

## PLANNING COMMITTEE

Minutes of the meeting of the Planning Committee held in the Council Chamber, Ruthin on 26<sup>th</sup> January 2005 at 10.00 a.m.

### PRESENT

Councillors S. Thomas (Chair), J.R. Bartley, R.E. Barton, J. Butterfield, J. Chamberlain Jones, J.M. Davies, M.LI. Davies (Observer), S.A. Davies, G.C. Evans, H.H. Evans, S. Frobisher, I.M. German, M.A. German, D. Hannam, K.N. Hawkins, N.J. Hughes, R.W. Hughes (Observer) T.R. Hughes, N. Hugh-Jones, D. Jones, E.R. Jones, H. Jones, M.M. Jones, P.J. Marfleet (Observer), P.W. Owen, N.P. Roberts, J.A. Smith (Observer), D.A.J. Thomas, J. Thompson-Hill, C.H. Williams, E.W. Williams, R.LI. Williams.

### ALSO PRESENT

Head of Planning and Public Protection Services, Legal Services Manager, Development Control Manager, Team Leader (Major Applications), Senior Support Officer (G. Butler), Admin Officer (Judith Williams) and Bryn Jones (Translator).

### APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors T.K. Hodgson and M.A. Webster.

### 569.URGENT MATTERS

Councillor R.E. Barton requested suspension of Standing Order 10 (i) to allow Members greater flexibility during the debate on the application for the Wind Farm, Gwyddewern owing to the complex issues involved and the length of the report. On being put to the vote, this was defeated.

### 570. 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>
45/2004/1272/PF	Following consideration of 1 additional letter of representation from: Kenyon and Co (on behalf of J & T Gizzi Builders) Public Speaker against : G. Kenyon Amended Description: Proposed extension and refurbishment of existing hotel to accommodate additional bedrooms, swimming pool, health fitness and beauty salon, conference facilities children's adventure play facility, night club Morville Hotel 25-29 East Parade Rhyl

Subject to: New Condition 12 – The additional bedroom accommodation hereby permitted shall be used solely for holiday accommodation purposes only.

*Reason: In the interest of amenity.*

(Councillors M.A. German and N. Hugh-Jones voted to refuse planning permission).

43/2004/0317/PF

Erection of 6 mews cottages and garage block and installation of new septic tank.

Llys Farm Meliden Road Prestatyn.

(Councillors N. Hugh-Jones and R.E. Barton wished it be noted that they abstained from voting).

43/2004/1511/LB

Demolition (in retrospect) of former outbuilding within the curtilage of a Listed Building (Listed Building application).

Llys Farm Meliden Road Prestatyn.

This recommendation is subject to referral to CADW Welsh Historic Monuments and their authorisation to determine the application.

(Councillor N. Hugh-Jones wished it be noted that he abstained from voting).

10/2004/1279/PO

Development of 0.68 hectares of land for residential development and construction of new vehicular access (outline application).

Land adjacent to Tyn-y-Bedw Bryneglwys Corwen.

Subject to Amended/Additional Conditions 5, 7, 9 and 10

Subject to 106 agreement

The proposal is considered acceptable in principal subject to conditions. The 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 a legal agreement has been signed regarding provision of affordable housing on the site. If the 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.

5. "shall be widened in accordance etc", "adjacent to the site, shall be submitted to etc".

7. "equipped".

9. "prior to the commencement of development on site, a habitat survey etc"

10. 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 occupation of the final dwelling 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.

03/2004/0720/PO

Amended Description: Demolition of existing hotel and dwelling and redevelopment of land by the erection of residential apartments and alterations to existing vehicular access (outline application).

Bryn Derwen Abbey Road Llangollen

Public Speaker for: Mr Sedgewick

Subject to: The recommendation is subject to the completion of a legal agreement under Section 106 of the Planning Act within 12 months of the date of the Committee's resolution on the application, to secure commuted sum payment in lieu of the provision of open space within the site in accordance with the Authority's Supplementary Guidance. The certificate of decision would not be released until the completion of the agreement and in the event of failure to complete within the stated period, the application would be reported back to the committee for determination against policies applicable at that time.  
(Councillor R E Barton voted against the application).

### **Refusals**

06/2004/0278/PF

Councillor N.J. Hughes (Denbigh) declared an interest in the following application and left the Chamber during consideration thereof.

Following consideration of correction to report re map at appendix 1b (showing Mwdwl Eithin but not Moel Moelogan and 1 additional letter of representation from: Applicant.

Public Speakers against: Robin Spreckley and Professor P. Cobbold

Public Speakers for: Mr Ceiriog Jones and Dr David Williams  
Construction and operation of five 1.3Mw windturbine generators (49m tower, 62m rotor diameter, tip height 80m above ground level), 50m lattice tower meteorological mast, switch room facility, access tracks and temporary construction compound, for purposes of generating renewable energy and improvement to existing highway access.

Wern Ddu, Gwyddelwern Corwen.

Subject to: Amended Reason for Refusal

1. "cumulative and sequential visual impact with other existing, approved and proposed wind turbine developments etc".

Add after reasons for refusal:

In making its decision, the Local Planning Authority has had regard to the Environment Statement submitted with the original application, and the Addendum to the Environmental Statement received in October 2004.

(Councillor N. Hugh-Jones voted to grant planning permission)

(Councillors R.LI. Williams and H. Jones wished it be noted that they abstained from voting).

14/2004/0645/PF

Erection of three bungalows, construction of vehicular access and installation of new septic tanks.

Land Adjacent to St. Mary's Church Cyffylliog Ruthin.

Public Speaker for: John Atkinson

Subject to: Amended Reason – "Policy STRAT 15"

New Note to Applicant – You are advised to contact the case officer to discuss how your proposals can be amended to

facilitate the provision of 1 no. affordable housing unit on the site. The Planning Committee and officers noted your particular circumstances and it is considered that there may be scope for providing one of the units for your elderly relative but with an obligation for this to remain "affordable" in perpetuity. (Councillors J Davies, P.W. Owen, J. Thompson-Hill and N.H. Jones voted to grant permission).

43/2004/1433/PC

Retention of garden shed (retrospective application).  
Tan yr Allt Cottage Tan yr Allt Prestatyn.  
Public Speaker against: Will Evans  
It was further resolved:  
That authorisation be granted for the following: Serve an Enforcement Notice to ensure demolition and removal of the unauthorised building.  
Instigate prosecution proceedings, or other appropriate action under the provisions of the Planning Acts against any person, or persons, upon whom any Enforcement Notice, or other Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

### **Site Visits**

15/2004/0834/PO

Amended Description: Development of site for cattery buildings with office/reception area, provision of parking and new driveway to incorporate change of use of existing agricultural building for dog kennels (outline application).  
Bryn Difyr Llanferres Mold.  
Site visits to assess the access and the impact on visual and residential amenity.

41/2004/0415/PO

Development of 0.49 hectares of land to be erected of 10 no. dwellings and alterations to existing vehicular access (outline application).  
Land at rear of Dinorben Arms Bodfari Denbigh.  
Site Visit to assess impact on the landscape, Conservation Area and the access proposals Members requested that Highways Officer attends the site visit.

The meeting closed at 1.00 p.m. for a lunch break to be continued at 1.55 p.m.

## **MINUTES OF THE RECONVENED MEETING**

### **PRESENT**

Councillors S. Thomas (Chair) J.R. Bartley, R.E. Barton, J. Butterfield, J. Chamberlain Jones, G.C. Evans, H.H. Evans, S. Frobisher, I.M. German, M.A. German, K.N. Hawkins, R.W. Hughes (Observer), N. Hugh-Jones, D. Jones, N.P. Roberts, J.A. Smith (Observer), D.A.J. Thomas, J. Thompson Hill, C.H. Williams, R.L.I. Williams, D.B. Jones (Translator).

## ALSO PRESENT

Head of Planning and Public Protection Services, Legal Services Manager, Development Control Manager, Team Leader (Major Applications), Senior Support Officer (G. Butler), Admin Officer (Judith Williams) and Bryn Jones (Translator).

## APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors T.K. Hodgson and M.A. Webster.

### 571. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Contd)

The report by the Head of Planning Services (previously circulated) was submitted enumerating plans submitted and requiring determination by the Committee.

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

(b) 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 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:-

(ii) Consents

#### Application No.

#### Description and Situation

01/2004/0717/PF

Councillor N.J. Hughes (Denbigh) declared an interest in the following application and left the Chamber during consideration thereof.

Erection of 6 no. dwellings and associated works.  
Land Adjoining The Railway Inn Car Park Ruthin Road Denbigh.  
The proposal is considered acceptable subject to conditions.  
Any approval decision should not be released until the applicant has entered into a legal agreement to provide 2 affordable housing units on the site. If a legal agreement is not signed within 12 months the applicant will be reported back to Committee and considered in light of circumstances prevailing at the time.

Subject to amended conditions 2

2. No dwellings shall be occupied until parking spaces and access thereto have been laid out and constructed in accordance with the approved plans and the parking spaces shall be kept available for parking at all times thereafter.  
Delete conditions no. 4 and 5 and renumber subsequent conditions.

Additional Condition

Details of the means of retaining of the land to the west of the application site shall be submitted to and approved in writing prior to the commencement of the development. The method of retention shall be completed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

*Reason: In the interests of visual and residential amenity.*

01/2004/1531/PF	<p>Following consideration of 1 additional letter of representation from: Denbigh Town Council Erected of single-storey pitched-roof extension at rear of dwellinghouse. 1 Smithfield Road Denbigh.</p>
01/2004/1403/PF	<p>Erection of single-storey pitched-roof extension at side of dwellinghouse. 18 Min yr Afon Ruthin.</p>
02/2004/1444/PF	<p>Demolition of existing garage and erection of pitched-roof extension at side of dwellinghouse. 99 Erw Goch Ruthin.</p>
02/2004/1509/PS	<p>Following consideration of 1 additional letter of representation from: Ruthin Town Council. Variation of condition no. 7 of planning permission code no. 02/2004/0001/PF to allow for the lopping and topping of 1 no. tree. Land Adjacent to Oaklea Bryn Goodman Ruthin.</p>
07/2004/0737/PF	<p>Erection of 4 no. detached dwellings and construction of new vehicular/pedestrian accesses. Land to the rear of Pen Rhos Llandrillo Corwen. The Recommendation is subject to the completion of a Section 106 Obligation within 12 months of the date of the planning Committee meeting, securing provision of one (1 no.) affordable unit as part of the development. The Certificate of Decision would not be released until the completion of the Agreement and on failure to complete the agreement within the stated period, would be reported back to the Committee for determination against policies applicable at that time. Subject to amended conditions 7 and 8 7. Prior to the occupation of the dwellings hereby approved the following works shall be completed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority: (i) the road fronting plots 1 and 2 shall be widened along the entire frontage of the site to an overall width of 5.6 m comprising a 4.8 m carriageway and 1.8 m footway, (ii) a 1.8 m wide footway fronting plots 3 and 4 and the new vehicular access to Penrhos, (iii) surfaced parking facilities within each plot. 8. No surface water or land drainage runoff shall be connected to the public sewerage system unless otherwise approved in writing by the Local Planning Authority Delete: Conditions 9 and 10.</p>
07/2004/0805/PF	<p>Erection of 9 no. dwellings and construction of new vehicular/pedestrian accesses. Land at Rhos Helyg Llandrillo Corwen. Subject to: The recommendation is subject to the completion of an agreement under Section 106 of the 1990 Planning Act within 12 months of the date of the Committee resolution to secure the provision of three affordable units as part of the development.</p>

The Certificate of Decision would not be released until the completion of the Agreement and on failure to complete the agreement within the stated period, the application would be reported back to the Committee for determination against policies applicable at that time.

11/2004/1267/PF

Following consideration of 1 additional letter of representation from: Public Protection.  
Erection of steel portal-framed livestock shed and slurry lagoon.  
Maestdydyn Isa Clawddnewydd Ruthin.

16/2004/1450/PF

Following consideration of 1 additional letter of representation from: Head of Transport and Infrastructure.  
Change of use from restaurant to 2 no. 2-bedroom self-contained dwellings.  
Llanbedr Hall Hotel, Llanbedr Hall, Llanbedr Dyffryn Clwyd Ruthin.  
New Condition 3 and New Notes to Applicant 1 and 2  
New Conditions  
3. No dwelling shall be occupied until parking spaces and access thereto have been laid out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority.  
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).

30/2004/0232/PF

Following consideration of amended location plan circulated and one additional letter of representation from: North Wales Wildlife Trust.  
Change of use of land to form commercial livery and erection of stable block/tack room and indoor riding arena.  
Land at Tyddyn Ceirw Henllan Road Trefnant Denbigh.

30/2004/1570/PR

Following consideration of 2 additional letters of representation from: Welsh Water; Mrs Bloxham, Bryn Elwy Allt Goch, Trefnant. Details of dwelling and construction of new vehicular access in accordance with condition no. 1 of outline planning permission ref: 30/204/0536/PO.  
Land at (Part garden of) Cheenaville Allt Goch St. Asaph.  
Subject to: Additional Note to Applicant –  
It is understood that a water main is likely to be affected by the development. Please ensure that the necessary precautions are incorporated within the development to protect the water main.

43/2004/0973/PF

Following consideration of 4 additional letters of representation from: Landscape Architect; Principal Countryside Officer, Housing Strategy Officer; Head of Transport and Infrastructure.  
Erection of 7 no. dwellings and garages and construction of new vehicular access with new roadway.  
74 Gronant Road Prestatyn.  
Amended/Additional Condition 7, 8, 9, 10, 11 and 12  
7. (c) "The initial purchase or rent etc" "the affordable housing shall be provided in accordance with the approved details prior to the first occupation of any of the dwellings on the

application site and thereafter be retained as affordable housing in accordance with those approved details”.

8. Prior to the commencement of the development, a scheme and programme for the carrying out of the tree surgery on the site shall be submitted to and approved in writing by the Local Planning Authority.

9. Full details of the design, drainage, street lighting and construction of the access and access road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

10. The access road and footways shall be surfaced to base course standard before any dwellings which they serve are occupied.

11. The access road shall be kerbed and the carriageways finally surfaced and lighted before the last dwelling on the estate is occupied or completed whichever is the sooner.

12. No dwelling shall be occupied until the parking spaces(s)/garage and access therefore have been laid out/constructed in accordance with the approved plans. (Councillor J. Thompson-Hill voted against the granting of planning permission).

44/2004/1390/PF

Erection of flat-roofed extension at side of dwelling and conservatory at rear.  
Caradoc Villa Abergele Road Rhuddlan Rhyl.

44/2004/1491/PC

Change of use of field for the temporary storage of topsoil in connection with building works on adjacent Tir Morfa Site (retrospective application).

Field Adjacent to Tirionfa Meliden Road Rhuddlan Rhyl.

Subject to: Amended Conditions 1 and 3

1. Delete “in” from the end of the condition.

3. “completion or occupation”.

45/2004/1457/PR

Details of siting, design, external appearance of 2 dwellings and landscaping submitted in accordance with condition 1 of planning permission code no. 45/2003/1447/PR.

Land Adjacent to 14 Plas Road Rhyl.

45/2004/1495/PF

Change of use from Class A1 retail to use as a centre for computer-base examinations and tests to members of the public (sui generis).

3 Bodfor Street Rhyl.

Subject to additional condition 2

2. Within two months of the date of this permission a window display shall be incorporated into the shop frontage in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the shop front contributes to the vitality of the shopping street and in the interests of visual amenity.*

45/2004/1520/PF

Erection of extension and conservatory to side of dwelling, new entrance porch to front and re-positioning of existing pedestrian access, and screenwall/fence to side and rear boundaries.

12 Diane Drive Rhyl.



- 45/2004/1537/PF Councillor D.A.J. Thomas and M.A. German declared an interest in the following application and left the Chamber during consideration thereof.  
Construction of outdoor play enclosure.  
Christchurch Integrated Centre Christchurch School Ffordd Las Rhyl.
- 46/2004/1432/PF Continuation of use of land for temporary car park, provision of hardcore footpath and 2m height-restriction barrier and provision of additional landscaping to screen the site.  
Part of St. Asaph Common, rear of The Roe St. Asaph  
Subject to additional note to applicant  
Your attention is drawn to the fact that the land subject to this application is common land. The grant of planning permission does not override any requirements to seek consent for the works carried out from the National Assembly for Wales under Section 194 of the Law of Property Act 1925.
- 47/2004/1364/PF Conversion and extension of existing outbuildings and existing dwelling to form holiday accommodation and erection of 3 log cabins for holiday accommodation.  
Tan yr Onnen Waen St. Asaph.  
Subject to amended/additional conditions 6 and 9  
6. "The units and log cabins etc"  
9. Prior to the commencement of any development on the site a scheme for the improvement of the junction onto the county road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the use of any of the holiday accommodation hereby permitted.

### **Site Visits**

- 01/2004/1465/PS Following consideration of 1 additional letter of representation from: R M Jones.  
Amendments of condition 11 imposed on planning permissions for (a) conversion of outbuildings to 11 residential units (former Carriage Yard, Lleweni, Denbigh) – application code no. 01/2001/0603/PF (b) conversion of outbuildings to 5 residential units (former Barns and Stables, Lleweni, Denbigh) – application code no. 01/2000/0993/PF, to allow for the introduction of advanced 'access prohibited' signs and realignment of driveways onto access track, to restrict use of track past Maes y Parc to Mold Road by construction vehicles and residents vehicles.  
Lleweni Mold Road Denbigh  
Subject to site visit to assess access issues. Members requested that a Highways Officer be invited to attend the site visit.
- 18/2004/1365/PR Following consideration of additional plan and 4 additional letters of representation from:
- Mr and Mrs Slater The Post Office Llandyrnog
  - Llandyrnog Community Council
  - Head of Transport and Infrastructure
  - Principal Countryside Officer

	<p>Details of siting, design and external appearance of buildings, the means of access and landscaping for the erection of 11 dwellings (in accordance with Condition 1 of outline planning permission 18/2003/1050/PO) (Plots 5-15 inc)  Land adjoining to Tyn Llan Farm Llandyrnog Denbigh.  Subject to site visit to consider siting of open space and affordable housing.</p>
18/2004/1016/PF	<p>Demolition of outbuildings and erection of dwelling (Plot 4), erection of garage (Plot 3) and alterations to existing vehicular and pedestrian accesses.  Land adjacent to Tyn Llan Farm Llandyrnog Denbigh.  Subject to site visit – reason as previous application.</p>
18/2004/1017/PF	<p>Demolition of existing farmhouse and erection of 2 no. dwellings (Plots 16 + 17)  Land adjacent to Tyn Llan Farm Llandyrnog Denbigh.  Site Visit – reason as previous.</p>
18/2004/1440/PF	<p>Erection of 3 no. dwellings (Plots 1-3)  Land adjacent to Tyn Llan Farm Llandyrnog Denbigh.  Subject to site visit – reason as previous.</p>
43/2004/1525/PF	<p>Following consideration of 1 additional letters of representation from: Principal Countryside Officer.  Demolition of existing garage and erection of two-storey pitched-roof extension at front/side of dwellinghouse.  113 Meliden Road Prestatyn  Subject to site visit to consider impact on adjacent occupier.</p>

**572. TREE PRESERVATION ORDER NO 2/2004**

Land adjoining Cerddin, Berwyn Street, Llandrillo.

Submitted: Report by the Head of Planning and Public Protection Services advising members of the serving of an emergency TPO and requesting the confirmation, without modification of Tree Preservation Order 2/2004.

Officers confirmed the trees in question were cherry, maple and cedar.

**RESOLVED** that Tree Preservation Order 2/2004 on land adjoining Cerddin Berwyn Street Llandrillo be confirmed without modification.

*Members also requested that the developer be informed, and that the site be monitored.*

**573. DATE OF SITE VISIT**

The Head of Planning and Public Protection Services written report (previously circulated) was submitted seeking approval for site visits arising from Agenda Item No. 2 be held on Friday 4<sup>th</sup> February 2005 and advising of the current membership of the Site Visit Panel.

**RESOLVED** that the approved site visits be held on 4<sup>th</sup> February 2005.

**574. INFORMATION ITEMS FOR PLANNING COMMITTEE**

The Head of Planning and Public Protection Services written report (previously circulated) was submitted for Members information on the following:

**(i) MEMBER TRAINING**

Booklets were circulated and Members advised to take advantage of training available, particularly the Planning Delivery for Wales Initiative modules.

**(ii) PUBLIC ACCESS PORTAL**

**(iii) PLANNING SURGERIES**

**(iv) HIGH HEDGES LEGISLATION**

Members raised the issue as to whether this legislation covered deciduous as well as conifer hedges. Officers will report back.

**575. APPEAL DECISION UPDATE**

The Head of Planning and Public Protection Services submitted report for information detailing the appeals decisions received between 1<sup>st</sup> December and 31<sup>st</sup> December 2004.

*RESOLVED that the report be received.*

**576. APPLICATIONS DETERMINED BY THE HEAD OF PLANNING SERVICES AND PUBLIC PROTECTION UNDER DELEGATED POWERS – 21 NOVEMBER 2004 TO 31ST DECEMBER 2004**

The Head of Planning and Public Protection submitted his report for information.

*RESOLVED that the report be received.*

The meeting closed at 3.10 p.m.

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