

**PLANNING COMMITTEE MEETING**  
**28th September 2005**  
**Agenda Item: 2**

**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

**DENBIGHSHIRE COUNTY COUNCIL  
PLANNING COMMITTEE  
INDEX TO REPORT**

<b>Item No</b>	<b>Application No</b>	<b>Location and Proposal</b>	<b>Page No</b>
1	01/2005/0764/PO	<b>Former Autoworld Lenten Pool Denbigh</b> Development of 0.15ha of land by the erection of 19 no apartments, construction of new vehicular/pedestrian accesses and associated works (outline application)	1
2	02/2005/0892/PF	<b>Ruthin Craft Centre Park Road Ruthin</b> Demolition of all existing buildings and replacement with new centre for applied arts, comprising studio workshops, galleries, retail area, offices, restaurant, education space and tourist information centre, construction of new vehicular and pedestrian access, alterations to existing car parking arrangements and augmentation of existing landscaping	7
3	03/2005/0702/PS	<b>Bryn Derwen Abbey Road Llangollen</b> Variation of Condition 9 of outline planning permission for redevelopment of land by the erection of 20 apartments (Code No. 03/2004/0720/PO), to allow for alternative arrangements acceptable to the local planning authority for the provision of 4 affordable housing units in Llangollen	13
4	03/2005/0927/PO	<b>Garden To Ael Y Bryn Birch Hill Llangollen</b> Development of 0.03ha of land by the erection of a dwelling (outline application)	17
5	24/2005/0593/PF	<b>Outbuildings At Pant Glas Uchaf Bontuchel Ruthin</b> Conversion of redundant agricultural buildings to form 5 no. dwellings and associated works	20
6	15/2005/0812/PC	<b>Armon Cottage Bryn Alyn Llanferres Mold</b> Erection of conservatory extension to side of dwelling (retrospective application)	25
7	42/2005/0842/PF	<b>43 Parc Gwelfor Dyserth Rhyl</b> Erection of first floor pitched-roof extension over existing garage	28
8	44/2005/0771/PF	<b>(Rhuddlan Triangle) Land at Marsh Road Rhuddlan Rhyl</b> Erection of public house/restaurant, hotel, drive-thru fast food unit, non-food retail unit and associated access, car parking and landscaping	31
9	44/2005/0999/PS	<b>Former Thomas Motor Mart Marsh Road Rhuddlan Rhyl</b> Variation of conditions 2 and 3 of planning permission code no. 44/2000/1013/PO to allow submission of reserved matters by 27 December 2005 and commencement of development by 27 December 2006	40
10	45/2005/0707/PF	<b>Sun Centre &amp; Pavilion Theatre East Parade Rhyl</b> Change of use of land for siting of mobile testing vehicle for a period up to 5 years with 12 visits per month	45

**ITEM NO:** 1

**WARD NO:** Denbigh Upper / Henllan

**APPLICATION NO:** 01/2005/0764/ PO

**PROPOSAL:** Development of 0.15ha of land by the erection of 19 no apartments, construction of new vehicular/pedestrian accesses and associated works (outline application)

**LOCATION:** Former Autoworld Lenten Pool Denbigh

**APPLICANT:** St John's Estates Ltd

**CONSTRAINTS:** Town Heritage Area  
250m Of Landfill Site  
Conservation Area  
Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. DENBIGH TOWN COUNCIL  
"While the Town Council does not wish to object to the proposed development, .... emphasis be made and consideration be given to local need and also to ensure the proposed development complies with the County Council's affordable housing programme".
2. DENBIGH CIVIC SOCIETY  
Members welcomed residential development on this site.
3. WELSH WATER / DWR CYMRU  
No objections – require standard conditions relating to details of disposal of foul and surface water.
4. ENVIRONMENT AGENCY WALES  
Have confirmed the site is within a Zone B identified in TAN 15 Development and Flood Risk where site level surveys and sectional details are required for consideration. (The applicant's agent has forwarded relevant levels details and the Agency should confirm their formal observations prior to the Committee meeting).
5. SENIOR CONSERVATION OFFICER  
No objections from the conservation aspect. Notes the 21<sup>st</sup> Century design submitted and sees no reason to object to the principle of the development as proposed. Aspects of the building features would require further explanation of detail and control.
6. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objections subject to control over details of the access, closure of the existing access, footway works and space for turning of refuse vehicles.

**RESPONSE TO PUBLICITY:**

1. John Anker Larsen, 6, Lenten Pool, Denbigh
2. G Davies, 8 Lenten Pool, Denbigh

Summary of planning based representations:

1. Amenity Impact  
3 storey units will overlook Lenten Pool terraced cottages / overshadowing of nearest dwellings in winter months / proposed unit alongside existing cottage will swamp it, reducing privacy and value.
2. Highways / Parking  
Only 21 parking spaces / access would be just below that of Morrison's supermarket / additional vehicles would lead to traffic build up on Smithfield Road.

**EXPIRY DATE OF APPLICATION: 02/08/2005**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- Further information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The Autoworld premises are located on the north side of Smithfield Road, opposite the petrol filling station attached to Morrison's supermarket.
2. The property has been vacant since 2004, and has been used as a commercial garage and petrol station over a number of years. It lies within the development boundary of the town, but has no specific use allocation in the Unitary Development Plan. The town's Conservation Area runs alongside the north eastern boundary of the site closest to Pwll y Grawys, but none of the site is within the Conservation Area.
3. The area around the site is in a mixture of uses: the town Fire Station to the south west, traditional terraced residential properties at Maes Hyfryd and Lenten Pool to the north, and the Morrison's foodstore to the south. The main vehicle access to the Maes Mathonwy area runs alongside the Southwest boundary of the site, and joins Smithfield Road opposite to the foodstore entrance. Site levels rise up some 1.5 metres from the Pwll y Grawys end of the site towards the south west end by the Fire Station.
4. The application is in outline but with siting and design to be considered as part of the application. The proposal is supported by a Design Statement outlining the aims and principles behind the proposals, and illustrative plans showing ideas for the development. These indicate a total of 19 units in the form of three storey units fronting Smithfield Road, intended particularly as dwellings for sale to first time buyers. The design is referred to as 'contemporary', with low pitched/flat roofs reflecting the style of nearby buildings and to avoid overshadowing adjacent properties; and the use of render on the main walls with contrasting timber or terracotta finishes on the stair towers to echo the use of materials in buildings in the historic core of the town. A single access would serve the site off Smithfield Road, leading to a rear parking area for 22 vehicles.

**RELEVANT PLANNING HISTORY:**

5. None relevant to the application.

## **PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
- Policy GEN 6 Development Control Requirements
  - Policy GEN 2 Development of un-annotated land
  - Policy HSG 10 Affordable housing within development boundaries
  - Policy EMP 10 Protection of Employment Land/Buildings
  - Policy REC 2 Amenity and recreational open space in new developments
  - Policy TRA 6 Impact of new development on traffic flows
  - Policy TRA 9 Parking and Servicing Provision
  - Policy ENP 6 Flooding
  - Policy SPG 21 Parking

## **GOVERNMENT GUIDANCE**

- Planning Policy Wales March 2002
- TAN 12 Design (2002)
- TAN 15 Development and flood risk (July 2004)
- TAN 18 Transport (1998)

## **MAIN PLANNING CONSIDERATIONS:**

- 7.
- i) Principle of redevelopment
  - ii) Design detailing / visual amenity / impact on occupiers of neighbouring properties
  - iii) Highways / parking
  - iv) Affordable housing
  - v) Open space
  - vi) Flooding
8. In relation to the main considerations:
- i) Principle of redevelopment  
The principle of a suitable redevelopment of a site such as this close to the town centre is in accord with planning policies. The site is outside the main shopping area and has been in commercial use for some years. There are no objections raised over the removal of the existing building, nor to the principle of providing flats there. The concerns expressed relate to matters of detail rather than the residential use proposed. The proposals would not be in conflict with the basic tests in Policy EMP 10 of the Unitary Development Plan, as the buildings do not lend themselves to appropriate alternative use by virtue of the size, location and construction. The loss of the building would not prejudice the ability of the area to meet a range of local employment needs.
  - ii) Design / visual amenity / impact on occupiers of nearby property.  
The application is in outline form, seeking approval of only siting of buildings and access. The illustrative plans show a modern approach to the development which is supported by the Conservation Officer subject to control over details. Whilst the siting of units along the road frontage appears acceptable, it is difficult from the level of detail submitted to draw clear conclusions over the impact on the privacy and amenities of occupiers of adjacent property, but this matter can be dealt with adequately by reserving siting for approval at reserved matters stage. It is considered in particular that the detailing of the new units proposed alongside the traditional terrace at Pwll y Grawys needs careful attention to respect the scale and style of existing development, as the sketches show a potential conflict of approaches

in this location.

- iii) Highways / parking  
The Highways Officer raises no objections to the application, but requests conditions to control details of the proposed access, footways, parking and turning arrangements. With regard to the concerns of local residents over the additional volume of traffic generated by the development, due account needs to be taken of the potential intensity of use which has been / could be associated with an active commercial garage / filling station in this location. Parking provision is below the maximum provision set out in SPG 21 (22 spaces compared to a maximum requirement of around 30 spaces) but given the location close to town centre and public transport, and provision of cycle parking, the level is considered acceptable.
- iv) Affordable housing  
In the event of permission being granted it would be necessary to ensure the provision of an element of affordable housing, to conform with the Authority's current guidelines. This can be covered by a suitably worded planning condition on an outline consent.
- v) Open Space  
The applicants are aware of the planning policy requirements for provision of open space in new developments of more than 10 units, in Policy REC 2 of the UDP. The size and type of development and the location close to the town centre alongside a busy A road would support the case for payment of a commuted sum to allow provision / enhancement of open space elsewhere in the town, a matter which can also be dealt with at outline stage by a planning condition.
- vi) Flooding  
The site falls within an area shown as Zone B on the Development Advice Map accompanying TAN 15: Development and Flood Risk. Zone B relates to areas which have been known to flood in the past, and requires an applicant to provide levels information to enable the Environment Agency Wales to assess the need for further flood evaluation assessment. The relevant information has been forwarded to the Environment Agency, who will confirm their position prior to the meeting. It is not anticipated that objections will be raised to development in Zone B locations

#### **SUMMARY AND CONCLUSIONS:**

9. The site is occupied by vacant former commercial premises bordered by residential properties to the north. The principle of a suitable housing development is acceptable in terms of policy, and the concerns of nearby residents can be addressed at reserved matters stage.

#### **RECOMMENDATION: - GRANT** subject to the following conditions:-

1. Notwithstanding the submitted plans, approval of the details of the siting, design and external appearance of the building(s), the landscaping of the site and the means of access (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall not begin until the formal written approval of the Local Planning Authority has been obtained to a scheme for the provision of affordable housing and open space as part of the development. Such details shall include:

(a)i) provision of 30% of the number of dwelling units as affordable units

ii) the timing of the construction of the affordable housing

iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be provided in accordance with the approved arrangements.

(b)

i) The arrangements to ensure the payment of commuted sums for the provision and maintenance of off-site open space.

The open space payment shall be provided in accordance with number of units proposed within the development and payment shall be made before the occupation of the final unit of accommodation.

5. 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.

6. The location of the proposed access shall not be as shown on the submitted plan but shall be as agreed in writing with the Local Planning Authority before the commencement of any works on site, and the approved access shall be constructed before the commencement of other works on site to minimise disruption to pedestrians using the footway alongside the A543.

7. Full details of the layout and design of the proposed access shall be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.

8. The final unit of the development shall not be occupied until the access and parking spaces, and footways have been completed to adoption standard or as otherwise agreed in writing by the Local Planning Authority.

9. No work 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 and whether the development may impact on controlled surface and ground waters, such survey to be in accord with BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of the survey and its conclusions have been submitted to the Local Planning Authority for assessment in liaison with the Environment Agency Wales.

10. In the event that the site survey required by Condition 9 of this permission reveals the presence of hazard from any 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 to 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.

11. In the event that any areas of unexpected contamination become evident in the course of development, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the

details approved.

12. No demolition shall take place before a contract for carrying out the works of redevelopment on the site has been made and all reserved matters have been approved for the redevelopment for which the contract provides.

13. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

14. 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.

15. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

16. Cycle parking shall be provided prior to the occupation of any of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The reason(s) for the condition(s) is(are):-

1. The application is for outline permission only, and for the avoidance of doubt over what details are reserved for further application.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act.
4. In order to ensure an adequate supply of affordable housing and to ensure adequate provision of open space in accordance with planning policies UDP REC 2 and HSG 10.
5. In the interest of highway safety and to ensure the development is served by a satisfactory form of access prior to completion of the service road.
6. In the interest of highway safety and to ensure the development is served by a satisfactory form of access prior to completion of the service road.
7. In the interest of highway safety and to ensure the development is served by a satisfactory form of access prior to completion of the service road.
8. In the interest of highway safety and to ensure the development is served by a satisfactory form of access prior to completion of the service road.
9. To ensure that the extent of contamination is established and that adequate steps are to be taken to deal with the contamination.
10. To ensure that the extent of contamination is established and that adequate steps are to be taken to deal with the contamination.
11. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
12. In the interests of the character and appearance of the Conservation Area.
13. To ensure the proper drainage of the site and to minimise the risk of pollution.
14. To ensure a satisfactory standard of development, in the interests of visual amenity.
15. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.

#### **NOTES TO APPLICANT:**

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

Denbighshire County Council Specification for Road Construction

Highways Act 1980 S. 184 Consent - Notes for Guidance to Applicants



**ITEM NO:** 2

**WARD NO:** Ruthin

**APPLICATION NO:** 02/2005/0892/ PF

**PROPOSAL:** Demolition of all existing buildings and replacement with new centre for applied arts, comprising studio workshops, galleries, retail area, offices, restaurant, education space and tourist information centre, construction of new vehicular and pedestrian access, alterations to existing car parking arrangements and augmentation of existing landscaping

**LOCATION:** Ruthin Craft Centre Park Road Ruthin

**APPLICANT:** Denbighshire County Council

**CONSTRAINTS:** Within 67m Of Trunk Road  
250m Of Landfill Site

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. RUTHIN TOWN COUNCIL  
"Grant planning permission".
2. RUTHIN AND DISTRICT CIVIC ASSOCIATION  
Awaiting response.
3. DWR CYMRU/WELSH WATER  
No objections subject to addition of conditions.
4. WELSH ASSEMBLY GOVERNMENT, TRANSPORT WALES  
Do not wish to issue a direction in respect of the proposal.
5. COUNTY CONSERVATION ARCHITECT  
Notes the building is outside the Conservation Area and has little impact on it, so has no objections from that point of view. From an architectural perspective, wonders why the opportunity presented by total demolition has not produced a more radical solution; and expresses concerns over specific elements of the elevational treatment, the use of materials and the detailing of the courtyard, which require careful treatment/finishes to succeed. Concludes that the building will be an asset to Ruthin and Denbighshire, but hopes the detailed issues can be addressed by conditions.
6. COUNTY ARCHAEOLOGIST  
No comments or objections from an archaeological perspective.
7. COUNTY LANDSCAPE ARCHITECT  
Has been involved in pre-submission consultations and would need to contribute to further discussions on details of landscape proposals, given the formative stage of this element of the scheme. Comments on the need for careful treatment of the courtyard, car park, and trees surrounding the site.

8. HEAD OF TRANSPORT AND INFRASTRUCTURE

No objection subject to inclusion of conditions relating to the access onto Lon Parcwr, and on site turning/parking arrangements.

**RESPONSE TO PUBLICITY:**

None at the time of preparing the report.

**EXPIRY DATE OF APPLICATION: 20/09/2005**

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application involves the demolition of the existing Ruthin Craft Centre buildings and the development of a new Centre for Applied Arts on virtually the same footprint as the current buildings. The proposal is submitted by agents acting on behalf of the County Council, who own the site.
2. The original Craft Centre was built following the grant of planning permission by the former Clwyd County Council in 1979. It is located immediately to the north west of the 'Briec' roundabout where the A494, A525 and Lon Parcwr converge. The Centre is on the west side of Lon Parcwr, opposite the former car park site granted planning consent for a foodstore at the August 2005 meeting of the Committee.
3. The site lies within the development boundary of Ruthin in the Unitary Development Plan. There is no specific allocation within the plan for the site.
4. The existing Craft Centre contains 15 craft workshops for local businesses, a restaurant, offices and a tourist information centre, with a shop and exhibition area. It hosts touring exhibitions, promotes contemporary art and other work, produces high quality publications and has developed an international reputation over time. It is a significant tourist/visitor destination.
5. The application documents outline the background to the proposed redevelopment:-
  - i) The Centre plays a useful role for the local community and has status well beyond the town, yet is 'visibly vague' with a 'modest and reticent presence' hidden behind grass bunds and heavy tree cover.
  - ii) The existing buildings are now no longer considered fit for their purpose and detailed investigations reveal the impracticality of adapting them.
  - iii) The proposal is to effect a 'transformation' of the Centre, building on the successful principles of courtyard form, with a unique modern form of building, developing the central space into a 'dynamic and adaptable space'.
  - iv) The new building would be primarily single storey with a small section where high level plant would be located. The principal external materials would be zinc on the roofs and sections of wall, and cast stone for plinths. The gross external floor area of the existing building is indicated as 1396m<sup>2</sup> and that of the proposed building as 1672m<sup>2</sup>.

- v) The building would contain:-
    - a) An entrance lobby
    - b) 6 Studio workshops
    - c) 2 Residency studio workshops
    - d) Tourist Information Centre
    - e) Education space
    - f) Office space
    - g) 2 Galleries, with a retail area
    - h) Restaurant with outdoor terrace
    - i) Associated toilet facilities
  - vi) There are detailed proposals for the hard and soft landscaping of the site, including careful thinning of existing trees, the planting of new trees, and the development of concept/themes for the car park area (87 spaces for visitors) as 'orchard parking', spring and summertime meadows, and a limestone threshold.
  - vii) Specific proposals to provide accessibility for persons with disability, sustainable energy saving construction techniques.
  - viii) The relocation of the vehicular access onto Lon Parcwr to the north of its current position to take account of access proposals for the foodstore on the east side of the road, and provision of space within the parking area for the turning and parking of coaches. Pedestrian access would be retained off Park Road close to the existing pedestrian crossing.
6. The agents organised a public exhibition relating to the material in the submission at the Craft Centre between 22<sup>nd</sup> July and 5<sup>th</sup> August 2005.

**RELEVANT PLANNING HISTORY:**

- 7. **2/3537**  
Erection of Craft Centre – GRANTED – 30 May 1979 (Clwyd County Council)

**PLANNING POLICIES AND GUIDANCE:**

- 8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy STRAT 9 - Tourism
  - Policy GEN 1 - Development within Development Boundaries
  - Policy GEN 2 - Development of un annotated land
  - Policy GEN 6 - Development control requirements
  - Policy CON 6 - Development adjacent to Conservation Areas
  - Policy TSM 1 - Tourism Development
  - Policy TSM 3 - Tourist Related development in Historic & Market towns
  - Policy TRA 6 - Impact of new development on traffic flows
  - Policy TRA 8 - Transport requirements in major developments
  - Policy TRA 9 - Parking and servicing provision

SPG 21      Parking

**GOVERNMENT GUIDANCE**

- Planning Policy Wales March 2002 Section 11 – Tourism, Sport & Recreation
- TAN 12      -      Design (2002)
- TAN 13      -      Tourism (1997)
- TAN 18      -      Transport (1998)

**MAIN PLANNING CONSIDERATIONS:**

9.
  - i) Principle of development
  - ii) Design
  - iii) Access/parking
  - iv) Landscaping
  - v) Amenity
  
10. In relation to the main considerations:-
  - i) Principle of development  
The redevelopment of the existing Craft Centre in the form of a Centre for Applied Arts is compatible with the tourism and general development policies of the Unitary Development Plan. There is in reality, no fundamental change in the type or nature of the use which has operated successfully and without adverse impact on the locality over many years.
  
  - ii) Design  
The scheme proposed is 'modern' in concept and the building would have a more striking impact than the existing 'low key' development, in a visible location, next to a major highway junction. The Conservation Architect has reservations over the detailing of particular elements, but overall concludes, subject to controls over these matters, that the building will be an asset to the town and the County.
  
  - iii) Access/parking  
The Head of Transport and Infrastructure is satisfied with the new access and parking arrangements, subject to control over the detailing of visibility and construction at the point of entry onto Lon Parcwr. The existing parking area is not changing in size and has proved to be more than adequate to serve the Craft Centre use.
  
  - iv) Landscaping  
The plans show proposals to develop 'theme' areas for landscaping which are acceptable in principle to the Landscape Architect. These plans would need to be worked up to greater detail and can be covered by condition if permission is granted.
  
  - v) Amenity  
The site does not directly border any residential development, the nearest being at Troed y Rhiw to the west (60m from the building to the closest dwelling on the opposite side of the A494). There are a number of business premises on the north west, north, and east sides, including the Wynnstay Stores, The Mill Child Care Centre and the Niagra premises. It is not considered the proposed Centre for Applied Arts would have any adverse impact in terms of visual or general disturbance on the occupiers or users of these properties.

**SUMMARY AND CONCLUSIONS:**

11. The proposals are to develop a more modern building of similar size and use as the existing Craft Centre. The Centre is a considerable asset to the town and the scheme would be an important investment in the future of the facility and the town.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the

Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

3. 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.

4. 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.

5. The use of the premises hereby permitted shall not commence until the parking spaces shown on the approved plan have been surfaced and marked out.

6. No surface water or land drainage run off shall be allowed to connect (either directly or indirectly) to the public sewerage system.

7. There shall be no external storage of goods, crates, or any items relating to the delivery to, or collection of goods from the Centre on any part of the site, without the written approval of the local planning authority thereto.

8. No external lighting of the building, car park or any part of the site shall be permitted without the prior written approval of the local planning authority to the type and position of the lights, column sizes, design and hooding, the levels of luminance and proposed hours of use.

10. Details of the bin/recycling store indicated in the approved plan shall be submitted to and approved in writing by the Local Planning Authority and provided in accordance with the approved details prior to the commencement of use of the craft centre.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. In the interests of visual amenity.

3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.

4. To ensure a satisfactory standard of development, in the interests of visual amenity.

5. To ensure the development is served by a satisfactory parking facility.

6. To prevent hydraulic overloading of the public sewerage system.

7. In the interests of visual amenity.

8. In the interests of visual amenity.

#### **NOTES TO APPLICANT:**

Your attention is drawn to the plan from Dwr Cymru/Welsh Water attached to this certificate, showing the position of the foul sewer crossing the site.

Your attention is drawn to the attached Advisory Notes from the Head of Highways and Transportation.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5, 7 and 10.

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.

**ITEM NO:** 3

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2005/0702/ PS

**PROPOSAL:** Variation of Condition 9 of outline planning permission for redevelopment of land by the erection of 20 apartments (Code No. 03/2004/0720/PO), to allow for alternative arrangements acceptable to the local planning authority for the provision of 4 affordable housing units in Llangollen

**LOCATION:** Bryn Derwen Abbey Road Llangollen

**APPLICANT:** Balfour Homes Ltd.

**CONSTRAINTS:** Tree Preservation Order  
Canal Consultation Zone

**PUBLICITY UNDERTAKEN:** Site Notice - No Press Notice - No Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. LLANGOLLEN TOWN/COMMUNITY COUNCIL  
Awaiting response
2. LLANGOLLEN CIVIC SOCIETY  
Oppose the application. Consider this would set a precedent for all future developments. The developers were aware of the rules governing affordable housing before they set out on the project.
3. HOUSING STRATEGY OFFICERS  
Advise that detailed negotiations have taken place with applicant's advisors, and that the option of Commuted Sum payment is acceptable in the circumstances,

**RESPONSE TO PUBLICITY:**

None at time of preparing the report

**EXPIRY DATE OF APPLICATION: 21/10/2005**

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application seeks a variation to a condition imposed on an outline planning permission granted for the demolition of the Bryn Derwen Hotel, and the redevelopment of the site by way of 20 residential apartments.
2. Members may recall considering the outline application at the January 2005 Planning Committee. It was resolved to grant the permission subject to a number of planning conditions and to the completion of a Section 106 Obligation requiring payment of a commuted sum in lieu of the provision of open space within the site. The Section 106 Obligation has been completed and the outline permission has been issued.
3. Condition 9 of the planning permission dealt with the provision of affordable housing in connection with the development. It was included following dialogue

with the applicant's agents over the mechanism for securing provision. Condition 9 reads:

" 9. No development shall be permitted to commence until the formal approval of the Local Planning Authority has been obtained to a scheme for the provision of 4 affordable houses in Llangollen in accordance with the County Council's Unitary Development Plan affordable housing policy and Housing Needs Survey. The submitted scheme shall include details of the following:

- a) the delineation of the site(s) upon which the affordable housing will be constructed;
- b) the type and size of affordable dwellings to be provided;
- c) the arrangements the developer shall make to ensure that such provision is affordable for the initial purchase and successive occupiers in need;
- d) the phasing of affordable housing provisions in relation to open market housing on the site;
- e) occupation criteria and nomination rights;

The affordable housing shall be provided in accordance with the approved details prior to the first occupation of any of the flats on the application site and shall thereafter be retained as affordable housing in accordance with those approved details."

The reason for the condition was to ensure adequate arrangements were made for the provision of affordable housing in conjunction with the development.

4. Subsequent to consideration of the application at the January 2005 Committee, the applicant's planning and legal representatives have been engaged in lengthy discussions with officers of the Housing and Planning sections, and with Pennaf, over the delivery of the four affordable homes. It soon became apparent that the prospect of acquiring land within the town, suitable for the development of four new units within a reasonable timescale was remote, and the likely delays which would have resulted threaten the future of the entire project.
5. The applicant's representatives have investigated alternative ways of securing the objectives of Condition 9, and with regard to the contents of the Supplementary Planning Guidance on Affordable housing, have concluded that the option of a commuted sum payment to the County Council for its own use in providing affordable homes is the only feasible means of progressing.
6. The submission therefore requests the Authority's approval of a variation to Condition 9, to allow for 'alternative arrangements' acceptable to the Local Planning Authority for the provision of four affordable units in Llangollen. This would allow the applicants to make the offer of a commuted sum payment to satisfy the terms of the Condition.
7. Members will note from the planning history section below that a reserved matters application has been recently submitted, containing details of the apartment development at Bryn Derwen. The new application has no direct bearing on the merits of the application forming the subject of this report.

#### **RELEVANT PLANNING HISTORY:**

##### **8. 03/2004/0720/PO**

Demolition of existing hotel and dwelling and redevelopment of land by the erection of 20 residential apartments and alterations to existing vehicular access (outline application) GRANTED – 25/08/05.

##### **03/2005/0693/PR**



Details of siting, design, external appearance, means of access and landscaping for development of 20 apartments granted outline planning permission under Code No. 03/2004/0720/PO – Current application – undetermined

#### **PLANNING POLICIES AND GUIDANCE**

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy HSG 10 – Affordable Housing

Supplementary Planning Guidance – Affordable Housing (approved at Full Council, July 2005)

#### **MAIN PLANNING CONSIDERATIONS:**

10. The main consideration is:  
i) Affordable housing issue
11. The sole issue here is whether the proposed variation to Condition 9 of the outline planning permission is acceptable, and specifically whether it assures the delivery of affordable housing in Llangollen in conjunction with the Bryn Derwyn development.

Whilst respecting the comments of the Llangollen Civic Society, the Planning Authority has to take due account of the particular circumstances which apply, and to exercise reasonable judgement on the case for a more flexible approach to the provision of affordable housing. Each case has to be viewed strictly on its own merits, and the grant of a variation here would not commit the Authority to a similar approach elsewhere.

In the circumstances, it is officer's view that the proposed variation to Condition 9 is reasonable, as it enables the Local Planning Authority to retain close control over the mechanism for delivering the affordable homes in Llangollen. It is accepted by planning and housing officers that the payment of a commuted sum should be consented to only in exceptional circumstances, but this is an option in the approved Supplementary Planning Guidance on Affordable Housing. The tests of the SPG are met, as in granting outline permission the Authority has already accepted the case for no on site affordable housing, and it would appear there is no prospect of securing a viable site in the town to construct the four units within 12 months.

#### **SUMMARY AND CONCLUSIONS:**

12. The variation to the condition would allow the authority to retain control over the mechanism for providing affordable homes in Llangollen and is recommended for approval.

**RECOMMENDATION: -GRANT -** subject to the following conditions:-

Condition 9 shall be reworded as follows :

1. No development shall be permitted to commence until the formal approval of the Local Planning Authority has been obtained to a scheme for the provision of 4 affordable houses in Llangollen in accordance with the County Council's Unitary Development Plan affordable housing policy and Housing Needs Survey, or other arrangements acceptable to the Local Planning Authority. Any submitted scheme shall include details of the following:  
a) the delineation of the site(s) upon which the affordable housing will be constructed;

- b) the type and size of affordable dwellings to be provided;
  - c) the arrangements the developer shall make to ensure that such provisions is affordable for the initial purchase and successive occupiers in need;
  - d) the phasing of affordable housing provisions in relation to open market housing on the site;
  - e) occupation criteria and nomination rights;
- The affordable housing shall be provided in accordance with the approved details prior to the first occupation of any of the flats on the application site and shall thereafter be retained as affordable housing in with those approved details."

The reason(s) for the condition(s) is(are):-

1. To ensure adequate arrangements are made for the provision of affordable housing in conjunction with the development.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 4  
**WARD NO:** Llangollen  
**APPLICATION NO:** 03/2005/0927/ PO  
**PROPOSAL:** Development of 0.03ha of land by the erection of a dwelling (outline application)  
**LOCATION:** Garden To Ael Y Bryn Birch Hill Llangollen  
**APPLICANT:** Mr & Mrs J D Jones  
**CONSTRAINTS:**  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. LLANGOLLEN TOWN COUNCIL  
Awaiting response.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
Awaiting response.
3. WELSH WATER  
No objection subject to conditions.

**RESPONSE TO PUBLICITY:**

None at time of writing report.

**EXPIRY DATE OF APPLICATION: 23/09/2005**

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration at Committee

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site consists of approximately 300 sq.m of open land on the south side of Birch Hill. The plot lies outside the defined settlement limits of Llangollen. The area to the north contains a mix of dwelling types with open fields to the south.
2. Outline planning permission is sought to develop this land by the erection of 1 no. dwelling. All matters have been reserved for future approval.
3. The applicants have submitted supporting information with their application highlighting that they have resided at Ael y Bryn for nearly 40 years and that they have used the application site as a domestic garden throughout that time. The applicants are elderly with diminishing mobility and they feel that they would benefit from development of a property to better suit their needs.

4. Councillor Stuart Davies has requested this application be heard at Committee as the site forms part of an area that could become part of the settlement boundary in the Unitary Development Plan.

**RELEVANT PLANNING HISTORY:**

5. **03/2004/0858/PO**

Development of land by the erection of a dwelling (outline) – REFUSED as contrary to policies which seek to keep development within development boundaries – 05/08/2004.

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 1 – Development within Development Boundaries  
Policy GEN 3 – Development Outside Development Boundaries  
Policy ENV 2 - Development affecting the AONB/AOB  
Policy HSG 6 – New dwellings in the Open Countryside  
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE

Planning Policy (Wales), March 2002

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Principle of development in this location.
  - ii) Consideration in the context of the review of the Local Development Plan
8. In relation to the main considerations:
  - i) Whilst sympathetic to the applicant's personal circumstances, such an issue can only exceptionally outweigh general planning consideration (Para. 4.1.6 of PPW). In this instance this must not override the established planning principle of siting new residential development within settlement boundaries. Even if a lawful use exists for this plot as amenity land in connection with Ael y Bryn this does not justify granting permission for a dwelling when the relevant policies and guidance would dictate otherwise. Only in exceptional circumstances should new residential development be allowed outside development boundaries. The proposal, at this time, is contrary to policies of the UDP designed to prevent the sporadic development of land outside settlements supported by PPW of the WAG.
  - ii) In relation to the timing of the application and the Local Development Plan review, there are currently no firm proposals for amendments to settlement boundaries and granting planning permission on the basis of potential change would prejudice the Local Development Plan consultation process.

**SUMMARY AND CONCLUSIONS:**

9. The proposal is for a dwelling outside the defined settlement limits of Llangollen and is not intended for a farm or forestry worker. The proposal is, therefore, contrary to Unitary Development Plan and national policies and guidance.

**RECOMMENDATION: REFUSE-** for the following reasons:-

1. The proposed residential development is on land outside the defined settlement limits of Llangollen and within the Area of Outstanding Beauty. It has not been supported by any essential need requirement. It therefore represents an unacceptable form of development

contrary to Policy GEN 1, criteria i-v of Policy GEN 3, Policy HSG 6, and Policy ENV 2 of the Denbighshire Unitary Development Plan and Policies of the National Assembly for Wales.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 5

**WARD NO:** Llandyrnog

**APPLICATION NO:** 24/2005/0593/ PF

**PROPOSAL:** Conversion of redundant agricultural buildings to form 5 no. dwellings and associated works

**LOCATION:** Outbuildings At Pant Glas Uchaf Bontuchel Ruthin

**APPLICANT:** Caldecott Construction Ltd.

**CONSTRAINTS:**

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - No Neighbour letters - No

**CONSULTATION RESPONSES:**

1. LLANYNYS COMMUNITY COUNCIL  
 "This Council has the following observations to make on the above planning application:-
  1. The proposal for five dwellings at this location is too great.
  2. The narrow road leading to the proposed site is too narrow and cannot cope with the additional traffic.
  3. This is an unsuitable site for such a development.
  4. The development would not benefit the local community.
  5. No market research has been made to support the application of five additional dwellings at this location.
  6. Other such proposed developments in the area have been refused."
2. CYFFYLLIOG COMMUNITY COUNCIL  
 "The highway infrastructure leading to the application site would not be able to deal with the additional traffic".
3. HEAD OF TRANSPORT AND INFRASTRUCTURE  
 No objection subject to the inclusion of conditions requiring passing places on the approach road and parking facilities within the site.
4. ENVIRONMENT AGENCY  
 Request any approval includes a condition on foul drainage for the scheme.
5. COUNTRYSIDE COUNCIL FOR WALES  
 No objection, site would need surveying for protected species and if required, mitigation measures".

**RESPONSE TO PUBLICITY:**

- Letters of representation were received from:
1. The Owner/Occupier, Bryn Mawr, Bontuchel
  2. M.S.L. Adams, Pencraig, Bontuchel
  3. S.E. Davies, Pant Glas Isa, Bontuchel

Summary of planning based representations:

- i) Highways – Intensification of use up to 6 dwellings and potential agricultural use on a dangerous single track road used by walkers along the Clwydian Way would be detrimental to highway safety/few passing places.
- ii) Principle of development – Planning policy presumes against development in the countryside/few passing places/no demand for housing/too many dwellings for the site.
- iii) Landscape impact

**EXPIRY DATE OF APPLICATION: 15/07/2005**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- deferral for Members' site inspection panel

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. This application was deferred from Planning Committee on 31<sup>st</sup> August 2005 to allow a Members Site Inspection Panel to take place. This was due to take place on Friday, 16<sup>th</sup> September. Members will be updated with notes from the panel at the meeting.
2. The proposal is a full planning application for the conversion of redundant agricultural buildings to form 5 no. dwellings, the installation of a private treatment plant, alterations to existing vehicular accesses and provision of car parking at Pant Glas Uchaf, Bontuchel.
3. The proposed dwellings would comprise 4 two bed dwellings and 1 three bed dwelling.
4. The site and adjacent land is currently occupied by the stone buildings to be converted and other steel framed agricultural buildings which are to be removed. The two existing accesses to the site are to be utilised as part of the current proposal, along with a further access to serve unit 5.
5. The proposed development would be accessed off a single track minor road which leads in a southerly direction to Bontuchel. The proposal includes individual parking within the site for the dwellings. The site is relatively isolated from other properties with the nearest dwelling approximately 280 metres away to the west.
6. The site is located in open countryside, outside any development boundary, approximately 1km to the north of Bontuchel.

**RELEVANT PLANNING HISTORY:**

7. **24/523/96/PF**  
Erection of an agricultural building - GRANTED 12/9/1996

**PLANNING POLICIES AND GUIDANCE**

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 3 - Development Outside the Development Boundaries  
Policy HSG 9 - Residential Conversion of Rural Buildings to

GOVERNMENT GUIDANCE  
Planning Policy Wales March 2002

**MAIN PLANNING CONSIDERATIONS:**

- 9.
- i) Principle of development
  - ii) Impact on residential amenities
  - iii) Design and appearance
  - iv) Highway considerations
10. In relation to the above considerations:
- i) The proposal is considered to comply with the relevant policies and advice on conversions of rural buildings to residential use, and the site is capable of accommodating 6 units (1 existing and 5 new). The site has been marketed for business/employment use, with a local estate agent confirming no interest whatsoever for commercial occupation. There is no requirement for affordable housing provision in conversion schemes in the open countryside which are compliant with UDP policy. The policies do not oblige evidence of need for dwelling units, or to demonstrate how development would benefit the local community.
  - ii) The proposal is not considered likely to affect residential amenity due to its relative isolation from other properties, whilst the amenity standards provided for future occupants of the dwellings are considered acceptable.
  - iii) The proposal involves minimal visual/physical alterations to the existing properties and therefore is considered acceptable in design and appearance. Existing boundary hedges to the site would be retained and additional domestic curtilages planted with a mixed species hedge in order to retain the rural character of the area. It is not considered that the development would result in an over intensification of residential uses and activities inappropriate to the character of the building or the area.
  - iv) It is acknowledged that the road serving the site is narrow, and is used by pedestrians. However, the highway officer has not objected to the proposal, subject to the provision of passing bays at points on the approach road, which are within the applicants control or that of the highways authority. These would supplement existing "natural" passing points. The locations of the passing bays have been identified on a plan by the Highways officer following detailed investigation with the applicants and agent, and would need to be completed prior to occupation of any new units. The proposal shows adequate on site parking/turning areas.

**SUMMARY AND CONCLUSIONS:**

11. The proposal is considered acceptable subject to conditions.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Facilities shall be provided and retained within each plot for the parking of vehicles in accordance with a scheme to be approved in writing with the Local Planning Authority, with



any subsequently approved scheme implemented in full prior to the proposed development being brought into use and thereafter exclusively retained for those purposes.

3. The proposed private treatment plant and ancillary soakaway system shall conform to BS6297 and no part of the system shall be sited within 10 metres of any watercourse.

4. Any existing wall opening(s) to be blocked up and/or existing walls/stonework to be restored in accordance with the approved plans shall be carried out with materials which match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing.

5. The materials to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.

6. The proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.

7. Prior to the occupation of any of the dwellings hereby approved, all window frames and doors to be fitted shall be painted in such colours as agreed in writing with the Local Planning Authority.

8. Notwithstanding the provisions of the 1996 General Permitted Development Order (or any order revoking and re-enacting that order with or without modification), no additional windows, nor balconies or balustrades shall be fitted to the dwellings hereby approved unless otherwise approved in writing by the Local Planning Authority.

9. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 and Classes A, B and C of Part 2 of Schedule 2 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 development permitted by the classes shall be carried out without approval in writing by the Local Planning Authority.

10. There shall be no raised slate vents to the roofs on the development hereby approved.

11. 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.

12. 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.

13. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the provision of vehicular passing bays along the public lane leading to the site, and the approved details shall be implemented in full before occupation of any dwellings, and thereafter exclusively retained for those purposes.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no windows fitted to the south-eastern gable of the existing dwelling facing unit 5, unless otherwise approved in writing with the Local Planning Authority.

15. Notwithstanding the submitted details, the first floor window on the proposed south east elevation to unit 2 and the three rooflights serving units 1 and 2 shall be fitted with obscure glazing prior to occupation and thereafter retained.

16. Before occupation of any of the units 1-4, the 2.0 metre high screen fencing as indicated on the submitted 1:500 block plan shall be erected and thereafter retained.

17. Before development commences a bat roost and bird nest/roost survey shall be undertaken between May and September of the outbuildings to be developed to ascertain if

there are any protected species within the buildings, and the results of the survey submitted to the Local Planning Authority, along with any mitigation measures to be implemented if any protected species are found and the necessary licenses obtained. No development shall take place until the results and mitigation measures of the survey have been approved in writing by the Local Planning Authority, and thereafter fully implemented.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To provide for the parking of vehicles clear of the highway.
3. To ensure the proper drainage of the site and to minimise the risk of pollution.
4. In the interests of visual amenity
5. In the interests of visual amenity.
6. To ensure that the development presents a satisfactory appearance
7. In the interests of visual amenity.
8. In the interests of visual and residential amenities.
9. In the interests of residential amenity.
10. In the interests of visual amenity.
11. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
12. To ensure a satisfactory standard of development, in the interests of visual amenity.
13. In the interests of highway safety.
14. In the interests of residential amenity.
15. In the interests of adjacent residential amenities.
16. In the interests of residential amenities.
17. In the interests of ecology and protected species.

**NOTES TO APPLICANT:**

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

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

**ITEM NO:** 6

**WARD NO:** Llanarmon Yn Ial / Llandegla

**APPLICATION NO:** 15/2005/0812/ PC

**PROPOSAL:** Erection of conservatory extension to side of dwelling (retrospective application)

**LOCATION:** Armon Cottage Bryn Alyn Llanferres Mold

**APPLICANT:** Mr & Mrs P Simpson

**CONSTRAINTS:** AONB  
Ancient Woodland

**PUBLICITY UNDERTAKEN:** Site Notice - No Press Notice - No Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. LLANARMON YN IAL COMMUNITY COUNCIL  
"No objection, but strongly disagree with the retrospective nature of this application".
2. AONB COMMITTEE  
"The JAC deplores the fact that this is a retrospective application and has serious concerns about the design of the extension which is not sympathetic to the character of the existing dwelling".

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION:** 12/09/2005

**REASONS FOR DELAY IN DECISION:**

- awaiting receipt of key consultation response(s)
- awaiting consideration at Committee

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is in a rural location with in the Clwydian Range AONB. It is located off a track leading from the Burley Hill quarry and sits in a natural bowl, with dense vegetation surrounding.
2. The dwelling is a traditional white rendered cottage that has been altered in the past with white UPVC windows. Traditional timber doors and fixings remain, with the roof being slate tiled. A parking and turning area exists to the side of the dwelling with a large curtilage area to the front. A detached garage/ shed are located to the side of the dwelling with a row of trees separating the application site from the rear of the neighbouring property, Bonlez Cottage.
3. The current application is to retain a large white UPVC conservatory to the side of the dwelling. The conservatory measures 8.3m in length, 3.7m in width and 3.5 m to the ridge height. The front of the structure is extensively glazed, with

the rear elevation and stall riser predominantly in white painted roughcast render.

**RELEVANT PLANNING HISTORY:**

4. **15/2004/0138/PF**  
Erection of two storey pitched roof extension to side of dwelling - REFUSED on the 24/03/2004 due to scale of extension not being subordinate, and it being out of scale with the existing dwelling.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN3 – Development outside Development Boundaries  
Policy GEN6 – Development Control Requirements  
Policy ENV2 – Development affecting the AONB  
Policy HSG12 – Extensions to Dwellings  
Policy SPG1 – Extensions to dwellings

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Impact on visual amenity
  - ii) Impact on residential amenity
  - iii) Impact on character and appearance of the AONB
7. In relation to the points outlined in paragraph 6 above:
  - i) The size and scale of the proposal is not considered to be subordinate to the original dwelling and the design is out of character and non sympathetic to the traditional appearance of the cottage. In terms of the materials used, whilst they reflect the existing white UPVC and render of the dwelling, the proposal accentuates the use of modern materials as the UPVC is predominant.
  - ii) There is no adverse affect on the residential amenity of the adjoining occupants as a screen of natural vegetation separates the application site from Bonlez Cottage.
  - iii) The site benefits from some screening by vegetation but is clearly visible from the public footpath that runs in front of the dwelling. The design of the conservatory is not sympathetic to the character of the existing dwelling and has an adverse impact on the character and appearance of the AONB. Upon assessment of the proposal with Policy ENV2, the proposal is considered to detract from the character and appearance of the AONB.

**SUMMARY AND CONCLUSIONS:**

8. The size and scale of the conservatory is not subordinate to the original dwelling and the design is out of character with the cottage.

**RECOMMENDATION (A): REFUSE-** for the following reason:-

The reason(s) for the condition(s) is(are):-

1. The proposal, by reason of its scale, design and materials, would not be subordinate to the original dwelling, or sympathetic to its character and appearance or that of the Clwydian Range Area of Outstanding Natural Beauty. Thus the proposal would conflict with criteria (i) and (ii) of Policy HSG 12 and Policy ENV 2 of the Denbighshire Unitary Development Plan and national guidance within Planning Policy Wales.

### **ENFORCEMENT REPORT**

1. This application is retrospective and the development is considered to be unacceptable having regard to the relevant policies. Therefore, this report seeks Member authorization to take the necessary enforcement action. In considering taking enforcement action against unauthorized development, the provisions of the Human Rights Act 1998 are taken into account. In this instance, the matter under consideration relates to the rights of an occupier to extend their property. It is considered that these rights are outweighed in that the development is unacceptable as it would not conserve and enhance the AONB, which would be contrary to the relevant planning policies. No specific human rights issues have been raised by the owner of the site in this instance.

### **REASONS FOR TAKING ENFORCEMENT ACTION:**

2. The unauthorized development was carried out within the last 4 years.
3. The development is considered unacceptable the imposition of planning conditions as part of any grant of planning permission would not overcome this.

### **RECOMMENDATION (B)**

That authorisation is given for the following:

- (i) Serve an Enforcement Notice to remove the conservatory.
- (ii) Instigate prosecution proceedings or other appropriate action under 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.

### **NOTES TO APPLICANT:**

None

**ITEM NO:** 7  
**WARD NO:** Dyserth  
**APPLICATION NO:** 42/2005/0842/ PF  
**PROPOSAL:** Erection of first floor pitched-roof extension over existing garage  
**LOCATION:** 43 Parc Gwelfor Dyserth Rhyl  
**APPLICANT:** Mrs Mills  
**CONSTRAINTS:** Previous Mining Area  
250m Of Landfill Site  
**PUBLICITY UNDERTAKEN:** Site Notice - No Press Notice - No Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. DYSERTH COMMUNITY COUNCIL  
"No objection"

**RESPONSE TO PUBLICITY:**

Letter or representation received from:

1. B. E. Robinson (on behalf of Mr. & Mrs. R. Jones, 41, Gwelfor Parc Dyserth)

Summary of planning based representations

- i) Concern over height and mass of extension and impact on loss of light to lounge.

**EXPIRY DATE OF APPLICATION: 12/09/2005**

**REASONS FOR DELAY IN DECISION:**

- Awaiting consideration at Committee

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is located on the south side of Parc Gwelfor and consists of a detached two storey dwelling amongst similar on this estate. The split level dwelling has a lounge at first floor level with balcony feature to the front. An integral, flat roofed garage is situated to the east side of the dwelling set some 4m back from the main frontage.
2. The dwellings on this side of the road are sited at a higher level than the road and those dwellings to the north-east at No. 41 at a slightly higher level than the application site.
3. Permission is sought to erect a first floor bedroom and en-suite extension above the existing flat roofed garage creating a rear gable end sited 600mm lower than the existing ridge height. A rear balcony feature is also proposed to serve the new

rear bedroom window. The gable end of this new extension would project back some 5m from the existing ridge line of the dwelling with the first floor element extending over the 5m width of the flat roofed garage.

4. Councillor Peter Owen has requested this application be determined at Planning Committee due to concerns over the impact on the neighbouring dwelling at No. 41 Parc Gwelfor.

**RELEVANT PLANNING HISTORY:**

5. **2/DYS/645/79** – Garage – GRANTED 1979

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy HSG 12 – Extensions  
SPG 1 - Extensions

**MAIN PLANNING CONSIDERATIONS:**

7.
  - i) Impact on neighbour/letter of objection
  - ii) Impact on visual amenity.
8. In relation to the points raised in paragraph 7 above
  - i) The neighbouring dwelling at No. 41 to the north-east is situated at a slightly higher level than the application site and has its lounge at the north west corner at first floor level. This first floor room enjoys a main front full length window which opens out onto a balcony similar to the front of the application premises. However, an additional (not original) window exists to the south-west side wall which faces the side of the application property where the extension is proposed. It is specifically the amenity and light afforded to this secondary window which has resulted in the letter of concern from the neighbour. The amenity from this window is currently dictated by the presence of the side wall of the application property and high hedge sited behind the flat roofed garage. The proposed extension, which will clearly bring the first floor element of the neighbouring dwelling some 5m closer to the neighbour, will have some impact on the amenity enjoyed from this window with some loss of light. However, taking account of the main window along with the aspect of the application property and the high hedge from the secondary window it is not considered there would be sufficient impact from this proposal to warrant refusal.
  - ii) The proposed first floor extension has been designed so as to blend in with the roof pitch on the existing dwelling with the rear gable set some 600mm lower than the existing ridge height. Such a size and scale of extension would meet policy criteria and guidance remaining subordinate to the original dwelling and causing no detriment to the visual amenities of the site or street scene.

**SUMMARY AND CONCLUSIONS:**

9. The proposed extension would not have any significantly detrimental impact on the amenity enjoyed from the secondary lounge window on the neighbouring dwelling.

The size, scale and design of the extension would blend in with the existing house and the street scene.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
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 in the in the extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity
3. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity

**NOTES TO APPLICANT:**

None



**ITEM NO:** 8

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2005/0771/ PF

**PROPOSAL:** Erection of public house/restaurant, hotel, drive-thru fast food unit, non-food retail unit and associated access, car parking and landscaping

**LOCATION:** (Rhuddlan Triangle) Land at Marsh Road Rhuddlan Rhyl

**APPLICANT:** Muller Property Holdings Ltd.

**CONSTRAINTS:** C1 Flood Zone  
Tidal Floodplain

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. RHUDDLAN TOWN COUNCIL  
"Recommended permission"
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
Consider that further road improvements at junction of Marsh Road and Station Road would be desirable to take into account potential for further development (mini roundabout). Draw attention to cycle routes in the vicinity and proposed cycle route on Marsh Road.
3. WELSH WATER  
Need for comprehensive drainage scheme.
4. ENVIRONMENT AGENCY  
No reply.
5. LAND DRAINAGE  
Surface water attenuation will be required.
6. CONSERVATION ARCHITECT  
Design statement and scheme do not address relationship of development site with castle and conservation area.
7. LANDSCAPE ARCHITECT  
Design statement and scheme do not address relationship of development with castle and the conservation area.
8. CADW  
Concerned about impact of development on setting of castle.
9. HEAD OF DEVELOPMENT SERVICES  
Support the proposal.
10. COUNTY ARCHAEOLOGIST  
No known archaeology. Concerned about impact on setting of castle.

11. COUNTY ECOLOGIST  
No reply.
12. ACCESS OFFICER  
No reply.
13. PUBLIC PROTECTION  
Need for potential contamination to be investigated.

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Sustrans, 17 Well Street, Ruthin

Summary of planning based representations:

- i) Footway on Marsh Road should be designed for shared use with cyclists.
- ii) No pedestrian/cycle crossing facilities are provided on Marsh Road or Station Road.
- iii) Lack of provision for cyclists and pedestrians within the site.
- iv) No indication of bus stop provision.
- v) No travel plan has been submitted.

**EXPIRY DATE OF APPLICATION: 17/08/2005**

**REASONS FOR DELAY IN DECISION:**

- Awaiting additional information from applicant.
- Awaiting key consultee responses.
- Negotiations with applicant.

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The proposal is an application for full planning permission for a mixed commercial and retail development on a 1.5 hectare roughly triangular site. The site is currently vacant and hard surfaced with chain link fencing to the perimeter. It was formerly used for car auctions. The main vehicular access to the site is from Marsh Road close to its junction with Station Road. The other former access points from Marsh Road have been closed off.
2. The site is bounded on all three sides by roads with the Rhuddlan Bypass rising via an embankment to the river crossing on the western side, the large roundabout forming the junction between the bypass, A525 and A547, lying to the southwest, Station Road bordering the southern side of the site, with Marsh Road forming the north east boundary.
3. Between the application site and the River Clwyd there lies a mix of commercial uses (roofing merchants, laundry, restaurant, repairs and sales) and vacant land and buildings. To the south east on the opposite side of Marsh Road lies open agricultural land and the River Clwyd comprising the foreground to Rhuddlan Castle. Further along Marsh Road to the northwest, beyond the bypass, are a number of residential dwellings and touring and static caravan sites. To the west on Abergele Road is a ribbon of residential and commercial development with open agricultural land to the southwest beyond the roundabout.
4. The application proposes a two storey hotel in the south east corner providing 44 bedrooms. A public house to the southern boundary would also be predominantly

two storey but with single storey elements. A fast food unit is shown towards the southwest boundary with a non-food retail unit of some 2300 sq.m being sited adjacent to Marsh Road at the northern end of the site.

5. The buildings will be served by a new access off Marsh Road some 70 metres to the northwest of its junction with Station Road. The access would lead to parking for some 214 cars including 22 disabled spaces. Service areas for the public house, hotel and fast food would also be provided via the main access. A separate service yard will be provided to the non-food retail unit via an access off Marsh Road to the northern end of the site.
6. The hotel and public house have been designed using a traditional approach with a mix of brick and render to the elevations and tiles to the roofs. The fast food and retail units are shown with cladding panels to the walls and predominantly flat roofs, reflecting a modern design.
7. The application has been accompanied by supporting documents in the form of a Planning Statement; Retail Assessment; Design Statement; Transport Assessment; Flood Consequences Assessment; and Geo-environmental Assessment. Arising from the Transport Assessment, the application proposes junction improvements at Marsh Road/Station Road and footways along Marsh Road. Other issues raised by the various reports will be referred to later in this assessment.

#### **RELEVANT PLANNING HISTORY:**

8. **44/733/97/PO** – Development of 1.49 hectares of land by erection of public house, hotel, fast food unit and non-food retail unit (outline) – GRANTED 28<sup>th</sup> November 1997

**44/2000/1013/PO** – Renewal of outline planning permission reference

**44/733/97/PO** – GRANTED 27<sup>th</sup> December 2000

**44/2005/0999/PS** – Variation of conditions on 44/2000/1013/PO to allow submission of reserved matters by 27<sup>th</sup> December 2005 and the commencement of development by the 27<sup>th</sup> December 2006 – DECISION PENDING (see next item)

#### **PLANNING POLICIES AND GUIDANCE:**

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy STRAT 1 – General
  - Policy STRAT 5 – Design
  - Policy STRAT 6 – Location
  - Policy STRAT 7 – Environment
  - Policy STRAT 9 – Tourism
  - Policy STRAT 10 – Town Centres
  - Policy STRAT 11 – Regeneration
  - Policy STRAT 12 – General (transport)
  - Policy STRAT 13 – New Development
  - Policy STRAT 14 – Highways
  - Policy GEN 1 – Development within Development Boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy CON 1 – Setting of Listed Buildings
  - Policy CON 6 – Development adjacent to Conservation Areas
  - Policy CON 10 – Scheduled Ancient Monuments
  - Policy ENP 4 – Foul and surface water drainage
  - Policy ENP 6 – Flooding

Policy ENP 8 – Contaminated Land  
Policy RET 1 – Town and District Centres  
Policy RET 4 – Non food retail stores or warehouses  
Policy TSM 1 – Tourism Development  
Policy TSM 3 – Tourist Related Development in Historic and Market Towns  
Policy TSM 7 – Serviced holiday accommodation  
Policy MDA 6 – Major Mixed Development Area – Rhuddlan Triangle  
Policy TRA 6 – Impact of New Development on Traffic Flows  
Policy TRA 8 – Transport Requirements in New Developments  
Policy TRA 9 – Parking and Servicing Provision  
SPG 2 – Landscaping New Developments  
SPG 8 – Access for All  
SPG 13 – Conservation Areas  
SPG 14 – Listed Buildings  
SPG 21 – Parking  
Site Brief MDA 6 – Rhuddlan Triangle

#### GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

Technical Advice Note (Wales) 4 – Retailing and Town Centres (November 1996)  
Technical Advice Note (Wales) 12 – Design (2002)  
Technical Advice Note (Wales) 13 – Tourism (1997)  
Technical Advice Note (Wales) 15 – Development and Flood Risk (July 2004)  
Technical Advice Note (Wales) 18 – Transport (1998)

#### MAIN PLANNING CONSIDERATIONS:

10.
  - i) Principle of development taking into account retail and tourism policies, in particular Policy MDA 6.
  - ii) Highways and Transport
  - iii) Design and siting.
  - iv) Residential Amenity.
  - v) Flood Risk and Drainage
  - vi) Contamination
  
11. In relation to the main planning considerations noted above:
  - i) Principle of development  
The site lies within the development boundary of Rhuddlan in the Denbighshire Unitary Development Plan. It is part of our larger area between the river and the bypass allocated as a major mixed development area (the Rhuddlan Triangle). Policy MDA 6 supports comprehensive redevelopment in the form of mixed tourism, leisure and employment, provided certain criteria are met, namely impact on the setting of Rhuddlan Conservation Area, satisfactory access arrangements, any residential being ancillary, protection of the riverside, incorporation of visitor facilities, and safeguarding of existing employment. The policy also refers to the potential for a non-speculative large factory, heritage or tourism related outlet (non-food) providing it forms part of a comprehensive scheme. Piecemeal development is discouraged and flood risk assessment is required. Policy criteria relating to residential, riverside, visitor facilities, and existing employment are not directly relevant. Issues of the setting of a conservation area, access arrangements, and flood risk are dealt with later in this report.

The principle of the development is governed by policies but also the existence of an extant outline planning permission including a public house,

hotel, fast food unit and non-food retail unit. Taking into account this background, there is no objection to the principle of the public house, hotel and drive through fast food unit elements of the scheme.

In relation to the non-food retail unit, the outline permission prevents the sale of food, convenience, and comparison goods, and limits the gross floor space to no more than 1250 sq.m. The current application proposes a non-food unit of twice the size. In this respect a retail assessment has been submitted and concludes as follows:

- a) There is a need for additional non-food floor space within the catchment.
- b) There is likely to be only a marginal impact on existing centres.
- c) There are no sequentially preferable sites.
- d) The site is defined for mixed use development with the potential for some retailing.

Officers concur with the general conclusions of the retail assessment and, subject to conditions limiting the type of goods to be sold to bulky goods only, consider that the principle of the non-food unit is acceptable.

The proposal involves only part of the Rhuddlan Triangle MDA area. However, it is a clearly identifiable part of the larger area defined by existing highways and would not prejudice further development opportunities coming forward on the remainder of the larger parcel. Moreover, the site has been vacant and an eyesore for a number of years and this development would have regeneration and tourism benefits and would be likely to act as a catalyst for the remainder of the area coming forward. In this respect the proposal is not considered to be piecemeal and would not prejudice the comprehensive development of the overall site.

ii) Highway and Transport Issues

The development site is accessed off the primary road network. The existing junction of Marsh Road and Station Road requires improvement and this is incorporated within the proposals and recommended by the transport assessment. The possibility of a mini roundabout to serve the larger site has been discussed with the applicant and they recognise that this is part of the requirement if a future phase is to come forward. However, based on the current proposals a mini roundabout could not be required.

The proposals involve the provision of footways into the site from Station Road, and following negotiation a combined footway/cycleway is now included together with a pedestrian/cycle island on Station Road to allow links with the site from the existing cycleway and footway networks and the bus stop on the south side of Station Road. There is a frequent bus service on Station Road. The site is well served by public transport and cycleway/footway networks.

The parking provision of 214 spaces does not exceed the maximum guidelines with SPG 21 (approximately 280) but would not be likely to lead to pressure for on street parking in the area given that the mix of uses is likely to lead to different peak periods for the different uses and fluctuating needs for parking throughout the day and evening. In this respect, the proposed parking provision is considered acceptable. Servicing areas are shown for all the uses. The non-food retail unit (bulky goods) would have the highest servicing requirement and the service yard is separate from the parking and

pedestrian areas within the site with a separate access from Marsh Road.

iii) Design and Siting taking into account relationship with Conservation Area

The site is important in providing a gateway to the historic town of Rhuddlan and the coastal areas. It forms part of the foreground and setting of Rhuddlan Castle, St Marys Church and the town generally. The general approach to the siting of the buildings to the southern and western perimeters together with provisions for landscaping to the main boundaries is supported. The largest unit, the non-food retail unit, would be sited towards the northern end of the site, close to the embankment to the Rhuddlan bypass.

The Design Statement accompanying the application and the mix of architectural styles and materials proposed, at the time of writing this report, failed to reflect the important gateway location. However, negotiations have taken place and are ongoing to address these concerns and Members will be updated at the meeting. It is anticipated that these issues will be resolved through this negotiation and/or by conditions controlling some of the details.

iv) Residential amenity

There are no dwellings immediately adjacent to the site. Those properties most affected would be further along Marsh Road to the north. However that level of residential amenity is already affected to the proximity of the bypass, commercial uses, and touring and static caravan sites. The additional activity generated by the proposed development would be unlikely to have a significant impact on nearby residential amenity.

v) Flood Risk and Drainage

The site is located within a Zone C1 as identified by development advice maps and thus subject to the tests within TAN 15 – Development and Flood Risk.

In terms of justification in Section 6 of TAN, the proposal would assist in regeneration and in implementing the strategy of the UDP and would also contribute to employment objectives. In addition the site is previously developed land. In terms of flooding consequences, the application has been accompanied by a Flood Consequences Assessment that concludes that floor levels be set at at least 4.6m AOD which is 600mm above the lowest existing site level. This would combat the small risk identified for the site from fluvial flooding. In this respect the proposal is considered acceptable in the context of flood risk.

With regard to drainage, all foul drainage would go to the public sewerage system within Rhuddlan. Surface water would be discharged to a local watercourse which would then discharge to the River Clwyd. Surface water attenuation would be likely to be required on the site and the details need to be controlled by condition. However, there are no overriding reasons why the site cannot be drained satisfactorily.

vi) Contamination

The geo-environmental assessment report submitted with the application indicates that redundant fuel tanks and associated infrastructure would need to be removed and any excavated areas backfilled with clean material. These remedial measures can be controlled by condition. The extent of

contamination is not significant.

**SUMMARY AND CONCLUSIONS:**

12. The principle of the mixed use development is supported by the planning history of the site and existing planning policies, including in particular Policy MDA 6 Transport, flood risk and Infrastructure assessments indicate that the development would be acceptable in the context of relevant advice and policies, subject to conditions controlling the details. The issue of the approach to the design and landscaping of the site has been subject to discussions and this recommendation is on the basis that such discussions are successfully concluded and/or any matters of detail not resolved can be reserved by condition.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Development shall not begin until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the Local Planning Authority; and the building(s) shall not be brought into use until that junction has been constructed in accordance with the plans hereby approved.
3. All existing accesses to the site which are capable of use by vehicles shall be closed immediately the junction between the proposed access road and the highway has been constructed to the standard agreed pursuant to other conditions of this permission. Prior to the closure taking place details of the method of closure shall be submitted to and agreed in writing with the Local Planning Authority.
4. Cycle parking shall be provided prior to the occupation of any of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
5. The use of the premises hereby permitted shall not commence until the parking spaces shown on the approved plan have been surfaced and marked out.
6. The car parking area shown on the approved plan shall be kept available for that purpose at all times.
7. No development shall commence until the written approval of the Local Planning Authority has been obtained for full details of the proposed highway works to Station Road and Marsh Road, including junction improvements, provision of a pedestrian/cyclist island to Station Road, and footways/cycleways to Marsh Road. The highway works shall be substantially completed in accordance with the approved details prior to the commencement of use from any of the buildings hereby permitted.
8. No building hereby permitted shall be occupied until the written approval of the Local Planning Authority has been obtained to a Green Travel Plan for the occupier and their employees and customers of that building to encourage use of means of transport other than the private car. The Travel Plan shall include means of implementation and monitoring of the plan.
9. Before the development hereby permitted is commenced, a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use
10. Specific provision shall be made at all times when the fast food unit is open for the disposal of litter by customers in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
11. 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.

12. 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 commencement 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.

13. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.

14. Prior to the commencement of the [erection / application] of any [external stonework / render] a sample panel of the type of [stonework, mortar, and pointing/render] it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the [stonework, mortar and pointing/render] to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

15. Prior to the commencement of the erection of any external brickwork, a sample panel of the type of brickwork, mortar, and pointing it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the brickwork, mortar and pointing to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

16. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.

17. No development shall commence until the measures approved in the detailed scheme for dealing with the contamination has been implemented and the Local Planning Authority has written confirming that it is satisfied that the approved scheme has been fully implemented. (JPA report of August 2005 refers)

18. 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 the building(s) is(are) first occupied.

19. The measures recommended in the Flood Consequences Assessment dated June 2005 shall be fully incorporated into the development hereby permitted.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the public house/restaurant and fast food unit shall only be used for purposes within Class A3.

21. The retail unit hereby permitted shall be used for the sale of non-food bulky goods only. It shall have a gross floor space of no greater than 2350 sq.m and shall not be sub-divided into more than one unit.

22. The non-food retail unit hereby permitted shall not be occupied until such time as the hotel and public house have been occupied or completed, whichever is the sooner.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of highway safety.



3. In the interests of highway safety.
5. In order that adequate parking facilities are available within the curtilage of the site.
6. In order that adequate parking facilities are available within the curtilage of the site.
7. To ensure safe access to the development for all transport modes.
8. To encourage the use of a range of transport modes.
9. To ensure suitable access for the disabled to the building.
10. In the interests of amenity.
11. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
12. To ensure a satisfactory standard of development, in the interests of visual amenity.
13. In the interests of visual amenity.
14. In the interests of visual amenity
15. In the interests of visual amenity
16. To ensure the details are satisfactory in relation to the character and appearance of the building
17. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
18. To ensure satisfactory drainage of the site and to avoid flooding.
19. To reduce the risk of flooding.
20. To control the retail elements of the scheme in the interest of the vitality and viability of nearby town centres.
21. To control the retail elements of the scheme in the interest of the vitality and viability of nearby town centres.
22. To ensure that a mixed use scheme is implemented in the interests of the recognised tourism and regeneration benefits of the scheme.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 9

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2005/0999/ PS

**PROPOSAL:** Variation of conditions 2 and 3 of planning permission code no. 44/2000/1013/PO to allow submission of reserved matters by 27 December 2005 and commencement of development by 27 December 2006

**LOCATION:** Former Thomas Motor Mart Marsh Road Rhuddlan Rhyl

**APPLICANT:** Muller Palatine Properties Ltd.

**CONSTRAINTS:** C2 Flood Zone  
C1 Flood Zone  
Tidal Floodplain

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - No Neighbour letters - No

**CONSULTATION RESPONSES:**

1. RHUDDLAN TOWN COUNCIL  
"Recommended permission"

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 06/10/2005****PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal seeks to vary conditions on an outline planning permission granted in December 2000, to allow the periods for submission of reserved matters and commencement to be extended as detailed in the description. Details of the site and surroundings are set out in the previous report on the agenda for the same site.
2. The outline application proposed a mix of uses, including a hotel, public house, fast food restaurant and non food retail unit. Although in outline, an indicative plan with the application showed how the buildings could be sited.
3. In granting outline planning permission, conditions were imposed to, inter alia, provide access improvements, limit the goods to be sold and floor space of the retail unit (1250 sq m), and require that the hotel, public house, and fast food unit be provided in advance of the retail unit.
4. The application has been accompanied by a supporting letter indicating that a developer now wishes to bring forward a scheme but requires the extended periods to allow details to be resolved and a commencement made. The allocation of the site in the UDP as a mixed development area is pointed out.

**RELEVANT PLANNING HISTORY:**

5. **44/733/97/PO** – Development of 1.49 hectares of land by erection of public house, hotel, fast food unit and non-food retail unit (outline) – GRANTED 28<sup>th</sup> November 1997

**44/2000/1013/PO** – Renewal of outline planning permission reference

**44/733/97/PO** – GRANTED 27<sup>th</sup> December 2000

**44/2005/0771/PF** – Erection of public house/restaurant, hotel, drive-thru fast food unit, and non-food retail unit – DECISION PENDING (see previous item)

**PLANNING POLICIES AND GUIDANCE:**

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy STRAT 1 – General

Policy STRAT 5 – Design

Policy STRAT 6 – Location

Policy STRAT 7 – Environment

Policy STRAT 9 – Tourism

Policy STRAT 10 – Town Centres

Policy STRAT 11 – Regeneration

Policy STRAT 12 – General (transport)

Policy STRAT 13 – New Development

Policy STRAT 14 – Highways

Policy GEN 1 – Development within Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy CON 1 – Setting of a Listed Building

Policy CON 6 – Development adjacent to Conservation Areas

Policy CON 10 – Scheduled Ancient Monuments

Policy ENP 4 – Foul and surface water drainage

Policy ENP 6 – Flooding

Policy ENP 8 – Contaminated Land

Policy RET 1 – Town and District Centres

Policy RET 4 – Non food retail stores or warehouses

Policy TSM 1 – Tourism Development

Policy TSM 3 – Tourist Related Development in Historic and Market Towns

Policy TSM 7 – Serviced holiday accommodation

Policy MDA 6 – Major Mixed Development Area – Rhuddlan Triangle

Policy TRA 6 – Impact of New Development on Traffic Flows

Policy TRA 8 – Transport Requirements in New Developments

Policy TRA 9 – Parking and Servicing Provision

SPG 2 – Landscaping New Developments

SPG 8 – Access for All

SPG 13 – Conservation Areas

SPG 14 – Listed Buildings

SPG 21 – Parking

Site Brief MDA 6 – Rhuddlan Triangle

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

Technical Advice Note 4 (Wales) – Retailing and Town Centres (November 1996)

Technical Advice Note (Wales) 12 – Design (2002)

Technical Advice Note (Wales) 13 – Tourism (1997)

Technical Advice Note (Wales) 15 – Development and Flood Risk (July 2004)

Technical Advice Note (Wales) 18 – Transport (1998)

## MAIN PLANNING CONSIDERATIONS:

7.

- i) Has there been any material change in circumstances since the grant of planning permission in 2000.

8. In relation to the main planning consideration noted above:

- i) **Material Changes in Circumstances affecting the principle of the development**

### **Principle**

The broad thrust of policies relevant to the site in 2000 has remained. At that time, the UDP was emerging but the policies carried some weight. Now with adoption, the relevant policies carry more weight, including the principal policy applicable to the site, Policy MDA 6. The mixed use development proposed continues to meet the relevant criteria of the policy relating to the principle of development.

In relation to the retail element, there continues to be a need for non-food retail floor space in the catchment, the impact as evidenced by the report on the previous application that proposes a larger unit would be limited, and there are no sequentially preferable sites for bulky type goods.

### **Highway and Transport Issues**

Highway and transport issues have not materially changed in the area in the intervening period, although the imposition of a condition requiring the submission of a green travel plan would be appropriate to reflect current advice.

### **Flood Risk and Drainage**

Since the 2000 permission advice on flood risk has materially altered. The site is located within a Zone C1 as identified by development advice maps and thus subject to the test within TAN 15 – Development in Flood Risk.

In terms of a justification in Section 6 of TAN, the proposal would assist in regeneration and in implementing the strategy of the UDP and would also contribute to employment objectives. In addition the site is previously developed land. In terms of flooding consequences, the previous application on this agenda has been accompanied by a Flood Consequences Assessment that concludes that floor levels be set at least 4.6m AOD which is 600mm above the lowest existing site level. This would combat the small risk identified for the site from fluvial flooding. In this respect the proposal is considered acceptable in the context of flood risk, subject to a suitable condition.

With regard to drainage, I am not aware of any material changes to drainage capacity in the area since 2000.

### **Contamination**

The geo-environmental assessment report submitted with the previous application indicates that redundant fuel tanks and associated infrastructure would need to be removed and any excavated areas backfilled with clean material. These details were not available in 2000 but the remedial measures can be controlled by condition. The extent of contamination is not significant.

## **SUMMARY AND CONCLUSIONS:**

9. There has been no material change in circumstances that prevent the grant of an extended outline planning permission on this site. Changes in policy in relation to transport and flood risk issues can be dealt with by condition as can the information now available about contamination.

## **RECOMMENDATION: GRANT-** subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The junction between the A525 and Marsh Road shall be improved and provided with a visibility splay of 4.5 metres x 90 metres in both directions measured over land within the control of the applicant and/or highway authority and within which there shall be no obstruction in excess of 1.05 metres in height.
5. Prior to the commencement of the use of any of the buildings hereby permitted, the existing junction of Marsh Road shall be improved to accord with Condition 4, a pedestrian refuge shall be provided to the centre of the A525, and a cycleway and footway provided within the site, adjacent to Marsh Road, all in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. Such details to include layout, design, method of construction, signing, road markings and lighting.
6. Within the non-food retail unit hereby approved there shall be no sale of food, (other than pet food and animal feed) convenience goods, electrical goods and clothes or other comparison goods (excluding bulky goods, DIY items, carpets, and pet related products).
7. None of the buildings hereby permitted shall be occupied until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The drainage works shall include means to regulate the discharge of surface water on the site to the adjacent surface water culvert.
8. 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.
9. 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 commencement of use of any of the buildings hereby permitted 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.

10. Facilities shall be provided and maintained within the site for the loading and unloading, parking and turning of vehicles in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority; and such scheme shall be completed prior to the commencement of the use hereby approved.
11. The non-food retail unit hereby permitted shall not have a gross floorspace greater than 1250 sq.m and shall not be sub divided into more than one unit.
12. The non-food retail unit hereby permitted shall not be occupied until such time as the hotel, public house and fast food unit have been occupied or completed whichever is the sooner.
13. No building hereby permitted shall be occupied until the written approval of the Local Planning Authority has been obtained to a Green Travel Plan for the occupier and their employees and customers of that building to encourage use of means of transport other than the private car. The Travel Plan shall include means of implementation and monitoring of the plan.
14. No development shall commence until the measures approved in the detailed scheme for dealing with the contamination has been implemented and the Local Planning Authority has written confirming that it is satisfied that the approved scheme has been fully implemented. (JPA report of August 2005 refers)
16. The measures recommended in the Flood Consequences Assessment dated June 2005 shall be fully incorporated into the development hereby permitted.

The reason(s) for the condition(s) is(are):-

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In the interests of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
5. To ensure that the highway network serving the proposed development area is capable of catering for the amount of traffic likely to be generated by the proposed development and provision is made for pedestrians and cyclists.
6. The Local Planning Authority is concerned that certain types of non-food retailing in this location would have an adverse impact on the vitality and viability of nearby town centres.
7. To ensure satisfactory facilities are available for disposal of foul and surface water drainage.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development in the interests of visual amenity.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.
10. In the interests of highway and traffic safety.
11. To control the size of the unit in the interests of the vitality and viability of nearby shopping centres.
12. To ensure the comprehensive development of the site.
13. To encourage the use of a range of transport modes.
14. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
16. To reduce the risk of flooding.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 10

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2005/0707/ PF

**PROPOSAL:** Change of use of land for siting of mobile testing vehicle for a period up to 5 years with 12 visits per month

**LOCATION:** Sun Centre & Pavilion Theatre East Parade Rhyl

**APPLICANT:** Miss Louisa Swerdlow Thomson Prometric

**CONSTRAINTS:** Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - No Neighbour letters - No

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL  
"Object on the grounds of – Improper use of seafront leading to unacceptable precedent being established. Detrimental to visual appearance or promenade".

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 08/08/2005**

**REASONS FOR DELAY IN DECISION:**

- additional information required from applicant

**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application site consists of some 28 square metres of existing car parking area to the north-west corner of the Sun Centre/Pavilion Car Park to the east of the main building. The site is to accommodate a medium sized lorry with disabled access.
2. Within this lorry would be fitted 8 no. computer desks, invigilators desk and chemical W.C. The intention would be to operate a mobile testing use where the applicants deliver health and safety training, product knowledge and employment tests for companies, academic organisations and government agencies.
3. The applicant has provided additional information with this application which explains that the use of the vehicle will be limited to 12 visits per month, 5 between 0800hrs and 1030hrs, 5 between 1630hrs and 1930hrs and two on Saturdays between 0900hrs and 1200hrs. The use would be temporary with the applicants initially seeking a 12 month permission renewed on an annual basis. The vehicle measures 11m in length by 2.5m in width with a height of 3.5m.

**RELEVANT PLANNING HISTORY:**

4. None.

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 - Development control requirements

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Principle of use in this location.
  - ii) Impact on visual amenity.
  - iii) Impact on residential amenity.
7. In relation to the points raised in paragraph 6 above:-
  - i) The proposed use is somewhat unique in nature but must be assessed having regard to the existing use of the site, the potential harm and the relevant controls which could be imposed. The site currently is used as a car park with the proposal involving the parking of a vehicle, albeit on a more permanent basis. It is considered that the proposed use is acceptable in principle given that it involves the siting of a vehicle within an authorised car park. The specific use of the vehicle would appear to be relatively low key and does not involve a noisy or un-neighbourly operation. Based on the information supplied and subject to strict controls over the use of the vehicle for the applicants only it is not considered any significant harm would ensue.
  - ii) The vehicle itself would be a medium sized lorry parked in a corner of the existing car park with flat roofed sub-station buildings behind. Clearly, different types of vehicles could be parked in this location at most times and it is not considered that the visual impact of the vehicle in the context of the surrounding land uses would cause any significant harm.
  - iii) The closest residential dwellings to the proposed site would be those on East Parade some 90m away. Given the nature of the proposal and the distance the vehicle would be parked away from these units, it is not considered any significant amenity detrimental impact would be felt on residential.

**SUMMARY AND CONCLUSIONS:**

8. Subject to strict controls over the use of this vehicle and given the applicant's agreement to a 12 month temporary permission, it is considered the application would be acceptable.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The use hereby permitted shall inure for the benefit of the applicant only, Thomson, Prometric, and shall only be and for health and safety training as described in the application.
2. The vehicle shall only be sited and the use carried out for a maximum of 12 no. 3 hour periods in any one calendar month.
3. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30 September 2006.



4. The use hereby permitted shall only be carried out between 0800 and 2000 hours, Mondays to Saturdays and at no time on Sundays.

The reason(s) for the condition(s) is(are):-

1. To control the use in the interests of amenity.
2. To control the use in the interests of amenity.
3. To enable the Local Planning Authority to monitor the impact of the use.
4. In the interests of amenity.

**NOTES TO APPLICANT:**

None

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

REQUEST FOR COMMITTEE RESOLUTION ON  
TWO APPLICATIONS FORMING THE SUBJECT OF  
APPEALS AGAINST NON DETERMINATION

- Proposal A)** Planning application 03/2004/1286/PF  
Demolition of petrol filling station and garage/bus depot, erection of 36 no. sheltered apartments for the elderly, and 1 no. house manager's apartment and retention of existing chapel and shop
- Proposal B)** Conservation Area Consent application  
03/2004/1287/CA  
Demolition of petrol filling station, garage/bus depot and demolition of side/rear chapel extension.
- Location:** Site of Abbey Road Garage, Abbey Road,  
Llangollen, Denbighshire
- Appellant:** McCarthy and Stone (Developments) Ltd

**1. PURPOSE OF REPORT**

1.1 The report seeks a resolution from Members on two applications relating to the Abbey Road garage site in Llangollen. These are for planning permission and conservation area consent, and were originally submitted in September 2004.

1.2 The request arises from the applicants' decision to lodge formal appeals in May 2005 against the County Council's failure to notify them of the decision on the applications within the statutory time period. A Public Inquiry is arranged for December 2005 to deal with the appeals.

1.3 It is normal practice in these circumstances for officers to report to the Committee to seek confirmation of Members' stance on non-determination appeal applications, so this can be reflected in the Council's

Statement of Case on the appeals, and in the presentation of evidence at the Inquiry.

1.4 The situation which has developed over the applications for the Abbey Road Garage site has become somewhat complicated, and is outlined for Members benefit in Section 2 of this report. Section 3 and 4 contain a recommendation on the Authority's stance on the two applications which form the subject of the appeals. The appellants Grounds of Appeal is in Appendix 1 and detailed reports on the planning application and conservation area consent applications are in Appendix 2.

## **2. BACKGROUND**

2.1 Separate Planning and Conservation Area Consent applications were received by the Authority in September 2004 for the proposals described at the head of this report.

2.2 A range of consultations were carried out on the applications, and they were publicised by way of neighbour notification letters, press and site notices.

2.3 On receipt of consultation and publicity responses, the Development Control Case officer wrote to the agents in December 2004, outlining a range of issues requiring further investigation and information before the applications could be reported for consideration. These included loss of employment land, provision of affordable housing and open space, flooding, highways, access for disabled persons, and design issues.

2.4 A lengthy dialogue ensued between the case officer and the applicants agents. Although revised plans were received from the agents in March 2005, dealing with highways and design details, and the agents agreed to an extension of time to the end of May 2005 for determination of applications, many of the issues raised had not been addressed when the agents advised on 3<sup>rd</sup> May that the extension of time was withdrawn and formal appeals against non determination had been lodged on the basis of the applicants "contractual obligations with the site's owners".

2.5 The decision of the applicants/agents in May 2005 to lodge the appeals against non determination of the September 2004 applications was surprising to officers as it had been made clear that additional information and consultation was requested to address these, before a recommendation could be made to the Planning Committee.

2.6 The lodging of the non determination appeals automatically took away the power of the local planning authority to determine the planning

and conservation area consent applications. It triggered the timetable for preparation of Statements of Case to The Planning Inspectorate, in the lead up to a formal Inquiry, which was scheduled for the 20<sup>th</sup> September. Officers consequently prepared detailed reports to the 22<sup>nd</sup> June 2005 meeting of the Planning Committee, seeking a resolution from Members on the Authority's stance on the planning and conservation area consent applications so this could form the basis of the case on the appeals. The deadline for submission of the Authority's Statement of Case was June 24<sup>th</sup>.

2.7 Matters became more complicated at this stage, following the preparation of the officers' report for the June Committee. The applicants agents requested the Planning Inspectorate to place the appeals in abeyance for a period, to allow an opportunity to discuss outstanding matters with the planning authority, and to enable fresh planning and conservation area consent applications to be submitted. The Planning Inspectorate accepted the request and stopped action on the appeals for 2 months from early June. The Inquiry date of 20<sup>th</sup> September was cancelled.

2.8 Although fresh applications were lodged with the authority in early June 2005, these were withdrawn soon after receipt, before consultations were undertaken, the applicant's agents advising that a resubmission would follow, on receipt of a Flood Risk Assessment.

2.9 The Planning Officer's report to the June 22<sup>nd</sup> Committee had been prepared before confirmation of the Inspectorate's agreement to hold the appeals in abeyance. The reports recommended on the basis of information presented to the authority at that time;

- a) refusal of the planning application on grounds of potential flood risk and the absence of affordable housing provision,
- b) refusal of the Conservation Area consent application on grounds that demolition would be unacceptable in the absence of an approved redevelopment scheme.

2.10 Prior to the June Committee, the applicants agents submitted a 5 page letter confirming a Flood Risk Assessment would be prepared by mid August 2005, and clarifying their stance on the affordable housing issue. The agents requested deferral of the item from the June Committee to allow discussions to continue.

2.11 Officers reported the agents' deferral request to the June Committee, with the revised recommendation that the affordable housing proposals (offer of an off site commuted sum payment) were acceptable, and that the objections to the scheme should be limited to the flooding issue only. At the meeting, Members accepted the agents request to

defer the item, to allow matters to be progressed through fresh applications, i.e. there was no resolution made at that meeting on the authority's stance on the two applications under appeal.

2.12 The applicants agents have subsequently moved matters along in respect of;

- a) The submission of new Planning and Conservation Area Consent applications which, were received in the planning office on the 15<sup>th</sup> August 2005. These included a Flood Risk Assessment and detailed commentary on the range of planning issues raised in relation to the original submission. Consultations and publicity have been carried out on these applications. In the normal course of events, it would be anticipated that the officers would be in a position to report these applications to the October 2005 Committee for a formal decision.
- b) The non-determination appeals, which have been taken out of abeyance by the Planning Inspectorate in August 2005. The agents have negotiated with officers a timetable for the preparation of statements based on a new inquiry date of 13<sup>th</sup>-14<sup>th</sup> December 2005, and, to allow opportunity for Members to make a resolution on the Authority's stance on the non-determination applications at the September Committee, to forward the respective Statements of Case to the Planning Inspectorate by the 7<sup>th</sup> October 2005.

2.13 Despite the consensus between the agents and officers over the timing of submission of Statements of Case on the non-determination appeals, the Planning Inspectorate confirmed in late August 2005 that the requirements of the Inquiry rules procedures obliged the Local Planning Authority to send a Statement of Case on the appeals by the 5<sup>th</sup> September. Officers have therefore forwarded a basic statement to the Planning Inspectorate referring to the background to the non determination appeals, along with a copy of the reports to the June 2005 Committee, which outlines the main planning issues relevant to the applications. The submission requests the Planning Inspectorate and appellants to accept a Supplementary Statement from the local planning authority immediately following the September Committee, as this would represent the formal stance of the authority on the non-determination appeal/applications.

2.14 In recognising the complex situation which has developed, it needs to be emphasised that the applicants/agents are acting entirely within their rights by running the non-determination appeals in parallel with the new planning and conservation area consent applications. The process affords them a 'fall back' if the new applications were to be refused permission at the October 2005 Committee, as the original proposals would then be the subject of an

Inquiry within a short time period. If the new applications were to be granted permission in October, then it seems likely the non-determination appeals would be withdrawn.

### **3. RESOLUTION ON THE APPLICATIONS SUBJECT TO THE NON DETERMINATION APPEALS.**

3.1 For Members information, the Grounds of Appeal statement from the applicants agent is attached as Appendix 1 to this report. The statement comprises three paragraphs contending that the proposals comply with planning policies and guidance, that they have been detailed to have regard to the location, and would not give rise to any demonstrable harm. It concludes with the statement that “there is no valid or reasonable reason why the Council should have not granted planning permission within the prescribed time period.”

3.2 The agents concluding statement that there was no valid reason why a permission should not have been granted within the statutory period is not accepted by officers, and will be contended at the Inquiry in December. The lengthy background section to this report outlines the situation which existed at the time the non-determination appeals were lodged in May 2005. It is clear from correspondence that negotiations were actively in progress at the time with the agents, and that further information to assist the processing of the applications was being prepared on their behalf, in particular to address the flooding and affordable housing issues. The fact that the agents themselves requested deferral of the item presented to the June 2005 Committee which was seeking for formalise the Authority’s position on the non-determination appeals on the basis of information at that time, is a significant indication that there was insufficient information with the Authority on which to base a fair and balanced recommendation.

3.3 Procedurally, there is some ambiguity over what information the local planning authority should be taking into account in adopting its stance on non determination appeals.

- If the adopted stance were to be on the basis of the plans and information in the Authority’s possession at the point at which the non-determination appeals were lodged (May 2005), then the officer recommendation would be for refusal based on the reasons detailed in the original report presented to the June 22<sup>nd</sup> Committee (flood risk and affordable housing; no approved redevelopment scheme).
- Advice from the Planning Inspectorate is that the Authority should adopt a stance based on information in its possession at the time

of preparing its statements for the inquiry. If this is the case, then the officer recommendation at the time of preparing this report would be for refusal based on the flood risk issue and the absence of an approved redevelopment scheme. Withdrawal of the Environment Agency's objection would remove this ground for refusal. An updated version of the reports presented to the June Committee on the two applications is attached as Appendix 2.

3.4 The application forms, plans, and supporting documents are available for inspection prior to the meeting.

#### **4. RECOMMENDATION**

4.1 It is recommended that:

A) Members accept the conclusions of the updated reports on applications 3/2004/1286/PF and 3/2004/1287/CA, contained in Appendix 2 of this item.

B) That the Local Planning Authority's case at the Inquiry be based on the formal resolution of the Committee on the Appendix 2 report.

**Appendix not available in electronic form**

## Non-determination appeals

Applications 3/2004/1286/PF and 3/2004/1287/CA  
Abbey Garage site, Abbey Road, Llangollen

# APPENDIX 1

## Appellant's Grounds of Appeal



## GROUNDS OF APPEAL

### SITE AT THE ABBEY ROAD GARAGE, ABBEY ROAD, LLANGOLLEN LL20 8SN

1. The Appellant considers that the proposal relates satisfactorily in terms of form, scale and massing to existing development in the area. At the Appeal Inquiry it shall be demonstrated that the proposal has been designed with full regard to the character and appearance of the conservation area and to the constraints and opportunities presented by the site and its surroundings. The proposed scheme will both enhance and preserve the character and appearance of the conservation area. The proposal is wholly appropriate insofar as it fits well on the site and relates satisfactorily in terms of size and scale to development in the area. It will be contested that the layout and design of the Appeal proposal is appropriate for the site in its context, respecting the prevailing character of the conservation area generally and the townscape of the immediate locality. The proposal has been designed by an experienced and qualified Architect, with particular regard given to constraints and opportunities offered by the site itself, and the mass, height, scale and pattern of neighbouring development.
2. The Appeal proposal has been designed with close regard to national, regional and local policy which seeks to encourage the optimum use of available housing land, especially where it provides accommodation for small households, particularly for the elderly, at high densities, commensurate with environmental considerations. It shall be demonstrated that the proposal will not give rise to any demonstrable harm to interests of acknowledged importance but will provide much needed accommodation for the elderly in a manner which will not detract from the visual quality of the area or adversely affect the amenities of neighbours. In terms of the impact on the character of the area, the Appeal proposal is wholly acceptable.
3. The Appeal site is well located in relation to shops, services, community facilities and public transport, and will provide a safe and secure retirement for the intended elderly residents. At the Appeal Inquiry it will be shown that the Appeal proposal accords with the aims and objectives of policies in the Development Plan and with SPG guidance. Accordingly, it is the Appellant's submission that the normal presumption of allowing development should prevail and that there is no valid or reasonable reason why the Council should not have granted planning permission within the prescribed time period.

Non-determination appeals

Applications 3/2004/1286/PF and 3/2004/1287/CA  
Abbey Garage site, Abbey Road, Llangollen

# APPENDIX 2

Planning Officer report on applications  
for Committee resolution



CYNGOR  
**Sir Ddinbych**  
**Denbighshire**  
 COUNTY COUNCIL

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caledfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

**REFERENCE NO. 03/2004/1286/PF**  
**ABBEY ROAD GARAGE,**  
**ABBEY ROAD, LLANGOLLEN**



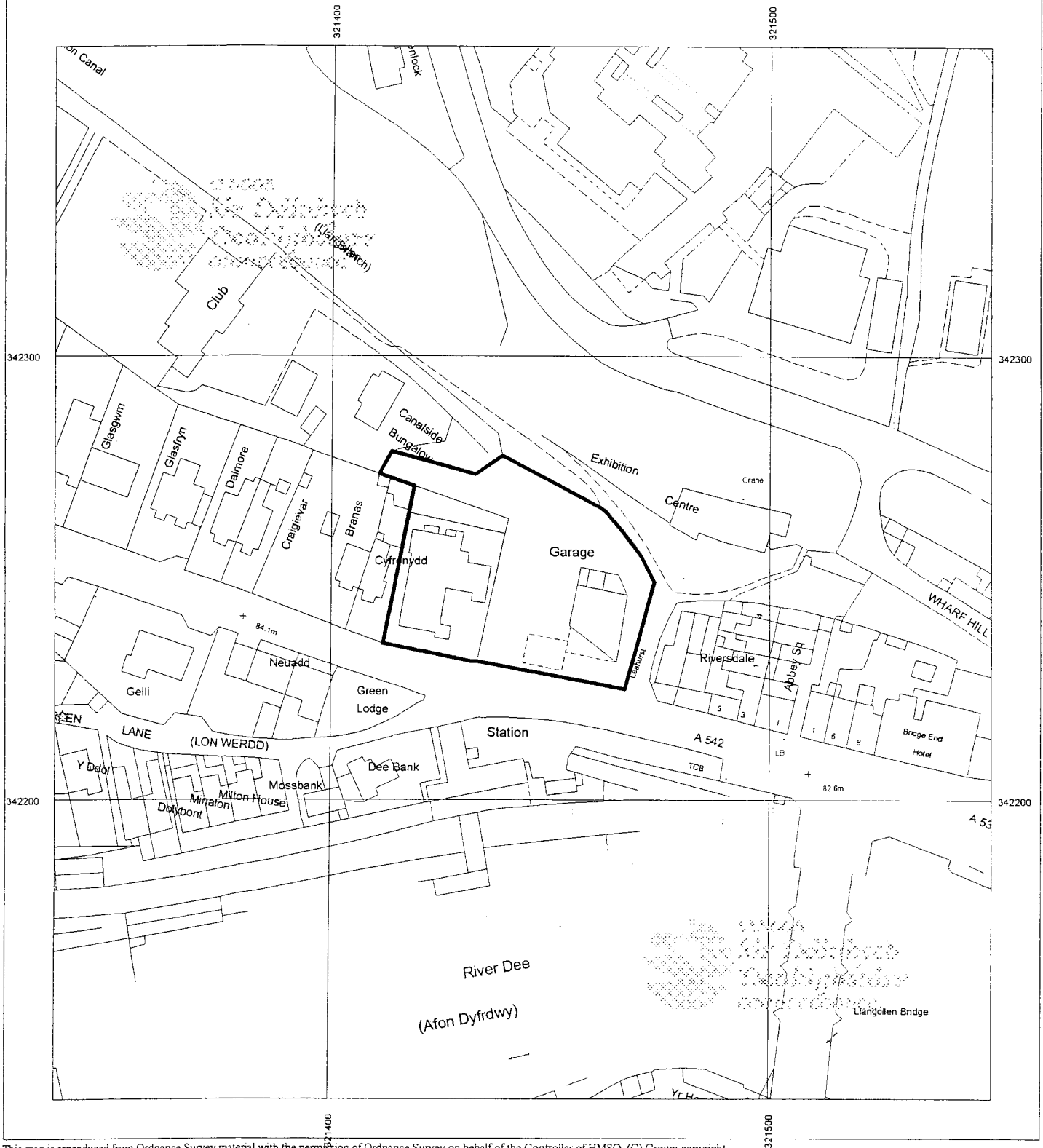
Application site

Date: 8 June 2005

Scale 1:1250



This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



**ITEM NO:****WARD NO:** Llangollen**APPLICATION NO:** 03/2004/1286/ PF**PROPOSAL:** Demolition of petrol filling station and garage/bus depot, erection of 36 no. sheltered apartments for the elderly and 1 no. house manager's apartment and retention of existing chapel as shop**LOCATION:** Bryn Melyn Motor Services Ltd Abbey Road Llangollen**APPLICANT:** McCarthy & Stone (Devs) Ltd.**CONSTRAINTS:** Conservation Area  
Canal Consultation Zone**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes**CONSULTATION RESPONSES:**

## 1. LLANGOLLEN TOWN COUNCIL

(Original response November 2004.)

"Members objected to this application on the following grounds:

1. The height of the proposed development will severely restrict the current view from the canal towpath where many visitors and residents congregate. Members therefore regard this as a loss of an amenity.
2. The removal of the petrol tanks may prove hazardous and create a potential pollution problem near to the River Dee. Strict conditions would need to be imposed to protect environment during these operations.
3. The number of parking spaces is totally inadequate. Many people over 65 drive regularly and if the development is for elderly residents then it is very likely that they will receive many family visitors and visits by doctors, nurses and carers etc.
4. Members consider that the proposed development does not relate to the character of the town.
5. It is likely that potential residents will not be from Llangollen and therefore with more elderly people coming into the area this will inevitably put a strain on existing health and social services resources.
6. The loss of the petrol filling station will have a significant impact on the community here.
7. Members feel the site should be used for public amenity/leisure use."

(Response dated 17<sup>th</sup> June 2005)

"Members comments on the application are summarised below:

1. The large mass of the development should be reduced by restricting its height to three storeys.
2. The number of parking spaces is totally inadequate.
3. The development is not in keeping with the character of the town.
4. There is a concern that purchasers of the apartments will be from outside the town thus adding to the elderly population and putting more strain on existing health and social care provision.
5. The loss of the petrol filling station will have a significant impact on the community here.
6. The site lies within an existing conservation area and is within the designated retail area in the UDP. It should be a condition of any development that the shop as an existing retail outlet should remain for a period of at least 5 years.
7. The Affordable Housing element should be included within the development rather than by way of a

commuted sum or an alternative site.”

## 2. LLANGOLLEN CIVIC SOCIETY

(Original response)

- The concept for sheltered housing is good but raises concerns on:.
- Too many units, elderly residents continue to drive.
- Lack of parking for residents.
- Planned building is too tall, effect on listed bridge and the Mill.
- Building in excess of two-storey would be inappropriate.
- Design of building, too bulky and inappropriate and out of character with the area.

(Second response dated 9<sup>th</sup> June 2005)

The Civic Society held an open meeting to discuss the development.

The unanimous view was that the development was totally inappropriate and should be vehemently opposed. The main concerns are:

- Development should be no more than two storey.
- Impact on Llangollen Bridge
- Obscures view of town from canal towpath and wharf
- Inadequate parking provision, and private open space.
- Question over need for flats.

## 3. WELSH WATER

Recommends conditional approval dealing with land drainage run-off.

## 4. SENIOR CONSERVATION OFFICER

No objection – subject to detailed controls.

- The site is located in Llangollen Conservation area, the overall character and appearance would be retained.
- Based on the illustrative plans the character and appearance of the Conservation Area overall would appear to be retained and partly enhanced by removal of petrol filling station.
- Consider detailed treatment be controlled by conditions (fascia, facing materials, samples, mortar jointing, window material and finishes, nature of forecourt, bins areas, drying areas, railing details, and boundary treatments).

## 5. BRITISH WATERWAYS

Objects - development not in keeping with its surroundings in terms of scale, mass and density, lack of parking.

## 6. ACCESS OFFICER

- Refers to legal requirement of Disability Discrimination Act 2004.
- Access statement requires level ramp to entrance, and communal areas need to be accessible.
- Proposal should be built to Lifetime of Home Standards.

## 7. HEAD OF DEVELOPMENT SERVICES

Objects to this application due to the loss of the only petrol filling station in the town to the detriment of local residents and inconvenience to tourists who make a major contribution to its economy.

## 8. ENVIRONMENT AGENCY

The Agency objected to the September 2004 application on the basis that:

- The proposed site lies within Zone C2 as defined by Development Advice Maps (DAM) referred to in TAN 15 July 2004.
- In accordance with TAN 15, Highly Vulnerable Development/Emergency Services should not be permitted within this zone.
- Environment Agency would therefore recommend that application be refused.
- The site may be contaminated due to activities carried out at this site.

(The Agency are currently considering a detailed Flood Risk Assessment from the applicants consultants which concludes the definition of the C2 Flood Zone is appropriate and that the site is either in a Zone or B where at worst mitigation can be effected. It is hoped the Agency's conclusions will be received prior to the Committee so Members can be advised of the latest situation on this key consideration.)

## 9. HEAD OF TRANSPORT AND INFRASTRUCTURE

Express concerns over elements of the development.

- The proposal shows parking for 11 cars staff/manager and according to SPG 21 there should be one space per four units and one space per resident staff including ambulance access.
- Considers the managers flat as a dwelling in accordance with the parking standard.
- Based on this the applicant should provide 9 spaces for the 36 sheltered apartments, 2 for the manager and 1 for the guest room and 1 for the ambulance (totalling 13 spaces).
- The SPG details maximum standards the maximum number is justified given the pressure for existing car parking in Llangollen.
- The applicant does not show any existing off street parking for the convenience store. One space is required for 15sqm of gross floor space, the GFA for the shop is 260 sq. m which requires 15 spaces maximum. This may be an excessive requirement, but some off street parking is required.

#### 10. HOUSING SERVICES

Having regard to the circumstances and the type of development, express a preference for a commuted sum payment, which could be used in Llangollen on sites where provision has been negotiated. (A sum of £214,000 has been offered).

#### RESPONSE TO PUBLICITY:

Letters of representation received from:

1. John Stephen Bruce, Green Lodge, Green Lane, Llangollen, LL20 8TB
2. J.S Bruce - Green Lodge, Green Lane, Llangollen
3. C. & R. Moore Williams, Birch Cottage, Tan y Fron Lane, Eglwyseg
4. N. & A. Stoner, Holly Cottage, Tan y Fron Lane, Eglwyseg
5. Miss L. Williams, 36, Maes Pengwern, Llangollen
6. C. B. Bourne, Woodhall & Bourne, Siamberwen, Llangollen
7. Ms. F. Williams-Lee, Y Gelli, Abbey Road, Llangollen
8. H. A. Petrie & J. Spicer, Glasgwm, Abbey Road, Llangollen
9. Martyn Jones MP, House of Commons, London
10. Mr. & Mrs. R. Roberts, Fron Adda, Pentredwr
11. Mike Sinclair, Llangollen & District Labour Party, Dinbren Lodge, Dinbren Lodge, Llangollen
12. Mrs. Roberts Fron Adda, Pentredwr, Llangollen (email) 1911 signitors on submitted petition.
13. Eric Bailey, Waterways, Canal Side Gardens, Llangollen
14. B Taylor Secretary - RAF Association, Canal Side Gardens, Llangollen
15. Duncan and Sue Knapp – Welsh Canaol Holiday Craft Ltd, The Wharf, Llangollen
16. A Broadhurst, Canalside Bungalow, Abbey Road, Llangollen
17. Bernadette Maxwell, 23 Ger y Ddol, Abbey Road, Llangollen
18. Mrs G M Cornford, Sunny Bank, Green Lane, Llangollen
19. Miss S M Armstrong, Dee Bank, Green Lane, Llangollen
20. Stephen Joynson, Moss Bank, Green Lane, Llangollen
21. Karen Sinclair AM for Clwyd South, 6 Oak Mews, Oak Street, Llangollen

Summary of planning based representations

#### IN OBJECTION

##### Loss of Petrol Filling Station:

- The only petrol service station in Llangollen
- Its loss would increase the need to travel, increase the use of the car.

##### Visual Impact:

- Scale and height of the four storey building would align with its frontage with Leahurst/Riverside.
- Scale will be overwhelming on this site seen from the bridge and canal jeopardising the integrity of Llangollen Bridge.
- Obscure views of the canal and towpath
- Impact on adjacent listed buildings

##### Parking:

- Insufficient parking, for visitors, manager and customers of the shop (11 spaces proposed to 36 apartments)
- Parking is restricted on Abbey Road, St Johns Church and Green Lane.
- Elderly require cars and car parking spaces.

##### Demographics:

- Adding to the number of elderly flats in Llangollen will create an undesirable imbalance in the population.

- Questions the need for this facility, Llangollen has a number of care facilities catering for the elderly.

#### Effect on tourism:

- Impact on trade as the building would eradicate view of the canal from Llangollen.
- Casual tourist would be unaware of the Wharf
- Long term viability of shop would be affected by the loss of petrol filling station.

#### Impact on Privacy

- Impact on footpath users in terms of privacy.
- Impact on adjoining properties.
- Effect of future residents being overlooked from the Wharf

#### Land adjoining site

- An area adjoins Canalside Bungalow which is excluded from the site yet within the ownership of the garage, what development proposals are envisaged for this land?

#### Hazardous Material

- Leachate to river from fuel storage tanks.

#### IN SUPPORT

Supportive of the re-location of the garage

**EXPIRY DATE OF APPLICATION: 19/11/2004**

#### **PLANNING ASSESSMENT:**

1. This report and the following report relate to proposals at Bryn Melyn Motor Services Ltd, Abbey Road, Llangollen.
2. The applicant has lodged an appeal against the failure of the Local Planning Authority to determine the planning application code 03/2004/1286/PF and conservation area consent application 03/2004/1287/CA (following report) within the statutory period.
3. The purpose of this report is to seek Committee resolution on the applications, had it been in a position to determine the applications in the normal manner. The Planning Committee cannot now determine the applications, as these matters would be determined by an Inspector appointed by the Welsh Assembly.
4. The appellant has requested that the applications are determined through the public inquiry procedure. The date of the Inquiry is set for the 13<sup>th</sup> – 14<sup>th</sup> December 2005.
5. Officers have submitted a brief outline of the issues relevant to the appeals in an initial statement sent to the Planning Inspectorate by the deadline of the 5<sup>th</sup> September. It is proposed to forward a Supplementary Statement of Case dependent on Members resolution on this report.
6. For information, the officers wrote to the applicant on 21 December 2004, raising a number of issues. On the 11 March 2005, the applicant sent an amended plan and parking assessment but did not address all the matters raised, and therefore no consultation was undertaken on this plan. On 29 March 2005, the applicant agreed to an extension of time to enable the Local Planning Authority to consider the applications up until the end of May 2005. This extension of time was withdrawn on the 3 May 2005 by the applicant, and an appeal was lodged on the basis of the applicant's contractual obligations to the site's owners.

#### **THE PROPOSAL:**

7. The full planning application relates to Bryn Melyn Motor Services and petrol filling station, Abbey Road, Llangollen. The site is located within the Llangollen Conservation Area and within the development boundary of the town. The site is located within a Zone C2 identified on the Development Advice Maps which accompany TAN 15 Development and Flood Risk, which is referred to as areas of the floodplain without significant flood defence infrastructure.

8. The site is located to the north-west of Llangollen bridge, on the north side of the A5 opposite the railway station. The site comprises of 0.2 ha of land between the former chapel used as a shop, and Leahurst on Abbey Road. The site slopes up from Abbey Road, to the rear of the site close to Llangollen Canal and RAFA club.
9. The proposal as revised relates to the demolition of the filling station, garage and bus depot and the erection of 36 no. sheltered apartments for the elderly and 1 no. managers house. The proposal would retain the shop within the adjoining chapel.
10. The proposed building is a four storey terrace block with varying roof heights reflecting some of the architectural detailing of adjoining properties. The building extends to the rear in two blocks linked by a central corridor, serviced by roadway to the side and rear, providing 11 vehicle spaces and access to the canal side bungalows and RAFA club.
11. The plans show the intention to use natural slate on the roofs, brickwork to the external walls and painted timber frame windows. A revision to the plan received in March 2005 included additional chimney detailing and dormer features, and a proposed lay-by on Abbey Road next to the shop.
12. The application included a detailed design statement, an employment and property market assessment by Lambert Smith Hampton dealing with the displacement of the commercial garage and petrol filling station, and a detailed evaluation of affordable housing issues.
13. Since the lodging of the non determination appeals in May 2005, additional information has been provided on affordable housing issues. A Flood Risk Assessment has been submitted with the new planning application in mid August 2005.

The supporting statements to the original application note the following points:

- a) An opportunity to develop the site is in response to the needs of the townscape to make a positive contribution to the locality.
- b) The proposal would safeguard the long term viability of the 'chapel' shop.
- c) The site is adjacent to local shops and services it presents an ideal opportunity for specialised housing for the elderly.
- d) Redevelopment would increase the viability of the area by supporting and sustaining the range of services and facilities available, increasing demand and local spending power.
- e) Proximity of the development to shops will discourage car use, the town is within the 400 metres catchment, accessed within 5 minutes from the development.
- f) The site enjoys good public transport links to local bus services.
- g) Sheltered housing scheme meets a genuine need, helps to meet local housing needs.
- h) The proposal meets governmental advice on maximising use of previously developed land to appropriate densities, helping to ease the need/pressure for development on green field sites.
- i) There is an oversupply of employment land that equates to supply in excess of 33 years. There are more suitable sites for commercial/industrial development.
- j) There is no evidence of demand for commercial office/industrial accommodation.
- k) The site is outside the main retail area. The site suffers reduced levels of footfall. Pedestrians tend to be visitors/tourists rather than shoppers.
- l) The Roger Tym and Partners study found that Llangollen relies on niche markets and its Tourism Growth area status.
- m) Abbey Road site is not located in an ideal location from a retail perspective.

#### **RELEVANT PLANNING HISTORY:**

14. None

#### **PLANNING POLICIES AND GUIDANCE:**

15. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy STRAT 15 – Housing
  - Policy GEN 6 – Development Control Requirements
  - Policy GEN 1 – Development within Development Boundaries
  - Policy GEN 8 – Planning obligations
  - Policy GEN 10 – Supplementary Planning Guidance
  - Policy ENV 2 – Development affecting AOB



Policy CON 5 – Development within Conservation Areas  
Policy CON 7 – Demolition in Conservation Areas  
Policy ENP 6 – Flooding  
Policy HSG 2 – Housing development in main centres  
Policy HSG 10 – Affordable Housing within Development Boundaries  
Policy EMP 10 – Protection of employment land/buildings  
Policy RET 1 – Town and District Centres  
Policy RET 12 – Local Shops and Post Offices  
Policy RET 6 – Town and District Centres : Non A1 Uses  
Policy REC 2 – Amenity and recreational open space requirements in new developments  
Policy TRA 6 – Impact of new development on traffic flows.  
Policy TRA 9 – Parking and Servicing Provision

Supplementary Planning Guidance

SPG 21 – Parking requirements in new developments – September 2004

#### GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

TAN 2 - Planning and Affordable Housing – November 1996

TAN 15 – Development and Flood Risk – July 2004

#### MAIN PLANNING CONSIDERATIONS:

16.

- i) Principle of the development –
  - a) effect on town centre
  - b) effect on employment
- ii) Flooding
- iii) Impact on the character and appearance of the Conservation Area/AOB
- iv) Scale, massing of development and effect on living conditions
- v) Highway considerations
- vi) Affordable Housing
- vii) Open space requirements

17. In relation to the main planning considerations:

- i) **The principle of the development**
  - a) **– effect on the town centre area**

The site is located within a Town and District Centre defined by Policy RET 1. There are two separate Town and District Centres in Llangollen, one larger area seen as the retail core around Castle Street to the south of River Dee, and the other, north of the river, comprising of the application site and a string of craft shops, public house and petrol filling station.

The proposal would retain the retail function within the chapel building, but the remainder of the site, the filling station, bus depot and pay desk shop, would be removed and the site redeveloped.

Denbighshire Unitary Development Plan Policy RET 1 looks to steer most retail and commercial developments into existing centres. Existing centres should remain the focus for new retail uses and other proposals which maintain or enhance the vitality and viability of the centre. RET 6 deals with loss of retail A1 uses outside principal shopping frontages and whilst a filling station/pay kiosk is not within this use class, it offers a service, albeit more to the town as a whole. The findings of two retail studies suggest that smaller centres are experiencing decline and are in poor health and a flexible approach is required to assist in revitalising town centres. Accordingly town centre boundaries have been drawn tightly, in order to focus commercial activity and be realistic.

Policy RET 12 deals with retention of existing facilities and resists development which would result in the loss of existing facilities. It does not specifically deal with the loss of filling stations.

Planning Policy Wales supports retail and mixed uses in and close to town centres. The application site is not part of a specific retail allocation, and the use is not an A1 use. Although it is a town centre location its loss is not in direct conflict with the UDP or Planning Policy Wales. In addition guidance supports other uses best located in or close to town centre which would include high density sheltered housing.

The applicant has produced information that the site suffers from limited levels of footfall and there would be no significant adverse effect on town centre viability.

In looking at the proposal as a whole, the site is at the extremity of the defined retail area. Whilst the loss of the filling station would be regrettable, policies do not specifically protect such uses. The convenience store would be retained. There are reduced pedestrian flows in this part of the town centre. The proposal is not considered to directly conflict with Planning Policy Wales guidance and Unitary Development Plan Policies RET 1, RET 6 and RET 12.

**The principle of the development**

**b) – whether the proposal would result in the loss of employment buildings where no other sustainable site for the development is available**

Part of the site includes a bus depot and garage which would be demolished as part of the redevelopment proposals.

EMP 10 (protection of employment land and buildings) sets out tests to be applied including whether any other suitable site for the development is available, the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes, and the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs.

In allowing the appeal on Lower Dee Mill (for 45 apartments) in 2005, the Inspector acknowledged that the area had more than the required 5 year housing land availability but noted that the 4 allocated sites in the Unitary Development Plan, which have a total capacity of 90 houses, are shown to have development constraints and are greenfield sites rather than previously developed land. In view of recent government guidance, (Planning Policy Wales (2.5.3)), the preferred location would be more sustainable, brownfield sites to minimise the need to travel, rather than the allocated housing sites.

The application site, like the Lower Dee Mill site, is a genuine previously developed site for residential development within walking distance of the town centre, with adequate access to public transport. In addition, Upper Dee Mill has residential permission for 24 units, which again is favourably located in relation to sustainability principles. Whilst it could be argued that the Mill sites offer alternative, they do not appear to be available to the applicant whereas the Bryn Melyn site is available.

Although no significant marketing evidence has been provided, it is material that the Inspector on Lower Dee Mill found that there had been no recorded interest in the expansion or location of employment uses in the town since the mid 1990's. The garage repair/bus depot buildings, may not lend themselves to an appropriate alternative use, due to their size and location, and may no longer be capable of providing an acceptable standard of accommodation. In addition, there is an oversupply of employment floorspace and low demand for the supply of premises in the area. The loss of the premises would be unlikely to prejudice the ability of the area to meet a range of local employment needs.

In conclusion on this issue, it is considered that refusal on loss of an employment site would be difficult to sustain.

ii) **Flooding**

The Development Advice Maps produced as part of TAN 15 identify the site within a flood zone C2. Zone C2 is described in TAN 15 as areas of the floodplain without significant flood defence infrastructure. TAN 15 advice states that 'highly vulnerable' development and emergency services should not be permitted within Zone C2. Residential apartments would constitute 'highly vulnerable' development.

Residential development in a C2 Zone site would fail the test of paragraph 6.2 of TAN 15, and the advice in TAN 15 is that such proposals should be refused. This is the recommendation made by the Environment Agency on the original application. The applicants have sought to challenge the designation of the site within a C2 Zone, and have submitted a detailed Flood Risk Assessment in August 2005 as part of the new planning application. The Assessment concludes the site should be within a Zone A or B, and even with a precautionary approach in a Zone B, levels show the site

is some 1 metre above the extreme flood level, and is outside the 1 in 1000 year floodplain of the River Dee.

At the time of preparing this report, The Environment Agency Wales were unable to confirm their position on the Flood Risk Assessment submitted with the new planning application in August 2005. They have lodged a holding objection to the new application. The Local Planning Authority is inevitably reliant on the Agency's technical judgement on the detailed contents of Flood Risk Assessments and would have to look to the Agency for support in any appeal if Flood Risk was to be considered as a ground for refusal of permission. Officers would therefore suggest a precautionary approach has to be adopted in the absence of confirmation from the Environment Agency that the site lies outside the C2 Zone, and that it would be inappropriate to go against their 'holding' advice at this stage and recommend the grant of permission. The recommendation is consequently subject to any late communication from the Environment Agency.

iii) **Impact on the character and appearance of the Conservation Area/Area of Outstanding Beauty**

The Council's Conservation Officer considers that the overall character and appearance of the conservation area would be retained and partly enhanced by the proposals. Whilst respecting the Civic Society's concerns, subject to detailed controls on materials, samples and final treatments of the proposal, it is considered the proposals would preserve and enhance the character and appearance of the conservation area.

iv) **Scale, massing of development and effect on living conditions**

The scale and massing of the development is considered acceptable, with a detailed illustration showing the streetscape view. The adjoining property, Leahurst, is of comparable scale to the proposed development and the proposed building would be some 15 metres from this property. This relationship is considered reasonable, in respect of overshadowing, and would not lead to overbearing development. In order to overcome the possibility of overlooking of existing properties, secondary windows at first, second and third floor to the east facing elevation should be obscure glazed. The effect on the living conditions of adjoining occupiers would not be unreasonably prejudiced by the proposal.

The proposal has adequate room size/internal space standards for flats. Whilst Lifetime for Homes Standards are mentioned these cannot be enforced through planning controls..

v) **Highway and Parking Considerations**

The proposal would provide a vehicular access to the residential development to the eastern end of the site, linking to a parking area providing 11 car parking spaces and turning areas. A lay-by would serve the shop on Abbey Road. The access proposals are considered acceptable having regard to the potential use of the existing filling station and commercial uses, visibility at the point of access, and nature of the proposed uses. The Head of Transport has no objection to the access aspect of the proposals.

The Council's adopted SPG 21 – Parking Requirements in New Developments, indicates a maximum provision of 13 spaces for the housing development. The lay-by proposal relating to the shop would provide space for 3 vehicles. This is below the maximum requirement for retail floorspace of 15 spaces. However, the Highway officer recognises that this is a maximum and it is considered it would not be reasonable to require this level of provision given its location.

Government advice seeks to reduce reliance on private car travel to achieve more sustainable development. It envisages that new development should provide lower levels of parking than have generally been achieved in the past. A minimum parking standard is no longer appropriate.

It is also a material consideration that the Inspector on the Lower Dee Mill appeal was critical of the parking standard applied in SPG 21; which was considered to be contrary to the aims of national advice. In view of the nature of the development, and its location in a town centre with access to facilities and reasonable links to public transport, it is my view that the maximum provision should not be applied to this development, that the proposals are acceptable and would comply with Planning Policy Wales and UDP Policy TRA 9 and TRA 6.

vi) **Affordable Housing**

The applicants submitted a supporting statement on affordable housing, by Levvel, Housing and Planning Consultants. The statement is summarised as follows:

- a) In England PPG 3 (2000) sets the framework for development densities, widening housing opportunity and choice and is supplemented through Circular 6/98 which includes the detailed criteria (para. 2 to 10) against which sites are measured.
- b) The applicant's case led them to recommend, that although the site itself may qualify for consideration for affordable housing, the development itself does not and therefore any affordable housing should be sought off-site through commuted sums or units provided elsewhere.
- c) The statement refers to the policy context set out in the UDP, to the Council Cabinet resolution on 25 May 2004 which sought 30% affordable housing on site and to the Housing Needs Study 2003. It refers to the fact that UDP Policy HSG 10 has no target for the provision of affordable housing despite the clear advice in TAN 2 and that the SPG published on the basis of a cabinet resolution is introducing new policy and should have been given greater level of scrutiny in the adoption of the UDP.
- d) The UDP policies do not contain an assessment of Denbighshire's affordable housing requirement over the plan period and required by TAN 2. The Council's working practice and SPG is exceeding its boundaries.
- e) The Council's Housing Strategy for Denbighshire for the period of 2004 to 2009 identifies that the number of older people are increasing and the majority are owner/occupiers and there is a need to provide choice for older persons and the proposals are providing much needed accommodation for the elderly.
- f) In relation to TAN 2, a series of tests should be applied to take account of site, size, suitability and economics of provision and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site.
- g) This means that sites should be substantial, provide a range and mix of house types and should take into account site size, suitability and economics, both in terms of the development phase and operational phase of the life of the development. Accordingly, in the case of sheltered housing, the development site should be of a sufficiently large size to support two independent and sustainable schemes that are not dependent on each other for viability or sustainability and managed separately. It is considered that the threshold should be a minimum of 35 units of private sheltered housing.
- h) The site is small (0.2 ha) and is further reduced by the retention of the chapel as a shop. If affordable housing were to be sought this would cause a disproportionate loss of the sheltered units in making the provision in a separate block. This would drop the unit yield to an unviable level and prejudice the proposed development. It would be difficult to achieve separate affordable housing provision on this site. It would compromise financial and management viability of both the market sheltered housing and any affordable housing. The service charges required to be paid by the affordable housing provider would make it hard to ensure that the cost would be affordable to those in housing need.
- i) The SPG Consultation Draft gives an indication that offsite provision may be acceptable where a site meets a special housing need e.g. OAP/sheltered housing, which takes precedence over affordable housing.
- j) The affordable housing liability should be measured against a policy density figure of 30 dwellings per hectare. Based on this, the site would yield a subsidy of 2 units. The affordable housing should be provided off site.

In response to officers' concern over the approach to the provision of affordable housing, additional information was forwarded by the agents to update the report to the June Committee. This advised that:

1. Sheltered housing proposal meets a particular need.
2. It is difficult to mix "open market" and "affordable" sheltered housing in high density scheme.
3. Service charges/maintenance charges are prohibitive to an RSL but if applied to market only would be onerous on private residents and conflict with Landlord and Tenant Act.
4. Cannot provide separate facilities for market/affordable – not viable physically or economically on this site.
5. Mixed scheme would lead to tension between different occupants with different needs.
6. Appeal decisions elsewhere, do not support affordable housing provision in such schemes.
7. Draft SPG allows for separate OAP sheltered housing needs being met.

#### 8. Question status of SPG/interim policy.

In conclusion the applicant offered an off site commuted sum payment of £214,000 for affordable housing.

Policy STRAT 15 of the UDP aims to meet the needs of all sections of the population by allowing a wide range of housing types and locations and specifically identifies the need to make provision for special housing need including the need for affordable housing.

Policy HSG 10 deals with affordable housing within development boundaries and says that where there is a demonstrable need, it will be a material consideration to taken into account in assessing housing proposals and the Council will seek to negotiate an element of affordable housing.

The Council has undertaken a thorough housing needs assessment in accordance with National Assembly guidance. It has identified a substantial need for the provision of affordable housing in all parts of the County.

An updated Supplementary Planning Guidance on affordable housing was formally approved at Full Council in July 2005.

There has been detailed discussion between the applicant's consultants and officers of the housing and planning sections over the approach to affordable housing provision in relation to the development. Careful regard has been given to the arguments advanced and case law which illustrates approaches adopted in other authorities, and by Inspectors at appeal. The conclusion is that in the circumstances the proposals for payment of a commuted sum of £214,000 for use by the authority on sites where provision has been negotiated, in an acceptable approach.

#### viii) **Open Space Requirements**

Policy REC 2 requires development over 10 units to make provision for open space and in appropriate cases a contribution towards off-site provision for open space. In this case communal open space is limited to a small garden area at the front and rear of the building. In the specific circumstances of the case, with a scheme for elderly residents in a town centre location it would be reasonable in my view to accept a commuted sum approach. However, some consideration is required as to whether it is justified to impose the full open space commuted payment in this case and I suggest there should be a reduced commitment based on consideration of the average level of occupation of the units. The payment based on community recreational open space (not childrens space) only would be around £25,000. This could be secured in the normal course of events by a Section 106 Obligation.

#### **SUMMARY AND CONCLUSIONS:**

18. In conclusion, had officers been in a position to make a recommendation to Planning Committee based on the information before the Council at this time, the recommendation would have been for refusal based on flood risk, unless the Environment Agency are able to withdraw their objections based on the identification of the site in a C2 flood zone. In this respect the Planning Committee is requested to endorse the reason below to form the substance of the case for the Council at the forthcoming appeal.

#### **RECOMMENDATION: REFUSE- for the following reasons:**

The reason(s) for the condition(s) is(are):-

1. The proposal would lead to highly vulnerable development in a Zone C2 floodplain identified by development advice maps accompanying TAN 15 : Development and Flood Risk, July 2004. Such development should not be permitted in Zone C2 and therefore fails the tests of paragraph 6 of TAN 15 and guidance contained in Planning Policy Wales March 2002, Denbighshire Unitary Development Plan Policy ENP 6, Policy GEN 6 x), in that the site would be at unacceptable risk from flooding to the detriment of future occupiers of the building.

**NOTES TO APPLICANT:**

None



CYNGOR  
**Sir Ddinbych**  
**Denbighshire**  
 COUNTY COUNCIL

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caedfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

**REFERENCE NO. 03/2004/1287/CA**  
**ABBEY ROAD GARAGE, ABBEY ROAD**  
**LLANGOLLEN**



Application site

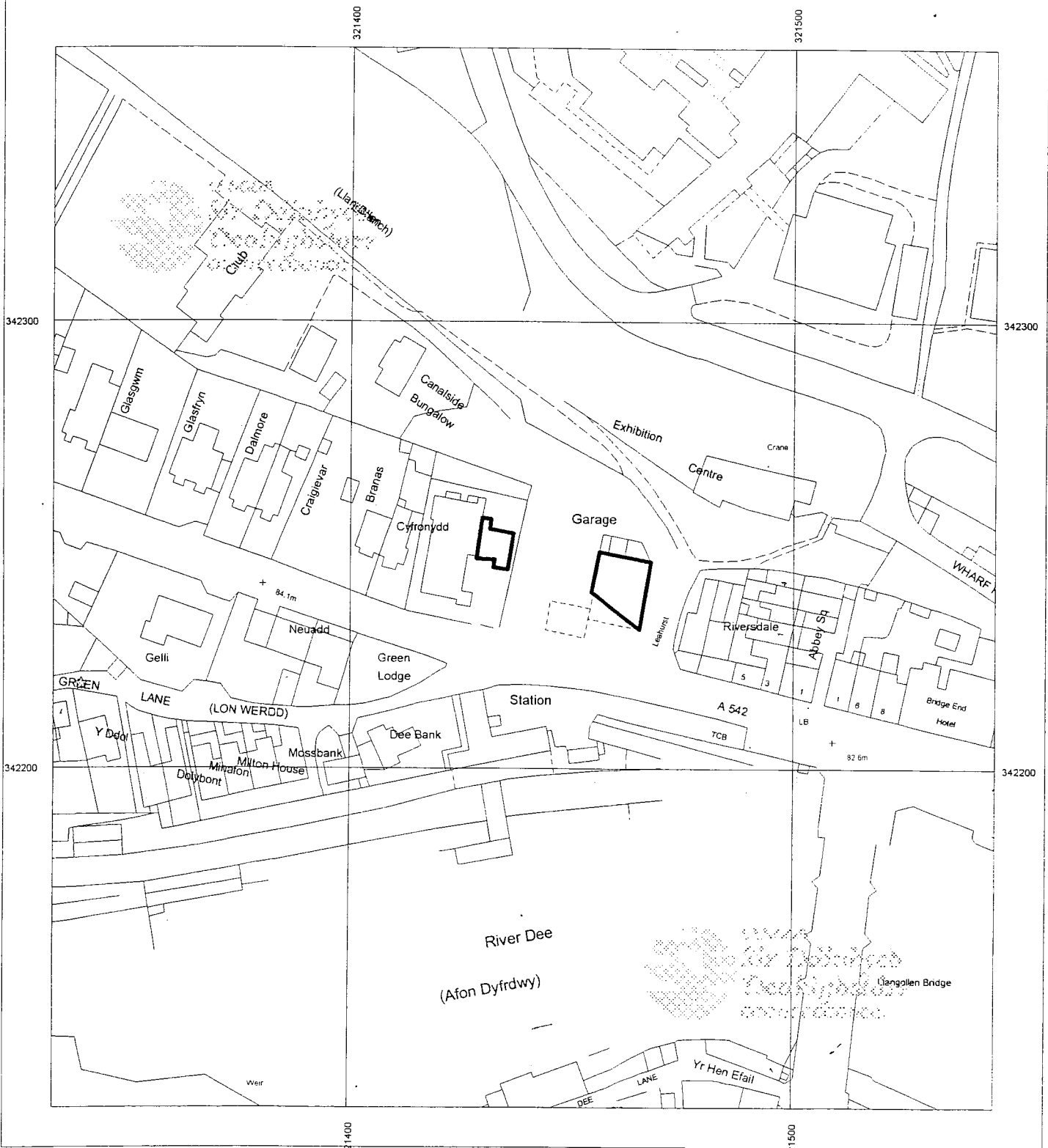
Date: 7 June 2005

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N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



**ITEM NO:****WARD NO:** Llangollen**APPLICATION NO:** 03/2004/1287/ CA**PROPOSAL:** Demolition of petrol filling station, garage/bus depot and demolition of side/rear chapel extensions (conservation area consent)**LOCATION:** Bryn Melyn Motor Services Ltd Abbey Road Llangollen**APPLICANT:** McCarthy & Stone (Devs) Ltd.**CONSTRAINTS:** Conservation Area  
Canal Consultation Zone**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes**CONSULTATION RESPONSES:**

1. LLANGOLLEN TOWN COUNCIL  
As for 03/2004/1286/PF where relevant.
2. SENIOR CONSERVATION OFFICER  
No objection to the removal of the petrol filling station elements which make no visual contribution. No demolition should be permitted before a contract for redevelopment works commences.

**RESPONSE TO PUBLICITY:**

As for 03/2004/1286/PF where relevant.

**EXPIRY DATE OF APPLICATION:** 19/11/2004**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application is for conservation area consent to demolish the petrol filling station, garage, bus depot and rear/side chapel extension on Abbey Road Garage, Llangollen. The report should be read in conjunction with the one immediately preceding this one on the agenda, which relates to the parallel planning application for the redevelopment of the site by a total of 37 apartments (3/2004/1286/PF).
2. The applicant has lodged an appeal against the failure of the Local Planning Authority to determine the application. The purpose of this report is to seek Committee resolution on the application, had it been in a position to determine the application. The Planning Committee cannot now determine the application; these matters will be determined by an Inspector appointed by the Welsh Assembly.

**RELEVANT PLANNING HISTORY:**

3. None

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy CON 7 – Demolition in Conservation Areas  
Circular 61/96 Planning and the Historic Environment – Historic Buildings and Conservation Areas Para. 96

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Case for demolition/impact of removal of the building.



6. In relation to the main planning considerations in paragraph 5:
  - i) The general presumption in Conservation Areas is in favour of retaining buildings which make a positive contribution to the character and appearance of that area. The buildings to be demolished make no positive contribution to the conservation area. Their demolition and replacement with a suitably design scheme would enhance the conservation area. However, at present a redevelopment scheme has not been approved and thus the grant of conservation area consent would be premature.

**SUMMARY AND CONCLUSIONS:**

7. Unless a planning permission is granted for a redevelopment scheme, demolition would lead to a vacant gap site within the street scene and Llangollen Conservation Area.
8. Had officers been in a position to make a recommendation, it would have been recommended that the application be refused Conservation Area Consent, if the planning application, 3/2004/1286/PF had been refused.

**RECOMMENDATION: REFUSE-** for the following reasons:-

The reason(s) for the condition(s) is(are):-

1. The proposal would be contrary to Policy CON 7 of the Denbighshire Unitary Development Plan in that an acceptable redevelopment proposal has not been approved and the demolition would be premature and would lead to a vacant gap site within the street scene and Llangollen Conservation Area.

**NOTES TO APPLICANT:**

None

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION  
INFORMATION ITEMS FOR PLANNING COMMITTEE**

**Technical Advice Notes  
Planning Surgeries**

**1. PURPOSE OF REPORT**

1.1 This comprises the standing agenda item at Planning Committee providing a reference point for Members for information on emerging initiatives, policy, guidance and publications.

1.2 The information provided to Members is limited to a brief description of the relevant initiative and a reference to the source of any information (internet/intranet address). The report will also include a summary of any significant implications for Planning Committee decision making, where relevant.

**2. TECHNICAL ADVICE NOTE 8 – PLANNING FOR RENEWABLE ENERGY  
MINISTERIAL INTERIM PLANNING POLICY STATEMENT (MIPPS) ON RENEWABLE ENERGY**

2.1 The Technical Advice Note was published in July 2005. It provides guidance on renewable energy and supplements advice within Planning Policy Wales 2002. The relevant internet link is as follows:  
<http://www.wales.gov.uk/subiplanning> The MIPPS was also published in July and can be found in the same location, as can the Consultation Report on TAN 8.

2.2 The MIPPS on Renewable Energy and TAN 8 will have a significant impact upon both the:

- (i) Renewable energy policies that will be incorporated into the Denbighshire Local Development Plan; and
- (ii) The way that planning applications for renewable energy, particularly wind farms, will be determined by the Authority.

2.3 The Ministerial Interim Planning Policy Statement (MIPPS) on Renewable Energy replaces Sections 12.8 to 12.10 of Planning Policy

Wales (PPW) (2002). PPW sets out the land use planning policies of the Assembly Government.

2.4 The MIPPS is supplemented by, and should be read in conjunction with, the Assembly Government's Technical Advice Note (TAN) 8.

2.5 It is important that Planning Committee Members have a good understanding of both the MIPPS and the TAN, the key points of which are summarised in **Appendices 1 and 2**. **Appendix 3** contains a map of the proposed Strategic Search Area (SSA) for the Clocaenog Forest.

2.6 PPW, TANs and circulars together comprise national planning policy which should be taken into account by local planning authorities in Wales when producing LDPs. They can also be used as material considerations by local planning authorities in determining planning applications and by the Planning Inspectorate in determining appeals.

2.7 An earlier draft of TAN 8 was subject to public consultation in Summer 2004. Denbighshire County Council's response to the Assembly Government on the draft TAN was discussed at Environment Scrutiny in September 2004 and approved by a Delegated Cabinet Decision by the Lead Member for the Environment in October 2004.

2.8 The recently published Ministerial Planning Policy Statement on Renewable Energy and Technical Advice Note (TAN) 8 are new and important aspects of national planning policy. They will have significant implications on how renewable energy, in particular wind farms, will be incorporated into both the Denbighshire Local Development Plan (LDP) and the determination of planning applications.

2.9 It is advised that Members become familiar with some of the key issues set out in both documents, which are summarised in the **Appendices**.

### **3. CONSULTATION ON REVISION TO TECHNICAL ADVICE NOTE 1 Joint Housing Land Availability Studies (1997)**

3.1 The current TAN 1 provides advice on producing studies to monitor the supply of housing land and to provide information about the adequacy of supply. The revision is intended to build on the existing process but also to reflect technological and institutional changes that have taken place since 1997. A copy of the consultation document is available as follows: <http://www.wales.gov.uk/subiplanning>

3.2 Officers will be preparing a response for the Lead Member Environment to consider (delegated decision). Comments as required by

WAG by 28 October 2005.

**4. CONSULTATION ON REVISION TO TECHNICAL ADVICE NOTE 2  
Planning and Affordable Housing (1996)**

4.1 The current TAN 2 gives advice on affordable housing. The consultation draft aims to facilitate an increased provision of affordable housing via the planning system. A copy of the consultation document is available as follows:

<http://www.wales.gov.uk/subiplanning>

4.2 Officers will be preparing a response for the Lead Member Environment to consider (delegated decision). Comments are required by WAG by 28 October 2005. The draft TAN has already been taken into account in drawing up the SPG on affordable housing that was approved by the County Council in July 2005.

**5. PLANNING SURGERIES**

4.1 We are continuing with planning advice surgeries in Rhyl, Prestatyn, Ruthin, Llangollen and Corwen. Details of the locations and timetables of the surgeries are attached to this report as **Appendix 4**. The intention of the surgeries is to provide planning advice at locations near to our customers. To help get the best out of the surgeries we have asked that people make an appointment. Appointments will last 15 minutes. We will also now be providing surgeries from Caledfryn in Denbigh.

4.2 We will provide advice on the following matters – the need for planning permission, how to submit a planning application and your chances of success, and how to get involved in applications already submitted. We will agree actions at the end of the appointment.

## **Appendix 1:**

### **Ministerial Interim Planning Policy Statement 01/2005 – Planning for Renewable Energy**

The text below provides a summary of the Assembly Government's Ministerial Interim Planning Policy Statement (MIPPS) 01/2005 – 'Planning for Renewable Energy'.

It provides a brief overview of the key policy areas that the Assembly are introducing. A copy of the full version of the document will be kept in the Members library.

Please note that the policy guidance below is provided as extracts from the MIPPS – it is not Denbighshire County Council's interpretation of the policy. Paragraph numbers from the MIPPS are referenced within the text.

- The Assembly Government is committed to:
  - i. Achieving its specific targets for renewable energy production;
  - ii. Maximising the opportunities for renewable energy;
  - iii. Where possible combining the two in combined heat and power systems;
  - iv. Recognise that the benefits of renewable energy are parts of its overall commitment to reduce greenhouse gas emissions (para 12.8.6).
  
- The need for wind turbines is established through a global environmental imperative and international treaty, and is a key part of meeting the Assembly Government's targets for renewable electricity production. Therefore the land use planning system should actively steer development to the most appropriate locations. Development of a few large scale (over 25MW) wind farms in carefully located areas offers the best opportunity to meet the national renewable energy target. (para 12.8.9)
  
- Technical Advice Note 8 identifies areas in Wales which, on the basis of substantial empirical research, are considered to be the most appropriate locations for large scale wind farm development; these areas are referred to as Strategic Search Areas (SSAs) (para 12.8.10);
  
- Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments, subject to material planning considerations (para 12.8.10);
  
- Smaller (less than 5MW), domestic or community-based wind turbine developments may be suitable within and without SSAs, subject to material

planning considerations. On urban / industrial brownfield sites, small or medium sized (up to 25MW) developments may be appropriate (para 12.8.10);

## **Appendix 2**

### **Technical Advice Note 8 – Summary and Implications**

The text below provides a summary of the Assembly Government's Technical Advice Note 8 'Renewable Energy'.

It provides a brief overview of the key policy areas that the Assembly are introducing. A copy of the full version of the document will be kept in the Members library.

Please note that the policy guidance below is provided as extracts from the TAN – it is not Denbighshire County Council's interpretation of the policy. Paragraph numbers from the TAN are referenced within the text.

#### **INTRODUCTION AND CONTEXT**

The TAN sets out UK and Welsh Energy Policy, which provides much of the context for the content of the TAN. Some of the main principles are as follows:

- UK energy policy has an established target for 10% of electricity production from renewable sources by 2010 (para 1.4);
- The Assembly Government has a target of 4TWh of electricity to be produced per annum by 2010 and 7TWh by 2020 (para 1.4);
- In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind and 200MW from offshore wind (para 1.4);
- Delivering these targets through the planning system is therefore at the core of this TAN (para 1.5);

The TAN is also committed to promoting energy efficiency and energy conservation (paras 1.6 – 1.7).

#### **RENEWABLE ENERGY AND PLANNING**

##### **Onshore Wind in Strategic Search Areas:**

Paragraph 2.2 – 2.10 sets out the Assembly Government's policy on onshore wind. This is summarised as follows:

- Large scale (over 25MW) onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs) (para 2.2);
- The SSA boundaries are at a 'broad brush' scale. Not all of the land within the SSAs may be technically, economically and/or environmentally suitable for major wind power proposals (para 2.4);
- It is a matter for local planning authorities to undertake local refinement within each of the SSAs in order to guide and optimise development within each of these areas (para 2.4);



- If there is suitable evidence that land outside (but close to) the SSA is suitably unconstrained local planning authorities might wish to consider the possibility of development of wind farms in these areas as well (para 2.4);
- For each of the SSAs there are indicative targets of installed capacity (in MW), which are shown in the table below:

<b>Strategic Search Area</b>	<b>Capacity</b>
A Clocaenog Forest	140MW
B Carno North	290MW
C Newtown South	70MW
D Nant y Moch	140MW
E Pontardawe	100MW
F Coed Morgannwg	290MW
G Brechfa Forest	90MW
<b>TOTAL</b>	<b>1120MW</b>

(Strategic Search Area A ‘Clocaenog Forest’ falls partly within Denbighshire County and partly within Conwy County. The map of the area is included in the TAN – and also Appendix B of this report. The boundaries that the Assembly have drawn for this are deliberately vague as it is only meant to be at a broad brush scale).

- Local planning authorities should take an active approach to developing local policy for SSAs in order to secure the best outcomes. Some local issues which could be addressed are:
  - i. extent to which tree felling is considered desirable;
  - ii. extent to which alternative wildlife creation is desirable. Opportunities to enhance, extend or re-create significant landscape or wildlife value should be grasped;
  - iii. geo-technical implications;
  - iv. possible impact on tourism and recreational opportunities in the SSA;
  - v. local historic and landscape considerations;
  - vi. access considerations e.g. for construction traffic (para 2.10).
- The SSA must be referred to in development plans and, if refined, incorporated into local development plan proposals maps (para 5.4);

### **Onshore Wind in Other Areas**

- There may be further opportunities for the development of wind farm or other renewable energy schemes on urban/industrial brownfield sites up to 25MW within Wales and these should be encouraged (para 2.11);
- Local planning authorities are expected to encourage via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally, less than 5MW). Authorities should establish a set of local criteria and define what is meant by ‘smaller’ and ‘community based’ (para 2.12);

- Most areas outside SSAs should remain free of large wind power schemes (para 2.13).

#### **Offshore Wind:**

- Consent for offshore wind lies outside the land use planning system. However, local planning authorities are consultees in the offshore decision making process and wherever practicable proposals for offshore wind developments should be supported (para 3.1).

#### **Other Onshore Renewable Energy Policies:**

- Paragraphs 3.3 to 3.17 of the TAN describe other forms of renewable energy technology and the implications of these on the planning system;
- Local planning authorities should consider the local availability of renewable energy resources and develop suitable policies that promote their implementation (para 5.2);

#### **Design and Energy**

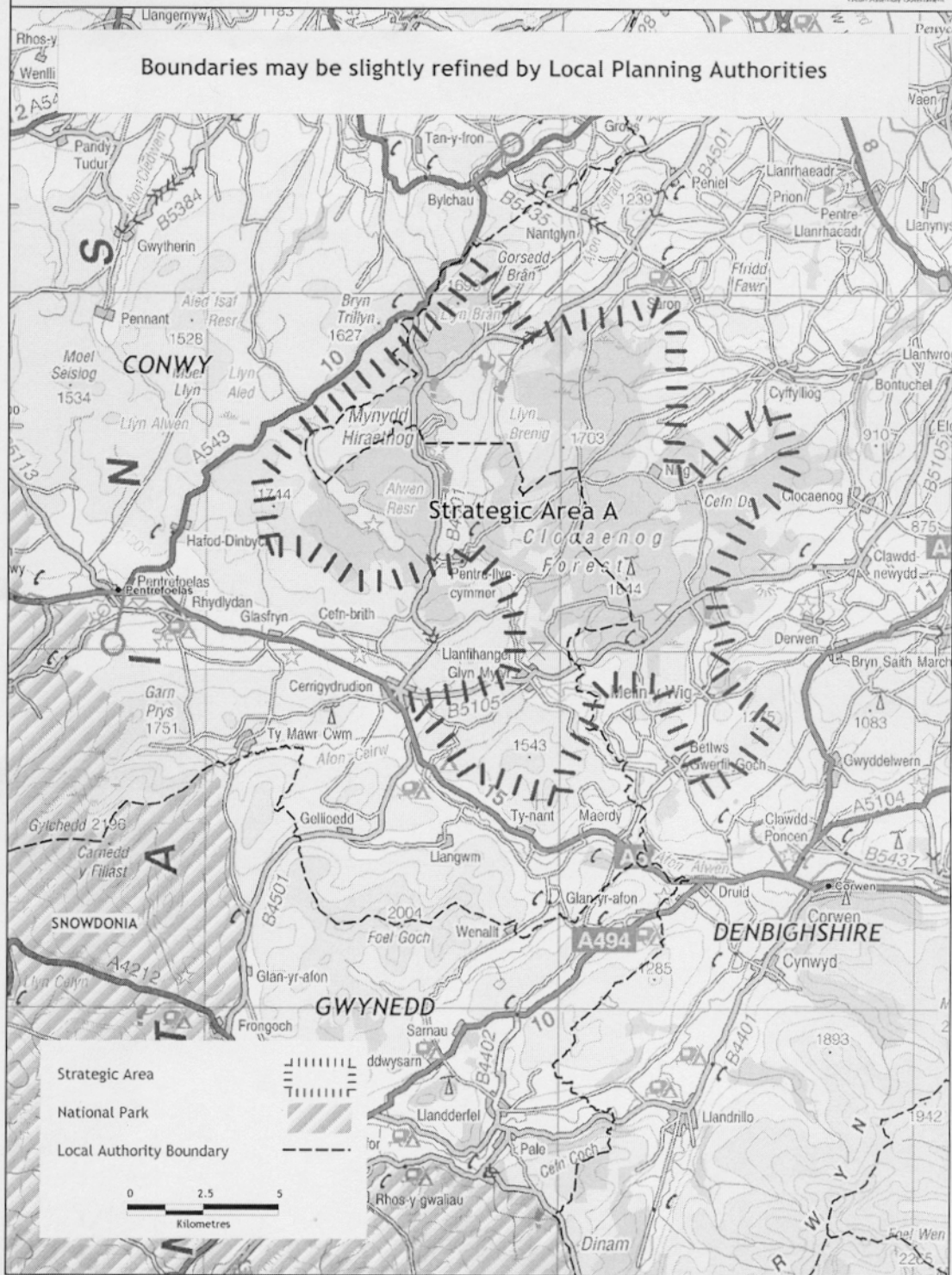
- Local Planning Authorities should actively consider the inclusion of design guidance in their development plans of SPG (para 4.1);
- TAN 12: Design provides advice on national design policy including considerations such as resource efficient layout and resource efficient buildings (para 4.2);
- In order to further promote energy efficiency and energy conservation, local planning authorities should consider requiring in development plan policies or supplementary planning guidance that planning applications (other than outline) for new non-residential buildings over 1000 sq m or more should be accompanied by an Energy Design Advice Report if appropriate (para 4.5);

## **Appendix 3 – Strategic Search Area A: Clocaenog Forest**

# Map 2

## PLANNING FOR RENEWABLE ENERGY AREA A. CLOCAENOG FOREST

JULY 2005  
MAP 2



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 A gwyblychwyd y map hon o'r map Arolwg Ordnans Cymru'n unigedig gan y Cwmni Ordnans ar ran Rhodder Llyfrfa Ff1 Mawrlydd, © Hawlfraint y Geon. Cofrestr pob hawl  
 Byddai ai agwbyrthu heb ganiatid y torri holltiant a gallu arwain at eiddo'n osu ddiwyg achos aiffi yn eiddo'n. Rhif troysydd: 100017916

C46/05-06

## PLANNING SURGERIES

## TIMETABLE – SEPTEMBER TO DECEMBER 2005

<b>Corwen (One stop shop) 10.00 a.m. – 1.00 p.m.</b>			
THURSDAY MORNINGS			
1 <sup>st</sup> September	15 <sup>th</sup> September	29 <sup>th</sup> September	13 <sup>th</sup> October
27 <sup>th</sup> October	10 <sup>th</sup> November	24 <sup>th</sup> November	8 <sup>th</sup> December
22 <sup>nd</sup> December			
<b>Prestatyn (Nant Hall Road) 9.00 a.m. – 12.00 p.m.</b>			
MONDAY MORNINGS			
5 <sup>th</sup> September	19 <sup>th</sup> September	3 <sup>rd</sup> October	17 <sup>th</sup> October
31 <sup>st</sup> October	14 <sup>th</sup> November	28 <sup>th</sup> November	12 <sup>th</sup> December
<b>Rhyl (Library) 1.00 p.m. – 4.00 p.m.</b>			
MONDAY AFTERNOONS			
5 <sup>th</sup> September	19 <sup>th</sup> September	3 <sup>rd</sup> October	17 <sup>th</sup> October
31 <sup>st</sup> October	14 <sup>th</sup> November	28 <sup>th</sup> November	12 <sup>th</sup> December
<b>Ruthin (Trem Clwyd) 10.00 a.m. – 1.00 p.m.</b>			
TUESDAY MORNINGS			
13 <sup>th</sup> September	27 <sup>th</sup> September	25 <sup>th</sup> October	8 <sup>th</sup> November
22 <sup>nd</sup> November	6 <sup>th</sup> December	20 <sup>th</sup> December	
<b>Llangollen (One Stop Shop) 10.00 a.m. – 1.00 p.m.</b>			
FRIDAY MORNINGS			
9 <sup>th</sup> September	7 <sup>th</sup> October	21 <sup>st</sup> October	4 <sup>th</sup> November
18 <sup>th</sup> November	2 <sup>nd</sup> December	16 <sup>th</sup> December	

**Decisions Made by the Head of Planning and Public Protection  
under  
Delegate Powers  
1st - 31st August 2005**

**Item For Information**

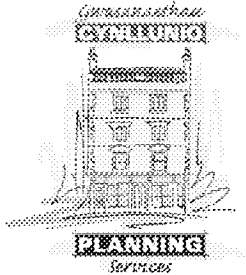
This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

**DECISION TYPES**

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

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH  
CYNLLUNIO A GWARCHOD Y CYHOEDD O DAN  
PWERAU DIRPRWYEDIG**

01 /08 /2005 ac 31 /08 /2005

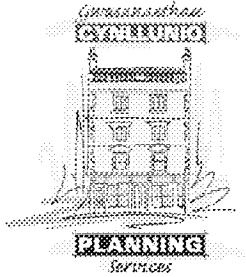


**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
PROTECTION UNDER DELEGATED POWERS**

01 /08 /2005 and 31 /08 /2005

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
01/2004/1446 / LB	<b>Bull Hotel Hall Square Denbigh</b>  Internal and external alterations	Mr R. Coutts	CONSENT	12 /08 /2005
		<b>Case Officer - Catrin E Williams</b>		
01/2005/0437 / PF	<b>1 Rosemary Lane &amp; 49 High Street Denbigh</b>  Change of use from office accommodation to 2 no. self contained flats on first and second floors	Corbett Bookmakers Corbett Bookmakers Ltd	REFUSE	18 /08 /2005
		<b>Case Officer - Philip Garner</b>		
01/2005/0690 / AC	<b>Lleweni Mold Road Denbigh</b>  Details of access and signage for new track to Lleweni outbuildings submitted in accordance with condition no. 1 of planning permission code no. 01/2005/0332/PS	Mr T Hughes Harris Homes	APPROVE	02 /08 /2005
		<b>Case Officer - Ian Weaver</b>		
01/2005/0691 / PF	<b>Bonwm Ruthin Road Denbigh</b>  Erection of single storey pitched-roof extension at rear of dwelling	Mr & Mrs H Wynne	GRANT	05 /08 /2005
		<b>Case Officer - Nicola Marie Jones</b>		

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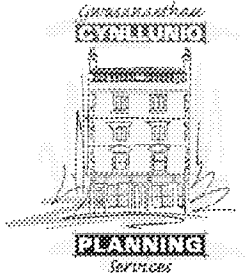


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01/2005/0698 / PF	<b>20-22 Chapel Street Denbigh</b>  Reversion of dwelling to 2 dwellings and erection of two storey pitched roof extension at rear.	D Brookes  <b>Case Officer - Catrin E Williams</b>	GRANT	30 /08 /2005
01/2005/0729 / PF	<b>2 Lllys Catrin Denbigh</b>  Erection of conservatory at rear of dwellinghouse	Mr & Mrs R W & A Mortimer  <b>Case Officer - Nicola Marie Jones</b>	GRANT	03 /08 /2005
01/2005/0730 / PF	<b>20 Accar Y Forwyn Denbigh</b>  Erection of single storey extension to rear of existing dwelling.	Mr G Wynne  <b>Case Officer - Catrin E Williams</b>	GRANT	10 /08 /2005
01/2005/0789 / PF	<b>St. Brigids School Mold Road Denbigh</b>  Erection of extensions to provide two classrooms and toilets	St Brigid's School  <b>Case Officer - Catrin E Williams</b>	GRANT	22 /08 /2005
01/2005/0829 / PF	<b>Glascoed Bodeiliog Road Denbigh</b>  Erection of conservatory extension to front of dwelling	Mr & Mrs E Lloyd  <b>Case Officer - Nicola Marie Jones</b>	GRANT	30 /08 /2005



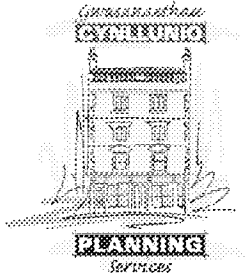
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02/2005/0795 / PF	<b>Land At Castleworks Mill Street Ruthin</b>	J. T Williams	GRANT	24 /08 /2005
	Renewal of application ref no. 02/2000/0821/PF comprising erection of 8 no. one-bed self-contained flats	<b>Case Officer - Sarah Stubbs</b>		
03/2005/0562 / PF	<b>Gwenallt Abbey Road Llangollen</b>	Miss I Watson	GRANT	17 /08 /2005
	Erection of extensions to rear and side, construction of timber decking and alterations to existing vehicular access and associated works	<b>Case Officer - Catrin E Williams</b>		
03/2005/0704 / PF	<b>Troes y Berllan Berwyn Llangollen</b>	Mr N Barrat	GRANT	17 /08 /2005
	Extension to and change of use from holiday cottage to photographic studio	<b>Case Officer - Nicola Marie Jones</b>		
03/2005/0735 / PF	<b>6 Min Y Coed Llangollen</b>	Mr. Langdon	GRANT	10 /08 /2005
	Erection of conservatory at side of dwelling	<b>Case Officer - Nicola Marie Jones</b>		

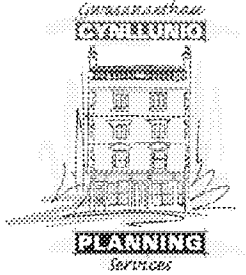
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03/2005/0744 / PF	<b>1 Abbey Road Llangollen</b>  Erection of first-floor pitched-roof extension for office accommodation	Mr C Smith  Case Officer - Philip Garner	REFUSE	10 /08 /2005
03/2005/0745 / PF	<b>5 Abbey Road Llangollen</b>  Erection of first-floor pitched-roof extension for office and storage area	Mr & Mrs D Ledward  Case Officer - Philip Garner	GRANT	10 /08 /2005
03/2005/0775 / PD	<b>Plas y Fron Bryn Howell Lane Trevor Llangollen</b>  Demolition of outbuilding and erection of porch at rear of dwelling and tool store	Mr & Mrs G Williams  Case Officer - Catrin E Williams	P DEV	08 /08 /2005
03/2005/0793 / PF	<b>Land at Penrallt Farm Sun Bank Llangollen</b>  Extension to existing agricultural building, construction of washroom and installation of new septic tank	Mr G Edwards  Case Officer - Catrin E Williams	GRANT	22 /08 /2005
03/2005/0818 / PF	<b>Bryntirion Berwyn Road Berwyn Llangollen</b>	Mr & Mrs S Stockdale	GRANT	26 /08 /2005

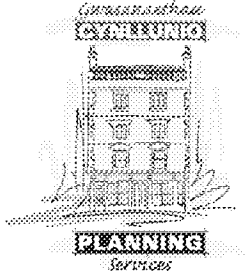
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	Demolition of garages and utility and erection of single-storey pitched-roof extension to provide living accommodation		<b>Case Officer - Nicola Marie Jones</b>	
03/2005/0846 / TP	<b>Woodland at Pen-y-Coed Llangollen</b>	Coed Cadw / Woodland Trust Woodland Trust	GRANT	31 /08 /2005
	Felling of trees within ancient woodland the subject of a Tree Preservation Order		<b>Case Officer - Nicola Marie Jones</b>	
04/2005/0824 / PF	<b>3 Min Y Clwyd Melin-Y-Wig Corwen</b>	Mr & Mrs Wilson	GRANT	31 /08 /2005
	Erection of single-storey flat-roofed extension at rear of dwelling		<b>Case Officer - Philip Garner</b>	
05/2005/0662 / PF	<b>Land at The Yard Chapel Street Corwen</b>	Mr M Lloyd	GRANT	01 /08 /2005
	Erection of new dwelling and construction of new vehicular access		<b>Case Officer - Catrin E Williams</b>	
05/2005/0738 / PF	<b>Outbuilding at Carreg-Afon Holyhead Road Corwen</b>	The Rhug Estate Trust	GRANT	05 /08 /2005
	Conversion of redundant outbuilding to dwelling and installation of new septic tank		<b>Case Officer - Philip Garner</b>	

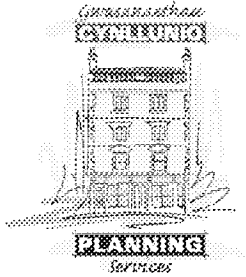
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05/2005/0758 / AC	<b>Bethesda. Chapel Corwen</b>	Mr M Elwin	APPROVE	10 /08 /2005
	Details of altered vehicular access and finish surface material for the hardstanding submitted in accordance with condition no. 2 of planning permission code no. 05/2005/0282/PF	<b>Case Officer - Catrin E Williams</b>		
05/2005/0773 / PF	<b>1 Maes Brith Cottage Maes Brith Corwen</b>	Mr & Mrs M Dalton	WDN	01 /08 /2005
	Change of use of dwelling to holiday cottage	<b>Case Officer - Sarah Stubbs</b>		
05/2005/0774 / PF	<b>2 Maes Brith Cottage Maes Brith Corwen</b>	Mr & Mrs M Dalton	GRANT	26 /08 /2005
	Alterations and two-storey and single-storey pitched roof extensions to existing cottages to form single dwelling	<b>Case Officer - Sarah Stubbs</b>		
05/2005/0806 / PF	<b>Cornel Rhedyn Corwen</b>	Mr & Mrs R Taylor	GRANT	23 /08 /2005
	Erection of first-floor pitched-roof extension to dwelling	<b>Case Officer - Nicola Marie Jones</b>		

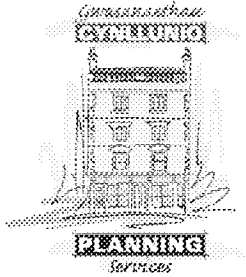
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05/2005/0825 / PF	<b>Bryn Hyfryd Carrog Corwen</b>  Erection of two-storey and first floor pitched-roof extensions to dwelling, replacement porch, erection of single garage and new pitched-roof over existing flat-roofed extension.	Ms L Joinson  Case Officer - Philip Garner	GRANT	31 /08 /2005
07/2005/0859 / AC	<b>Land Adjoining Cadwst Mawr Llandrillo Corwen</b>  Details of construction traffic management plan submitted in accordance with condition number 3 of planning permission code no. 07/2005/0499/PF	Richard Ramsay Flow With Form Ltd.  Case Officer - Catrin E Williams	APPROVE	31 /08 /2005
08/2005/0684 / PF	<b>Pen Y Geulan Cynwyd Corwen</b>  Erection of detached domestic garage and construction of new vehicular access (access retrospective) (revised scheme)	J Bromfield Colomendy Ltd  Case Officer - Philip Garner	REFUSE	02 /08 /2005
08/2005/0718 / PF	<b>Mayfield Cynwyd Corwen</b>  Erection of two storey and single storey pitched roof extensions to side, conservatory to rear and double garage	Mr I Walker  Case Officer - Nicola Marie Jones	GRANT	05 /08 /2005

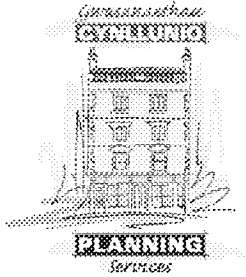
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PROTECTION UNDER DELEGATED POWERS  
01 /08 /2005 and 31 /08 /2005**

<u>RHIF CYF REF NO</u>	<u>LLEOLIAD A CHYNNIG LOCATION AND PROPOSAL</u>	<u>YMGEISYDD APPLICANT</u>	<u>PENDERFYNIAD DECISION</u>	<u>DYDDIAD DATE</u>
12/2005/0479 / PO	<b>Anneddwen Clawddnewydd Ruthin</b>  Development of 0.035 ha of land for residential purposes and construction of new vehicular access (outline application)	S.G Revell  <b>Case Officer - Paul Mead</b>	GRANT	17 /08 /2005
12/2005/0672 / PF	<b>Cae Mawr Clawddnewydd Ruthin</b>  Replacement of front porch with conservatory	Mr & Mrs I Huston  <b>Case Officer - Nicola Marie Jones</b>	GRANT	31 /08 /2005
12/2005/0694 / PO	<b>Land to rear of Glan Llyn Inn Clawddnewydd Ruthin</b>  Development of 0.09ha of land for residential purposes and installation of new septic tank (outline application)	Mr O Grey  <b>Case Officer - Philip Garner</b>	REFUSE	12 /08 /2005
12/2005/0695 / PO	<b>Land at Hendre Clawddnewydd Ruthin</b>  Development of 0.09ha of land by the erection of 1no dwelling and installation of new septic tank (outline application)	Mr O Grey  <b>Case Officer - Philip Garner</b>	REFUSE	12 /08 /2005

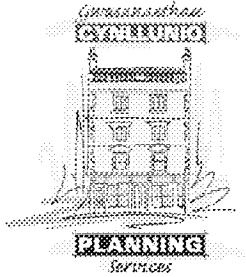
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PROTECTION UNDER DELEGATED POWERS  
01 /08 /2005 and 31 /08 /2005**

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12/2005/0710 / PF	<b>Graig Wen Pwllglas Ruthin</b>  Alterations to existing dwelling and conversion of adjoining shippon to provide additional living accommodation	Ms R J Richards	REFUSE	05 /08 /2005
		<b>Case Officer - Philip Garner</b>		
12/2005/0713 / LB	<b>Graig Wen Pwllglas Ruthin</b>  Alterations to existing dwelling and conversion of adjoining shippon to provide additional living accommodation.	Ms R J Richards	REFUSE	05 /08 /2005
		<b>Case Officer - Philip Garner</b>		
13/2005/0734 / PF	<b>Llwyn Gwern Efenechtyd Ruthin</b>  Erection of detached double garage	Mr John Gray	GRANT	10 /08 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
14/2005/0740 / PF	<b>Barn at Gelli Farm Bontuchel Ruthin</b>  Conversion of redundant barn into single-storey dwelling and installation of new septic tank	Mr & Mrs M R Booth	GRANT	12 /08 /2005
		<b>Case Officer - Philip Garner</b>		

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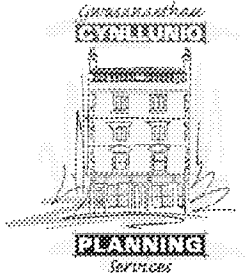


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15/2005/0637 / PF	<b>Tan y fron Llandegla Road Llanarmon-Yn-Ial Mold</b>  Extension into adjoining shippon to create annexe, formation of menage and extension to domestic curtilage	Mr & Mrs J Lightfoot	GRANT	02 /08 /2005
		<b>Case Officer - Philip Garner</b>		
15/2005/0783 / PF	<b>Gors Olchi Pant Du Road Eryrys Mold</b>  Erection of pitched-roof extension at rear of dwelling	Mr P.M & Dr J.W Bailey	GRANT	31 /08 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
16/2005/0624 / PF	<b>The Coach House Llanrhydd Mill Llanrhydd Ruthin</b>  Renewal of planning permission ref 16/2000/0415/PF for conversion of coach house to dwelling and erection of garage	Mr Steve Roberts	GRANT	03 /08 /2005
		<b>Case Officer - Catrin E Williams</b>		
16/2005/0731 / PF	<b>Brackendene Lon Cae Glas Llanbedr Dyffryn Clwyd Ruthin</b>  Erection of single-storey flat roofed extension at side, raising of roof height to create additional living accommodation in roofspace and reroofing of existing garage	Mr G.N Andrews	GRANT	10 /08 /2005
		<b>Case Officer - Philip Garner</b>		



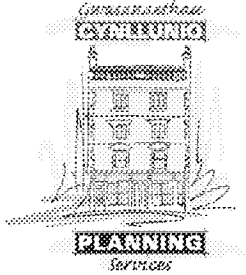
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PROTECTION UNDER DELEGATED POWERS  
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16/2005/0743 / PF	<b>Fron Ganol Llanbedr Dyffryn Clwyd Ruthin</b>  Erection of extensions and alterations to dwelling	Mr & Mrs J.W.S. & A.L. Jones  Case Officer - <b>Catrin E Williams</b>	GRANT	10 /08 /2005
17/2005/0705 / PF	<b>Bryniau House Llanarmon Road Llandegla Wrexham</b>  Alterations to existing garage area to provide additional living accommodation and erection of detached/replacement garage	R McFarland And L Martin  Case Officer - <b>Nicola Marie Jones</b>	GRANT	08 /08 /2005
17/2005/0706 / PF	<b>Garden Cottage Old Gate Lane Llandegla Wrexham</b>  Erection of first floor pitched roof extension and porch at front/side and conservatory at rear/side of dwelling	Mr & Mrs M Bray  Case Officer - <b>Catrin E Williams</b>	GRANT	05 /08 /2005
17/2005/0742 / PF	<b>Crown Sawmills Ruthin Road Llandegla Wrexham</b>  Partial demolition of, and extension to existing workshop and erection of 1.8m high timber fence to car storage area	Mr & Mrs Alcock  Case Officer - <b>Philip Garner</b>	GRANT	25 /08 /2005

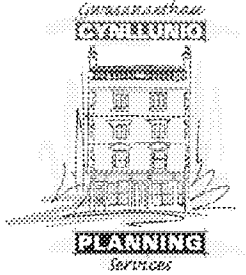
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19/2005/0533 / LB	<b>The Old Rectory Llanellidan Ruthin</b>  Internal and external alterations, erection of extension and detached garage and alteration to existing gateway (Listed Building application)	Mr N Wilson	CONSENT	10 /08 /2005
		<b>Case Officer - Catrin E Williams</b>		
20/2005/0594 / LB	<b>Capel Ebenezer Graigfechan Ruthin</b>  Alterations to pedestrian access and provision of handrail (Listed Building application)	G Jones	CONSENT	09 /08 /2005
		<b>Case Officer - Catrin E Williams</b>		
21/2005/0708 / PF	<b>Wayside Tafarn-Y-Gelyn Llanferres Mold</b>  Change of use of existing dwelling into 2 separate dwellings, demolition of connecting hall and conversion of existing garage into kitchen	C Shaughnessy	REFUSE	19 /08 /2005
		<b>Case Officer - Philip Garner</b>		
21/2005/0756 / PF	<b>Bryn Saeson Ucha Forestry Road Llanferres Mold</b>  Erection of single storey extension to rear of dwelling.	Mr & Mrs R A Elliott	GRANT	09 /08 /2005
		<b>Case Officer - Nicola Marie Jones</b>		

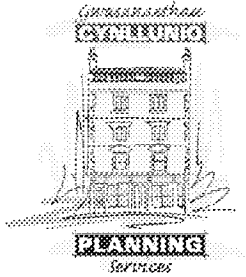
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21/2005/0807 / PF	<b>Y Nant Village Road Maeshafn Mold</b>  Erection of wood cabin for use as home office & children's playroom	J & C Fagan  Case Officer - Nicola Marie Jones	GRANT	24 /08 /2005
22/2005/0716 / PF	<b>Pen Y Bryn Llangynhafal Denbigh</b>  Erection of two storey and single storey pitched roof extensions to dwelling	Mr & Mrs G Scott  Case Officer - Nicola Marie Jones	GRANT	03 /08 /2005
22/2005/0803 / AC	<b>Swan Farm Llangynhafal Denbigh</b>  Details of Conditions No. 2 & 3 on planning permission Ref. No. 22/2005/0259/PF relating to roof height and existing and proposed floor levels and fenestration details	Mr & Mrs J S Davies  Case Officer - Catrin E Williams	APPROVE	22 /08 /2005
22/2005/0910 / AC	<b>Swan Farm Llangynhafal Denbigh</b>  Details of Condition No. 4 on planning permission Ref. No. 22/2005/0259/PF relating to quoins to corners of building and around doorways	Mr & Mrs J S Davies  Case Officer - Catrin E Williams	APPROVE	22 /08 /2005

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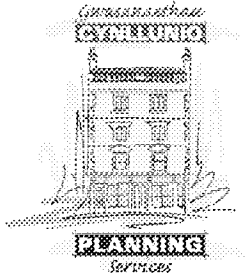


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23/2005/0632 / TC	<b>St. Dyfnog's Church Llanrhaeadr Denbigh</b>  Works to 4no. trees in the Llanrhaeadr Y.N Conservation Area	Llanrhaeadr Church	GRANT	03 /08 /2005  <b>Case Officer - Nicola Marie Jones</b>
23/2005/0703 / PF	<b>Tan Y Foel Saron Denbigh</b>  Demolition of existing single-storey wing at side and front porch and erection of two-storey pitched-roof extension at side and replacement porch at front of dwelling	Mr E Wansbrough	GRANT	02 /08 /2005  <b>Case Officer - Philip Garner</b>
23/2005/0757 / PF	<b>Offices at Brookside Pentre Llanrhaeadr Denbigh</b>  Reinstatement of existing landscaped area to provide parking in association with offices and removal of 2no. existing porta-kabins	Mr E Jones	GRANT	18 /08 /2005  <b>Case Officer - Paul Mead</b>
24/2005/0836 / PF	<b>Oakleigh Rhewl Ruthin</b>  Demolition of existing flat-roofed extension and erection of pitched roof extension at rear of dwelling.	Mr & Mrs S P Pearson	GRANT	31 /08 /2005  <b>Case Officer - Nicola Marie Jones</b>

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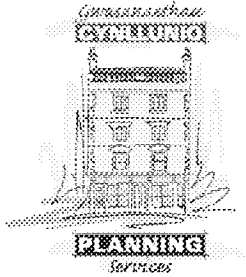


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24/2005/0867 / PF	<b>Cerrigllwydion Arms Llanynys Denbigh</b>	Mr G Williams	WDN	15 /08 /2005
	Alterations to and conversion of public house and living accommodation to 2 No. dwellings	<b>Case Officer - Philip Garner</b>		
25/2005/0844 / EL	<b>Land adjacent to St.Mordeyrns Well Nantglyn Denbigh</b>	SP Power Systems Ltd SP Manweb Plc	GRANT	31 /08 /2005
	Erection of 11kV overhead line supported by wood poles	<b>Case Officer - Paul Mead</b>		
25/2005/0853 / AC	<b>Dol Y Glyn Nantglyn Denbigh</b>	Mr & Mrs P & C Harrison	APPROVE	10 /08 /2005
	Details of roof sheet cladding submitted in accordance with condition number 5 of planning permission code no. 25/2004/1600/PF	<b>Case Officer - Catrin E Williams</b>		
27/2004/1241 / PF	<b>Bryn-Yr-Odyn Pentredwr Llangollen</b>	Mr P Christie	WDN	19 /08 /2005
	Use of part of existing dwelling as self-contained unit for holiday let and installation of new septic tank. New porch and balcony additions to existing dwelling	<b>Case Officer - Paul Mead</b>		

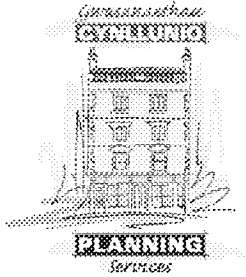
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28/2005/0608 / PF	<b>Land Adjacent To 19 Maes Yr Efail Henllan Denbigh</b>  Erection of dwelling	Mr A Hoyles	GRANT	18 /08 /2005
		<b>Case Officer - Philip Garner</b>		
28/2005/0621 / PF	<b>Plas Meifod Ffordd Meifod Henllan Denbigh</b>  Erection of agricultural building for use as milking parlour and dairy	Mr I Rhodri Wynne	GRANT	05 /08 /2005
		<b>Case Officer - Catrin E Williams</b>		
30/2004/1405 / LB	<b>Llannerch Hall Llannerch Park St. Asaph</b>  Alterations to roof by removal of 2 redundant chimneys and 1 skylight	Llannerch Hall Limited	CONSENT	10 /08 /2005
		<b>Case Officer - Catrin E Williams</b>		
30/2005/0171 / LB	<b>Flat 3 Llannerch Hall Llannerch Park St. Asaph</b>  Removal of existing door, part bricking-up of opening and installation of new sash window	Mr & Mrs Last	GRANT	12 /08 /2005
		<b>Case Officer - Sarah Stubbs</b>		
30/2005/0762 / PF	<b>Storage Hut at Golf Driving Range Llannerch Park St. Asaph</b>	Mr Richard G Jones	REFUSE	18 /08 /2005

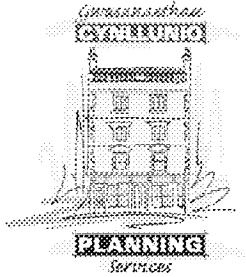
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	Demolition of existing Nissen hut and erection of new storage building for existing golf driving range	<b>Case Officer - Philip Garner</b>		
31/2005/0666 / PF	<b>Thales Optics Ltd Glascoed Road St. Asaph</b>	Thales Optics Ltd	GRANT	02 /08 /2005
	Erection of building to house holography facilities	<b>Case Officer - Paul Mead</b>		
31/2005/0667 / PF	<b>Thales Optics Ltd Glascoed Road St. Asaph</b>	Thales Optics Ltd	GRANT	02 /08 /2005
	Erection of single-storey extension to side of existing Assembly Building to provide a new Environmental Testing facility	<b>Case Officer - Paul Mead</b>		
31/2005/0772 / PF	<b>Gardeners Cottage Wigfair St. Asaph</b>	Mr S Clayton	GRANT	18 /08 /2005
	Erection of pitched-roof extension at side and conservatory at side/front of dwelling	<b>Case Officer - Nicola Marie Jones</b>		
40/2003/1404 / AC	<b>North Wales Police Ffordd William Morgan St. Asaph Business Park St. Asaph</b>	Babcock & Brown Properties	APPROVE	24 /08 /2005

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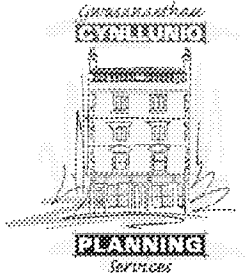


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	Details of Condition No. 13 (Green Travel Plan), Condition 14 (Access details) and Condition No. 17 (Surface water regulations) of planning permission reference 40/2002/0016/PF.	<b>Case Officer - Mark Dakevne</b>		
40/2005/0305 / PF	<b>Mencap Pengwern College, Pengwern Hall Bodelwyddan Road Rhuddlan Rhyl</b>	Pengwern Hall College	GRANT	05 /08 /2005
	Erection of replacement glass house and potting shed	<b>Case Officer - Sarah Stubbs</b>		
40/2005/0306 / LB	<b>Mencap Pengwern College, Pengwern Hall Bodelwyddan Road Rhuddlan Rhyl</b>	Pengwern Hall College	GRANT	05 /08 /2005
	Erection of replacement glass house and potting shed (Listed Building application)	<b>Case Officer - Sarah Stubbs</b>		
40/2005/0699 / HS	<b>North Wales Calor Centre Kimmel Park, Abergele Road Bodelwyddan Rhyl</b>	Calor Gas Ltd.	GRANT	17 /08 /2005
	Cylinder storage of Liquefied Petroleum Gas (LPG) (Hazardous Substances Consent)	<b>Case Officer - Nicola Marie Jones</b>		
40/2005/0701 / PF	<b>45 Maes Owen Bodelwyddan Rhyl</b>	Mr & Mrs S Pettit	GRANT	02 /08 /2005
	Erection of conservatory at rear, flat-roofed extension at side and dormer windows at rear of dwelling	<b>Case Officer - Philip Garner</b>		



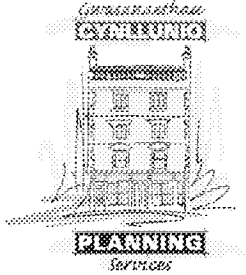
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40/2005/0752 / PF	<b>Ty Mawr St. Asaph Road Bodelwyddan Rhyl</b>  Erection of sun lounge extension and formation of office and WC within existing outbuilding.	Mr & Mrs P Grindal  <b>Case Officer - Nicola Marie Jones</b>	GRANT	10 /08 /2005
40/2005/0754 / PF	<b>8 Llwyn Harlech Bodelwyddan Rhyl</b>  Erection of two-storey pitched-roof extension at side of dwelling	Mr & Mrs N Williams  <b>Case Officer - Nicola Marie Jones</b>	GRANT	16 /08 /2005
40/2005/0792 / PF	<b>20 Grenville Row Bodelwyddan Rhyl</b>  Erection of first floor hipped-roof side extension	Mr & Mrs A Hughes  <b>Case Officer - Philip Garner</b>	GRANT	26 /08 /2005
40/2005/0840 / PF	<b>Ablett Unit Glan Clwyd Hospital Rhuddlan Road Bodelwyddan Rhyl</b>  Extension to 'House B' for relocation of 2 no. bathrooms and 1 W.C.	Conwy & Denbighshire NHS Trust  <b>Case Officer - Nicola Marie Jones</b>	GRANT	31 /08 /2005

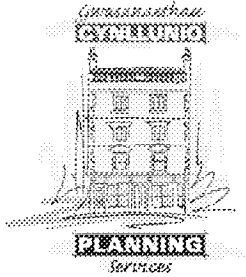
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40/2005/0858 / AC	<b>Pengwern College, Pengwern Hall Bodelwyddan Road Rhuddlan Rhyl</b>	Mr Morton Williams	APPROVE	05 /08 /2005
	Details of roof covering submitted in accordance with condition number 1 of planning permission code no. 40/2005/0054/PF	<b>Case Officer - Nicola Marie Jones</b>		
41/2005/0566 / LB	<b>Dinorben Arms Bodfari Denbigh</b>	Gilbar Developments Ltd.	CONSENT	09 /08 /2005
	Alterations to existing vehicular egress incorporating removal of section of boundary wall and excavation works to provide new vehicular access and egress and widening of existing vehicular access incorporating alterations to existing boundary wall (previous consent granted under code no. 41/799/99/LB)	<b>Case Officer - Philip Garner</b>		
42/2004/1659 / PF	<b>Snowdon View Lower Foel Road Dyserth Rhyl</b>	Bowden Estates Limited	GRANT	02 /08 /2005
	Development of 0.034 hectares of land by demolition of existing fire-damaged dwelling and erection of 2 detached houses and construction of new vehicular access (Outline application)	<b>Case Officer - Paul Mead</b>		

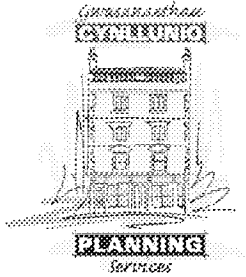
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**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC  
PROTECTION UNDER DELEGATED POWERS  
01 /08 /2005 and 31 /08 /2005**

<u>RHIF CYF REF NO</u>	<u>LLEOLIAD A CHYNNIG LOCATION AND PROPOSAL</u>	<u>YMGEISYDD APPLICANT</u>	<u>PENDERFYNIAD DECISION</u>	<u>DYDDIAD DATE</u>
42/2005/0823 / PF	<b>Craig Y Don Hiraddug Road Dyserth Rhyl</b>  Erection of single-storey pitched-roof extension to front of dwelling to create new porch and additional garage space	M Lewis	GRANT	26 /08 /2005
		<b>Case Officer - Paul Mead</b>		
42/2005/0885 / AC	<b>Land at 6 Rhodfa Heilyn Dyserth Rhyl</b>  Details of roof materials submitted in accordance with condition no. 4 of planning permission code no. 42/2003/1478/PF	Mr G Crompton	APPROVE	12 /08 /2005
		<b>Case Officer - Paul Mead</b>		
43/2004/0972 / PF	<b>Elite 153 High Street Prestatyn</b>  Installation of new shop front and external lighting	Mr A K Breeze	GRANT	09 /08 /2005
		<b>Case Officer - Lyndsav Bowman</b>		
43/2005/0700 / PF	<b>NTL Transmitter Station Gwaenysgor Rhyl</b>  Installation of 7 no. antennae on existing tower with associated equipment cabins and feeder gantry	NTL Broadcast	GRANT	17 /08 /2005
		<b>Case Officer - Sarah Stubbs</b>		

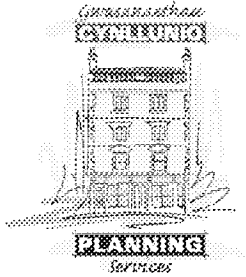
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43/2005/0736 / PF	<b>40 Gronant Road Prestatyn</b>  Demolition of existing garage and erection of replacement garage, erection of conservatory to rear and single storey pitched roof extension to side to form annexe accommodation	Mr & Mrs Mitchell  Case Officer - <b>Philip Garner</b>	REFUSE	11 /08 /2005
43/2005/0790 / PF	<b>20 Pendre Avenue Prestatyn</b>  Erection of conservatory (retrospective) and replacement garage at rear of dwelling	Mr D Twigdon-Williams  Case Officer - <b>Philip Garner</b>	GRANT	24 /08 /2005
43/2005/0820 / PF	<b>55 Victoria Road Prestatyn</b>  Erection of dormer extension to front of dwelling	Mr & Mrs C Palomba  Case Officer - <b>Nicola Marie Jones</b>	GRANT	26 /08 /2005
43/2005/0828 / PF	<b>19/19A Plastirion Avenue Prestatyn</b>  Conversion of garage to bedroom and raising of bathroom roof to ground-floor flat	Mr C A Hurst  Case Officer - <b>Catrin E Williams</b>	GRANT	31 /08 /2005

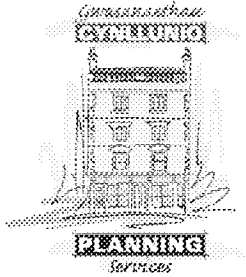
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43/2005/0852 / AC	<b>2 Tudor Avenue and 50 Gronant Road Prestatyn</b>	Messrs R W & E Reeve	APPROVE	10 /08 /2005
	Details of site investigation survey submitted in accordance with condition no. 12 of planning permission code no. 43/2002/1223/PF	<b>Case Officer - Paul Mead</b>		
44/2005/0401 / EL	<b>Abbey Farm Abbey Road Rhuddlan Rhyl</b>	SP Manweb Plc. SP Power Systems Ltd.	NO OBJ	19 /08 /2005
	Erection of 11kv overhead line supported by wood poles	<b>Case Officer - Sarah Stubbs</b>		
44/2005/0686 / PF	<b>Voryda Princes Road Rhuddlan Rhyl</b>	Mr & Mrs F.D Jones	GRANT	17 /08 /2005
	Erection of single-storey flat-roofed extension to rear of dwelling	<b>Case Officer - Sarah Stubbs</b>		
44/2005/0726 / PF	<b>9/11 Hendre Close Rhuddlan Rhyl</b>	Messrs R S Twist & D J Samuels	GRANT	09 /08 /2005
	Erection of first-floor pitched-roof extension to rear of existing dwellings to provide additional living accommodation	<b>Case Officer - Sarah Stubbs</b>		

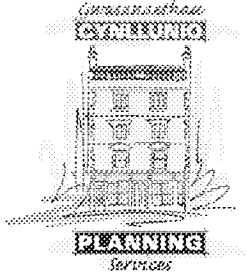
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44/2005/0748 / PF	<b>41 Vicarage Lane Rhuddlan Rhyl</b>  Erection of pitched-roof and flat-roofed extension at side of dwelling	Mrs I Perry  Case Officer - Sarah Stubbs	GRANT	15 /08 /2005
44/2005/0749 / PF	<b>Six Abbey Road Rhuddlan Rhyl</b>  Erection of single storey pitched roof extension at side of dwelling	Mr & Mrs P Jones  Case Officer - Sarah Stubbs	GRANT	15 /08 /2005
44/2005/0751 / PF	<b>8 Bryn Crescent Rhuddlan Rhyl</b>  Erection of single-storey flat-roofed extension at rear of dwelling	Mr & Mrs N Scarle  Case Officer - Sarah Stubbs	GRANT	16 /08 /2005
44/2005/0804 / TA	<b>Rhuddlan Golf Club Meliden Road Rhuddlan Rhyl</b>  Installation of 15m high timber monopole, antennae, dishes & associated equipment and cabins	Hutchinson 3G UK  Case Officer - Paul Mead	APPROVE	23 /08 /2005
45/2004/0868 / AD	<b>Lyons-Robin Hood Holiday Camp(Rhyl) Ltd Rhyl Coast Road Rhyl</b>  Retention of double-sided signboard	Lyons Holiday Park Limited  Case Officer - Paul Mead	GRANT	18 /08 /2005

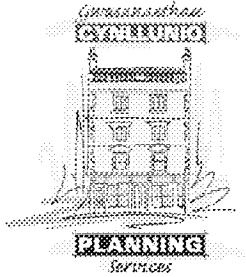
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45/2005/0253 / PF	<b>9 North Drive Rhyl</b>  Erection of two-storey pitched-roof extension to side and rear of dwelling and conservatory to rear	Mr & Mrs I Dorling  Case Officer - Paul Mead	GRANT	12 /08 /2005
45/2005/0460 / PF	<b>29 Cedar Avenue Rhyl</b>  Erection of extension to existing dwelling	Mr Batty  Case Officer - Paul Mead	GRANT	05 /08 /2005
45/2005/0583 / PF	<b>10 Dyserth Road Rhyl</b>  Construction of new vehicular access	Mr Melvyn Smith  Case Officer - Nicola Marie Jones	GRANT	03 /08 /2005
45/2005/0679 / AC	<b>17a Abbey Street Rhyl</b>  Details of roller shutter colour finish, submitted in accordance with condition no.2 of planning permission code no. 45/2004/1646/PF	West Rhyl Community Company Ltd  Case Officer - Philip Garner	APPROVE	19 /08 /2005

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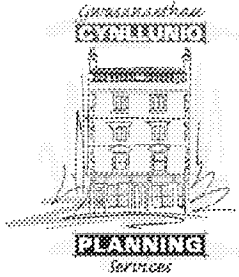
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45/2005/0724 / PF	<b>27 Lon Bedw Rhyl</b>  Relocation of screen wall at side of dwellinghouse	Mr & Mrs D J Worsley  <b>Case Officer - Paul Mead</b>	GRANT	17 /08 /2005
45/2005/0750 / PF	<b>5 Llys Bodnant Rhyl</b>  Erection of single-storey pitched-roof extension at rear of dwellinghouse (revised scheme)	Mr & Mrs Q Latif  <b>Case Officer - Philip Garner</b>	GRANT	10 /08 /2005
45/2005/0755 / PC	<b>18 Rosehill Road Rhyl</b>  Retention of conservatory at side of dwelling	B.J Lloyd  <b>Case Officer - Sarah Stubbs</b>	GRANT	17 /08 /2005
45/2005/0761 / PF	<b>26 Abbey Street Rhyl</b>  Conversion of 7 flatlets into 4 self-contained flats	Mrs S Draper  <b>Case Officer - Philip Garner</b>	GRANT	04 /08 /2005
45/2005/0809 / PF	<b>The Esplanade Club 86 Rhyl Coast Road Rhyl</b>  Mr H Jones Esplanade Club	Esplanade Club  <b>Case Officer - Philip Garner</b>	GRANT	24 /08 /2005



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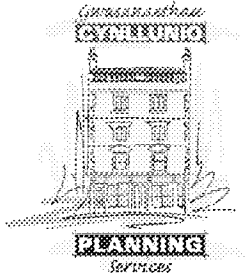


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	Erection of single-storey flat-roofed extension at rear to provide new toilet facilities		<b>Case Officer - Paul Mead</b>	
45/2005/0811 / AC	<b>Tan Y Bryn Farm Morfa Cwybr Rhyl</b>	Mr H Davies	APPROVE	15 /08 /2005
	Details of ecological survey submitted in accordance with condition no. 5 of planning permission code no. 45/2005/0589/PF		<b>Case Officer - Sarah Stubbs</b>	
45/2005/0821 / PF	<b>22 Aquarium Street Rhyl</b>	Mr W Ward	WDN	12 /08 /2005
	Change of use of ground-floor shop to form extension to existing residential accommodation, rebuilding of outrigger at rear and demolition of derelict outbuilding		<b>Case Officer - Philip Garner</b>	
45/2005/0887 / AC	<b>Millbank Inn Grange Road Rhyl</b>	Mr Daniel Thwaites	APPROVE	12 /08 /2005
	Details of landscaped buffer submitted on accordance with condition no. 3 of planning permission code no. 45/2005/0317/PF		<b>Case Officer - Paul Mead</b>	
46/2005/0641 / AD	<b>R N Williams Station Yard Chester Street St. Asaph</b>	Mr Wyn Williams R N Williams & Sons Limited	REFUSE	23 /08 /2005

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	Display of 8 No. pole-mounted V-shaped signs to road frontage	Case Officer - Sarah Stubbs		
46/2005/0788 / PF	44 Roe Parc St. Asaph	Ms S Jones	GRANT	18 /08 /2005
	Erection of pitched-roof extension at rear and conservatory at side of dwelling	Case Officer - Philip Garner		
46/2005/0838 / PF	23 Roe Parc St. Asaph	Mr & Mrs Owen	GRANT	31 /08 /2005
	Proposed single storey extension and conservatory.	Case Officer - Paul Mead		
47/2005/0648 / PF	2 Merllyn Tremeirchion St. Asaph	Mr & Mrs P D Norman	GRANT	18 /08 /2005
	Erection of first-floor hipped roof extension at rear of dwelling	Case Officer - Philip Garner		