to assess the impact of the development on neighbouring property)
18/2000/0399/PF	Proposed erection of replacement dwelling, and change of use of adjacent agricultural field to allow for the extension of the domestic curtilage at Celynog, Llandyrnog, Denbigh, Denbighshire. (REASON: to assess the condition of the existing building and the issues relevant to the erection of replacement dwellings)

(ch) *the following application was deferred for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
18/2000/0524/LB	Amended details of the conversion of outbuilding to dwellings previously granted under code No. 18/1016/98/PF at Outbuildings at Plas Bennett, Llandyrnog, Denbigh, Denbighshire. REASON - to allow additional publicity to take place.

#### **422. PROPOSED FOODSTORE, HIGH STREET, PRESTATYN**

The Head of Planning Services and County Clerk submitted a joint written report (previously circulated) which sought re-determination of an application for a foodstore (application reference 43/910/97/PO) on High Street, Prestatyn. The original application having been determined over 12 months ago without agreement being reached on the Section 106 obligation.

Following consideration of one additional letter of representation from Tesco, it was:-

**RESOLVED** that planning permission be granted for development under application reference 43/910/97/PO subject to the applicants first entering into an Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters set out in paragraph 26 of the Report to Planning Committee of 15th April 1998 and subject also to the conditions contained within that report together with amendments referred to in paragraph 2.3 of the report to Planning Committee on 28th July 1999.

#### **423. REQUIREMENT FOR SECTION 106 AGREEMENT IN RELATION TO ERECTION OF DOMESTIC GARAGE, HAFOD Y BRYN, LLANFAIR D.C.**

The Head of Planning Services submitted his report (previously circulated) advising on the current situation at Hafod y Bryn, Llanfair D.C. and requiring determination on the necessity for a Section 106 Agreement to be implemented, prior to release of certificate code no. 20/859/99/PF.

**RESOLVED** that authorisation be given for the release of the Certificate of Decision on application Code No. 20/859/99/PF, without the requirement for a Section 106 Obligation relating to the relinquishment of the previous permission for a domestic garage, granted under Glyndwr D.C. Code No. 20/14808, and subject to compliance with the following condition:-

*No trees or hedges within the application site shall be felled, lopped or topped without a prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.*

*Reason - to safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.*

**424. ITEMS FOR INFORMATION**

- (a) Site Inspection Panel Procedures
- (b) Burley Hill Quarry, Maeshafn
- (c) Windfarm Application

The Head of Planning Services submitted his report (previously circulated) for Members' information.

**RESOLVED** - that the report be received.

**425. ENFORCEMENT REPORT**

ENF/181/99/S

Removal of render from external front fascade - 17 Bridge Street , Llangollen

Subject to the receipt of no further representations raising planning matters not already covered in the report by 6th October, 2000.

**RESOLVED** that authorisation be granted for the following:-

- (a) *serve a listed building enforcement notice to ensure the building is re-rendered in order to match the appearance of the neighbouring listed building No. 15 Bridge Street;*
- (b) *that the notice be served as soon as possible and that a period of 12 months for compliance is given in order to allow a reasonable period for the owner to carry out the works, and*
- (c) *instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons on whom any notices are served or against whom legal action is taken should they fail to comply with the requirements thereof.*

**426. DATE OF SITE VISITS**

The Head of Planning Services' written report (previously circulated) was submitted seeking approval for site visits arising from Agenda Item No.2 to be held on Thursday, 14th September, 2000 and advising of the current membership of the Site Visit Panel.

**RESOLVED** - that the approved site visits be held on Thursday, 14th September, 2000.

**427. 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 8th July, 2000 and 18th August, 2000.



**RESOLVED** that the report be received.

The meeting closed at 12.30p.m.

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