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PLANNING COMMITTEE
MEETING - 1st August 2007
Agenda Item: 2

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

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

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

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

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

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT
1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

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ITEM NO: 1

WARD NO: Trefnant

APPLICATION NO: 31/2007/0627/ PO

PROPOSAL: Development of 0.06ha of land for residential purposes (outline application)

LOCATION: Keepers Cottage Wigfair St. Asaph

APPLICANT: Ms. M. Medley

CONSTRAINTS: Ancient, Semi Natural Woodland

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

CONSULTATION RESPONSES:

1. CEFN MEIRIADOG COMMUNITY COUNCIL
No objections
2. RAMBLERS ASSOCIATION
Objection, as the application is contrary to DCC policies.

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 15/07/2007

REASON FOR DELAY IN DECISION:

- Awaiting Committee Decision

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Outline permission is sought for the development of 0.06ha of land for residential purposes with all matters reserved for future approval. Comprising of a parcel of land to the east of Keepers Cottage, the application site is bounded by trees and hedges which would be retained. Access to the site is proposed from the existing driveway via a track around the rear of the garage, the indicative layout shows two parking spaces.
2. Submitted with the application is a supporting letter from the agents which refers to the following:

The type of unit proposed to be erected on site is a wheel based timber chalet.

The intention is that the proposal will provide a small unit of retirement accommodation for the applicant while she rents out the main dwelling.

The client has no relatives. This proposal would allow her to live independently at Keepers Cottage, and she would not be opposed to a personal permission. The chalet could be removed when she is no longer able to live independently and the dwelling sold on the open market.
3. Keepers Cottage is located in the open countryside on the eastern side of Cefn Meiriadog. The two storey redbrick dwelling may have originally been part of the Wigfar estate and is set in relatively large grounds bounded on the north by Keepers Woodland.

4. Cllr Meirick Davies has requested that this application be heard by Planning Committee owing to the 'uniqueness' of the case as set out in paragraph 2.

RELEVANT PLANNING HISTORY:

5. No relevant planning history.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 Development Outside the Development Boundaries
Policy ENV 2 Development affecting the AONB/ AOB
Policy HSG 5 Groups of Houses in the Open Countryside

MAIN PLANNING CONSIDERATIONS:

7. The main issue is considered to be:
 - i) Principle
8. In relation to the main planning consideration in paragraph 7:
 - i) The site is visually and physically located in the open countryside therefore Policy Gen 3 of the Unitary Development Plan applies, which indicates that new building in the open countryside is strictly controlled. Policy Gen 3 is not supportive of development outside development boundaries unless it falls within specific exceptions, including agricultural or forestry workers dwelling in accordance with Policy HSG 6 and infill development in accordance with Policy HSG 5.

No justification has been submitted to the Local Planning Authority for an essential workers dwelling to satisfy Policy HSG 6. HSG 5 indicates that outside development boundaries infill development of one or two houses may be permitted within a clearly identifiable group of houses subject to specific criteria. The proposal does not meet the infill criteria as there is no group.

The proposal would extend residential development into the open countryside and consolidate sporadic development in an unacceptable manner. This urbanising would impact and erode the character of the rural area contrary to policy.

The UDP allows for some exceptions to the rural restraint policies. However the personal circumstances of the applicant are not considered to outweigh the planning considerations. Although reference has been made to a personal permission, the application is being made to establish the principle of new residential development on part of the site. Regardless of the nature of the actual building and whether it is a chalet or a temporary building, a separate unit of self contained accommodation unrelated to Keepers Cottage is being sought. If permitted the proposal would set an unwelcome precedent which in similar cases the Local Planning Authority would find difficult to resist.

SUMMARY AND CONCLUSIONS:

9. The proposal is not acceptable and is recommended for refusal for the following reasons.

RECOMMENDATION: REFUSE for the following Reason:-

1. The principle of a self contained unit of retirement accommodation unrelated to the existing dwelling Keepers Cottage in the open countryside is not considered acceptable. There is not an identifiable group of 6 or more dwellings in this location and the site is not located along a continuously developed frontage. No justification has been provided for the development to meet the requirements of an agricultural or forestry workers dwelling. The proposal thus fails to comply with Policy GEN 3, HSG 5 and HSG 6 of the Denbighshire Unitary Development Plan and advice contained in Planning Policy Wales (March 2002).

NOTES TO APPLICANT:

None

ITEM NO: 2

WARD NO: Bodelwyddan

APPLICATION NO: 40/2007/0709/ PF

PROPOSAL: Erection of lean-to extensions to dwelling

LOCATION: Pengwern Farm Nant Y Faenol Road Bodelwyddan Rhyl

APPLICANT: Mr & Mrs H Jones

CONSTRAINTS: Footpath

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

CONSULTATION RESPONSES:

1. BODELWYDDAN TOWN COUNCIL
No objections

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 31/07/2007

REASONS FOR DELAY IN DECISION:

None

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The existing dwelling is the main farmhouse at Pengwern Farm. It is a two-storey rendered building with a slate roof. There is a garden area to the side of the property.
2. The application seeks permission to erect a lean to extension on the south elevation, measuring 9.8m (externally), almost the full length of the dwelling, and set back slightly from the front. This will provide an extension to the existing kitchen/dining area and lounge. The other element of the application is the proposed lean-to extension at the rear in place of the existing flat roof structure. This would measure 3.95m in width and 3.45m in length, and would be used as a shower room, utility and hall way. The materials proposed are to match the existing.
3. The application is presented to the Planning Committee as the applicant is related to a County Councillor.

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

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

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of proposal
 - ii) Visual amenity impact
 - iii) Residential amenity impact

7. In relation to the main considerations:
 - i) The principle of the proposal is acceptable in terms of Policies GEN 6 and HSG 12 of the Unitary Development Plan. The size and scale of the proposed extensions are considered subordinate to the original dwelling and would not represent an overdevelopment of the site.

 - ii) The visual impact is considered acceptable. The design and proposed materials are respectful to the character of the farmhouse, and as such the proposal complies with criteria contained in Policy HSG 12 of the Unitary Development Plan.

 - iii) It is not considered that the proposal would lead to a harmful residential amenity impact as there are no immediate neighbours to the site.

SUMMARY AND CONCLUSIONS:

8. The proposal complies 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: 3

WARD NO: Tremeirchion

APPLICATION NO: 41/2007/0489/ PF

PROPOSAL: Retention of field shelter and hardstanding for parking area and erection of hay barn and use of land for manège (Partly in retrospect)

LOCATION: Tyn Y Ffordd Isa Bodfari Denbigh

APPLICANT: Mr Roger Price

CONSTRAINTS: Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. BODFARI COMMUNITY COUNCIL
Awaiting response

RESPONSE TO PUBLICITY:

2 no letters of representation received from the following:

1. J. Rowlands, Ty Canol, Bodfari
2. Jean Chadwick, Ty Canol, Bodfari

Summary of planning based representations:

- i) Concerns about the hardstanding extending too far onto the lane and the hedge planting along the boundary of the hardstanding with the track leading to the fields. This will make the track narrower and will hinder large vehicles that need to get to the fields owned by Ty Canol.
- ii) Concerns about the hay barn blocking a footpath.

EXPIRY DATE OF APPLICATION: 03/07/2007

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is in the open countryside and comprises of a semi detached dwelling with a detached single storey outbuilding. There is a track to the east of the application site that leads to fields owned by the applicant and three fields that are owned by the occupants of Ty Canol.
2. The proposal is to retain an area of hard standing for the parking and turning of vehicles and a field shelter for horses. The field shelter is located to the rear of the dwelling and measures 7.2m x 3.6m and is 3m in height. It is constructed of wood with a corrugated sheeting type roof.
3. The proposal also involves the erection of a hay barn to the rear of no 1 Tyn y Ffordd and the construction of a 20 m x 40 m ménage. The proposed ménage will have natural field hedging to three sides and a wooden post and rail fence with a gate to the other side (facing the rear of the

dwelling).

RELEVANT PLANNING HISTORY:

4. None

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN3 – Development outside development boundaries
Policy GEN6 – Development control requirements

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

- 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:

i) Principle:

The application site is outside the development boundary of Bodfari where the principle of development of land for the keeping and exercising of horses is an acceptable land use.

ii) Visual amenity:

The mobile field shelter and the hardstanding area for the parking and turning of vehicles is development that has already taken place on the land. The retention of these two developments is acceptable. The applicant has planted hedging along the boundary of the hardstanding with the track leading up to fields owned by the occupants of Ty Canol which over time will become established and will screen the area of hardstanding.

Concerns have been raised in relation to the hardstanding and the hedging making it less easy for vehicles to gain access to the fields belonging to Ty Canol.

The proposed ménage will be located on an area of land to the rear of no 1 Ty'n y Ffordd and will be screened on 3 sides by existing hedging. The proposed hay barn will be located to the rear of the boundary between no 1 Ty'n y Ffordd and measures 7.2 m x 3.6 m and is 3m in height. The size of the hay barn is the same as the mobile field shelter.

Concerns have been raised about the location of the hay barn and it blocking a public footpath. There is a public footpath west of the application site, the other side of the boundary of the application site, the hay barn will not be blocking this footpath. The access is considered acceptable for a personal use for stables.

The proposal is considered to be in accordance with Policy GEN6.

iii) Residential amenity:

There is minimal impact on residential amenity in relation to the development as it currently stands. The location of the proposed hay barn has not raised any concerns by the neighbouring occupants but the use can be controlled via a condition to limit the use of the building to the storage of hay and not for the keeping of horses. This is in accordance with criterion v) of policy GEN6.

iv) Highway Safety, Access and Footpaths

The additional planting will not reduce the width of the lane significantly to restrict access to the fields.

SUMMARY AND CONCLUSIONS:

8. The proposal is for the retention of an area of hardstanding and a mobile field shelter. The proposal is also for the erection of a hay barn and the construction of a ménage. The development is considered to be acceptable in relation to Policy GEN6.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use of the ménage and stable hereby approved shall be for the personal use of the applicant only and not used for any commercial riding school or livery business use without the further granting of planning permission from the Local Planning Authority.
3. The hay barn hereby approved shall be used for the storage of hay and fodder and shall not be used as a separate stable building without the further granting of planning permission by the Local Planning Authority.
4. No floodlights, sound amplification equipment or speakers shall be erected or used on the site unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.2. In the interests of residential amenity.3. In the interest of residential amenity.4. In the interest of visual and residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Prestatyn East

APPLICATION NO: 43/2007/0441/ PF

PROPOSAL: Erection of detached dwelling and construction of new vehicular access

LOCATION: Part garden of 2 The Avenue Bryn Newydd fronting Gronant Road
Prestatyn

APPLICANT: Mr Arthur Dean

CONSTRAINTS: CLA-Class A Road Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
'Objection, over-intensification of site and dangerous highway access'.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection, subject to conditions.
3. WELSH WATER
No objection, subject to conditions
4. CPAT (Clwyd Powys Archaeological Trust)
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. Mr Price, 4 West Avenue, Prestatyn
2. Mr G Rayner, 43 Gronant Road, Prestatyn

Summary of representations:

- i) Proposal out of keeping with area
- ii) Cramped form of development
- iii) Loss of Light
- iv) Loss of privacy, amenity issues
- v) Noise, disturbance
- vi) Highway Safety

EXPIRY DATE OF APPLICATION: 26/07/2007

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for full permission for the erection of a dwelling on land comprising of part garden of 2 Bryn Newydd Avenue. The proposed dwelling would be a two storey detached dwelling occupying a footprint of 12.7m by 7.8m, brick built with concrete roof-tiles. The proposed dwelling has a height of 8.5m. Four bedrooms are proposed on first floor level with the living accommodation on the ground floor. The dwelling would have a rear garden of 23m depth which runs parallel to the rear of no. 4 and 6 Bryn Newydd Avenue. A new access is also proposed onto Gronant Road from the south of the site, with parking provided for 3 cars.
2. The site forms part of the garden area of no. 2 The Avenue and has a frontage onto Gronant Road although there is no access at present to Gronant Road. The application site is of a comparable size to the adjacent plots. Bounded by established landscaping the site is level and consists of a lawn area. Although there is a distinct mix of dwelling sizes and styles in the area the immediate adjacent properties are rendered with tiled roofs.
3. Cllr Julian Thompson Hill has requested the application is considered by Planning Committee as he has concerns regarding the access onto Gronant Road and over intensification of the development.

RELEVANT PLANNING HISTORY:

4. **2/PRE/273/93**
Outline planning permission for the erection of 1 dwelling approved 31/09/1993

43/0551/96/PO
Renewal of outline approved 17/10/1996

43/782/99/PO
Renewal of outline approved 1/12/99

43/2006/520/PF
Erection of detached dwelling refused 18/09/06

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - General DC Requirements

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Visual Appearance
 - iii) Amenity
 - iv) Highways
7. The main considerations relating to paragraph 6 above is:-
 - i) Principle
The application site is located within the defined settlements limit of Prestatyn where the principle of residential development is considered acceptable provided it complies with all relevant policies in the UDP. Policy GEN 6 is the relevant policy and therefore the proposal must be assessed against general development control policy criteria. This area is characterised by large properties with large gardens. However, no. 2 Bryn Newydd is unique as it has a much larger garden than the surrounding properties. The subdivision of no. 2 Bryn Newydd is considered wholly acceptable as it utilises a plot of land which is 17m width and over 40m in length within the development boundary which is in keeping with the pattern

of development in the area. Previous permissions reflect that the principle is acceptable.

ii) Visual Appearance

The visual appearance of the proposal is acceptable. The dwellings to the rear of no. 1 Bryn Newydd appear to have been developed in a similar manner with no. 1 Bryn Newydd occupying a similar site as proposed for No. 2. Surrounding the site there is a mix of dwelling styles and designs. As such the two storey brick built dwelling will not appear out of keeping with the character of the area. Although an access onto Gronant Road is proposed the remaining boundary treatment will be as existing. The previous refusal, based on the street scene, has been overcome by the current scheme.

iii) Amenity

The proposal will not impact on adjacent residential amenity. There is adequate space on site and distances between the dwelling to mitigate against any overlooking, loss of light or privacy issues as well as providing ample amenity space for the proposed and existing dwelling.

iv) Highways

The access arrangements have been approved by Highways and are considered acceptable subject to condition. The proposal makes provision for visibility splays and parking and turning on the site. The existing tree on the footway is not proposed to be removed and Highways have made no reference to require the applicant to remove the tree.

SUMMARY AND CONCLUSIONS:

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

DECISION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
3. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof of the development hereby permitted and no materials other than those approved shall be used.
5. The access shall be laid out and constructed in accordance with Drawing No. D/0002/2 Rev A and shall be completed to the satisfaction of the Local Planning Authority before works commence on site.
6. The development hereby permitted shall not be brought into use until space, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, has been laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward direction; these areas shall not thereafter be used for any purpose other than the parking or turning of vehicles.
7. The surface of the parking area shall be paved with a concrete or bituminous material or as

otherwise agreed in writing with the Local Planning Authority before it is brought into use.

8. The wall/hedge either side of the access shall be lowered and maintained at a height of 0.6m and nothing shall be planted or erected above this height within 2.0m.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the side elevations of the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of amenity and highway safety by ensuring that adequate space is available for all vehicles visiting the property to park and turn clear of the highway.
6. In the interests of amenity and highway safety by ensuring that adequate space is available for all vehicles visiting the property to park and turn clear of the highway.
7. To ensure that no deleterious material is carried onto the highway.
8. To ensure that adequate visibility is provided at the point of access to the highway.
9. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity

NOTES TO APPLICANT:

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

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

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: 5

WARD NO: Prestatyn North

APPLICATION NO: 43/2007/0687/ PF

PROPOSAL: Erection of a two-storey dwelling

LOCATION: Land At (Part Garden Of) 166 Victoria Road Prestatyn

APPLICANT: Messrs K A, R E & K E R Goodall

CONSTRAINTS: C1 Flood Zone Public Footpath / Bridleway Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

1. B Simcock, 16 Awelon Mor, Prestatyn
2. A Brown, 15 Awelon Mor, Prestatyn

Summary of representations:

- i) Cramped form of development
- ii) Noise and disturbance
- iii) Loss of land adjacent to open space
- iv) Potential for parking problems

EXPIRY DATE OF APPLICATION: 02/08/2007

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The proposal is for full planning permission for the erection of a two bedroom dwelling on land adjacent to 166 Victoria Road in Prestatyn. Located to the east of the former doctors surgery the site has a maximum width of 8m and is 13m in length from the road. The proposed dwelling is of similar style to the neighbouring properties, sited in line with 166 it has as garden depth of 6m. The first floor bedrooms are served by a window to the eastern side elevation and a window to the front. To the rear is the bathroom window. Parking is provided to the front of the site for two vehicles.
2. The site is currently used as a car parking area for 166 Victoria Road, the former use of 166 was as a doctors surgery. However this use has since ceased following the erection of a new surgery building in the town. The site is bound to the east by a pumping station, with dwellings to the north and south. The site is enclosed to the side and front by a dwarf breeze block wall and a 1.5m high rendered wall exists to the rear of the appeal site

RELEVANT PLANNING HISTORY:

3. No. 166 Victoria Road 43/2003/1267/PF – Change of use of doctor's surgery to single dwelling unit. GRANTED with conditions on the 1st December 2003.

43/2004/1513/PO – Development of 0.14 ha of land by the erection of a detached dwelling.

REFUSED 08/04/04. Reason referred to overdevelopment of the site with inadequate space around the dwelling and limited separation distance from adjoining properties and their gardens, detrimental to the visual amenity and the residential amenity of occupiers of adjacent dwellings and future occupiers of the proposed dwelling.

43/2005/1001 - Erection of dwelling. REFUSED 06/10/05 Reason referred to overdevelopment of the site with inadequate space around the dwelling and limited separation distance from adjoining properties and their gardens. APPEAL DISMISSED 04/05/06 on impact of the proposal on the character and appearance of the area.

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN - Development Control Requirements

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

5. The main issues are considered to be:

- i) Principle
- ii) Visual appearance
- iii) Residential Amenity
- iv) Highway Safety/ Access

6. In relation to the main issues:

- i) Principle
The proposal accords in general terms with Policy Gen 6. The site is located within the development boundary and as such its use for residential purposes is considered acceptable in principle.
- ii) Visual Appearance
The proposal will not impact on the character and appearance of the area. The Inspectors report which dismissed the previous appeal was primarily based on the impact of the proposal on the character of the area; this has been addressed in designing a dwelling of similar height and visual appearance to the surrounding properties. There are sites of similar size in the immediate vicinity.
- iii) Amenity
There is scope for adequate private amenity space for the dwelling to the rear. The garden depth of 6m meets the generally accepted minimum standard and is similar to adjacent plots. The first floor window on the rear is a bathroom window and the ground floor windows to the rear will be screened by the existing boundary fencing which will be retained. The dwellings to the rear are orientated at an angle to the proposed dwelling and have garden depths of 10m to 15m and the existing dwellings along Victoria Road are closer to the rear gardens of Bryn Awelon. Therefore the proposal will not have any worse noise and disturbance potential than the existing arrangement. Furthermore the Inspector concluded in the previous appeal that that the proposal would not impact on the amenity of the residents of Awelon Mor.
- iv) Highway safety
In relation to highways safety and access highways officers are satisfied that the road can accommodate a dwelling. Parking can be accommodated within the site.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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 roofs 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 commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the side and rear elevations of the dwelling hereby permitted at first floor level, unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To 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 order that adequate parking facilities are available within the curtilage of the site.
6. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity

NOTES TO APPLICANT:

None

ITEM NO:	6
WARD NO:	Rhyl East
APPLICATION NO:	45/2007/0302/ PS
PROPOSAL:	Variation of Condition No. 2 on Planning Permission Ref. No. 45/2006/0868/PF to allow increase in number of children from 25 to 32
LOCATION:	37 Marine Drive Rhyl
APPLICANT:	Mr & Mrs A C Thomas
CONSTRAINTS:	CLB-Class B Road Article 4 Direction
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - Np Neighbour letters - Yes

CONSULTATION RESPONSES:

1. RHYL COUNCIL

"The original drop-off on Marine Drive was considered inappropriate. Parking is restricted in the area by double yellow lines and the simultaneous arrival of a number of vehicles at peak times is considered unacceptable in terms of road usage and the amenities of adjacent properties. These concerns will be exacerbated.

Although there is on street parking on the north side of Marine Drive this will require children to cross the road to access/depart the Nursery and parking (particularly in the summer months) is limited in this area. This is likely to lead to parents parking immediately outside the property.

The proposed parking/drop-off point is also considered insufficient especially if parking to the front of the building is not permitted. Given the number of children to be accommodated it is likely that all identified parking spaces will be required by staff. It is also likely that parents would park in the alley creating an obstructive/nuisance to other properties occupiers which utilise this joint access to their own properties.

The increase in numbers of children will presumably lead to an increase in the numbers of staff required on site leading to staff parking problems.

It is considered that all users of the rear access entry way should be consulted by the Local Planning Authority."

2. HEAD OF TRANSPORT & INFRASTRUCTURE-

No objection subject to conditions,

RESPONSE TO PUBLICITY:

Letters of representations were received from:

1. Mr C.H. Jones, 46 Burns Drive, Rhyl
2. Mr and Mrs Jackson, 39 Marine Drive, Rhyl
3. Ann Jones AM
4. Mr & Mrs Buckley, 1 Lon Hedyn, Rhyl

Summary of planning based representations:

- i) Impact on amenity from increased noise disturbance
- ii) Highways implications of increase including parking problems
- iii) Outside play area being used in breach of condition.
- iv) Letters 3 and 4 support the application.

EXPIRY DATE OF APPLICATION: 13/05/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was considered at Planning Committee on 20th June 2007 when it was resolved to refuse planning permission. On the advice of the Monitoring Officer, the application has been reported back for determination due to lack of clarity with the voting.
2. The proposal relates to a property used as a day nursery. The proposal is to increase the numbers of children attending from 25 to a total of 32.
3. The large detached dwelling is served by a vehicular access off an unadopted road off Marine Drive. The 26m long rear yard is bounded by a 2m high wall on the western side and by outbuildings and a wall on the eastern side. The access to the rear car-parking is at the south western corner of the site. There is an existing garage in the south eastern corner of the site.

RELEVANT PLANNING HISTORY:

4. **45/2006/868/PF**
Change of use of ground floor flat to children's day nursery for 25 children with living accommodation over. Granted 04/10/06

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Considerations
Policy CF1- Community Facilities

SPG 3 Children's Day Care
SPG 21 – Parking Requirements in New Developments

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle
 - ii) Residential Amenity
 - iii) Highways
7. In relation to the main considerations:-
 - i) Principle
The principle of the proposal is acceptable and in line with Policies GEN 6 and CF1 and SPG 3 as the site is located to serve the local population, accessible to non-car users and located within the Rhyl development boundary. The proposed use is established so the issue relates to the increased use of the premises with a further 7 children.
 - i) Residential amenity
The proposal will not impact significantly more than at present on the privacy and amenity of nearby occupiers. It is a daytime use and unlikely to generate excessive noise levels than existing as there is an existing condition on the original permission which restricts the number of children playing outside at any one time. This condition will remain and therefore the increase will have no greater impact on residential amenity.
 - ii) Highways
Highways have monitored the site and the existing use and have not objected to the proposal. It is considered that the parking to the rear and parking at the front remains adequate for intensified use and the related picking up and dropping off which would not

impact on highway safety or lead to a proliferation of parking on the highway. A condition will be attached to control the number of children using the nursery to 32.

SUMMARY & CONCLUSIONS:

8. The proposal is acceptable and subject to conditions is recommended for permission.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. No more than 32 children shall be accommodated at the children's day nursery at any one time.

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

1. In the interests of residential amenity and highway 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).

You are reminded of the existing conditions on the original planning permission granted under reference 45/2007/0302/PS which still apply to the development.

ITEM NO: 7

WARD NO: Rhyl East

APPLICATION NO: 45/2007/0644/ PF

PROPOSAL: Erection of extensions to provide additional accommodation to existing residential nursing home

LOCATION: Bryn Estyn 85 Russell Road Rhyl

APPLICANT: Mr & Mrs J Witherspoon

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No objection"

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. The Trustees of Dolgannog Nursing Home, Russell Rd, Rhyl

Summary of representations:

- i) Impact on amenity, overbearing impact
- ii) Maintenance issues owing to proximity of extension to boundaries.

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 17/07/2007

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application is a similar scheme to that approved in 2004. The scheme comprises of 3 elements,
 - i) A single storey front extension projecting 4.8m from the front elevation on the western side and 5.2m in width, allowing for an extension to the existing lounge.
 - ii) As previously approved a single storey extension on the eastern side projecting 4.5m to the side, accommodation remodelling and enlargement of existing bedrooms and creation of 3 additional bed spaces.
 - iii) Finally a rear extension to two storey level with a pitched roof, building over the existing flat roof to allow for 2 additional first floor bedrooms and store.
2. All proposed materials would match those of the existing building. A small area would remain to the rear to be used as an amenity area for residents to utilise.

3. Located on the north side of Russell Road in Rhyl, the detached care-home occupies a large plot with garden and parking area to the rear. There are similar establishments in this area of Rhyl.
4. Currently the care home is registered for 18 residents. The proposal would increase the number of residents to 23. Seven staff members are on duty during the day and three during the night. There are 5 car parking spaces available, but the applicant indicates that the majority of staff are based locally and walk to work.

RELEVANT PLANNING HISTORY:

5. 45/2004/70 Previous permission granted 29/04/1999 for side and front extensions.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy CF5 - Residential Institutions
Policy GEN 6 - Development Control Requirements
SPG 21 – Parking Requirements in New Developments

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7. The main issues are considered to be:
 - i) Principle of the development
 - ii) Visual Appearance
 - iii) Impact on amenity
 - iv) Highway considerations
8.
 - i) Principle
Notwithstanding the existing permission, Policy CF5 permits new additions to existing residential institutions provided it does not create an over concentration of uses, it would not adversely affect amenity and character of the area, the proposal is close to and easily accessible to facilities and services, there is sufficient scope for parking and maneuvering, and is acceptable in terms scale, siting and density. The proposal is acceptable in principle being close to local services and would not result in an over concentration of uses in the area or an overdevelopment of the site.
 - ii) Visual Appearance
The visual appearance of the proposal is acceptable. The single storey extensions to the front and side and rear two storey extensions will not impact on the overall visual appearance of the frontage or detract from the original character of the building. The rear has been extended previously. However the introduction of a pitched roof over the existing flat roof construction will represent an improvement.
 - iii) Impact on Amenity
The proposal will not impact on residential amenity. The single storey nature of the side extension will not impact on adjacent occupiers. Circulation space of 1m is proposed on the western boundary. Although the proposal will cover a significant amount of the rear garden area, there are no amenity space standards for this type of use and it is envisaged that the rear quad space will be formalised and used as a sitting area for use by the residents. There is also the landscaped lawn to the front of the site.
 - iv) Highway Considerations
The proposal would increase the number of residents by 4 and no significant additional traffic movements are envisaged as a result of this development either by staff or by visiting members of the public. Five parking spaces are shown. Given the location and the operational nature of the facility this is considered acceptable, notwithstanding the maximum requirement in SPG21 of 1 space per 3 bed spaces (8 spaces maximum).

SUMMARY AND CONCLUSIONS:

9. 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: 8

WARD NO: Rhyl South

APPLICATION NO: 45/2007/0755/ PF

PROPOSAL: Erection of conservatory at rear of dwelling

LOCATION: 12 Cambrian Walk Rhyl

APPLICANT: Mr Brian Blakeley

CONSTRAINTS: Article 4 Direction

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

CONSULTATION RESPONSES:

1. RHYL TOWN COUNCIL
"No Objections"

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 12/08/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is a full planning application for the erection of a conservatory to the rear of a residential dwelling in the south eastern area of Rhyl.
2. The site is unusual in that although the conservatory is to the rear of the dwelling, the house has its vehicular road access to the rear, and not to the front of the property which has only pedestrian access. Permission is required as the conservatory will be closer to the highway, and within 20 metres of the highway.
3. The conservatory is 3.3 m wide, and 3.3 m long, and a maximum pitch roof height of 3 m high. The conservatory will be constructed of brick, UPVC, and glass.
4. The conservatory will be located to the east of the rear elevation of the property. Access will be gained through an existing set of French doors.
5. The application is being reported to Committee as the applicant is a County Councillor.

RELEVANT PLANNING HISTORY:

6. None

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy - GEN 6 – Development Control Requirements
Policy - HSG 12 – Extensions to Dwellings
SPG 1 – Extensions to Dwellings

MAIN PLANNING CONSIDERATIONS:

- 8.
- i) Visual Appearance
 - ii) Impact on the privacy and amenity of nearby occupiers
9. In relation to the points identified in paragraph 8 above:
- i) Visual Appearance
The extension is acceptable in appearance, size and scale. The building materials will match, and be in keeping with the style of the existing building.
 - ii) Impact on Residential Amenity
The extension is acceptable in terms of impact on the privacy and amenity of nearby neighbours due to the large wooden fencing between the houses. The extension will not overlook any neighbours, as the extension will be more than sufficiently screened by fences and greenery.

SUMMARY AND CONCLUSIONS:

10. As the property effectively enjoys a double frontage, permission is required for this modest extension. The site is well screened from neighbours and the adjacent highway. The proposal satisfies the relevant criteria of Policy HSG 12 and guidance in SPG 1.

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 of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings.

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: 9

WARD NO: Denbigh Central

APPLICATION NO: 01/2007/0517/ PF

PROPOSAL: Change of use to form Class A3 cafe on ground floor and self-contained maisonette on upper floors

LOCATION: Pro Act International Chirbury House Back Row Denbigh

APPLICANT: Mrs Jaqueline King

CONSTRAINTS: Town Heritage Area Conservation Area Article 4 Direction

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

CONSULTATION RESPONSES:

1. DENBIGH TOWN COUNCIL
"No objection"
2. ENVIRONMENT AGENCY
The site is located outside the extreme flood outline according to the latest Environment Agency Wales data. There will be no flood risk and as such no FCA is required.
3. WELSH WATER
No objection
4. THI OFFICER
No objection

RESPONSE TO PUBLICITY:

Letter of representation received from the following:

1. P Fitzpatrick, 12 Caer Gofiant, Groes, Nr Denbigh LL16 5YT

Summary of planning based representations:

- i) Concerns about the proliferation of non retail use in the town centre and the impact on the vitality and viability of the town.

EXPIRY DATE OF APPLICATION: 15/07/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in the development boundary of Denbigh, in the Conservation Area, the THI area and the town and district centre (Policy RET1). The site comprises a three storey pitched roof slate and render building next door to the town hall. The building has a shop front at ground floor level and was last used as a retail unit. The building is currently vacant.

2. The proposal is to change the use of the ground floor to a café and the upper floor to a maisonette. The elevational changes to the building are minimal but do involve the reopening of an existing opening on the southwest elevation and the inclusion of balcony railings across the doorway.

RELEVANT PLANNING HISTORY:

3. None

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN1 – Development within development boundaries
 - Policy GEN6 – Development Control Requirements
 - Policy RET1 – Town and district Centres
 - Policy RET6 – Town and District Centres: No A1 uses
 - Policy RET16 – Food & Drink, hot food takeaway
 - Policy CON5 - Development within conservation areas
 - SPG11 – Hot food takeaway
 - SPG7 – Self contained flats and houses in multiple occupation

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)
TAN 4 – Retailing and Town Centres (1996)

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on visual amenity and conservation area
 - iii) Impact on residential amenity

6. In relation to the main planning considerations as noted above:
 - i) Principle:

The application site is a vacant building in the development boundary and town and district centre of Denbigh. The location of the building in the development boundary and in the town and district centre is in principle an acceptable location both for an A3 (café use) on the ground floor and residential use on the upper floors. The location is not within the principle shopping frontage of Denbigh as defined by Policy RET 5 of the UDP. Whilst there is a pub next door it would not lead to an unacceptable clustering of A3 uses. The use would maintain the viability and vitality of the centre and would have an acceptable impact on the area. This is in accordance with Policies GEN1, RET 1, RET 6 and criterion i) of Policy RET16 of the Denbighshire Unitary Development Plan. The concept of living above the shop is a sustainable method of providing additional living accommodation in the town centre and will secure the future vitality of this area of the town.

 - ii) Visual amenity:

The changes to the external appearance of the building are minimal and will have no adverse affect on the character and appearance of the Conservation Area and the THI area. This is in accordance with Policies CON5 and RET 6 of the Denbighshire Unitary Development Plan and criterion v) of Policy RET16.

 - iii) Residential amenity:

The location is a busy town centre where commercial uses predominate. An additional A3 use would be unlikely to impact significantly on residential amenity. The use of a planning condition to control that no hot food takeaway use occurs from the proposed cafe will further safeguard residential amenity. The proposal is considered to be in accordance with Policies RET1, RET6 and RET16. The proposed flat above is also considered to be acceptable in terms of residential amenity. There is a yard to the rear for bin storage and clothes drying which is in accordance with SPG7.

SUMMARY AND CONCLUSIONS:

7. The application is for the change of use of the ground floor shop to a café and the use of the upper floor as a flat. The proposal is acceptable in principle and complies with policy RET1, RET6, RET16, SPG7 and GEN1 of the Denbighshire Unitary Development Plan.

RECOMMENDATION: - GRANT:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of Class A3 of the Town and Country Planning (Use Classes) Order 1987, no hot food takeaway facility shall be permitted to operate from the premises at any time without the further granting of planning permission by the Local Planning Authority.
3. The flat 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.

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 and residential amenity.
3. To ensure the units are serviced by adequate storage and drying facilities in the interests of visual and residential amenity.

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Ruthin

APPLICATION NO: 02/2007/0638/ PF

PROPOSAL: Construction of a new industrial building for creating wood pellets with ancillary storage shed for raw materials; installation of new septic tank and construction of new vehicular access

LOCATION: Clifford Jones Timber Ltd. Brickfield Lane Denbigh Road Ruthin

APPLICANT: Mr Alan Jones Clifford Jones Timber Ltd

CONSTRAINTS: C2 Flood Zone

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

CONSULTATION RESPONSES:

1. RUTHIN TOWN/ COUNCIL
'No objection'
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to conditions.
3. COUNTY ECOLOGIST
No response.
4. PUBLIC PROTECTION
Discussions in relation to design phase and conditions ongoing.
5. COUNTY LANDSCAPE OFFICER
No response.
6. HAZARDOUS INSTALLATIONS DIRECTORATE, HEALTH AND SAFETY EXECUTIVE
(consultee due to proximity of L.E. Jones premises) - No response received.
7. ENVIRONMENT AGENCY
Highlights:
 - Site located on a Major aquifer; controlled waters therefore sensitive.
 - Notes the use of rain harvesting for roof water with soakaways for surface water run off and foul drainage. Oil interceptor should be used. Separate septic tank discharge consent may be necessary.
 - Soakaway discharge rate limits advised, together with climate change volume/storage rates. Suggests 5 conditions
8. COUNTY ARCHAEOLOGIST
Awaiting response.

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Brynle Williams AM, Assembly Member for North Wales and Welsh Conservative Spokesman for Rural Affairs.

Summary of planning based representations:

- i) 24 hour use will increase HGV's

- ii) Clarification of ownership of Brickfield Lane
- iii) Suitability for additional traffic along the lane – consideration should be given to improving the access point off Brickfield Lane or linking to the roundabout off the Glasdir link road.
- iv) Employment opportunities needed

EXPIRY DATE OF APPLICATION: 20/08/2007

REASONS FOR DELAY IN DECISION:

None

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Clifford Jones Timber Ltd. lies at the eastern end of Brickfield Lane, off the A525 Denbigh Road, Ruthin. Other commercial/industrial premises lie to the north of the site, with paddock areas to the west, and the Glasdir link road to the south.
2. The site lies within the defined development boundary for Ruthin, identified as part of the Glasdir Major Mixed Development Area.
3. The proposal involves the development of wood pellet production and office building, with a raw material store building on part of the existing wood storage yard area. Other works include a new septic tank and new vehicular access point onto Brickfield Lane. The site plan attached with this report highlights proposed works.
4. Details indicate approximately 3000 sq metres of new floorspace, with 15 additional car spaces; two goods vehicle spaces and cycling facilities. The existing site buildings cover a similar floorspace, with 27 car parking spaces. An additional 15 full time staff are proposed (over the existing 39 full time and 1 part-time), with an estimated 30,000 tonnes of raw materials producing 16,000 tonnes (dry) pellets per year.
5. The process operates on the basis of 3 shifts over a 24 hour rotation, 365 days a year. The finished products are either produced on site for large bulk bags or held in 'bins' for loading to bulk lorry transport.
6. The scheme has been developed through the Authority's Development Team Approach (DTA). Members may be aware that this is a service offered by Planning. A DTA provides developers/potential developers with a single point of reference and a co-ordinated response to pre-application issues on behalf of the Council.
7. The application includes the following documents; which outline the proposal in more detail:
 - i) Assessment report of environmental noise.
Implications in terms of
 - Existing and future housing in the locality
 - Potential road transport noise
 - Night time levels
 - Temporary operational phase (phased 12 month construction for storage shed)
 - ii) External lighting methodology.
Highlights the following controlling factors:
 - Indirect and direct energy usage
 - Visual impact during day/night
 - Light spill/pollution during night
 - Impact on species and habitat
 - Transport – safety; crime.

Lighting limited to essential needs, with guidance from the Institute of Lighting Engineers on

'Environmental Zones'.

iii) Access and Design Statement.

Design takes on board:

- Site character constraints e.g. flood risk on east side
- Technical operation processes
- Existing mature hedgerows on boundaries
- Building kept to minimum size; with ridge heights reduced
- Raw materials to be stored in separate building
- Technical design factors e.g. noise; insulation; rainwater harvesting; drainage.
- One way site traffic circulation; weighbridge

Access highlights;

1. Sustainable location, with links via public footpaths in locality; 250 metres from the A525 public highway
2. Accessibility for all provided on site

iv) Non – statutory Environmental Supporting Statement

Details and reviews of national and local policies and guidance on the benefits of wood pellets, as a carbon neutral process and the contribution to energy targets and climate change.

Detailed topic areas:

Landscape

- Assessment on visual impact on nearby viewpoints highlights buildings unobtrusiveness against surrounding land uses, with existing effective screening.
- Elevated viewpoints more distant, with building size and shape indistinguishable and colour scheme blends in.

Ecology/nature conservation

- No formal designations at local or national level
- Majority of site is species poor, with the exception of boundary hedgerows.
- Negative evidence of protected species
- Maintain at least 5 meters clearance on western boundary
- Consider effects on nesting birds – seasonal.

Drainage

- 2003 Mwrog flood relief channel bisects site – with eastern side in flood zone
- Design not to exceed surface water run-off – avoids further flood issues
- No water required for the plant operations
- No mains drainage on site – septic tank necessary
- No construction works on channel

Amenities – air quality; disruption; noise; dust

- Risk of dust emissions controlled by enclosing the process using various equipment and monitoring receptors
- Sensitive receptors (e.g. new Glasdir housing)at least 250 metres distant (see noise assessment)
- No night -time construction process/activity to take place, with good practice on site management of noise and dust

Traffic; pedestrians; cyclists

- Existing access adequate
- Minimal additional traffic generated
- Road is not a through route.

Archaeology

No evidence to indicate archaeological issues,

- v) Financial Scheme Appraisal (confidential)
Includes grant sources; timescale details and requirements.

RELEVANT PLANNING HISTORY:

8. **02/662/97/PF** - Change of Use of Agricultural Land To Timber Storage - Granted 30/12/1997

02/302 – 305/98/AC - Various approval of conditions - landscaping; site levels; storage of treated timber; surface material as per 2/662/97/PF - Approval 09/06/1998

02/70/99/PF - Erection of Additional Timber Processing Building And Electricity Sub-station - Granted 19/04/99

PLANNING POLICIES AND GUIDANCE:

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

- STRAT 1 - General
- STRAT 2 - Energy
- STRAT 3 - Waste Disposal/Re-use
- STRAT 5 - Design
- STRAT 6 - Location
- STRAT 7 - Environment
- STRAT 8 - Employment
- STRAT 12 - Transport – General
- STRAT 13 - New Development

- GEN 1 - Development within Development Boundaries
- GEN 6 - Development Control Requirements
- GEN 8 - Planning Obligations
- GEN 9 - Environmental Assessment/Statement
- GEN 10 - Supplementary Planning Guidance

- ENV 1 - Protection of the Natural Environment
- ENV 6 - Species Protection
- ENV 7 - Landscape/Townscape Features
- CON 11 - Area of Archaeological Importance
- ENP 1 - Pollution
- ENP 2 - Pollution Sensitive Development
- ENP 4 - Foul and Surface Water Drainage
- ENP 8 - Contaminated Land
- ENP 9 - Hazardous Development

- MDA 2 - Major Mixed Development Area:- Land at Glasdir, Ruthin

- EMP 1 - Amount and Distribution of Employment Land
- EMP 4 - Employment Development within Development boundaries.
- EMP 8 - Bad Neighbour Employment/Uses
- EMP 11 - Expansion/Intensification of Existing Employment sites/premises

- TRA 6 - Impact of New Development on Traffic Flows
- TRA 8 - Transport Requirements in Major Developments
- TRA 9 - Parking and Servicing Provision

- MEW 8 - Renewable Energy

- Supplementary Planning Guidance
- SPG 2 - Landscaping New Developments
- SPG 6 - Trees and Development
- SPG 15 - Archaeology

SPG 18 - Nature Conservation and Species Protection

GOVERNMENT GUIDANCE

Planning Policy Wales (March 2002)

Draft Planning Policy Climate Change, December 2006

Ministerial Interim Planning Policy Statement (01/2005) Planning for Renewable Energy

TAN 5 - Nature Conservation and Planning

TAN 8 - Renewable Energy

TAN 11 - Noise

TAN 12 - Design

TAN 18 - Transport

TAN 21 - Waste

Circular 60/96: Planning and the Historic Environment : Archaeology

MAIN PLANNING CONSIDERATIONS:

10.

- i) Principle
- ii) Landscape & Design
- iii) Protected Species
- iv) Amenity – noise, disturbance, dust, disruption
- v) Drainage
- vi) Transport/Highways
- vii) Archaeology

11. In relation to the main considerations:

- i) Principle – strategic and renewable energy

Clifford Jones Ltd. is long established commercial use (storage of timber products, awaiting dispatch) and policies support the principle of expansion. The proposal looks to maximise the use of land in a sustainable location, subject to mitigation and offers environmental benefits. It achieves the overall strategic aims of UDP STRAT Policies 1, 2, 3, 6 and EMP 4.

MIPP 01/2005 relating to renewable energy requires developments to be consistent with national and international climate change obligations and contributions, in accordance with emerging policies and technologies. National guidance mention wood pellets as representing a clean fuel source, with timber source readily available. The timber source involved with the proposal remains as existing.

- ii) Landscape and Design

Both proposed buildings are rectangular in shape positioned along the westerly site boundary; with cladding on external walls and roof (main buildings) and timber weather boarding for the office area.

The Environmental Statement includes a comprehensive landscape and visual appraisal; detailed cross-sectional and profile plans and comparative building ridge height plans. At 13metres high, the main building ridge level is approximately 3m higher than the adjacent L.E. Jones ridge level; but lower than the Ruthin Pre-Cast Concrete Plant (further to the north east). The ancillary storage building includes a lower ridge level, 7m (approx.). These would be acceptable in their context.

The lighting methodology indicates an initial site sensitive approach, incorporating technical and sympathetic solutions. The scheme considers the existing context, in particular the Clwydian Range AONB landscape backdrop (viewed from the east), but with controls over colouring and tones, there would be minimal landscape impacts.

- iii) Protected Species

A comprehensive survey on both the site and immediate locality confirms no negative

impacts on either species or habitats. The existing boundary hedgerows along the western and southern boundaries are retained and enhanced, achieving nature conservation and biodiversity objectives, in accordance with Policies ENV 1 and 7.

iv) Amenity – noise, disturbance, dust, disruption

The submitted Noise Assessment report includes the guidance approach outlined in TAN 11, which identifies the nearest residential properties (Brickfield Farm & Glasdir (future) housing site) within 300 metres of the site.

For the main plant building a 6 month construction work phase is estimated, with controls over hours of work. The proposal includes temporary arrangements for the site storage of raw material, for completion by December 2008.

UDP employment policies require proposals to be tested for their harm to the environmental character of the area. The site is located in a Mixed Development Area.

The report references day and night noise levels, and suggests possible maximum noise levels. Detailed mitigation measures are also suggested. Noise and lighting conditions will be imposed in line with the recommendations of the Public Protection Unit.

The Lighting methodology considers the sensitivity of the site and locality. Further details should be conditioned.

v) Drainage

The Environment Agency's response requests appropriate conditions, which would ensure compliance with Policies ENP 1, 2 and 4.

vi) Transport/Highways

Brickfield Lane is not an adopted highway. It is understood that businesses along the lane have rights of way over the land and the applicant has served notices on all Brickfield Lane Property frontages and completed the correct planning procedures.

In making his recommendation, the Head of Transport and Infrastructure has considered the current circumstance at Brickfield Lane and concludes this development acceptable subject to conditions.

The points of objection/concerns are noted. Currently, Brickfield Lane lacks a formal foot and cycle route and includes some 'pinch points'.

On the separate matter of assessing the remainder of the MDA2 land. The Council has initiated discussions with some of the private landowners whose properties have frontages on Brickfields Lane, with the aim to open up the undeveloped employment land allocation and improve the road. These will proceed regardless of the outcome of this application.

vii) Archaeology

Indications are that there are no significant archaeological issues.

SUMMARY AND CONCLUSIONS:

12. This is a significant employment development at an existing business, and involves significant financial investment.
13. Subject to suitable controls it is recommended that the proposal merits support. The proposal provides an opportunity to diversify the County's renewable energy sources; minimises production and transport of waste and provides overall environmental benefits.
14. Subject to inclusion of strict conditions, specifically on noise, hours of loading, activities and timing of storage building construction, the proposal is considered to comply with the policies and guidance referenced in this report.

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 Local Planning Authority shall receive a written confirmation of commencement of works no less than 4 weeks from the commencement date.
3. No development approved by this permission shall be commenced until a scheme for the disposal of foul water and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
4. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor and roof water drainpipes connected to the drainage system either directly or by means of back inlet gullies provided with sealing plates instead of open gratings.
5. Any raw materials including sawdust and wood shavings shall be stored on hardstanding with appropriate bunding.
6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
7. Should contaminated material be observed (visual and olfactory) during development then the Environment Agency Wales must be contacted and a site investigation to determine the nature and extent of contamination will be required. In the event that contamination is confirmed the developer must liaise with the Environment Agency Wales on measures required to protect surface water and groundwater interests. This may include undertaking a risk assessment and derivation of appropriate remedial targets.
8. With the exception of the new access point area, no trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
9. No trees or hedges within the area hatched on the attached plan shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
10. 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.
11. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

12. 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.
13. The buildings shall only be used for the storage of raw materials and production of wood pellets only and for no other uses in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory revoking Order.
14. The premises shall not be open to customers for the retail sale of wood pellets or the delivery of wood material.
15. Deliveries or transport of either raw materials or finished product shall not take place between the hours of 23.00 and 07.00.
16. Unless otherwise agreed in writing by the Local Planning Authority the operational process shall include a staff work shift pattern in accordance with the submitted details.
17. Prior to the commencement of the development details of i) Lighting scheme ii) Noise insulation scheme for the buildings and site iii) Location of the proposed site compound, wheel wash facilities, traffic management scheme, hours and days of operation, the management and operation of construction vehicles and the construction vehicle routes. iv) Sound power level of wheeled loading shovels for temporary and final scheme. v) Internal and external site vehicular signage details. vi) Details of temporary 'bin' storage. vii) Details of storage for waste charcoal, shall be submitted for the written consideration of the Local Planning Authority and the development undertaken only in accordance with the approved details.
18. Unless otherwise agreed in writing by the Local Planning Authority no additional window, doors or flue stacks shall be installed on either of the buildings hereby approved.
19. No other machinery or materials shall be used or stored within the buildings or site other than used in conjunction with the use hereby permitted.
20. The temporary raw materials storage plan shall cease on or before the November 2008, and the raw storage building fully constructed and operational, including the erection of screen 'bund' walls.
21. The use hereby permitted shall not be commenced until the means of vehicular access has been constructed in accordance with the plans hereby approved.
22. Cycle parking shall be provided prior to the occupation of any of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
23. The development hereby permitted shall not be brought into use until space, in accordance with the plan approved in writing by the Local Planning Authority, has been laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward direction; these areas shall not thereafter be used for any purpose other than the parking or turning of vehicles.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In order for the development to be properly controlled in the interests of the locality.
3. To prevent pollution of the water environment.
4. To prevent pollution of the water environment.
5. To prevent the discharge of wood preservatives and/or treatment products contained within the wood into the surface water system.
6. To prevent pollution of the water environment.
7. To prevent pollution of the water environment.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
10. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
11. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
12. In the interests of visual amenity.
13. To enable the Local Planning Authority to control the use in the interests of amenity.
14. In the interests of the amenities of the locality.

15. In the interests of the amenities of the locality.
16. In the interests of the amenities of the locality.
17. In the interests of the amenities of the locality.
18. In the interests of the amenities of the locality.
19. In the interests of the amenities of the locality.
20. In the interests of the amenities of the locality.
21. In the interests of highway safety.
22. In the interests of maximising sustainable transport.
23. In the interests of amenity and highway safety by ensuring that adequate space is available for all vehicles visiting the property to park and turn clear of the highway.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: Corwen

APPLICATION NO: 05/2007/0299/ PF

PROPOSAL: Erection of single-storey extension and conservatory to rear of dwelling and change of use of part of dwelling to self-contained holiday unit

LOCATION: Ty Isar Plwyf Glyndyfrdwy Corwen

APPLICANT: Mr & Mrs D J Scowcroft

CONSTRAINTS: Public Footpath / BridlewayAOB

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

CONSULTATION RESPONSES:

1. CORWEN COMMUNITY COUNCIL
"No objection."

RESPONSE TO PUBLICITY:

Letter of representation received from:-

1. D. M. Pierson, Garth-y-Dwr Farm, Glyndyfrdwy

Summary of planning based representations follows:

- i) Increase in intensity of operation will have a detrimental impact upon the surrounding area in addition to that caused by current holiday accommodation.

EXPIRY DATE OF APPLICATION: 04/06/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. Ty Isa'r Plwyf is a combination of farmhouse and converted outbuilding. The existing use of the building is as a dwelling for the owners (located in the farmhouse) and 2 holiday cottages (located in the converted outbuilding). This application relates to the farmhouse element of the development.
2. The buildings are located in relative isolation, 70 metres from the A5 trunk road. Access to the site is via a track which also serves the neighbouring property, Nant Isa. A large parking area is located to the rear of the buildings. Surrounding Ty Isaf Plwyf are large grounds bounded by open fields. The area is designated an Area of Outstanding Beauty in the UDP.
3. Permission is sought to remove to existing lean to structures to the rear elevation of the farmhouse and construct one single storey rear extension and conservatory in their place. The farmhouse would then be subdivided to form an additional unit of holiday accommodation.

RELEVANT PLANNING HISTORY:

4. 05/2002/0683 – Conversion of outbuildings to 2 self contained holiday units – GRANTED
20/08/2002

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Requirements
Policy ENV 2 – Development Affecting the AOB
Policy HSG 12 – Extensions to dwellings
Policy TSM 5 – Rural Tourism
Policy TSM 15 – Self Serviced Holiday Accommodation

SPG 1 – Extensions to dwellings
SPG 24 – Householder Development Design Guide

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of change of use and subdivision of dwelling
 - ii) Impact of the proposed extension on visual amenity/AOB
 - iii) Impact upon residential amenity
7. With regard to the considerations in paragraph six:
 - i) Principle of change of use and subdivision of dwelling:
Policy TSM 5 and TSM 15 are relevant to this issue. The key criteria in these policies relate to the proposals impact on the character of the area, its impact upon amenity and the ability of the surrounding infrastructure to accommodate the proposal. Given that the principle of holiday cottages in this location is already established the proposal is considered acceptable. The increase in use (1 additional holiday unit comprising 2 bedrooms, kitchen and dining room) is not considered to be overdevelopment. It is therefore concluded that there would not be a significant impact upon the surrounding area.
 - ii) Impact of the proposed extension on visual amenity/AOB:
Policy HSG 12 and SPG Note 1 both deal with extensions to dwellings, and are therefore the relevant guidance. The proposed extension is considered to be subordinate to the original dwelling, and of a design and form which is in keeping with the character of the building and surrounding area. The materials are to match the existing – render and slate.
 - iii) Impact upon residential amenity:
The proposed extension is not considered to be over development of the site. The conservatory element is located near the boundary with Nant Isa. However, owing to well established trees and hedging along the boundary in this location there is no issue relating to loss of privacy. It is considered that this proposal would not result in a loss of residential amenity.

SUMMARY AND CONCLUSIONS:

8. The proposed creation of an additional unit of holiday accommodation by way of subdividing the dwelling house is not considered to have a detrimental impact upon the amenity of the surrounding area. The proposed extension to the dwelling is also considered to be acceptable in terms of amenity and design. The proposal is therefore compliant with the relevant policies.

RECOMMENDATION: GRANT - subject to the following conditions:-

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

2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. The occupancy of the holiday unit shall be limited to holiday accommodation only and shall not be used as a sole or main unit of living accommodation.

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. The holiday unit would not be suitable for full time occupancy.

NOTES TO APPLICANT:

None

ITEM NO:	12
WARD NO:	Corwen
APPLICATION NO:	05/2007/0674/ PF
PROPOSAL:	Erection of detached dwelling and alterations to existing vehicular access (approx. 0.1ha of land)
LOCATION:	Land at (Part garden of) Pentir Carrog Corwen
APPLICANT:	Mr & Mrs I Lebbon
CONSTRAINTS:	
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

1. CORWEN COMMUNITY COUNCIL
"No objection."
2. ENVIRONMENT AGENCY
No objection.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE
Comments awaited at the time of this report.
4. SENIOR DRAINAGE ENGINEER
Notes that there have been instances of blockages in the vicinity of the site in the past. It is recommended that Welsh Water be informed of the issue as they may need to consult the maintenance contractor for further information on the causes of the blockages.
5. WELSH WATER
Awaiting response.

RESPONSE TO PUBLICITY:

Letters of representation received from the following:

In objection (1) :

1. Bill Farr, 4 Glyndwr Terrace, Carrog, Corwen
2. F G C Hindley, 2 Tanllan, Carrog.

In support (1):

1. WR & V Webb, Glyndwr, Carrog

Summary of planning based objections:

- i) Drainage – problems with foul sewage flows and capacity of existing sewer.
- ii) Flag pedestals to war memorial should be reinstated.
- iii) 2 storey would be overwhelming
- iv) Angle and gradient of access to B5437 unresolved.

Summary of planning based support:

- (i) The development will probably be an asset to the village

EXPIRY DATE OF APPLICATION: 24/07/2007

REASONS FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located within the development boundary of Carrog and is located on land adjacent to the dwelling known as Pentir. The site extends to 0.1ha in land area. Currently the site is designated as being within a C2 flood zone and is located with the Area of Outstanding Beauty. Access to the site is through a gate via a narrow lane off the main B5437 road through the centre of the village.
2. The proposal is a full planning application (following a previous outline consent ref 05/2005/1539/PO) for the erection of a four-bedroom detached two-storey house with attached double garage with playroom above. The main house has a broadly 'T-shaped' footprint with maximum dimensions of 13.7 metres in width by 16.7 metres in depth with the attached garage block adding a further 11.5 metres of width. The front curtilage of the house allows for a parking and turning area, with the access road utilising the existing access point opposite Tan-llan. The house will be finished in render of a colour to be agreed, with a natural slate roof.

RELEVANT PLANNING HISTORY:

3. 5/14/8763

Development of land by the erection of a detached dwelling and double garage (outline). REFUSED 7/5/1987 for the following reason: "The unclassified road leading to the site joins the Class II Road, B5437 at an acute angle and steep gradient and it is considered that the increased use of the junction by the traffic likely to be generated by the proposed development would create conditions prejudicial to the safe and free movement of traffic on the Class II Road."

05/2005/1539/ PO - Development of 0.1 hectares of land for erection of detached dwelling and alterations to existing access (Outline application). GRANTED - 4 October 2006.

PLANNING POLICIES AND GUIDANCE:

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

Policy GEN1 – Development within development boundaries
Policy GEN6 – Development control requirements
Policy ENV2 – Development affecting the AOB
Policy ENP6 – Flooding

SPG22 – Affordable housing in new developments

GOVERNMENT GUIDANCE:

Planning Policy Wales (March 2002)
TAN15 – Development and Flood Risk
TAN18 – Transport

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Highways
 - iii) Flooding
 - iv) Impact on visual amenity and the AOB
 - v) Impact on residential amenity
 - vi) Affordable housing

- vii) Scale, siting and appearance
- 6. In relation to the main planning considerations as noted above:
 - i) Principle:

The principle of the development has already been established by the extant outline consent which was granted on the basis that the application site is within the development boundary of Carrog, where the principle of development is considered to be acceptable. This is in accordance with Policy GEN1 of the Denbighshire Unitary Development Plan.
 - ii) Highways:

Comments from the Highway Authority are awaited at the time of this report but given that the proposed access point remains broadly the same as the outline consent it is difficult to envisage how any objection on this ground could be substantiated. The improvements to visibility around the war memorial, required by the outline permission, have been carried out.
 - iii) Flooding:

No objection has been raised by the Environment Agency. The previous application included a flood report that challenged the C2 boundary and that was accepted by the EA.
 - iv) Visual amenity and the AOB:

The proposal is within the development boundary of Carrog. This is in accordance with Policy ENV2. Whilst a large property, the site is of sufficient size to accommodate the dwelling and other properties in the locality, particularly to the west of the site area of significant size. The proposal would not be out of character with the AOB.
 - v) Scale, Siting and Appearance

The proposed property is acknowledged as being large in scale and of a considerable footprint and height. However, dwellings of a comparable scale can be found within the village and as such a refusal on this point is not considered to be substantiated. The siting of the dwelling is set within the rear portion of the site, with a lawned area to the rear of the house and to the rear of the garage which will provide sufficient amenity space. Accordingly, the siting of the dwelling is adjudged to be appropriate. The appearance of the dwelling as shown on the submitted plans will be of a traditional character with rendered walls and a natural slate roof. Again, therefore, this aspect is considered acceptable.
 - vi) Residential amenity:

The site is of sufficient size and provides adequate separation from nearby dwellings such that it would not adversely affect residential amenity.
 - vii) Affordable housing:

The site area extends to around 0.1ha, which is the minimum threshold to provide an affordable housing element within the scheme. In this instance a substantial part of this site is not developable as it forms part of the driveway leading to the area where a dwelling would be located. In addition, a more development would not be acceptable due to the substandard access. Planning permission already exists for a dwelling with no affordable housing requirement.

SUMMARY AND CONCLUSIONS:

- 7. The proposal is for the erection of a single dwelling on land adjoining Pentir. The principle of a dwelling has been established by the 2006 extant outline consent and the application site is within the development boundary of Carrog. Accordingly, the details provided by this full application are considered to be acceptable for the reasons set out above.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. The dwelling shall not be occupied until its parking space and the access thereto have been laid out in accordance with the approved plans.
4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons [following the occupation of the dwelling/completion of the development/commencement of the development/next planting and seeding season] and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

None

ITEM NO: 13

WARD NO: Llandrillo

APPLICATION NO: 07/2006/1347/ PO

PROPOSAL: Development of 0.09 hectares of land for erection of agricultural worker's dwelling (Outline application)

LOCATION: Land at Rhyd Gethin Llandrillo Corwen

APPLICANT: Messrs J Roberts & Co

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDRILLO COMMUNITY COUNCIL
"No objection"
2. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection, recommend conditions
3. PUBLIC PROTECTION
No objection, subject to condition

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. AT & JE Leeson, Rhyd Gethin, Llandrillo

Summary of representations:

- i) Concerns over confusion arising from similar address of original farmhouse.
- ii) Welcome continued use of land for farming, rather than pheasant shooting

MEMBERS' COMMENTS:

EXPIRY DATE OF APPLICATION: 06/02/2007 (delayed owing to ongoing negotiations)

REASON FOR DELAY:

- Awaiting Committee Decision

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. This application is for outline permission for the erection of an agricultural workers dwelling on land to the west side of the Llandrillo to Cwm Pennant road, 0.25 mile north of the agricultural building at Pennant. ADAS have been consulted as part of this application.
2. Rhyd Gethin is an agricultural enterprise located in the open countryside approximately 1.5 miles from the Llandrillo. 101.2 ha of land is within the farm ownership. The nature of the agricultural business is predominantly sheep farming (600 ewes, 150 ewe lambs, 14 rams). The applicants are considering a cattle enterprise that would start with 10 cows.

3. The application is made by J Roberts and Co. Gareth Pennant Roberts is the son of Mr and Mrs Roberts who form the company Roberts and Co. The applicant has submitted a letter sent to justify a request for council housing. This letter refers to the following:
 - i) The farm has been in the Roberts family for four generations.
 - ii) Originally Mr Gwyn Roberts grandparents owned the farm and farmhouse Rhyd Y Gethin.
 - iii) This was passed on to Mr G Roberts father who then ran the farm until he had a serious tractor accident.
 - iv) Mr Gwyn Roberts parents sold the original Rhyd Gethin farmhouse 4 years ago to finance a bungalow as both are wheelchair bound.
 - v) Mr G Roberts ran the farm until a health condition prevented him from working; he now lives in Bala and operates a separate business.
 - vi) His son Gareth Roberts took over the running of the farm 4 years ago with assistance from Mr Gwyn Roberts and his stepmother (forming the company Roberts and Co).
 - vii) Cllr Cefn Williams has requested that that the application be considered by Planning Committee owing to the history of the site.

RELEVANT PLANNING HISTORY:

4. No planning history for dwellings.
 Planning application 07/2002/960/AG Application for agricultural building approved 29/10/2002

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 HSG6 – New dwellings in the open countryside
 - Policy SPG9 – Agricultural and forestry workers dwellings

GOVERNMENT GUIDANCE

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

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Highway issues

7. In relation to the main principles in paragraph 6:
 - i) Principle
 Policy GEN3 refers to development outside development boundaries and states that the erection of farm or forestry workers dwellings are acceptable development outside the development boundaries subject to the application of functional and financial tests as outlined in Policy HSG6 and TAN6. With reference to the criteria contained in Policy HSG6:

 - ii) No buildings on the farm complex at Rhyd Gethin are available for residential use. At the former residence Rhyd Gethin there is a steel clad open fronted building measuring 12.2m by 5.5m used for storage, sheep handling pens, and a bale storage area. At the site of current business there is a steel framed building 18.3m by 10.9m. There is no building available which would be capable of conversion to residential use.

- iii) The applicant has investigated and stated that there are no essential workers dwellings in the area which would be close enough to cater for the farm. Gareth Roberts has also made an application for council housing and affordable housing in Llandrillo, however to date has not been offered either.
- iv) ADAS have consulted on this application and have come to the following conclusions.

FUNCTIONAL TEST:

The functional test is to establish if it is essential for the enterprise to have one or more workers readily available at most times (TAN 6, HSG 6). According to ADAS the farm has not been farmed as intensively as it could have been. It could be argued that the functional test has been met, based on the fact that at specific periods/seasons within the year i.e. lambing, the key worker will be needed on site beyond 'conditional hours'. However ADAS have also acknowledged that if the intended cow enterprise mentioned by the applicant was instigated there would be a much more definite need for an agricultural worker to live on site. However, under the Caravan Sites and Control of Development Act, 1960, Section 2, paragraph 7 Agricultural and forestry worker a caravan can be sited within the agricultural unit to accommodate the worker.

On the basis of the above and the existing enterprise it is not considered that at present the functional need for a full time farm worker to be resident on the site is met.

FINANCIAL TEST:

This test makes sure that the agricultural activity has been up and running for at least 3 years, has been profitable for one of the three, is currently financially sound and has a clear prospect of remaining so (TAN 6, HSG 6). Based on the current returns in agriculture on the farm, ADAS have concluded that the enterprise does not meet the financial tests.

- v) The floor space of a proposed dwelling must be commensurable to the functional requirement for the agricultural dwelling for the business however as the application is for outline permission no indication of the floorspace has been given.
- vi) Impact on visual amenity
The siting of the proposed agricultural dwelling is not considered as part of this application. However the location of the site away from the main block of land and farm buildings is questionable. Although the applicant has re-sited the original proposal owing to its location in a C1 Flood zone it is considered that if the proposal met the other criteria of HSG 6 a location closer to the existing farm buildings would be more appropriate.
- vii) Information regarding the proposed design and materials of the dwelling are not considered as part of this application as it is for outline permission only.
- viii) Highways Issues
The access is considered acceptable and Highways raise no objection.

SUMMARY AND CONCLUSIONS:

- 8. The application is for the erection of an agricultural workers dwelling on land at Rhyd Gethin, Llandrillo. Although there is an existing enterprise on the site it is not considered that at present this enterprise satisfies the functional and financial tests. Notwithstanding the comments from ADAS relating to the intended enterprise, TAN 6 states that there must be a clearly established functional need. Therefore the intentions cannot be considered to justify the proposal. The application is thus recommended for refusal.

RECOMMENDATION: REFUSE - for the following reasons:-

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

1. It is the opinion of the Local Planning Authority that the proposal to erect an agricultural workers dwelling on land at Rhyd Gethin is contrary to Policy HSG6 of the adopted Denbighshire Unitary Development Plan and guidance contained in Planning Policy Wales and TAN6, Agricultural and Rural Development. Based on the functional and financial assessment of the current enterprise there is not a demonstrable need for a full time worker to be resident on the site. The erection of a new dwelling in the open countryside where it is not supported by an essential need would be to the detriment of the open rural character and appearance of the area in further conflict with the aforementioned policies and guidance.

NOTES TO APPLICANT:

None

ITEM NO: 14

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2006/1325/ AD

PROPOSAL: Display of 3 No. advance direction signs on A494 to farm shop

LOCATION: Land at Rhesgoed Farm Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Messrs H O & S Williams

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. LLANBEDR DYFFRYN CLWYD COMMUNITY COUNCIL
No reply received.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection.
3. AONB JOINT ADVISORY COMMITTEE
"This application is the same as the original proposals submitted earlier this year, and the JAC reaffirms its previous comments that it strongly objects to part of this proposal on the grounds that a proliferation of prominent signs in the open countryside will harm the character and appearance of the AONB. However, the Committee acknowledge that legitimate businesses in the countryside may require appropriately designed signage and, provided the Highway Authority has no objections, has no observations to make on the principle of a sign proposed at the main shop access. If consent is granted this should be for a smaller sign, for a temporary period only, and be subject to the removal of all other unauthorised signs and advertisement for this farm shop. In respect of the size of the sign at the main shop access the JAC recommends that it be reduced to 50% of the original proposed size and the height of the sign above ground be reduced to 1.5 metres."
4. WAG TRANSPORT WALES
The proposed signs should be located clear of the highway and should not obstruct the visibility splays from adjacent accesses/ junctions.

RESPONSE TO PUBLICITY:

Letters of representations received (to re-consultations) from the following:-

1. Mrs E Gates, Bwlch Uchaf, Llanbedr DC
2. Janet Williams, Hillside, Llanbedr DC
3. P.M. Lloyd, Ty Newydd, Llanbedr DC

Summary of planning based representaions received:

- i) Highway Safety
- ii) Concerns over confusion regarding the location of the shop.

EXPIRY DATE OF APPLICATION: 03/01/2007 –

REASON FOR DELAY IN DECISION

- Negotiations resulting in amended plans

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for the erection of 3 no. advertising signs measuring 0.6m in width by 0.9m in height for Rhesgoed Farm Shop.
 - i) Sign A is located on the east side of the A494 on the approach to the farm shop; the single sided sign reads Rhesgoed Farm Shop 150m ahead.
 - ii) Sign B is located at the entrance to the farm, the double sided sign reads Rhesgoed Farm Shop with changeable slot for 'open' and 'closed'.
 - iii) Sign C is located on the approach to Llanbedr DC on the north side of the A494 before the Clwyd Gate Motel, the single sign reads 'Rhesgoed Farm Shop, .6m/1km ahead.
2. Rhesgoed Farm Shop is located on the western side of the A494 on the approach to Llanbedr DC. The farm shop has operated with various temporary and unauthorised signage on the highway. This is the first application to formalise the signage.

RELEVANT PLANNING HISTORY:

3. None specifically related to signage

PLANNING POLICIES AND GUIDANCE:

4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 12 - Advertisements Outside Development Boundaries

MAIN PLANNING CONSIDERATIONS:

5. The main issue is considered to be:
 - i) Principle
 - ii) Public Safety
 - iii) Visual appearance/ Impact on the AONB
6. In relation to the main planning considerations as noted in paragraph 5 above:-
 - i) Principle
In terms of the principle and the relevant Policy Gen 12, the signage is necessary to provide advance warning of the farm shop owing to the location off the main trunk road the A494. The proposal is relatively sympathetic to the surrounding area and is not considered to detract from the visual amenity of the area.
 - ii) Public Safety
The signage is not illuminated. The wording of the signage is clear as to what is being advertised. It is located far enough off the highway to not cause hazard and endanger highway safety.
 - iii) Visual appearance/ Impact on the AONB
The original signs have been reduced in size following consultation with an AONB Officer. The overall height of 2.5m is necessary to enable the sign to be visible behind the existing boundaries, the .9m high fence and hedge.

The proposal seeks permission for 3 signs for Rhesgoed Farm Shop. The three signs of uniform size and style will enable to applicant to advertise the shop to passers by and will negate the need for the unauthorised signage which frequently appears in the vicinity. The Clwyd Gate Motel has several signs and owing to the nature of the use benefits from the use of brown and white official highway signage. Thus owing to the location of the farm shop in close proximity to other commercial properties as the Clwyd Gate Motel which has a number

of advertising signs it is considered that it would be difficult to resist the application for some form of signage for the farm shop.

SUMMARY AND CONCLUSIONS:

7. The proposal is considered acceptable in terms of amenity and public safety.

RECOMMENDATION: GRANT

1. No conditions imposed.

NOTES TO APPLICANT:

None

ITEM NO: 15

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2007/0420/ PO

PROPOSAL: Development of 0.05 hectares of land for residential purposes and alterations to existing vehicular access

LOCATION: Land at (part garden of) Plas Isaf Old Barn Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr B Baldwin

CONSTRAINTS: Section 106
AONB

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

CONSULTATION RESPONSES:

1. LLANBEDR D.C. COMMUNITY COUNCIL:
Awaiting response
2. HIGHWAYS AUTHORITY:
Response sent directly to Welsh Assembly Government
3. WELSH ASSEMBLY GOVERNMENT:
The visibility splays shall be constructed and maintained in accordance with the submitted plan Drawing No. 0172/1 Revision A. Also suggest advisory notes to applicant relating to the requirements of Section 184 of the Highways Act 1980.
4. WELSH WATER:
No objections. Advisory notes and conditions recommended in relation to water / waste discharge and the crossing of the site by a water main.
5. CLWYDIAN RANGE AONB JOINT ADVISORY COMMITTEE:
"The JAC welcomes the amendments to contain the proposed development wholly within the existing development boundary. If outline permission is granted the detailed design and appearance of the new dwelling should be sympathetic to the character of the AONB. In addition, the proposed post and wire boundary fence should be supplemented with a hedge of native local species."

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Dr I Shaw & Ms A Jones, Tan y Gruglas, Llanbedr DC, Ruthin LL15 1UP.

Summary of planning based representations:

- i) Considers site to be outside development boundary
- ii) Impact upon the character of the open countryside
- iii) Proposal constitutes backland development
- iv) Concerns over access

EXPIRY DATE OF APPLICATION: 19/06/2007

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Outline permission is sought for the development of 0.05ha by way of one dwelling. The proposal involves means of access. Reserved matters are therefore: siting, design, appearance and landscaping.
2. The application site lies wholly within the Llanbedr D.C. development boundary. The site also lies within the Clwydian Area of Outstanding Natural Beauty.
3. At present the site forms part of the garden area of Plas Isaf Old Barn and is bounded to the south-east by a well established conifer hedge. To the north east of the site is located a small orchard area which is within the applicants ownership. Twenty-five metres to the south-west of the site lies a Grade II listed building which looks across the site. Two other dwellings (Plas Isaf Barn and Tan Y Gruglas) are located either side of the site.
4. Access is proposed via an existing access onto the A494. This access currently serves 3 dwellings – Plas Isa Cottage, Plas Isaf Old Barn and Plas Isa Manor. Alterations are proposed to the access which involves lowering the stone boundary wall to improve visibility for cars entering onto the A494. This land is not in the applicant's ownership. Accordingly notice of the applicant's intentions has been served on the relevant land owner.

RELEVANT PLANNING HISTORY:

5. 16/2007/0055/PO - Development of 0.087ha with access for 1 detached dwelling and double garage (outline application). This application was REFUSED 12th March 2007 on the basis that the access as existing was substandard for the increase in use. The application was also refused on the basis that the proposed site extended beyond the development boundary into open countryside.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 – Development within development boundaries
 - Policy GEN 6 – Development control requirements
 - Policy ENV 2 – Development affecting the AONB

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Access/Highways
8. With regard to the considerations in paragraph 7 above:
 - i) Principle of development:

The proposed site lies wholly within the development boundary. As such it complies with Policy GEN 1 of the adopted UDP which states that development should be located within development boundaries. Given the spacing and orientation of the surrounding buildings the proposal is not considered to be backland/tandem development. The proposal is therefore acceptable in principle.
 - ii) Access/Highways:

The Welsh Assembly Transport Division and Denbighshire County Councils Highway Authority have both responded that the proposed access alterations are acceptable and do not justify a refusal of this application. It is therefore considered that this proposal is

acceptable in terms of access and its potential impact upon the safety of traffic on the A494, subject to the provision of the visibility splay.

SUMMARY AND CONCLUSIONS:

9. With only means of access for this proposal indicated, the application falls to be considered essentially as a matter of principle. In this instance with the plot size being of adequate size in relation to the surrounding plots, and it being sited entirely within the development boundary, the proposal is considered acceptable.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.
5. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the proposed development being brought into use.
6. The access to the site shall be laid out, constructed and maintained in accordance with the approved plan 0172/1 Revision A to the written approval of the Local Planning Authority before the development is brought into use. The visibility splays shall thereafter be retained in accordance with the plan with no obstruction in excess of 900mm above the level of the adjoining carriageway.
7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To ensure satisfactory drainage of the site and to avoid flooding.
5. To 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.
6. In the interest of the free and safe movement and traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.

NOTES TO APPLICANT:

See notes attached from Welsh Water.

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: 16

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2007/0384/ PF

PROPOSAL: Erection of 2 No. two-storey detached dwellings, alterations to existing vehicular/pedestrian access and formation of access road

LOCATION: Land between Pisgah Chapel and Tan y Bryn Old Gate Lane Llandegla Wrexham

APPLICANT: Mr Hughes

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDEGLA COMMUNITY COUNCIL

Original plans

"The Community Council and have strong objections to the proposals as submitted. They offer the following comments to the application:

- i) There are concerns with regard to the new access road, in particular that it should then service possibly nine vehicles and more. Therefore, excess traffic could become an issue. [GEN 6 (vii)].
- ii) The development does not meet Policy GEN 6 (i) it does not 'respect the site and surroundings in terms of the siting, layout, scale, form, design, density, materials, aspect, microclimate and intensity of use of land/buildings and spaces around and between buildings'.
- iii) The development does not meet Policy GEN 6 (ii) as it will unacceptably affect the form and character of the surrounding landscape.
- iv) The development fails to meet Policy GEN 6 criteria (iv) completely due to its height and the way it will dominate the landscape and overlook current properties in the area.
- v) The development will unacceptably affect the amenity of local residents and other land and property users by virtue of increased activity, disturbance, and noise [GEN 6 (v)] ".

Amended plans

Awaiting response.

2. HEAD OF TRANSPORT & INFRASTRUCTURE

No objection subject to conditions.

3. JAC – AONB COMMITTEE

"The JAC recommend that the layout be redesigned to retain more existing trees on the site".

4. WELSH WATER

No objection subject to condition for foul and surface water to be drained separately from the site.

RESPONSE TO PUBLICITY:

Letters of representations received from:-

- 1. Mr. L. & Mrs. J. Wilkinson, Jalna, Old Gate Lane, Pen y Stryt
- 2. Paul C Mitchell, Rose Moor Cottage, Pen y Stryt, Llandegla. LL11 3AG.

3. Mr & Mrs Davies, Tan y Bryn, Old Gate Lane, Llandegla. LL11 3AN.
4. Mr. M. Morris, Bryn Tirion, Old Gate Lane, Llandegla
5. P. & M. Rees – via e-mail
6. Mr K F Staley, 9 Lon Wen, Abergele. Conwy. LL22 7JD.

Summary of Planing Based Representations

- i) Development is out of character with the area.
- ii) Concerns over amount of parking proposed (highway safety).
- iii) Concerns over impact on ecology of area.

EXPIRY DATE OF APPLICATION: 07/06/2007

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 is located within the settlement boundary of the village of Llandegla just to the south of the A5104 Pen y Stryt. The vacant and overgrown plot of land is elevated from nearby roads within an area of varying topography and building styles.
2. The plot can be accessed via an existing gated access to the east of the site and to the rear of Pysgah Chapel. This track rises steeply up to a derelict and densely planted area containing random timber structures. Fronting Pen y Stryt to the north of the site are a terrace of 4 no. vacant two storey dwellings along with the Chapel itself and further detached dwellings. To the south of the site are further sporadic dwellings and open land.
3. Planning permission is sought to develop the site by erecting 2 no. detached dwellings utilising the existing and improved vehicular access. Plot 1 would be a 3 bed, two storey house sited to the south-west of the site with another 4 bed dwelling sited to the street frontage. Some 8 no. parking spaces are proposed in the scheme both for the new dwellings and for the existing terraced properties currently without off street parking fronting Pen y Stryt. Given the difference in levels on this site retaining walls will be required within the scheme and Plot 1 will be sited some 3m above road level. Much of the existing boundary planting will be retained with supplementary planting proposal to reinforce certain boundaries. A new stone boundary splay will be developed to the road frontage.

RELEVANT PLANNING HISTORY:

4. 17/2000/716

Erection of single dwelling, new vehicular/pedestrian access and septic tank – GRANTED – 5/11/00

17/2004/1211/PO

Development of 0.157ha of land by the erection of a dwelling, construction of new vehicular access and septic tank – GRANTED – 14/12/04 (this related to a plot of land to the south west of the current site using same access point).

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 1 - Development within Development Boundaries
 - Policy GEN 6 - Development Control Requirements
 - Policy HSG 4 - Housing Development in Villages
 - Policy ENV 2 - Development in AOB

Policy TRA 6 - Impact of New Development on Traffic Flows
Policy TRA 9 - Parking and Servicing Provision

SPG 25 - Residential Development Design Guide

GOVERNMENT GUIDANCE
Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.

- i) Impact on neighbour amenity.
- ii) Impact on visual amenity/AOB
- iii) Impact on highway safety.

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

i) Neighbour Amenity

The application site is located within the development boundary of Llandegla. Having regard to representations received and impact upon neighbours the Plot 2 dwelling which fronts onto the nearby road and is closer to road level raises no concerns. The dwelling would be a sufficient distance away from all existing nearby dwellings and provides adequate parking and amenity levels. Plot No. 1 which sits at a higher level to the south-west of the site has generated concerns from existing residents.

The closest existing dwellings to Plot 1 are the existing terraced properties fronting Pen y Stryt and the recently extended detached unit at Rose Moor Cottage (The Grange). Plot 1, it is acknowledged, will be close to the rear garden boundary of Rose Moor Cottage but one must have regard to the following factors. Revised plans have attempted to reduce the finished floor level of this dwelling thus enabling existing high boundary planting to effectively screen the new property from view. No windows are proposed in the rear elevation facing Rose Moor Cottage with some 11m in total between the closest points of Rose Moor Cottage and the new dwelling. The existing amenity to Rose Moor Cottage is governed by the density of planting to the abutting boundary with the site and the much higher land level there. Given the orientation of the proposed dwelling and the retention of the dense planting it is not considered any significant loss of amenity would be felt either in Rose Moor Cottage itself or the rear garden area. The parking facilities proposed for the existing terrace and for Plot 1 will also be sited close to the boundary with Rose Moor Cottage. Retaining walls to that boundary and the retention of the high planting will again serve to sufficiently minimise the impact on any nearby dwellings. In relation to the impact of Plot 1 on the existing terrace it is considered that the side elevation windows some 19m from the rear wall of the terrace, given the differing levels, would look over the roof of this terrace. The benefit of providing off-street parking to the rear of the terrace outweighs the impact of the loss of any under used amenity space for these units. It is considered having regard to the above and the scheme's general compliance with adopted policy and guidance, the 2 no. dwellings and parking areas would not cause any significant detriment to nearby residential amenity.

ii) Visual Amenity/AOB

The site is currently very overgrown and adding little to the Area of Outstanding Beauty given its location behind existing buildings. Much of the existing planting to boundaries will remain with additional supplementary planting assisting in blending the built form into its surroundings. The dwellings will be built in sympathetic materials with stone plinths and slate roofs. They have been designed to minimise impact on existing dwellings. However, it is considered that the new retaining and front boundary walls, the proposed landscaping and the simple design of the dwellings will serve to enhance this currently derelict site.

iii) Highway Safety

Highway Engineers have had pre-application input into this scheme and have assessed the design, position and gradient of the proposed vehicular access as acceptable. In an attempt to prevent on-street parking and avoid congestion additional parking spaces have been

provided in this scheme for the terrace of dwellings on Pen y Stryt. Whilst concerns have been raised in relation to the potential car movements it is considered that the screening and design of the parking layout will serve to minimise any potential impact. The hard surfaced areas have been integrated well into the existing landscaping and whilst it must be acknowledged that additional activity will be experienced on this site, the benefits of the development of this underused site within the development boundary outweigh the concerns in this instance.

SUMMARY AND CONCLUSIONS:

8. The scheme has been designed to meet current policies and guidance for such residential development within a development boundary. Existing screening and land levels will serve to integrate the development into the area with the benefits of developing such an under used site and the provision of off-street parking outweighing neighbour concerns.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.
3. The access and visibility splays shall be laid out and constructed in accordance with approved drawing no. 6295-L(9)01 Rev. D and completed to the satisfaction of the Local Planning Authority before the development is brought into use.
4. 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.
5. Positive means to prevent the run-off of surface water from the site to the highway shall be provided to the satisfaction of the Local Planning Authority and retained so long as the development herewith approved shall remain in use.
6. 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.
7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
9. Notwithstanding the provisions of Classes A, B, 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.

10. Prior to the commencement of development full details of proposed retaining and boundary walls shall be submitted to and approval in writing by the Local Planning Authority and only those details subsequently approved shall be used thereafter.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interest of traffic safety and to ensure the formation of a safe and satisfactory access.
4. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. In the interests of highway safety and to prevent damage to the highway.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity.
9. In the interests of residential and/or visual amenity.
10. In the interests of visual amenity.

NOTES TO APPLICANT:

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

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

ITEM NO: 17

WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern

APPLICATION NO: 20/2007/0507/ PO

PROPOSAL: Development of 0.047 hectares of land by erection of single affordable dwelling (Outline application)

LOCATION: Land adjoining Caer Wyn Graigfechan Ruthin

APPLICANT: Mr R Morgan and Miss E Hughes

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

1. LLANFAIR D.C. COMMUNITY COUNCIL
"Fully support the application"
2. AONB COMMITTEE
"The JAC objects to the proposal on the grounds that no supporting information has been provided to justify the need for a dwelling within the open countryside of the AONB."
3. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection subject to conditions
4. WELSH WATER
No objection subject to conditions on drainage.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 26/06/2007**REASON FOR DELAY IN DECISION:**

- Request to refer to Committee

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application is a resubmission of a recently refused application for the erection of a dwelling in outline form with all matters reserved. The proposal is for the development of 0.047ha of land for residential purposes on land outside the development boundary of Graigfechan and within the Clwydian Range AONB. Additional information has been submitted with the application.
2. The information includes:
 - i) A written statement from the agent stating that the landowner (father of Miss Hughes – applicant) is willing to enter into a S106 agreement to 'ensure control over the occupation by initial and subsequent households'

- ii) The applicants have registered with Tai Clwyd and are on the B list for affordable accommodation

RELEVANT PLANNING HISTORY:

3. **20/2006/0180/PO**

Development of 0.047ha of land by the erection of a dwelling and construction of new vehicular access (outline application) refused under delegated powers on the 16/5/2006. The reason for refusal was as follows:

The site lies outside the development boundary for Graigfechan as defined in the adopted Denbighshire County Council Unitary Development Plan., and as such, for planning policy purposes lies in the open countryside where restrictive policies apply. The site does not lie within a group of dwellings as defined by Policy HSG 5 of the Denbighshire Unitary Development Plan. There is no justification offered in support of the proposal in terms of either Policy HSG 6, which relates to new development outside development boundaries, or special circumstances submitted on the basis of local housing needs in rural areas in connection with Policy HSG 11. The proposal would lead to a piecemeal encroachment by built housing development outside the settlement boundary, creating an unacceptable precedent for similar development elsewhere in the locality. The proposal, would not comply with policies GEN 3, HSG 2, HSG 5, HSG6 and HSG 11 of the adopted Denbighshire Unitary Development Plan and government guidance within Planning Policy Wales which seeks to control development outside identified settlements.

The site lies within the Clwydian Range Area of Outstanding Natural Beauty where development is strictly controlled in the interest of preserving and enhancing the quality and character of the landscape. In the absence of any essential need for the development, the proposal conflicts with policy ENV2 which aims to safeguard the character and appearance of the natural environment and landscape of the Area of Outstanding Natural Beauty.

PLANNING POLICIES AND GUIDANCE:

- 4. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy ENV 1 - Protection of the Natural Environment
 - Policy ENV 2 - Development affecting the AONB/AOB
 - Policy GEN 3 - Development Outside Development Boundaries
 - Policy GEN 6 - Development Control Requirements
 - Policy GEN 8 - Planning Obligations
 - Policy HSG 5 - Groups of Houses in the Open Countryside
 - Policy HSG 6 - New Dwellings in the Open Countryside
 - Policy HSG 11 - Affordable Housing for Local Needs in Rural Areas

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

TAN 2 – Planning and Affordable Housing

MAIN PLANNING CONSIDERATIONS:

- 5.
 - i) Principle of development
 - ii) Impact on AONB
- 6. In relation to the main planning consideration in paragraph 5:
 - i) Principle

The application site is outside the development boundary of Graigfechan, in the open AONB countryside. The site does not adjoin the development boundary as there is a field parcel between the two. Notwithstanding the fact that the rural housing enabler report for the area demonstrates that there is a need for affordable units in Graigfechan, and that the land owner (applicant's father) is willing to enter into a S106 agreement to keep any dwelling on the land for affordable housing for local needs in perpetuity, the proposal is contrary to policy

GEN3, HSG5, HSG6 and HSG11 as it does not involve infill development, no case has been made for an agricultural workers dwelling and the site does not adjoin the village boundary.

ii) Impact on AONB

Given the location of the application site in the open countryside and the principle of development not being acceptable, the erection of a dwelling in this location would be contrary to policy ENV2 of the Denbighshire UDP which seeks to retain the special landscape character of the AONB, and as such would also lead to a pattern of ribbon and fragmented development contrary to criterion ii) of policy HSG11.

SUMMARY AND CONCLUSIONS:

7. The application is contrary to the aims of the Denbighshire Unitary Development Plan which has firm and well established planning policies relating to housing developments in rural areas and designated AONB landscape

DECISION: REFUSE - for the following reasons:-

1. The site lies outside the development boundary for Graigfechan as defined in the adopted Denbighshire County Council Unitary Development Plan and as such, for planning policy purposes lies in the open countryside where restrictive policies apply. The site does not lie within a group of dwellings as defined by Policy HSG 5 of the Denbighshire Unitary Development Plan. There is no justification offered in support of the proposal in terms of either Policy HSG 6, which relates to new development outside development boundaries, or special circumstances submitted on the basis of local housing needs in rural areas in connection with Policy HSG 11. The proposal would lead to a piecemeal encroachment by built housing development outside the settlement boundary, creating an unacceptable precedent for similar development elsewhere in the locality. The proposal, would not comply with Policies GEN 3, HSG 2, HSG 5, HSG6 and HSG 11 of the adopted Denbighshire Unitary Development Plan and government guidance within Planning Policy Wales which seeks to control development outside identified settlements.
2. The site lies within the Clwydian Range Area of Outstanding Natural Beauty where development is strictly controlled in the interest of preserving and enhancing the quality and character of the landscape. In the absence of any essential need for the development, the proposal conflicts with Policy ENV2 which aims to safeguard the character and appearance of the natural environment and landscape of the Area of Outstanding Natural Beauty.

NOTES TO APPLICANT:

None

ITEM NO: 18

WARD NO: Llandyrnog

APPLICATION NO: 24/2006/0442/ PF

PROPOSAL: Conversion of outbuildings to form 6 no. dwellings with associated curtilages, installation of private treatment plant and demolition of utilitarian agricultural buildings and slurry tower

LOCATION: Outbuildings At Plas Y Ward Rhewl Ruthin

APPLICANT: Mr & Mrs H Francis

CONSTRAINTS: C1 Flood Zone
Public Footpath / Bridleway
Listed Building

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

CONSULTATION RESPONSES:

1. LLANYNYS COMMUNITY COUNCIL
 - a) 'Members feel that too many farm buildings are being converted to dwellings thus destroying farms and the countryside.
 - b) The proposed dwellings will not be affordable. Members feel that there is a need of affordable housing only for the village of Rhewl.
 - c) There is no local need for the proposed dwellings. The only people who will be able to afford these houses are rich people from the big cities.
 - d) The application is on a flood plane.'
2. HEAD OF TRANSPORT AND INFRASTRUCTURE – Advises that
 - passing places will be required, as part of the application.
 - Public Footpath 11 directly affected and will need diverting. A condition for a diversion route should be included.
3. PUBLIC PROTECTION
Suggest the inclusion of standard conditions regarding contaminated land survey information, given possible agro-chemical spillages in vicinity.
4. THE CLWYD-POWYS ARCHAEOLOGICAL TRUST
Requests a photographic condition survey.
5. COUNTRYSIDE COUNCIL FOR WALES
No objection in principle, subject to survey for bat and bird nests.
6. ENVIRONMENT AGENCY
Further to a site meeting confirms that only part of the site lies within a C1/C2 flood zone. Based on the submitted Flood Consequences Report, confirms that the risks and consequences of flooding could be acceptably managed in accordance with TAN 15. No objection, subject to a condition to implement the flood measures identified.

RESPONSE TO PUBLICITY:

Letters of representations received from -

1. Ramblers Association - Mr. F. M. Brown, Vale Mount, Gellifor

Basis of objections:

Principle

- Public would view formation/cluster of houses, isolated from other houses and public services
- Sporadic development
- Overintensification of development and activities.
- Policy HSG 9 is flawed
- What evidence exists to show alternative – industrial/commercial

Highways

- Route to and from the site is dangerous – junctions; blind bends; sharp corner; limited passing places; parked vehicles restricting visibility.

EXPIRY DATE OF APPLICATION: 12/11/2006

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Plas y Ward is currently a farm complex, located some ½ Km to the south east of Rhewl village and some 2 km to the north of Ruthin. Vehicular approaches exist either via an unclassified road from the south west; or the Class III road from Rhewl. Public footpath 11 runs along the farm lane and through the farm complex.
2. The proposal involves the conversion of 5 buildings into 6 dwellings, along with associated drainage provision and the removal of a number of modern farm buildings and slurry tower. It is understood that the farming activity at the site has been significantly scaled down.
3. All buildings, including the farmhouse, are listed. The proposal requires a separate Listed Building Consent. The farm lane approach includes an attractive line of mature trees.
4. The application included the following documents:
 - i) Structural condition report
 - ii) Planning supporting statement
 - iii) Flood Consequences Assessment (FCA) report
 - iv) Ecology Report

RELEVANT PLANNING HISTORY:

5. 24/2006/0443/LB

Conversion of listed outbuildings and curtilage buildings to form 6 no. dwellings with associated curtilages, installation of private treatment plant and demolition of utilitarian agricultural buildings and slurry tower (Listed Building application) - PENDING

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 3 – Development Outside Development Boundaries
 - Policy GEN 6 – Development Control Requirements
 - Policy GEN 10 – Supplementary Planning Guidance

Policy HSG 9 – Residential Conversion of Rural Buildings to Dwellings

Policy ENV 6 – Species protection

Policy ENV 7 - Landscape/townscape features

Policy ENP 4 – Foul and Surface Water drainage
Policy ENP 6 - Flooding
Policy ENP 8 – Contaminated Land

Policy EMP 13 – Agricultural Development

Policy TRA 6 – Impact of new development on Traffic Flows
Policy TRA 9 – Parking and Servicing Provision
Policy TRA 10 – Public Rights of Way

Supplementary Planning Guidance
SPG 16 – Conversions of rural buildings
SPG 2 – Landscaping
SPG 18 – Nature Conservation and Species Protection
SPG 21 – Parking Requirements in new developments

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002 (as amended by addendum MIPPS documents)
TAN 6 Agricultural and Rural Development
TAN 12 Design

MAIN PLANNING CONSIDERATIONS:

7.

- i) Principle
- ii) Protected Species
- iii) Flooding
- iv) Highways
- v) Design
- vi) Affordable Housing

8. In relation to the main considerations:-

i) Principle

The Principal Building Control Officer confirms that the buildings are structurally sound and capable of conversion. The proposal would be compliant with the main tests of Policy HSG 9 of the Unitary Plan.

Use of the buildings for other commercial/industrial purposes is considered unacceptable on the basis of local highway network impact. This is confirmed by the Head of Transport and Infrastructure.

ii) Protected Species

The Ecological survey identifies bat activity, with mitigating measures suggested. The Countryside Council for Wales' recommendation for suitable conditions is considered sufficient in this case, complying with national guidance. Additionally, a condition on a suitable/sympathetic lighting scheme would be appropriate.

iii) Flooding

The Environment Agency has agreed to the FCA details. The FCA concludes that the site is on the very edge of a flood plain, with only the eastern edge of only one unit, Unit 1, possibly affected by the 1 in 100 year flood event. Minimal works are required in terms of basic mitigation measures. The proposal complies with the TAN 15 guidelines.

iv) Highways

The highway approach is via a rural, single track, serving very few properties, with the north east route with acceptable visibility. It is presumed that the majority of deliveries and visits would use this village approach.

The site is sustainable with accessible pedestrian and cycling links, within a short distance to both the village and Ruthin town.

The Head of Transport and Infrastructure's recommendation is made on the basis of existing site agricultural use/activities and highway safety considerations, as required by criteria GEN 6 vi) and vii). The applicant owns land either side of the approach lanes. A minimal number of passing bays could be achieved, without causing harm to existing landscape features. The final number, position and details can be conditioned.

v) Design and setting

The proposal provides an opportunity to enhance the setting and view in/out of the complex. Conditions can control samples of wall finishes and landscaping details, mitigating against impact of possible new fuel tanks and telecommunication structures. The proposal involves minimal alterations to all units.

The proposal is sympathetic to setting of the main listed farmhouse , with all trees retained.

vi) Affordable Housing

The current adopted planning policy and guidance excludes rural conversion proposals.

SUMMARY AND CONCLUSIONS:

9. The objections and concerns are noted.
10. Continuing changes and pressures in the agricultural industry inevitably result in an increasing number of development proposals of this nature. The proposal puts forward a sensitive approach to an important building complex, achieving overall landscape benefits and secures an alternative use for the various listed buildings.
11. Provided conditions are included, the proposal is considered acceptable.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No work shall commence until the following information has been submitted and agreed in writing by the Local Planning Authority:
 - a comprehensive lighting scheme
 - a scaled plan and programme for the removal of existing and any proposed agricultural buildings within the farm complex, including on land owned by the applicant and the development shall be completed in accordance with the details.
3. No work shall commence until the submission of a comprehensive soil survey carried out over the entire site to ascertain whether the development is contaminated land, and whether the development may impact on controlled surface waters or groundwater, such survey should be in accordance with CLR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of the survey and its conclusions have been submitted to the Local Planning Authority for assessment in liaison with the Environment Agency Wales.
4. In the event that the site survey required by condition 3 of this permission reveals the presence of hazard from any contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials, future users of the site, and any other person; and written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development should not be occupied/used until a Validation report prepared by an independent and suitably experienced third party to

show that the works have been satisfactorily carried out and has been submitted to and approved in writing by the Local Planning Authority

5. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).

6. Before any work commences on site, including demolition, details of reasonable avoidance measures to deal with bats and nesting birds shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in accordance with the agreed programme.

7. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority."

8. Prior to the commencement of development, flood proof construction techniques as detailed in Section 6.3 of the flood consequences assessment reference PJB/LN/2518/001 shall as may be further detailed into the design of the buildings and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any of the buildings hereby approved.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenities of the locality and the protection of protected species.
3. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
4. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
5. In the interests of investigation and recording of historic/listed buildings.
6. To protect barn owls.
7. To ensure the protection of species listed under the Habitat Regulations 1994
8. To minimize damage to property in the possibility of inundation and in the interests of the amenities of the locality.

NOTES TO APPLICANT:

The public footpath should be diverted on the ground prior to any works commencing on site .

You are advised to contact the Public Rights of Way Section on 01824 706923 to obtain a diversion application form at least 9 months prior to commencement of any building works.

Further advice on compliance with planning conditions 3 and 4 may be obtained by contacting Denbighshire County Council's Public Protection Department on 01824 706137.

Should it be identified within the investigation that contamination may affect other receptors other than site users then it is recommended that these issues are addressed in consultation with the Public Protection Department prior to commencement of works so as to avoid enforcement under Part IIA of the Environmental Protection Act, 1990. If evidence of storage/spillage of agro-chemicals are found in or around the farm buildings/outbuildings/area, then it would be prudent to investigate the potential for residual contamination. Should you require any advice on this issue please contact Denbighshire County Council's Public Protection Department on 01824 706137.

You are advised that the Local Planning Authority has granted this permission solely on the basis that the proposal involves the conversion of the building to a dwelling, to be carried out strictly in accordance with the

approved plans. Any alteration or demolition work deviating from that shown on the approved plans, unless agreed by the Local Planning Authority, involving the rebuilding of part or all of the outbuilding will invalidate the planning permission.

The Clwyd-Powys Archaeological Trust based at 7a Church Street, Welshpool, Powys, SY21 7DL (Tel. No. 01938 553670) are the relevant archaeological body for this area. You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence for demolition works or other operations affecting the character of a listed building (including internal alterations) to be carried out without Listed Building Consent; no such works should therefore be carried out until Listed Building Consent has also been granted.

Condition No. 5 of this permission requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

Photographs should be taken using either a 35mm or digital camera.

35mm format colour print film (eg. Kodak or Fuji film) of ASA/ISO 200 speed is a good standard for most light conditions, but ASA 400 should be used where internal lighting is poor. 24 or 36 exposure film should be used in all cases and at least one whole film must normally be exposed.

Digital photographs will only be accepted where the resolution of the digital camera is above four megapixels and the photographs have been taken at the highest resolution setting available on the camera (usually Fine). The saved photographs must be copied to a good quality branded CD in the jpeg/jpg file format. Digital photographs presented on normal paper or photographic paper will not be accepted as they are not archivally stable.

The use of a standard flashgun is recommended indoors to light the interior views.

If available a measured scale should be placed within each photo view.

Photographs should be taken of all exterior and interior wall elevations which are affected by the development together with photographs of interior roof detail where this is altered. Features of particular interest (e.g. obvious differences in wall makeup, windows and doors whether blocked up or not, fireplaces, timber framing, stairwells, cellars) should also be fully photographed.

The applicant should indicate where the views taken are positioned on an architect's floor plan of the building. Location reference numbers on the plan/s should be copied onto the back of the prints together with brief descriptive details of the location.

The photographs should then be sent to: Mark Walters, Development Control Section, Clwyd-Powys Archaeological Trust, 7A Church Street, Welshpool, Powys, SY21 7DL (Tel: 01938 553670). CPAT will confirm receipt of your photographs and inform the planning authority that the condition has been satisfied.

ITEM NO: 19

WARD NO: Ruthin

APPLICATION NO: 24/2007/0694/ PS

PROPOSAL: Variation of Condition No. 3 of planning permission code no. 24/518/99/PS and condition no. 5 on Planning Permission Ref. No. 24/0834/98/PF to allow use of the Firearms Training Centre site and buildings in compliance with the following restrictions:- i) Any organisation using the site and buildings shall be authorised and supervised by North Wales Police. ii) The hours of use to be restricted to between 0830hrs and 1730hrs on any day with the provision for a maximum of 12 days in any 12 month period where the hours to be permitted between 0830hrs and 2000hrs (within which shooting activity shall not be permitted to exceed a maximum of 5 hours). iii) The site and buildings shall not be used on Christmas, Boxing or New Years Day. iv) There shall be no firing of high or low velocity weapons or activities involving explosions within the site on Saturdays, Sundays or public Holidays and no sound amplification equipment shall be used outside buildings within the site on these days

LOCATION: Firearms Training Complex Craig y Ddywart Quarry Rhewl Ruthin

APPLICANT: North Wales Police Authority

CONSTRAINTS: Listed Building
Section 106
Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL
Awaiting response.
2. LLANYNYS COMMUNITY COUNCIL
Awaiting response.
3. PUBLIC PROTECTION
Awaiting response.
4. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. R.E. & H.N. Owen, Bryn Caredig, Rhewl
2. Sian Davies, Pont Glas Isa, Rhewl
3. Mr. Basil Thomas, Dedwyddfa, Bryn Goodman, Ruthin
4. G. Morgan, Cilan, Rhewl
5. Hugo & Henriette Kerr, Bryn Clwyd, Rhewl
6. Mr. D. G. Jones, Pen y Bryn, Rhewl
7. T A & S Daulby, Drud y Gwynt, Bryn Caredig Lane, Rhewl

Summary of planning based representations

- i) Concerns over potential users of the site
- ii) Concerns over potential increased noise/disturbance

EXPIRY DATE OF APPLICATION: 02/08/2007

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Rhewl Firing Range Complex is a well established police training facility 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. When the site began operating in 1998 its use was restricted to North Wales Police only between set hours Monday to Friday. Planning conditions originally imposed have been varied since that time allowing other emergency services to use the site along with some extended hours of operations on certain days of the year.
4. Permission is now sought to allow the site to be open at weekends and some public holidays allowing other authorised organisations to use the facilities.
5. For clarity the Police have supplied both Denbighshire County Council, nearby residents and other interested parties additional information in respect of their current proposed and intended use of the site. Officers from the Police and the Planning Department have also met with Community Councils to discuss the proposal.
6. The Police have stressed that their facility in Rhewl is visited not only by the North Wales force but others around the Country. It is not their intention to become a commercial operation allowing random groups unsecured access to their facility. As such the following points have been offered in support of the application and should be noted:
 - There shall be no firing activities or explosions of any kind within the site (including within buildings) at weekends or Public Holidays.
 - The current proposal would enable further vital training to take place within an under used facility at weekends.
 - There would be no additional firing taking place within the current authorised Monday to Friday period.
 - The Police undertake very stringent security checks on any persons or organisations entering the site.
 - The Police wish to continue to work within the local community and to ensure trust and transparency in all they undertake at the site.

RELEVANT PLANNING HISTORY:

7. **24/973/97/PF** – Erection of office block, training courses, tower, street scenes, provision of assault course, car parking and other ancillary works – GRANTED 12/02/98.

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

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

24/518/99/PS – Amendment to condition 3 of 24/973/97/PF to allow use of Firearms Training Centre by other emergency services and to allow an extension in hours of operation from 0830am until 2000hrs (currently 1730hrs) for a maximum of 12 times per annum – GRANTED 03/11/99.

24/2002/637/PF – Erection of single story extension to office – GRANTED 15/07/02

24/2006/1082/PF - Erection of steel storage cabin – GRANTED 08/11/06.

PLANNING POLICIES AND GUIDANCE:

8. 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:

9.

- i) Impact on amenity of the locality
- ii) Fear of crime
- iii) Impact on highway safety

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

i) Amenity

The main area of concern identified throughout the extensive consultation period and discussions with locals is the potential threat to the amenity of residents which the site could pose over weekends and Public Holidays. Given the statements produced by North Wales Police and the revised conditions described within this proposal it is clear that should any firing, explosion, paintballing or other potentially noisy activity take place within the site or buildings at weekends or Public Holidays the Police would be in clear breach of their planning conditions. Having regard to this it is not considered that the proposed use of the site over the extended periods would have any significant impact upon the amenity of the locality. The Police will continue to operate the site within their existing authorised perimeters during the rest of the week and in liaison with the Council's Public Protection department will attempt to ensure the established training programmes adhere to all previously imposed planning conditions and noise levels.

ii) Fear of Crime

The Police have stressed that any organisations using the facility will be thoroughly vetted and supervised throughout their visits. The classroom based training and team building exercises will be fully controlled and internal security measures would ensure that the Police continue to promote the reduction of and not the increase in the fear of crime for all.

iii) Highway Safety

Highway Engineers have assessed the potential increase in the use of the existing access to the site off the main A525. Clearly this access is not used at weekends or Public Holidays at present. It should also be noted that by its very nature the training facility has a limited capacity on normal weekday use. As such, it has been assessed that the current proposal would not create any increased risk of danger to users of the highway with parking facilities within the site remaining adequate.

SUMMARY AND CONCLUSIONS:

11. The proposal use of the training facility by other authorised organisations over the periods proposed, having regard to the intended nature of that use and the controls which will remain, is acceptable and would not cause any significantly detrimental impact to amenity.

RECOMMENDATION: - GRANT

No conditions

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 23rd May 2007.
- 2.2 Development Team meetings took place with the owner on 12th June and 16th July. 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. The owner has indicated that a formal security presence will be provided on site by August 2007.

Development Proposals

The owner has engaged various consultants to prepare detailed reports and proposals required to progress a reserved matters planning application(s). A listed building consent application has been submitted to seek selective demolition which would help to reduce the scale of the vandalism, security and safety. Further information is required before the application can be formally registered.

Prince's Regeneration Trust (formerly Phoenix Trust)

The Trust has indicated the role that they could play in assisting the Council. A meeting has taken place with the Trust Chief Executive.

Section 106 obligation

The owner has been reminded of the need to pay the remainder of the restoration deposit by 29th September.

Future Meetings

The next Development Team meeting is to take place on 6th September. The Member Working Group is to take place on 11th September.

3. RECOMMENDATION

3.1 That Committee accept this information report.

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**PLANNING APPEALS RELATING TO PROPOSED WIND TURBINE
DEVELOPMENT AT WERN DDU, GWYDDELWERN**

**Application code 06/2004/0278/PF (5 turbines)
Application code 06/2005/1453/PF (4 turbines)**

1. PURPOSE OF REPORT

- 1.1 The report outlines recent developments in relation to the planning appeals at Wern Ddu, including the formal decision of the Planning Inspectorate to grant planning permission for the erection of wind turbines.

2. BACKGROUND

- 2.1 Members may recall from previous reports to the Committee that there has been a complex history relating to the two separate proposals by Tegni Cyf. to develop a wind farm at Wern Ddu.

2.2 In brief:

The Planning Committee refused permission for a 5 turbine development at Wern Ddu at the January 2005 meeting. The reasons for refusal were as follows:

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

2. The development is considered likely to have a significant adverse effect on the residential amenities of the occupiers of the property Bryn Ffynnon, as a consequence of the overpowering physical impact of turbines 1, 2 and 3, contrary to policy MEW 8, MEW 10 and GEN 6 of the Denbighshire Unitary Development Plan.”
- 2.3 Tegni subsequently submitted an appeal against the refusal decision, and also lodged a ‘revised’ application, for 4 turbines on the same site in November 2005. In view of the first reason for refusal of the 5 turbine scheme, and ongoing work on the joint Denbighshire – Conwy Supplementary Planning Guidance (SPG) for on shore windfarms (involving the refinement of the TAN 8 Strategic Search Area), the Planning Committee resolved in January 2006 that the 4 turbine application should not be reported for determination until the SPG has been formally approved. Tegni were advised accordingly.
- 2.4 A non-determination appeal was then lodged on behalf of Tegni against the Council’s failure to make a formal decision on the 4 turbine application within the statutory period. This set in motion a series of events culminating in a joint Public Inquiry into the 5 and 4 turbine schemes, which was eventually staged in Denbigh at the end of April, and in early May 2007.
- 2.5 The Council’s case at the Inquiry was presented by Alan Evans, a barrister at King’s Chambers, Manchester. Planning evidence in respect of reason for refusal No. 1 was given primarily by Simon Power (Arup) and Simon White (White Consultants), and by Ian Weaver in respect of reason No. 2.

3. THE INSPECTOR’S DECISION

- 3.1 The decision of the Inquiry Inspector, Stuart Wild, was to allow the appeals for both the 5 and 4 turbine applications.
- 3.2 The Inspector’s Decision letter spans 13 pages. The letter identifies the main issues in both cases to the effect of the proposals on the character and appearance of the area, and the effect on the amenity of occupiers of neighbouring dwellings, having regard to local and national planning policies.
- 3.3 In relation to **Planning Policy considerations**, the Inspector:
 - Recognised the need to attach particular weight to the relevant policies of the Unitary Development Plan (UDP).
 - Attached significant weight to Welsh Assembly Government Policy in respect of renewable energy, which post dates the UDP, i.e. Ministerial Interim Planning Statement 1/2005 (MIPPS) and Technical Advice Note 8 (TAN 8); which established the principles of concentrating large scale

turbine developments in Wales within Strategic Search Areas, and identified these at 'broad brush' scale in map form.

- Concluded that the majority of the appeal site lay within the Clocaenog Forest SSA, and the location of the northern turbines just outside the SSA boundary was not a factor carrying significant weight given the 'broad brush' nature of the SSA boundary in TAN 8, the proximity to that boundary, and the inclusion of all the appeal site in the same landscape character area used to analyse the landscape impact.
- Commended Denbighshire and Conwy on taking relatively quick action in commissioning a 'refinement study' for the Clocaenog Forest SSA, on the basis of the draft adoption of Interim Planning Guidance based on the refinement which will help speed the process of considering proposals within the Clocaenog Wind Farm Zone (CWFZ) when they are submitted.
- Expressed specific and significant reservations over the Arup SSA refinement study, including
 - The failure to include all existing and consented turbine developments within the study area, to assess cumulative landscape and visual issues (Hafoty Ucha, Braich Ddu, and offshore sites), which resulted in a biased conclusion and produced the result of concentrating the turbines in as small an area as physically possible.
 - The methodology and assumptions in reaching conclusions on the realistic capacity of the 'reduced' SSA, the Clocaenog Wind Farm Zone, in reaching the TAN 8 target of generating 140 MW capacity by 2010.
 - The omission of land owned by Dwr Cymru/Welsh Water from the CWFZ for which he did not consider there was any technical planning reason;
 - The reduction in the area of the SSA from 100km² to about 35km² in the adopted IPG, which he did not consider compatible with advice in TAN 8 Annex D allowing local authorities to make 'minor adjustments' to boundaries and therefore reduces the weight to be attached to the resulting IPG.
- Considered that due regard should be given to the practicality of bringing wind farms in the SSA 'on stream' by 2010, which he believed would be most unlikely for the main areas of the zone given the time scales for planning and separate grid connection consents.
- Expressed a reservation on the specific wording of the section of the IPG which deals with Medium Sized wind farms, insofar as this makes no provision for such proposals on sites within the TAN 8 SSA, but outside

the refined SSA (CWFZ) in the IPG; from which he consequently concluded the IPG was not applicable to the consideration of the appeals.

- Concluded that the proposals were not in conflict with the principles of TAN 8.

3.4 In relation to the **landscape and visual impact considerations**, the Inspector concluded that:

- He preferred the Council's evidence on landscape impact, and accepted there would be significant adverse effect on the site itself, and effects of moderate significance on surrounding landscape areas.
- Such landscape effects are almost inevitable within large wind energy projects, TAN 8 Annex D states the implicit objective is to accept landscape change (from wind turbine development), and that the change resulting from the Wern Ddu proposals appears to be of the scale anticipated in TAN 8. He considered the proposals "would not be unacceptably harmful in terms of the effect on the landscape character."
- With regard to general visual impact, the turbines "would not be unacceptably harmful in terms of the Development Plan policies."
- In respect of cumulative landscape and visual impact, the proposals "would not be unacceptably harmful".

3.5 In relation to the **Impact on Neighbouring dwellings**, the Inspector concluded:

- Turbines would be clearly visible from 3 properties (Bryn Ffynnon, Bryn Halen Mawr and Hafotty Fawr), and the visual intrusion would be most significant at Bryn Ffynnon.
- The harmful effect on the visual amenity of the occupiers of any of these dwellings would not be sufficient to justify withholding consent, and additional tree planting near to dwellings can add to the screening effect.
- Noise intrusion would be below the levels which would be unacceptably harmful to the amenity of residents, even at Bryn Ffynnon. Planning conditions can be imposed to control noise levels.
- There was no evidence to suggest the development would have any significant effect on hydrology, or undermine the viability of an established tourist business.

3.6 The Appeal Inspector's conclusions were:

"In my view there is no significant difference between either of the two

proposals before me. Either would make a useful contribution to meeting the targets for the generation of renewable energy by 2010. Many of the detailed concerns can be mitigated by the imposition of appropriate conditions which I discuss in detail below. Subject to the imposition of those conditions, the harm that would result from these proposals would be outweighed by the benefit of the generation of renewable energy. Therefore I conclude that the effect of the proposals on the character and appearance of the area and the effect on the amenity of the occupiers of neighbouring dwellings would not be unacceptably harmful and would be outweighed by the benefits having regard to the objectives of the appropriate local and national planning policies.”

In allowing the appeals, the Inspector imposed a total of 29 conditions, which would apply to either the 5 or 4 turbine scheme, whichever the developers choose to implement.

4. LEGAL ADVICE ON THE DECISION

- 4.1 Advice has been sought from Counsel on the possibility of a legal challenge to the Inspector’s decision. Such challenge can only be made on the basis that there is some substantive error on the part of the Inspector or that there has been some procedural mistake which has occasioned substantial prejudice. The courts can not investigate the planning merits of the decisions under challenge.
- 4.2 Counsel advice is there is no detectable error of law on the part of the Inspector which could found a legal challenge to the decision letter in the High Court. Officers do not therefore recommend a challenge be pursued.

5. RECOMMENDATION

- 5.1 That Members accept this information report.

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
PLANNING COMMITTEE PROTOCOL**

1. PURPOSE OF REPORT

1.1 To advise Members of revisions to the Planning Committee Protocol.

2. BACKGROUND

2.1 On 25th July 2006 the County Council approved a Planning Committee Protocol.

2.2 The Protocol requires amendment to take into account the use of electronic voting and to ensure correct voting procedures. The revisions are highlighted in **bold** in the protocol that follows this report.

3. RECOMMENDATION

3.1 That Members approve the revisions to the Planning Committee Protocol which clarifies how the Planning Committee should be conducted.

PROTOCOL FOR PLANNING COMMITTEE

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

In endorsing the protocol and its objectives, the Council emphasized that there must be no pre-Committee lobbying by Members of one another. The ability of non Members of the Committee to speak with the consent of the Chair provides sufficient a mechanism for all views to be expressed at the meeting.

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

Guidelines for Site Inspection Panels.

- v) If any application has been subject to a previous Site Inspection Panel, the Chair will invite those Members who attended including the Ward Member, to speak first, before other Members.
- vi) On other applications, the Ward Member will be invited to speak first.
- vii) Members will be limited to a maximum of five minutes speaking in accordance with standing orders.
- viii) Once a Member has spoken, the Member shall not speak again unless seeking clarification on a point arising from the debate and only once all other Members have had the opportunity to speak and with the agreement of the Chair.
- ix) Following the debate the Chair will ask Officers to respond to any questions and sum up any issues arising from the debate including advice on a potential resolution in conflict with Officer recommendation.
- x) **The Chair will make it clear that the debate is concluded and that voting is to commence. No further debate or questions will be permitted on the item. The Officers will prepare the electronic voting system and advise the Chair when voting can commence.**
- xi) The Chair will put any motions to the vote. **The electronic voting system allows a 30 second period for voting to take place during which period Members must cast their vote.**
- xii) The Chair will not tolerate any interruptions by Members without his agreement or audible conversations between Members or Officers which do not form part of the debate.
- xiii) Failure to abide by the above protocol will lead in the first instance to a warning from the Chair. Further failures may result in a motion under Standing Order 18.3 that the member be not heard further, leading ultimately to a motion under Standing Order 18.4 that the member leave the meeting in the event of continued improper behaviour.
- xiv) The Chair will state clearly the decision once the resolution is made.

**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 April 2007 and 30th June 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 the Case Officer prior to the meeting.

This report is for Members' information.

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Development of 0.1 hectares of land by erection of farm worker's dwelling (Outline application)	PJM	Delegated Refused	Land at Tyn y Ffordd Farm, Borth Crossroads, Abergele,	Informal	09/05/2007	Pending		0.00
				14/08/2007 0				

40/2005/0709

Key Issue =

Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Erection of first-floor extension above existing garage	EOC	Delegated Refused	1, Fron Haul, St. Asaph, , LL170RT,	Written	23/05/2007	Pending		0.00

46/2007/0290

Key Issue =

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Change of use of agricultural land to form extension to domestic curtilage and retention of detached building	PJM	Delegated Refused	Cil Onnen, Corwen Road, Ruthin, , LL152NT,	Written	15/05/2007	Pending		0.00
02/2006/1417								

Key Issue =

Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Conversion and alterations of existing flats and restaurant to 20 no. self-contained flats and construction of associated parking areas	MXD	Committee Refused	Llanbedr Hall, , Ruthin, Llanbedr Dyffryn Clwyd, LL151UU,	Written	12/04/2007	Pending		0.00
16/2006/0872								

Key Issue =

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Erection of two-storey pitched-roof extension at rear of dwelling	PDG	Delegated Refused	Unit 1, Glanywern Isaf, , Denbigh, Llandyrnog, LL164EU,	Written	27/04/2007	Pending		0.00

18/2007/0012

Key Issue =

Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Conversion of part of existing building and erection of 2 storey extension to Unit 1 (previously approved for conversion under planning permission code no. 01/2006/0380/PF)	SWJ	Delegated Refused	Unit 1, Plas Y Green, Mold Road, Denbigh, , LL164BH,	Written	27/04/2007	Pending		0.00

01/2007/0019

Key Issue =

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Pending

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Conversion of existing outbuilding and erection of 2 storey extension and double garage to Unit 5 (previously approved for conversion under planning permission code no. 01/2006/0380/PF) 01/2007/0020	SWJ	Delegated Refused	Unit 5, Plas Y Green, Mold Road, Denbigh, , LL164BH,	Written	27/04/2007	Pending		0.00

Key Issue =

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Retention of cellar area of previously approved office/shop for use as manager's accommodation 17/2006/0820	NMJ	Delegated Refused	Land At, Lake Hill Fishery And Farm, , Wrexham, Llandegla, LL113BF,	Written	15/12/2006	04/04/2007 01	APPEAL-DIS	0.00

Key Issue = Dwelling contrary to development plan and impact on moorland landscape and nature conservation

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Retention of replacement agricultural building	NMJ	Delegated Refused	Land At, Lake Hill Fishery And Farm, , Wrexham, Llandegla, LL113BF,	Written	15/12/2006	04/04/2007 01	APPEAL-DIS	0.00

17/2006/0821

Key Issue = Impact on moorland landscape and nature conservation value

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Variation of condition no. 1 of planning permission code no. 17/2004/0791/PF to allow continued use of mobile unit for an additional 12 months	NMJ	Delegated Refused	Land At, Lake Hill Fishery And Farm, , Wrexham, Llandegla, LL113BF,	Written	15/12/2006	04/04/2007 01	APPEAL-DIS	0.00

17/2006/0822

Key Issue = Proposal involves stationing of mobile unit. No functional need. Impact on moorland landscape and nature conservation value.

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Conversion of existing amenity building to create 1 no. dwelling	EOC	Delegated Refused	131, Wellington Road, Rhyl, , LL181LE,	Written	10/01/2007	11/04/2007 01	APPEAL-DIS	0.00

45/2006/0139

Key Issue = Poor living environment for future occupiers

Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Development of 0.01ha of land by the erection of 1 no. dwelling (outline application)	EOC	Delegated Refused	Land adjoining (Part Garden Of) 53, Grange Road, Rhyl, , LL184AD,	Written	10/01/2007	11/04/2007 01	APPEAL-DIS	0.00

45/2006/0804

Key Issue = Overdevelopment and harmful to living conditions of nearby residents

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Refurbishment of farmhouse, provision of link extension, first-floor pitched-roof extension, conversion of barn to living accommodation, provision of garage/utility block and new driveway 23/2006/0918	NMJ	Delegated Refused	Ty'n Y Ddol, , Denbigh, Llanrhaeadr, LL164PW,	Informal 20/03/2007 0	04/01/2007	16/04/2007 01	APPEAL-DIS	0.00

Key Issue = Overall mass of extensions excessive

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Decision

Proposal	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Demolition of existing industrial buildings, erection of 4126 sq m food/non food store, including cafe, external covered compound and canopy, ancillary service yard buildings and sprinkler tank and associated car parking area (expansion of previously approved 2745 sq m gross floor area store, application reference 02/2005/0333/PF) 02/2006/0247	IXW	Committee Refused	Site adjacent to, Lon Parcwr, Ruthin, ,	Written	05/01/2007	16/04/2007 01	APPEAL-AL	0.00

Key Issue = Trade impact acceptable and other retail test met. Development would not materially reduce availability of employment land.

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st April 2007
to 30th June 2007



Decision

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	13/06/2007 01	APPEAL-DIS	0.00

27/2006/1116

Key Issue = Permanent use of holiday cabin - conflict with UDP policies

ENFORCEMENT MATTERS

- (i) **ENF/ 2007/00058 : Star Inn, 73 Ffordd Talargoch, Prestatyn**
Erection of Unauthorised Front Extension

- (ii) **ENF/2007/00011: School House, Prion**
Unauthorised Extension of Garage and
Garden Store

PLANNING ENFORCEMENT REPORT

REFERENCE: 43/2007/0504
LOCATION: Star Inn 73 Ffordd Talargoch Prestatyn
INFRINGEMENT: Erection of Unauthorised Front Extension

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE
Planning Policy Wales, March 2002

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action against unauthorised alterations to commercial premises. In this instance, the matter under consideration relates to the rights of an owner of a commercial property to install a upvc and glass canopy in modern materials and the impact that the installation of those modern materials has on the character and appearance of a stone built public house in the general public interest. It is considered that these rights are outweighed in that the development is unacceptable as it would not preserve or enhance the character of the building contrary to the relevant planning policies.

1. BACKGROUND INFORMATION

- 1.1 The building in question is currently in use as a Public House known as The Star Inn. The site fronts onto Ffordd Talargoch.
- 1.2 The owners have installed a upvc and glass canopy on the front elevation of the building. The canopy is mainly white in colour with black posts. The canopy runs 5.8 metres along the front of the pub, and it protrudes 2.7 metres from the main front elevation so that it is flush with the existing porch of the property. It is argued that the awnings are required to offer outdoor shelter for patrons who smoke.
- 1.3 The owners were formally advised that the canopy was unauthorised and a retrospective planning application was submitted in respect of the canopy.
- 1.4 It is considered that the proposal is unacceptable and the Officer's recommendation following consideration of the application for planning permission, is for refusal. The use of inappropriate upvc and glazed canopy on a prominent stone built building should not be condoned, as a clear precedent would be set rendering it difficult to control other unacceptable canopies in such locations.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised development has been carried out within the last four years.
- 2.2 The front elevation of The Star Inn is prominent within the street scene of Ffordd Talargoch, which is the main road between Prestatyn and Meliden. The introduction of the canopy has a detrimental impact on the premises and the surrounding area and neither retains the character, nor enhances the surrounding area.
- 2.3 The erection of the canopy is contrary to Policy GEN 6 as it is not considered to respect the site and surroundings in terms of design and materials.
- 2.4 The imposition of planning conditions as part of any grant of planning permission would not overcome the highlighted concerns.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice to secure the removal of the unauthorised canopy and associated fixings and make good the fabric of the building
 - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
 - (iii) Period for compliance 3 months.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2007/00011
LOCATION: School House, Prion, Denbigh
INFRINGEMENT: Unauthorised Extension of Garage and Garden Store

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy HSG 12 – Extensions to Dwellings
Supplementary Planning Guidance Note No. 1 – Extensions to Dwellings

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

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development and other related matters. In this instance these matters relate to the rights of a land owner erect an unauthorised garage and garden store to the extent that it adversely impacts upon the amenity of the area. It is considered that these rights are outweighed in that the garage and garden store are unacceptable in the general public interest, as they are contrary to the relevant planning policies.

1. BACKGROUND INFORMATION

- 1.1 School House, Prion is a semi-detached property neighbouring Church House to the east and the local primary school to the west. During November 2006 concern was expressed regarding the on-going construction of what appeared to be a garage and garden store to the side and rear of School House.
- 1.2 Following a visit to the property it was apparent that the intended building was unlikely to be classed as 'permitted development' once complete. There was no response to correspondence highlighting this concern.
- 1.3 Subsequent visits were made to the address in an attempt to discuss the concerns with the occupants; there was no response at the property.
- 1.4 In February 2007, a further site visit revealed that the building was almost complete and earlier concerns were confirmed in that the construction could not be classed as 'permitted development' due to its size. It was also considered that the development was contrary to Policy GEN 6 and HSG 12 in relation to the design and materials used.

- 1.5 On the 8 February 2007, a Planning Contravention Notice was served on an occupant at the address by recorded delivery. Proof of delivery was obtained.
- 1.6 Due to the owner/occupier failing to respond to the requirements of the Notice a formal reminder was forwarded on the 6 March 2007, again by recorded delivery. On this occasion a message was left at the address by the Royal Mail stating that delivery had been attempted and that a recorded delivery letter could be collected by the occupant from the General Post Office. On the 7 March 2007, the Royal Mail notified the Local Planning Authority that the letter had not been collected and duly returned it.
- 1.7 A further attempt to deliver the reminder letter by recorded delivery during May also similarly failed.
- 1.8 A further visit to the property on the 24 May 2007 in an attempt to make direct contact with the occupants was again unsuccessful.
- 1.9 Communication has recently been opened with the owner following his response to a S.330 Notice served upon him seeking details of ownership; the required completed questionnaire was received on the 9 July 2007. However, the initial Planning Contravention Notice remains unanswered.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The development has been undertaken within the last four years.
- 2.2 The property known as School House is located in a prominent pleasant rural location between St James's Church and Ysgol Pant-pastynog, Prion. The introduction of the large garage and store is unauthorised and has a detrimental impact on the premises and the neighbouring properties.
- 2.3 The erection of the garage and store is contrary to Policy GEN 6 and HSG 12 as it is not considered to respect the site and surroundings in terms of size, design and materials.
- 2.4 The owner has ignored the requirements of a Planning Contravention Notice served upon him in relation to the garage and store.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
 - (i) Serve an Enforcement Notice to secure the removal of the unauthorised garage and store.
 - (ii) Instigate prosecution proceedings, or the appropriate action under the Planning Acts against the person, or persons upon whom any Enforcement Notice, or other such Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.
 - (iii) Period for compliance; 6 months.