

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
September 2004

These cases have previously been reported to Committee, but remain unresolved. The purpose of the Report is to provide a brief quarterly update for Members. Any issues of detail are best raised with Officers before or after Committee.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/292/97/S P7/521	Voel Las, Eryrys	26/11/97	Unauthorised alteration to levels of land and other unauthorised works.	Notice served, no appeal submitted. Compliance date: 09/04/99. Notice complied with. Hard and soft landscaping works in progress in connection with application ref: 15/76/99PF. Retrospective planning application 15/2004/345/PF granted 01/09/04.	Monitor landscaping and compliance with landscaping conditions.
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	31 unauthorised windows in listed building.	Notice served, appeal dismissed. Compliance date: 19/10/00, therefore now in breach. 4 windows replaced & considered acceptable. 27 windows retained but now painted white. Still in breach of the notice. Application submitted to retain the windows as painted (44/2003/1101/LB) refused according to recommendation. Owner could appeal again but has been advised that appeal would be not be likely to succeed and that the Council would apply for costs.	Planning & Public Protection Services (PPPS) have written to owner and schedule of works for compliance with the Notice has been agreed. PPPS to monitor compliance.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/006/97/S P13/8	Lleweni Coach House & Stables, Lleweni Park, Denbigh	27/10/99	Neglect of listed building	No unauthorised development simply a case of neglect of this Grade II* listed building. Owner has died. Site is being sold.	Liaising with Conservation Officers regarding what action is most appropriate to take and whether planning enforcement can assist in bringing the matter to a resolution. Awaiting confirmation that site has been sold. Situation to be monitored.
ENF/001/99/N P13/5	Elwy Bank, High Street, St. Asaph	09/05/00	Neglect of listed building	No unauthorised development simply a case of neglect of a listed building. Owner has completed interim works to improve the stability of the structure in accordance with Building Regulations. Scaffolding now removed. Owner wants to retain the murals.	PPPS discussing proposals with the owner for the conversion/development of the site. Planning application and application for listed building consent awaited.
ENF/127/00/S P13/13	7 Railway Terrace, Ruthin	28/06/00	uPVC windows and door in a Listed Building.	Notice served, no appeal submitted. Compliance date: 27/04/02. Owner in breach of Notice. Applications for Listed Building Consent to insert new uPVC door and windows refused June 2004. Owner can appeal. Notice re-served on the 6/08/04 . Windows have been replaced and Notice partly complied with. Compliance date for replacement of door 20/12/04. Within time to appeal.	PPPS to monitor compliance date.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/434/99/N LB1 – P7/552 LB2 – P7/553 LB3 – P7/555 LB4 – P7/554	4 No. Lay-bys on A55 at Rhuallt	28/03/01	Stationing and trading of mobile catering units on Crown Land	4 Notices served, appeals dismissed. Compliance date: 02/05/03 WAG have erected signs in each of the 4 lay bys advising "no trading". Fences also erected in 2 of the lay bys. All permanent units now removed. 1 lay-by still being regularly used during the day by drive on/drive off mobile unit and area of grass adjacent to lay-by used for siting tables and chairs in connection with this use. Portaloo removed on 11 July 2004.	Reported to Members at Pl. Committee in December 2003 as an NFA case. PPPS to monitor site following negotiations with Welsh Assembly Government and Highways who will repair the fence adjacent to the lay-by to prevent the use of the grassed area. These works to be carried out before end of September 2004
ENF/133/00/S P7/560	Llyn Cyfynwy, Lake Hill Farm, Llandegla	25/07/01	Residential twin unit caravan	Notice served, no appeal submitted. Compliance date: 31/10/02. Caravan not removed as required by the Enf notice and there are allegations that owner has returned to reside in the caravan. Therefore in breach of Notice. Planning application submitted for the retention of the twin caravan as an office and for the erection of a permanent office building.	Await determination of planning applications as this may supersede requirements of Notice. Prosecution for breach of Notice held in abeyance.
ENF/2001/004 P7/564 ENF/2003/0016 P7/601	208 High Street, Prestatyn	25/07/01	Installation of roller shutters in Conservation Area	Notice served, appeal deemed invalid. Compliance date: 21/02/02 Now in breach of Notice. Has been to Court. Not guilty plea entered, quoting Human Rights. Trial held on 13/02/04. Defendant found not guilty on the basis of a technicality relating to the serving of the notice.	LS to be instructed to prosecute for breach of Notices relating to roller shutter, stall riser and sign which is still displayed following formal confirmation of the details of the owner.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/0015 P2/43		23/04/03 23/04/03	Unauthorised stall riser to shop front in Conservation Area Illuminated fascia sign in Conservation Area	Notice served. No appeal submitted, now in breach. Authorisation granted to prosecute regarding unauthorised sign. Sign still in situ. Trial held on 13/02/04 along with roller shutters. Defendant found guilty and fined £500 and £300 costs.	
ENF/2001/005 P7/565	'Patina', 204 High Street, Prestatyn	25/07/01	Installation of roller shutter in Conservation Area	Trial held on 13/02/04 and defendant found not guilty on basis of technicality relating to serving of notice.	LS to be instructed to prosecute for breach of Notices relating to roller shutter following formal confirmation of the details of the owner.
ENF/2002/007 P7/568	Ty Isoe, Maes Maelor, Llandegla	30/01/02	Storage of vehicles and residential use	Notice served, appeal dismissed. Compliance date: 01/04/04 Owner is in breach of Notice. PPPS and LS have had initial meeting with Environment Agency to consider joint action.	PPPS and LS have meeting with the Environment Agency on the 17 September 2004 which will involve the Head of Planning and Public Protection. This meeting will hopefully agree timetable for action.
ENF/2002/005 P7/573	Bryn Eglur, Llanrhaeadr	27/02/02	Extension to dwelling	Notice served, appeal withdrawn. Compliance date: 02/12/03 Subsequent planning permission granted representing compromise solution. Details now submitted and agreed in respect of conditions relating to external finishes.	PPPS monitoring development.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/025 P7/580	115 Coast Road, Rhyl	26/06/02	Mixed use, residential & car sales	Retro. application refused and notice served. Subsequent appeal dismissed. Compliance date extended until 29/12/03. Owner is in breach of the notice.	LS instructed to prosecute owner for breach of Notice and court date of 24 August 2004 set for prosecution. Court date had to be suspended due to an illness to the Council's witness. Awaiting confirmation of new court date.
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	Retro application refused and notice served. Subsequent appeal allowed for temporary period while occupied by sick parents. Condition requiring planting to help screen the caravan.	PPPS to monitor and ensure planting implemented and removal of caravan once vacated by sick parents.
ENF/2002/033 P7/588	Chester House, 32 Sussex Street, Rhyl (Chaplins)	04/09/02	Installation of fascia sign in Conservation Area	Sign in Conservation Area displayed with deemed consent but considered unacceptable, not least as it has enclosed highway furniture. THI Project Officer and Planning Officers in discussion with owners to encourage improvements to sign and property.	Negotiations continue and Compliance Officer (THI – Rhyl) now in post to coordinate any action. Matter currently held in abeyance.
ENF/2002/017 P24/194	153 High Street, Prestatyn	04/09/02	uPVC shop front in Conservation area	Notice served. Compliance date: 21/01/04. Owner in breach of Notice. Planning application (43/2004/972/PF0 submitted for replacement shop front.	Await determination of planning application. Prosecution held in abeyance.
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	PS have written to the quarry owners legal representative on basis of advice received from Counsel & Committee resolution.	Awaiting formal response on behalf of quarry owner and formal reminder to be sent.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/043 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02	Storage of railway carriages and associated paraphernalia	Notice served and appeal heard by way of Public Inquiry. Appeal dismissed. Storage use to cease and all items removed by compliance date: 03/04/04.	PPPS monitoring situation. Prosecution held in abeyance as the owner is in process of clearing site and complying with the requirements of the Notice. Prosecution held in abeyance.
ENF/2003/031 P7/592		23/07/03	Boundary fence & gates over 2m high	Notice served requiring removal of fence in 3 months. Compliance date : 26/03/04. Owner in breach of both Notices and advised of possible prosecution. Clearance of site is now in progress and owner is providing regular updates.	
ENF/2003/009	Casgan Fishery, Llandegla	23/07/03	Residential use of caravan and stationing of vehicles	Enf action authorised to secure cessation of use & removal of vehicles. Notice served 30 June 2004 and has taken effect. No appeal submitted. Compliance date 19/02/04.	PPPS to monitor compliance date.
ENF/2003/028	Land adjacent to Unit 10, HTM Business Park, Abergele Road, Rhuddlan	03/09/03	Siting of Static Caravan for Residential Purposes	Enf. action authorised to secure cessation of residential use & removal of caravan. Notice served, 18 months for compliance given. Appeal lodged by way of written reps. Appeal dismissed June 2004 and Notice upheld. Compliance date 3 December 2005.	PPPS monitoring date for compliance.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/038	60 Gronant Road, Prestatyn	01/10/03	Dev. not in accordance with that granted under pp Code No. 43/2001/1194/PF	Enf. action authorised to secure alterations to dormer to match approved plans. Notice served 6 months for compliance date : 22/06/04. Owner in breach of Notice. Planning application granted by June 2004 Planning Committee for an alternative scheme following pre-application discussions with Officers.	PPPS to monitor the implementation of the alternative scheme. Prosecution held in abeyance.
ENF/2003/039	Tan y Graig, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted. S330 Notice hand delivered 5 April 2004 to clarify details of ownership. LS instructed for non-return of this Notice. Recent site inspection has revealed that the breach is being addressed.	PPPS to instruct LS to draft Enforcement Notice following confirmation of ownership.
ENF/2003/040	Penrhydgoch, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted. S330 Notice hand delivered 5 April 2004 to clarify details of ownership. LS instructed to prosecute for non-return of this Notice. Recent site inspection has revealed that the breach is being addressed.	PPPS to monitor to consider need for serving Enforcement Notice.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/041	Coral Spring, Ruthin Road, Llandegla	26/11/03	Use of land to site caravan & storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted.	PPPS to instruct LS to draft Notice.
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Enf Action authorised for serving Repairs Notice. Repairs Notice served on owner 30 June 2004. No specific response or action from owner to address requirements of Notice.	PPPS to liaise with LS and Project Manager (THI).
ENF/2003/00042.	Parc Bach Derwen, Corwen	24/03/04	Conversion of agricultural buildings to residential use.	Enf Action authorised to cease residential use and for demolition works. Notice served on the 6 August 2004 still within time to appeal.	PPPS to monitor compliance date.
ENF/2004/00033	5 Ochr y Foel, Eryrys	21/04/04	Erection of fence	Retrospective application 15/2004/166/PF refused and enforcement action authorised for removal of fence/lowering to 1 metre. Serving of Notice held back at request of Members to negotiate solution. Site meeting with owner who advised that he would appeal against refusal. No appeal lodged.	PPPS to instruct LS to draft Notice.
ENF/2004/00034	2 Tan y Maes, Meliden, Prestatyn	21/04/04	Erection of fence over 1 metre in height adjacent to road	Enforcement action authorised from removal of fence/lower fence to 1 metre. Serving of Notice held back at request of Members to negotiate solution. Site meeting with owner who has agreed to lower fence. Most of fence lowered and side fence to be lowered further.	PPPS to monitor.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2004/00035	Well Street Clinic, Ruthin	21/04/04	Display of externally illuminated advert sign	Retrospective application 02/2004/0086/AD refused and prosecution authorised fro removal of means of illumination. Owner is t to submit another application.	PPPS to provide owner with specification for acceptable form of illumination. Prosecution to be held in abeyance.
ENF/2004/00058	4 Aspen Walk, Rhyl	21/04/04	Installation of 2 satellite dishes, one of which is 1m in diameter, to front of a dwelling	Enforcement action authorised for removal of larger dish.	PPPS have instructed LS to draft Notice.
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Authorisation to serve Repairs Notice. Property marketed and sold in July 2004 to property developer. Awaiting submission of planning application and application for listed building consent.	PPPS to monitor situation. May be no need to serve Notice if planning permission and listed building consent are granted for redevelopment and implemented.
ENF/2004/00039	Pen Y Mynydd Bach, Rhualt	19/05/04	Erection of grain silo.	Retrospective planning application refused and authorisation given to take enforcement action for removal of the grain silo. No appeal lodged against planning refusal.	Site meeting to be arranged with the owner. PPPS to instruct LS to Draft Notice.
ENF/2004/00048	Workshop rear of 3 Gamlin Street, Rhyl.	01/09/04	Change of use form workshop to single dwelling and associated works.	Authorisation granted to serve Enforcement Notice to cease works, cease residential use and undertake any works required to cease the use.	PPPS to instruct LS to draft Enforcement Notice.

PPPS – Planning and Public Protection Services

LS – Legal Services

DS – Development Services

SV – Site Visit

NFA – No Further Action

A REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

NAMING OF NEW ROAD IN TREFNANT

1. PURPOSE OF REPORT

- 1.1 To request Members to agree a road name for the development currently under construction in Bodfari Road, Trefnant.

2. BACKGROUND

- 2.1 Alternative names have been discussed for the development. The Council has received a request from the Community Council to allocate the name Pwll-y-Clai (Clay Pit) to this development on the grounds of historical connection with the site. The developer has been calling the development "Vale Views" and is content for either the Welsh version of this name to be used or for the road to be named Pwll Y Clai.
- 2.2 The current policy on street naming and numbering agreed by the Planning Committee in February 1997 includes, inter alia, the following criterion:
"2. Names should have some local cultural, historical, or social connection."
In Supplementary Guidance attached to the policy based on national guidelines reference is made to avoiding aesthetically unsuitable names such as Gasworks Road, Tip House, or Coal Pit Lane.
- 2.3 In this instance the proposal for Pwll Y Clai has local connections but could be deemed to be unsuitable in other respects. The Council are in receipt of a letter of objection to the suggested road name of Pwll y Clai on the grounds of devaluation and loss of saleability in future and that the property would not have been purchased in the first place if this road name had been known. The purchasers were under the impression that the road name would be the Welsh version of the estate name and have suggested either Trem y Dyffryn or Golygfâ'r Dyffryn be used.
- 2.4 Officers normally have delegated powers to determine street naming but because of the dispute have referred the decision to members for a decision.

3. RESPONSE FROM CONSULTEES

- 3.1 The statutory consultees and the Royal Mail have not been consulted as they are only concerned about duplication with similar names in the vicinity and pronunciation and neither would be an issue in this instance.

4. RECOMMENDATION

- 4.1 That Members are requested to select either Trem Y Dyffryn or Golygfâ'r Dyffryn.

A REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

DATE OF SITE VISITS

1. PURPOSE OF REPORT

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

2. DATE OF THE SITE VISITS

- 2.1 In consultation with County Clerk's Department, it has been decided that Monday, **4th October 2004** is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore, that any site visits arranged today will take place on **Monday, 4th October 2004**

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will depend on Political Balance.

4. RECOMMENDATION

- 4.1 **That Members agree to the Site Visits being held on Monday, 4th October 2004**

**Decisions Made by the Head of Planning and Public Protection
under
Delegated Powers
1st August 2004 - 31st August 2004**

Item For Information

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

DECISION TYPES

GRANT	- grant planning permission
REFUSE	- refuse all types of application
APPROVE	- approve reserved matters or condition
CONSENT	- grant listed building, conservation area, or advert consent
DEEMED	- does not require advert consent
NO OBJ	- no objection to works to tree(s) in conservation area
NOT REQ	- proposal does not require permission/consent
DETERMIN	- determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works)
P DEV	- proposal found to be permitted development after receipt
WDN	- application withdrawn by applicant
INVALID	- application found to be invalid
CERTIFY	- Certificate of lawful use issued
RCERTIFY	- refuse to issue certificate of lawful use

Copies of appendices available from the Head of Planning and Public Protection