

PWYLLGOR CYNLLUNIO
CYFARFOD: 23ain Mai 2007
Eitem: 4

PLANNING COMMITTEE
MEETING - 23rd May 2007
Agenda Item: 4

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: Dyserth

APPLICATION NO: 42/2005/1150/ PO

PROPOSAL: Development of 0.14ha of land by the erection of 2 no. dwellings and construction of new vehicular and pedestrian access (outline application)

LOCATION: Land at (part garden of 97 Cwm Road) known as 93/95 Cwm Road Dyserth Rhyl

APPLICANT: Mr R Williams

CONSTRAINTS: Public Footpath / Bridleway
Previous Mining Area
AONB

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

CONSULTATION RESPONSES:

1. DYSERTH COMMUNITY COUNCIL
"No objection"
1. HEAD OF TRANSPORT & INFRASTRUCTURE
No objections subject to conditions
2. DWR CYMRU WELSH WATER
No objection
3. PRINCIPAL COUNTRYSIDE OFFICER
Awaiting response

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 13/03/2007**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 application site comprises 0.14ha of land which forms the side garden of 'Highfield' on Cwm Road, located just within the development boundary of Dyserth. All properties in the locality are large detached dwellings set in extensive grounds. The site slopes upwards into the site from Cwm Road and within the site there are some small trees and shrubs along with a greenhouse and other garden paraphernalia. Located along the frontage of the site is a hedge with some trees.
2. This application seeks outline planning permission for the erection of 2 no. dwellings. All matters are reserved for further approval with the exception of the

means of access, which has been included within this application.

RELEVANT PLANNING HISTORY:

3. DYS/390/89

Proposed residential development for 2 detached dwellings GRANTED 26th September, 1989

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 3 Housing Development in Main Villages

Policy HSG 10 Affordable Housing within development boundaries

Supplementary Planning Guidance 22: Affordable Housing in New Developments

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

5.

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

6. In relation to the main planning considerations above:

i) Principle of development

The application site is located within the development boundary of Dyserth. The principle of residential development is considered acceptable provided the proposal complies with all other relevant planning policies. Outline planning permission has been granted previously on this site but has not been implemented. The plan submitted showing the siting and design of the dwellings is for indicative purposes only and has not been included for approval in this outline application.

ii) Impact on residential amenity

The site is located in between existing residential properties which front Cwm Road. Subject to appropriate siting and design, 2 no. dwellings could be located on the site without adversely impacting upon the amenities of adjoining residents. The proposed dwellings would be located within large plots with large amenity areas and car parking, therefore providing an acceptable level of amenity.

iii) Impact on visual amenity

This application is in outline form, and whilst the plans provided are for indicative purposes only, they do demonstrate that 2 no dwellings of an appropriate scale and design can be sited on the side garden of 'Highfield' without adversely impacting upon the character and visual amenities of the area. Subsequent applications should ensure the properties are of an appropriate scale and design, using appropriate materials, to be in keeping with adjoining properties and the locality. The proposal also includes the removal of trees and hedging along the frontage in order to provide a new access and visibility splay. The proposal does indicate the intention to build a traditional stone boundary wall along the frontage and to provide a new hedge set back behind the wall, which is considered

acceptable and in keeping with the area.

iv) Impact on highway safety

The existing vehicular access to the site is located adjacent to the boundary of the property with 91 Cwm Road, with a sweeping driveway up to 'Highfield'. The proposal to form an additional 2 dwellings and to increase the use of this access should not be encouraged as it is substandard and does not meet modern highway standards. The proposal therefore includes the formation of a new access to serve the existing and proposed dwellings, which is to be located centrally within the site and driveways with a gradient of 1 in 8 achieved for the new properties. A 750mm stone wall is proposed along the frontage with a new hedge to be planted. Highways have raised no objection subject to the inclusion of conditions, ensuring acceptable construction details of the access, visibility splays and drainage.

v) Affordable Housing

The site is located on the edge of the village of Dyserth, in an area where the character of the village changes to be rural in character. The pattern of development in this area of Dyserth resembles ribbon development, as historically properties have developed in a long line extending out into the countryside. The site is just within the development boundary and is drawn around the neighbouring property. All of the dwellings in this area are large detached properties set in extensive grounds with large front and rear amenity areas. The site as a whole, including the rising land/banks to the front, access and driveway measures 0.14ha and therefore obliges consideration of the Council's affordable housing policy. In terms of the character and appearance of the area and the pattern of development, to provide a higher density of development would not be appropriate. The developable area is set back well into the site and a large proportion of the site area is taken up at the frontage where considerable highway improvements are proposed. For the above reasons, it is not considered that it would be reasonable to require affordable housing in this instance.

SUMMARY AND CONCLUSIONS:

7. The principle of the development is considered acceptable. Subject to appropriate siting, scale, design use of appropriate materials and landscaping there would be no adverse impact on visual or residential amenity with acceptable levels of amenity afforded to future occupiers. There would be no adverse impact on highway safety subject to the inclusion of conditions.

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

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The access and visibility splays shall be laid out, constructed and completed in accordance with the approved plan prior to the occupation of any of the dwellings hereby permitted.

6. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plans and which shall be completed prior to the proposed development being brought into use.
7. The surface of the parking area shall be paved with a concrete or bituminous material or as otherwise agreed in writing for a distance of 5m behind the highway boundary and the whole of the access frontage adjacent to the highway boundary shall be reinforced with bullnose kerbs before the dwellings are occupied.
8. Positive means to prevent the run-off surface water from the site to the highway shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
9. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

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

1. The application is for outline permission with details of means of access only
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interest of traffic safety and to ensure the formation of a safe and satisfactory access.
6. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
7. To ensure that deleterious material is carried onto the highway.
8. In the interests of highway safety and to prevent damage to the highway.
9. To ensure satisfactory drainage of the site and to avoid flooding.

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: 2

WARD NO: Prestatyn Central

APPLICATION NO: 43/2007/0214/ PF

PROPOSAL: Erection of lean-to extension to side of dwelling

LOCATION: 4 Stoneby Drive Prestatyn

APPLICANT: Mr & Mrs D Holmes

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
'Object, overbearing and adverse impact upon the neighbouring property e.g. Loss of light'.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 02/01/2007

REASON FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The existing dwelling is two-storey with red brick walls and a tiled roof, situated on the northern side of Stoneby Drive. There is an existing single storey garage and carport on the dwelling, with a conservatory to the rear (which was built as permitted development). The ground slopes slightly down to the west of the site. Abutting the north of the site is the rear garden of no. 50 Plas Uchaf Avenue, to the east is no. 52 Plas Uchaf Avenue and to the west no. 6 Stoneby Drive.
2. The proposed extension is on the side elevation, roughly on the footprint of the existing garage. At ground floor level a garage will remain, at first floor level two small rooms are proposed to accommodate a dressing room and en suite. The extension is set back from the front of the dwelling by 6.25m, and measures 5.1m in length along the side elevation, projecting 3m in width. The overall height of the lean-to is 5.2m to the existing eaves of the dwelling and 3.5m to the eaves of the extension. On the first floor level, a circular feature window is proposed on the first floor front and rear elevation and, three roof lights are proposed on the north facing roof. Materials proposed are render finish with roof tiles to match the existing dwelling.

RELEVANT PLANNING HISTORY:

3. **43/2006/1159**
Erection of two story pitched roof extension at side of dwelling. - Refused owing to impact on adjacent property. 24/01/2007.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (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
 - ii) Visual Appearance
 - iii) Residential Amenity
6. In relation to the main considerations:-
- i) Principle
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 represent an overdevelopment of the site.
The proposal addresses the refusal reason of the previous application by reducing the width of the extension and more importantly introducing the lean-to roof as opposed to a flank wall which was previously judged to have an unacceptable impact on no. 52 Plas Uchaf Avenue.
 - ii) Visual appearance
The visual appearance of the extension is acceptable. The lean-to is a significant improvement on the existing flat-roof on the garage and car-port. The extension is set back from the front elevation, and follows the roof-line from the existing dwelling in keeping with the advice in SPG 1.
 - iii) Residential amenity
The proposal will not impact on the privacy and amenity of nearby occupiers. The first floor windows are small feature windows and do not serve habitable rooms. Furthermore owing to the roof style and its sloping nature from the existing eaves level, it is not considered that it would impact significantly on the residential amenity of the occupiers of no. 52 or 50 Plas Uchaf Avenue, or cause overlooking, loss of light or loss of privacy into their garden areas.

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

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

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

2. In the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 3

WARD NO: Prestatyn East

APPLICATION NO: 43/2007/0266/ PF

PROPOSAL: Loft conversion including raising ridge height and associated alterations

LOCATION: 54 Linden Walk Prestatyn

APPLICANT: Mr I Moore & Miss K Jarvis

CONSTRAINTS: Previous Mining Area
Article 4 Direction

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

CONSULTATION RESPONSES:

4. PRESTATYN TOWN COUNCIL
"Object. Detrimental to street scene. Overbearing impact on neighbouring property."

RESPONSE TO PUBLICITY: None**EXPIRY DATE OF APPLICATION: 01/05/2007****REASON FOR DELAY IN DECISION:**

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal involves raising the height of existing front and rear gables, and the construction of a pitched roof bay window to the front of the property. The ridge of the front gable will be raised from 5.2m to 6.5, and the ridge of the rear gable will be raised from 4.5m to 6.5m.
2. The property is a detached bungalow which stands within a residential area, close to the 90 degree bend in Linden Walk. It is abutted to the south, west and north by other residences. There is a difference in levels downwards from the site to the adjacent property at No. 52, with an embankment up to No. 56. The boundaries of the site are formed by fencing of between 1.5 and 2.0 metres in height. A wooden chalet structure has been erected in the rear garden for use as a home office.
3. Prestatyn Town Council has objected to this application so it is therefore reported to Planning Committee.

RELEVANT PLANNING HISTORY:

4. 43/2003/1446/PF Formation of rooms in roofspace with dormer on the east elevation and erection of office building – GRANTED - 20th May 2004

43/2006/0579/PF – Raising height of existing front and rear gables and construction of dormer extension at side of dwelling – REFUSED – 12 June 2007

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
GEN 1 - Development within Development Boundaries
GEN 6 - General Control Requirements
HSG 12 - Extensions to dwellings

SPG 1 - Extensions to Dwellings

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
- i) Principle of development
 - ii) Visual amenity impact
 - iii) Residential amenity impact
7. In relation to:
- i) Principle of Development
The principle of development is acceptable in accordance with Policies GEN 1 and GEN 6 of the Unitary Development Plan.
 - ii) Visual Amenity Impact
The size and form of the proposal is considered to be subordinate to the original dwelling, and owing to the mix of properties on Linden Walk, the majority of which are two-storey, it is not considered that the proposal would cause an adverse visual impact on the streetscene. The building would step up in height, following the rise in the road in this location.
 - iii) Residential Amenity Impact
It is not considered that the proposed raising of the roof height would have an unacceptable residential amenity impact. The dwelling is located on a corner plot, and it is the front and rear gable which will be raised. The side gable closest to no. 52 Linden Walk will remain unchanged. No. 56 Linden Walk is at a higher level than the application site, as such, the proposal would not cause an overbearing impact upon neighbouring properties. In this respect, the proposal is in accordance with Policy HSG 12 of the Unitary Development Plan.

SUMMARY AND CONCLUSIONS:

8. The proposal is compliant with planning policy 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.

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

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. In the interests of visual amenity.

NOTES TO APPLICANT: none

ITEM NO: 4

WARD NO: Prestatyn East

APPLICATION NO: 43/2007/0283/ PF

PROPOSAL: Erection of two-storey pitched-roof extension to side of dwelling

LOCATION: 26 Aberconway Road Prestatyn

APPLICANT: Mr T Williams

CONSTRAINTS: Previous Mining Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
'Objection, Over intensification of the site. Development not in keeping with streetscene.
2. PRINCIPAL COUNTRYSIDE OFFICER
No objection

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 08/05/2007

REASON FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal comprises of an extension to no. 26 Aberconway Road, projecting 4.3m from the west side (alongside no. 24). A two storey extension is proposed, the overall height to match the existing ridge. A dining room and lounge is proposed on the ground floor with two bedrooms and en suite at first floor level. Windows are proposed on the front and the rear and a window to the en suite on first floor level to the side elevation. Materials are proposed to match the existing dwelling.
2. The 1930's style dwelling situated on the southern side of Aberconway Road is a two-storey, detached with render and tiled roof. There is an existing single storey outrigger attached to the rear. There is a large garden to the rear of the property and side gardens to the east and west.
3. There is a mix of predominantly 2-storey detached properties on relatively large plots in the area. The land slopes up to the east so the adjacent dwelling at no 28 is on a slightly higher level than 26.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (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:

6.

- i) Principle of development
- ii) Visual Appearance
- iii) Residential Amenity

7. 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 large 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 the general criteria of SPG 1. The original features of the dwelling are preserved and the extension is in keeping with its style.

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 owing to the spacing around the dwellings. Although there is one small windows on the side of the extension, it will be obscure glazed as it serves an en-suite bathroom/toilet. There is adequate amenity space and parking remaining to accommodate the requirements of the dwelling.

SUMMARY AND CONCLUSIONS:

8. The proposal is acceptable and recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Rhyl East

APPLICATION NO: 45/2007/0105/ PF

PROPOSAL: Alterations and extension to existing property to form additional 2 no. self-contained flats

LOCATION: 71 Brighton Road Rhyl

APPLICANT: Cameron Developments

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

3. RHYL TOWN COUNCIL
"No objection".

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mrs Wendy Jones, 11 Boughton Avenue, Rhyl

Summary of planning based representations:

- (i) Proximity to retirement apartments at the rear
- (ii) Restricted access, highway safety
- (iii) Noise and disturbance
- (iv) Overdevelopment of the site

EXPIRY DATE OF APPLICATION: 13/05/2007

REASON FOR DELAY IN DECISION

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. 71 Brighton Road is a large semi-detached property historically used as flats, set in a relatively large curtilage with adequate scope for parking and turning on the site.

The attached property has been extended to the north-east and has been divided to form no. 73/75 Brighton Road.

2. The proposal is for alterations and extension to the property to upgrade the existing accommodation which comprises of 11 self contained flats. Various alterations to openings are proposed and a side extension. The works will allow for 9 one bedroom flats and 4 two bed flats. The proposals include a bin store in the existing outbuilding, external drying area and parking for 18 vehicles facilitated by the demolition of the existing garage. General improvements on site are proposed with low ground cover landscaping. All materials are proposed to match the existing, with upvc windows.

RELEVANT PLANNING HISTORY:

3. None.

PLANNING POLICIES AND GUIDANCE:

4. Denbighshire Unitary Development Plan
Policy GEN 6 - Development Control Considerations
Policy ENV 7 – Landscape / Townscape and Features
Policy TRA 9 – Parking and Servicing Provision
SPG 7 – Self-Contained flats

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002
TAN 18 - Transport

MAIN PLANNING CONSIDERATIONS:

5.

- i) Principle of development
- ii) Visual impact
- iii) Highways/parking
- iv) Impact on amenity

6. In relation to the main planning considerations:

- i) The proposed alterations and extensions comply with Policy GEN 6, and will represent an improvement on the existing arrangements. There are currently 11 flats in the property and the site is in a general state of disrepair with a rough parking and turning area to the rear. The proposal represents an intensification of the use of the property by two additional units. However, this can be accommodated on the site and is not considered to be overdevelopment.
- ii) The size, scale and design of the proposed alterations and extensions are considered acceptable and in keeping with the character of the original property. The side extension will not appear out of character as the attached property has an attached dwelling on its eastern side. The materials are acceptable and in keeping with the character of the area.
- iii) The proposal will not impact on amenity. There will be no potential for overlooking or loss of amenity from the proposed new openings. There is adequate space within the flats, there is a bin store, drying area and external amenity space proposed on the site. Although noise and disturbance has been raised as an issue it is not considered that the intensification of the use will increase the potential for noise and disturbance any more than existing and could not warrant refusal of the planning permission.
- iv) The proposal uses the existing access and although there is an increase the numbers of flats adequate parking provision has been made and thus the scheme is acceptable.

SUMMARY AND CONCLUSIONS:

7. The principle of the development within the development boundary is considered acceptable and is recommended for grant.

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. None of the flats shall be occupied until parking spaces and access thereto have been laid out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be kept available for that purpose at all times.
4. None of the flats hereby permitted shall be occupied until provision has been made within the site for enclosed bin stores and drying areas, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
5. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the flats hereby permitted and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In order that adequate parking facilities are available within the curtilage of the site.
4. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 6

WARD NO: Rhyl South East

APPLICATION NO: 45/2007/0257/ PF

PROPOSAL: Erection of single-storey extension at rear to form new office/staff-room

LOCATION: Canterbury House Care Home 77 Dyserth Road Rhyl

APPLICANT: European Care Limited

CONSTRAINTS: CLB-Class B Road
Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL

'No objection, subject to consultation with adjoining property owners/occupiers'

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr JE Hughes Jones, 2 Pen Y Maes Avenue, Rhyl

Summary of planning based representations:

- (i) Residential Amenity
- (ii) Noise disturbance
- (iii) Highways impact

MEMBERS' COMMENTS:

None

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Planning permission is sought to erect a small single storey extension measuring 4m by 5.1m with a pitched roof over on the south western side of the care home. Although windows are proposed on the side and rear, the extension is no closer to the boundary than the existing side elevation. All materials are proposed to match the existing building. The extension comprises of an office. No increase in bed spaces or staff numbers are proposed.
2. The application site is located on the south side of Dyserth Road and comprises a large, detached residential care home set back some 50m from the road. Vehicular access to the site is achieved off Dyserth Road with a driveway and parking area to the front of the main building.

RELEVANT PLANNING HISTORY:3. **45/474/99/PF**

Erection of 3 storey and 2 storey extensions and conservatory to Class C2 use. GRANTED 19th August 1999 and partially implemented.

45/2005/0122/PF

Amended scheme to 45/474/99/PF Erection of 3 storey and 2 storey extensions

and conservatory to Class C2 use. Granted 27/05/2005

45/2005/1541/PF

Amended scheme to 45/2005122/PF Erection of 3 storey front extension and single storey front entrance porch. Granted 20/01/2006

45/2006/862/PC

Retention of single storey pitched roof extension to dayroom at side of the premises. Granted 13/09/2006

PLANNING POLICIES AND GUIDANCE:

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

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development in this location
 - ii) Impact of siting and appearance
 - iii) Residential amenity
6. In relation to the considerations as noted above:
 - i) Principle
The principle of the proposal is acceptable. It is in keeping with Policy CF 5 as it does not represent overdevelopment of the site and adequate space is remaining for amenity space and parking.
 - ii) Impact of siting and appearance
The visual appearance of the proposal is acceptable. The extension has been designed to blend in with the existing building and the materials are in keeping with the existing. Located to the rear the small single storey extension will not impact on the overall character of the building.
 - iii) Residential Amenity
The proposal will not impact on residential amenity. The proposed extension does not project closer to the boundary than the existing building. Although there are residential properties to the west of the application site they enjoy rear gardens of approx 17m to 20m long and this is considered to be an adequate distance to avoid overlooking and potential noise and disturbance from the development. Additionally there is a fence on western boundary of the site which screens the site and the windows on the single storey extension.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION:- GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 7

WARD NO: St Asaph East

APPLICATION NO: 46/2007/0084/ AC

PROPOSAL: Details of traffic calming assessment submitted in accordance with condition no. 12 of planning permission code no. 46/2003/0158/PF

LOCATION: Land adjoining Elwy Park Estate off Llys Dyffryn St. Asaph

APPLICANT: Anwyl Construction Co Limited

CONSTRAINTS: Tree Preservation Order

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

CONSULTATION RESPONSES:

1. ST ASAPH TOWN COUNCIL
"No objection"
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection to the contents of the Traffic Calming Assessment.

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. R Bryn Williams (received by e-mail, no address provided)

Summary of planning based representations:

- i) Highway Issues: Concerns that access to the new development is on a long sweeping bend through the estate; accidents have occurred on this bend; existing Bishops Walk road layout does not work to calm traffic speeds and estimated traffic flows on the report are low.

EXPIRY DATE OF APPLICATION: 21/03/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application relates to a development on a site immediately to the south of the Elwy Park Estate in St Asaph. Planning permission was granted in March 2006 for the erection of 39 dwellings and the formation of a new vehicular access off the current road stub of Llys Dyffryn. All conditions imposed on this permission have been approved with the exception of Condition 12, the subject of this application which required submission of a Traffic Calming Assessment.
2. Condition 12 was worded as following:
" Before any development commences a traffic calming assessment and any traffic calming scheme arising from that assessment together with a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic calming scheme shall be thereafter fully implemented in accordance with the agreed programme".

The conclusions of the assessment covered in the main planning considerations below.

3. The Traffic Calming Assessment has been prepared by a Transport Consultant for AXIS, a Planning, Environment and Design Consultancy. This concludes as follows:-

" The current Bishops Walk estate is not subject to any form of traffic calming measures and it is felt that the existing nature of the looped collector road, in terms of its restricted width (5.5m), frequent spacing of junctions with the minor cul de sac and tight radius bends on the approach to the new development connections serves to keep vehicles speeds to an acceptable level

- The connector road between the estate loop road and the A525 Upper Denbigh Road junction is of a short length, helping to reduce vehicle speeds and reinforce the residential nature of the estate.

- Bishop's Walk estate network does not provide access to any other routes and as such does not act as a through route for traffic un-related to the existing residential development

- In order to restrict vehicle speeds, the proposed Llys Dyffryn access road serving the development will bend through two relatively tight radii bends to ultimately form a hook shaped access route. The radii in combination with the proximity of these bends to the site entry and the end of the cul de sac route will also assist to help in restricting speeds within the new development area to below 20mph.

- The horizontal carriageway alignment also serves to restrict vehicles speeds along the route by way of minimising the unrestrained (generally straight) lengths of carriageway to levels below those specified as acceptable maximums for residential development

- In terms of anticipated trips generated by a development of 39 dwellings, a study carried out reveals that approx 1 new vehicle movement every 2 minutes during peak hours. Based on the study carried out, it is not considered that such increases in traffic flow would represent a material impact in operating conditions over the existing Bishop's Walk estate network. Traffic to/from the development site will pass over a short section of existing estate road network and will pass on less than 20% of existing Bishop's Walk estate properties.

For the above reasons, the report concludes that traffic calming measures are not required and that the Elwy Park development and associated highway network will be of sufficient design to safely accommodate predicted development flows. It is considered that there is no technical case for the provision of additional vertical/horizontal traffic calming measures over and above the approved base residential highways development layout."

RELEVANT PLANNING HISTORY:

4. 46/2003/0158/PF Erection of 39 no. dwellings and formation of new vehicular access GRANTED March 2006.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 Development Control Requirements
Policy TRA 6 Impact on new development in traffic flows

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Highway safety considerations
7. The traffic calming assessment clearly concludes that additional traffic calming measures are not required given the details of the approved site highway layout. The AXIS report has been assessed by the Head of Transport & Infrastructure and no objection has been raised to its content and conclusions. In the future, if issues with highway safety are reported or become apparent in the area, the Local Highway Authority would assess traffic flows and speeds and provide measures if required.

SUMMARY AND CONCLUSIONS:

8. It is not considered that there is any need for traffic calming measures.

RECOMMENDATION: APPROVE-

No conditions imposed.

NOTES TO APPLICANT:

None

ITEM NO:	8
WARD NO:	Ruthin
APPLICATION NO:	02/2006/0796/ PF
PROPOSAL:	Change of use of agricultural land to playing fields, construction of new parking area and access, and extension to existing parking area
LOCATION:	Land at Lon Fawr Ruthin
APPLICANT:	Mr Steve Blunt Llanfwrog Community Association
CONSTRAINTS:	Within 67m Of Trunk Road
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - No

CONSULTATION RESPONSES:

5. RUTHIN TOWN COUNCIL
"No objection."
6. RUTHIN & DISTRICT ASSOCIATION
No response received.
7. WELSH ASSEMBLY GOVERNMENT TRANSPORT WALES (HIGHWAYS)
Directs any permission granted includes conditions requiring further approval of details relating to the new parking area (fencing, means of prohibiting parking on trunk road, monitoring of effectiveness of controls). Also advise that separate legal ownership issues need to be resolved with the Assembly in respect of the land for the new car park.
8. CADW – WELSH HISTORIC MONUMENTS SECTION
Notes location within the Essential Setting of the Park of Ruthin Castle, included as Grade II on the CADW/ICOMOS Register of Parks and Gardens of Special Historic interest in Wales. Should be minimum disturbance of the area in visual terms in order to preserve the open, rural character of the setting to the registered park. Sports pitches would not seriously harm the setting in themselves. Ancillary features such as boundaries, wheelchair training track, environmental activity area, should not be visually obtrusive and should blend in with the open grassland all around. Planting solid barriers and hard surfacing should be avoided.

Views given are in relation to the impact on scheduled monuments or Registered Historic Landscapes, Parks and Gardens, and are without prejudice to WAG consideration of the matter if it came before it for determination.
9. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection subject to the inclusion of conditions to deal with concerns at the potential for parking of vehicles on the adjacent highway at peak times, and the implications for all users of the highway. Recommends the inclusion of conditions requiring the completion of proposed parking areas prior to the bringing into use of development, and approval of surface water drainage.
10. COUNTY LANDSCAPE ARCHITECT
Expresses concerns over the impact on the quality of the landscape of this part of Ruthin, and recommends refusal. Main objections are on landscape grounds

(incompatible with Grade II status of Ruthin Castle Historic Park and Garden; cumulative impact of this and other permanent features associated with existing sports grounds on what is an uninterrupted landscape) (changing rooms, stands, barriers, advert boards, equipment buildings, floodlights), likely future addition of such ancillary features; contrary to Unitary Development Plan policies, in Green Barrier, Local Landscape Area and essential setting of Ruthin Castle Historic Parkland.

11. COUNTY ARCHAEOLOGIST

Requests inclusion of an archaeological watching brief condition, so evidence of any Roman Road running parallel to A494 may be preserved by record.

12. COUNTY ECOLOGIST

Requests inclusion of a condition relating to landscaping to ensure biodiversity issues are also covered.

13. DRAINAGE ENGINEER

No observations to make on the proposal.

14. HEAD OF COUNTRYSIDE & LEISURE SERVICES

Supports the proposals. The scheme is a logical extension of the existing tennis club development which will help maintain and increase participation in sport and physical activity in Ruthin and the surrounding areas. Earlier surveys of open space in the town demonstrated there is a shortfall of formal sports pitches, and this proposal will help address this issue.

15. VALUATION AND PROPERTY MANAGER

Draws attention to the presence of water supply pipes, and the need for separate agreement to arrangements for vehicle and pedestrian access to adjacent fields, the works on the new car park, and fencing of boundaries.

RESPONSE TO PUBLICITY:

Letters received from:

1. Mr. & Mrs. Rowe, Llygedyn, Llanfwrog, Ruthin
2. Mr. & Mrs. C. V. Honey, 1-4 Lon Fawr, Ruthin
3. B. and J. Brook, 5, Lon Fawr, Ruthin

Summary of main planning representations:

- (i) Contrary to planning policy – GEN 5, ENV 3; not designated for Community Facility Use (CF4)
- (ii) Harm to features of landscape – impact on open character and appearance of key approach to Ruthin
- (iii) Demand/justification insufficient to override conflict – already other open spaces and playing fields in the town / what demand exists for hockey
- (iv) Location inappropriate – pitches need to be near schools for maximum benefit
- (v) Inadequate detail to assess business case for development, no usage levels
- (vi) New car park on raised highway verge will ruin a valuable amenity open space used by residents which is visually important on the approach to Ruthin/will result in loss of trees
- (vii) Amenity impact of elevated parking area close to dwellings/parking area should be moved to existing verge and lay by to the south, or in place of one of the sports pitches

EXPIRY DATE OF APPLICATION: 28/05/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application seeks permission to use agricultural land on the west side of Lon Fawr for new playing fields, and to construct additional car parking areas next to the Tennis Centre and on the old highway verge between the A494 and the Rugby Club. The basic proposals are illustrated on the plan at the front of this report.
2. The agricultural land is owned by the County Council. The grassed area between the trunk road and the Rugby Club proposed for the new parking area was created when the extensive improvements were carried out to the highway at Lon Fawr and its junction with Mwrog Street.
3. The proposal is submitted by agents acting on behalf of Llanfwrog Community Association. The Association is responsible for the recently developed Tennis Centre / Community building, and is looking to lease additional land to develop additional sport and recreation facilities for the town. The application has been amended since its submission, and proposes the development of:
 - Three football pitches, running end to end down the west side of Lon Fawr.
 - One hockey pitch, between the football pitches and the Tennis Courts.
 - A wheelchair 'training track' around the football pitches.
 - Additional parking areas:
 - (a) For 15 cars on the north (Mwrog Street) side of the existing Tennis Centre car park, accessed from the same entry and exit as the existing car park (making a total of 50 spaces in this parking area).
 - (b) For 34 cars, on the substantial highway verge area between the A494 and the Rugby Club, accessed from a new entrance off the track serving the Rugby Club.
4. A Supporting Statement submitted with the application outlines justification for the proposals in terms of the need for improvement of leisure and recreation facilities in the town. The Statement refers to the limited outdoor recreation facilities in the town available for public use, the need for the particular pitches, the impracticality of developing alternative sites, and it deals with the planning policy and Historic Garden issues. The conclusions are that the scheme would help to bring about a better standard of recreational / leisure facilities, promoting team sport in an accessible location next to existing major sports grounds, of benefit to the whole community of Ruthin, all in a manner sensitive to and compatible with the location and relevant planning designations.
5. The area proposed for the existing car parking area north of the Tennis / Community Centre lies within the Development Boundary of Ruthin, and is covered by the Policy CF4 designation in the Unitary Plan (Community Facility development). The remainder of the application site is outside the development boundary, within a Green Barrier (to which Policy GEN 5 applies) and a Local Landscape Area (to which Policy ENV 3 applies); and it is within an area shown as the 'essential setting' to the historic parkland and gardens of Ruthin Castle in the CADW/ICOMOS Register of Historic Parks and Gardens for Wales, (to which Policy CON 12 applies). The parkland and

gardens have a Grade 2 designation in this Register. (ICOMOS is the International Council on Monuments and Sites, which collaborated with the CCW and CADW to produce the Register in 1995, which identifies parts of the historic environment of the Country which should be protected). This includes the park and gardens of Ruthin Castle.

6. The application for permission to develop the Tennis Centre/Community building was considered by the Planning Committee in March 2004. The Committee resolved to grant planning permission subject, amongst other things, to referral of the application to Full Council, as the proposal involved a departure from the policies of the Unitary Development Plan and was development on County Council land. The reasons the Planning Committee resolved to grant planning permission were that the planning policy and landscape concerns could be outweighed by a clear community benefit from the recreational use, which were intended to fit in to proposals for a wider strategy for sports development for the town. The Council ultimately resolved to grant planning permission at the May 2004 meeting, subject to completion of a Section 106 Agreement to secure necessary highway improvement works and tree planting along Lon Fawr. The planning permission was issued in January 2006 on completion of the Section 106 Agreement. The development has been substantially completed over the course of 2006.

RELEVANT PLANNING HISTORY:

7. 02/2003/0813/PF
Development of land by the construction of a new tennis centre, incorporating 6 tennis courts with associated floodlights and fencing, erection of clubhouse/community building, new parking areas and two new pedestrian/vehicular accesses and associated highway works. Granted 30 January 2006.

PLANNING POLICIES AND GUIDANCE:

8.
DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
- | | | |
|---------------|---|--|
| Policy GEN 5 | - | Green Barrier |
| Policy GEN 6 | - | Development Control Requirements |
| Policy ENV 3 | - | Local Landscape Areas |
| Policy ENV 7 | - | Landscape and Townscape Features |
| Policy CON 5 | - | Development within Conservation Areas |
| Policy CON 12 | - | Historic Landscapes, Parks and Gardens |
| Policy CF1 | - | Community Facilities – general |
| Policy CF 4 | - | Community Facilities |
| Policy REC 4 | - | Recreation Facilities within development boundaries |
| Policy REC 5 | - | Recreation Facilities outside development boundaries |

ASSEMBLY GUIDANCE

- Planning Policy Wales March 2002
TAN 16 - Sport and Recreation

MAIN PLANNING CONSIDERATIONS:

- 9.
- i. The principle of the development - questions of conflict with the Unitary Development Plan and weighing up against other material planning considerations.
 - ii. The provision of community facilities.
 - iii. The impact of development on the character of the area.
 - (a) Impact on the historic landscape, park and garden of Ruthin Castle

- (b) Impact on Llanfwrog Conservation Area.
- (c) Impact on Green Barrier and Local landscape Area.
- iv. Highway and parking issues.
- v. Layout and design issues.
- vi. Amenity issues.
- vii. Accessibility issues.

In relation to the main considerations

10.

i. **The principle of the development
The question of conflict with the Unitary Development Plan and weighing up against other material considerations**

The issues of relevance to this application are similar in many respects to those raised by the previous Tennis Centre application. There are key planning considerations which require careful weighing up in reaching a conclusion.

The fundamental obligation for the authority in making a decision is the requirement in Section 38(6) of the Planning and Compulsory Purchase Act 2004 to have regard to the development plan, and determination is to be made in accordance with the development plan, unless material considerations indicate otherwise. This is repeated in Planning Policy Wales, March 2002. Where there is conflict with the Development Plan, there is an onus on an applicant to show why the plan should not prevail and why harm to interests of acknowledged importance would not occur in the light of all other material considerations. A main consideration is whether it is in the public interest for a decision to be made in a particular way based on all the available material evidence, in this case whether the need for the development and the economic or community benefits it offers outweigh any disadvantages such as conflict with adopted planning policy or interests of acknowledged importance.

The following sections of the report outline the main planning considerations which appear to be relevant to the application, including the policies of the Unitary Development Plan and other 'material' considerations. The justification for detailing these considerations to the extent evidenced in the report is that the proposals do pose potential conflict in part with the policies of the Unitary Development Plan – the development of the new car park area and the pitches outside the development boundary and on land falling within areas of specific landscape and historic garden designations – and there is the additional factor that the land on which the sports pitches are proposed is owned by Denbighshire County Council, and the process through which any decision is made needs to be particularly thorough and transparent.

ii. **The provision of community facilities**

There are two main elements to the proposal – the provision of sports pitches and the construction of parking areas with related pedestrian links to the sports pitches. The sports pitches are on land within a Green Barrier and Local Landscape Area and the new parking area is within a Green Barrier.

In relation to the main planning policies:

Policy CF1 in the Unitary Development Plan relates to the provision of new and improved community facilities and states these will be permitted provided they are located so as to serve the local population, are accessible to non car users, and wherever possible should be within development boundaries and reuse existing vacant or underused buildings. CF4 relates specifically to sites safeguarded in the Unitary Development Plan for new community facilities which includes the land on which the Tennis Centre building and its

car park is located but not the land on which the tennis courts have been constructed, or the proposed sports pitches. REC 4 relates to the provision of new and improved recreation facilities within development boundaries and states these will be permitted subject to acceptable traffic, parking and environmental. REC 5 relates to the provision of recreation facilities outside development boundaries and states such development will only be permitted where there are no alternative suitable sites available within development boundaries and there would be no unacceptable harm to the landscape (including historically important landscapes), the highway network; and new buildings/structures should be sited close to existing buildings and blend into the landscape in terms of design, materials and landscaping.

Parts of the proposal do not fit comfortably with elements of the policies referred to with regard to:

CF1- the site is outside the development boundary, is on the western edge of Ruthin, and some distance from the town's main housing estates, and there is only a limited public transport service to this area.

CF4 –relates specifically to the tennis centre site on the corner of Lon Fawr and Mwrog Street, and its relevance is only in respect of the proposal to extend the existing car park serving the centre.

REC 4 – is not of direct relevance as it relates to the provision of facilities within development boundaries.

REC 5 – the submission provides only brief commentary on the feasibility of developing alternative sites, and there are concerns from consultees over potential landscape impact. On the positive side, it is difficult to contest the agent's assertion that there is a need for a longer term solution to the provision of sports pitches in the town given the temporary nature of the facility at Glasdir, and there is broad support for the proposals from the Head of Countryside and Leisure Services who advises there is a shortfall of formal sports pitches in the town. This conclusion is a factor to be balanced against the potential harm to the landscape from the pitches and any associated development, which are reviewed separately in the report.

iii. **The impact of development on the character of the area**

(a) Impact on the historic landscape, park and garden of Ruthin Castle

The proposed sports pitches would be located on land forming what is designated as the 'essential setting' of the Grade 2 historic parkland and gardens of Ruthin Castle in the CADW/ICOMOS Register of Historic Parks and Gardens for Wales.

Policy CON 12 of the Unitary Development Plan relates to proposals affecting historic landscapes, Parks and Gardens, and states that development will not be permitted which would unacceptably harm the character of such features or their essential setting.

Current Assembly guidance in Planning Policy Wales March 2002 is that local planning authorities should protect parks and gardens and their settings on the first part of the Register. Advice in para. 6.5 23 of Planning Policy Wales is that the effect of a proposed development on a park or garden contained in the Register, or on the setting of such a park or garden may be a material consideration in the determination of a planning application.

The views of consultees on the impact of the essential setting of the Ruthin Castle park and garden need to be assessed carefully. There are conflicting views on the impact of the development on the

landscape and essential setting of Ruthin Castle Park and garden. The County Landscape Architect has reservations over the scheme, although many of these relate to the possible introduction of features like stands and buildings, which are not proposed as part of the application. Significantly, CADW conclude that sports pitches would not in themselves harm the setting, although care is necessary to control the detailing of associated boundaries. It is difficult to conclude the development will have a 'nil' impact on the open character of the essential setting, whatever variations in opinion may exist here, and it is ultimately a question of determining whether the harm which could arise as a result of the development would in itself be so unreasonable as to merit a refusal recommendation. In a case where I believe the issue is in the balance, I take the view that the stance of CADW is a critical factor, and reduces the weight which should be afforded to conflict with Policy CON 12, i.e. whilst it remains a main consideration it should not in itself determine the final decision, having due regard to other matters which may weigh in favour of the grant of permission, and the controls which can be exercised to prevent the additional of fences, signs, enclosures, buildings, etc.

(b) **Impact on Llanfwrog Conservation Area**

The two car parks would be located within the Conservation Area, but the sports pitches would be outside it.

Policy CON 5 of the Unitary Development Plan relates to applications within Conservation Areas and permits development where it can be demonstrated it will preserve or enhance the character or appearance of the Conservation Area. CON 6 relates to proposals adjacent to Conservation Areas and permits development where it does not detrimentally affect important views into and out of the Conservation Area.

Overall I take the view that having due regard to the location and detailing of the car parks and the character of development in the vicinity, subject to appropriate controls over levels, the use of surfacing materials and sensitive landscaping, these parts of the development would preserve that character and appearance and there would be no conflict with the policies referred to. The 'open' use of land to the south of the tennis centre as sports fields would not impact on the important views in or out of the Conservation Area.

(b) **Impact on Green Barrier and Local Landscape Area**

The proposed sports pitches and the new car park would be located on land designated as a Green Barrier. The pitches would be within a Local Landscape Area in the Unitary Development Plan. Policy GEN 5 of the Unitary Development Plan relates to Green Barriers and states these are designated for four reasons, including the safeguarding of surrounding countryside and to preserve the special character of historic towns; and within Green Barriers development will only be permitted provided the open character and appearance of the land is not prejudiced. ENV 3 relates to Local landscape Areas and permits development where it is capable of integration into the landscape without causing unacceptable harm to the features which lead to designation, or the need for a development outweighs the importance of the designation (where appropriate steps must be taken to minimise any adverse impact on the Local Landscape Areas). The two designations reflect the County Council's recognition of the quality/value of urban fringe landscape and the sensitivity of such areas to development.

The key consideration here is the impact of the development on the open character of the Green Barrier and Local Landscape Area. Given the CADW stance on the effect on the open character of the area and suggestions for control of impact on the essential setting of the Castle park and garden (by restricting planting, solid barriers and hard surfacing) my view would be that there is a potential degree of conflict with policies GEN 5 and ENV 3, but this has to be balanced against the controls which may be possible to limit future addition of clutter, and the other considerations outlined in the report.

iv. **Highway and parking issues**

The detailing of the parking arrangements and the links to the sports pitches have been revised from the original submission, to take account of concerns expressed by the respective highway authorities. The proposals involve the provision of some 49 additional parking spaces and pathways directing pedestrians to existing crossing points on the A494, and the provision of a footway within the site boundary to guide users to the sports pitches.

Policy GEN 6 of the Unitary Development Plan states all development proposals which are in accordance with other policies of the plan will be permitted provided they comply with a range of standard 'development control requirements' such as impact on the local highway network.

From evaluation of the submission, it is apparent that there are issues to address in respect of the parking proposals and the implications on pedestrian circulation in and around the site. In order to ensure there are an adequate number of parking spaces to service the sports field development, it has been essential to supplement the parking already provided for the Tennis / Community Centre, with additional spaces, which includes a new 34 space car park on the grass verge area between the Rugby Club and the A494. The location of a parking area on the opposite side of the trunk road from the sports pitches will oblige users to cross what is a busy thoroughfare and raises important issues of pedestrian safety, particularly as a high proportion of users will be children. There is also a long lay-by used for casual parking on the east side of Lon Fawr, immediately to the south of the proposed additional car park, which is outside the application site, and is often used by spectators at Rugby games, which could also be used by persons seeking access to the new sports pitches.

The Highway Officers support the basic proposals here but express some concerns over the detailing of arrangements on the submitted plans firstly to control and direct pedestrians between the parking areas on the east side of the A494 and the site, and secondly to control haphazard parking along the A494 in the vicinity of the sports fields. Their recommendation is to impose a range of strict conditions requiring further approval of these arrangements, including the submission of details of footway locations, points of entry to the sports fields, safety fencing, and measures to prevent casual parking along the trunk road. Taken on balance, it is considered that the concerns over the safety of pedestrians and road users can be addressed through suitable detailing, subject to a monitoring system allowing assessment of the effectiveness of the arrangements.

v. **Layout and design issues**

The revised submission clarifies a number of detailed layout matters, including the position of the sports pitches, pedestrian routes, etc., and confirmation that there would be no spectator fencing, advertisement boards, floodlights, or landscaping/planting.

The main planning policy relevant to matters of layout is Policy GEN 6 which

requires the detailing of schemes to respect their site and surroundings including in terms of siting, layout, scale, form and design.

Subject to the imposition of the restrictions referred to previously over the use of materials or pedestrian footways, fencing, adverts, and related clutter, it is considered that there is a degree of control exercisable over key elements of the layout which could limit the impact on the openness and character of the area.

vi. **Residential amenity impact**

There would be limited amenity impact on residential property from the sports fields use, given the distances to the nearest dwellings. However, due consideration needs to be given to the potential impact of the new parking area given its position to the west of dwellings on the corner of Mwrog Street and Lon Fawr.

Policy GEN 6 obliges due consideration of the effect of development on the amenity of local residents by way of increased activity, disturbance and noise.

Whilst the principle of creating an additional car park on the east side of Lon Fawr is considered acceptable, it would seem essential to pay careful attention to the precise detailing of the arrangements, to limit the potential impact on occupiers of the dwelling(s) fronting this area on the corner of Mwrog Street. It is to be noted that this land is presently raised on a level 'platform' some 1 metre above the level of Lon Fawr and the small road servicing the residential properties referred to, which would result in vehicles parked there appearing 'perched' above the surroundings. It is suggested that this issue could be addressed by a requirement to drop the levels of the parking area and access below those shown on the plans, to reduce the visual impact of parked vehicles from views from surrounding roads and properties.

vii. **Accessibility issues**

The agents have confirmed their intention to ensure the facility would be accessible for use by persons with disability. If permission were to be granted it would be possible to include a condition obliging further details of how accessibility can be enhanced.

SUMMARY AND CONCLUSIONS:

11. The report attempts to evaluate the questions of compliance or conflict with the Unitary Development Plan and other material planning considerations which are relevant to the determination of the application.

12. There are elements of the proposals which pose potential conflict with policies seeking to protect the character of the high quality landscape in this location, which is a Green Barrier and Local Landscape Area, and forms part of the 'essential setting' of the Ruthin Castle historic park. The introduction of an active use into an open pastoral landscape, with the levelling of pitches and the introduction of items such as goalposts, suggests there will be a degree of dilution of the existing character.

13. Where there is conflict with policies of the Development Plan, the grant of permission should only be contemplated where other material planning considerations show why the plan should not prevail. In this case the other material considerations which can be weighed IN FAVOUR of the grant of permission include:

- the fact that the County Council has already accepted the development of the Tennis Centre / Community Centre in this location;
- the existence of a need for additional sports pitches in the town;

- the difficulties of finding an alternative site within a reasonable timescale;
- support from the Head of Countryside and Leisure Services including confirmation that there is a shortfall of sports pitches in Ruthin;
- the availability of planning controls over future ancillary developments such as fencing, advertisements, floodlighting, etc. and the inclusion of a condition allowing monitoring of the effectiveness of parking and highway safety arrangements.

14. Ultimately, with due regard to the relevant considerations, I believe this is a balanced case where the planning policy, landscape and highway concerns can be outweighed by a clear community benefit from a recreational use which is intended to fit into proposals for a wider strategy for sports development for the town. The principle of such development has already been accepted in this area in the approval of the Tennis Centre, and it is not considered on this basis that the current proposals represent a significant departure from the Unitary Plan's policies. I therefore recommend that permission be granted subject to a number of strict conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. None of the development or uses hereby approved shall be permitted to commence until the written approval of the local planning authority has been obtained to details of the hard and soft landscaping of the site, including the proposed boundary fencing, any safety fencing or barriers around the parking area, the final levels, surfacing materials and surface water drainage proposals for the parking areas, surfacing materials for the wheelchair training track and pedestrian footways inside and outside the site, direction signage for users of the facility, and the timing of the completion of these works. The development shall be completed strictly in accordance with the details approved prior to the bringing into use of the sports pitches.
3. Any trees or shrubs planted in accordance with Condition 2, which within a period of 5 years from planting die, become diseased or are removed, shall be replaced with specimens of similar species and size in the next planting season.
4. There shall be no floodlighting or any other external lighting of any parts of the application site other than with the written approval of the local planning authority.
5. The proposed hockey training pitch shall be a grass pitch and not an artificial surface, other than with the prior written permission of the local planning authority.
6. There shall be no fencing, protective netting, advertisement boards, spectator terracing, ancillary shelters or buildings erected on any part of the application site, other than with the prior written approval of the local planning authority.
7. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed access statement and associated plans demonstrating the provision to be made for suitable means of access to and from the parking areas, centre building, and pitches for persons with disability.
8. No uses shall be permitted to take place on the area annotated on the plans as the 'Environmental activity area' until the written approval of the local planning authority has been obtained to the precise uses, activities, and treatment of the area.
9. Notwithstanding the submitted details, no levelling or recontouring of the land on which the sports pitches are proposed shall be permitted to take place other than with the written approval of the local planning authority to the precise details, and such works shall only be carried out in strict accordance with the plans approved in relation to this condition.
10. Notwithstanding the submitted details, no development shall be permitted to commence until the written approval of the local planning authority has been obtained to the precise position of all the sports pitches, location of all pedestrian footways, road crossing points, associated safety fencing, stiles, and points of entry to the sports fields; and the location and type of bollards to be erected alongside the A494, or such other arrangements to discourage casual parking along the trunk road.

11. None of the sports pitches shall be brought into use until the new and additional car parking areas and associated pedestrian routes and safety fencing, and related highway works have been completed in accordance with the approved plans and other conditions of this permission, and the parking areas are made available for use.
12. No development shall be permitted to commence until the written approval of the local planning authority has been obtained to arrangements for monitoring and reviewing the effectiveness of the parking, access, and pedestrian circulation arrangements, and associated highway safety measures, including provision for additional measures to address issues which arise from the uses hereby permitted.
13. Notwithstanding the submitted details, the finished levels of the new car parking area shall not be as shown, but shall be in accordance with such details as may be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of work thereon.
14. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.

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.
5. For the avoidance of doubt and in the interests of visual amenity.
6. In the interests of visual amenity and to protect the character of the essential setting of the Ruthin Castle Park and Garden.
7. To ensure suitable arrangements for access for disabled persons.
8. In the interests of visual amenity.
9. In the interests of visual amenity and to ensure the development does not have any adverse impact on the character of the essential setting of the Ruthin Castle Park and Garden.
10. In the interests of the safety of all users of the facilities and the adjacent highway.
11. In the interests of highway safety.
12. To ensure the local planning authority and highway authorities are able to address any highway safety problems arising from the developments.
13. In the interests of visual and residential amenity.
14. In the interests of archaeological investigation and recording.

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). Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980 and shall only be commenced with the specific agreement of the Highway Authority. The applicant shall agree with Highway Authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Streetworks Act 1991. Any works (including temporary works), in, under, over or adjacent to any watercourse may require the formal consent of the Environment Agency prior to works commencing. In accordance with the Agency's "no-

culverting" policy, consent for culverting will only normally be granted for site access purposes. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990. The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licensing Regulations 1994. Should soakaways be unsuitable for this development, the Environment Agency limits the flow of any surface water off site to the green field run off rate. This rate must be agreed with the Agency prior to construction of any impermeable surface, and the Environment Agency would require a scheme for the provision and implementation of a surface water regulation system. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces drainage to the system. You are reminded that Welsh Assembly Government have drawn attention to the need to resolve any landownership issues relating to the area proposed for the new parking spaces, between Lon Fawr and the Rwydyl, prior to the commencement of any development. You should contact the County Council's Valuation Property Manager to ensure the relevant agreement is obtained to arrangements for protecting water supply pipes which cross the site, accesses to adjacent fields, works on the new car park, and fencing of boundaries. In relation to Condition 13 of this permission, you are advised to contact the Case Officer to discuss sketch ideas for the reduction in levels of the new parking area and the use of excavated material to regrade the surrounding land to act as a natural screen for that development.

ITEM NO: 9

WARD NO: Ruthin

APPLICATION NO: 02/2007/0208/ PF

PROPOSAL: Erection of replacement dwelling

LOCATION: Ael Y Bryn Bryn Goodman Ruthin

APPLICANT: Mr & Mrs G J Owen

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

CONSULTATION RESPONSES:

16. RUTHIN TOWN COUNCIL
"No objections"

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Mrs M Lazarus, Pennant, Bryn Goodman, Ruthin (2)

Summary of planning based representations:

- i) Scale and mass of proposal inappropriate for the character of the area
- ii) Design not in keeping with the area
- iii) Impact of works on neighbouring properties

EXPIRY DATE OF APPLICATION: 15/04/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is located within the Ruthin Development boundary towards the western end of Bryn Goodman and is currently occupied by a small bungalow. The surrounding area is characterised by a mix of large 2 storey dwellings and bungalows, with the large two storey properties being more common. The area is generally well landscaped, with an abundance of well established mature trees. However, the front of the site in question is comparatively open, as is the rear.
2. To the east is the bungalow Pennant which is at a lower level than the application site. To the west is a dormer bungalow at a similar level to the application site. To the south of the site lies the access road.
3. The size of the site is commensurate with the surrounding plot sizes on the same side of the road. The plot sizes opposite are larger.

4. The proposal relates to the demolition of the existing bungalow (Ael-y-Bryn) and the erection of a two storey 4 bedroom dwelling utilising approximately the same footprint as that of the demolished bungalow. The proposed dwelling would be approximately 7 metres in height to the ridge, have a single storey integral garage to the east elevation, and a conservatory to the west. Three dormer windows would be constructed on the rear elevation, whilst the front elevation would have a front gable feature.

RELEVANT PLANNING HISTORY:

5. 02/2006/1311/PF – Erection of pitched roof extensions to front and rear of dwelling, insertion of dormers and conservatory to side of dwelling – REFUSED on the grounds that the proposed amount of extension was not subordinate to the existing and therefore contrary to policy HSG12
6. 02/2007/0021/PF – Erection of pitched roof extensions and insertion of dormers to front and rear of dwelling (amended scheme) – GRANTED 05/2/07

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within development boundaries
Policy GEN 6 – Development Control Requirements

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Principle of development
 - ii) Scale, size and design
 - iii) Impact upon residential amenity
9. With reference to the considerations in paragraph 8 above:

i) Principle of Development:

The site lies within the development boundary. Therefore the principle of demolishing a dwelling and subsequent redevelopment of the site with a new dwelling is considered acceptable.

ii) Scale, size and design:

The surrounding area is characterised by a mix of dwelling styles. It is acknowledged that the site in question forms part of an identifiable group of three similar bungalows in this location. However, it is noted that the neighbouring bungalow is higher than the existing dwelling at Ael Y Bryn. The proposed dwelling would incorporate a ridge height comparable to the neighbouring bungalow and would be approximately 0.4m higher than that approved under application ref 02/2007/0021/PF. It is considered that the design and scale of the proposal is acceptable in this location. The proposal can also be softened by means of a suitable landscaping scheme.

iii) Impact upon residential amenity

The neighbouring properties are spaced in such a way as to reduce any potential impact that this proposal may have upon residential amenity. There are no issues of overlooking, and the proposal would not result in an overbearing effect on any neighbour. The footprint of the proposal approximately matches the existing dwelling and so does not represent an over development of the site. However, it is considered prudent to remove permitted development rights as a way of ensuring the site does not become over developed by way of piecemeal extensions.

SUMMARY AND CONCLUSIONS:

10. This proposal complies with policy and would not result in harm being caused to residential amenity. It is therefore recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Notwithstanding the provisions of Classes A, B, C, D, & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In the interests of residential and/or visual amenity.

NOTES TO APPLICANT:

None

ITEM NO:	10
WARD NO:	Llangollen
APPLICATION NO:	03/2006/1405/ PF
PROPOSAL:	Erection of 4 CCTV cameras in town centre, (3 on existing buildings and 1 on replacement lamppost) and 1 CCTV camera at Riverside Park and erection of radio antennae on Bell Tower on Town Hall roof
LOCATION:	Sites at Abbey Road, Riverside Park and Town Hall Castle Street Llangollen
APPLICANT:	Llangollen Town Council
CONSTRAINTS:	Listed Building EA Floodmap Zone 3 EA Floodmap Zone 2 Conservation Area C2 Flood Zone Within 67m Of Trunk Road
PUBLICITY UNDERTAKEN:	Site Notice - Yes Press Notice - Yes Neighbour letters - No

CONSULTATION RESPONSES:

17. LLANGOLLEN TOWN COUNCIL:

Verbally responded that it was not felt necessary to comment on their own application

2. SENIOR CONSERVATION OFFICER:

Considers the application acceptable given the justified need and potential for ameliorating the visual impact of the cameras and antennae.

RESPONSE TO PUBLICITY:

Representation received from:

1. Mr. M. Crumpton, Hafod-y-Maidd, Berwyn, Llangollen

Summary of planning based representations:

- i) Considers the application to be contrary to Llangollen Town Centre Design Guide and policies relating to conservation areas
- ii) The proposal is flawed in that there is not enough crime or disorder in the town to justify the need for a CCTV system
- iii) The CCTV cameras could be used to monitor the ATM cash machines

EXPIRY DATE OF APPLICATION: 22/01/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. This application relates to the installation of CCTV cameras and related equipment on 6 sites within Llangollen. The sites are listed for clarity:
 - The Pizza Parlour (on the corner of Castle Street and the A5)

- Spinakers Restaurant (on the corner of Oak Street and Castle Street)
 - Bell Tower of the Town Hall (antennae units only, no camera)
 - Lampost on Castle Street Square (to be replaced with a post strong enough to hold lamp and camera)
 - Front elevation of Bronhaul (looking down Castle Street across the bridge)
 - Riverside Park (camera attached to a wall mounted post on the pavilion)
2. The cameras to be erected are of a globe design with heritage top and metal bracketing featuring scroll work. The antennae on the Town hall (which receives the signals from the cameras) are to be painted white to match the existing woodwork. There would be four antennae in total located on each corner of the bell tower. Each antenna would measure 20mm deep, 80mm high and 100 mm wide. The dedicated CCTV post and lamppost would be 8 metres high.
3. Listed building applications have been submitted for the cameras/antennae on The Pizza Parlour, Spinakers Restaurant, The Town Hall and Bronhaul.

RELEVANT PLANNING HISTORY:

4. None other than corresponding listed building application.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 Policy GEN 6 – Development Control Requirements
 Policy CON 2 – Alteration to Listed Buildings
 Policy CON 5 – Development Affecting Conservation Areas

SUPPLEMENTARY PLANNING GUIDANCE

Llangollen Town Centre Design Guide
 SPG 13 – Conservation Areas
 SPG 14 – Listed Buildings

GOVERNMENT GUIDANCE

Circular 61/96 – Planning in the Historic Environment : Historic Buildings and Conservation Areas

MAIN PLANNING CONSIDERATIONS:

- 6.
- a) Principle of Development
 - b) Impact upon Conservation Area and Listed Buildings

7. In relation to the consideration note in paragraph 6:

i) The Principle of Development

The principle of this development needs to be considered taking into account policies relating to listed buildings and conservation areas and visual impact. Therefore the proposal can be considered acceptable provided the character of the listed buildings and the conservation area are not spoilt. The only other issue considered relevant to the principle of this planning application is the crime and disorder benefit.

ii) Impact upon Conservation Area and Listed Buildings:

The proposed location of the cameras on the Pizza Parlour, Spinakers Restaurant and Bron Haul is such that they would be visible. However, their design incorporates metal brackets with scroll work and a black dome above the glazed camera dome. The proposed locations of the cameras are

uncluttered and so the proposal would not compound a problem identified in the Llangollen Town Centre Design Guide. It is considered that the existing street furniture is not dissimilar in design to the proposal.

It is not considered that the cameras would appear incongruous within the street scene and would not conflict with the aims of Policies CON 2 or CON 5. It is considered beneficial to condition the flat wall mounted transmitter boxes be painted a colour to match the building.

The scale and size of the antennae on the Town Hall Bell Tower are considered small and discreet enough as to not result in an unwanted visual intrusion or harm the character of the listed building. Again it is considered prudent to attach a condition requiring the antennae be painted to match the timber work to which they are attached.

The proposed lamp standards in Castle Street Square and Riverside Park are also considered to be acceptable.

SUMMARY AND CONCLUSIONS:

The proposal is considered acceptable and compliant with the relevant policies. Subject to further details being submitted and conditions being imposed, 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. Notwithstanding the submitted details, the CCTV camera housings shall be black and the transmitter, antennae boxes and cabling shall be painted a colour to match the host structure/building.
3. Where attached to buildings, the cameras, transmitters and associated cabling shall be attached to the building using only non-ferrous fixings into the joints of the brickwork and not into the bricks themselves.
4. Where attached to buildings, and notwithstanding the submitted details, prior to installing the camera, further details of the location of the cabling (in the form of elevation plans) shall be submitted to and approved in writing by the Local Planning Authority and only the approved scheme shall be installed on site.
5. If the CCTV system is not used for a continuous period of 6 months, the cameras, transmitters, antennae and all associated cabling shall be removed and any damage to the building(s)/lamp standards shall be made good to match the existing on a like for like basis.

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 respect the character of the building(s) and conservation area.
3. To respect the character of the building(s).
4. To respect the character of the building(s) and conservation area.
5. To respect the character of the building(s) and conservation area.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: Llangollen

APPLICATION NO: 03/2007/0204/ PO

PROPOSAL: Development of 0.03 hectares of land by erection of single dwelling (Outline application)

LOCATION: Land at Penrallt Farm Sun Bank Llangollen

APPLICANT: Mr G Edwards

CONSTRAINTS: AOB

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

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL
"No objection ".
2. CONTAMINATED LAND OFFICER
The application site has had many historical land uses within 200m which may leave some residual contamination in the vicinity of the site. Recommend that a condition is attached should the application be approved to deal with any contaminated land.
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection
4. WELSH WATER
No objection
5. RAMBLERS ASSOCIATION
OBJECT to the proposed development based on the location of the application site outside the development boundary, the access road to the site which is off a tight hairpin bend and additional traffic on an already busy single lane road.

RESPONSE TO PUBLICITY:

Letters of representations received from the following:

1. Mrs J. Silvester, Tan y Bont, Sun Bank, Llangollen
2. Mr & Mrs Parker, Sunbank Cottage, Sun Bank, Llangollen
3. Mr. Bird, Ty Ucha, Sun Bank, Llangollen
4. D Jones & C Fenton, Brynteg, Trefor Uchaf, Llangollen
5. Dr KM and Dr MG Lloyd Bloom
6. Mrs. A. Lloyd, Ty Newydd, Sun Bank, Llangollen

Summary of planning based representations:

All letters in support of the proposal based on :

- (i) support for the farming industry
- (ii) the applicant needing to live close to the place of work
- (iii) a dwelling fitting in with the surroundings and not detracting from the surrounding locality

(iv) the applicant being an active and respected member of the community

EXPIRY DATE OF APPLICATION: 18/04/2007

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site extends to 0.03ha in area and is located in the open countryside outside the development boundary of Llangollen in an area known as Sun Bank between Llangollen and Trefor. The site lies in the designated AOB area with access to Sun Bank directly off the main A539 Llangollen to Trevor road, passed the Sun Trevor Inn along a single lane track.
2. The application site forms part of a former quarry with an existing access to the site and a single agricultural building on the land. This shed is used by the applicant for the purposes of agriculture.
3. The proposal is an outline application for the erection of a single dwelling unit with all matters reserved for subsequent approval. There is an existing access to the site which would be used as part of the proposal. The applicant indicates that he farms some 100 acres of land in the vicinity, with 400 sheep. However, the application has not been subject to an agricultural appraisal. The application has been reported to Committee at the request of Councillor Rhys Davies to allow the infilling issue to be considered.

RELEVANT PLANNING HISTORY:

4. **03/2004/0722/PF**- Erection of agricultural building for livestock. Granted with conditions on the 9/8/2004

03/2005/793/PF – Erection of extension to agricultural building to form washroom and the installation of a new septic tank. Granted with conditions on the 22/8/2005

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 AOB
Policy HSG5 – Groups of houses in the open countryside
Policy HSG6 – New Dwellings in the open countryside
SPG10 – Infill housing in the countryside
SPG9 – Agricultural and forestry workers dwellings

GOVERNMENT GUIDANCE

Planning Policy Wales (PPW) (March 2002)
TAN6 – Agricultural and rural development (June 2000)

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Highways
 - iii) Impact on AOB
7. In relation to the main planning considerations as noted above:

8. Principle:
The application site is in the open countryside outside the development boundary of Llangollen where the provisions of Policy GEN3 are applicable. Policy GEN3 states that development outside development boundaries will only be permitted in exceptional circumstances such as an application for an agricultural worker (HSG6) or infill development of one or two housing units in a clearly identifiable group (HSG5). In this instance, even though the applicant is employed in agriculture, no functional or financial information has been provided in order to assess the essential need for a dwelling on the site to meet the needs of the farm enterprise. Based on this, the proposal does not comply with criterion i) of Policy GEN6, Policy HSG6, SPG9 and advice contained in TAN6 on agricultural and rural development. Similarly, Policy HSG5 looks at infill development of one or two units in a clearly identifiable group of dwellings along a continuously developed frontage. In this instance, whilst it is acknowledged that the application site does lie within a group of dwellings, the site does not comprise of the infilling of a small gap along a continuously developed frontage and as such does not comply with Policy HSG5 or SPG10 on infill development. In principle therefore, the proposal is not acceptable based on Policies GEN3, HSG5 and HSG6, SPG9 and SPG10 and TAN6.
9. Highways: No concerns have been raised by the highways department in relation to the impact of the development on highway safety. This is in accordance with criterion vii) of Policy GEN6.
10. AOB: In the absence of any sound basis for the erection of a dwelling in the open countryside, the proposal is considered to be harmful to the character and appearance of the AOB and as such is contrary to Policy ENV2.

SUMMARY AND CONCLUSIONS:

11. The proposal is contrary to policy on development in the open countryside as no case has been put forward for an essential need for a dwelling based on functional and financial tests. Similarly, the proposal does not comply with the provisions of the infill policy as the proposal does not involve the infilling of a clearly identifiable group of dwellings along a continuously developed frontage. The proposal would lead to a new dwelling in the open countryside with adverse impact on the AOB.

RECOMMENDATION: - REFUSE for the following reasons:-

1. It is the opinion of the Local Planning Authority that the proposal to erect a dwelling on land forming part of Penrallt Farm, Llangollen is contrary to development plan policies that seek to protect the open character and appearance of the countryside as no application has been made to demonstrate the functional and financial need for an essential worker to live at the place of work, and furthermore, the proposal fails to comprise the infilling of a small gap along a continuously developed frontage contrary to criterion i) and ii) of policy GEN3, HSG5 and HSG6, of the Denbighshire Unitary development Plan and policy SPG9- Agricultural and forestry workers dwellings, SPG10 infill housing in the countryside and TAN6 - Agricultural and rural development.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Corwen

APPLICATION NO: 05/2007/0218/ PO

PROPOSAL: Development of 0.1 hectares of land by erection of 1 dwelling including siting and means of access (Outline application)

LOCATION: Land adjoining Jalna Penybryn Corwen

APPLICANT: Mr & Mrs A Westbury

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

CONSULTATION RESPONSES:

18. CORWEN COMMUNITY COUNCIL
'No observations to make'
19. HEAD OF TRANSPORT & INFRASTRUCTURE
No objections subject to conditions
3. WELSH WATER
No objection

RESPONSE TO PUBLICITY:

1. Ms N Bentley, Hyfrydle, Pen y Bryn, Corwen
2. Mr & Mrs Kent, Westways, Pen y Bryn, Corwen

Summary of planning based representations:

- i) The road up to the site is very steep with a tight turn.
- ii) Concerns about construction traffic and large vehicles getting to the site.
- iii) Concerns about land stability when development starts.

EXPIRY DATE OF APPLICATION: 18/04/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is within the development boundary of Corwen and forms part of garden of the dwelling known as Jalna. The site extends to 0.1ha in area and is accessed off a single lane off Hill Street.
2. The lane leading up to the site serves 3 dwellings including Jalna which is a large detached 2 storey dwelling with large garden areas to the front and rear.
3. The proposal is for outline permission for the erection of a dwelling. Details of siting and means of access form part of the application. All other matters are reserved for subsequent approval.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

- 6.
- i) Principle
 - ii) Highways
 - iii) Affordable housing
 - iv) Impact on visual amenity
 - v) Impact on residential amenity
7. In relation to the main considerations:
- i) Principle
The principle of development is considered to be acceptable as the application site lies within the development boundary. The settlement boundary forms the boundary of the application site with Jalna. Jalna is therefore outside the development boundary. The principle is acceptable based on Policy GEN 1.
 - ii) Highways
Concerns have been raised in relation to the narrow lane leading to the application site and the implications this may have for construction traffic. The lane is steep and narrow. However, no objections have been raised by Highways Officer in relation to this, therefore the proposed is considered to be acceptable in relation to criterion vii) of Policy GEN 6.
 - iv) Affordable Housing
The site area is marginally less than 0.1ha, the threshold where there is a requirement to provide affordable housing.
 - v) Impact on visual amenity
No details on the size, scale, design or external appearance of the dwelling has been provided at this stage. However the siting of the dwelling is acceptable in relation to Policy GEN 6, and there will be no adverse impact on visual amenity.
 - vi) Impact on residential amenity
The siting of the building will not give rise to any adverse impact on residential amenity given the significant difference in land levels between the plot and Pen y Bryn. Any outlook from a dwelling here will be directly over rather than into the garden space of Pen y Bryn. The main curtilage area of Jalna is to the rear of the dwelling away from the application site. The curtilage area afforded to the proposed dwelling is acceptable and comparable to the existing dwellings in the immediate locality. This is in accordance with criterion vii) of Policy GEN 6.

SUMMARY AND CONCLUSIONS:

8. The proposal is for the erection of a dwelling on 0.1ha of land forming part of the garden area of Jalna. The proposed plot is within the development boundary. Highways raise no objections to the development.

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

RECOMMENDATION: - for the following reasons:-

1. Approval of the details of the design and external appearance of the building(s), and means of access and the landscaping of the site (hereinafter called "the reserved matters")

shall be obtained from the Local Planning Authority in writing before the commencement of any development.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Facilities shall be provided and retained within the site for parking of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and which shall be completed prior to the proposed development being brought into use.

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

1. The application is for outline permission with details of siting and means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To provide for parking of vehicles clear of the highway.

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).

N.B Please advise the application to contact Highways Department, Gail Lawlor on 01824 706882 to arrange a site meeting prior to any works commencing on site in order that existing road conditions can be inspected prior to any construction vehicles entering the site.

Dwr Cymru Welsh Water's, Network Development Consultants, advise that a water main crosses the site. Please contact Dwr Cymru Welsh Water for more information before you proceed with the development. Dwr Cymru Welsh Water can be contacted on 01443 331155 or e-mail www.dwrcymru.com

Foul effluent only should be drained to the public sewer. Surface water will need to drain to soakaways or, if available, a ditch/watercourse in the vicinity of the site.

ITEM NO: 13

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 14/2006/1381/ PS

PROPOSAL: Variation of Condition No. 8 on planning permission Ref. No. 14/2004/0151/PF to allow planting infill in lieu of 1.8m timber fencing to rear of Plots 1-5 inc.

LOCATION: Plots 1-5 inc. Land off Maes Y Delyn Cyffylliog Ruthin

APPLICANT: Griffiths Builders & Developers

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. CYFFYLLIOG COMMUNITY COUNCIL
"No objection"
2. LANDSCAPE ARCHITECT
No objection but young plants will need weed control.

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. P. & D. Sawyer, The Old Rectory, Cyffylliog:

Summary of planning based representations:

- (i) Still concerned about the nature of the screening as a fence would provide instant visual, sound and animal/ child barrier
- (ii) Understand that a beech hedge would give a better outlook for the residents in the new houses but it would take a number of years for the hedge to establish
- (iii) Suggest that a post and wire fence is erected between the existing hedge and the proposed new hedge and that the plants used are well established before they are planted

EXPIRY DATE OF APPLICATION: 25/01/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located within the development boundary of the village of Cyffylliog. It is located to the south east of the residential estate known as Maes y Delyn. The site occupies a slightly elevated position in comparison to those properties to the rear of plots 1-5, Y Llethrau and The Old Rectory.
2. An existing mixed species hedge currently exists between the rear of plots 1-5 and Y Llethrau and The Old Rectory. Close board timber fences exist between plots denoting the side boundaries of the rear curtilage areas.

3. The proposal is to vary condition no 8 on application reference no 14/2004/0151/PF to allow for additional landscaping in place of a 1.8m fence to the rear of plots 1-5. The hedging proposed to be planted along the rear boundary is beech, planted in two rows in front of the existing hedge.

RELEVANT PLANNING HISTORY:

4. **14/2005/727/PS**
Variation of Condition No. 8 on planning permission Ref. No. 14/2004/0151/PF to allow additional landscaping in place of 1.8m high fence to rear of Plots 1, 2, 3, 4 & 5. Refused on 1st March 2006 for the following reason: 'It is the opinion of the Local Planning Authority that there is insufficient information to fully determine the effects of the proposal on the surrounding landscape and on residential amenity, thus the proposal is not in accordance with criteria v) of policy GEN6 of the Denbighshire Unitary Development Plan and advice contained in Planning Policy Wales (March 2002).'

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN1 – Development within development boundaries
Policy GEN6 – Development Control Requirements

MAIN PLANNING CONSIDERATION

6.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
7. In relation to the main planning considerations as noted above:
8. Principle:
The location of this development is within the development boundary of Cyffylliog and the principle of replacing a 1.8 m close board timber fence with a natural mixed species hedgerow is considered to be acceptable in principle given the rural setting of the village.
9. Visual amenity: There are close board timber fences to the side boundaries of the dwellings separating the curtilage areas of plots no 1-5 Maes Y Delyn. The replacement of a 1.8m high fence to the rear of the plots with a hedge is considered to be an improvement to the visual amenity of the area and is in accordance with criterion i) and ii) of policy GEN6.
10. Residential amenity: Concerns have been raised in relation to privacy between the properties along (plots 1-5) and the two dwellings to the rear, The Old Rectory and y Llethrau. Whilst the timber fence would provide instant privacy for the occupants of all the dwellings, the planting of a hedge in place of the fence will provide privacy in the long term and will be visually more acceptable in the rural village setting. Existing natural screening already exists.

SUMMARY AND CONCLUSIONS:

11. The proposal is considered to be acceptable in relation to the impact on visual amenity and over time will form an acceptable screen between the properties.

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

1. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the next planting and seeding seasons (Autumn 2007) 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.

2. Prior to the implementation of the planting, a post and wire fence shall be erected between the proposed hedge and the open gardens of plots 1-5 Maes y Delyn.

3. The hedge planting hereby approved shall comprise of beech plants of at least 1m in height.

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

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

NOTES TO APPLICANT:

None

ITEM NO: 14

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2007/0182/ PF

PROPOSAL: Realignment of existing access road and siting of 4 No. additional static caravans, associated parking area and installation of new septic tank.

LOCATION: Land Adj To Ffynnon Y Berth Llanarmon Road Llanferres Mold

APPLICANT: Mr & Mrs H Davies

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

20. LLANARMON YN IAL COMMUNITY COUNCIL
 'Meets with the improvement requirements within TSM10, no objections to the modifications but question if the 10% rule of thumb will be applied to this site?'
21. AONB COMMITTEE
 'The JAC objects to the application on the grounds of its impact on the AONB and that it does not comply with UDP policy TSM10 as the propped extension is not modest and there are no proposals included to improve the appearance of the site. The committee also requests that the touring caravans, which have not been moved for some time, be removed from the site'.
22. ENVIRONMENT AGENCY
 No objection but requests condition in relation to drainage on approval.
23. HEAD OF TRANSPORT & INFRASTRUCTURE
 No objection
24. PUBLIC PROTECTION
 Awaiting response
25. DEVELOPMENT SERVICES (Tourism)
 Awaiting response

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 10/04/2007

REASONS FOR DELAY IN DECISION:

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

**PLANNING ASSESSMENT:
 THE PROPOSAL:**

1. The application site is in the open countryside, within the Clwydian Range AONB. Access to the site is off the main A494 Ruthin to Llanferres road, along the B5430 towards Llanarmon yn Ial. The site comprises of a static caravan park with permission for 9 no static caravans. A separate part of the field also has permission for touring caravans (8 no).
2. The proposal is for the siting of 4 no additional static caravans on land to the east of the existing permission for 9 no static caravans, the installation of a septic tank, the widening of the current access track to serve the caravans, the formation of parking bays along the whole length of the existing track and some additional planting of wild cherry and beech trees.

RELEVANT PLANNING HISTORY:

3. Application no: 25/2685 - Resiting of 6 caravans and addition of 3 caravans. Granted with condition on the 4th November 1980.

Application no: 25/5529 – Use of land as a touring caravan site and construction of a septic tank. Granted with conditions on the 23/2/1982. (Limiting the no of touring caravans to 8 on the land at any one time and restricting their time to remain on site to no more than 14 days in any one month)

PLANNING POLICIES AND GUIDANCE:

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

STRAT 7 – Environment

Policy GEN3- Development outside development boundaries

Policy GEN6 – Development Control Requirements

Policy ENV2 – Development affecting the AONB

Policy TSM10 – Extensions of / improvements to existing static caravan & chalet sites

Policy SPG 20 – Static caravan and chalet development

MAIN PLANNING CONSIDERATIONS:

5.
 - i. Principle of development
 - ii. Impact on visual amenity
 - iii. Highway considerations
 - iv. Impact on AONB
 - v. Environmental Improvements
 - vi. Touring caravans
6. 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, criterion vi) are applicable. Criterion vi) states that development in connection with tourism is an exception in terms of land use that is acceptable, in principle in this location. The site is an existing static caravan site. Therefore given the current permission that is in place and the provisions of criteria vi) of Policy GEN3, the principle of development is acceptable. Policy TSM10 states that the modest extension of and improvements to existing caravan and chalet sites will be permitted provided they comply with certain criteria. In this instance, the addition of 4 no static caravans is considered to be modest the principle of extending the number of static caravans on site is acceptable.
 - ii. Visual amenity: The site is located in the open countryside in the AONB where the existing static caravans are located along the south east boundary of the field. The site is well screened from the A494

and B5430 with trees and hedging, and the level of the field is lower than the B5430 which provides additional screening from public areas. There are some areas of the hedging along the rear of the application site that would benefit from additional tree planting, but this can be conditioned should members resolve to grant permission.

- iii. Highways: No objections have been received from highways officers and the proposal will utilise the existing access to the site. This is in accordance with criterion vii) of Policy GEN6.
- iv. AONB: The AONB committee state that they object to the proposal on the grounds of the impact of the development on the AONB and that the proposal does not comply with Policy TSM10. They go on to say that there are no proposals to improve the appearance of the site and the extension is not modest. In relation to Policy ENV2, development will only be permitted where the proposal will not detract from the character and appearance of the area. The extension of the caravan park is in this instance considered to be modest and in accordance with TSM10. The site is well screened from the road and other public viewing points and additional tree screening is also proposed as proposal. The proposal is considered to be in accordance with Policy ENV2.
- v. Environmental Improvements: Criterion ii) of Policy TSM10 relates to environmental improvements as part of the proposal. The applicant has stated that he is replacing some of the dilapidated caravans on the site as well as providing an additional 4 caravans, planting additional trees, improving the parking and access facilities on the site and incorporating a drainage scheme. These environmental improvements are considered to be in accordance with criterion ii) of Policy TSM10.
- vi. Touring caravans: Concerns have been raised by the AONB committee in relation to the existing touring caravans on the site. Whilst permission has been granted for 8 no touring caravans on land adjacent to the application site, they are restricted to staying on the land for no more than 14 days in any one month. The touring caravans on the site have now been removed.

SUMMARY AND CONCLUSIONS:

- 7. The proposal is for the re alignment of the existing access track, the siting of 4 no additional static caravans, associated parking area and installation of new septic tank on land forming part of Fynnon y Berth Caravan site. The application is acceptable in principle and complies with Policies TSM10 and ENV2.

RECOMMENDATION: - GRANT subject to the following conditions:-

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. The proposed works to the access road and associated parking area shall be completed in accordance with the approved plans before the additional units are brought into use.
- 3. No caravan on site shall be occupied between the 14 January and 1 March in any year.
- 4. The proposed septic tank and ancillary soakaway system shall conform to BS6297 and no part of the system shall be sited within 10 metres of any watercourse.

5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the siting of any of the additional caravans hereby permitted and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 free and safe movement of traffic on the adjacent highway.
3. The site is not considered suitable for permanent occupation.
4. To ensure the proper drainage of the site and to minimise the risk of pollution.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 15

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2007/0205/ PO

PROPOSAL: Development of 0.06 hectares of land by erection of 1 dwelling and formation of new vehicular access (Outline application)

LOCATION: Land at (Part garden of) Ty Berllan Graigfechan Ruthin

APPLICANT: Mr J L Edwards

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

26. LLANFAIR D.C COMMUNITY COUNCIL
"Support "
27. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection
28. WELSH WATER
Awaiting response
29. AONB COMMITTEE
Awaiting response

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

1. D & P Jones, Bryn Ffynnon, 4 Bryn Glas, Graigfechan
2. Mr & Mrs RAJ Holding, 2 Bryn Glas, Graigfechan

Summary of planning based representations:

- i. Concerns about the close proximity of the proposed dwelling to the boundary of property and the resulting loss of amenity overlooking potential.
- ii. Concerns that the plans do not show a elevational details, including a chimney or smoke emitting flues that may be present in the roof of the proposed development, this would mean that it would be a source of pollution
- iii. The plans do not indicate if there will be the construction of a garage on site, if one is proposed then it is bound to be located closer to the boundary of the property.
- iv. Dwelling should be single storey.
- v. Boundary hedges should be retained.

EXPIRY DATE OF APPLICATION: 08/05/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in the development boundary of Graigfechan and extends to 0.06ha in area. The site currently forms part of the garden of the dwelling known as Ty Berllan and is located in the Clwydian Range AONB. The B5429 runs along the western side of the application site. Currently there is a large timber greenhouse on the site in the north west corner.
2. The proposal is for the erection of a single dwelling. The application is made in outline with means of access only to be approved as part of the proposal. All other matters are reserved for further approval.
3. Members are advised that the plans do show an indicative siting for a split level dwelling, but this does not form part of the proposal.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN1- Development within development boundaries

Policy GEN6 – Development control requirements

Policy ENV2 – Development affecting the AONB

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Highways
 - v) Impact on AONB
7. In relation to the main planning considerations as noted above:
 - i) Principle: The application site is in the development boundary of Graigfechan where the principle of development is acceptable. This is in accordance with Policy GEN1.
 - ii) Visual amenity: The application is made in outline form with means of access only to be agreed as part of the proposal. The plans do show an indicative siting for a split level dwelling but this does not form part of the proposal at this stage. There is a mix of dwelling types in the area with those on Bryn Glas being red brick bungalows and Ty Berllan being an end terrace of two storey white render construction. The design and type of dwelling would form part of a later application, hence it is difficult to conclude the proposal will have any detrimental impact on the visual amenity of the area.
 - iii) Residential amenity: Concerns have been expressed in relation to the impact of the development on the residential amenity of the neighbours in No 4 Bryn Glas. There is an existing, well established hedge between the application site and the side elevation of no 4. Number 4 has a conservatory on this elevation facing the application site and the indicative plan shows the possible siting of a dwelling which would be 12m from the rear side elevation of no 4. This distance and the presence of the existing hedge, which is to remain as part of the development, is considered to be acceptable, based on criterion v) of Policy GEN6. In relation to the concerns raised about chimneys

and smoke emitting flues, the plans do not show this level of detail at this stage and as such is not something that can be addressed at part of this application. Similarly with the concerns about the garage, it is not proposed at this stage, therefore no further comment can be made on this issue.

- iv) Highways: It is proposed to form a new access in the north west corner of the application site off the B5429. A 7m section of hedge will need to be removed to facilitate this. Highways have raised no objection to the access in this location and as a result the proposal is in accordance with criterion vii) of policy GEN6.
- v) AONB: No response has been received to date from the AONB committee. The application site is in the development boundary and given the outline nature of the application the proposal is not likely to have a detrimental impact on the character and appearance of the AONB. The design and materials of the dwelling would be controlled via a reserved matters application. This is in accordance with Policy ENV2.

SUMMARY AND CONCLUSIONS:

- 8. The application is for outline approval for the erection of one dwelling. The site extends to 0.06ha in area and is located in the development boundary of Graigfechan and is also in the AONB. The proposal seeks approval for means of access only at this stage. The impact on visual and residential amenity is considered to be acceptable and the access meets the requirements of the highways section. There will be no adverse impact on the character and appearance of the AONB and as such the proposal is in accordance with criterion i), ii), iii), v), and vii), of Policy GEN6 and Policy ENV2.

RECOMMENDATION: - GRANT subject to the following conditions:-

- 1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5. Full details of the piped access and ditch crossing shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works and the access shall be completed in accordance with the approved plans before the development is brought into use.
- 6. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plans and which shall be completed prior to the proposed development being brought into use.

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

- 1. The application is for outline permission with details of means of access only.
- 2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. To ensure the formation of a safe and satisfactory access.
6. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

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). Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.

ITEM NO: 16

WARD NO: Llandyrnog

APPLICATION NO: 24/2007/0351/ PS

PROPOSAL: Variation of Condition No. 5 on Planning Permission Ref. No. 24/0834/98/PF to allow use of the building and site for any authorised organisation and operate on Saturdays, Sundays and Public Holidays

LOCATION: Firearms Training Complex Craig y Ddywart Quarry Rhewl Ruthin

APPLICANT: North Wales Police Authority

CONSTRAINTS:

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

CONSULTATION RESPONSES:

30. RUTHIN TOWN COUNCIL
Awaiting reponse.
31. LLANYNYS COMMUNITY COUNCIL.
Awaiting response.
32. PUBLIC PROTECTION
Awaiting reponse

RESPONSE TO PUBLICITY:

- i) Lindsay Anderson, 2 Pen y Graig, Ruthin Road, Rhewl, Ruthin
- ii) Brynle Williams AM
- iii) PR & K Benthon, Penffordd Duw, Rhewl, Ruthin

Summary of planning based representations

- i) Concerns over potential for increased noise/disturbance over weekends

EXPIRY DATE OF APPLICATION: 20/05/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Rhewl Firing Range complex is a well established police training facility located within the former Craig y Ddywart Quarry off the A525 north west of Ruthin.
2. Accessed via a track off the main A525, the site contains a number of buildings and purpose built training areas set within the former quarry area.
3. Permission is sought to vary a previously imposed condition which restricts the use of the complex to officers of North Wales Police between Monday and Friday only. The request is now to allow the use of the site on Saturdays, Sundays and Public Holidays by any authorised organisation.
4. Thus the site would be opened up to other authorised bodies who may wish to use the training facilities over weekends and Public Holidays. It has been made clear, however, that any activities on the site over the revised periods would be non firing activities. The use would involve activities such as training.

RELEVANT PLANNING HISTORY:

5. 24/549/97/LE – Certificate of Lawfulness for existing use of quarry as a firearm centre for North Wales Police – Certificate issued 02/09/98

24/973/97/PF – Erection of office block, training courses, tower, street scenes, provision of assault course and car parking and other ancillary works – GRANTED 12/01/98

24/834/98/PF – Erection of a building for workshop, control room and garage – GRANTED 27/11/98.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy REC 6 – Noisy Sports

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

7.
i) Impact of proposed uses on amenity of nearby property/the locality.

8. In relation to the points identified in paragraph 7 above:
i) The complex is a well established and police training facility offering services to forces all over the country. Periodic concerns have been raised in relation to firing activities and the impact of noise on the locality. The County Council has sought to work closely with those running the complex in order to ensure noise levels are monitored and conditions complied with.

In this instance, it is critical to note exactly what is being applied for, and in particular that no firing activity will take place on Saturday, Sunday or Public Holidays, meaning the only impact would be from general activity around the site and buildings from visitors involved in activities such as training programmes.

Given the relatively isolated and well screened nature of this site and subject to strict controls to ensure there will be no firing activity, it is considered the use by authorised groups over weekends and Public Holidays would not impact upon nearby amenity.

SUMMARY AND CONCLUSIONS:

9. The proposal complies with relevant policy and guidance and it is not considered the particular use over the specified days by authorised groups would have any detrimental impact on the locality.

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

1. The use of the buildings and site shall be restricted to persons or groups authorised by North Wales Police only, and the hours of operation shall be restricted to between 0830 and 1730 on any day, with no firing activities at any time on Saturdays, Sundays or Public Holidays.

The reason(s) for the condition is:-

1. To ensure the Local Planning Authority retains control over the activities in the interests of the amenities of the locality.

NOTES TO APPLICANT: None

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
THE FORMER NORTH WALES HOSPITAL, DENBIGH

1. PURPOSE OF REPORT

- 1.1 The report is a bi-monthly update for the Committee on progress relating to the implementation of the Section 106 Agreement and development generally at the site.

2. PROGRESS SINCE LAST REPORT

- 2.1 The last information report was presented to the Planning Committee on 21st March 2007.
- 2.2 There was a meeting of the Member Working Group on 10th April. A Development Team Meeting with the owner was due to take place on 15th May. Issues under discussion have included:

Health and Safety/Site Security

Works have been carried out to board up ground floor openings and some open areas. There is still no formal security presence on site despite advice from Council Officers and North Wales Police.

Development Proposals

The owner has engaged various consultants to prepare detailed reports and proposals required to progress a reserved matters application(s). Officers have requested that a listed building application be submitted as soon as possible to seek selective demolition to reduce the scale of the vandalism, security and safety issues. No applications have been received to date.

Prince's Regeneration Trust (formerly Phoenix Trust)

The Trust has indicated the role that they could play in assisting the Council. A meeting is to be arranged with the Trust Chief Executive.

3. RECOMMENDATION

- 3.1 That Committee accept this information report.

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
May 2007

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

REF. NO.	ADDRESS	COM'TTE	BREACH	ACTION
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	31 unauthorised windows in listed building.	Works progressing
ENF/001/99/N P13/5	Elwy Bank, High Street, St. Asaph	09/05/00	Neglect of listed building	Planning permission given November 2006. Awaiting LB Consent Monitor to completion of works.
ENF/2003/0016 P7/601	208 High Street, Prestatyn	23/04/03	Unauthorised stall riser to shop front in Conservation Area.	Resolved. Stallriser removed.
ENF/2001/005 P7/565	'Patina', 204 High Street, Prestatyn	25/07/01	Installation of roller shutter in Conservation Area	In discussion with owner.
ENF/2002/007 P7/568	Ty Isoe, Maes Maelor, Llandegla	30/01/02 25/05/05	Storage of vehicles and residential use	Monitoring site. Legal options being investigated.
ENF/2002/025 P7/580	115 Coast Road, Rhyl	26/06/02	Mixed use, residential & car sales	No unauthorised use now. Site tidied.
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	PPPS to monitor and ensure removal of caravan once vacated by sick parents. Parents remain in residence.

REF. NO.	ADDRESS	COM'TTE	BREACH	ACTION
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	Application submitted. Legal options being investigated.
ENF/2002/043 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02	Storage of railway carriages and associated paraphernalia	Monitoring
ENF/2003/031 P7/592		23/07/03	Boundary fence & gates over 2m high	
ENF/2003/009	Casgan Fishery, Llandegla	23/07/03	Residential use of caravan and stationing of vehicles	Investigating
ENF/2003/028	Land adjacent to Unit 10, HTM Business Park, Abergele Road, Rhuddlan	03/09/03	Siting of Static Caravan for Residential Purposes	Investigating. Should have been removed June 2005
		08/11/06		
ENF/2003/041	Coral Spring, Ruthin Road, Llandegla	26/11/03 21/02/07	(1) Unauthorised use of land to site static caravan for residential use; (2) Storage of various items on the land; (3) Untidy land;	Monitoring. File passed to Legal Services for prosecution.
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Discussions ongoing with Planning/Conservation Officers
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Applications received for redevelopment / renovation.

REF. NO.	ADDRESS	COM'TTE	BREACH	ACTION
ENF/2004/00012	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y Bryn Road, Glascoed Road,. St Asaph	15/12/04	Erection of timber building for use as dwelling.	Met with owners re: removal of dwelling by June 2007
ENF/2004/00042	Outbuildings at Bryn Eglur, Llanrhaeadr, Denbigh (old Chicken farm sheds)	24/03/05	Change of use of existing agricultural building to storage and distribution.	Appeal dismissed. Use ceased.
ENF/2005/00050	Rhoslydan, Bryneglwys, Corwen	25/05/05	Change of use of agricultural land for storage of containers to be used in connection with road surfacing activity.	Monitoring permission.
ENF/2005/00014	22 Cae'r Odyn, Eryrys.	25/05/05	Erection of fence exceeding 1 metre in height adjacent to highway and change of use of land to form extension to cartilage area.	In negotiations with site owner. NFA
ENF/2004/00066	The Grapevine, 87 High Street, Prestatyn	31/08/05	Installation of roller shutters and associated metal box and plastic canopy	With Legal for advice / action.
ENF/2005/00102	Armon Cottage, Llanferres	28/09/05	Erection of conservatory extension to side of dwelling	Permission given – monitor
ENF/2005/00059	Plot 1 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	With Legal for advice/action
ENF/2005/00060	Plot 3 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	With Legal for advice/action

REF. NO.	ADDRESS	COM'TTE	BREACH	ACTION
ENF/2005/00061	Plot 4 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation	With Legal for advice/action
ENF/2005/00026	Camp Alyn, Tafarn y Gelyn, Llanferres	26/10/05	Change of use of land for residential use.	Cert of Lawfulness for use as holiday chalet awaited.
ENF/2006/00022	Hafan Deg, Waterfall Road, Dyserth	25/01/06	Creation of Access	Wall re-built - NFA
ENF/2006/00030	3 Grawys Villas, Lenten Pool, Denbigh	19/04/06	Insertion of double glazed UPVC windows and door	Notice served. Appeal lodged
ENF/2006/00039	10 Berwyn Street, Llangollen	19/04/06	Insertion of plastic windows in a building in a Conservation Area.	Application submitted to reinstall timber windows.
ENF/2006/00055	1 Llan Ucha, Bryneglwys	24/05/06	Erection of brick wall	In discussion with Legal/owner.
13/2005/1551	Llanerchgron Barn, Pwllglas	24/05/06	Retention of building and extension to domestic curtilage (retrospective)	Permission given - monitor
45/2006/265/PF	Workshop Rear Of 13 Knowsley Avenue Rhyl Denbighshire	24/05/06	Erection of detached workshop building for use for electrical repairs (retrospect)	Appeal allowed.
ENF/2006/00003	Outbuildings At Cae Mawr, Cynwyd, Corwen	21/06/06	Commercial use of premises	Investigating

REF. NO.	ADDRESS	COM'TTE	BREACH	ACTION
ENF/2006/00076	20 – 22 Chapel Street, Denbigh	04/10/06	Unauthorised UPVC windows / doors	In discussion with Legal.
ENF/2006/00080	1 Llys Clwyd, Denbigh	04/10/06	Unauthorised use of premises as taxi business	In discussion with site owner. – Use ceased - NFA
ENF/2005/00064	Land off A542 Horseshoe Pass, Llangollen	08/11/06	Siting of caravan for residential purposes	In discussion with Legal / owner.
ENF/2005/00107	Paddock at Trefnant, Henllan Road, St. Asaph	08/11/06	Caravan / hardstanding on agricultural land	In discussion with Legal
ENF/2005/00116	1 Artillery Row, Bodelwyddan	08/11/06	Sub-division of residential curtilage to create 2 No. residential units.	Enforcement Notice being drafted.
ENF/2006/00085	35 Llys Ogwen, Prestatyn	08/11/06	Running of Ice Cream Business from residential property	Use appears to have ceased. NFA
C24/2006/00263	15 Bro Clywedog, Rhewl	08/11/06	Change of use from open space to extension to residential	Awaiting land ownership confirmation before taking action. Shed removed
ENF/2006/00087	Land At and Adjoining Pennant Mine & Ty'r Ali, Rhualt	13/12/06	Breach of Conditions & Section 106 Agreement - Planning Permission 47/240/97/PF	With Legal.
ENF/2007/00004	Tan y Foel, Bryneglwys	21/02/07	Unauthorised Siting of Residential Caravan	With Legal.
ENF/2006/00108	2 Penfforddwr, Rhewl, Ruthin	21/02/07	Unauthorised use of adjacent and neighbouring land for car repair business & siting of containers & vehicles	Applications awaited for extension to curtilage incorporating removal of containers/vehicles.

REF. NO.	ADDRESS	COM'TTE	BREACH	ACTION
ENF/2006/00001	Cil Onnen, Corwen Road, Ruthin	21/03/07	Unauthorised use of land as mixed use of residential;commercial and erection of building.	Appeal awaited. Notice being drafted.

PPPS – Planning and Public Protection Services
LS – Legal Services
DS – Development Services

SV – Site Visit
NFA – No Further Action

Should Members require further information on any of the above cases, please contact Paul Mead on 01824 706705 or paul.mead@denbighshire.gov.uk or one of the following Planning & Compliance Officers:

**Michael Hughes on 01824 706731 or mg.hughes@denbighshire.gov.uk for Rhyl and Prestatyn areas
Wayne Williams on 01824 706806 or wayne.williams@denbighshire.gov.uk for Denbigh and North Area excluding Rhyl & Prestatyn
Jill Emerson on 01824 706743 or jill.emerson@denbighshire.gov.uk for Ruthin, Llangollen Corwen areas**

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

APPEAL DECISION UPDATE

1. PURPOSE OF REPORT.

- 1.1 To advise members of recent appeal decisions.

2. BACKGROUND

- 2.1 Outstanding appeals and appeal decisions received between 1st January 07 and 31st March 2007 are set out in the attached appendix.
- 2.2 As requested by Members we have included a column indicating the original decision level (Committee or Delegated) and the officer recommendation.
- 2.3 Whilst we are happy to answer questions on the appeal decisions at the Planning Committee, if you have any matters of detail that you would like to discuss please contact Mark Dakeyne or Ian Weaver prior to the meeting.

This report is for Members' information.

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st Jan 2007 to
31st March 2007



Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Erection of detached single-storey dwelling for use as vicarage and construction of new vehicular access	PG	Committee Grant	Land at (part garden of), The Deanery, Upper Denbigh Road, St. Asaph, , LL170RL,	Informal	28/03/2007	Pending		0.00

46/2006/0510

Key Issue =

Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Erection of log cabin	PG	Delegated Refused	2 Bryn Derw, Llidiart Annie, Llangollen, Llantysilio, LL208BU,	Written	21/02/2007	Pending		0.00

27/2006/1116

Key Issue =

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st Jan 2007 to
31st March 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Retention of 4 No. white UPVC sash windows on front elevation (retrospective application)	PDG	Committee Refused	10, Berwyn Street, Llangollen, , LL208ND,	Written	03/10/2006	05/01/2007 01	APPEAL-DIS	0.00

03/2006/0257

Key Issue = Inappropriate materials and detailing. Majority of windows in area painted timber sash style

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Development of 0.1 hectares of land by erection of dwelling (Outline application)	EOC	Delegated Refused	Land adjacent to, Bryn Siriol, Hillside, Prestatyn, ,	Written	04/08/2006	05/01/2007 01	APPEAL-DIS	0.00

43/2006/0343

Key Issue = Outside development boundary. Impact on AONB / Offas Dyke National Trail

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st Jan 2007 to
31st March 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Erection of first-floor extension to form two-storey dwelling	PJM	Delegated Refused	Bryn Melyd, Tan Yr Allt, Prestatyn, Meliden, LL198PU,	Written	03/11/2006	25/01/2007 01	APPEAL-DIS	0.00

43/2006/0762

Key Issue = Substantial extension out of scale with existing dwelling.

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Development of 0.09 hectares for 1 dwelling, formation of new vehicular access and bridge to watercourse and installation of new septic tank (outline application)	PJM	Committee Grant	Land at, Lon Cae Glas, Cae Glas, Ruthin, Llanbedr Dyffryn Clwyd,	Written	19/10/2006	05/02/2007 01	APPEAL-DIS	0.00

16/2006/0393

Key Issue = Inadequate visibility due to sighting and gradient. Loss of tree and shrubs would be detrimental to AONB.

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st Jan 2007 to
31st March 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Conversion of existing outbuildings to 4 no. dwellings and associated works (Listed Building application)	PJM	Delegated Refused	Cae Segwen, , Ruthin, Clocaenog, LL152LU,	Public	15/08/2006	13/03/2007 01	APPEAL-DIS	0.00
11/2005/0670								

Key Issue = Impact on setting / curtilage of listed farmhouse

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Amendments to previously approved planning application (ref. 11/2004/0340/PF) for the conversion of 4no. outbuildings to dwellings and associated works (retrospective application)	PJM	Delegated Refused	Cae Segwen, , Ruthin, Clocaenog, LL152LU,	Public	15/08/2006	13/03/2007 01	APPEAL-AL	0.00
11/2005/0669								

Key Issue = Impact on setting / curtilage of listed farmhouse

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st Jan 2007 to
31st March 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Erection of conservatory at rear of barn annexe	EOC	Delegated Refused	112, Fforddisa, Prestatyn, , LL198EE,	Written	01/12/2006	14/03/2007 01	APPEAL-DIS	0.00

43/2006/0572

Key Issue = Incongruous extension given large scale and materials

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Development of 0.1ha of land for residential use and installation of new septic tank (outline application) (resubmission)	NMJ	Delegated Refused	Land East of, Scot House, Corwen Road, Ruthin, ,	Written	06/12/2006	12/03/2007 01	APPEAL-DIS	0.00

02/2006/0474

Key Issue = Not infill and conflict with green barrier and local landscape area. Harm historic park and conservation area

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st Jan 2007 to
31st March 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Development of 0.1 hectares of land for erection of agricultural worker's bungalow, new vehicular access and installation of new septic tank (Outline application) (Resubmission of Ref. No. 23/2005/1525/PO) 23/2006/0391	NMJ	Delegated Refused	Land At, Bryn Mullan, , Denbigh, Prion,	Informal 06/03/2007 0	30/11/2006	21/03/2007 01	APPEAL-DIS	0.00

Key Issue = No essential need for further dwelling or holding. Possibility of other available accommodation.

INFORMATION REPORT FOR FOR PLANNING COMMITTEE

Welsh Assembly Government PLANNING POLICY WALES: TECHNICAL ADVICE NOTE 18 : TRANSPORT (TAN 18)

1. PURPOSE OF REPORT

- 1.1 To advise members on the basic contents of an important Technical Advice Note issued by Welsh Assembly Government in March 2007.
- 1.2 To outline the relevance of the contents of TAN 18 for the development control, development plan, and other functions of the County Council.

2. BACKGROUND

- 2.1 Over the last 10 years, Welsh Assembly Government (WAG) has issued a series of Technical Advice Notes (TANs) outlining guidance on a wide range of planning matters in Wales. The TANs have to be read in conjunction with WAG's main land use planning policies, set out in Planning Policy Wales (2002), and in related Ministerial Interim Planning Statements, other TANs, development plan guidance and circulars.
- 2.2 The guidance in TAN 18 should be taken into account in the preparation of the Local Development Plan, and is material to decisions on individual planning applications. It will be taken into account by Assembly Government and Planning Inspectors, where relevant, in the determination of called in planning applications and appeals.
- 2.3 The March 2007 version of TAN 18 cancels the previous version, which was published in July 1998.

3. CONTENTS OF TAN 18

- 3.1 At 58 pages, with 10 sections and 6 annexes, TAN 18 provides

detailed and comprehensive guidance on land use planning issues. The 1998 version, by contrast was a more basic document.

- 3.2 The fundamental principle set out in the new TAN is that land use planning and transport has a key role to play in supporting the sustainable development approach of the Assembly. This approach is set out in PPW and the Wales Transport Strategy.
- 3.3 The TAN sets out the role of local authorities in addressing the environmental aspects of sustainable development. This involves both development plan and development control functions, in securing:
 - resource and travel efficient settlement patterns
 - accessibility of new development by good public transport, walking and cycling through good design.
- 3.4 The different sections of TAN 18 provide guidance on matters of specific relevance to the County Council, in relation to the following matters:
 - a) The integration between land use planning and transport (S.2).
The Authority is expected to produce Regional Transport Plans, through a Regional Transport Group, to reflect national priorities. These Regional Transport Plans are to be taken into account in the policies and strategies of Local Development Plans, and developed through Supplementary Planning Guidance. Road Traffic Reduction targets have to be set. The objective is to reduce travel and to provide a greater choice of means of travel other than the motor car.
 - b) The Location of Development (S.3)
The Authority is required to take into account key issues such as accessibility when locating new development e.g. proximity to services, ease of access to public transport, and opportunities for cyclists and walkers. Local Development Plans and Supplementary Planning Guidance should outline the level of information required in residential planning applications, or Design Statements which should form part of detailed Transport Assessments in larger applications.
 - c) Parking (S.4).
The Authority is expected to develop a Regional Parking Framework as part of the Regional Transport Plan. This framework should support the strategy of the Local Development Plan, and be developed as a Local Parking Strategy setting maximum parking standards in the County, how planning obligations may assist, and

standards for provision of disabled, cycle, parking and parking bay/layout dimensions.

d) Design of development (S.5)

This sets out the requirement for the submission of Access Statements to accompany all planning applications except householder and basic change of use proposals. These need to include consideration of the access needs and requirements of disabled people. Similarly, Design Statements will become a legal requirement as part of new applications in 2007. Both Statements are expected to refer to the design aspects of the Transport Implementation Strategy which has to form part of a Transport Assessment to accompany significant applications. In relation to the design of new roads and access, the Authority is expected to have regard to new Visibility Standards set out in Annex B of TAN 18; and to the Manual for Streets 2007 which provides up to date technical advice on street design, and replaces Design Bulletin 32.

e) Walkers and cyclists (S.6)

There is a need to take into account the needs of walkers and cyclists through the design of new development. Authorities are expected to produce a Walking and Cycling Strategy as part of the Regional Transport Plan.

f) Assessing impacts and managing implementation (S.9)

Applicants are expected to submit Transport Assessments with major developments including information necessary to assess the suitability of an application in terms of travel demand and impact. A Transport Assessment must include a Transport Implementation Strategy, showing how the strategy can be secured through obligations or conditions. The detailed contents of Travel Assessments are set out in Annex D of the TAN which includes guidance on the relevant thresholds, i.e. types/scales of development which may justify Transport Assessments.

g) Planning Conditions and Planning Obligations (S.9)

This section of TAN 18 offers guidance on matters which may reasonably be covered by planning conditions, and the use of legal obligations to secure improvements in roads, walking and cycling, and public transport.

- 3.5 The 6 annexes to TAN 18 provide detailed advice on:
A. Accessibility, B. Visibility Standards C. Definitions of highway routes D. Transport Assessment E. Planning Application Procedures F. Conditions requiring works in the highway.

4. IMPLICATIONS OF TAN 18

- 4.1 There are a number of significant implications for the Authority from TAN 18. The development of Regional Transport Plans, Regional Walking and Cycling Strategies, and Regional Parking Frameworks, oblige collaboration with and between Planning and Highways sections of other North Wales authorities. These Regional level documents have to provide a framework for the development of Road Traffic Reduction Targets, local Parking Strategies, and policies/strategy in the Local Development Plan. Supplementary Planning Guidance may need to be developed to develop further an approach to the delivery of the respective transport/parking/walking and cycling strategies, and the level of information required with the submission of planning applications (Design/Access Statements).

5. RECOMMENDATION

- 5.1 It is recommended that this information report be accepted.