

PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held on the 27th March, 2002, at 10.00 a.m. in the Council Chamber, Town Hall, Ruthin

PRESENT

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

ALSO PRESENT

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

APOLOGIES FOR ABSENCE WERE SUBMITTED FROM

Councillors G.A. Clague, D.W. Davies, D.M. Holder, J.A. Smith, K.P. Stevens and S. Thomas

1506. URGENT ITEMS

None

In view of the number of members of the public present, it was resolved to debate application 45/2001/1148/PF (Fraith Villa, Rhyl) first when it was resolved to refuse planning permission contrary to the recommendations of the officers.

1507. 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, by 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>
03/2002/0037/Full Planning	(Following consideration of two additional letters of representation from CPRW and H Davies per Save the Vale of Llangollen Group) Demolition of existing outbuilding and erection of replacement outbuilding at Pen Y Bryn, Holyhead Road, Llangollen. SUBJECT to the amended conditions 2 & 3 and new condition 4, New note to Applicant 2. No work shall be permitted to commence on the proposed building until the written approval of the Local Planning Authority has been obtained to the type of stonework and mortar to be used; and the remainder of the walls shall not be white painted brickwork but shall be

completed in such finish and colour as may be approved in writing by the local Planning Authority prior to the commencement of work thereon.

3. The proposed building shall be used for agricultural purposes only.

4. The proposed building shall not be brought into use until the agricultural building it is to replace immediately to the north west of the Pen y Bryn dwelling, has been demolished in its entirety.

REASON - The proposed building has been permitted solely to allow for alternative and limited agricultural storage space in a more suitable location.

Note to Applicant - You are advised that the use of white painted brickwork in this exposed location is not considered acceptable to the local planning authority.

Councillor N Hughes wished it to be noted that he abstained from voting.

(This proposal was granted on the Chair's casting vote)

09/2001/1264/Full
Planning

Erection of a first floor extension over garage, conversion of garage to additional living accommodation and erection of a conservatory at Bryn Chwiller, Waen, Bodfari, Denbigh

SUBJECT to amended condition 2, New note to Applicant

2. The wall on the east side of the proposed access shall be lowered and retained at a height not exceeding 1.05m above the adjacent carriageway for a distance of 3.0m so long as the access is in use.

REASON FOR CONDITION 2 - To ensure adequate visibility is provided at the point of access to the highway.

Note to Applicant - Your attention is drawn to the following enclosed documents :

- (i) Highway Supplementary Notes Nos. 1,3,4,5, & 10
- (ii) New Road and Street Works Act 1991 - Part N Form.

14/2002/0091/Outline

(Following consideration of two additional letters of representation from Cyffylliog Community Council and Head of Public Protection) Development of 0.2 ha of land for residential purposes (outlined application) at Phase 2 Land off Maes Y Delyn, Cyffylliog, Ruthin.

SUBJECT to amended condition 9 and New note to Applicant.

9. Any buildings to be erected on plot(s) with a boundary onto the highway at the southern end of the site shall be of single storey construction, unless otherwise agreed by the local planning authority.

Note to Applicant - With regard to Condition 9 of this permission, you are asked to prepare and discuss sketch ideas of the dwelling type proposed with the Case Officer prior to submission of detailed plans, in view of the prominence of the site when viewed from the public highway along the southern boundary.

Councillor P. Douglas wished it to be noted that he abstained from voting as he was not present at the beginning of the discussion of the application.

16/2002/0058/Outline

(Following consideration of Llanbedr Dyffryn Clwyd Community Council response (quoted incorrectly in report))

Development of 0.1 ha of land by the erection of a detached single storey dwelling (outline application) at Land to the rear of 12 Tan Y Bryn Llanbedr Dyffryn Clwyd, Ruthin.

SUBJECT to amended condition 7 and new condition 12

7. The dwelling hereby approved shall be of single storey construction with no living accommodation in the roof space.

	<p>12. None of the trees within the application site shall be lopped, topped or felled without the written approval of the Local Planning Authority.</p> <p>REASON - In the interests of visual amenity</p>
18/2002/0066/Full Planning	<p>(Following consideration of one additional letter of representation from Head of Highways.)</p> <p>Amended details of house type previously granted under Code No. 18/2000/764/PF (Plot 14) at Maes Tyrnog, Llandyrnog, Denbigh</p> <p>SUBJECT to new note to Applicant</p> <p>Note to Applicant - You are advised that there is a 6m wide easement for the foul and surface water drains adjacent to the site, within which no works can be carried out without the prior consent of the relevant drainage authority</p>
24/2002/0879/Full Planning	<p>Erection of a first floor extension to rear of existing dwelling at 1 Penrhiw, Rhewl, Ruthin</p>
31/2001/0963/Full Planning	<p>Conversion and alterations to outbuildings to form 2 No. dwellings and installation of new septic tank at Outbuildings at Pen Y Bryn, Wigfair, St. Asaph.</p>
43/2001/1243/Full Planning	<p>(Following consideration of amendment to report - 3 trees to be lost on perimeter)</p> <p>Demolition of former children's home and erection of new medical centre with on-site parking and alterations to existing vehicular access at 2 Bryneithin Avenue and 26 Nant Hall Road, Prestatyn.</p>
43/2002/0028/Approval of Reserved Matters	<p>Details of 93 No. dwellings and means of access submitted in accordance with Condition No. 1 of outline planning permission Ref. No. 43/2000/0250/PO at Plots 1-93 Inc Tower Gardens Estate, Victoria Road, Prestatyn</p> <p>SUBJECT to new note to Applicant</p> <p>Note to Applicant - Your attention is drawn to the terms of the Outline Planning permission Ref: 43/2000/250/PO including the relevant planning conditions and section 106 obligation</p> <p>(This permission is subject to the receipt of no further representations raising planning matters not already covered in the report by 5th April 2002)</p> <p>Councillors N H Jones wished it to be noted that he voted to refuse planning permission and Councillor P O Williams expressed concerns about flood insurance for future householders of the site.</p>
43/2002/0069/Section 73A (Continuation/Retention)	<p>(Following consideration of two additional letters of representation from R. Williams, Ty Melinydd, Bishopswood Road (and further letter to Chair), the Applicant and Agent.</p> <p>Retention of boundary wall and fence and raised patio area to front of dwellinghouse (Retrospective application) at Fox Hall, Bishopswood Road, Prestatyn.</p> <p>Councillor S Drew wished it to be noted that she voted to refuse planning permission.</p>
43/2002/0087/Outline	<p>(Following consideration of correction to report (Paragraph 3) re access off Meadow Lane) and 2 letters of representation from T & N Gabriel, Nandina, Meadows Lane and G & M D Michelson, The Meadows, Meadow Lane Prestatyn</p>

Development of 0.16 ha of land by erection of detached dwelling and garage and formation of new vehicular access (Outline application) at Land at Claremont, Meadows Lane, Prestatyn.

SUBJECT to new note to Applicant

Note to Applicant - Your attention is drawn to the attached Highway Supplementary Notes No. 1,2,4,5 and 10.

The Highway Authority advise that there will be a need for a Section 278 Agreement under the Highways Act to be entered into prior to the commencement of the development.

Councillors S Drew, I M German, M A German and N H Jones wished it to be noted that they voted to refuse planning permission.

44/2002/0039/Full
Planning

Councillor Ken Wells declared an interest in the following application and did not vote.

(Following consideration of one additional letter of representation from Rhyl Town Council).

Change of use from industrial (Class B1) to education and training facility (Class D1) at Units 5 & 6 Cefndy Employment Park, Cefndy Road, Rhyl.

SUBJECT to new condition 3

3. The use hereby permitted shall be for the training of gas fitters and related occupations only and for no other use within Class D1 of the Town and Country Planning (Use Classes Order) 1987 unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure that the use is of an industrial type appropriate for the building and site.

45/2002/0200/Full
Planning

(Following consideration of 11 additional letters of representation from Rhyl Yacht Club; Clwyd & Elwy Conservation Trust; Rhuddlan Town Council; Rhyl Town Council; Environment Agency; CCW; County Ecologist; Coastal Protection Unit; British Gas; Conwy County Borough Council; Head of Public Protection).

Laying of 3 No. electrical cables and interconnection facility to serve North Hoyle Off shore Windfarm at Rhyl Beach-Foryd Harbour-East Side of River Clwyd Estuary-Morfa Cwybr, Rhyl

SUBJECT to amended condition 3,6, 7,10 and 16 and new note to Applicant

3. No works shall take place within 5 metres of the wreck of The City of Ottawa

6. A scheme to control noise and vibration generated by the works involved in the construction of the interconnection facility, including excavation, piling and pumping during construction, shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of any works to construct the interconnection facility. The construction works shall fully comply with the approved scheme.

7. A scheme to control noise generated by the works for the excavation of trenches and laying of cables between the interconnection facility and the Cefndy Road substation, including controls over the hours of operations in locations considered to be sensitive due to the location of residential properties, shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of work. The appropriate scheme shall be complied with throughout the carrying out of the construction works.

10. Substitute "shall" for "should"

16. If at any time the cables become exposed proposals shall be put in place to rebury the cables in accordance with details and a

programme to be submitted to and approved in writing by the Local Planning Authority within 1 month of the cable exposure taking place.

REASON - In the interests of amenity and safety

Notes to Applicant :

1. You should liaise with Dwr Cymru/Welsh Water (01286 832283) in respect of the location of an emergency outfall to a combined sewer north of Sydenham Avenue as this will be in the vicinity of the proposed interconnection facility
2. A public footpath (No. 30) crosses the application site and it is likely that excavation works to lay the cables will cause temporary severance/disruption to the path. Thus it may be necessary to apply for a path closure under the Road Traffic Regulation Act 1984. For further information contact Jonathan Evans on 01824 706965 (Street Works Section of the Highways and Transportation Department).
3. Transco (British Gas) have drawn our attention to the existence of gas pipelines in the vicinity of the application site (map enclosed).
4. The Council's Head of Public Protection has advised that onshore works may affect the identified bathing water beaches at Rhyl. Bathing water season is 1st May to 30th September each year. Liaison with this council and the Environment Agency will need to take place over the timing of the works across the beach in accordance with condition no. 9.

46/2001/1080/Full
Planning

(Following consideration of one additional letter received- confirmation of applicant's ownership of the bridge over the River Elwy). Change of use of land to form touring caravan site for 10 touring caravans and storage of 16 and alterations to existing vehicular access (partly in retrospect) at Spring Gardens, The Roe, St. Asaph
SUBJECT to amended conditions 1,3 and 5

1. Within 3 months of the date of this permission, the gaps within the central reservation of the A525, and improvements to the access onto the A525 and driveway shall be completed and available for use in accordance with full details including a detailed layout, design, signing, road markings, drainage and construction (taking into account the new cycle way) to be submitted to and approved in writing by the Local Planning Authority.

3. Add "(i.e. not occupied)"

5. Add "and the works required by Condition No. 1 have been completed and are available for use."

46/2002/0005/Full
Planning

Councillor K Wells declared an interest in the following application and did not vote on the proposal.
Erection of a detached double garage to rear of dwelling at The Stables, Cwttir Lane, St. Asaph.
Councillors M LI Davies, N H Jones and R.LI. Williams wished it to be noted that they voted to refuse planning permission.

47/2002/0109/Full
Planning

(Following consideration of one additional letter of representation from Dyserth Community Council.
Erection of a two-storey pitched roof extension to side of dwellinghouse and attached pitched roof at 14 Bod Hamer, Cwm, Dyserth, Rhyl
SUBJECT to new conditions 3,4, 5 & 6

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995 (or any order revoking and re-enacting that order with or without modification) no

windows additional to those shown on the approved plans shall be inserted at any time.

4. 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 driveway(s), 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.

5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. Details of the resiting of the gas tank shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The gas tank shall only be resited in accordance with the approved details and thereafter retained in the approved location.

(ii) Listed Building consent (subject to referral to CADW):-

<u>Application No.</u>	<u>Description and Situation</u>
03/2001/0979/Listed Building Consent	Proposed demolition of existing conservatory/ground floor bathroom and erection of 2 No. two storey side extensions to existing dwelling at The Old Vicarage, Bryn Howell Lane, Trevor, Llangollen.

(iii) Refusal

<u>Application No.</u>	<u>Description and Situation</u>
02/2001/1135/Full Planning	Change of use of redundant shop to form additional living accommodation and retention of fencing to side boundary area (partly retrospective) at 89 Bro Deg, Ruthin
23/2002/0019/Full Planning	(Following consideration of one additional letter of representation from Llanrhaeadr Y C Community Council). Amendments to alterations and extensions previously approved under planning permission code no. 23/1999/772/PF and extension to domestic curtilage (partly retrospective) at Bryn Eglur, Llanrhaeadr, Denbigh.
27/2001/0740/Outline	(Following consideration of one additional letter of representation from Karen Sinclair AM).

Erection of dwelling and construction of a new septic tank (outline application), at Llangollen Motor Museum, Pentrefelin Works, Pentrefelin, Llangollen

REASON -

1. It is the view of the local planning authority that the proposal is contrary to Policy B8 of the approved Clwyd County Council Structure Plan : First Alteration, Policy H11 of the adopted Glyndwr District Local Plan, and Policy HSG 6 of the emerging Denbighshire Unitary Development Plan, as it is considered that there is no essential need for a dwelling in this location outside the boundary of the town of Llangollen, as security measures can be reasonably effected by way of on site systems and there exists a possibility of conversion of part of existing buildings on the site for residential accommodation.

2. The erection of a dwelling in this location is considered unacceptable as it would represent sporadic development in close proximity to the River Dee, within a Special Landscape Area in the approved Clwyd County Council Structure Plan : First Alteration (contrary to policy H5), an Outstanding Landscape Area within the adopted Glyndwr District Local Plan (contrary to Policy L1) and within an Area of Outstanding Beauty in the Denbighshire Unitary Development Plan (contrary to Policies GEN 4 and ENV 2).

(Councillor M. Ll. Davies wished it to be noted that he voted to grant planning permission)

43/2002/0167/
Advert Consent

(Following consideration of one additional letter of representation from Prestatyn Town Council).

Retention of internally-illuminated fascia sign (Retrospective application) at Townsends , 112 High Street, Prestatyn.

Following a proposal to refuse advert consent and following the requisite number of Members requesting a recorded vote, the Chairman invited Members to vote for or against the officer's recommendation to refuse advert consent for the retention of an internally illuminated fascia sign.

For the proposal to refuse advert consent - Councillors J. Butterfield, M.Ll. Davies, P.A. Dobb, P. Douglas, A.E. Fletcher-Williams, I.M. German, N.J. Hughes, F.D. Jones, G. Jones, P.M. Jones, R.E. Jones, R.J.R. Jones, F. Shaw, W.G. Thomas, K.E. Wells, C.H. Williams, P.O. Williams and R.Ll. Williams (Total 18)

Against the proposal to refuse advert consent - Councillors S. Drew, M.A. German, N. Hugh-Jones, A.J. Tobin and W. Roberts (Total 5)

45/2002/0071/Full
Planning

(Following consideration of two additional letters of representation from Rhyl Town Council and Head of Public Protection).
(Amended) Continuation of use for retail and wholesale tyre and battery sales and fitting to (Land adjoining 117) 119 Marsh Road, Rhyl

(b) *Notwithstanding the recommendation of the Officers, the following applications be refused planning permission for the reasons indicated:-*

Application No.

Description and Situation

45/2001/1148/Full

(Following amendment to the report to reflect Councillor S Drew's attendance at the Site Visit and consideration of two additional letters of representation from Ann Jones AM and G W Jones, 12 Russell Court, Rhyl (received by Chair).
Councillor N. Fletcher Williams declared an interest in this type of business activity and did not vote on this proposal.

(Amended description) Erection of 3 No. Bungalows and 23 No. elderly-persons flats in 3 storeys and 2 storeys at Fraith Villa, 2a Boughton Avenue, Rhyl

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

The proposal would lead to an overdevelopment of the site, by reason of the extent and siting of the buildings and associated highway works, and the scale and design of the buildings. As a result the development would be poorly related to existing development on the site and in the surrounding area and lead to a loss of a number of mature trees on the site to the detriment of visual and residential amenity and in conflict with criteria (i) (ii) (iv) of Policy GEN7 and Policy ENV7 of the Denbighshire County Council Unitary Development Plan (Proposed Modifications Version).

Councillor M.LI. Davies wished it to be noted that he abstained from voting.

- (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>
22/2002/0032/Full Planning	Erection of a first floor extension over existing single storey extension at Bro Clwyd, Gellifor, Ruthin. (to assess the impact on neighbouring property)
43/2002/0111/Section 73A (Continuation/Retention)	(Following consideration of four additional letters of representation from Prestatyn Town Council, AONB Committee, Principal Countryside Officer, Mrs C A Hampson, Nant yr Ogof, Tan yr Allt). Retention and regrading of tipped material (Retrospective application) at Land adjoining Quarry Cottage, Tan Yr Allt, Prestatyn
47/2001/1163/Full Planning	(Following consideration of one additional letter of representation from Head of Public Protection). Change of use of land and buildings to civil engineering contractor's depot, recycling station and associated ancillary offices at Land at and adjoining Golfa/Trefaldwyn, Holywell Road, St. Asaph.

AT THIS JUNCTURE, it being 1 p.m. A member proposed that the meeting be adjourned allow time for a lunch break prior to afternoon commitments. On being put to the vote it was resolved to continue with the Planning Committee to its conclusion.

1508. NORTH HOYLE OFFSHORE WINDFARM

Submitted Report by Head of Planning Services detailing the offshore element of the proposed windfarm at North Hoyle.

The Head of Planning Services explained that the offshore scheme does not require planning permission but the authority is being given the opportunity to comment on the scheme.

The onshore infrastructure at Rhyl Beach is the subject of a planning application also put before this Committee (ref: 45/2002/200/PF)

RESOLVED that Denbighshire County Council raise no objection to the offshore windfarm and that the letter to the Department of Trade and Industry should incorporate the recently submitted views of the Head of Public Protection

1509. **ENFORCEMENT MATTERS**

- (i) ENF/2002/0005 Bryn Eglur, Llanrhaeadr, Denbigh

Alterations to dwelling.

RESOLVED that authorisation be granted for the following:-

- (a) *serve an enforcement notice to secure the cessation of extension works to the dwelling and their removal, along with the removal of all other unauthorised building(s) and structures on the site including the front boundary wall, and*
- (b) *instigate prosecution proceedings or other appropriate action under the Planning Acts against any person, or persons, upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements thereof.*

- (ii) ENF/2001/0004 89 Bro Deg, Ruthin

Change of use of shop and erection of fence.

RESOLVED that authorisation be granted for the following:-

- (a) *serve an Enforcement Notice to secure removal of the unauthorised boundary fence and specify any conditions regarding the change of use of the shop to a residential use in association with the dwelling at 89 Bro Deg, Ruthin, and*
- (b) *instigate prosecution proceedings or other appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements thereof.*

- (iii) C43/2001/221 Land adjacent to Tan Yr Allt, Prestatyn

Unauthorised tipped material

RESOLVED that consideration of this matter be deferred to enable a site visit to be undertaken.

- (iv) ENF/441/99/N Townsend's, 112 High Street, Prestatyn

Unauthorised display of internally illuminated fascia sign.

RESOLVED that authorisation be granted for the following:-

- (a) *serve an Enforcement Notice to secure removal of the unauthorised illuminated sign, and*
- (b) *instigate prosecution proceedings or other appropriate action under the Planning Acts against the person or persons upon whom any Enforcement Notice is served, or against whom legal action is taken should they fail to comply with the requirements thereof.*

(Councillor N.H. Jones wished it to be noted that he voted against taking enforcement action).

- (v) C45/2002/0011 (Land adjoining 117) 119 Marsh Road, Rhyl

Change of use from storage/light industrial.

RESOLVED that authorisation be granted for the following:-

- (a) *serve an Enforcement Notice to secure the cessation of the unauthorised use;*

- (b) *instigate prosecution proceedings or other appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements thereof, and*
- (c) *assist the occupier in finding alternative accommodation for the business.*

1510. REPORT OF OUTSTANDING ENFORCEMENT MATTERS

Submitted - Report by the Head of Planning Services detailing all un resolved outstanding Enforcement matters with details of progress to date. The Principal Planning and Enforcement Officer referred to item 25 - Telecom Mast at Ffordd Pendyffryn, Prestatyn - and advised that legal opinion had now been received and would be reported to Members in due course.

RESOLVED *that the report be received.*

1511. NAMING AND NUMBERING OF NEW DEVELOPMENTS

Submitted - Report by the Head of Planning Services detailing recently named new developments :-

- (i) Land adjoining The White Horse, Llandyrnog named Handden Clwyd, Llandyrnog
- (ii) Land at Henllan Centre, off B5428 Henllan named Godre'r Garn, Henllan

RESOLVED *that the report be received for information*

1512. DATE OF SITE VISIT

The Head of Planning Services submitted his written report (previously circulated) seeking approval for site visits arising from Agenda Item 2 to be held on 5th April 2002 and advising of the current membership of the Site Visit Panel.

RESOLVED *that the approved site visits be held on 5th April 2002.*

1513. DELEGATED LIST

Head of Planning Services submitted his written report of applications for planning permission determined by him under delegated powers between 9th February 2002 and 8th March 2002

RESOLVED *that the report be received.*

The Meeting closed at 1.30 p.m.
