

PWYLLGOR CYNLLUNIO
CYFARFOD: 26ain Gorffennaf 2006
Eitem: 2

PLANNING COMMITTEE
MEETING - 26th July 2006
Agenda Item: 2

DEDDF CYNLLUNIO TREF A GWLAD 1990
CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)
GORCHYMYN 1995 - HYD HEDDIW
DEDDF CYNLLUNIO A IAWNDAL 1991
RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994
DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)
1990
CEISIADAU AM GANIATAD DATBLYGU

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor

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: Ruthin

APPLICATION NO: 02/2006/0734/ PO

PROPOSAL: Development of 0.08ha of land by the erection of one dwelling, construction of means of access and installation of private treatment plant (outline application)

LOCATION: Land At Rhoslwyn Llanfwrog Ruthin

APPLICANT: Mr D W Edwards

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL
Awaiting response.
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection.
3. ENVIRONMENT AGENCY
No objection subject to conditions.
4. DEVELOPMENT PLAN AND POLICY SECTION
Awaiting response.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 09/08/2006

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located to the rear of the dwelling known as Rhoslwyn (formerly Trelma) Llanfwrog, Ruthin. It extends to 0.08ha in area and access is off the road leading to Clocaenog at the north-eastern edge of the application site. The development boundary of Ruthin runs through the application site, with approximately 5m of the site lying outside the development boundary along the western side.
2. There is an existing access to the rear of Rhoslwyn and Celyn Bach; this separates the application site from the two dwellings to the east. The plot is in a slightly elevated position from the access track and is bound by hedging to the north east and post and wire fencing along the lower, eastern elevation.
3. The application is for the erection of a single dwelling and the installation of a private treatment plant.

RELEVANT PLANNING HISTORY:

4. **2/6153**

Development of land by the erection of a dwelling, construction of new vehicular and pedestrian access and septic tank (outline application) – Land adjoining Trelma, Llanfwrog – Refused – 3/05/1983.

2/7839

Proposed construction of new agricultural access – Land adjacent to Rhoslwyn, Llanfwrog – Permitted – 17/01/86

2/501/97/PF

Erection of dormer bungalow and conservatory, formation of new vehicular and pedestrian access and installation of new septic tank – Land adjoining Rhoslwyn, Llanfwrog – Granted – 14/05/1998

2/72/99/PF

Erection of detached dwelling and installation of new septic tank – Land to the rear of Trelma, Rhoslwyn, Llanfwrog, Ruthin – Granted – 8/4/1999

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- | | | |
|--------------|---|--|
| Policy GEN 1 | - | Development within development boundaries |
| Policy GEN 3 | - | Development outside development boundaries |
| Policy GEN 6 | - | Development control requirements |
| SPG 21 | - | Parking requirements in new developments |

National Planning Guidance

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle of development
- ii) Highway considerations

7. In relation to the considerations as noted in Paragraph 6 above:-

- i) The application site straddles the development boundary of Ruthin. Part of the site is within the development boundary, this includes the access to the rear of Rhoslwyn and approximately 5m of the application site is outside the development boundary in a westerly direction. Policy GEN 1 refers to development within development boundaries. Where, subject to development control considerations, such an application would be deemed to be acceptable, Policy GEN 3 refers to development outside development boundaries and lists situations when permission may be granted subject to the application of certain tests. These tests include the erection of a dwelling for a farm or forestry worker, the conversion of redundant agricultural buildings, the infilling of a small gap with one or two dwelling units in a clearly identifiable group of dwellings, replacement dwellings and rural housing exception schemes. Details forming part of the application indicate that none of the above form a reason for the development in this location. The history of the site identifies an application which was approved for a single dwelling unit in 1999, this has not been implemented and has now expired. On the ground, there is no physical feature in this location which denotes the exact

location of the development boundary. It is the view of the Local Planning Authority that to allow for an extension beyond the line of the boundary by 5m would not prejudice the purpose of having a development boundary in this location and would argue that should the development be allowed, would not set a precedent for future development outside the development boundary in this location. Providing a condition is imposed ensuring all built development is sited within the boundary then the intentions of criteria of the relevant Policy are not breached.

- ii) Highways raise no concerns on the application, an existing access would serve the development, and the applicant would need to demonstrate how parking and turning for vehicles could be achieved in line with guidance contained in Policy SPG 21.

SUMMARY AND CONCLUSIONS:

- 8. The application site is on land to the rear of Rhoslwyn, Llanfwrog, Ruthin. It is 0.08 ha in area and extends some 5m beyond the current line of the allocated development boundary in this location. The application is made in outline and is for the erection of a single dwelling unit with access only to be agreed as part of the proposal. Within the development boundary the erection of a dwelling is considered to be acceptable subject to general development control considerations. It would appear that a 5m extension on the currently approved development boundary would not prejudice the purpose of the boundary or set a precedent for any future development in this location, outside the development boundary.

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. 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. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
- 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 occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. Prior to the commencement of development, a scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and implemented fully to their satisfaction.
7. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.
8. Any building or structures subsequently developed on the site shall be sited wholly within the area hatched on the plan attached to this permission.

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. The application is for outline permission with details of means of access only.
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. To prevent pollution of the water environment.
7. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
8. In order to ensure all development takes place within the designated settlement boundary.

NOTES TO APPLICANT:

None

ITEM NO: 2
WARD NO: Llangollen
APPLICATION NO: 03/2006/0260/ PF
PROPOSAL: Erection of detached dwelling
LOCATION: Land at (part garden of) Ridgeway Hill Street Llangollen
APPLICANT: Mr. & Mrs M. Fawcett
CONSTRAINTS: Within 67m Of Trunk Road
250m Of Landfill Site
Conservation Area
PUBLICITY UNDERTAKEN: Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL
"Members raised no objection to this application"
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
Object on the grounds of restricted visibility at the existing access onto Hill Street and the increased use increasing the likelihood of danger to road users. Further, it is contended that the access track itself is substandard in width and junction layout to serve as a means of access to a residential development
3. WELSH WATER
No objection subject to the inclusion of conditions

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. John S. Evans, The Grange, Grange Road, Llangollen.

Summary of representation:

- i) Mr Evans owns the access track to the proposed site and is unwilling to permit further right of way over his land.

EXPIRY DATE OF APPLICATION: 27/06/2006

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located to the north of the property Ridgeway and a newly built property and is within the defined settlement boundary of Llangollen. To the

north of the site are six dwellings on Trem y Castell. The plot is currently vacant and slopes away towards the north.

2. The design of dwellings in the locality is influenced by the topography. As such the designs are generally 2 to 3 storey split level. The dwellings to the south are at a higher level than the site, whilst those to the north are lower.
3. This application proposes to erect a split level detached 2 bedroom dwelling. The main living areas would be on the ground floor level, with a basement garage below and first floor storage above. The submitted plans indicate that the dwelling would appear to be single storey when viewed from the east and south, but split level from the west and north. There is an area of hardstanding parking and turning to the front (west) of the dwelling and grassed over gardens to the sides and rear. Materials are white rendered walls with dark brown facing brickwork for the sills and plinth. The roof is to be brown tile roof with black capped ridge and hip tiles.

RELEVANT PLANNING HISTORY:

4. 03/2004/1119 – permission granted for the erection of a dwelling and construction of new vehicular access. This dwelling has now been constructed and is located to the south of the application site.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy HSG 2 – Housing Development in Main Centres
Policy GEN 1 - Development within Development Boundaries
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)
TAN 18, Transport (July 1998)

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of residential dwelling in this location
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Impact on highway safety
 - v) Representations received
7. With regard to the considerations in paragraph 6 above:
 - i) Principle of residential dwelling in this location
The site is located within the settlement boundary of Llangollen where, providing all other development control criteria are met the principle of residential development is acceptable. This site is located amongst existing residential units and is considered suitable as an infill for this single unit.
 - ii) Impact on residential amenity
Viewed from Aber Adda the proposed dwelling would be sited behind and between Ridgeway and the new build adjacent to Waverley Villas. It would also be at a lower elevation than Ridgeway and the new build. Ridgeway would be the nearest dwelling to the proposed unit, being at closest 8.1 metres. To the north, the nearest property would be 8.2 metres. However,

given the changes in ground levels and the existence of established screening plus the siting, scale and orientation of the proposed dwelling it is considered that there would be no loss of amenity for the neighbouring properties.

iii) Impact on visual amenity

The area is characterised by dwellings of both two and single storey. There are also dwellings which have a split level design. The proposal maintains these characteristics through use of a predominantly single storey design. The use of dormer style features on the west elevation reflects the dormer windows seen on properties on Aber Adda, whilst the choice of materials can be seen to be influenced by a selection of properties in the area. It is not considered that this proposal would cause any significant detriment to the visual amenity of the area.

iv) Impact on highway safety

It is the view of the highway officer that the access to this development is unsuitable by way of poor visibility at the junction of Aber Adda with Hill Street. It is further contended that the track width and junction layout does not meet the requirements of TAN18. However, TAN18 recognises that planning applications may be submitted where a site is served by an existing sub-standard access provided that improvements are made to the access. This application proposes no improvements to the junction. By way of justification for this, the applicants state that the track is currently used by the present owners of Ridgeway (themselves) as a secondary access to the rear of their property. This would no longer be the case should the development be permitted and the residents of Ridgeway would have to use their existing driveway which accesses direct onto Aber Adda. It is therefore argued that there would be no increased use of the track and no subsequent increase in risk of danger to road users. On this basis the proposal is considered, on balance, to be acceptable in highway terms.

v) Representations received

The representation received comments upon issues which are outside of the remit of the planning process and refers to civil matters.

SUMMARY AND CONCLUSIONS:

8. The site is located within the settlement boundary of Llangollen and meets the policy criteria relating to development control requirements (Policy GEN 6). The size, scale, design and siting of the dwelling would cause no detriment to visual or residential amenity. There would be no increased risk of danger to road users because current users of the access track would no longer do so, should the proposed dwelling be constructed.

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 bathroom window shown to be inserted to the north elevation of the dwelling hereby permitted shall be fitted with obscure glass prior to the occupation of the dwelling and shall remain as such unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 5. Foul water and surface water discharges must be drained separately from the site.
 6. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
 7. No land drainage run-off will be permitted, 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. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To protect the integrity of the public sewerage system.
6. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
7. To prevent hydraulic overload of the public sewerage system and pollution of the environment.

NOTES TO APPLICANT:

Please note that this development shall be drained on a separate system. For further information please contact Babtie New Development Consultants on 01745 815815 or e-mail: denbigh@babtie.com

ITEM NO: 3
WARD NO: Corwen
APPLICATION NO: 05/2005/1463/ PF
PROPOSAL: Demolition of garages, erection of detached dwelling and alterations to existing vehicular access
LOCATION: Land Adjoining The Cottage Hill Street Corwen
APPLICANT: Mr D.E Jones
CONSTRAINTS: Within 67m Of Trunk Road Conservation Area
PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - Yes Neighbour letters - Yes

CONSULTATION RESPONSES:

1. CORWEN COMMUNITY COUNCIL
No response
2. WELSH ASSEMBLY GOVERNMENT (Trunk Roads TR 108)
The directorate does not wish to issue a direction in respect of the proposal.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection
4. CONSERVATION ARCHITECT
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

1. Carole Davis, Annedd Wen, Bridge Street, Corwen
2. Ms Anwen Davies, 4 Mount Terrace, Penbryn, Corwen,

Summary of planning based representations:

- i) Application site is within the conservation area and there should be no development in this location
- ii) The application site is on a busy road with vehicles parked on both sides
- iii) Who will be able to buy or rent the houses as many developments have been done in the area in the past without the interest of the local community.
- iv) Concerns about the proximity of elevations of the dwelling relative to the property known as Anedd Wen.

EXPIRY DATE OF APPLICATION: 05/06/2006

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is within the development boundary of Corwen and forms part of the designated conservation area. The site is located off Hill Street, directly to the rear of 1-4 Bridge Street, but located on a higher level. The site and measures approximately 0.02ha in area.
2. Currently there is a block of 4 no single storey lean to redundant garages on the site. They are composed of breeze block and corrugated sheeting roof, with the side elevation facing Hill Street. These are to be demolished as part of the proposal.
3. The proposal is for the erection of a two storey dwelling on the site with associated off road parking for 2 no vehicles. The dwelling measures 6.1m in width, 8.1m in length and 8m in height to the ridge. The ground floor would comprise of a kitchen, living room and cloak room with two bedrooms and a bathroom on the first floor.

RELEVANT PLANNING HISTORY:

4. None on the application site but the following history on the adjacent site:
05/2005/1462/PF – Alteration and extension of domestic garage/ store to form a dwelling (amended application to that previously approved under code no: 05/2001/0574/PF). Approved with conditions on the 30th June 2006
05/2001/0574/PF – Alterations and extensions to existing domestic garage/ store to form studio/ flat. Approved with conditions on the 24th July 2001

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN1 – Development within development boundaries
Policy GEN6 – Development control requirements
Policy CON5 – Development within conservation areas
SPG21 – Parking requirements in new developments

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

TAN 18 – Transport (July 1998)

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development including Impact on character and appearance of the conservation area
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Highway considerations
7. In relation to the main planning considerations as noted above:
 - i) Principle:
The application site is within the development boundary of Corwen, where the principle of residential development in this location is considered to be

acceptable. This is in accordance with Policy GEN1 of the Denbighshire Unitary Development Plan.

ii) Visual amenity and conservation area:

The size, scale and design of the proposed dwelling is considered to be acceptable in this location with established dwellings along Hill Street being terraced accommodation set on small, narrow plots. The materials proposed are render elevations with a slate roof and a blue black brick plinth. These are considered to be acceptable in this location and would not detract from the visual amenity of the locality or the designated conservation area. This is in accordance with Policy GEN6 – Loss of off-street parking. The proposal is considered to have a positive impact on the character and appearance of the conservation area in accordance with Policy CON5, with the demolition of the lock up garages.

iii) Residential amenity:

The application site itself affords adequate levels of residential amenity for the size of the dwelling proposed, and is comparable with dwellings in the immediate locality. The distance to the rear of Anedd Wen and those dwellings along Bridge Street is 17m and 22m respectively. The application site is on a higher level than the aforementioned dwellings. However, no windows are proposed on the eastern elevation facing the rear garden of Anedd Wen. The impact on residential amenity is considered to be acceptable and in accordance with Policy GEN6.

iv) Highways:

Two parking spaces are provided for the new dwelling, in accordance with SPG21. Comments received from the highways department indicate that this is acceptable and raise no objections to the proposal. Concerns have been raised from neighbours which indicate that Hill Street has cars parking on both sides of the road. The proposal would be providing off road parking therefore there should be no adverse affects on the highway network as a result of the proposal.

SUMMARY AND CONCLUSIONS:

8. The application is for the demolition of existing garages and the erection of a single unit of residential accommodation. The application site lies within the development boundary, where the principle of development is considered to be acceptable. There will be no adverse impact on visual or residential amenity and the proposal will retain the character and appearance of the conservation area. Off road parking is proposed on the site, with highways raising no objection to the parking and turning arrangements and the proposed access. The application is in accordance with the relevant planning policies and is thus 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 to be used on the roof of the building(s) shall be blue/grey natural mineral slate of uniform colour and texture.
3. Prior to the commencement of the application of any render a sample panel of the type of render it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the render to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample

panel.

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 access and parking area shall be laid out and constructed in accordance with the approved plan before the development is brought into use.

7. The surface of the proposed access shall be paved with a bituminous material for a distance of 2.4m behind the highway boundary and the whole of the access shall be reinforced with bull nose kerbs.

8. Notwithstanding the submitted details, prior to the commencement of development, further details of the joinery, colour and finish of the windows and doors proposed shall be submitted to and further approved in writing by the Local Planning Authority and no other windows or doors other than those approved shall be constructed on site.

9. Prior to its erection details of the stone boundary wall, including type of stone, texture, colour, mortar and method of pointing shall be submitted to and approved in writing by the Local Planning Authority and the boundary wall shall be constructed on site in accordance with the approved details prior to the occupation of the dwelling.

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 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.

6. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

7. To ensure the formation of a safe and satisfactory access.

8. In the interests of visual amenity and to maintain the character and appearance of the conservation area.

9. In the interest of visual amenity and to maintain the character and appearance of the conservation area.

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: 4

WARD NO: Corwen

APPLICATION NO: 05/2006/0445/ PO

PROPOSAL: Development of 0.06 hectares of land by erection of 1 dwelling (Outline application)

LOCATION: Land off New Inn Terrace Glyndyfrdwy Corwen

APPLICANT: Mr C Jones

CONSTRAINTS: Within 67m Of Trunk Road

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

CONSULTATION RESPONSES:

5. CORWEN COMMUNITY COUNCIL
No response.
6. HEAD OF TRANSPORT & INFRASTRUCTURE
Referral comments – to Welsh Assembly Government
7. WELSH ASSEMBLY GOVERNMENT (Trunk Roads)
It is noted that the access is off an unadopted road, which currently serves around 15 properties. Therefore, I advise that the National Assembly for Wales does not issue a direction.
8. COUNTY ARCHAEOLOGIST
Part of application site includes tramway associated with local slate works. Development needs to allow tramway to be preserve in situ.
9. WELSH WATER
No objection.
10. CLWYD-POWYS ARCHAEOLOGICAL TRUST
Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. D. Sayce JP, 14, New Inn Terrace, Glyndyfrdwy
2. Mr & Mrs Jones - 2 New Inn Terrace, Glyndyfrdwy
3. Mrs Jessie Pool, 3 New Inn Terrace, Glyndyfrdwy
4. Helen Barber, 28 Wynn Avenue, Old Colwyn
and 2 no. petitions containing 17 names.

Summary of planning based representations

- i) Concerns about access and parking.
- ii) Concerns about the visual appearance of New Inn Terrace, i.e. how will a new house fit in visually with the existing terrace.

- iii) Concerns that the right of way to the rear of Nos. 12-16 New Inn Terrace will be affected as a result of the proposal.

EXPIRY DATE OF APPLICATION: 04/07/2006

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is within the development boundary of Glyndyfrdwy, within the AOB and is adjacent to No. 16, New Inn Terrace. Access to New Inn Terrace is off the main A5 road from Corwen to Llangollen, with access to the site proposed off New Inn terrace itself. A scheduled ancient monument is located near to the site, this being the Deeside Steelworks Railway.
2. The site is located on a lower level than the shop and car park on the main road. The site currently is untidy in appearance with a garage, container and other implements on the site.
3. The proposal is in outline form and contains details of means of access and an indicative siting for 1 no. dwelling. The site area measures approximately 0.06 ha in area.

RELEVANT PLANNING HISTORY:

4. None.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 - Development within development boundaries
 - Policy GEN 6 - Development control requirements
 - Policy ENV 2 - Development within the AOB
 - Policy CON 10 - Scheduled Ancient Monuments
 - Policy CON 11 - Areas of Archaeological Importance
 - SPG 21 - Parking requirements in new developments

NATIONAL PLANNING GUIDANCE

Planning Policy Wales (March 2002)

Welsh Office Circular 60/96 – Planning and the Historic Environment - Archaeology

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on visual amenity and AOB
 - iii) Impact on residential amenity
 - iv) Highway considerations
 - v) Impact on archaeology
7. In relation to the main planning considerations as noted above:-

- i) Principle
The principle of development is considered to be acceptable given the location of the development within the development boundary. This is in accordance with Policy GEN 1.
- ii) Visual amenity and AOB
The application is made in outline form, with means of access only to be determined as part of the proposal. The current indicative siting of the building indicates that the dwelling would be set back from the road frontage along New Inn Terrace, with access to the site adjacent to No. 16 New Inn Terrace. It would appear that a two storey dwelling could be accommodated on this site, but regard would have to be given to site levels relative to the car parking area for the shop and the existing ridge heights along New Inn Terrace. Comments received from the County Archaeologist indicate that the archaeology on the site would dictate the siting of the building; this has been amended to be located as far forward as possible in the plot. The plot size and scale is comparable to adjoining dwellings and it is considered that the impact on visual amenity is acceptable and in accordance with Policy GEN 6. The application is considered to have no detrimental impact on the character and appearance of the AOB, in accordance with Policy ENV 2.
- iii) Residential amenity
The impact on residential amenity is considered to be acceptable. Consideration would need to be given to the location of any windows within the building and levels on the site, but overall adequate standards of residential amenity would remain for the occupants of the new dwelling and those of existing properties.
- iv) Access
Concerns have been raised about the adequacy of the access off the main A5 road and the current problems that residents experience with regard to parking along New Inn Terrace. Highways, in connection with WAG have no objections to the application. Parking on the site for the development could be achieved to the front of the dwelling, with the number of spaces detailed by guidance contained in SPG 21.
- v) Archaeology
The development is located close to an ancient monument. Whilst the siting of the building does not directly affect the SAM it is important that the development preserves any tramway remains in situ. The siting of the building has been brought forward in the plot as a precautionary approach towards any remains that may be present towards the rear of the site. This is in line with Policy CON 11 and advice contained in Welsh Office Circular 60/96.

SUMMARY AND CONCLUSIONS:

8. The application is within the development boundary of Glyndyfrdwy. The impact on visual and residential amenity is acceptable and highways raise no concerns about the application. The siting of the building will not harm the SAM and it has been located as far forward in the plot as possible as not to harm any archaeological remains but providing off road parking.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. No dwelling shall not 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.
6. No development shall take place until the applicant(s), their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order that adequate parking facilities are available within the curtilage of the site.
6. In the interests of archaeological investigation and recording.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 10/2006/0203/ PO

PROPOSAL: Development of 0.07ha of land by the erection of an agricultural worker's dwelling and installation of private treatment plant (outline application)

LOCATION: Land at Ysgubor Uchaf Bryneglwys Corwen

APPLICANT: Mr & Mrs T R Jones

CONSTRAINTS: Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. BRYNEGLWYS COMMUNITY COUNCIL
Awaiting response
2. READING AGRICULTURAL CONSULTANTS (RAC)
Conclude that:
 - i) The proposed dwelling is intended to support an existing agricultural activity on a well established unit
 - ii) There is an existing functional need for a worker to be readily available to meet the needs of the enterprise
 - iii) This need is currently being met by existing accommodation three kilometres (km) from the farm and has been without apparent difficulty for the last eight years since the operational centre of the business moved to Ysgubor Uchaf
 - iv) It would appear that it is a matter of personal preference and circumstance that the existing accommodation would no longer be available to meet the functional needs of the enterprise; even so, if the applicants current accommodation was no longer available to them, it follows that if there was 'suitable' and 'available' accommodation within a similar distance from the farm (three kilometres) it would satisfy needs of the farm
 - v) The proposed dwelling would be occupied by a full time agricultural worker
 - vi) The unit and enterprise concerned have been established for the last three years, have been profitable in the last two years; and appear to be financially sound.
3. TRANSPORT & INFRASTRUCTURE
No objection
4. HEALTH AND PRIVATE SECTOR HOUSING MANAGER
No objection
5. FOOTPATHS OFFICER
Public footpath no 17 abuts the site, suggests guidance notes to applicant.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 05/04/2006

REASONS FOR DELAY IN DECISION:

- previous deferral by officers for further assessment
- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located in an elevated position in the open countryside; some 3km outside the main village of Bryneglwys. Access to the site is along a single track lane, through a gate off the highway which runs parallel to the entrance. The track leading to the site forms part of public right of way no 17. An existing agricultural building is located adjacent to the application site, with some tree screening either side of the building. The accompanying land is used for agricultural purposes.
2. The application is accompanied by an agricultural appraisal (prepared by Haston Reynolds Partnership), and Denbighshire County Council has appointed Reading Agricultural Consultants (RAC) to prepare a technical appraisal of this document. The appraisal outlines the agricultural business of T.R & C.P Jones (applicants) with regard to the functional and financial need for a dwelling at Ysgubor Uchaf.
3. The application is for the erection of an agricultural workers dwelling on land at Ysgubor Uchaf, Bryneglwys. The application site measures 0.07 ha in area and is made in outline form with all detailed matters reserved for further approval. It is a resubmission of a previously refused application for a similar proposal, in 2005.

RELEVANT PLANNING HISTORY:

4. In relation to the application site:
 - i) Application no: 10/2005/0450/PO – Development of 01ha of land by the erection of an agricultural workers dwelling and the formation of an associated residential curtilage. Refused on the 25th July 2005 for the following reasons:
 1. The applicant has failed to demonstrate that there is a proven and logistical and financial need for the erection of an agricultural workers dwelling at the site. As such the proposal is unacceptable and is contrary to Policy HSG6 of the adopted Denbighshire Unitary Development Plan and the councils Supplementary Planning Guidance Note No 9 'Agricultural and Forestry Workers dwellings'
 2. The siting of the proposed dwelling is in a visually prominent position and is not sited as to relate to the agricultural building on the holding. As such, the dwelling would be an intrusive feature in the landscape and is contrary to policy HSG6 of the adopted Denbighshire Unitary Development Plan and the Councils Supplementary Planning Guidance Note No 9 'Agricultural and Forestry Workers Dwellings'
 - ii) Application no: 10/791/97/PF – Erection of an agricultural building. Approved on the 20th October 1997, no conditions were imposed.

5. In relation to land at Ty Gwyn:
 - i) Application no: 20/13248 – Erection of agricultural workers dwelling and installation of new septic tank (outline application). Approved with conditions on the 30th March 1993
 - ii) Application no: 20/13755 - Reserved matters application for the erection of an agricultural workers dwelling and installation of a new septic tank. Approved with conditions on the 17th March 1994.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN3 – Development outside development boundaries
 - Policy GEN6 – Development control considerations
 - Policy HSG6 – New dwellings in the open countryside
 - Policy SPG9 – Agricultural and forestry workers dwellings
 - Policy SPG21 – Parking requirements in new developments

NATIONAL PLANNING POLICY AND GUIDANCE
 Planning Policy Wales (March 2002)
 Policy TAN6 – Agricultural and rural development

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Highway considerations
8. In relation to the main planning considerations as noted above:
 - i) Principle:
 Policy GEN3 refers to development outside development boundaries and states that the erection of farm or forestry workers dwellings are acceptable development location subject to the application of functional and financial tests as outlined in policy HSG6 and TAN6. With reference to the individual criteria contained in policy HSG6:
 - a) *Existing properties on the farm complex which are suitable/ available for conversion:* There are no buildings other than the existing agricultural building on the site at Ysgubor Uchaf. The applicants currently reside in an annexe at Ty Gwyn, which is a farm complex farmed by the brother of Mrs C.P Jones (Mr R. Davies) and which is located some 900m (as the crow flies) from Ysgubor Uchaf. There is an existing farmhouse at Ty Gwyn, with the annexe attached and also an existing agricultural workers dwelling within close proximity to the complex. The farmhouse is occupied by Mr R. Davies and his family and the bungalow occupied by Mrs B. Davies (mother of Mrs C. P. Jones and Mr R. Davies). It would appear that no other farm buildings on the complex at Ty Gwyn are available or suitable for conversion.
 - b) *There are no essential workers dwellings available in the locality and it is not practical to live in the nearest settlement:* An existing agricultural worker dwelling exists on land at Ty Gwyn. This is currently occupied by the mother of the applicant who is a widow of a former agricultural worker (Mr T.E Davies, father of Mrs C.P. Jones). RAC have concluded that the functional need for a full time worker to meet the needs of the enterprise at Ysgubor Uchaf is currently; and has been in the past, met by the farm worker residing within a 3km

radius of the site. The village of Bryneglwys falls within this 3km radius and members will be aware that applications for two new housing estates within the village have recently been approved, both with provision for affordable housing units. Haston Reynolds have provided evidence that there are dwellings available within this 3km radius at a distance of approximately 2.6 and 2.7 km from the site at a price of £198,500 and £199,500 respectively. These have been discounted by the applicant due to their price as not being affordable to any agricultural worker.

- c) *Proposals are supported by a report demonstrating a functional and financial need for the dwelling:* The application is accompanied by a report prepared by Haston Reynolds Partnerships outlining the case for an agricultural workers dwelling for the business run by Mr T. R. & Mrs C. P. Jones. This has been assessed via means of a desk top study by RAC. The assessment of the functional and financial need is based on guidance contained in TAN6 on agricultural and rural development.
- a. *FUNCTIONAL TEST:* This test is based on the need for a full time worker to be readily available at most times in order that the enterprise can function properly. According to the report by Haston Reynolds, Mrs C. P. Jones provides full time labour to the business, with Mr T. R. Jones working part time on the partnership and also at the holding in Ty Gwyn. RAC have concluded in their report that there is an existing functional need for a full time worker to be readily available to meet the needs of the enterprise. This need is currently being met by the applicants residing in an annexe at Ty Gwyn, and as RAC note in their conclusions, has been for the past 8 years. Haston Reynolds state that the annexe where the applicants are currently living is soon to be vacated as it is required for the eldest daughter of Mr R. Davies to live in, in order that she may provide childcare to his youngest son. The functional need of the enterprise has been met in relation to the test set out in TAN6 and HSG6, however it would appear that; as concluded by RAC, it would be a matter of personal circumstance why the existing accommodation and indeed the existing agricultural workers dwelling at Ty Gwyn is not available to provide accommodation to the functional need established at Ysgubor Uchaf as it lies within a 3km radius of the application site.
- b. *FINANCIAL TEST:* This test is based on how long the unit has been established. TAN6 states that the enterprise should have been up and running for three years with at least one of these years proving to be profitable, are currently financially sound and have a clear prospect of remaining so. Account details have been provided as part of the application, RAC have concluded that the unit has been established for at least three years, have been profitable in the last two years and appear to be financially sound. It would appear that this satisfies the financial tests outlined in TAN6 and HSG6.
- d) *The dwelling, by virtue of its siting etc does not form an intrusive feature in the landscape:* The siting of the dwelling has been amended from the previously refused application. It is now sited closer to the existing building at Ysgubor Uchaf, and is considered to be acceptable in relation to policy HSG6 and SPG9, thus overcoming the previous second reason for refusal. The detailed siting does not

however form part of the proposal as all matters are reserved for future consideration.

- e) *That the proposal is sympathetic to the character and appearance of the traditional building styles of the area:* Information with relation the proposed design and materials of the dwelling would form part of an application for reserved matters.
- f) *That the size, floor space and type of dwelling proposed are commensurate to the enterprise:* The floor space of a proposed dwelling must be commensurate to the functional requirement for the agricultural dwelling for the business. Again this is a consideration for any application for reserved matters.

ii) Highways:

Comments received from the highways department state that there are no objections to the proposal. Parking and turning provision could be accommodated on the site, in accordance with guidance contained in policy SPG21.

SUMMARY AND CONCLUSIONS:

- 9. The application site is in the open countryside where the principle of the erection of an agricultural workers dwelling may be acceptable according to policy GEN3; subject to the satisfaction of the functional and financial tests set out in policy HSG6 and TAN6. An Agricultural appraisal has been prepared by Haston Reynolds Partnerships on behalf of the applicant, this report has been sent to RAC to prepare a technical appraisal of the enterprise and the need for an agricultural workers dwelling in this location. In conclusion, the application meets the functional and financial tests for the presence of a workers dwelling, but the existing functional need for the farm enterprise has been met in the last 8 years with the applicants residing in an annex to the main farmhouse at Ty Gwyn. An existing agricultural workers dwelling also exists on land adjacent to Ty Gwyn, which is currently occupied by the mother of Mrs C. P. Jones. Both dwellings are located within a 3km radius of the site, which RAC have stated meets the requirement of the functional need for the enterprise. They also state that it is a matter of personal preference that the existing accommodation (the annexe at Ty Gwyn) is no longer available for occupation.

RECOMMENDATION: - REFUSE for the following reasons:-

- 1. It is the opinion of the Local Planning Authority that the proposal to erect an agricultural workers dwelling on land at Ysgubor Uchaf is contrary to Policy HSG6 of the adopted Denbighshire Unitary Development Plan and guidance contained in Planning Policy Wales and TAN6, Agricultural and Rural Development of the Welsh Assembly Government as it would appear that the functional requirement for a full time worker could be accommodated by existing accommodation within a 3km radius of the application site.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Efenechtyd

APPLICATION NO: 12/2006/0530/ LB

PROPOSAL: Repair and replacement of existing porch structure with oak supports and slate roof in place of thatch (Listed Building application)

LOCATION: Coed Y Foel Derwen Corwen

APPLICANT: Mr & Mrs J Lightfoot

CONSTRAINTS: Listed Building

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

CONSULTATION RESPONSES:

11. DERWEN COMMUNITY COUNCIL
"The planning application and plans are out of character with the rest of the property."
12. CONSERVATION ARCHITECT
No objection in principle, however, no details are proposed as to how the slate roof will be keyed into the existing thatched roof. Type and size of slates should be of appropriate size and scale (small).

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 18/06/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located outside the main village of Derwen and comprises of a detached thatched roof cottage with white render elevations and timber window and door details. A small thatched roof porch exists on the front elevation, facing the entrance to the application site and the parking and turning area. The dwelling is a grade II Listed Building and the current proposal is to replace the existing porch structure with oak supports and a slate roof.

RELEVANT PLANNING HISTORY:

2. None.

PLANNING POLICIES AND GUIDANCE:

3. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy CON 2 - Extension or alteration to listed buildings

Welsh Office Circular 61/906 – Planning and the Historic Environment :
Conservation Areas and Listed Buildings

MAIN PLANNING CONSIDERATIONS:

4.

- i) Principle of development
- ii) Impact on character and appearance of listed building.

5. In relation to the main considerations in paragraph 4:-

- i) Principle of development
The principle of development is considered to be acceptable. The current porch structure forms part of the listing of the building. Therefore, to change the appearance of the porch needs to be assessed against the impact on the character of the listed building. Comments from the Conservation Architect state that there are no objections in principle to the changes.
- ii) Impact on character and appearance of listed building
Policy CON 2 of the Unitary Development Plan states that proposals to extend or alter a listed building which would detrimentally affect the character of the building will not be permitted. The justification for the proposed work is that the existing thatched roof is of poor quality and due to its pitch is not waterproof and so the reeds are deteriorating. The use of slate (as stated by the agent) would allow for the roof to become waterproof and for the porch to become subservient to the main dwelling. Overall, the character and appearance of the dwelling will be retained and the proposal is in accordance with Policy CON 2.

SUMMARY AND CONCLUSIONS:

- 6. The principle of development is considered to be acceptable and the proposal is in accordance with Policy CON 2. The resolution is subject to referral of the application to CADW.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 2. No slates shall be applied until the written approval of the Local Planning Authority has been obtained to the type and size of slates to be used for the porch hereby permitted and no materials other than those approved shall be used.
- 3. Prior to the commencement of development, further details of the method of linking the porch roof to the main dwelling shall be submitted to and approved in writing by the Local Planning Authority.
- 4. The oak supports and arches shall not be stained or painted but shall be left to weather naturally to a silver/grey colour.

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

- 1. To comply with the provisions of the 1990 Listed Buildings Act.
- 2. In the interests of visual amenity.
- 3. In the interests of preserving the character and appearance of the listed building.
- 4. In the interests of visual amenity and to maintain the character and appearance of the listed building.

NOTES TO APPLICANT:

None

ITEM NO: 7

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 22/2006/0723/ PF

PROPOSAL: Erection of 1 No. detached dormer bungalow incorporating extension of existing driveway access and associated landscaping and drainage works.

LOCATION: Land Adjoining Old Barn Gellifor Ruthin

APPLICANT: Mr & Mrs Gordon Clarke

CONSTRAINTS: Major H2 ground conditions
Public Footpath / Bridleway
30K Hawarden Airport

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

CONSULTATION RESPONSES:

1. LLANGYNHAFAL COMMUNITY COUNCIL
Awaiting response.
2. FOOTPATHS OFFICER
No objection subject to protection of bridleway.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Williams Jones & Talog Davies (on behalf of Mr. Williams, Bryn Defaid) x 2
2. Mr. Williams, Bryn Defaid, Gellifor

Summary of Planning Representations

- i) Access refused previously.
- ii) Drainage concerns.

EXPIRY DATE OF APPLICATION: 01/12/2005

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located to the north-east of the village of Gellifor and contains a residential dwelling known as the Old Barn. This 'L' shaped residential unit lies just inside the defined settlement of Gellifor and enjoys an open curtilage area to its east side. Access to the existing dwelling is achieved via Hwylfa Llwyn, a narrow access track which becomes a bridleway heading out of the village to its

north-east.

2. A detached dwelling known as Bryn Clwyd lies to the north of the site with a further dwelling Bryn Defaid to the south. Open fields lie to the east of the application site.
3. Permission has been granted in April 2005 to develop the land to the east of the Old Barn by way of a detached dormer bungalow. That permission involved the creation of a vehicular access to the north of the Old Barn via the existing bridleway. It is understood this route has been rendered unavailable due to civil restrictions. Permission is, therefore, now sought to use the existing access for the Old Barn and to extend the driveway into the existing garden area to serve the new dwelling. The new driveway is shown to extend round to the south and east of the Old Barn with surface water drainage proposed to be dealt with by a new trench drain. Additional planting is shown between the new driveway and the dwelling to the south at Bryn Defaid.
4. Members are advised that the applicant has lodged an appeal into the planning refusal given by Committee on 22nd February 2006 for the same current proposal.

RELEVANT PLANNING HISTORY:

5. **33/14,034**
Erection of dormer bungalow (Outline) – REFUSED – 26/10/94 and DISMISSED on appeal – 17/05/95 on the grounds that the shared access to serve the development would:-

- (i) Be unsatisfactory leading to tandem development.
- (ii) Have a detrimental impact on the privacy/amenity of the occupiers of existing dwellings at the Old Barn and Bryn Defaid

22/2000/118/PO

Development of land by the erection of a dwelling, formation of new vehicular access – GRANTED – 20/04/2000

22/2000/586/PR

Details of dwelling submitted in accordance with Outline permission above – GRANTED

22/2005/0309/PF

Erection of dormer bungalow and creation of new vehicular access – GRANTED – 29/04/05

22/2005/1206/PF

Erection of 1 no. detached dormer bungalow incorporating extension to existing driveway access and associated landscaping and drainage works – REFUSED – 22/02/06 due to impact of shared access on the amenity of nearby dwellings

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 - Development Within Development Boundaries
 - Policy GEN 6 - Development Control Requirements
 - Policy HSG 4 - Housing Development in Villages
 - Policy ENP 4 - Foul and surface water drainage
 - Policy TRA 9 - Parking and Servicing Provision

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

7.

- i) Impact of extended driveway on nearby residential amenity.
- ii) Highway safety.
- iii) Drainage issues.

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

- i) Impact on residential amenity
It is important to initially point out that the principle of developing the land to the east of the Old Barn for a detached dormer property has been established. The main issue on this proposal is whether the proposed vehicular access for the new dwelling is acceptable via a shared arrangement extending between the existing properties of the Old Barn and Bryn Defaid. This issue has previously been tested in the above mentioned appeal in 1994, when the applicant intended to use this shared arrangement to come through the existing driveway for the Old Barn. However, the Inspector at that time believed that to do this would accentuate the tandem nature of the development with concerns raised in relation to additional traffic noise on the 2 no. existing adjacent dwellings. Whilst acknowledging this argument it is significant that a new dwelling has since been permitted with a new driveway formed to the north part of the curtilage of the Old Barn. This access cannot be formed due to legal restrictions on the use of the bridleway. The principle of creating an access and driveway within the curtilage of the Old Barn has therefore been established. It should also be noted that, historically, the Old Barn driveway would have been used for agricultural traffic gaining access into adjoining fields so there is a history of use of this access. Furthermore, it is considered that with the orientation of Bryn Defaid to the south, with no main habitable room windows facing the proposed extended driveway, there should be no significant loss of amenity from additional traffic serving the new bungalow property. By enhancing the buffer between the driveway and the existing dwellings, it is considered this should adequately protect existing levels of amenity enjoyed by both units. It is considered that assessing the proposal against current highway guidance and current Unitary Development Plan policies relating to protection of amenity, the impact of this extended driveway on nearby residential amenity would not warrant refusal of this proposal.
- ii) Highway safety
Highways officers have been involved in detailed discussions with the applicant in relation to the details of a shared driveway to serve the development. The proposal is considered acceptable in highway terms and any neighbour concerns raised are purely civil matters related to rights of access.
- iii) Drainage issues
The proposed surface water drainage for the proposed extended driveway is consistent with general drainage arrangements for small scale driveway works. This has been designed in order to minimise the possibility of undue vibration transfer between the driveway and adjoining properties. It is not considered that the proposed arrangement would cause any significant drainage concerns and would not justify the refusal of this proposal.

SUMMARY AND CONCLUSIONS:

9. It is considered in light of current highway guidance and amenity issues for shared driveway development this proposal is acceptable on balance to serve a current authorised dwelling plot. The details of the dormer bungalow match those previously approved.

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 driveway, parking and turning area hereby permitted shall be surfaced in accordance with the approved plan prior to the first occupation of the dwelling.

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 highway safety.

NOTES TO APPLICANT:

None

ITEM NO: 8

WARD NO: Prestatyn East

APPLICATION NO: 43/2003/1360/ PR

PROPOSAL: Details of design, external appearance and landscaping of foodstore and petrol filling station submitted in accordance with Condition No. 1 of outline planning permission Ref. No. 43/1997/0910/PO (Reserved matters)

LOCATION: Land At High Street Prestatyn

APPLICANT: Tesco Stores Limited

CONSTRAINTS: Tidal floodplain
Main river buffer
Old Station Gr. II LB
Former goods shed Gr.II LB
Conservation Area
Article 4 Direction
CLB-Class B Road
Area Of High. Arch. Interest

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection. External appearance should include slated roof finish."
2. LANDSCAPE ARCHITECT
Proposals acceptable.
3. CONSERVATION ARCHITECT
Details of frontage treatment acceptable and improvement on earlier proposals..
4. ENVIRONMENT AGENCY
Recommendations in relation to finished floor levels and flood proof construction techniques. Surface water regulation will be required.
5. HEAD OF TRANSPORT AND INFRASTRUCTURE
Require further details which are being dealt with as part of Section 278 Highways Agreement.
6. WELSH WATER
Draw attention to the location of apparatus and need for drainage details.
7. PRESTATYN AND DISTRICT BUSINESS ASSOCIATION
Fully approve of the proposals and hope that they proceed to improve Prestatyn and bring it into the 21st century.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Mostyn Rees and Sons, Central Garage, Nant Hall Road, Prestatyn.

2. Mrs Nancy Longley, 79 Garnett Drive, Prestatyn.
3. Mrs E Lewis, 245 Victoria Road, Prestatyn.
4. Mr D T Noone, 22 Aber Court, Prestatyn.
5. MCP Planning on behalf of Somerfield Stores Ltd

Summary of planning based representations

- i) Letter 1 refers to previous subsidence problems and need for ground conditions to be properly taken into account.
- ii) Potential congestion caused by new foodstore e.g. Abergele. (letters 2 & 3)
- iii) Potential impact on existing small businesses. (letters 2 & 3)
- iv) Letter 4 totally supports application.
- v) Letter 5 suggests that development does not integrate with Liberty Phase 1 proposals to east; expanse of blank wall facing Phase 1 would be unappealing; questions means of escape.

EXPIRY DATE OF APPLICATION: 11/01/2004

REASONS FOR DELAY IN DECISION:

- Awaiting additional information from applicant.
- Submission and consultation on revised plans

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was deferred from Planning Committee on 22 March 2006 to seek an alternative design and materials for the foodstore. Since March discussions have taken place with the applicants and local Members and revisions have been made. These are described later in the report.
2. The proposal seeks reserved matters approval for the design, external appearance and landscaping of a food store and petrol filling station granted outline planning permission in November 2000. The site is an irregularly shaped 2 ha area of land on the east side of High Street, containing a mix of commercial uses, vacant land and buildings, and adjacent highway land.
3. The outline application proposed the erection of a food store with cafeteria, petrol filling station and associated access, parking and servicing. Although in outline, siting and means of access were considered as part of the outline submission.
4. In granting outline planning permission, 12 no. conditions were imposed. The permission is subject to a Section 106 obligation requiring improvements to Church Lane and Gas Works Lane, provision and contributions to CCTV, provision of TIC, restoration of the listed station buildings, provision of car parking to allow linked town centre trips, tourism signage, and use of alternative access.
5. This reserved matters application seeks approval for a food store of modern design and materials comprising glazing and a mix of facing brickwork and powder coated white cladding to the elevations. The frontage to the High Street would be formed with a boundary wall in red brick and sandstone, incorporating a covered taxi rank. Behind the frontage wall would be a four island petrol filling station with kiosk in facing brick. Hard and soft landscaping will be provided to the site frontage and within the car park and to the site boundary. The application has been accompanied by a design statement.

6. The application includes for a landscaped pedestrian link to the south of the store to provide a connection to the land to the east which has the benefit of planning permission for retail development (see below)

RELEVANT PLANNING HISTORY:

7. 43/1997/0910/PO – Development of 2 hectares of land by erection of food store with cafeteria, petrol filling station, taxi kiosk and canopy, associated parking and servicing and access improvements – GRANTED 30th November 2000

43/2003/0341/PO – Development of 4.1 ha of land for food and non-food units, post office sorting office and business centre – GRANTED 19th May 2005

43/2005/1033/PF – Proposed commercial development for retailing and business. Resolution to GRANT planning permission on 23rd November 2005 subject to S. 106 obligation. Decision pending.

43/2005/0876/PS – Variation of condition 3 of planning permission reference 43/1997/0910/PO seeking further extension of period within which development can commence – GRANTED 23rd November 2005 subject to development being begun before 30th November 2006 or before expiration of two years from the date of approval of the last of the reserved matters.

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy STRAT 5 – Design
Policy GEN 6 – Development Control Requirements
Policy CON 1 – Setting of Listed Buildings
Policy CON 5 – Development with Conservation Areas
Policy CON 6 – Development Adjacent to Conservation Areas
SPG 2 – Landscaping in New Developments
SPG 8 – Access for All
SPG 13 – Conservation Areas
SPG 14 – Listed Buildings

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

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

MAIN PLANNING CONSIDERATIONS:

9.
 - i) Acceptability of design and external appearance
 - ii) Acceptability of landscaping
 - iii) Links to land to east
10. In relation to the main considerations in paragraph 7:
 - i) Design and external appearance
The store itself will be set back some 95 metres from the High Street frontage and some 50 metres to the east of the Conservation Area boundary. As such, whilst it would be visible from parts of the Conservation Area, the railway line and other vantage points, it would not be seen in the context of the High Street Conservation Area. Therefore, the use of a modern design and materials is considered acceptable and would comply with the relevant UDP policies and Government Guidance.

The design and materials have been subject to discussions. The solution now offered of a hard landscape frontage with red brick boundary wall and sandstone detailing, combined with hard and soft landscaping, would provide an appropriate hard edge to the site and frontage. The design of the petrol filling station kiosk and canopy is low key and set behind the frontage wall. Whilst this would result in a new frontage to the High Street, it would lead to an overall enhancement in the Conservation Area and in the setting for the adjacent listed station building. The store itself, whilst modern in overall design, incorporates brickwork corresponding to that to be used on the site frontage and reflecting the use of such materials in the High Street and surrounds. The design proposed is considered to be an improvement on that first proposed in that it now reflects local materials whilst retaining a modern feel and airy, customer orientated and sustainable design.

ii) Landscaping

A fully detailed landscaping scheme has now been submitted, following discussions between officers and the applicant. This will result in an acceptable landscape treatment for the site and in the context of the surroundings.

iii) Links to land to east

Members will be aware that the Council has granted outline planning permission for retail development on land to the east and there is also a full planning application with a resolution to grant (see para 6). This reserved matters application has been amended to allow for a landscaped pedestrian link between the retail development. In addition, the elevations of the foodstore have been altered to provide a glazed aspect onto the land to the east. Both these elements will allow integration of the 2 schemes.

OTHER MATTERS

11. This application deals solely with the design, external appearance and landscaping of the development. Other matters such as drainage, ground conditions, and off site highway works are controlled by the outline planning permission and associated Section 106 obligation and proposed Section 278 Highways Agreement. The issue of means of escape is covered by building regulations but advice indicates that the arrangements would appear to be capable of being accepted.
12. Members will be aware that the Compulsory Purchase Order was subject to a Public Inquiry in March 2006. A decision is still awaited on the inquiry from WAG. If confirmed, this will facilitate the assembly of the site to allow the planning permission and the details subject to this reserved matters application to be implemented.

SUMMARY AND CONCLUSIONS:

13. The details of design, external appearance and landscaping are acceptable in the context of the site, part of which lies within a conservation area, the adjacent listed buildings, and the surrounding area.

RECOMMENDATION: APPROVE- subject to the following :

1. Prior to the commencement of the erection of any external brickwork, a sample panel of the type of brickwork, mortar, and pointing it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed

in accordance with such sample as may be approved in writing by the Local Planning Authority : and the brickwork, mortar and pointing to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

2. The pedestrian link to the land to the east shall be provided prior to the commencement of trading from the foodstore and thereafter retained to allow unfettered pedestrian access to any development on land to the east.

3. Details of the treatment to the rear boundary shall be submitted to and approved in writing by the Local Planning Authority. Only the approved treatment shall be used.

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

1. In the interests of visual amenity

2. To ensure integration between the proposal and any development on the land to the east in the interests of town centre vitality and viability and regeneration.

3. In the interests of visual amenity and to ensure integration with any development on land to the east.

NOTES TO APPLICANT:

None

ITEM NO: 9

WARD NO: Prestatyn North

APPLICATION NO: 43/2006/0588/ PO

PROPOSAL: Development of 0.35 hectares of land by the demolition of existing buildings/dwelling; erection of 1,208 sq. m. general industrial building (Class B2) with a 93 sq. m first floor office and construction of new vehicular access (outline application)

LOCATION: Camelot Creations and No. 23 Sandy Lane Prestatyn

APPLICANT: Tesco Stores Limited

CONSTRAINTS: C1 Flood Zone
Tidal Floodplain
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection"
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objections subject to the inclusion of conditions to ensure satisfactory access details and parking facilities
3. ENVIRONMENT AGENCY
No objection subject to the inclusion of conditions
4. DWR CYMRU WELSH WATER
No objection subject to the inclusion of conditions
5. PRESTATYN BUSINESS ASSOCIATION
No response received
6. ACCESS OFFICER
No objection subject to inclusion of condition and standard advice applies

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. Dr H Williams - 54 Sandy Lane, Prestatyn
2. Mr. & Mrs. Drinkwater, 40, Sandy Lane, Prestatyn – PETITION (With 19 signatures)

Summary of planning based representations:

- i) Impact of heavy goods lorries and additional traffic on highway safety
- ii) Two storey design would overlook surrounding properties resulting in a loss privacy

EXPIRY DATE OF APPLICATION: 04/07/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located along Sandy Lane, within the development boundary of Prestatyn. The railway line runs along the rear of the site, with the site having a road frontage along Sandy Lane. Located on the site is a large vacant single storey building with a floor area of approx. 1275 square metres formerly occupied by Camelot Creations (Class B2).
2. To the western boundary, fronting Sandy Lane is a two storey detached dwelling (no 23 Sandy Lane) and towards the rear, the site bounds Sandy Lane Business Park, which comprises 11 small business units. Located opposite the site on Sandy Lane are two storey dwellings, and to the eastern boundary is an informal recreation area covered with a number of mature trees which are subject to Tree Preservation Orders.
3. The proposal is to demolish the dwelling at 23 Sandy Lane and the existing buildings on the site, and to erect a general industrial building (Class B2) with a floor area of approx. 1208 square metres, with ancillary office space with a floor area of approx 93 square metres, to be provided at first floor level. Within the site a turning circle would be provided along with 25 no. car parking spaces. This is an outline application with siting and means of access included for approval. All other matters are reserved for further approval.
4. The application site has been purchased by Tesco Stores Ltd. It is the intention to redevelop the site in order to re-locate Carousel Blinds which is currently located off Nant Hall Road within the area of the proposed new Tesco site, which is subject to a compulsory purchase order and a public inquiry in March 2006.

RELEVANT PLANNING HISTORY:

5. 43/2004/0769/PF - Erection of 34 No. apartments and associated parking and construction of new vehicular access – WITHDRAWN – 24-01-05

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 1 – General
 - Policy STRAT 6 Location
 - Policy STRAT 8 Employment
 - Policy STRAT 11 Regeneration
 - Policy GEN 1 Development within Development Boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy ENP 6 Flooding
 - Policy EMP 10 Protection of Employment Land/Buildings
 - Policy TRA 9 Parking & Servicing Provision

Supplementary Planning Guidance Note 21: Parking Standards in New Developments

TAN 15: Development & Flood Risk

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Highway considerations
 - v) Flooding considerations

8. In relation to the main planning considerations:
 - i) Principle of development: This application is for the redevelopment of an existing employment site which has a Class B2 use. The site has no specific employment designation; however, Policy EMP 10 in the Unitary Development Plan seeks to protect existing employment land/buildings. The demolition of the vacant dwelling at 23 Sandy Lane would allow for improved parking and turning facilities within the site including a turning circle for vehicles. This proposal to redevelop a site, within the development boundary with a Class B2 use as existing, is considered acceptable in principle.

 - ii) Impact on residential amenity: The main concerns of local residents are highway considerations and the issue of overlooking in relation to the two storey design. The proposal is to erect a part two storey building sited towards the rear of the site which would minimise any impact on surrounding properties, as the proposed building would be set back 31m from the front boundary of the site with Sandy Lane, and the properties opposite on Sandy Lane would be located in excess of 50m from the proposed building, compared to a distance of approx 25m which exists at present between these dwellings and the Camelot Creations building. The siting of the building is considered acceptable and would not adversely impact upon the amenities of residents in the locality.

 - iii) Impact on visual amenity: The proposed building has been sited towards the rear of the site and with an appropriate size, scale, design and use of appropriate external materials the building would not adversely impact upon the character and appearance of the area. The site is also well screened from the railway line. The design, external appearance and landscaping have been reserved for further approval and would be subject of a further application.

 - iv) Highway Considerations: Concerns of local residents are mainly in relation to highway issues and the impact on the proposal on traffic flows, the siting of the proposed access and on the safety of pedestrians and other road users. A Transport Statement has been submitted, with the application which sets out issues relating to traffic flows, accessibility and existing conditions of the site, with an assessment undertaken in accordance with the Institute of Highways & Transportation guidelines. The proposed building is of a smaller size than the existing, within the same use class, and would provide 25 car parking spaces together with provision for turning vehicles. As such, there would be no material change in the trips associated with the use of the site, and therefore there is no significant impact likely on the adjacent highway or neighbouring uses. Highways Officers have raised no objection to the proposal subject to standard conditions ensuring the construction of a satisfactory access and scheme for parking and turning of vehicles within the site.

- v) **Flooding Considerations:** The site is located within a Zone C1 as identified in the TAN 15 Development Advice Maps and therefore obliges due consideration of the advice of the TAN. The view is taken that with regard to the justification tests, the development of a brownfield site is in support of the strategic policies particularly given its relationship to the regeneration benefits of the town centre retail scheme. The application is accompanied by a Flood Consequence Assessment, and the Environment Agency have raised no objection to the proposal and recommendations of the assessment. Subject to a condition to ensure satisfactory floor levels, the Agency are satisfied the flood risk can be managed to an acceptable level.

SUMMARY AND CONCLUSIONS:

9. The development is considered acceptable in principle with no adverse impact on residential amenity. Subject to an acceptable size, scale and design there would be no adverse impact on the visual amenities of the area. The proposal would not result in an increase in traffic flows, and there is sufficient off street parking and turning space being accommodated within the site. Flood risk can be managed to an acceptable level.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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.
5. All planting, seeding, turving, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. No development shall take place until a scheme of foul water, surface water and land drainage run off has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
7. Before the development hereby permitted is commenced an access statement indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.
8. Prior to the commencement of the development, full details of the layout, design and construction of the access shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in accordance with such approved details.
9. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and which shall be completed prior to the development being brought into use.
10. The development shall be carried out in accordance with recommendations contained in the Flood Consequences Assessment report produced by Pinnacle Consulting Engineers

Limited received 2nd June, 2006 and in accordance with the recommendations of the Environment Agency to ensure: a) finished floor levels are set no lower than 5.9m AOD, b) flood proofing techniques.

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

1. The application is for outline permission with details of siting and means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In the interests of visual amenity.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. To ensure satisfactory drainage of the site and to avoid flooding.
7. To ensure suitable access for the disabled to the building.
8. 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.
9. To provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
10. To mitigate against the consequences of flooding in the area.

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 notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute (under Section 40-41 of the Water Industry Act 1991) towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connections Design Department, Players Industrial Estate, Clydach, Swansea SA6 5BQ.

Minimum design guidance recommended -
British Standards 8300
Building Regulations Approved document Part M
Department of transport 'Inclusive Mobility' a good practice guide TAN 12
Supplementary Planning Guidance - Access for All

Advice and guidance available from Karen Beattie, Access Officer, Telephone 01824 706515 and e-mail karen.beattie@denbighshire.gov.uk (See Advice Note - Access for All)

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

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

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

Where a condition has been imposed which has been suggested by the Agency or which meets the Agency's objective the Local Planning Authority should consult with the Agency to secure compliance with the condition prior to its discharge.

ITEM NO: 10

WARD NO: Prestatyn East

APPLICATION NO: 43/2006/0645/ PF

PROPOSAL: Replacement of 6 No. sector antennas with 3 No. UMTS antennas and 3 No. dual polar antennas

LOCATION: ARQIVA Transmitter Station Gwaenysgor Rhyl

APPLICANT: ARQIVA

CONSTRAINTS: Telecommunication Mast Sites
NVZ
Previous Mining Area
MAJOR_H1
Article 4 Direction
CLWYDIAN RANGE

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
'No objection, Concerns about public health risk implications, Visually detrimentally to surrounding countryside'

RESPONSE TO PUBLICITY:

None

MEMBERS' COMMENTS:

None

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is located to the south west corner of the Old Radar Station Site on the Hillside, Prestatyn.
2. It is proposed to replace the existing 6 no. antennas on an existing mast (previously the NTL mast) at points between 25m and 26.4m in height. No alterations to the height of the existing mast are proposed. The equipment housing will also remain the same.
3. The mast proposal has been submitted by Arquiva who own the site and tower on behalf of T Mobile who will use the equipment. Additional information supplied by the operator attempts to show how this mast would fit into their coverage network in the area. The operator has stated that the mast and antennae complies with government guidance on maximum public exposure levels with reference to electromagnetic field (ENF) emissions and ICNIRP Guidelines. The proposed alterations would allow for 2G and 3G network coverage on the mast.

RELEVANT PLANNING HISTORY:

4. Various on the application site, most recent
43/2005/700 Installation of 7 No. antennas approved 17/06/2005

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy TRA15 - Telecommunications

GOVERNMENT GUIDANCE

Welsh Office Circular 22/99 "Planning for Telecommunications"

Planning Policy Wales March 2002

TAN 19 – Telecommunications – August 2002

MAIN PLANNING CONSIDERATIONS:

- 6.
- i) Principle of mast development in this location
 - ii) Impact of siting and appearance
 - iii) Health and safety
7. In relation to the considerations as noted above:
- i) Principle
The precedent has been set for development of this nature on the site as there is an existing mast and telecommunications equipment on the site. Government guidance encourages such new equipment to be sited on existing structures.
 - ii) Impact of siting and appearance
The proposal is for replacement antennae on an existing mast which are not considered to have any greater visual impact than the existing antennae on the mast. The new antennae's overall size and scale would not be significantly different to those being removed with their location at 25 – 26.4 m on this 45m high mast not causing any increased visual intrusion. Although the proposal is located in the AONB, it would not impact on the character of the immediate area as there is other communications equipment in this area.
 - iii) Health and Safety
Health concerns raised in relation to telecommunications equipment can be a material planning consideration. However no definitive evidence is currently available which links emissions with health risks. The applicants have supported that planning application with a Declaration of Conformity with ICNIRP Public Exposure Guidelines. The Local Planning Authority have taken a view that until such time as evidence is available and guidance is clear on the effect of masts and equipment each proposal must be dealt with on its merits balancing the public's demand for mobile phone coverage and their health concerns. In the proposed location, fears of health risks could not warrant the refusal of this application particularly as there is an existing mast on the site.

SUMMARY AND CONCLUSIONS:

8. The proposal would not cause significant detriment to visual amenity and the operator has provided sufficient information to justify the proposal.

RECOMMENDATION:- GRANT subject to the following condition:-

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

The reason for the condition is-

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

NOTES TO APPLICANT: None

ITEM NO: 11

WARD NO: Rhyl West

APPLICATION NO: 45/2006/0240/ PF

PROPOSAL: Erection of four-storey building to provide 9 no. self-contained dwelling units

LOCATION: Rear Of Palace Apartments 83/84 West Parade Rhyl

APPLICANT: L W Properties Ltd.

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
Tidal Floodplain
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Object – over intensification of the site."
2. ENVIRONMENT AGENCY
 - i) The application proposes to increase the levels of occupancy at a site located extremely close to primary sea defences. Highlights that (as the applicant acknowledges) under extreme weather conditions, the velocity of flood water may well exceed TAN 15 criteria.
 - ii) Has concerns regarding two emergency access/egress routes required, dependent if the source is fluvial or tidal, with potential to lead to confusion amongst occupiers as to which route to take, resulting in disastrous consequences.
 - iii) In line with Planning Policy Wales and TAN 15 the Agency does not consider the risk to the development acceptable and therefore continues to object to the development.
3. WELSH WATER
Should include standard conditions, involving the separate discharge of foul and surface water.
4. HEAD OF HOUSING
Confirms that, with the change of use application, the Section 106 specifies on site provision but with an allowance for off site if suitable properties can be provided (first phase). If the second phase is allowed, the need will involve providing 30% of properties of the total site either on site or elsewhere. For the site a total number of 21 units proposed for the site, 30% obliges 7 affordable units.
5. HEAD OF TRANSPORT AND INFRASTRUCTURE
No reply.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Alexander F. Litherland (on behalf of Mr. Edward O'Hara, 9, North Avenue)

2. Mr. Edward O'Hara, 9, North Avenue, Rhyl
3. Edmund Kirby (on behalf of Mr. E. O'Hara) 9, North Avenue
4. Mr A Singh - 38 Palace Avenue, Rhyl

Summary of planning based representations:

Residential Amenity

- Size, proximity, and impact will adversely affect the privacy and amenity of adjacent properties (notably 9, North Avenue and 38, Palace Avenue), involving direct overlooking and sub standard distances,

Noise & Disturbance

- Caused by additional levels of vehicular and pedestrian movements.

Car parking provision

- Will exacerbate existing problems with on-street parking in the area - no increase in provision from current situation
- Unclear as to the extent of car parking provision.

Site context and overdevelopment

- Overall size and detail inappropriate.
- Sets an unfortunate precedent for neighbouring sites, including overdevelopment and limited space for landscaping.
- Restricts privacy and amenity spaces for the site.

Loss of Hotel/Tourism use

- The loss of the hotel use.

Unitary Development Plan Housing Allocations

- Unidentified sites therefore be contrary to the UDP.
- No requirement for windfall sites.

Design

- Inappropriate appearance- particular west elevation, not in character /sympathy with existing property.

Other considerations

- Effect on daylight levels of 9 North Avenue and 38 Palace Avenue, highlights the submission of a daylight analysis. Occupiers at 9, North Avenue are elderly, one being disabled, with existing limited daylight provision.

EXPIRY DATE OF APPLICATION: 10/04/2006

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The Palace Hotel stands on the corner of Palace Avenue and West Parade, Rhyl, and comprises an imposing five storey (inclusive of basement) slate and brick Victorian property. An attached, single storey vacant café wraps around its westerly corner. An existing vehicular access point serves the site, off Palace

Avenue.

2. To the east of the Palace (separated by Palace Avenue) is a vacant car parking site, with planning permission for 59 extra care flats. To the south, separated by the existing rear yard area of the Palace and a roadway, exists the predominantly 2-storey semi-detached residential properties of Lake Avenue. Retail premises directly abut the majority of the western boundary of the Palace. The site lies within a flood zone.
3. Planning permission has recently been granted for the conversion of the existing building into 12 self-contained flats. The permission involves a S106 Obligation for the provision of 3 no. affordable housing units, together with a commuted sum for off site open space provision.
4. The current application seeks to provide a four storey (including a basement area) extension to the rear and part west side of the building, involving an additional nine (9) number flats; leading to a total of 21 self-contained flats for the site.
5. Car parking provision for the current proposal indicates the majority of spaces within a basement area, with a limited number positioned externally. The basement area also includes a dedicated bin and refuse collection point. The remainder of the site's external layout, with the exception of land to the rear of the cafe, includes open areas of paving slabs.
6. External materials include red and yellow brickwork and rendering, and with the exception of an area of flat roof, slate roofing to match existing, A garage and stores building, together with a detached shed, have previously been removed from the site.

RELEVANT PLANNING HISTORY:

7. 45/2005/1017 - Change of Use of the Palace Hotel into 12 flats – GRANTED 12 July 2006

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

STRATEGIC POLICIES – 1,2,5,7,11,15,16.

Policy GEN 1	-	Development within Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 8	-	Planning Obligations
Policy GEN 10	-	Supplementary Planning Guidance
Policy ENP 4	-	Foul and Surface Water Drainage
Policy ENP 6	-	Flooding
Policy CPZ 4	-	Coastal Defence & Flooding
Policy CPZ 3	-	Rhyl/Prestatyn Seafront
Policy HSG 10	-	Affordable Housing within Development Boundaries
Policy REC 2	-	Amenity and Recreational Open Space –
Requirements in New		Developments
TRA 9	-	Parking and Servicing Provision
TSM 14	-	Foryd Harbour/Ocean Beach

Supplementary Planning Guidance

SPG 2	-	Landscaping
SPG 4	-	Recreational Public Open Space
SPG 7	-	Self-contained Flats and Houses in Multiple Occupation

- SPG 21 - Parking requirements
- SPG 22 - Affordable Housing

Government Guidance

Planning Policy Wales 2002

- TAN 12 - Design
- TAN 15 - Development and Flood Risk
- TAN 18 - Transport

Other Guidance

West Rhyl Regeneration Strategy 2004 (unadopted)

MAIN PLANNING CONSIDERATIONS:

9.

- i) The principle of the development – location and flooding issues
- ii) Surface Water Drainage
- iii) Impact on residential amenity
- iv) Impact on visual amenity – design and density
- v) Highway considerations
- vi) Open space requirements
- vii) Affordable housing

10. In relation to the considerations as noted above:-

- i) The principle of the development – location and flooding issues

In terms of the principle of the development, the scheme proposed is within the town boundary on land previously used/developed, where planning policies seek to encourage reuse in a sustainable manner, which would facilitate the regeneration of the area.

In relation to TAN 15 advice, and the requirement for new developments in zones C1 and C2 to be justified at the location, the proposal is supported by the following tests;

- Necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, **or**
 - Necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- And**
- It concurs with the aims of PPW and meets the definition of previously developed land, and

The site lies within the defined UDP development boundary for Rhyl, and with the West Rhyl Regeneration Strategy area; and complies with the PPW definition of 'brownfield' land.

As with the adjacent planning permission for 59 units, the proposal would involve considerable investment in the area on a prominent seafront location, supported by planning policies and the general strategy for the area. The principle is therefore acceptable.

The justification supports the proposal, in the knowledge that the development is subject to flood risk and therefore mitigation should be planned and designed to minimise flood implications. TAN 15 procedures oblige the potential consequences of a flooding event for a particular type of development to be considered, namely a Flood Consequence Assessment

(FCA). The purpose of an FCA is to reduce the risk and potential adverse impacts.

With the change of use application, the Environment Agency acknowledged that the problem of safe egress in an extreme flood event would remain an issue, but that the change of use appeared to offer an improvement to the situation. The recommendation was therefore one based on a precautionary approach; with the total number of units higher than the current 'extension' application for 9 units.

Consequently, this existing planning application for the extension has to take on board the issues previously highlighted by the Environment Agency with the change of use application.

The current application FCA confirms that there are four main potential methods of flood defence 'failures' -

- overtopping of the coastal/financial defences
- breach of the coastal/fluvial defences
- increase in sea levels due to global warming
- overloading of the existing highway drainage system

The site is located approximately 50 metres from the existing coastal defences and some 700 metres from the Afon Clwyd defences. One of the six mitigation factors suggested by the applicants relate to two proposed emergency access/evacuation link corridors to the Palace Hotel then to the West Parade, which is above the predicted flood level; secondly, a route directly onto the alley, south of the site, then into Lake Avenue. The main differences between the two applications would appear to relate to the overall site intensity of use and emergency routes. The Agency response highlights these issues.

In terms of intensity, further clarification from the applicants suggests that the total occupation involved with the site would be less than the previous hotel occupancy. TAN 15 (para. 72) highlights that whether a development should proceed depends on whether the flooding consequences can be managed to an acceptable level for the nature/type of proposal e.g. provision of timely flood warnings and safe emergency access routes. This mitigation, taking into account the above, is feasible.

- ii) Surface Water Drainage
Having regard to the conditions suggested by Welsh Water, further clarification has been sought regarding complying with surface water disposal method and rate.
- iii) Impact on residential amenity
The nearest adjacent residential properties are 37, 39 Palace Avenue (to the east), 38 Palace Avenue (to the south) and 9 Lake Avenue (to the south).

From the ridge, to ground floor level, the maximum height of the extension will be approx. 16.5 metres.

Discussions have taken place with the applicant to amend the internal layout to ensure that only secondary windows are inserted on the south elevation to avoid overlooking of 9 Lake Avenue. The proposal is considered acceptable

in terms of impact on residential amenity.

iv) Impact on visual amenity

The Palace is a fine example of Victorian architecture – its façade and form worthy of retention and maintaining a link with the history of West Rhyl. The key issue for the design and form of the extension is that the form and height remain in context with the Palace.

On the West Parade elevation, the proposal has a limited and subordinate elevation to that of the main Hotel; is lower and set back from the main elevation, and includes a horizontal design emphasis, material and detail compatible and sympathetic to those of the main building.

The east elevation is also subordinate in bulk, mass and height to the main Hotel elevation; set back and uses a more simple design detail than the main Hotel.

Amendments are to be incorporated to the south and west elevations; to break up the mass, and incorporate a different window arrangement.

The proposal, subject to the changes, is visually acceptable.

v) Highway considerations

Parking provision is indicated in both the basement of the existing building and under the extension. However, it is not feasible to provide the level of parking shown. An amended plan is awaited to clarify parking arrangements although it is anticipated that this will result in overall provision of around 12 spaces.

Policy TRA 9 and SPG 21 aim to reduce the need to travel, particularly in site locations which are available to achieved maximum sustainable travel options. In town centre locations, such as this proposal, the maximum space requirements for 2 spaces per unit would not be expected. The provision reflects availability of public transport, walking and cycling distances from local shops and services and similar provision on developments nearby. Cycle parking would be a requirement through a planning condition.

At the time of writing this report, the observations of the County Highway Officer were awaited.

vi) Open space

As part of the change of use application, the applicant is required to provide a commuted sum of £23,343.36 for the provision and maintenance of off-site open space.

This current application will require the same approach, with a figure of £17,769.60 for off site provision. This will require a S106 Obligation. In relation to landscaping, the site has limited available areas, notably on the north (along the West Parade); along Palace Avenue; part of the south boundary, and the area between the rear of the Peabody Café and extension. Further clarification has been sought for detailing these areas.

vii) Affordable Housing

With the change of use application, 3 affordable dwellings were negotiated taking into account the regeneration benefits of the proposal. The extension, involving an additional 9 units, would require 3 no. units in accordance with Policy HSG10 and SPG22.

SUMMARY AND CONCLUSIONS:

11. The application consolidates private sector, self-contained residential accommodation on a seafront site. In regeneration terms this is to be supported and this issue outweighs, on balance the flooding objection. In relation to detailed impacts on residential and visual amenity the proposal is considered acceptable, subject to the amendments requested. Parking provision reflects the urban location. Affordable housing and open space provision would be secured by a S.106 obligation. Given the relationship of the scheme to the existing dwelling and the sensitivity of the flood risk issues it is also suggested that a flood management plan be a requirement of the S.106.
12. The recommendation, is subject to the applicant first entering into a Section 106 Obligation within 12 months of the date of the Planning Committee requiring the following:-
 - Commuted sum for provision and maintenance of open space of £17,769.60
 - Provision of 7 affordable housing units for the whole site
 - Flood management plan for the whole site

RECOMMENDATION: GRANT – subject to compliance with the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall take place until 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.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. Flood proof construction techniques, together with flood warning and evacuation plan for safe egress of owners, visitors and staff in an inundation event.
5. The development hereby permitted shall be used at all times as an extension to the existing Palace building and not as a separate detached residential block, separate to the existing building.
6. The development hereby permitted shall not be brought into use until space, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, has been laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward direction; these areas shall not thereafter be used for any purpose other than the parking or turning of vehicles.
7. All drainage shall include the following requirements:
 - i) Foul water and surface water discharges must be drained separately from the site.
 - ii) No surface water shall be allowed to connect (either directly or indirectly) to the public

sewerage system.

iii) No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

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

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

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

11. Prior to the commencement of development the following details shall be submitted for the further written approval of the Local Planning Authority.

i) External lighting facilities.

ii) Refuse storage facility, including security and laying out, with priority given for a recycling approach,

and the development shall be completed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

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

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

4. To minimise the impact of more extreme flood inundation events.

5. In order to protect the amenities of the locality and regard to an overall flood management for the site.

6. 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.

7. i) To protect the integrity of the Public Sewerage System

ii) To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

iii) To prevent hydraulic overload of the public sewerage system and pollution of the environment.

8. In the interests of visual amenity

10. In the interests of visual amenity.

11. In the interests of the amenities of the area and to take a proactive approach for waste disposal.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Rhyl West

APPLICATION NO: 45/2006/0551/ PF

PROPOSAL: Change of use from Class B1 offices to Class D1 offices and day centre providing training, washing, hot-food facilities and primary health care

LOCATION: Clwyd Buildings Clwyd Street Rhyl

APPLICANT: Mr R Schwarz

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

13. RHYL TOWN COUNCIL
'Object on grounds of loss of quality office space in a defined business area'
14. PUBLIC PROTECTION
No objection, however further information is required in relation to drainage provision for waste water and extract and ventilation ducting and equipment, if any. equipment.
15. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection

RESPONSE TO PUBLICITY:

4. None

EXPIRY DATE OF APPLICATION: 18/07/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site comprises a two storey detached property located on the corner of Clwyd Street with Paradise Street, within the development boundary of Rhyl. The property is currently in use as a Class B1 office. The property is located within an area of mixed uses. There are no dedicated car parking facilities associated with the building but on street car parking is unrestricted along Clwyd Street.
2. This application is for the change of use of the Class B1 office to Class D1 office and day centre, to provide training, washing, hot food facilities and primary healthcare. It is proposed that the ground floor of the building would be used in connection with the day centre and at first floor level, Denbighshire Community

Safety Officers will be provided with office space.

3. This application is submitted by Canolfan Dewi Sant, to relocate the service which is currently provided in the Salvation Army building on Windsor Street which is no longer fit for purpose. The purpose of a day centre is to engage those who are socially excluded, and direct them to appropriate services.

RELEVANT PLANNING HISTORY:

4. None on the application site

An application for the same use was submitted at **17/19 Water Street, Rhyl** (ref:45/2004/0542/PF) in April 2004 for - Change of use from café-bar (Class A3) to day centre (Class D1).

The application was refused at Planning Committee on 14th July, 2004 for the following reason:

"The proposal would lead to a use which would not comprise retail or commercial development within the Rhyl Town Centre boundary and would in the opinion of the Local Planning Authority detract from the viability and vitality of the town centre. Thus the proposal would conflict with Policies RET 1 and RET 6 of the Denbighshire Unitary Development Plan. It is also considered that the use would be likely to lead to activities in close proximity to the premises that would make the shopping and commercial area a less attractive location for shopping and other town centre activity, to the further detriment of the viability and vitality of the area."

The application was subsequently DISMISSED on Appeal February, 2005. The Inspector supported the view that the proposal would further erode the viability and vitality of Water Street and this part of the town centre.

The issues raised on the site in Water Street are issues relating to retail policy and do not apply to this application on Clwyd Street.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy CF 5 – Community Facilities – General

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on residential amenity

6. In relation to the main planning considerations:
 - i) Principle of development:
The application site is located outside the defined town and district centre of Rhyl, and is located within an area of mixed uses, including estate agents and solicitors offices, residential, and places of worship. A Class D1 use is therefore considered acceptable within this area of mixed use being within an accessible location. In relation to the objection received from Rhyl Town Council in respect of the loss of a business use within a defined business

area; the site is not within a defined business centre within the adopted Unitary Development Plan and the proposed use comprises of business use at first floor level. The proposed use therefore results in the loss of a Class B1 use at ground floor level only and this is not considered to harm any policy designations for this location.

ii) Impact on residential amenity:

The site fronts onto Clwyd Street with Class A2 uses opposite. To the rear and opposite on the corner of Paradise Street are residential properties which are well separated from the site. The service proposed has operated well in its current premises on Windsor Street, with the only complaints received from local residents being in relation to 'smokers' gathering outside the property. At the proposed site, an enclosed outdoor smoking area would be provided, away from the street and neighbouring properties. It is not considered that the proposed use would cause any unacceptable impact on the amenities of neighbouring properties.

SUMMARY AND CONCLUSIONS:

The development is considered acceptable, with no adverse impact likely on residential amenity.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use hereby permitted shall be restricted to Canolfan Dewi Sant only.
3. The premises shall not be open outside the following times and days:-
09:00 to 20:00 hours Monday to Saturday inclusive
10:00 hours to 18:00 hours on Sunday

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 order for the Local Planning Authority to retain control over the future use of the premises in the interest of nearby residential amenity.
3. In the interests of amenity of occupiers of neighbouring properties.

NOTES TO APPLICANT:

None

ITEM NO: 13

WARD NO: Rhyl East

APPLICATION NO: 45/2006/0564/ PF

PROPOSAL: Alterations to roof design granted under Code No. 45/2005/1414/PF and construction of new vehicular access, felling of 2 No. trees the subject of a Tree Preservation Order and erection of meter store

LOCATION: 45 Brighton Road Rhyl

APPLICANT: Cameron Developments

CONSTRAINTS: Tree Preservation Order
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No objection to the overall development however the Council strongly objects to the demolition of the trees which should be retained and protected during any construction works"
2. PRINCIPLE COUNTRYSIDE OFFICER
"I have looked at this application and have no objections to the proposal"
3. HEAD OF TRANSPORT AND INFRASTRUCTURE
"No objection, subject to condition"

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 09/07/2006

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site comprises a large detached two storey residential property fronting Brighton Road. The property has had permission for alterations to 8 no. self contained flats in January 2006.
2. The proposal comprises of 4 elements; i) alterations to roof design omitting the pitch over the south eastern window for structural purposes, ii) the erection of meter store, measuring 1m by 2m by 2.2m to pitch, iii) the construction of single vehicular access, and iv) the felling of 2 No. trees to facilitate the access.
3. There is an existing pedestrian access with separate vehicular access off Brighton Road. 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 protected by a TPO.

RELEVANT PLANNING HISTORY:

4. 45/2005/1414/PF Alterations and extensions to create 8 s/c flats - GRANTED

PLANNING POLICIES AND GUIDANCE:

- 5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 Development Control Considerations
Policy ENV 7 – Landscape / Townscape and Features
Policy TRA 9 – Parking and Servicing Provision

GOVERNMENT GUIDANCE
Planning Policy Wales, March 2002
TAN 18 - Transport

MAIN PLANNING CONSIDERATIONS:

- 1.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Impact on trees
 - v) Highways/parking
- 2. In relation to the main planning considerations:
 - i) Principle of development: - The principle of altering the building to create 8 flats has been established with the original application. The proposed alterations to the roof design incorporating the removal of a small gable to the front elevation for constructional purposes are considered acceptable and in keeping with Policy Gen 6. This alteration has no impact upon any nearby residential property.
 - ii) Impact on visual amenity:- The size, scale and design of the proposed alteration are considered acceptable and in keeping with the character of the original property.
 - 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 existing access. The proposed access is located centrally so as to minimise the impact on the trees and retain the Sycamore. The Principal Countryside Officer has no objection to the felling of the trees and a condition will be attached to the approval for 2 no. replacement trees to be planted within the site.
 - iv) Highways/parking:- The highways department have raised no objection to the proposed access, subject to a condition regarding the foot way crossing.

SUMMARY AND CONCLUSIONS:

- 3. 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 subject to replacement specimens being planted and control over the footway crossing.

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 works shall commence until the details of the replacement tree including species, size and proposed location shall be submitted to and approved in writing by the Local Planning Authority.
- 3. The approved replacement tree shall be planted in the first planting season after

falling. The tree shall thereafter be retained in Area G15 on the plan annexed to the Rhuddlan UDC 1951 TPO.

4. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.

5. The Local Planning Authority shall be notified of the intention to carry out the works hereby approved, a minimum of 10 working days in advance of the carrying out of the works.

6. Full details of the vehicular footway crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the access shall be completed in accordance with the approved plans before it is brought into use.

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 visual amenity.

4. In the interests of good arboriculture practice.

5. To ensure that the Council have the opportunity to monitor the works in the interests of good arboriculture practice.

6. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

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.

ITEM NO: 14

WARD NO: Rhyl East

APPLICATION NO: 45/2006/0583/ PF

PROPOSAL: Extensions, alterations and remodelling of existing fire station to create communal facilities and alterations to existing vehicular access

LOCATION: North Wales Fire Service Headquarters Rhyl Coast Road Rhyl

APPLICANT: North Wales Fire And Rescue Service

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

4. RHYL TOWN COUNCIL
"Objection, The design as presented will require the fire engines to reverse into the station. This is considered to be bad design, dangerous and inappropriate given the proposed communal facilities on site"
5. HEAD OF TRANSPORT AND INFRASTRUCTURE
"No objection, subject to condition"
6. DCC ACCESS OFFICER
Access statement required

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr M Hogan, 9 Burns Drive, Rhyl

Summary of representations:

- i) Concerns over highway safety with potential increased use of Olivia Drive.

EXPIRY DATE OF APPLICATION: 30/03/2006

PLANNING ASSESSMENT:**THE PROPOSAL:**

6. Rhyl Fire station is located on the northern side of the Coast Road. The site is used by the Fire Services and the Denbigh County Safety Office.
7. The proposal comprises of extensions, alterations and remodelling of the existing fire station to create communal facilities and alterations to existing vehicular access. The proposed extensions do not increase the overall footprint of the station other than on the front elevation to accommodate a lift in a two-storey glazed structure, the rear extension proposes infilling the covered area to accommodate 2 storeys of usable space. A canopy is also proposed over the front entry to the appliance bays.
8. Internal remodelling is proposed to accommodate the proposed community facility use which includes a 60 seater multi-purpose room, 6 meeting/smaller lecture

rooms and 2 offices. It is envisaged that the facility will be used by various groups for example voluntary groups, and public organisations.

9. Alterations to the overall layout of the site and access are proposed. The gym building on the north western side of the site is proposed to be demolished. Access is proposed on the south west side of the site (left hand side of the front) and exit on the south east (right hand side of front). The proposal includes reinstating the access onto Olivia Drive as an exit for the members of the public who will utilise the facility. Staff parking and parking for the community facility have been proposed.

RELEVANT PLANNING HISTORY:

10. No relevant recent history

PLANNING POLICIES AND GUIDANCE:

11. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy Gen 6 Development Control Considerations
CF 1 Community Facilities

MAIN PLANNING CONSIDERATIONS:

12.
 - i) Principle
 - ii) Visual Appearance
 - iii) Residential Amenity
 - iv) Highways Safety
13. In relation to the main considerations in paragraph 5:-
 - i) Principle
The site consists of a long established fire station which is seeking needed renovations to its 1980s design as well as rationalising existing and proposed uses and facilities. The extensions to the building itself are acceptable in principle and comply generally with Policies GEN 6 and CF1 of the UDP. Around 230 sq.m of new floorspace will be created by formalising the existing covered area to the rear of the building and remodeling some areas on the second floor.
 - ii) Visual appearance
The visual appearance of the extension is acceptable. The alterations to the building are acceptable and will not be visually intrusive. The proposal does not represent an overdevelopment of the site. Formalising the parking arrangements will improve the overall visual appearance of the site with the use of modern materials and finished providing a needed facelift to the original building.
 - iii) Residential amenity
The proposal will not impact on the privacy and amenity of nearby occupiers. The proposed uses will not impact on residential amenity.
 - iv) Highways
In relation to the access and parking arrangements the highways department have no objection to the proposal. There is an individual access and exit and adequate parking on site. The exit onto Olivia Drive is existing and is proposed to be used by the public and not for the emergency services. The

emergency services vehicles will use the existing appliance bays and these will be accessed by driving around the station and across the front to reverse into the appliance bays. There is adequate space to allow for this manoeuvre, vehicles will not be required to reverse into the highway as suggested.

SUMMARY AND CONCLUSIONS:

14. The proposal is acceptable and is recommended for approval subject to conditions to control access and parking arrangements.

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. The car parking accommodation shall be laid out strictly in accordance with the submitted plan to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced.
4. The car parking accommodation for community use shall be clearly signed and marked and retained solely for that purpose.
5. No emergency vehicles will be allowed to use the entrance / exit onto Olivia Drive.

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 provide for the loading, unloading and parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. To safeguard spaces for the parking of vehicles for community use.
5. In the interests of residential amenity and highway safety.

NOTES TO APPLICANT:

You are advised that the Access Officer has commented that the proposal needs to be compliant with DDA regulations (note attached).

ITEM NO: 15

WARD NO: Rhyl South East

APPLICATION NO: 45/2006/0592/ PF

PROPOSAL: Erection of single-storey pitched-roof extension to dayroom at side of premises and retention of existing fire escape

LOCATION: Canterbury Care Home 77 Dyserth Road Rhyl

APPLICANT: Thomas Care Group

CONSTRAINTS: Article 4 Direction
CLB-Class B Road

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
'No objection, subject to consultation with adjoining property owners/occupiers'
2. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER-
No objection

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr Richard Kendrick, 14 Pen Y Maes Avenue, Rhyl

Summary of planning based representations:

- i) Residential Amenity
- ii) Noise disturbance

MEMBERS' COMMENTS:

None

PLANNING ASSESSMENT:**THE PROPOSAL:**

9. Planning permission is sought to erect a small single storey day room extension measuring 6m by 6m with a pitched roof over on the western side of the care home. A 9m high fire escape is located to the east side of the building serving all 3 floors and projecting 3m from the east side. It is proposed to retain this painted steel structure.
10. The application site is located on the south side of Dyserth Road and comprises a large, detached residential care home set back some 50m from the road. Vehicular access to the site is achieved off Dyserth Road with a driveway and parking area to the front of the main building.

RELEVANT PLANNING HISTORY:

11. 45/474/99/PF Erection of 3 storey and 2 storey extensions and conservatory to Class C2 use. GRANTED 19th August 1999 and partially implemented.

12. 45/2005/0122/PF Amended scheme to 45/474/99/PF Erection of 3 storey and 2 storey extensions and conservatory to Class C2 use. Granted 27/05/2005
13. 45/2005/1541/PF Amended scheme to 45/2005122/PF Erection of 3 storey front extension and single storey front entrance porch. Granted 20/01/2006

PLANNING POLICIES AND GUIDANCE:

14. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy CF 5 – Residential Institutions Provision

MAIN PLANNING CONSIDERATIONS:

15.
 - i) Principle of development in this location
 - ii) Impact of siting and appearance
 - iii) Residential amenity
16. In relation to the considerations as noted above:
 - i) Principle
The principle of the proposal is acceptable. The proposed extension is not a significant departure from the original scheme. It is in keeping with Policy CF 5 as it does not represent overdevelopment of the site; adequate space is remaining for amenity space and parking.
 - ii) Impact of siting and appearance
The visual appearance of the proposal is acceptable. The extensions and alterations have been designed to blend in with the existing building and the materials are in keeping with the existing. The fire escape to the east causes no detriment to the appearance of the building or this area containing such structures.
 - iii) Residential Amenity
The proposal will not impact on residential amenity. The proposed new day room extension projects forward of the existing section to the western side of the building but does not project any closer to the western boundary as the existing. Although there are residential properties to the west of the application site they enjoy rear gardens of approx 17m to 20m long and this is considered to be an adequate distance to avoid overlooking and potential noise and disturbance from the proposed day room. Additionally a condition can be attached to the approval requiring a boundary fence to be erected along the western boundary of the site which will further mitigate against any minor increased encroachment of the home on the rear of No. 14 Pen y Maes. The fire escape is on the east side of the building away from residential properties thus causing no increased detriment to amenity.

SUMMARY AND CONCLUSIONS:

17. 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. Prior to the use of the day room commencing a fence shall be erected on the western boundary of the site, details of the fence shall be submitted to and approved in writing by the Local Planning Authority and the fence shall thereafter be retained and maintained.

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 the privacy/amenity of the occupiers of nearby properties.

NOTES TO APPLICANT:

None

ITEM NO: 16

WARD NO: St Asaph West

APPLICATION NO: 46/2005/0918/ PO

PROPOSAL: Development of 3.9ha of land for office/light industrial use (Class B1) and construction of new vehicular/pedestrian access (outline application)

LOCATION: Former Pilkington Playing Fields Glascoed Road St. Asaph

APPLICANT: K & C Developments Ltd.

CONSTRAINTS: Public Footpath / Bridleway
HSE Consultation zone

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

CONSULTATION RESPONSES:

1. ST ASAPH TOWN COUNCIL
"No Objection"
2. CEFN MEIRIADOG COMMUNITY COUNCIL
"We wish to withdraw our objections"
3. BODELWYDDAN TOWN COUNCIL
No reply.
4. HEAD OF TRANSPORT AND INFRASTRUCTURE
Awaiting response on revised access arrangements from Glascoed Road.
5. FOOTPATHS OFFICER
No objection.
6. COUNTRYSIDE COUNCIL FOR WALES
Ecological survey satisfactory but condition required to ensure appropriate mitigation and compensation.
7. LANDSCAPE ARCHITECT
No objection to proposed use.
8. PRINCIPAL COUNTRYSIDE OFFICER
Note presence of badgers and Great Crested Newts in the area.
9. WELSH WATER
No objection subject to conditions.
10. HEALTH AND SAFETY EXECUTIVE
Does not advise, on safety grounds, against granting of planning permission.
11. HEAD OF DEVELOPMENT SERVICES
No reply

WELSH DEVELOPMENT AGENCY
No reply

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 05/10/2005

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- negotiations on commuted sum / S.106 obligation
- amended access proposal

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was considered at the Planning Committee on 22 February 2006 when it was resolved to grant planning permission but subject to the applicants first entering into a Section 106 obligation relating to the provision of a commuted sum to provide alternative recreational provision of equivalent community benefit. At that time the applicants were offering £52,000 as a sum.
2. Since that date discussions have taken place with the applicants, who have in turn been in contact with St Asaph Town Council and Cefn Meriadog Community Council. The applicants are now offering a sum of £90,000 based on the funding of the following projects:-
 - i) £80,000 for refurbishment of existing play area by bowling green or new play area at Bryn Gobaith, St Asaph.
 - ii) £10,000 for improvements to changing rooms at Cefn Meiriadog.

In response to the above, the 2 Community Councils have withdrawn previous objections.
3. In addition, the vehicular access of the site has been amended (May 2006) and is now shown direct from Glascoed Road whereas previously it was from the west, off Ffordd William Morgan.
4. Outline planning permission is sought for the development of 3.9 ha of land for offices and light industrial use (Class B1 Business Use). The rectangular site was previously used as Pilkington Sports Ground but has not been used for recreational use for some 10 years. It is a predominantly grassed site which slopes gently down from south to north and contains a number of scattered trees. The site boundaries are formed by hedgerows of different species including trees. A derelict pavilion with changing rooms lies towards the south eastern end of the site.
5. The St Asaph Business Park lies to the west of the application site with a car park and Pilkington Special Glass Factory lying to the east. To the south, on the opposite side of Glascoed Road (the B5381), lies a further part of the Business Park and the Thales Factory. Immediately adjacent to the western boundary runs a hedge- and tree-lined bridle way, to the north lies open grass land allocated in the UDP for employment use (Greengates Farm).
6. The application is outline with all matters reserved for further approval apart from the means of access as described above. The application has been accompanied

by a Planning Statement and by a Phase 1 Habitat Survey. The Planning Statement concludes development of the site for employment use is an appropriate use and that the loss of the former playing fields should be considered in the context that the site is private ownership is not publicly available. It is not readily accessible for the local community and has not been actively used for recreation for several years. Development for high quality B1 Business Use would facilitate public access and provision of some open space and landscaping. The applicants have been in discussion with local community councils with a view to the possibility of providing funding for recreation projects in the area.

RELEVANT PLANNING HISTORY:

7. APH/534/91 – Outline application for development for B1 and B8 uses – REFUSED – 31st March 1992 – Subsequent appeal WITHDRAWN
APH/323/92 – Development of land for B1 use – REFUSED – 20th October 1992

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Strategic Policies 1, 5, 6, 7, 8, 13 and 16
Policy GEN 1 – Development Within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy GEN 8 – Planning Obligations
Policy ENV 1 – Protection of the Natural Environment
Policy ENV 6 – Species Protection
Policy ENV 7 – Landscape/Townscape Features
Policy EMP 2 – Main Employment Areas
Policy EMP 3 – St Asaph Business Park
Policy RET 1 – Protection of Existing Open Space
Policy TRA 6 – Impact of new development on traffic flows
Policy TRA 8 – Transport Requirements in Major Developments
Policy TRA 9 – Parking and Servicing Provision
Supplementary Planning Guidance Notes No's 2, 6, 18 and 21

GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002
TANS 5, 10, 12 and 16
NAW Circular 23/2001 – Protected Species

MAIN PLANNING CONSIDERATIONS:

9.
 - i) Principle of B1 employment use taking into account in particular Policy RET 1 (Protection of existing open space)
 - ii) Impact on protected species
 - iii) Transportation and highway issues
 - iv) Impact on bridleway/footpath
 - v) Design and landscaping
10. In relation to the main planning considerations in paragraph 6:
 - i) Principle of the development
The development would lead to the loss of open space protected by Policy REC 1. Thus the proposal on the face of it represents a departure from the development plan. Policy REC 1 states that the loss of such open space will only be permitted where, inter alia, alternative provision of equivalent community recreational benefit is made available and there would be an

overall community gain from the development.

In relation to the above, the following factors need to be taken into account;

- a) The open space is in private ownership and has not been used for around 10 years. Since the use ceased, no public or private body has come forward with proposals for recreational use.
- b) The site, notwithstanding the REC 1 protection, lies within the largest main employment area in the County and is surrounded by existing and proposed employment uses.
- c) St Asaph Business Park is now almost fully developed and there appears to be a case for bringing forward further employment land in the short term particularly given recent user interest. Whilst, the land to the north of the application site is allocated for employment use there appear to be significant constraints in bringing this forward in the short term.
- d) There would be community gain from employment development and given the facts set out in (a) above there would be no unacceptable affect on local open space provision or the amenity and character of the area.
- e) The applicants have offered to make a financial contribution to allow alternative provision of equivalent community recreational benefit to be made available in the area.

Taking into account the above it is considered that the principle of the development and the loss of the open space protected by the Policy REC 1 would be acceptable subject to the Council being satisfied that the commuted sum offered by the applicants to ensure alternative provision equivalent community recreational benefit is made available. The offer of £90,000 is considered acceptable by Community Councils who have responded.

ii) Protected Species

The site is not in itself of any particular ecological value but existing information and the habitat survey indicate the presence locally of Great Crested Newts and badgers. Additional survey work would also be required in relation to bats and reptiles together with mitigation.

In relation to the Great Crested Newts the site lies within 500 metres of known breeding pools and is likely to be used for foraging and hibernation. In considering the proposal and taking into account the need for a licence from NAW the derogation tests need to be satisfied:

- a) The development is in the overriding public interest – employment development for the reasons explained above satisfies this test.
- b) There is no satisfactory alternative – no alternative sites for the development are available in the short term. This is again explained above.
- c) The development is not detrimental to the population and favourable conservation of the species. The status and population of the Great Crested Newt is maintained. This would be achieved by mitigation and compensation. In addition, should the previous use of the site as playing fields be recommenced this would not provide appropriate habitat.

In relation to badgers, appropriate mitigation in the form of an exclusion zone could be incorporated into the development. Any works within the exclusion zone would require a licence from CCW. The proposal is considered to satisfy the tests of circular 23/2001 and Policy ENV 6 of the UDP.

iii) Transportation and highway considerations

The extent of the development in the area in recent years has resulted in improved bus services and cycleway infrastructure serving the area. The development would benefit from these improvements. In addition, a condition should be imposed to require that any future users implement a Green Travel Plan. In these respects the proposal would satisfy Policy TRA 8 of the UDP.

The vehicular access to the site via Glascoed Road is considered acceptable in relation to highway safety and would also allow the provision of a cycleway and a footpath access into the site. Highways officers are satisfied with these arrangements. The existing highway network can accommodate the additional development proposed. Parking and servicing provision will be the subject of reserved matters approval. The proposals would therefore satisfy Policies TRA 6 and TRA 9 of the UDP and TAN 18.

iv) Impact on Bridleway/Footpath

The proposal would not now serve the bridleway which runs along the western boundary of the site.

v) Design and Landscaping

As the application is only in outline design issues will be predominantly dealt with at reserved matters. However, given the intended B1 use and the proximity to the high quality St Asaph Business Park, it will be important to ensure that development is designed and landscaped to a high standard. A condition requiring the submission of a master plan is considered appropriate.

The existing hedgerow surrounding the site and scattered trees within the site are important landscape features and provide habitat. Conditions should be imposed to require the retention of existing hedgerows and trees supported by Policies ENV 1, ENV 6 and ENV 7 of the UDP, SPG's 2, 6 and 18, and TAN 4 and 12.

vi) Drainage and Infrastructure

Welsh Water do not indicate any concerns in relation to foul sewage and water supply infrastructure. However, it is likely that surface water attenuation would be required either independently or in connection with the Business Park. A condition is recommended to this effect.

PLANNING OBLIGATION

11. It is considered that the principle of the development is acceptable subject to the entering into of an obligation of a Section 106 of the Town and Country Planning Act 1990 to ensure the payment of a commuted sum to provide alternative recreational provision of equivalent community benefit. The £90,000 offered in this respect is considered acceptable.

SUMMARY AND CONCLUSIONS:

12. It is recommended that the principle of the proposals would be supported subject to the comments in paragraph 10 above. Protected species, transportation and highway, design and landscaping, and infrastructure impacts are acceptable taking into account the recommended conditions set out below. The recommendation is subject to the applicants first entering into an obligation under Section 106 of the Town and Country Planning Act to require the payment of the £90,000 commuted sum on completion of the S.106 obligation.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Prior to the first occupation of the building(s) hereby permitted, the written approval of the Local Planning Authority shall be obtained in respect of the siting and design of the vehicular access to the site, and the access shall be completed strictly in accordance with the approved details.
5. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
6. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
7. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
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. The development hereby permitted shall not be brought into use until space, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, has been laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward direction; these areas shall not thereafter be used for any purpose other than the parking or turning of vehicles.
10. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas that have been approved in writing by the Local Planning Authority for this purpose.
11. Prior to the commencement of the development, detailed surveys to assess the presence of protected species and a scheme for mitigation to compensate for the loss of habitat for protected species shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in all respects to accord with the recommendations of the approved mitigation scheme.
12. Prior to the development hereby permitted being occupied, measures and a programme to be used to implement a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
13. The development shall not be occupied until footpaths, cycle tracks, and bicycle racks

have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

14. The first submission of the details required by condition no. 1 shall be accompanied by a design statement and master plan for the site to include:

- i. Structural Landscaping
- ii. Development Plot Locations
- iii. Design Principles
- iv. Open Space Provision
- v. Road, footway and cycleway layout.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. In order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
5. To ensure satisfactory drainage of the site and to avoid flooding.
6. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
7. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. 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.
10. In the interests of visual amenity.
11. To ensure the maintenance of potential species.
12. To encourage use of transport other than the private car (single occupancy).
13. To encourage use of transport other than the private car (single occupancy).
14. To ensure that the development is of suitable design.

NOTES TO APPLICANT:

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

The developer must ensure that:

- There is no diminution in the width of the right of way.
- No building materials are stored on the right of way.
- No damage to the surface, temporary or permanent. If the surface is to be altered, a license will be required. This can be obtained by contacting the Public Rights of Way Section on 01824 706872.
- Vehicle movements should not interfere with the public's use of the way.
- No additional barriers are placed across the right of way, of either temporary or permanent nature.
- The safety of members of the public using the right of way is ensured at all times.

You are reminded of the need to obtain a licence from the NAW for the development as it lies within 500m of known Great Crested Newt breeding ponds.

You are advised that any works within 30m of a badger sett will require a licence from the CCW.

ITEM NO: 17

WARD NO: St Asaph East

APPLICATION NO: 46/2006/0418/ PF

PROPOSAL: Internal and external alterations to dwelling, rebuilding of structure to rear and alterations to adjoining shop to create access

LOCATION: Elwy Bank High Street St. Asaph

APPLICANT: Mr T R Smith

CONSTRAINTS: Listed Building
Conservation Area

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

CONSULTATION RESPONSES:

16. ST. ASAPH TOWN COUNCIL
"The Council objects to the proposed vehicular access to the premises. Use of the proposed access would create a major danger to pedestrians as there is no visibility onto the pavement; there would be a loss of at least two parking spaces in an area already short of parking spaces. There would not appear to be sufficient space to turn within the boundary of the premise; therefore vehicles would have to either reverse into or reverse out of the premises, creating a great deal of disruption to the free flow of traffic. It therefore considers that it would be too dangerous to allow any vehicular crossing to any premises in this part of the High Street".
17. CONSERVATION ARCHITECT
Supports the proposal to reinstate this important historic building subject to controls on materials and finishes.
18. ANCIENT MONUMENTS SOCIETY
Welcome in principle this scheme.
19. GEORGIAN GROUP
Broadly welcomes the proposals subject to detail.
20. HEAD OF TRANSPORT & INFRASTRUCTURE
Object on the grounds the new access would be likely to result in additional danger to all users of the highway.
21. CLWYD POWYS ARCHAEOLOGICAL TRUST
No objection subject to photo survey.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 01/05/2006

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Planning permission is sought for the internal and external renovations of a prominent and historically important dwelling/shop on the south side of the High Street of St. Asaph. Situated within the Conservation Area, Elwy Bank forms part of a terrace of buildings on the main thoroughfare directly opposite the junction of the High Street and Gemig Street.
2. The mid C18th former Bank of St. Asaph has unfortunately been a rather unsightly part of the main High Street for some years now with structural problems meaning scaffolding has been the main front visual feature.
3. Consent is sought to repair and upgrade the main dwelling incorporating the removal of some ancillary structures to the rear and the construction of a 1.7m projecting extension. It is also proposed to open up the old Butcher's shop to the east side of the main Elwy Bank to create a vehicular accessway to the rear of the building. A parking and turning area will be created to the rear area.
4. The building contains historically important murals discovered beneath the wallpaper in the front drawing room. The applicant has worked extremely closely with CADW and other Conservation bodies in relation to the protection of these murals and the future public access to view them.
5. The applicant has also submitted a design/justification statement outlining in detail the restoration works proposed to return the property to the impressive town house it once was. This statement highlights the intention to take off the front render and restore and re-point the damaged brickwork beneath.

RELEVANT PLANNING HISTORY:

6. 46/2000/1069/LB

Demolition of existing building and erection of new replacement building containing shop with 4 self contained flats over and car parking at rear – GRANTED – 22/11/01.

ENF/1/99/N

Repairs Notice served under Section 48 of the Town and Country Planning act 1990 – 18/10/99.

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy CON 2 - Extension or alteration to listed buildings
 - Policy CON 5 - Development within Conservation Areas
 - Policy GEN 6 - Development Control Requirements
 - Policy CON 7 - Demolition in Conservation Areas
 - Policy TRA 6 - Impact of new development on traffic flows
 - Policy TRA 9 - Parking and Servicing Provision

- SPG 13 - Conservation Areas
- SPG 14 - Listed Buildings

Government Guidance
Planning Policy Wales, March 2002
Circular 61/96 – Planning and the Historic Environment
TAN 18 - Transport

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Impact on visual amenity/listed building
 - ii) Impact on residential amenity
 - iii) Impact on highway safety
9. In relation to the points identified in paragraph 8 above.
 - i) As previously described, the buildings forming this application have been in a neglected and vacant state for some years now with previous attempts made with site owners to address the repairs needed. Detailed discussions have taken place with the current owner, CADW, other Conservation Groups and the Council's own Conservation Architect. It is considered that the works that have been undertaken thus far have been to ensure the structural security of the building with repairs and renovation done on a like for like basis to some internal areas and the main roof structure. All works undertaken and proposed comply generally with the relevant government guidance and Unitary Development Plan policy. The Conservation groups are in support of the proposal subject to further detailed controls. It is considered that subject to appropriate detail the scheme proposed would benefit the visual amenity of the building and Conservation Area. The protection of the important murals is welcomed with all attempts being made to preserve and enhance the historic fabric of the building.
 - ii) The closest residential units to the application site are flats on the upper floors of premises adjacent. It is considered that the improvements proposed and general re-use of the buildings in question will improve both the security of the site and the nearby residential amenity for the overall benefit of St. Asaph as a whole.
 - iii) The main area of concern in relation to the proposal is the proposed knocking-through of the former butcher's shop fronting the High Street to create a vehicular access point. This is intended to provide access to a parking and turning area to the rear of the building which, it has been considered, would provide the overall incentive to return the property back to its previous residential use. This issue was discussed and agreed in principle back in 2001 when the demolition and redevelopment scheme was granted consent. As such, whilst one must fully acknowledge the concerns raised in relation to the proposed access onto the High Street it is considered that the wider redevelopment benefits of the scheme outweigh the highway concerns in this instance. The speed of traffic on this stretch of the High Street would mitigate the impact of the access on vehicular movements and it is considered that pedestrian warning signs could serve to prevent any significant dangers to pedestrians crossing the access point. The loss of parking space on the High Street is also an issue for consideration; however, this would only be for a maximum of 2 no. cars and would not impact significantly upon nearby commercial premises. Nearby Council car parks would mitigate for this on-street parking loss.

SUMMARY AND CONCLUSIONS:

10. The buildings in question have been in a dilapidated state for many years causing detriment to not only the Conservation Area but to St. Asaph generally. The close working on this project between the Conservation Architect and the applicant has produced a scheme which will preserve and enhance the character of this important historic building. Whilst it is acknowledged that the proposed vehicular access onto the High Street is substandard and does not comply with guidance and policy criteria, it is considered that the beneficial renovation and re-use of the High Street Listed Building outweighs the highway concerns. Subject to detail and consultation with CADW the proposal is deemed acceptable.

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 commencement of development details of a suitably painted replica front door onto the High Street shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be implemented thereafter.
3. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).
4. Prior to the use of the building hereby permitted commencing details of measures to be taken to warn highway users of the presence of the access into and from the site shall be submitted to and approved in writing by the Local Planning Authority. Only those measures subsequently agreed shall be used thereafter and maintained.
5. Notwithstanding the submitted detail, further information on the treatment of the render to the front wall of the building shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed shall be used thereafter.

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 the character and appearance of the listed building.
3. In the interests of investigation and recording of historic/listed buildings.
4. In the interests of highway safety.
5. In the interests of the character and appearance of the Listed Building.

NOTES TO APPLICANT:

You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence for demolition works or other operations affecting the character of a listed building (including internal alterations) to be carried out without Listed Building Consent; no such works should therefore be carried out until Listed Building Consent has also been granted.

ITEM NO: 18

WARD NO: St Asaph East

APPLICATION NO: 46/2006/0419/ LB

PROPOSAL: Internal and external alterations to dwelling, rebuilding of structure to rear and alterations to adjoining shop to create access (Listed Building application)

LOCATION: Elwy Bank High Street St. Asaph

APPLICANT: Mr T R Smith

CONSTRAINTS: Listed Building
Conservation Area

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

CONSULTATION RESPONSES:

22. ST. ASAPH TOWN COUNCIL

"The Council objects to the proposed vehicular access to the premises. Use of the proposed access would create a major danger to pedestrians as there is no visibility onto the pavement; there would be a loss of at least two parking spaces in an area already short of parking spaces. There would not appear to be sufficient space to turn within the boundary of the premise; therefore vehicles would have to either reverse into or reverse out of the premises, creating a great deal of disruption to the free flow of traffic. It therefore considers that it would be too dangerous to allow any vehicular crossing to any premises in this part of the High Street".

23. CONSERVATION ARCHITECT

Supports the proposal to reinstate this important historic building subject to controls on materials and finishes.

24. ANCIENT MONUMENTS SOCIETY

Welcome in principle this scheme.

25. GEORGIAN GROUP

Broadly welcomes the proposals subject to detail.

26. HEAD OF TRANSPORT & INFRASTRUCTURE

Object on the grounds the new access would be likely to result in additional danger to all users of the highway.

27. Clwyd Powys Archaeological Trust

No objection subject to photo survey.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 01/05/2006

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

11. Listed Building Consent is sought for the internal and external renovations of a prominent and historically important dwelling/shop on the south side of the High Street of St. Asaph. Situated within the Conservation Area, Elwy Bank forms part of a terrace of buildings on the main thoroughfare directly opposite the junction of the High Street and Gemig Street.
12. The mid C18th former Bank of St. Asaph has unfortunately been a rather unsightly part of the main High Street for some years now with structural problems meaning scaffolding has been the main front visual feature.
13. Consent is sought to repair and upgrade the main dwelling incorporating the removal of some ancillary structures to the rear and the construction of a 1.7m projecting extension. It is also proposed to open up the old Butcher's shop to the east side of the main Elwy Bank to create a vehicular accessway to the rear of the building. A parking and turning area will be created to the rear area.
14. The building contains historically important murals discovered beneath the wallpaper in the front drawing room. The applicant has worked extremely closely with CADW and other Conservation bodies in relation to the protection of these murals and the future public access to view them.
15. The applicant has also submitted a design/justification statement outlining in detail the restoration works proposed to return the property to the impressive town house it once was. This statement highlights the intention to take off the front render and restore and re-point the damaged brickwork beneath.

RELEVANT PLANNING HISTORY:

16. 46/2000/1069/LB

Demolition of existing building and erection of new replacement building containing shop with 4 self contained flats over and car parking at rear – GRANTED – 22/11/01.

ENF/1/99/N

Repairs Notice served under Section 48 of the Town and Country Planning act 1990 – 18/10/99.

PLANNING POLICIES AND GUIDANCE:

17. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy CON 2	-	Extension or alteration to listed buildings
Policy CON 5	-	Development within Conservation Areas
Policy GEN 6	-	Development Control Requirements
Policy CON 7	-	Demolition in Conservation Areas
Policy TRA 6	-	Impact of new development on traffic flows
Policy TRA 9	-	Parking and Servicing Provision
SPG 13	-	Conservation Areas
SPG 14	-	Listed Buildings

MAIN PLANNING CONSIDERATIONS:

18.

- i) Impact on visual amenity/listed building
- ii) Impact on residential amenity
- iii) Impact on highway safety

19. In relation to the points identified in paragraph 8 above.

- i) As previously described, the buildings forming this application have been in a neglected and vacant state for some years now with previous attempts made with site owners to address the repairs needed. Detailed discussions have taken place with the current owner, CADW, other Conservation Groups and the Council's own Conservation Architect. It is considered that the works that have been undertaken thus far have been to ensure the structural security of the building with repairs and renovation done on a like for like basis to some internal areas and the main roof structure. All works undertaken and proposed comply generally with the relevant government guidance and Unitary Development Plan policy. The Conservation groups are in support of the proposal subject to further detailed controls. It is considered that subject to appropriate detail the scheme proposed would benefit the visual amenity of the building and Conservation Area. The protection of the important murals is welcomed with all attempts being made to preserve and enhance the historic fabric of the building.
- ii) The closest residential units to the application site are flats on the upper floors of premises adjacent. It is considered that the improvements proposed and general re-use of the buildings in question will improve both the security of the site and the nearby residential amenity for the overall benefit of St. Asaph as a whole.
- iii) The main area of concern in relation to the proposal is the proposed knocking-through of the former butcher's shop fronting the High Street to create a vehicular access point. This is intended to provide access to a parking and turning area to the rear of the building which, it has been considered, would provide the overall incentive to return the property back to its previous residential use. This issue was discussed and agreed in principle back in 2001 when the demolition and redevelopment scheme was granted consent. As such, whilst one must fully acknowledge the concerns raised in relation to the proposed access onto the High Street it is considered that the wider redevelopment benefits of the scheme outweigh the highway concerns in this instance. The speed of traffic on this stretch of the High Street would mitigate the impact of the access on vehicular movements and it is considered that pedestrian warning signs could serve to prevent any significant dangers to pedestrians crossing the access point. The loss of parking space on the High Street is also an issue for consideration; however, this would only be for a maximum of 2 no. cars and would not impact significantly upon nearby commercial premises. Nearby Council car parks would mitigate for this on-street parking loss.

SUMMARY AND CONCLUSIONS:

20. The buildings in question have been in a dilapidated state for many years causing detriment to not only the Conservation Area but to St. Asaph generally. The close working on this project between the Conservation Architect and the applicant has produced a scheme which will preserve and enhance the character of this important historic building. Whilst it is acknowledged that the proposed vehicular access onto the High Street is substandard and does not comply with guidance and policy criteria, it is considered that the beneficial renovation and re-use of the High Street Listed Building outweighs the highway concerns. Subject to detail and consultation with CADW the proposal is deemed acceptable.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. Prior to the commencement of development details of a suitably painted replica front door onto the High Street shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently approved shall be implemented thereafter.
3. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).
4. Prior to the use of the building hereby permitted commencing details of measures to be taken to warn highway users of the presence of the access into and from the site shall be submitted to and approved in writing by the Local Planning Authority. Only those measures subsequently agreed shall be used thereafter and maintained.
5. Notwithstanding the submitted detail, further information on the treatment of the render to the front wall of the building shall be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed shall be used thereafter.

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

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of the character and appearance of the listed building.
3. In the interests of investigation and recording of historic/listed buildings.
4. In the interests of highway safety.
5. In the interests of the character and appearance of the Listed Building.

NOTES TO APPLICANT:

You are hereby reminded that the proposals require separate planning permission and no development should be carried out unless such permission has been granted.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

REVIEW OF PLANNING COMMITTEE PROCEDURES

1. PURPOSE OF REPORT

1.1 To advise Members of revisions to Planning Committee procedures, assuming approval of the changes at Full Council on 25th July 2006.

2. BACKGROUND

2.1 On 13th July 2006 the Environment Scrutiny Committee considered a report on the Review of Planning Committee Procedures and agreed the recommendations. The report is attached as **Appendix 1**. The County Council were due to approve the revision to procedures on 25th July 2006.

2.2 The relevant procedures are set out in the appendices to this report, with the changes to the Scheme of Delegation and Guidelines for Site Inspection Panels highlighted in **bold**:

Appendix 2 – Scheme of Delegation

Appendix 3 – Guidelines for Site Inspection Panels

Appendix 4 – Planning Committee Protocol

2.3 This report is prepared on the assumption that the revisions are approved by the County Council yesterday.

3. RECOMMENDATION

3.1 That Members note the revised procedures, and in particular the Planning Committee Protocol which clarifies how the Planning Committee should be conducted.

ENVIRONMENT SCRUTINY COMMITTEE

13 July 2006

Report by the Head of Planning and Public Protection

Review of Planning Committee Procedures

1. **Purpose of Report**

- 1.1 Member views are requested on areas for review in relation to Planning Committee procedures.

2. **Reason for Submission of Report**

- 2.1 Planning Committee procedures were reviewed in March and April 2005 following the operation of the current Planning Committee since July 2004. There is a need to review Planning Committee procedures annually to take into account any lessons based on recent experience.

3. **Background**

- 3.1 The Scheme of Delegation was reviewed towards the end of 2004 and again in 2005 to seek to focus the Planning Committee on dealing with applications of a complex and controversial nature. The delegation scheme appears to be working well as the applications now reported to Planning Committee are limited to those that justify open debate, and stakeholder involvement through public speaking. Thus, no significant further changes are proposed to the delegation scheme at present.
- 3.2 Site inspection panel procedures were also reviewed in April 2005 leading to the present system of a small panel comprising the Chair and Vice Chair of Planning Committee, Local Ward Member(s) and representatives of the Community Council. This report does not recommend any significant changes, but seeks to tighten up the guidelines in relation to timescales.
- 3.3 The conducting of business at the Planning Committee itself also deserves scrutiny and this report sets out a protocol for the Chair of the Planning Committee, the Committee itself, and Officers, in conducting business.

4. **Delegation Scheme**

- 4.1 As referred to above Members appear to have confidence in the delegation scheme in the context of significant contact with Members including the circulation of the weekly list; early contact with local ward Members to discuss significant and potentially controversial applications; circulation of a provisional list of applications to be reported to Planning Committee; and availability of Officers to discuss applications at other stages of the process as and when required.
- 4.2 Members may be aware that more robust systems have been set up to monitor on going development from commencement through to completion. As a consequence of this, there is the prospect of more formal enforcement action being taken against the developers. In this respect Members are requested to consider allowing Officers delegated powers to serve Enforcement Notices in cases where it relates to a breach of a planning permission. This is highlighted in the Scheme of Delegation attached as **Appendix A**.

5. **Site Inspection Panels**

- 5.1 The main changes introduced in 2005 were to have a smaller panel for routine site inspection panels and to facilitate pre-committee site inspection panels. These procedures appear to be working well and have led to a significant reduction in the number of applications deferred from Planning Committee for site inspection panels. For example in the period June 2004 to March 2005, 26 applications were deferred for site inspection panels. In a comparable period from May 2005 only 6 applications have been deferred for site inspection panels.
- 5.2 The guidelines for site inspection panels are set out in **Appendix B** with amendments to the wording now proposed to ensure certainty over the timing of both the requests for Pre-Committee site inspection panels and the date that these will take place.

6. **Planning Committee Protocol**

- 6.1 The Chair, Planning Committee Members, Officers and the public attending Planning Committee should be assured of consistency in the way that the Planning Committee is conducted and appropriate behaviour from Members of the Committee. The protocol set out in **Appendix C** attached to this report is to reinforce Council standing orders in the context of the Planning Committee.

7. **Consultation Carried Out**

7.1 With the Chair of Planning Committee and County Clerk.

8. **Implications on Other Policy Areas**

8.1 There are no direct implications on other policy areas from this report.

9. **Background Papers**

- 9.1
- (i) Scheme of Delegation for Planning
 - (ii) Guidelines for Site inspection panels
 - (iii) Code of Best Practice for Councillors and Officers dealing with Planning Matters.
 - (iv) Public Speaking Protocol
 - (v) Nolan Report
 - (vi) Probity in Planning – The Role of Councillors and Officers – Local Government Association 2002
 - (vii) Planning : Delivering for Wales – WAG 2002
 - (viii) Town and Country Planning Act 1990
 - (ix) Local Government Act 1972

10. **Recommendations**

10.1 That the Committee support the revisions to the Scheme of Delegation and Guidelines for Site inspection panels set out above and in the attached **Appendices A & B** and the Planning Committee Protocol set out in **Appendix C** to provide support for the Chair of Planning Committee. The proposals will need to be referred to the County Council for approval.

Contact Officer : Mark Dakeyne – Development Control Manager (Tel: 01824 706712, e-mail: mark.dakeyne@denbighshire.gov.uk)

APPENDIX 2

SCHEME OF DELEGATION

This revised scheme was approved by Full Council in _____ and came into effect on _____.

The scheme is in three parts. Part 1 sets out what the Head of Planning and Public Protection and/or Development Control Manager can do subject to checks and balances in Parts 2 and 3. Part 2 sets out under what circumstances the Head of Planning and Public Protection and/or Development Control Manager cannot exercise decisions. Part 3 sets out decisions that must be taken by Full Council.

***"Close relative" is defined as spouses/partners, parents, children, brothers and sisters.**

PART 1

The scheme shall authorise the Head of Planning and Public Protection and/or the Development Control Manager to:-

- (1) determine all types of applications and notifications under the Planning Acts and allied legislation, including (i) householder development (development within the curtilage of a single dwelling house), where no more than 3 letters of objection from different neighbours have been received raising material planning objections and subject to the development complying with the Unitary Development Plan/Local Development Plan and approved Supplementary Planning Guidance and (ii) notifications and determinations, where material planning objection(s) has/have been received.
- (2) determine building plans, certificates and notices, service notices under the Building Act and Regulations and allied legislation
- (3) submit observations on development proposals for example from neighbouring authorities, exempted organisations, etc.
- (4) resolve all planning and building regulation enforcement related cases by serving statutory notices as necessary or by taking no further action in accordance with the Committee approved, "Enforcement Policies and Procedures" document and instigate prosecution proceedings
- (5) to determine the name and numbering of streets subject to prior consultation with local ward member(s) and no adverse views expressed. [Note : naming delegated to Town and Community Councils in some instances]
- (6) instigate the Emergency Powers provisions in Enforcement related cases where extremely urgent formal action is deemed necessary. This will allow for the service of any Enforcement related statutory notice including stop notices and temporary stop notices and seek an injunction subject to prior consultation with the local Ward Member(s) who

agree on such action as recommended by Officers. The following signatures will be required in all cases - the Corporate Director of Environment or the Head of Planning and Public Protection, the County Clerk or the Legal Services Manager and Chair or Vice Chair of the Planning Committee

- (7) take all necessary ancillary decision/action in exercising statutory planning and building control functions including determining the need for Environmental Impact Assessments and acting on Committee or Full Council resolutions
- (8) determine applications for grant aid under approved schemes
- (9) decide the type of appeal subject to Members being consulted and defend the Council's position at appeal or court of law
- (10) submit observations on consultations on draft documents
- (11) serve the relevant notices and instigate prosecution proceedings in respect of fly posting, advertisements, untidy land (Section 215), trees and listed buildings, including discontinuance notices, building preservation notices, tree preservation notices and trees in conservation areas, and high hedges.

PART 2

The Scheme shall not authorise the Head of Planning and Public Protection and/or the Development Control Manager to:

A DETERMINE ALL TYPES OF PLANNING APPLICATIONS

- (i) on which a material planning objection(s) including those from Town/Community Councils and statutory consultees) has been received in the stipulated time span, which is recommended contrary to objections, other than were allowed for by Part 1 (1)
- (ii) contrary to the provisions of an adopted development plan, and which is recommended for approval;
- (iii) contrary to approved Council policies, standards or guidance, and which is recommended for approval;
- (iv) that a Member requests Committee consideration in writing or by e-mail to the Head of Planning and Public Protection and/or the Development Control Manager, within 21 days of the circulation of details of the application, subject to:
 - 1. the application lying within their electoral division or is a significant application that has an impact on their electoral division;
 - 2. planning reasons being given for referral to the Planning Committee;
- (v) submitted by or on behalf of a Councillor of the authority, Planning Staff, Heads of Service, Director, Chief Executive or their close relative.
- (vi) submitted by or on behalf of the Council for development except where on Council owned land related to the functions exercised by the Council.

- (vii) to refuse applications which are retrospective when enforcement action is also recommended unless the enforcement action is delegated to officers by this scheme i.e. Listed building consent and advertisement applications;
- (viii) relating to land in the ownership of a Councillor, Planning Staff, Heads of Service, Director, Chief Executive, or their close relative;
- (ix) where in the view of the Head of Planning and Public Protection and/or the Development Control Manager material planning issues in support of the application has been raised by consultees or third parties which warrant consideration by the Planning Committee;
- (x) remove or vary a condition previously imposed through a resolution of the Planning Committee additional to those recommended by Officers;

B RESOLVE ENFORCEMENT RELATED CASES

- (i) by instigating prosecution proceedings for failure to comply with an order or notice except in those cases listed in Part 1
- (ii) by serving the following enforcement related statutory notices unless the Emergency Power provisions have been instigated
 - Enforcement Notice (other than enforcement notices related to breach of a **planning permission or planning** condition)
 - Special Enforcement Notice
 - Stop Notice and Temporary Stop Notice
 - Urgent Works Notice
 - Repairs Notice
 - Legal Injunction
- (iii) take no further action on enforcement related case that have generated 5 or more complaints from separate addresses in the locality

PART 3

DECISIONS RETAINED BY THE FULL COUNCIL

- (i) Planning applications or other applications which constitute significant departures from the adopted development plan where the Planning Committee have resolved to grant permission. Significant departures constitute:
 - (a) those proposals which have little or no justification under the terms of the adopted development plan e.g. new dwellings in the countryside unrelated to agricultural need, and
 - (b) other proposals which are clearly not allowed for by the adopted development plan but where other material considerations justify a departure e.g. economic benefits

- (ii)** Final approval of policies and proposals to be included in the development plan or any modification or review thereof.
- (iii)** Applications which if refused or approved with conditions attached or a decision on an enforcement matter that would be likely to result in a successful award of costs against the Council at appeal

GUIDELINES FOR SITE INSPECTION PANELS

A. PURPOSE OF SITE INSPECTION PANELS

- (i) To enable a panel of Members and a local community representative to examine proposals in the context of a site visit. Panels should be used selectively, where the information cannot, or would be unlikely, be gleaned from the Committee report, and supporting information including Committee visual displays.
- (ii) To enable all Members of the Planning Committee, Local Members(s) and a representative of the local Town/Community Council to be invited to carry out a site visit in advance of Planning Committee on major applications. Such site visits would be organised by Officers in consultation with the Chair of Planning Committee.

B. THE APPOINTMENT OF SITE INSPECTION PANELS

- (i) To empower the Planning Committee or Chair of the Planning Committee to appoint Site Inspection Panels to investigate and report back on any planning applications or enforcement matter reported, or to be reported, for determination by the Head of Planning and Public Protection to the Planning Committee. Members shall give a clear indication of the planning grounds for requesting a Site Inspection Panel, in each instance.

C. THE COMPOSITION OF SITE INSPECTION PANELS

- (i) The membership shall normally consist of the Chair and Vice-Chair of the Planning Committee (or substitutes approved by the Chair) together with the Local Member(s) for the electoral division in which the application site lies and a representative of the local Town/Community Council. The exception would be in the case of site visits on major applications that would involve an invitation to all Member of the Planning Committee and Local Member(s) as set out at A. (ii) above. **The site visit would normally be attended by the Case Officer, if available.**
- (ii) **The date for any Site Inspection Panels to take place in the period between Planning Committees shall be set at the preceding Planning Committee. This date shall not be subject to change.**

D. PRE-COMMITTEE SITE INSPECTION PANELS

- (i) The Panel can be appointed in advance of the Planning Committee.

The following guidelines apply:

1. The request to be made by letter or e-mail by a Member to the Development Control Manager at least **27** working days before the **date set for Site Inspection Panels by the Planning Committee**. The request would be based on the list of potential items for Planning Committee circulated ~~around~~ **3 weeks** before the Committee **or the index circulated 7 working days before the Committee**.
2. The request to include clear planning grounds for requesting a panel in each instance.
3. The Development Control Manager to consult with the Chair of Planning Committee before deciding whether a pre-committee site visit is necessary.
4. The Member to be advised of the decision at 3. and the reasons for it.
5. Pre-Committee site inspection panels normally to take place in the week preceding the Planning Committee, by arrangement with the Chair and panel members.

E. PROCEDURES AT SITE INSPECTION PANEL MEETINGS

- (i) If the Committee Chair is absent, Members shall agree on the acting Chair (this shall be the elected Vice Chair if present).
- (ii) The Chair shall formally open the meeting and set out the reasons for appointing the Panel.
- (iii) The Planning Officer shall be requested to outline the proposal or the breach of planning control and main issues and indicate what members should look at, taking into account the reasons for appointing the panel. The Officer shall advise the panel of whether it is considered necessary to view the proposal from adjoining land / properties and of any requests from neighbouring occupants to view the relevant site from their land / properties.
- (iv) The Site Inspection Panel shall view the site, relevant buildings and surroundings as necessary.
- (v) Members shall be offered the opportunity to raise questions or seek clarification of points of fact with the Planning Officer and/or local member(s) and/or Town/Community Council representative.
- (vi) The Local Member(s) and representative of the Town/Community Council shall be offered the opportunity to comment on the proposal.
- (vii) Members of the Site Inspection Panel shall be offered the opportunity to comment on the proposal or breach of planning control and to debate issues.
- (viii) At the conclusion of the debate, the Chair shall invite members to agree on matters of fact relating to circumstances on site and the reasons for appointing the Panel.

- (ix) The Planning Officer shall be responsible for taking notes and for preparing the notes of the Panel's meetings for the Planning Committee to consider. These notes shall include the reasons for appointing the panel, a record of those present, an outline of what was considered, and members conclusions on points considered. If the Panel meets between the completion of the Planning Committee report and the Committee itself, the notes shall be incorporated in the Late Representations Addendum Report.
- (x) **Other Members** - No Members other than those appointed onto the Site Inspection Panel shall attend the panel.
- (xi) **The General Public/Applicants/Agents** - No members of the public, applicants or their agents, shall be permitted to take part, attend, address or to observe the proceedings of any Site Inspection Panel meeting. In exceptional circumstances, where it is necessary for the Site Inspection Panel to inspect / enter onto buildings or land in the presence of the owner/applicant/neighbouring occupier that person shall be advised at the outset of the meeting that he/she is not able to take part in any of the proceedings of the meeting, other than to answer any factual questions put through the Chair. The owner/applicant/neighbouring occupier shall be asked to leave the presence of the Site Inspection Panel prior to any comment or debate on a proposal.
- (xii) **Hospitality** - Members of a Site Inspection Panel should not accept any form of hospitality which might be considered as having an influence on the decision making process.
- (xiii) **Confidentiality** - The comments made by Site Inspection Panel shall remain confidential until the notes of the meeting are published in the following Planning Committee report or Addendum Report. This does not prevent Members passing on informal comments about their findings on site to other Members.
- (xiv) **Timing** – The Panel would normally spend no more than 15 minutes at a site, other than at the discretion of the Chair, who may allow a maximum of 30 minutes on larger sites.
- (xv) **Health and Safety** - Members are expected to comply with prevailing site rules and regulations and all health and safety arrangements on all site visits. This may include the wearing of Personal Protective Equipment (PPE) and arrangements will be made to ensure that PPE is provided where appropriate. It will be the decision of the Chair (or his nominated substitute) as to whether any Member of the Site Inspection Panel is putting themselves at risk due to their health or physical condition, taking into account Officer advice.

PROTOCOL FOR PLANNING COMMITTEE

The following sets out the method by which the Chair of Planning Committee will conduct the Planning Committee in the interests of clarity, consistency, and fairness in proceedings.

1. The Chair will open proceedings at 9.30 a.m. and welcome all to the Planning Committee.
2. Officers will advise the Committee of any changes in substance to the agenda or its order including public speaking, deferrals and withdrawals. This will be reinforced by the Addendum Report - Late Letters and Amendments (“the blue sheet”).
3. Any requests for applications to be brought forward to the start of the meeting will be proposed by Members, and subject to a seconder, will be subject to vote.
4. Applications involving public speakers will normally be considered at the start of the agenda.
5. Applications with public speakers will normally be considered before those without speakers.
6. The following will be the order of debate on each item (planning application or enforcement report) before the agenda:
 - i) Public speakers against and for to speak in accordance with the public speaking protocol.
 - ii) The Chair to seek proposers and seconds for the recommendation or any other alternative motions.
 - iii) If a proposal to defer for a Members Site Inspection Panel is proposed and seconded, the issue as to whether a Site Inspection Panel shall be held and the planning reasons for such a panel shall be debated first. This is in the context that the request for a Site Inspection Panel should normally be in advance of the Planning Committee as set out in the Guidelines for Site Inspection Panels.

- iv) Officers will introduce the item setting out the main planning issues including reference to visual displays.
- v) If any application has been subject to a previous Site Inspection Panel, the Chair will invite those Members who attended including the Ward Member, to speak first, before other Members.
- vi) On other applications, the Ward Member will be invited to speak first.
- vii) Members will be limited to a maximum of five minutes speaking in accordance with standing orders.
- viii) Once a Member has spoken, the Member shall not speak again unless seeking clarification on a point arising from the debate and only once all other Members have had the opportunity to speak and with the agreement of the Chair.
- ix) Following the debate the Chair will ask Officers to respond to any questions and sum up any issues arising from the debate including advice on a potential resolution in conflict with Officer recommendation.
- x) The Chair will put any motions to the vote.
- xi) The Chair will not tolerate any interruptions by Members without his agreement or audible conversations between Members or Officers which do not form part of the debate.
- xii) Failure to abide by the above protocol will lead in the first instance to a warning from the Chair. Further failures may result in a motion under Standing Order 18.3 that the member be not heard further, leading ultimately to a motion under Standing Order 18.4 that the member leave the meeting in the event of continued improper behaviour.
- xiii) The Chair will state clearly the decision once the resolution is made.

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
July 2006

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

REF. NO.	ADDRESS	COM'TTE	BREACH	PRIORITY LEVEL	CURRENT STATUS	LIKELY OUTCOME
ENF/001/99/N P13/5	Elwy Bank, High Street, St. Asaph	09/05/00	Neglect of listed building	HIGH	Some renovation/repair works undertaken. Scaffolding on site. Awaiting determination of planning and LB applications for renovation and conversion of building and use as 1 No. dwelling	Compliance based on above consents.
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	LOW	Appeal allowed for parents remain in residence. Resolved to remove caravan once vacated by sick parents.	Compliance
ENF/2002/017 P24/194	153 High Street, Prestatyn	04/09/02	uPVC shop front in Conservation area	MEDIUM	Works completed on replacement shopfront. Acceptable	No further action.
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	MEDIUM	Meetings taking place between Minerals Officer & Quarry operator	Applications to be submitted.
ENF/2002/043 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02	Storage of railway carriages and associated paraphernalia	LOW	Mostly compliant with Enf. Notice. Current Customs investigation into site owner which could result in carriage being moved off land.	Full compliance should liaisons with railway groups be successful.
ENF/2003/031 P7/592		23/07/03	Boundary fence & gates over 2m high			

REF. NO.	ADDRESS	COM'TTE	BREACH	PRIORITY LEVEL	CURRENT STATUS	LIKELY OUTCOME
ENF/2003/009	Casgan Fishery, Llandegla	23/07/03	Residential use of caravan and stationing of vehicles	LOW	Some vehicles remain on site but residential use of caravan questionable	Assessing expediency to prosecute for breach of notice
ENF/2003/041	Coral Spring, Ruthin Road, Llandegla	26/11/03	Use of land to site caravan & storage of cars	HIGH	Site continues to cause visual harm with items moved off and then back on to site.	Assessing expediency to prosecute for breach of notice.
ENF/2004/00033	5 Ochr y Foel, Eryrys	21/04/04	Erection of fence	LOW	Notice served and liaisons with owner, officers, and Councillor followed. Fence being reduced in height to largely comply with notice.	No further action on receipt of retrospective application.
ENF/2004/00012	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y Bryn Road, Glascoed Road,. St Asaph	15/12/04	Erection of timber building for use as dwelling.	MEDIUM	Use must cease before June 2007 in terms of Notice. Further liaisons taking place between officer and owner to regularise all of site.	Awaiting new planning application to control business and manager accommodation use.
ENF/2004/00042	Outbuildings at Bryn Eglur, Llanrhaeadr, Denbigh (old Chicken farm sheds)	24/03/05	Change of use of existing agricultural building to storage and distribution.	MEDIUM	Enforcement Notice to be served giving 12 months to cease use and return building to agricultural use.	Prosecution sought should Notice not be complied with.
ENF/2005/00050	Rhoslydan, Bryneglwys, Corwen	25/05/05	Change of use of agricultural land for storage of containers to be used in connection with road surfacing activity.	LOW	Temporary planning permission granted.	Review on expiry of planning permission.

REF. NO.	ADDRESS	COM'TTE	BREACH	PRIORITY LEVEL	CURRENT STATUS	LIKELY OUTCOME
ENF/2005/00014	22 Cae'r Odyn, Eryrys.	25/05/05	Erection of fence exceeding 1 metre in height adjacent to highway and change of use of land to form extension to cartilage area.	LOW	Liaisons continued between officers and owners to remove fence. Work appears to have commenced.	No further action on removal of fence.
ENF/2005/00059	Plot 1 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	MEDIUM	With Legal for advice/action	Use to cease
ENF/2005/00060	Plot 3 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	MEDIUM	With Legal for advice/action	Use to cease
ENF/2005/00061	Plot 4 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	MEDIUM	With Legal for advice/action	Use to cease
ENF/2005/00026	Camp Alyn, Tafarn y Gelyn, Llanferres	26/10/05	Change of use of land for residential use.	MEDIUM	Appeal dismissed for removal of cabin and erection of dwelling. Enforcement Notice being prepared to cease use of land for residential purposes.	Full compliance or prosecution.
ENF/2006/00030	3 Grawys Villas, Lenten Pool, Denbigh	19/04/06	Insertion of double glazed UPVC windows and door.	MEDIUM	Enforcement Notice being prepared.	Full compliance or prosecution.
ENF/2006/00039	10 Berwyn Street, Llangollen	19/04/06	Insertion of UPVC windows in Conservation Area	MEDIUM	Enforcement Notice being prepared	Full compliance or prosecution.

PRIORITY LEVELS

HIGH Urgent action required
MEDIUM Harm being assessed with action awaited
LOW Discussions on-going with further assessment of expediency to take action.

Should Members require further information on any of the above cases, please contact Paul Mead on 01824 706705 or paul.mead@denbighshire.gov.uk
PPPS – Planning and Public Protection Services

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

APPEAL DECISION UPDATE

1. PURPOSE OF REPORT.

- 1.1 To advise members of recent appeal decisions, and outstanding appeals.

2. BACKGROUND

- 2.1 Appeal decisions received for April 2006 – June 2006 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.

A REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

DATE OF SITE VISITS

1. PURPOSE OF REPORT

- 1.1** To advise Members of the likely date of any Site Visits requested prior to the next Committee (6th September 2006)

2. DATE OF THE SITE VISITS

- 2.1** In consultation with County Clerk's Department, it has been decided that Thursday 31st August 2006 is most suitable.
This date has been provisionally booked.
- 2.2** You are advised, therefore, that any site visits arranged today or prior to next Planning Committee will take place on **Thursday 31st August 2006**

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1** The membership of the Site Panel will be:
The Chair and Vice Chair, the Local Member(s) and a representative of the relevant Town or Community Council

4. RECOMMENDATION

- 4.1** That Members agree to the Site Visits being held on **Thursday 31st August 2006**

PWYLLGOR CYNLLUNIO
CYFARFOD: 26ain Gorffennaf 2006
EITEM: 7

PLANNING COMMITTEE
MEETING: 26th July 2006
ITEM: 7

**Penderfyniadau wedi eu gwneud gan
Bennaeth Gwasanaethau Cynllunio a Gwarchod y Cyhoedd o dan
Pwerau Dirprwyedig
1 af - 30 ain Mehefin 2006**

**Decisions Made by the Head of Planning and Public Protection
under
Delegate Powers
1st - 30th June 2006**

**Eitem er gwybodaeth
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

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<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>
00/2006/0540 / NA	Neighbouring Authority Applications Change of use of former public house into 1 no. dwelling and 2 no. holiday accommodation unit - Dolben Arms, Cefn Meiriadog	Conwy County Borough Council Case Officer - Emer O'Connor	NO OBJ	28 /06 /2006
01/2006/0092 / PF	1 Rosemary Lane & 49 High Street Denbigh Change of use from office accommodation to 2 No. self-contained flats on first and second floors	Corbett Bookmakers Limited Case Officer - Paul David Griffin	REFUSE	07 /06 /2006
01/2006/0407 / PF	6 Beacons Hill Denbigh Painting of exterior walls of dwelling white and black	Mr M Le-Mar Case Officer - Paul David Griffin	GRANT	16 /06 /2006

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01/2006/0486 / LB	Plas Newydd Trefnant Denbigh Formation of new opening and minor internal alterations	Mr E M W Griffith Case Officer - Emer O'Connor	GRANT	27 /06 /2006
01/2006/0659 / AC	Denbigh Leisure Centre Clwyd Avenue Denbigh Details of external materials, access and effect on watercourse submitted in accordance with condition no's 2,3 and 6 of planning permission code no. 01/2004/1564/PF	Denbighshire County Council Culture And Leisure Case Officer - Sarah Stubbs	APPROVE	01 /06 /2006
02/2006/0474 / PO	Land East of Scot House Corwen Road Ruthin Development of 0.1ha of land for residential use and installation of new septic tank (outline application) (resubmission)	Mrs F B Warburton Case Officer - Nicola Marie Jones	REFUSE	09 /06 /2006

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02/2006/0515 / PC	Plas-Yn-Dre 12 Stryd Y Castell Ruthin	Mr & Mrs S Scott	GRANT	23 /06 /2006
	Alterations to and retention of balcony at rear of dwelling (retrospective application)	Case Officer - Paul David Griffin		
02/2006/0568 / TP	Scott House Corwen Road Ruthin	John Astles	GRANT	27 /06 /2006
	Felling of 1 No. Beech tree the subject of a Tree Preservation Order	Case Officer - Paul David Griffin		
02/2006/0574 / PF	22 Lon Menlli Ruthin	Mr P J Parry	GRANT	30 /06 /2006
	Erection of two-storey pitched-roof extension at R side and single-storey pitched-roof extension at L side and pitched-roof extension at front of dwelling	Case Officer - Paul David Griffin		

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02/2006/0575 / PF	30 Bryn Rhydd Ruthin Erection of single-storey pitched-roof attached workshop extension at side, extension to porch with first-floor pitched-roof addition at front and pitched-roof dormer addition at rear of dwelling	Mr P W Jones Case Officer - Paul David Griffin	GRANT	30 /06 /2006
02/2006/0585 / AC	Former Council Car Park and Nursery Lon Parcwr Ruthin Details of archaeological watching brief report and external lighting submitted in accordance with condition no's 21 and 28 of planning permission code no. 02/2005/0333/PF	CATHCO Property Group Ltd. Case Officer - Ian Weaver	APPROVE	05 /06 /2006
03/2006/0450 / PF	Trevor Old Mill Bryn Howell Lane Trevor Llangollen Demolition and re-building of outbuilding	Mr & Mrs Philip Brown Case Officer - Shan Wyn Jones	GRANT	21 /06 /2006

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03/2006/0741 / AC	Land At (Part Garden Of) Swn Awelon Fron Bache Llangollen Details of Condition No 4 (screening to north-east boundary)	Mr & Mrs R O Roberts Case Officer - Paul Mead	APPROVE	22 /06 /2006
05/2005/1462 / PF	The Cottage Hill Street Corwen Alterations and extensions to existing domestic store/garage to form a dwelling (amended application to that previously approved under code no. 05/2001/574/PF)	Mr D.E Jones Case Officer - Nicola Marie Jones	GRANT	30 /06 /2006
05/2006/0413 / LB	Outbuildings at Efenechtyd Glyndyfrdwy Corwen Conversion of redundant outbuildings to form 2 No. residential units - minor amendments to Listed Building application 05/2003/209/LB (Listed Building Consent application)	Mr S Turner SCT Avionics & Training Ltd. Case Officer - Paul Mead	GRANT	13 /06 /2006

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05/2006/0589 / AC	Coal Yard Station Yard Corwen Details of palisade fencing, submitted in accordance with condition no. 3 of planning permission code no. 05/2006/0147/PF	Amaethwyr Corwen Cyf.	APPROVE	12 /06 /2006
		Case Officer - Nicola Marie Jones		
06/2006/0512 / PF	Land at Ivy House Gwyddelwern Corwen Erection of block of 2 No. self-contained flats and alterations to existing vehicular access	Mr D Watson	REFUSE	12 /06 /2006
		Case Officer - Nicola Marie Jones		
07/2006/0522 / PF	Tyn Y Coed Llandrillo Corwen Erection of electrical substation to house switchgear and metering equipment	Mr Richard Andrew Ramsay	GRANT	21 /06 /2006
		Case Officer - Paul David Griffin		

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07/2006/0657 / AC	Brodawel Berwyn Street Llandrillo Corwen Details of access and parking submitted in accordance with condition no's 4 and 5 of planning permission code no. 07/2006/0026/PF	Mr D T Evans Case Officer - Nicola Marie Jones	APPROVE	21 /06 /2006
08/2006/0171 / PF	Gwnodl Bach Cynwyd Corwen Conversion of outbuildings to 3 no. dwellings and installation of new septic tank	Mr & Mrs E U Thomas Case Officer - Shan Wyn Jones	REFUSE	16 /06 /2006
09/2006/0590 / PF	Ty Newydd Y Llwyn Bodfari Denbigh Erection of pitched roof extensions to dwelling	Mr. & Mrs O. Prys Jones Case Officer - Emer O'Connor	GRANT	07 /06 /2006

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10/2006/0402 / PF	Land at Blaen Ial Farm Bryneglwys Corwen Construction of new vehicular access and retention of new 1.15m high gate and posts (partly in retrospect)	Mr Arfon Jones Case Officer - Paul David Griffin	GRANT	16 /06 /2006
10/2006/0536 / PF	Y Beudy Tal Y Bidwal Fawr Bryneglwys Corwen Installation of 3 dormer windows in place of roof lights to front elevations	Mr & Mrs Scothern Case Officer - Nicola Marie Jones	REFUSE	28 /06 /2006
11/2006/0505 / AC	1 Cae Segwen Clocaenog Ruthin Details of landscaping submitted in accordance with condition no. 3 of planning permission code no. 11/2006/0145/PF	Mr & Mrs Locke Case Officer - Nicola Marie Jones	APPROVE	14 /06 /2006

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13/2006/0544 / PF	Llys Alwen Llanfwrog Ruthin Erection of two-storey pitched roof extension to rear and conversion of and pitched roof to outbuilding to form garage	Mr S Bartlett Case Officer - Paul David Griffin	GRANT	21 /06 /2006
14/2006/0060 / PF	Land in Clocaenog Forest South of Cyffylliog Cyffylliog Ruthin Erection and operation of 70 metre meteorological monitoring mast for the purpose of collecting wind resource data	Airtricity Holdings Ltd. Case Officer - Ian Weaver	WDN	14 /06 /2006
14/2006/0285 / PF	Penybont Cyffylliog Ruthin Erection of replacement dwelling	Mr & Mrs W Morris Case Officer - Nicola Marie Jones	REFUSE	05 /06 /2006
15/2005/0275 / PF	Outbuilding At Tyn Y Celyn Bryn Haidd Llanarmon Yn Ial Mold	Mr & Mrs R Long	REFUSE	09 /06 /2006

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	Conversion of redundant outbuilding to holiday cottage	Case Officer - Nicola Marie Jones		
15/2006/0466 / PF	Tollgate Cottage Llanarmon Road Llanferres Mold	Miss Clare Jeffery	GRANT	14 /06 /2006
	Alterations to existing vehicular access by erection of gates at end of drive	Case Officer - Paul David Griffin		
15/2006/0533 / PF	Rhiw Ial Cottage Back Road Llanarmon-Yn-Ial Mold	Mr & Mrs J Pilkington	GRANT	13 /06 /2006
	Erection of front porch and demolition of existing lean-to side extension and erection of new pitched-roof extension at side	Case Officer - Paul David Griffin		
16/2006/0315 / PF	Llanbedr Farm Llanbedr Dyffryn Clwyd Ruthin	G. Whittingham & Sons	GRANT	21 /06 /2006
	Erection of bulk feed store	Case Officer - Nicola Marie Jones		

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16/2006/0537 / PF	Fron Goch Llanbedr Dyffryn Clwyd Ruthin Extension and alteration to detached garage/workshop by raising roof to create additional living accommodation at first-floor level	Mr & Mrs F & B Worth Case Officer - Paul David Griffin	GRANT	26 /06 /2006
16/2006/0591 / AC	Llys Y Wennol Llanbedr Dyffryn Clwyd Ruthin Details of diversion and engineering works for proposed relocation of bridleway, submitted in accordance with condirion no. 8 of planning permission code no. 16/2002/0776/PF	Mr & Mrs A Roberts Case Officer - Paul David Griffin	APPROVE	28 /06 /2006
17/2006/0427 / PF	Land adjacent to Visitor Centre Coed Llandegla Wrexham Use of land as overspill car park and access road	Tilhill Forestry Case Officer - Ian Weaver	GRANT	27 /06 /2006

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18/2006/0478 / AG	Wern Llandyrnog Denbigh Construction of agricultural silage pit for storage of fodder	Messrs E H Owen & Sons Case Officer - Nicola Marie Jones	NOT REQ	07 /06 /2006
18/2006/0685 / AC	Millstream Cottage Pentrefelin Llandyrnog Denbigh Details of wall materials submitted in accordance with condition no. 3 of planning permission code no. 18/2006/0069/PF	Mr J.H Palin Case Officer - Nicola Marie Jones	APPROVE	07 /06 /2006
18/2006/0694 / AC	Hen Dy'r Esgob Llandyrnog Denbigh Details of wall and roof materials submitted in accordance with condition no. 2 of planning permission code no. 18/2005/0575/PF	Mr & Mrs Hinchcliffe Case Officer - Nicola Marie Jones	APPROVE	09 /06 /2006

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19/2006/0307 / PF	Outbuilding at Bodlwydd Fawr Llanelidan Ruthin Erection of log cabin for accommodation during site works and retention of log cabin for ancillary residential accommodation thereafter	Mr R Boyns Case Officer - Nicola Marie Jones	REFUSE	07 /06 /2006
20/2006/0547 / EL	Land adjacent to Capel Salem Llanfair Dyffryn Clwyd Ruthin Erection of 11kv overhead line supported by wood poles and dismantling of existing overhead line	SP Power Systems Ltd. SP Manweb Plc Case Officer - Nicola Marie Jones	GRANT	13 /06 /2006
20/2006/0561 / PF	Bryn Tegid Llanfair Dyffryn Clwyd Ruthin Erection of two-storey pitched roof extension at side of dwelling (revised scheme to application ref. no. 20/2002/0061/PF to incorporate carport and balcony)	Mr S Morgan Case Officer - Nicola Marie Jones	GRANT	26 /06 /2006

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21/2006/0182 / AC	Colomendy Centre For Outdoor Education Ruthin Road, Loggerheads Llanferres Mold Details of woodland management plan submitted in accordance with condition no. 10 of planning permission code no. 21/2004/1627/PF	Liverpool City Council Case Officer - Shan Wyn Jones	APPROVE	16 /06 /2006
21/2006/0682 / AC	Park House Ruthin Road, Loggerheads Llanferres Mold Details of Condition No. 6 (dormer features) on planning permission Ref. No. 21/2006/0682/AC	Mr H Arya-Manesh Case Officer - Nicola Marie Jones	APPROVE	08 /06 /2006
22/2006/0714 / AC	Ty Coch Farm Llangynhafal Denbigh Details of bat and bird species (roost and nest) survey submitted in accordance with condition no. 4 of planning permission code no. 22/2005/1333/PF	Mr David Fletcher Denbighshire County Council Case Officer - Sarah Stubbs	APPROVE	26 /06 /2006

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22/2006/0721 / AC	Swan Farm Llangynhafal Denbigh	Mr & Mrs J S Davies	APPROVE	15 /06 /2006
	Details of render submitted in accordance with condition no. 6 of planning permission code no. 22/2005/0259/PF	Case Officer - Paul David Griffin		
23/2006/0391 / PO	Land At Bryn Mulan Prion Denbigh	Mr & Mrs G Hughes	REFUSE	28 /06 /2006
	Development of 0.1 hectares of land for erection of agricultural worker's bungalow, new vehicular access and installation of new septic tank (Outline application) (Resubmission of Ref. No. 23/2005/1525/PO)	Case Officer - Nicola Marie Jones		
23/2006/0696 / AC	Rhewl Valley Peniel Denbigh	Mr H Howatson	APPROVE	08 /06 /2006
	Details of roof materials submitted in accordance with condition no. 3 of planning permission code no. 23/2005/1286/PF	Case Officer - Emer O'Connor		

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23/2006/0753 / INV	Outbuilding at Tan y Wern Llanrhaeadr Denbigh Conversion of redundant outbuilding to dwelling	Mr M Evans Case Officer -	WDN Carole Bridge-Williams	30 /06 /2006
24/2005/1133 / PF	Outbuilding at Penfforddwr Rhewl Ruthin Conversion of part of outbuilding to form 2 No. self-contained residential units	Mr P Beatham Case Officer -	GRANT Sarah Stubbs	14 /06 /2006
24/2006/0642 / AC	Outbuildings At Pant Glas Uchaf Bontuchel Ruthin Details of vehicle passing bays submitted in accordance with condition no. 13 of planning permission code no. 24/2005/0593/PF	Caldecott Construction Ltd. Case Officer -	APPROVE Paul David Griffin	28 /06 /2006
25/2006/0653 / AC	Outbuilding at Hendre Farm Nantglyn Denbigh	Mr & Mrs P J Marfleet	APPROVE	01 /06 /2006

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	Details of landscaping, window finish and species protection submitted in accordance with condition no's 3,7 and 8 of planning permission code no. 25/2005/0180/PF	Case Officer - Paul Mead		
25/2006/0664 / AC	Bwthyn Penllan Nantglyn Denbigh	Mrs J Dutton	APPROVE	01 /06 /2006
	Details of Condition No. 2 (window and door colour) on planning permission Ref. No. 25/2006/0209/PF	Case Officer - Nicola Marie Jones		
28/2006/0033 / PF	3 Ffordd Bryn Y Garn Henllan Denbigh	Mr & Mrs D Chappell	GRANT	09 /06 /2006
	Demolition of existing dwelling and outbuilding, erection of 1 no. replacement dwelling and outbuilding and alterations to existing vehicular access	Case Officer - Nicola Marie Jones		
28/2006/0668 / AC	Land at Ffordd Bryn Y Garn Henllan Denbigh	Mr G John	APPROVE	26 /06 /2006

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	Details of site contamination survey submitted in accordance with condition no. 8 of planning permission code no. 28/2005/0031/PO	Case Officer - Paul Mead		
31/2006/0740 / AC	Field to Rear Of Cae Onnen Glascoed Abergele	Mrs J Regan	APPROVE	21 /06 /2006
	Details of Conditions No. 6 (generator and noise emissions) on planning permission Ref. No. 31/2005/1288/PF	Case Officer - Nicola Marie Jones		
40/2006/0248 / PF	Bodelwyddan Castle Hotel Bodelwyddan Rhyl	Dr Kevin Mason Bodelwyddan Castle Trust	GRANT	28 /06 /2006
	Removal of portion of wall between cafe and corridor to create enlarged cafe area. Removal of door and enlargement of door opening to aid flow between cafe and cafe corridor. New independant exterior decked seating area with tensioned canopy. New cafe counters, flooring, shaped canopied ceiling, furniture and general refurbishment.	Case Officer - Emer O'Connor		

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42/2006/0398 / PF	Bron-Berllan Ucha Hiraddug Road Dyserth Rhyl Erection of pitched-roof extensions at rear, front entrance porch and septic tank drainage system	Mr J Scott Case Officer - Emer O'Connor	GRANT	28 /06 /2006
42/2006/0476 / PF	Holmgarth Waterfall Road Dyserth Rhyl Erection of two-storey pitched-roof extension at side of dwelling	Mr & Mrs T Cannell Case Officer - Emer O'Connor	REFUSE	07 /06 /2006
42/2006/0607 / PF	Garden Cottage The Rockery Waterfall Road Dyserth Rhyl Alterations, improvements and construction of new roof, and formation of gravelled access drive	Mrs A Williams Case Officer - Emer O'Connor	GRANT	09 /06 /2006

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42/2006/0670 / AC	Old Pendre Farm Waterfall Road Dyserth Rhyl Details of stonework submitted in accordance with condition no. 2 of planning permission code no. 42/2004/1066/PF	Mr M White Case Officer - Sarah Stubbs	APPROVE	05 /06 /2006
43/2005/1126 / PF	Morfa Ddu Caravan Park St. Georges Drive Prestatyn Extension to existing holiday park and change of use to residential mobile home park with associated landscaping	Mr Bruce Meldrum Case Officer - Shan Wyn Jones	WDN	22 /06 /2006
43/2006/0226 / PF	Monarch Dry Cleaners 31-33 Meliden Road Prestatyn Erection of single-storey pitched-roof extension at side of premises	Mr K Lloyd Monarch Dry Cleaners Ltd Case Officer - Emer O'Connor	GRANT	09 /06 /2006

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43/2006/0519 / PO	Land at (Part garden of) 38 The Avenue Prestatyn Development of 0.04ha of land by the erection of 1 no. dwelling and detached garage and alterations to existing vehicular access (outline application)	Mrs P Platt Case Officer - Sarah Stubbs	GRANT	09 /06 /2006
43/2006/0549 / PF	18 Glan Y Gors Prestatyn Erection of pitched roof extension to side/rear of dwelling	Mr G Tostevin Case Officer - Emer O'Connor	GRANT	07 /06 /2006
43/2006/0562 / PF	4 Ffordd Bryn Melyd Prestatyn Erection of single-storey lean-to extension at side of dwelling	Mr J Brown Case Officer - Paul Mead	GRANT	09 /06 /2006

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43/2006/0565 / TP	2 Gwynfron Cottages Cefn Y Gwrych Prestatyn Felling of 1 tree in Area A1 on the plan annexed to the Prestatyn Urban District Council Tree Preservation Order No. 2, 1973	Mr C Paulus Case Officer - Emer O'Connor	APPROVE	28 /06 /2006
43/2006/0572 / PF	112 Fforddisa Prestatyn Erection of conservatory at rear of barn annexe	Mrs J C Griffiths Case Officer - Emer O'Connor	REFUSE	08 /06 /2006
43/2006/0595 / PF	23 Plas Avenue Prestatyn Erection of two-storey pitched-roof extension with raised decked area at rear of dwelling	Mr C Bentham Case Officer - Emer O'Connor	GRANT	09 /06 /2006
43/2006/0599 / PF	Co-Options Building 9 Victoria Avenue Prestatyn Erection of 1.8m high perimeter fence and gates around premises	Co-Options Limited Case Officer - Emer O'Connor	GRANT	07 /06 /2006

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43/2006/0612 / PF	7 Fforddlas Prestatyn Erection of first-floor pitched-roof extension over existing garage and kitchen at side of dwelling	Mr & Mrs K Leary Case Officer - Emer O'Connor	GRANT	28 /06 /2006
43/2006/0616 / PF	25 Talton Crescent Prestatyn Erection of pitched-roof extension at rear and gable window at front of dwelling	Mr & Mrs D P Kennedy Case Officer - Emer O'Connor	GRANT	08 /06 /2006
44/2005/1501 / PF	Dormouse Dell Tan Yr Eglwys Road Rhuddlan Rhyd Demolition of existing garage and erection of pitched-roof garage with hobbies-room/office	Mr & Mrs J Crossley Case Officer - Nicola Marie Jones	GRANT	26 /06 /2006

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44/2006/0140 / PF	Brenva Pentre Lane Rhuddlan Rhyl Demolition of existing dwelling/outbuildings, erection of replacement dwelling and detached garage	J Somerville	GRANT	30 /06 /2006
		Case Officer - Emer O'Connor		
44/2006/0611 / PF	9 Maes Ffyddion Rhuddlan Rhyl Erection of pitched-roof extension at front/side of dwelling	Mr G Pritchard	GRANT	08 /06 /2006
		Case Officer - Emer O'Connor		
44/2006/0636 / PF	20 Princes Park Rhuddlan Rhyl Erection of two-storey pitched-roof extension to rear of dwelling	Mr & Mrs S Gill	GRANT	28 /06 /2006
		Case Officer - Emer O'Connor		
44/2006/0654 / AC	St. Marys Hylas Lane Rhuddlan Rhyl	Mr & Mrs P Roberts	APPROVE	01 /06 /2006

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	Details of archaeological watching brief submitted in accordance with condition no. 2 of planning permission code no. 44/2006/0025/PF	Case Officer - Emer O'Connor		
45/2006/0455 / TA	Skateboard Park West Promenade West Parade Rhyl	BT Payphones Planning Dept., PP	DETERMIN	07 /06 /2006
	Resiting of 2 No. KX100-style telephone kiosks	Case Officer - Emer O'Connor		
45/2006/0460 / PF	32 North Drive Rhyl	Mr K Malbon & Ms D Jones	GRANT	12 /06 /2006
	Erection of car port at side of dwelling	Case Officer - Michael G Hughes		
45/2006/0461 / PF	20 Ffordd Anwyl Rhyl	Mrs B Cottington	GRANT	21 /06 /2006
	Erection of pitched-roof extension at side of dwelling and formation of new vehicular access to create parking bay at front of dwelling for disabled access	Case Officer - Michael G Hughes		

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45/2006/0477 / PF	100 Rhuddlan Road Rhyl Demolition of existing conservatory and erection of new conservatory extension at rear/side of dwelling	G Jones Case Officer - Michael G Hughes	GRANT	02 /06 /2006
45/2006/0480 / PF	34 Lynton Walk Rhyl Erection of attached garage at side of dwelling	Mr R Foston Case Officer - Michael G Hughes	GRANT	02 /06 /2006
45/2006/0484 / PF	Unit 3 rear of 62-70 Ernest Street Rhyl Change of use of warehouse and fitness-room to Karate school and warehouse for sale of equipment and ancillary goods	Mr & Mrs J Lynn Case Officer - Emer O'Connor	GRANT	05 /06 /2006

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45/2006/0492 / PF	1 Rhydwen Farm Mews Dyserth Road Rhyl Erection of detached residential amenity/hobby building	Mr A Phillips Case Officer - Emer O'Connor	GRANT	09 /06 /2006
45/2006/0529 / LP	B & Q Plc Unit1 Clwyd Retail Park Rhyl Road Rhuddlan Rhyl Application of Certificate of Lawfulness of proposed development, involving the construction of a mezzanine floor, for use in connection with existing retail store	B & Q Plc Case Officer - Sarah Stubbs	CERTIFY	13 /06 /2006
45/2006/0541 / PF	34 Water Street Rhyl Change of use from Class A1 shop to Class D2 tanning studio	Mr R M Thorne Case Officer - Michael G Hughes	GRANT	20 /06 /2006

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45/2006/0567 / PF	4 Llys Gwylan Rhyl Erection of two-storey pitched roof extension at rear of dwelling	Mr R Witham Case Officer - Emer O'Connor	GRANT	07 /06 /2006
45/2006/0593 / PF	9 Redwood Drive Rhyl Erection of pitched-roof extension and conservatory at rear of dwelling	Mrs H Fellows And Mrs S Raine Case Officer - Emer O'Connor	GRANT	07 /06 /2006
45/2006/0608 / PF	24 Tynewydd Road Rhyl Erection of pitched roof extension to rear of dwelling	Mrs J Colley Case Officer - Emer O'Connor	GRANT	30 /06 /2006
45/2006/0613 / PF	21 Carlisle Avenue Rhyl Erection of conservatory at rear of dwelling	Mr Plumpton Case Officer - Emer O'Connor	GRANT	08 /06 /2006

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45/2006/0621 / PF	60 Ffordd Anwyl Rhyl Erection of single storey pitched roof extension at side of dwelling	Mr. M. Jones Case Officer - Paul Mead	GRANT	27 /06 /2006
45/2006/0675 / AC	70 West Parade Rhyl Details of bin stores and drying areas submitted in accordance with condition no. 2 of planning permission code no. 45/2006/0348/PF	Mr & Mrs C Hall Case Officer - Sarah Stubbs	APPROVE	07 /06 /2006
46/2005/1329 / PO	Land Adjoining 1 Luke Street St. Asaph Development of 0.11ha of land by the erection of 6 no. residential units (outline application)	Mrs S J Trefor Case Officer - Shan Wyn Jones	WDN	12 /06 /2006

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46/2006/0235 / AC	Land Adjoining 1 Luke Street St. Asaph	Mr D Williams	APPROVE	09 /06 /2006
	Details of (i) landscaping, (ii) external wall and roof materials and (iii) protective fencing submitted in accordance with condition no's 2,4 and 5 of planning permission code no. 46/2003/0306/PF	Case Officer - Shan Wyn Jones		
46/2006/0433 / PF	5 Llys Alun St. Asaph	Mr H Jones	GRANT	28 /06 /2006
	Erection of pitched-roof extension at side of dwelling and relocation of existing garage (revised scheme to Application Ref. No. 46/2005/0845/PF)	Case Officer - Emer O'Connor		
47/2006/0545 / PF	Awelog Waen St. Asaph	Mr Dylan Williams	REFUSE	27 /06 /2006
	Erection of steel-framed agricultural building	Case Officer - Nicola Marie Jones		

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47/2006/0647 / AC	Glan Clwyd Waen St. Asaph Details of bat, badger and barn owl survey submitted in accordance with condition no. 12 of planning permission code no. 47/2003/0591/PF	Mr & Mrs T Palframan Case Officer - Sarah Stubbs	APPROVE	13 /06 /2006
47/2006/0722 / AC	Land at (Former garden of) Ty Mona Rhuallt St. Asaph Details of brick (for plinth) submitted in accordance with condition no. 2 of planning permission code no. 47/2005/1438/PF	Celyn Builders Case Officer - Paul Mead	APPROVE	15 /06 /2006