

## **PLANNING COMMITTEE**

Minutes of the meeting of the Planning Committee held in the Council Chamber, Russell House, Rhyl on Wednesday 26 November 2003 at 10.00 a.m.

### **PRESENT**

Councillors F.D. Jones (Chair) J. Butterfield, Sophia Drew, A.E. Fletcher Williams, I.M. German, K.N. Hawkins, D.M. Holder, N.J. Hughes, D. Jones, G. Jones, M.M. Jones (observer) R.E. Jones, R.J.R. Jones, S. Kerfoot-Davies, A. Owens, F. Shaw, J.A. Smith, D.A. Thomas, D.A.J. Thomas, S. Thomas, W.R. Webb (observer/local member), C.H. Williams, P.O. Williams and R.LI. Williams.

### **ALSO PRESENT**

Acting Head of Planning Services, Legal Services Manager, Development Control Manager, Principal Planning and Enforcement Officer, Principal Planning Officer (South), Administrative Officer (G. Butler) and Compliance Officer (Jill Emerson).

Translator – S. Williams

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

Councillors R.W. Hughes, N. Hugh-Jones, E.R. Jones, M. German and Pat Jones.

### **BEREAVEMENT**

The meeting observed a minutes silence in memory of Eleri Woolford's daughter who passed away recently.

### **JILL EMERSON**

Jill Emerson, Compliance Officer (North) was welcomed to the Planning Committee.

### **ANNOUNCEMENTS**

The Acting Head of Planning Services advised Members of the following items:

- A nationwide independent survey of Planning Services' Web Sites has been carried out; Denbighshire had the best score in Wales.

Members offered congratulations to the staff.

- Planning Services have won an RTPI (Wales) Award for the Conservation work on Dolbelydr, Nr St. Asaph.

Members thanked Phil Ebbrell, Conservation Architect and all staff involved.

- The Showfield, Rhuddlan Appeal decision had been received. The appeal was allowed with full costs awarded against the Council.
- Gronant Road, Prestatyn Nursing Home Appeal was also allowed with partial award of costs against the Council.

A report will be brought to a future Committee on the above awards of costs.

- Tweedmill, St. Asaph has submitted a new planning application following the refusal of planning permission by Full Council on 23 September 2003.
- Members were reminded of:
  1. the Members' workshop on 27 November 2003 – 9.15 am in Henllan.
  2. Staff awayday on 5 December 2003
  3. Wales Spatial Plan – comments required by end of December.

**695. URGENT MATTERS**

None.

**696. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

The report by the Acting 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>
30/2002/0536/PF	<p>(Councillor Selwyn Thomas declared an interest in the following application and left the Chamber during consideration thereof).</p> <p>Change of use of part of agricultural field to touring caravan site for 25 caravans and installation of new septic tanks and portable buildings for office and toilet facilities.</p> <p>Part Field No. 2316 Maes Elwy Farm Upper Denbigh Road, St. Asaph.</p> <p>Subject to Amended Conditions 5, 9 and 11 -</p> <p>5. Delete "To control the scale of the development and"</p> <p>9. Add – The landscaping scheme shall include for the planting of a hedge adjacent to the A525 behind the visibility splays required by Condition No.4.</p> <p>11. "protected"</p> <p>Amended Reasons 5 and 6 -</p> <p>5. Delete "for"</p> <p>6. In the interests of the character and appearance of the area and to comply with the requirements of Policy TSM12 of the adopted Denbighshire Unitary Development Plan.</p> <p>New Note to Applicant - With the implementation of new legislation under the Disability Discrimination Act, Approved document Part M and British Standards 8300 apply.</p>

Car Park – provision of spaces for disabled badge holders at larger size 3.6m to include hatched area (minimum of 3 spaces).

Hard Surface.

Office/toilet – Level ramped access (1:20 or 1:15 gradient preferred) and the inclusion of handrails. Accessible toilet provision required see specified in Part M or British Standards 8300.

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

40/2003/0510/PF

(Following consideration of new location plan circulated). Construction of new access and driveway to serve farmhouse and agricultural land.

Pen Y Ffrith Terfyn Bodelwyddan Rhyl.

Subject to New Conditions 5, 6, 7 and 8 -

5. No gates shall be erected within 5 metres of the edge of the near side carriageway.

6. The surface of the proposed access shall be paved with bitumous material for a distance of 5 metres behind the highway boundary and the whole of the access frontage adjacent to the highway should be reinforced with bullnose kerbs.

7. Positive means to prevent the run off of surface water from the site into the highway should be provided with the details required by Condition No. 4 to the Local Planning Authority and retained so long as the development hereby approved shall remain in use.

8. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no gates, fences, walls or other means of enclosure shall be erected on the application site or to the western boundary of the Pen y Ffrith development site other than those shown on the approved site layout Drawing No. 4075/2 Revision H unless otherwise agreed in writing by the Local Planning Authority.

Amended Reasons -

3. "To"

6. To ensure the formation of a safe and satisfactory access.

7. In the interests of highway safety and to prevent damage to the highway.

8. In the interests of visual amenity.

New note to Applicant,

1. Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10.

2. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

3. Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway/verge under Section 184 of the Highways Act 1980.

41/2003/1120/PF

Subject to the receipt of no further representations raising planning matters not already covered in the report by 9 December 2003.

Following consideration of one additional letter of representation from Head of Transport and Infrastructure.

Alterations and use of old mill as garage and studio accommodation ancillary to main dwelling.

Old Mill Adjacent to Bawbee Cottage Mold Road Bodfari Denbigh.

Subject to New Conditions 7 and 8,

7. The building hereby permitted shall not be first used until the existing entrance(s) to the east of Bawbee Cottage has been closed off in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter there shall be no access to the site from the highway to the east of Bawbee Cottage.

8. Facilities shall be provided and retained within the site for the parking and turning of vehicles prior to the completion of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The parking and turning areas for vehicles shall thereafter be retained solely for the parking and turning of vehicles.

Amended/Additional reasons –

3. In the interest of visual amenity.

8. In the interest of highway safety.

New note to Applicant,

1. Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10.

2. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

43/2003/1123/PC

Retention of single-storey extension at rear of dwellinghouse (Retrospective application)  
14 Llandaff Drive, Prestatyn.

45/2003/1172/PF

Following consideration of one additional letter of representation from Head of Transport and Infrastructure.

Change of use from class A1 shop to class A3 restaurant and installation of new shop front.

7/9 Russell Road, Rhyl.

47/2002/0982/PO

Following consideration of a verbal update to report re provision of Open Space or payment of commuted sum. Development of 0.58 hectares of land by erection of 13 dwellings and construction of new vehicular access (Outline Application)

Land off Dyffryn Teg Rhualt, St. Asaph.

Subject to 106 Obligation – The resolution is subject to the applicant first entering into a Section 106 Obligation requiring commuted sums to cover provision, maintenance, and adoption of on-site and off-site open space, and ensuring provision of affordable housing.

The decision will only be issued on completion of the Section 106 Obligation. If the Section 106 Obligation is not completed within 12 months the application will be reported back to this Committee and considered in the light of circumstances prevailing at that time.

Amended Conditions 9 and 12,

9. add "condition No 8".

12. delete

(Councillors R.LI. Williams and Sophia Drew wished it to be noted, they voted to refuse permission).

47/2003/0591/PF

Amended Description – Conversion, alterations and extension of redundant outbuildings to form 3 No. dwellings and installation of new septic tanks.

Glan Clwyd, Waen, St. Asaph.

Subject to amended condition 12 – "birds" "The surveys, together with any mitigation measures arising from a confirmed presence etc".

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

02/2003/1175/PF

Following consideration from three additional letters of representation from Ruthin Town Council, Head of Transport & Infrastructure and Acting Head of Public Protection.

Change of use of existing residential property to Heritage Centre/Museum.

Nantclwyd House, Stryd y Castell, Ruthin.

Subject to New Condition 4 – The Heritage Centre/Museum use shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements to be made for disabled persons to access the building, and the approved scheme has been implemented in its entirety. Reason – to ensure appropriate access to the building is possible for persons with disability.

Note to applicant – In connection with Condition 4 of this permission, your attention is drawn to the need for compliance with the requirements of the Disability Discrimination Act 1995 in respect of providing reasonable access for disabled persons to the proposed Heritage Centre/Museum. You are advised to contact the County Council's Access Officer, Karen Beattie on 01824 708052, e-mail karen.beattie@denbighshire.gov.uk, to discuss the relevant issues and how compliance may be achieved in this historic building.

05/2003/0814/PF

Erection of detached garage.

Llidiart Wen Carrog Corwen.

Subject to Amended Conditions –

4. The highway verge on the south side of the access shall be reinstated to the written approval of the Local Planning Authority within one month from the date of this permission.

5. Notwithstanding the submitted details the colour of the external render to the exposed areas of external wall and the garage doors shall be approved in writing with the Local Planning Authority prior to the commencement of development thereon with any subsequently approved colours implemented in full prior to the garage being brought into use.

6. Notwithstanding the submitted details, the external colour of the roof to the garage hereby approved shall be black, unless otherwise agreed in writing by the Local Planning Authority.

New condition 7 – The landscaping/planting details shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted to and approved in writing by the Local Planning Authority, to include for a natural mixed species hedge to the sides and rear of the garage. The approved scheme shall be implemented in full within six months of the garage being brought into use and, if any of the approved landscaping is removed or dies or becomes seriously damaged within a period of 5 years of the development being brought into use, it shall be replaced in the next planting season with similar species.

15/2001/0341/PS

Following consideration correction to report – “1998” not “1988”.

Removal of agricultural occupancy condition previously imposed under planning permission code no. 25/8809 – Glyndwr D C.

Cam Uchaf Llandelga Road Llanarmon Yn Ial Mold.

Councillors P.O. Williams, F. Shaw and Glyn Jones voted to refuse permission.

15/2003/0936/PF

Following consideration of one additional letter of representation from Llanarmon yn Ial Community Council.

Erection of detached dwelling and alterations to existing vehicular access.

Sun Inn Village Road Eryrys Mold

Subject to Amended Conditions 4 and 5 –

4. the obscure glass windows shown on the approved plan shall remain glazed in obscure glass at all times.

5. No development shall take place on the dwellinghouse hereby approved until the parking areas, access and cycle rack for the public house have been constructed in accordance with the approved plans, and these facilities shall thereafter remain available for use in construction with the operation of the public house at all times.

Councillor Sophia Drew wished it to be noted that she voted to refuse permission.

18/2003/0434/PF

Erection of livestock building and construction of access track.

Glanywern Isaf Llandyrnog Denbigh.

Subject to 106 Agreement – This resolution is subject to the completion of Section 106 Obligation, within 12 months of the date of the Planning Committee meeting, requiring the non implementation of the previously granted planning permission 18/2002/01060/PF. On failure to complete the Section 106 Obligation in the period stated, the application will be reported to the relevant Planning Committee for determination in relation to the relevant planning policies and guidance at that time.

Councillor R E Jones wished it to be noted that he abstained from voting on this matter.

### **CONSENT AGAINST THE OFFICERS' RECOMMENDATION**

05/2003/0945/PF

Following consideration of one additional letter of representation from Corwen Community Council.

Retention of UPVC windows.

Church House, London Road, Corwen.

The following voted to refuse permission – Councillors I.M. German, S. Thomas, S. Drew, C. Williams, N. Hughes, F.D. Jones and P.O. Williams. D.A.J. Thomas abstained from voting.

The decision, being CONTRARY to the Officers' Recommendation was taken for the following reasons – The Committee did not consider the Upvc windows to be detrimental to the conservation area of Corwen. (No conditions imposed).

At the request of some Members, Officers would consider, in consultation with the Monitoring Officer, whether this resolution should be considered by Full Council.

### **REFUSAL**

20/2003/0979/PF

Following consideration of one additional letter of representation from A. Howard, The Watermill, Pwllglas. Erection of dwelling and detached garage to replace existing caravan.

Land at Felin Einion Pwllglas Ruthin.

Councillor Sophia Drew wished it to be noted that she voted to grant permission.

### **ENFORCEMENT ITEMS**

ENF/2003/24

Installation of UPVC Windows.

Church House, London Road, Corwen

Amended Reason – Defer pending the outcome of the Planning Application.

ENF/2003/29

The Legal Services Manager (J. Kennedy) declared an interest in the following application and left the Chamber during consideration thereof.

Mixed use to dwelling and storage of cars.

27 Glasfryn, Henllan, Denbigh.

That authorisation be granted for the following:

(i) Serve an Enforcement Notice to secure the cessation of the unauthorised storage, repair and servicing of vehicles which have clearly been adapted for use off the public highway and cannot be described as being incidental to the enjoyment of the dwellinghouse as such and secure the removal from the land of such vehicles.

(ii) Instigate prosecution proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served should they fail to comply with the requirements thereof.

ENF/2003/39

Storage of abandoned cars.

Tan y Graig Nantglyn Denbigh.

That authorisation be granted for the following:

(i) Serve an Enforcement Notice to secure the cessation of the unauthorised use for the storage of motor vehicles and the removal of the motor vehicles from the land.

(ii) 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, should they fail to comply with the requirements thereof.

ENF/2003/40

Mixed use of land residential, agricultural and storage of motor vehicles.

Pen-Rhyd-Goch, Nantglyn, Denbigh.

That authorisation be granted for the following:

(i) Serve an Enforcement Notice to secure the cessation of the unauthorised storage use of motor vehicles and the removal of the vehicles from the land.

(ii) Instigate prosecution proceedings, or any other appropriate action under the Planning Acts, against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served should they fail to comply with the requirements thereof.

ENF/2003/41

Mixed use for keeping horses and storage of motor vehicles and caravans.

Coral Spring, Ruthin Road, Llandegla.

That authorisation be given for the following:

(i) Serve an Enforcement Notice to secure the cessation of the unauthorised storage use and the removal from the land of all motor vehicles, caravan and portacabins other than those reasonably required for the lawful use of the land for the keeping of horses.

(ii) Instigate prosecution proceedings, or other appropriate action, under the Planning Acts if the person, or persons upon whom any Notices are served, or against whom legal action is taken, fail comply with the requirements thereof.



**697. DATE OF SITE VISIT**

There being no site visits required, this item was withdrawn.

**698. 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 1 October 2003 and 31 October 2003.

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

The meeting closed at 12.30 p.m.

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