

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held on 25th June 2003 at 10 a.m. in the Council Chamber, Town Hall, Ruthin

### PRESENT

Councillors F.D. Jones, (Chair) M.L.I. Davies, P.A. Dobb (Observer), S. Drew, E.C. Edwards, A.E. Fletcher-Williams, I.M. German, M.A. German, K.N. Hawkins, D.M. Holder, N. Hugh-Jones, E.R. Jones, G. Jones, M.M. Jones, (observer), R.E. Jones, R.J.R. Jones, J.S. Kerfoot-Davies, E.A. Owens, F. Shaw, D.A. Thomas, D.A.J. Thomas, S. Thomas, K.E. Wells, C.H. Williams, P.O. Williams, and R.L.I. Williams.

### ALSO PRESENT

Acting Head of Planning Services (M. Pender), Legal Services Manager (Jane Kennedy), Development Control Manager (M. Dakeyne), Principal Planning Officer (Ian Weaver), Administration Officer (Gwen Butler), and Administration Assistant (Lowri Owen).

### Present for part of the meeting :

Highways Development Manager (Sue Broadway), Senior Engineer, Traffic Management (Pete Lea) and Technician, Development Control (Mike Parker).

### APOLOGIES FOR ABSENCE

Councillors Joan Butterfield, D. Jones, N. Hughes and Pat Jones.

### 183. ACTING HEAD OF PLANNING SERVICES

The Chair introduced Mike Pender who will be Acting Head of Planning Services pending the proposed restructuring of the Environment Directorate. Mr Pender thanked the Chair and advised Members that there are uncertain times ahead for staff. He would be managing several functions and would attend Planning Committee to advise on general and policy matters. Specific issues relating to individual planning applications would be dealt with by Mark Dakeyne and Ian Weaver.

### 184. URGENT MATTERS

#### **Affordable Housing**

M Pender advised the meeting that a Local Housing Needs Assessment exercise is underway, the results to be available in September 2003.

Certain applications due to be discussed at today's Committee may be affected by the results of the survey and as such may need to be controlled by way of a Section 106 obligation regarding the provision of affordable housing. The officers will advise the meeting of the applications affected. The decisions will be withheld pending the outcome of the survey, with a Section 106 obligation being issued where appropriate.

#### **Unitary Development Plan (Welsh/English Anomalies)**

M Pender advised the meeting that the Quality Control Audit is almost complete and a report will be made to Cabinet in July.

#### **Retail Study**

A presentation will be made to the Cabinet and to Area Partners/Business Groups in the near future.

**Letter to all Members from Chief Executive Code of Conduct**

Jane Kennedy referred to a letter the Chief Executive had sent to all Members of Planning Committee. As a number of Councillors had not received a copy, Ms Kennedy read out the letter from the Chief Executive and the letter from Caerwyn Jones AM attached.

It reminded Members of the new Code of Conduct, particularly referring to declarations of interest, registration of hospitality, dealing with planning applications on their merits, and the need to give clear reasons for decisions taken against officers' recommendation.

Members were disappointed that the Chief Executive felt it necessary to remind them of this issue, as they felt the Planning Committee had always dealt with these matters with propriety.

**185. 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**

**Application No.**  
01/2003/0239/PF

**Description and Situation**

(Following consideration of two additional letters of representation from Denbigh Civic Society and Head of Highways).

Erection of 6 no. dwellings and construction of new vehicular access (amended details, previously approved under code no. 01/2002/597/PF) at Former Wynne's Park Nursing Home, Brookhouse Road, Denbigh.

SUBJECT TO amended condition 2 and new conditions 6, 7, 8, 9 and 10.

2. No development shall be permitted to commence on the construction of any of the dwellings or garages until the written approval of the Local Planning Authority has been obtained to the porch and window detailing and the proposed external wall and roofing materials, and no materials and details other than those approved shall be used.

6. The details layout, design, drainage, lighting, signing and construction of the access road serving plots 3 - 6 inclusive shall be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.

7. The access road and turning head shall be completed to base course standard before any of the dwellings which it serves are occupied.

8. The access road and turning head shall be completed to the satisfaction of the Local Planning Authority before the last dwelling is occupied or within 2 years of the commencement work on site or such any other period as may be agreed in writing with the Local Planning Authority, whichever is the sooner.

9. The access to plots 1 and 2 shall be completed to the satisfaction of the Local Planning Authority before any of the dwellings which it serves are occupied.

10. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.

*REASONS :*

6. To ensure that the estate road system is constructed to a standard suitable for adoption and, in the interest of traffic safety, is capable of catering for the amount of traffic that is likely to be generated by the proposal.

7. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

8. In the interests of traffic safety.

9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

10. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

05/2003/0457/PR

Details of design and external appearance of buildings submitted in accordance with outline planning permission code no. 05/2001/522/PO at land adjacent to 12 Bryn Llewelyn, Corwen.

(Councillor Sophia Drew wished it noted that she voted to refuse planning permission).

08/2002/1097/PO

Development of 0.75ha of land for residential purposes and construction of new vehicular and pedestrian access (outline application) on land adjacent to Godre'r Coed, Cynwyd, Corwen.

SUBJECT TO amended conditions 4, 5, 6 & 9

4. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by the Local Planning Authority and the approved scheme shall be completed before any of the dwellings are first occupied.

5. No development shall be permitted to take place until details of the recreational open space and an equipped children's play area have been approved in writing by the Local Planning Authority; the approved details shall be implemented in full before occupation of the final dwelling on the site, and the open space and play area shall be retained at all times thereafter for those purposes.

6. Existing boundary hedge/vegetation within the site to the north, east and south shall be retained or if removed replanted with a species/number to be agreed in writing with the Local Planning Authority; with a time table for implementation.

9. The proposed access shall have a visibility splay of 4.5m x 120m in both directions measured along the near side edge of the adjoining carriageway over land within the control of the

applicant or the Local Planning Authority and within which there shall be no obstruction in excess of 1.05m in height.

The proposal is considered acceptable in principle subject to conditions. Any approval decision notice should not be released until the issue of possible commuted sums for open space provision have been resolved - either by voluntary agreement or legal agreement, and also legal agreement has been signed regarding provision of affordable housing on the site. If a legal agreement is not signed within 12 months the application will be reported back to Committee and considered in light of circumstances prevailing at that time.

The Planning Committee resolved to attach a Section 106 Legal Agreement or Planning Obligation to the resolution to grant planning permission in respect of affordable housing. In effect, this means that;

(a) the planning permission decision certificate cannot be issued until this legal agreement has been signed.

(b) that legal agreement cannot be signed until the affordable housing issue on the site has been clarified.

If there is a proven need and if this site can contribute feasibly and economically then the housing agencies will then negotiate as to what and how local affordable housing can be provided. If there is no need and the site is not feasible/suitable then the matter will be taken back to the Planning Committee for a Section 106 obligation to be discharged. The planning permission decision certificate can then be issued.

08/2003/0537/PS

(Following consideration of 1 additional letter of representation from the Head of Highways).

Deletion of condition 2 of planning permission 08/1999/845/PF and condition 5 of planning permission 08/644/96/PF restricting hours of operation of haulage yard to between 0800 - 1800 hrs Monday to Friday and 0800 - 1200 hrs Saturday; to allow for 24 hour operation at The Old Timber Sawmill, Old Station Yard, Cynwyd, Corwen.

*Notes to Applicant:*

Highway Supplementary Notes 1, 2, 3, 4, 5 & 10.

New Roads and Street Works Act 1991 - Part N Form.

10/2002/1348/PO

(Following consideration of 1 additional letter of representation from the Head of Highways).

Development of land for residential purposes, and alterations to existing vehicular access at Land adjacent to St Tysilio's Church, Bryneglwys, Corwen.

SUBJECT to deletion of conditions 5 & 6

New conditions 5, 6, 7 & 8 and additional notes to Applicant.

5. The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road and access to the site shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any work on site.

6. None of the dwellings hereby approved shall be occupied until the roads and footways have been constructed to base course level.

7. The final dwelling of the development shall not be occupied until all the roads and footways have been completed to

adoption standards or as otherwise agreed in writing by the Local Planning Authority.

8. Facilities shall be provided and retained within each plot for the parking of two vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.

*REASONS :*

5. To ensure that the estate road system and access are constructed to a standard suitable for adoption and, in the interests of traffic safety, is capable of catering for the amount of traffic that is likely to be generated by the proposal.

6. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

7. To ensure that no deleterious material is carried onto the highway.

8. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.

*ADDITIONAL NOTES TO APPLICANT:*

(i) Highway Supplementary Notes Nos. 1,2,3,4,5,6,7,8,9 & 10.

(ii) New Roads and Street Works Act 1991 - Part N Form.

(iii) Denbighshire County Council Specification for Road Construction.

(iv) Denbighshire County Council General Notes for Highway Lighting Installations.

(v) Denbighshire County Councils General Requirement for Traffic Signs and Roadmarkings.

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In effect, this means that;

(a) the planning permission decision certificate cannot be issued until this legal agreement has been signed.

(b) that legal agreement cannot be signed until the affordable housing issue on the site has been clarified.

If there is a proven need and if this site can contribute feasibly and economically then the housing agencies will then negotiate as to what and how local affordable housing can be provided.

If there is no need and the site is not feasible/suitable then the matter will be taken back to the Planning Committee for a Section 106 obligation to be discharged. The planning permission decision certificate can then be issued.

12/2003/0406/PF

(Following consideration of 1 additional letter of representation from Derwen Community Council).

Erection of a dwelling and construction of new vehicular access at Land adjoining Yr Hen Ysgol, Derwen, Corwen.

SUBJECT TO amendment to condition 4, a new condition on landscape implementation and new note to Applicant.

4. (Minor spelling corrections)

Additional condition - The landscaping works approved as part of condition 2 shall be completed no later than the first planting season following the first occupation of one dwelling, and any trees, shrubs and planting which die, become diseased or are removed within 5 years of planting shall be replaced with

specimens of similar size and species in the next planting season.

*ADDITIONAL NOTE TO APPLICANT:*

You are advised of the presence of a well in the field immediately to the south of the plot, and that the grant of planning permission does not convey any rights to carry out works which could interfere with the quality of water therein.

- 15/2003/0196/PF Councillor Selwyn Thomas declared an interest in the following application and left the Chamber during consideration thereof. (Following consideration of amendment to relevant planning history).  
Use of existing caravan as living accommodation for agricultural worker at Mountain Hall Farm, School Lane, Llanarmon-yn-Ial, Mold.  
(Councillor Sophia Drew wished it noted that she voted to refuse planning permission).
- 16/2003/0200/AC Details of ground level of dwelling submitted in accordance with condition number 6 of planning permission 16/2002/1072/PF at 31 Tan Y Bryn, Llanbedr Dyffryn Clwyd, Ruthin.  
(Councillors Sophia Drew, N Hugh-Jones, E.C. Edwards and N. Fletcher Williams wished it noted that they voted to refuse permission).
- 16/2003/0350/AC Details of new first floor window to rear elevation and fenestration details to the western and eastern elevations submitted in accordance with condition numbers 5 and 8 of planning permission no. 16/2002/1072/PF at 31 Tan Y Bryn, Llanbedr Dyffryn Clwyd, Ruthin.  
(Councillor Sophia Drew wished it noted that she voted to refuse permission).
- 17/2002/0990/PF Councillors Elwyn Edwards and D.A.J. Thomas declared an interest in the following application and left the Chamber during consideration thereof.  
Development of mountain bike centre including construction of visitor centre, parking area, construction of new vehicular access and passing bay at Coed Llandegla, Wrexham.  
(Councillor Sophia Drew wished it noted that she voted to refuse planning permission).
- 20/2003/0390/PF Following consideration of 2 additional letters of representation from the Head of Public Protection and M. Anderson (on behalf of Parochial Church Council and Vestry House).  
Demolition of garage and re-development of land by the erection of 5 houses and construction of new pedestrian accesses at Clwyd Garage, Llanfair Dyffryn Clwyd, Ruthin.  
SUBJECT TO amended condition 3, and new conditions 14 & 15  
3. All the external walls of the dwelling units shall be faced in natural local limestone, and no development shall be permitted to commence on the construction of the walls until the written approval of the Local Planning Authority has been obtained to the type of stone, mortar mix and the bedding of the stone, which shall be demonstrated by way of a sample panel to be erected on the site.

14. No development shall be permitted to commence until there has been carried out a comprehensive soil survey over the entire site to determine whether any of the land is contaminated, such survey to be in accord with BS 10175:2001 ("The Investigation of Potentially Contaminated Sites"); and the contents of the survey and its conclusions have been submitted to the Local Planning Authority for assessment.

15. In the event that the site survey required by condition 14 of this permission reveals the presence of hazards from any form of contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials and future users of the site, and any other person; and the written approval of the Local Planning Authority has been obtained for detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development shall be carried out strictly in compliance with the detailed measures approved by the Local Planning Authority.

22/2003/0458/PF	Removal of existing agricultural building and retention of hay store at Hendrerwydd Farm, Hendrerwydd, Denbigh.
24/2003/0424/PS	Removal of condition 2 of permission for dwelling granted under code 35/8914 restricting occupation to person(s) employed or last employed in the running of the Cerrigllwydion Arms, Llanynys, and the widow/widower and dependants of such persons at Green Pastures, Llanynys, Denbigh. (Councillor P.O. Williams wished it noted that he voted to refuse planning permission).
41/2003/0094/PF	Demolition of existing cottage and erection of replacement cottage and detached double garage at Llety Yr Eos Ucha, Mold Road, Bodfari, Denbigh SUBJECT TO new condition 8 8. The existing dwelling shall be demolished prior to the commencement of the erection of the replacement dwelling, and the site shall be cleared of all debris and reinstated in accordance with detailed plans to be submitted to and approved by the Local Planning Authority.
42/2003/0509/PO	Development of 0.064ha of land by erection of 1 No. dwelling and demolition of existing storage building on land rear of 37 St. Asaph Road, Dyserth, Rhyl.
43/2003/0443/PF	(Following consideration of 2 additional letters of representation from the Principal Countryside Officer and Mr and Mrs Sugarman). Erection of pitched-roof extensions at side and rear, provisions of balcony at rear and dormer windows at front of 18 Stoneby Drive, Prestatyn.
45/2002/1256/PF	Erection of two-storey and single-storey pitched-roof extensions at side of dwellinghouse at 27 Knowsley Avenue, Rhyl.

- 45/2002/0436/PF Councillor Ann Owens declared an interest in the following application.  
Change of use to class D1 meeting/consulting advice room for young people and construction of lift and escape staircase and external alterations at Former Clwyd Press Ltd, 17 Bedford Street, Rhyl.
- 45/2003/0604/PC Retention of summerhouse at rear of dwellinghouse (retrospective application) at 47 Brighton Road, Rhyl  
SUBJECT TO the following condition:  
1. Notwithstanding the details indicated on the submitted plans the roof to the summerhouse hereby permitted shall be hipped at either end.  
*REASON :*  
1. In the interests of residential amenity.
- (ii) Consents (Against Officers' Recommendation)
- 40/2003/0581/PF Councillor Richard Jones declared an interest in the following application and left the Chamber during consideration thereof.  
(Following consideration of a letter to Members from Ian Miller, Chief Executive).  
Erection of dwelling and garage for agricultural work and installation of sewage treatment plant. Part field No. 0002 Pengwern Farm, Nant Y Faenol Road, Bodelwyddan, Rhyl.  
GRANT, SUBJECT TO referral to full Council as a significant departure.  
The decision being CONTRARY to the Officers' Recommendation was taken for the following reason :  
An extant permission exists for a two-storey dwelling on the site. In the Committee's opinion, a bungalow would cause less amenity impact.
- 43/2003/0504/PF (Following consideration of 1 additional letter of representation from Prestatyn Town Council and correction to report - premises is now vacant).  
Change of use from Class A1 former Post Office to form extension to existing residential dwelling alteration to front elevation and creation of residential curtilage to front of 107 Victoria Road, Prestatyn.  
GRANT SUBJECT TO the following conditions:  
1. Standard 5 year condition  
Reason : To comply with Section 91 of the Town and Country Planning Act 1990  
2. No development shall commence until full details of the design and materials of the 900 mm high front boundary wall have been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the residential amenity of future occupiers of the dwelling  
3. The alterations to the front elevation and provision of the 900 mm high boundary wall to the site frontage shall be completed in accordance with the approved plans and the requirements of condition no. 2 prior to the occupation of the extension to the existing dwelling hereby permitted  
Reason: In the interests of a visual amenity



The decision, being CONTRARY to the Officers' Recommendation was taken for the following reason:  
The long term viability of the premises as a shop is in question as the property is on the outskirts of the town centre where there are already a number of vacant shop premises.

(iii) Refusals (Against Officers' recommendation)

43/2002/1223/PF

(Following consideration of 2 additional letters of representation from the Head of Highways and Petition of 99 signatories).  
Demolition of existing dwelling at No. 2 Tudor Avenue to allow extension to existing Elderly Persons' Residential Home at No. 50 Gronant Road, alterations to vehicular access and formation of parking and turning areas at 2 Tudor Avenue and 50 Gronant Road, Prestatyn.

Following the requisite number of Members requesting a recorded vote, the Chair invited members to vote for or against the officer's recommendation to grant planning permission:

RECORDED VOTE:

For the proposal - (8)

Councillors K. Hawkins; D. Holder; F.D. Jones; R.E. Jones; E. A. Owens; D.A. Thomas; D.A.J. Thomas; K.E. Wells.

Against the proposal (11)

Councillors S. Drew; I.M. German; M.A. German; N. Hugh-Jones; E.R. Jones; G. Jones; R.J.R. Jones; S. Thomas; C.H. Williams; P.O. Williams; R.L. Williams.

Abstentions (4)

Councillors E.C. Edwards; A.E. Fletcher Williams; J.S. Kerfoot Davies; F. Shaw

Accordingly, Members Resolved To Refuse Planning Permission.

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

1. The proposal, by reason of the scale, design and siting of the extension and the extent of parking and hard surfaced areas, would unacceptably affect the residential character and appearance of the locality to the detriment of visual and residential amenity and in conflict with criteria (ii) and (iv) of Policy CF5 of the Denbighshire Unitary Development Plan.

(iv) Site Visit

02/2003/0222/PO

Development of land for residential use including means of access (outline application), at Nursery, Off Greenfield Road, Ruthin.

(The site visit will assess the adequacy of the access to the proposed development site)

**186. APPEAL HEARING**

Submitted : Report by the Acting Head of Planning Services advising Members of a Planning Appeal on Penisa'r Mynydd Caravan Park, Caerwys Road, Rhualt, and requesting representatives of the committee to attend the appeal.

Councillor Selwyn Thomas declared an interest and left the Chamber during consideration thereof.

Following consideration of Officers verbal report that the date of the hearing is likely to be 19th August 2003.

**RESOLVED** that in accordance with recent precedent the Proposer and Seconder of the original decision, Councillor Lloyd Williams and Councillor N. Fletcher-Williams to represent Denbighshire County Council at the Appeal Hearing - Penisa'r Mynydd Caravan Park, Caerwys Road, Rhuallt.

Members were advised that the hearing was scheduled for 19th August 2003, which was suitable for the Members concerned.

**187. TREE PRESERVATION ORDER**

Submitted : Report by the Acting Head of Planning Services:

- (i) Tree Preservation Order No. 1/2003 at Land at Hafodynys, Rhewl.

**RESOLVED** that TPO 1/2003 be confirmed without modification.

- (ii) Tree Preservation Order NO. 2/2003 at Land near Tweedmill, Llannerch Park.

**RESOLVED** that TPO 2/2003 be confirmed without modification.

**188. DATE OF SITE VISIT**

The Acting 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 Tuesday 1st July 2003 and advising of the current membership of the Site Visit Panel.

**RESOLVED** that the approved site visits be held on Tuesday 1st July 2003.

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

The Acting Head of Planning Services submitted his written report (previously circulated) of applications for Planning Permission determined by him under delegated authority between 1st May and 31st May 2003.

**RESOLVED** that the report be received.

Meeting closed at 1.20 p.m.

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