

**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: Denbigh Central

APPLICATION NO: 01/2005/1350/ PF

PROPOSAL: Erection of two-storey pitched-roof extensions

LOCATION: Maesteg and Llys Nant Park Street Denbigh

APPLICANT: Maes Teg Residential Homes

CONSTRAINTS: C2 Flood Zone
Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. DENBIGH TOWN COUNCIL
"Members express concerns and refer back to their previous letters of 27 September and 25 October in respect of the previous planning application and wish to reiterate these concerns. The comments made are as follows:
 - (i) The Council is concerned as to over-development in a residential area;
 - (ii) There will be a decrease in the amount of outdoor space available for the residents of the two properties;
 - (iii) Consideration should be given for parking facilities for the disabled;
 - (iv) The premises are located at the side of a busy road with no facilities for pedestrians thus causing dangers to persons visiting the premises;
 - (v) The proposed extensions are quite sizeable and care should be taken to ensure that the proposals do not infringe upon neighbouring properties."
2. WELSH WATER
No comments to make.
3. ENVIRONMENT AGENCY
No objection due to no increase in number of residential units.

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. Gwynn Parry, Tan y Gaer, Park St, Denbigh
2. R M Lake, The Courts, Park St, Denbigh

Summary of planning based representations:

- i) The proposal will lead to an overdevelopment of these small plots of land to the detriment of the occupiers of these dwellings and also to the neighbouring properties;
- ii) The development would result in the change of use of the two properties to residential care homes for which planning permission is required;
- iii) The application should be refused as it is not suitable for institutional development of the size proposed.

MEMBERS' COMMENTS: None.

EXPIRY DATE OF APPLICATION: 08/01/2006

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site contains two houses which are owned and managed by Maes Teg Residential Homes but are occupied as units of not more than 6 persons living as a single household. There has not been any change of use from residential as the number of persons residing within either of the properties does not exceed 6. The site occupies a corner plot with houses to the north, south and west, with Denbigh Infirmary standing to the east across the road. The houses have open plan frontages and a 2 metre high fence with tree screening along the western boundary. A rear access is provided off a short length of road which also allows access to the properties to the south.
2. The application proposes two-storey pitched-roof extensions to the rear of both properties as follows:

Maes Teg – projecting by 3.7 metres with a width of 5.2 metres with a habitable room window on both floors to the rear and an obscure glazed bathroom window on both floors for the en-suite to one side. Each floor contains an additional bedroom, making 5 in total for the property;

Llys Nant – projecting by 7.1 metres with a width of 6.0 metres with habitable room windows to the side (facing the road) on both floors and an obscure glazed size window on both floors (facing the road) for the en-suite shower rooms. Each floor contains an additional 2 bedrooms, making 6 in total for the property.

RELEVANT PLANNING HISTORY:

3. 01/2005/0857/PF – Erection of two-storey pitched-roof extensions to both properties: Withdrawn on 26 October 2005 following concern at the scale of the development. The application proposed two-storey rear extensions which both projected by 7.2 metres and which had windows facing the boundary with the adjacent residential property and was considered to result in over-development and a loss of privacy to the neighbouring occupiers. Discussions were undertaken with the agent and applicants regarding the amendments to the plans now submitted for consideration which were adjudged to be acceptable in principle.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy HSG 12 Extensions to Dwellings
SPG1 – Extensions to Dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5. The main issues raised by the proposal are:
 - i) Visual appearance
 - ii) Impact on the privacy and amenity of nearby occupiers
 - iii) Overdevelopment
 - iv) Use of the property

6. In relation to the main considerations:
 - i) The visual appearance of the extensions is adjudged to be acceptable as they are of a similar design to the existing houses and utilise similar materials.
 - ii) The absence of any habitable room windows facing the adjacent residential properties ensures that there is no impact on any adjacent occupiers by way of loss of privacy or amenity.
 - iii) The scale of the extensions now proposed allows the retention of areas of amenity space for both properties and the scheme no longer represents an overdevelopment of the site which was a concern for the previous application.
 - iv) As stated earlier, the use of the property as a single unit for up to 6 people remains in use class C3 'residential' and the applicant has confirmed that there will not be any more than this number of people residing in either property. Accordingly, no change of use is adjudged to take place as a result of the proposals.

SUMMARY AND CONCLUSIONS:

7. The application is acceptable and is recommended to be granted.

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 extensions 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:

Flood proofing and mitigation measures should be incorporated into the design and construction of the extensions. For further information see DTLR (2002) publication Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties (www.odpm.gov.uk)

ITEM NO: 2

WARD NO: Llandrillo

APPLICATION NO: 08/2005/1347/ PF

PROPOSAL: Erection of detached dwelling and revised alterations to existing vehicular access (amended scheme to Application Ref. No. 08/2005/0595/PF)

LOCATION: Land at Bryn Hafod Cynwyd Corwen

APPLICANT: C.E Jones

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. CYNWYD COMMUNITY COUNCIL:
No response received.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE:
No objections to the proposal subject to conditions.
3. BAPTIE/ WELSH WATER:
No objections to the proposal subject to condition.

RESPONSE TO PUBLICITY:

Letters of representations were received from:

1. Mr. & Mrs. Williams, 3, Maes Hyfryd, Cynwyd (Petition with 8 signatures)
2. Mr. & Mrs. Roberts, Croeso, Cynwyd

Summary of planning based representations:

- i) Impact on the amenity of the neighbouring property
- ii) Development out of character with the street scene
- iii) Add to the existing traffic problem
- iv) Precedent for additional dwellings along the street

EXPIRY DATE OF APPLICATION: 04/01/2006

REASONS FOR DELAY IN DECISION:

- Awaiting consideration at a the planning committee

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site forms part of the residential curtilage of the recently renovated property known as Bryn Hafod. Located within the development boundary of the village of Cynwyd. Bryn Hafod and the adjoining two properties are bungalows/ dormer bungalows sited in the far south of rectangle shaped plots. There are 5 plots set out in this form. The plots are adjacent to the village highway which lead out to the west and over the River Dyfrdwy. Vehicular access to the dwellings are from the south of the plots along a back road.

2. The application site is on a lower level to the dwelling house of Bryn Hafod (approximately 1.5 metres below the existing floor slab), as are all of the gardens to the houses on this side of the road. The proposal is to erect one, single storey dwelling accessed via a new splayed access off the main village road. A parking and turning area will be provided to the rear of the proposed dwelling. The dwelling will comprise of a living room/dinning room, kitchen and utility with three bedrooms and a bathroom at first floor. Additionally the proposal includes approximately 100 sq.m of grassed area with parking and turning space for two vehicles.
3. The existing boundary treatment to the application site is chain linked fencing to both sides. The conifer roadside boundary has been removed to allow the rebuilding of Bryn Hafod. The proposed boundary treatments will be a roadside stone wall 0.7 metres high and a new mixed species hedge to the rear dividing the site. The chain link fences will remain.

RELEVANT PLANNING HISTORY:

4. Bryn Hafod – the original bungalow was demolished in early 2004 and replaced with a dormer bungalow under planning permission code 08/2005/0092/PF.

The application site – code 08/2005/0595/PF - planning permission was refused under delegated powers for the erection of 2 no. two storey dwellings within the site. The application was refused as the development was considered to be overdevelopment of the site and the height not considered to be in character with the adjoining residential dwellings in the vicinity.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 Policy GEN 1 – Development within the development boundary
 Policy GEN 6 – Development Control Requirements
 Policy HSG 4 – Housing development in villages

Planning Policy Wales, April 2002, paragraph, 9.3.1

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on the character of the surrounding area
 - iii) Impact on neighbouring residential amenity
 - iv) Highway access
7. In relation to the considerations as noted in paragraph 6:
 - i) The principle behind Policies GEN 1 and HSG 4 of the Unitary Development Plan is to concentrate development within the existing settlements. There is an allocated site within the village of Cynwyd which has outline planning permission, but has not been implemented or furthered to date. The growth of the village therefore depends on the re-use of existing buildings or opportunities within the development boundary for growth. I consider this site to be an opportunity site subject to other material considerations.
 - ii) The siting of one property on this site is considered to respect the character of the surrounding dwellings in terms of affording a comparable standard of residential curtilage. Being single storey in height, rather than full two storeys as previously proposed, the size and scale of the proposed dwelling is considered to be in character with the existing bungalows on the southern side of this application site. Whilst respecting the comments of the objectors that the development will sit ahead of the existing building line within the street scene I do not consider this to be sufficient to make the proposal

unacceptable.

- iii) The orientation of the proposed dwelling will preclude any direct overlooking of adjoining residential curtilages and sufficient window separation distances can be achieved between the new dwelling and Bryn Hafod and the dwellings of Maes Hyfryd. The proposed dwelling is not considered to be overbearing on the neighbouring garden for the above reasons and complies with standards set out as supplementary planning guidance.
- iv) Concerns have been expressed about the high levels of traffic on the road adjacent to the site from large lorries from the nearby industrial unit. Residents of Maes Hyfryd have expressed concern regarding the position of the proposed access directly opposite theirs, on this busy road. The Head of Transport and Infrastructure is satisfied that the access arrangements for a single residential dwelling are acceptable subject to standard conditions to control the parking and turning facilities being retained within the site and that the surface of the access is paved with bituminous materials. The traffic generation from a single dwelling would not materially impact on the highway network, notwithstanding existing road conditions.

SUMMARY AND CONCLUSIONS:

- 8. The erection of a single storey dwelling on this plot would be acceptable in terms of principle, visual and residential amenity impacts, and highway considerations.

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. Prior to the occupation of the dwelling, the surface of the proposed access shall be paved with a bituminous material for a distance of 5.0 metres behind the highway boundary and the whole of the access frontage to the highway to be reinforced with bullnose kerbs. The parking and turning of vehicles shall be laid out in accordance with the approved plan.
- 3. Prior to the commencement of development on site, further details shall be submitted to and approved in writing by the Local Planning Authority of:
 - (i) the proposed stone wall to be erected adjoining the highway.
 - (ii) the external wall finish on the front facing elevation.The development shall only progress in strict accordance with the approved details.
- 4. 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.
- 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.

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 interest of the free and safe movement of traffic on the adjacent highway.
3. In the interest of visual amenity.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

The application site is crossed by a public sewer. 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.

ITEM NO: 3

WARD NO: Efenechtyd

APPLICATION NO: 12/2005/1439/ PO

PROPOSAL: Development of 0.09ha of land for residential purposes and installation of new septic tank (outline application)

LOCATION: Land to rear of Glan Llyn Inn Clawddnewydd Ruthin

APPLICANT: Mr O Grey

CONSTRAINTS: Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. DERWEN COMMUNITY COUNCIL
 "This Council would recommend refuse planning permission on the above planning application and plans for the following reasons:-

 The site lies within the open countryside outside of the development boundary and does not lie within a group of dwellings. As such, the site cannot be assessed as being within a group of houses and the proposal is contrary to Policy GEN 3 and Policy HSG 5 of the adopted Denbighshire Unitary Development Plan."
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
 No objection subject to condition on parking.
3. WELSH WATER
 No reply.
4. FOOTPATHS OFFICER
 Developer must ensure that public footpaths not disrupted.

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. L E Roberts, Y Gilfach, Clawddnewydd.
2. Mr R E Hughes, 6 Bro Cloion, Clawddnewydd.

Summary of planning based representations:

- i) Site is outside development boundary
- ii) Site is not an infill

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 22/01/2006

**PLANNING ASSESSMENT:
THE PROPOSAL:**

1. The site is an open piece of grassland which is bordered to each boundary by tree or hedgerow planting. The site is abutted to the west by the car park for the public house, to the north by the rear garden of Gerllyn and to the east and south by agricultural land. Access to the site is via a narrow agricultural track. The site lies outside of the Development Boundary of Clawddnewydd.
2. The application is in outline form only with all matters reserved other than the means of access. The layout plan submitted shows the access taken off the agricultural track. The layout shows the siting of a single dwelling at the site, although this is for illustrative purposes only as the matter of siting is not included. The application is identical to the previous scheme ref 12/2005/0694/PO, with no changes to the proposed plans and no additional supporting information.
3. Councillor Eryl Williams has requested that the application be considered by Planning Committee in view of the relationship of the site to the defined settlement boundary.

RELEVANT PLANNING HISTORY:

4. **12/2005/0694/ PO** - Development of 0.09ha of land for residential purposes and installation of new septic tank (outline application): Refused 12 August 2005 for the following reason: *“The site lies within the open countryside outside of the development boundary and does not lie within a group of dwellings. As such, the site cannot be assessed as being within a group of houses and the proposal is contrary to Policy GEN 3 and Policy HSG 5 of the adopted Denbighshire Unitary Development Plan.”*

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development outside development boundaries
Policy HSG 5 – Groups of houses in the open countryside
Policy HSG 6 – New Dwellings in the Open Countryside

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle
 - ii) Highways
7. In relation to the considerations as noted in paragraph 6:
 - i) The subject site lies outside the village development boundary in open countryside and is covered by a number of relevant planning policies. Policy GEN 3 only allows for certain categories of development including the infill development of one or two housing units within a clearly identifiable group of dwellings in accordance with Policy HSG 5. Policy HSG 6 only allows new dwellings in the open countryside in exceptional circumstances. A ‘group of dwellings’ is clarified by Policy HSG 5 as being a continuous line of dwellings or a group of houses not totalling less than 6 units with no dividing gaps. The subject site therefore cannot be assessed as being within a group of houses as it lies outside the settlement boundary on open land with further open land beyond. The proposal is not required for an agricultural or forestry worker and therefore there are no special circumstances. As such, the proposal is contrary to Policy GEN 3 and Policies HSG 5 and HSG 6 of the adopted UDP. It would lead to an incremental encroachment of built development into open

land beyond the village, setting a precedent for similar development elsewhere.

- ii) In terms of highways, the Highway Authority did not raise any objection to the previous application and on this basis the current proposal it is adjudged to be acceptable in this regard.

SUMMARY AND CONCLUSIONS:

- 8. The application is unacceptable in principle and is recommended to be refused.

RECOMMENDATION: REFUSE- for the following reasons:-

- 1. The site lies within the open countryside outside the development boundary and does not lie within a group of dwellings as defined by Policy HSG 5. There is no justification offered in support of the proposal in terms of Policy HSG 6. The proposal would lead to an encroachment by built housing development outside the settlement boundary and create a precedent for similar development elsewhere in the locality. The proposal, would, therefore be contrary to Policies GEN 3, HSG 5 and HSG 6 of the adopted Denbighshire Unitary Development Plan and government guidance within Planning Policy Wales. As such, the site cannot be assessed as being within a group of houses and the proposal is contrary to Policy GEN 3 and Policy HSG 5 of the adopted Denbighshire Unitary Development Plan.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Efenechtyd

APPLICATION NO: 13/2005/1369/ PF

PROPOSAL: Conversion of former agricultural building to dwelling, installation of new septic tank and alterations to existing vehicular access

LOCATION: Outbuilding C Plas Efenechtyd Efenechtyd Ruthin

APPLICANT: Mr D Darlington

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. EFENECHTYD COMMUNITY COUNCIL
 "The Council ask that you ensure that the application complies with Policy HSG 9 of the Denbighshire Unitary Development Plan and the Council's adopted Supplementary Planning Guidance 16.

 Council are concerned that the roads in the area are narrow and that extra traffic generated will cause problems locally."
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
 No objection subject to condition relating to access.
3. PRINCIPAL BUILDING CONTROL OFFICER
 The structural report is an accurate reflection of the condition of the building, and it is possible to convert without excessive reconstruction/demolition.
4. PRINCIPAL COUNTRYSIDE OFFICER
 Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr and Mrs Tardivel of Tai Isa, Efenechtyd;
2. Mr and Mrs Plows of the Old Bailiffs House, Plas Efenechtyd
3. Mr and Mrs Taylor of Plas Efenechtyd House.

Summary of planning based representations:

- i) Concern over increased traffic and noise levels in the area
- ii) Loss of hedgrows and trees
- iii) Impact on local wildlife
- iv) The proposal is against planning policy (in particular, introduction of chimney stack and internal subdivisions)
- v) The conversion serves no local need
- vi) The bore holes provided for porosity tests shown on the plans, do not exist

EXPIRY DATE OF APPLICATION: 08/01/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The property is currently a single storey, pitched roof building with deteriorating pebble dash walls. It is approximately 18.5 metres wide, 8 metres deep and 4.5 metres high to ridge, (3 metres to eaves). The existing condition of the building is poor offering little of architectural or historic merit. Its previous use was as a milking parlour, but is now redundant. It is located within a complex of disused farm buildings of which one has permission for conversion (outbuilding B).
2. The proposal would involve the demolition of an adjacent Dutch barn to provide residential curtilage for the conversion, whilst the works carried out on the ex-milking parlour would involve the replacement of the existing asbestos roof, and the installation of extra windows and doorways. There is no intention to alter the shape of the building, but the internal layout would be altered through necessary sub division of the floor plan, from 4 rooms to 8 rooms. The application is accompanied by marketing and structural reports.

RELEVANT PLANNING HISTORY:

3. 13/2005/325/PF – Conversion of outbuilding B to residential dwelling – GRANTED 3/6/05
13/2005/980/PF – Conversion of outbuilding A to residential dwelling – REFUSED 4/10/05 due to scale of conversion works being contrary to Policy HSG 9.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development Outside of Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 9 – Residential Conversion of Rural Buildings to Dwellings
SPG 16 – Conversion of Rural Buildings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of conversion
 - ii) Impact on the amenity of the adjacent dwellings
 - iii) Access
 - iv) Other comments of the objectors
6. With regard to the above considerations in paragraph 5 above:
 - i) Policy HSG 9 allows for the conversion of rural buildings where it has been demonstrated that a business use cannot be secured and the building is structurally sound and the conversion does not have an adverse impact on the character of the building or on the countryside by virtue of the domestic curtilage. SPG 16 provides further advice on these requirements. The marketing report indicates that the building has been advertised for business purposes for a period exceeding 6 months and no offers have come forward. The comments received from the Principle Building Control Officer show that the structural survey provided is acceptable, and none of the works proposed would harm the integrity of the building. On this basis, the conversion of the

building is considered acceptable in principle. In order to preserve the integrity of the building and control any future alterations, it is considered prudent to remove permitted development rights, should the application be approved.

- ii) The location of the building in relation to the surrounding residential dwellings is such that there would be minimal impact on their amenity. The proposal locates much of the conversions amenity space to the front of the building, away from Plas Efenechtyd House, Plas Efenechtyd Cottage and the Old Bailiffs House.
- iii) There is some significant concern from the objectors regarding the impact of increased traffic on the access road and surrounding lanes. Following consultation with the Highway Engineer it appears these concerns are unfounded. Given the scale of the proposed development (i.e. one dwelling) it is unlikely to generate a significant increase in traffic flow. There are no reasons therefore to resist this application on highways grounds subject to relevant conditions
- iv) The issue of a bat survey can be dealt with through the use of conditions. In addition, issues regarding the hedgerows and trees in the area have been verbally discussed with the Principal Countryside Officer. He expressed no concern to this application. However, a formal response is awaited at time of writing this report.

SUMMARY AND CONCLUSIONS:

- 7. The application complies with policy and is therefore recommended for 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. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. Notwithstanding the provisions of Class(es) A, B, C, D and E 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.
4. No dwelling shall not be occupied until the driveways and parking spaces within the curtilages and access thereto have been provided with a drained hard surface, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
5. No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats. The results of the surveys together with reasonable avoidance measures to deal with any presence of bats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.
6. The proposed septic tank and ancillary soakaway system shall conform to BS6297 and no part of the system shall be sited within 10 metres of any watercourse.
7. 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.

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 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.

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.

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. In the interests of residential and/or visual amenity.
4. To ensure that each dwelling is served by a safe and satisfactory access and parking, in the interests of highway safety
5. In the interests of any protected species on the site.
6. To ensure the proper drainage of the site and to minimise the risk of pollution.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. To ensure the details are satisfactory in relation to the character and appearance of the building

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).

ITEM NO: 5

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2005/1297/ PF

PROPOSAL: Erection of garage block and link to side of dwelling (amended details to those previously approved under application ref:15/2005/0065/PF) (party retrospective)

LOCATION: Foelas Eryrys Road Mynydd Du Mold

APPLICANT: Mr T Holt

CONSTRAINTS: Public Footpath / Bridleway
AONB

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

CONSULTATION RESPONSES:

1. LLANARMON YN IAL COMMUNITY COUNCIL
"Not supported. Plot size insufficient for such a large extension".
2. AONB COMMITTEE
"The JAC continue to have reservations about the incremental growth of what was originally a modest dwelling on the site. The Committee wishes to reaffirm its previous request for a Section 106 planning obligation to restrict further planning applications for any further extensions. Following this request the JAC had hoped that the previous application would have been the last to be submitted. With reference to the further application the JAC objects to the amendments on the grounds of the increased mass and scale of the development which now incorporates a first floor."

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 05/04/2005

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site comprises a large detached property located within the open countryside beyond Eryrys within the Area of Outstanding Natural Beauty. The original property was permitted as a replacement dwelling in 1997 with revisions in 2000 to allow a larger property. There is an extensive planning history with several extensions also permitted. The property is located in a large plot surrounded by open countryside and the closest residential property is Foel Las Cottage located some 70m away on a higher ground level. The property is accessed off a narrow

country lane.

2. This application is for the erection of an attached pitched roof garage to the side of the original dwelling to provide an additional 3 car parking bays. The proposed extension would project forward of the existing dwelling to form a courtyard. A small extension would be constructed to link the garage to the main dwelling. The main structure would measure 3.5m by 8.7m with a pitched roof height of 6.4m. This represents an amendment to a scheme granted in July 2005. The revisions involve the raising of the roof of the block by some 0.7m to incorporate first floor living space, 3 no. new gabled dormer features and the insertion of a new gable window.
3. The intention is to plant some 38 no. new trees to the north and west of the dwelling with shrub and fruit tree planting closer to the house.

RELEVANT PLANNING HISTORY:

4. 15/649/96 – Demolition of existing dwelling and erection of a replacement dwelling, installation of new septic tank and formation of a new vehicular access and driveway GRANTED May 1997

15/644/98/PF - Change of use of agricultural land to provide extension to residential curtilage – REFUSED October 1998

15/645/98/PF – Amended details of replacement dwelling previously approved under code no. 15/649/96/PF REFUSED November 1998

15/75/99/PF – Erection of a detached domestic garage with ancillary store GRANTED April 1999

15/76/99/PF - Change of use of land to form extension to domestic curtilage (amended scheme to previously submitted under code 15/644/98/PF) Partly retrospective GRANTED 30th April 1999

15/2000/76/PF – Amended details of replacement dwelling, previously granted under code no 15/649/96/PF GRANTED March 2000

15/2001/0333/PF – Erection of orangery/glazed link between existing dwelling and garage GRANTED May 2001

15/2002/0333/PF – Erection of swimming pool and enclosing structure to include first floor gym, link to dwelling house and a change of use of agricultural land to form extension to domestic curtilage WITHDRAWN

15/2004/0345/PF Erection of conservatory extension and alterations to existing vehicular access (partly retrospective) GRANTED September 2004

15/2005/0065/PF – Erection of garage block and link – GRANTED – 20/7/05

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE COUNTY COUNCIL UNITARY DEVELOPMENT PLAN (adopted 3rd July, 2002)
Policy GEN 6 Development Control Requirements
Policy HSG 12 Extensions to Dwellings
Policy ENV 2 Area of Outstanding Natural Beauty

Supplementary Planning Guidance 1: Extensions to Dwellings

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Impact on residential amenity
 - ii) Impact on visual amenities/Character of AONB

7. In relation to the main planning considerations identified at paragraph 6 above:
 - i) The closest residential property to the application site is located approx 70m away on a higher ground level and the proposed extension would not cause any unacceptable impact on the amenities of this property. Whilst it is acknowledged that the property has been extended considerably since the replacement dwelling was permitted in 2000, with a triple garage, orangery/glazed link and conservatory permitted, the property occupies a large plot with extensive curtilage area and the proposal therefore does not constitute over development of the site.

 - ii) It is accepted that the property is very large in the landscape and that further extensions need to be subject to careful scrutiny. However, this proposal needs to be considered in the context of what is already a large scale dwelling and the previously permitted scheme. The size, scale and design of the proposed extension are in themselves considered acceptable. The raising of the roof by some 0.7m is in itself considered acceptable in the context of the main building and surrounding land levels. The insertion of the dormers would not create alien features in the building and whilst the comments of the JAC and Community Council are noted, it is not considered these revisions would warrant refusal. The extension would be constructed of stone to match the main dwelling with a slate roof. The extension is considered to be in an acceptable location and encloses the main property into a courtyard opposite the 3m high walls which are located on the other side of the property. Most importantly, the proposal for significant additional landscaping would assist in enhancing the appearance of the whole site and softening the impact of the dwelling and extension into the landscape. With the sympathetic materials and additional landscaping proposed, the impact on the open countryside and character of the AONB would be acceptable.

SUMMARY AND CONCLUSIONS:

8. There would be no impact on residential amenity

9. There would be no adverse impact on the visual amenities of the open countryside, given the landscaping now proposed.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. Notwithstanding the submitted landscape and tree planting scheme dated June 2005, a further detailed scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme to include all existing trees, hedgerows and other vegetation on the land, and proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.
2. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the current planting and seeding seasons i.e. by the end of April 2006 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.
3. 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.

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

1. In the interests of visual amenity.
2. To ensure a satisfactory standard of development, in the interests of visual amenity.
3. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2005/1391/ PC

PROPOSAL: Retention of conservatory extension to side of dwelling

LOCATION: Armon Cottage Bryn Alyn Llanferres Mold

APPLICANT: Mr & Mrs P Simpson

CONSTRAINTS: Wildlife Site
Public Footpath / Bridleway
AONB
Ancient Woodland

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

CONSULTATION RESPONSES:

1. LLANARMON YN IAL COMMUNITY COUNCIL
"Supported"
2. AONB COMMITTEE
"The JAC reaffirms its previous comments to deplore the fact that this is a retrospective application, and continue to have serious concerns about the design of the extension which is not sympathetic with the character and appearance of the existing dwelling. The committee also considered that the landscape proposals would not improve the visual impact of the conservatory."
3. PRINCIPAL COUNTRYSIDE OFFICER
Awaiting response
4. LANDSCAPE ARCHITECT
Awaiting response

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 15/01/2006

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation responses

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in a rural location within the Clwydian Range AONB. It is located off a track leading from the Burley Hill Quarry and sits in a wooded valley.

Three public footpaths are located close to the dwelling.

2. The dwelling is a traditional white rendered cottage that has been altered in the past with white UPVC windows. Traditional timber doors and fixings remain, with the roof being natural slate. A parking and turning area exists to the side of the dwelling with a large curtilage area to the front. A detached garage/ shed are located to the side of the dwelling with a row of trees separating the application site from the rear of the neighbouring property, Bonlez Cottage.
3. Planning permission was sought under code number 15/2005/0812/PC for the retention of a conservatory extension to the side of the dwelling. This was refused at committee on the 28th September 2005 and enforcement action was authorised for the removal of the unauthorised structure.
4. The conservatory is located to the side of the dwelling is constructed of UPVC glazing materials and white roughcast render to the plinth and rear elevation. It measures 8.3m in length, 3.7m in width and 3.5 m in height to the ridge. The front of the structure, along with the roof, is extensively glazed and three no windows are located in the rear elevation.
5. This application seeks to retain the conservatory and contains details of a landscaping scheme to provide additional screening from the three footpaths that run adjacent to the application site. Photographs have also been submitted, taken from the lane and footpaths close to the site, demonstrating the impact from public viewpoints. An enforcement notice has been prepared as a result of the previous refusal but has been held in abeyance until this application is determined.

RELEVANT PLANNING HISTORY:

6. **15/2005/0812/PC** - Erection of conservatory extension to side of dwelling (retrospective application). REFUSED at committee on the 28th September 2005 for the following reason: 'The proposal, by reason of its scale, design and materials, would not be subordinate to the original dwelling, or sympathetic to its character and appearance or that of the Clwydian Range Area of Outstanding Natural Beauty. Thus the proposal would conflict with criteria (i) and (ii) of Policy HSG 12 and Policy ENV 2 of the Denbighshire Unitary Development Plan and national guidance within Planning Policy Wales.'

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July
Policy GEN3 – Development outside Development Boundaries
Policy GEN6 – Development Control Requirements
Policy ENV2 – Development affecting the AONB
Policy HSG12 – Extensions to Dwellings
Policy SPG1 – Extensions to dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Impact on visual amenity
 - ii) Impact on residential amenity
 - iii) Impact on character and appearance of AONB
9. In relation to the main planning considerations as noted above

- i) Whilst the conservatory is large in relation to the original dwelling, the proposed screening as part of the application will seek to mitigate the impact of the proposal on the appearance of the application site. The materials (render and upvc glazing) match the materials of the cottage.
- ii) There is no adverse affect on the residential amenity of the adjoining occupants as a screen of natural vegetation separates the application site from Bonlez Cottage. This will be augmented as part of the landscaping scheme.
- iii) The photographs and site appraisal indicate that the conservatory is not readily visible from the south, west or east. However, there is sparse existing vegetation along the northern boundary of the application site adjacent to which there is a footpath. This current application proposes further landscaping particularly along the northern boundary to reduce the impact of the conservatory on the character and appearance of the AONB. The landscaping scheme shows indigenous hedging (hawthorn and holly) to the northern and eastern boundaries and specimen tree planting to the boundaries and within the site. The AONB committee comment that the screening is not sufficient to improve the visual impact of the conservatory. With reference to Policy ENV2, the additional landscaping is considered to sufficiently screen the development from public viewpoints and mitigate its impact and thus the proposal is considered on balance acceptable in relation to the policy.

SUMMARY AND CONCLUSIONS:

- 10. The application is for the retention of a large conservatory to the side of the dwelling house and is located in the AONB. The additional screening as part of this application is considered to mitigate sufficiently the impact and thus the application is recommended for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. All planting comprised in the approved details of landscaping shall be carried out in the current planting and seeding season (i.e. by the end of April 2006) 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 ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT: None

ITEM NO: 7

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2005/1193/ PO

PROPOSAL: Development of 0.1 hectares of land by erection of 1 dwelling and alterations to existing vehicular access (outline application)

LOCATION: Land at (Part garden of) Belle Vue Pen Y Stryt Llandegla Wrexham

APPLICANT: Mr P A Owens

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDEGLA COMMUNITY COUNCIL
"No objections or comments"
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection subject to conditions regarding access and parking.
3. WELSH WATER
The application site is crossed by a public sewer/ rising main/ disposal main.

RESPONSE TO PUBLICITY:

Representations received from the following:

1. Michael T. Leach, Beecholme, Pwllcrochan Avenue, Colwyn Bay as executor of adjoining property.

Summary of Planning based representations:

- i) Concerns that the access on to Pen-y-Stryt is dangerous to both vehicle users and pedestrian users as a result of another dwelling being built.

EXPIRY DATE OF APPLICATION: 03/01/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site forms part of the garden area of the property known as Belle Vue. Belle Vue is on the northern side of Pen-y-Stryt, the main A525 from Ruthin to Wrexham. Belle Vue is a two storey detached dwelling of stone and render construction with a slate roof. A parking and turning area exists to the side of the dwelling, with the curtilage area to the side and rear of the dwelling.

2. The application is for the erection of a single dwelling in the curtilage area of Belle Vue. The application is made in outline with all matters reserved for further approval.

RELEVANT PLANNING HISTORY:

3. Application no: 27/8487– Erection of detached dwelling and construction of new vehicular access. GRANTED with conditions on the 19/1/1987

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN1 - Development within Development Boundaries
Policy GEN6 - Development Control Requirements
Policy ENV2 – Development affecting the AOB
Policy HSG4 – Housing Development in Villages

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principal of development
 - i) Highway issues
 - ii) Impact on AOB
 - iii) Impact on visual and residential amenity
6. In relation to the main planning considerations as noted in paragraph 5:
 - i) The proposal to develop part garden of Belle Vue for residential use is considered to be acceptable given the location of the proposal within the development boundary of Llandegla. The proposal is therefore in accordance with Policy GEN 1 of the UDP.
 - ii) The proposal would involve the alteration and improvement of an existing vehicular access that is in itself satisfactory. Highways consider that the proposal would be acceptable in relation to highway safety and have advised on conditions to be attached to any granting of planning permission.
 - iii) The impact on the AOB is considered to be minimal. There is adequate screening along the rear and side boundary of the application site to integrate the proposal fully into the landscape. Details in relation to the specific design of the building are to be further agreed in a reserved matters application and this will further safeguard the impact of the proposal on the AOB. This is in accordance with Policy ENV2.
 - iv) The siting of the building is not to be determined as part of this application. Further details at reserved matters stage can be controlled to safeguard residential amenity. There is sufficient space within the plot and to the frontage to accommodate a dwelling without significant impact on residential and visual amenity.

SUMMARY AND CONCLUSIONS:

7. The application is considered to be acceptable in principle and there are no highway objections. The impact on the AOB and on visual and residential amenity can be controlled at the reserved matters application stage.

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. 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 completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The access shall be in accordance with the details relating to a paired shared access (residential) as indicated on the standard detail for vehicular access.
6. Facilities shall be provided and retained within the site for the parking and turning of vehicles for Belle Vue and the proposed dwelling in accordance with a scheme to be agreed in writing by the Local Planning Authority and which shall be completed prior to the proposed dwelling being occupied.
7. 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 Highway Authority's approval before the dwelling is occupied.
8. No development shall take place within 3 metres either side of the public sewer, which crosses the site.
9. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
10. No land drainage runoff will be permitted to, (either directly or indirectly) to discharge into the public sewerage system.

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. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. To provide the parking of vehicles clear of the highway and to ensure that the reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. To ensure that no deleterious material is carried onto the highway.
8. To ensure access to the public sewer is maintained and to protect the building's foundations if access is required.
9. To prevent the hydraulic overload of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.
10. To prevent the hydraulic overload of the public sewerage system and pollution of the environment.

NOTES TO APPLICANT: None

ITEM NO: 8

WARD NO: Llandyrnog

APPLICATION NO: 18/2005/1144/ PF

PROPOSAL: Conversion of redundant farm outbuilding to dwelling, construction of new vehicular access and installation of new septic tank

LOCATION: Outbuilding at Fforddlas Isaf Llandyrnog Denbigh

APPLICANT: Mr. Richard Williams

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDYRNOG COMMUNITY COUNCIL:
No response received
2. HEAD OF TRANSPORT AND INFRASTRUCTURE:
No objections subject to conditions
3. BUILDING CONTROL OFFICER:
Consider structural report is accurate
4. COUNTRYSIDE COUNCIL FOR WALES:
Need to undertake a bird and mammal survey.

RESPONSE TO PUBLICITY:

Letters of representations were received from:

1. Mr. & Mrs. Evans, Orchard House, Llandyrnog
2. Mr. N. & Mrs. J. Lindfield, Berllan Bach, Llandyrnog

Summary of planning based representations:

- i) Principle of development (HSG 9)
- ii) Impact on highway safety – new access onto narrow track
- iii) Impact on the open countryside – use of field as garden
- iv) Impact on wildlife
- v) Size of the building will lead to further extensions

EXPIRY DATE OF APPLICATION: 20/11/2005

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Fforddlas is a small hamlet located between Waen/ Llandyrnog and Llangynhafal. The existing dwelling Fforddlas Isaf has a range of redbrick agricultural

outbuildings, one of which is the subject of this application.

2. The two storey building is brick built with a slate roof. It is sited approximately 4 metres to the south of another outbuilding which is at an L-shaped angle to the main dwelling. The combined floor area (ground and first) is approximately 92 square metres.
3. The proposal is to convert the outbuilding to a 2 bedroom dwelling with the main living room and kitchen at ground floor and a bathroom and two bedrooms at first floor. A private garden of some 550 square metres would be created around the dwelling, within which there would be space for the parking and turning of 2 vehicles, with lawned and landscape areas.
4. The application is accompanied by a detailed report from an independent structural engineer which comments on the adequacy of the building for the scheme of conversion proposed. Additional information has been submitted from a local estate agent on the likely demand for this type of property in this location for a commercial use.

RELEVANT PLANNING HISTORY:

None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (3rd July 2002)
Policy GEN 3 – Development outside development boundaries
Policy GEN 6 – Development Control Considerations
Policy HSG 9 – Residential conversion of rural buildings to dwellings
Policy ENV 1 – Protection of the natural environment
SPG No. 16 – Conversion of Rural Buildings

GOVERNMENT GUIDANCE
Planning Policy Wales (2002)

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Highway safety
 - iii) Impact on the open countryside and visual amenity
 - iv) Impact on residential amenity
 - v) Impact on wildlife
7. In relation to the considerations as noted in paragraph 8.
 - i) The proposal complies with the tests of Policy HSG 9 of the Denbighshire UDP relating to conversions of redundant agricultural buildings to residential dwellings. The supporting statement submitted following the original submission is considered to be reasonable as the access roads in the Fforddlas area are not suitable for most commercial operations.
 - ii) The Head of Transport and Infrastructure is satisfied that the proposed access and visibility meet their requirements for creating a safe and satisfactory arrangement. Provision for parking and turning within the site is also to their satisfaction subject to the surfacing of the access with bituminous material.

- iii) The conversion respects the existing characteristics of the barn in terms of design and materials. Concerns have been expressed regarding the change of use of agricultural land for residential curtilage to the proposed dwelling. The new residential boundary follows a natural dip within the land and the majority of the existing field hedge boundaries will be retained.
- iv) Subject to a condition to control the obscure glazing in the first floor bedroom window there are no other areas of concerns regarding the overlooking of adjoining properties from the proposed dwelling, by virtue of the respective distances and the orientation of the other properties.
- v) Concerns have been expressed regarding the wildlife contained within the application site. A condition should be attached, in line with the advice set out by the Countryside Council for Wales, to request a bird and mammal survey is undertaken prior to the commencement of development on site. The reason for the condition would be to comply with Policy ENV 1 of the Denbighshire Unitary Development Plan.

SUMMARY AND CONCLUSIONS:

- 8. The proposal is considered to comply with the relevant policies and recommended for support.

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 proposed roof lights shown on the approved drawings shall not project above the plane of the existing roof.
3. Notwithstanding the provisions of Class(es) A, B, C, D and E of Part 1 and Class C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
4. 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 dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
5. No works to any building on the site, including demolition, shall be carried out until such time as the affected building has been surveyed for the presence of birds or mammals. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of birds or mammals shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.
6. Prior to the commencement of development on the outbuilding, the access and visibility splay shall be laid out and constructed in accordance with the approved plan.
7. Prior to the occupation of the hereby approved dwelling the parking and turning facilities shall be completed in accordance with the approved plan and the surface of the highway boundary and the whole of the frontage adjacent to the highway boundary shall be reinforced with bullnose kerbs.
8. The first floor window to the rear gable shall be glazed with obscure glass prior to the occupation of the dwelling, and thereafter retained as such.
9. 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.
10. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.

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 that the development presents a satisfactory appearance
3. In the interests of residential and/or visual amenity.
4. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
5. In the interests of any protected species on the site.
6. In the interest of free and safe movement of traffic on the adjoining highway.
7. To provide parking and turning within the site and that no deleterious material is carried onto the highway.
8. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity.
9. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
10. To ensure a satisfactory standard of development, 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. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980. The existing septic tank / sewage treatment plant and ancillary soakaway system must conform to BS 6297: 1973 and no part is to be sited within 10m of any watercourse.

The septic tank / sewage treatment plant must not affect any potable water sources such as private wells, etc.

The development must ensure that the existing septic tank and soakaway system can adequately accommodate the likely increase in foul flows.

From the details available it appears that there is a watercourse in the vicinity of the proposed development site which is not scheduled as a Main River pursuant to the Land Drainage Act 1991. The Developer must obtain the formal consent of the Environment Agency if any works include the erection of or alteration to a culvert, dam, weir or any similar construction in any watercourse.

You are advised that the Local Planning Authority has granted this permission solely on the basis that the proposal involves the conversion of the building to a dwelling, to be carried out strictly in accordance with the approved plans. Any alteration or demolition work deviating from that shown on the approved plans, unless agreed by the Local Planning Authority, involving the rebuilding of part or all of the outbuilding will invalidate the planning permission.

ITEM NO: 9

WARD NO: Dyserth

APPLICATION NO: 42/2005/1325/ PF

PROPOSAL: Erection of boundary walls/railings and hardstanding (retrospective application)

LOCATION: Mount House Bryniau Dyserth Rhyl

APPLICANT: Mr & Mrs P J Parry

CONSTRAINTS: Public Footpath / Bridleway
Previous Mining Area
AONB
CLC-Class C Road

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
No reply.
2. JOINT ADVISORY COMMITTEE FOR THE CLWYDIAN RANGE AONB
"The JAC deplore the fact that this is a retrospective application and objects to the infringement onto Common Land which has not been reinstated following work in the area. The Committee also objects to the timber fencing and the proposed railings on the grounds of their detrimental visual impact on the AONB. The timber fencing should be replaced by traditional local stone walls or new hedgerows of local indigenous species. The JAC requests that the wall adjacent to the Common Land be reinstated to match the adjacent wall and topped with coping stones. The new road frontage wall should be reduced in height and match the National Trust wall opposite."
3. CAMPAIGN FOR THE PROTECTION OF RURAL WALES
Object due to encroachment onto common land, height and design of wall, inappropriate retaining wall.

RESPONSE TO PUBLICITY:

Representations received from:

1. Dr J K & Mrs J Walters, owners of The Bungalow, Bryniau, Dyserth;
2. M P Thorburn, The Hollies, Bryniau, Dyserth;
3. Mr J T Tibbells, Clarence House, Bryniau, Dyserth;
4. Mr I Hillard, Hawthorn Dene, Bryniau, Dyserth.
5. A Shirley, Rock Cottage, Bryniau, Dyserth

Summary of planning based representations:

- (i) The new wall is taller than the old;
- (ii) The hardstanding will be prominent and have a visual impact;
- (iii) The works have encroached onto the footpath running to the rear;
- (iv) The railings will have an 'urban' appearance and be harmful to the AONB;
- (v) The gates look like prison walls;

- (vi) The wall to the frontage looks unfinished due to the absence of coping stones.

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 14/12/2005

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site contains a large detached dwelling (which has recently been extended) standing within significant grounds. The property is sited at the crest of a hill with the nearby dwellings set at a lower level but some distance away from the house itself. The nearest houses are Maenan to the north east, and Carreg Wen, The Bungalow and Rock Cottage to the south. The site and the surrounding area lie within the AONB under Policy ENV2, with the land opposite the site to the other side of the road designated as a Site of Nature Conservation Value under Policy ENV4.
2. This application and two other current applications (42/2005/1326/PC and 42/2005/1327/PC) have been submitted as a result of structures being erected within the curtilage of the dwelling without planning permission. Whilst the extension to the house permitted under 42/2004/1553/PF appears to have been undertaken in accordance with the approved plans, the stable block was demolished with a new building taking its place, the front boundary wall was demolished and replaced, a new hardstanding has been created within the site and a new building has been erected adjacent to the site of the old stable block. None of these works have planning permission.
3. The application seeks retrospective consent for two matters:
 - i) to demolish the front boundary stone wall which had a height of around 1.6 metres and replace it with a new wall of 2.3 metres in height, iron entrance gates and some areas of railings adjacent to the entrance. The applicant has stated that the wall needed to be replaced due its poor condition. The replacement wall has a very similar appearance and is finished to a high standard, but currently without any coping stones;
 - ii) to retain a raised hardstanding within the rear east corner of the site adjacent to the public footpath running to the rear of the site. The hardstanding has required the creation of a retaining wall up to a maximum of 2.0 metres in height on which 2.0 metres high railing are proposed.
4. In support of the application, the agent for the scheme has written to state that the previous front boundary wall and eastern return was in a dilapidated condition and unsafe in places. It was re-built along the same alignment. The retaining wall created for the hardstanding is, the agent states, intended to tidy up the boundary and revitalise a derelict footpath and which was formerly little used and in an unkempt condition.

RELEVANT PLANNING HISTORY:

5. 42/2004/0239/PF – Demolition of side extension and conservatory and erection of replacement single-storey extensions, rear conservatory and patio area: Granted 15 April 2004.

42/2004/1304/PF – Demolition of side extension and conservatory and erection of two-storey extension, new vehicular access and outbuilding: Withdrawn 25 November 2004 following concerns expressed at the access and the scale and visual impact of the outbuilding.

42/2004/1553/PF – Demolition of an existing single-storey side extension and rear conservatory and erection of a two-storey extension: Granted 23 February 2005.

42/2005/0546/PF – Change of use of domestic outbuilding to dwelling for use ancillary to main dwelling: Granted 1 July 2005.

42/2005/1326/PC – Rebuilding stable block to form annexe to main dwelling (retrospective application): Decision pending.

42/2005/1327/PC – Construction of outbuilding for purposes incidental to use of the main dwelling (retrospective): Decision pending.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy ENV 2 – Development Affecting the AONB
Policy HSG12 – Extensions to Dwellings

SUPPLEMENTARY PLANNING GUIDANCE
SPG1 – Extensions to Dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Impact on the AONB
 - iii) Impact on the nearby occupiers
 - iv) Encroachment onto Common Land
8. In relation to the considerations as noted in paragraph 8:
 - i) In terms of principle, the main issue is whether the new wall or hardstanding have a sufficiently detrimental visual appearance to justify a refusal of permission. The comments made by the JAC and by the CPRW are noted, but primarily these comments relate to the new timber fence to the rear of the property which does not form part of this application and does not require planning permission. Whilst it is accepted that the new wall is higher than that across the road fronting the National Trust land, this has always been the case as the previous wall of 1.6 metres in height was itself higher than the wall to the other side of the road. As such, given the high quality appearance of the wall and the location of the hardstanding within the rear corner of the site, the application is considered acceptable in terms of principle;
 - ii) Policy ENV 2 states that development will only be permitted where it would not detract from the character and appearance of the AONB and that development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the area. Again, whilst the comments of the JAC and CPRW are noted the timber fence is not part of this application and the wall and hardstanding are adjudged to comply with the requirements of this policy, given the overall

scale of the site and the large buildings contained within it;

- iii) The new wall and the hardstanding are not adjudged to result in any loss of amenity or privacy to any nearby occupiers;
- (iv) The references made by the JAC, CPRW and the objectors to encroachment onto common land are being investigated but are not considered to be significant or material to the application..

SUMMARY AND CONCLUSIONS:

- 9. Whilst in a sensitive location, the scale of the site is considerable and the buildings within the site have an imposing presence already. As such, the new wall and the hardstanding are considered to be subservient to the existing property and although the objections of the JAC, CPRW and local residents are noted the application is considered acceptable on balance and is recommended to be granted subject to an appropriate condition to control the coping.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. Details of the coping stones to be placed on the top of the new wall shall be submitted to and approved in writing by the Local Planning Authority, with the coping stones erected within 3 months of the date of this permission.

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

- 1. In the interests of visual amenity

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Dyserth

APPLICATION NO: 42/2005/1326/ PC

PROPOSAL: Rebuilding stable block to form annexe to main dwelling (retrospective application)

LOCATION: Mount House Bryniau Dyserth Rhyl

APPLICANT: Mr & Mrs P J Parry

CONSTRAINTS: CLC-Class C Road
Previous Mining Area
AONB

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
No reply.
2. JOINT ADVISORY COMMITTEE FOR THE CLWYDIAN RANGE AONB
"The JAC also deplore the fact that this is a retrospective application and object to the proposals on the grounds of mass, scale and design of the building."
3. CAMPAIGN FOR THE PROTECTION OF RURAL WALES
Object due to encroachment onto common land, design and size of outbuildings inappropriate.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr J K & Mrs J Walters, owners of The Bungalow, Bryniau, Dyserth;
2. M P Thorburn, The Hollies, Bryniau, Dyserth;
3. Mr J T Tibbells, Clarence House, Bryniau, Dyserth;
4. Mr I Hillard, Hawthorn Dene, Bryniau, Dyserth.
5. A J Shirley, Rock Cottage, Bryniau, Dyserth

Summary of planning based representations:

- (vii) The building is a new dwelling rather than a 'granny annexe' as stated;
- (viii) The roof over the building overhangs common land to the rear;
- (ix) The building should be demolished and reduced to the size of the original stable block;
- (x) The new building is considerably taller than the previous structure;
- (xi) The rear wall of the building has replaced the former stone boundary wall;
- (xii) The two new buildings form an ugly projection on the skyline;
- (xiii) The single pitch roof makes the building very unattractive.

EXPIRY DATE OF APPLICATION: 14/12/2005

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site contains a large detached dwelling (which has recently been extended) standing within significant grounds. The property is sited at the crest of a hill with the nearby dwellings set at a lower level but some distance away from the house itself, the nearest houses being Maenan to the north east, and Carreg Wen, The Bungalow and Rock Cottage to the south. The site and the surrounding area lie within the AONB under Policy ENV2, with the land opposite the site to the other side of the road designated as a Site of Nature Conservation Value, under Policy ENV4.
2. The subject application and two other current applications (42/2005/1325/PF and 42/2005/1327/PC) have been submitted as a result of structures being erected within the curtilage of the dwelling without planning permission. Whilst the extension to the house permitted under 42/2004/1553/PF appears to have been undertaken in accordance with the approved plans, the stable block was demolished with a new building taking its place, the front boundary wall was demolished and replaced, a new hardstanding has been created within the site and a new building has been erected adjacent to the site of the old stable block. None of these works have planning permission.
3. The subject application seeks retrospective consent to demolish the previous red brick outbuilding standing within the grounds of the house adjacent to the north eastern boundary with Maenan and replacing it with a new building of a render and stone finish to match the existing house. The outbuilding had a footprint of 12.7 metres in width by up to 5.2 metres in depth and a mono-pitch roof which varies from 2.4 metres in height up to 4.1 metres. The new building has a footprint of 13.0 metres by 5.7 metres in depth with a mono-pitch roof varying from 2.8 metres up to 4.7 metres. The unit contains one bedroom, a bathroom and a living/dining room and a kitchen area. The previous permission allowed a similar living space but without a kitchen.
4. In support of the application, the agent for the scheme has written to state that once the development commenced it was realised that the walls were in a far less stable and sound condition than previously thought. Accordingly, reconstruction was adjudged to be the best way forward with the spirit of the conversion being complied with. The agent states that the building has the same footprint, extent and elevations as that previously approved, although this is not the case as described in the preceding paragraph of this report.

RELEVANT PLANNING HISTORY:

5. 42/2004/0239/PF – Demolition of side extension and conservatory and erection of replacement single-storey extensions, rear conservatory and patio area: Granted 15 April 2004.

42/2004/1304/PF – Demolition of side extension and conservatory and erection of two-storey extension, new vehicular access and outbuilding: Withdrawn 25 November 2004 following concerns expressed at the access and the scale and visual impact of the outbuilding.

42/2004/1553/PF – Demolition of an existing single-storey side extension and rear conservatory and erection of two-storey extension: Granted 23 February 2005.

42/2005/0546/PF – Change of use of domestic outbuilding to dwelling for use ancillary to main dwelling: Granted 1 July 2005.

42/2005/1325/PF – Erection of boundary wall/railings and hardstanding (retrospective): Decision pending.

42/2005/1327/PC – Construction of outbuilding for purposes incidental to use of the main dwelling (retrospective): Decision pending.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy ENV 2 – Development Affecting the AONB
Policy HSG12 – Extensions to Dwellings
SUPPLEMENTARY PLANNING GUIDANCE
SPG1 – Extensions to Dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Impact on the AONB
 - iii) Impact on the nearby occupiers
8. In relation to the considerations as noted in paragraph 8:
 - i) In terms of principle, the main issue has to be whether the differences in the new building as compared to the original building are of sufficient difference to justify a refusal of consent. It is noted that the new building has a length which is 0.3 metres greater and a depth which is 0.5 metres wider with a maximum roof height that is 0.6 metres higher. These increases are considered to result in a negligible increase in floor area and in volume. Whilst it is recognised that the roof height is higher than the previous building, this is not considered of sufficient harm to justify a refusal of permission. Overall, the retention of the red brick building and its conversion in accordance with the approved scheme would have been preferable to its demolition and replacement. However, the application is now effectively a 'one for one' replacement of an ancillary annexe and despite it now also containing a kitchen, the retention of the unit, which is ancillary to the existing main dwelling within the same site is considered, on balance, to be acceptable;
 - ii) Policy ENV 2 states that development will only be permitted where it would not detract from the character and appearance of the AONB and that development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the area. Given that the appearance of the new building reflects the style of the main dwelling to which it is subservient, the application is adjudged to comply with the requirements of this policy;
 - iii) The replacement of the outbuilding is not adjudged to result in any loss of amenity or privacy to any nearby occupiers;

SUMMARY AND CONCLUSIONS:

9. Whilst in a sensitive location, the scale of the site is considerable and the buildings within the site have an imposing presence already. As such, the replacement of the former stable block with a building of a comparable size, albeit with a different appearance, due to the use of materials to match the main house, rather than red brick, is considered to be subservient to the existing property. Although the objections of the JAC, CPRW and local residents are noted the application is considered acceptable on balance and is recommended to be granted subject to appropriate conditions.

RECOMMENDATION – GRANT subject to the following conditions:-

1. 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 main dwelling.
2. 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 rear elevation of the extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
3. The annexe hereby permitted shall be occupied for purposes ancillary to the existing dwelling, Mount House, and shall not be used as a separate dwelling.

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

1. In the interests of visual amenity
2. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity
3. To prevent the creation of a separate dwelling in view of relevant planning policies.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: Dyserth

APPLICATION NO: 42/2005/1327/ PC

PROPOSAL: Construction of outbuilding for purposes incidental to use of the main dwelling (retrospective application)

LOCATION: Mount House Bryniau Dyserth Rhyl

APPLICANT: Mr & Mrs P J Parry

CONSTRAINTS: Previous Mining Area
CLC-Class C Road
AONB

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
No reply.
2. JOINT ADVISORY COMMITTEE FOR THE CLWYDIAN RANGE AONB
"The JAC deplore the fact that this is a retrospective application and object to the proposals on the grounds of mass, scale and design of the building."
3. CAMPAIGN FOR THE PROTECTION OF RURAL WALES
Object due to encroachment onto common land, design and size of outbuildings inappropriate.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Mr J K & Mrs J Walters, owners of The Bungalow, Bryniau, Dyserth;
2. M P Thorburn, The Hollies, Bryniau, Dyserth;
3. Mr J T Tibbells, Clarence House, Bryniau, Dyserth;
4. Mr I Hillard, Hawthorn Dene, Bryniau, Dyserth.
5. A J Shirley, Rock Cottage, Bryniau, Dyserth

Summary of planning based representations:

- (xiv) The building is totally unacceptable as it is too conspicuous in the AONB;
- (xv) The building must be demolished;
- (xvi) The ground floor level of the building is raised up from the adjacent land;
- (xvii) The building has an urban appearance;
- (xviii) The volume of buildings at the site is too great in such a sensitive location;
- (xix) The two buildings erected form an ugly projection and have been built considerably higher than the previous stable building.

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 14/12/2005

**PLANNING ASSESSMENT:
THE PROPOSAL:**

1. The site contains a large detached dwelling (which has recently been extended) standing within significant grounds. The property is sited at the crest of a hill with the nearby dwellings set at a lower level but some distance away from the house itself, the nearest houses being Maenan to the north east, and Carreg Wen, The Bungalow and Rock Cottage to the south. The site and the surrounding area lie within the AONB under Policy ENV2, with the land opposite the site to the other side of the road designated as a Site of Nature Conservation Value under Policy ENV4.
2. The subject application and two other current applications (42/2005/1325/PF and 42/2005/1326/PC) have been submitted as a result of structures being erected within the curtilage of the dwelling without planning permission. Whilst the extension to the house permitted under 42/2004/1553/PF appears to have been undertaken in accordance with the approved plans, the stable block was demolished with a new building taking its place, the front boundary wall was demolished and replaced, a new hardstanding has been created within the site and a new building has been erected adjacent to the site of the old stable block. None of these works have planning permission.
3. The subject application seeks retrospective consent to retain a new building standing within the grounds of the house adjacent to the north eastern boundary with Maenan. The new building has a footprint of 12.5 metres by 5.4 metres in depth with a mono-pitch roof varying from 2.8 metres up to 4.7 metres. However, the building also has a basement level of a depth of 2.0 metres across its entire base, in which it is understood the boiler room for the main dwelling will be housed. The entrance to the basement is taken via a doorway at one end. Overall, the building has a volume of around 250 cubic metres with the basement providing a further 135 cubic metres of volume, resulting in a total volume for the construction of around 385 cubic metres. The building is therefore of a very substantial size and scale, and is made more prominent as its ground floor level is higher than that of the adjacent ground level due to the sloping topography of the land
4. In support of the application, the agent for the scheme has written to state that his client gave the go ahead for the construction of the building on the understanding that it was permitted development, falling into the category of a building for purposes incidental to the enjoyment of a dwellinghouse on the basis that Mount House was still occupied at the time of purchase. Accordingly, it is suggested by the agent that if the building did not abut a footpath then planning permission would not normally be required. *(This is however not correct given the height of the building which exceeds 4 metres in any event)* It is further stated that the design follows that permitted for the adjacent annexe which was considered acceptable in appearance terms. *(Again, this is incorrect as no planning permission was granted for the demolition and replacement of the stable block)* Overall, the agent concludes that the position of the building, work on which has stopped at the present time, is best for all concerned, for his client due to its proximity to the house and to the general situation as its presence is screened to the south and west by Mount House and the annexe and to the north by tree screening. The building is stated as being used for the storage of gardening, recreation and domestic machinery with an exercise and games area. *(During a site meeting with the applicant, it was confirmed that the building is to be used as a gym with a shower room and store and the boiler room within the basement)*

RELEVANT PLANNING HISTORY:

5. 42/2004/0239/PF – Demolition of side extension and conservatory and erection of replacement single-storey extensions, rear conservatory and patio area: Granted 15 April 2004.

42/2004/1304/PF – Demolition of side extension and conservatory and erection of two-storey extension, new vehicular access and outbuilding: Withdrawn 25 November 2004 following concerns expressed at the access and the scale and visual impact of the outbuilding.

42/2004/1553/PF – Demolition of an existing single-storey side extension and rear conservatory and erection of a two-storey extension: Granted 23 February 2005.

42/2005/0546/PF – Change of use of domestic outbuilding to dwelling for use ancillary to main dwelling: Granted 1 July 2005.

42/2005/1325/PF – Erection of boundary wall/railings and hardstanding (retrospective): Decision pending.

42/2005/1326/PC – Rebuilding stable block to form annexe to main dwelling (retrospective application): Decision pending.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development Outside Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy ENV 2 – Development Affecting the AONB
Policy HSG12 – Extensions to Dwellings
SUPPLEMENTARY PLANNING GUIDANCE
SPG1 – Extensions to Dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle
 - ii) Impact on the AONB
8. In relation to the considerations as noted in paragraph 8:
 - i) In terms of principle, the scale of the previous extensions to the main house were allowed on the understanding that the volume of the previous extensions to the property were all to be demolished and therefore the overall volume of new extensions would be offset to an extent by the demolished buildings. During the consideration of a previous proposal at the site (ref 42/2004/1304/PF) strong concern was expressed regarding the scale and visual impact of a new outbuilding which was proposed. It is not therefore considered that there is any justification which can be given for the erection of the new building which is of a considerable volume and scale. Whilst the application for the adjacent re-building of the stable block is effectively a trade off of one building for another of a similar size, the subject proposal has no such trade off and represents a building which is unacceptable;
 - ii) Policy ENV 2 states that development will only be permitted where it would not detract from the character and appearance of the AONB and that development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the

area. In this instance, the new building erected has a large volume and has a height in excess of 5 metres from ground level taking into account the basement. The comments made by the JAC and the CPRW are considered entirely justified and the retention of the building will be harmful to the visual appearance of the AONB and contrary to Policy ENV2;

SUMMARY AND CONCLUSIONS:

9. The site lies in a sensitive location and the scale of the proposed building with its considerable bulk, massing and height is not considered to be justified as it will add to the existing agglomeration of buildings at the site and be harmful visually to the AONB. The application is therefore recommend to be refused together with a resolution for enforcement action to be instigated to seek its demolition.

RECOMMENDATION A : REFUSE- for the following reasons:-

1. The building has a considerable mass and height and is located within a sensitive area where its presence is adjudged to detract from the visual amenities of the AONB. Accordingly, the application to retain the building is not acceptable as it would be contrary to Policy ENV 2, Policy GEN 3 and Policy GEN 6 of the adopted Denbighshire Unitary Development Plan and government guidance in Planning Policy Wales.

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT

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

REASONS FOR TAKING ENFORCEMENT ACTION

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

RECOMMENDATION (B)

That authorisation is given for the following:

- (i) Serve an Enforcement Notice to remove the building.
- (ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against
any person or persons upon whom any Enforcement Notice, or other Notice, is served or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

ITEM NO: 12

WARD NO: Dyserth

APPLICATION NO: 42/2005/1365/ PC

PROPOSAL: Retention of new vehicular access (retrospective application)

LOCATION: Hafan Deg Waterfall Road Dyserth Rhyl

APPLICANT: Ion Construction Limited

CONSTRAINTS: Previous Mining Area
CLB-Class B Road
Conservation Area

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
"Object on the grounds of highway safety. The new access is on a dangerous bend on a steep hill with poor visibility for both drivers on the hill, and for any driver reversing out of or in to the new access".
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection subject to conditions.
3. SENIOR CONSERVATION OFFICER
No objection.

RESPONSE TO PUBLICITY:

Representations received from:

1. S. Longfield (including 5 other signatures)

Summary of planning based representations:

- i) Impact of the proposal on the Conservation Area.
- ii) Highway safety.

EXPIRY DATE OF APPLICATION: 16/01/2006

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application is to retain an access and hard standing. The access is approx 2.5m wide has been constructed with low stone wall around the driveway and surfaced with tarmac. It has been formed by the removal of the frontage wall,

pedestrian gate and vegetation.

2. The dwelling is located on the end of a terrace of properties on Waterfall Road, Dyserth, in the Dyserth Conservation Area.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - General Development Control Requirements
Policy CON 5 - Development within Conservation Areas
SPG 13 – Conservation Areas

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002
Welsh Office Circular 61/96
TAN 18 – Transport

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Impact on the Conservation Area/Visual Appearance,
 - ii) Highways
6. In relation to the main considerations in paragraph 5:
 - i) The proposal has resulted in the loss of the front boundary wall and part of the front garden; traditional features of this part of the conservation area. The replacement with a tarmac hardstanding is considered to be detrimental to the character and appearance of the conservation area, in conflict with Policy CON 5 of the Unitary Development Plan. The visual appearance of the proposal is not acceptable; the dwelling is located within the western side of the Conservation Area. The alterations to the access do not impact on the character and appearance of the Conservation Area, the Conservation Officer has no objections to the proposal.
 - ii) The proposal will lead to vehicles reversing into and out of the access on a steep hill. It has an adverse impact on highway safety.

SUMMARY AND CONCLUSIONS:

7. The proposal is considered unacceptable on conservation area and highway safety grounds. The application is therefore recommended for refusal together with a resolution for enforcement action.

RECOMMENDATION A : REFUSE- for the following reasons:

1. The vehicular access and hardstanding has led to the loss of traditional features in the conservation area and would detract from the character and appearance of the conservation area in conflict with Policy CON 5 and criterion (ii) of Policy GEN 6 and government guidance in Planning Policy Wales and Circular 61/96.
2. The vehicular access would lead to vehicles reversing into and out of the site onto a steep main road with restricted visibility to the detriment of the safety and convenience of all highway users. The proposal would thus conflict with criteria (vi) and (vii) of Policy GEN 6 and government advice within Planning Policy Wales and TAN 18.

ENFORCEMENT REPORT

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

REASONS FOR TAKING ENFORCEMENT ACTION:

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

RECOMMENDATION (B)

That authorisation is given for the following:

- (i) Serve an Enforcement Notice to remove the vehicular access and hardstanding.
- (ii) Instigate prosecution proceedings or other appropriate action under the Planning Acts against any person or persons upon whom any Enforcement Notice, or other Notice, is served or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

ITEM NO: 13

WARD NO: Prestatyn North

APPLICATION NO: 43/2005/1371/ PC

PROPOSAL: Retention of conservatory to rear of dwelling (retrospective application)

LOCATION: 8 Oldgate Road Prestatyn

APPLICANT: Mr & Mrs J Cafearo

CONSTRAINTS: Tidal Floodplain
C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

2. PRESTATYN TOWN COUNCIL
"Object - Large size and scale inappropriate for location. Application should be determined by County Planning Committee".

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Mr and Mrs Williams, 10 Oldgate Road, Prestatyn

Summary of planning based considerations:

- i) Size and scale of conservatory
- ii) Proximity of conservatory to boundary

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 08/01/2006

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application follows enforcement investigation and seeks retention of a conservatory. The conservatory is at the rear of the dwelling, 'L' shaped and has dimensions of around 7m width, 5.5m maximum depth and 3m maximum height to the ridge. The conservatory is white uPVC, with dwarf walls in facing brick and render to the north elevation. It has high level windows to the north elevation but otherwise has normal height glazing.
2. No. 8 Oldgate Road is located in a residential cul de sac of bungalows. There is an existing pitched roof shed to the rear of the dwelling. The dwelling is bounded by a mix of fencing and walls up to about 2m in height.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

4. **Denbighshire Unitary Development Plan**
GEN 6 General Development Control Requirements
HSG 12 Extensions to dwellings.
SPG 1 Extensions to dwellings

MAIN PLANNING CONSIDERATIONS:

5. The main issues are considered to be:
 - (i) Visual Appearance
 - (ii) Residential Amenity

6. In relation to the main considerations in paragraph 5 above:-
 - (i) The conservatory is not readily visible from public viewpoints and although of a significant size for the property, is of acceptable materials and would not be out of character with the bungalow or surroundings.

 - (ii) The proposal will not significantly impact on the privacy and amenity of nearby occupiers. The side windows to the north elevation are high level and therefore the conservatory will not overlook the adjoining occupiers at 10 Oldgate Road. The door and glazing to the south elevation would not unduly overlook 6 Oldgate Road, subject to the height of the boundary treatment being increased to 2m. The projection and height of the conservatory has some adverse impact on adjacent occupiers but given its materials (light coloured render and glazing) and the siting in relation to existing rear garden structures, is considered to be acceptable in this respect.

SUMMARY AND CONCLUSIONS:

7. The proposal is considered to be acceptable taking into account residential and visual amenity.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. Within 3 months of the date of this permission, the boundary treatment to the north and south boundaries adjacent to the conservatory shall be raised to a height of 2m in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

1. In the interests of the privacy/amenity of the occupiers of nearby properties.

NOTES TO APPLICANT:

None

ITEM NO: 14

WARD NO: Prestatyn East

APPLICATION NO: 43/2005/1386/ PF

PROPOSAL: Erection of dormer extension to front of dwelling alterations to roof and alteration of sun lounge to rear

LOCATION: 4 Talton Crescent Prestatyn

APPLICANT: Mr M German

CONSTRAINTS: Previous Mining Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection."

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 15/01/2006

REASONS FOR DELAY IN DECISION:

- Awaiting determination at Committee

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application requires determination by Planning Committee as the applicant is a County Councillor.
2. The proposal is for a dormer extension on the front elevation and alterations to the roof. The dormer is 2.2m high to the pitched roof. Materials proposed are tiles to match the existing roof and rendered elevations. In addition, the proposal incorporates a pitched roof garden room to the rear in a position similar to the conservatory permitted in 2004. This garden room would be constructed in materials to match the main dwelling projecting some 6.3m from the existing rear wall of the dwelling.
3. No. 4 is a bungalow which is currently being renovated and is located in a residential area. There are dormer extensions on the front and side elevations of a number of properties in the vicinity of the dwelling.

RELEVANT PLANNING HISTORY:

4. 43/2004/1054/PF
Erection of conservatory and dormer window to the rear of dwellinghouse. -
GRANTED 29 September 2004

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 – Development Control Requirements
Policy HSG12 – Extensions to Dwellings
Supplementary Planning Guidance
SPG 1 – Extensions to dwellings

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Visual Appearance
 - ii) Residential Amenity
7. In relation to the points raised in paragraph 6 above:
 - i) In this area the precedent has been set for dormers on the front elevation of properties. The rear roof alterations and garden room are inconspicuous and have no greater visual impact than the alterations already permitted. The materials are to match the existing dwelling and will not be visually intrusive. Therefore the visual appearance of the proposal is acceptable.
 - ii) The proposal will not impact on the privacy and amenity of nearby occupiers; the proposal will not overlook the adjoining properties or cause a loss of amenity. The size and scale of the extensions are not considered to impinge on the intentions of planning policy and guidance relating to such householder development.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable and is recommended for 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.

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:

None

ITEM NO: 15

WARD NO: Rhyl West

APPLICATION NO: 45/2005/1222/ PS

PROPOSAL: Removal of condition no. 2 of application no. 45/2001/0496/PF relating to opening hours

LOCATION: 32 Sussex Street Rhyl

APPLICANT: Mr L Wright

CONSTRAINTS: C1 Flood Zone
Town Heritage Area
Tidal Floodplain
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No Objections".
2. DENBIGHSHIRE ACCESS GROUP
Asked for low threshold main door access. Low counters and disabled toilets.
3. PUBLIC PROTECTION
Concerned about removing condition without alternative controls on hours of closure.

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. Mr J S Robson, Flat 1, 34 Queen Street, Rhyl

Summary of planning based representations:

- i) Impact on residential amenity – increase in the opening hours of the premises would lead to noise later in the night.

MEMBERS' COMMENTS:

None.

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal involves the removal of condition no. 2 of application no 45/2001/0496/PF which states : "The use hereby permitted shall not be open to customers outside the following hours 08:00 – 24:00 hours Mondays to Saturdays and 10:00 – 23:00 hours on Sundays".
2. The café-bar is situated within Rhyl town centre. The area is characterised by a predominance of retail and entertainment uses. A number of premises in the area

are licensed to stay open until 02:00 hours.

3. The Licensing Department has recently extended the opening hours of the premises to 01.00 hours under the Licensing Act 2003.

RELEVANT PLANNING HISTORY:

4. 25/2001/0496 Change of Use from Class A1 shop to Class A3 café-bar – GRANTED – 28 June 2001.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy RET 1 – Town & District Centres
Policy RET 16 – Food and Drink

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Impact on residential amenity.
7. In relation to the issue raised in paragraph 6 above.
 - i) The café-bar is in Rhyl town centre on a street which has a number of late night bars and take-aways.
At night it is one of Rhyl's busiest streets. It is considered that the existing restrictions on hours are unreasonable, given the proximity of other late night entertainment uses with more limited controls. The issue revolves around the consideration of whether different controls are required through the Planning Acts compared to the Licensing Act. Case Law has indicated that planning powers may be used to impose more stringent hours of opening than allowed by licensing hours. In this instance, however, the town centre location and late night activity indicate that Licensing Act restrictions are sufficient to exercise control. A similar proposal was recently granted at 29-31 Water Street, Rhyl (Shooters).

SUMMARY AND CONCLUSIONS:

8. The bar is on a busy town centre street, where a number of businesses cater to Rhyl's late night economy. The premises have had their license extended by the Licensing Department who made their decision after taking into account issues of noise and public amenity before granting an extension of their opening hours.

RECOMMENDATION – GRANT

No conditions imposed.

NOTES TO APPLICANT:

You are advised that the premises are subject to noise restrictions under the Environmental Protection Act 1990 and conditions under the Licensing Act 2003.

ITEM NO: 16

WARD NO: Rhyl East

APPLICATION NO: 45/2005/1315/ TP

PROPOSAL: Crown reduction by 30 percent of trees Nod. T8 - T12 inc. on plan annexed to the Denbighshire County Council (Land at Boughton Avenue, Rhyl) Tree Preservation Order No. 3, 2003

LOCATION: Land At 3-22 Boughton Avenue Rhyl

APPLICANT: Lloyd Construction Limited

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN/COMMUNITY COUNCIL
"Object on grounds of:
 - i) The affected neighbouring properties are part of a newly built development which were designed and built with full knowledge of the likely impact of the trees on the new development. As such it is not considered appropriate for the trees to be reduced given that the presence of the trees should have been a consideration of the design of the development.
 - ii) Loss of visual amenities to other properties in the vicinity of the application site".
2. PRINCIPAL COUNTRYSIDE OFFICER
No objection

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 29/12/2005**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal is for the crown reduction by 30% of 5 no. trees to the south east boundary of the site (1 no. willow, 1 no. laburnum and 3 no. elms).
2. The site is off Russell Road in Rhyl, to the rear of Chesterton Nursing Home. Access is off Boughton Avenue which serves the new residential development. The trees are located to the rear of new 2-storey flats that back onto large properties in Brighton Road.

RELEVANT PLANNING HISTORY:

3. 45/2002/1057/PF – Erection of 20 no. 2-storey flats – GRANTED – 10 July 2003.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy ENV 7 - Landscape/Townscape Features
Policy SPG 6 – Trees and Development

MAIN PLANNING CONSIDERATIONS:

5. The main issues are considered to be:
 - i) Impact on visual amenity.
6. In relation to the main considerations in paragraph 5 :
 - i) The 30% crown reduction is considered acceptable as the trees require work from time to time given their proximity to dwellings. The Principal Countryside Officer has no objection to the proposal and subject to a condition limiting 30% reduction it is not considered that there would be any adverse impact on the visual amenity of the area.

SUMMARY AND CONCLUSIONS:

7. The proposal is acceptable and is recommended for approval.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.
2. The works hereby granted consent shall not exceed the specified 30% crown reduction.

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

1. In the interests of good arboricultural practice.
2. In the interests of good arboriculture practice.

NOTES TO APPLICANT:

None

ITEM NO: 17

WARD NO: Rhyl West

APPLICATION NO: 45/2005/1366/ PS

PROPOSAL: Variation of condition no. 5 of planning permission code no. 45/2003/960/PF to allow opening hours until 22:00 hrs or 22:30 hrs on Mondays to Saturdays.

LOCATION: 78 High Street Rhyl

APPLICANT: Mr M Webber

CONSTRAINTS: C1 Flood Zone
Tidal Floodplain
Article 4 Direction

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

CONSULTATION RESPONSES:

3. RHYL TOWN COUNCIL

"Object – The opening hours should remain as determined by the Planning Inspector. Although the Inspector did not provide the reasons for restricting the hours within his decision notice he indicated that he agreed with the need to specify the opening hours (paragraph 19 & 20 of Decision Notice)."

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 08/01/2006**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site has been run as an adult amusement centre for the past 18 months. Prior to this the premises had been vacant for two years. The site is located on the southern section of Rhyl's High Street between the junctions of Russell Road and Brighton Road. Whilst the northern section is pedestrianised and is defined as being a principal shopping street, the southern section is a secondary shopping area.
2. The amusement centre use was granted planning permission on appeal in June 2004 (see below). In granting planning permission, conditions were imposed to control noise, shop window display, and hours of operation. This application seeks to vary the hours of operation condition.
3. The application site is within 100 metres of three pubs on the High Street and one pub on Russell Road. A bingo hall lies some 80 metres to the south east.

4. If this application were granted then the site would still be restricted by the other conditions imposed.

RELEVANT PLANNING HISTORY:

5. **45/2003/0960** – Change of Use from Class 1 shop to Adult Amusement Centre – REFUSED 2 October 2003

Allowed on appeal – 8 June 2004

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy RET 1 - Town and District Centres
Policy RET 6 - Town and District Centres : Non A1 uses

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002
TAN 5 – Retailing and Town Centres

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on amenity
 - ii) Impact on vitality and viability of town centre
8. In relation to the considerations as noted in paragraph 7 above:-
 - i) The premises are within an area containing evening uses (pubs, café/bar, and bingo hall). The proposed operating hours would not materially increase evening activity to an unacceptable degree.
 - ii) Whilst the Inspector imposed the condition, no specific reason was given and this appears to reflect the applicant's intentions at the time. The increased opening hours would not detract from the town centre vitality and viability. Indeed, there would be increased vitality in the evening period.

SUMMARY AND CONCLUSIONS:

9. There is no planning reason to resist the change in operating hours.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The amusement centre shall be open to the public only between the hours of 0900-2230 Mondays - Saturdays and 1000-1600 on Sundays.

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

1. In the interests of amenity.

NOTES TO APPLICANT:

None

ITEM NO: 18

WARD NO: Rhyl East

APPLICATION NO: 45/2005/1414/ PF

PROPOSAL: Alterations and extensions to premises containing 7 no. self-contained flats to create 8 no. self-contained flats

LOCATION: 45 Brighton Road Rhyl

APPLICANT: Cameron Developments

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Object – the proposal as submitted would represent an over intensification of the property in terms of the increase in the number of residents".
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to inclusion of conditions ensuring satisfactory off street parking arrangements
3. PRINCIPAL COUNTRYSIDE OFFICER
Suggests that the applicant retains the fine sycamore tree located at the entrance of the site
4. CHIEF FIRE OFFICER
No comments

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 16/01/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site comprises a large detached two storey property fronting Brighton Road within the defined settlement limit of Rhyl. The property is currently in use as 7 no. self contained flats and has an existing pedestrian access with separate vehicular access off Brighton Road.
2. To the front of the property along the frontage of the site is a wall measuring approx 1.6m in height and along the road frontage within the front amenity area there are several young and mature trees. The neighbouring property at 41 to 43

is Bron Haul Nursing Home. Attached to the rear of the site is a single storey extension which is rented out as a separate dwelling, and does not form part of this application. To the rear and side are single storey extensions and along the boundary adjoining 47/49 are detached outbuildings currently used for storage.

3. It is proposed to alter and extend the existing building to form 8 no. self contained flats. The property currently provides 2 no. 2 bed flats and 5 no. 1 bed flats and the proposal would create 5 no. 2 bed flats and 3 no. 3 bed flats. The alterations involve the erection of a first floor extension to the rear of the property and side of the property over existing single storey extensions. It is also proposed to convert the existing loft space to form additional living accommodation and to insert rooflights in both side and rear elevations. The proposal also includes the demolition of all of the detached outbuildings to provide additional off street parking facilities (20 spaces) and a landscaped amenity area to the rear.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy HSG 13 – Sub-division of existing premises to self-contained flats

SPG 7: Self Contained Flats and Houses in Multiple Occupation
SPG 21: Parking Requirement in New Developments

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Impact on trees
 - v) Highways/parking
7. In relation to the main planning considerations:
Principle of development: - The principle of altering and extending an existing building in residential use to form an additional residential unit is considered acceptable in principle within the development boundary of the town. It would not conflict with Policy HSG 13 of the UDP.
 - i) Impact on residential amenity: - The resulting 8 no. units would provide fully self contained flats with separate kitchens and bathrooms. All flats would have spacious living rooms, and parking areas are provided within the site with on street parking also available in close proximity. A small landscaped area would be provided to the rear and informal amenity areas are located to the front and rear. There is sufficient space for a bin storage/drying area to be provided. The properties to the rear on Russell Court and Bodannerch Drive are single storey dwellings. There is a distance of approx. 25m from the rear elevation of the property and therefore it is not considered that the proposal would have an adverse impact on the residential amenity of nearby residents. The adjacent nursing home is well separated from the application site and it is not considered that the additional first floor windows proposed along the side elevation of the first floor extension would have any unacceptable impact. With respect to the comments of the Town Council, the alterations and extensions would not result in an over intensification of the use, given there are already 7 flats in the building.

- ii) Impact on visual amenity:- The size, scale and design of the proposed extensions are considered acceptable and in keeping with the character of the original property. Subject to the use of matching materials it is not considered that there would be any adverse impact on the visual amenities of the area.
- iii) Impact on trees:- To the front of the site there are several attractive trees, in particular a mature sycamore tree located within the site boundary adjacent to the vehicular access. The original submission included alterations to the existing vehicular access and the removal of the sycamore tree. The Principal Countryside Officer has suggested that the applicant retain this tree as it is a fine specimen, and the applicant has now withdrawn this element from the application. All trees are therefore to be retained.
- iv) Highways/parking:- The Head of Transport & Infrastructure raises no objection to the existing access being used to serve an additional 1 residential unit. Off street parking is provided within the site for 20 no. cars which meets the Council's adopted parking standards.

SUMMARY AND CONCLUSIONS:

- 8. The principle of the development within the development boundary is considered acceptable without a detrimental impact on residential or visual amenity. There would be no unacceptable impact on the trees within the site or on highway safety.

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 dwelling shall be occupied until parking spaces and access thereto have been laid out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be kept available for that purpose at all times.
- 4. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
- 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.

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. In order that adequate parking facilities are available within the curtilage of the site.
- 4. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.
- 5. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 19

WARD NO: Rhyl East

APPLICATION NO: 45/2005/1444/ TP

PROPOSAL: Felling of Horse Chestnut trees the subjects of a Tree Preservation Order and replanting with 5 no. lime trees

LOCATION: Land at Boughton Avenue Rhyl

APPLICANT: Lloyd Construction

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Deferred to enable further information to be obtained."
2. PRINCIPLE COUNTRYSIDE OFFICER
No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mrs P. B. Jones, 10, Russell Court, Rhyl
2. Mr G. D. Hornby, "Crede Cornu", 1, Russell Court, Rhyl
3. Mrs V. Guy, 16, Russell Court, Rhyl
4. Mrs J. Hulson, Chesterton Nursing Home, 2, Boughton Avenue, Rhyl

Summary of planning based considerations:

- i) Loss of character/amenity of the area
- ii) Concern over replacment species

EXPIRY DATE OF APPLICATION: 23/01/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is to fell 5 No. Horse Chestnut trees and plant replacement trees (lime) in the same location.
2. The site is off Russell Road in Rhyl, to the rear of Chesterton Nursing Home. Access is off Boughton Avenue which serves the new residential development. The trees are located on the north western side of the site which is bounded by the Nursing Home.

RELEVANT PLANNING HISTORY:

3. 45/2002/1057/PF – Erection of 20 no. 2-storey flats – GRANTED – 10 July 2003.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 - Development Control Requirements
Policy ENV 7 - Landscape/Townscape Features

MAIN PLANNING CONSIDERATIONS:

5. The main issues are considered to be:
 - i) Impact on visual amenity
6. In relation to the main considerations in paragraph 5:
 - i) The felling is considered acceptable as the felling is necessary as the trees are considered to be structurally weak as a result of being pollarded. The Principal Countryside Officer has no objection to the proposal. The proposed replanting has been amended to allow for lime trees.

SUMMARY AND CONCLUSIONS:

7. The proposal is acceptable and is recommended for approval.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.
2. Replacement lime trees shall be planted in the first planting season following felling of the horse chestnuts, the number, size and location to be approved in writing by the Local Planning Authority.

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

1. In the interests of good arboricultural practice.
2. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 20

WARD NO: Tremeirchion

APPLICATION NO: 47/2005/1314/ PF

PROPOSAL: Renewal of application code no. 47/2001/1000/PF comprising change of use from market garden to touring caravan and chalet park with associated road widening and alterations to existing vehicular access and installation of new septic tank

LOCATION: Oakleigh House Waen Road Rhuddlan Rhyl

APPLICANT: Mr T Hill

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. COMMUNITY COUNCIL FOR TREMEIRCHION, CWM AND WAEN
"Recommend 'refuse' on the following grounds:-
 1. Landscape Considerations
 - a. Proposals in open countryside should be set back against a backdrop of trees or woodland setting. This is not present in this case as the site is on an incline.
 - b. The proposal would require extensive screening through new planting – a site should only be situated where good screening on a site already exists.
 2. Road safety considerations
The proposal should have access to a good road network. Whilst access to the site is from a B road (B5429), this road by its very nature is not a safe route for walkers or cyclists, due to the restricted widths, no footpaths and also the passage of increased numbers of cars and caravans to access the site, thereby creating safety issues and difficulties for all road users.
 3. Amenities considerations
 - a. A site should be within walking distance of public transport to reduce reliance on private cars. This is not the case here. Nearest public transport (bus) is located at St. Asaph or Rhuddlan.
 - b. The site should have access to local shops, eating places etc. This is not the case here. The closest is approx. 3 miles away.

N.B. Should the Council be mindful to renew the application, we request a condition be placed with the permission. That all vans be removed from the site between 31st October and 1st March of the following year. "
2. LANDSCAPE ARCHITECT
The response on the previous application, 47/2004/1111/PF remains relevant – the main points of which were:-
 - Site is open to view from higher ground to north and minor road to east – but good screening would be suitable.
 - Existing white house stands out in the summer, which will require a strong planting scheme. Planting should include native species as indicated on

plan, with additional tree planting and hedge planting along back of new visibility splay. A hedge should continue along the lane leading down towards Plas Coch.

- Permanent, rurally located caravans should be a mid/dark green or brown in colour, which will reduce their prominence from high ground.
- Lighting should be strictly controlled, highlighting the need for a low level scheme.

3. HEAD OF HIGHWAYS

No objection, subject to the inclusion of the conditions previously imposed under Code No. 47/2001/1000/PF. Additionally, suggests that as part of the scheme a safe cycle storage facility is provided within the site.

4. PUBLIC PROTECTION

No objections, subject to inclusion of conditions

5. ENVIRONMENT AGENCY

Standard advisory notes provided for developer.

6. PRINCIPAL COUNTRYSIDE OFFICER

Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Michael Skuse, Campaign for the Protection of Rural Wales (Denbigh Branch), Caenant, Llangynhafal, Ruthin

Summary of planning based representations:-

- i) Access - unsuitability of the B5429 access road to the site
- ii) Landscape -conspicuous nature of the site from the Clwydian Range AONB, and contrary to the criteria of Unitary Development Plan Policy STRAT 9.
- iii) Facilities -No local facilities near the site, allowing for potential further site based amenities to be made.
- iv) Policy issues - emphasises similarities of policies TSM 9/12, with the Inspector's comments in refusing a static caravan park on the same site applies, highlighting unobtrusiveness of the site.
- v) Suggest an opportunity now to readdress previous decisions and that there is no reason to allow the renewal given the lack of need for the site by the lapse of the previous permission.

EXPIRY DATE OF APPLICATION: 28/12/2005

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site lies in low lying open countryside, positioned centrally between St. Asaph to the south west, Rhuallt to the south east, Dyserth to the north east and Rhuddlan to the north west. Along the northern boundary of the site runs the B5429 Rhuddlan and A55 highway, with public footpaths Nos 11, 14, 15 close by.
2. A renewal of planning permission is sought for the use of this 1.75 ha area of land, previously used as a former market garden. Since 1997, with the exception of a

corrugated Nissan Hut and a part two storey dwelling, all structures associated with the market garden have been removed.

3. Planning permission was previously granted on the 28th November, 2001 for use of the site as a touring caravan and chalet park. This permission remains valid until the 26th November 2006. Members may recall approving an application to remove one of the conditions attached to this permission at the July 2005 Planning Committee.
4. The applicant's agent has advised that this application "arises in the light of the recent adverse appeal decision (*for the static caravans*) and my client is concerned that the remaining 12 months of the Planning Consent Ref. 47/2001/1000/PF is insufficient time to satisfy the reserve matters expressed therein. Consent is therefore sought for a renewal of this application to allow sufficient time".
5. As with the previous planning application, the proposed plan involves 28 no. touring caravans, internal access roads, provision of 6 no. chalets, road widening to the B5429, alterations to existing vehicular access point, and the installation of a septic tank. An amenity block (toilets, showers and family room) and a maintenance building is also indicated on the plan, but is not detailed for this application.

RELEVANT PLANNING HISTORY:

6. With the exception of applications involving the dwellinghouse and the market garden use, the planning history relates to:-

47/718/96/PF

Change of use from market garden to touring caravan and chalet park and alterations to existing vehicular access – GRANTED – 6/2/1997

47/2001/1000/PF

Renewal of application 47/718/96/PF for touring caravan and chalet park – GRANTED – 28/11/2001

47/2003/1449/PF

Siting of 38 no. static holiday caravans in lieu of 35 no. touring caravans and 6 no. chalets – WITHDRAWN – March 2004

47/2004/1111/PF

Siting of 41 static holiday caravans in lieu of 35 touring caravans and 6 chalets (47/2001/1000/PF) – REFUSED – 24/3/2005 – APPEAL DISMISSED – 30/9/2005

The reasons for refusal being:-

"The proposal would not be accessible by a choice of means of transport and would not be unobtrusively sited in the landscape. Thus it would conflict with criterion i) and ii) of Policy TSM 9, criterion ii) and vi) of Policy GEN 6 and criteria vi) of Policy GEN 3 of the Denbighshire Unitary Development Plan. The proposal would also conflict with the guidance within SPG 20 - Static Caravan and Chalet Development, in relation to accessibility by different modes of transport and unobtrusive siting."

47/2005/554/PS

Removal of condition no. 2 of planning permission Code No. 47/2001/1000/PF relating to 21 day stay limitation – GRANTED – 20/7/2005.

- 7.

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- Policy STRAT 9 - Tourism
 - Policy STRAT 12 - Transport - General
 - Policy TSM 9 - Static caravans and chalet development
 - Policy TSM 12 - Touring caravan sites
 - Policy GEN 3 - Development outside development boundaries
 - Policy GEN 6 - General Development Considerations

Supplementary Planning Guidance

SPG 20 – Static Caravan and Chalet Development (Supplementing Policy TSM 9)
– Adopted March 2003

Government Guidance

Planning Policy Wales, March 2002

TAN 13 – Tourism

TAN 18 - Transport

MAIN PLANNING CONSIDERATIONS:

9. The main issue here is whether there has been any material change in planning policy and circumstances since the previous (and extant) planning permission for the site (47/2001/1000/PF) granted in 2001, having regard to the following factors:-

- i) Landscape impact
- ii) Highway accessibility and sustainability
- iii) Amenity implications for adjacent residential properties
- iv) Infrastructure/facilities – sewerage, waste disposal and renewable energy.

9. With regard to the main considerations:

Changes in policy/guidance

Since the previous permission the Denbighshire County Council Unitary Development Plan was adopted in July 2002. At the time of considering planning application ref. 47/2001/1000/PF Policies TSM 9 and 12 had objections lodged, but were duly considered in the assessment of the application at the Planning Committee meeting held on the 28th November 2001, some 8 months prior to the formal UDP adoption. The now adopted policies re-affirm the basis of the previous assessment and permission. In essence, the same tourism planning policies apply to this current renewal proposal.

Policy TSM 9 has nevertheless been amplified by SPG 20 'Caravan and Chalet Development', and specifies three considerations; transportation, with an emphasis on sustainability; landscape; and environment.

Policy TSM 12 allows for new and extensions to existing touring caravans sites provided, in general, they are unobtrusive and well screened; lie close to main highway network with safe access high quality development; no unacceptable impact on surrounding area; site is used for touring purposes only.

(i) Landscape impact

The Inspector's observations on the static caravan appeal (47/2004/1111/PF) are also a consideration. In terms of landscape impact, the touring caravans (as noted by the Inspector) cannot be on site from 31 October to 1 March in the following year, a period when vegetation screening will be least effective. It was also accepted that as a matter of fact, close by views are gained into the south eastern boundary of the site specifically from the public footpaths. The conclusion in relation to sustainable transport/accessibility highlighted that whilst chalets would have the same character as static caravans, the use of the site for touring

caravans would not have the same requirement, and not comparable with the conflict with the sustainability principles involved with a permanent static caravan site of the type proposed.

Given therefore:-

- i) The previous intrusive market garden range of outbuildings occupying the site.
- ii) The Inspector's conclusions on landscape impact.
- iii) Low level positioning of the chalets.
- iv) Comments of the Landscape Architect and the appropriateness of a suitable landscaping scheme, including low level lighting

it is considered that the proposal would have no significant adverse impact on the landscape.

(ii) Highways issue

The cessation of the use of the site has led to a reduction in the number of heavy goods vehicles and visitors to the site. The proposal to widen the road to the site frontage will allow additional improved visibility and traffic flow, to acceptable standards for this B road. The Highway Officer supports the works involved, and the Planning Inspector during the consideration of the appeal, related his concerns to sustainability as opposed to accessibility - sustainability relating, in this case to the chalets as opposed to the touring caravans.

The Inspector noted that the site has a problem in satisfying the accessibility sustainability objectives. Given the limited number and size of the chalets proposed (6), being ancillary to the touring caravan use, it is difficult to conclude that this element of the proposal by itself would have a significant adverse impact on Policy TSM 9 specifically criteria (i), a choice of means of transport.

(iii) Amenity impact

As with the extant planning permission the proposal does not include for a clubhouse or similar licensed premises. Plas Coch Farm, the nearest residential property to the site, is located some 120 metres to the west and is unlikely to suffer from undue disturbance.

(iv) Infrastructure

As the extent of land remains the same as in the previous applications, this limits the type of sewerage disposal system and the details will need to be controlled by condition. Whilst the plan indicates a compound for storage of refuse bins, with the emphasis now on recycling waste, a recycling facility should be provided on site. Preference should be given to a low level lighting scheme based on renewable energy production on site, such as sensitively positioned solar panels/tiles. This could be conditioned.

SUMMARY AND CONCLUSIONS:

10. A limited degree of change of circumstances has occurred since the extant planning permission was granted:
 - the Unitary Development Plan being adopted in 2002
 - Appeal decision on 41 static caravans
 - removal of a planning condition (No. 2) on the 21 days length of stay for the caravans.The issue is whether these are significant to reach a different conclusion to this proposal.

11. With respect to the landscape objections submitted, there is no evidence to substantiate that the current proposal conflicts with the aims of the relevant landscape criterion.
12. The touring caravan site and limited chalet numbers have previously been considered acceptable in the context of Policies TSM 9 and 12 of the Unitary Development Plan.
13. With an increased emphasis on sustainability and integrated transport, the current application allows for opportunity to incorporate and maximise alternative choices of travel. Accordingly, a condition requesting a safe cycle storage for the site should be incorporated.
14. With respect to objections raised, this application represents the second renewal proposal for the site. In this context, and with the aim of reducing potential conflicts with future new Local Development Plan Policies, should members agree and support the basis of the recommendation, a timescale of 3 years may be considered as a reasonable commencement condition. Alternatively, the developer could implement the permission currently existing for the proposal.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No caravans shall remain on site between the 31 October in any one year and the 1 March in the succeeding year.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the written approval of the Local Planning Authority shall be obtained in respect of the siting, design and external appearance of any buildings required by the conditions of the site licence prior to their erection on site.
4. 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.
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 touring caravan site use hereby permitted shall not be commenced and the chalets hereby permitted not occupied until the access and highway improvements to the B5429 indicated on drawing no. R354/1/A have been carried out and the improved access is available for use.
7. Provision shall be made for no more than 28 touring caravans to visit the site and no more than 28 touring caravans shall be on the site at any one time.
8. The chalets shall be constructed of dark-stained timber only and details of the design,

external appearance and materials of the construction of the proposed chalets shall be submitted to and agreed in writing with the Local Planning Authority prior to their erection. No more than 6 no. chalets shall be erected on the site and they shall only be sited as shown on drawing no. R354/1/A.

9. Details of the proposed septic tank and soakaway system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. In submitting such details porosity tests shall also be provided. The septic tank and soakaway system shall comply with BS6297 and be fully operational prior to the commencement of the use of the site hereby permitted.

10. No effluent from chemical toilets utilised on the site shall be discharged to the septic tank. Provision shall be made for a sealed ceaspit for such disposal prior to the commencement of the user hereby permitted in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

11. The use hereby permitted shall not commence until the nissan hut on the site has been taken down and all resultant materials removed from the site. All materials involved shall be audited and their disposal method, and end location be submitted for the information of the Local Planning Authority.

12. The occupancy of the chalets hereby permitted shall be limited to holiday use only and the chalets shall not be used as a sole/main unit of living accommodation. A register shall be kept of chalet occupancy and this shall be made available for inspection on request by the Local Planning Authority.

13. The existing dwelling on the site shall only be occupied by a person solely or mainly employed on the site in connection with the touring caravan site use or by a widow/widower of such a person, or by any residential dependents.

14. Facilities shall be provided and maintained within the site for the loading and unloading, parking and turning of vehicles in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority; and such scheme shall be completed prior to the commencement of the use hereby approved.

15. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway

16. No development including the change of use shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:-

- (i) layout, design, signing, road markings, drainage, and construction of the access and road widening as indicated on the approved plan.
- (ii) a scheme for a safe cycle storage facility within the application site.
- (iii) a recycling waste facility within the application site.
- (iv) a low level lighting scheme, which gives priority to a renewable energy source.

17. The use hereby approved shall not be commenced until all of the details approved in condition 16 have been completed.

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 interest of the character and appearance of the area.
3. The site is located within a sensitive area wherein the Local Planning Authority wish to ensure that any buildings are of a high standard of design.
4. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In the interests of highway safety.
7. To control the use in the interests of amenity.
8. In the interests of the appearance of the development in the landscape.
9. To prevent pollution of watercourses.

10. To prevent pollution of watercourses.
11. In the interests of the appearance of the development in the landscape and in the interests of sustainable waste management.
12. To ensure that the chalets are used for holiday purposes only in the interests of amenity.
13. To ensure the site is occupied as a single planning unit.
14. In the interests of amenity and highway safety by ensuring that adequate space is available for all vehicles visiting the property to park and turn clear of the highway.
15. In the interests of highway safety.
16. In the interests of highway safety, amenity and resource considerations.
17. In the interests of highway safety, amenity and resource considerations.

NOTES TO APPLICANT:

The applicant must carry out soil porosity tests in accordance with the procedures laid down in the Water Resources Act 1991 in order to determine the suitability of the sub-soil and area of land required for the soakaway. Should such test indicate that the soil conditions are unsuitable for the effective disposal of sewage effluent then the applicant should liaise with the Environment Agency regarding an acceptable alternative method of sewage treatment/disposal.

If the developer intends to discharge effluent from the septic tank/sewage treatment plant by other than a soakaway system, they must contact this Authority regarding the requirement for a discharge consent pursuant to the Water Resources Act 1991.

You are advised of the need to obtain a caravan site licence from the Council's Head of Public Protection under the Caravan Sites and Control of Development Act.

The Denbighshire Access Group have requested specifications relating to disabled persons facilities. Please seek advice from the Group at e-mail - denbaccess@aol.com

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

The Highway Authority advise that there will be a need for a Section 278 Agreement under the Highways Act to be entered into prior to the commencement of the development.

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

Please see attached guidance notes from the Environment Agency
You are advised to discuss the basis of a landscaping scheme with the County Council's Landscape Architect, Prue Probert (Te. 01824 708062). Attached is a copy of the Supplementary Planning Guidance Note 2 'Landscaping'.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2001/00007
LOCATION: Ty Isoe Maes Maelor Bwlchgwyn Llandegla
SUBJECT: Unauthorised storage of scrap cars

1. PURPOSE OF REPORT

- 1.1 Enforcement action in respect of this site was authorised by Members on the 30 January 2002 and an update of the issues relating to the site along with recommendations were reported to the Planning Committee of the 25 May 2005 and the 20th. July, 2005
- 1.2 The purpose of this report is to provide Members with a further update on the progress of the proposed enforcement action in respect of this breach of planning control.

2. Updated Information.

- 2.1 As previously stated the Environment Agency prosecuted the land owner at Mold Crown Court. He was fined £2000 and required to pay £7500 legal costs and face 45 days in prison if he did not pay the said sums by the 26th. November, 2005.
- 2.2 Following the conviction of the landowner the Environment Agency in collaboration with this Council intended to take action to remove the cars from the Ty Isoe site.
- 2.3 On the 20th. June, 2005, the Environment Agency were advised that the land owner had lodged an appeal to the Crown Court against his conviction and sentence. His appeal is still pending.
- 2.4 The Environment Agency received legal advice to the effect that no further action should take place until such time as the land owners appeal has been dealt with by the Court.

3. CONCLUSION

- 3.1 Officers are of the view that no further action can take place until such time as the landowners appeal has been dealt with and the Environment Agency decides to proceed to take action as a joint operation with this Council.

PLANNING ENFORCEMENT REPORT

- REFERENCE:** ENF/2005/00120
- LOCATION:** Land at Nantffrith Reservoir Maes Maelor Llandegla Wrexham
- INFRINGEMENT:** (i) Change of use of agricultural land for storage of cars,
redundant white goods & other items
(ii) Untidy land affecting amenity of area

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy STRAT 1 – General

Policy STRAT 6 – Location

Policy STRAT 7 – Environment

Policy GEN 3 – Development Outside Development Boundaries

Policy GEN 6 – Development Control Requirements

Policy ENV 2 – Development Affecting the AOB

GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002

Technical Advice Note (Wales) 6: Agriculture & Rural Development

Technical Advice Note (Wales) 9: Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are being taken into account when enforcement action was considered in respect of this breach of planning control. The owner's rights do not outweigh the objectives of the relevant planning policies and guidance seeking to prevent these types of uses in this location.

1. BACKGROUND INFORMATION

- 1.1 The site extends to 2.6 hectares of open moorland within the Area of Outstanding Beauty (AOB) situated on the northern side of the A525 road between the settlements of Llandegla to the west and the Four Crosses to the east.
- 1.2 The land was purchased on the 23rd November 2004 by Mr Ike Ikeson also known as Mr N.J. Low of Ty Isoe, Maes Maelor, Llandegla. Members should be aware that the Ty Isoe site is already a subject of enforcement action and Crown Court action involving the Environment Agency. Action to clear the Ty Isoe site is held in abeyance until such time as an appeal to the Crown Court is dealt with. (see separate report).
- 1.3 Since the land was purchased the owner has commenced to use it to store motor vehicles some white goods, a trailer and pallets. This use is not regarded as a use connected with any agricultural use or operations on the land.

- 1.4 The use of the land for the storage of motor vehicles and other items affects the amenity of an area of moorland in open countryside in an AOB.
- 1.5 A visit by an Officer of the Council revealed on site a motor goods vehicle, a Morris 1000 motor car, a Morris 1000 motor car partly dismantled, a 2cv Citroen car, a trailer, wooden pallets, white goods and other items.
- 1.6 Officers consider that there is an urgent need for enforcement action and the Council is supported in the need to instigate action following complaints from local bodies and members of the public.
- 1.7 The landowner has not heeded written requests to cease the use of the land.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The use of the land has occurred within the past 10 years.
- 2.2 The landowner is unlikely to clear the site voluntarily.
- 2.3 The use of the land is of concern to members of the public and its state clearly affects the amenity of the area and conflicts with relevant policies of the Unitary Development Plan and government guidance.
- 2.4 The instigation of enforcement action will assist in preventing any unauthorised escalation of the use of the land by the owner.
- 2.5 The Council will be in a position to take action in the event of non compliance with any enforcement notice which may be served on the land owner.

3. RECOMMENDATION

- 3.1 Members authorise the service of a planning enforcement notice requiring the landowner to clear the site and cease to use it for a similar purpose in the future.
- 3.2 Members impose a period of compliance of 28 days from the date of the service of any notice.
- 3.3 Members authorise the prosecution of any person who fails to comply with any enforcement notice lawfully served on him/her.
- 3.4 Members authorise Officers to take direct action to clear the site if there is non compliance with an enforcement notice and recover its cost for doing so.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

OFFSHORE WINDFARM
GWYNT Y MOR

1. PURPOSE OF REPORT

1.1 To seek the views of the Planning Committee on a consultation from the Department of Trade and Industry (DTI) on a proposal for an off shore windfarm in Liverpool Bay, known as the Gwynt y Mor Offshore Windfarm.

2. BACKGROUND

2.1 The offshore windfarm, as it lies beyond the low watermark, does not require planning permission but requires consent under the Electricity Act, Food and Environment Protection Act, and Coast Protection Act.

2.2 The DTI are responsible for considering the application under the above consent procedure. The County Council are a statutory consultee on the proposal.

3. THE PROPOSAL

3.1 The proposal involves the installation of between 150 and 250 turbines offshore. The turbines would have a generating capacity of between 3 and 5 Mw. This would lead to an overall maximum output of 750 Mw which would allow up to 500,000 homes to be served.

3.2 Each turbine would be up to 98 m high to the hub with a maximum blade tip height of 165 metres. This compares to an 80 m hub height and maximum blade tip height of 130 metres at North Hoyle.

3.3 The windfarm would be between 13 to 15 kilometres offshore between Prestatyn and Penrhyn Bay (see map **attached** to report).

3.4 Subject to obtaining the necessary consents, the intention is to construct the windfarm between 2008 and 2010. NPower, the applicants, have obtained a 50 year lease from the Crowns Estate.

3.5 The proposals also indicate intentions in relation to on shore works, although this would be the subject of applications for planning permission to Conwy County Borough Council and Denbighshire County Council.

3.6 The intention is for the sub sea cables to reach land between Kinmel Bay and Abergele and for buried cables then to be laid up to a substation to be sited to the south of St Asaph Business Park. There would then be a connection to the 400 kv line to the south of the business park via overhead lines.

4. POLICY BACKGROUND

4.1 In 2002, the DTI identified 3 strategic areas on the UK coastline within which the 2nd round of off shore windfarms could be developed. Gwynt y Mor lies within the north west strategic area and is the only round 2 project in Welsh waters.

4.2 Planning Policy Wales and the Interim Planning Policy Statement 01/2005 – Planning for Renewable Energy support the principle of renewable energy projects and states that wind power offers the greatest potential for an increase in the generation of electricity from renewable energy. TAN 8 – Planning for Renewable Energy states that “wherever practicable, proposals for offshore development should be supported”.

4.3 Denbighshire UDP Policies MEW8 and 10 support the principle of renewable energy projects including windpower, subject to certain criteria. However, these policies are relevant only to the onshore elements that require planning permission.

5. ENVIRONMENTAL IMPACTS

5.1 An Environmental Statement has been produced for both offshore and onshore elements. The Environmental Statement seeks to deal with “the worst case scenario” in terms of the number of turbines. The statement deals with the following issues :

- i) Physical impacts – sediment, scour, waves/tides, water quality
- ii) Biological impacts – birds, seabed, fish, mammals, nature conservation.
- iii) Human Environment – seascape, shipping, pipelines, tourism, archaeology, fishing, economic issues.

5.2 A non technical summary of the Environmental Statements is available on the NPower web site – www.npower-renewables.com

5.3 In terms of the impacts on Denbighshire, it is considered that these would be primarily as follows:

- i) Impact on the seascape including views from within Denbighshire and particularly the Clwydian Range AONB.
- ii) Impact on tourism – perception of visitors
- iii) Economic benefits – jobs during construction and management of the facility.
- iv) On shore elements – archaeology, landscape, traffic, ecology, and noise.

6. CONSULTATION PROCESS

6.1 The proposals were publicised by NPower in early December in the local press. Copies of the proposals and the Environmental Assessment have been available at various locations within Denbighshire since December (Rhyl, Prestatyn, Ruthin and Denbigh).

6.2 Internal consultation has taken place within the Council on the proposals including officers responsible for regeneration, noise, tourism, archeology, the AONB, coastal defences, ecology and renewable energy policy. The DTI carry out consultation with a number of statutory consultees including the Countryside Council for Wales, Environment Agency, the National Assembly for Wales and CADW. Comments on the offshore windfarm are required by the DTI by no later than 22nd February 2005.

6.3 All County Councillors were invited to an informal briefing on the project on 6th January 2006. Seven County Councillors attended.

7. ASSESSMENT

7.1 It is considered that the main impact and area of concern for Denbighshire will be the visual impact of the offshore windfarm on the seascape when viewed from within Denbighshire. This was also the main concern expressed by Members at the briefing. This impact depends on a number of factors notably:

- i) Sensitivity of seascape
- ii) Visibility from various locations, including sensitive areas
- iii) Affect on visibility of weather conditions (it is estimated that for around 30% of the time Gwynt Y Mor would not be visible from the shore)

- iv) Perception of windfarms by the public.
- v) Number of turbines, layout and colour. In relation to these issues a number of potential turbines layouts have been proposed depending on eventual number of turbines. Turbine colour is likely to be grey to the upper sections with a yellow base to aid visibility for shipping.
- vi) Cumulative impact take into account existing offshore windfarm (North Hoyle) and other consented windfarms (Rhyl Flats and Burbo).

7.3 The Environmental Assessment indicates, in terms of Denbighshire, a moderate visual affect when viewed from Graig Fawr near Meliden. Otherwise the most significant visual affect is from outside the County (Llandudno Promenade). However, the Environmental Assessment indicates that the impact would be lessened when considered in combination with other offshore windfarms, both built and consented, particularly Rhyl Flats.

7.4 At the time of writing this report internal consultation responses had not been received and these may have an impact on comments of the Council.

8. RECOMMENDATION

8.1 The Council as neighbouring Local Planning Authority raise concerns about the visual impact of the windfarm but consider that these could be mitigated to an extent by:

- i) Reducing the number of turbines to the bottom of the range (150).
- ii) Colour to be grey.
- iii) Further clarification on turbine layout.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**PROPOSED WIND TURBINE DEVELOPMENT AT WERN DDU,
GWYDDELWERN
CODE NO. 06/2005/1453/PF**

1. PURPOSE OF REPORT

- 1.1 The report outlines the basis of a new application for 4 wind turbines at Wern Ddu and seeks members' resolution on the handling of the application with regard to recent Welsh Assembly Government advice and the development of a joint Supplementary Planning Guidance with Conwy County Council on windfarm developments.
- 1.2 The report does not comment on the merits of the new application or Assembly policy and guidance.

2. BACKGROUND

- 2.1 Denbighshire County Council received the application for 4 turbines at Wern Ddu at the end of November 2005. The applicant company is Tegni Cymru Cyf, based in Llangwm.
- 2.2 The application relates to the same site as a previous scheme from Tegni for 5 turbines, refused permission at the January 2005 meeting of the Committee. For the record, the 2 reasons for the January 2005 refusal were as follows:-

"1. The development is considered likely to result in significant harm to the character and quality of an attractive rural landscape and to contribute to an unacceptable Cumulative and Sequential visual impact with other existing, approved, and proposed wind turbine developments in the area; contrary to policies MEW 8, MEW 10, GEN 6, ENV 1, ENV 2, and STRAT 7 of the Denbighshire Unitary Development Plan which seek to protect and enhance the landscape character of the countryside. The grant of permission would also be premature to decisions on draft TAN 8 in terms of the physical extent of the future Denbigh Moors Strategic Search Area, the completion of a systematic evaluation of the Cumulative Impact of developments in and around that Search Area, and development of up to date policies in the development plan based on an agreed national methodology of mapping and landscape appraisal.

2. The development is considered likely to have a significant adverse effect on the residential amenities of the occupiers of the property Bryn Ffynnon, as a consequence of the overpowering physical impact of turbines 1,2 and 3, contrary to policy MEW 8, MEW 10 and GEN 6 of the

Denbighshire Unitary Development Plan“.

- 2.3 Correspondence from Tegni’s solicitors and the Welsh Assembly confirms an appeal against the January 2005 refusal was lodged in July 2005. The Assembly have requested additional information from Tegni to “allow full assessment of the impact of proposals in environmental terms”, before the appeal can be progressed. At the time of writing this report, there has been no formal date set for the Enquiry.
- 2.4 The current application, Code No. 06/2005/1453/PF differs from the one referred to in para. 2.2 in that it involves one less turbine (removing what was Turbine 2 east of the property Bryn Ffynnon), and proposes an increase in the overall ‘ground to blade tip’ height of each of the turbines from 80 metres to 90 metres. There are other relatively minor changes. The new application contains a volume of technical information, including an Environmental Statement.

3. DEVELOPMENTS SINCE THE JANUARY 2005 REFUSAL

- 3.1 Members may be aware of a number of developments over the period since the refusal of the 5 turbine application at Wern Ddu. These are of considerable significance to the handling of the new application by the County Council.

- 3.2 Welsh Assembly Government has issued two key documents in July 2005:

- Ministerial Interim Planning Policy Statement 01/2005 - Planning for Renewable Energy
- Technical Advice Note 8 – Planning for Renewable Energy.

The two documents supplement policies and guidance to local planning authorities on matters relating to renewable energy projects in the Assembly’s Planning Policy Wales (March 2002). The three documents have to be taken into account by Welsh Planning Authorities in the preparation of Unitary/Local Development Plans, and are material to decisions on individual planning applications and appeals relating to wind turbine developments.

- 3.3 In establishing out its approach to energy production from renewable sources, the Assembly has set targets for electricity production from onshore wind developments by 2010 and 2020. To meet the targets, the Assembly has concluded that large scale on shore wind developments should be concentrated into particular areas, referred to as Strategic Search Areas (SSAs). The Clocaenog Forest is identified as one of seven SSAs in Wales. TAN 8 includes maps on which the boundaries of SSAs are shown “at a broad brush scale”. The map relating to the Clocaenog Forest SSA is attached to the back of this report, and shows the area falls almost equally within the administrative areas of Conwy and Denbighshire.
- 3.4 In setting out the strategy for onshore wind developments, TAN 8 notes that not all land within the SSAs may be economically or environmentally suitable for major developments, and indicates it is a matter for local planning authorities to undertake ‘local refinement’ within each of the SSAs in order to guide and optimise development within those areas. Where SSAs cross county boundaries, the TAN states affected authorities will need to cooperate with one another to develop ‘locational refinement’ or criteria based policies in a consistent

manner.

- 3.5 In order to develop a joint approach to the refinement of the SSA, in accordance with TAN 8, Denbighshire and Conwy have commissioned consultants to undertake a local assessment of the Clocaenog Forest SSA. The decision has been taken to develop this into a joint Supplementary Planning Guidance on windfarms, to be adopted by both authorities, to supplement development plan policies, provide guidance for developers, the public, members and officers, and for use as a material planning consideration in the consideration and determination of planning applications.
- 3.6 The timescale for the preparation of the Denbighshire/Conwy Supplementary Planning Guidance on Windfarms is set out below:
- Publication of draft SPG
 - Public consultation (6 weeks) – 16th January – 27th February 2006
 - Consideration of responses
 - Consideration by Scrutiny Committee/Cabinet/Full Council – April 2006

4. SUMMARY & CONCLUSION

- 4.1 Members will appreciate from the above that there is an immediate issue to address over the timescale within which it is anticipated the SPG on Windfarms may become an approved document (April 2006 at the earliest), and the period within which the authority should make a formal determination on the Wern Ddu application (22 March).
- 4.2 It is officers' opinion that it would be inappropriate to report the Wern Ddu application to Committee until the SPG is an approved document, since the contents will be of direct relevance to the merits of the proposals. In addition, it would seem inconsistent if the Authority was to determine the application prior to the refinement exercise and updating of policy in the SPG, especially given one of the reasons for the January 2005 refusal was prematurity in respect of decisions on TAN 8, and the associated evaluation of the extent of the SSA and related policies.
- 4.3 Members are advised that a number of representations on the Wern Ddu application express the view that no decision should be made until the SPG has passed through due process.

5. RECOMMENDATION

- 5.1 Having regard to the situation outlined in this report, members are requested to confirm that:
- A) The Wern Ddu wind turbine application, reference 06/2005/1453/PF should not be reported to the Planning Committee until after the formal approval of the Denbighshire/Conwy joint Supplementary Planning Guidance on Windfarms, which should be a material planning consideration on the application.
 - B) The applicants be advised accordingly.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

FORMER NORTH WALES HOSPITAL, DENBIGH
PLANNING APPLICATION CODE NO. 1/2004/1445/PO

1. PURPOSE OF REPORT

- 1.1 To provide Members with a summary of events since the resolution of the Full Council to grant planning permission in May 2005 for a mixed development at the site.

2. BACKGROUND

- 2.1 The outline planning application submitted on behalf of Acenbench Limited in late 2004 was for the following development:

"Restoration and partial demolition and change of use of former North Wales Hospital to residential, business and community uses, and development of adjacent land and buildings for residential, commercial and parkland uses, including change of use to B1 (Business Use), creation of new access and landscaping".

- 2.2 The application was considered by the Planning Committee in March 2005, and by Full Council in May 2005. Full Council resolved to grant planning permission subject to the applicants entering into a detailed legal agreement under Section 106 of the Planning Act (including the provision of a medical centre), and to compliance with conditions set out in the report to the March Planning Committee; and to the setting up of a politically balanced working group of members to monitor the S106 obligation and any other agreements, and to report back to County Council.

- 2.3 For the record, the recommendation to the March 2005 Planning Committee required:

A) Officers to enter into detailed negotiation with the applicants over the precise terms of the Section 106 Obligation, based on specific Heads of Terms set out in a separate Appendix to the report.

B) The completion of the Obligation within 6 months of the date of dispatch of the first draft of the document, at which time the Certificate of Decision would be released.

Recommendation B also included a fallback clause to cover the situation where there was failure to agree the detailed terms of the Obligation to the satisfaction of the Legal Officer/Counsel, including a requirement that the matter be brought before planning Committee in January 2006.

3. DEVELOPMENTS SINCE FULL COUNCIL RESOLUTION

- 3.1 Activity has been intense following the Full Council meeting in May 2005.
- 3.2 The Member Working Group has been set up and has met on 3 occasions (22nd September, 10th October, and 6th December). The Group is politically balanced, and also includes all Denbigh Members. It has been advised on progress with the Section 106 Obligation, and related issues/discussions with the owners.
- 3.3 Member Working Groups are timed to follow Development Team meetings between officers and the owners, to provide members with up to date feedback on developments.
- 3.4 The Legal Officer has confirmed the draft Section 106 Obligation was sent to the owners on the 21st October 2005. This triggered the start of the 6 month period for completion. The owners have responded in detail to the draft Section 106 document, and the dialogue with the legal officer is ongoing. It is normal procedure to conduct negotiations on the terms of a complex legal agreement in this manner. The 6 month period for completion is thus 21 April 2006. If matters are not completed by this date, then the application will need to be reported back to the Planning Committee for redetermination taking into account the circumstances relevant at that time.
- 3.5 The Development Control Manager reported to the December 2005 meeting of the Planning Committee that there were key meetings arranged in the week before the 25th January 2006 Committee meeting, i.e. a Development Team meeting with the owner on the 17th January, and a Member Working Group on the 19th January. It was agreed therefore that a basic report be prepared to provide a factual summary of events since May 2005, and officers would submit a further update report to the meeting, to advise on developments with the legal agreement following the meeting on the 17th January.
- 3.6 Officers are satisfied up to this time that progress is being made in negotiations on the Section 106 Obligation, and will continue to press for the completion of the agreement in accordance with the Council's resolutions. The Committee will be kept informed of key developments.

4. RECOMMENDATION

- 4.1 That Members:-
 - A) Accept this information report.
 - B) Consider an updated report on developments, to be circulated prior to the start of the meeting.

**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 October – December 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 1ST OCTOBER 2005 TO 30TH DECEMBER 2005

DESCRIPTION	CASE OFFICER	DECISION LEVEL/ RECOMMENDATION	LOCATION	TYPE	DECISION DATE	APPEAL DECISION	COSTS	KEY ISSUES
Installation of 1 No. 12, high Hexicell 2 type 4 column and associated equipment cabinets	Paul Mead	Refused under Delegated Powers	Pavement outside Shell Garage, 193 Vale Road, Rhyl	Written Reps	16/08/2005	Dismissed	No	<ul style="list-style-type: none"> • Mast and equipment would be detrimental to form and character of townscape • Alternative site is more appropriate.
Development of 0.4ha of land by erection of 1 No. dwelling (Outline Application)	Paul Mead	Refused under Delegated Powers	Land at rear of 17 Roe Parc, St. Asaph	Hearing	05/10/2005	Dismissed	No	<ul style="list-style-type: none"> • Development in C1 Flood Zone. Not acceptable against Environment Agency Advice.
Development of 0.47ha of land for residential purposes & alterations to existing pedestrian & vehicular access (Outline Application)	Iwan Lloyd	Refused at Committee, against Officer's recommendation	Cae Hir, Fron Bache, Llangollen	Written Reps	25/10/2005	Allowed	No	<ul style="list-style-type: none"> • No unacceptable loss of open space • Scale of development would not unacceptably affect free flow or safety of traffic
Retention of Garden Shed	Mark Dakeyne	Refused at Committee	Tan yr Allt Cottage, Meliden	Hearing	28/10/2005	Dismissed	No	<ul style="list-style-type: none"> • Unacceptable impact on character and appearance of the area. • Unacceptable overlooking and impact on adjacent property.
Retention of Garden Shed	Gareth Jones	ENF Notice	Tan yr Allt Cottage, Meliden	Hearing	28/10/2005	Dismissed	No	<ul style="list-style-type: none"> • Enforcement Notice upheld
Removal of Condition 1 on Planning Permission Ref No. 43/02/089/PF. Telegram Filling Station (restricting area for display of vehicles and max. number to 30 vehicles)	Sarah Stubbs	Refused at Committee, against officer's recommendation	Victoria Road, Prestatyn	Written Reps	21/12/2005	Allowed	No	<ul style="list-style-type: none"> • Layout would be satisfactory • No additional harm to amenity or highway safety.

**Decisions Made by the Head of Planning and Public Protection
under
Delegated Powers
26th November - 31st December 2005**

Item For Information

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

DECISION TYPES

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

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH
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**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC
PROTECTION UNDER DELEGATED POWERS**

26 /11 /2005 and 31 /12 /2005

<u>RHIF CYF</u> <u>REF NO</u>	<u>LLEOLIAD A CHYNNIG</u> <u>LOCATION AND PROPOSAL</u>	<u>YMGEISYDD</u> <u>APPLICANT</u>	<u>PENDERFYNIAD</u> <u>DECISION</u>	<u>DYDDIAD</u> <u>DATE</u>
01/2005/0503 / LB	Flat 1 33 Vale Street Denbigh Alterations to roof of ground floor flat	A Dent	WDN	16 /12 /2005
		Case Officer - Sarah Stubbs		
01/2005/0550 / PF	Flat 1 33 Vale Street Denbigh Alterations to existing ground floor flat	A Dent	WDN	16 /12 /2005
		Case Officer - Sarah Stubbs		
01/2005/0681 / LB	Tros Y Parc Ystrad Road Denbigh Internal and external alterations and erection of first-floor, flat-roofed extension at front of dwelling to provide ensuite bathroom	S & C Cheshire	CONSENT	06 /12 /2005
		Case Officer - Catrin E Williams		
01/2005/0682 / PF	24 Chapel Street Denbigh Erection of galvanised steel handrailings at front door steps	Mr Martin Le-Mar	GRANT	23 /12 /2005
		Case Officer - Nicola Marie Jones		
01/2005/1168 / PF	Cartref, Old Smithy Post Office Lane Denbigh Replacement windows	Mr P D Williams	REFUSE	01 /12 /2005
		Case Officer - Nicola Marie Jones		

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01/2005/1244 / PO	Land At (Part Garden Of) Bryn Dedwydd The Green Denbigh Development of 0.04ha of land for 1 dwelling and construction of new vehicular access (outline application)	Mr Hughes Case Officer - Catrin E Williams	REFUSE	20 /12 /2005
01/2005/1249 / PS	Star Grill 26 Bridge Street Denbigh Variation of Condition No. 1 of planning permission ref no. 01/718/98/PS to allow hours of opening to read: Monday - Wednesday 1500hrs to midnight; Thursday 1500hrs to 0100hrs; Friday - Saturday noon to 0130hrs and Sunday noon to midnight	Mr S Kanli Case Officer - Nicola Marie Jones	GRANT	01 /12 /2005
01/2005/1301 / PF	Flat 1& Flat 2 Haulfryn Lenten Pool Denbigh Change of use of existing flats/garages to dental surgery	Intergrated Dental Holdings Case Officer - Paul David Griffin	GRANT	06 /12 /2005
01/2005/1330 / PO	Land To The Rear Of Y Glyn Whitchurch Road Denbigh	Mr & Mrs S Jones	GRANT	22 /12 /2005

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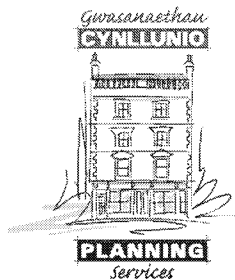
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	Development of 0.1ha of land by the erection of a bungalow and construction of new vehicular and pedestrian access (renewal of outline planning permission previously approved under code no. 01/2002/1241/PO)	Case Officer - Paul David Griffin		
01/2005/1331 / PF	32 Vale Street Denbigh	Mr Mark Hatenboer	GRANT	20 /12 /2005
	Change of use to coffee shop	Case Officer - Paul David Griffin		
01/2005/1342 / PF	Outbuilding Rear Of Old NFU Buildings Broomhill Lane Denbigh	Mr G Ll. Jones	REFUSE	22 /12 /2005
	Conversion and alterations to outbuilding to form dwelling	Case Officer - Sarah Stubbs		
01/2005/1353 / PF	Land to Rear of Brynffynnon 72 - 74 Henllan Street Denbigh	D.A Jones	GRANT	21 /12 /2005
	Erection of detached bungalow and alterations to existing vehicular access (partly retrospective)	Case Officer - Philip Garner		
01/2005/1370 / PF	Land At Maes y Brwyn Farm Mold Road Denbigh	Mr T E Rowlands	GRANT	28 /12 /2005
	Change of use of land to form extension to residential curtilage including parking for 4 vehicles	Case Officer - Nicola Marie Jones		

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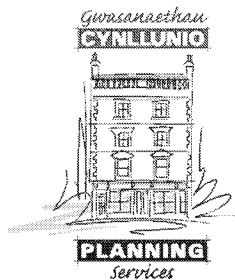
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01/2005/1380 / TA	Telsol Ltd 23-24 Colomendy Industrial Estate, Rhyl Road Denbigh	3G (UK) Ltd	REFUSE	12 /12 /2005
	Installation of radio-based station comprising 15m lattice tower, 3 antennae, 2 dish antennae, equipment housing and compound with 2.1m high palisade fencing	Case Officer - Nicola Marie Jones		
02/2005/0638 / LB	Nantclwyd House Stryd Y Castell Ruthin	Denbighshire County Council	CONSENT	19 /12 /2005
	Internal alterations comprising replacement of infill panels, reinstatement of floor, wall panelling and fireplaces, structural repairs, removal of sanitary fittings, overhauling of windows and replacement of loose plaster with lime plaster	Case Officer - Sarah Stubbs		
02/2005/1160 / PF	Choice 50 Well Street Ruthin	Mr H Howatson	GRANT	23 /12 /2005
	Change of use of existing vacant shop to 2no. self-contained flats	Case Officer - Catrin E Williams		
02/2005/1271 / PF	Former Key Shop 1 & 1b Prior Street Ruthin	Mr P W Jones	GRANT	05 /12 /2005

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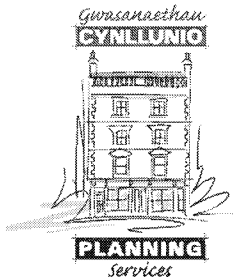
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	Change of use of 2 vacant shops to form extension to residential dwelling known as The Smithy		Case Officer - Paul David Griffin	
02/2005/1307 / PF	Plot 16 Seven Oaks Garden Centre Lon Parcwr Industrial Estate Ruthin	Mr I Forsythe Seven Oaks Garden Centre	GRANT	01 /12 /2005
	Erection of polytunnel to side of garden centre		Case Officer - Paul David Griffin	
02/2005/1384 / PO	Land At Tyn y Minffordd Llanfwrog Ruthin	Frederick Dunn	WDN	06 /12 /2005
	Development of 0.14ha of land by the erection of 2 no. dwellings and construction of new vehicular/pedestrian access (outline application)		Case Officer - Nicola Marie Jones	
03/2005/0776 / LB	Plas y Fron Bryn Howell Lane Trevor Llangollen	Mr & Mrs G Williams	CONSENT	06 /12 /2005
	Demolition of outbuilding and erection of porch at rear of dwelling and tool store (partly retrospective)		Case Officer - Catrin E Williams	
03/2005/1152 / PF	Cyfronydd Abbey Road Llangollen	Mr & Mrs O Edwards	GRANT	01 /12 /2005
	Erection of detached replacement garage and WC/store		Case Officer - Nicola Marie Jones	

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03/2005/1192 / PF	6 Vicarage Road Llangollen Erection of attached garage at side of dwelling	Mr H Roberts Case Officer -	GRANT	23 /12 /2005 Catrin E Williams
03/2005/1469 / AC	Lower Dee Mill Mill Street Llangollen Details of external wall and roof materials submitted in accordance with condition number 2 of planning permission code no. 03/2004/0354/PF	Gower Homes Case Officer -	APPROVE	14 /12 /2005 Ian Weaver
04/2005/1096 / PF	Pendre Bach Melin-Y-Wig Corwen Conversion of barn, shippon and dairy to residential accommodation for holiday letting	Mr Arwel Evans Case Officer -	GRANT	05 /12 /2005 Catrin E Williams
05/2005/0938 / PF	Iscoed Carrog Corwen Erection of pitched roof first floor extension over existing single-storey element at side of dwelling and extension to existing porch	Mr. Derek Thompson Case Officer -	GRANT	22 /12 /2005 Catrin E Williams

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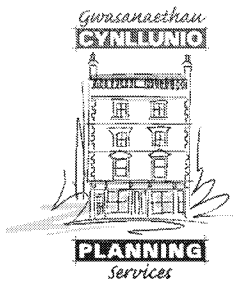
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05/2005/1130 / PF	Baptist Chapel London Road Corwen Change of use of redundant Baptist Chapel to single residential dwelling unit (resubmission)	EBS (Edwards Building Services) Limited	REFUSE	15 /12 /2005
		Case Officer - Philip Garner		
08/2005/1376 / PF	Ysgol Isa Community Hall Cynwyd Corwen Raising roof height and adaptations to WC and store to provide disabled facilities and provision of disabled access ramp to front	The Representative Body Of The Church In Wal	GRANT	28 /12 /2005
		Case Officer - Nicola Marie Jones		
10/2005/1273 / AC	Rhoslydan Bryneglwys Corwen Details of landscaping submitted in accordance with condition no. 2 of planning permission code no. 10/2005/678/PC	Mr B.E Jones	APPROVE	05 /12 /2005
		Case Officer - Nicola Marie Jones		
11/2005/1428 / PF	Old School Cottage Clocaenog Ruthin Erection of first-floor pitched roof extension to dwelling	Mr & Mrs K Mitchell	GRANT	28 /12 /2005
		Case Officer - Nicola Marie Jones		

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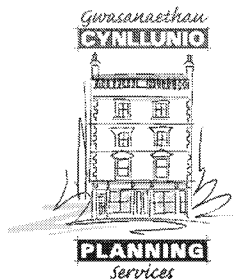
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12/2005/1247 / PR	Cloion Garage Clawddnewydd Ruthin Details of siting, design, external appearance of 2 dwellings, landscaping and means of access, submitted in accordance with Condition No. 1 of outline planning permission ref 12/2004/0941/PO	Mr D Matishok And Mr S Matishok Case Officer - Emer O'Connor	GRANT	12 /12 /2005
13/2005/1013 / PC	65 Tan Y Bryn Pwllglas Ruthin Retention of conservatory at rear of dwelling (retrospective application)	Mr & Mrs Jones Case Officer - Catrin E Williams	GRANT	22 /12 /2005
13/2005/1069 / PF	Tan Y Coed Pwllglas Ruthin Erection of lean-to extension at side and conservatory at front of dwelling	Mr & Mrs A Spink Case Officer - Paul David Griffin	GRANT	05 /12 /2005
14/2005/0671 / PF	Nant Uchaf Cyffylliog Ruthin Erection of agricultural building for housing of livestock and storage of hay and straw	R Wade Case Officer - Catrin E Williams	GRANT	20 /12 /2005

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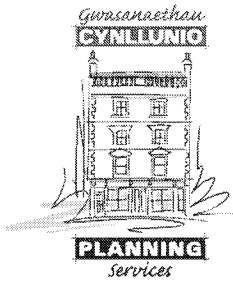


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14/2005/1242 / PF	Land Adjacent To Pistyll Gwyn Bontuchel Ruthin Erection of steel portal-framed sheep shed and fodder store	Mr D Roberts Case Officer - Paul David Griffin	REFUSE	06 /12 /2005
15/2005/1032 / PF	Ffynnon Y Berth Llanarmon Road Llanferres Mold Conversion of outbuilding and lean-to barn to form 1 dwelling (amendment to previously-approved scheme under Ref. No. 21/2003/0395/PF)	Mr & Mrs N Blackburn Case Officer - Catrin E Williams	GRANT	23 /12 /2005
16/2005/0889 / LE	Land adjoining Wayside Rhiwlas Llanbedr Dyffryn Clwyd Ruthin Certificate of Lawfulness for erection of dwelling and construction of vehicular access as granted by planning permission reference 11/1740	Mr Gwyn Jones Case Officer - Philip Garner	RCERTIFY	14 /12 /2005
17/2005/1106 / AC	Maes Maelor Ruthin Road Llandegla Wrexham Details of landscaping submitted in accordance with condition no. 3 of planning permission code no. 07/2003/1393/PF	Mrs Joanna Aylett Case Officer - Catrin E Williams	APPROVE	20 /12 /2005

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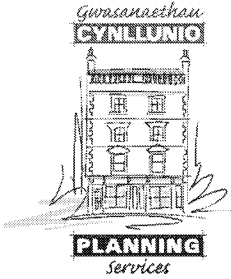
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17/2005/1276 / AC	Coed Llandegla Wrexham Details of oil interceptor arrangements, safety fencing at crossing points with footpaths, and arrangements for monitoring of car parking and traffic movement submitted in accordance with condition numbers 10,15 and 19(b) of planning permission code no. 17/2002/0990/PF and condition 1 of code no. 17/2005/0410/PS	Tilhill Forestry	APPROVE	30 /11 /2005
		Case Officer - Ian Weaver		
18/2005/0487 / AC	Outbuildings At Glanywern Isaf Llandyrnog Denbigh Details of hard and soft landscaping (Condition 15), details of unit 3 (Condition 18) and support/propping of the w.s.w. (rear) elevation (Condition 19) submitted in accordance with planning permission code no. 18/2002/0578/PF	Mr H Jones	APPROVE	22 /12 /2005
		Case Officer - Sarah Stubbs		
19/2005/0905 / PF	Nant Uchaf Llanelidan Ruthin Erection of general purpose agricultural building	E, P.A & G.C Morris	GRANT	22 /12 /2005
		Case Officer - Catrin E Williams		
19/2005/1284 / PF	Bryn Tirion Llanelidan Ruthin Erection of two-storey pitched roof extension to side of dwelling	Mr David Edwards	GRANT	06 /12 /2005
		Case Officer - Paul David Griffin		

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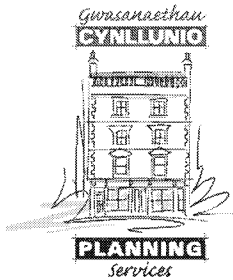


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19/2005/1294 / PF	Nant Uchaf Llanelidan Ruthin Erection of pitched-roof two-storey extension to rear of dwelling	Mr & Mrs Gruffydd Case Officer - Paul David Griffin	GRANT	20 /12 /2005
19/2005/1352 / PF	Outbuilding at Bodlwydd Fawr Llanelidan Ruthin Extension to domestic curtilage	Mr. R. Boynes Case Officer - Nicola Marie Jones	GRANT	22 /12 /2005
20/2005/1218 / PF	Tan Y Coed Eyarth Llanfair Dyffryn Clwyd Ruthin Erection of porch at front and dining-room extension at side of dwelling	Mr & Mrs D Van Rensburg Case Officer - Catrin E Williams	GRANT	30 /11 /2005
21/2005/1252 / PF	Ysgol Bro Fammau Ruthin Road Llanferres Mold Erection of single-storey extension to provide nursery classroom	Huw W Griffiths Denbighshire County Council Case Officer - Paul Mead	GRANT	14 /12 /2005

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22/2005/1221 / PF	Trefechan Llanychan Ruthin Erection of conservatory at rear of dwelling	Mr & Mrs Gill Case Officer - Nicola Marie Jones	GRANT	30 /11 /2005
22/2005/1333 / PF	Ty Coch Farm Llangynhafal Denbigh Refurbishment of existing cruck barn and adjacent farm buildings to form Class B1 offices and demolition of open barn and adjacent shed to provide parking facilities (amended details to those previously approved under code no. 22/2004/1394/PF)	Mr David Fletcher Denbighshire County Council Case Officer - Sarah Stubbs	GRANT	21 /12 /2005
23/2005/1080 / PF	Fron Heulog Farm Llanrhaeadr Denbigh Demolition of farm buildings, conversion and extension of outbuildings to dwelling with granny annexe, construction of new vehicular access and septic tank (Amended details to Application Ref. No. 23/2005/0591/PF)	G & J Hinchcliffe Case Officer - Philip Garner	GRANT	16 /12 /2005
23/2005/1304 / PF	Capei Llanrhaeadr Pentre Llanrhaeadr Denbigh Demolition of existing toilets, store and boiler room, erection of disabled toilet and lobby extension and ancillary works	Parch Wayne Roberts Eglwys Bresbyteraidd Case Officer - Paul David Griffin	GRANT	06 /12 /2005

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24/2005/1194 / TP	Land rear of 1-5 Denbigh Road and Rhyd Y Byll Rhewl Ruthin	Cymdeithas Tai Clwyd	GRANT	28 /12 /2005
	Pruning/tree surgery to Douglas Fir, Horse Chestnuts and Sycamores and felling of 2 Sycamores and 1 Horse Chestnut within Area G1 of the Glyndwr District Council (The Rhewl) Tree Preservation Order	Case Officer - Nicola Marie Jones		
24/2005/1205 / PF	Cerrigllwydion Arms Llanynys Denbigh	Mr G Williams	REFUSE	13 /12 /2005
	Change of use to create mixed use of part public house and 2 no. dwellings	Case Officer - Philip Garner		
24/2005/1313 / PF	Rhewl Post Office Rhewl Ruthin	Mr & Mrs R Kinnear	GRANT	12 /12 /2005
	Change of use from Post Office to residential use in connection with existing dwelling and associated works	Case Officer - Nicola Marie Jones		
24/2005/1341 / PF	Bryn Gerllig Llanychan Ruthin	Mr & Mrs A Harper	GRANT	20 /12 /2005
	Erection of pitched-roof extension and conservatory to dwelling	Case Officer - Paul David Griffin		

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24/2005/1362 / AC	Drovers Arms . Rhewl Ruthin	A.P Given	APPROVE	01 /12 /2005
	Details of extraction unit submitted in accordance with condition no. 2 of planning permission code no. 24/2004/272/PF	Case Officer - Paul David Griffin		
27/2005/0688 / PF	Oernant Isa Horseshoe Pass Llangollen	J Bromfield	REFUSE	01 /12 /2005
	Extensions and alterations to existing dwelling, construction of new vehicular access and associated engineering works and extension to domestic curtilage	Case Officer - Philip Garner		
27/2005/1285 / PF	Bryn Goleu Eglwyseg Llangollen	Dr & Mrs A Smith	GRANT	06 /12 /2005
	Erection of first-floor pitched-roof extensions to part of dwelling and single-storey pitched-roof porch & W.C extension	Case Officer - Paul David Griffin		
30/2005/0854 / PF	Field No. 2316 Maes Elwy Farm Upper Denbigh Road St. Asaph	Mr E Roberts	WDN	16 /12 /2005
	Change of use of part of agricultural field to site for 20 No. static caravan/chalets and installation of new private treatment plant. Alterations to existing vehicular access and formation of access drive with passing places. Siting of 2/3 timber deer shelters and bird 'hides' in adjacent woodland.	Case Officer - Sarah Stubbs		

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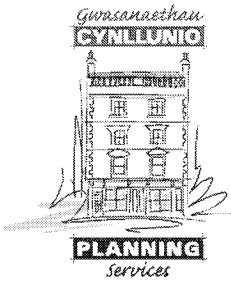


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30/2005/1191 / PF	12 Maes Gruffydd Trefnant Denbigh Erection of carport	Mr Jones Case Officer - Nicola Marie Jones	GRANT	01 /12 /2005
31/2005/0635 / LB	Capel Cefn Meiriadog Groesffordd Marli Abergele Erection of kitchen extension to vestry and extension to existing car park and cemetery (Listed Building Application)	Mr E Davies Case Officer - Nicola Marie Jones	GRANT	06 /12 /2005
31/2005/1234 / PC	Wigfair Home Farm Wigfair Cefn St. Asaph Retention of new track adjoining original track (retrospective application)	Mr H Jones Case Officer - Catrin E Williams	GRANT	28 /12 /2005
31/2005/1290 / TP	Land off Ffordd Richard Davies St. Asaph Business Park St. Asaph Works to 4 no. oak trees the subjects of a tree preservation order	Welsh Development Agency Case Officer - Paul Mead	GRANT	20 /12 /2005

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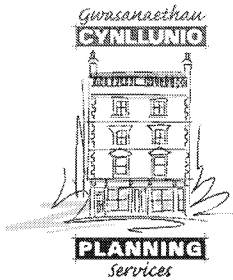
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31/2005/1530 / AC	Field to Rear Of Cae Onnen Glascoed Abergele Details of Conditions No. 2 (wall and roof materials) on planning permission Ref. No. 31/2005/1288/PF	Mrs J Regan Case Officer - Nicola Marie Jones	APPROVE	28 /12 /2005
40/2003/1197 / AC	OpTIC Ffordd William Morgan St. Asaph Business Park St. Asaph Details of condition No. 12 (Green Travel Plan) on planning permission reference : 40/2002/0106/PF.	Welsh Development Agency Case Officer - Mark Dakeyne	APPROVE	23 /12 /2005
40/2005/0945 / LB	2 The Village Bodelwyddan Rhyl Demolition of existing flat-roofed rear extension and erection of new lean-to extension at rear of dwelling (Listed Building application)	Mr T Wrigley Case Officer - Nicola Marie Jones	GRANT	28 /12 /2005
40/2005/0946 / PF	2 The Village Bodelwyddan Rhyl Demolition of existing flat-roofed rear extension and erection of new lean-to extension at rear of dwelling.	Mr T Wrigley Case Officer - Nicola Marie Jones	GRANT	30 /11 /2005

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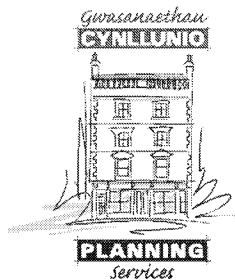


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40/2005/1216 / PF	Field No. 4726 & 4116 Off Ffordd William Morgan St. Asaph Business Park St. Asaph Construction of access road and associated infrastructure	Welsh Development Agency Case Officer - Shan Wyn Jones	GRANT	09 /12 /2005
40/2005/1238 / AC	Site G Ffordd William Morgan St. Asaph Business Park St. Asaph Details of green travel plan, bicycle and motor cycles parking areas, external wall and roof material, reasonable avoidance measures, oil interceptor and landscape management plan submitted in accordance with condition numbers 2,5,6,9,12 and 13 of planning permission code no. 40/2005/0312/PF	Anwyl Construction Co. Ltd Case Officer - Sarah Stubbs	APPROVE	09 /12 /2005
40/2005/1243 / PF	1 Church View Bodelwyddan Rhyl Installation of new shop front	Mr M Trubshaw Dora's Popin Case Officer - Nicola Marie Jones	GRANT	01 /12 /2005
40/2005/1499 / AC	Part Field No. 0002 Pengwern Farm Nant Y Faenol Road Bodelwyddan Rhyl Details of materials submitted in accordance with condition no. 6 of planning permission code no. 40/2004/0653/PF	Mr & Mrs R Jones Case Officer - Mark Dakeyne	APPROVE	22 /12 /2005

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40/2005/1515 / AC	Integra Phase 2 Glascoed Road St. Asaph Business Park St. Asaph	Pennaf Ltd	APPROVE	29 /12 /2005
	Details of external wall and roof materials submitted in accordance with condition no. 4 of planning permission code no. 40/2005/0448/PF	Case Officer - Sarah Stubbs		
41/2005/1229 / PF	The Barn Mold Road Bodfari Denbigh	Dr. B. & Mrs. P.R. Rodgers	REFUSE	01 /12 /2005
	Erection of pitched roof extension to dwelling and extension to garage	Case Officer - Philip Garner		
42/2005/0497 / LB	The Old Manor Waterfall Road Dyserth Rhyl	Mrs M E Goddard	GRANT	29 /12 /2005
	Erection of extension to existing conservatory at front of nursing home	Case Officer - Sarah Stubbs		
42/2005/1232 / AD	New Inn Waterfall Road Dyserth Rhyl	Union Pub Company	GRANT	06 /12 /2005
	Display of externally illuminated pole sign and non-illuminated car park sign	Case Officer - Nicola Marie Jones		
42/2005/1328 / AC	New Inn Waterfall Road Dyserth Rhyl	Union Pub Co.	APPROVE	30 /11 /2005

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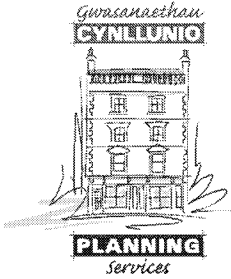
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	Details of fenestration submitted in accordance with condition no. 3 of planning permission code no. 42/2005/0053/PF		Case Officer - Sarah Stubbs	
42/2005/1374 / PF	Tan Y Graig Lower Foel Road Dyserth Rhyl	Mr & Mrs J E Roberts	REFUSE	28 /12 /2005
	Erection of single-storey extension with balcony over at front of dwelling		Case Officer - Emer O'Connor	
42/2005/1485 / AC	New Inn Waterfall Road Dyserth Rhyl	Union Pub Co.	APPROVE	16 /12 /2005
	Details of landscaping submitted in accordance with condition no. 4 of planning permission code no. 42/2005/0053/PF		Case Officer - Sarah Stubbs	
43/2004/0779 / AC	Plot 13 Melyd Avenue Prestatyn	Healey Homes Ltd	APPROVE	23 /12 /2005
	Details of Condition No. 1 (landscaping and balancing pond) on planning permission no. 43/2003/1389/PF.		Case Officer - Mark Dakeyne	
43/2005/0538 / PR	72 Gronant Road Prestatyn	Michael R Garnett	GRANT	30 /11 /2005

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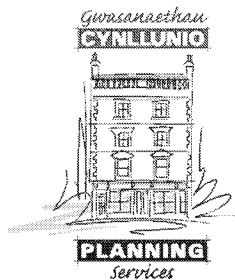
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	Details of siting, design, external appearance and landscaping submitted in accordance with condition no. 1 of planning permission ref 43/2002/0127/PO for development of land by demolition of dwelling and erection of 7 no. dwellings	Case Officer - Sarah Stubbs		
43/2005/1147 / PF	Land at (Part garden of) 1 Bryntirion Avenue fronting Stoneby Drive Prestatyn	Mr L Billington LJP Properties	GRANT	05 /12 /2005
	Erection of two-storey dwelling and attached garage	Case Officer - Sarah Stubbs		
43/2005/1188 / PF	2 Sandy Lane Prestatyn	Ms B Bufton	GRANT	28 /11 /2005
	Change of use from office to Beauty Salon	Case Officer - Paul Mead		
43/2005/1246 / PF	107 Victoria Road Prestatyn	Bob Williams Campagna	GRANT	01 /12 /2005
	Change of use of ground floor shop to office	Case Officer - Emer O'Connor		
43/2005/1253 / PF	105 Victoria Road Prestatyn	Mrs P Morris	REFUSE	01 /12 /2005
	Erection of first-floor flat-roofed extension at rear of premises	Case Officer - Emer O'Connor		

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43/2005/1255 / PF	109 Meliden Road Prestatyn	Mr M Bancroft	GRANT	01 /12 /2005
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Erection of two-storey pitched-roof extension with balcony, at rear of dwelling

Case Officer - Emer O'Connor

43/2005/1264 / TP	111 Meliden Road Prestatyn	Mr M.E Thomas	GRANT	07 /12 /2005
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Felling of cypress tree and Holm Oak Tree located in Area A1 on the plan annexed to the Borough of Rhuddlan (Woodland Park Prestatyn) Tree Preservation Order No 3, 1985

Case Officer - Paul Mead

43/2005/1280 / PF	H R Owens 212 High Street Prestatyn	Mr P.G Davies	GRANT	16 /12 /2005
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Retention of alterations to front to provide improved access arrangements and installation of roller shutters

Case Officer - Emer O'Connor

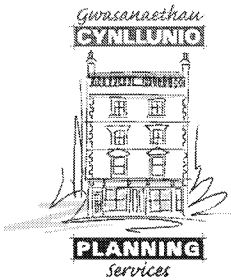
43/2005/1292 / TP	8 Cambrian Drive Prestatyn	Mr Cecil Butler	GRANT	07 /12 /2005
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Felling of 1 no. eucalyptus tree

Case Officer - Paul Mead

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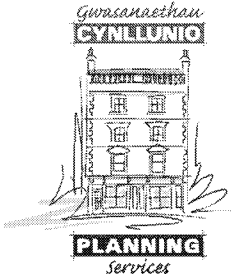


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43/2005/1305 / PF	5 Calthorpe Drive Prestatyn Erection of two-storey pitched-roof extension to rear and single-storey garage to side of dwelling	Mr & Mrs P Ward Case Officer - Emer O'Connor	GRANT	20 /12 /2005
43/2005/1309 / PF	19 Stoncby Drive Prestatyn Erection of single storey pitched roof extension to rear/side of dwelling	Mr. B. A. Hobday Case Officer - Emer O'Connor	GRANT	05 /12 /2005
43/2005/1390 / AD	The Royal Bank Of Scotland Plc 70 High Street Prestatyn Display of internally illuminated fascia signs (2 no.) projecting sign and letters and logo	The Royal Bank Of Sc Case Officer - Emer O'Connor	GRANT	20 /12 /2005
43/2005/1396 / PO	Land adjoining 6 Gwelfryn Prestatyn Development of 0.04ha of land by the erection of 1no. dwelling and alterations to existing vehicular access (outline application)	Millar Estates Case Officer - Philip Garner	REFUSE	28 /12 /2005

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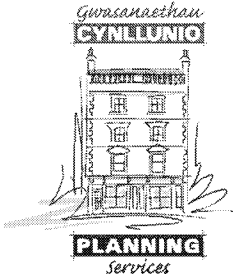
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43/2005/1415 / PF	35 Gronant Road Prestatyn Erection of conservatory to rear of dwelling	Mr & Mrs J Greenfield	GRANT	28 /12 /2005
		Case Officer - Emer O'Connor		
43/2005/1436 / PF	Highfield Bishopswood Road Prestatyn Erection of pitched roof extension to side of dwelling, formation of dormers and front entrance porch (amended scheme to App. Ref. 13/2005/0933/PF)	Mr & Mrs B Bryce	GRANT	28 /12 /2005
		Case Officer - Emer O'Connor		
43/2005/1472 / AC	Land Adjoining Brookdale Cefn Y Gwrych Prestatyn Details of badger mitigation submitted in accordance with condition no. 11 of planning permission code no. 43/2000/0875/PO	Damion Baker	APPROVE	14 /12 /2005
		Case Officer - Mark Dakeyne		
44/2005/1256 / PF	16 Glyn Avenue Rhuddlan Rhyll Demolition of existing garage/carport and kitchen extension and erection of extension to side and formation of room in roofspace	Mr & Mrs S Bennett	GRANT	01 /12 /2005
		Case Officer - Nicola Marie Jones		

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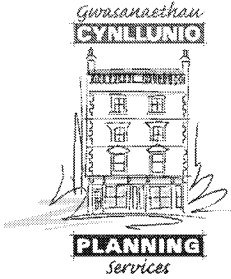
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44/2005/1306 / PF	45 Vicarage Lane Rhuddlan Rhyl Alterations and extensions to dwelling to form self-contained annexe and erection of detached garage	Mr & Mrs D Jones Case Officer - Emer O'Connor	GRANT	06 /12 /2005
44/2005/1316 / TP	Land At Tir Morfa Site Meliden Road Rhuddlan Rhyl Felling of 1 Cherry and 5 Sycamore trees in Area G1 on plan annexed to the Denbighshire County Council (Land at Tir Morfa, Rhuddlan) Tree Preservation Order No. 1, 2004	Lloyd Construction Limited Case Officer - Emer O'Connor	GRANT	20 /12 /2005
44/2005/1323 / PS	Marl Dental Surgery Rhyl Road Rhuddlan Rhyl Removal of Condition No. 2 of planning permission Ref. No. 44/468/97/PS restricting the use to the applicant/partner only	Marl Dental Surgery Case Officer - Nicola Marie Jones	GRANT	22 /12 /2005
44/2005/1405 / PF	1 Nant Close Rhuddlan Rhyl Erection of dormer windows at rear and conservatory at side of dwelling	Mr & Mrs D Hughes Case Officer - Emer O'Connor	GRANT	20 /12 /2005

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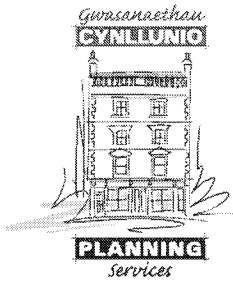
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45/2005/0985 / AC	West Parade Rhyl Details of phasing (condition 2), buildings and landform (condition 3), demolition/after care (condition 4), drainage (condition 5), landscaping (condition 6), landscape maintenance (condition 7) and materials (condition 8) of planning permission code no. 45/2004/0349/PF	Denbighshire County Council Environment Directorate Case Officer - Mark Dakeyne	APPROVE	23 /12 /2005
45/2005/1071 / PF	35 Palace Avenue Rhyl Conversion of premises into 3 no self-contained flats	P R C Management Limited Case Officer - Sarah Stubbs	GRANT	21 /12 /2005
45/2005/1195 / PF	8 Madryn Avenue Rhyl Erection of conservatory to rear of dwelling	Mr & Mrs Evans Case Officer - Michael G Hughes	GRANT	23 /12 /2005
45/2005/1215 / PF	19 Brynhedydd Road Rhyl Erection of single-storey flat-roofed extension at rear of dwelling	Mrs D Kearsley Case Officer - Michael G Hughes	GRANT	29 /11 /2005

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45/2005/1225 / PS	29-31 Water Street Rhyl Removal of Condition No. 2 of planning permission Ref. No. 45/2000/0836/PF relating to opening hours	Mr L Wright	GRANT	05 /12 /2005
		Case Officer - Michael G Hughes		
45/2005/1250 / TA	Rhyl Golf Club Rhyl Coast Road Rhyl Upgrading of existing mast to 15m high flag-pole style column and resiting of existing associated equipment	02 (Uk) Limited	GRANT	06 /12 /2005
		Case Officer - Emer O'Connor		
45/2005/1258 / PF	Ysgol Emmanuel Victoria Road Rhyl Erection of single-storey extension for 5 classrooms, wc, store, link walkway and hard standing play area	Huw W Griffiths Denbighshire County Council	GRANT	12 /12 /2005
		Case Officer - Emer O'Connor		
45/2005/1261 / PF	2 Oakwood Road Rhyl Erection of hipped roof extension at rear of dwelling	Mr N Roberts	GRANT	14 /12 /2005
		Case Officer - Michael G Hughes		

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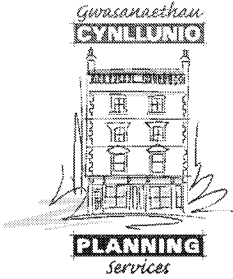
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45/2005/1263 / PF	16 Grange Road Rhyl Change of use from residential to class A2 office and installation of "see through" roller shutter to front	Mr & Mrs S Fletcher	GRANT	16 /12 /2005
		Case Officer - Michael G Hughes		
45/2005/1275 / PF	9 Windsor Street Rhyl Erection of detached garage/store at rear of dwelling	Mr J Monks	GRANT	16 /12 /2005
		Case Officer - Michael G Hughes		
45/2005/1277 / PF	3 Llys Alarch Rhyl Erection of conservatory at rear of dwelling	Plumpton	GRANT	16 /12 /2005
		Case Officer - Michael G Hughes		
45/2005/1289 / AD	Unit 2A 18/20 Vale Road Rhyl Retention of internally-illuminated fascia sign	The Carphone Warehouse	CONSENT	01 /12 /2005
		Case Officer - Emer O'Connor		
45/2005/1324 / PF	10 Brookdale Road Rhyl Erection of two-storey pitched-roof extension at rear and conservatory at side of dwelling	Mr & Mrs S Bennett	GRANT	05 /12 /2005
		Case Officer - Emer O'Connor		

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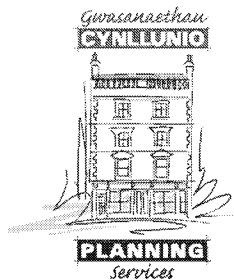
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45/2005/1398 / PF	10 Llys Y Tywysog Rhyl Erection of first floor pitched roof extension at front and two-storey pitched roof extension at rear of dwelling	Mr. & Mrs. Clayton Case Officer - Emer O'Connor	GRANT	20 /12 /2005
45/2005/1401 / PF	Land At Rear Of 70 Dyserth Road Rhyl Erection of 1 No. dwelling, detached garage and associated works	Mr M J Murray Case Officer - Emer O'Connor	GRANT	28 /12 /2005
45/2005/1421 / AC	Tan Y Bryn Farm Morfa Cwybr Rhyl Details of landscaping submitted in accordance with condition no. 2 of planning permission code no. 45/2005/0589/AC	Mr H W Davies Case Officer - Sarah Stubbs	APPROVE	01 /12 /2005
45/2005/1425 / PF	43 Bryn Cwnin Road Rhyl Erection of pitched-roof extension to side and rear of dwelling	Mr & Mrs J Brownley Case Officer - Emer O'Connor	GRANT	28 /12 /2005

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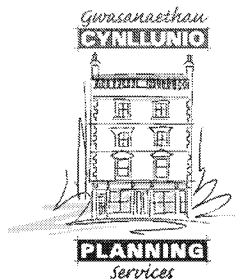
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45/2005/1427 / PF	7 Pendyffryn Road Rhyl Erection of first-floor extension to dwelling	Mr & Mrs J Roberts Case Officer - Emer O'Connor	GRANT	28 /12 /2005
45/2005/1440 / PF	The Good News Mission 75 Marsh Road Rhyl Formation of ramped access and platform for disabled persons	Trustees Of The Good News Missio Case Officer - Emer O'Connor	GRANT	28 /12 /2005
45/2005/1457 / AC	46 Abbey Street Rhyl Details of fenestration and bin store/drying areas submitted in accordance with condition no's 1 and 2 of planning permission code no. 45/2004/1258/PC	Sarah Webber Case Officer - Sarah Stubbs	APPROVE	14 /12 /2005
45/2005/1487 / AC	Churchill House Wellington Road Rhyl Details of sample roof covering (slate) submitted in accordance with condition no. 2 of Listed Building Consent code no. 45/2005/0899/LB	Mr M Cocks Case Officer - Catrin E Williams	APPROVE	16 /12 /2005

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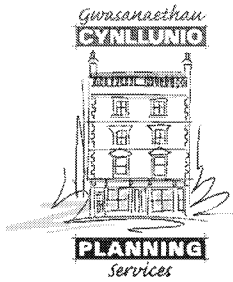


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46/2005/1240 / PF	The Old Bakery High Street St. Asaph Change of use of redundant bakery to dwelling and demolition of existing garage/store to form parking area	Mrs S Williams Case Officer - Emer O'Connor	REFUSE	06 /12 /2005
46/2005/1241 / CA	The Old Bakery High Street St. Asaph Demolition of garage/store to provide parking area for use in conjunction with conversion of bakery to dwelling	Mrs S Williams Case Officer - Emer O'Connor	REFUSE	06 /12 /2005
46/2005/1269 / PR	Land rear of Kentigern Arms fronting Gemig Street St. Asaph Amended details of site access and plot 1 dwelling, and adjustments to parking arrangements for development of 9 no. dwellings, previously approved under code no. 46/2004/1611/PR	Urbanbuild Ltd. Case Officer - Ian Weaver	GRANT	05 /12 /2005
46/2005/1299 / PF	Land at River Elwy Adjacent to St. Asaph Library The Roe St. Asaph Construction of cycleway/footway and bridge	Denbighshire County Council Case Officer - Sarah Stubbs	GRANT	16 /12 /2005

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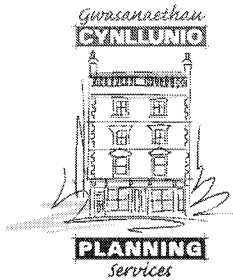
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46/2005/1339 / PF	49 Roe Parc St. Asaph Erection of box dormer extension to side of dwelling	Mr I Marshall Case Officer - Philip Garner	GRANT	06 /12 /2005
46/2005/1346 / PF	St. Asaph Bowling Club High Street St. Asaph Erection of detached toilet block	St. Asaph Bowling Club Case Officer - Paul David Griffin	GRANT	20 /12 /2005
46/2005/1378 / PF	Richmond Upper Denbigh Road St. Asaph Erection of first-floor pitched-roof extension and single-storey pitched-roof extension to side and rear of dwelling	Mr & Mrs D Cooling Case Officer - Emer O'Connor	GRANT	20 /12 /2005
46/2005/1412 / PF	5 Fron Haul St. Asaph Demolition of single storey outrigger and construction of two storey pitched roof extension and conservatory to rear	Mr T G Williams Case Officer - Emer O'Connor	GRANT	20 /12 /2005
47/2005/1220 / PF	Plas Yn Cwm Rhuallt St. Asaph Installation of new septic tank	Mr P Hoyle Case Officer - Nicola Marie Jones	GRANT	02 /12 /2005

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47/2005/1295 / PF	Terfyn Farm Caerwys Road Cwm Dyserth Rhyl Erection of single-storey extension to rear of dwelling	Mr & Mrs C Jones Case Officer -	WDN Emer O'Connor	05 /12 /2005
47/2005/1296 / LB	Terfyn Farm Caerwys Road Cwm Dyserth Rhyl Erection of single-storey extension to rear of dwelling (Listed Building Application)	Mr & Mrs C Jones Case Officer -	WDN Emer O'Connor	05 /12 /2005
47/2005/1317 / PF	Outbuilding At Pen-Isa'r-Waen Tremeirchion St. Asaph Conversion of outbuilding into warehouse/storage/office facility	Mr K Roberts Case Officer -	GRANT Nicola Marie Jones	20 /12 /2005
47/2005/1393 / AG	Awelog Waen St. Asaph Erection of steel-framed agricultural building on part of land at rear	Mr Dylan Williams Case Officer -	REFUSE Nicola Marie Jones	12 /12 /2005