

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, Russell House, Rhyl on Wednesday, 31st October, 2001 at 10.00 a.m.

PRESENT

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

ALSO PRESENT

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

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors D.W. Davies, P. Douglas, R.W. Hughes and K.P. Stevens.

With the Chairman's approval, it was agreed that the following item be dealt with at this point in the proceedings.

755. MELYD AVENUE, PRESTATYN

Councillor N. Hugh-Jones proposed (seconded by Councillor S. Drew) that this item, scheduled on the agenda as a Part II item, be discussed with the press and public present.

Following advice from the Legal Services Manager, it was further proposed that the Opinion from Counsel be heard before a decision be taken whether the Opinion be debated under Part II.

On being put to the vote, it was:-

RESOLVED that the Press and Public be excluded from the meeting during consideration of the legal advice from Counsel because it is likely that there would be disclosed to them information as defined under Paragraph 12 of Part I of Schedule 12A of the Local Government Act 1972.

Following departure of the Press and Public, the Legal Services Manager read out the majority of the Advice received. Discussion took place on the implication of the advice given particularly with regard to the alleged validity of the 1980 planning permission.

At this stage, the Press and Public were readmitted to the Chamber. On being put to the vote, it was:-

RESOLVED that the issues surrounding Melyd Avenue, Prestatyn be discussed in full with the exception of Counsel's Opinion.

The Head of Planning Services referred to recent correspondence received from Ann Jones AM and Chris Ruane MP regarding the evidence of destruction to a badger sett in the development area, and the request that the Council purchase the site. The Head of Planning Services advised that the police had been informed. He further advised of the efforts to secure funding or grant aid from Cadw or the Countryside Council for Wales and referred to correspondence received from Cadw and CCW.

Members raised questions on the status of Scheduled Monument Consent and the need for a licence to clear the site in view of the alleged presence of protected wildlife such as badgers, bats and greater crested newts.

At this point Councillor N. Hugh-Jones proposed, and it was seconded by Councillor M.A. German, that a member of the public be allowed to address the committee.

On being put to the vote, it was:-

RESOLVED that this proposal be rejected.

(Councillors N. Hugh-Jones and M.A. German voted in favour of the proposal and the following Members abstained from voting - Councillors S. Drew, N.J. Hughes, C.H. Williams, R.L.I. Williams, G. Jones and M.L.I. Davies).

The Head of Planning Services advised the Planning Committee that the planning powers of the Local Planning Authority were not limitless. He referred to powers to revoke and compensation issues.

Further issues discussed:-

- (i) the Council Press Release, issued on 16th October 2001, that intimated that if the 1980 planning permission had "commenced" then the Council could not prevent that development going ahead;
- (ii) the effect of the Scheduled Monument Consent;
- (iii) the need for Building Control to monitor the building work closely;
- (iv) the Council's inability to stop development provided conditions were complied with;
- (v) Clwyd Powys Archaeological Trust were charged with a watching brief as part of the imposed conditions on the 1980 permission and they would be able to monitor work in relation to archaeological remains;
- (vi) the applicant was welcome to discuss matters with Council officials at any time;
- (vii) although legislation had now strengthened in terms of potential conditions and council powers to enforce, the Council was bound by the permission granted in 1980, and
- (viii) as recommended by Cabinet, a roundtable meeting would be arranged between officers, Members and representative members of the public. Local M.P.s and A.M.s would also be invited to attend.

It was:-

RESOLVED that:-

- (a) *the officers' report be received;*
- (b) *the Planning Committee sympathised with the members of the public present, but regretted that if the 1980 permission had "commenced", their hands were tied;*
- (c) *the Planning Committee - instructed the Head of Planning Services to write to the National Assembly to ask for a review of old extant planning permissions, and*
- (ch) *the Committee Members be informed by letter of the outcome of the roundtable meeting and the notes of the meeting be circulated.*

756. 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 Advert 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>
03/2001/0708/PF	Proposed change of use of dwelling and outbuildings to residential religious retreat centre at Ty Brethyn, Fron Bache, Llangollen. SUBJECT to the following amended condition no.3:- 3. Facilities shall be provided and maintained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme subsequently approved shall be completed prior to the proposed development being brought into use.
09/2001/0754/PF	Erection of agricultural building for the housing of livestock at Efail, Y Waen, Bodfari, Denbigh. SUBJECT to the following amended condition no.2:- 2. Prior to the bringing into use of the building, the Yorkshire Boarding shall be stained dark brown and the roof and cladding sheets shall be coloured slate blue or dark green (BS 18B25 or 14C39), and shall be maintained in those colours at all times.
16/2001/0819/PO	(Following consideration of one additional letter of representation from Babbie) Erection of dwelling (Outline application) at Plot 13 (No.25) Tan Y Bryn, Llanbedr Dyffryn Clwyd, Ruthin. SUBJECT to the following new condition no.6:- 6. There must be no discharge of surface water to the combined sewer system. REASON - there is insufficient capacity in the existing system to cater for additional surface water flow.
42/2001/0890/PC	Continuation of use of land for siting of 1 residential caravan at Trecastell Nurseries, Newmarket Road, Dyserth, Rhyl.
42/2001/0924/PF	(Following consideration of two additional letters of representation from Prestatyn Town Council and the Environment Agency) Change of house types and layout by erection of 4 additional plots at land forming plots 5-10, 32-33, 57-79 Plas Newydd Estate, off Ffordd Pantycelyn, Prestatyn. SUBJECT to the following amended condition no.1:- 1. This permission relates to the 4 No. additional plots and changes in housetypes only as indicated on Layout Drawing No. MA9022PL03 Rev C received by the Local Planning Authority on 17th September 2001, the scheme remaining subject to all planning conditions imposed on the planning permission ref : 42/2000/1115/PF dated 26th April 2001. (Councillors N. Hugh-Jones and S. Drew voted to refuse permission)
43/2001/0825/PF	Installation of 2 No. 1.2m dishes on existing mast at NTL Transmitter Station, Gwaenysgor, Rhyl. (Councillors S. Drew, M.A. German and I.M. German voted to refuse permission)
44/1998/0515/PF	Renewal of Application Ref No. 2/RHU/144/92/P comprising proposed industry estate (erection of 24 No. business and industry units (Classes B1 and B2) and construction of new vehicular access) at land adjoining HTM Business Park/Lowlands, Abergele Road, Rhuddlan, Rhyl.

SUBJECT to the following Section 106 Agreement and new condition no. 16:-

The previous planning permission was subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement contained five clauses relating to highway works to the A547; the control of uses on the site; provision of site signage; structural landscaping and surface water. The existing planning agreement is to be up-dated to reflect this new planning application.

Additional condition to be imposed when permission issued as follows:-

16. Prior to the commencement of any development, a survey shall be carried out to determine whether great crested newts are present on the site and the survey deposited with the Local Planning Authority. If great crested newts are found to occur within the application site, mitigation measures shall be incorporated within the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

REASON - in the interests of preserving any protected species on the site.

45/2001/0799/PF Erection of two-storey pitched-roof extension to side of dwelling house at 44 Lynton Walk, Rhyl.
(Councillor S. Drew abstained from voting).

45/2001/0936/PF (Following consideration of three additional letters of representation from Head of Highways, Mr. and Mrs. Williams, Bryn Arlais, Ffordd y Bryn, St. Asaph and Mr. S. Roberts, 17 Clwydian Park Avenue, St. Asaph)

Change of use of ground floor retail shop (Class A1) to place of Christian worship and community facilities (Class D1) at City Furnishings, High Street, St. Asaph.

SUBJECT to the following new note to applicant:-

The Denbighshire Access Group draw attention to the Disability Discrimination Act and recommend provision for a ramped access, maximum gradient 1 in 15, low level thresholds, 800 mm door openings and unisex disabled toilet facilities. Should you require further advice please contact the local access group. E-mail - denbaccess@aol.com.

47/2001/0859/PF (Following consideration of 1 additional letter of representation from Principal Countryside Officer).

Erection of detached double garage and construction of new vehicular access at The Vicarage, Tremeirchion, St. Asaph.

(Councillor S. Drew voted to refuse permission).

Await revised/additional plans showing details of access, closing of existing access and revised design to garage - conditions to be amended to take account of revised plans.

(ii) Refusal

Application No. Description and situation

42/2001/0761/PF Conversion, extension and alterations to existing outbuildings to form self-contained detached residential unit to be used as ancillary to the main dwelling at Bodnant Forge and erection of detached double garage at Bodnant Forge, Penisa, Dyserth, Rhyl.
REASON - 1. - "Policies".

(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>
45/2001/0729/PF	<p>(Following consideration of one additional letter of representation from Ann Jones, AM)</p> <p>Change of use of class A1 shop to Class A3 hot-food takeaway at 3 St. Margaret's Buildings, St. Margaret Drive, Rhyl.</p> <p>SUBJECT to the following new conditions 1 - 4 :-</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. 2. Specific provision shall be made at all times when the shop is open for the disposal of litter by customers in accordance with details to be submitted to and approved in writing by the Local Planning Authority. 3. Prior to the commencement of the use of the premises, equipment for the treatment and extraction of fumes and smells resulting from the preparation and cooking of food shall be installed in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Following its installation, the equipment shall be operated whenever preparation and/or cooking of food is taking place. 4. The premises shall not be open to customers outside the following times and days: 0800 hours to 22.00 hours Monday to Saturday and 10.00 hours to 22.00 hours on Sundays. <p>The decision, being CONTRARY to the Officers' Recommendation, was taken for the following reasons:- Traffic volume will not be increased Shopping use already in place Important to keep local shops open. (Councillors N. Hugh-Jones and N. Fletcher-Williams voted to refuse Planning permission).</p>

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

<u>Application No.</u>	<u>Description and Situation</u>
22/2001/0853/PF	<p>(Following consideration of one additional letter of representation from R. Harvard on behalf of the applicant).</p> <p>Erection of extension to previously approved condition of dairy building to dwelling house granted under Code No. 22/2000/291/PF at Plas Yn Rhos Farm, Llanychan, Ruthin.</p> <p>REASON - to await further details on use of roof space as living accommodation.</p>

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

<u>Application No.</u>	<u>Description and Situation</u>
17/2001/0841/PF	<p>(Councillor D.M. Holder declared an interest in the following application and left the Chamber during consideration thereof).</p> <p>(Following consideration of two additional letter of representation from the Head of Highways and the Applicant)</p> <p>Erection of an agricultural livestock building at Ty-Hir, Pen y Stryt, Llandegla, Wrexham.</p> <p>REASON - to assess the scale of the proposed building in relation to existing dwellings; and to assess the adequacy of the access</p>

757. CALL IN APPLICATION - PROPOSED 15 TURBINE WINDFARM AT TIR MOSTYN/FOEL GOCH, NANGLYN (PLANNING APPLICATION 25/710/99/PF)

RESOLVED that:-

- (a) *the planning conditions outlined in the list in Document DCC1 (as amended by the Committee) be presented to the Inquiry Inspector as acceptable to the Local Planning Authority in the event that planning permission is granted;*
- (b) *the basic heads of terms of a Section 106 Obligation outlined in Document DCC2 (as amended by the Committee) are acceptable to the Local Planning Authority, that the Local Planning Authority agree to entering an obligation with relevant parties subject to the Legal Officer being satisfied at the details, and that the developers, interested parties and Inquiry Inspector be advised accordingly, and*
- (c) *the Legal Officer and Head of Planning Services be authorised to negotiate and agree suitable amendments and additions to the conditions and heads of terms of a Section 106 Obligation as necessary, prior to, during and after the Inquiry, so long as these remain within the basic scope of the Document DCC1 and DCC2.*

758. REVIEW OF DELEGATION SCHEME AND OTHER PROCEDURES

The Head of Planning Services presented his report (previously circulated).

RESOLVED that the recommendations be approved, subject to the following amendments and subject to final ratification by Full Council.:-

Appendix 2 Part 1 Scheme of delegation:

- (i) *In addition to the Head of Planning Services, the Director of Environment and The Legal Services Manager shall also be authorised delegated powers;*
- (ii) *Include in Part 2(A)(i) "other than those allowed in 1(1)";*
- (iii) *Charging scheme should include provision for sale of UDP documents and Inspector's Report;*
- (iv) Code of Practice
 - 5.1 *Late correspondence to be received by 12 noon the day before committee (not 5.00p.m.) - subject to discussion with the Local Government Ombudsman;*
- (v) *Appeal decisions to be reported to Planning Committee on a quarterly basis*

759. DATE OF SITE VISIT

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 5th November 2001 and advising of the current membership of the Site Visit Panel.

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

760. 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 15th September 2001 and 10th October 2001.

RESOLVED that the report be received.

The meeting concluded at 1. 20 p.m.
