

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, Town Hall, Ruthin on Wednesday, 31st January 2001 at 10.00a.m.

### **PRESENT**

Councillors F.D. Jones (Chair), J. Butterfield, M.L.I. Davies, P. Douglas, A.E. Fletcher-Williams, I.M. German, K.N. Hawkins, J.R. Hughes, N.J. Hughes, R.W. Hughes, N. Hugh-Jones, G. Jones, M.M. Jones (Observer), P.M. Jones, R.E. Jones, R.J.R. Jones, E.A. Owens, F. Shaw, J.A. Smith, S. Thomas, W.G. Thomas, A.J. Tobin, W.R. Webb (Local Member), K.E. Wells, C.H. Williams, E.W. Williams and R.L.I. Williams.

### **ALSO PRESENT**

County Clerk, Head of Planning Services, Principal Planning Officer (North), Principal Planning Officer (South), Head of Highways and Transportation (P. Brelsford) and Administrative Officer (G. Butler).

### **APOLOGIES FOR ABSENCE WERE RECEIVED FROM**

Councillors D.W. Davies, M.A. German, K.P. Stevens and P.O. Williams.

### **1017. 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 Planning Committee.

#### ***RESOLVED that:-***

- (a) *the recommendation of the Officers as contained in 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>
01/2000/0956/PR	Details of tennis centre previously granted outline planning permission under code no. 01/135/98/PO at Howells School, Denbigh. SUBJECT to the following amended Condition no.1 and new Condition no.5 :- 1. The colour of the roof and upper sections of plasticol sheeting shall be Moorland Green (HPS200) and lower planked wall cladding Svelte Grey (HPS200), or such other colour as may be approved in writing by the Local Planning Authority prior to the commencement of development, and no fascia trim or other variation shall be permitted without the prior written approval of the Authority. 5. The tennis centre shall not be brought into use until the car parking spaces approved as part of planning permission code no. 1/2000/776/PF have been laid out and completed. REASON - to ensure adequate parking is provided for users and visitors' vehicles in conjunction with the development.
05/2000/1027/PO	Development of land by the erection of a dwelling and construction of new vehicular access (outline application) at land adjacent to Maesywaen, Carrog, Corwen.

The recommendation is subject to the completion of a Section 106 Obligation within 6 months of the date of the Planning Committee meeting, controlling the initial cost of the dwelling (including subsequent sale price) together with the qualifying criteria for the subsequent occupancy of the dwelling unit to persons meeting the local need criteria of Policy H8. In the event of failure to complete the obligation, the application would be considered against the relevant policies and material considerations at that time. The planning decision certificate would only be issued on completion of the Section 106 Obligation.

SUBJECT to the removal of Condition 4 and the addition of a new Note to Applicant:

1. In the preparation of detailed plans you are asked to consider how suitable alternative provision can be made for the parking of vehicles of occupiers of the Maes y Waen properties, in conjunction with the development.

05/2001/0027/PF

(Subject to the receipt of no further representations raising planning matters not already covered in the report by 2nd February 2001. Following consideration of four additional letters of representation from Corwen and District Chamber of Trade, Corwen Community Council - requesting extension of time, National Assembly Transport Directorate and Corwen Pavilion Fund).

Demolition of former library and youth centre and erection of 2 storey building containing 6 no. B1 Business Units at former Library/Youth Club, Off London Road, Corwen.

SUBJECT to amended Conditions nos. 3, 6 and 8 and new Note to Applicant no. 1:-

3. The layout of the parking area shall not be as shown on the site plan ref AL (0) 05, but shall be in accordance with such details as are approved in writing by the Local Planning Authority, to show proposed site levels, landscaping, provision for future pedestrian routes to the Corwen Common area, and provision for the parking of disabled persons vehicles.

6. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.

(c) proposed materials to be used on the car park, paths and other hard surfaced areas.

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.

(e) proposed positions, design, materials and type of boundary treatment.

8. No development shall take place until the written approval of the Local Planning Authority has been obtained to the type of stonework and mortar and the render colour and finish for the external surfaces of the walls of the buildings, and no materials other than those approved shall be used.

NOTE TO APPLICANT:

1. Your specific attention is drawn to the requirements of Conditions 3 and 6 of this permission relating to the detailing of the car park layout and landscaping of the site.
  2. The New Development Consultants have drawn attention to the public sewer which runs through the site, which will need to be protected/diverted and retained with a 3m easement strip. Foul water only should be permitted to discharge into the foul sewer.
- 15/2000/1046/PO (Following consideration of one additional letter of representation from Joint Advisory Committee of Clwydian Range AONB). Development of land by the erection of an agricultural workers dwelling and installation of a new septic tank (outline application) at land adjoining Rhiw Ial Farm, Back Road, Llanarmon-yn-Ial, Mold.  
SUBJECT to new Note to Applicant no.1:
1. In view of the location of the site within an AONB you are asked to discuss sketch ideas of the proposed dwelling with the case officer prior to formal submission of detailed plans, in particular to ensure the scale, design and use of materials is of a high standard and sympathetic to the locality.
- 30/2000/0918/PO (Following consideration of one additional letter of representation from Head of Public Protection).  
Demolition of a dwellinghouse and buildings and development of a 0.45 hectares of land for residential purposes (outline application) at the Haven, Trefnant, Denbigh.  
SUBJECT to amended Condition no.7, new Condition No.8 and new Notes to Applicant nos. 1, 2 and 3.
7. Delete "has".
  8. On completion of any decontamination works considered necessary under condition no.4 the developer and/or his approved agents shall sign a certificate which confirms that the works of decontamination approved under condition no. 4 have been completed in accordance with the approved scheme.  
REASON - to ensure any contamination is appropriately dealt with.
  1. Please note that this development shall be drained on a separate system. For further information please contact New Development Consultants on 01492 543950.
  2. According to the records of the New Development Consultants, public sewers cross the site as indicated on the attached plan. The exact line of the sewers will need to be determined on site and it will be necessary to maintain a 3m wide easement/maintenance strip each side of the sewers (i.e. no building shall be constructed within 3m of the sewers).
  3. This site is suspected to be contaminated due to previous landfill taking place on the site. You should be aware that the responsibility for the safe development of the site rests with the developer. Please pay particular attention to condition nos. 4 and 8 on the planning permission.
- 42/2000/1041/PO (Councillor R.W. Hughes declared an interest in the following application and left the Chamber during consideration thereof).  
Development of 0.02 hectares of land by erection of 1 dwelling (outline application) at land adjoining Santoy, High Street, Dyserth, Rhyl.
- 42/2000/1093/PF Erection of 1 No. Dormer bungalow and construction of new vehicular accesses at Bryn Estyn, Bryn y Felin, Dyserth, Rhyl.
- 43/2000/1105/PF (Councillor R.W. Hughes declared an interest in the following application and left the Chamber during consideration thereof).

Installation of 1 No. Antenna on existing mast for RNLI crew call-out system at NTL Transmitter Station, Gwaenysgor, Rhyl.  
(Councillor A.E. Fletcher-Williams abstained from voting on this application).

43/2001/0019/PF (Subject to the receipt of no further representations raising planning matters not already covered in the report by 1st February 2001. Following consideration of correction to report -(the nearest property is 60m away,) and one additional letter of representation from Owner/Occupier, Gas House, Gas Works Lane, Prestatyn.)  
Installation of 18m high lattice tower with 6 No. Antenna, 3 No. Microwave dishes, equipment cabins and fenced compounds at Hapgoods, Gas Works Lane, Prestatyn.  
SUBJECT to new Condition no.4.  
4. The mast hereby permitted shall be coloured mid grey (BS 10A05) and the equipment cabins coloured olive green (BS 12B27) unless otherwise agreed in writing with the Local Planning Authority.  
REASON - In the interests of the visual amenity of the area.  
(Councillor N Hugh Jones wish it to be noted that he voted against this proposal)

45/2000/1086/PC Retention of covered delivery area to side and covered storage area to rear of retail premises, retention of alterations to shopfront and change of use of part of first floor to offices at 36 Tynewydd Road, Rhyl.

(ii) Listed Building Consent to CADW

02/2000/1118/LB Display of Information Plaque on front of bank at National Westminster Bank Plc., St. Peters Square, Ruthin.  
SUBJECT to new Condition no.4 and new Note to Applicant no.1.  
4. The plaque shall not be erected until the written approval of the Local Planning Authority has been obtained to the colouring of the lettering and logos.  
1. You are advised that the grant of listed building consent does not convey the Authority's authorisation of the historical or other accuracy of the text on the plaque, and you should take all reasonable steps to ensure that this is appropriate given the prominent location of the building.

(iii) Refusals

Application No. Description and Situation

12/2000/0546/PF (Following consideration an alteration to the report- No planning permissions have been revoked)  
Erection of a detached dwelling and formation of a new vehicular access at Plot 1, Land Opposite Telephone Exchange, Clawddnewydd, Ruthin.  
SUBJECT to Amended Reason no. 1 for refusal.  
1. It is the view of the Local Planning Authority that the release of land for residential purposes outside the development boundary of Clawddnewydd as defined in the Adopted Glyndwr District Local Plan would represent an unacceptable outward expansion of village land and could not be justified in advance of the consideration of the Denbighshire Unitary Development Plan; particularly as:- (i) there is an unresolved objection to the inclusion of the land to the rear of the application site within the development boundary; and (ii) there remain two other sites elsewhere in Clawddnewydd which are the subject of unresolved objections requesting inclusion of land within the

development boundary. The grant of permission would be premature to the progression of the Unitary Development Plan and prejudicial to its outcome in predetermining decisions on the development strategy, scale and location of new development.

45/2000/1022/AD (Councillor W.G. Thomas declared an interest in the following application and left the Chamber during consideration thereof.)  
Retention of 12 No. Signboards and display of 8 No. Signboards (partly in retrospective) at Rhyl Golf Club, Rhyl Coast Road, Rhyl.

47/2000/1048/PO (Councillor R.LI. Williams declared an interest in the following application and left the Chamber during consideration thereof).  
Development of 0.05 hectares of land by erection of single agricultural worker's dwelling (outline application) at Plas yn Cwm Bungalow, Rhuallt, St. Asaph.

(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>
45/2000/0916/PO	<p>Development of 0.09 hectares of land by erection of 1 No. Bungalow (outline application) at land at rear of 70 Dyserth Road, Rhyl.</p> <p>The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:-</p> <ol style="list-style-type: none"><li>1. The site is considered large enough to accommodate a dwelling and sufficiently screened from other dwellings to preserve privacy.</li></ol> <p>SUBJECT to New Conditions nos. 1 - 4.</p> <ol style="list-style-type: none"><li>1. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.</li><li>2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</li></ol> <p>The development hereby permitted shall be begun either before the expiration or five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.</p> <ol style="list-style-type: none"><li>3. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between the tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.</li><li>4. The building(s) proposed to be erected on the site shall be of single storey construction only, with all habitable rooms at ground floor level.</li></ol>

- (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>
45/2000/1019/PF	(Following consideration of two additional letters of representation from the Applicant and Rhyl Business Forum). Change of use from vacant retail to vintage working amusement arcade at Unit F, Rhyl Childrens Village, West Parade, Rhyl. The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:- The proposal which requires a gaming permit would be akin to an amusement arcade. Such a use of the building would be contrary to Policy S16 of the Rhuddlan Borough Local Plan which presumes against amusement arcades outside certain designated areas on West Parade conflicting with the family orientated character and function of the Children's Village and West Promenade.

- (ch) *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>
05/2000/0909/PF	(Councillor Selwyn Thomas declared an interest in the following application and left the Chamber during consideration thereof). (Following consideration of an amended plan circulated at the meeting and alteration to the report - there have been material changes in circumstances and policy since 1978) All year round camping and touring caravan site at O.S. Field No. 6752 (South of Pen Y Bont) North of A5 on B5437, Carrog, Corwen.
45/2000/1113/PS	(Councillor A.E. Fletcher-Williams declared an interest in the following application and left the Chamber during consideration thereof). (Following consideration of correction to report - (capacity increase from 30 to 40) and one additional letter of representation from Highways Officer.) Variation of condition No.1 planning permission Ref. No. 45/904/97/PF to allow increase in number of children from 40 to 59 at 85 Dyserth Road, Rhyl. (Councillor M.LI. Davies voted in favour of the above application).

- (d) *the following applications were DEFERRED for the reasons indicated:-*

<u>Application No.</u>	<u>Description and Situation</u>
43/2000/1153/PC	Retention of replacement shopfront (retrospective application) at 79 High Street, Prestatyn. REASON - to allow further negotiation.
43/2000/1154/AD	Retention of 2 No. Internally-illuminated fascia signs (retrospective application) at 79 High Street, Prestatyn. REASON - to allow further negotiation.
44/2000/1085/PF	Renewal of planning permission ref: 2/RHU/31/96 for conversion of ground floor shop unit to self-contained flat at Elliott House, Rhyl Road, Rhuddlan, Rhyl. REASON - to clarify policy issues.

47/2000/1129/PF      Erection of 3 No. Detached dwellings, construction of new vehicular/pedestrian access and installation of new septic tanks at Part field No. 1685 Adjoining Mount View, Holywell Road, Rhualt, St. Asaph.  
 REASON - to re-negotiate details to seek reduction in size and scale of dwellings.

(dd) *the following application was WITHDRAWN by the Applicant:-*

<u>Application No.</u>	<u>Description and Situation</u>
15/1999/0155/PF	Construction of an internal quarry road in order to facilitate the extraction of permitted reserves at Pant Y Gwalanod Quarry, Llanarmon-yn-Ial, Mold.

**1018. PROCEDURE TO DETERMINE REQUESTS FOR OUT OF HOURS WORKING AT MINERAL SITES IN DENBIGHSHIRE**

The Head of Planning Services submitted a report seeking Members' approval to the adoption of a procedure by which request for out of hours working may be determined in consultation with the Chairman and Vice Chairman of the Planning Committee and the Local Member.

**RESOLVED** that the adoption of the following procedure to determine requests for temporary out of hours working at mineral sites in Denbighshire which do not involve deletions or changes to planning conditions be approved:-

Proposed Procedure

1. *Requests for consent to work outside approved hours for temporary periods up to 4 weeks shall be dealt with in consultation with the Chair or Vice Chair of Planning Committee, Local Member, Community Council and Chair of the Liaison Committee.*
2. *All decisions taken shall be reported for information to the Planning Committee.*

**1019. SECTION 106 OBLIGATION : RESIDENTIAL DEVELOPMENT AT VICARAGE ROAD, LLANGOLLEN**

The Head of Planning Services submitted his report (previously circulated) seeking Members' decision on a request by the developers' solicitors to amend a clause included in a draft Section 106 Obligation regarding the movement of contractors'/construction vehicles in connection with the construction of new residential development and associated new vehicular access on land off Vicarage Road, Llangollen.

<u>Application Nos.</u>	<u>Description and Situation</u>
03/740/97/PF and 03/846/97/PF	(Following consideration of eleven additional letters of representation from:- Llangollen Town Council Martin Jones MP, House of Commons, London, SW1A 0AA K. Sinclair AM, 6 Oak Mews, Oak Street, Llangollen M.A. Gosling & R.C. Millward-Hoplens, 3 Castle Buildings, Llangollen M. Miller Jones, May Tree, Fron Bache, Llangollen Mr. & Mrs. J.C. Hawkes, Hollytops, Fron Bache, Llangollen P. Norbray, Hillbrook, Willow Street, Llangollen M. Jenkins, Fron Hyfryd, Vicarage Road, Llangollen E. Taylor, Ty Millie, 9 Willow Street, Llangollen Mr. & Mrs. R.W. Woodhall, Bache Isa, Willow Street, Llangollen Llangollen Civic Society, Wharf Cottage, Wharf Hill, Llangollen The correspondence numbered 3 - 10 is the same letter, signed and sent individually by the private individuals/bodies named.

- (i) Erection of 47 detached dwellings, construction of new vehicular and pedestrian access;
- (ii) Erection of three dwellings (Plots 48, 49 and 50) at Land off Vicarage Road, Llangollen.

Notwithstanding the recommendations of the Head of Planning Services:-

**RESOLVED** that the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 with the applicant upon terms authorised by Minute 1084 of the meeting of this Committee held on 19th April 2000.

The following Members wished it to be noted that they voted in line with the officers recommendation and against the proposal to retain the terms of the 106 Agreement in accordance with Minute 1084 (19th April 2000):-

F.D. Jones, K.E. Wells, P. Douglas, K.N. Hawkins, R.E. Jones, M.Ll. Davies and F. Shaw.

#### **1020. APPEAL COSTS : HOWELLS SCHOOL, DENBIGH**

The Head of Planning Services submitted his report (previously circulated) advising Members of the outcome of the Hearing into the decision by the Planning Committee to refuse planning permission (against officer recommendation) for the change of use of agricultural land to school use for the grazing of horses, and the financial implications of this decision indicating:-

- (i) that during the Hearing, the appellant made an application for award of costs against the Council (awards of costs only being made where one party had been deemed to have behaved unreasonably and to have caused the other party unnecessary expense);
- (ii) that the Inspector considered that costs should be awarded against the Council, and
- (iii) the Head of Planning Services further advised that a claim for costs in the sum of £10363.50 (including VAT) had been received from the appellant.

The Head of Planning Services concluded that with all due respect, lessons should be learnt from the Planning Inspectorate's decision. The Inspector particularly advised that:-

- (i) the Council is not entitled to rely on third party evidence, or anecdotal evidence to defend its reasons for refusal even though it is a material consideration in the appeal;
- (ii) the Council should not expect the same planning officer who had recommended permission to defend their refusal on appeal to avoid placing him/her in an untenable position, and
- (iii) the Council should consider very carefully the available evidence to support reasons for refusal and whether any planning conditions could be used which would overcome or sufficiently mitigate any objections.

**RESOLVED** that the report be received and contents noted and that officers give consideration to providing the Planning Committee with regular updates on Appeal decisions.

#### **1021. ENFORCEMENT MATTERS**

- (i) ENF/466/00/N

(Councillor W.G. Thomas declared an interest in the following application and left the Chamber during consideration thereof).

Unauthorised display of 12 No. Sign boards at Rhyl Golf Club, Coast Road, Rhyl.

**RESOLVED** that authorisation be given to:-



- (a) *instigate prosecution proceedings or other appropriate action under the Planning Acts including the service of a Discontinuance Notice if deemed necessary to secure the removal of the unauthorised signs, and*
- (b) *hold any formal action in abeyance for a period of 8 weeks from the date of the decision to refuse advert consent, or until a decision on any appeal against the decision to refuse advert consent has been received.*

(ii) ENF/334/00/N

Unauthorised shop front and 2 No. internally illuminated fascia signs at 79 High Street, Prestatyn.

**RESOLVED** *that the matter be deferred to await the outcome of the related Planning Applications.*

(iii) ENF/68/00/N

Land adjoining Bron Berllan Ucha, Hiraddug Road, Dyserth.

1. Unauthorised change of use of land to HGV centre
2. Alterations to levels of land, stationing of unauthorised containers

**RESOLVED** *that authorisation be granted to:-*

- (a) *serve an Enforcement Notice to ensure the cessation of the unauthorised use and the removal from the land of all associated items, and*
- (b) *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.*

**1022. 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 Monday, 5th February 2001 and advising of the current membership of the Site Visit Panel.

**RESOLVED** *that the approved site visits be held on Monday, 5th February 2001.*

**1023. LIST OF APPLICATIONS DEALT WITH UNDER DELEGATED POWERS**

The Head of Planning Services submitted his report (previously circulated) of applications for Planning Permission determined by him under delegated authority between 2nd December 2000 and 12th January 2001.

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

**1024. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** *that under Section 100A(4) of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.*

**1025. ADAS APPRAISALS**

Agricultural Appraisals relating to:-

Item 2(7) 15/2000/1046/PO Rhiw Ial Farm, Llanarmon yn Ial

Item 2(22) 47/2000/1048/PO Plas yn Cwm Bungalow, Rhualt, St. Asaph

***RESOLVED*** that the reports be received.

The meeting closed at 1.20p.m.

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