

**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

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**ITEM NO:** 1

**WARD NO:** Tremeirchion

**APPLICATION NO:** 41/2005/0849/ PO

**PROPOSAL:** Development of 0.49 hectares of land by erection of 10 no. dwellings and alterations to existing vehicular access (outline application)

**LOCATION:** Land at rear of Dinorben Arms Bodfari Denbigh

**APPLICANT:** Mr D Rowlands

**CONSTRAINTS:** Public Footpath / Bridleway  
Previous Mining Area  
Conservation Area  
AONB

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

**CONSULTATION RESPONSES:**

1. BODFARI COMMUNITY COUNCIL  
No response received
2. CONSERVATION OFFICER  
No objection subject to appropriate design and detail at reserved matters stage appropriate, relevant conditions should be applied with outline consent to control the character and appearance'
3. AONB COMMITTEE  
"To reiterate its previous comments that a fully detailed application is required to properly assess the impact of this development. The Committee considered that the design included in the current application was still not sympathetic to the AONB and the adjoining Conservation Area. They would wish to see a more appropriate design which would preserve and enhance the Conservation Area and listed buildings in the vicinity. The JAC would also wish the affordable housing to be integral within the development."
4. HEAD OF TRANSPORT & INFRASTRUCTURE  
Awaiting response.
5. PRINCIPAL COUNTRYSIDE OFFICER  
No response received
6. LANDSCAPE ARCHITECT  
No response received
7. HEAD OF HOUSING SERVICES  
No response received
8. BAPTIE  
Expressed concern that the proposed development would overload the public sewer system.

9. ENVIRONMENT AGENCY

No response received

10. COUNTRYSIDE COUNCIL FOR WALES

No objection. The proposal is within an AONB and the site would be quite apparent in views taken from the A451 and careful attention is required to the design. The hedgerow on the southern boundary should be retained. The site has the potential to support species protected under the Wildlife and Countryside Act 1981 and recommends a survey should be undertaken to establish the likely impact of the development in protected species and reasonable measures incorporated in the scheme.

**RESPONSE TO PUBLICITY:**

Letters of representations received from: -

In support:

1. Alan Shepherd, The Old School, Bodfari

Objecting:

1. Mr. Trevor Roberts, Min-yr-Afon, Bodfari -
2. Petition with comments/names of around 40 local residents
3. Gwladys M. Edwards, Fron Haul, Bodfari
4. Bethan Rboerts, 14, Maes y Graig, Bodfari

Summary of planning based representations:

In support:

- i) Subject to design, the proposal would improve the appearance of the village
- ii) Make good use of an underused car park

In objection:

- i) Impact on the landscape
- ii) Impact on character of the village
- iii) Impact on traffic and highway safety
- iv) Need for more affordable homes not executive housing

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

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site comprises 0.49 ha of land located within the development boundary of Bodfari. The site is located within the Area of Outstanding Natural Beauty and forms part of the Dinorben Arms car park which is tiered on three levels to the east of the public house (Grade II listed building). The site is accessed off the village road (B5429) opposite the residential property of Bryn Orme. The access point to the site is located within the Bodfari Conservation Area and to the west of the site is St Stephen's Church (a Grade II\* listed building). Located at lower ground level to the southern boundary is The Old School, also a Grade II listed building. The land slopes upwards from south to north as well as upwards from east to west. The development boundary for Bodfari is drawn immediately

around the site and therefore abuts open countryside.

2. This is an outline application but with siting and means of access to be considered as part of the application. A total of 10 dwellings are proposed and the proposal would involve the following elements:
  - i) The erection of 10 no dwellings – 7 detached properties and 3 affordable units within a terrace.
  - ii) Four dwellings would be on the upper tier of the existing car park, three on the middle tier and three (affordable units) on the lower tier
  - iii) The access/aggress to the site would be via the existing exit from the public house, increasing its width to 5.5m with private driveway linking the development on the upper tiers
  - iv) The existing public house car parks immediately adjoining the pub would be retained (providing 52 spaces). The access from these car parks would link into the internal estate road at the lower tier, egressing from the altered access onto the B5429.
  - v) Extensive additional planting is proposed with all existing landscaping to be retained along the boundaries of the site
  - vi) The existing ground levels of the site vary from 80.00m at the site exit to 106.00m at the far rear boundary of the site where the development boundary ends with open countryside beyond. The proposed finished floor levels of the dwellings would vary from a maximum of 99.18m at plot 7 on the upper tier to a minimum of 85.00m at plot 1, 2 and 3 (affordable units) on the lower tier.
3. To the west of the application site on the lower tier car park there is planning permission for a single storey conference/function suite granted in 2000 with renewal granted in April 2005. This particular approval involved the alterations to the existing entrance/exit, widening of the internal car park road and use of the remaining tiered car parking to serve the development, including 2 coach spaces on the lower tier adjoining the site exit. The current application site would overlap part of the previous approval and its development would mean that the previous planning permission could not be implemented.
4. Following the recent refusal of planning permission in February 2005, this application is accompanied by a landscape and visual assessment and design statement. The application has been altered to include the following elements:
  - i) The detached properties have been reduced in size and re- positioned
  - ii) Finished floor levels on the highest part of the site reduced
  - iii) Extensive additional planting indicated

**RELEVANT PLANNING HISTORY:**

5. 41/798/99/PF (original) and 41/2005/0222/PF (renewal) - Erection of single storey pitched roof building to provide conference/function suite, alterations to existing vehicular egress to provide access and egress, widening of existing vehicular access and widening of existing internal car park link road – GRANTED 24<sup>th</sup> February, 2000 and 18<sup>th</sup> April, 2005

41/799/99/LB (original) and 41/2005/566/LB (renewal) - Alterations to existing vehicular egress incorporating removal of a 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 – GRANTED 17<sup>th</sup> April, 2000 and 9<sup>th</sup> August, 2005

41/2004/0415/PO - Development of 0.49ha of land by erection of 10 no. dwellings and alteration to existing vehicular access (outline application) REFUSED 23<sup>rd</sup> February, 2005 for the following reason:

*It is the view of the Local Planning Authority that the proposed residential development would conflict with Denbighshire Unitary Development Plan Policies ENV 2, CON 1, CON 6, GEN 6 Criteria ii), iii), iv), Government Guidance Circular 61/96 and Planning Policy Wales, in so far as the development would appear visually prominent, extending as a ribbon of development outward from the village core, and would not conserve and enhance the character and appearance of the AONB landscape, the setting of the listed St Stephen's Church and Bodfari Village conservation area.*

**PLANNING POLICIES AND GUIDANCE:**

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

Policy GEN 6 - Development Control Requirements

Policy ENV 2 - Development affecting the AONB/AOB

Policy CON 1 - The Setting of Listed Buildings

Policy CON 5 – Development within Conservation Areas

Policy CON 6 – Development adjacent to Conservation Areas

Policy HSG 4 – Housing development within villages

Policy HSG 10 – Affordable Housing within Development Boundaries

Policy REC 2 – Amenity and recreational open space requirements in new developments

SPG 4 – Open Space requirements on New Developments

SPG 21 - Parking

SPG 22 - Affordable Housing

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

Circular 61/96 - Planning and the Historic Environment

TAN 12 - Design

**MAIN PLANNING CONSIDERATIONS:**

7.

- i) Principle of development
- ii) Visual impact and effect on AONB/Conservation Area/Setting of Listed Buildings
- iii) Impact on residential amenity
- iv) Highway Safety/Parking
- v) Open Space requirements
- vi) Affordable Housing

8. In relation to the main considerations:

- i) The principle of residential development within the development boundary of a village would be acceptable in principle provided the proposal complies with all other relevant policies in the UDP.
- ii) The proposal is in outline form but seeks approval for the siting of buildings and means of access serving the development. An illustrative view of the development has been provided with the application. Comments received from the Conservation Officer are that the design of the proposal would appear overstated and busy in its roof forms. This plan however has been submitted for illustrative purposes only, and detailed design of the dwellings would be considered in a subsequent application for reserved matters. It is considered that with the revisions to the layout and siting of dwellings, along with the reduced floor levels and extensive landscaping proposed, that the scheme is now acceptable in relation to the visual impact. Careful consideration would need to be given to the design of dwellings and boundary

treatments, in particular conservation approaches should be adopted in designing the roof forms to ensure the impact on the setting of the listed St Stephen Church is kept to a minimum. In addition the sympathetic use of traditional building materials and finishes will ensure a high quality development which would not detract from the character and appearance of the AONB landscape or Conservation Area. A high quality design and detailed application for approval of reserved matters relating to design, external appearance and landscaping, would be required in such a sensitive location.

- iii) A total of 52 spaces are to be provided and retained at the Dinorben Arms. Additional information has been requested in order to clarify the usable public floor space and to assess whether this amount of parking space is acceptable. Members will be updated at the Planning Committee. However, it is considered that the retained parking would be sufficient for a village pub. No objection has been raised to the proposal alterations to the existing access, internal estate road or residential parking facilities for the proposed development.
- iv) The applicant is aware of the planning policy requirements for provision of open space in new development of 10 or more units. However with the nature of the site (differing ground levels) and size of the development it would be difficult to include meaningful open space areas within the development and the payment of a commuted sum to allow provision/ enhancement of open space elsewhere in the village is supported in this instance. There is a community playground to the east of The Old School and north of Quarry Bank which could benefit from appropriate investment. This is also a matter which can be dealt with by a suitably worded condition on an outline consent.
- v) In the event of planning permission being granted it would be necessary to ensure the provision of an element of affordable housing to conform with the Authority's current policy and guidelines. The applicant proposes that 3 units are provided on the lower part of the site. This can be covered by a suitably worded planning condition on an outline consent

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

- 9. The principle of residential development is considered acceptable with an acceptable layout and means of access. Subject to control over detail, external appearance and landscaping there would be no adverse impact on the visual amenities of the AONB or setting of the listed buildings. Sufficient car parking space would be provided. The applicant is willing to provide the necessary affordable housing and open space.

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

1. Approval of the details of the 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. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously



diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

6. 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 dwelling/completion of the development/commencement of the development/next planting and seeding season] 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.

7. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

8. 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) 3 affordable housing units and the type and location to be determined;

ii) timing of the construction of the affordable housing;

iii) the arrangement 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.

ii) The open space payment shall be provided in accordance with the approved arrangements.

9. Prior to the commencement of the development hereby permitted detailed site surveys shall be undertaken to investigate the potential presence of badgers, bat species and birds (sett survey, roost survey and next survey) on the site. The surveys, together with any mitigation measures arising from any mitigation measures fully implemented prior to the commencement of any works.

10. The existing car parks for the Dinorben Arms, indicated on the site plan Drawing No: R.830/4, shall be marked out for use of staff and customers of the public house prior to the commencement of the development and thereafter retained for parking in connection with the public house.

11. The finished floor levels and ridge heights of the dwellings hereby permitted shall not exceed the levels and heights indicated on Drawing No: R.830/4 hereby approved.

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

1. The application is for outline permission with details of siting and 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. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.

5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
8. 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.
9. In the interest of nature conservation.
10. To ensure adequate car parking is retained for the public house in the interests of highway safety, residential amenity, and the viability of the public house.
11. To preserve the character and appearance of the AONB, Conservation Area, and setting of nearby listed buildings.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 2  
**WARD NO:** Prestatyn Meliden  
**APPLICATION NO:** 43/2005/0912/ PF  
**PROPOSAL:** Erection of pitched-roof extension at front of premises  
**LOCATION:** Melyd Arms 23 Ffordd Talargoch Prestatyn  
**APPLICANT:** Union Pub Co.  
**CONSTRAINTS:** Previous Mining Area  
Conservation Area  
Article 4 Direction  
CLA-Class A Road  
CLC-Class C Road  
**PUBLICITY UNDERTAKEN:** Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
"No objection".
2. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection.
3. CONSERVATION ARCHITECT  
No objection subject to control of detail.
4. WELSH WATER  
Permit with condition relating to public sewer.
5. PUBLIC PROTECTION  
No comment.

**RESPONSE TO PUBLICITY:**

- (i) Mr. D. O'Donnell, Meliden Post Office, Meliden. (ii) Mrs. M. O'Donnell, Meliden Post Office, Meliden

Summary of Planning Based Representations

- (i) Concern over parking congestion as pub has inadequate parking and customers tend to resort to parking outside nearby post office and houses or take up spaces in free car park by squash club.  
(ii) Resultant impact on use of post office and other village facilities and loss of nearby parking for houses.

**EXPIRY DATE OF APPLICATION: 22/09/2005**

## REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

## PLANNING ASSESSMENT:

### THE PROPOSAL:

1. The application site consists of a public house and restaurant situated within the Meliden Conservation Area. The building represents a focal point at the junction of Meliden Road and the one-way section of Ffordd Talargoch. The site contains a small parking and turning area to the south of the building accessed off Ffordd Talargoch.
2. To the north of the site is the village post office, beyond which is a terrace of dwellings. To the west is the Community Centre with further dwellings on Ffordd Bryn Melyd. To the north west lies a car park owned by the County Council but used by visitors to the community centre and squash club adjacent as well as local residents.
3. Permission is sought to erect a single storey lean to roofed pub lounge extension to the front of the building projecting some 2.5m to meet the front line of the recently constructed entrance porch. The extension will be constructed in materials to match the existing building with slate roof, painted render walls and painted timber windows.

### RELEVANT PLANNING HISTORY:

4. **43/2004/1086/PF**  
Single storey front porch extension – Granted 04/10/2004

### PLANNING POLICIES AND GUIDANCE:

5. **Denbighshire Unitary Development Plan**
  - Policy GEN 6 - Development Control Requirements
  - Policy CON 5 - Development within Conservation Areas
  - Policy TRA 9 - Parking and Servicing Provision  
  - SPG 13 - Conservation Areas
  - SPG 21 - Parking Standards

### GOVERNMENT GUIDANCE

Circular 61/96 - Planning and the historic Environment  
Planning Policy Wales, March 2002

### MAIN PLANNING CONSIDERATIONS:

6.
  - i) Impact on residential amenity.
  - ii) Impact on visual amenity/Conservation Area
  - iii) Impact on highway safety/parking
7. In relation to the points raised in paragraph 6 above:-
  - i) The site represents a long established village pub and restaurant. The site is central to the village and area is characterised by a mix of mix of commercial, community and residential uses. The proposed extension at some 17.25 sq.m would provide a modest increase in pub lounge space for and would not materially impact on any nearby residential dwellings, being on the elevation

of the building furthest away from nearby dwellings.

- ii) The small front extension would be sited in line with and to the north-west side of a recently built porch. The extension has been designed so as to respect the character and appearance of this prominent building in the village, with its size, scale and use of materials preserving the character and appearance of the Conservation Area.
- iii) Concern has been raised in relation to parking difficulties in this part of the village. This one-way section of Ffordd Talargoch has a pavement to its west side with on-street parking. The front part of the application site contains a small parking area for customers together with accesses. The extension, given its modest projection of 2.5m, would not significantly impinge on the existing parking and accesses. No formalised area of parking will be lost from this proposal with space remaining within the site for some patron parking and turning along with a dropping-off area. Whilst the existing parking provision at the site is limited and does not meet modern day parking guidelines, the premises are a long established village pub within walking distance for most villagers. The proposed extension would in itself be unlikely to significantly increase on-street parking nearby, particularly during post office opening hours. The free car park nearby is available. There is no objection from Highway Engineers.

**SUMMARY AND CONCLUSIONS:**

- 8. The proposed extension complies with policy and guidance for development in conservation areas and would be unlikely to materially impact on on-street parking in the area.

**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, roof and fenestration of the building hereby permitted shall be of the same texture, type and colour as those on external walls, roof and windows of the existing building.

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

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10. The proposed development site is crossed by a public sewer/rising main/disposal main with the approximate position being marked on the attached Statutory Public sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

**ITEM NO:** 3

**WARD NO:** Prestatyn Meliden

**APPLICATION NO:** 43/2005/1049/ PF

**PROPOSAL:** Erection of a two-storey pitched-roof extension with basement & rooftop solar panels and wind turbines

**LOCATION:** 113 Meliden Road Prestatyn

**APPLICANT:** Mr T. Lowry-Hughes

**CONSTRAINTS:** Tree Preservation Order  
Previous Mining Area  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

1. PRESTATYN TOWN COUNCIL  
No reply
2. PRINCIPAL COUNTRYSIDE OFFICER  
Has seen the site and raises no objections.

**RESPONSE TO PUBLICITY:**

Representation received from:

1. Dr D L Parry, 111A Meliden Road, Prestatyn

Summary of planning based representations:

- (i) The two-storey building will present a high wall cutting out light into the kitchen and small front courtyard garden;
- (ii) The size and structure will be overbearing and make the front of the house look hemmed in;
- (iii) The wind turbines will cause noise and have a visual impact

In addition to the letter, a petition containing 10 names (including that of Dr D L Parry) has been submitted which states "we the undersigned object to the development" but does not contain any grounds as to why the objection is made.

**EXPIRY DATE OF APPLICATION: 25/08/2005**

**REASONS FOR DELAY IN DECISION:**

- Timing of receipt of representations

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

1. The property is a large detached dwelling occupying a corner plot at the junction with The Paddock. The detached house immediately to the north (side) of the site is an infill property (111A Meliden Road) which has its front elevation set well back from the main rear elevation of the subject property by around 10 metres, but by only 1.5 metres from the rear of the current side/rear extension on the subject

property. A large detached double garage stands to the front of the adjacent property at 111A abutting the side boundary with the subject property, separated from the front elevation of the house by 8.0 metres and with a high ridge height of around 5.0 metres. A further detached property stands to the east (rear) of the site at 1a The Paddock. The rear garden area is bounded by high fencing to all sides, and the site lies below the land level of the adjacent dwellings to the side and rear.

2. The application proposes a two-storey extension to the rear/side of the house to accommodate: a battery store and store room within the basement; a garage, wc and living room to the ground floor; and two bedrooms with en-suite bathrooms above. The footprint of the extension measures 15.0 metres in length (projecting past the rear of the house by 8.0 metres) and has a width of 6.35 metres adjacent to the house which widens to 7.8 metres at the rear. The height of the extension is 3.7 metres up to the eaves and 7.0 metres up to the ridge. The rear elevation of the extension will be sited 1.5 metres forward of the front elevation of the adjacent infill house. Windows within the extension are limited to the front, rear and one side only. The extension has a pitched roof over with low eaves and two dormer windows to one side. The creation of the extension requires the existing double garage and car port to be demolished which has a footprint of 12.0 metres by 6.6 metres and projects past the main rear elevation by 8.0 metres with a height up to 3.0 metres.
3. The side (south) facing roof plane will be fitted with solar panels and in addition two wind turbines are shown attached to the roof of the extension projecting by 1.5 metres above the ridge. The supporting information with the application clarifies that these turbines are of the 'Swift Rooftop Wind Energy System' which are described as having a 'silent, vibration free rooftop operation with an environmentally sustainable harm neutral design.'

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

4. 43/2004/1525/PF - Demolition of existing garage and erection of two-storey pitched-roof extension at rear/side of dwellinghouse: Granted 23 February 2005. The dimensions of this permitted extension when compared to that now proposed are identical but did not include the basement or the energy devices.

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

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN  
Policy GEN 6 – Development Control Requirements  
Policy HSG12 – Extensions to Dwellings  
Policy MEW 8 – Renewable Energy

#### **SUPPLEMENTARY PLANNING GUIDANCE**

SPG1 – Extensions to Dwellings

#### **GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002

TAN 8 – Planning for Renewable Energy July 2005

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

6.
  - i) Visual appearance
  - ii) Impact on the privacy and amenity of nearby occupiers
  - iii) The comments of the objector
7. In relation to the considerations as noted in paragraph 6:
  - i) The appearance of the extension is considered acceptable as it is of the same proportions to that previously approved. The addition of the solar

panels and wind turbines are also considered acceptable as they provide a small scale renewable energy source without causing material harm.

- ii) The extension remains largely as previously approved. Whilst the addition of the turbines to the roof is unusual, it is not considered that they represent any form of visual harm which is of significance to justify a refusal;
- iii) The comments made by the adjacent occupier are noted, but again the extension remains as previously approved in terms of its scale and the wind turbines are small scale;

**SUMMARY AND CONCLUSIONS:**

- 8. The application is acceptable and is recommended to be granted subject to appropriate conditions as per the previous approval.

**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 north elevation of 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:** 4

**WARD NO:** Prestatyn South West

**APPLICATION NO:** 43/2005/1067/ PO

**PROPOSAL:** Development of 2.5 hectares of land for primary school with associated vehicular and pedestrian access (Outline application)

**LOCATION:** Land At Plas Morfa Farm Ffordd Penrhwyfya Prestatyn

**APPLICANT:** Denbighshire County Council Lifelong Learning

**CONSTRAINTS:** Tidal Floodplain  
C1 Flood Zone  
Main river buffer  
Fluvial Floodplain  
Article 4 Direction  
CLC-Class C Road

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

**CONSULTATION RESPONSES:**

6. PRESTATYN TOWN COUNCIL  
"Objection: The proposed road/highway infrastructure is unacceptable / unsuitable. Project needs further public consultation. A full traffic impact assessment must also be undertaken prior to consideration."
7. HEAD OF TRANSPORT AND INFRASTRUCTURE  
The roundabout will need to be subject to a detailed design and safety audit. Provision needs to be made for parking and dropping off children. Good pedestrian links on Ffordd Penrhwyfya apart from railway bridge. Need facilities for pedestrians to cross Ffordd Penrhwyfya. Bus stops located within 400m of school site. Recommends conditions relating to highway details and parking. (See Conditions 8 and 12)
8. ENVIRONMENT AGENCY  
No reply.
9. WELSH WATER  
Recommend condition relating to comprehensive drainage scheme.
10. LAND DRAINAGE UNIT  
Ditches appear to cross site and then may need to be culverted.
11. COUNTRYSIDE COUNCIL FOR WALES  
No reply.
12. COUNTY ECOLOGIST  
No reply.

**RESPONSE TO PUBLICITY:**

Letters of representation were received from:

1. Mrs J Connor - 60 Ffordd Penrhwylyfa, Prestatyn
2. Mr. & Mrs. B. Davies & Mr. B. Jones, 48, Ffordd Penrhwylyfa, Prestatyn
3. R.J. & S. Cooper, 40, Ffordd Penrhwylyfa
4. Mr. & Mrs. Edge, 44, Ffordd Penrhwylyfa, Prestatyn
5. Mr. & Mrs. J.C. Rodrigues, 62, Ffordd Penrhwylyfa, Prestatyn
6. Mr. & Mrs. H. A. Jones, 56A, Ffordd Penrhwylyfa, Prestatyn
7. Mrs. J. Inghis, 29, Ffordd Penrhwylyfa, Prestatyn
8. David & Geraldine Knowles, 31, Ffordd Penrhwylyfa, Prestatyn
9. Mrs. P. Wright, 56, Ffordd Penrhwylyfa, Prestatyn
10. Chris Ruane MP
11. Mr Brian and Janet Owen, 50 Ffordd Penrhwylyfa, Prestatyn
12. Bryn Davies, 48 Ffordd Penrhwylyfa, Prestatyn
13. Mr P Gibbons, 28 Ffordd Penrhwylyfa, Prestatyn
14. Mr & Mrs T Kelly, 29 Ffordd Penrhwylyfa, Prestatyn
15. Val Hughes, 35 Ffordd Penrhwylyfa, Prestatyn

Summary of planning based representations:

- i) Conflict with the Development Plan.
- ii) Access and roundabouts would have an adverse impact on amenity of residents and also impact on highway safety and congestion, including access by emergency vehicles.
- iii) Why is a roundabout of this size or any roundabout at all necessary?
- iv) Alternative access is available from Ffordd Pantycelyn.
- v) Smooth newts exists on the site and these have not been identified in the habitat study.
- vi) Within a flood risk area and liable to flooding.
- vii) Surface water disposal would be difficult given ground conditions and capacity of the cut.
- viii) Loss of agricultural land.
- ix) Parking and other hard development within the green barrier.
- x) Plans out of date in that they do not show neighbouring new housing development.
- xi) Highway proposals appear to be anticipating further development on "white land".
- xii) Need for parking drop off areas for children.
- xiii) Impact on layby on Ffordd Penrhwylyfa.

**EXPIRY DATE OF APPLICATION: 08/11/2005**

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. Outline planning permission is sought for the development of 2.5 hectares of land for a new primary school with associated vehicular and pedestrian access. All matters are reserved for detailed application stage apart from the means of access which forms part of this application. The application has been accompanied by a location plan and site plan, indicating a roughly rectangular development site to the west of Ffordd Penrhwylyfa, linked by a 6 metre wide carriageway with a 2 metre footway on one side and 3 metre cycleway/footway on the other side. The junction of this carriageway with Ffordd Penrhwylyfa is indicated as being formed with a new roundabout opposite 31 – 33 Ffordd Penrhwylyfa. A roundabout is also shown at the school end of the access road.
2. The site for the school and associated parking and playing fields is currently generally level farmland to the north of The Cut. The access would also run through farmland and outbuildings and farmyard to Plas Morfa farm and

immediately to the north of 56 Ffordd Penrhwyfya before joining the existing highway.

3. Land to the north, west, and east of the school site is agricultural grazing land. To the south of The Cut, opposite the eastern most part of the school site lies recently erected housing development served off Ffordd Pantycelyn. Further housing development and public open space will be developed between the new housing on Ffordd Pantycelyn and Lon Gwyndaf/Lon Brynli. The access road and roundabout would form a junction onto a stretch of Ffordd Penrhwyfya, predominantly fronted by bungalows. This part of Ffordd Penrhwyfya is characterised by relatively wide tree lined grass verges, particularly on its eastern side, with good forward visibility. A layby serving the bungalows immediately to the south of the proposed access currently joins Ffordd Penrhwyfya at the intended site of the roundabout but also links with Ffordd Penrhwyfya some 90 metres to the southeast opposite No. 66 Ffordd Penrhwyfya.
4. The site plan accompanying the application indicates the school being sited on the eastern most part of the site parallel with existing residential development to the south, with the western part of the site (some 2/3 of the total area) being shown for playing fields, play areas and parking. The application is also accompanied by a flood risk assessment and habitat survey, commissioned by the Council as applicant.
5. The planning application has been subject to statutory publicity through letters to nearby occupiers, site notices and a press notice. In addition a briefing was organised for local members on 5<sup>th</sup> October 2005. Officers were due to meet with local Member and residents on 13<sup>th</sup> October 2005 and it is anticipated that members of the Planning Committee will be invited to a pre committee site inspection panel/briefing before Planning Committee. In addition to the above, the Council as Local Education Authority (LEA) have undertaken a number of meetings at local schools and published its consultation document in September 2005 to allow consultation on the Councils proposals for a new school (as opposed to the details of the planning application).

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

6. None relevant to this application site but in relation to the land to the south: 42/2004/0102/PF – Erection of 44 no. dwellings, construction of new vehicular access, car parking, open space area and landscaping. Resolution to GRANT planning permission at Planning Committee on 22<sup>nd</sup> June 2005 subject to the applicant first entering into a Section 106 obligation to include:
  - i) Financial contribution towards education provision.
  - ii) Facilitating access, should it be required, for primary school on land to north.
  - iii) Commuted sums for maintenance of open space.
  - iv) Provision of affordable housing.

It is anticipated that the obligation will have been completed and the decision notice issued by the time of the Planning Committee meeting.

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

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Part 1 – Strategic Policies
  - Policy GEN1 – Development Within Development Boundaries
  - Policy GEN3 – Development Outside Development Boundaries
  - Policy GEN5 – Green Barriers

Policy GEN6 – Development Control Requirements  
Policy ENV1 – Protection of the Natural Environment  
Policy ENV6 – Species Protection  
Policy ENV11 – Safeguarding of High Quality Agricultural Land  
Policy EMP4 – Foul and Surface Water Drainage  
Policy EMP6 – Flooding  
Policy CF3 – School Sites  
Policy TRA6 – Impact of New Development on Traffic Flows  
Policy TRA8 – Transport Requirements in Major Developments  
Policy TRA9 – Parking and Servicing Provision

#### GOVERNMENT GUIDANCE

Supplementary Planning Guidance

SPG21 – Parking Requirements in New Developments – September 2004

Planning Policy Wales (March 2002)

TAN 5 – Nature Conservation

TAN 15 – Development and Flood Risk July 2004

#### MAIN PLANNING CONSIDERATIONS:

- 8.
- i) Principle of the development taking into account planning policies and need for the development.
  - ii) Loss of agricultural land.
  - iii) Impact on residential amenity.
  - iv) Highway and transport issues.
  - v) Flooding and drainage.
  - vi) Nature conservation.
9. In relation to the main planning considerations in paragraph 8:
- i) Principle  
The school site and the majority of the access road lie outside the development boundary of Prestatyn as defined by Policy GEN1. That part of the site indicated for the siting of the school lie outside the development boundary on “white land”, land having no specific protection or allocation but not intended for development in the UDP plan period (1996-2011). The remainder of the school site (the western portion) lies within the Green Barrier.

Policy GEN 3 indicates that development will not be permitted outside development boundaries apart from certain exceptions, a new school not being one of those exceptions. Policy GEN 5 – Green Barriers, requires that development within such areas will only be permitted providing that the open character and appearance of the land is not prejudiced. Thus in relation to the UDP, the development represents a departure.

As background, Members should note that land to the south of The Cut is allocated in the UDP for a primary school, recognising the need in the plan period for further primary school provision in Prestatyn. However, due to a complex planning history, culminating in the resolution to grant planning permission an application reference 42/2004/0102/PF, it became clear that the Council would be very unlikely to be able to develop the allocated school site. This is primarily due to it acquiring a residential value through its previous local plan allocation and planning history. This position was confirmed by consultants commissioned jointly by the Council and the applicants for the aforementioned housing development. The feasibility study

also pointed to an alternative site other than the allocated site, in the general area of this current application.

The Council or LEA have also considered a number of alternative sites, based on existing schools and Council owned land. The LEA has concluded that the alternative options are not feasible. Thus, the Council have progressed with the current proposal.

The issue in relation to the principle of the development relates to whether or not the acknowledged need overrides the departure from the UDP. As stated above, the existing allocation is not now available, other sites have been considered, and the proposed site is put forward as the only feasible site. Notwithstanding the conflict with Policies GEN 1 and GEN 3 of the UDP, the particular impact needs to be assessed. The land for the school itself is "white land", and in this respect does not have the more robust protection of Green Barrier or another landscape designation. Moreover, the part of the development sited on the Green Barrier would be primarily playing fields and play areas with some staff car parking. Thus it is not considered that this would in itself prejudice the open character and appearance of the Green Barrier or impact on the objectives of Green Barrier policy. In this respect there is not considered to be a significant conflict with Policy GEN 5. The built development of the school will correspond to recent housing development to the south of The Cut and therefore would not result in built development encroaching any further westward. Taking into account the above, it is considered that the principle of the development can be accepted.

ii) Loss of agricultural land

The majority of the application site is grade 3 agricultural land. Policy ENV11 presumes against the loss of the best agricultural land of grade 1, 2 and 3A unless there is an overriding need for development and land of lower quality is unavailable. In respect of the need, this is set out above. In relation to whether lower quality land is available, the majority of agricultural land adjacent to the low lying areas of Prestatyn is grade 3 and land to the south of the settlement is protected by other designations e.g. AONB (see criteria (ii) of Policy ENV11). In this case the loss of agricultural land, used for grazing of livestock, is not considered to be overriding objection.

iii) Impact on residential amenity

There are two elements of the scheme which would have some impact on residential amenities. The school site, and activity associated with it, would result in increased activity and noise, together with the presence of buildings and associated parking and play space, on land opposite new residential development to the south. However, given that the majority of this activity will be during week day school hours, such activity would not in itself represent an unacceptable impact.

The impact of the access road and roundabout on Ffordd Penrhwylyfa on nearby dwellings is a significant concern of nearby residents. Inevitably, the presence of a school will lead to increased activity, particularly at the start and end of the school day. However, this again will not be during unsocial hours. However, the comings and goings along the access and highway approach will inevitably have some impact and provision should be made within the detailed scheme for mitigation in the form of landscaping and screen walls/fences where appropriate e.g. adjacent to 56 Ffordd Penrhwylyfa.

The roundabout would result in the carriageway being pushed closer to some existing properties on Ffordd Penrhwylyfa but again this could be mitigated by

appropriate landscaping.

iv) Highway and Transport Issues

The provision of a roundabout on Ffordd Penrhwylyfa and the nature of the access onto the site is supported by the following justification:

- a) A mini roundabout will be better at coping with peak flows.
- b) A roundabout will assist in reducing traffic speeds and provide pedestrian crossing points.
- c) The size of the roundabout is only indicative at this stage.
- d) The alternative of a right turn lane would be unlikely to cope with peak demands and lead to queuing vehicles blocking traffic and do nothing to reduce traffic speeds.

The access road provides passage for vehicles in both directions together with foot and cycleway access. Provision would need to be made for a dropping off point within or close to the site. In addition it is recommended that a condition be imposed to require a green travel plan. In addition, it should be noted that proposals are at a preliminary stage to develop cycleway links along Ffordd Penrhwylyfa, including over the railway bridge, although at this stage it is not possible to provide a clear indication to the timing of these works. Conditions would also be imposed to ensure adequate car parking within the site for staff.

The alternative access secured through the S106 obligation on planning application ref: 42/2004/0102/PF (See paragraph 6) remains available. However the Council has not chosen to pursue this option. The access proposals are, on their own merits, acceptable.

v) Flooding and drainage

The site is located within a Flood Risk Zone C1 as defined by TAN 15. A school is highly vulnerable development. The proposal must therefore meet the tests within paragraph 6 of TAN 15 relating to justification for the development. The proposal is related to a Local Authority Strategy required to sustain an existing development (school provision). However, it does not meet the definition of previously developed land. However, it has been demonstrated that no feasible alternative site exists and the potential consequences of a flooding event have been taken into account in the flood risk assessment. This would involve raising the slab level and the access route by some 0.7 metres and 0.5 metres A.O.D. respectively.

Surface water drainage is likely to require some attenuation before being discharged into The Cut. There do not appear to be any difficulties with foul drainage to the existing sewage system. Details can be reserved by condition.

vi) Nature Conservation

The habitat survey carried out on behalf of the applicants concludes that the site is of low ecological value with the exception of The Cut. The Cut appears to be used by bat species for foraging. The report suggests that existing site boundaries could be maintained and enhanced to facilitate habitat corridors and that any lighting in the vicinity of The Cut should be sensitive. In terms of birds, lapwings have been recorded on the site but it is unlikely that breeding will take place due to the grassland being heavily grazed. In conclusion, the proposal would not conflict with Policy ENV 1 or ENV 6 of the UDP or advice within TAN 5. Appropriate mitigation would be controlled by condition. With regard to smooth newts, the ecology consultants advise that these are common, widely distributed species that spend most of their time in water

bodies. They do not impose a constraint on this development.

**SUMMARY AND CONCLUSIONS:**

10. The application represents a departure from the UDP, but for the reasons explained above it is considered that the need overrides the conflicts in this instance. Detailed issues relating to amenity, access, flood risk, and nature conservation have been dealt with within the report or would be subject to appropriate planning conditions.
11. This recommendation is subject to the application being referred to Full Council as a significant departure application and to the National Assembly for Wales as a departure application submitted by a Local Authority.

**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. 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.
5. 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.
6. The details of landscaping required by condition no. 1 shall include for the provision and enhancement of hedgerows to site boundaries.
7. Details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to its erection.
8. The details of siting required by condition no. 1 shall include for dropping off and parking areas within the site, such areas to be provided prior to the commencement of use of the primary school.
9. The school holiday itself shall be sited solely on land outside the Green Barrier as defined in the Denbighshire Unitary Development Plan.
10. The finished floor levels of the school shall be set at a minimum of 4.9 AOD and the road access to the site at the minimum of 4.7 AOD.
11. Prior to the school hereby permitted being used, measures and a programme to be used to implement a School Green Travel Plan shall be submitted to and approved by the Local Planning Authority.
12. Details of the laying out, design, means of construction, traffic calming, lighting and drainage of the roundabout, carriageway, cycleway, and footways (known as "the highway works") indicated on Drawing No. H4/05501/D/A, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved "highway works" shall be completed prior to the first use of the school. The details shall be subject to the safety audits and preliminary and detailed design stages.
13. A method statement and phasing programme for construction of the school and highway works shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development, such details to include means of access for

construction traffic, construction times, and methods to control material being brought onto the adopted highway.

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. To ensure satisfactory drainage of the site and to avoid flooding.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interest of visual amenity and nature conservation.
7. In the interests of visual amenity and nature conservation.
8. To ensure that adequate provision is included within the development for the loading, unloading and parking of vehicles clear of the highway.
9. To ensure compliance with Policy GEN 5 of the Denbighshire Unitary Development Plan.
10. To reduce the risk of flooding.
11. To encourage use of means of travel other than the private car.
12. In order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
13. In the interests of highway safety and residential amenity.

**NOTES TO APPLICANT:**

You are advised to secure the consent of the Environment Agency for any culverting and/or diverting of drainage ditches that cross the site.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5, 6, 7, 9 and 10.



**ITEM NO:** 5

**WARD NO:** Rhuddlan

**APPLICATION NO:** 44/2005/0650/ PF

**PROPOSAL:** Erection of conservatory dining-room at side, single-storey dining room/toilet extension at rear, two-storey kitchen /storage/locker room at rear and alterations to front elevation

**LOCATION:** Old Bank Restaurant High Street Rhuddlan Rhyl

**APPLICANT:** Mrs J Tsang

**CONSTRAINTS:** Conservation Area

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

**CONSULTATION RESPONSES:**

1. RHUDDLAN TOWN COUNCIL  
"Permit. However the Council is concerned at the arrangements for the disposal of waste facilities at the side facing Gwindy Street and suggest that it should be sited to the rear. Also any extractor fan ventilation should not be sited facing the children's nursery at the rear."
2. WELSH WATER  
Permit with standard condition.
3. CONSERVATION ARCHITECT  
No objection to conservatory or rear extension. Objects to changes to frontage of building and amendments now made. Awaiting comments on revised frontage detail.
4. CLWYD POWYS ARCHAEOLOGICAL TRUST  
Permit with condition for watching brief.
5. PUBLIC PROTECTION  
No comment.

**RESPONSE TO PUBLICITY:**

Representations received from:

1. G. K. Wong, Peacock Chinese Restaurant (Rhyl) Ltd., 2, High St., Rhuddlan.
2. Rachel Roberts, Castle Day Nursery, Tremafon, Gwindy Street, Rhuddlan
3. N. Colakoglu, King Kebab, 3 High Street, Rhuddlan
4. Miss Caroline Wong, Pudding & Pie, Eliot Building, Rhyl Road, Rhuddlan

Summary of Planning Based Representations

- i) Concern over loss of light from rear extension
- ii) Concern over parking congestion
- iii) Concern over waste and fume extraction
- iv) Concern in relation to over development of site
- v) Concern over the design and treatment of extensions.

**EXPIRY DATE OF APPLICATION: 28/07/2005**

## **REASONS FOR DELAY IN DECISION:**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site comprises the former bank building situated within the town centre conservation area on the northerly side of High Street. The site comprises a single-storey pitched-roof semi-detached building which is set back from High Street with a forecourt to the front. The side of the building is enclosed by a stone wall, staggered in height with a vehicular access point to the rear, off Gwindy Street. The premises is currently vacant but was last used as a Class A3 restaurant with retail prior to that.
2. Permission is sought to erect a two-storey kitchen/storage/locker room to the rear of the restaurant, single-storey dining room/toilet to rear and conservatory dining room to side. Revised plans now indicate only minor alterations to the frontage of the building following negotiations. The two-storey element to the rear would be situated in the northern corner of the rear yard abutting the boundary with the adjacent day nursery. The single-storey rear element would be set in 1m from that same northern boundary with the side conservatory following the side boundary around to the existing access point off Gwindy Street. The extensions proposed have been the result of detailed discussions with Officers with materials to match the existing building and existing stone boundary walls incorporated into the design.

### **RELEVANT PLANNING HISTORY:**

3. 44/877/99/PF – Change of use from Class A1 retail to Class A3 restaurant/café – bar – GRANTED 27<sup>th</sup> January 2000

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

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN 6 – Development Control Requirements  
Policy CON 5 – Development within Conservation Areas  
Policy RET 1 – Town Centre

SPG 13 – Conservation Areas

#### **GOVERNMENT GUIDANCE**

Circular 61/96 – Planning and Historic Environment  
Planning Policy Wales, March 2002

### **MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Impact on residential amenity
  - ii) Impact on visual amenity/conservation area
  - iii) Impact on highway safety /parking
  - iv) Waste and fume issues

6. In relation to the points raised in paragraph 5 above:-
- i) The site is located within the designated town centre of Rhuddlan and is surrounded predominantly by existing commercial uses. It forms a prominent corner building which has been vacant for some years now. The main impact of the proposed extensions to this authorised restaurant would be on the day nursery use to the north-west of the site. The nursery building is a detached, two-storey unit which sits at a lower level than the application site. To the side and rear of the main nursery building are a pitched roof walkway extension and a detached, two-storey pitched roof play room extension respectively. No main room windows are situated in the side elevation of the nursery building facing the site. At present the closest part of the application building is 1.1m from the boundary with the nursery site. Whilst it is acknowledged that the two-storey rear extension will move the building marginally closer to the nursery site, given the existing orientation of buildings on both sites, it is not considered this would have a significant detrimental impact. The roof designs and lack of side facing windows would mean that the extensions minimise any loss of amenity to the nursery site. It should also be noted that given the nature of the two neighbouring uses they should be able to operate at their respective times of the day without any significant inconvenience to each other. The benefit of the re-use of this prominent vacant building outweighs the limited neighbour impact.
  - ii) The scheme has been designed having regard to both neighbouring buildings and the historic character of the site and area. Detailed discussions have led to revisions, which, it is considered, would preserve and enhance this vacant and neglected town centre building. The retention of important features and the replication of them in new extensions serve to provide a sympathetic development of the Old Bank building.
  - iii) The building already has an authorised restaurant use and is located within a designated town centre. As such, whilst issues of parking are noted, regard needs to be had to the anticipated hours of operation for a restaurant and the availability of nearby car parks. It is not considered the proposed extension would have any detriment to issues of highway safety. No off street parking exists on the site and this situation will not change.
  - iv) The design of the extensions to this authorised restaurant use has attempted to take account of nearby issues in relation to waste disposal and fume extraction. On a limited site, conditions will ensure minimal disruption to neighbouring uses with the operator needing to comply with separate Licensing and Food Safety Legislation not controllable directly as part of this planning application. The fume extraction facilities can be positioned away from the nursery site following onsite discussions with Officers.

**SUMMARY AND CONCLUSIONS:**

7. There are no material planning objections to the proposals which comply with the relevant policies and guidance. The proposals would result in the sympathetic re-use of a prominent town centre vacant commercial premises previously used as a restaurant.

**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. 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.

4. The premises shall not be used for the sale of hot food for consumption off the premises unless ancillary to the main use of the building as a restaurant

5. The premises shall not be open to customers outside the following times and days: 07.00 hours to 23.00 hours Monday to Saturday (inclusive) and 07.00 hours to 23.30 hours on Sunday

6. Prior to the commencement of the use of the premises, equipment for the treatment and extraction of fumes and smells resulting from the preparation and cooking of food shall be installed in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Following its installation, the equipment shall be operated whenever preparation and/or cooking of food is taking place.

7. No refuse or waste shall be stored externally to the building, other than in covered areas. Details of any such covered areas shall be submitted to and approved in writing by the Local Planning Authority prior to their provision.

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 the details are satisfactory in relation to the character and appearance of the building
4. In the interests of amenity and to enable the Local Planning Authority to control the future use of the building
5. In the interests of amenity of occupiers of neighbouring properties.
6. In the interests of amenity.
7. In the interests of visual and residential amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 6

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2005/0445/ PO

**PROPOSAL:** Demolition of existing dwelling and development of land by the erection of 17 No. apartments with associated vehicular and pedestrian access (outline application)

**LOCATION:** Land at Tarleton Street Rhyl

**APPLICANT:** Mr & Mrs England

**CONSTRAINTS:** Article 4 Direction

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

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL  
"Object – the proposal would represent over development of the site; Tarleton Street is of insufficient dimensions to cope with further traffic and particularly heavy plant required for construction and loss of amenity to adjoining residents."
2. HEAD OF TRANSPORT & INFRASTRUCTURE  
Awaiting response
3. BAPTIE  
No objection subject to inclusion of conditions

**RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. K. C. Johnson, 7, Russell Gardens, Rhyl
2. Mr. & Mrs. Angell, 35, East Parade, Rhyl (2 letters)
3. J. Cardwell, 10, The Lawn, Rhyl
4. Mr. & Mrs. R. H. Evans, Grafton Lodge, 21, Fairfield Avenue, Rhyl
5. Mrs. J. Moseley, 11, Fairfield Avenue, Rhyl
6. J. E. Evans, Coed-Mor, 15, Fairfield Avenue, Rhyl
7. Mrs. B. Smith, 9, The Lawn, Rhyl
8. Mr. P.E. Jones & Mrs. C.M. Lockwood-Jones, 9, Fairfield Avenue
9. J. Little & S. L. Chesterfield, 3, Russell Gardens, Rhyl
10. J. S. & J. Large, The Coach House, Tarleton Street, Rhyl
11. M & B Earnshaw- 6 Russell Gardens, Rhyl
12. Mrs. J. Street, 6, Glendower Court, East Parade, Rhyl

Summary of planning based representations:

- i) Impact on privacy, loss of light and overshadowing
- ii) Loss of trees
- iii) Impact on wildlife
- iv) Impact on traffic flow and car parking – highway safety

**EXPIRY DATE OF APPLICATION: 13/06/2005**

## **REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- protracted negotiations resulting in amended plans

## **PLANNING ASSESSMENT:**

### **THE PROPOSAL:**

1. The application site comprises a former bowling green located adjacent to a single storey detached dwelling located off Tarleton Street within the defined settlement limits of Rhyl. The site as a whole comprises 0.19 hectares bounded to the front and rear by traditional stone walls with some trees located as part of the front boundary and young trees and shrubs to the rear boundary. Tarleton Street is a narrow road with unrestricted parking, on-street parking resulting in only single lane traffic being able to pass.
2. Tarleton Street itself only has 1 no. dwelling, The Coach House, which actually fronts onto the street, all other properties which are located on Fairfield Avenue and Russell Gardens, having backs or sides onto the street. However, many of these properties have detached garages and vehicular access points off Tarleton Street. St David's Residential Home fronts onto East Parade but backs onto the north west side boundary of the site, with properties on Russell Gardens located to the south east side boundary and properties on The Lawn and Olinda Street to the rear boundary. The properties comprise a mixture of two storey and three storey properties, many of Victorian and Edwardian style, with further accommodation either at basement level or within the roof space.
3. This is an outline application but with siting and means of access to be considered as part of the application. A total of 17 no. apartments would be provided within a 3 storey property with the means of access to be located off Tarleton Street with 2 no. apartments constructed over the access way. The property would be split into 4 blocks constructed with a link in between each one. To the rear of the apartments would be off street parking providing a total of 26 no. spaces along with drying area and bin store with landscaped amenity space.

### **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
  - Policy HSG 2 Housing Development in Main Centres
  - Policy HSG 10 Affordable Housing within Development Boundaries
  - 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
  
  - SPG 4 – Open Space Requirements in New Developments
  - SPG 21: Parking Requirements in New Developments
  - SPG 22: Affordable Housing

### **GOVERNMENT GUIDANCE**

- Planning Policy Wales (March 2002)
- TAN 12: Design
- TAN 18: Transport

## MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Impact on residential amenity
- iii) Impact on visual amenity/street scene
- iv) Highways/Parking
- v) Affordable Housing
- vi) Open Space

7. In relation to the main considerations:

- i) The principle of residential development within the development boundary of the town would be acceptable in principle provided the proposal complies with all other relevant policies in the UDP. The bowling green has no specific protection under UDP policies and is not currently in use. It appears to have been formerly connected with St David's.
- ii) The site directly abuts residential properties on Russell Gardens which would be located to the side elevation of the apartments with properties on The Lawn and Olinda Street to the rear boundary. From the rear elevation of the apartments to the rear boundary would be a distance of some 26m (exceeding the 21m back to back distance normally sought as a minimum) and therefore there would be an acceptable impact on these properties. The properties adjacent on Russell Gardens are located in the corner of the cul de sac with rear elevation facing the site. However, due to the position of the dwellings (no's 6 and 7) all main habitable room windows are located fronting Russell Gardens or in the case of no 7, onto Tarleton Street itself. No. 7 has some ground floor windows along its elevation adjoining the application site. However, with a distance of 7.5m achieved from the siting of the apartment block and with careful design and consideration to location of windows there would be no unacceptable impact on this property or its neighbour at no 6 Russell Gardens. All other properties on Fairfield Avenue are located on the other side of the road with acceptable distances from the site. The apartments would be provided with off street car parking facilities, bin storage and drying area along with a landscaped amenity area to the rear and therefore it is considered that an acceptable level of amenity would be afforded to future occupiers.
- iii) Within the locality there is a wide mix of house types and a suitably designed 3 storey development would not cause a significant impact on the character of the area. There would be no adverse impact on the visual amenities of the street scene. The proposal would not result in over development of the site.
- iv) The Head of Transport and Infrastructure is satisfied with the access arrangements and car parking facilities subject to the inclusion of relevant conditions. Some minor changes are required to the internal car parking layout which can be subject to a planning condition. Whilst concerns of local residents are acknowledged, it is not considered that the proposal would lead to a significant impact on traffic flows on Tarleton Street and the off street parking facilities within the site would provide sufficient space to meet the parking requirements of the development without affecting the current situation on Tarleton Street.
- v) In the event of planning permission being granted it would be necessary to ensure the provision of an element of affordable housing to conform with the Authority's current policy and guidelines. This can be covered by a suitably

worded planning condition on outline consent.

- vi) The applicant is aware of the planning policy requirements for provision of open space in new development of 10 or more units. The size and type of development and in a location close to the town centre would support the case for the payment of a commuted sum to allow provision/ enhancement of open space elsewhere in the town. This is also a matter which can be dealt with by a suitably worded condition on outline consent.

**SUMMARY AND CONCLUSIONS:**

- 8. The principle of development within the development boundary is considered acceptable without causing a detrimental impact on residential or visual amenity. There would be no unacceptable impact on highway safety with sufficient car parking spaces provided within the development. Affordable housing and open space requirements can be covered by conditions.

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

1. Approval of the details of the 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 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) 30% Affordable housing units and the type and location to be determined;
    - ii) timing of the construction of the affordable housing;
    - iii) the arrangement 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
  - ii) The open space payment shall be provided in accordance with the approved arrangements.
5. The car parking layout shall not be as shown on the approved plan but shall be further agreed in writing by the Local Planning Authority, and implemented prior to the occupation of any of the flats hereby permitted.
  6. 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.
  7. 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.
  8. 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.



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

1. The application is for outline permission with details of siting and 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 order to ensure an adequate supply of affordable housing and to ensure adequate provision of open space in accordance with planning policies REC 2 and HSG 10 of the Unitary Development Plan.
5. In the interests of amenity.
6. In the interests of the character and appearance of the Conservation Area.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To ensure satisfactory drainage of the site and to avoid flooding.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 7

**WARD NO:** Rhyl South West

**APPLICATION NO:** 45/2005/0687/ PF

**PROPOSAL:** Installation of new shop front and variation to condition No.2 to planning permission 45/2004/1248/PF to allow increase in hours of operation of class A3 takeaway from 22.00 hr closing to 23.30 hr closing

**LOCATION:** Unit 2 (18) At 18/20 Vale Road Rhyl

**APPLICANT:** Elian Limited

**CONSTRAINTS:** Tidal Floodplain  
C1 Flood Zone  
Article 4 Direction

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

**CONSULTATION RESPONSES:**

## 13. RHYL TOWN COUNCIL

"No objection to shop front. Object to variation in opening hours on the grounds of loss of amenity to residents". (In relation to 2330hr closing).

## 14. PUBLIC PROTECTION

Suggest hours of operation condition consistent with other properties on Vale Road.

**RESPONSE TO PUBLICITY:**

Letter of representation received from:

1. Mr. Ray Green, 6, Vezey Street, Rhyl

Summary of Planning Based Representations

- i. Welcome the re-siting of the shop front.
- ii. Concern over impact of midnight closing due to noise and nuisance.

**EXPIRY DATE OF APPLICATION: 24/10/2005**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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

1. The application site is located at the junction of Vale Road and Marsh Road and consists of part of one of the 2 no. new retail units which have been recently constructed.
2. Permission was granted on appeal in April 2005 to subdivide Unit 2 at the site and change its use from Class A1 retail to part retail and part Class A3 pizza takeaway. Conditions were imposed on this permission restricting the operating hours

from the take-away from 0900hrs to 2200hrs on any day.

3. Permission is sought to move the shop front for the permitted takeaway to the Marsh Road frontage of the building and to allow an increase in the hours of operation of the takeaway. The application originally sought a closing time of 2400 hrs but through negotiations with the applicants, they have stated that there would be no objection to 2300hrs closing.

**RELEVANT PLANNING HISTORY:**

**4. 45/2002/1183/PO**

Development of 0.15ha of land by the demolition of existing buildings and redevelopment of land for retail use – REFUSED but ALLOWED on appeal 31/07/2003

**45/2003/0678/PF**

2 no. retail units, alterations to vehicular access, formation of parking and turning areas – GRANTED 04/09/2003

**45/2004/1248/PF**

Change of use and subdivision of Unit 2 to part Class A1 retail and part Class A3 (pizza takeaway) – REFUSED but ALLOWED on appeal – 06/04/05

**PLANNING POLICIES AND GUIDANCE:**

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

Policy RET 10 - Local and Neighbourhood Shopping Centres  
Policy RET 16 - Food and Drink – Hot Food Takeaway Uses  
Policy GEN 6 - Development Control Requirements

Policy SPG 11 - Hot Food Takeaways

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Impact of revised shopfront position on amenity.
  - ii) Impact of revised hours of opening on amenity.
7. In relation to the points raised in paragraph 7 above:-
  - i) The authorised shopfront for the takeaway use was on the southern end of the unit facing onto a predominantly residential road, Vezey Street. The Inspector, when allowing the appeal in April of this year, emphasised that Vezey Street already had a degree of commercial activity with the nearby Dry Cleaners. He also felt that, whilst bedroom windows from the nearby dwelling at No. 6, Vezey Street would overlook the shop front, a closing time of 2200hrs would be appropriate. Whilst this current proposal clearly needs to be assessed in light of the 2 no. interconnected elements of the shopfront and the hours of operation, it is considered, having regard to the previous Inspector's decision, that the moving of the shopfront/door to direct customers now to the Marsh Road elevation of the building, would be acceptable. This in itself would serve to reduce any potential impact on amenity to nearby residents on Vezey Street.

- ii) Detailed discussions have resulted in the applicants seeking to only operate until 2300hrs. Referring back to the previous Inspector's decision, it was noted that the nature and concerns relating to licensed premises tend to be more prevalent after 2300hrs when pub customers seek refreshments on their way home. It was also noted that the Licensing Act of 2003 had its own powers for late night refreshment establishments. In this instance it is considered that the combination of the orientation of the shopfront and the controls that the Licensing Act can impose to safeguard amenity should warrant the extension of the hours of operation up until 2300hrs. Providing the premises close at 2300hrs in line with others on the nearby Vale Road, it is not considered any significant impact on nearby amenity will be experienced. The proposal, therefore, complies with Unitary Development Plan policy and guidance for takeaway uses.

**SUMMARY AND CONCLUSIONS:**

8. The reorientation of the shopfront away from Vezey Street and the limit of the hours of operation to 2300hrs makes the proposal acceptable in light of the previous appeal decision at the site.

**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 use as a takeaway hereby permitted shall not be open to customers outside the following times 0900hrs and 2300hrs on any day.
3. Before the use as a takeaway commences, details of a scheme for the provision and maintenance of litter bins within the site shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.
4. Before the use as a takeaway commences, details of a scheme for the installation and maintenance of ventilation and fume extraction equipment within the premises shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved detail.

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 nearby residential amenity.
3. In the interests of nearby residential amenity.
4. In the interests of nearby residential amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 8

**WARD NO:** Rhyl East

**APPLICATION NO:** 45/2005/1004/ PO

**PROPOSAL:** Development of 0.19ha of land by the demolition of existing building and erection of flats and garages and construction of new vehicular and pedestrian access (outline application)

**LOCATION:** 51/52 East Parade Rhyl

**APPLICANT:** Mrs J Hudson

**CONSTRAINTS:** Article 4 Direction

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

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL  
"Object – detrimental visual impact of overall street scene."
2. HOUSING SERVICES  
No response received
3. HEAD OF TRANSPORT & INFRASTRUCTURE  
No objection subject to inclusion of conditions
4. BAPTIE  
No objection subject to standard conditions

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 03/10/2005****REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

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

1. The application site is located on the southern side of East Parade directly opposite the Sun Centre. The site comprises a pair of semi detached properties with rooms in the roof which are currently in use as 4 self contained flats. The properties have a small curtilage area to the front with a pedestrian access off East Parade with no 51 also having a relatively large side garden. To the rear of the site fronting a narrow alleyway off Conwy Street and St Asaph Street is a block of garages which provide off street parking space. No 50 East Parade is a tall 3 storey Victorian property in residential use with no's 53 and 54 being a pair of semi detached houses similar to the application site.

2. This proposal is for the development of the site by demolition of existing building and erection of flats and garages and construction of new vehicular and pedestrian access. This is an outline application with all matters reserved.

**RELEVANT PLANNING HISTORY:**

3. 45/2905/97/PO Development of 0.09ha of land by the erection of a 3 storey block of self contained flats incorporating demolition of 51/52 East Parade (outline application) GRANTED 8<sup>th</sup> January 1998

**PLANNING POLICIES AND GUIDANCE:**

4. DENBIGHSHIRE COUNTY COUNCIL UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July, 2002)

Policy HSG 2 Housing Development in Main Centres

Policy GEN 6 Development Control Requirements

Policy HSG 15 Residential Conversions in East and West Rhyl

Policy TSM 8 Safeguarding Existing Serviced Accommodation

Policy HSG 10 Affordable Housing within Development Boundaries

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

SPG 4 – Open Space Requirements in New Developments

SPG 21: Parking Requirements in New Developments

SPG 22: Affordable Housing

**GOVERNMENT GUIDANCE**

Planning Policy Wales (March 2002)

TAN 12: Design

TAN 18: Transport

**MAIN PLANNING CONSIDERATIONS:**

5.
  - i) Principle of development
  - ii) Impact on visual amenity
  - iii) Impact on residential amenity
  - iv) Highway considerations
  - v) Affordable Housing
  - vi) Open Space
6. In relation to the main planning considerations in paragraph 5:
  - i) The application site is located within the development boundary of Rhyl where in principle residential development is considered acceptable provided all other relevant Unitary Development Plan policies are complied with. The site is located within an area covered by Policy TSM 8 which seeks to safeguard existing serviced holiday accommodation. The use of the buildings of the application site is as 4 self contained flats and therefore this policy does not apply to this application. The existing use of the site is as residential and therefore the principle of the development is considered acceptable.
  - ii) The application is submitted in outline form and therefore assessment of the impact of the proposal on residential amenity and on the visual amenities of the street scene would be primarily for the reserved matters stage. However, the site is bounded on one side by a semi detached property and on the other by a tall 3 storey Victoria property. An appropriate scaled and designed

building could be accommodated on this site.

- iii) The site has a road frontage of approx. 23m wide and is approx 45m deep and therefore given the size of the site, it has the potential to provide living accommodation with an acceptable level of residential amenity afforded to future occupiers and without impacting upon the amenities of existing residents.
- iv) Access to the site would be off East Parade and could be located central on the plot. Highways have raised no objection to the proposal subject to conditions to ensure the access is constructed to an acceptable standard and that parking and turning is retained within the site. The principle of forming a new access off East Parade is considered acceptable.
- v) In the event of planning permission being granted it would be necessary to ensure the provision of an element of affordable housing to confirm with the Authority's current policy and guidelines. This can be covered by a suitably worded planning condition on outline consent.
- vi) The applicant is aware of the planning policy requirements for provision of open space in new development of 10 or more units. The size and type of development and in a location close to the town centre would support the case for the payment of a commuted sum to allow provision/ enhancement of open space elsewhere in the town, provided the development provides 10 dwellings or more. This is also a matter which can be dealt with by a suitably worded condition on outline consent.

**SUMMARY AND CONCLUSIONS:**

- 7. The principle of the development is considered acceptable
- 8. There would be no adverse impact on visual amenity
- 9. There would be no adverse impact on residential amenity
- 10. There would be no adverse impact on Highway Safety

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

- 1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto 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 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 as part of the development. Such details shall include:
  - (a) i) Affordable housing units to comprise a minimum of 30% of the housing units to be developed and a type and location to be determined;
  - 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.

5. In the event of 10 or more units being provided on the site, development shall not be begun before a scheme for the provision of open space as part of the development has been formally submitted and approved in writing by the Local Planning Authority. Such details shall include:

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

(ii) The open space payment shall be provided in accordance with the approved arrangements.

6. 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.

7. 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.

8. 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.

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 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 order to ensure an adequate supply of affordable housing in accordance with Policy HSG 10 of the Unitary Development Plan and SPG 22.

5. 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.

6. To ensure that the integrity of the street scene is preserved.

7. To ensure satisfactory drainage of the site and to avoid flooding.

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

**NOTES TO APPLICANT:**

None



**ITEM NO:** 9

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2005/0834/ PF

**PROPOSAL:** Conversion of existing buildings to form 2 no. residential dwellings and alteration to vehicular access

**LOCATION:** Pant Glas Tremeirchion St. Asaph

**APPLICANT:** R. J. Projects Ltd

**CONSTRAINTS:** Public Footpath / Bridleway  
AONB

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

**CONSULTATION RESPONSES:**

15. TREMEIRCHION, CWM & WAEN COMMUNITY COUNCILS  
"No objection".
16. ENVIRONMENT AGENCY  
No objection. Standard advice not applies.
17. HEAD OF TRANSPORT & INTRASTRUCTURE  
No objection subject to conditions.
18. JAC AONB COMMITTEE  
"No objection in principle to conversion of the existing buildings. However, the Committee has concern regarding the scale of the proposed extensions and the design of the scheme which are out of character with the existing building and the local traditional buildings in the AONB".  
Awaiting response on revised plans.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 05/09/2005**

**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

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

1. The application site occupies an open countryside location to the east of Tremeirchion and comprises a two storey farmhouse with attached barn to the front of the site constructed in stone walls and slate roofs. To the rear of the site

lies a redundant red brick outbuilding.

2. Full planning permission is sought to convert and extend the existing farmhouse and attached barn to create 2 no. dwellings incorporating alterations to the existing vehicular access and driveway. Submitted plans also indicate the intention to demolish the red brick outbuilding to the rear of the site.
3. The existing farmhouse and barn are to be converted into 2 no. dwellings utilising the existing frontages with a separation being made to follow the existing drop in the ridge line. The ridge heights will remain as existing. However, an additional matching dormer feature would be installed into the farmhouse with 3 no. new dormer features being installed into the roof of the attached barn. A 2.8m side extension would be placed on the side of the barn (2 storey) with further two and single storey additions placed on the rear of the buildings projecting some 18.5m and incorporating kitchen/dining room extensions. Revised plans indicate a significantly reduced extended area to the rear with integral garages taken out of the scheme.
4. Members may wish to note that an extant planning permission exists for the alteration and extension to the existing farmhouse utilising the attached barn along with the use of the brick outbuilding to the rear for Class B1 workshop use. A detached garage also formed part of this original and extant permission which dates back to 1996 with a further revised scheme granted in 1999.

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

5. **2/TRE/373/95**

Alteration and extension to existing dwelling and change of use of outbuilding to Class B1. Erection of detached garage – GRANTED – 5<sup>th</sup> February 1996

**47/930/98/PF**

Alteration and extensions to existing dwelling and erection of garage. Change of use of outbuilding to Class B1 (partly retrospective) (amendment to scheme approved above) – GRANTED 13<sup>th</sup> January 1999

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

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
- Policy GEN 6 - Development control requirements
  - Policy ENV 2 - Development affecting the AONB
  - Policy HSG 9 - Conversion of rural buildings to dwellings

SPG 16 - Conversion of rural buildings

Planning Policy Wales, March 2002

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

7.
  - i) Principle of conversions and extensions
  - ii) Impact on visual amenity/AONB
  - iii) Impact on residential amenity
  - iv) Impact on highway safety
8. In relation to the points raise in paragraph 7 above:-
  - i) As described within paragraph 4 of this report, Members should be made aware that an extant permission exists at this site. One of the fundamental

considerations with this proposal, therefore, is how significantly different the proposed conversions and extensions are on this scheme when compared to those previously granted. It is also important to note that the extant permission was for the enlargement of the 1 no. dwelling unit along with the provision of a detached Class B1 workshop use. Whilst Policy HSG 9 favours employment uses, such a use has not come forward despite the planning permission first granted in 1996. In addition the site is served by narrow lanes in a relatively isolated location and thus is unlikely to be attractive to a business use. Thus, it is considered that the principle of such a scheme is acceptable and established.

- ii) It is fully acknowledged that the proposed conversion and extension scheme would result in an alteration to the existing buildings and site. The previously approved and extant scheme showed an enlargement to the existing buildings which would have created a similar overall footprint of building incorporating a Class B1 use to the rear. An additional dormer feature was proposed within the barn section with a new conservatory element being added to the side. To the side and rear of the existing farmhouse an integral garage was also proposed. It is considered, in the overall context of the extant permission, the proposed scheme would not be significantly different. The drop in the ridge height to the important frontage of the farmhouse and barn will be retained by creating an open slate covered way to separate the 2 no. proposed units. The workshop/office use is deleted from this scheme which, it is considered, provides an overall planning gain to the character and intensity of usage on this site. Subject to strict controls on fenestration details and any further extensions or alterations to the units it is not considered this application could be refused in the context of the visual amenity of the AONB
- iii) There are no nearby residential dwellings which would be directly affected by the proposed scheme.
- iv) The previously approved schemes at this site involved a more intensive use incorporating the Class B1 workshop/office use. That scheme was considered acceptable in relation to the local highway network and the site access. Highway Engineers have now assessed this scheme as acceptable subject to conditions and have pointed out that removing the commercial use from the site will reduce the potential traffic generated in the area.

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

- 9. Given the extant permission at this site, it is considered this scheme for 2 no. residential units would not harm the character of the AONB or the integrity of policies and guidance for such conversion schemes.

#### **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 development hereby permitted shall be occupied until the junction between the proposed access road and the highway has been constructed in accordance with the plans hereby approved.
- 3. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plans and which shall be completed prior to the proposed development being brought into use.
- 4. The surface of the access shall be paved with a bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway boundary shall be reinforced with bull nose kerbs to the Local Planning Authority's

approval before the development is brought into use.

5. 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.

6. 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.

7. Prior to the commencement of the development hereby permitted, details of the precise heights, materials and finishes to the screen walls and fences shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority and only those details subsequently approved shall be used thereafter.

8. Unless otherwise agreed in writing by the Local Planning Authority, all rainwater goods shall be in a black finish.

9. 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.

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

11. Notwithstanding the provisions of Classes A, B, D, E of Part 1 or Class A 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 said Classes shall be carried out without [approval in writing of the Local Planning Authority] [further grant of planning permission of 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 highway safety.
3. To provide for the parking of vehicles clear of the highway and to ensure that reversing of vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. To ensure that no deleterious material is carried onto the highway.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. In the interests of visual amenity.
8. To respect the character and appearance of the building.
9. To ensure the details are satisfactory in relation to the character and appearance of the building
10. In the interests of visual amenity.
11. In the interests of residential and/or visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).  
Your attention is drawn to the attached "Standard Advice" Notes from the Environment Agency.

**ITEM NO:** 10

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2005/1028/ PF

**PROPOSAL:** Erection of dwelling and installation of private treatment plant

**LOCATION:** Part OS Field No. 7280 adjoining Bryn Clwyd Holywell Road St. Asaph

**APPLICANT:** R. Lloyd Williams

**CONSTRAINTS:** Within 67m Of Trunk Road  
Fluvial Floodplain

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

**CONSULTATION RESPONSES:**

1. TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL  
"Objection. This site is a different site from the outline permission. Plans are substantially different from original house. I quote from the outline permission 47/2001/0721/PO: 'Grant subject to conditions ... with special notes to the applicant: You are advised that the replacement dwelling should not be substantially different from the original by virtue of its scale, design and character to accord with Policy HSG8 of the UDP'."
2. ENVIRONMENT AGENCY  
"Standard advice applies".

**RESPONSE TO PUBLICITY:**

3. None.

**EXPIRY DATE OF APPLICATION: 06/11/2005**

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

1. The site is a piece of open grassland land accessed by a track of around 200 metres in length taken off Chester Street, close by to its junction with the A55. The site is surrounded by open fields with some small farm buildings adjacent to the northern boundary.
2. The application proposes the erection of a substantial five-bedroom detached two storey dwelling at the site, with a floor space of around 285 sq m together with a linked single garage. The house has a pitched roof and is proposed to be constructed from rustic brick and natural slate.
3. A supporting statement has been submitted with the application which provides the background to the proposal. It is stated that Bryn Clwyd House was purchased by the applicant's father in 1925 and the buildings comprised the house and outbuildings. The applicant and his family resided at the house from 1948 up to its Compulsory Purchase Order (CPO) in 1998 with regard to the improvements for the A55. Previous to the CPO coming into effect the applicant received outline consent (see below) for a replacement property 'near to' the existing house.

Subsequent to this, 'protracted negotiation' ensued with the District Valuer concerning the cost of acquisition and a low valuation was placed on the land due to the fact that the applicant had obtained planning consent for a new dwelling.

4. The supporting statement concludes that the only difference between the siting of the now lapsed outline application and the subject site is an environmental improvement lifting the proposal out of the flood plain. The applicant therefore feels that having suffered a CPO of his home, for the good of the public at large, his human rights alone confer the right to replace the family home on land adjacent to the old house and on land in his possession.
5. The applicant is a County Councillor and thus the application needs to be considered by the Planning Committee.

**RELEVANT PLANNING HISTORY:**

6. **47/2005/0350/PF**

Erection of new detached dwelling – Withdrawn – 19 May 2005

**47/2001/721/PO**

Renewal of outline application reference 47/0248/98/PO for the replacement of an existing dwelling: Granted 20 September 2001

Condition 2 of this consent required the submission of an application for the details of the reserved matters (siting, design, external appearance, means of access and landscaping) within 3 years of the date of the consent and commencement within 5 years of the planning permission i.e by September 2006, or within 2 years of the final approval of reserved matters.

**47/0248/98/PO**

Renewal of outline application reference 2/TRE/308/94/P for the replacement of an existing dwelling: Granted 3 August 1998.

**PLANNING POLICIES AND GUIDANCE:**

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 6 - Development Control Requirements
  - Policy HSG 6 - New Dwellings in the Open Countryside
  - Policy HSG 8 - Replacement Dwellings in the Open Countryside
  - Policy ENP 6 - Flooding

**GOVERNMENT GUIDANCE**

Planning Policy Wales March 2002

TAN 15 – Development and Flood Risk July 2002

**MAIN PLANNING CONSIDERATIONS:**

8.
  - i) Principle
  - ii) Detailed impacts judged against Policy HSG8.
  - iii) Flood Risk
9. In relation to the considerations as noted in paragraph 8:-
  - i) As stated earlier at paragraph 6, the time for submission of reserved matters on the previous outline consent at the site is considered to have lapsed in September 2004. However, the applicant could seek extension to this period through an application to vary condition 2. Such an application would need to be judged against whether there had been any material change in circumstances since the previous permission in 2001. Whilst, the proposal does not represent a replacement dwelling in the sense that a dwelling does

not now exist on the site, the demolition and timing of demolition of the existing dwelling was carried out in the public interest, compensatory payments reflected the existence of a permission for a replacement dwelling, and the planning history of the site indicates that the most recent renewal of permission was permitted following demolition of the original dwelling. A further issue is the fact that the site now differs from that previously granted permission. This is explained by the applicant who is seeking to site the dwelling outside the main flood plain. This approach is understood given the changes in flood risk guidance since 2001 (particularly TAN 15) In view of these factors, the principle of the dwelling could be viewed as acceptable. Consideration, however, needs to be given to detailed impacts reflected in the criteria to Policy HSG8 and flood risk.

- ii) In terms of visual appearance, the proposed dwelling is considered acceptable in the context of the previous dwelling and outbuildings. It would be set against rising ground to the east. The size is comparable to the previous dwelling, taking into account the need for modern day living. The new dwelling floor area of 285 sq m (plus linked garage) compares to a floor space of the original dwelling of around 190 sq m. In addition, outbuildings have been removed and further demolition could take place, particularly of a former piggery with floor area of 112 sq m. In this respect criteria iv) and v) of Policy HSG 8 are considered to be met. In relation to criterion vi) the alternative location is supported by the issue of flood risk. The site area for the current application is larger than that for the original outline application but comparable to the size of the original dwelling curtilage.
- iii) The proposed site itself is outside the fluvial floodplain whereas the previous site was within Zone C2 as defined by TAN 15. Whilst the existing access to the site, provided as part of the A55 accommodation works, crosses the C2 zone, alternative escape routes are available on higher ground to the east.

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

- 10. The application is considered acceptable in principle for the reasons stated above. However, there is still a possibility that the applicant could seek to implement the 2001 permission. In addition there are buildings outside the application site but within the control of the applicant that ought to be demolished, given the justification for a new dwelling of this size. These elements would be secured through a S106 obligation. Thus, the recommendation is subject to the applicant first entering into a S106 obligation to:
  - i) extinguish the existing permission ref: 47/2001/0721/PO.
  - ii) remove all existing buildings from the site and surroundings on land within his control.

#### **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 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.
- 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 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.
5. 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.
6. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.
7. Notwithstanding the provisions of Classes A, B, C and E of Part 1 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 said Classes shall be carried out without further grant of planning permission of 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. To ensure satisfactory drainage of the site and to avoid flooding.
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. In the interests of visual amenity.
6. In order that adequate parking facilities are available within the curtilage of the site.
7. In the interests of residential and/or visual amenity.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 11

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2005/0814/ AD

**PROPOSAL:** Display of non-illuminated sign board

**LOCATION:** Bryn Howel Hotel & Restaurant Bryn Howell Lane Trevor Llangollen

**APPLICANT:** Mr D Booth

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. LLANGOLLEN TOWN COUNCIL  
"No objection"
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection

**RESPONSE TO PUBLICITY:**

Letter of representation received from the following:

1. J. & S. Jacobs, Plas Issa, Bryn Howell, Llangollen

Summary of planning based representations

- i) 'There are already 4 signs, including one very close to the proposed site. Signs in such numbers spoil the look of the countryside.'

**EXPIRY DATE OF APPLICATION: 11/09/2005**

**REASONS FOR DELAY IN DECISION:**

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

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is on the junction of the A539 Llangollen to Trevor road with the entrance to the Bryn Howel Hotel.
2. The current application is for the erection of a non-illuminated signboard. The sign will be 2.7m high overall, including supporting posts, with the fascia being 3.5m x 1.9m in height and the text being yellow on a black background. The application follows an enforcement investigation into temporary banner signs.
3. There are currently 4 no. advance signs along this stretch of road advertising the Bryn Howel Hotel. The applicant has agreed to remove one of the signs on the Trevor side of the hotel should the application be approved.

**RELEVANT PLANNING HISTORY:**

4. None

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)  
Policy GEN12 – Advertisements outside Development Boundaries  
Policy ENV2 – Development affecting the AOB

SPG17 - Advertisements

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) Impact on visual amenity
  - ii) Impact on highway safety
7. In relation to the main planning considerations as noted in paragraph 6
  - i) The sign is considered to be acceptable in relation to the impact on the visual amenity of the application site and the wider surrounding AOB area, subject to the overall number of advance signs not increasing. This is in accordance with Policies GEN12 and ENV2 of the UDP. The proposed advertisement matches those already advertising the Bryn Howel Hotel. In light of the objection in relation to the number of signs, the applicant has agreed to the removal of one of the existing signs on the Trevor side of the hotel.
  - ii) The Head of Transport and Infrastructure has no objections to the proposal in terms of highway safety. This satisfies criteria vi) of Policy GEN12.

**SUMMARY AND CONCLUSIONS:**

8. There is limited impact on the visual amenity of the site and the wider surrounding AOB. No highway safety issues have been raised in relation to the proposal. The advertisement is therefore in accordance with Policies GEN12 and ENV2.

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

1. The advertisement hereby approved shall not be erected until full location details of the sign to be removed have been submitted to and approved in writing by the Local Planning Authority.

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

1. In the interest of visual amenity

**NOTES TO APPLICANT: none**

**ITEM NO:** 12

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2005/0939/ 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, retention of existing chapel as shop, communal facilities, landscaping, car parking and associated access works

**LOCATION:** Abbey Road Garage Abbey Road Llangollen

**APPLICANT:** McCarthy & Stone (Devs) Ltd.

**CONSTRAINTS:** C2 Flood Zone  
Conservation Area  
Canal Consultation Zone

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

**CONSULTATION RESPONSES:**

19. LLANGOLLEN TOWN COUNCIL

"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 the 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."

20. LLANGOLLEN CIVIC SOCIETY

- The concept for sheltered housing is good but development is inappropriate and should be opposed.
- Too many units.
- Lack of parking for residents/lack of private open space.

- The building is too tall/will impact on listed bridge and the Mill/will block views from the towpath and wharf/will be inappropriate and out of character with the area
3. DWR CYMRU/WELSH WATER  
Awaiting response
  4. BRITISH WATERWAYS  
Awaiting response
  5. ENVIRONMENT AGENCY WALES  
Confirm that following meetings with the applicants' consultant, sufficient information has been provided for the Agency to revise the flood zone information in this area. The Agency is now satisfied that the site falls outside the extreme flood envelope for the River Dee in this location and no longer recommends refusal of the application. Recommends as a precautionary measure, finished floor levels of the building should be set a minimum of 600mm above existing ground level. Also, requires a condition for approval of a surface water regulation system.
  6. HEAD OF TRANSPORT AND INFRASTRUCTURE  
Awaiting response (no objection to previous scheme subject to conditions)
  7. ACCESS OFFICER  
Awaiting response
  8. HEAD OF DEVELOPMENT SERVICES  
Awaiting response
  9. SENIOR CONSERVATION OFFICER  
No objection. The plans show the overall character of the conservation area would be retained, and arguably enhanced by removal of the canopy and pumps. Conditions would be required to control the detailed appearance of joinery, external wall materials, ridge tiles, railings and surfacing materials.
  10. PUBLIC PROTECTION  
A contaminated land investigation would be required into potential presence of below ground petroleum products.
  11. HOUSING SERVICES  
Awaiting response (involved in negotiations on commuted sum payment)

#### **RESPONSE TO PUBLICITY:**

Letters of representation received from:

1. A Broadhurst, Canalside Bungalow, Abbey Road, Llangollen.
2. G & A Cannford, Sunny Bank, Green Lane, Llangollen.
3. J S Bruce, Green Lodge, Green Lane, Llangollen.
4. Owner/occupier of Dee Bank, Green Lane, Llangollen.

Summary of planning based representations:

#### **IN OBJECTION**

- i) Loss of petrol station
- ii) Design/visual impact  
Scale of development (4 storey) unacceptable in relation to adjacent properties/would dominate views from Llangollen Bridge.

- iii) Access/highways/parking  
Inadequate parking for number of units/no on street parking in the locality.
- iv) Privacy/amenity  
Impact on adjacent properties/loss of aspect.
- v) Need  
Units are likely to be for people outside the town/shop unlikely to be so popular without petrol facility.

**EXPIRY DATE OF APPLICATION: 09/10/2005**

**REASONS FOR DELAY IN DECISION:**

- Awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. This report and the one which follows on the agenda concern proposals at the site known as Bryn Melyn Motor Services on Abbey Road, Llangollen. Application 3/2005/0939/PF is a planning application for the redevelopment of the site, and 3/2005/0940/CA is a conservation area consent application for the demolition works involved in the scheme.
2. The background to the applications is of some significance.
3. Members may recall considering a detailed report on non determination appeals relating to previous applications for the redevelopment of site at the September 2005 meeting. The report was prepared following events over the period of a year since the submission of similar planning and conservation area consent applications in September 2004. In brief:
  - The original applications for planning permission and conservation area consent were received in September 2004.
  - Officers sought additional information from the applicants' agents on key issues, including flood risk and affordable housing.
  - Despite ongoing dialogue with the agents and agreement to an extension of time to deal with the applications to the end of March 2005, only limited additional information was received and the planning authority was advised that the extension of time was withdrawn, and that formal appeals had been lodged with the Planning Inspectorate against non-determination (on the basis of the applicant's "contractual obligations with the site's owners").
  - The lodging of the non determination appeals removed the Local Planning Authority's powers to determine the September 2004 applications, and arrangements were put in place for a formal Inquiry in September 2005, with attendant deadlines for preparation of Statements of Case.
  - The applicants' agents continued their discussions with officers, with a view to submitting fresh applications, addressing the outstanding issues. The non determination appeals were put in abeyance for a 2 month period to allow this process to continue, and at the request of the applicants' agent, consideration of a report to the June Committee seeking members' resolution on the two applications for the purpose of the Authority's Statement of Case on the appeals, was deferred.
  - The new applications were received on 15<sup>th</sup> August 2005. The contents are reviewed in this report. They include a Flood Risk Assessment and submissions dealing with other key issues.

- The applicants' agents requested the processing of the non determination appeals alongside that of the new planning and conservation area consent applications. In order to meet Planning Inspectorate deadlines, Members were therefore requested at the September 2005 meeting for a resolution on the appeal applications, in the event the Committee was in a position to determine them, so the Authority's stance could be set out in a supplementary Statement of Case in preparation for the Inquiry set for December 2005.
  - The resolution of the Committee at the September 2005 meeting, following receipt of correspondence from the Environment Agency Wales withdrawing their objection, was that if it had been in a position to determine the applications subject to the appeals, it would have granted planning permission and Conservation Area Consent.
  - Officers have consequently drafted a Supplementary Statement of Case to the Planning Inspectorate reflecting the resolution of the Committee on the non determination appeal applications. It is likely that these appeals will be withdrawn if a favourable determination is made on the current planning and conservation area consent applications.
4. Planning application 3/2005/0939/PF is similar to the one submitted in September 2004 which forms the subject of the non determination appeal lodged in May 2005. It proposes a major redevelopment of the Bryn Melyn Motor Services and petrol filling station, which is on Abbey Road, to the north west of Llangollen Bridge, on the north side of the A542 opposite the railway station.
  5. The site is indicated as 0.2 ha (0.5 acres) in size. It lies between the chapel (used as a shop) and the property Leahurst. Site levels slope up from Abbey Road to the rear of the site close to Llangollen Canal and the RAFA club.
  6. In terms of constraints and planning policies, the site is located within the development boundary of the town, within a Zone C2 identified on the Development Advice Maps which accompany TAN 15 Development and Flood Risk, and within the Town and District Centre boundary defined by Policy RET 1 of the Unitary Development Plan.
  7. The proposal involves:
    - The demolition of the filling station, garage and bus depot
    - The retention of the chapel shop
    - The erection of 36 sheltered apartments for the elderly with a resident house manager and communal facilities (lounge/laundry/emergency call) (25 x 1 bed units, 11 x 2 bed units for sale)
    - A managers house
    - The main buildings would be of 4 storey height (3 full storeys, 1 in the roofspace), in two blocks linked by a central corridor, with varying ridge levels, and architectural details similar to that on established properties nearby.
    - The creation of a single access off Abbey Road between the flats and Leahurst leading to a rear car park with 11 parking spaces. The proposals retain access at the rear to Canalside Bungalows and the RAFA club.
    - The provision of a 'sitting out area' at the rear (20m x 7m) and small gardens around the flats.
    - The provision of a 'lay by' on the northside of Abbey Road outside the Chapel Shop.
  8. The application is accompanied by:
    - A range of plans, including topographical plans showing the potential impact of the development when seen from a number of local viewpoints.
    - A Design Statement

- A statement from Lambert Smith Hamton on the viability issues relating to the existing business.
- A Flood Risk Assessment.
- A supporting statement with commentary on other issues (open space, affordable housing).

**RELEVANT PLANNING HISTORY:**

9. **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.

**03/2004/1287/CA** – Demolition of petrol filling station, garage/bus depot and demolition of side/rear chapel extension.

Both applications are the subject of non-determination appeals lodged in May 2005, which are due to be heard at an Inquiry in December 2005.

**PLANNING POLICIES AND GUIDANCE:**

10. 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

SPG 22 – Affordable Housing

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

TAN 2 – Planning and Affordable Housing – November 1996 (Draft TAN 2 currently out of consultation)

TAN 15 – Development and Flood Risk – July 2004

**MAIN PLANNING CONSIDERATIONS:**

- 11.
- 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) Design/amenity impact
- v) Highway considerations
- vi) Affordable housing
- vii) Open space requirements

12. In relation to the main considerations:

i) Principle of the development

a) Effect on the town centre

The basis of the retail policies in the Unitary Development Plan are to concentrate new commercial/retail development in Town and District Centres and to take account of proposals on the economic health of these areas. This obliges consideration of the loss of existing services, on the vitality and viability of a centre, whilst recognising the need for flexibility of approach in the context of the economic state of such centres. Planning Policy Wales supports retail and mixed uses in and close to town centres. The applicants' case is that the proposals retain the retail shop in the chapel and that there are no planning policy reasons to oppose the loss of the petrol filling station or potential employment land. The detailed report from the applicant's property consultants explains the commercial reality of the situation relating to low volume independent petrol stations in relatively remote locations, and the fact that market factors are forcing closures throughout the UK. Fuel sales at Bryn Melyn have decreased by 50% over comparative periods to 2004-2005 and the petrol business runs at an operating loss.

In officers' view it would be difficult to oppose the application on the basis of loss of the filling station facility and the impact on the viability and vitality of the town centre. There is no direct conflict with Unitary Development Plan policies or Planning Policy Wales. Guidance supports other uses best located close to town centres, which can include high density sheltered housing.

b) Effect on employment

Whilst the site is not specifically allocated in the UDP as employment land in conjunction with Policy EMP 1, there is general policy guidance in EMP 10 on the protection of employment land and buildings, and tests against which proposals involving the loss of such sites should be considered.

The view is taken that with due regard to the characteristics of the site and the conclusions of the Appeal Inspector on the recent application involving the redevelopment of the Lower Dee Mill site, refusal on loss of an employment site would be difficult to sustain. There is limited evidence of interest in the expansion or location of employment sites in the town in the last 10 years. The buildings and site do not lend themselves to an appropriate alternative employment use because of size, location, and the standard of accommodation. The loss of the premises for commercial use would not prejudice the ability of the town to meet a range of employment needs.

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 normally fail the tests of paragraph 6.2 of TAN 15, and the advice in TAN 15 is that such proposals should be refused.

The application is accompanied by a Flood Risk Assessment prepared by Peter Brett Associates. The conclusion of the Assessment is that results from detailed hydraulic modelling of the River Dee Valley indicate the site is on land outside the 1 in 1000 year floodplain, and as such should be considered to be within either Zone A or B of TAN 15 and not Zone C. Zone A is considered at little or no risk of flooding and requires no justification tests or further consideration of risk. Zone B relates to areas where site levels should be checked against extreme flood levels. If site levels are greater than flood levels defining the extreme outline there is no need to consider flood risk further. The Assessment states, even with a precautionary approach with the site in Zone B, that site levels are 1 metre above extreme flood level, and outside the 1 in 1000 year floodplain.

The Environment Agency originally lodged an objection to the application based on identification of the site within a C2 flood zone. The Agency have since assessed the contents of the Flood Risk Assessment and have met with the consultants acting for the applicants. The Agency have subsequently withdrawn their objection to the application, as on the basis of the technical information on the potential extent of flooding, they are satisfied the site falls outside the extreme flood envelope for the River Dee in this location. They require only that floor levels are set above existing site levels, and that details of a surface water regulation system be further approved. This is a significant change in stance and eliminates flood risk as a ground for refusing permission.

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

UDP policies relating to demolition and development in Conservation Areas, and development in the Area of Outstanding Beauty, seek to ensure preservation and enhancement of the character or appearance of those areas.

The submission seeks to demonstrate that the removal of a mix of functional buildings and uses involving the parking of buses, etc., and replacement with buildings designed to respect development in the locality would meet the requirements of the conservation policies of the UDP.

Whilst respecting comments from the Civic Society, the Conservation Officer is satisfied that the overall character and appearance of the Conservation Area would be retained and enhanced by the proposals. The site has a significant backcloth of mature trees and the detailing of the development is considered to be attractive and sympathetic to existing development in the locality.

iv) Design/amenity impact

In addition to the conservation policies of the UDP, there are general development control requirements in GEN 6 which need to be satisfied in relation to design and amenity standards in new developments.

The application documents include a Contextual Analysis which contains detailed analysis of the character of development in the area and explanation of the design choices for the scheme.

The submitted plans show how the flats would fit into the locality, with good quality 'street elevation' plans illustrating the physical impact on Abbey Road. The detailing confirms the intention to incorporate design features used on other buildings in the vicinity, with use of dormer windows, traditional pitched slated roofs, and red/brown facing bricks. The scale of the buildings appears to fit comfortably into the area, with the adjacent properties Leahurst and Riversdale being of similar height (3 full storeys and rooms within the roofspace). The gable end of Leahurst would be some 10 metres from the nearest part of the new building, which is considered a reasonable distance, and would not be overbearing or result in overshadowing. Overlooking concerns can be addressed by conditioning the use of obscure glazing on secondary windows on the gable ends of units facing east above ground floor level.

v) Highway considerations

UDP Policies GEN 6 and TRA 9 and Supplementary Planning Guidance 21 – Parking requirements in New Development outline the need for adequate access and parking arrangements in connection with new developments.

The applicants stance on the proposals are that the 3 vehicle capacity of the lay-by would be adequate to serve the shop, and the 11 on site parking spaces would be sufficient to meet the anticipated demand from elderly persons based on experience of similar developments.

In terms of highway safety, the proposed lay-by and access to serve the development are considered acceptable with regards to visibility standards, width and location. The arrangements represent a clear simplification and improvement on the existing situation. The capacity of the lay by and the number of parking spaces are below the 'maximum' standards in current guidance (15 spaces and 13 spaces respectively), but it is not considered the Authority has strong grounds to withhold consent given Assembly advice on reduction in reliance on private car travel and lower levels of parking provision, and recent criticism that the Authority's parking standards in SPG 21 are contrary to the aims of national policy, by the Inspector dealing with the Lower Dee Mill appeal.

vi) Affordable Housing

UDP Policy HSG 10 relates to the provision of affordable housing in new development, and the Authority has Supplementary Planning Guidance on Affordable Housing which was approved at Full Council in July 2005.

There has been lengthy dialogue on affordable housing provision leading up to the submission of the August 2005 planning application. The consultants for the applicants accept the strategy for providing affordable housing, but argue that due consideration has to be given to the fact that the sheltered housing scheme here is already meeting a particular 'need', and that it is unreasonable to insist upon the provision of affordable units on the size as it is not viable physically or economically to mix open market and affordable sheltered housing in a high density scheme. The consultants are aware the SPG allows for consideration of situations where separate OAP sheltered housing needs are being met, and that off site provision for affordable housing can be acceptable. The application consequently contains an offer of payment of a commuted sum of £214.00 for off site affordable housing, as

negotiated with officers of the Housing Section on the basis of the formula for calculation in the Affordable Housing SPG. This would be secured by a S106 obligation.

vii) Open Space

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 small garden areas at the front and an amenity space at the 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 and discounting of contribution to children's open space. The payment based on community recreational open space only (not children's space) and occupancy levels of between 1 and 2 persons per apartment would be around £25,000. This would be secured by a S106 obligation.

**SUMMARY AND CONCLUSIONS:**

13. Taking all matters into consideration and the resolution of the Committee in September 2005 to raise no objections to the applications forming the subject of the non-determination appeals, it is concluded that the proposals are acceptable subject to conditions and a legal obligation relating to the commuted sum payments for affordable housing and open space.

The recommendation is subject to the completion of a Section 106 Obligation within 12 months of the date of the Committee resolution, to secure:-

- (a) The payment of a commuted sum of £214,000 in lieu of the provision of affordable housing on the site.
- (b) The payment of a commuted sum of £25,000 in lieu of the provision of open space within the site.

The Certificate of decision would only be released on completion of the legal obligation, and on failure to complete within the time period, the application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time.

**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 formal written approval of the Local Planning Authority shall be obtained to the following details prior to the commencement of works thereon:
  - the external joinery, including the opening method for windows,
  - the type and colour of ridge tiles,
  - the brickwork/stonework for piers,
  - the railings, including design, materials and final colour,
  - proposals for external lighting
3. None of the buildings shall be brought into use until drainage works showing foul, surface water and land drainage works have been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the

approved scheme 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. None of the accommodation units hereby permitted shall be occupied until the parking spaces shown on the approved plan have been surfaced and marked out.

6. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the finished floor levels of all the units and to the proposed final levels of the access road, car park, gardens and sitting out area. The finished floor level shall be set 600mm above existing ground level.

7. No work shall be permitted to commence until there has been carried out a comprehensive 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.

8. In the event that the site survey required by Condition 7 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.

9. 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.

10. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority. Surface water generated from new impermeable surfaces must be limited to equivalent Greenfield rate for the site, the level of which to be agreed with the Local Planning Authority in consultation with the Environment Agency Wales.

11. The flats hereby permitted, other than that occupied by the house manager, shall be only occupied by persons aged 55 and over.

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 satisfactory drainage of the site and to avoid flooding.
4. To ensure in the interests of visual amenity and satisfactory standard of landscaping in conjunction with the development.
5. To ensure the parking facilities are available in the interests of highway safety.
6. To ensure the levels are satisfactory with regard to potential flood levels.

7. To ensure that the extent of contamination is established and that adequate steps are to be taken to deal with the contamination.
8. To ensure that the extent of contamination is established and that adequate steps are to be taken to deal with the contamination.
9. To ensure that suitable measures are taken to deal with contaminated land in connection with the development.
10. To prevent the increased risk of flooding on and off site.
11. In view of the approach to affordable housing, open space and parking requirements.

**NOTES TO APPLICANT:**

Any works (including temporary works), in, under, over or adjacent to any watercourse may require the formal consent of the Environment Agency prior to works commencing. In accordance with the agency's "no-culverting" policy, consent for culverting will only normally be granted for site access purposes.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994.

**ITEM NO:** 13

**WARD NO:** Llangollen

**APPLICATION NO:** 03/2005/0940/ CA

**PROPOSAL:** Demolition of petrol filling station, garage/bus depot and demolition of side/rear chapel extensions (conservation area consent)

**LOCATION:** Abbey Road Garage Abbey Road Llangollen

**APPLICANT:** McCarthy & Stone (Devs) Ltd.

**CONSTRAINTS:** C2 Flood Zone  
Conservation Area  
Canal Consultation Zone

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

**CONSULTATION RESPONSES:**

21. LLANGOLLEN TOWN COUNCIL  
See comments on previous application ( Code No. 03/2005/939/PF).
22. SENIOR CONSERVATION OFFICER  
No objection. The making good of the remaining walls and roof of the chapel needs to be detailed. Demolition should not be permitted until a contract for redevelopment has been signed.

**RESPONSE TO PUBLICITY:**

As for 3/2005/0939/PF

**EXPIRY DATE OF APPLICATION: 09/10/2005**

**REASONS FOR DELAY IN DECISION:**

- Awaiting consideration by Committee

**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 planning application for the redevelopment of the site by a total of 37 apartments (03/2005/0939/PF).

**RELEVANT PLANNING HISTORY:**

2. See previous report on the agenda.

**PLANNING POLICIES AND GUIDANCE:**

3. Denbighshire Unitary Development Plan  
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:**

4.
  - i) Case for demolition/impact of removal of the building.
5. In relation to the main planning considerations in paragraph 4:-
  - 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 designed scheme would enhance the conservation area.

**SUMMARY AND CONCLUSIONS:**

6. Provided a planning permission is in place for the redevelopment of the site, and any approval for demolition is conditional on a contract being signed for the carrying out of the redevelopment works, it is considered appropriate to grant consent.

**RECOMMENDATION: GRANT CONSERVATION AREA CONSENT-** 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 demolition works shall be permitted to commence until a contract has been signed for the commencement and completion of the scheme for redevelopment of the site.
3. No demolition works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the making good of the exposed part of the chapel building, including the elevational treatment and use of external materials. The approved scheme for making good shall be implemented within 6 months of the chapel extensions.

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 the works to the chapel result in an acceptable appearance in the Conservation Area.

**NOTES TO APPLICANT:**

None



**ITEM NO:** 14

**WARD NO:** Llandrillo

**APPLICATION NO:** 07/2005/0777/ PC

**PROPOSAL:** Retention of weighbridge, lean-to extension to main timber processing building and structures to house peeler plant and cutter plant (retrospective application)

**LOCATION:** Corwen Forestry Timber Products Llandrillo Corwen

**APPLICANT:** Corwen Forestry Timber Products Ltd

**CONSTRAINTS:**

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

**CONSULTATION RESPONSES:**

1. LLANDRILLO COMMUNITY COUNCIL  
No response.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE  
No objection.
3. PUBLIC PROTECTION  
No objections subject to controls on hard surfacing around the weighbridge, and panelling of lean to extension. Peeler and pack cutter plant are effectively blocked from noise sensitive premises. Noise emissions from this plant are unlikely to be significantly above existing noise levels. Opportunity should be taken to regularise hours for whole site. .
4. ENVIRONMENT AGENCY WALES  
No objection. Suggest that Standard Advice Note is drawn to the applicant's attention.
5. PRINCIPAL COUNTRYSIDE OFFICER  
Has visited the site and does not consider that trees are under threat from felling.

**RESPONSE TO PUBLICITY:**

Representations received from:

1. Mr & Mrs B. Attwood, Cilan Caravan Park, Llandrillo.
2. Mr Colin Rogers, Site No 1, Cilan Caravan Park, Llandrillo.
3. Mrs M. Jones, 61 Queen Street, Queensfery, Deeside, Flintshire (occupier of caravan on Cilan Caravan Park).
4. Mr I. D.H. Preston, Cilan, Llandrillo.

Summary of planning based representations:

- i) Principle of development – contrary to GEN 6(v) – impact on amenity of local residents, overdevelopment.
- ii) Impact on amenity – noise, dust, disturbance, hours of operation. Increased noise recently and insufficient attempts to reduce noise levels. Dust blows onto adjacent land/properties. Impact on tourism use of caravan site.
- iii) Impact on highway – parking and turning areas should be designated on the site, site entrance poor, narrow approach road used by pedestrians, including children, increase in numbers of lorries passing through village.

- iv) Proximity to River Dee – activities on site have caused pollution in the past and could lead to further pollution of the river, particularly given propensity of area to flooding.
- v) Concerned about retrospective nature of application and time taken to submit applications since unauthorised works took place.
- vi) Weighbridge cannot be justified on basis of previous railway weighbridge not used for over 40 years. Sited with insufficient regard for appearance of area or impact on caravan site.
- vii) Drainage problems – water runs off weighbridge onto adjacent land, question whether existing drainage system is adequate.
- viii) Impact of comings and goings of employees and lorries, particularly early in morning.
- ix) Use of “private road”.
- x) Need to preserve fir trees to north of Station House.
- xi) Question whether all employment is local as stated in the application.

**EXPIRY DATE OF APPLICATION: 06/09/2005**

**REASONS FOR DELAY IN DECISION:**

- delay in receipt of key consultation response(s)
- awaiting consideration at planning committee
- further information required from applicant

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. Corwen Forestry Timber Products Limited is located at the Old Station Yard some 2/3 of a mile to the north west of the development boundary of Llandrillo, to the south of the River Dee and to the north of the B4401 towards Bala. The site is surrounded by agricultural land to the north, south and west, with a caravan park and a private dwelling adjoining the site to the east. The access road from the B4401 to the first site entrance adjacent to Station House, which is used as a staff office, is adopted. A second entrance along a private lane is some 40m north east.
2. The saw mill was originally granted planning permission by the former Meirioneth County Council in 1974. The timber yard was extended into the adjoining agricultural haulage yard following the grant of planning permission in May 1986 resulting in the total area of land approximately 1.2 ha. The existing owner has been operating from the site since October 2002. An additional parcel of land, approximately 0.19ha in area and to the north east of the saw mill, is subject to a current application for a certificate of lawfulness for an existing use, application reference code: 07/2005/0962/LE.
3. The proposal is for retrospective planning permission for the retention of four structures sited within the sawmill site. The applicant advises that the structures were erected in 2003 as part of re-organising the internal layout of the mill to maximise efficiency and to minimise impact on the neighbouring land owners. The unauthorised structures came to the attention of the Council in December 2004 and have been subject to an enforcement investigation resulting in the submission of this application and the lawful use application. The structures include the following:

Peeler Plant: - comprising of an open steel clad structure to house the virgin timber pole peeler sited on the northern boundary opposite the site entrance adjacent to Station House.

Pole Cutter Plant: - comprising of an open steel clad structure to house the timber cutting plant and ancillary machinery also sited to the northern boundary of the site.

Weighbridge: - comprising of two concrete ramps and a steel plate weighbridge 0.5 metres above ground level. The weighbridge is sited to the south east boundary approximately 25 metres to the north east of second entrance into the saw mill.

Extension to the existing shed: - Comprising of an additional lean-to bay to the existing timber processing shed with a floor area of approximately 84 square metres. Materials and finishes match those on the existing shed.

**RELEVANT PLANNING HISTORY:**

4. See para. 4 above and:
  - 07/2000/1078/PF – Erection of a roof over timber storage area – GRANTED 19/01/2001
  - 07/2004/1462/PS – Removal of condition on 1986 permission to allow storage of timber on land. WITHDRAWN April 2005
  - 07/2005/962/LE – Application for the Certificate of Lawfulness for the Existing Use of site at Timber Saw Mill – Decision Pending

**PLANNING POLICIES AND GUIDANCE:**

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)
  - Policy GEN 3 – Development outside Development boundaries
  - Policy GEN 6 – Development Control Requirements
  - Policy EMP 11 – Expansion / Intensification of Existing Employment Premises
  - Policy ENP 1 – Pollution

**GOVERNMENT GUIDANCE**

Planning Policy Wales – March 2002  
TAN 11 Noise – 1997  
TAN 15 – Development and Flood Risk July 2004

**MAIN PLANNING CONSIDERATIONS:**

6.
  - i) The principle of development
  - ii) Impact on residential amenity
  - iii) Impact on visual amenity, including existing trees.
  - iv) Impact on highway safety
  - v) Control on operations on the site e.g. hours of working
  - vi) Flood risk, drainage and pollution
  - vii) Other issues raised by objectors
7. In relation to the considerations as noted in paragraph 6:
  - i) The use of the land as a saw mill has been established for many years. The proposal is for the repositioning of one existing machine further away from the neighbouring caravan park, extension to the roof over a shed, siting of a new piece of machinery to diversify the output from the sawmill, and a weighbridge to monitor the weight of loaded outgoing vehicles from the site in accordance with other legislation. There is no proposal to expand the existing site boundary. The relevant Policy EMP 11 allows for expansion, extension and intensification of an existing employment site subject to the proposal not resulting in an unacceptable impact on amenity, environment and highway connections. Policy GEN 6 contains similar criteria. The proposals are not considered to represent an overdevelopment of the site. Thus subject to consideration of the detailed impacts, the principle of the development is

considered acceptable.

- ii) With regard to impact on residential amenity, including that of the adjacent caravan site, consideration needs to be given to the existing long standing use of the site as a saw mill. It is understood that complaints to Public Protection about noise and dust were not received until November 2004, around the time of the submission of the application noted at para. 4 as being withdrawn. Since then Public Protection have been able to carry out noise measurements and observe the dust nuisance at the site. Public Protection are satisfied that the plant and machinery now proposed are not creating noise emissions significantly above the existing noise levels generated by the existing operations on this site. Clearly with a saw mill, noise and dust will be generated. Controls can be exercised through control of pollution legislation. Public Protection are satisfied with the general management of the site but are working with the site owner to implement further changes to working practices in light of recent complaints. In addition, specific planning conditions relevant to the current application can be imposed e.g. hard surfacing, and panelling in of lean to extension. In relation to traffic movements and timings, again these relate to an existing saw mill operation.
- iii) The proposals are for development within the confines of the existing site and do not materially impact on the surrounding landscape. The existing trees and hedges to the site perimeter are not affected by these proposals. The area has no specific landscape designation.
- iv) The Head of Transport and Infrastructure is satisfied that there would be no material additional impact on traffic movement to and from site by virtue of this proposed development. There is adequate space within the site for the turning and parking of vehicles. The current proposals would not impinge on those areas. Existing accesses to the site have been used since at least the 1970's.
- v) The saw mill is long standing and the majority of the operations are not subject to planning controls. The hours of operation have only been controlled over part of the site since May 1986 (condition on May 1986 permission). The objectors have raised the lack of control on overall opening hours and in particular the early morning activities which impact on their residential amenity. Whilst sympathetic to these concerns, and mindful of the comments of Public Protection, it is considered unlikely that a condition could be imposed controlling operations on the overall site in the context of the current proposals. A legal view on this scenario is being sought and will be conveyed to members at Planning Committee.
- vi) The site is not within a flood risk zone. The development is not classified as highly vulnerable. The proposals would not materially impact on the existing drainage of the site or in themselves cause pollution of nearby watercourses. Pollution incidents can be controlled by relevant legislation enforced by the Environment Agency and Public Protection.
- vii) The fact that the application is retrospective should have no bearing on the assessment of the application. The concerns about delays in resolving the breaches of planning control are noted. However, the Council has followed Government advice in relation to enforcement expediency. Complaints about how the Council have approached the case can be pursued elsewhere.

**SUMMARY AND CONCLUSIONS:**

8. The main issue to consider is the impact of the increased activity on the neighbouring residential amenity. The only additional activities are the siting of the new pole peeler and the weighbridge. The extension to the shed providing a roofed area and the relocating of the existing pack cutter to the other side of the sawmill are considered to result in reduced impacts. The application is considered acceptable subject to conditions as set out below.

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

1. The area around the weighbridge shall be hard surfaced within 3 months of the date of this permission in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.
2. Before 31 December 2005, a scheme for noise attenuation for the structures hereby permitted shall be submitted to the Local Planning Authority for approval. The approved scheme shall be fully implemented before 30 April 2006.
3. The peeler and cutter plant shall not be operated and the weighbridge not used outside the following hours:  
Monday to Fridays (excepting Bank Holidays) - 0800 hours to 1800 hours  
Saturdays - 0800 hours to 1300 hours  
At no time on Sundays or Bank Holidays

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

1. In the interests of amenity.
2. In the interests of the amenity of occupiers of nearby residential property.
3. In the interests of the amenity of occupiers of nearby residential property.

**NOTES TO APPLICANT:**

None

**ITEM NO:** 15

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

**APPLICATION NO:** 21/2005/0978/ PF

**PROPOSAL:** Erection of dwelling

**LOCATION:** Camp Alyn Tafarn-Y-Gelyn Llanferres Mold

**APPLICANT:** Mr R Astbury

**CONSTRAINTS:** Within 67m Of Trunk Road  
Tree Preservation Order  
AONB

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

**CONSULTATION RESPONSES:**

23. LLANFERRES COMMUNITY COUNCIL

"The Community Council wish to submit the following comments and request further advice as this planning application is not clear.

- i) On the formal letter from the County Planning Office, the proposal is for 'erection of dwelling'.  
If this is therefore a 'new dwelling' then it is:-
  - a) Outside the development area.
  - b) Would be visually obtrusive and detract from the rural area of AONB.
  - c) Contrary to Policies GEN 6, ENV 2, HSG 5 AND HSG 6 of the Development Plan.
  
- ii) On the official form of application for planning permission – Part 1 – the applicant confirms the description of the proposal as 'replacement cottage'.  
If this is therefore a 'replacement cottage' then:-
  - a) In July 2002 an Application for a Certificate of Lawfulness as a residential dwelling was submitted for this site. This was followed by an application for the development of the land by the erection of a dwelling (21/2002/1198/PO). This application was refused on the grounds that there was no evidence that the existing building had a lawful use as a permanent dwelling as it was in a ruinous state and was neither habitable in its existing condition nor capable of being made habitable without extensive rebuilding. Any rebuild would be subject to the comments above.

Due to the conflicting information this application gives, it would be appreciated if you would clarify the situation in order that the Community Council make an informed decision as to their response.

The Community Council now await your response."

Letter sent to Community Council – response awaited.

24. JAC AONB COMMITTEE

"To object to this application on the grounds that the size, mass and design of the proposed building is inappropriate in the AONB; it would represent a new dwelling in the open countryside; and would set a precedent for future similar proposals in the AONB".

25. PRINCIPAL COUNTRYSIDE OFFICER

Excessive felling of trees had taken place previously leading to TPO's being made on those remaining. This proposal would not affect these trees.

26. COUNTY ARCHAEOLOGIST

Request record be made of one of the remaining 'holiday chalets' dating from Second World War.

27. WELSH ASSEMBLY HIGHWAYS

Does not wish to issue a direction.

28. HEAD OF TRANSPORT AND INFRASTRUCTURE

Awaiting response

29. WELSH WATER

Permit with standard conditions.

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION: 25/10/2005**

**REASONS FOR DELAY IN DECISION:**

- Need to report to Planning Committee due to enforcement implications

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

1. The application site is located within open countryside in the designated Area of Outstanding Natural Beauty. The site is accessed off a bridleway to the east. The bridleway runs in a northerly direction to Tafarn y Gelyn and further north to the A494 trunk road. The site measures some 70m at its longest by 44m at its widest with mature trees, the subject of preservation orders, around its perimeter. The site is bounded to the north by a property called Cornerways, whilst to the southern boundary is a telephone exchange.
2. A green painted timber chalet building used for holiday purposes from around the Second World War is situated in the centre of the site. This building has been the subject of a number of planning entries over the years with the Council taking the view that, without the benefit of a certificate of lawfulness, the building cannot be considered to be lawfully a dwelling.
3. Permission is sought to erect a new dwelling on the site of the existing building. The applicant has stressed that the application be termed as a "Replacement Dwelling" considering the building has been used as such over a long period of time. However, the Council has once again stressed to the applicant the need to first submit a certificate of lawfulness in order to establish whether the building has lawful use rights as a permanent dwelling.

Such an application has not been forthcoming and it is now considered pertinent to report this application to Committee. The proposed new dwelling in this location should, therefore, be assessed in the light of the relevant adopted policies and guidance listed below. Members should also be mindful of the enforcement implications arising from the site as explained later in this report.

**RELEVANT PLANNING HISTORY:**

**4. 21/2002/043/LE**

Certificate of Lawfulness for existing use of building as residential dwelling – WITHDRAWN 30/10/2002

**21/2002/1198/PO**

Outline application for 1 no. dwelling – REFUSED 16/1/2003

**21/2002/863/TP**

Tree works – GRANTED 18/09/2002

**21/2003/1339/PF**

Erection of bedroom extension – REFUSED 25/02/2004 and DISMISSED on appeal – 20/07/04

**PLANNING POLICIES AND GUIDANCE:**

**5. Denbighshire Unitary Development Plan**

- Policy STRAT 5 - Design
- Policy STRAT 6 - Location
- Policy STRAT 7 - Environment
- Policy ENV 2 - Development affecting the AONB
- Policy GEN 6 - Development Control Requirements
- Policy HSG 6 - New dwellings in the Open Countryside

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002

**MAIN PLANNING CONSIDERATIONS:**

**6.**

- i) Principle of new dwelling in this location/use rights
- ii) Impact on visual amenity/AONB

**7. In relation to the points raised in paragraph 6 above:-**

- i) The Local Planning Authority have not described the proposal as initially stated by the applicant as to term the proposal as a “Replacement Dwelling” could infer acceptance that a dwelling does exist on the site. Under the provisions of the Town and Country Planning Act, therefore, the Local Planning Authority have written to the applicant explaining that he should submit a certificate of lawfulness first, in an attempt to establish a lawful use. Whilst such an application was submitted in 2002, it was subsequently withdrawn by the applicant.

The applicant has not submitted a lawful use application in response to recent requests but is claiming that the building is being used as a dwelling. On the balance of evidence available and planning history of the site it is unlikely that the Authority could issue a certificate of lawfulness as the use of the building



as a dwelling for more than 4 years is not established/proven. An application in 2003 for the erection of a dwelling on the site, which included the demolition of the existing structure, was refused on two grounds (a) there was no evidence that the existing building had a lawful use as a permanent dwelling and (b) visual intrusion/detraction from the amenities of the AONB. It is the Local Planning Authority's view that there has been no further evidence submitted or change in material circumstances to make a different decision on this occasion. Clearly, however, the Council would need to take the appropriate steps to ensure cessation of the alleged use by the applicant of the building prior to the use becoming lawful.

The proposal, as submitted, therefore, is considered unacceptable as it effectively represents a new dwelling in the open countryside, not for an essential need, contrary to the relevant policies and guidance which seek to prevent the sporadic growth of residential units outside defined settlement areas.

- ii) The proposed dwelling of two storey design on a footprint doubling that of the existing structure on the site would, by reason of its size, mass and design be inappropriate and unacceptable within this designated AONB location. This type of development within the AONB, which is clearly contrary to policies relating to new dwellings in the open countryside or replacement dwellings in the open countryside (by reason of its size, scale and design) would set an unwanted precedent for further intrusive development in this sensitive location.

**SUMMARY AND CONCLUSIONS:**

- 8. There is no proven authorised residential use at this site and the applicant has failed to provide further information or a certificate of lawfulness to attempt to establish such a use. As such, the proposed dwelling is unacceptable and is contrary to policies seeking to control development within the AONB and outside defined settlement boundaries.

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

- 1. It is the Council's view that as the existing building on site has no lawful use rights as a permanent dwelling the proposed dwelling on this site represents an unacceptable form of residential development outside any defined settlement boundary contrary to Policies GEN 3 and HSG 6 of the Denbighshire Unitary Development Plan along with Policies of the National Assembly for Wales.
- 2. The development of the site by the erection of a new dwelling would, by reason of its size, mass and design, have an unacceptable impact on the appearance of the designated AONB and would set an unwanted precedent for similar inappropriate types of residential development in such sensitive locations.

**NOTES TO APPLICANT:**

None

## **ENFORCEMENT REPORT – Camp Alyn, Tafarn y Gelyn, Llanferres**

1. The building referred to in the preceding report is not considered to have any lawful use rights as a permanent dwelling and yet is claimed to be occupied by the applicant. Therefore, this report seeks Member authorisation to take the necessary enforcement action. In considering taking enforcement action against unauthorised uses the provision of the Human Rights Act 1998 are taken into account. In this instance, it is considered that an abandoned holiday chalet is being used as a permanent dwelling and this use has commenced in the last 4 years. To allow this use to continue would establish the lawful status of the building as a dwelling which could give rise to a negative impact on the designated AONB and which would result in a residential use outside designated settlement boundaries contrary to recognised 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 use commenced within the last 4 years.
3. The use of the building and site is considered unacceptable for reason 1 given in refusing the planning application and must cease before it becomes lawful. Planning conditions would not be capable of making the use acceptable..

### **Recommendation :**

That authorisation is given for the following:-

- i. Serve an Enforcement Notice to cease the use of the building as a dwelling.
- 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 which legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

**ENFORCEMENT MATTERS**

- (i) **ENF/ 2005/00059** : Plot 1 Holiday Chalet Site Llantysilio  
Llangollen  
Holiday let cabin used as sole residential accommodation
  
- (ii) **ENF/2005/00060** : Plot 3 Holiday Chalet Site Llantysilio  
Llangollen  
Holiday let cabin used as sole residential accommodation
  
- (iii) **ENF/2004/00061** : Plot 4 Holiday Chalet Site Llantysilio  
Llangollen  
Holiday let cabin used as sole residential accommodation

**PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2005/00059  
**LOCATION:** 1 Bryn Derw, Llidiart Annie, Llantysilio, Llangollen  
**INFRINGEMENT:** Holiday let cabin used as sole residential accommodation

**RELEVANT PLANNING POLICIES AND GUIDANCE**

**DENBIGHSHIRE UNITARY DEVELOPMENT PLAN**

Policy GEN 3	Development Outside Development Boundaries
Policy GEN 4	Scattered Development Outside Development Boundaries
Policy GEN 6	Development Control Requirements
Policy HSG 6	New Dwellings in Open Countryside
Policy ENV 2	Area of Outstanding Beauty
Policy STRAT 6	Location of Development
Policy STRAT 7	Protection of the Environment

**GOVERNMENT GUIDANCE**

Planning Policy Wales, March 2002  
TAN 9 (Wales) Enforcement of Planning Control

**HUMAN RIGHTS CONSIDERATIONS**

The Local Planning Authority considers that the rights of an individual to reside in holiday let units as his/her main sole residence does not outweigh the necessity to ensure that current planning policies and conditions are complied with in such instances. No Human Rights issues have been raised in this case.

**PLANNING HISTORY**

Section 106 Agreement dated 22/10/1991.

38/11362 Replace 5 caravans with 4 holiday log cabins (outline application) – Granted 14/11/1991.

38/13298 Retention of log cabin without compliance re. conditions relating to holiday use and period of occupation as granted under 38/11362 – Refused 30/3/1993.

38/13592 Retention of one chalet as dwelling unit in lieu of 4 holiday cabins as approved under Code No. 38/11362. Refused 1 September 1993 and on appeal to Welsh Office Inspectorate.

27/75/96/PS Amendment to Condition - 4 Holiday Use and Condition No. 6 – Period of Occupation of planning permission Code No. 38/11362. Granted on appeal to Welsh Office on 28/10/1996 subject to a condition, "The cabins shall be occupied for use as holiday accommodation only".

## **1. BACKGROUND INFORMATION**

- 1.1 No. 1 Bryn Derw is one of three log cabin holiday units on a site formerly known as the Llidiart Annie Holiday Site. It lies to the east of the hamlet of Llidiart Annie from which it is separated by a minor road between it and the Llantysilio Primary School.
- 1.2 Prior to the introduction of the log cabin units, the site was used with formal planning permission to site five caravans for holiday purposes.
- 1.3 In 1991 under Code No. 38/11362 Glyndwr District Council granted outline planning permission to replace five static caravans with four log cabins for holiday use. The permission was subject to compliance with conditions and completion of a separate Section 106 legal obligation relating to the holiday use of the cabins, control over their ownership and drainage works.
- 1.4 Condition No. 4 of the aforementioned permission stated that the cabins should be used solely as holiday accommodation and none should be used as permanent living accommodation, second homes or be let on a long leasing arrangement giving rise to lengthy periods of stay on a regular basis. Condition No. 5 stated the cabins should have a maximum floor area of 500 square feet. Condition No. 6 restricted the use to between 1<sup>st</sup> March and 31<sup>st</sup> October in any year. Conditions 4 and 6 have been subsequently amended on appeal.
- 1.5 The Section 106 agreement was signed between the Council, the applicant and the Royal Bank of Scotland on the 22 October 1991. Clause 3(I) imposed a restriction on the use of the cabins as holiday accommodation only. Clause 3(III) restricted use to between 1<sup>st</sup> March and 31<sup>st</sup> October.
- 1.6 A planning application, Code No. 38/13298 sought to remove Conditions 4, 5 and 6 to allow occupation by applicant's family between 1 November and 28 February the following year. The application was refused on the 30 March 1993. Following the submission of planning application Code No. 38/13592 on the 1 September 1993, Glyndwr District Council refused a planning application for the retention of one chalet unit as a permanent dwelling. An appeal was dismissed on the 1 June 1994.
- 1.7 On the 7 December 1995, a planning application, Code No. 27/75/96/PS, was received by the Council seeking the amendment of Condition No. 4 (holiday use) and Condition No. 6 relating to the period of occupancy as applied by planning permission Code No. 38/11362. On appeal to the Welsh Office on the 28 October 1996, an officer of the Inspectorate granted planning permission for all year round use of the cabins with a condition that the cabins should be occupied for use as holiday accommodation only.
- 1.8 In May 1999 an application was submitted under Code No. 27/283/99/ seeking the discharge of Clause 3(II) of the Section 106 Agreement to allow the sale of a person's interest in the cabins. The application was approved on the 30 July 1999.
- 1.9 The original planning permission allowed for four units on the site, however, only three have been built on Plots, 1, 3 and 4.
- 1.10 A Planning Contravention Notice was served on the owner on the 19 May 2005. The occupier has disclosed that he initially used the cabin on a weekend basis but for the nine months prior to June 2005 he has used it as his sole and main residence and continues to do so. This use contravenes the condition and Section 106 Agreement relating to the holiday use.

## **2. REASONS FOR TAKING ENFORCEMENT ACTION**

- 2.1 The breach of planning control in terms of compliance with the planning conditions relating to the use of the cabin has taken place in the last 10 years.
- 2.2 The planning permission for the use of the cabins was granted on the basis of holiday use, given the location of the site outside the development boundary, and in an Area of Outstanding Beauty. There is no justification for permanent residential use. The use would be contrary to national and local planning policies, including UDP Policies GEN 3, GEN 4, HSG 6 and ENV 2. The planning history indicates a consistent approach to resisting permanent use. require the enforcement of the condition relating to a holiday use as opposed to residential use, especially having regard to the several attempts at removing the holiday use requirement.
- 2.3 The service of an Enforcement Notice is the only effectual way to control the unauthorised use of the cabins for holiday use in the long term.
- 2.4 There is a also a breach of the Section 106 Agreement relating to the use of the cabins for holiday purposes.

## **3. ACTION REQUIRED**

- 3.1 Preparation and service of a planning enforcement notice alleging a breach of planning control relating to failure to comply with planning condition imposed on appeal under Code No. 27/75/96/PS with a requirement that the residential use of the cabin should cease and that it only may be used for holiday accommodation. The necessary action be taken to enforce the terms of the Section 106 obligation entered into in 1991.
- 3.2 Recommended period of compliance – 6 months
- 3.3 Prosecute any person(s) on whom a Notice is served if its requirements are not complied with within the appropriate period of compliance and no appeal made in relation to it.

**PLANNING ENFORCEMENT REPORT**

**REFERENCE:** ENF/2005/00060

**LOCATION:** 3 Bryn Derw, Llidiart Annie, Llantysilio, Llangollen

**INFRINGEMENT:** Holiday let cabin used as sole residential accommodation

**RELEVANT PLANNING POLICIES AND GUIDANCE**

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 3	Development Outside Development Boundaries
Policy GEN 4	Scattered Development Outside Development Boundaries
Policy GEN 6	Development Control Requirements
Policy HSG 6	New Dwellings in Open Countryside
Policy ENV 2	Area of Outstanding Beauty
Policy STRAT 6	Location of Development
Policy STRAT 7	Protection of the Environment

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002  
TAN 9 (Wales) Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The Local Planning Authority considers that the rights of an individual to reside in holiday let units as his/her main sole residence does not outweigh the necessity to ensure that current planning policies and conditions are complied with in such instances. No Human Rights issues have been raised in this case.

PLANNING HISTORY

Section 106 Agreement dated 22/10/1991.

Enforcement on 3 June 1993 a Breach of Condition Notice served on occupiers of No. 3 Bryn Derw requiring vacation of cabin and use of premises solely for holiday accommodation.

38/11362 Replace 5 caravans with 4 holiday log cabins (outline application) – Granted 14/11/1991.

38/13298 Retention of log cabin without compliance re. conditions relating to holiday use and period of occupation as granted under 38/11362 – Refused 30/3/1993.

38/13592 Retention of one chalet as dwelling unit in lieu of 4 holiday cabins as approved under Code No. 38/11362. Refused 1 September 1993 and on appeal to Welsh Office Inspectorate.

27/75/96/PS Amendment to Condition - 4 Holiday Use and Condition No. 6 – Period of Occupation of planning permission Code No. 38/11362. Granted on appeal

to Welsh Office on 28/10/1996 subject to a condition, "The cabins shall be occupied for use as holiday accommodation only".

27/283/99/PS Discharge of 106 Agreement relating to legal estate/ownership of cabins granted 30/7/1999.

## **1. BACKGROUND INFORMATION**

- 1.1 No. 3 Bryn Derw is one of three log cabin holiday units on a site formerly known as the Llidiart Annie Holiday Site. It lies to the east of the hamlet of Llidiart Annie from which it is separated by a minor road between it and the Llantysilio Primary School.
- 1.2 Prior to the introduction of the log cabin units, the site was used with formal planning permission to site five caravans for holiday purposes.
- 1.3 In 1991 under Code No. 38/11362 Glyndwr District Council granted outline planning permission to replace five static caravans with four log cabins for holiday use. The permission was subject to compliance with conditions and completion of a separate Section 106 legal obligation relating to the holiday use of the cabins, control over their ownership and drainage works.
- 1.3 Condition No. 4 of the aforementioned permission stated that the cabins should be used solely as holiday accommodation and none should be used as permanent living accommodation, second homes or be let on a long leasing arrangement giving rise to lengthy periods of stay on a regular basis. Condition No. 5 stated the cabins should have a maximum floor area of 500 square feet. Condition No. 6 restricted the use to between 1<sup>st</sup> March and 31<sup>st</sup> October in any year. Conditions 4 and 6 have been subsequently amended on appeal.
- 1.4 The Section 106 agreement was signed between the Council, the applicant and the Royal Bank of Scotland on the 22 October 1991. Clause 3(I) imposed a restriction on the use of the cabins as holiday accommodation only. Clause 3(III) restricted use to between 1<sup>st</sup> March and 31<sup>st</sup> October.
- 1.5 A planning application, Code No. 38/13298 sought to remove Conditions 4, 5 and 6 to allow occupation by applicant's family between 1 November and 28 February the following year. The application was refused on the 30 March 1993. Following the submission of planning application Code No. 38/13592 on the 1 September 1993, Glyndwr District Council refused a planning application for the retention of one chalet unit as a permanent dwelling. An appeal was dismissed on the 1 June 1994.
- 1.6 On the 7 December 1995, a planning application, Code No. 27/75/96/PS, was received by the Council seeking the amendment of Condition No. 4 (holiday use) and Condition No. 6 relating to the period of occupancy as applied by planning permission Code No. 38/11362. On appeal to the Welsh Office on the 28 October 1996, an officer of the Inspectorate granted planning permission for all year round use of the cabins with a condition that the cabins should be occupied for use as holiday accommodation only.
- 1.7 In May 1999 an application was submitted under Code No. 27/283/99/ seeking the discharge of Clause 3(II) of the Section 106 Agreement to allow the sale of a person's interest in the cabins. The application was approved on the 30 July 1999.
- 1.8 The original planning permission allowed for four units on the site, however, only three have been built on Plots, 1, 3 and 4.
- 1.9 A Planning Contravention Notice was served on the owner on the 19 May 2005. It has been ascertained that two adult persons have used the cabin as a sole residence



since the 14 February 2005 and continue to do so.

- 1.10 The use contravenes the planning condition and Section 106 Agreement relating to the holiday use of the cabin.

## **2. REASONS FOR TAKING ENFORCEMENT ACTION**

- 2.1 The breach of planning control in terms of compliance with the planning conditions relating to the use of the cabin has taken place in the last 10 years.
- 2.2 The planning permission for the use of the cabins was granted on the basis of holiday use, given the location of the site outside the development boundary, and in an Area of Outstanding Beauty. There is no justification for permanent residential use. The use would be contrary to national and local planning policies, including UDP Policies GEN 3, GEN 4, HSG 6 and ENV 2. The planning history indicates a consistent approach to resisting permanent use. require the enforcement of the condition relating to a holiday use as opposed to residential use, especially having regard to the several attempts at removing the holiday use requirement.
- 2.3 The service of an Enforcement Notice is the only effectual way to control the unauthorised use of the cabins for holiday use in the long term.
- 2.4 There is a also a breach of the Section 106 Agreement relating to the use of the cabins for holiday purposes.

## **3. ACTION REQUIRED**

- 3.1 Preparation and service of a planning enforcement notice alleging a breach of planning control relating to failure to comply with planning condition imposed on appeal under Code No. 27/75/96/PS with a requirement that the residential use of the cabin should cease and that it only may be used for holiday accommodation. The necessary action be taken to enforce the terms of the Section 106 obligation entered into in 1991.
- 3.2 Recommended period of compliance – 6 months
- 3.3 Prosecute any person(s) on whom a Notice is served if its requirements are not complied with within the appropriate period of compliance and no appeal made in relation to it.

## PLANNING ENFORCEMENT REPORT

**REFERENCE:** ENF/2005/00061  
**LOCATION:** 4 Bryn Derw, Llidiart Annie, Llantysilio, Llangollen  
**INFRINGEMENT:** Holiday let cabin used as sole residential accommodation

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

#### DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 3	Development Outside Development Boundaries
Policy GEN 4	Scattered Development Outside Development Boundaries
Policy GEN 6	Development Control Requirements
Policy HSG 6	New Dwellings in Open Countryside
Policy ENV 2	Area of Outstanding Beauty
Policy STRAT 6	Location of Development
Policy STRAT 7	Protection of the Environment

#### GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002  
TAN 9 (Wales) Enforcement of Planning Control

#### HUMAN RIGHTS CONSIDERATIONS

The Local Planning Authority considers that the rights of an individual to reside in holiday let units as his/her main sole residence does not outweigh the necessity to ensure that current planning policies and conditions are complied with in such instances. No Human Rights issues have been raised in this case.

#### PLANNING HISTORY

Section 106 Agreement dated 22/10/1991.

- 38/11362 Replace 5 caravans with 4 holiday log cabins (outline application) – Granted 14/11/1991.
- 38/13298 Retention of log cabin without compliance re. conditions relating to holiday use and period of occupation as granted under 38/11362 – Refused 30/3/1993.
- 38/13592 Retention of one chalet as dwelling unit in lieu of 4 holiday cabins as approved under Code No. 38/11362. Refused 1 September 1993 and on appeal to Welsh Office Inspectorate.
- 27/75/96/PS Amendment to Condition - 4 Holiday Use and Condition No. 6 – Period of Occupation of planning permission Code No. 38/11362. Granted on appeal to Welsh Office on 28/10/1996 subject to a condition, "The cabins shall be occupied for use as holiday accommodation only".
- 27/283/99/PS Discharge of 106 Agreement relating to legal estate/ownership of cabins granted 30/7/1999.

## **1. BACKGROUND INFORMATION**

- 1.1 No. 4 Bryn Derw is one of three log cabin holiday units on a site formerly known as the Llidiart Annie Holiday Site. It lies to the east of the hamlet of Llidiart Annie from which it is separated by a minor road between it and the Llantysilio Primary School.
- 1.2 Prior to the introduction of the log cabin units, the site was used with formal planning permission to site five caravans for holiday purposes.
- 1.3 In 1991 under Code No. 38/11362 Glyndwr District Council granted outline planning permission to replace five static caravans with four log cabins for holiday use. The permission was subject to compliance with conditions and completion of a separate Section 106 legal obligation relating to the holiday use of the cabins, control over their ownership and drainage works.
- 1.3 Condition No. 4 of the aforementioned permission stated that the cabins should be used solely as holiday accommodation and none should be used as permanent living accommodation, second homes or be let on a long leasing arrangement giving rise to lengthy periods of stay on a regular basis. Condition No. 5 stated the cabins should have a maximum floor area of 500 square feet. Condition No. 6 restricted the use to between 1<sup>st</sup> March and 31<sup>st</sup> October in any year. Conditions 4 and 6 have been subsequently amended on appeal.
- 1.4 The Section 106 agreement was signed between the Council, the applicant and the Royal Bank of Scotland on the 22 October 1991. Clause 3(I) imposed a restriction on the use of the cabins as holiday accommodation only. Clause 3(III) restricted use to between 1<sup>st</sup> March and 31<sup>st</sup> October.
- 1.5 A planning application, Code No. 38/13298 sought to remove Conditions 4, 5 and 6 to allow occupation by applicant's family between 1 November and 28 February the following year. The application was refused on the 30 March 1993. Following the submission of planning application Code No. 38/13592 on the 1 September 1993, Glyndwr District Council refused a planning application for the retention of one chalet unit as a permanent dwelling. An appeal was dismissed on the 1 June 1994.
- 1.6 On the 7 December 1995, a planning application, Code No. 27/75/96/PS, was received by the Council seeking the amendment of Condition No. 4 (holiday use) and Condition No. 6 relating to the period of occupancy as applied by planning permission Code No. 38/11362. On appeal to the Welsh Office on the 28 October 1996, an officer of the Inspectorate granted planning permission for all year round use of the cabins with a condition that the cabins should be occupied for use as holiday accommodation only.
- 1.7 In May 1999 an application was submitted under Code No. 27/283/99/ seeking the discharge of Clause 3(II) of the Section 106 Agreement to allow the sale of a person's interest in the cabins. The application was approved on the 30 July 1999.
- 1.8 The original planning permission allowed for four units on the site, however, only three have been built on Plots, 1, 3 and 4.
- 1.9 A Planning Contravention Notice was served on the owner on the 19 May 2005. It revealed that a male person had occupied the cabin as his main residence since the year 2000. His wife moved into the cabin in April 2005, having previously resided at No. 3 Bryn Derw.

## **2. REASONS FOR TAKING ENFORCEMENT ACTION**

- 2.1 The breach of planning control in terms of compliance with the planning conditions relating to the use of the cabin has taken place in the last 10 years.
- 2.2 The planning permission for the use of the cabins was granted on the basis of holiday use, given the location of the site outside the development boundary, and in an Area of Outstanding Beauty. There is no justification for permanent residential use. The use would be contrary to national and local planning policies, including UDP Policies GEN 3, GEN 4, HSG 6 and ENV 2. The planning history indicates a consistent approach to resisting permanent use. require the enforcement of the condition relating to a holiday use as opposed to residential use, especially having regard to the several attempts at removing the holiday use requirement.
- 2.3 The service of an Enforcement Notice is the only effectual way to control the unauthorised use of the cabins for holiday use in the long term.
- 2.4 There is a also a breach of the Section 106 Agreement relating to the use of the cabins for holiday purposes.

## **3. ACTION REQUIRED**

- 3.1 Preparation and service of a planning enforcement notice alleging a breach of planning control relating to failure to comply with planning condition imposed on appeal under Code No. 27/75/96/PS with a requirement that the residential use of the cabin should cease and that it only may be used for holiday accommodation. The necessary action be taken to enforce the terms of the Section 106 obligation entered into in 1991.
- 3.2 Recommended period of compliance – 6 months
- 3.3 Prosecute any person(s) on whom a Notice is served if its requirements are not complied with within the appropriate period of compliance and no appeal made in relation to it.

**ENFORCEMENT COMMITTEE AUTHORISATIONS**  
**CASE REVIEW REPORT**  
**October 2005**

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

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/292/97/S P7/521	Voel Las, Eryrys	26/11/97	Unauthorised alteration to levels of land and other unauthorised works.	Notice served, no appeal submitted. Compliance date: 09/04/99. Notice complied with. Hard and soft landscaping works in progress in connection with application ref: 15/76/99PF. Retrospective planning application 15/2004/345/PF granted.	Monitor compliance with remaining landscaping conditions, details of which are being implemented.  Initial breach resolved. Monitor more recent permission for extension and assess landscape implication. Possible NFA when checked.
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	31 unauthorised windows in listed building.	Notice served, appeal dismissed. Compliance date: 19/10/00, therefore now in breach.  4 windows replaced & considered acceptable. 27 windows retained but now painted white. Still in breach of the notice. Application submitted to retain the windows as painted (44/2003/1101/LB) refused according to recommendation. Schedule of works for compliance with the Notice has been agreed.	PPPS to monitor compliance with agreed schedule of works and to continue liaison with owner. <b>Site inspection required.</b>  Regular monitoring undertaken. Some windows installed.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/006/97/S P13/8	Lleweni Coach House & Stables, Lleweni Park, Denbigh	27/10/99	Neglect of listed building	No unauthorised development. Site has been sold.	PPPS to monitor situation and liaise with developer.  Proactively monitoring site in liaison with Conservation and new owner.  Possible NFA.
ENF/001/99/N P13/5	Elwy Bank, High Street, St. Asaph	09/05/00	Neglect of listed building	No unauthorised development simply a case of neglect of a listed building. Owner has completed interim works to improve the stability of the structure in accordance with Building Regulations.  Scaffolding now removed. Owner wants to retain the murals.  All existing openings boarded and painting black.  Planning application and application for listed building consent submitted April 2005 both of which were invalid due insufficient detail.	PPPS now awaiting required details to validate and process application, having met with owner to give advice.  Owner in contact with Officers with agreement reached for structural and painting works to be carried out.  Awaiting confirmation scaffolding can be placed on adjacent highway.
ENF/133/00/S P7/560	Llyn Cyfynwy, Lake Hill Farm, Llandegla	25/07/01	Residential twin unit caravan	Notice served, no appeal submitted. Compliance date: 31/10/02. Caravan not removed as required by the Enf notice and there are allegations that owner has returned to reside in the caravan.  Therefore in breach of Notice.	PPPS to monitor site.  <b>Site visit required to see if there is any progress on implementation of planning permission for permanent office building. Possible need for another PCN.</b>

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				Planning permission granted for retention of caravan for office use for period of 18 months. Planning permission granted also for permanent office building.	Existing mobile office to go by April 2005 but possible breach of Condition 2 17/2004/791.  Monitoring in progress. Site visit required. Invalid application submitted.
ENF/2003/0016 P7/601	208 High Street, Prestatyn	23/04/03	Unauthorised stall riser to shop front in Conservation Area.	Enforcement Notice re-served 16 December 2004.  Owner has already complied with other breach at this property with the removal of unauthorised signage and roller shutters.  Owner in breach of Notice relating to the unauthorised stall riser.	<b>Meeting with the owner to be arranged to progress compliance and give advice on alternative details for the stall riser.</b>  Owner to remove stallriser and reinstate. Works to be done in next month.
ENF/2001/005 P7/565	'Patina', 204 High Street, Prestatyn	25/07/01	Installation of roller shutter in Conservation Area	Trial held on 13/02/04 and defendant found not guilty on basis of technicality relating to serving of notice. Notice re-served 16 December 2004. Appeal lodged – written representations.  Appeal dismissed April 2005. Have agreed with owner of business that the time period for compliance be extended to end of September 2005 (to cover peak season) after which roller shutters will be removed.	PPPS to monitor compliance.  <b>Write to owner mid September to advise of need to take the shutters down after the end of September. If the occupier of the shop leaves then chase S. Aslam for their removal – he will remove given that he removed shutters from 208.</b>  As above. Mr. Aslam willing to co-operate.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/007 P7/568	Ty Isoe, Maes Maelor, Llandegla	30/01/02 25/05/05	Storage of vehicles and residential use	<p>Notice served, appeal dismissed. Compliance date: 01/04/04 and Owner is in breach of Notice.</p> <p>PPPS and LS have had various meetings with Environment Agency and joint action has been agreed in principle.</p> <p>12 October 2004 site inspection undertaken by PPPS and Environment Agency Officers. Breach is the same and within area of Notice.</p> <p>Update report to planning committee on 25 May 2005.</p> <p>EA successfully prosecuted owner in crown court May 2005. Owner fined £2000 and ordered to pay £7500 in costs. He has 6 months to pay or will face 45 days in prison.</p>	<p>Denbighshire have progressed plans in liaison with Highways (road closure), Social Services/Housing (Mr. Low's future) and with Legal.</p> <p>Delay in progressing action due to difficulties in getting salvage firm to provide method statement and costings.</p> <p>Denbighshire have stressed importance to move forward before bad weather.</p> <p>Meeting set up between Env. Agency/Denbighshire for week of 17 October 2005.</p>
ENF/2002/005 P7/573	Bryn Eglur, Llanrhaeadr	27/02/02	Extension to dwelling	<p>Notice served, appeal withdrawn. Compliance date: 02/12/03 Subsequent planning permission granted representing compromise solution.</p> <p>Details now submitted and agreed in respect of conditions relating to external finishes. All issues complied to satisfaction of PPPS.</p>	<b>NFA</b>



REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/025 P7/580	115 Coast Road, Rhyl	26/06/02	Mixed use, residential & car sales	<p>Retro. application refused and notice served. Subsequent appeal dismissed. Compliance date extended until 29/12/03.</p> <p>Owner considered to be in breach of the notice.</p> <p>2 Court appearances adjourned and trial finally held on 22 February 2005. Defendant pleaded not guilty.</p> <p>Despite evidence showing 20 different vehicles stored/displayed on forecourt over 9 month period, the Court found the defendant not guilty on the basis that there was "insufficient evidence to prove car sales".</p>	<p>PPPS to monitor.</p> <p><b>NFA original car sales use.</b></p> <p>File opened investigating new uses</p> <p>Planning application received to site 1 car for sale. PCN served seeking info. on use of whole site.</p> <p>Monitoring.</p>
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	<p>Retro application refused and notice served. Subsequent appeal allowed for temporary period while occupied by sick parents. Condition requiring planting to help screen the caravan. Planting scheme now implemented.</p>	<p>PPPS to monitor and ensure removal of caravan once vacated by sick parents.</p> <p>Parents remain in residence.</p>

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/033 P7/588	Chester House, 32 Sussex Street, Rhyl (Chaplins)	04/09/02	Installation of fascia sign in Conservation Area	Sign in Conservation Area displayed with deemed consent but considered unacceptable, not least as it has enclosed highway furniture. THI Project Officer and Planning Officers in discussion with owners to encourage improvements to sign and property.	Negotiations continue and Compliance Officer (THI –Rhyl) now in post to coordinate any action. Matter currently held in abeyance.  <b>Possible NFA? This is really for Highways to enforce.</b>  <b>NFA</b>
ENF/2002/017 P24/194	153 High Street, Prestatyn	04/09/02	uPVC shop front in Conservation area	Notice served. Compliance date: 21/01/04. Owner in breach of Notice. Planning application (43/2004/972/PF submitted for replacement shop front. Initial details of replacement shop front insufficient. Owner has now appointed agent and amended plans have been submitted.	Await for determination of planning application and then ensure implementation in accordance with the approved plans. <b>Need to chase up owner once the decision notice is issued to make sure he complies with any planning conditions and implements approve scheme asap.</b>  Check permission. Condition requiring start. Implementation required by February 2006.
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	PS have written to the quarry owner's legal representative on basis of advice received from Counsel & Committee resolution.	Welsh Assembly Government will be writing to operators of all quarries where there are undetermined review applications awaiting submission of environmental impact assessment details. Further information from Welsh Assembly Government awaited.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/043 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02	Storage of railway carriages and associated paraphernalia	Notice served and appeal heard by way of Public Inquiry. Appeal dismissed. Storage use to cease and all items removed by compliance date: 03/04/04.	PPPS monitoring situation. Prosecution held in abeyance as the owner is progressing with clearance of the site and demonstrating intent to comply with the requirements of the Notice.
ENF/2003/031 P7/592		23/07/03	Boundary fence & gates over 2m high	Notice served requiring removal of fence in 3 months. Compliance date : 26/03/04.  Owner in breach of both Notices and advised of possible prosecution.  Clearance of site is now in progress and owner is providing regular updates.	Prosecution held in abeyance. (see above)  The owner is making all sorts of excuses as to why the remaining carriage has not been removed.  Still liaising with site owner and railway heritage firms/sites who are willing to move carriage. Huge cost implication of taking Direct Action due to presence of asbestos on carriage.  <b>The owner has reduced the height of the unauthorised fence to 2m or less – and may well have complied with the requirements of the notice if this is the case.</b>
ENF/2003/009	Casgan Fishery, Llandegla	23/07/03	Residential use of caravan and stationing of vehicles	Enf action authorised to secure cessation of use & removal of vehicles. Notice served 30 June 2004 and has taken effect. No appeal submitted. Compliance date 19/02/05.  Residential use of caravan has ceased but there are still vehicles stationed on the site and there is therefore a breach of the Notice.	PPPS to liaise with LS to consider the appropriate further action.  <b>The only remaining breach is the stationing of vehicles? Direct Action?</b>  No residential use. No harm with remaining structures on site.  Still in liaison with site owner.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/028	Land adjacent to Unit 10, HTM Business Park, Abergele Road, Rhuddlan	03/09/03	Siting of Static Caravan for Residential Purposes	Enf. action authorised to secure cessation of residential use & removal of caravan. Notice served, 18 months for compliance given. Appeal lodged by way of written reps. Appeal dismissed June 2004 and Notice upheld. Compliance date 3 December 2005.	PPPS monitoring date for compliance.  Site visit after 3 <sup>rd</sup> December. Write 3 <sup>rd</sup> November to remind.
ENF/2003/038	60 Gronant Road, Prestatyn	01/10/03	Dev. not in accordance with that granted under pp Code No. 43/2001/1194/PF	Enf. action authorised to secure alterations to dormer to match approved plans. Notice served 6 months for compliance date : 22/06/04. Owner in breach of Notice. Planning application granted by June 2004 Planning Committee for an alternative scheme following pre-application discussions with Officers and the approved scheme is now being implemented.	PPPS to monitor the implementation of the alternative scheme.  Prosecution held in abeyance.  <b>Scheme now complete NFA</b>
ENF/2003/039	Tan y Graig, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed.  Situation has improved by the clearance of vehicles and it is now not considered expedient to take further action	<b>NFA</b>
ENF/2003/040	Penrhydgoch, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted.  Recent site inspection has revealed that the breach is partly addressed.	Enforcement Action still under consideration.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/041	Coral Spring, Ruthin Road, Llandegla	26/11/03	Use of land to site caravan & storage of cars	Enf. Action authorised to have vehicles and associated items removed. Notice served on 8 February 2005 and takes effect on the 17 March 2005. 6 months for compliance.	PPPS to monitor compliance date.  Substantial works carried out to comply with Notice.  Continue to monitor
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Enf Action authorised for serving Repairs Notice.  Repairs Notice served on owner 30 June 2004. No specific response or action from owner to address requirements of Notice.  Compulsory Purchase Order action approved by Cabinet.	PPPS to continue to liaise with owner, LS and Project Manager (THI).  <b>Eddy Booth a Consultant has been commissioned to do the works necessary for the CPO of the property. He will be in touch as he will need the planning files etc.</b>  Owner written to and informed of restrictions on removal of fixtures.  Proactive monitoring in liaison with Conservation.
ENF/2003/00042	Parc Bach Derwen, Corwen	24/03/04	Conversion of agricultural buildings to residential use.	Enf Action authorised to cease residential use and for demolition works. Notice served on the 6 August 2004. Appeal lodged and allowed with Notice quashed on basis of insufficient evidence of residential use. This is despite works undertaken to make building habitable, including new chimney stack as well as photos showing TV aerial on building and various white goods. However, the action has had the desired effect of control over the use which will prevent any future claim of lawful use.	PPPS to monitor site.  <b>NFA</b>

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2004/00033	5 Ochr y Foel, Eryrys	21/04/04	Erection of fence	Retrospective application 15/2004/166/PF refused and enforcement action authorised for removal of fence/lowering to 1 metre. Retrospective application 15/2004/1167/PF refused Enforcement Notice served 16 November 2004. Appeal lodged (written representations) but held in abeyance following submission of another retrospective application 15/2005/0116/PC has also been refused. Appeal now continuing and statements have been submitted to Planning Inspectorate.	PPPS to wait for appeal decision.  <b>Appeal dismissed. Ensure removal of fence or lowering in height.</b>  Not reached date of compliance.  Reminder letter to be sent.
ENF/2004/00035	Well Street Clinic, Ruthin	21/04/04	Display of externally illuminated advert sign	Retrospective application 02/2004/0086/AD refused and prosecution authorised for removal of means of illumination (2 lamps). One lamp now removed and the other to be removed following recovery of owner from recent illness.	Prosecution to be held in abeyance as there is intent to comply.  <b>Compliance – lights removed.</b>  <b>NFA</b>
ENF/2004/00058	4 Aspen Walk, Rhyl	21/04/04	Installation of 2 satellite dishes, one of which is 1m in diameter, to front of a dwelling	Enforcement action authorised for removal of larger dish. Notice served 8 February 2005 with 3 months for compliance. Notice takes effect 17 March 2005.	PPPS to monitor compliance date.  <b>Check on site. If in breach then prosecute/direct action?</b>  Prosecution proceedings instigated on larger of dishes.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Authorisation to serve Repairs Notice.  Property marketed and sold in July 2004 to property developer. Awaiting submission of planning application and application for listed building consent.	PPPS to monitor situation. Awaiting submission of planning application and listed building consent. Hold in abeyance any action.  <b>Chase up owners for likely date for submission of applications.</b>  Monitor K & C. Remedial works undertaken. application to be forthcoming.  Complaints ceased.
ENF/2004/00039	Pen Y Mynydd Bach, Rhuallt	19/05/04	Erection of grain silo.	Retrospective planning application refused and authorisation given to take enforcement action for removal of the grain silo. No appeal lodged against planning refusal. Enforcement Notice served 16 December 2004. Compliance date 24 July 2005.	PPPS to monitor compliance date.  <b>I understand that silo has been removed. Need to confirm on site – photographs. There may another planning application to site a silo on ground that this lower down and less prominent which may be acceptable.</b>  <b>NFA</b>
ENF/2004/00048	Workshop rear of 3 Gamlin Street, Rhyl.	01/09/04	Change of use form workshop to single dwelling and associated works.	Authorisation granted to serve Enforcement Notice to cease works, cease residential use and undertake any works required to cease the use.  Internal inspection undertaken. Internal alterations to provide accommodation undertaken but residential use not commenced. The property is being marketed as an office with Estate Agents.	PPPS to monitor.  <b>Need to inspect site on regular basis and liaise with estate agents.</b>  Estate agents marketing premises for commercial use.  No evidence of residential use.  Suggest NFA

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2004/00052	The Best, 16 High Street, Prestatyn	27/10/04	Internally illuminated sign.	Authorisation given to prosecute but case held in abeyance to allow negotiation with applicant.	PPPS to meet with applicant. Prosecution held in abeyance.  <b>The sign has been removed</b>  <b>NFA.</b>
ENF/2004/00053	Ruthin Kebab and Burger House, 54 Well Street, Ruthin	27/10/04	Introduction of ceramic tile cladding to shop front.	Authorisation to serve enforcement notice.  PPPS have instructed LS to draft Notice but still awaiting details of ownership.	<b>The frontage has been repainted at is now considered acceptable</b>  <b>NFA.</b>
ENF/2004/00012	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y Bryn Road, Glascoed Road, St Asaph	15/12/04	Erection of timber building for use as dwelling.	Retrospective application refused and authorisation to serve Enforcement Notice but allow 2 years for compliance.  Enforcement Notice served 6 May 2005 and takes effect 20 June 2005.	PPPS to monitor compliance date.  Continue to monitor.
ENF/2005/00003	Tan yr Allt Cottage, Ffordd Tanrallt, Meliden	26/01/05	Erection of timber sun house, decking and associated timber support.	Retrospective planning application refused and authorisation given to take enforcement action.  Enforcement Notice served 29 March 2005 with 2 month compliance period. Appeal lodged (informal hearing).	PPPS to draft statement of case and await outcome of appeal.  <b>Awaiting appeal decision.</b>



REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2005/26&27 &28	22,24,26 Trem y Coed, Clawddnewydd.	24/03/05	Change of use of agricultural land for domestic use.	Planning Committee resolved to invite planning applications (or a single planning application) and then to consider imposition of conditions relating to provision of hedge and removal of PD rights. Single planning application relating to the three properties now submitted.	<b>Planning application granted.</b>  <b>Details in relation to planning condition for rear boundary treatment submitted and considered acceptable. Letter in typing confirming this and asking for confirmation after the work has been completed. There is then a need for a site inspection and issue of approval of condition notice if considered acceptable.</b>
ENF/2005/00029	9 Castle Street, Rhuddlan	24/03/05	Fence over 1 metre in height adjacent to highway.	Authorisation given to serve notice to remove or lower the fence to 1 metre in height or less.	Awaiting confirmation of ownership prior to service of Notice and meeting with occupier to be arranged.  <b>Need to discuss with Housing as the property is owned by the Council.</b>  Awaiting confirmation that Housing will action removal of fence.  NFA if agreed.
ENF/2004/00042	Outbuildings at Bryn Eglur, Llanrhaeadr, Denbigh (old Chicken farm sheds)	24/03/05	Change of use of existing agricultural building to storage and distribution.	Retrospective planning application refused and enforcement action authorised to cease use and remove all items associated with the use.	Awaiting confirmation of ownership prior to service of Notice. <b>Awaiting amended application to be submitted which may address reasons for refusing previous application.</b>  Chase up revised application.  New application on its way from owner following extensive pre-application discussions.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2005/00045	Land at Hen Ardd adjoining Ash Grove, Mynydd Du, Eryrys	24/03/05	Extension of domestic curtilage.	Retrospective planning application refused contrary to recommendation and enforcement action authorised	Awaiting confirmation of ownership and liaising with LS prior to service of Notice.  <b>Reported to 31 August 2005 Committee with recommendation to NFA.</b>
ENF/2005/00045	Land at Hen Ardd adjoining Brackenwood, Village Road, Eryrys	24/03/05	Extension of domestic curtilage	Retrospective planning application refused contrary to recommendation and enforcement action authorised	Awaiting confirmation of ownership and liaising with LS prior to service of Notice. <b>Reported to 31 August 2005 Committee with recommendation to NFA.</b>
ENF/2005/00050	Rhoslydan, Bryneglwys, Corwen	25/05/05	Change of use of agricultural land for storage of containers to be used in connection with road surfacing activity.	Retrospective application submitted but withdrawn. Enforcement action authorised to cease use and remove associated items.  Applicant has advised that site will be cleared within the next 2 months.	PPPS to monitor and service of notice to be held in abeyance.  <b>Amended application reported to 31 August 2005 Committee.</b>  Temporary permission given.  Proactive monitoring of site & conditions
ENF/2004/00055	Plots 1-20 Tir Morfa Site, Meliden Road, Rhuddlan.	25/05/05	Erection of fence exceeding 1 metre in height adjacent to highway.	Retrospective application for approval of planning condition relating to screen fencing refused and authorisation given to take enforcement action to remove the fence or lower the height to 1 metre or less. Alternative scheme now submitted by developer.	Awaiting determination of alternative application and monitor implementation if approved.  <b>Need to write to developer to insist on the full implementation of the amended scheme regarding the boundary fence.</b>  Fence revised in September 2005. Continuing to monitor.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2005/00014	22 Cae'r Odyn, Eryrys.	25/05/05	Erection of fence exceeding 1 metre in height adjacent to highway and change of use of land to form extension to cartilage area.	Enforcement action authorised for removal of fence or lowering in height to 1 metre or less and to cease use of land.	Meeting to be arranged with owners who have indicated that they will remove fence etc and action therefore will be held in abeyance.  Monitoring site and pursuing removal of fence in liaison with owners.
ENF/2004/00051	10 Marble Church Grove, Bodelwyddan	22/06/05	Change of use of extension to use as a single dwelling.	Enforcement action authorised.	PPPS to instruct LS to draft Notice.  <b>Notice served. Appeal pending.</b>
C/45/2005/00243	Land opposite 81 Ffordd Derwen, Rhyl	22/06/05	Erection of sign.	Planning application refused contrary to recommendation, and enforcement action authorised.	PPPS to liaise with LS.  Appeal dismissed. Sign removed.  NFA
ENF/2005/00102	Armon Cottage, Llanferres	28/09/05	Erection of conservatory extension to side of dwelling	Retrospective p. application refused. Enf. action authorised	Section 330 awaited. Enf. Notice to be served.

PPPS – Planning and Public Protection Services

LS – Legal Services

DS – Development Services

SV – Site Visit

NFA – No Further Action

**REPORT BY THE HEAD OF PLANNING & PUBLIC PROTECTION**

**INFORMATION ITEM FOR PLANNING COMMITTEE**

**PUBLIC OPEN SPACE COMMUTED SUM SCHEME**

**1. PURPOSE OF THE REPORT**

- 1.1 This report is for information only. Its purpose is to provide Members with an update on the sums received and operation of the Public Open Space Commuted Sum Scheme. It is intended to provide an update report on the funding situation on a quarterly basis.

**2. BACKGROUND**

- 2.1 The Open Space Commuted Sum Scheme has been established following adoption of the Denbighshire Unitary Development Plan and Supplementary Planning Guidance Note No. 4 'Open Space Requirements in New Developments'. These documents require that where developments of 10 or more residential units are proposed that recreational outdoor open space shall be provided on site in accordance with the adopted standard of 3.2 Hectares (8 acres) per 1000 population.
- 2.2 Where it is not feasible or appropriate to provide the required open space on site then the Council may accept the payment of a commuted sum and make the required provision and maintenance on another site. However there is a clear preference for on-site provision. Commuted sum payments can be made via either a voluntary payment by the applicant, or a legally binding Section 106 Agreement.
- 2.3 Open space falls into 2 broad categories:  
1 – Community Recreational Open Space (CROS) i.e. formal pitches, parks etc  
2 – Children's Play Space i.e. equipped and informal play areas within housing developments.

Funding is calculated separately for each type of open space and funds collected accordingly.

Where commuted sums have been collected these are held in accounts based on town and community council areas. Funds collected must be spent within the same town or community council area as the development which generated the additional demand for recreational space. In exceptional circumstances i.e. for the provision of a new major sports facility, then funds from adjacent town or community council areas may be pooled to provide this type of facility which serves a large catchment area.

#### 2.4 Who Can Apply for Funding?

- Internal services within Denbighshire County Council
- Town and Community Councils
- Community and Voluntary Groups/Organisations.
- Public/Private partnerships

#### 2.5 What Type of Projects will be Eligible for Funding?

Funds can be used to lay out new open space or to enhance existing provision, thereby increasing usage. Valid improvements to existing provision include:

- improvements to make the site/facility more accessible;
- upgrade facilities to bring them up to modern standards;
- works to intensify use of the facility (i.e. all weather surfacing);
- drainage or surface works to extend the usage of the facility;
- fencing and lighting works to make the facility safer ;
- provision of changing facilities to increase use;
- car parking, or other essential services- again to increase and extend use ;

Payments can be made for the purchase of land for new or extensions to existing provision

**NB** Funds will not be used for-

- the normal maintenance of existing open space.
- To provide indoor sports facilities
- Professional clubs

2.6 **Appendix 1** details those payments that have been received to date. There are also a number of payments pending arising from resolutions to grant planning permission subject to the signing of a Section 106 agreement or awaiting commencements of developments. The list of payments will be updated as these are received. The list does not include payments made by developers for some specific projects that are not covered by the commuted sum scheme e.g. where a developer has

agreed with to make a payment to the Council to allow installation of a play area to discharge a planning condition.

- 2.7 Bids are invited on approximately a quarterly basis, the bids are assessed by a joint member/officer working group (Members: Cllr Mike German, Cllr Eryl Williams & Cllr Sue Roberts). The bids are subject to consultation with the local members and the relevant town/community council. Following this consultation the Head of Service is able to approve or reject the applications under delegated powers.
- 2.8 As can be seen from **Appendix 1** an offer of grant has been made to the Llangollen Partnership in respect of an application for the skate park at Riverside Gardens, Llangollen. The funds for this grant offer were generated from the development at Greenacres, Llangollen. The works have been substantially completed and it is anticipated that the grant will be claimed before the end of the current financial year.
- 2.9 There are a number of other applications currently being assessed or awaiting further information from the applicants. These are:
- Rhyl
    - Vaughan Street play area – new equipment
    - Rhyl Rugby Club – new fencing
    - Rhyl Adventure Playground Association – new toilets
  - Prestatyn
    - Tower Gardens (2 applications - football pitch & Multi Use Games Area (MUGA) to be located on the Ffrith Festival Gardens site
    - Parc Bodnant – new children’s play area
  - Denbigh
    - Lower Park extension
  - Rhuddlan
    - Admiral’s Fields MUGA – disabled access

### **3. Conclusions**

- 3.1 The Public Open Space Commuted Sum Scheme is generating significant levels of funding which will enable improvements to be made in open space provision in the areas that the developments have occurred.

**APPENDIX 1**

**OPEN SPACE COMMUTED SUM PAYMENTS**

**PAYMENTS RECEIVED AT 1<sup>st</sup> October 2005 (NB Figures include interest)**

<b>CC AREA</b>	<b>SITE</b>	<b>Provision</b>	<b>Maintenance</b>	<b>EXPIRY DATE</b>
RHYL	63/64 West Parade	12,829		2012
RHYL	Avondale Drive	17,873		2011
RHYL	Fron Fraith	15,782		2012
RHYL	76-82 West Parade	15,344	15,344	2013
RHYL	Morville Garage	13,703	10,418	
<b>Total</b>		<b>75,531</b>	<b>25,762</b>	

<b>CC AREA</b>	<b>SITE</b>	<b>Provision</b>	<b>Maintenance</b>	<b>EXPIRY DATE</b>
PRESTATYN	Tower Beach	60,868		2008
PRESTATYN	Parc Bodnant	31,333		2012
<b>Total</b>		<b>92,201</b>		

<b>CC AREA</b>	<b>SITE</b>	<b>Provision</b>	<b>Maintenance</b>	<b>EXPIRY DATE</b>
DENBIGH	Alafowlia Farm	29,039	67,140	2012
<b>Total</b>		<b>29,039</b>	<b>67,140</b>	

<b>CC AREA</b>	<b>SITE</b>	<b>Provision</b>	<b>Maintenance</b>	<b>EXPIRY DATE</b>
RHUDDLAN	Tir Morfa	15,199	16,248	2012
<b>Total</b>		<b>15,199</b>	<b>16,248</b>	

**Grant Offers Made**

<b>CC AREA</b>	<b>PROJECT</b>	<b>Provision</b>	<b>Maintenance</b>	<b>EXPIRY DATE</b>
LLANGOLLEN	Riverside Park, Skate Park Llangollen Partnership	22,429	25,071	2012
<b>Total</b>		<b>22,429</b>	<b>25,071</b>	



**REPORT BY HEAD OF PLANNING AND PUBLIC  
PROTECTION**

**APPEAL DECISION UPDATE**

**1. PURPOSE OF REPORT.**

1.1 To advise members of recent appeal decisions.

**2. BACKGROUND**

2.1 Appeal decisions received for July – September 2005 are set out in the attached appendix.

2.2 The table includes a column indicating the original decision level (Committee or Delegated), the Officer recommendation, and any costs applications and awards.

2.3 Whilst we are happy to answer questions on the appeal decisions at the Planning Committee, if there are any matters of detail that you would like to discuss please contact Mark Dakeyne or Ian Weaver prior to the meeting.

This report is for Members' information.

**DENBIGHSHIRE PLANNING APPEALS DECISIONS**  
**LIST OF APPEAL DECISIONS FROM 1<sup>ST</sup> JULY 2005 TO 30<sup>TH</sup> SEPTEMBER 2005**

DESCRIPTION	DECISION LEVEL/ RECOMMEN DATION	LOCATION	TYPE	DECISION DATE	APPEAL DECISION	COSTS	KEY ISSUES
Demolition of existing buildings & erection of 2 No. 1 bedroom apartments & 10 No 2 bedroom town houses, new access & associated parking	Committee/Grant	Meliden Garden Centre, 113 Ffordd Talargoch, Prestatyn	Written reps	27/06/2005	Dismissed	No	Not considered to represent overdevelopment but affordable housing provision below normal requirement and no evidence provided to support relaxation
Erection of dwelling and detached garage/workshop to replace existing caravan	Delegated/Refuse	The Caravan, Nr. the Watermill, Felin Einion, Pwllglas, Ruthin	Written Reps	20/07/2005	Dismissed	No	No policy justification for new dwelling in countryside despite lawful use rights for caravan
Formation of parking bay	Delegated/Refuse	Gerllan, Riverwood, & Riverview, Queen Street, Llangollen	Written Reps	27/07/2005	Dismissed	No	Setting back boundary wall and formation of parking bays would detract from character and appearance of conservation area
Erection of Fence	Committee/Enf Action	5 Ochor y Foel, Eryrys	Written reps	04/08/2005	Dismissed	No	Severe form of boundary treatment that is intrusive in residential area and looks out of place in rural setting
Erection of shed for the storage / maintenance of machinery and helicopter	Committee/Grant	Pentrecelyn Hall Pentrecelyn Ruthin	Written Reps	12/08/2005	Dismissed	No	Appearance would be out of context in garden of listed villa and detract from AONB.

**DENBIGHSHIRE PLANNING APPEALS DECISIONS**  
**LIST OF APPEAL DECISIONS FROM 1<sup>ST</sup> JULY 2005 TO 30<sup>TH</sup> SEPTEMBER 2005**

DESCRIPTION	DECISION LEVEL/ RECOMMEN DATION	LOCATION	TYPE	DECISION DATE	APPEAL DECISION	COSTS	KEY ISSUES
Change of use of land to provide extension to the garage forecourt for display of cars for sale, formation of new vehicular access to serve the proposed forecourt & repositioning of agricultural access & road.	Committee/Grant	Driver's Ltd., Nant Garage, Prestatyn	Hearing	09/09/2005	Allowed	Partial award applied for by appellant but not awarded. Consultants employed by Council cost £2000	Exceptional circumstances relating to safeguarding of jobs and contribution to local economy outweigh conflict with UDP. Overall appearance of development and highway arrangements would be improved.
Development of 0.157ha of land by erection of 1 dwelling & garage (outline application)	Delegated/Refuse	Rear of Upway, Glascoed Road, St. Asaph	Written Reps	13/09/2005	Dismissed	No	Contrary to UDP. Not infilling and unrelated to pattern of development. Access would have restricted visibility.
Change of use of existing dwellinghouse to create extension to existing day nursery (class D1) incorporating single storey rear extension and alterations to vehicular access/parking area	Committee/Grant	157 / 159 Vale Road, Rhyl	Hearing	21/09/2005	Allowed	No	Nursery in an appropriate location and extension and use of play area would not give rise to undue disturbance to nearby residents.
Retention of non-illuminate developers board (retrospective application)	Committee/Grant	Land Opposite 81, Ffordd Derwen, Rhyl	Written Reps	27/09/2005	Dismissed	No	Sign board intrusive against rural background and for residents opposite.
Proposed siting of 41 Static holiday caravans in lieu of 35 touring caravans & 6 chalets approved under	Committee/Refuse	Oakleigh House Park, Waen, St. Asaph	Hearing	30/09/2005	Dismissed	Awards applied for by both Council and appellant but	Static caravans would be obtrusive in landscape and not a sustainable location in terms of means of

**DENBIGHSHIRE PLANNING APPEALS DECISIONS**  
**LIST OF APPEAL DECISIONS FROM 1<sup>ST</sup> JULY 2005 TO 30<sup>TH</sup> SEPTEMBER 2005**

<b>DESCRIPTION</b>	<b>DECISION LEVEL/ RECOMMEN DATION</b>	<b>LOCATION</b>	<b>TYPE</b>	<b>DECISION DATE</b>	<b>APPEAL DECISION</b>	<b>COSTS</b>	<b>KEY ISSUES</b>
permission ref. 47/2001/1000/PF						not awarded.	transport. Existence of touring caravan permission does not justify proposal.

**Decisions Made by the Head of Planning and Public Protection  
under  
Delegated Powers  
1st - 30th September 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

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**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  
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01 /09 /2005 and 30 /09 /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>
00/2005/0888 / NA	<b>Neighbouring Authority Applications</b>  Erection of building to house sheep incinerator and wash-down area, construction of outside parking area, erection of fencing and landscaping at Derwydd, Llanfihangel Glyn Myfyr, Corwen	Conwy County Borough Council  <b>Case Officer - Catrin E Williams</b>	NO OBJ	01 /09 /2005
00/2005/1052 / NA	<b>Neighbouring Authority Applications</b>  Proposed temporary erection of 50m high guyed meteorological mast - Land at Braich Ddu Farm, Glanrafon, Corwen	Gwynedd Council  <b>Case Officer - Ian Weaver</b>	NO OBJ	19 /09 /2005
00/2005/1074 / NA	<b>Neighbouring Authority Applications</b>  Use of land as Transfer Station for general household and commercial waste at Gallaghers Yard, Foryd Bank, Green Avenue, Kinnel Bay, Rhyl	Conwy County Borough Council  <b>Case Officer - Nicola Marie Jones</b>	NO OBJ	28 /09 /2005
01/2005/0781 / AC	<b>Crown Garage Crown Lane Denbigh</b>	Mr Chris J Lock Architectural Design	APPROVE	08 /09 /2005

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	Details of ground investigation report (soil survey) and methods of asbestos removal, materials schedule, drainage details, elevations and plot layout drawings submitted in accordance with condition numbers 2, 3 and 5 of planning permission code no. 01/2004/0543/PF	<b>Case Officer - Nicola Marie Jones</b>		
01/2005/0797 / PF	<b>Ty Tywyrch Love Lane Denbigh</b>	Cymdeithas Tai Clwyd	GRANT	14 /09 /2005
	Use of 6 no. bedsit units as 6 no. self-contained flats	<b>Case Officer - Sarah Stubbs</b>		
01/2005/0839 / PF	<b>33 Vale Street Denbigh</b>	Mrs M A Jones	GRANT	06 /09 /2005
	Change of use from Class A1 shop to Class D2 beauty salon/solarium.	<b>Case Officer - Catrin E Williams</b>		
01/2005/0874 / PO	<b>Land Adjacent To Waterworks House Love Lane Denbigh</b>	Gillian Hough And Glenys Griffiths	GRANT	12 /09 /2005
	Renewal of application ref no. 01/2002/0910/PO comprising redevelopment of land by the erection of a dwelling, alteration of vehicular and pedestrian access, and stabilisation of two underground water storage tanks (outline application)	<b>Case Officer - Nicola Marie Jones</b>		

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01/2005/0879 / PF	<b>Outbuildings And Carriage Yard At Lleweni Farm Mold Road Denbigh</b>	Mr Terry Hughes Harris Homes	GRANT	08 /09 /2005
	Amended details of scheme of conversion of outbuildings previously granted planning permission under code no. 01/2000/0993/PF and 01/2001/0603/PF, to create 18 residential units, erection of garages and associated access and drainage works	<b>Case Officer - Ian Weaver</b>		
01/2005/0904 / PF	<b>5 Trewen Denbigh</b>	Mr & Mrs H Ellis	GRANT	12 /09 /2005
	Erection of single-storey pitched-roof extension to side of dwelling	<b>Case Officer - Nicola Marie Jones</b>		
01/2005/1047 / AG	<b>Lodge Farm Denbigh</b>	H I & G Rogers	GRANT	22 /09 /2005
	Erection of agricultural building for the housing of youngstock and storage	<b>Case Officer - Catrin E Williams</b>		
02/2005/0529 / PF	<b>Land adjoining Ruthin Precast Concrete Quarryfield Denbigh Road Ruthin</b>	Ruthin Precast Concrete	GRANT	29 /09 /2005
	Change of use of agricultural land to form extension to existing depot	<b>Case Officer - Philip Garner</b>		



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02/2005/0657 / AC	<b>9 Market Street Ruthin</b>	Mrs L D Williams	APPROVE	19 /09 /2005
	Details of vehicular footway crossing and levels submitted in accordance with condition no's 2 and 5 of planning permission code no. 02/2005/0040/PF	<b>Case Officer - Philip Garner</b>		
02/2005/0769 / PF	<b>Green Acres Bryn Glas Ruthin</b>	Turner Brothers	REFUSE	27 /09 /2005
	Demolition of existing bungalow and erection of 5 no. single storey elderly persons dwellings and associated works	<b>Case Officer - Sarah Stubbs</b>		
02/2005/0800 / PF	<b>15 Maes Hafod Ruthin</b>	Mr T S Guidera	GRANT	06 /09 /2005
	Erection of 1.5m high brick and railing wall at side and rear of dwelling	<b>Case Officer - Nicola Marie Jones</b>		
02/2005/0817 / PF	<b>Westways Denbigh Road Ruthin</b>	Mr D P Argent	GRANT	29 /09 /2005
	Erection of conservatory extension to existing dwelling	<b>Case Officer - Nicola Marie Jones</b>		

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02/2005/0921 / PF	<b>Vale Contract Services Limited Century Court Lon Parcwr Industrial Estate Ruthin</b>  Construction of first-floor office area within existing building and erection of single storey extension at side.	Vale Contract Services Ltd	GRANT	22 /09 /2005
		<b>Case Officer - Catrin E Williams</b>		
02/2005/0929 / TP	<b>1 Stryd Y Brython Ruthin</b>  Crown lifting of 1 no. Lime tree subject to Tree Preservation Order	Miss Cunningham	GRANT	23 /09 /2005
		<b>Case Officer - Catrin E Williams</b>		
02/2005/0949 / AC	<b>Eagles Hotel 32 Clwyd Street Ruthin</b>  Details of external wall treatment, doors and windows submitted in accordance with condition no's 2 and 6 of planning permission code no. 02/2004/1007/PF and listed building consent code no. 02/2004/1008/LB	Robin Wolley	APPROVE	05 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		
02/2005/1075 / AC	<b>Plot 1 Lon Parcwr Industrial Estate Ruthin</b>  Details of landscaping submitted in accordance with Condition No. 6 of planning permission Code No. 02/2003/0530/PF	Messrs G H Lewis & Sons	APPROVE	23 /09 /2005
		<b>Case Officer - Catrin E Williams</b>		

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03/2004/1586 / PF	<b>Outbuilding at Bryniau Mawr Vivod Llangollen</b>  Conversion of existing barn to dwelling, demolition of existing hay shed and erection of garage, installation of new septic tank and alterations to an existing vehicular access	Mr R Best Vivod Estates	GRANT	12 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		
03/2005/0871 / PF	<b>2 Dinas Drive Llangollen</b>  Erection of two-storey pitched roof extension and conservatory to dwelling.	Mr & Mrs G Bird Jones	GRANT	06 /09 /2005
		<b>Case Officer - Catrin E Williams</b>		
03/2005/0875 / PF	<b>Arncliffe Tower Road Llangollen</b>  Erection of first-floor pitched-roof extension at front of dwelling.	Mr & Mrs G. B. Read	GRANT	06 /09 /2005
		<b>Case Officer - Catrin E Williams</b>		
03/2005/0919 / PF	<b>Lower Dee Mill Mill Street Llangollen</b>  Amended detailing of block A (12 no. flats) previously approved under code no. 03/2004/0354/PF	Gower Homes	GRANT	16 /09 /2005
		<b>Case Officer - Ian Weaver</b>		

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03/2005/0993 / AG	<b>Bwlch Farm Vivod Llangollen</b>  Erection of agricultural building	R J Best	APPROVE	09 /09 /2005
		<b>Case Officer -</b>	<b>Catrin E Williams</b>	
04/2005/1103 / AC	<b>Bryn Halen Mawr Melin-Y-Wig Corwen</b>  Details of fenestration submitted in accordance with condition no. 7 of planning permission code no. 04/2005/0349/PF	R & J Spreckley	APPROVE	30 /09 /2005
		<b>Case Officer -</b>	<b>Sarah Stubbs</b>	
05/2005/1034 / AC	<b>Bethesda Chapel Corwen</b>  Details of Condition No. 4 (photographic survey) on planning permission Ref. No. 05/2005/0282/PF	Mr Michael Elwin	GRANT	22 /09 /2005
		<b>Case Officer -</b>	<b>Catrin E Williams</b>	
06/2005/0720 / PF	<b>Hafoty Boeth Bryn Saith Marchog Corwen</b>  Change of use of agricultural land to form extension to residential curtilage and erection of log cabin to provide ancillary residential accommodation	Mr & Mrs D McCurdy	REFUSE	06 /09 /2005
		<b>Case Officer -</b>	<b>Catrin E Williams</b>	

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09/2005/0696 / PF	<b>Ty Draw Farm Mold Road Bodfari Denbigh</b>  Conversion of redundant outbuilding to 1no. business/holiday letting unit and 1no. residential dwelling	R A Roberts And B E Ellis  <b>Case Officer - Philip Garner</b>	GRANT	15 /09 /2005
13/2005/0463 / PF	<b>Pencoed Isa Pwllglas Ruthin</b>  Conversion and extension of outbuildings to form annexe ancillary to the main dwelling and change of use of land to form residential curtilage.	Mr & Mrs D Vasmer  <b>Case Officer - Catrin E Williams</b>	GRANT	23 /09 /2005
13/2005/0872 / PF	<b>Llanerchgron Ucha Pwllglas Ruthin</b>  Erection of domestic wind turbine	Mr P Blanchard  <b>Case Officer - Nicola Marie Jones</b>	GRANT	26 /09 /2005
13/2005/0886 / PF	<b>Pwllglas Village Hall Pwllglas Ruthin</b>  Erection of pitched-roof extension to hall	Mrs M Jones Pwllglas Village Hall Committee  <b>Case Officer - Catrin E Williams</b>	GRANT	13 /09 /2005
14/2005/0833 / PF	<b>Rhwngyddwyafon Cyffylliog Ruthin</b>  Erection of domestic wind turbine	Mr G Lloyd  <b>Case Officer - Nicola Marie Jones</b>	GRANT	13 /09 /2005

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	Erection of pitched-roof extension at side of dwelling for porch, utility room and double garage	Case Officer -	Catrin E Williams	
14/2005/0835 / PF	<b>Land Off Maes Y Delyn Cyffylliog Ruthin</b>	Griffiths Builders & Developers	GRANT	06 /09 /2005
	Erection of pair of semi-detached garages to serve both plots. (Amendment to Application Ref Nos. 14/2004/0800/ PF & 14/2004/1225/PF)	Case Officer -	Nicola Marie Jones	
15/2005/0018 / AD	<b>Ty Isa Pant Du Road Eryrys Mold</b>	Mr Roy Kendrick	GRANT	12 /09 /2005
	Display of non-illuminated signboard	Case Officer -	Nicola Marie Jones	
15/2005/0805 / PF	<b>Former Graianrhyd School Nercwys Mountain Mynydd Du Mold</b>	Anne Marie Hindle	GRANT	02 /09 /2005
	Change of use to bridal emporium and manufacturing centre and associated works	Case Officer -	Catrin E Williams	
15/2005/0810 / PF	<b>Ty Isa Pant Du Road Eryrys Mold</b>	Mr Roy Kendrick	REFUSE	05 /09 /2005
	Erection of retail showroom/workshop to replace existing for sale of motor cycles and classic mini cars, associated parts and spares, and installation of new septic tank	Case Officer -	Nicola Marie Jones	

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16/2005/0868 / PS	<b>31 Tan Y Bryn Llanbedr Dyffryn Clwyd Ruthin</b>	Mr & Mrs R B Clark	GRANT	02 /09 /2005
	Variation of condition no. 5 of application ref no. 16/2004/0557/PF to allow additional windows to side elevations	<b>Case Officer - Sarah Stubbs</b>		
16/2005/0895 / PF	<b>Panorama Llanbedr Dyffryn Clwyd Ruthin</b>	Mr J Thompson	GRANT	14 /09 /2005
	Erection of first floor pitched roof extension to form two-storey dwelling	<b>Case Officer - Paul Mead</b>		
16/2005/0896 / PF	<b>Castell Gyrn Llanbedr Dyffryn Clwyd Ruthin</b>	Mr J Thompson	GRANT	14 /09 /2005
	Alterations and extension to existing dwelling	<b>Case Officer - Paul Mead</b>		
18/2005/0620 / PR	<b>Land At Llangwyfan Farm Llangwyfan Denbigh</b>	Messrs H C & T C Hughes	APPROVE	23 /09 /2005
	Details of siting, design, external appearance, landscaping and means of access submitted in accordance with condition no. 2 of outline planning permission code no. 18/2004/1244/PO	<b>Case Officer - Philip Garner</b>		

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20/2005/0732 / PF	<b>Bro Fair Graigfechan Ruthin</b>  Erection of first-floor pitched roof extension at side, two-storey pitched-roof extension at rear and detached garage	Mr Price	GRANT	12 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
21/2005/0869 / PF	<b>Rhos Isa Ruthin Road Llanferres Mold</b>  Erection of building to cover existing slurry store	Mr H Edwards	GRANT	23 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
21/2005/0975 / AC	<b>Colomendy Centre For Outdoor Education Ruthin Road, Loggerheads Llanferres Mold</b>  Details of condition no. 9 of planning permission code no. 21/2004/1627/PF	Liverpool City Council	APPROVE	09 /09 /2005
		<b>Case Officer - Mark Dakeyne</b>		
22/2005/0832 / PF	<b>Plas Yn Rhos Farm Llanychan Ruthin</b>  Extension to existing agricultural building for the housing of livestock.	M S V Jones & Co	GRANT	01 /09 /2005
		<b>Case Officer - Catrin E Williams</b>		



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22/2005/0924 / PF	<b>Ty Coch Cottage Llangynhafal Ruthin</b>  Erection of single storey extension to rear of dwelling and erection of detached garage/workshop/store	Mr. Robert Parry	GRANT	22 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
23/2005/0494 / LB	<b>Llanrhaeadr Hall Nursing Home Llanrhaeadr Denbigh</b>  Conversion and extension of existing coach house to provide additional living accommodation (Listed Building Application)	Roberts Homes Ltd	CONSENT	01 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		
23/2005/0881 / AG	<b>Tan Y Waen Prion Denbigh</b>  Erection of agricultural building for storage of hay and straw	Mr John Myfyr Jones	GRANT	01 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
23/2005/0922 / PF	<b>Llindir Bach Llanrhaeadr Denbigh</b>  Erection of replacement dwelling - revised house design to Application Ref. No. 23/2002/1356/PF	Mr. T. Rizzi	GRANT	21 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		

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24/2005/0799 / PF	<b>15 Bro Clywedog Rhewl Ruthin</b>  Erection of two-storey pitched-roof extension at side and single-storey pitched-roof extension at rear of dwelling	Mr E Howatson	GRANT	15 /09 /2005
		<b>Case Officer - Philip Garner</b>		
24/2005/0926 / TA	<b>Golf Links Farm Rhewl Ruthin</b>  Installation of 15m high lattice tower, 3 antennae, 1 dish antenna and associated equipment housing.	Hutchinson 3G	APPROVE	22 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
28/2005/0935 / PO	<b>Land Adjacent To Porth Kerry Henllan Denbigh</b>  Renewal of Application Ref. No. 28/2001/1023/PO comprising development of 0.1 hectares of land by erection of 1 dwelling, construction of new vehicular access and installation of new septic tank (outline application)	Mrs J H MacCormack	GRANT	23 /09 /2005
		<b>Case Officer - Nicola Marie Jones</b>		
30/2005/0778 / PF	<b>Coed Derw Llannerch Park St. Asaph</b>  Change of use of land to form extension to domestic curtilage and erection of single-storey pitched-roof extension with glazed link conservatory and detached garage and formation of new vehicular access (partly retrospective)	Mr & Mrs A Maddocks	GRANT	16 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		

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30/2005/1104 / AC	<b>Land adjacent to Park Lodge Llannerch Park St. Asaph</b>	Mr M H Thomas	APPROVE	29 /09 /2005
	Details of landscaping submitted in accordance with condition no. 1 of planning permission code no. 30/2004/1396/PC	<b>Case Officer - Paul Mead</b>		
31/2005/0634 / PF	<b>Capel Cefn Meiriadog Groesffordd Marli Abergele</b>	Mr E Davies	GRANT	16 /09 /2005
	Erection of kitchen extension to vestry and extension to existing car park and cemetery	<b>Case Officer - Nicola Marie Jones</b>		
31/2005/0717 / PF	<b>Wigfair Home Farm Wigfair St. Asaph</b>	Mr H Jones	GRANT	13 /09 /2005
	Erection of extension to existing agricultural unit and new silage clamp	<b>Case Officer - Catrin E Williams</b>		
40/2004/1654 / PF	<b>Land adjacent to Parc Castell Estate Ffordd Parc Castell Bodelwyddan Rhyl</b>	Anwyl Construction Co. Ltd	GRANT	16 /09 /2005
	Amendments to layout of development previously granted permission under Code No. 40/2002/0870/PF for the erection of 98 dwellings, to increase distance from pumping station	<b>Case Officer - Sarah Stubbs</b>		

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40/2005/0942 / PF	<b>Ysgol Y Faenol Johns Drive Bodelwyddan Rhyl</b>  Erection of new Administration/entrance block, construction of access ramp and related parking spaces; and new pedestrian footpath.	Denbighshire County Council Denbighshire Design Development	GRANT	28 /09 /2005
		<b>Case Officer - Philip Garner</b>		
40/2005/0948 / AC	<b>Land at Expressway Business Park, Abergele Road Bodelwyddan Rhyl</b>  Details of external materials submitted in accordance with condition no. 1 of planning permission code no. 40/2004/0599/PF	David Williams DWA Chartered Architects	APPROVE	12 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		
40/2005/0950 / PF	<b>22 Canol Blas Avenue Bodelwyddan Rhyl</b>  Erection of conservatory to rear of dwelling	Mr Jones	GRANT	26 /09 /2005
		<b>Case Officer - Michael G Hughes</b>		
41/2005/0794 / PF	<b>Mathrafal Bodfari Denbigh</b>  Erection of single-storey pitched-roof extension to dwelling and detached two-storey garage block	Mr P Eyton-Jones	GRANT	02 /09 /2005
		<b>Case Officer - Philip Garner</b>		

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41/2005/0863 / PF	<b>Nant Gwilym Ucha Tremeirchion Road Bodfari Denbigh</b>  Erection of single-storey link building from main dwelling to barn, extension to and conversion of barn to create additional residential accommodation on ground and first floor (amendment to Application Ref. No. 41/2003/1219/PF)	Mr P Reynolds	REFUSE	09 /09 /2005
		<b>Case Officer -</b>	<b>Catrin E Williams</b>	
41/2005/0864 / LB	<b>Nant Gwilym Ucha Tremeirchion Road Bodfari Denbigh</b>  Extension and alterations to and repair of barn to form additional residential accommodation on ground and first floors and erection of link building to main dwelling (amendment to Application Ref. No. 41/2003/1220/LB)	Mr P Reynolds	REFUSE	09 /09 /2005
		<b>Case Officer -</b>	<b>Catrin E Williams</b>	
42/2005/0647 / PF	<b>Hiraddug House High Street Dyserth Rhyl</b>  Conversion of ground floor shop to self-contained flat	Colin Haygreen	GRANT	22 /09 /2005
		<b>Case Officer -</b>	<b>Paul Mead</b>	
42/2005/0796 / PF	<b>Seaview Bungalow Meliden Road Dyserth Rhyl</b>  Conversion and extension of existing games room to form granny annexe	Mr Colin N Barrow	GRANT	28 /09 /2005
		<b>Case Officer -</b>	<b>Paul Mead</b>	

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42/2005/0848 / PF	<b>Bryniau-Ucha Farm Cottage Bryniau Dyserth Rhyl</b>  Erection of conservatory at side of dwelling	Mrs O K Barrett  Case Officer - Paul Mead	GRANT	27 /09 /2005
42/2005/0884 / PF	<b>Land adjoining No. 19 Rhodfa Gofer Dyserth Rhyl</b>  Erection of 2 no. detached dwellings and construction of new vehicular accesses at plots 4 & 5	Mr T Hill  Case Officer - Sarah Stubbs	REFUSE	09 /09 /2005
42/2005/1035 / AC	<b>Land In Foel Park Dyserth Rhyl</b>  Details of Condition No. 1 (external wall and roof materials) on Planning Permission Ref. No. 42/2004/650/PR	Mr & Mrs C Hookes  Case Officer - Sarah Stubbs	APPROVE	15 /09 /2005
42/2005/1051 / AC	<b>Land at Pendref Farm Plot 1 Waterfall Road Dyserth Rhyl</b>  Details of fenestration submitted in accordance with condition no. 4 of planning permission code no. 42/2005/0646/PF	Mr & Mrs M Webber  Case Officer - Sarah Stubbs	APPROVE	28 /09 /2005

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43/2005/0390 / PF	<b>103 Victoria Road Prestatyn</b>  Change of use from newsagents to hot food takeaway	Mohammad Mushtaq	REFUSE	13 /09 /2005
		<b>Case Officer - Paul Mead</b>		
43/2005/0393 / PF	<b>15 Franklyn Avenue Prestatyn</b>  Erection of detached garage	Mrs J McBride	GRANT	05 /09 /2005
		<b>Case Officer - Philip Garner</b>		
43/2005/0617 / AC	<b>South Winds Bryniau Dyserth Rhyl</b>  Details of landscaping and aftercare scheme submitted in accordance with condition no. 2 and 3 of planning permission code no. 43/2004/1596/PF	Mr M Davies	APPROVE	09 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		
43/2005/0646 / TP	<b>18 Stoneby Drive Prestatyn</b>  Crown lift and crown reduction of one Beech Tree numbered T45 on the plan annexed to the Borough of Rhuddlan (Woodland Park, Prestatyn) Tree Preservation Order No. 3, 1985	Mr L Billington	GRANT	22 /09 /2005
		<b>Case Officer - Paul Mead</b>		

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43/2005/0723 / PF	<b>6 Bastion Road Prestatyn</b>  Alterations to shop front, provision of roof patio area over existing flat roof to rear, internal alterations and use of second floor as extension to living accommodation	Mr K Wong  <b>Case Officer - Sarah Stubbs</b>	GRANT	30 /09 /2005
43/2005/0782 / PF	<b>11 Ffordd Gwilym Prestatyn</b>  Erection of single-storey pitched-roof extension to rear and side of dwelling	Mr D Williams & Miss C Evans  <b>Case Officer - Philip Garner</b>	GRANT	06 /09 /2005
43/2005/0873 / PF	<b>5 Kirby Avenue Prestatyn</b>  Erection of flat-roofed extension at side/rear of dwelling	Mr S Hotchin  <b>Case Officer - Paul Mead</b>	GRANT	13 /09 /2005
43/2005/0908 / PF	<b>27 Purbeck Avenue Prestatyn</b>  Erection of single-storey pitched-roof extension and conservatory at rear of dwelling	Mr P Clough  <b>Case Officer - Philip Garner</b>	GRANT	15 /09 /2005



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43/2005/0909 / PF	<b>45 Ffordd Ty Newydd Prestatyn</b>  Erection of two-storey pitched-roof extension to side and single-storey pitched-roof extension to rear of dwelling	Ms K Day  Case Officer - Paul Mead	GRANT	20 /09 /2005
43/2005/0931 / TP	<b>33 Bryntirion Drive Prestatyn</b>  Felling of 1 no. cypress subject to a Tree Preservation Order	Mr J Lewis  Case Officer - Paul Mead	GRANT	23 /09 /2005
43/2005/0933 / PF	<b>Highfield Bishopswood Road Prestatyn</b>  Erection of pitched roof extension to dwelling, formation of dormers and front entrance porch.	Mr & Mrs B Bryce  Case Officer - Philip Garner	REFUSE	23 /09 /2005
43/2005/0977 / AC	<b>Outbuildings rear of Royal Victoria PH 3 Bastion Road Prestatyn</b>  Details of boundary walls (condition 5), refuge storage building (condition 7) and landscaping (condition 10) submitted in accordance with planning permission code no. 43/2004/0463/PF	Piccadilly Developments  Case Officer - Mark Dakeyne	APPROVE	27 /09 /2005

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44/2005/0536 / PF	<b>5 Barrfield Road Rhuddlan Rhyl</b>  Erection of extension to existing loft space	Mr & Mrs J Hannaby	REFUSE	15 /09 /2005
		<b>Case Officer - Philip Garner</b>		
44/2005/0605 / PF	<b>25 Heol Y Hendre Rhuddlan Rhyl</b>  Erection of extension to side, rear and front of existing dwelling	Mr. & Mrs S. Kearns	GRANT	23 /09 /2005
		<b>Case Officer - Paul Mead</b>		
44/2005/0733 / PO	<b>Land at (Part garden of) 1a Plas Y Brenin Rhuddlan Rhyl</b>  Development of 0.06 hectares of land by erection of 2 No. dwellings and alterations to existing vehicular access (outline application)	Mrs F Brotherwood	WDN	29 /09 /2005
		<b>Case Officer - Philip Garner</b>		
44/2005/0737 / PF	<b>Flat 2, Wyvern House Rhyl Road Rhuddlan Rhyl</b>  Change of use of first floor from office accommodation to residential flat	Mr T Morrice-Evans	GRANT	15 /09 /2005
		<b>Case Officer - Philip Garner</b>		
44/2005/0813 / PF	<b>Land adjacent to A525 Bypass at rear of Tan Yr Eglwys Road Rhuddlan Rhyl</b>  Installation of below-ground network combined sewer overflow with associated works, fencing, landscaping and access road	Dwr Cymru / Welsh Water	GRANT	13 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		

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44/2005/0937 / PF	<b>2 Bodrhyddan Avenue Rhuddlan Rhyl</b>  Erection of Conservatory at side of dwelling.	Mr & Mrs E Roberts	GRANT	28 /09 /2005
		<b>Case Officer - Paul Mead</b>		
45/2005/0473 / PF	<b>23 River Street Rhyl</b>  Conversion of bed sits to 5 No. self contained flats	Mr J Liang	GRANT	09 /09 /2005
		<b>Case Officer - Sarah Stubbs</b>		
45/2005/0760 / PF	<b>22 Tower Gardens Rhyl</b>  Erection of partial single- and two-storey pitched-roof extensions to both front and rear of dwelling	Mr S Lambert	GRANT	07 /09 /2005
		<b>Case Officer - Paul Mead</b>		
45/2005/0826 / AC	<b>Former North Wales Saab Centre, Morville Garage 27-28 East Parade Rhyl</b>	Messrs J And T Gizzi Builders	APPROVE	28 /09 /2005

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	Details of junction and access road (condition no. 5); access and height clearance below Morville Hotel ballroom, levels, position of columns (condition no. 9(a)(i)); means of preventing vehicular access to and from Bath Street (condition no. 9(a)(ii)); method statement for removal of any columns demonstrating structural stability of the building (condition no. 9(a)(iii)) submitted in accordance with planning permission code no. 45/2004/0043/PO	<b>Case Officer - Ian Weaver</b>		
45/2005/0856 / PF	<b>35a Rosehill Road Rhyl</b>	Mr & Mrs L Peake	REFUSE	06 /09 /2005
	Erection of hipped-roof extension and conservatory at rear and erection of detached store building	<b>Case Officer - Philip Garner</b>		
45/2005/0860 / PF	<b>53 Grosvenor Avenue Rhyl</b>	Mr & Mrs A Hughes	GRANT	13 /09 /2005
	Erection of first-floor pitched-roof extension and pitched roof to flat-roofed area at rear and pitched roof to front porch	<b>Case Officer - Paul Mead</b>		
45/2005/0882 / PF	<b>60 East Parade Rhyl</b>	Mr K Sammon	GRANT	13 /09 /2005
	Erection of flat-roofed extension at rear and adaptations to provide facilities for disabled person	<b>Case Officer - Paul Mead</b>		

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45/2005/0897 / PF	<b>77 Maes Y Gog Rhyl</b>  Erection of two storey extension at side and single-storey extension for garage & construction of additional vehicular access	Mr & Mrs Bloor  <b>Case Officer - Philip Garner</b>	GRANT	15 /09 /2005
45/2005/0963 / PF	<b>2 Lon Aeron Rhyl</b>  Erection of single-storey extension to rear of property.	Ms S Hudson  <b>Case Officer - Michael G Hughes</b>	GRANT	30 /09 /2005
45/2005/0995 / INV	<b>Land adjoining 8 Vezey Street Rhyl</b>  Development of 0.021ha of land by the erection of block of 2 no. apartments and construction of new vehicular access (outline application)	Elian Ltd.  <b>Case Officer - Sian Foster</b>	WDN	27 /09 /2005
45/2005/1016 / AC	<b>Point Hotel Hilton Drive Rhyl</b>  Details of wall & roof materials submitted in accordance with condition no. 5 of planning permission code no. 45/2004/0999/PF	NWPS Construction Ltd  <b>Case Officer - Paul Mead</b>	APPROVE	06 /09 /2005

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46/2005/0746 / PF	<b>Pant Yr Afon Lower Street St. Asaph</b>  Erection of two-storey pitched-roof extension at rear of dwelling	Mr D Roberts  <b>Case Officer - Sarah Stubbs</b>	GRANT	01 /09 /2005
46/2005/0845 / PF	<b>5 Llys Alun St. Asaph</b>  Erection of pitched-roof extension at side of dwelling and relocation of existing garage	Mr H Jones  <b>Case Officer - Paul Mead</b>	GRANT	01 /09 /2005
46/2005/0861 / PF	<b>Lismara Upper Denbigh Road St. Asaph</b>  Erection of single-storey and two-storey extensions to dwelling and conservatory at rear	Mr A Jones  <b>Case Officer - Nicola Marie Jones</b>	GRANT	12 /09 /2005
46/2005/0883 / PF	<b>White Horse Lower Street St. Asaph</b>  Change of use of first floor from business use to residential flat	Grange Residential Care Ltd  <b>Case Officer - Nicola Marie Jones</b>	GRANT	12 /09 /2005

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46/2005/0902 / PF	<b>2 Ffordd Siarl St. Asaph</b>  Erection of pitched-roof extension and conservatory at side of dwelling	Mrs I Palmer  <b>Case Officer - Philip Garner</b>	GRANT	15 /09 /2005
46/2005/0936 / PF	<b>Shop 1 &amp; 2 Walwen House High Street St. Asaph</b>  Change of use of former Class A1 and A2 uses to Class D1 chiropractic clinic.	Mr Stephen Massey  <b>Case Officer - Philip Garner</b>	GRANT	28 /09 /2005
46/2005/0944 / PF	<b>1 Fron Haul St. Asaph</b>  Erection of single storey pitched-roof extension at rear of dwelling.	Mr & Mrs G Winter  <b>Case Officer - Philip Garner</b>	GRANT	27 /09 /2005
47/2005/0417 / PO	<b>Land between Marian Bach Isa and The Shieling Marian Cwm Dyserth Rhyl</b>  Development of 0.19ha of land for the erection of 2 no. dwellings, construction of new vehicular/pedestrian accesses and installation of new septic tank (outline application)	Mr & Mrs R Cunnah  <b>Case Officer - Paul Mead</b>	REFUSE	27 /09 /2005

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47/2005/0841 / PF	<b>Pant y Wacco Part OS Field No. 6044 Caerwys Road Rhuallt St. Asaph</b>  Change of use of part of agricultural land to caravan storage	Mr G Davies  <b>Case Officer - Sarah Stubbs</b>	REFUSE	08 /09 /2005
47/2005/0843 / EL	<b>Verge on B5429 Rhuallt St. Asaph</b>  Rebuilding of existing 11kV overhead line	SP Power Systems Limited SP Manweb Plc  <b>Case Officer - Paul Mead</b>	APPROVE	01 /09 /2005
47/2005/0934 / PF	<b>Rhuallt Hall Holywell Road Rhuallt St. Asaph</b>  Erection of stable block for leisure use.	Mr Simon Harrison Smith  <b>Case Officer - Philip Garner</b>	GRANT	27 /09 /2005
47/2005/0941 / AC	<b>Brynlithrig Stables Rhuallt St. Asaph</b>  Details of Replacement Tree Condition No. 2 of Planning Permission No. 47/2005/0685/TP.	Mr D J Gormley  <b>Case Officer - Sarah Stubbs</b>	APPROVE	12 /09 /2005