

PWYLLGOR CYNLLUNIO
CYFARFOD: 21ain Chwefror 2007
Eitem: 2

PLANNING COMMITTEE
MEETING - 21st February 2007
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: Corwen

APPLICATION NO: 05/2006/1443/ PC

PROPOSAL: Retention of single-storey extension to front with verandah over and additional dormer windows to front and rear of dwelling (Retrospective application)

LOCATION: Hendre Hill Street Corwen

APPLICANT: Mr D Williams

CONSTRAINTS: Within 67m Of Trunk Road
Conservation Area

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

CONSULTATION RESPONSES:

1. CORWEN TOWN COUNCIL
"No objection"
2. CONSERVATION OFFICER
It is apparent that the appearance of the development has neither retained nor enhanced the character and appearance of the building and the site and conservation area overall and fails to meet conservation policy expectations. A photograph of the building within the Conservation Area Appraisal document shows the original historic character which has not been retained.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 28/02/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in the development boundary of Corwen and is located in the conservation area. The site comprises of a two storey detached dwelling with dormers to the front and rear elevations and a flat roofed single storey extension to the front of the building with railings surrounding forming a balcony structure.
2. The application is for the retention of two dormer windows, one to the front and one to the rear, the flat roof extension and the balcony feature. It would appear that these changes to the building were made in 2003 and also include the alteration of two of the existing dormer windows in the front elevation to french door type openings in place of the windows to allow access on to the balcony to the front.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN1- Development within development boundaries
Policy GEN6 – Development Control Requirements
Policy CON5- Development affecting Conservation Areas

Policy HSG12 – Extensions to dwellings
SPG1 – Extension to dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002
Welsh Office Circular 61/ 96 – Historic Buildings and Conservation areas

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on visual amenity and conservation area
 - iii) Impact on residential amenity
6. In relation to the main planning considerations as noted in paragraph 5 above:
 - i) Principle
The application site is within the development boundary where the principle of development is considered to be acceptable subject to other general development control considerations.
 - ii) Visual amenity
The application is to retain two no dormer windows, one on the front and one on the back of the dwelling, and the flat roof extension and balcony structure to the front of the dwelling. It would appear that the work was carried out in 2003 based on records from planning enforcement and building control. In relation to the retention of the dormer windows, the structures would appear to be subordinate in size and scale to those originally present in the dwelling and in therefore would comply with the provisions of Policy HSG12 and paragraph 10.15 of SPG1. The overall appearance of the flat roof extension and associated balcony feature is considered to be detrimental to the character, appearance and amenity standards of the dwelling and the immediate locality and detracts from the visual amenity of the street scene. This is in conflict with criterion iii) of Policy HSG12.
 - iii) Residential amenity: The retention of the dormer features does not have any detrimental impact on residential amenity. Neither does the balcony feature as it is not directly overlooking any private garden space. There proposal is therefore in accordance with criterion v) of Policy GEN6.
 - iv) Conservation Area
The comments received from the Conservation Architect support the view that the development is detrimental to the visual amenity of the street scene and fails to either retain or enhance the character and appearance of the conservation area. The retention of the dormer features themselves would not detract from the overall character and appearance of the conservation area. However the Local Planning Authority would wish to see the removal of the french door type features and the reinstatement of windows. The flat roof extension and associated balcony feature does not comply with Policy CON5 of the Denbighshire Unitary Development Plan as it does not preserve or enhance the character and appearance of the conservation area.

SUMMARY AND CONCLUSIONS:

7. The application is for the retention of two dormer windows (one to the front and one to the rear of the dwelling) and a flat roofed single storey extension with balcony feature to the front of the dwelling. The proposal to retain the dormer windows is acceptable and in accordance with Policy HSG12. However the flat roof extension and balcony feature is considered to detract from the visual amenity of the street scene and fails to preserve or enhance the character and appearance of the conservation area. Based on this, the proposal cannot be supported and is

in conflict with criterion iii) of Policy HSG12, criterion ii) of Policy GEN6 and Policy CON5.

RECOMMENDATION: - REFUSE: for the following reasons:-

1. It is the opinion of the Local Planning Authority that the proposal to retain French doors and single storey flat roof extension with associated balcony feature is contrary to criterion ii) of policy GEN6, criterion iii) of policy HSG12 and policy CON5 of the Denbighshire Unitary Development Plan as the development detracts from the visual appearance of the street scene and fails to preserve or enhance the character and appearance of the designated Corwen Conservation Area.

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT

1. This application is retrospective and relates to the unauthorised erection of a front extension, veranda and dormers on a dwelling within a designated conservation area. The development is considered to be unacceptable having regard to the relevant policies. Therefore, this report seeks Member authorisation to take the necessary enforcement action to remedy the harm to amenity. In considering taking enforcement action against unauthorised development, the provisions of the Human Rights Act 1998 are taken into account. It is considered that these rights are outweighed in this instance in that the development is unacceptable, harms the amenity of the area and is contrary to relevant planning policies.

Reasons for taking enforcement action

1. The development was carried out in the last 4 years.
2. The development is considered unacceptable. The imposition of planning conditions as part of any grant of planning permission would not overcome the harm caused to the appearance of the building or the conservation area.

RECOMMENDATIONS: That authorisation be given for the following:-

1. Serve an enforcement notice to secure the demolition of the single storey front extension and verandah. To remove the 2 no. sets of French doors inserted to the 2 no. original gabled front dormers. To reinstate the ground floor, slate roof bay with 2no. sets of timber sliding sash windows and timber entrance door.
2. Instigate prosecution proceedings or other appropriate action under the Planning Acts against any person or persons upon whom any Enforcement Notice, or other notice, is served or against whom legal action is taken should they fail to comply with the requirements of the Notice.
3. Period for Compliance: 12 months.

ITEM NO: 2

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 06/2006/0354/ PF

PROPOSAL: Change of use of land to form extension to existing residential curtilage and erection of detached garage/hobby workshop

LOCATION: Melin Meiarth Bryn Saith Marchog Corwen

APPLICANT: Mr R.J Law

CONSTRAINTS: B Flood Zone
Public Footpath / Bridleway
Listed Building

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

CONSULTATION RESPONSES:

1. GWYDDELWERN COMMUNITY COUNCIL
Awaiting response
2. CONSERVATION OFFICER
Objection based on the impact of the development on the setting of the listed building
3. GEORGIAN GROUP
No comment to make on the application
4. FOOTPATHS OFFICER
Footpath nos. 4 and 96 are present on the site, no. 4 crosses the site with no. 96 abutting it. Recommends standard advice to developers.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 22/01/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in a rural location between the villages of Melin y Wig and Derwen. The dwelling is a two storey Grade II Listed Building with a recent single storey extension to the side of the dwelling. There is a large curtilage area to the front of the dwelling with the remains of the old mill within the curtilage. A double garage also exists to the side of the dwelling, with a steep facing slope to the side and an access between the garage and the house into the field to the rear.

2. The current proposal is for the erection of an attached double garage to extend the existing to the rear and the change of use of land to form an extension to residential curtilage. The applicant is involved in classic car renovation and requires the additional space to carry out his hobby. This application is a resubmission of a previously refused scheme for a similar development, although previous to the refusal, permission had been granted for a detached garage.

RELEVANT PLANNING HISTORY:

3. 06/2001/1082/PF - Erection of a two storey extension to existing dwelling, erection of a detached domestic garage and installation of a new septic tank – GRANTED 30/07/02

06/2005/0352/PF -Erection of extension to existing garage. REFUSED 01/11/05 for the following reason:

‘1 The current application fails to demonstrate how the setting of the listed building would be preserved as part of the application, with a large built mass being placed directly adjacent to the mill house, and thus detracting from the character and appearance of the listed building, in conflict with Policy CON1 and advice given in Welsh Office Circular 61/96 on the setting of listed buildings.

2. The development would also be directly crossing public footpath no. 4 which would be contrary to Policy REC8 that seeks to safeguard the use of these pathways from development’.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN3 – Development outside development boundaries
Policy GEN6 – Development control requirements
Policy CON1 – The setting of Listed Buildings
Policy HSG16 – Extensions to domestic gardens
Policy TRA10 – Public rights of way

GOVERNMENT GUIDANCE

Welsh Office Circular 61/96: Planning Policy Wales March 2002 Historic Buildings and Conservation Areas

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Impact on setting of listed building
 - v) Footpaths
6. In relation to the main planning considerations as noted in paragraph 5 above:
 - i) Principle:
The application site is in the open countryside where the principle of extension within the existing curtilage is deemed to be acceptable. The proposal also includes the change of use of land to the rear of the garage to provide additional curtilage area. Policy HSG16 seeks to allow for limited extensions to gardens in areas of open countryside subject to four criteria. The proposal is not considered to have an impact on the character and appearance of the open countryside or constitute ribbon development, neither is it considered to lead to the potential for further and unacceptable development in the new boundary or have an affect on the historical setting of the dwelling. This is in accordance with Policy HSG16.
 - i) Visual amenity:
The size and scale of the proposed extension to the garage remains the

same as that previously refused in 2005 but with the location of the garage having been moved to the rear of the existing garage rather than to the side in close proximity to the listed mill house. When viewed from the road, the proposed extension will not be seen in context with the listed house, therefore the impact on visual amenity will be reduced. The proposed materials to be used for the development are stone and slate to match the existing garage which is considered appropriate and traditional in this sensitive historical and open countryside location. The impact on visual amenity is considered to be in accordance with criterion i), ii) and iii) of Policy GEN6.

- ii) Residential amenity:
There are no other neighbours in close proximity to the application site; therefore the application is in accordance with criterion v) of Policy GEN6.
- iii) Setting of Listed Building:
Concerns have been raised from the Conservation Architect in relation to the impact of the development on the setting of the listed building. The location of the extension has been relocated to the rear of the garage to reduce the visual impact of the garage extension on the setting of the listed mill. The relocation of the extension to the rear is considered to be in accordance with Policy CON1 and overcomes the previous reason for refusal in relocating the mass of the extension away from the close proximity of the listed house.
- iv) Footpaths:
Footpath no 4 runs along side the proposed garage extension. The previous application made no provision for the incorporation of the footpath in the development and thus was in conflict with Policy TRA10 of the Denbighshire Unitary Development Plan. The relocation of the garage extension to the rear overcomes this reason for refusal and can therefore be supported.

SUMMARY AND CONCLUSIONS:

7. The application is for the erection of a garage extension to the rear of the existing garage to provide additional floor space for the applicants' hobby of classic car repair and to change the use of land to the rear of the existing garage to form an extension to residential curtilage. The dwelling at Melin Meiarth is grade II listed with footpath no 4 running through the application site. This application is considered to overcome the previous reasons for refusal and as such can be supported against i), ii), iii) and v) of Policy GEN6 and Policies HSG16, CON1 and TRA10.

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 erection of any external stonework a sample panel of the type of stonework, 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 stonework, 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.
4. The use of the garage hereby approved shall be for purposes incidental to the enjoyment of the dwelling and not as a separate unit of commercial, business or residential 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 visual amenity and to protect the character and appearance of the open countryside.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2006/1346/ PC

PROPOSAL: Continuation of use of building as holiday cottage (retrospective)

LOCATION: Old Cottage at Ty Hir Pen Y Stryt Llandegla Wrexham

APPLICANT: Mr D Holder

CONSTRAINTS:

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

CONSULTATION RESPONSES:

5. LLANDEGLA COMMUNITY COUNCIL
'No objection but the Community Council are concerned about the waste disposal and whether the current system can meet the additional capacity'
6. PUBLIC PROTECTION
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

1. Ms Karen Bellis, Ty Hir Farm, Llandegla
2. Sandra Bellis, 4, Bryn Ffynnon, Erw Las, Llandegla
3. Vincent Bellis, 3, Hafan Dawel, Erw Las, Llandegla

Summary of planning based representations:

- i) Concerns that the necessary consent has not been obtained of the land owner in relation to the septic tank.
- ii) The use of the building was as a garage in the past, not as living accommodation
- iii) The use of the building for holiday let purposes is not a use ancillary to the main use of the dwelling

EXPIRY DATE OF APPLICATION: 10/01/2007

REASONS FOR DELAY IN DECISION:

- deferral for Members Site Inspection Panel
- timing of receipt of representations
- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was deferred from Planning Committee on 24th January 2007 to allow a Members Site Inspection Panel to visit the site to take place on 16th February. Councillor Barton has requested Committee consideration due to sewerage problems and planning history.

2. The application site is in the open countryside, outside the village of Llandegla. Access to the site is via a single lane track off the main A5104, Chester Road. The site is comprised of a detached two storey dwelling known as Ty Hir and a two storey random stone and slate construction outbuilding within the curtilage of the dwelling.
3. The outbuilding has been used in the past for ancillary accommodation in connection with the use of the main dwelling. However, in recent months it has been brought to the attention of the Local Planning Authority that the 'cottage' has been used for the purposes of holiday letting. The proposal is thus to retain the use of the 'cottage' as a holiday let.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN3 – Development outside development boundaries

Policy GEN6 – Development control requirements

Policy TSM5 – Rural Tourism

Policy ENP4 – Foul and surface water drainage

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of retaining the use
 - ii) Amenity issues
 - iii) Drainage issues
7. In relation to the main planning considerations as noted above:
 - i) Principle: The building subject to this application was used for ancillary accommodation in connection with the main use of the dwelling at Ty Hir. The current use of the building as holiday let has been in operation since February 2005 and for that reason a formal change of use application is required to retain the use. In relation to Policy GEN3, the re-use of existing buildings in the open countryside is acceptable development and this is further justified in relation to policy TSM5 on rural tourism. Policy TSM5 encourages the use of existing outbuildings for the purposes of diversifying the rural economy. In principle, the retention of the use of the building as holiday let is considered to be acceptable.
 - ii) Amenity Issues
The holiday cottage has adequate amenity space around it and provision for parking and has an acceptable relationship with the main house.
 - iii) Drainage: Concerns have been raised in relation to the capacity of the septic tank and to the correct notice being served on the land owner where the septic tank is located. The applicant does not own the land where the septic tank is located (field adjacent to the application site) but the waste from the 'cottage' and Ty Hir is connected to the septic tank. For the purposes of this planning application, the correct certificate of ownership (certificate B) has been presented as part of the application and the applicant states that the requisite notice has been sent to the land owner (a copy of which is on the planning file). In this instance, the Local Planning Authority considers that the relevant planning procedures have been carried out and considers that no

further comment can be made on this aspect of the planning application. Further concerns by the Community Council and neighbours have been raised in relation to the capacity of the septic tank. Given the limited size of the 'cottage' and thus the number of people that would be able to be accommodated on the site as a whole, it is not considered to affect the capacity of the tank and it is considered that the proposal is in accordance with criterion i) of Policy ENP4. Furthermore, Public Protection have raised no objection and a condition is recommended to ensure that the septic tank meets relevant standards.

SUMMARY AND CONCLUSIONS:

8. The application is for the retention of use of the 'cottage' at Old Ty Hir Farm for use as holiday accommodation. The principle of development is considered to be acceptable based on the provisions of policy GEN3 and TSM5. Concerns in relation to the capacity of the septic tank are considered to be in accordance with policy ENP4.

RECOMMENDATION: - GRANT: subject to the following conditions:

1. The use of the 'cottage' hereby approved shall only be for purposes of holiday letting and ancillary accommodation in connection with the main dwelling at Ty Hir.2. The septic tank and soakaway system shall not contaminate any water supplies and sub surface drainage shall comply with BS 6297:1983.

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

1. In order for the Local Planning Authority to retain control over the use of the building.2. To avoid contamination of the water system.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2006/1488/ PF

PROPOSAL: Erection of detached dwelling (amendment to previously approved scheme under Ref. No. 20/2003/1434/PF)

LOCATION: Land Adjacent To Cilgwyn Pentre Celyn Ruthin

APPLICANT: Eamonn Smyth

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

7. LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL
"1. The site is too small and would be intrusive on neighbouring properties, 2. Surprised that groundwork has been completed before applying for change of size. Original worries with regard to waste disposal still a concern due to small area of site".
8. AONB COMMITTEE
The JAC welcomes the reduction in scale of the development, but would recommend that natural slate be used for the roof, the quoin details to be deleted, and a new local stone boundary wall of traditional design be provided to the road frontage.
9. ENVIRONMENT AGENCY
Recommend that standard advice in relation to drainage applies.
10. WELSH WATER
No comments to make
11. HEAD OF HIGHWAYS AND INFRASTRUCTURE
No objections subject to conditions.

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr. O. Griffiths, Bryn Anos, Pentrecelyn, Ruthin
2. Mr. M.E. & Mrs. M.J.M. Jones, "Wern", Pentrecelyn, Ruthin
3. Mr. & Mrs. Irwin, Cilgwyn, Pentrecelyn

Summary of planning based representations:

- i) The site is made of heavy clay soil which is of poor quality for natural drainage.
- ii) The site is too small for adequate drainage provision in terms of a treatment plant and soakaway system.
- iii) Runoff from the site has caused flooding in the dwellings known as Cilgwyn and the Old Post Office.
- iv) The site plan shows no private amenity space, parking, entrance and location of soakaways.

- v) Access to the site is too close to the dwelling known as Wern and should be in a more central position

EXPIRY DATE OF APPLICATION: 13/02/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located in the open countryside in the hamlet of Pentrecelyn and in the Clwydian Range AONB. Pentrecelyn has no defined development boundary. Access to the site is of a single lane track running along the east side of the application site. The site measures approximately 0.04ha.
2. Planning permission was granted in 2004 for the erection of a two storey dwelling on the site, with building work commencing in November 2006. Following visits from the Councils Building Control Section the applicant was advised that a new application would be needed for the development as the dwelling to be constructed on site was going to be smaller than that given approval in 2003. This application is a result of these discussions.
3. The size and scale of the proposed dwelling has been reduced in size compared with that previously approved (the floor area of the proposed dwelling is 49m², compared to that previously approved, 81.56m²). The overall design remains similar with dormer features to the front and rear and render and quoin finish detailing. Access to the site has been created in accordance with the previous plan and the wall and grass verge to the front of the site has been reinstated.

RELEVANT PLANNING HISTORY:

4. 20/2003/1434/PF
Erection of residential dwelling installation of private treatment plant and construction of new vehicular access. Granted with conditions on the 25th February 2004.

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN3 – Development outside development boundaries

Policy GEN6 – Development control requirements

Policy ENV2 – Development affecting the AONB

Policy HSG5 – Groups of houses in the open countryside

Policy ENP4 – Foul and surface water drainage

SPG 10 – Infill housing in the countryside

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Highways
 - v) Drainage
 - vi) Impact on AONB

7. In relation to the main planning considerations as noted above:
- i) Principle:
The application site is in the open countryside where the provisions of Policy GEN3 are applicable. Criterion ii) of Policy GEN3 looks at infill housing in the open countryside and states that this is an acceptable form of development subject to Policy HSG5 and supplemented by SPG10. The site is within a group of existing dwellings, does not constitute ribbon development and is of a comparable size and scale to the existing dwellings in the vicinity. This is in accordance with Policy HSG5. Permission was granted in 2004 for a dwelling of similar size and scale and in principle the current proposal is acceptable.
 - ii) Visual amenity: The size and scale of the proposed dwelling has been amended compared to the 2004 application with the overall design similar to the previous application. The materials proposed are render with the roof material to be agreed and quoin detailing to the corners of the dwelling. Slate would be a suitable material for the roof in this location. Comments from the AONB Committee state that the quoin details are not an acceptable feature in the AONB. The use of a condition can seek their removal from the scheme. The proposal is acceptable based on criteria i), ii) and iii) of Policy GEN6.
 - iii) Residential amenity:
The siting of the building is such that it does not have any impact on residential amenity. There will be no windows overlooking any adjoining gardens or any overlooking into habitable windows on neighbouring properties. This is in accordance with criterion v) of Policy GEN6. The site is limited in terms of size. However, a larger dwelling than currently proposed on the site has been previously approved and the dwelling approved in 2004 could still be fully implemented. The remaining amenity space, including parking for the dwelling, remains the same as the previous application. Therefore the amenity space provided for the dwelling is considered to be acceptable.
 - iv) Highways:
Concerns have been raised by neighbouring properties in relation to the access and parking arrangements for the site. The access to the site has been approved as part of the previous scheme and has been constructed in accordance with the approval in 2004. Comments from Highways indicate that the proposal is acceptable and have no objections to the development subject to the inclusion of conditions to deal with parking and turning arrangements.
 - v) Drainage:
Concerns have been raised in relation to the natural drainage on the site (clay soil) and the size of the site in relation to the provision of soakaways and a private treatment plant. Policy ENP4 looks at foul and surface water drainage and states that proposals for private water treatment facilities will be supported where connection to a public sewer is not feasible if they will not harm controlled waters or cause pollution. This is in accordance with criterion ii) of Policy ENP4. In relation to surface water runoff, it has been stated by concerned neighbours that the cause of the flooding incident was due to the removal of the grass verge, wall and bank between the application site and the road. The verge and wall have now been reinstated which should reduce any future flooding arising from development activity on the site.
 - vi) AONB:
The comments received from the AONB committee state that they welcome the reduction in size of the dwelling but would also like to see the removal of the quoin details. Overall the development does not adversely affect the

character and appearance of the AONB and as such is in accordance with Policy ENV2.

SUMMARY AND CONCLUSIONS:

8. The application is for the erection of a detached dwelling and is an amendment to that previously approved under code no: 20/2003/1434/PF. The principle of development is considered to be acceptable as is the impact on visual and residential amenity. Highways are satisfied with the proposed development and the impact on the AONB is minimal. The major concerns in relation to drainage issues seem to be acceptable as the details have not changed since the last application.

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. The quoin detailing as shown on the approved plan shall be omitted from the scheme and does not form part of the approved plan.
5. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details before the proposed development was brought in to use.
6. The surface of the proposed access shall be paved with a bituminous material behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Highway Authority's approval.
7. The wall, hedge or fence either side of the proposed access shall be no higher than 1.05m above the adjacent carriageway.
8. No further development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
9. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the 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.

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 visual amenity and to retain the overall character and appearance of the AONB.
5. To provide for the parking and turning of vehicles clear of the highway in the interest of traffic safety.
6. To ensure the formation of a safe and satisfactory access.
7. To ensure that adequate visibility is provided at the point of proposed access to the highway.
8. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
9. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

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

ITEM NO: 5

WARD NO: Dyserth

APPLICATION NO: 42/2006/1440/ PF

PROPOSAL: Erection of detached dwelling and construction of new vehicular access on 0.032 hectares of land (revised scheme)

LOCATION: Land at junction of Pandy Lane and High Street Dyserth Rhyl

APPLICANT: Mr M Davies

CONSTRAINTS: CLA-Class A Road
Previous Mining Area

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
No objection
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection, subject to conditions
3. WELSH WATER/ DWR CYMRU
No objection, subject to safeguards.

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. Alan Pike and Steven Jones, Swn Y Nant, Pandy Lane

Summary of planning based representations:

- i) Impact on amenity, loss of privacy
- ii) Impact on drainage

EXPIRY DATE OF APPLICATION: 15/02/2007

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for a two storey detached dwelling on land off Dyserth High Street. The dwelling has an overall ridge height of 9.1m and is sited between 5m and 7.5m from the rear boundary of the site. The dwelling comprises of 4 beds, kitchen, living, dining room and lounge, with an integral garage.
2. The application site comprises 0.08ha of vacant land located within the defined settlement limits of Dyserth. The site is the former JD Davies Builders yard and has been redundant since July 2003. To the rear of the site at a lower ground level is the detached property of 'Swn y Nant'. Access to the site is off Dyserth High

Street. The site is bounded by a 1.5m high stone boundary wall with mature trees, shrubs and hedging on the eastern and northern boundaries. The ground levels within the site slope downward from south to north.

RELEVANT PLANNING HISTORY:

3. 42/2003/1218/PO Development of 0.08 ha of land by the erection of 2 storey terraced block of 4 dwellings with garage provision at ground floor level and construction of new vehicular access (outline application) GRANTED - 2nd March, 2004

42/2005/140/PR Reserved Matters APPROVED - 20th April 2005

42/2006/1186/PF – Erection of detached dwelling (with balcony and French doors) refused due to impact on amenity – REFUSED - 29 Nov 2006.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July, 2002)
Policy GEN 6 Development Control Requirements
Policy HSG 3 Housing Development in Main Villages

MAIN PLANNING CONSIDERATIONS:

- 5.
- i) Principle of the development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Drainage
6. In relation to the main planning considerations as noted at paragraph 5:
- i) Principle
The principle of the proposal is acceptable as the proposal is located within the development boundary. Furthermore the principle of development on the site has been established by the granting of outline planning permission for 4 dwellings in March 2004.
 - ii) Residential Amenity
The ridge height of the proposed building would be approx 9.1m. There are windows to the kitchen and living room on the ground floor rear elevation and 2 beds and WC on the first floor. The proposed dwelling would be sited between 5.5m and 7m away from the rear boundary. The ground level of the site is significantly higher than that of Swn y Nant to the north. It is estimated that the first floor windows on the proposed dwelling would be higher than the eaves on Swn y Nant. A panel fence of 2m is proposed along the rear boundary which would avoid overlooking from the rear garden area of the proposed dwelling. Therefore the siting of the proposed dwelling at a higher ground level some 15m from the rear elevation of Swn Y Nant is unlikely to cause significant overlooking to the rear of Swn Y Nant and its rear amenity space. This compares favourably to the previous proposal that incorporated a balcony.
 - iii) Visual Amenity
The size, scale and design of the property is considered acceptable in this location and with the use of appropriate external materials it is not considered that there would be any adverse impact on the visual amenities of the local area and street scene. The existing trees to the east of the site will not be affected by the proposal.
 - iv) Drainage
Welsh Water have approved the proposal subject to safeguards and building regulations would also assess the capability of the drainage on site.

SUMMARY AND CONCLUSIONS:

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

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 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.
3. 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 of the development hereby permitted and no materials other than those approved shall be used.
4. 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.
5. 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.
6. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
3. In the interests of visual amenity.
4. 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.
5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
6. In the interests of residential and/or visual amenity.

NOTES TO APPLICANT:

You are advised that Welsh Water have recommended the following:

- (i) Foul and surface water must be rained separately from the site to protect the integrity of the public sewerage system.
- (ii) No surface water shall be allowed to connect to (either directly or indirectly) to the public sewerage system to prevent hydraulic overloading of the public sewerage system.
- (iii) No land drainage will be permitted, wither directly of indirectly, to discharge into the public sewerage system to prevent hydraulic overload of the public sewerage system and pollution of the environment.

ITEM NO: 6

WARD NO: Prestatyn Central

APPLICATION NO: 43/2006/1262/ PF

PROPOSAL: Erection of two storey extensions to front and side of dwelling and erection of replacement garage

LOCATION: 14 Calthorpe Drive Prestatyn

APPLICANT: Mr G Clabrough

CONSTRAINTS: Previous Mining Area
Article 4 Direction
TPO on side boundary with No 12

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objections"
2. PRINCIPAL COUNTRYSIDE OFFICE
Cannot oppose the removal of the tree based on the evidence submitted by the applicant. However does ask that details of the replacements be submitted and subsequently these trees become subject to the Tree Preservation Order.

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. Mr. & Mrs. D. Mossley, 12, Calthorpe Drive, Prestatyn

Summary of planning based representations:

- i) Concerns over the proposed development leading to a 'terracing effect'
- ii) Concerns over loss of light and outlook
- iii) Loss of character due to removal of trees

EXPIRY DATE OF APPLICATION: 18/03/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The dwelling is large detached property located on Calthorpe Drive. The dwelling is two-storey, white rendered with a clay tiled roof. There is a large curtilage area to the front and rear of the property. The application has been reported to Planning Committee at the request of Councillor N Hugh Jones to assess impact on the area
2. The original proposal involved the erection of a two storey extension to the side/rear of the dwelling, the erection of a conservatory with a balcony over and the replacement of the existing garage with a larger one.

Negotiations have taken place to reduce the overall impact of the scheme. Following negotiations, the plans have been amended to reduce the overall size of the extensions, the design of the garage has been simplified and the positioning of the replacement garage has been set back in line with the dwelling. The garage would be approximately 9m x 9m with hipped roof of height 6m. The 2 storey extension would have a depth of 10m with maximum width of 4.5m with ridge to match the existing house. Single storey extensions are shown to the rear.

RELEVANT PLANNING HISTORY:

3. None relevant.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within development boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 12 – Extensions to dwellings

SPG 1 – Extensions to dwelling

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of Development
 - ii) Visual amenity impact
 - iii) Residential amenity impact
 - iv) Impact on existing tree
6. In relation to:
 - i) Principle
The principle of development is acceptable in terms of Policy GEN 1 of the Unitary Development Plan.
 - ii) Visual Amenity
The size and scale of the proposed development is considered to be subordinate to the original dwelling. The design is sympathetic to the surrounding area and the proposal respects the character, appearance and amenity standards of the existing dwelling. The materials proposed will match the existing dwelling where appropriate. The dwelling is set in a large plot of land which is distinctly larger than the other plots on Calthorpe Drive. The proposal is not considered to be an overdevelopment of the site due to the extent of the rear curtilage. As such the proposal is compliant with Policy HSG 12 and SPG No. 1.
 - iii) Residential Amenity
The proposed two-storey extension is close to the boundary with no. 12 Calthorpe Drive. However no windows are proposed in the side elevation and it is not considered that the development would cause an unacceptable loss of light to no. 12.

The proposed replacement garage would have limited impact upon no. 16 Calthorpe Drive, as there are no windows in the side elevation of no. 16 and the garage will be set at a lower level. The more simplified plan of the replacement garage is considered more acceptable than the original scheme.

The conservatory and balcony feature would not cause a loss of amenity to any neighbouring property.

Overall the proposal is compliant with Policy HSG 12 and SPG 1.

iv) Impact on Existing Trees

The trees in question run along the northern boundary of the site. As detailed in the Arbtech report, the retention of the 3 trees, (1 sycamore and 2 ash) could prove to be hazardous to both people and buildings. As such, the LPA could not argue a case for the retention of the trees but would expect some mitigation i.e replacement of the trees elsewhere on site prior to the completion of development.

SUMMARY AND CONCLUSIONS:

7. With respect to the concerns raised, the Local Planning Authority considers that the proposal is compliant with planning policy and guidance and the application is recommended for approval.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. Within 3 months of the date of felling the trees, details of the replacement tree species, size and location within the site shall be submitted to the Local Planning Authority for approval in writing.
4. The replacement tree planting shall be carried out in the first planting season following the approval, and any trees or plants which, within a period of five years of 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. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.

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 a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of good arboricultural practice.

NOTES TO APPLICANT:

You are reminded that the proposed conservatory shall be constructed as per the approved plan (dwg no. 4848/3 REV A). All references to indicative plans have been deleted as per your instruction in the fax dated 31st January 2007

ITEM NO: 7

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2006/1330/ PF

PROPOSAL: Erection of first floor extension (amended scheme incorporating enclosed fire escape)

LOCATION: Saints Health and Fitness 8 Ffordd Talargoch Prestatyn

APPLICANT: Mr. Mark Thomas Saints Health and Fitness

CONSTRAINTS: Previous Mining Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection".
2. PUBLIC PROTECTION
No comment to make.
3. CONSERVATION ARCHITECT
Structure would not impact on Conservation Area.

RESPONSE TO PUBLICITY:

Individual letters received from:-

1. Miss S. Sharp, 14, Ffordd Bryn Melyd, Meliden, Prestatyn
2. Mrs. M. P. O'Donnell, 19, Ffordd Talargoch, Meliden
3. Mr. C. J. Mitchell, Clwyd Bungalow, 7, Ffordd Talargoch, Meliden
4. The Owner/Occupier, Meliden Post Office, 21, Ffordd Talargoch, Meliden
5. Mr. E. Williams, Chairman Meliden Action Group, 17, Ffordd Talargoch
6. Mr. J. Pierce, 12, Ffordd Bryn Melyd, Meliden
7. A. J. Rees, 32, Brynlllys, Meliden
8. Mr. P. Wallis, Bro Dawel, Meliden
9. A. C. Winning, 43, Ffordd Pennent, Meliden
10. G.R. Devlin, Red Lion, Meliden
11. J. Hodson, Brookdale Cottage, Brookdale, Cefn-y-Gwrych, Meliden
12. D. R. Pattison, 6, The Brae, Meliden
13. Mr. T. Drew, Bryn Llwyd, Ffordd Talargoch, Meliden
14. Mr. J. J. Evans, 1, Rhodfa Ganol, Meliden
15. Mr. P. Griffiths, 11a, Ffordd Pennant, Meliden
16. Ms. N. M. Wilks, 7, Lon Elan, Meliden
17. The Owner/Occupier, 43, Ffordd Pennent, Meliden
18. J. Hughes, Red Lion Inn, 4, Ffordd Talargoch, Meliden
19. L. Williams, 17, Ffordd Talargoch, Meliden
20. Meliden Action Group standard letter signed by 22 individuals

Summary of Planning Based Representations

- i) Concerns over parking congestion in village
- ii) Visual impact of building generally as well as fire escape

EXPIRY DATE OF APPLICATION: 24/01/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located just to the south of the designated Conservation Area in the village of Meliden. Saints Health and Fitness club is a long established leisure facility having been in existence since the 1970's.
2. Members may recall permission was given in February 2006 for a first floor extension and internal alterations to upgrade the leisure facility. This permission is being implemented and is nearing completion.
3. During the course of construction, certain amendments have been required in order to ensure compliance with Building Regulations and to keep the design of the building relatively symmetrical to the front elevation. Due to the nature of the ground works and the subsequent steelwork used on the extension the overall height of the structure has been constructed some 400mm higher than the previously permitted 8m. This in itself is a revision which would normally be acceptable as a working amendment.
4. Given the size of the first floor gymnasium which was permitted, it was determined that some form of external means of escape would be required in order for travel distances out of the building to comply with Building Regulations. As such an amendment was sought to allow for an external fire escape stair. As a new element to the scheme, the applicant was requested to submit a fresh planning application.
5. Whilst concerns have been raised in relation to the previously permitted scheme, it has been explained to residents at meetings attended by Officers that the scheme being constructed has planning permission and has been adjudged acceptable.
6. The fire escape stair is to be located on the south-west side of the building and following negotiations with Officers during the course of the application will now be enclosed in materials to match the main building. The structure would project some 3 m to the south of the main building and be set back some 3.1 m from its front. It would have a maximum height of 5.1 m to the grey steel roof some 3.3 m lower than the main ridge line.

RELEVANT PLANNING HISTORY:

7. 2/PRE/509/75

Extension to squash club court and viewing gallery – GRANTED – 1975

43/237/96/PF

Erection of new front elevation and new access – GRANTED – 12/6/96

43/2005/1100/PF

Erection of first floor extension and internal alterations to existing premises – GRANTED – 22/2/06

PLANNING POLICIES AND GUIDANCE:

8. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 - Development Control Requirements
 - Policy REC 4 - Recreation Facilities within Development Boundaries
 - Policy CON 6 - Development adjacent to Conservation Areas
 - Policy TRA 9 - Parking and Servicing Provision
 - SPG 13 - Conservations Areas

MAIN PLANNING CONSIDERATIONS:

9.

- i) Principle of development
- ii) Impact on visual amenity
- iii) Impact on residential amenity
- iv) Impact on highway safety

10. In relation to the points raised in paragraph 9 above:-

- i) Principle
As explained in paragraph 3 above, the escape stair has been requested in order to comply with Building Regulations. Such structures are a feature on many similar buildings and it is considered to be acceptable in principle.
- ii) Visual Amenity
Following discussions with Officers, the applicants have agreed to enclose the escape stair in materials matching the roof panels and cream render used on the main building. Many of the letters of objection received make reference to the visual appearance of the permitted extension and claim the further enlargement with the fire escape stair will compound the impact. Both the permitted scheme and this proposed escape stair scheme are considered visually acceptable and the Conservation Architect has raised no objection. The height of the main building does not project above the nearby Masonic Hall and during the previous application only one resident had raised such concerns. As such, the visual impact of the new escape stair section, set back from the main front and lower than the main ridge height, would be acceptable.
- iii) Residential Amenity
The escape stair section to the south of the building would be some 24m from the rear of the dwellings at a higher level on Ffordd Bryn Melyd. A line of high conifer trees are also sited (in part) along that relevant boundary thus screening the escape stair from the higher vantage points to the south-west. The structure would also be some 45m from the properties on Ffordd Talargoch. Whilst it is acknowledged that the original extension will obviously have some impact on dwellings nearby given its increased height the escape stair would not create any significant further detriment to any nearby residential amenity.
- iv) Highway Safety
The letters of objection received also make reference to certain parking difficulties experienced in the village between certain hours of the day when the premises is at its busiest. Discussions are on-going with residents and highway officers in order to address the concerns raised. The introduction of the escape stair does not, however, impact upon any existing car parking spaces and this current proposal will not have any direct impact upon the parking in the village between those peak hours of 5pm – 7p.m.

SUMMARY AND CONCLUSIONS:

- 11. The proposed escape stair is required to ensure Building Regulations are met. The structure would be enclosed and is set back from the front of the main building and below its ridge so as to minimise its visual impact. It would be a sufficient

distance from nearby neighbours and does not impinge on any existing parking areas.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

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

1. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 8

WARD NO: Prestatyn East

APPLICATION NO: 43/2006/1437/ PF

PROPOSAL: Erection of two-storey and single-storey pitched-roof extensions at side of dwelling

LOCATION: 11 Mostyn Avenue Prestatyn

APPLICANT: Mr & Mrs S Armstrong

CONSTRAINTS: Previous Mining Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection"

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Linda Muraca, 9 Mostyn Avenue, Prestatyn
2. Frangcon & Sandra Roberts, 6 Mostyn Avenue, Prestatyn

Summary of planning based representations:

- i) Impact on the character of the area
- ii) Impact on view
- iii) Loss of light
- iv) Overdevelopment of the site
- v) Concerns over structural damage to neighbouring property
- vi) Loss of privacy
- vii) Inappropriate design
- viii) Loss of landscaping
- ix) Increased noise and disturbance
- x) Parking problems
- xi) Devaluation of neighbouring property

EXPIRY DATE OF APPLICATION: 04/02/2007

REASONS FOR DELAY IN DECISION:**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The proposal comprises of an extension to no. 11 Mostyn Avenue projecting 3.6m from the north west side (alongside no. 9). A single storey garage to the front of the dwelling and a two storey element to the rear are proposed, the overall height of the lean-to garage is 4.5m, 2.5m to eaves, the two storey element with a hipped roof of overall height 8.5m to ridge and 5.5m to eaves. A dining/family room is proposed on the ground floor to the rear of the garage with a bedroom and en suite at first floor level. A window is proposed on the front to the en suite, a door to the garage is proposed on the ground floor side elevation (with no windows at first

floor level to the side), a bay window with balcony is proposed on the ground floor rear and a bedroom window on the 1st floor rear elevation. Materials are proposed to match the existing dwelling.

2. The 1930's style dwelling situated on the northern side of Mostyn Avenue is a two-storey, semi-detached with spardashed render and tiled roof. There is an existing single storey prefabricated garage located to the rear. There is a well screened garden to the rear of the property, which slopes to the north east. Along with some shrubs there is a 1m high panel fence on the north western boundary and a 2m panel and trellis to the rear. As the ground level drops to the rear there is a raised patio/ decked area to the rear with steps down to the garden area.
3. There is a mix of predominally 2-storey properties in the area. To the north west no. 9 is a detached two storey dwelling and south east no. 15 is a detached bungalow.
4. Cllr Neville Hugh Jones, Cllr Julian Thompson Hill and Cllr James Davies have requested that the application be considered by Planning Committee to consider the impact on adjoining dwellings.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMEN TPLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Considerations
Policy HSG12 Extensions to Dwellings

SPG 1 Extension to Dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Visual Appearance
 - iii) Residential Amenity
6. In relation to the main planning considerations as noted at paragraph 6:
 - i) Principle of development
The principle of the proposal is acceptable and in line with Policy HSG 12 as the scale and form are subordinate to the existing dwelling, the design and materials are in keeping with the existing, and the proposal will not adversely impact on the character and appearance of the locality. The proposal does not encroach onto the front or rear curtilage and does not represent an overdevelopment of the site.
 - ii) Visual appearance
The visual appearance of the extension is acceptable and clearly expressed, in keeping with Para. 9 Fig 3 of the SPG. The original features of the dwelling are preserved. It is not considered that the extension would imbalance the semi detached arrangement as the attached dwelling has already been altered with a flat roofed garage on its southeast side.

The issue of the removal of the landscaping on the boundary has been raised. However, the agent has advised that this landscaping can be retained owing to the space between the extension and the boundary.

As there is a mix of dwelling types and styles in the area the proposal would not appear out of character with the area.

iii) Residential amenity

The proposal will not impact significantly on the privacy and amenity of nearby occupiers. The proposal is for a house extension and will not intensify the residential use of the dwelling. There would be no impact on the attached dwelling (No. 13) owing to the location of the extension on the north west side. As the extension does not project any further to the front or the rear of the existing dwelling, and the two storey element is in line with the side elevation of no. 9 the impact of the proposal on the residential amenity of no. 9 would be limited, as explained below.

Although there are small windows on the side of no. 9, they are obscure glazed on the ground floor and serve a living room which has larger windows to the front and rear. It would appear that the first floor side window is also a second window to the front bedroom.

There is a gap of approximately 3m from the boundary of no. 9 to its side elevation and a further gap of at least 1m to the proposed extension. Although no. 9 is set at a lower level than no. 11, when viewed from the front of no. 9 only the single storey element would be visible. The roof of this garage slopes away from no. 9 and owing to the hipped roof on the two storey element this also slopes away from no. 9.

There are no windows proposed on the side elevation of the extension, although a side door to the garage is proposed as a secondary entrance. As noted above, the windows opposite are obscure glazed.

French windows are proposed on the rear and a balcony; however this feature balcony is a safety measure which comprises of railings flush with the wall, required as there is a drop in the ground level to the rear.

Considering the above and the concerns raised by No. 9 in terms of residential amenity, it is noted that no. 9 enjoys a well screened curtilage to the rear which will not be impacted upon. It is not considered that the impact on the enjoyment of the driveway itself at no. 9 would warrant a refusal of planning permission for the neighboring extension.

Owing to the length of the rear garden, which is well screened and the orientation of the properties to the rear on Nant Hall Road it is not considered that there would be any loss of amenity for the properties to the rear.

There is adequate amenity space and parking remaining to accommodate the requirements of the dwelling.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATIONS: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted

at any time in the side elevation of the extension hereby permitted at [ground/first], floor level, unless otherwise agreed in writing by the Local Planning Authority.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 9

WARD NO: Prestatyn East

APPLICATION NO: 43/2007/0059/ PF

PROPOSAL: Erection of conservatory to side of residential care home for use as residents' lounge and relaxation area

LOCATION: Highcroft Residential Care Home 49 Highbury Avenue Prestatyn

APPLICANT: Mrs B Smythe

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
No reply received to date

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 13/03/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for a side extension to the existing residential care home comprising of a conservatory projecting 3.5m from the side of the property and 5.6m in length. The side elevation will be altered slightly to remove the existing side bay windows. Access to the conservatory is through the patio doors in the side elevation. The proposal is sited 1m from the side boundary.
2. The applicant has confirmed the following in the previous application which was refused:

The extension to the rear has been built. There are 14 staff, 5 are full time. There are 2 parking spaces on the side generally used only by the owner and deputy manager.

A letter of support has been submitted with this application which states:

- The agent acknowledges that there is limited external space on the site therefore the conservatory will provide residents with an additional lounge to sit out in the sun 'without being exposed to the elements'.
- The design aims to create airiness.
- The use has intensified over the years and previously approved extensions reflect this.
- Obscure glazing could be fitted on the side elevation.
Parking could be provided at the front of the property on the highway.
- The purpose of the conservatory is to allow the residents to have a sense of the 'outside world'.

3. The application site comprises a large two storey detached property located in a primarily residential area of Prestatyn. The property has had substantial single storey flat roof extensions to the rear. The remaining open space on the site is a small area to the rear and the side driveway.
4. Cllr Neville Hugh Jones has requested that this application be considered by Planning Committee as 'There are factors that are not known to Officers and should be told to members'.

RELEVANT PLANNING HISTORY:

5. 43/2005/191/PF – Erection of single storey flat-roofed extension – GRANTED 15th April 2005
43/2006/1298/PF identical application refused. Refusal based on amenity considerations, character and highways safety. – REFUSED 12th December 2006

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Criteria
Policy CF 5 Residential Institutions

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development in this location
 - ii) Impact of siting and appearance
 - iii) Residential amenity
 - iv) Parking
8. In relation to the main considerations as noted at paragraph 6 above:
 - i) Principle
The principle of the extension is not acceptable. It is not in keeping with the criteria of Policy CF 5 as it will impact on the character of the property. It represents overdevelopment of the site and reduces the remaining amenity space and parking. Although the agents letter of support refers to the need for the conservatory for the users of the care home this is not considered sufficient to outweigh the planning considerations discussed below.
 - ii) Impact of siting and appearance
The visual appearance of the proposal is not acceptable. The property has been extended previously and it is considered that this proposed upvc conservatory 'add-on' off the side would be inappropriate not reflecting the character and appearance of the property or the general area which is characterised by large 1930's dwelling with side driveways and rear gardens. Furthermore the cumulative impact of the extension would represent an overdevelopment of the site.
 - iii) Amenity
Although there are no amenity space standards for this type of use the previous extensions have significantly reduced the amount of space to the rear. The loss of the side drive way would represent further encroachment into the open space around the care home. Additionally owing to the limited 1m circulation space between the conservatory and the side boundary the proposal will preclude access to the rear vehicles. The location of the conservatory is in close proximity to the adjacent dwelling at no. 47 Highbury Avenue. Notwithstanding the agents suggestion that the side elevation could be obscure glazed as described by the applicant, it is likely that the residents would use the conservatory intensively as a lounge area which would still have views to the front and rear, and potentially into the side of the adjacent dwelling as no. 47.

iv) Parking

The scheme would also preclude parking along the driveway which would in turn lead to the parking of vehicles on the highway. The parking standard for a residential institution is 1 space per 3 bed spaces. This is the maximum requirement and at present it is not met on the site. The driveway is 33m long over 5.5m wide which would allow for the tandem parking of 5/6 vehicles. If permitted the conservatory would have a distance of 12m to the highway which would only enable the parking of 2 cars.

SUMMARY AND CONCLUSIONS:

9. The proposal is not acceptable and is recommended for refusal.

RECOMMENDATION: REFUSE - for the following reasons:

1. The proposed conservatory extension by virtue of its siting and design is considered unacceptable and out of keeping with the property and the character of the area. Its location in close proximity to the boundary would lead to overlooking and loss of amenity for the neighbouring occupiers. The side extension would lead to a loss of the limited open space on the site thus constituting overdevelopment of the site. As such the proposal is contrary to Policy Gen 6 (i) and (ii) and Policy CF 5 (ii) and (iv) of the Denbighshire Unitary Development Plan.
2. The proposal would result in the loss of vehicle parking facilities and would therefore encourage parking on the highway, with the consequent risk of additional danger to all users of the road and interference with the free flow of traffic. As such, the application is unacceptable and is contrary to Policy GEN 6 (vi) and (vii) and Policy TRA 6 of the Denbighshire Unitary Development Plan

NOTES TO APPLICANT:

None

ITEM NO:	10
WARD NO:	Rhyl West
APPLICATION NO:	45/2006/0886/ PF
PROPOSAL:	Change of use from HMO to 4 no. self-contained flats, internal and external alterations including demolition of garage/store to form car parking area, bin store and drying area
LOCATION:	106 Crescent Road Rhyl
APPLICANT:	MKM Properties
CONSTRAINTS:	C1 Flood Zone Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL

"Object for the following reasons: -

(1) Insufficient parking allocated for all flats – only three spaces provided for five flats. Parking on Wellington/Crescent Road not available and parking on Maude Street will create pressures on existing on street parking utilized by properties in Maude Street. Should more than three vehicles be owned collectively by the occupiers of the flats then it is possible that they will seek to park in the alleyway if all designated bays are occupied causing obstruction to occupiers and users from other properties adjoining the alley.

(2) Access to parking is via an alleyway shared with 13 other properties. During refuse collection day the access is limited due to the refuse from a number of these properties being placed in the alleyway awaiting collection.

(3) The supporting statement states that the rear gates to the property would be removed and that security for the rear of the property would be by way of a locked gate on Maude Street. This is an alley gate introduced as part of a wider scheme with all properties adjoining the alley having access to their properties through the gate. It is not believed the gate or the properties to which it is attached are in the ownership of the applicant. Nor is it believed that the applicant has any rights to require the gates to be maintained. Gates provided elsewhere under the scheme have suffered damage and out of necessity been removed. Should the existing alley gate be similarly removed from its current location, it would leave the application site without the benefit of rear security".

2. HEAD OF TRANSPORT & INFRASTRUCTURE

No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. The Hargreaves Family, 10, Maude Street, Rhyl
2. Mr. C. Barrett, 104, Crescent Road, Rhyl
3. Mr & Mrs Large, 102 Crescent Road, Rhyl

Summary of planning based representations:

- i) Parking Issues
- ii) Increased noise and disturbance

- iii) Concerns over refuse arrangements

EXPIRY DATE OF APPLICATION: 20/02/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site comprises a traditional 3 storey end terrace property which fronts on to Wellington Road where it meets Crescent Road. The property is currently vacant but until recently was used as a House in Multiple Occupation (HMO) with the existing floor plans indicating a total of 7 bedsits with managers accommodation. To the rear is a single storey flat roof extension which is also present in the same form on the adjoining property at 104 Crescent Road. Also to the rear is a detached garage and store with a small yard area which is accessed via the rear alleyway. There is no off street parking available at present.
2. This application is for the change of use of the HMO to form 4 no. self contained flats with internal and external alterations including the demolition of the existing garage and store to form a car parking area, bin store and drying area. The external alterations to the property involves altering an existing lean-to extension at first floor level to a flat roof to provide additional head room within the property and the insertion of doors with fixed balustrading in place of windows on the rear elevation.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 Development Control Requirements
 - Policy HSG 13 Subdivision of existing premises to self contained flats
 - Policy HSG 15 Residential Conversions in East and West Rhyl
 - SPG 7 – Self Contained Flats and Houses in Multiple Occupation
 - SPG 21 - Parking Standards in New Developments
 - SPG 22 - Affordable Housing in New Developments

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Affordable Housing
 - v) Parking/Access
6. In relation to the main planning considerations as noted at paragraph 5:
 - i) Principle of development
The application site is located within the defined settlement limits where residential uses are considered acceptable provided the proposal conforms with other relevant planning policies.
 - ii) Impact on residential amenity
The proposal would provide 1 no. 1 bed and 3 no. 2 bed fully self contained flats which would meet the floorspace guidelines set out in SPG 7. The site has an area to the rear where bin stores are proposed, which can be secured

by a planning condition. It is not considered that any of the alterations would result in an unacceptable impact on any nearby residential properties, and an acceptable level of amenity would be afforded to future occupiers of the flats.

With regard to the comments raised by the Town Council and local residents in respect of refuse arrangements, a dedicated secure bin store area is proposed to the rear of the property. The existing use of the site is a House in Multiple Occupation with 7 bed-sits and managers accommodation and therefore it is not considered that to use the property at 4 no. self contained flats would lead to an increase in the amount of refuse produced at the property.

- iii) Impact on visual amenity
The external alterations proposed comprise the alteration of an existing lean-to extension to the rear elevation to a flat roof in order to provide additional headroom within the existing property and also by the insertion of 2 no. double doors with fixed balustrading in place of existing windows to the rear elevation. The appearance of the building would not be altered on the front elevation. The proposed alterations are considered acceptable without adversely impacting upon the visual amenities of the street scene or locality.
- iv) Affordable Housing
The site is located in West Rhyl where the Authority's regeneration strategy seeks to encourage the use of self contained flats, rather than Houses in Multiple Occupation/unlawful use of premises. This application seeks to convert an existing House in Multiple Occupation to provide 4 no. self contained flats and therefore the proposal meets regeneration aims to reduce the amount of poor quality housing and increase private sector investment. Taking into account the circumstances and locality of the application it is not considered reasonable to apply the Council's affordable housing policy.
- v) Parking/Access
Whilst the proposal does not provide off street parking facilities for each flat, it does provide 3 spaces which do not exist at present. The Head of Transport has raised no objection due to the location of the site in close proximity to Rhyl Town Centre, which is accessible by public transport.

SUMMARY AND CONCLUSIONS:

- 7. The development is considered acceptable with no adverse impact on residential or visual 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 bin store areas shown on the approved plan shall be retained for this purpose at all times.
- 3. The car parking spaces shall be laid out and constructed in accordance with the approved plan prior to the occupation of any of the self contained flats hereby permitted and thereafter retained for car parking.

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 residential amenity.
- 3. In the interest of residential amenity.

NOTES TO APPLICANT:

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

ITEM NO: 11

WARD NO: Rhyl South West

APPLICATION NO: 45/2006/1445/ PF

PROPOSAL: Change of use from domestic garage to showroom for home cake-decoration business and external alterations

LOCATION: 28 Sisson Street Rhyl

APPLICANT: Mrs M Opiala

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
Article 4 Direction

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

CONSULTATION RESPONSES:

2. RHYL TOWN COUNCIL
'No objection subject to consultation with adjoining property owners/occupiers'.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
Sisson Street has a benefit of on-street parking and the level of traffic generated by the proposal is not considered significant or detrimental, therefore the Highway Authority have no objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr. S. Jones, 35 Sisson Street, Rhyl, LL18 2DE

Summary of planning based representations:

- i) Concerns over impact on parking arrangements.

EXPIRY DATE OF APPLICATION: 01/02/2007

REASONS FOR DELAY IN DECISION:**PLANNING ASSESSMENT:****THE PROPOSAL:**

1. The application is for the change of use of the attached garage at 28 Sisson Street for use as a home cake decorating business. The front garage door will be removed and replaced with a door and window.
2. The applicant has supported the application with a statement detailing the nature of the operation. The applicant decorates cakes on a part-time basis. Customers can collect their pre-ordered cakes from the converted garage by appointment only. The applicant aims to operate the business between 1100 hrs and 1400 hrs daily.
3. The detached dwelling is located on the western end of Sisson Street in Rhyl. To the west there is a small lane serving the rear of the properties on Ernest Street and the adjoining dwellings.

RELEVANT PLANNING HISTORY:

4. None .

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy EMP 4 Employment Development within Development Boundaries
Policy EMP 9 Working from Home

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.

- i) Principle
- ii) Visual appearance
- iii) Impact on amenity
- iv) Highways Safety

7. In relation to the main planning considerations as noted at paragraph 6:

i) Principle

The principle of the proposal is acceptable in terms of the requirements of Policy Gen 6. Policy EMP 4 allows for small scale employment development within development boundaries provided it is of an appropriate scale, type and character to the area. It is considered that the low key use is unlikely to generate noise and disturbance which would impact on the adjacent residential properties. The scale of use would mean that it would not impact on highways safety. Policy EMP 9 Working from Home repeats the criteria of EMP 4, it also makes reference to the retention of the residential use as the main use of any site. As the proposal is solely for the garage the main residential use would remain. The proposal will not impact on the character of the residential use or the character of the area.

ii) Visual Impact

The visual appearance is acceptable. There is an alteration to the garage door but it will retain its overall residential character.

iii) Residential Amenity

It is considered that the scale of the proposal and the use would have limited impact on residential amenity.

iv) Highways Issues

The Highways Department have no objection to the proposal and as collection is by appointment the amount of traffic movement and on street parking generated would not be significant.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT - subject to the following conditions:-

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. The permission inures for the benefit of the applicant only.
- 3. The change of use hereby approved is for a cake decorating showroom for the collection and placing of orders by appointment only.
- 4. The premises shall not be open outside of the following hours and days: 0900 to 1800 hours Monday to Saturday inclusive.

5. No person shall be employed at the business other than the applicant.

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 amenity and highway safety.
3. In the interest of highway safety and amenity.
4. In the interest of highway safety and amenity.
5. In the interest of highway safety and amenity.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Rhyl South

APPLICATION NO: 45/2006/1482/ PF

PROPOSAL: Erection of modular building for pre-school children

LOCATION: Ysgol Dewi Sant Rhuddlan Road Rhyl

APPLICANT: Denbighshire County Council

CONSTRAINTS: EA Floodmap Zone 3EA
Floodmap Zone 2
Article 4 Direction
C2 Flood Zone
C1 Flood Zone
Tree Preservation Order

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

CONSULTATION RESPONSES:

12. RHYL TOWN COUNCIL
"No objection"
13. WELSH WATER
No objection
14. PRINCIPAL COUNTRYSIDE OFFICER
No comments on the proposal
15. HEAD OF TRANSPORT & INFRASTRUCTURE
Awaiting response

RESPONSE TO PUBLICITY:

Letters of objection received from the following:

1. Mrs. I. Keates, 19, Hammond Court, Rhyl
2. Mrs. Elizabeth M. Bowles, 20, Hammond Court, Rhyl

Summary of planning based representations:

- i) Concerns about highway safety - a number of cars park on the road junction of Hammond Court with Rhuddlan Road causing visibility, access and parking issues.
- ii) The dwellings on Woodside Gardens that back on to the school playing field have a fence between the dwellings and the playing field. Why is it not possible to extend this fence along to the rear of the dwellings along Hammond Court to protect residential amenity as the hedge gets damaged.

EXPIRY DATE OF APPLICATION: 12/02/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located in the development boundary of Rhyl and comprises of a large detached red brick building used as a primary school. Access to the site is off Rhuddlan Road. Parking and turning exists to the front side of the building with the playing field to the north and extending around to the rear.
2. The application is for the erection of a modular building to be used for additional teaching facilities for pre-school children. The internal layout comprises of an activity area, store room, office, cloakroom, staff, children and disabled toilets and a kitchen area. The floor area proposed measures 202.5m². The colour proposed for the building is grey with a flat dark grey roof.

RELEVANT PLANNING HISTORY:

3. 45/2003/1209/PF- Use of land for siting of mobile classroom. Granted temporary permission on 10th December 2003, with building to be removed on or before the 31st December 2008 unless subject to the grant of further permission.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN1- Development within development boundaries
Policy GEN6 – Development control requirements
Policy CF1 – Community Facilities: General

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Highways
6. In relation to the main planning considerations as noted at paragraph 5:
 - i) Principle:
The application site is within the development boundary of Rhyl where the principle of development is considered to be acceptable and in accordance with Policy GEN1.
 - ii) Visual amenity:
The history of the site indicates that permission for a similar building was granted in 2003. From visiting the site it is apparent that the building granted in 2003 has not been erected. The size, scale and overall appearance of the building proposed is similar to that granted in 2003 and located in close proximity to the existing school building. The overall impact on visual amenity is considered to be acceptable in this location and in accordance with Policy GEN6.
 - iii) Residential amenity:
Concerns have been raised by those residents in no 19 and 20 Hammond Court in relation to the impact on residential amenity. The nature of these concerns are in relation to children damaging the boundary hedge between the playing field and the rear of the dwellings. This is unlikely to be materially affected by provision of accommodation of facilities for pre-school children and is an issue of school management rather than a material planning consideration. No other concerns have been raised in relation to the impact

on the amenity of the area. The proposal is considered to be in accordance with criterion v) of Policy GEN6.

iv) Highways:

Concerns have also been raised by residents of Hammond Court in relation to the access, visibility and parking of the school at the junction of Hammond Court with Rhuddlan Road. Parking and dropping off issues are common to many schools in the county and is being tackled on a countrywide basis. Parking provision exists within the school site. The erection of this building is unlikely to significantly exacerbate off-site parking and congestion issues. It is not considered that the erection of a modular building will give rise to additional traffic movements and as such the proposal is in accordance with criterion vii) of policy GEN6.

SUMMARY AND CONCLUSIONS:

7. The application is for the erection of a mobile building to be used as additional facilities to the existing use of the site as a school. The principle of development is considered to be acceptable as is the impact on visual and residential amenity. Traffic movements as a result of the development are not expected to increase as a result of the proposal and as a result the proposal is in accordance with policy GEN6.

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 building hereby permitted shall be removed and the land restored to its former condition on or before the 31st December 2012 unless subject to a further grant of planning 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. The building is not considered suitable to warrant permanent permission.

NOTES TO APPLICANT:

None

ITEM NO: 13

WARD NO: Rhyl East

APPLICATION NO: 45/2007/0041/ TP

PROPOSAL: Crown lift and crown reduction by up to 25 per cent of 3 Horse Chestnut trees and felling of 1 Horse Chestnut tree in Area G12 on the plan annexed to the Rhyl Urban District Council Tree Preservation Order 1951

LOCATION: 36 Y Gorlan Rhyl

APPLICANT: Clwyd Alyn Housing Association Ltd.

CONSTRAINTS: Tree Preservation Order
Groundwater Vulnerability
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"Object - The Council does not believe that the reasons submitted by the applicant are sufficient to justify the lopping and removal of the protected trees which pre-date the development."
2. PRINCIPAL COUNTRYSIDE OFFICER
No objection

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 07/03/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application seeks consent to carry out works to 3no. Horsechestnut trees annotated T28, T29 and T30 on the submitted plan by way of crown reduction. The proposed works also include the felling of 1no. Horsechestnut tree annotated T31 on the submitted plan. There is a proposal to replace the tree to be felled but the details have not yet been submitted.
2. Tree nos. T28 and T29 are located outside of the residential garden of no. 36 Y Gorlan, whilst T30 and T31 are located inside the boundary fence. The reasons given for the proposed works are summarised as follows:
 - i) to reduce the loss of light at no. 36 Y Gorlan
 - ii) in the interest of safety for the occupants of 36 Y Gorlan
 - iii) in the interest of visual amenity

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within development boundaries
Policy ENV 7 – Landscape/Townscape features

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Impact on visual amenity
6. In relation to the planning considerations in paragraph 5:
 - i) It is not considered that the felling of 1no. tree and the crown reduction of 3no. trees would have significant detrimental impact upon visual amenity of the area. The trees currently cause nuisance by way of falling leaves and chestnuts and also block a majority of the days sun from the garden and windows of 36 Y Gorlan. This application is supported by the applicant's willingness to provide a replacement tree for the one it is proposed to fell. The site overall retains a significant number of mature trees, particularly to the boundaries with Brighton Road and Churton Road.
7. The Principal Countryside Officer has accepted the reasons for the removal of and works to the trees, and therefore has no objection to the proposal. Indeed a site meeting took place before submission of the application to consider the necessity of the works.

SUMMARY AND CONCLUSIONS:

8. The proposal would be acceptable in relation to the surrounding area and the application is recommended for approval.

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

1. Prior to the felling of the trees, details of a replacement tree (species, size, and location) within the site shall be submitted to, and approved in writing by the Local Planning Authority.
2. The replacement tree shall be planted in the first planting season following removal of the tree (T31), and if the tree, within a period of five years of the planting, dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another tree of similar size and same species.
3. All works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998, 1989.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 14

WARD NO: St Asaph East

APPLICATION NO: 46/2006/1251/ PC

PROPOSAL: Continuation of use of part of premises as children's clothing and accessories on-line shopping facility (retrospective application)

LOCATION: Mews Cottage at Angorfa Court Upper Denbigh Road St. Asaph

APPLICANT: Mrs Julie Corry

CONSTRAINTS: CLA-Class A Road
Conservation Area

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

CONSULTATION RESPONSES:

1. ST ASAPH CITY COUNCIL-
'Object on the grounds of intrusion into residential environment- additional traffic movement, both parking on the busy road and within the confined premises, (even though described as an 'on-line' business – traffic visiting the premises has increased considerably since the change of use)'.
2. HEAD OF TRANSPORT & INFRASTRUCTURE-
The site benefits from an existing access and ample parking and turning, loading and unloading facilities and this proposal is not considered detrimental to highway safety, the Highway Authority have no objection.
3. CONSERVATION OFFICER
No objection but considers sign is poorly designed.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mr A.G. Rees, 12 Llys Idris, St Asaph
2. Mr D.A.R. Lee-Williams, Tros Elwy, Upper Denbigh Road, St Asaph

Summary of planning based representations:

- i) Concerns over noise, disturbance
- ii) Retail type use in the residential area
- iii) Highway Safety
- iv) Visual impact of the signage

EXPIRY DATE OF APPLICATION: 17/01/2007

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for the continuation of change of use of an outbuilding, Mews Cottage at Angorfa Court, St Asaph to on-line shopping facility and show-room. No alterations are proposed to the building. Although a sign is currently displayed on the building, this would be removed. The application results from an enforcement investigation undertaken in August 2006.
2. The application has been supported by a letter from the applicant outlining the nature of the operation. Children's clothing and accessories are marketed on the internet and orders taken online. Displays for the website are made in the building and orders are then dispatched to the post office. The building is not open to visiting members of the public and viewings or visits would be by appointment only which is limited to one or two visitors per week.
3. The site is located on the west side of Upper Denbigh Road in St Asaph. The main dwelling Angorfa is a large detached property. Mews Cottage, a small outbuilding, is a two storey building on its northern side. It has dimensions of around 7 m by 6 m. There is a large curtilage to the front and rear, a courtyard and parking area to the front.

RELEVANT PLANNING HISTORY:

4. Various, none recent - the planning history suggests that the previous use of Angorfa was as self contained flats.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy EMP 4 Employment Development within Development Boundaries
Policy EMP 9 Working from Home

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle
 - ii) Visual appearance
 - iii) Impact on amenity
 - iv) Highways Safety
7. In relation to the main planning considerations as noted at paragraph 6:
 - i) Principle
The principle of the proposal is acceptable in terms of the requirements of Policy Gen 6. Policy EMP 4 allows for small scale employment development within development boundaries provided it is of an appropriate scale, type and character to the area. It is considered that the low key, Monday to Saturday use is unlikely to generate noise and disturbance which would impact on the adjacent residential properties. It is a relatively close to the town centre, well served by a number of means of transport and would not impact on highway safety. Policy EMP 9 Working from Home repeats the criteria of EMP 4, it also makes reference to the retention of the residential use as the main use of any site. Mews Cottage is an outbuilding within the curtilage of a large detached dwelling. The main residential use would remain. Owing to the nature of the use, it is considered that the proposal will not impact on the character of the residential use or the character of the area. Planning conditions can be imposed to control the nature of the use.
 - ii) Visual Amenity
The visual appearance is acceptable. No alterations are proposed.

iii) Residential Amenity

It is considered that owing to the scale of the proposal and the use that there would be no impact on residential amenity.

iv) Highway Issues

The Highways Department have no objection to the proposal and the proposal would generate very limited traffic movements. There is ample parking and turning space within the site to serve the dwelling and limited business use

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The permission inures for the benefit of the applicant only.
2. Visits to the showroom for the on-line shopping facility shall be by appointment only.
3. No person shall be employed at the business other than the applicant.
4. The premises shall not be open outside of the following hours and days, 0900 to 1700 Monday to Saturday inclusive.

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

1. To control the use of the interests of residential amenity and highway safety.
2. To control the use of the interests of residential amenity and highway safety.
3. To control the use of the interests of residential amenity and highway safety.
4. In the interest of highway safety and amenity.

NOTES TO APPLICANT:

None

ITEM NO: 15

WARD NO: St Asaph East

APPLICATION NO: 46/2006/1413/ PS

PROPOSAL: Variation of Condition No. 2 of planning permission Code No. 2/APH/0004/94/P to allow opening hours until 0000 hours on Mondays-Saturdays and 2345 hours on Sundays

LOCATION: St. Asaph Kebab & Burger House Glan Clwyd High Street St. Asaph

APPLICANT: N Colakoglu

CONSTRAINTS: Conservation Area
CLA-Class A Road

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

CONSULTATION RESPONSES:

1. ST ASAPH CITY COUNCIL
'Object, additional late night opening could contribute to anti-social behaviour'.
2. COMMUNITY SAFETY SECTION
No issues from Community Safety

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 23/01/2007

REASON FOR DELAY IN DECISION:

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal seeks to vary the condition no. 2 of Planning permission ref no. 2/APH/0004/94/P to allow extended opening hours to 0000 hrs Monday to Saturday and 2345 on Sunday.
2. Planning permission ref no. 2/APH/0004/94/P was granted in 1994 with a condition no. 2 restricting the hours of operation to between 0800 and 2330 hours Monday to Saturday and 0800 to 2230 on Sunday.
3. The property has a current licence to operate from 1200 to 1400 and 16:30 until 0000 on Monday to Thursday, 1200 to 0000 on Friday and Saturdays, and 1630 to 2345 on Sunday. The applicant has advised that the hours of operation for the last 16 months have been in keeping with the licensing hours. There have not been any incidents or complaints from the authorities or neighbours. He has also stated he has CCTV in operation on the premises.

RELEVANT PLANNING HISTORY:

4. **2/APH/0403/94/P**
Application made to change hours to 0800-0030 Friday & Saturday - REFUSED on the basis of the impact on adjacent residential amenity

46/2006/1107/PS

Application to allow opening to 0030 - REFUSED on the basis of impact on residential amenity.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy RET16 - Food and Drink- Hot Food Takeaways

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Impact on residential amenity
 - ii) Crime and Disorder
7. In relation to the main planning considerations as noted at paragraph 6.
 - i) Residential Amenity
The main issue is considered to be the principle of the extension of the opening hours and the amenity considerations covered by criterion v) of Policy Gen 6. Although the A3 use is established, the limit of the opening hours controlled by the original condition was intended to protect the amenity of nearby occupiers as there are residential units over some of the commercial properties in the town centre.

It is acknowledged that the changes to the licensing regulations encourage the operators of this type of establishment to stay open for longer. However, the assessment must be made as to whether different controls are required through the Planning Acts compared to the Licensing Act. Case Law has indicated that planning powers may be used to impose more stringent hours of opening than allowed by licensing hours. However in this instance, the town centre location and comparative late night activity of the other establishments such as the Red Lion who are licensed until 2330 Sunday to Wednesday 0030 Thursday to Saturday, the Conservative Club licensed until 2300, (0100 with music) and the Kentigern Arms licensed until 2300 Monday to Saturday and 2230 on Sunday indicate that Licensing Act restrictions are sufficient to exercise control and the planning conditions should be varied to tie in with the license.

- ii) Crime and Disorder
The objection of the City Council has been noted. However, no objections have been raised by the Community Safety Section and as the premises will still close at a time comparable to the other A3 uses in the town centre, the proposal is unlikely to exacerbate to anti-social behaviour.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable and is recommended for grant.

RECOMMENDATION: GRANT:-

No conditions imposed.

ITEM NO: 16

WARD NO: St Asaph East

APPLICATION NO: 46/2006/1494/ PF

PROPOSAL: Change of use of former cemetery building (Class D1) to office accommodation (Class B1) and associated works

LOCATION: Cemetery Chapel Mount Road St. Asaph

APPLICANT: Mr J Goddard

CONSTRAINTS: Wildlife Site

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

CONSULTATION RESPONSES:

1. ST ASAPH CITY COUNCIL
"No objection"
2. HEAD OF TRANSPORT & INFRASTRUCTURE
Taking into account the existing use of the site as a Class D1 public worship or religious institution and the potential change of use to a crèche, day nursery or day-care centre without planning permission, the Highway Authority would have no objection to the proposals.

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr & Mrs S.N. Roberts, Bryn Hyfryd, Mount Road
2. Mr Paul Evers-Swindell, Garthwen, Mount Road
3. Mr Charles E Leach, 4 Llys Trewithan, Mount Road
4. Mr M Parry Jones, Trefelwy, Mount Road
5. Dr's D & J Cameron, Bod Elwy, Mount Road

Summary of planning based representations:

- i) Use out of keeping in residential area
- ii) Impact on highways safety, on street parking
- iii) Impact on attached nature reserve
- iv) Impact of proposal on open grave-yard, access to grave-yard

EXPIRY DATE OF APPLICATION: 07/03/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is to establish the principle of change of use of former Cemetery Chapel (D1 use) to provide office accommodation (B1). External alterations proposed are the installation of 3 roof lights on both roof planes. Owing to the nature of the site and the open grave-yard the application solely relates to the chapel, there is no curtilage to the building for the proposed use. The Part 2 Form indicates parking would be on the road and the anticipated traffic flow would be for 3 employees daily and 2 visiting members of the public on a weekly basis.
2. Cemetery Chapel is located on the eastern side of Mount Road in St Asaph. The application site comprises of only the chapel which is surrounded by a grave-yard

which is a designated Local Wildlife Site. The area is mainly residential in character.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy EMP 4 Employment Development within Development Boundaries
Policy EMP 6 Office Developments

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5.

- i) Principle
- ii) Visual appearance
- iii) Impact on amenity
- iv) Highways Safety
- v) Wildlife site

6. In relation to the main planning considerations as noted in paragraph 5 above:

i) Principle

The principle of the proposal is acceptable in terms of the requirements of Policy Gen 6. Policy EMP 4 allows for small scale employment development within development boundaries provided it is of an appropriate scale, type and character to the area. It is considered that the weekday use is unlikely to generate noise and disturbance which would impact on the adjacent residential properties. It is a relatively close to the town centre and would not impact on highways safety. Policy EMP 6 Office Development repeats the criteria of EMP 4. It also makes reference to the conversion of existing buildings for office development. As mentioned in the Highways response the existing use is also a planning consideration. The range of uses the building can be converted to needs to be considered. In relation to this range of uses, the B1 use would be relatively small scale and less intensive than other D1 - non residential institution uses. The nature of the site is also a consideration. Owing to the curtilage constraints and the potential conflict of use with the open grave-yard, the B1 business use would appear to be the most appropriate for the re-use of the existing building.

ii) Visual Appearance

The visual appearance is acceptable. No alterations are proposed apart from the roof lights which are acceptable.

iii) Residential Amenity

It is considered that owing to the scale of the proposal and the use that there would be limited impact on residential amenity.

iv) The Highways Department have no objection to the proposal owing to the nature of the existing use and the permitted changes within this use. Although there is no formal/ marked on-street parking on the frontage the applicant will use this space for parking. No space exists within the site.

v) Wildlife Site

It is considered that the B1 Office use would not impact on the nature of the open grave-yard as the application is for the building only. The Church would remain in control of the grave-yard which would have access rights not

affected by the proposal. The alterations will not impact on the Local Wildlife Site, its presence will be noted to the applicant.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATIONS: 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, this permission relates to the use of the building as an office only and no other use within Class B1 of the Town and Country Planning (Use Classes) Order 1987.

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 enable the Local Planning Authority to control the use in the interests of amenity.

NOTES TO APPLICANT:

You are advised that the grave-yard surrounding the application site is a Local Wildlife Site. Therefore please contact Kate Burgess, Biodiversity Officer of the Council (01824 708234) to discuss the implications of any works that are carried out on the wildlife site

PWYLLGOR CYNLLUNIO
CYFARFOD: 21ain Chwefror 2007
Eitem: 3

PLANNING COMMITTEE
MEETING: 21st February 2007
Agenda Item: 3

ENFORCEMENT MATTERS

- (i) **ENF/ 2003/00041:** Coral Springs, Llandegla
Unauthorised use of static caravan as residence, untidy land,
storage of various items on land

- (ii) **ENF/2007/00009:** 69, High Street, Prestatyn
Unauthorised installation of roller shutters

- (iii) **ENF/2006/00004:** Tan y Foel, Bryneglwys
Unauthorised siting and residential use of caravan

- (iv) **ENF/2006/00108:** 2 Penfforddwr, Rhewl, Ruthin
Unauthorised car repair business and siting of a container

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2003/00041
LOCATION: Land Known as Coral Springs Ruthin Road Llandegla Wrexham
INFRINGEMENT: Unauthorised use of land to site static caravan for residential use

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 – Development Control requirements
Policy GEN 3 – Development outside Development Boundaries

GOVERNMENT GUIDANCE

Planning Policy Wales 2002
Technical Advice Note (Wales) 9 : Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The rights of a person(s) to residence in a caravan does not outweigh the right of the Local Planning Authority to protect the amenity of the area. No human rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The site is general agricultural land being used mainly for the keeping of horses by the occupier(s) of the land. There is no dwelling on the site, no utilities or mains drainage and the occupier(s) are living in a static caravan on the site.
- 1.2 The residential use of the static caravan was reported to an Enforcement Officer in December 2006. Subsequent visits have been made to the land and the owner(s) have been advised that the residential use is unacceptable and must cease.
- 1.3 The owner has stated to Officers that she has no intention of finding alternative accommodation.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 It would appear that the breach of planning control has occurred within the last 10 years and the imposition of planning conditions, in this instance, would not overcome the harm the residential caravan has on adopted UDP policies, which seek to control residential development in the open countryside. Furthermore, the siting of the caravan and associated domestic paraphernalia would represent an intrusive feature within this attractive open countryside location. The unauthorised residential use of a

caravan in the open countryside has a detrimental impact on the amenity of the area and is therefore not acceptable.

- 2.2 The residential use and siting of the static caravan in this open countryside location is contrary to the policies referred to above. To allow a residential use outside any designated settlement boundary would be contrary to strategic policies within the adopted Unitary Development Plan and would set an undesirable precedent for other sporadic forms of residential development outside defined settlement limits.
- 2.3 In 1997, planning enforcement action was necessary in order to secure the cessation of the use of a static caravan on the site for residential purposes. It is considered that enforcement action is the only expedient way to deal with the present breach of planning control at this site.
- 2.4 Previously, in January 1998, during a Planning Inspectors determination of an appeal over the site owners failure to remove a residential caravan where a temporary permission had expired, the Inspector acknowledged that any residential use of a caravan on this site is not acceptable.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 3 month compliance period ordering the cessation of use of the caravan as a residence and furthermore, the removal of the caravan from the land.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails to comply with the provisions of the Notice.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2007/0009
LOCATION: 69 High Street Prestatyn
INFRINGEMENT: Installation of roller shutters, associated metal box and plastic canopy

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy CON 5 – Development within Conservation Areas

SUPPLEMENTARY PLANNING GUIDANCE

SPG 12 – Shop Fronts
SPG 13 – Conservation Areas

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002
Technical Advice Note (Wales) 9 : Enforcement of Planning Control
Welsh office Circular 61/96 and 1/98 : Planning & The Historic Environment

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement against unauthorised development of land and related matters. The matters under consideration in this instance relate to the contravenor's rights to erect a security shutter and associated metal box and plastic canopy without planning permission. In this instance it is considered that these rights do not outweigh the objectives of the relevant planning policies which seek to ensure that developments preserve or enhance the character or appearance of the conservation area.

1. BACKGROUND INFORMATION

- 1.1 A survey of shops and other commercial properties within the Prestatyn High Street Conservation Area revealed that new roller shutters and associated metal box had been installed to the shop window of the property at 69 High Street, along with a plastic canopy.
- 1.2 Following an enforcement investigation it was established that the roller shutters and associated metal box as well as the plastic canopy were recent alterations to the property. The roller shutters, associated metal box and plastic canopy constitute operational development which materially affects the external appearance of the property, and which therefore require planning permission. No such permission has been sought or granted and as such these works are unauthorised and represent a breach of planning control.

- 1.3 It is noted that the Local Members, the Town Council and the Prestatyn & District Business Association were formally advised of various enforcement investigations in relation to properties within the Prestatyn High Street Conservation Area.
- 1.3 Having regard to the site's location in the Conservation Area and to all the relevant planning policies and guidance, the main consideration is whether the roller shutters and associated metal box as well as the plastic canopy preserve or enhance the character and appearance of the Conservation Area.
- 1.4 The roller shutters when rolled down are solid in appearance and are a stark and unsympathetic feature on the building. The metal box which houses the rolled up shutter projects beyond the existing shop front, and it is considered that even when the shutters are not in use (rolled down), the alterations to the shop front as a consequence of the roller shutters are also unacceptable. It is considered that the roller shutters and metal box do not form part of the integral design and appearance of the building and have a "tacked-on" appearance.
- 1.5 The plastic canopy is shiny and modern in appearance and is not sympathetic to the character of the building or the Conservation Area.
- 1.6 The roller shutter, metal box and plastic canopy do not preserve or enhance the character or appearance of the Conservation Area and are therefore unacceptable.
- 1.7 The owner of the business has not responded to any correspondence.
- 1.8 It is accepted that commercial premises require appropriate security measures, but this should not be to the detriment of the character or appearance of the property or the Conservation Area. Furthermore, there are automatic shutters on the market which are designed so as to ensure that they are sympathetic additions to buildings. Furthermore, there is no specific objection to the installation of canopies provided the materials and design are acceptable.
- 1.9 Members are reminded that authorisation was given to take enforcement action against 204 and 208 High Street, Prestatyn and that enforcement notices were served requiring the removal of roller shutters and metal boxes from both properties. The roller shutters and metal box have been removed from 208 High Street and will be removed from 204 High Street, following the dismissal of a planning appeal.
- 1.10 Therefore, following the action taken against 204 and 208 High Street, this report requests that Members support a consistent approach and authorise action in respect of the breaches of planning control at this property.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised roller shutters, metal box and plastic canopy have been installed within the last four years.
- 2.2 The metal roller shutter and metal box by virtue of the design, appearance and use are detrimental to the visual amenity and character of the property and neither preserve nor enhance the appearance or character of the surrounding Conservation Area.
- 2.3 The plastic canopy by virtue of its materials and appearance is detrimental to the usual amenity and character of the property and neither preserves nor enhances the appearance or character of the surrounding Conservation Area.

- 2.4 The metal roller shutter and metal box are contrary to Policies CON 5 and GEN 6 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Note 12: Shop Fronts, Supplementary Planning Guidance Note 13: Conservation Areas and Welsh Office Circular 61/96 and 1/98; Planning and the Historic Environment.
- 2.5 The use of conditions as part of any grant of planning permission for the retention of the unauthorised roller shutter and metal box would not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation is given for the following:
- (i) Serve an Enforcement Notice to secure the removal of the roller shutters, metal box and plastic canopy.
 - (ii) Instigate prosecution proceedings, or other appropriate action under the Planning Act, against any person or persons upon whom any Enforcement Notice, or other Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2006/00004

LOCATION: Land at Tan Y Foel, Bryneglwys, Corwen

INFRINGEMENTS

1. Siting and Residential Use of Caravan
2. Unauthorised installation of septic tank

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy GEN 3 – Development outside the Development Boundaries
Policy HSG6 – New dwellings in the Open Countryside

GOVERNMENT GUIDANCE
Planning Policy Wales 2002
Technical Advice Note (Wales) 9 : Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The rights of a person to residence in a caravan does not outweigh the right of the Local Planning Authority to protect the amenity of the area. No Human Rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The site is general agricultural land and the existence of the caravan being used for residential purposes was first reported to a member of the Enforcement Team on 28 November 2005.
- 1.2 A Planning Contravention Notice was first served on the owner of the land on 1 March 2006. The owner advised that a Mr Ian Humphries slept in the caravan at weekends to supervise lambing and sheering.
- 1.3 On 7 April 2006 the Team Leader for Planning Enforcement wrote to the owner of the land advising that the caravan could be used for the purposes of a rest shelter & for storage but any residential use by Mr Humphries amounted to a breach of planning control and must cease forthwith.
- 1.4 Planning Contravention Notices were served on the owner and the occupier of the caravan on 11 January 2007. Each party confirmed the residential use of the caravan and the owner of the land; Mr Davies confirmed that the caravan was connected to a septic tank, which had been installed in approximately 2005. With regard to the latter, no application had been made to planning or building control with regard to its installation and its existence is therefore unauthorised.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised residential use of a caravan in the open countryside has a detrimental impact on the amenity of the area and is therefore not acceptable.
- 2.2 The installation of a septic tank was unauthorised.
- 2.3 The residential use and siting of the static caravan in this open countryside location is contrary to the policies referred to above. To allow a residential use outside any designated settlement boundary would be contrary to strategic policies within the adopted Unitary Development Plan.
- 2.4 It is considered that enforcement action is the only expedient way to deal with the present breaches of planning control at the site. The imposition of planning conditions would not overcome the concerns raised in this instance.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a one Month compliance period ordering;
 - (i) the cessation of use of the caravan as a residence within that period,
 - (ii) the removal of the caravan from the land, also within that period and
 - (iii) the removal of the unauthorised septic tank, also within that period.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails to comply with the provisions of the Notice.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2006/00108

LOCATION: 2 Penfforddwr Rhewl Ruthin

INFRINGEMENT: (1) Operation of Repair Business from residential property;
(2) Siting of Containers and Vehicles

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy EMP 5 – Small scale employment development outside development boundaries
Policy EMP 9 – Working from Home

GOVERNMENT GUIDANCE

Planning Policy Wales 2002
Technical Advice Note (Wales) 9 : Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The rights of a person to work from home does not outweigh the right of the Local Planning Authority to protect the amenity of the area. No Human Rights issues have been raised in this case.

1. BACKGROUND INFORMATION

- 1.1 The property is semi-detached, outside the Rhewl development boundary and in a countryside setting. The use of the property for business purposes and the siting of containers and vehicles within its residential curtilage was first reported to a Planning Enforcement Officer in September 2006.
- 1.2 A subsequent visit to the property by an Enforcement Officer revealed the presence of 2 containers and 5 cars; 3 of which appeared to be un-roadworthy and untaxed.
- 1.3 A Planning Contravention Notice was served on the owners of the property on 14 November 2006. The owner advised that the nature of his business was “light engineering” and that he had recently moved his business to his residence after vacating a unit in Denbigh from which he had been operating the business of engine machining and conditioning.
- 1.4 Additionally he confirmed in his response, that he had 3 vehicles at the property with current MOT certificates and 6 other vehicles without current MOT certificates. He advised that the containers were used for the storage of stock and tools and provided an office facility.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The use of the land is contrary to the Unitary Development Plan policies referred to above and constitutes a breach of planning control.
- 2.2 The site forms part of a pair of semi-detached residential dwellings located in an isolated position outside any defined settlement boundary. The character of the site is residential and it is considered that the running of the repairs business and the siting of the associated containers and vehicles causes significant harm to the residential character. There is a resultant impact upon nearby residential amenity by reason of increased disturbance and vehicular movements associated with the unauthorised use contrary to the aforementioned adopted policies. The siting of the containers and unroadworthy vehicles on the residential plot is also causing harm to the visual amenities of the site and surrounding countryside.
- 2.3 It is not considered that the use of planning conditions would, in this instance, overcome the concerns outlined above and the harm being caused to the amenity of the area.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 3 Month compliance period ordering the cessation of operation of a business from the residential property and for the removal of the containers used in association with that business and the unroadworthy vehicles.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served fails or refuses to comply with the provisions of the Notice.

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 (21st March 2007)

2. DATE OF THE SITE VISITS

- 2.1** In consultation with County Clerk's Department, it has been decided that **Friday 16th March 2007** 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 **Friday 16th March 2007**

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 **Friday 16th March 2007**

PWYLLGOR CYNLLUNIO
CYFARFOD: 21ain Chwefror 2007
EITEM: 5

PLANNING COMMITTEE
MEETING: 21st February 2007
ITEM: 5

**Penderfyniadau wedi eu gwneud gan
Bennaeth Gwasanaethau Cynllunio a Gwarchod y Cyhoedd o dan
Pwerau Dirprwyedig
1af - 31ain Ionawr 2007**

**Decisions Made by the Head of Planning and Public Protection
under
Delegate Powers
1st - 31st January 2007
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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01/2004/0717 / PF	Land Adjoining The Railway Inn Car Park Ruthin Road Denbigh Erection of 6 no. dwellings and associated works	Christian Smyth Case Officer - Ian Weaver	NOTPUR	31 /01 /2007
01/2006/0838 / PF	Land between 6 and 8 Beacons Hill Denbigh Erection of 6 no. dwellings and alterations to existing vehicular access	Sandgarth Properties Ltd. Case Officer - Sian Foster	WDN	12 /01 /2007
01/2006/1124 / PF	Mars Jones Ltd Unit 9a Colomendy Industrial Estate, Rhyl Road Denbigh Use of land for siting of temporary warehouse for storage of 1000 tonnes of agricultural feed for distribution in the North Wales area	B.O.C.M. Pauls Limited Case Officer - Paul David Griffin	GRANT	15 /01 /2007
01/2006/1263 / PF	51 Castle Hill Denbigh Siting of 2 No. solar panels on flat roofed garage to rear of property.	Mrs Jackson Case Officer - Paul David Griffin	GRANT	09 /01 /2007
01/2006/1282 / PF	Part rear garden of Haddef Lenten Pool Denbigh Development of 0.04ha of land by the demolition of existing outbuilding, the erection of 1 No. dwelling and construction of 2 no. parking spaces	Mr & Mrs G Roberts Case Officer - Paul David Griffin	REFUSE	03 /01 /2007
01/2006/1309 / PF	18 High Street Denbigh Change of use from class A1 to A3 Hot food takeaway.	Mr P Lackey Case Officer - Paul David Griffin	GRANT	18 /01 /2007

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01/2006/1337 / PF	Land at (part garden of) Rofft Grove Road Denbigh Erection of pair of semi-detached dwellings and alterations to existing vehicular access on 0.05 hectares of garden	Mr & Mrs P Jones Case Officer - Paul David Griffin	WDN	04 /01 /2007
01/2006/1391 / PF	3 Dalar Wen Denbigh Erection of flat-roofed extension at rear and conservatory at side of dwelling	Mr & Mrs A Lewis Case Officer - Paul David Griffin	GRANT	17 /01 /2007
02/2006/0711 / LB	H S B C St. Peters Square Ruthin Listed Building application for installation of 1 No. automated teller machine (ATM) and replacement of existing automated teller machine	HSBC Bank PLC Case Officer - Paul David Griffin	GRANT	22 /01 /2007
02/2006/0946 / LB	Distyll House Llanfwrog Ruthin Erection of two-storey pitched-roof extension at side of dwelling	Mr & Mrs P Williams Case Officer - Paul David Griffin	GRANT	08 /01 /2007
02/2006/1511 / PF	73 Erw Goch Ruthin Demolition of existing garage and erection of two-storey pitched roof extension at front/side of dwelling	Mr D Koffler Case Officer - Jenni Perkins	GRANT	30 /01 /2007
03/2005/1007 / PF	Annexe To The Royal Hotel Bridge Street Llangollen Conversion of existing 3 storey annexe and erection of new 4/5 storey extension on site of existing disco/club building, to create 8 residential apartments	Mr A Mahfouz Case Officer - Shan Wyn Jones	WDN	05 /01 /2007

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03/2005/1008 / LB	Annexe To The Royal Hotel Bridge Street Llangollen Listed building consent application for alterations to existing buildings, demolition of existing disco/club building, and erection of 4/5 storey extension to create 8 residential apartments	Mr A Mahfouz	WDN	05 /01 /2007
		Case Officer - Shan Wyn Jones		
03/2006/0527 / PF	Outbuildings At Plas Yn Pentre Bryn Howell Lane Trevor Llangollen Change of use and alterations to existing outbuildings to create 4 no. dwellings	Winnington Homes Ltd.	WDN	24 /01 /2007
		Case Officer - Shan Wyn Jones		
03/2006/0528 / LB	Outbuildings At Plas Yn Pentre Bryn Howell Lane Trevor Llangollen Internal and external alterations to outbuildings to create 4 no. dwellings (Listed Building application)	Winnington Homes Ltd.	WDN	24 /01 /2007
		Case Officer - Shan Wyn Jones		
03/2006/1365 / PF	Brynoerog Llangollen Road Trevor Llangollen Erection of extension to existing general purpose agricultural building	J H Brereton	GRANT	12 /01 /2007
		Case Officer - Paul David Griffin		
03/2007/0026 / PF	Royal Hotel, 7 Bridge Street Llangollen Installation of 2 No. retractable blinds above 2 windows	The Lola Boutique	WDN	12 /01 /2007
		Case Officer - Carole Bridge-Williams		
03/2007/0027 / LB	Royal Hotel, 7 Bridge Street Llangollen Listed Building Consent application for installation of 2 No. retractable blinds above 2 windows	The Lola Boutique	WDN	12 /01 /2007
		Case Officer - Carole Bridge-Williams		

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05/2006/1028 / PF	Land adjoining Tyn y Llidiart Corwen Change of use from van sales and car repairs to builders merchants and increase in height of perimeter fencing	Keys Unlimited	REFUSE	04 /01 /2007
		Case Officer - Nicola Marie Jones		
05/2006/1087 / PF	Outbuilding At Ty Isa London Road Corwen Change of use of land to form extension to residential curtilage and erection of two-storey pitched-roof detached garage	Messrs A & E Lawton	GRANT	10 /01 /2007
		Case Officer - Paul David Griffin		
05/2006/1226 / PF	Land adjacent to Bryn Tawel Penybryn Corwen Erection of detached dwelling (site area 0.09 ha) (revised scheme)	S McIntosh	GRANT	05 /01 /2007
		Case Officer - Sarah Stubbs		
05/2006/1468 / PF	Unit 1 Carrog Mill Holiday Cottages Carrog Corwen Alterations to Unit 1 to provide accessible bedroom and shower facilities and external works to improve parking area	The Ling Trust	GRANT	30 /01 /2007
		Case Officer - Nicola Marie Jones		
07/2006/0634 / PF	Dudley Arms Hotel High Street Llandrillo Corwen Erection of two-storey and single-storey pitched roof extension and alterations to existing living accommodation	Mr B Owen	GRANT	15 /01 /2007
		Case Officer - Paul David Griffin		
10/2006/1214 / PC	Land at Tan Y Foel Bryneglwys Corwen Retention of multi-purpose agricultural building	I.T Davies	GRANT	11 /01 /2007
		Case Officer - Jenni Perkins		

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11/2006/1393 / PO	Land adjoining Glandwr Clocaenog Ruthin Development of 0.089 hectares of land for single dwelling, installation of new private treatment plant and means of access (Outline application)	Mr & Mrs P Newcombe	GRANT	22 /01 /2007
		Case Officer - Emer O'Connor		
11/2006/1452 / AC	Cae Segwen Clocaenog Ruthin Details of landscaping submitted in accordance with condition number 2 of Planning Permission 11/2006/1001/PF	Mr & Mrs D Worthington	APPROVE	18 /01 /2007
		Case Officer - Nicola Marie Jones		
12/2006/1390 / PF	Coed Y Foel Derwen Corwen Erection of 2-bay garage in lieu of single precast concrete garage	Mr & Mrs J Lightfoot	GRANT	16 /01 /2007
		Case Officer - Nicola Marie Jones		
13/2006/1415 / PF	Treflys Pwllglas Ruthin Erection of first-floor pitched-roof extension at rear of dwelling	Mr Alan Yaxley	GRANT	19 /01 /2007
		Case Officer - Nicola Marie Jones		
14/2006/1130 / PF	Barn at Ty Newydd Isa Bontuchel Ruthin Conversion of and extension to barn to create 3-bed dwelling, erection of detached double garage, alterations to existing vehicular access and installation of new septic tank (revision to previously-approved scheme)	Mr S Macklin	GRANT	23 /01 /2007
		Case Officer - Nicola Marie Jones		
15/2006/1044 / PF	Bryn Alyn Mill Lane Llanarmon-Yn-Ial Mold Reconstruction of house and outbuildings	Mr Richard Keegan	WDN	29 /01 /2007
		Case Officer - Shan Wyn Jones		

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15/2006/1314 / PF	2 Maes Ial Llanarmon-Yn-Ial Mold Erection of single-storey flat-roofed extension and conservatory to rear of dwelling	Mr J.A. Smallwood Case Officer - Jenni Perkins	GRANT	09 /01 /2007
19/2006/1313 / PF	Sowrach Old Farm House Llanellidan Ruthin Erection of garden shed/greenhouse	Mr D Roberts Case Officer - Nicola Marie Jones	GRANT	24 /01 /2007
21/2006/0985 / PF	Cartref Ruthin Road Llanferres Mold Erection of dormer window to side and windows to front and rear gables to form rooms in roofspace	D Hurst And M Berry Case Officer - Nicola Marie Jones	GRANT	22 /01 /2007
21/2006/1354 / PC	6 Bryn Artro Avenue, Tafarn-Y-Gelyn Llanferres Mold Retention of ornamental safety railings to flat-roofed area at rear of dwelling (retrospective application)	Mr E Allen Case Officer - Paul David Griffin	GRANT	12 /01 /2007
21/2006/1427 / PF	Mandalay Ruthin Road, Loggerheads Llanferres Mold Conversion of existing garage into habitable room and erection of extension to form link	Dr & Mrs B James Case Officer - Jenni Perkins	GRANT	11 /01 /2007
22/2006/0417 / PF	Land At Wern Fawr Llangynhafal Ruthin Erection of new sheep housing unit	G Whittingham & Sons Case Officer - Nicola Marie Jones	GRANT	18 /01 /2007

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23/2007/0009 / AC	The Coach House Llanrhaeadr Hall Llanrhaeadr Denbigh Details of specifications and technical details of bat roost submitted in accordance with condition no. 2 of planning permission code no. 23/2006/0683/PF	Springs Fitness And Spa Ltd. Springs	APPROVE	25 /01 /2007
		Case Officer - Sarah Stubbs		
23/2007/0010 / AC	The Coach House Llanrhaeadr Hall Llanrhaeadr Denbigh Details of photographic survey submitted in accordance with condition no. 3 of planning permission code no. 23/2006/0683/PF	Springs Fitness And Spa Ltd. Springs	APPROVE	25 /01 /2007
		Case Officer - Sarah Stubbs		
23/2007/0052 / AC	Outbuildings At Bryn Rossa Prion Denbigh Details of landscaping submitted in accordance with condition number 8 of Planning Permission 23/2004/584/PF	Mr R Bryn Jones	APPROVE	17 /01 /2007
		Case Officer - Wayne Williams		
24/2006/0357 / INV	Land adjoining Bro Clywedog Rhewl Ruthin Development of 0.084 hectares of land for erection of 1 dwelling and construction of new vehicular access (Outline application)	Mrs H Lewis	WDN	24 /01 /2007
		Case Officer - Carole Bridge-Williams		
24/2006/1407 / PF	8 Ffordd Yr Orsaf Rhewl Ruthin Conversion of existing garage to living-room and erection of pitched roof extension over to provide extension to first-floor accommodation	Ms Elen Meirion	GRANT	30 /01 /2007
		Case Officer - Nicola Marie Jones		
24/2006/1455 / PF	Riverbank Denbigh Road Rhewl Ruthin Erection of conservatory at rear of dwelling	Mr C Rudkin	GRANT	23 /01 /2007
		Case Officer - Jenni Perkins		

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25/2007/0063 / AC	Foel Gasyth Saron Denbigh Details of landscaping and photographic survey submitted in accordance with condition number 7 of Planning Permission 25/2006/1184/PF	Mr & Mrs Roberts Case Officer - Emer O'Connor	APPROVE	22 /01 /2007
27/2006/1157 / PF	Fron Fawr Tan Y Fron Lane Eglwyseg Llangollen Erection of two-storey pitched-roof extensions and one single-storey first-floor pitched-roof extension to dwelling. Provision of new windows and external doors and removal and replacement of existing render. Provision of private treatment plant and associated drainage field for foul drainage and drilling of a borehole to supply fresh water	Mr Roland George Case Officer - Nicola Marie Jones	GRANT	30 /01 /2007
27/2006/1242 / PF	Cymmo Farm Caravan Park Rhewl Llangollen Replacement of static caravans with 3no. log cabins for holiday purposes.	E N Tate Case Officer - Paul David Griffin	REFUSE	22 /01 /2007
27/2006/1475 / PF	Ty Ni Rhewl Llangollen Erection of two-storey side and single-storey rear pitched-roof extension to dwelling	Mr Alan Birkbeck Case Officer - Jenni Perkins	GRANT	25 /01 /2007
30/2006/1237 / PF	The Old Granary Chapel Street Trefnant Denbigh Change of use of ground floor of disused granary to Class A2 office use	Mr Gareth Hughes Case Officer - Paul David Griffin	WDN	05 /01 /2007

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30/2006/1360 / PF	Maes Heulyn Cottage Trefnant Denbigh Erection of pitched-roof extensions to dwelling	Mr R Bardwell & Miss J Jones Case Officer - Emer O'Connor	GRANT	22 /01 /2007
30/2006/1416 / PF	Outbuildings At Home Farm Llannerch Hall Llannerch Park St. Asaph Change of use of outbuildings permitted use as holiday accommodation to 4 no. dwellings	Mr R G Jones Case Officer - Emer O'Connor	WDN	26 /01 /2007
30/2006/1463 / AC	Land Off (Forming continuation of Ffordd Pen Y Maes, Parc Grosvenor Trefnant Denbigh Details of management works to existing 7 no. oak trees submitted in accordance with condition no. 7 of planning permission code no. 30/2002/1129/PF	Anwyl Construction Co. Limited Case Officer - Shan Wyn Jones	APPROVE	22 /01 /2007
31/2006/1361 / PC	Land at Plas Hafod Groesffordd Marli Abergele Continuation of use of land as extension to residential curtilage and retention of tennis court (retrospective application)	Mr H M Parry Case Officer - Emer O'Connor	REFUSE	04 /01 /2007
40/2005/0709 / PO	Land at Tyn y Ffordd Farm Borth Crossroads Abergele Development of 0.1 hectares of land by erection of farm worker's dwelling (Outline application)	Mr G Pithers Case Officer - Paul Mead	REFUSE	29 /01 /2007
40/2006/1369 / PF	Land adjoining Cross Foxes Glascoed Abergele Erection of extension to existing agricultural building	Mr Emrys Evans Case Officer - Emer O'Connor	GRANT	04 /01 /2007

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42/2006/1165 / PF	Woodlands Cottage Hiraddug Road Dyserth Rhyl Demolition of existing cottage and erection of 2 No. dwelling houses with integral garages and alterations to existing vehicular access, on 0.065 hectares of land	Garnett-Hughes Developments Ltd Case Officer - Nicola Marie Jones	GRANT	04 /01 /2007
42/2006/1355 / PF	Pant Y Hespyn Hiraddug Road Dyserth Rhyl Erection of single-storey pitched-roof extension at side of dwelling	Mr C Adams Case Officer - Emer O'Connor	GRANT	18 /01 /2007
42/2006/1363 / PF	Carmel Caravan Park Bryniau Dyserth Rhyl Re-spacing of existing 14 no. static caravans and provision of 4 no. additional static caravans	Mr R Thomas-Evelyn Case Officer - Sarah Stubbs	REFUSE	16 /01 /2007
42/2006/1397 / PF	69 Cwm Road Dyserth Rhyl Erection of pitched-roof extension at side and formation of 2 new dormer windows to front and 1 new dormer window to rear of dwelling	Mr & Mrs D Radcliffe Case Officer - Nicola Marie Jones	GRANT	29 /01 /2007
42/2006/1436 / PF	53 St. Asaph Road Dyserth Rhyl Erection of two-storey pitched-roof extension and conservatory at rear of dwelling	Mr & Mrs M Ruane Case Officer - Emer O'Connor	GRANT	19 /01 /2007
42/2006/1481 / PF	Tyn Y Felin Pandy Lane Dyserth Rhyl Demolition of existing garage and erection of pitched-roof extension for garage with bedroom over at rear of dwelling	Mr & Mrs C W Harrison Case Officer - Emer O'Connor	GRANT	19 /01 /2007

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43/2006/1326 / PF	(Land adjacent to 127 Ffordd Talargoch) 127a Ffordd Talargoch Prestatyn Erection of dormer bungalow (revised scheme to Application Ref. No. 43/2006/0697/PF)	Mr I Dodd Case Officer - Emer O'Connor	GRANT	04 /01 /2007
43/2006/1350 / PF	6 Canterbury Drive Prestatyn Erection of pitched-roof extension including the insertion of 2 No. dormers at side of dwelling	Mr & Mrs D Roberts Case Officer - Jenni Perkins	WDN	12 /01 /2007
43/2006/1378 / PF	20 Calthorpe Drive Prestatyn Erection of two-storey pitched-roof extension at rear of dwelling	Mr A P Davies Case Officer - Emer O'Connor	GRANT	04 /01 /2007
43/2006/1424 / PF	52 Marine Road Prestatyn Erection of single-storey lean-to extension to front of dwelling	Mr & Mrs K Newe Case Officer - Michael G Hughes	GRANT	26 /01 /2007
43/2006/1428 / PF	6 Talton Crescent Prestatyn Formation of dormer window to front elevation	Mr D Adams Case Officer - Jenni Perkins	GRANT	19 /01 /2007
43/2006/1446 / PF	6 The Avenue Bryn Newydd Prestatyn Erection of conservatory at rear of dwelling	Mr K McCausland Case Officer - Jenni Perkins	GRANT	19 /01 /2007

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43/2006/1467 / PC	59-61 Marine Road Prestatyn Retention of 2 No. containers for storage purposes (retrospective application)	Mr A S Johnson Case Officer - Michael G Hughes	GRANT	30 /01 /2007
43/2006/1478 / PF	17 Aberconway Road Prestatyn Erection of two-storey pitched-roof extension at rear and single-storey pitched-roof extension at side of dwelling	Mr G Larter Case Officer - Jenni Perkins	GRANT	25 /01 /2007
43/2006/1508 / AD	TSB Bank Plc 155 High Street Prestatyn Display of externally-illuminated projecting sign and illuminated fascia sign	Lloyds TSB Plc Case Officer - Emer O'Connor	GRANT	30 /01 /2007
43/2007/0073 / AC	Llys Farm Meliden Road Prestatyn Details of landscaping and gate colour submitted in accordance with condition number 2 and 4 of Planning Permission 43/2004/0317/PF	Mr D Jones Case Officer - Paul Mead	APPROVE	25 /01 /2007
44/2006/1104 / AC	(Rhuddlan Triangle) Land at Marsh Road Rhuddlan Rhyl Details of scheme for disabled access submitted in accordance with condition no. 9 of planning permission code no. 44/2005/0771/PF	Muller Property Holdings Ltd. Case Officer - Mark Dakeyne	APPROVE	09 /01 /2007
44/2006/1134 / AC	(Rhuddlan Triangle) Land at Marsh Road Rhuddlan Rhyl Details of travel plan for hotel and public house/restaurant submitted in accordance with condition no. 8 of planning permission code no. 44/2005/0771/PF	Muller Property Holdings Ltd. Case Officer - Mark Dakeyne	APPROVE	17 /01 /2007

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44/2007/0017 / AC	(Rhuddlan Triangle) Land at Marsh Road Rhuddlan Rhyl Details of materials and elevational treatment of public house/restaurant and hotel submitted in accordance with condition no. 13 of planning permission code no. 44/2005/0771/PF	Muller Property Holdings Ltd.	APPROVE	17 /01 /2007
		Case Officer - Mark Dakeyne		
45/2006/1135 / AC	4 Market Street Rhyl Details of shop front and door submitted in accordance with condition number 2 of planning permission 45/2006/0864/PF	Anwyl Construction Co. Ltd	APPROVE	22 /01 /2007
		Case Officer - Emer O'Connor		
45/2006/1245 / AD	Lloyds TSB Plc 10-14 Queen Street Rhyl Display of internally-illuminated projecting sign and fascia signs	Lloyds TSB Plc	GRANT	04 /01 /2007
		Case Officer - Michael G Hughes		
45/2006/1284 / PF	21 Diane Drive Rhyl Erection of flat-roofed extension to form additional accommodation in roofspace and erection of conservatory to rear of dwelling (resubmission)	Mrs Debbie Clarke	GRANT	18 /01 /2007
		Case Officer - Michael G Hughes		
45/2006/1323 / PF	Unit 1 Glan Aber Works Glan Aber Trading Estate, Vale Road Rhyl Change of use of storage and distribution depot to motor vehicle repair workshop	Mr S J Buckley	GRANT	30 /01 /2007
		Case Officer - Michael G Hughes		
45/2006/1338 / PF	27 Marine Drive Rhyl Conversion of domestic double garage to granny flat/annexe to main dwelling-house	Mr T McAteer	GRANT	22 /01 /2007
		Case Officer - Emer O'Connor		

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

01 /01 /2007 ac 31 /01 /2007

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

01 /01 /2007 and 31 /01 /2007

<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>
45/2006/1364 / PF	6 Madryn Avenue Rhyl Erection of extension to rear and alterations to existing entrance	Dr's Goodwin, Robert Bellamy Case Officer - Emer O'Connor	GRANT	19 /01 /2007
45/2006/1392 / PF	Ysgol Tir Morfa Ffordd Derwen Rhyl Erection of extension to existing school, removal of temporary classrooms and associated works (Phase 2)	Denbighshire County Council Case Officer - Mark Dakeyne	GRANT	16 /01 /2007
45/2006/1421 / PF	Unit 2B 18/20 Vale Road Rhyl Alterations to form new shopfront	Elian Limited Case Officer - Emer O'Connor	GRANT	19 /01 /2007
45/2006/1435 / PF	5 Fairfield Avenue Rhyl Alterations and conversion of bedsits to 4 no. self-contained flats and alterations to existing vehicular access	Vale Heritage Ltd. Case Officer - Sarah Stubbs	GRANT	16 /01 /2007
46/2006/0410 / PF	Llys Y Wennol Glascoed Road St. Asaph Mr & Mrs James Conversion of garage to ancillary living accommodation	 Case Officer - Emer O'Connor	GRANT	12 /01 /2007
46/2006/0411 / LB	Llys Y Wennol Glascoed Road St. Asaph Mr & Mrs James Conversion of garage to ancillary living accommodation	 Case Officer - Emer O'Connor	GRANT	12 /01 /2007

**PENDERFYNIADAU WEDI EU GWNEUD GAN BENNAETH
CYNLLUNIO A GWARCHOD Y CYHOEDD O DAN
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**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC
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01 /01 /2007 and 31 /01 /2007

<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>
46/2006/1438 / AD	Land at Junction of Spring Gardens Access Road and The Roe St. Asaph Display of non-illuminated site address sign board	Mr Gwyn Williams	GRANT	29 /01 /2007
		Case Officer - Emer O'Connor		
46/2006/1484 / PF	7 Bro Havard St. Asaph Erection of single-storey flat-roofed extensions at side/rear	Mr & Mrs J & K Bryce	GRANT	30 /01 /2007
		Case Officer - Nicola Marie Jones		
47/2006/1211 / PF	Rhyd Y Gwtter Waen St. Asaph Erection of single-storey pitched-roof games room and swimming pool extension at side of dwellinghouse	Mr H Marston	GRANT	30 /01 /2007
		Case Officer - Nicola Marie Jones		
47/2006/1310 / PF	Pant Glas Uchaf Tremeirchion St. Asaph Erection of detached domestic garage	Mr & Mrs I Roth	GRANT	18 /01 /2007
		Case Officer - Emer O'Connor		
47/2006/1352 / PF	Plas Onn Bach Marian Cwm Dyserth Rhyl Erection of conservatory at side of dwelling	Mr I Williams	GRANT	12 /01 /2007
		Case Officer - Jenni Perkins		
47/2006/1353 / PF	Bryn Awelon Tremeirchion St. Asaph Erection of two-storey and single-storey pitched-roof extension at side of dwelling	Dr C Whiteside	GRANT	16 /01 /2007
		Case Officer - Emer O'Connor		
47/2006/1379 / PF	Plas Yn Cwm Rhualt St. Asaph Erection of replacement agricultural and garden equipment store	Mr & Mrs P Hoyle	GRANT	15 /01 /2007
		Case Officer - Emer O'Connor		

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01 /01 /2007 ac 31 /01 /2007

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

01 /01 /2007 and 31 /01 /2007

<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>
47/2006/1396 / PF	1 Fallen Sur Tremeirchion St. Asaph Erection of single-storey flat-roofed extension at rear and alteration to existing gable end roof to form pitched-roof at rear/side of dwelling	Mr & Mrs K Jones Case Officer - Emer O'Connor	GRANT	19 /01 /2007

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

1. PURPOSE OF REPORT

- 1.1 To request a decision from Members as to whether there is a need to continue to provide the lists of decisions made under delegated powers as part of the Planning Committee agenda.

2. BACKGROUND

- 2.1 It has been practice for many years to provide lists of decisions made in the period between Planning Committees as an agenda item with Planning Committee papers. The list is for information as decisions have already been issued on all the applications listed.
- 2.2 The Planning Committee is a decision making body and generally it is not considered necessary to report items for information, unless there is a significant implication for decision making.
- 2.3 The lists of decisions made could be provided to Members in a different way i.e. by regular e-mail or link to a database. Alternatively, Members are no doubt aware that a "live" list of decisions is accessible by the County Council website (<http://planning.denbighshire.gov.uk/portal/>). Such methods of conveying information to members would be more efficient. Those Members who are unable to receive information electronically would be sent a hard copy.

3. RECOMMENDATION

- 3.1 That the practice of providing a list of decisions made under delegated powers as part of the Planning Committee report cease but Members receive the information monthly by other means (electronic where possible).