

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

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ITEM NO: 1

WARD NO: Dyserth

APPLICATION NO: 42/2005/1327/ PC

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

LOCATION: Mount House Bryniau Dyserth Rhyl

APPLICANT: Mr & Mrs P J Parry

CONSTRAINTS: Previous Mining Area
CLC-Class C Road
AONB

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

CONSULTATION RESPONSES:

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

RESPONSE TO PUBLICITY:

Letters of representation were received from:

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

Summary of planning based representations:

- i) The building is totally unacceptable as it is too conspicuous in the AONB;
- ii) The building must be demolished;
- iii) The ground floor level of the building is raised up from the adjacent land;
- iv) The building has an urban appearance;
- v) The volume of buildings at the site is too great in such a sensitive location;
- vi) The two buildings erected form an ugly projection and have been built considerably higher than the previous stable building.
- vii) The building height mono pitch and siting makes the building obtrusive in the AONB.
- viii) Building overlooks adjacent properties.

MEMBERS' COMMENTS:

None.

EXPIRY DATE OF APPLICATION: 14/12/2005

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was deferred from Planning Committee on 25th January 2006 to allow a Members Site Inspection Panel to visit the site. The notes from the panel will be reported to Planning Committee as part of the Addendum Report.
2. The site contains a large detached dwelling (which has recently been extended) standing within significant grounds. The property is sited at the crest of a hill with the nearby dwellings set at a lower level but some distance away from the house itself, the nearest houses being Maenan to the north east, and Carreg Wen, The Bungalow and Rock Cottage to the south. The site and the surrounding area lie within the AONB under Policy ENV2, with the land opposite the site to the other side of the road designated as a Site of Nature Conservation Value under Policy ENV4.
3. The subject application and two other current applications (42/2005/1325/PF and 42/2005/1326/PC) have been submitted as a result of structures being erected within the curtilage of the dwelling without planning permission. Whilst the extension to the house permitted under 42/2004/1553/PF appears to have been undertaken in accordance with the approved plans, the stable block was demolished with a new building taking its place, the front boundary wall was demolished and replaced, a new hardstanding has been created within the site and a new building has been erected adjacent to the site of the old stable block. None of these works have planning permission.
4. The subject application seeks retrospective consent to retain a new building standing within the grounds of the house adjacent to the north eastern boundary with Maenan. The new building has a footprint of 12.5 metres by 5.4 metres in depth with a mono-pitch roof varying from 2.8 metres up to 4.7 metres. However, the building also has a basement level of a depth of 2.0 metres across its entire base, in which it is understood the boiler room for the main dwelling will be housed. The entrance to the basement is taken via a doorway at one end. Overall, the building has a volume of around 250 cubic metres with the basement providing a further 135 cubic metres of volume, resulting in a total volume for the construction of around 385 cubic metres. The building is therefore of a very substantial size and scale, and is made more prominent as its ground floor level is higher than that of the adjacent ground level due to the sloping topography of the land
5. In support of the application, the agent for the scheme has written to state that his client gave the go ahead for the construction of the building on the understanding that it was permitted development, falling into the category of a building for purposes incidental to the enjoyment of a dwellinghouse on the basis that Mount House was still occupied at the time of purchase. Accordingly, it is suggested by the agent that if the building did not abut a footpath then planning permission would not normally be required. *(This is however not correct given the height of the building which exceeds 4 metres in any event)* It is further stated that the design follows that permitted for the adjacent annexe which was considered acceptable in appearance terms. *(Again, this is incorrect as no planning permission was granted for the demolition and replacement of the stable block)* Overall, the agent concludes that the position of the building, work on which has stopped at the present time, is best for all concerned, for his client due to its proximity to the house and to the general situation as its presence is screened to

the south and west by Mount House and the annexe and to the north by tree screening. The building is stated as being used for the storage of gardening, recreation and domestic machinery with an exercise and games area. (*During a site meeting with the applicant, it was confirmed that the building is to be used as a gym with a shower room and store and the boiler room within the basement*)

RELEVANT PLANNING HISTORY:

6. 42/2004/0239/PF – Demolition of side extension and conservatory and erection of replacement single-storey extensions, rear conservatory and patio area: Granted 15 April 2004.

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

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

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

42/2005/1325/PF – Erection of boundary wall/railings and hardstanding (retrospective): Granted 25 January 2006

42/2005/1326/PC – Rebuilding stable block to form annexe to main dwelling (retrospective application): Granted 25 January 2006

PLANNING POLICIES AND GUIDANCE:

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

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

- 8.
- i) Principle
 - ii) Impact on the AONB
9. In relation to the considerations as noted in paragraph 8:
- i) In terms of principle, the scale of the previous extensions to the main house were allowed on the understanding that the volume of the previous extensions to the property were all to be demolished and therefore the overall volume of new extensions would be offset to an extent by the demolished buildings. During the consideration of a previous proposal at the site (ref 42/2004/1304/PF) strong concern was expressed regarding the scale and visual impact of a new outbuilding which was proposed. It is not therefore considered that there is any justification which can be given for the erection of the new building which is of a considerable volume and scale. Whilst the application for the adjacent re-building of the stable block is effectively a trade off of one building for another of a similar size, the subject proposal has no

such trade off and represents a building which is unacceptable;

- ii) Policy ENV 2 states that development will only be permitted where it would not detract from the character and appearance of the AONB and that development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the area. In this instance, the new building erected has a large volume and has a height in excess of 5 metres from ground level taking into account the basement. The comments made by the JAC and the CPRW are considered entirely justified and the retention of the building will be harmful to the visual appearance of the AONB and contrary to Policy ENV2;

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION A : REFUSE- for the following reasons:-

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

NOTES TO APPLICANT:

None

ENFORCEMENT REPORT

- 1. This application is retrospective and relates to unauthorised works carried out in the summer of 2005. The development is considered to be unacceptable having regard to the relevant policies. Therefore, this report seeks Member authorisation to take the necessary enforcement action. In considering taking enforcement action against unauthorised development, the provisions of the Human Rights Act 1998 are taken into account. In this instance, the matter under consideration relates to the rights of an occupier to develop their property. It is considered that these rights are outweighed in that the development is unacceptable as it would not conserve and enhance the AONB, which would be contrary to the relevant planning policies. No specific human rights issues have been raised by the owner of the site in this instance.

REASONS FOR TAKING ENFORCEMENT ACTION

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

RECOMMENDATION (B)

That authorisation is given for the following:

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

ITEM NO: 2

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2005/1100/ PF

PROPOSAL: Erection of first-floor extension and alterations to existing premises

LOCATION: Saints Health And Fitness Club 8 Ffordd Talargoch Prestatyn

APPLICANT: Mr Mark Thomas Saints Health & Fitness Club

CONSTRAINTS: Previous Mining Area
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection"
2. CONSERVATION ARCHITECT
No objection in principle. Advises condition to any further developments on site, however. Construction works will, however, impact on use of Council Car Park.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection in principle. Advises caution to any further developments on site, however. Construction works will, however, impact on use of Council Car Park.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. The Owner/Occupier, 17 Ffordd Talargoch, Meliden
2. Sarah Sharp, 14, Ffordd Bryn Melyd, Prestatyn (x2)
3. M. Pierce - 12 Ffordd Bryn Melyd, Meliden
4. The Owner/Occupier - 18 Ffordd Bryn Melyd, Meliden
5. The Owner/Occupier - 16 Ffordd Bryn Melyd, Meliden
6. Denis O'Donnell, Meliden Post Office, Meliden
7. Mark Bowyer (by e mail)

Summary of planning based representations

- i) Concerns over parking congestion.
- ii) Concerns over impact on privacy.
- iii) Concerns over noise/disturbance.

EXPIRY DATE OF APPLICATION: 02/03/2006

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is located in the centre of the village of Meliden just to the south of the designated Conservation Area. Meliden Squash Club, now known as Saints Health and Fitness Club, is a long established leisure facility having been the home for squash in North Wales since the 1970's. The rather dated flat and pitched roof building is set back some 30m from the one-way section of Ffordd

Talargoch.

2. The front (road) section of the existing building is single storey in appearance with the rear of the site dropping in level, accommodating the pitched roof squash court sections. To the front of the building is a Council owned car park bounded to the road by a stone wall. The stone built Masonic Hall is sited to the north-east of the site in the Conservation Area with residential dwellings further north on the sloping Ffordd Penrhwyfya. To the east of the site, on the opposite side of Ffordd Talargoch, are further residential properties including the village Post Office with the Miners Arms pub and restaurant to the south of that. To the south-west of the site are two storey, detached dwellings on Ffordd Bryn Melyd which rises in a westerly direction.
3. Planning permission is sought to upgrade and refurbish the leisure facility. The squash courts are to be refurbished to provide a glass back and viewing facility for championship events. New extensions are proposed vertically and across the front of the building effectively enveloping the existing building. The height of the front of the building will be raised from 4.4m to 8m incorporating a new pitched roof with gymnasium area at first floor level. Revised plans now indicate this gymnasium area significantly reduced in depth and floor area shortened from 11m to around 7m in depth. The extension would be built in rendered walls and embellished with raised render features. The principal front elevation would be symmetrical with powder coated aluminium windows under a metal clad roof. Rainwater goods will be cast aluminium with paint colours sourced from conservation ranges to match the adjacent Masonic Hall.

RELEVANT PLANNING HISTORY:

4. 2/PRE/509/75 - Extension to squash club court and viewing gallery – GRANTED - 1975
43/237/96/PF - Erection of new front elevation and new access - GRANTED – 12 June 1996

PLANNING POLICIES AND GUIDANCE:

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

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
 - iv) Impact on highway safety
7. In relation to the points raised in paragraph 6 above:
 - i) Principle of development
The application site is located within the defined village boundary of Meliden and consists of an existing, long established leisure facility. Planning Policy allows for the improvement of such facilities subject to the proposal satisfying criteria on traffic, parking, amenity and environmental issues. Such issues are outlined below, however, it is considered that the principle of

improving/refurbishing this existing facility is acceptable.

ii) Visual amenity

The building, in its current state, does not enhance the character or appearance of the adjacent Conservation Area. Its flat and pitched roof design looks dated and would benefit from refurbishment. The scheme utilises symmetrical design and sympathetic detailing which would fit more readily into its more historic surroundings. The front elevation would provide a focal point to the village centre and serve to enhance views in and out of the Conservation Area. It is not considered, therefore, the proposal would have any significant detriment to visual amenity.

iii) Residential amenity

The existing distances between the application building and nearby residential dwellings would not significantly alter. Clearly the raising of the roof height to the front elevation will be noticeable to properties in the vicinity of the site. It is considered, however, that having regard to the 35m distance between the building and dwellings on Ffordd Talargoch and the orientation and topography of dwellings/sites on Ffordd Penrhwyfya and Ffordd Bryn Melyd this revised ridge height would not have any significant impact on nearby residential amenity. The visual benefit of the refurbishments on the village would outweighs any concerns raised as to the height of the building.

iv) Highway safety

The proposal involves the expansion of this facility by some 280sq.m having been reduced from an original proposal of some 473sq.m. The expansion would not involve an enlargement of the membership of this local facility per se and the estimated peak hourly traffic flow remains unchanged from the existing. The site benefits from the use of the adjacent public car park and whilst the Highway Engineers advise caution to any further developments which could increase traffic flow, this refurbishment proposal would not cause any significant highway concerns. It is acknowledged that the public car park and adjacent road does get busy at peak times, however, the current proposal would not warrant refusal of this application on grounds of parking concerns.

SUMMARY AND CONCLUSIONS:

8. The refurbishment proposal would improve the appearance of the village centre without significantly impacting upon existing parking arrangements.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roof(s) of the development hereby permitted and no materials other than those approved shall be used.
3. Prior to the commencement of the development hereby permitted details of the precise colour finish for the fenestration on the building shall be submitted to and approved 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 visual amenity.

NOTES TO APPLICANT: None

ITEM NO: 3

WARD NO: Prestatyn Meliden

APPLICATION NO: 43/2005/1489/ PS

PROPOSAL: Variation of condition no. 8 of planning permission code no. 43/2000/0875/PO relating to stopping up or closure of Cefn Y Gwrych, to require the approval of the local planning authority to arrangements to prevent vehicle access to the section of Cefn Y Gwrych east of the proposed new estate road

LOCATION: Land Adjoining Brookdale Cefn Y Gwrych Prestatyn

APPLICANT: Aria Developments Ltd.

CONSTRAINTS: Wildlife Site
Tree Preservation Order
Previous Mining Area
Conservation Area
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"Objection" (no reason given)
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection subject to making it physically difficult to turn in and out of estate road into Cefn y Gwrych; progression of traffic order to prevent these movements; and bond to facilitate traffic order if necessary.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Mrs. Janet Lloyd, 27, Cefn y Gwrych, Meliden, Prestatyn
2. Alan Roantree, Rose Cottage, 29, Cefn y Gwrych, Meliden
3. Carl Paulus, 2, Gwynfron Cottages, Cefn y Gwrych, Prestatyn
4. Ms J R Currie, 25 Cefn y Gwrych, Meliden
5. David Mackenzie, Mackenzie Solicitors, 5 Belgrave Road, Chester

Summary of planning based representations:-

- i) Increased traffic onto inadequate highway network of Cefn y Gwrych.
- ii) Increased dangers to pedestrians including children.
- iii) Increased dangers to other highway users .
- iv) No definitive proposal offered by applicant.
- v) Cefn y Gwrych is for some reason not closed then development would lead to additional traffic on narrow inadequate lanes with impact on amenity.
- vi) Seeks to reverse decision made by Inspector on appeal.

- vii) Failure of applicant to undertake statutory procedures is not a reason for varying the terms of condition 8.
- viii) Applicant has offered no evidence to support change in circumstances.
- ix) Traffic conditions have worsened since 1997 and 2000.
- x) Need to retain access to parking area at end of cottages.

EXPIRY DATE OF APPLICATION: 14/02/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This is an application to vary condition no. 8 on an outline planning permission granted in November 2000. The condition currently reads as follows:
"No development pursuant to the permission hereby granted shall take place until Cefn y Gwrych has been stopped up as indicated on Drawing No. 96/270/104A; or until the use of Cefn y Gwrych by through vehicular traffic has been prevented in accordance with the scheme submitted to and approved in writing by the Local Planning Authority, save in so far as such development is necessary to secure the stopping up or closure to through vehicular traffic. The scheme shall include for a footpath and emergency vehicle link"
2. The applicant seeks to vary the condition to read as follows:
"Vehicular access to and from the proposed new estate road to the section of Cefn y Gwrych east of the proposed new estate road, will be prevented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any of the dwellings."
3. In support of the application, the applicant has indicated that the proposal to be submitted under the proposed variation of condition would include the following:
 - i) Building out of the new estate road to make it physically difficult for vehicles to access Cefn y Gwrych turning left out of the housing development and vice versa.
 - ii) Progression of a traffic order to prevent vehicles turning left out of the new estate road and right into the site together with appropriate signage.
 - iii) Provision of a bond to the Council to allow progression of a traffic order in due course to implement a future closure of Cefn y Gwrych, to through traffic, should this be considered necessary after a two year period of monitoring.
4. The planning history of the site requires explanation. An outline application for residential development submitted in 1994 was dismissed on appeal in September 1995 as the Inspector considered that the proposals would increase traffic on Cefn y Gwrych to the east of the site, which is considered unsuitable for further traffic. A further outline application for the erection of 18 dwellings was submitted in 1996 and following refusal by the Council (against Officer recommendation), was allowed on appeal in November 1997. Costs were awarded against the Council. The Inspector was satisfied that the development was acceptable subject to the imposition to a number of conditions including a Grampian style condition similar in wording to the condition subject to this application. The outline permission was renewed in November 2000 and reserved matters approved in January 2004. The developer undertook operations at the end of January 2006 which have had the effect of keeping the planning permission alive as the operations constitute a legal

commencement of the development.

5. Councillor Rhiannon Hughes has requested Committee decision due to highway safety concerns of the residents.

RELEVANT PLANNING HISTORY:

6. 2/PRE/366/94 – Residential development (Outline) – Dismissed on appeal 21 September 1995

43/13/96/PO – Development of land by erection of 18 dwellings (Outline) – REFUSED 12 June 1996 – Allowed on appeal 4 November 1997

43/2000/0875/PO - Renewal of application 43/13/96/PO – GRANTED 3 November 2000

43/2000/1228/PR – Details of design and external appearance of 18 no. dwellings and landscaping (Reserved Matters) – APPROVED 29 January 2004

43/2005/1488/PS - Variation of condition no. 3 on planning permission 43/2000/0875/PO to allow for commencement to development before expiration of 4 years from date of approval of last of reserved matters. – APPLICATION PENDING

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 – Development Control Considerations
Policy TRA 6 – Impact of New Developments on Traffic Flows

GOVERNMENT GUIDANCE
Planning Policy (Wales) March 2003
TAN (Wales) 18 - Transport

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Impact of proposed variation on highway safety.
 - ii) Impact of proposed variation on amenity.
 - iii) Any change in circumstances since the previous planning permission and imposition of condition.
9. In relation to the main considerations in paragraph 7;
 - i) Highway safety
In imposing the condition at appeal, the Inspector considered that a negatively worded condition such as condition no. 8 is necessary to ensure that the development would not lead to an unacceptable increase in highway danger given Cefn y Gwrych's width, unsurfaced nature, alignment, and limited visibility at junctions with Isfryn Road and Ffordd Penrhwylyfa. Several times in the decision letter he refers to the need to prevent use of Cefn y Gwrych to the east of the application site through closure. The highway circumstances in existence in 1997 and 2000 still remain.

Whilst the applicants have indicated measures to make it difficult for vehicles leaving the new development to access via Cefn y Gwrych to the east, the proposals indicated in paragraph 3 do not prevent such use. Nor would they prevent other traffic continuing to use this stretch of highway as a through route. It is accepted that the Head of Transport and Infrastructure has no

objection to the variation subject to specified safeguards. However, in this instance, the previous appeal decision and justification of the Inspector is considered to override the views of the Highway Authority.

- ii) Residential amenity
Impact on residential amenity was not a specific issue addressed by the Inspector in the appeal decision. However, reference was made to the fact that the closure would introduce inconvenience for those existing residents who rely on access to Cefn y Gwrych as an alternative to using Maes Meurig, particularly in winter conditions. However, the Inspector did not consider this to be an overriding objection. In addition, the closure of Cefn y Gwrych would significantly reduce traffic movements immediately adjacent to the terraced cottages in Cefn y Gwrych, which would have a positive impact on residential amenity.
- iii) Change in circumstances
The applicant has not indicated any material change in circumstances since the imposition of condition 8. It is argued that the variation of the condition and the suggested proposals would make it physically difficult to turn out of and into the new development from Cefn y Gwrych. However, this in itself is not considered sufficient to justify varying the condition and there are no other changes in material circumstances of which the Council are aware. Those residents who have made representations on this application object to the application proposed. In general it is likely that traffic movements in the area and on the surrounding road network have increased, thus reinforcing the need for the condition.

SUMMARY AND CONCLUSIONS:

10. There has been no material change in circumstances since the 2000 permission and the earlier appeal decision, therefore the condition is still considered necessary as originally worded in the interests of highway safety.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The proposed variation of condition 8 would not facilitate the prevention of the use of Cefn y Gwrych by vehicular traffic through its closure, and thus there would be a likelihood of additional traffic using Cefn y Gwrych to the east of the site. The stretch of Cefn y Gwrych, between the site and Ffordd Penrhwylyfa, would not be capable of accommodating additional traffic due to its width, alignment, and limited visibility at the junctions with Isfryn Road and Ffordd Penrhwylyfa. The proposal would therefore be contrary to criteria (vii) of Policy GEN 6 and Policy TRA 6 of the Denbighshire Unitary Development Plan and guidance within Planning Policy Wales and TAN 18 - Transport.

NOTES TO APPLICANT:

None

ITEM NO: 4

WARD NO: Prestatyn East

APPLICATION NO: 43/2005/1524/ PF

PROPOSAL: Amended details of dwellings on Plots 3 and 4 to permit the erection of dormer bungalows in place of bungalows

LOCATION: Land At 72 Gronant Road Prestatyn

APPLICANT: Michael R Garnett Construction Ltd

CONSTRAINTS: Previous Mining Area
Mid Nant Aquifer zone
Article 4 Direction

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

CONSULTATION RESPONSES:

4. PRESTATYN TOWN COUNCIL
"Object, design should be in keeping with original plans"
5. HEAD OF TRANSPORT & INFRASTRUCTURE
No response received

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 16/02/2006**REASONS FOR DELAY IN DECISION:**

- timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is located on the south side of Gronant Road some 25m east of its junction with Norman Drive. The plot of 0.49ha currently accommodates a two storey detached dwelling and is located within the defined settlement limit of Prestatyn. The site has a road frontage of approx. 33m to Gronant Road and extends back in a southerly direction some 140m to meet the end points of both Tudor Avenue and Parc Aberconwy.
2. To the east of the site is the property of 74 Gronant Road where there is an unimplemented planning permission for 7 no. detached dwellings. To the west of the site fronting Norman Drive are detached single storey dwellings, some with dormer window features.
3. Outline planning permission was granted on the land at 72 Gronant Road for 7 no. detached dwellings in August 2002. The reserved matters application dealing with

siting, design, external appearance and landscaping was approved in November 2005. The plans as approved show an access off Gronant Road for plots 1 and 2 which are detached 2 storey properties, and an access off Tudor Avenue for plots 3 – 7 which are detached bungalows.

4. The current application is for a variation of the detailing on plots 3 and 4, to permit the introduction of dormer windows into the roof spaces of the bungalows. A condition was imposed on the outline consent restricting plots 3 – 7 to single storey dwellings. It is proposed to insert 2 no. dormer windows to the front elevation of both plots. All other details are as approved previously.

RELEVANT PLANNING HISTORY:

5. 43/2002/0127/PO Development of 0.40ha of land by demolition of existing dwelling and erection of 7 no. dwellings and construction of new vehicular accesses to Gronant Road and Tudor Avenue (outline application) GRANTED 23rd May, 2002.

A condition was imposed on the above outline planning permission restricting the dwellings at plots 3 – 7 to single storey dwellings. The reason for the condition was in the interests of the residential and visual amenities of the area.

43/2005/0538/PR Details of siting, design, external appearance and landscaping submitted in accordance with condition no. 1 of planning permission ref 43/2002/0127/PO for development of land by demolition of dwelling and erection of 7 no. dwellings GRANTED 30th November, 2005

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 Development Boundaries
Policy GEN 6 Development Control Requirements
Policy HSG 2 Housing Development in Main Centres
Policy ENV 7 Landscape/Woodland Features

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on residential amenity
 - ii) Impact on visual amenity
8. In relation to the main planning considerations:
 - i) Impact on residential amenity
The dwellings located on Norman Drive are located at a slightly lower ground level with rear gardens approx. 20m in length. The side elevation of Plot 3 faces the rear of the dwellings on Norman Drive with the front elevation and proposed dormers facing into the development site and the highway serving the development. Plot 4 is orientated away from the dwellings on Norman Drive, and if measured at the closest corner to the site boundary, would be at a distance of approx. 19m. It is not considered that the proposed dormer features would result in any loss of amenity for existing residents or future occupiers of the other dwellings within this development or those approved to the rear at 74 Gronant Road.
 - ii) Impact on visual amenity
The size, scale and design of the proposed dormers are considered acceptable and in keeping with the character and appearance of the surrounding area. There would be no detrimental impact on the visual

amenities of the area.

SUMMARY AND CONCLUSIONS:

9. There would be no adverse impact on residential or visual amenity

RECOMMENDATION: - GRANT subject to the following conditions:-

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

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.

NOTES TO APPLICANT:

None

ITEM NO: 5

WARD NO: Prestatyn Central

APPLICATION NO: 43/2005/1534/ PF

PROPOSAL: Formation of all-weather football pitch with 4 No. 10m high lighting columns, 1.8m high palisade fencing and construction of new pedestrian access

LOCATION: Prestatyn Youth Centre Dawson Drive Prestatyn

APPLICANT: Denbighshire County Council Cultural And Leisure, Lifelong Learning

CONSTRAINTS: C1 Flood Zone
Wildlife Site
Tidal Floodplain
250m Of Landfill Site
Article 4 Direction

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

CONSULTATION RESPONSES:

1. PRESTATYN TOWN COUNCIL
"No objection"
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection, but recognises that this area can get very busy with vehicles at peak times and any further development would need to be carefully assessed.
3. ENVIRONMENT AGENCY
The application site is within a C1 flood zone, however, the agency does not consider the submission of an FCA to be beneficial and has no objection in principle.
4. HEALTH AND PRIVATE SECTOR HOUSING MANAGER
No objection but raises concerns about the impact of the facility in terms of noise, lighting and residential amenity.

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr. & Mrs. Grosvenor & Mr.& Mrs. Humphreys, 34 Dawson Drive, Prestatyn
2. Ms Debra Leech, 19 Clos Meithrin, Prestatyn
3. Sue Kennaugh- Open Communities, Brunswick Business Park, Liverpool
4. Denise Roebuck - Fronfraith, Russel House, Rhyl
5. G Hughes-Roberts - Highlands, 3 Linden Drive, Prestatyn
6. Mr R Barnes - 14 Tywyn Ganol, Pen Tywyn, Prestatyn
7. Ty Newydd Action Group- 110 Ffordd Tynewydd, Meliden

Summary of planning based representations:

In objection (2 letters):

- i) Location of development is wrong
- ii) Concerns over parking, traffic and highways issues

- iii) Fear of crime with an increase in youths hanging around the site.

In support (5 letters):

- i) Community benefit
- ii) Highways concerns not an issue as most of those using the site will arrive on foot

EXPIRY DATE OF APPLICATION: 01/03/2006

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is within the development boundary of Prestatyn and is located at the far end of the playing field forming part of the youth centre on Dawson Drive, past Ysgol Penmorfa primary school. There are residential properties on the opposite side of the road, mainly semi detached two storey dwellings. Two footpaths are located off the end of Dawson Drive, with one running along the rear boundary of the application site. High trees are also located along this site boundary with a 1.8m high steel palisade fence.
2. This current application is for the development of a SCANSIS mini pitch in the grounds of the Youth Centre. The mini pitch would be 23m in length and 13.4m in width. A timber fence is proposed to surround the structure with a maximum height behind the goal areas of 3m. A 2m wide footpath is proposed surrounding the mini pitch and four lighting columns of 10m in height are proposed in each corner.

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 REC4 – Recreation facilities within development boundaries

MAIN PLANNING CONSIDERATIONS:

5.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Highways issues
6. In relation to the main planning considerations as noted above:
 - i) Principle of development
The site is within the development boundary of Prestatyn, and the scheme would be in accord with policy GEN1 of the Denbighshire Unitary Development Plan. Policy REC4 specifically relates to the development of recreation facilities within the development boundary and states that proposals for new and improved recreational facilities within the development boundaries will be permitted subject to traffic, parking, amenity and environmental impacts being acceptable.
 - ii) Impact on visual amenity
The size, scale and design of the proposed development is considered to be acceptable and the materials to be used will not detract from visual amenity. Existing screening exists to the north east boundary of the application site

which will screen the structure from the footpath. Railings surrounding the existing playing field will remain. The proposal is considered to be acceptable in relation to policy GEN6.

iii) Impact on residential amenity

Residential dwellings are located along one side of Dawson Drive and the main concerns highlighted from occupiers are in relation to highways and parking issues, along with a fear of crime and disturbance from youths in the vicinity. It is predicted that the main use of the site will be by youngsters who will not have the ability to be able to arrive on the site via vehicles, therefore it is unlikely that there will be any increase in the number of vehicles on the street. Whilst fear of crime and disturbance is a material planning consideration. A need to consider the community benefit from allowing such a development in this location, which has the advantage of being on a main pedestrian route from the school and youth centre which exists along Dawson Drive. If permission is to be considered it would however be necessary to control hours of use to protect the amenities of occupiers of nearby properties.

iv) Highways issues

As stated it is estimated that the traffic flow as a result of the development will be minimal as the majority of the population using the mini pitch will be arriving via foot and not by car.

SUMMARY AND CONCLUSIONS:

7. The application is for the erection of a SCANSIS mini pitch on land associated with the existing Youth Club on Dawson Drive, Prestatyn. The principal of development and the impact on the area are considered to be acceptable in relation to planning policies GEN1, GEN6 and REC4 of the Denbighshire Unitary development Plan.

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 premises and associated lighting shall only be open to the public between the hours of 0900 - 2130 on any day.
3. In relation to the floodlights on the SCANSIS mini pitch:
 - a) None of the lights shall be permitted to operate outside the hours of 0900 and 2130 on any day.
 - b) The luminance and detailing of the lighting shall at all times generate in compliance with the limitations of an ES Environmental Zone for small town centres or urban locations as specified in the Institute of Lighting Engineers Guidance Notes for the reduction of light pollution or the restrictions of any equivalent zone of future amended guidance.
 - c) The lighting columns shall be finished and thereafter maintained in a colour to be agreed in writing by the Local Planning Authority prior to their installation.

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 safeguarding residential amenity.
3. In the interests of safeguarding residential amenity.

NOTES TO APPLICANT:

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

ITEM NO: 6

WARD NO: St Asaph West

APPLICATION NO: 46/2005/0918/ PO

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

LOCATION: Former Pilkington Playing Fields Glascoed Road St. Asaph

APPLICANT: K & C Developments Ltd.

CONSTRAINTS: Public Footpath / Bridleway
HSE Consultation zone

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

CONSULTATION RESPONSES:

1. ST ASAPH TOWN COUNCIL
"Object – the land forms an open space break at the end of the industrial development – it would intrude further into the natural landscape of the area and could have an adverse affect upon the habitat of wildlife. The proposed development would also add even more traffic to an already busy road near to a junction."
2. CEFN MEIRIADOG COMMUNITY COUNCIL
"We would like the land to be developed as a recreational area to the St Asaph Business Park and the local community of Cefn Meiriadog."
3. BODELWYDDAN TOWN COUNCIL
No reply.
4. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objections to access road from St Asaph Business Park.
5. FOOTPATHS OFFICER
The vehicular access crosses a bridle way and written consent will be required. May be need for temporary closure.
6. COUNTRYSIDE COUNCIL FOR WALES
Ecological survey satisfactory but condition required to ensure appropriate mitigation and compensation.
7. LANDSCAPE ARCHITECT
No objection to proposed use. Concerned that access will lead to loss of mature oak trees to western boundary.
8. PRINCIPAL COUNTRYSIDE OFFICER
New access road will lead to loss of trees and understorey on bridle path and there may be an impact on protected species from the severing of the bridle path. Note presence of badgers and Great Crested Newts in the area.

9. WELSH WATER
No objection subject to conditions.
10. HEALTH AND SAFETY EXECUTIVE
Does not advise, on safety grounds, against granting of planning permission.
11. HEAD OF DEVELOPMENT SERVICES
No reply.
12. WELSH DEVELOPMENT AGENCY
No reply

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 05/10/2005

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Outline planning permission is sought for the development of 3.9 ha of land for offices and light industrial use (Class B1 Business Use). The rectangular site was previously used as Pilkington Sports Ground but has not been used for recreational use for several years. It is a predominantly grassed site which slopes gently down from south to north and contains a number of scattered trees. The site boundaries are formed by hedgerows of different species including trees. A derelict pavilion with changing rooms lies towards the south eastern end of the site. The site also includes a narrow 12 metre wide rectangle to the western side linking with an existing industrial estate road off the main St Asaph Business Park spine road.
2. The St Asaph Business Park lies to the west of the application site with a car park and Pilkington Special Glass Factory lying to the east. To the south, on the opposite side of Glascoed Road the B5381, lies a further part of the Business Park and the Thales Factory. Immediately adjacent to the western boundary runs a hedge and tree lined bridleway. To the north lies open grassland allocated in the UDP for employment use (Greengates Farm).
3. The application is outline with all matters reserved for further approval apart from the means of access as described above. The application has been accompanied by a Planning Statement and more recently by a Phase 1 Habitat Survey. The Planning Statement concludes development of the site for employment use is an appropriate use and that the loss of the former playing fields should be considered in the context that the site is private ownership and is not publicly available. It is not readily accessible for the local community and has not been actively used for recreation for several years. Development for high quality B1 Business Use would facilitate public access and provision of some open space and landscaping. Recently, the applicants have been in discussion with local community councils with a view to the possibility of providing funding for recreation projects in the area and have made a commuted sum offer of £50000 towards projects in St Asaph and Cefn Meriadog..

RELEVANT PLANNING HISTORY:

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

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Strategic Policies 1, 5, 6, 7, 8, 13 and 16
Policy GEN 1 – Development Within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy GEN 8 – Planning Obligations
Policy ENV 1 – Protection of the Natural Environment
Policy ENV 6 – Species Protection
Policy ENV 7 – Landscape/Townscape Features
Policy EMP 2 – Main Employment Areas
Policy EMP 3 – St Asaph Business Park
Policy REC 1 – Protection of Existing Open Space
Policy TRA 6 – Impact of new development on traffic flows
Policy TRA 8 – Transport Requirements in Major Developments
Policy TRA 9 – Parking and Servicing Provision
Policy TRA 10 – Public Rights of Way
Supplementary Planning Guidance Notes No's 2, 6, 18 and 21

GOVERNMENT GUIDANCE

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

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of B1 employment use taking into account in particular Policy REC 1 (Protection of existing open space)
 - ii) Impact on protected species
 - iii) Transportation and highway issues
 - iv) Impact on bridleway/footpath
 - v) Design and landscaping

7. In relation to the main planning considerations in paragraph 6:

- i) Principle of the development
The development would lead to the loss of open space protected by Policy REC 1. Thus the proposal on the face of it represents a departure from the development plan. Policy REC 1 states that the loss of such open space will only be permitted where, inter alia, alternative provision of equivalent community recreational benefit is made available and there would be an overall community gain from the development.

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

- a) The open space is in private ownership and has not been used for several years. Since the use ceased, no public or private body has come forward with proposals for recreational use.
- b) The site, notwithstanding the REC 1 protection, lies within the largest main employment area in the County and is surrounded by existing and proposed employment uses.
- c) St Asaph Business Park is now almost fully developed and there appears to be a strong case for bringing forward further employment land in the short term, particularly given recent user interest. Whilst,

the land to the north of the application site is allocated for employment use there appear to be significant constraints in bringing this forward in the short term.

- d) There would be community gain from employment development and given the facts set out in (a) above there would be no unacceptable affect on local open space provision or the amenity and character of the area.
- e) The applicants have offered to make a financial contribution to allow alternative provision of equivalent community recreational benefit to be made available in the area.

Taking into account the above it is considered that the principle of the development and the loss of the open space protected by the Policy RET 1 would be acceptable subject to the Council being satisfied that the commuted sum offered by the applicants to ensure alternative provision of equivalent community recreational benefit is made available is sufficient. At the time of writing this report, discussions were still on-going with the applicants and local Community Councils as to offer of £50000 and the type of projects that could be funded to meet this criteria. Members will be updated at the meeting.

ii) Protected Species

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

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

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

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

iii) Transportation and highway considerations

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

The vehicular access to the site via the Business Park estate roads is considered acceptable in relation to highway safety and would also allow the

provision of a cycleway and a footpath access into the site. Highways officers are satisfied with these arrangements. The existing highway network can accommodate the additional development proposed. Parking and servicing provision will be the subject of reserved matters approval. The proposals would therefore satisfy Policies TRA 6 and TRA 9 of the UDP and TAN 18.

iv) Impact on Bridleway/Footpath

The proposed access would sever the bridleway which runs along the western boundary of the site. However, given that it would be difficult to form a safe access from Glascoed Road, this is the only feasible point of vehicle access into the site. A condition can be imposed to require an appropriate crossing point for the bridleway across the access road. Given the circumstances, the impact on the bridleway is not considered to be significant and Policy TRA 10 of the UDP will be satisfied.

v) Design and Landscaping

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

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

vi) Drainage and Infrastructure

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

PLANNING OBLIGATION

8. It is considered that the principle of the development is acceptable subject to the entering into of an obligation under Section 106 of the Town and Country Planning Act 1990 to ensure the payment of a commuted sum to provide alternative recreational provision of equivalent community benefit. By the time of the meeting, it is anticipated that further information will be available for Members as an indication of whether the sum of £50000 is considered sufficient and the projects that could benefit. The recommendation is subject to officers and Members being satisfied in these respects.

SUMMARY AND CONCLUSIONS:

9. It is recommended that the principle of the proposals should be supported subject to the comments in paragraph 8 above. Protected species, transportation and highway, design and landscaping, and infrastructure impacts are acceptable taking into account the recommended conditions set out below. The recommendation is subject to the applicants first entering into an obligation under Section 106 of the Town and Country Planning Act.

RECOMMENDATION: GRANT- subject to the following conditions:-

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

Planning Authority. The approved scheme shall be implemented and be available for use prior to the access road being used.

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

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

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

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

NOTES TO APPLICANT:

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

The developer must ensure that:

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

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

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

ITEM NO:	7
WARD NO:	Tremeirchion
APPLICATION NO:	47/2005/1554/ PC
PROPOSAL:	Retention of industrial storage building forming extension to existing workshop (retrospective application)
LOCATION:	Llwyn Derw Holywell Road Rhualt St. Asaph
APPLICANT:	The Fifth Wheel Co. Limited
CONSTRAINTS:	CLB-Class B Road
PUBLICITY UNDERTAKEN:	Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

13. TREMEIRCHION CWM & WAEN COMMUNITY COUNCIL

“Objection in line with your Denbighshire Unitary Development Plan, Policy EMP5 – Small Scale employment outside development boundaries – the application does not comply with your stated provisions in the following instances:

- i) The scale and nature of the proposal is not compatible with the surrounding land uses and the character of the area.
- ii) The proposed use is not in confined to the existing building and the external operations and storage within the curtilage of the site is detrimental to the local landscape and the environment.

Further, we should like to add that:

- i) This application is in total view of an AONB – the various colours of the tin sheeting roof and size of building have a serious impact on the viewer.
- ii) This application is not compatible with the small village, it is more comparable with an industrial park.
- iii) Should planning and public protection services be mindful to grant permission to this application, then the application should stipulate that the roof be of a uniform colour and compatible with AONB regulations”

2. HEAD OF TRANSPORT AND INFRASTRUCTURE
Awaiting response3. HEAD OF PUBLIC PROTECTION AND REGULATORY SERVICES
Awaiting response**RESPONSE TO PUBLICITY:**

Letters of representations received from the following:

1. P. Feeney, Hendre Sian, Cwm Road, Rhualt
2. E & DEB George, Gorwel, Cwm Road, Rhualt
3. R W Sales & L Ellis, Hillside, Bridgemere, Rhualt
4. I & J Hansford, Min y Nant, Rhualt
5. Mr D.J Gormley - Brynllithrig Stables, Rhualt

Summary of planning based representations:

- i) The site is outside the development boundary and therefore any development is not acceptable
- ii) The building is clearly visible from the adjacent AONB
- iii) Industrial use of the site is unacceptable in this location

EXPIRY DATE OF APPLICATION: 06/03/2006

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is in a rural location, outside the AONB. It is located off the A55, close to the main B5429 leading to Rhualt. Access on to the site is via a single entrance which leads on to a yard area where vehicles can park and turn.
2. There is a detached dwelling on the site along with numerous outbuildings in connection with the business carried out on the site. A car parking area is also located to the rear side of the reception building.
3. The use of the site is for the manufacture of motorhomes (use class B1). This use was established under a previous planning permission for the change of use of outbuildings to class B1 use and conversion of barn to form 2 no. dwellings.
4. This application is for the retention of an industrial building used in connection with the existing use of the site. It is located to the side of an existing industrial unit and mirrors the existing in terms of design. The building has a pitched roof with a maximum height of 7m, and a floor area of 330m² (30m in length and 11m in width). A metal roller shutter type door is located to the front and rear of the building. The application building is currently blue and white in colour, with the existing ones having been painted a dark green colour. It is proposed to paint the building the same colour as those existing on the site. It is proposed to grass an existing earth mound over to screen the building from the view towards the application site from the east.

RELEVANT PLANNING HISTORY:

5. Application number 47/2005/0988/PF – Change of use of outbuilding to class B1 use and conversion of barn to form 2 no dwellings. Granted with conditions on the 22nd January 2005.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
 - Policy GEN6 – Development control requirements
 - Policy ENV2 – Development affecting the AONB
 - Policy EMP11 – Expansion/ intensification of existing employment sites/ premises

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Impact on visual amenity
 - iii) Impact on residential amenity
 - iv) Impact on AONB
 - v) Highway issues
8. In relation to the main planning considerations as noted in paragraph 7:

- i) Principle of development
Policy EMP11 relates to the expansion and intensification of existing employment sites and explains that the intensification of such sites will be permitted provided that the proposal does not result in the overdevelopment of the site to the detriment of amenity, the environment and the highway network, the proposal does not involve a nonconforming use that can not be overcome by mitigation measures, that boundaries formed are logical, defensible and comprise of suitable landscaping measures and that the development is physically related to the existing built up areas. With regard to the policy, it is considered that the principle of retaining the building is considered to be acceptable.
- ii) Visual amenity
The size, scale and design of the building is considered to be acceptable in relation to the visual amenity of the site. The design and materials of the building matches that of the existing buildings on the site and it is considered that the earth mound to the east elevation of the building will help to screen the development from the vantage point of the AONB. Additional landscaping could be implemented to further screen the building and to give the newly extended site boundary a more acceptable appearance in the rural landscape.
- iii) Residential amenity
The impact on residential amenity is considered to be minimal as there are no dwellings in direct sight of the building; therefore it is not considered that a loss of outlook will result
- iv) Impact on AONB
The site is not within the AONB, which is some 700m away from the application site. The land does rise towards the AONB and the building will be visible from some views out of the AONB. However, there is an existing earth mound that partially screens the building from the AONB and additional landscaping could be implemented to further screen the building. The application is considered to be acceptable in relation policy ENV2.
- v) Highways issues
Comments in relation to the impact of the proposal on the highway network have not been received at the time of writing this report. However, there is an existing access in to the site, along with an existing parking and turning area.

SUMMARY AND CONCLUSIONS:

9. The application is to retain an industrial building associated with the existing use of the site in the manufacture of motorhomes. The principle of development is acceptable under policy EMP11 of the Unitary Development Plan. Further landscaping in relation to screening the building can be attached to any grant of planning permission to further screen the building from vantage points in the AONB.

RECOMMENDATION: -GRANT subject to the following conditions:-

1. Within 1 month of the date of this permission the external walls and roof of the building hereby approved shall be painted dark green to match the existing buildings on site
2. Within 1 month of the date of this permission a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority, and such a scheme shall include details of :
 - a) All existing trees, hedgerows and other vegetation on the land, details of any to be

retained and, and measures for their protection in the course of the development

b) Proposed new trees, hedgerows shrubs or vegetation, including confirmation of species, number and location and proposed timing of the planting

c) 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

d) Proposed positions, design, materials and type of boundary treatment

3. All planting comprised in the approved details of landscaping shall be carried out in the current planting and seeding season (i.e. by the end of April 2006) and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

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

1. In the interest of visual amenity.

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.

NOTES TO APPLICANT:

None

ITEM NO: 8
WARD NO: Ruthin
APPLICATION NO: 02/2005/1449/ PF
PROPOSAL: Erection of 4-bedroom house
LOCATION: Land at rear of Tawelfan Bryn Goodman Ruthin
APPLICANT: Mrs M J D Reece
CONSTRAINTS: Tree Preservation Order
250m Of Landfill Site
PUBLICITY UNDERTAKEN: Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

14. RUTHIN TOWN COUNCIL
"No objection"
15. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection
16. ENVIRONMENT AGENCY
No objection. Standard advice applies.
17. WELSH WATER
No objection subject to conditions.
18. PRINCIPAL COUNTRYSIDE OFFICER
No objection

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Jane Jones, Hendre, Greenfield Road, Ruthin
2. Iolo Daffydd, Y Fedwgopog, 10 Maes Hyfryd, Ruthin (x2)
3. Mrs R Howland, Coed Uchel, Bryn Goodman, Ruthin
4. Captain Howland, Coed Uchel, Bryn Goodman, Ruthin

Summary of planning based representations

- i) Concern over size of dwelling
- ii) Concern over impact on trees
- iii) Concerns over loss of privacy

EXPIRY DATE OF APPLICATION: 05/02/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located within the defined settlement limits of Ruthin and consists of garden land sited to the rear (north) of the existing dwelling, Tawelfan. Trewelfan is a large, detached two storey property amongst similar on the north side of Bryn Goodman.
2. Outline planning consent was given in July 2005 for the development of this garden area by the erection of 1 no. detached dwelling. Full planning permission is now sought for the erection of a detached four bedroom dwelling with integral car port. The detached dwelling is shown to be sited some 26m north of the existing dwelling, Tawelfan. Vehicular access to the plot is shown, as on the previously permitted outline scheme, via a new driveway off the existing westerly access point to the existing dwelling. The driveway meanders north avoiding some mature trees along the westerly boundary of the site.
3. The proposed dwelling itself is designed with accommodation on two levels, incorporating a modern flat roofed design with white rendered block walls. Dark graphite aluminium windows with oiled oak doors are proposed to accentuate the modern detailing of the property. The two storey section would be on the east side, with a maximum height of 5.5m dropping down to 3.5m at single storey level to the west. Trees containing preservation orders to the north boundary are to be retained, with other mature trees to the western boundary kept where possible as the driveway is formed.

RELEVANT PLANNING HISTORY:

4. 02/2005/0256/PO - Development of 0.1 ha of land for residential purposes (Outline) – GRANTED 20/7/05

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 1 – Development within Development Boundaries
Policy HSG 2 – Housing Development in Main Centres
Policy GEN 6 – Development Control Requirements
Policy ENV 7 – Landscape/Townscape features.

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity/trees
 - iv) Impact on highway safety
7. In relation to the points raised in paragraph 6 above:
 - i) Principle of development
The site holds a valid outline consent for residential development. The principle, therefore, has been established.
 - ii) Impact on residential amenity
The main neighbour concerns relate to the proximity of the intended driveway

to nearby dwellings and the size of the proposed dwelling in proximity to nearby dwellings. In relation to the driveway the architect has discussed matters with the Principal Countryside Officer prior to this application being submitted, and every effort has been made to align the driveway so as to protect and preserve as many mature trees to the west of the site, and to move the driveway away from the existing dwelling to the west as much as possible. It is considered that this has been achieved and the proximity of the proposed driveway to the side wall of Coed Uchel, given that it will only be servicing 1 no. dwelling, is acceptable in amenity terms. The proposed dwelling, at its closest point, (the car port) would be some 13m from the main rear wall of the dwelling to the north, No. 10 Maes Hyfryd, although, this distance extends to some 23m at the proposed two storey section of the dwelling. Taking into account the presence of existing trees and fencing to this boundary it is not considered the size or siting of the new dwelling would give rise to unacceptable harm to the amenity of No. 10 Maes Hyfryd.

iii) Impact on visual amenity/trees

As described above, as many mature trees and existing landscape features are being retained on this site as possible. The size, scale and design of the dwelling is of modern and innovative detail, and is designed to take account of existing landscape features and the amenity of existing residents.

iv) Impact on highway safety

The proposed dwelling will utilise an existing access point off Bryn Goodman, as approved at outline stage. The design of the new driveway is acceptable to serve the single dwelling, with no detriment to highway safety.

SUMMARY AND CONCLUSIONS:

8. The principle of the development is already established, and the details are 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. 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.

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

NOTES TO APPLICANT: none

ITEM NO: 9

WARD NO: Ruthin

APPLICATION NO: 02/2005/1459/ LB

PROPOSAL: Retention of replacement shop windows using new glazing bars and multi panes (Listed Building application)

LOCATION: 14 Well Street Ruthin

APPLICANT: Mrs Dorothy Jones

CONSTRAINTS: Listed Building
250m Of Landfill Site
Conservation Area

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

CONSULTATION RESPONSES:

1. RUTHIN TOWN COUNCIL
"Object. Fully sympathise, but the works need to be upgraded. Reducing the size of the windows would need to be done sensitively."
2. CONSERVATION ARCHITECT
Object from a Conservation aspect. The joinery form and appearance of frames and glazing bars is unsympathetic to the Grade II Listed Building.
3. CADW
CADW cannot comment at this stage on the unauthorised works. To express views would be pre-empting a possible appeal. Clearly the works do affect the character of the Listed Building.
4. RUTHIN AND DISTRICT ASSOCIATION
Awaiting response.
5. HEAD OF DEVELOPMENT SERVICES
Have some sympathy with the applicant on the grounds of affordability, increasing pressure on retailers in small market towns, the clear vulnerability of the previous type of windows and the retrospective nature of the situation.

RESPONSE TO PUBLICITY:

None.

EXPIRY DATE OF APPLICATION: 14/12/2005

REASON FOR DELAY IN DECISION:

- Awaiting consideration by Committee

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. This application is a resubmission of an application for Listed Building consent, for the retention of replacement windows to a shop front within the designated Ruthin Conservation Area.
2. Members may recall that Listed Building Consent was refused and enforcement action authorised in relation to the replacement windows in June 2003. In April 2004, a Listed Building Enforcement Notice was served on the owner of the property requiring the windows to be removed and replaced with single pane windows by November 2004. This date was extended to 1st March 2005. To date no action has been taken to comply with the notice.
3. This application has been submitted in an attempt to further justify the retention of the replacement windows.
4. The applicant has been advised that in resubmitting an application, it would be essential to provide additional information to support this case for retention. The applicant has submitted a supporting letter explaining how the previous shop front glazing had been vandalized, with police incident numbers quoted in the letter. A letter from an Insurance Broker has also been submitted, and explains that due to the vandalism all Insurers had to exclude cover for the glass, and that attempts to secure alternative cover have been unsuccessful. The applicant stresses, once again, that having to reinstate the windows, as previously instructed, would seriously jeopardise the viability of her business.

RELEVANT PLANNING HISTORY:

5. 02/2003/0285/LB – Retention of replacement windows. Refused due to negative impact on the character and appearance of the Listed Building and Conservation Area – June 2003

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy STRAT 5 – Design
 - Policy STRAT 7 – Environment
 - Policy GEN 6 – Development Control Requirements
 - Policy CON 2 – Extension or alteration to Listed Buildings
 - Policy CON 5 – Development within Conservation Areas

SUPPLEMENTARY PLANNING GUIDANCE

- SPG 12 – Shop fronts
- SPG 13 – Conservation areas
- SPG 14 – Listed Buildings

GOVERNMENT GUIDANCE

- Planning Policy Wales March 2002
- Circular 61/96 – Planning and the Historic Environment

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Impact on the character and appearance of the Listed Buildings
 - ii) Impact on the Conservation Area
8. In relation to the points identified in paragraph 7 above:
 - i) Impact on the character and appearance of the listed buildings
The replacement windows in situ have been assessed by the Conservation Officer and the view remains that the joinery form and appearance of frames

and glazing bars are unsympathetic to the architectural style of the Grade II Listed Building. The proposal is clearly contrary to Development Plan policies which seek to preserve or enhance Listed Buildings, and guidance in Circular 61/96.

ii) Impact on the Conservation Area

The impact of the windows on the Listed Building would obviously have a similar unsympathetic effect on the designated Ruthin Conservation Area. This sets a serious precedent for the further erosion of the character of the Conservation Area, contrary to Policy and guidance.

9. With regard to the applicants supporting information, it is accepted that the covering letter and mention of the policy incident number, difficult insurance situation and possible implications on the viability of the business have to be weighed in relation to the conservation principle of ensuring historically accurate and sympathetic windows are retained within a Listed Building. However, to allow the retention of the windows would be sending the wrong message to other property owners who have Listed Buildings within Conservation Areas and who have undertaken alterations sympathetic to the principles outlined. Policies and guidance are clear on the issue of preserving the character and appearance of such buildings, and whilst the personal circumstances of the applicant are acknowledged and understood they cannot warrant a deviation from recognised conservation principles.

SUMMARY AND CONCLUSIONS:

10. The proposed retention of the unsympathetic windows is considered contrary to the policies of the UDP, Supplementary Guidance and Government Guidance which seek to safeguard Listed Buildings and Conservation Areas from development which would detract from their character.
11. Should Members agree with this recommendation, they are reminded that an Enforcement Notice remains in place and the Council would need to proceed with prosecution and/or take direct action to reinstate the original windows. Should Members resolve to recommend grant of Listed Building Consent, in accordance with normal practice, the paperwork would be referred to CADW to confirm whether the County Council can proceed to determine the application.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The proposal is considered contrary to Policies STRAT 5, STRAT 7, GEN 6, CON 2 and CON 5 of the adopted Denbighshire Unitary Development Plan, Council Guidance as contained in Supplementary Planning Guidance Note 12 : Shop Fronts, Supplementary Planning Guidance Note 13 - Conservation Areas; Supplementary Planning Guidance Note 14 : Listed Buildings; Welsh Office Circular 61/96 and Government Advice as contained in Planning Policy Wales March 2002, which seek to safeguard listed buildings and Conservation Areas from development which would detract from their character, insofar as the design choice is inappropriately detailed in joinery design and therefore unsympathetic to the design, scale and proportion of the existing character of the listed building, and the designated Ruthin Conservation Area and is detrimental to the character and appearance of the listed building and Conservation Area.

NOTES TO APPLICANT:

None

ITEM NO: 10

WARD NO: Llangollen

APPLICATION NO: 03/2005/1494/ PS

PROPOSAL: Variation of Condition No. 2 on planning permission Ref. No. 03/11664 to allow hours of opening to read 1730-0100 hours Mondays-Sundays inclusive

LOCATION: Shylet Indian Restaurant 36 Regent Street Llangollen

APPLICANT: Mr M S Chowdhury

CONSTRAINTS: Within 67m Of Trunk Road
C2 Flood Zone
250m Of Landfill Site
Conservation Area

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

CONSULTATION RESPONSES:

1. LLANGOLLEN TOWN COUNCIL
No response received.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
"No objection".
3. LLANGOLLEN CIVIC SOCIETY
Considers the proposed extended hours to be excessive and opposes the application. However we feel that it is more a matter for the residents in the locality to raise more comprehensive objections."

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Cymdeithas Tai Clwyd, 54 Stryd y Dyffryn, Dinbych

Summary of planning based representations:

- i) Concern over parking (in particular, restaurant customers parking in the spaces reserved for Tai Clwyd tenants in the neighbouring flats).
- ii) Concern over impact on residential amenity through increased rubbish in rear yard of the restaurant.

EXPIRY DATE OF APPLICATION: 07/02/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

**PLANNING ASSESSMENT:
THE PROPOSAL:**

1. The proposal relates to a long established restaurant in Llangollen. The applicant is seeking to extend the opening times of the restaurant from 1730 – 2300 to 1730 – 0100, Monday to Sunday inclusive.
2. The current hours of opening were established in 1991 under planning permission 03/11664.
3. The restaurant has a premises licence which (if not for the planning condition) would allow the restaurant to remain open till 01.30 hrs Sunday to Thursday and 02.30hrs on Fridays and Saturdays.

RELEVANT PLANNING HISTORY:

4. 3/11664 – Conversion of offices to restaurant – GRANTED 15/2/91

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 CON 5 – Development Within Conservation Areas

GOVERNMENT GUIDANCE:

Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of development
 - ii) Impact upon conservation area
 - iii) Impact on amenity of neighbouring residents
7. With regard to the above considerations in paragraph 5 above:
 - i) Principle of development
The principle of development is already established through the existing use of the premises as a restaurant. Further, the hours of operating as permitted by Denbighshire County Council Licensing Committee support the principle of extending the opening hours.
 - ii) Impact on the Conservation Area
It is considered that an extension of the opening hours would not impact negatively upon the built environment of the conservation area through the reasoning that the restaurant is already in operation. Consequently, this application would not contravene Policy CON 5.
 - iii) Impact on amenity
The issue of restaurant customers parking upon the private parking area which services the neighbouring flats is a matter outside of planning context. It is considered overall that the effect on residential amenity of the neighbouring dwellings would not be compounded as a result of this proposal.

There has been concern from the objectors that this proposal would result in further untidy land to the rear of the premises. It is considered however that this would not be the case as the use of the premises would not increase significantly. Further, it is considered that the existing untidy land is a separate matter which can be dealt with through enforcement action, and does not carry any material weight in determining this application.

SUMMARY AND CONCLUSIONS:

8. In the light of the existing Premises Licence and the likely impact of the changes, this application is recommended for approval.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. The restaurant shall only be open for the intake of customers between the hours of 1730 and 0100 on the following day.

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

1. In the interests of the amenity of nearby occupiers.

NOTES TO APPLICANT:

None

ITEM NO: 11

WARD NO: Llandrillo

APPLICATION NO: 07/2005/0777/ PC

PROPOSAL: Retention of weighbridge, lean-to extension to main timber processing building and structures to house peeler plant and cutter plant (retrospective application)

LOCATION: Corwen Forestry Timber Products Llandrillo Corwen

APPLICANT: Corwen Forestry Timber Products Ltd

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDRILLO COMMUNITY COUNCIL
No response received.
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection.
3. PUBLIC PROTECTION – POLLUTION CONTROL OFFICER
No objections subject to controls on hard surfacing around the weighbridge, and panelling of lean to extension. Peeler and pack cutter plant are effectively blocked from noise sensitive premises. Noise emissions from this plant are unlikely to be significantly above existing noise levels. Opportunity should be taken to regularise hours for whole site.
4. ENVIRONMENT AGENCY WALES
No objection.
5. PRINCIPAL COUNTRYSIDE OFFICER
Does not consider trees to be under threat.

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Mr & Mrs B. Attwood, Cilan Caravan Park, Llandrillo.
2. Mr Colin Rogers, Site No 1, Cilan Caravan Park, Llandrillo.
3. Mrs M. Jones, 61 Queen Street, Queensfery, Deeside, Flintshire (occupier of caravan on Cilan Caravan Park).
4. Mr I.D.H. Preston, Cilan, Llandrillo.

Summary of planning based representations:

- i) Principle of development – contrary to GEN 6(v) – impact on amenity of local residents, overdevelopment/no justification for weighbridge.
- ii) Impact on amenity – noise, dust, disturbance, hours of operation. Increased noise recently and insufficient attempts to reduce noise levels. Dust blows onto adjacent land/properties. Impact on tourism use of caravan site. Need to preserve fir trees.

- iii) Impact on highway –parking and turning areas should be designated on the site, site entrance poor, narrow approach road used by pedestrians, including children, increase in numbers of lorries passing through village.
- iv) Drainage - Proximity to River Dee – activities on site have caused pollution in the past and could lead to further pollution of the river, particularly given propensity of area to flooding.
- v) Retrospective nature of application and time taken to submit applications since unauthorised works took place.

EXPIRY DATE OF APPLICATION: 06/09/2005

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)
- awaiting consideration at planning committee
- further information required from applicant
- previously deferred to seek legal guidance on hours of operation conditions

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was deferred at the October 2005 committee to seek clarification/resolution of an undetermined lawful use application and its relevance to the planning application; relating to the use of an area of land at the north east end of the site, and to allow discussion with the legal officer on the case for/possibility of imposing hours of operation conditions on parts of the plant/process other than those involved in the current application.
2. Corwen Forestry Timber Products Limited is located at the Old Station Yard some 1km to the north west of the development boundary of Llandrillo, to the south of the River Dee and to the north of the B4401 towards Bala. The site is surrounded by agricultural land to the north, south and west, with a caravan park and a private dwelling adjoining the site to the east. The access road from the B4401 to the first site entrance adjacent to Station House, which is used as a staff office, is adopted. A second entrance along a private lane is some 40m to the north east.
3. The saw mill was originally granted planning permission by the former Meirioneth County Council in 1974. The timber yard was extended into the adjoining agricultural haulage yard following the grant of planning permission in May 1986, creating a total area of land of approximately 1.2 ha. The existing owner has been operating from the site since October 2002 as mentioned in paragraph 1. An additional parcel of land, approximately 0.19ha in area and to the north east of the saw mill, is subject to a current application for a certificate of lawfulness for an existing use, application reference code: 07/2005/0962/LE.
4. The proposal forming the subject of this report is for retrospective planning permission for the retention of four structures sited within the sawmill site. The applicant advises that the structures were erected in 2003 as part of a re-organisation of the internal layout of the mill to improve efficiency and to minimise impact on the neighbouring land owners. The unauthorised structures came to the attention of the Council in December 2004 and have been subject to an enforcement investigation, resulting in the submission of this application and the lawful use application. The structures include the following:

Peeler Plant: - comprising of an open steel clad structure to house a 'virgin timber

pole peeler', sited on the northern boundary, opposite the site entrance adjacent to Station House.

Pole Cutter Plant: - comprising of an open steel clad structure to house the timber cutting plant and ancillary machinery, also sited on the northern boundary of the site.

Weighbridge: - comprising of two concrete ramps and a steel plate weighbridge 0.5 metres above ground level. The weighbridge is sited to the south east boundary approximately 25 metres to the north east of second entrance into the saw mill.

Extension to the existing shed: - Comprising of an additional lean-to bay to the existing timber processing shed with a floor area of approximately 84 square metres. Materials and finishes match those on the existing shed.

RELEVANT PLANNING HISTORY:

5. See paras 1 and 3 above and: .
The timber yard was established by permissions dating back to 1974 (EdR 1417). The original permissions contained no conditions restricting hours of operation or noise levels.

Application 16/8032 (Glyndwr) for the use of haulage/contractors yard as an extension to the timber yard was Granted permission in May 1986. The application related only to land to the north east of the site granted permission in 1974. The following condition was attached to the permission, but this does not apply to the majority of the timber yard site, where the current proposals are located. (See plan at the head of this report)

5. No forklift tractors or other Timber Yard vehicles/plant shall be operated on the site between the hours of 2200 and 0700 on weekdays, before 0800 and after 1300 on Saturdays, or at any time on Sundays.

07/2000/1078/PF – Erection of a roof over timber storage area – GRANTED
19/01/2001

07/2004/1462/PS – Removal of condition on 1986 permission to allow storage of timber on land. WITHDRAWN April 2005

07/2005/962/LE – Application for the Certificate of Lawfulness for the Existing Use of land at Timber Saw Mill (land to north east of site)– Decision Pending

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development outside Development boundaries
Policy GEN 6 – Development Control Requirements
Policy EMP 11 – Expansion / Intensification of Existing Employment Premises
Policy ENP 1 – Pollution

GOVERNMENT GUIDANCE

Planning Policy Wales – March 2002

TAN 11 Noise – 1997

TAN 15 – Development and Flood Risk July 2004

MAIN PLANNING CONSIDERATIONS:

7.
 - i) The principle of development
 - ii) Impact on residential amenity
 - iii) Impact on visual amenity
 - iv) Impact on highway safety
 - v) Control on operations on the site e.g. hours of working
 - vi) Flood risk, drainage and pollution

- vii) Other issues raised by objectors
- viii) Certificate of Lawful Use of land

8. In relation to the considerations as noted in paragraph 7:

i) Principle of Development:

The use of the land as a timber yard has been established for many years. The proposal is for the repositioning of one existing machine further away from the neighbouring caravan park, extension to the roof over a shed, the siting of a new piece of machinery to diversify the output from the sawmill, and a weighbridge to monitor the weight of loaded outgoing vehicles from the site, to comply with other legislation. This is not a proposal to expand the existing site boundary. The relevant Unitary Plan Policy EMP 11 allows for expansion, extension and intensification of an existing employment site subject to the proposal not resulting in an unacceptable impact on amenity, environment and highway connections. Policy GEN 6 contains similar criteria. Subject to consideration of the detailed impacts, the principle of the development is considered acceptable.

ii) Impact on residential amenity:

With regard to impact on residential amenity, including that of the adjacent caravan site, account has to be taken of the existing long standing use of the site which can continue irrespective of the outcome of the application. The main consideration has to be the specific impacts of the developments forming the subject of this application. Public Protection officers have been able to carry out noise measurements and observe dust emissions at the site, and are satisfied that the plant and machinery now proposed do not give rise to noise emissions significantly above the existing levels generated by the existing operations on this site. Separate controls are exercised through control of pollution legislation, and Public Protection officers are working with the site owner to implement further changes to working practices in light of recent complaints. To support these measures, the Authority can seek to impose conditions on any planning consent to limit the impact of the processes/activities in the new buildings, such as requiring the introduction of wall panels to muffle noise, and the hard surfacing of the area around the weighbridge.

iii) Impact on visual amenity

The proposals are for development within the confines of the existing site and do not materially impact on the surrounding landscape. The existing trees and hedges to the site perimeter are not affected by these proposals. The area has no specific landscape designation.

iv) Impact on highway safety

The Head of Transport and Infrastructure is satisfied that there would be no additional impact on traffic movement to and from site by virtue of this proposed development. There is adequate space within the site for the turning and parking of vehicles. The current proposals would not impinge on those areas. Existing accesses to the site have been used since at least the 1970's.

v) Control on the operations on the site e.g. hours of working

The saw mill is a long standing use and the majority of the operations are not subject to planning controls. The hours of operation have only been controlled over part of the site since May 1986 through a condition on that planning permission. Objectors refer to the lack of control on overall opening hours and in particular the early morning activities which they state impact on their residential amenity. With respect to the situation, it is not considered that the provision of the weighbridge, the peeler and cutter plant etc have led to an

intensification of the use per se. It is apparent that the throughput of timber has decreased over a period of time and that the number lorry movements are less frequent than previously. The advice of the legal officer, having regard to the planning history and the specifics of the current application, is that it would be unreasonable to impose conditions on the hours of operation of the particular plan/machinery or to related established processes and activities.

- vi) Flood risk, drainage and pollution
The site is not within a flood risk zone. The proposals would not materially impact on the existing drainage of the site or in themselves cause pollution of nearby watercourses. Pollution issues are controlled by relevant legislation enforced by the Environment Agency and Public Protection.
- vii) Other issues raised by objectors
The fact that the application is retrospective should have no bearing on the assessment of the merits of the application. The concerns about delays in resolving the breaches of planning control are noted. However, the Council has followed Government advice in relation to enforcement expediency. Complaints over how the Council have dealt with the case have to be pursued separately.
- viii) Certificate of Lawful Use of land
The applicants have submitted an application to establish the lawfulness of the use of a parcel of land adjoining the existing sawmill. The legal officer is of the opinion that the use of the area of land in question is lawful in connection with the sawmill, and has sought the agreement of the applicant to the specific extent of that land for the storage of timber and machinery in light of the evidence provided by way of evidence (photographs and aerial photographs). At the time of writing this report the release of the decision on this application is imminent.

SUMMARY AND CONCLUSIONS:

8. The main issue to consider is the impact of the increased activity on the neighbouring residential amenity. The only additional activities arise from the new pole peeler and the weighbridge. The extension to the shed providing a roofed area and the relocation of the existing pack cutter to the other side of the sawmill would help to reduce the impact of activity. The application is considered acceptable subject to conditions, as set out below.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The area around the weighbridge shall be hard surfaced within 3 months of the date of this permission in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.
2. Before 30 March 2006, a scheme for noise attenuation for the structures hereby permitted shall be submitted to the Local Planning Authority for approval. The approved scheme shall be fully implemented before 31 July 2006.

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

1. In the interests of amenity.
2. In the interests of the amenity of occupiers of nearby residential property.

NOTES TO APPLICANT:

None

ITEM NO: 12

WARD NO: Llandrillo

APPLICATION NO: 08/2005/0956/ PF

PROPOSAL: Erection of extension to existing galvanising plant

LOCATION: Ifor Williams Trailers Ltd. Cynwyd Corwen

APPLICANT: Mr Ifor Williams

CONSTRAINTS: C2 Flood Zone
Fluvial Floodplain

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

CONSULTATION RESPONSES:

19. CYNWYD COMMUNITY COUNCIL

"To summarise;

At the monthly meeting on Tuesday 13th September 2005, the Cynwyd Community Council thoroughly considered the application, and

- Agreed in principle with the application (dim gwrthwynebiad mewn egwyddor)
- Accepted that this was a very important issue to many in the area who would appreciate clarification, and that these feelings could be rationalised if the Denbighshire County Council might carry out an Environmental Survey or take such action as would be deemed appropriate in the circumstances

At the monthly meeting of the Cynwyd Community Council, held on the 25th January 2005, it would decided to hold a Public Meeting on the 6th February 2006, at which Mr Weaver and Mr Aveyard (Planning and Pollution Control Officers) would be invited to attend.

The meeting was held as arranged, and a considerable number of the public attended. The scene was historically set by Mr Aveyard and Mr Weaver, Mr Peter Edwards of Ifor Williams Ltd gave details of the application that is currently in front of the County Council. A number of the public made statement and asked questions, and there was a friendly and frank exchange of ideas. Concern was expressed regarding possible health risks to the people of Cynwyd, in particular as regards the cloud that is sometimes in evidence from the direction of the factory. There was a lot of support for more frequent monitoring of 'emissions' perhaps even constantly rather than once every two years. This would go a very long way to allaying the fears of the villagers. It was suggested that there could be a sub committee of the community council to liaise with the company on a regular basis. Possible reduction in the volume of heavy traffic was also appreciated. Mr Weaver made notes for the County Council to consider. The meeting really appreciated the attendance of Mr Weaver and Mr Aveyard, especially for their input expressed in a neutral way."

20. ENVIRONMENT AGENCY WALES

Have no objection in principle to the development. Confirm the site is within a C2 Zone defined by Development Advice Maps which accompany TAN 15 –

Development and Flood Risk. Have assessed the Flood Consequences Assessment and have no objection given the low vulnerability of the building and the proposed flood proofing measures, subject to the inclusion of a condition requiring finished floor levels being set no lower than 147.275 AOD.

21. WELSH WATER/DWR CYMRU

Requests inclusion of conditions ensuring no surface water connection/land drainage run of to the public sewerage system.

22. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER, POLLUTION CONTROL

The main issues within the proposal as they relate to Pollution Control are:

- There is an existing galvanising plant operating on this site within our control for emissions to atmosphere
- There does not seem to be an attempt to significantly increase the capacity of the plant to operate and the galvanising plant will not be increased in size to accommodate larger or more units.
- The proposals include improvements to the process which will result in reductions in environmental emissions both in terms of emissions on site and reductions in energy usage that consequently mean reductions in emissions from energy production.
- There is little potential for the increase in atmospheric pollution of the air surrounding the proposed plant that occurring as a result of the existing plant
- The control of these emissions would be improved due to the improved containment that a larger building would provide.

The Local Authority controls over the emissions from this process will remain and Pollution issues will continue to be controlled by the local authority.

Updating of our controls will require improvements to the process that would be met by some of the proposals contained within this application, such as energy conservation and waste minimisation. I can identify these features within the application and as a result I am supportive of these proposals.

I would suggest that with the benefit of this application I would have more potential control of the emission of potential pollutants from this process.

Despite much of the control of the Galvanising process being within our Enforcement role, some issues remain clearly outside the enforcement powers that we currently hold. I would propose that we ask by means of condition or formal planning agreement the following matters.

1. That a liaison committee is set up made up of members of the Community Council, Elected County Council members, and officers to meet regularly to report the progress and future operation of the plant.
2. A scheme of monitoring of emissions to air of the plant is submitted the applicant and agreed in writing by the LPA to include the monitoring of emissions to air from the extract and abatement plant stack, fugitive emissions and general emissions to air from other processes on site.
3. The doors of the extended galvanising plant remain closed at all times other than for the purposes of entering or leaving of the building, and are fitted with automated self closing devices for the purposes of ingress and egress.
4. The use of the plant is solely for items manufactured by the applicant and no external or contract work shall be permitted.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. M Roccliffe, Llwyn, Llandrillo Road, Cynwyd, Corwen.
2. C Upton (by e-mail)
3. R M and J Roberts, Noswyl, Cynwyd, Corwen.

Summary of the planning based representations:

- i) Amenity Impact
Noise. Already experienced by residents in early morning and weekends/what controls exist to protect occupiers.
- ii) Highways/Access
Additional traffic movements (transporters and waste disposal vehicles)
- iii) Storage of hazardous chemicals
Concern over arrangements for containment, storage and disposal.

EXPIRY DATE OF APPLICATION: 22/09/2005

REASONS FOR DELAY IN DECISION:

- Investigation of flood risk issues

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application is for permission for erect a 660m² extension to the existing galvanising plant within the Ifor Williams Trailers site in Cynwyd.
2. The livestock trailer business has developed at Cynwyd since the late 1950's and is a significant local employer. The company have premises at Ty'n Llidwart, Corwen which are operated in conjunction with the main production factory at Cynwyd.
3. Planning records show approval for a galvanising plant in 1986, with an extension added following a permission granted in 1993. It covers some 500m². It is an integral part of the production process, involving the coating of the steel elements of the trailers (e.g. chassis, drawbars). An application submitted in 2000 which sought an increase in the hours of operation of the galvanising plant was granted subject to strict controls, including permissible noise levels (see planning history section).
4. The proposed extension would be added on to the south side of the existing galvanising plant building and would run the same 40 metre length as the existing building. The application forms confirm the building would be clad with plastic coated steel profile sheeting.
5. The Ifor Williams site, including the area on which the extension is proposed, lie within a designated main Employment Area in the Denbighshire Unitary Development Plan, also within the development boundary of Cynwyd village. There are residential properties to the north, east, and south of the site.
6. Following submission of the application and receipt of representations, further information has been sought from the applicants agents. Additional material has been submitted which includes an explanation of the purpose of the extension, the stages involved, and the environmental controls over the galvanising process. The main points of relevance to the application are:

- The extension is needed to improve the welfare of employees to decrease energy costs, and will allow improvements in the process to extend the lifespan of substances used and ensure the quality of the product. (Employees currently have to work outside the building to set up parks for galvanising).
 - The design of the new building will help to reduce noise within the vicinity (including 'fast' doors and roller shutter doors).
 - Galvanising will increase slightly through a more efficient handling of items (a 20% figure is mentioned), but as a result of the modernisation of the Galvanising process, there would be a reduction in the number of chemical deliveries to the site; and as more products would be galvanised on site, the collection and delivery of galvanised goods from external sources would also decline.
 - There are strict Pollution Prevention Controls and a monitoring/inspection regime exercised by Denbighshire County Council's Public Protection Officers over emissions, which are quite separate from planning controls. The Company believe the plant will be one of the most energy efficient and environmentally friendly in the UK, allowing compliance with new Health and Safety Legislation.
 - Working hours would remain as agreed with the County Council in November 2000.
7. Members will note from the Community Councils response that with regard to the 'Environmental' issues raised, the Community Council organised an open public meeting in Cynwyd on the 6th February 2006 attended by the Council's Public Protection Pollution Control Officer, the planning application Case Officer, representatives of the applicant company, and some 30 local residents. There was a brief presentation by the Pollution Control officer on the Control of Pollution Legislation and a question/answer session which raised a number of issues of relevance to the Galvanising Plant application. The main planning considerations are outlined and reviewed in paragraphs 10 and 11 of the report.

RELEVANT PLANNING HISTORY:

8. There is a long planning history on this site, stretching back to permissions for a 'woodworking industry' in 1954, sawmills, axle manufacture (1980), and a series of permissions for industrial buildings and extensions in connection with the Ifor Williams Trailers business. The applications of particular relevance to the current proposal are:

17/7916

Installation of galvanising plant within new portal frame building – GRANTED – 17th January 1986 (Glyndwr DC)

Condition 4 reads:

4. The hours of working of the galvanizing plant shall be restricted to 7.00 a.m. to 6.00 p.m. on Mondays to Fridays, 7.00 a.m. to 12 noon on Saturdays and no working on Sundays, Bank Holidays or other National Holidays.

17/13520

Extensions to existing galvanising plant building – GRANTED – 7th September 1993 (Glyndwr DC)

8/2000/35

Variation to Condition 4 of planning permission 17/7916 to permit operation of galvanising plant between 0600 – 2200 hours Monday – Friday, 0600 – 1200 Saturdays, no working on Sundays or Bank Holidays or other National Holidays – GRANTED – 30th November 2000 (Denbighshire CC) subject to following conditions:

1. The noise levels from the galvanizing activities between the permitted working

hours of 0600 – 2200 hours Monday – Friday and 0600 hours to 12 noon on Saturdays, shall not exceed a maximum noise level of 45 dB Lea (1 hour freefield) for any hour when measured from the façade of any residential property.

2. Prior to the commencement of the extended hours of operation, details of the measures to reduce the impact of noise associated with the galvanising activities to include for the control of fork lift truck movements, replacement of metal conveyor belts and improvement of the fan extraction system within the plant building shall be submitted for the consideration and written approval of the Local Planning Authority.

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy STRAT 8 – Employment
Policy GEN 1 – Development within Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy ENV 1 – Pollution
Policy ENV 6 – Flooding
Policy EMP 2 – Main employment areas
Policy EMP 4 – Main development within Development Boundaries
Policy EMP 11 – Expansion/Intensification of Existing Employment Sites/premises
Policy TRA 6 – Impact of new development on traffic flows.

GOVERNMENT GUIDANCE
Planning Policy Wales 2002

MAIN PLANNING CONSIDERATIONS:

- 10.
- i) Principle of extension.
 - ii) Design/scale
 - iii) Amenity considerations (pollution, noise, additional traffic/disturbance)
 - iv) Flooding
11. In relation to the main considerations:
- v) Principle of extension
The proposal to erect an extension to a building within an existing/established employment site is acceptable in principle, in terms of the employment policies of the Unitary Plan. The site is a designated Main Employment Area in the Plan (Policy EMP 2). All proposals have to be assessed in terms of their specific impacts, with regard to normal land use planning considerations (EMP 11, GEN 6).
 - vi) Design/Scale
The plans show the extension would be similar in appearance to the existing galvanising plant building, with profiled sheet cladding. Its size would be relatively modest compared to that of the significant existing buildings on the site, which lie immediately to the north and which mask the galvanising plant from view to most residential properties to the north/north east.
 - vii) Amenity considerations
The main amenity considerations relating to the Galvanising Plant extension are the potential effects on the occupiers of nearby residential property, and residents of the village, arising from the processes and associated activities involved. The basic issues to be assessed are the pollution, noise and traffic implications.

In acknowledging local concerns over the environmental impact of the lfor

Williams business, there are some important points to note before looking at the particular merits of the Galvanising Plant application.

- a) A number of concerns relate to the operation and impact of the existing use and galvanising plant, which are established through existing permissions. Whilst the issues raised in relation to the existing impact of the uses cannot be overlooked in considering the current application, some caution needs to be exercised in placing weight on these in reaching a decision on the particular merits of a new development at the Galvanising plant.
- b) There are a range of controls over the existing uses, established through previous planning permissions, and by quite separate Control of Pollution legislation overseen by the Public Protection section. If the company are operating outside the relevant consents with existing activities it is a matter for the Authority to take such action as necessary to address breaches. The issue of monitoring and enforcing controls over existing uses should not influence the decision on the new planning application.
- c) It is not necessary for the County Council in its role as Planning Authority, to look to consider the need for, or to replicate controls over uses where these are covered and enforced through separate legislation. In the case of the galvanising plant, there is a requirement for an Authorisation Permit under Pollution Prevention and Control Regulations, which deals with specific issues like emissions from the facility.

Comments made at the public meeting in early February over the frequency of monitoring of existing emissions are being considered by the company and the Public Protection Section, but as these relate to issues dealt with by the authorisation process, they are not a matter for consideration as part of the planning application.

In assessing the merits of the application, the Authority is obliged to consider whether the specific amenity impacts of the development can be mitigated by the imposition of enforceable planning conditions, so that the effect on the locality can be controlled to an acceptable degree. With regard to the issues raised and the comments of the Principal Environmental Health Officer, there are a number of potential controls which can be considered in the event that the Committee resolves to grant a permission; including:

- the imposition of strict noise level limitations, in line with those on the 2000 permission.
- conditioning the submission of details for
 - a scheme of monitoring emissions (to compliment Public Protection Controls)
 - a system to ensure the doors of the galvanising plant remain closed at relevant times in the galvanising process
- conditioning the use of the galvanising plant to items manufactured by the applicant company (to limit the volume of traffic travelling to Cynwyd)
- setting up a liaison committee to report progress and future operation of the plant.

It is the view of officers that having regard to the comments of the Community Council and the Pollution Control officer, the application

offers the opportunity to impose a range of more stringent planning controls, in support of the separate emissions control regime under the Control of Pollution legislation, which taken together offer reasonable mitigation for the impact of the galvanising plant in respect of the potential for pollution, noise/disturbance, and traffic generation.

viii) Flooding

The Environment Agency raise no objections to the application, subject to the floor level of the extension being set at a specified level. The applicants have provided detailed information which is acceptable to the Agency for arrangements for vehicle access/egress routes for tankers and emergency vehicles, removal of chemicals from the plant, and proposals for flood resistant measures within the building.

SUMMARY AND CONCLUSIONS:

12. The proposal to extend a building/process within this substantial industrial complex is acceptable in relation to basic planning policy tests. The physical details of the proposed extension are in keeping with the existing buildings. The Pollution Control officer is satisfied that controls can be imposed to protect the interests of local residents. It is suggested that the proposals merit support as they represent a significant opportunity to modernise the galvanising process, and taken together with the tight controls suggested address a number of local 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. The finished floor level of the extension shall be set no lower than 147.275m AOD.
3. The hours of working of the galvanising plant shall be restricted to between 0600 - 2200 hours Monday - Friday, and 0600 - 1200 hours on Saturdays, and there shall be no working on Sundays, Bank Holidays or other National Holidays.
4. The noise levels from the galvanizing activities between the permitted working hours of 0600 hours - 2200 hours Monday - Friday and 0600 hours to 12 noon on Saturdays, shall not exceed a maximum noise level of 45dB LAeq (1 hour freefield) for any hour when measured from the facade of any residential property.
5. Prior to the commencement of the use of the extension, details of measures to reduce the impact of noise associated with the galvanising activities, to include for the control of fork lift truck movements, replacement of metal conveyor belts and improvement of the fan extraction system within the plant building shall be submitted for the consideration and written approval of the Local Planning Authority, and the approved arrangements shall be implemented prior to the bringing into use of the extension.
6. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
7. No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To minimise the risk of flooding.
3. In the interests of the amenities of occupiers of residential property in the vicinity.
4. In the interests of the amenities of occupiers of residential property in the vicinity.
5. In the interests of the amenities of occupiers of residential property in the vicinity.
6. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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

NOTES TO APPLICANT: You are advised to ensure the agreement of the Environment Agency Wales is obtained to contingency plans to allow chemical tankers to withdraw substances from the plant, if required.

ITEM NO: 13

WARD NO: Efenechtyd

APPLICATION NO: 13/2005/1369/ PF

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

LOCATION: Outbuilding C Plas Efenechtyd Efenechtyd Ruthin

APPLICANT: Mr D Darlington

CONSTRAINTS:

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

CONSULTATION RESPONSES:

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

 Council are concerned that the roads in the area are narrow and that extra traffic generated will cause problems locally."
2. HEAD OF TRANSPORT AND INFRASTRUCTURE
 No objection subject to condition relating to access.
3. PRINCIPAL BUILDING CONTROL OFFICER
 Confirms that the structural report is an accurate reflection of the condition of the building, and it is possible to convert without excessive reconstruction/demolition.
4. PRINCIPAL COUNTRYSIDE OFFICER
 It is considered that the proposal would cause no harm to the trees within the area. However, the proposed reduction of the hedgerow height is considered unnecessary, unless there is a specific request from the Highways Authority on the grounds of highway safety.

RESPONSE TO PUBLICITY:

Letters of representation received from:

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

Summary of planning based representations:

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

EXPIRY DATE OF APPLICATION: 08/01/2006

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. This application was deferred from Planning Committee on 25th January 2006 to allow a Members Site Inspection Panel to visit the site. The notes from the panel will be reported to Planning Committee as part of the Addendum Report.
2. The property is currently a single storey, pitched roof building with pebble dash walls. It is approximately 18.5 metres long, 8 metres wide and 4.5 metres high to the ridge, (3 metres to eaves). The existing condition of the building is poor offering little of architectural or historic merit. Its previous use was as a milking parlour, but is now redundant. It is located within a complex of disused farm buildings of which one has permission for conversion (outbuilding B).
3. The proposal would involve the demolition of an adjacent Dutch barn to provide residential curtilage for the conversion, whilst the works carried out on the ex-milking parlour would involve the replacement of the existing asbestos roof, and the installation of extra windows and doorways. There is no intention to alter the shape of the building, but the internal layout would be altered through necessary sub division of the floor plan, from 4 rooms to 8 rooms. The application is accompanied by marketing and structural reports.

RELEVANT PLANNING HISTORY:

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

PLANNING POLICIES AND GUIDANCE:

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

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6.
 - i) Principle of conversion
 - ii) Impact on the amenity of the adjacent dwellings
 - iii) Access
 - iv) Wildlife issues
7. With regard to the considerations in paragraph 5 above:
 - i) Principle of conversion
Policy HSG 9 allows for the conversion of rural buildings where it has been demonstrated that a business use cannot be secured, the building is structurally sound, the conversion does not have an adverse impact on the

character of the building or on the countryside by virtue of the domestic curtilage. SPG 16 provides further advice on these requirements. The marketing report indicates that the building has been advertised for business purposes for a period exceeding 6 months and no offers have come forward. The comments received from the Principal Building Control Officer show that the structural survey provided is acceptable, and none of the works proposed would harm the integrity of the building. On this basis, the conversion of the building is considered acceptable in principle. In order to preserve the integrity of the building and control any future alterations, it is considered prudent to remove permitted development rights, should the application be approved.

ii) Amenity impacts

The location of the building in relation to the surrounding residential dwellings is such that there would be minimal impact on their amenity. The proposal locates much of the amenity space to the front of the building, away from Plas Efenechtyd House, Plas Efenechtyd Cottage and the Old Bailiffs House.

iii) Access

There is concern from the objectors regarding the impact of increased traffic on the access road and surrounding lanes. Following consultation with the Highway Engineer it is considered these concerns are unfounded, given the scale of the proposed development (i.e. one dwelling) which is unlikely to generate a significant increase in traffic flow. It would be inappropriate to resist this application on highways grounds.

iv) Wildlife issues

The issue of a bat survey can be dealt with through the use of conditions. Issues regarding potential harm to the hedgerows and trees in the area have been addressed by the Principal Countryside Officer whose comments are detailed in the consultation responses.

SUMMARY AND CONCLUSIONS:

8. The application complies with policy and is therefore recommended for approval.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.
3. Notwithstanding the provisions of Class(es) A, B, C, D and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.
4. No dwelling shall not be occupied until the driveways and parking spaces within the curtilages and access thereto have been provided with a drained hard surface, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
5. No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats. The results of the surveys together with reasonable avoidance measures to deal with any presence of bats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

6. The proposed septic tank and ancillary soakaway system shall conform to BS6297 and no part of the system shall be sited within 10 metres of any watercourse.
7. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. No development shall commence until the written approval of the Local Planning Authority has been obtained to the precise detailing of the type, materials and finish of the fenestration for the development.
10. No development shall commence until the Dutch barn as indicated on the location plan received by the Local Planning Authority on 14th November 2005, is removed.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of residential and/or visual amenity.
4. To ensure that each dwelling is served by a safe and satisfactory access and parking, in the interests of highway safety
5. In the interests of any protected species on the site.
6. To ensure the proper drainage of the site and to minimise the risk of pollution.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. To ensure the details are satisfactory in relation to the character and appearance of the building
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 and 10.

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

ITEM NO: 14

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 15/2005/0673/ PF

PROPOSAL: Erection of cattery building with office/reception area and formation of car parking facilities

LOCATION: Bryn Difyr Bryn Alyn Llanferres Mold

APPLICANT: Mr R F Jones

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

23. LLANARMON YN IAL COMMUNITY COUNCIL
 "(i) No objection to design and layout of the 30 cattery building and office/reception area.
 (ii) The Community Council would like confirmation this application is only for the details of the outline approved and is not a new detailed application."
24. HEALTH AND PRIVATE SECTOR HOUSING MANAGER
 No objection subject to sufficient capacity in existing septic tank.
25. JAC AONB COMMITTEE
 "The JAC welcomes the reduction in the number of cattery units and reaffirm their previous comments that a high standard of sound proofing should be incorporated to minimise disturbance. However, the Committee still have concerns about the possible future development of the site to include kennel units and the potential noise and additional traffic associated with such an expansion of the development."
26. COUNTRYSIDE COUNCIL FOR WALES
 Welcome the reduction in cattery units but still have concern over possible kennel units. Some additional planting would be welcomed.
27. HEAD OF TRANSPORT AND INFRASTRUCTURE
 Recommendation on outline application was no objections subject to imposition of conditions relating to the access details and restricting the number of animals on the site.

RESPONSE TO PUBLICITY:

Letters of representation were received from:

1. Iain MacGillivray, Mangwyn, Llanferres
2. D. Watts, Allt Alyn, Bryn Alyn, Llanferres

Summary of planning based representations:

- i) Concerns that this application is attempt to by-pass conditions previously imposed.
- ii) Highway safety concerns.

EXPIRY DATE OF APPLICATION: 14/09/2005

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is accessed via a narrow lane in open countryside within the Clwydian Range AONB. The lane on which the site is located leads in a southerly direction to the B5430 which leads in turn to either Llanferres or Llanarmon y Ial. The site forms part of a farm and is adjacent to the existing farmhouse/farmyard area. The site is located in an area of undulating hills and benefits from mature hedging/trees to its roadside boundaries.
2. Members may recall that outline planning permission was granted in February 2005 for the erection of cattery building with office/reception area and the change of use of an existing agricultural building for dog kennels. That outline permission imposed strict operating conditions, one of which restricted the number of cats to 30.
3. The current application is a full application showing full details of the cattery building. The application does not, however, include the building which had been previously shown to be changed into the 10no. indoor kennel units. The cattery building is "L" shaped and shown sited as before to the west of the main farmhouse. It would measure some 35m x 6.6m, with a maximum height of 4.4m, and would contain 30 no. cattery units incorporating an office/reception area with materials being slate grey box profile roof, render finish to match the farmhouse with timber stained to match the dwelling. Customer parking is shown in the same location as on the outline site plan.
4. The applicant has confirmed that this application is for a cattery building only, as due to the sensitive issues raised on the previous application for dog kennelling it was felt that this would be omitted. Should a need be established in the future for dog kennelling this would have to form part of a separate application.

RELEVANT PLANNING HISTORY:

5. 15/2005/0834/PO – Erection of cattery building with office/reception area, provision of parking and new driveway to incorporate change of use of existing agricultural building for dog kennels (Outline) GRANTED 23/2/05

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 – Development Control Requirements
 - Policy ENV 1 – Protection of the natural environment
 - Policy ENV 2 – Development affecting the AONB/AOB
 - Policy EMP 5 – Small scale employment development outside development boundaries

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

- 7.

- i) Principle of development
- ii) Impact on visual amenity/AONB
- iii) Highway considerations

8. In relation to the main considerations raised in paragraph 7 above:

i) Principle of development

The governing outline consent given in February 2005 established the principle of the erection of a cattery building with ancillary office/reception and parking areas. As the application site for this current application relates to only a proportion of the outline site, a full application has been submitted. This full application effectively deals with the detail of the previously permitted cattery building and ancillary parking. A further application would, therefore, be required for the development of the dog kennel facility. With regard to the comments of objectors it is considered, that providing both this application and any subsequent application repeat the controls imposed previously on animal numbers there would be no deviation from the governing consent. This proposal is, therefore, acceptable in principle.

ii) Impact on visual amenity/AONB

The building itself would be located within an already well screened part of the site where there is good landscaping established. The size, scale and design of the cattery building would not result in an unduly prominent structure within the AONB. The height of the building would set it harmoniously within the existing complex of buildings with proposed materials generally sympathetic to their surroundings. Further landscaping and boundary treatment will serve to minimise any views of the building from surrounding vantage points.

iii) Highway Considerations

The Head of Transport's recommendations on the previous outline consent are still relevant, in seeking to impose conditions on operating hours and animal numbers. The access was previously considered acceptable, and subject to the same conditions now being imposed there are no new highway issues to address.

SUMMARY AND CONCLUSIONS:

9. The principle of the development has been established. The details are acceptable subject to previously imposed conditions applying again.

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. 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.
3. The access shall be laid out in accordance with the plan supplied to the written approval of the Local Planning Authority before the development is brought into use.
4. The surface of the existing access shall be paved with a bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Highway Authority's approval before the development is brought into use.
5. The development hereby permitted shall not commence until the written approval has been obtained from the Local Planning Authority for a scheme of insulation of the building against noise emission and such a scheme, as is subsequently approved shall be fully implemented before the bringing into use of the building.

6. No more than 30 no. cats shall be boarded at the site at any one time unless otherwise agreed in writing by the Local Planning Authority.
7. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
8. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. The premises shall not be open to customers or deliveries outside the following times and days:-
08.30 to 18.30 Monday to Saturday.
10. The premises shall be used exclusively for the boarding of cats and not for breeding purposes.
11. No external pens or holding areas shall be permitted to be constructed or used without the formal written approval of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. 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.
4. To ensure the formation of a safe and satisfactory access.
5. To protect the amenities of occupiers of nearby properties.
6. In the interests of highway safety and residential amenity.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. To ensure a satisfactory standard of development, in the interests of visual amenity.
9. In the interests of residential amenity.
10. In the interests of residential amenity.
11. In the interests of visual and residential amenity.

NOTES TO APPLICANT:

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

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

The capacity of the existing septic tank should be checked and if necessary enlarged or replaced to cater for the increase in volume of waste produced. The septic tank should not contaminate any water supplies. Sub surface drainage should comply with BS6297:1983.

ITEM NO: 15

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 16/2005/1432/ PF

PROPOSAL: Erection of dwelling and construction of new vehicular access

LOCATION: Land Adjoining 41 (Plot 21a) Tan Y Bryn Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr & Mrs L Evans

CONSTRAINTS: Within 67m Of Trunk Road
250m Of Landfill Site
AONB

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

CONSULTATION RESPONSES:

1. LLANBEDR DC COMMUNITY COUNCIL
No response received.
2. CLWYDIAN RANGE AONB JAC
"The JAC wishes to reaffirm the previous comments that it would prefer a natural slate roof and local stone facing in place of brick."
3. WELSH WATER
No objection subject to conditions.
4. HIGHWAY AUTHORITY
No objection subject to conditions.

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. I G and J B Du Plat Jones of 20 Tan Y Bryn, Llanbedr.

Summary of planning based representations:

- i) The scale of the proposed dwelling.
- ii) The loss of a tree and potentially the hedgerow
- iii) Loss of privacy.

EXPIRY DATE OF APPLICATION: 29/01/2006

REASON FOR DELAY IN DECISION:

- Timing of receipt of representations

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The site is an open piece of land which slopes steeply from the north east down to the south west, and currently forms the side garden of no. 41 Tan y Bryn. It is grassed over with some minor clumps of shrub planting. The boundaries to the

side and rear are formed by hedges of around 2.0 metres in height, with the boundary to the road being open. The adjacent two-storey house at no. 39 has a ground floor window facing the site, with the other adjoining property (the bungalow at Tan-y-Ffordd Old Barn) having two ground floor windows facing the site.

2. The current application proposes the development of a dwelling on the site, with a garage within its basement level. The footprint of the dwelling is 12.9 metres by 9.1 metres at its maximum spans and contains two bedrooms, a kitchen and a bathroom at ground floor level with a spiral staircase leading up to a 'proposed attic' in which two rooms are shown but not annotated. The front and rear gables of the dwelling contain windows to serve the attic space.
3. The previous planning permission at the site (see paragraph 4) included the demolition of a section of the existing dwelling at no. 41, in order to maintain a visual gap which had been identified as a relevant issue in the previous application and appeal decision. Rather than undertake this demolition, the applicant has now acquired the residential property to the south of the site (The Old Barn) which allows an additional 2.0 metres wide strip of land to be taken into the subject site from the adjacent property. This is sufficient to still allow a gap of 5.0 metres between the new property and no. 41, and also a gap of 6.0 metres between the new property and The Old Barn.

RELEVANT PLANNING HISTORY:

4. The site has a long planning history, which can be summarised as follows:

26/13658 – Outline application for the erection of a bungalow and construction of new vehicular and pedestrian access: Refused in September 1993 as it represented over-development of the site, adversely affected the character of the area which is typified by houses with large gardens, and would have set a precedent;

16/2002/0285/PO – Outline application for the development of the land by the erection of one dwelling: Withdrawn in May 2002;

16/2002/0775/PO – Outline application for the partial demolition of the existing dwelling and the erection of a new dwelling: Granted in October 2002 subject to 12 conditions. The plan submitted for this proposal indicated the demolition of a section of the existing house at no. 41 to allow a gap to be established between the two properties. The plan showed the section of the house for demolition as being between 2.1 metres and 3.6 metres in width, stepped across its length i.e. the same as for the current application.

16/2004/0566/PR – Reserved matters application seeking to erect a detached dwelling but not to demolish part of no. 41 as permitted by the outline consent: Refused in June 2004 on the basis that the erection of a dwelling within the plot would appear cramped and therefore have an adverse effect on the character of the estate of Tan-y-Bryn, and therefore be contrary to Policies STRAT 5 and GEN 6 of the UDP. This application was taken to appeal, with the decision taken by the Inspector to dismiss issued in February 2005. In arriving at his conclusion to dismiss the appeal, the Inspector considered the primary issue to be that of the implications for the character and appearance of the estate. He concluded that compared with most of the other properties in Tan-y-Bryn, the proposed dwelling would be small and because of the relatively narrow gaps on either side it would appear cramped on the site. As a consequence, its construction would be seen as the over-development of a restricted plot – a situation which would be out of keeping with the general layout of the estate and seriously detrimental to both its

character and appearance. He therefore had regard to paragraph 9.3.3 of PPW to the effect that sensitive infilling should not be allowed to damage an area's character and amenity, and concluded that the proposal was contrary to UDP Policies STRAT 5 (iii) and GEN 6 (i) and (ii).

16/2005/0457/PR - Details of proposed dwelling and construction of new vehicular access submitted in accordance with outline application code no.
16/2002/0775/PO: Granted 22 June 2005.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 6 - Development Control Requirements
Policy STRAT 5 - Design

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

6. The main issues raised by the proposal are:
 - i) Principle of development
 - ii) Visual appearance
 - iii) Impact on the privacy and amenity of nearby occupiers
7. In relation to the points raised in paragraph 6 above:-
 - i) Principle of development
The principle of the development of a dwelling at the site is established by the outline consent of 2002 with the reserved matters being approved in June 2005. The key difference between the current application and the reserved matters proposal is that the demolition of the gable end of no. 41 is no longer included as adjacent land has been acquired. Accordingly, as a satisfactory spacing between the dwellings can be achieved, the principle of the development is acceptable.
 - ii) Visual appearance
The visual appearance of the property was not a matter for concern in the 2005 proposal and as such it must be held to be acceptable for the current proposal.
 - iii) Privacy and amenity
Although the current application proposes upper floor windows to the attic which will undoubtedly be utilised as living accommodation, these are not adjudged to give rise to overlooking to a sufficient degree which would justify a refusal of permission, given the details are similar to those previously permitted. As all other windows are at ground floor level, there will not be any significant loss of amenity to the adjacent occupiers.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no

materials other than those approved shall be used.

3. Notwithstanding the provisions of all Classes 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.

4. Development shall not begin until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the Local Planning Authority; and the building(s) shall not be brought into use until that junction has been constructed in accordance with the plans 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 visual amenity.
3. In the interests of residential and/or visual amenity.
4. In the interests of highway safety.

NOTES TO APPLICANT:

None

ITEM NO: 16

WARD NO: Llanarmon Yn Ial / Llandegla

APPLICATION NO: 17/2005/1184/ MA

PROPOSAL: Extraction of slate waste and shale and associated restoration works

LOCATION: Moel-Y-Faen Quarries Horseshoe Pass Llangollen

APPLICANT: Mr Huw Jones Jones Bros Ruthin Co Ltd

CONSTRAINTS: SSSI
Special Area of Conservation
Quarry Site

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

CONSULTATION RESPONSES:

1. **LLANDEGLA COMMUNITY COUNCIL**
"Llandegla Community Council understand that this is a commercial application, the main purpose of which is to reclaim slate waste, crush it on site and export it as aggregate. The potential benefit to the community is the proposed restoration of the quarry area to its 'natural slate' in such a way that preserves the unique flora and fauna of the area.

Llandegla Community Council have the following concerns:

Impact on environment

From processing of the materials:

The potential for significant amounts of dust to be created in the crushing/drying process. Although assured that crushing machinery is licensed only when it conforms to certain standards that minimise dust production we would wish to be assured of the processes that regulate this and that would intervene in case of unacceptable contamination being caused. We are concerned also that the noise, activity and general disturbance would have a significant impact on wildlife.

From increased traffic

It has already been noted that the condition of roads around the area and on access roads has been poor secondary to heavy traffic to and from the site. There are concerns about the impact on road safety of an increase in heavy goods traffic in the area. We would wish to see a detailed appraisal of this and the opinion of the highways department.

Impact on tourism and local tourist industry

We find it hard to believe that the proposed operations would not have an impact on the tourist appeal and reputation of the area and on the business of the Ponderosa café nearby, through noise, heavy traffic and pollution. This would be most marked when the operation is working at full capacity.

Completeness of operation

Though there are detailed plans for restoration of part of the quarry area, this does

not extend to the whole. We are concerned that the investment required to partially restore the area will not lead to a significant enough result in visual and ecological terms. In other words, why not restore the whole site instead of a small proportion that will not result in a significant enough gain for the area.

Potential for environmental contamination

From products of the operation (dust, slurry, waste water)

From toxins produced secondary to the operation (diesel spillage, exhaust fumes etc)

From materials introduced to the area: in particular from landfill material that is inappropriate or inadequately regulated which could introduce non local species of plants and other organisms which could then proliferate at the expense of the indigenous flora (Japanese Knotweed springs readily to mind). This would seem to be an area of operation that would be very much at risk from inadequate monitoring or financial pressures.

Safeguards and regulation

The following monitoring bodies were listed:

CCW – protects wildlife and special areas of conservation

SAC – Special Area of Conservation AOB, AONB, SSSI etc

Environment Agency

Denbighshire County Council Environmental Health

We have concerns about the co-ordination of these and other safeguards and regulations. Our experience has been of right hands not knowing, or caring, what the left hands are doing.

We would wish to see, and would readily support, the establishment of a Quarries Liaison group to include representatives of the regulatory bodies and the Community Council to regularly monitor and review the operation.”

2. LLANGOLLEN TOWN COUNCIL
No response received.
3. LLANTYSILIO COMMUNITY COUNCIL
”The council is concerned that the complete extraction of slate waste and shale would have a detrimental effect on the industrial heritage of the site.”
4. COUNTY ARCHAEOLOGIST
Is of the opinion that the ASIDOL assessment should class the historic landscape impact as moderate not low, requests that a condition be included to maintain a watching brief for archaeological features during the life of the site
5. COUNTY LANDSCAPE ARCHITECT
Would prefer the scheme to be limited to ten years, if not, there should be tight control over the phasing to ensure areas are restored before slate removal proceeds. Areas of existing heather moorland should be protected. Scheme should tie in with surrounding areas. Road side bund should be removed at completion of operations.
6. COUNTY ECOLOGIST
No response received.
7. HEAD OF TRANSPORT AND INFRASTRUCTURE
No Objection

8. HEALTH AND PRIVATE SECTOR HOUSING MANAGER
No response received.
9. ENVIRONMENT AGENCY WALES
Requests if granted the permission should include conditions to;
- restrict imported materials to uncontaminated natural materials
 - secure the removal of contaminated or odorous material encountered on site
 - secure the submission of a method of working prior to commencement
 - secure a system of surface water regulation to be, approved and implemented prior to the construction of any impermeable surface.
- The Agency raises the issue of the potential for impact on groundwater, the need to be aware of private water supplies, that any discharge of surface water may require a licence, the need to safeguard any stored fuel and the implications of the Waste Management Regulations for the proposal
10. RSPB
No response received.
11. COUNTRYSIDE COUNCIL FOR WALES
No objection in principle subject to additional mitigation measures being incorporated in the scheme;
- i) Areas 51&3 are left in their current state
 - ii) Permission should be dependent on the successful fulfilment of condition 15 of planning permission no. 17/2004/0794/AC
 - iii) Each phase should be substantially restored, for example 10% and 25% of heathland cover after 5 and 7 years respectively, before the next phase of extraction commences
 - iv) 5 yearly restoration progress report to be submitted to CCW, recommendation for improvements to acted on
 - v) No import of "inert material"
 - vi) Aftercare to be 10 years for each phase
 - vii) No working from March to August within 50 metres of any nesting birds listed in Schedule 1 of the Wildlife and Countryside Act
- The long term protection of the site should be safeguarded by the use of a Section 106 Agreement
With reference to the ASIDOL report it considers the impact on the historic landscape to be potentially moderate, and requests that the operator enters into an agreement to secure the long term protection of the area.
12. CLWYD/POWYS ARCHAEOLOGICAL TRUST
States that the ASIDOL assessment should have evaluated the impact of the site as being moderate rather than low, request that further archaeological assessment is carried out.
13. CLWYD BAT GROUP
Objects to the proposal until it is sure that the bat hibernation sites in the adits within the quarry will be unaffected.
14. CLWYDIAN RANGE AONB JAC
Expresses concern that there should be no development which might have a detrimental impact in an Area of Beauty and might prejudice any proposal for an extension to the AONB. Requests attention to the following points; 10 year aftercare, heather moorland should not be stripped, the final land form should reflect the existing natural topography, programming to accommodate nesting birds should be adhered to, import of material should be strictly controlled so as

not to adversely affect the restored site or surrounding area, the restored land should be available for public access and measure should be taken to deter off road motor cyclists.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 10/11/2005

REASONS FOR DELAY

- awaiting completion of contract with Flintshire for minerals work
- awaiting additional information from applicant
- awaiting key consultee responses

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The proposal is for an extension to an existing operation extracting minerals within Moel y Faen quarry, which will include the stripping of small areas of natural soil and vegetation for use in restoration, the removal of slate waste from old tips, and the extraction of the underlying shale to leave a new landform. The slate waste will be processed on site, and waste fines will be stored and reused progressively as part of the restoration of the existing quarry and of the quarry extension. Restoration will be aided by bringing in subsoils and similar inert materials to provide a new landform and a rooting layer over the rock surface. It is proposed that the restoration will produce a mosaic of heather and upland grassland to match the adjoining mountainside, with a landform that will be similar to that of the original hillside.
2. The Quarry is situated 4 kilometres north of Llangollen and 12 kilometres south-east of Ruthin, Denbighshire at National Grid Reference SJ185480 (centre of workings). The quarry lies alongside an unclassified minor road, just west of the A542 linking Llangollen with the A5104 Chester-Corwen road and with the A525 Wrexham - Ruthin road.
3. The quarry sits on the lower edge of a large area of heather moorland which links a series of hilltops in the Berwyn range. This land is designated by CCW as an SSSI and by Denbighshire County Council as an Area of Outstanding Beauty. Enclosed grazing lies on the slope to the north, below the quarry and minor road. Habitation is very sparse with a scattering of farms, the nearest of which lie some 500m to the north of the site. The Ponderosa café, a popular visitor destination, lies on the A542 some 700m east of the centre of the site.
4. The extraction of slate waste under recent planning permissions has been carried out in the north-western part of the quarry since 1989. Work to restore the currently permitted area to upland heath and grassland is in progress and will not be affected by the proposals in this application. The application site consists of slate waste tips, a quarry with steep quarry faces a void containing a permanent pool and scattered areas of acidic grassland and heather remnants. The application site comprises 11.4ha. of a total quarry area of some 42ha.
5. The slate waste is used for civil engineering projects carried out by the applicant company, as a bulk fill and sub-base it will also be used in the proposed restoration/landscaping scheme. To date, between 50,000 and 100,000 tonnes of

slate waste have been removed from the quarry annually. This source of material allows the applicant to meet the needs of local projects, typically within a 25 mile radius, avoiding the long-distance importation of primary aggregates for relatively low-grade uses. The corollary to this is that the applicant is able to maintain a significant local workforce.

6. The operator proposes to strip or recover all useful soils and vegetation for restoration works, exposing areas of slate waste and shale for extraction. At any time there will be a need for both slate waste and shale, and so more than one area of the site must be available for extraction works. The work will proceed from the south-western corner of the site in an easterly direction so that existing tips screen the early working stages. In a later phase the northern waste tips will be removed from the eastern end. Again, existing tips to the east, outside the application area, will screen the working from the Ponderosa Café and A542.
7. As each area is worked down to final levels, restoration will begin. Soils and suitable inert materials will be brought in from local construction projects to achieve the designed levels and to form soils for the restoration. At the predicted rates of extraction the application area will be worked over a period of 20 years, with a further 2 year period in which restoration of the final areas will be completed. The proposed restoration will gradually create a mosaic of upland grassland and heathland compatible with the adjacent heath in the SSSI and Special Area of Conservation.

RELEVANT PLANNING HISTORY:

8. **5/10329** – Extraction of Slate Waste – GRANTED 9th August 1989
20/13216 – Deposit of inert material – REFUSED 10th August 1990
20/13216 – Infilling existing quarry - GRANTED 23rd may 1993
17/2000/1167/PS – Variation Condition 3 of planning permission 20/13216, extension of time – GRANTED 5th February 2001
17/1999/800/FS – Variation of Condition 2 of planning permission 27/13887, extension of time – GRANTED 10th January 2000
17/2002/1357/PS Variation of condition 3 of planning permission 20/13216, extension of time – GRANTED 20th March 2003
17/2003/1474/AC – Submission of Restoration Scheme as required by planning permission 5/13887 – GRANTED 15th March 2004
17/2003/1374/MA - Extraction of slate waste – GRANTED 15th March 2003
17/2004/0794/AC – Details of restoration scheme submitted in accordance with condition 15 of planning permission number 17/2003/1374/AC –NOT DETERMINED

PLANNING POLICIES AND GUIDANCE:

9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Strategic Policies 1, 4, and 7
Policy GEN 3 Development outside development boundaries
Policy GEN 6 Development control requirements
Policy GEN 8 Planning obligations
Policy GEN 9 Environmental assessment/statement

Policy GEN10 Supplementary planning guidance
Policy ENP 1 Pollution
Policy ENP 4 Foul and surface water drainage
Policy MEW 2 New minerals operations & extensions to existing operations
Policy MEW 4 Restoration and aftercare
Policy MEW 5 Secondary Aggregate
Policy MEW 11 Waste Management Facilities
Supplementary Planning Guidance Note 18; Nature Conservation & Species Protection

GOVERNMENT GUIDANCE

Mineral Planning Policy Wales
Minerals Technical Advice Note Wales; Aggregates (MTAN)
Technical Advice Note 21(Waste)

MAIN PLANNING CONSIDERATIONS:

10.

- i) Need for the mineral
- ii) Principle of mineral working in an area of high ecological importance
- iii) Impact on flora and fauna
- iv) Impact on local amenity from noise, dust and vibration
- v) Visual impact
- vi) Impact on the highway
- vii) Impact on the local surface and groundwater regimes
- viii) Impact on a feature of archaeological importance
- ix) Restoration & aftercare

11. In relation to the main considerations in paragraph 10 above:

i) **Need for the Mineral**

The current landbank of aggregates in Denbighshire, (the tonnage of rock suitable for aggregate use with a planning permission for working) , is of the order of 40 million tonnes, equivalent to around 30 years of supply,. at this level MTAN (Wales) 1 : Aggregates states that the grant of further permissions is unnecessary furthermore Denbighshires Unitary Plan, STRAT4 and MEW2 require Denbighshire to grant permissions only to ensure that the County can maintain its share of the supply. However, all the current landbank in the County is in the form of high quality limestone, and as such, in line with sustainable development, it is preferable, as far as possible, to retain this material for high specification use and to find alternative materials for general fill use. Both national MTAN Aggregates and County policies MEW5 and STR 7 recognise this and encourage the use of “secondary” material as substitute for primary won aggregates. The slate waste at Moel y Faen is a secondary material and therefore the issue of need, on balance, is in favour of the working of the waste material.

ii) **Principle of Working the Material in an Area of High Ecological Importance**

The site lies adjacent to the Berwyn and South Clwyd Special Area of Conservation. It contains European dry heath, a habitat listed on Annex I of the European Species Directive (92/43/EEC) and wholly within the Ruabon/Llantysilio Mountains and Minera SSSI. The features of interest in the SSSI likely to be affected by the application are heathland , nationally scarce plants and mosses, upland breeding birds, including Schedule 1 species and bat hibernacula. The applicant has, through the environmental assessment, examined all of these features and has provided evidence to demonstrate that either there will not be an unacceptable impact on the SAC or SSSI or when

there is a possible adverse impact mitigation measures can be employed. The CCW has not objected to the proposal, subject to certain mitigation measures being incorporated in the scheme, and is satisfied that the development is not likely to have a significant impact upon the integrity and features of the SSSI, protected species and on the landscape character of the area. The applicant has, with minor exceptions, agreed to the proposals suggested by the CCW. There is an established precedent for the working of slate waste at the site, working has taken place sporadically since 1989, and there are no reports of any adverse impact outside the working boundary. I am satisfied therefore that the principle of working in an area of high ecological importance is acceptable and the proposal does not conflict with policy MEW2 and GEN 9.

iii) **Impact on Flora and Fauna**

The EIA accompanying the application has made a thorough assessment of the flora and fauna likely to be affected by the proposal. There are no scheduled plants within the quarry but the statement notes that there are several uncommon species or assemblages of regional or local significance. Whilst there would be some loss during working this would be compensated by the mitigation proposals. It is imperative that there is strict control over the import of unsuitable material; I am of the opinion that given the undertakings by the applicant, including the management of imported waste, this matter could be adequately controlled by conditions attached to any permission. The fauna surveys have recorded breeding protected birds and bats within the quarry, however these are mainly in the eastern part of the quarry and are unlikely to be affected directly by the proposal. Nevertheless, the applicant has put forward mitigation proposals to deal with any potential impact which, if complied with precisely, will ensure that there would be no unacceptable impact. This view is broadly shared by the CCW although the Clwyd Bat Group has maintained its objection pending further discussions. The proposal is considered to be in accordance with policies GEN 9 and 10 and MEW2 of unitary development plan.

iv) **Impact on local amenity from noise, dust and vibration**

MEW 2 requires that there should be no unacceptable impact on local amenity from noise, dust, and vibration. A noise survey demonstrates that the predicted noise levels are unlikely to have an adverse impact on the amenity of nearby residents and I am satisfied that with the use of a suitably worded condition, in accordance with current guidance contained in MTAN 1Wales;Aggregates, the operations could be carried out without causing undue disturbance. With regard to vibration, there is no need to use blasting or other methods of rock breaking to excavate the material, and consequently vibration is unlikely to be an issue. The proposed development is comparable with that carried out since 1989, there have been no complaints about either noise or vibration in that time, and there is no reason to believe that the current proposal would materially affect that situation.

Dust generated by operations of this kind can be significant in certain conditions, whether by the movement of vehicles or the processing of material, unless measures are taken to prevent dust being formed, or there are adequate measures to suppress the dust. The site is sufficiently remote to ensure that dust should not be a major problem and to date no complaints have been received in relation to current operations. Nevertheless, the proposals include a number of methods and procedures to minimise the potential for dust generation. I am satisfied that with a suitably worded condition the operation can be controlled to ensure that the generation of dust

would not have a significant adverse impact.

v) **Visual Impact**

The site is highly visible but it is considered that, given its current appearance together with the fact that operations have been carried out since 1989 with little or no public comment, the operational phase of the proposal is not likely to have a significant visual impact. However I am of the opinion that during the restoration phase the impact might be more noticeable when, during the re establishment of the heather moorland ecology, the site will be conspicuous for being neither the former slate working with quarry faces and other historical industrial features, nor heather moorland, which is the objective of the restoration. By its very nature the site will be very slow to regenerate and it is vital to that regeneration that there is little or no artificial fertilizing or seeding with alien grass species, methods normally used to speed up regeneration to “green up” a site. The eventual restoration of heather moorland is a fundamental requirement for this scheme to be acceptable, and I consider that, on balance, the relatively minor loss of visual amenity for a few years is outweighed by the eventual reinstatement of a valuable ecology typical of the area.

vi) **Impact on the highway**

The proposal will not generate greater lorry movements than have taken place during periods of maximum output from the current operation. There is no record of any difficulties arising from this volume of traffic or any conflict with other road users. There have been complaints about the cleanliness of the highway as a result of lorries leaving the site but the operator has provided details of additional measures to address this issue. There has been no objection from the Head of Highways and Infrastructure and, therefore, I am of the opinion that the proposal will not have an unacceptable adverse impact on the highway.

vii) **Impact on surface and ground water regimes**

The application contains details of a study of the hydrogeology. The surface water is contained in a number of small streams flowing to the north, there is a small pool on the site supported by surface water and groundwater; which drains via an adit to the north and issues near the base of one of the tips. The site is not in a Source Protection Zone and there is only one local private water supply some 400 metres from the site. The local rock type has a low permeability; any groundwater flow takes place through fractures in the rock. Settlement lagoons (subject to the agreement of the EAW) will be constructed, and any fuel stored on site will be provided with containment protection. Operation will not extend below the water table and dewatering will not be required. The material to be imported on to site will be inert and consequently have no deleterious impact on the hydrology. For these reasons I am of the view that the operation, subject to appropriate conditions, will not have an adverse impact on the ground and surface water in the area.

viii) **Impact on features of archaeological importance**

An assessment of the impact on the archaeology of the site has been carried out as part of the environmental assessment together with an “Assessment of the Impact of the Development upon the Historic Landscape” (ASIDOL) in accordance with Cadw /CCW guidelines. The assessment suggests that the impact on the archaeological resource of the site will be low but this is disputed by CCW, (although it maintains its position of not objecting), and Cadw, both of which are of the opinion that the impact will be moderate. This is a view shared by the County Archaeologist. There is some doubt as to whether the archaeological features thought to be of significance still remain

on site following damage by unauthorised users of the site. It is considered therefore that although the application is acceptable in terms of the probable impact on the archaeology, if permission were to be granted, it should include a condition requiring the operator to maintain a watching brief for archaeological features and seek the appropriate advice should any features be discovered.

ix) **Restoration and aftercare**

This scheme is, in effect, the reclamation of former slate workings in an Area of Outstanding Beauty and the ability of the proposal to achieve the objective of the recreation of heather moorland is crucial to the decision MTAN(Wales)1 Aggregates states *“If there is significant doubt whether satisfactory reclamation can be achieved at a site, planning permission should be refused”*. The applicant has through the EIA provided considerable detail on the local ecology and has produced a restoration and aftercare scheme. In spite of this, some doubt remained as to the achievability of the scheme, particularly in terms of the time to completion and the monitoring and supervision that it would entail. To address this issue, the applicant has provided a long term management proposal which would, inter alia, include annual progress meetings involving all interested parties. These meetings would monitor, progress, and modify restoration requirements to ensure the success of the scheme, with the sanction that should the restoration fall below the standard required, the extraction of mineral would be suspended until the matter is rectified. The applicant has also agreed to enter into a S. 106 agreement under The Town and Country Planning Act 1990, to cover the aftercare of the site for a period of 10 years after the cessation of mineral extraction, this, in recognition of the importance of establishing the heather being 5 years longer than can be achieved by a normal planning condition. The aftercare of this site is crucial to the successful establishment of heather moorland and, therefore, it is imperative that the whole site remains protected from human and animal interference for as long as possible. The restoration of the site relies to some extent on the importation of inert waste, I am informed by EA.Wales that the amount of material that the applicant proposes to import is less than half than would be allowed in a waste management licence and that results of analysis of certain wastes is required by the Agency before it can be brought on to site, this will help to ensure that waste import is controlled to prevent any conflict with the proposed restoration. I am satisfied therefore that, subject to appropriate conditions covering restoration, controls on waste import and management and monitoring of aftercare together with the inclusion of a legal agreement to extend aftercare, the scheme as proposed is achievable and as such is acceptable in planning terms.

SUMMARY AND CONCLUSIONS:

12. It is recommended that the proposals be supported in that they comply with mineral planning policy, would not materially impact on the environment, designated areas of nature conservation or the local amenity, and would be in accordance to with the Regional Waste Strategy and policies encouraging the reuse of secondary minerals. The recommendation is subject to the applicants first entering into an obligation under Section 106 of the Town and Country Planning Act covering the matters set out in paragraph 28 above. A number of planning conditions are also recommended. The contents of the Environmental Statement submitted with the application have been taken into account in making the recommendation.

13. Planning Obligation

The recommended heads of terms of a Section 106 obligation, which have been discussed and agreed with the applicants are:

- Aftercare for each restored phase shall be maintained until end date of date of the 10 year aftercare period of the final phase of working
- Aftercare progress monitoring
- Establishment of a Liaison committee

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby approved shall be commenced within 3 years of the date of this planning permission. Written notification of the date of commencement shall be given to the Mineral Planning Authority within 7 days of such commencement.
2. Extraction of minerals and the depositing of any waste shall cease no later than 25 years from the date of this permission and restoration and the removal of all buildings, plant and machinery shall be completed within 2 years of the cessation of mineral extraction.
3. In the event of a suspension of extraction or tipping operations at the site for a period of more than 3 months, written notification of a resumption of working shall be given in writing to the mineral planning authority within 7 days of such recommencement.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(Or any Order amending , replacing or re-enacting that Order) no fixed plant or machinery shall be erected , extended, installed or replaced at the site without the prior agreement in writing of the MPA.
5. A copy of this permission and any schemes approved pursuant to conditions shall be kept at the quarry offices and be available for reference and inspection by the Local Planning Authority during normal working hours.
6. The development hereby approved shall be carried out in accordance with the submitted documentation, drawings and supplementary information unless otherwise altered by conditions attached to this planning permission:
 - Standard Minerals Application Form dated 16 September 2005
 - Amended Annex 1 dated February 2006
 - Environmental Statement, Reference Number 27172ST3 dated September 2005 including all appendices, Tables 1 to 9 inclusive, and Drawing Number 2717-12 to 2717-17 inclusive.
7. The development shall be carried out strictly in accordance with the mitigation measures contained in Part B, Assessment of Environmental Effects, Section 9, Ecology of the Environmental Statement reference number 2717/ST3 dated September 2005 submitted as part of the application for this development. The operator shall pay particular attention to Table 4 of that document entitled, "Conservation issues at Moel y Faen Quarry" , there shall be no working between the 1st March and the 31st August within 50 metres of a known nesting area of any species listed on Schedule 1 of the Wildlife and Countryside Act (as amended)
8. Except in emergencies to maintain safe working (which shall be notified to the MPA as soon as practicable)or unless agreed otherwise in writing no operations, other than the maintenance of mobile plant, shall be carried out at the site and lorries shall not enter or leave the site except between the following times:-
 - 06.00hours and 18.00 hours Monday to Saturday; and
 - 06.00 hours and13.00 hours Saturdays;No operations shall take place on public holidays and on the Saturday preceding a Monday public holiday
No servicing, maintenance of plant shall be carried out at the site between 19.00hours and 06.00hours on any day and at no time on Sundays and public holidays.

9. Noise levels should not exceed the limit of 45dB LAeq, 1hour at any dwelling when measured as "free field", that is, not less than 3.5 metres from the façade of a building, for all operations on site.

10. All practicable means shall be employed to control the generation and dispersal of dust arising from operations on the site. Dust control measures shall include:

- (i) the use of a water spray and/or bowser to damp down dust prone areas;
 - (ii) control of vehicular speed within the site access and application area;
 - (iii) regular sweeping and removal of excess material from trafficked areas;
 - (iv) avoidance of moving and handling materials and stockpiles in dry windy weather conditions, without regular wetting of dust prone surfaces and
 - (v) minimising the generation of airborne dust during the loading and unloading of road vehicles by minimising the drop height of the materials into the vehicle.
- (iv) Observation of wind speed and direction and the suspension of operations which unavoidably generate dust if there is a significant risk of the dust from the operation having an adverse impact on the amenity of Hafod yr Abott.

Notwithstanding the dust control measures referred to above, if visible dust emission should cross the site boundary, the site operations, except for emergency operations in connection with the safety of the site giving rise to such emission, shall be stopped until such time as there is no longer any visible dust emission from the site.

11. All heavy goods and light goods vehicles exiting the site shall be sheeted, or the loads otherwise contained or secured, in order to prevent the discharge of loose materials and debris onto the highway.

12. A suitable wheel wash shall be installed at the site in such a position relative to the site exit to ensure that all vehicles leaving the site do so in a condition so as not to carry out mud, slurry or any other debris that could be deposited on the highway. All heavy and light goods vehicles leaving the site shall use the wheel wash.

13. All water entering or arising on the site shall be managed in such a way to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters. There shall be no discharge of water from the site onto any adjoining public rights of way.

14. All foul drainage shall be discharged to an appropriate treatment facility or sealed tank. The contents of any such tank shall be removed from site completely

15. All oils, lubricants, fuels and other liquid materials stored on the site for operational and maintenance purposes shall be stored within an impermeable bunded area with a minimum capacity of 110% of the capacity of the largest storage container and all hoses and taps shall be kept locked and within the bunded area when not in use. Any water build up within the bunded area that will reduce the 110% minimum capacity shall be removed and appropriately discharged.

16. Repair, maintenance and fuelling of plant and machinery shall where practical only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from site completely.

17. The developer shall make arrangements for archaeological observation and recording to take place during the development. Details of those arrangements shall be submitted to and agreed in writing by the Mineral Planning Authority prior to the commencement of work. The agreed arrangements shall be carried out throughout the life of the site

18. Unless otherwise agreed in writing by the MPA the restoration to heather and upland grassland and the aftercare shall be carried out strictly in accordance with the submitted plans and details contained in Annex 1, dated February 2006 and Sections 5 and 6 of Part A, of the Environmental Statement, reference number 2717/ST3 dated September 2005, attached to the application. For the sake of clarification the phasing of the restoration shall be as shown on drawing number 2717/13; the final levels shall be as shown on drawing number 2717/14 and the soil profiles shall be in accordance with those shown on drawing number 2717/14.

19. The area shown as area 3 on drawing number 2717/6/Phase 1 attached to the Environmental Statement shall not be disturbed by mineral extraction but shall be retained and protected from public interference and grazing.

20. The operator shall arrange, on an annual basis for the life of the site including the period of aftercare, progress meetings, all interested parties shall be invited to the meeting to discuss the progress of the restoration and aftercare, a report of the meeting shall be produced which shall detail progress to date and the proposed restoration for the next 12 months. Those details shall include:-

- (i) development carried out during the previous 12 months;
- (ii) measures taken to implement the progressive restoration and habitat creation during the previous 12 months;
- (iii) measures taken to implement the aftercare provisions during the previous 12 months
- (iv) the intended development, restoration and aftercare for the next 12 months
- (v) recommendation for improvements to the restoration and aftercare proposals

The restoration shall be modified in accordance with the agreed recommendations contained in the report if there should be any failure to comply with the restoration identified at the meeting or a failure to comply with the agreed restoration requirements all mineral extraction and waste import shall cease until the work has been carried out in accordance with the agreed details. The first such meeting shall take place not more than 12 months from the commencement of the development.

21. No waste that will have a deleterious impact on the restoration of the site shall be brought on to the site and no waste material, other than that required for soil making in accordance with condition 18 above, shall be deposited within 1 metre of the proposed restoration surface. The operator shall prior to the import of any waste material submit to, and have agreed in writing by, the MPA, a scheme for recording for each and every discrete development producing the waste, the source, nature and quantity of waste to be imported, to demonstrate that the material will not conflict with the aims and objectives of the restoration. Should there be no record of the imported waste in accordance with the agreed scheme or it appears to the MPA that there is likely to be a conflict with the restoration objectives the import of waste shall cease and the operator may be required to remove the waste from site.

22. During the working of the site and for the entire period of restoration and aftercare, the site shall be protected from any public interference and grazing by animals.

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

1. To comply with the provisions of Sections 91 to 93 of the Town and Country Planning Act, 1990.
2. The development is of a type not considered suitable for permanent retention and to minimise the duration of the disturbance from the development hereby permitted.
3. In order that the MPA may retain control over the development.
4. In order that the MPA has control over the erection or siting of any ancillary buildings, hardstandings, fixed plant and machinery in the interest of the visual and general amenity of the area with particular reference to the Area of Natural Beauty.
5. To ensure that the permission and conditions are available for inspection and reference. To assist monitoring and conditions compliance
6. In order that the MPA may retain control over the development and for the avoidance of doubt
7. In order that the MPA has control over the development in the interest of nature conservation.
8. In order to retain control over the development in the interests of the general amenity of the area.
9. In order to retain control over the development in the interests of the general amenity of the area.
10. In order to retain control over the development in the interests of the general amenity of the area.
11. In order to retain control over the development in the interests of the general amenity

of the area and in the interest of highway safety.

12. In order to retain control over the development in the interests of the general amenity of the area and in the interest of highway safety.

13. To ensure that there is no pollution of any watercourse and to prevent the discharge of water onto any public right of way.

14. To ensure that the risk of pollution of any watercourse or the groundwater is minimised.

15. To ensure that the risk of pollution of any watercourse or the groundwater is minimised.

16. To ensure that the risk of pollution of any watercourse or the groundwater is minimised.

17. To enable sites of archaeological interest to be adequately investigated and recorded.

18. To ensure that the MPA has control over the development in the interests of visual amenity and nature conservation.

19. To ensure that the MPA has control over the development in the interests of visual amenity and nature conservation.

20. To ensure that the MPA has control over the development in the interests of visual amenity and nature conservation.

21. To ensure that the MPA has control over the development in the interests of restoration, visual amenity and nature conservation.

22. In the interests of visual amenity and nature conservation.

NOTES TO APPLICANT:

None

ITEM NO: 17

WARD NO: Llandyrnog

APPLICATION NO: 18/2005/1217/ PO

PROPOSAL: Development of 0.16 ha of land for 2 dwellings, installation of private treatment plant and construction of new vehicular access (outline application)

LOCATION: Land Adjoining Bryn Dedwydd Llandyrnog Denbigh

APPLICANT: Mr Richard Williams

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDYRNOG COMMUNITY COUNCIL
"No objection providing the proposed dwellings are of the same scale and character as the adjoining dwellings."
2. WELSH WATER
No objections subject to standard condition relating to water quality.
3. HEAD OF TRANSPORT AND INFRASTRUCTURE
No objection subject to conditions relating to: parking and turning of vehicles; laying out of the access prior to occupation; use of a bituminous material for the access; and the provision of adequate visibility splays in each direction of 2.4 metres by 20 metres with obstructions within these splays kept to a maximum of 1.05 metres in height.
4. ENVIRONMENT AGENCY
No objection

RESPONSE TO PUBLICITY:

Letters of representations received from:

1. Bill and Sylvia Evans, Orchard House, Ffordd Las, Llandyrnog;
2. Dora Jones and Margaret Hamilton, Bryn Dedwydd, Ffordd Las, Llandyrnog;
3. Craig Evans and Gwenan Edwards, Dolwar Ty Capel, Ffordd Las, Llandyrnog;
4. Neil and Joanna Lindfield, Berllan Bach, Ffordd Las, Llandyrnog;

Summary of planning based representations:

- i) The site lies at a very narrow part of the road and its development would be harmful to highway safety;
- ii) The development would result in a loss of agricultural land;
- iii) The development would perpetuate ribbon development;
- iv) The character of the area would be harmed;
- v) The site lies within an AONB;
- vi) The site does not conform to the definition of an infill plot as stated within the UDP;
- vii) A previous appeal for similar development on the other side of the road was dismissed in December 2004;

EXPIRY DATE OF APPLICATION: 30/11/2005

REASON FOR DELAY:

- Further information received from applicant's agent

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The site lies to the west of the highway which runs north-south through Ffordd Las. It is an open field, with a hedgerow forming the site frontage along the road. To the west lie other open fields, with a run of five dwellings abutting the site to the north and a further dwelling abutting the site to the south. On the opposite side of the road there are some 9 properties in a continuous frontage, with Dolwen immediately opposite the site. The site has a width of 40 metres and a depth of around 40 metres. The properties to each side on the west of the road have a similar depth and vary in width from 26 metres (Bryn Dedwydd) down to 13 metres (Hollywood).
2. Ffordd Las is not a defined settlement in the Denbighshire Unitary Development Plan.
3. The application is submitted on the basis of a pure outline with all matters reserved. However, an indicative layout plan has been provided which shows the creation of an access point at the centre of the site with visibility splays in each direction of 6.0 metres by 20 metres with the existing hedgerow reduced down to 0.9 metres in height. The indicative plan shows the siting of two detached dwellings each with parking for three cars and integral turning areas.
4. The proposed access to the site has been the subject of discussions between the agent and the Highway Authority, which has resulted in a delay in the determination of the application.

RELEVANT PLANNING HISTORY:

5. None at the subject site, but a recent application for the residential development of a site on the east side of the road through Ffordd Las (reference 18/2004/0411/PF) was refused in March 2004 and subsequently dismissed at appeal in December 2004. Whilst the application was for two detached dwellings, the site was far larger than the subject application with a width of over 70 metres, and was dismissed at appeal by the Inspector on the basis that it did not represent a 'small gap capable of accommodating one or two dwelling units' as defined by Policy HSG 5 of the UDP.

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 - Development outside development boundaries
Policy HSG 5 - Groups of Houses in the Open Countryside
Supplementary Planning Guidance 10 – Infill Housing in the Countryside

GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Impact on adjacent occupiers
 - iii) Highways and access

8. In relation to the considerations as noted in paragraph 7:
- i) Principle of development
Policy GEN 3 states that development outside of the defined boundaries will not be permitted other than in certain circumstances. One such circumstance is for the infill of one or two dwellings within a clearly identifiable group of houses, subject to the criteria of Policy HSG 5. The explanation to the policy clarifies that a 'group of houses' must form a continuous line of frontage or a focus of dwellings, must not be interspersed by fields and must contain 6 or more dwellings. It is considered that the site does fall within a 'group of houses' given its location between a run of five dwellings and a single dwelling, lying opposite a run of 9 other dwellings. Policy HSG 5 and SPG10 also require additional criteria to be satisfied, namely:
 - a) The proposal comprises the infilling of a small gap between buildings within a continuously developed frontage capable of accommodating one or two dwelling units;
 - b) The proposal is not at the end of a line of dwellings and does not result in ribbon development or the perpetuation of existing ribbon development;
 - c) The site is of comparable scale and size to, and is sited so as to, respect adjacent properties in the locality.

The proposal can be assessed against the above criteria as follows:

- a) The site is abutted by dwellings to each side and to the other side of the road. The dwellings to each side have similar depths and as such the site is considered to be an infill gap capable of accommodating one or two dwellings;
- b) The dwellings to the north and to the south mean that the ribbon development will not be perpetuated.
- c) The nature of the application as an outline means that the scale, design and appearance of the new dwellings will be considered under reserved matters.

Overall, therefore, the principle of the development is considered acceptable.

- ii) Impact on adjacent occupiers
The site is adjudged to be capable of development in a manner which will not result in any undue loss of privacy or amenity to adjacent or nearby occupiers.
- iii) Highways/access
With regard to access, the Head of Transport has confirmed that there are no objections subject to satisfactory conditions.

9. In respecting the comments made by the objectors, the majority of the concerns expressed are covered by the preceding assessment of the principle of the proposal. It is not considered that the comments raised in objection are of sufficient weight to justify a refusal of permission.

SUMMARY AND CONCLUSIONS:

10. The application is considered to be acceptable in relation to planning policies and is recommended to be granted subject to appropriate conditions.

RECOMMENDATION: GRANT - subject to the following conditions:-

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

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.
5. The access to the site shall be laid out and constructed in accordance with the plan supplied to the written approval of the Local Planning Authority before the development is brought into use.
6. The surface of the proposed access shall be paved with a bituminous material for a distance of 5.0m behind the highway boundary and the whole of the access frontage adjacent to the highway shall be reinforced with bullnose kerbs to the Highway Authority's approval.
7. The proposed access shall have a visibility splay of 2.4m x 20m in both directions measured along the near side edge of the adjoining carriageway over land within the control of the Applicant and or the Highway Authority and within which there shall be no obstruction in excess of 1.05m in height.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. To 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.
5. 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.
6. To ensure the formation of a safe and satisfactory access.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.

NOTES TO APPLICANT:

None

ITEM NO: 18

WARD NO: Llandyrnog

APPLICATION NO: 18/2005/1361/ PS

PROPOSAL: Removal of Condition No. 2 on planning permission Ref. No. Ruthin Rural 11/1409 restricting occupancy to persons employed or last employed in agriculture

LOCATION: Segwen Llandyrnog Denbigh

APPLICANT: Exors. Estate Of The Late Megan Lloyd

CONSTRAINTS:

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

CONSULTATION RESPONSES:

1. LLANDYRNOG COMMUNITY COUNCIL:
"The members of the Llandyrnog Community Council wish to comment as follows:

They object to removing the agricultural condition:

1. whilst not denying that the circumstances have changed and that the bungalow is no longer attached to any agricultural unit in any shape or form, the members felt it would be better if the condition was merely amended to include a local occupancy clause rather than being removed altogether – not sure whether it is in your remit to negotiate though or just deal with the matter as it stands?

2. the property has been advertised and you have probably received a marketing report, however there was apparently a clawback clause which may well have deterred potential qualifying purchasers – maybe the agent has been somewhat 'selective'."

2. ADAS
Have considered the issue of long term agricultural need for a dwelling in the locality and conclude there has been a clear change in circumstance and no functional requirement for a worker's dwelling.

RESPONSE TO PUBLICITY:

Letter of representation received from:

1. Mr & Mrs Morris, Dyffryn Awel, 26 Nant Glyd, Llandyrnog.

Summary of planning based representations:

- i) An offer on the asking price was rejected because the interested party was not considered to comply with the planning condition and the planning definition of agriculture (although they considered they did).

EXPIRY DATE OF APPLICATION: 05/01/2006

REASONS FOR DELAY IN DECISION:

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

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The dwelling and associated curtilage of Segwen is located to the north east of the village of Llandyrnog, in the area known as Groes Efa. The dwelling is a two bedroomed bungalow with a garden and garage within the curtilage. Planning permission was granted for the dwelling in February 1962 in connection with Mr & Mrs E.D Lloyd's farm known as Glan Wern Isaf. The bungalow was built soon after the grant of permission and was occupied by Mr & Mrs Lloyd. Mr Lloyd had retired from agriculture prior to his death in 1978, and had sold off the agricultural unit. Mrs Lloyd continued to live in the property until she moved into sheltered accommodation, prior to her death in May 2004.
2. The 1962 planning permission was granted with a condition that reads:
"2. The proposed bungalow shall be occupied only by persons employed or last employed locally in agriculture as defined in Section 119(i) of the Town and Country Planning Act 1947, or in Forestry and the dependants of such persons.
Reason:
It is the general policy of the Local Planning Authority to prevent sporadic housing development in rural areas unless such development is necessitated by the agricultural or forestry needs of the locality."
3. The current application seeks the deletion of the above condition.
4. The application has been submitted with a marketing report and planning statement, and the applicants have paid for ADAS to undertake an assessment of the functional need for a workers dwelling in this location. On the 12th August 2004 the property was put on the market for sale with a local estate agent, and it was marketed by private treaty or informal tender for in excess of 12 months, without success.

RELEVANT PLANNING HISTORY:

5. Ruthin Rural code 11/1409 – Erection of a farm bungalow and fuel store, construction of septic tank, formation of vehicular access and drainage works – GRANTED – 23/02/1962 with conditions.
6. Land at Rhydonnen, Llanychan (some 2 miles from this application site) 24/2005/24/0015/PF – Erection of agricultural worker's dwelling – REFUSED under delegated powers on the 24/06/2005 as there was no functional requirement for an additional dwelling on the farm. (See para. 10 of report)

PLANNING POLICIES AND GUIDANCE:

7. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 – Development outside development boundaries
Policy HSG 7 – Removal of agricultural & forestry occupancy condition
Supplementary Planning Guidance No. 9 – Agricultural and forestry workers' dwelling

GOVERNMENT GUIDANCE

Planning Policy Wales, March 2002, paragraph 9.3.7-9.3.10

Technical Advice note (Wales) 6: Agricultural and rural development 2000.

MAIN PLANNING CONSIDERATIONS:

8.
 - i) Principle of deletion of condition
 - a) Housing need on the holding and area
 - b) Evidence of marketing

c) Response to marketing

9. In relation to the above considerations:

i) Principle of development:

Policy HSG 7 of the adopted Denbighshire Unitary Development Plan sets out criteria to be met for the removal of an agricultural occupancy condition.

Policy HSG 7 relates to national guidance contained in TAN 6 (Wales)

a) Housing need on the holding and in the area

ADAS are satisfied that there is no functional requirement for a worker's dwelling in the location. Housing need on the adjoining farm holdings has been explored by the agent and evidence has been submitted by the way of signatures that they have no need for an agricultural workers dwelling.

A recent application for a workers dwelling was refused in June 2005 less than 2 miles from Segwen, application code 24/2005/0015/PF (see above). The agent for the current proposal has contacted the applicants on the Rhydonnen application and they have confirmed that the Segwen dwelling would not meet their needs. I consider that there is no long term need for a worker's dwelling on the holding and in the area.

b) Evidence of marketing

The marketing report submitted demonstrates that genuine attempts over a period of 12 months have been undertaken and catalogued to sell the property of the deceased. The marketing price was set at a suitably discounted figure. ADAS advises that the current average agricultural workers wage is low in comparison to other professions and few agricultural workers could afford this property without substantial capital savings.

c) Response to marketing

The agent recorded three offers for purchase of the dwelling following the closing date of the informal tender. The agents have made it clear in the informal tender forms that offers would only be considered if they had evidence to support compliance with the occupancy condition. It is understood that none of the details submitted with the offers demonstrated compliance with the definition of agriculture or forestry.

10. With respect to the suggestions of the Community Council, it would not be appropriate for the LPA to substitute a local occupancy clause in place of the agricultural workers restriction as the application has to be considered in its specific merits as submitted, i.e. on the basis of the case to delete the agricultural restriction.

SUMMARY AND CONCLUSIONS:

11. It is considered that the tests relevant to the deletion of the occupancy condition have been met.

RECOMMENDATION: GRANT- No conditions imposed.

NOTES TO APPLICANT:

None

ITEM NO: 19

WARD NO: Llandyrnog

APPLICATION NO: 18/2005/1523/ PS

PROPOSAL: Variation of Condition No. 2 of planning permission 18/2005/1068/PF restricting use of business units to Use Class B1, to permit Classes B1 and B8 (storage and distribution) use

LOCATION: Speddyd Farm Llandyrnog Denbigh

APPLICANT: Mr Michael Owen

CONSTRAINTS: Public Footpath / Bridleway

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

CONSULTATION RESPONSES:

28. LLANDYRNOG COMMUNITY COUNCIL
"No objection"
29. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection provided the highway improvements imposed in planning permission 18/2005/1068/PF are carried out
30. HEALTH & PRIVATE SECTOR HOUSING MANAGER
Awaiting response

RESPONSE TO PUBLICITY:

Letters of representation received from:-

1. Mr. & Mrs. D.L. Willis, Charfan Cottage, Llandyrnog
2. A. P. Sherriff - by e-mail, Nyth yr Hebog, Llandyrnog

Summary of planning based representations:

- i) Concerns over type of goods to be stored
- ii) Impact on traffic flow/pedestrian/highway safety

EXPIRY DATE OF APPLICATION: 27/02/2006

PLANNING ASSESSMENT:**THE PROPOSAL:**

1. The application site is at Speddyd Farm, located within the open countryside outside the village of Llandyrnog.
2. Speddyd is no longer a working farm and the majority of land owned by the applicant is currently leased out. The site is accessed via a narrow country lane bounded by mature hedgerows on both sides. There are no residential properties immediately adjoining the site, with the closest property located approx. 160m away. There are several redundant buildings formerly used in connection with the farm.

3. This application relates to 2 existing redundant buildings. Planning permission was granted in November 2005 for the conversion and alteration to the 9 bay unit into 2 no self contained rural business units (each with a floor area of 275 sq metres), and conversion, alteration and extension to the 6 bay unit to provide 1 no. self contained unit (with a total area of 735 sq metres). Condition 2 restricted the use of the buildings to Class B1 business purposes only with several other conditions imposed to control operations and oblige highways improvements.
4. This application is to vary condition 2 to allow for the buildings to be used for Class B1 and Class B8 (Storage and Distribution) use.

RELEVANT PLANNING HISTORY:

5. 18/2005/1068/PF Conversion and alterations to 9 bay agricultural barn and 6 bay agricultural barn with extensions, to provide 3 self contained rural business units, with associated parking and minor land alignment improvements and reinstatement of hedgerow GRANTED 22nd November, 2005 subject to a number of conditions including the following:

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, this permission relates to the use of the buildings for Class B1 purposes within the Town and Country Planning (Use Classes) Order 1987.

3. No machinery shall be operated, no assembly processes shall be carried out and no deliveries taken/dispatched from the site outside the following hours and days: 0800 - 1800 hours Monday - Friday, 0800 - 1300 hours on Saturdays

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 6 - Development Control Requirements
 - Policy ENV 1 - Protection of the natural environments
 - Policy EMP 5 - Small scale employment development outside development boundaries
 - Policy TRA 6 - Impact on new development on traffic generation

Government Guidance Planning Policy Wales (March 2002)

MAIN PLANNING CONSIDERATIONS:

7.
 - i) Principle of development
 - ii) Impact on residential amenity
 - iii) Impact on highway safety
8. In relation to the main planning considerations:
 - i) Principle of development
The principle of converting the buildings into 3 self contained Class B1 rural business units has been established by a recent planning permission. The applicant has received some interest in the use of the buildings for storage use, but would like the option to use the buildings for both Class B1 and B8 uses. Class B8 uses include warehousing and distribution including depots and other outlets that serve a trade, but do not include retail sales to the public. A Class B8 use is considered acceptable in principle in relation to the planning policies outlined. A number of conditions were imposed on the November 2005 permission, including restricting the hours of operation, machinery, assembly processes and deliveries taken/dispatched from the site, which would be considered acceptable and consistent with a Class B8 use.

- ii) Impact on residential amenity
The buildings are divorced from neighbouring properties with a group of residential properties within and on the edge of the village of Llandyrnog located a minimum distance of approx 160m away. Suitable conditions to control hours of operation, lighting and adequate sound insulation of the buildings have been imposed to the main permission and to now allow a Class B8 use would not lead to an unacceptable impact on residential amenity. Concerns have been raised by local residents relating to the type of goods to be stored, particularly with regard to hazardous materials. The storage of hazardous materials would be covered by other legislation and controls.

- iii) Impact on highway safety
The Head of Transport and Infrastructure has raised no objection to this variation of condition application subject to the highway improvements previously approved being carried out to the existing access and junction with the B5429 in addition to the lane being widened. There would be no adverse impact on highway safety and it is considered that sufficient parking and turning space has been provided.

SUMMARY AND CONCLUSIONS:

- 9. The principle of the development is considered acceptable and complies with Policy EMP 5. It is not considered that there would be any significant impact on residential amenity or on highway safety.

RECOMMENDATIONS - GRANT (no conditions imposed)

NOTES TO APPLICANT:

The permission relates solely to the permitted uses of the buildings at Speddyd and you are advised of the necessity for compliance with all other conditions governing the development set on application Code No. 18/2005/1068/PF.

ITEM NO: 20
WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal
APPLICATION NO: 22/2005/1206/ PF
PROPOSAL: Erection of 1 no. detached dormer bungalow incorporating extension of existing driveway access and associated landscaping and drainage works.
LOCATION: Land Adjoining Old Barn Gellifor Ruthin
APPLICANT: Mr & Mrs Gordon Clarke
CONSTRAINTS: Public Footpath / Bridleway
PUBLICITY UNDERTAKEN: Site Notice - No Press Notice - No Neighbour letters - Yes

CONSULTATION RESPONSES:

31. LLANGYNHAFAL COMMUNITY COUNCIL
Awaiting response.
32. FOOTPATHS OFFICER
No objection subject to protection of bridleway.
33. HEAD OF TRANSPORT & INFRASTRUCTURE
No objection.

RESPONSE TO PUBLICITY:

Letters of representation received from:

1. Eileen Appleton, Spinney Gate, Gellifor
2. Allan Walls, Pen Uchaf, Gellifor
3. John Roddan, Hedd y Mynydd, Gellifor
all raise no objection to the proposal
4. Williams Jones & Talog Davies (on behalf of Mr. Williams, Bryn Defaid)

Summary of Planning Representations

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

EXPIRY DATE OF APPLICATION: 01/12/2005

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application site is located to the north-east of the village of Gellifor and contains a residential dwelling known as the Old Barn. This 'L' shaped residential unit lies just inside the defined settlement of Gellifor and enjoys an open curtilage

area to its east side. Access to the existing dwelling is achieved via Hwylfa Llwyn, a narrow access track which becomes a bridleway heading out of the village to its north-east.

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

RELEVANT PLANNING HISTORY:

4. **33/14,034**

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

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

22/2000/118/PO

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

22/2000/586/PR

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

22/2005/0309/PF

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

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 ENP 4 - Foul and surface water drainage
 - Policy TRA 9 - Parking and Servicing Provision

Planning Policy Wales, March 2002

MAIN PLANNING CONSIDERATIONS:

6.

- i) Impact of extended driveway on nearby residential amenity.

- ii) Highway safety.
- iii) Drainage issues.

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

i) Impact on residential amenity

It is important to initially point out that the principle of developing the land to the east of the Old Barn for a detached dormer property has been established. The main issue on this proposal is whether the proposed vehicular access for the new dwelling is acceptable via a shared arrangement extending between the existing properties of the Old Barn and Bryn Defaid. This issue has previously been tested in the above mentioned appeal in 1994, when the applicant intended to use this shared arrangement to come through the existing driveway for the Old Barn. However, the Inspector at that time believed that to do this would accentuate the tandem nature of the development with concerns raised in relation to additional traffic noise on the 2 no. existing adjacent dwellings. Whilst acknowledging this argument it is significant that a new dwelling has since been permitted with a new driveway formed to the north part of the curtilage of the Old Barn. This access cannot be formed due to legal restrictions on the use of the bridleway. The principle of creating an access and driveway within the curtilage of the Old Barn has therefore been established. It should also be noted that, historically, the Old Barn driveway would have been used for agricultural traffic gaining access into adjoining fields so there is a history of use of this access. Furthermore, it is considered that with the orientation of Bryn Defaid to the south, with no main habitable room windows facing the proposed extended driveway, there should be no significant loss of amenity from additional traffic serving the new bungalow property. By enhancing the buffer between the driveway and the existing dwellings, it is considered this should adequately protect existing levels of amenity enjoyed by both units. It is considered that assessing the proposal against current highway guidance and current Unitary Development Plan policies relating to protection of amenity, the impact of this extended driveway on nearby residential amenity would not warrant refusal of this proposal.

ii) Highway safety

Highways officers have been involved in detailed discussions with the applicant in relation to the details of a shared driveway to serve the development. The proposal is considered acceptable in highway terms and any neighbour concerns raised are purely civil matters related to rights of access.

iii) Drainage issues

The proposed surface water drainage for the proposed extended driveway is consistent with general drainage arrangements for small scale driveway works. This has been designed in order to minimise the possibility of undue vibration transfer between the driveway and adjoining properties. It is not considered that the proposed arrangement would cause any significant drainage concerns and would not justify the refusal of this proposal.

SUMMARY AND CONCLUSIONS:

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

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The driveway, parking and turning area hereby permitted shall be surfaced in accordance with the approved plan prior to the first occupation of the dwelling.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of highway safety.

NOTES TO APPLICANT:

None

PWYLLGOR CYNLLUNIO
CYFARFOD: 22ain Chwefror 2006
Eitem: 3

GORCHYMYN CADWRAETH COED

2/2005 6, Vicarage Road, Llangollen

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

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
DENBIGHSHIRE COUNTY COUNCIL
LAND ON THE BOUNDARY OF 6 VICARAGE ROAD, LLANGOLLEN

TREE PRESERVATION ORDER NO 2/2005

1 PURPOSE OF THE REPORT

- 1.1** To report on the serving of the Tree Preservation Order and to determine whether it should be confirmed without modification.

2 BACKGROUND

- 2.1** The tree is on the boundary of 6 Vicarage Road and the private drive to Penybryn.
- 2.2** It was considered at risk when an application for a garage extension at 6 Vicarage Road was received which would have necessitate the felling of the tree. The justification for making the order is that the tree is of local amenity value and considered vulnerable. The countryside officer (Woodlands and Conservation) has inspected the tree from ground level and reported that it appears in good condition.

3 OBJECTIONS

- 3.1** No letters of objections have been received.

4 CONCLUSION

- 4.1** The Tree Preservation Order is required to protect the tree for its amenity value

5 RECOMMENDATION

- 5.1** The Tree Preservation Order No 2/2005 should be confirmed without modification.

**ADRODDIAD GAN BENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD
EITEMAU GWYBODAETH AR GYFER Y PWYLLGOR CYNLLUNIO**

1. PWRPAS YR ADRODDIAD

1.1 Mae hyn yn cynnwys yr eitem agenda sefydlog yn y Pwyllgor Cynllunio sy'n darparu cyfeirbwynt i'r Aelodau o ran gwybodaeth am bolisi sy'n dod i'r fei, cyfarwyddyd, cyhoeddiadau defnyddiol, ac eitemau eraill o ddiddordeb.

1.2 Mae'r wybodaeth a ddarperir i Aelodau wedi'i gyfyngu i ddisgrifiad byr a chyfeiriad at ffynhonnell unrhyw ddogfennaeth (cyfeiriad rhyngurwyd/ mewnurwyd). Bydd yr adroddiad hefyd yn cynnwys crynodeb o unrhyw oblygiadau arwyddocaol i waith gwneud penderfyniadau y Pwyllgor Cynllunio, ble mae'n berthnasol.

2. NODYN CYNGOR TECHNEGOL (TAN) 5 – DRAFFT YMGYNGHORI – GWARCHODAETH NATUR A CHYNLLUNIO

2.1 Mae Llywodraeth Cynulliad Cymru yn diwygio Nodyn Cyngor Technegol (TAN) 5: Gwarchodaeth Natur a Chynllunio ac mae modd cael hyd i ddrafft ymgynghori'r diwygiad ar y cyswllt gwefan isod:

<http://www.countryside.wales.gov.uk>

2.2 Bydd swyddogion yn cyd-drefnu ymateb i WAG ar y ddogfen hon, yn cynnwys ymgynghori â Phwyllgor Archwilio'r Amgylchedd a'r Aelod Arweiniol dros yr Amgylchedd. Os yw'r Aelodau'n dymuno trafod y TAN drafft neu wneud sylwadau cysylltwch â Jonathan Cawley yn Adain Polisi, Ymchwil a Gwybodaeth y Gwasanaeth os gwelwch yn dda: jonathan.cawley@sirddinbych.gov.uk - 01824 708053

**Penderfyniadau wedi eu gwneud gan
Bennaeth Gwasanaethau Cynllunio a Gwarchod y Cyhoedd o dan
Pwerau Dirprwyedig
1af - 31ain Ionawr 2006**

Eitem er gwybodaeth

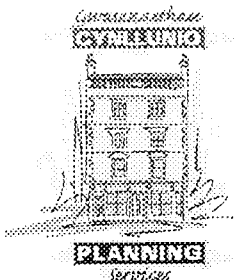
This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

MATHAU O BENDERFYNIAD

CANIATÁU (GRANT)	- caniatáu caniatâd cynllunio
GWRTHOD (REFUSE)	- gwrthod pob math o gais
CYMERADWYO (APPROVE)	- cymeradwyo materion neu amod a neilltuwyd
CANIATÂD (CONSENT)	- caniatáu caniatâd adeilad rhestredig, ardal gadwraeth neu ganiatâd hysbyseb
BARNU (DEEMED)	- nid yw'n ofynnol cael caniatâd hysbyseb
DIM GWRTHWYNEBIAD gadwraeth (NO OBJ)	- dim gwrthwynebiad i waith ar goeden/coed mewn ardal
NID YW'N OFYNNOL (NOT REQ)	- nid yw'n ofynnol cael caniatâd ar gyfer y gwaith arfaethedig
PENDERFYNWYD llaw (DETERMIN)	- penderfynwyd nad yw'n ofynnol cael cymeradwyaeth o flaen neu'n cael ei ganiatáu pan benderfynir ar y cais (rhai gweithiau telecom a gwaith amaethyddol penodol)
DATBLYGIAD A GANIATEIR cais (P DEV)	- canfuwyd fod y cais yn ddatblygiad a ganiateir ar ôl derbyn y
TYNNWYD YN ÔL (WDN)	- tynnwyd y cais yn ôl gan yr ymgeisydd
ANNILYS (INVALID)	- canfuwyd fod y cais yn annilys
ARDYSTIO (CERTIFY)	- cyflwynwyd tystysgrif defnydd cyfreithlon
G ARDYSTIO (RCERTIFY)	- gwrthodwyd cyflwyno tystysgrif defnydd cyfreithiol

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

01 /01 /2006 ac 31 /01 /2006



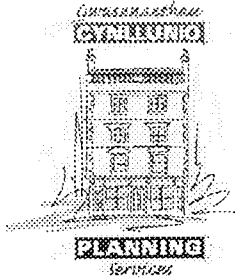
**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC
PROTECTION UNDER DELEGATED POWERS**

01 /01 /2006 and 31 /01 /2006

<u>RHIF CYF REF NO</u>	<u>LLEOLIAD A CHYNNIG LOCATION AND PROPOSAL</u>	<u>YMGEISYDD APPLICANT</u>	<u>PENDERFYNIAD DECISION</u>	<u>DYDDIAD DATE</u>
01/2005/1120 / AC	9a Colomendy Industrial Estate, Rhyl Road Denbigh	Christopher W Lewis	APPROVE	10 /01 /2006
	Deatils of marked out parking area submitted in accordance with Condition No. 2 of Planning Permission 01/2004/1323/PF.	Case Officer - Philip Garner		
01/2005/1300 / LB	Bryn Awel 54 Love Lane Denbigh	Louise Bayliss-Chapman	GRANT	10 /01 /2006
	Removal and rebuilding of wall to allow parking at rear (Listed Building Application)	Case Officer - Sarah Stubbs		
01/2005/1351 / PF	Unit 1, Vale Park Colomendy Industrial Estate, Rhyl Road Denbigh	Mars Jones Ltd.	GRANT	03 /01 /2006
	Erection of industrial storage unit (amended details to those previously approved under code no. 01/2004/1289/PF)	Case Officer - Paul David Griffin		
01/2005/1368 / PF	9 Parc Clwyd Denbigh	Miss A Wills	GRANT	03 /01 /2006
	Erection of pitched roof extension to rear of dwelling	Case Officer - Paul David Griffin		

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

01 /01 /2006 ac 31 /01 /2006



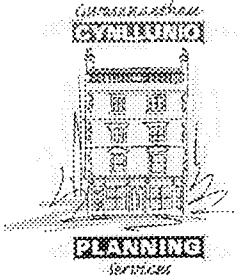
**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC
PROTECTION UNDER DELEGATED POWERS**

01 /01 /2006 and 31 /01 /2006

<u>RHIF CYF REF NO</u>	<u>LLEOLIAD A CHYNNIG LOCATION AND PROPOSAL</u>	<u>YMGEISYDD APPLICANT</u>	<u>PENDERFYNIAD DECISION</u>	<u>DYDDIAD DATE</u>
01/2005/1387 / PF	65 Erw Salusbury Denbigh Erection of pitched-roof extension at rear of dwelling	Mr & Mrs A.W Griffiths Case Officer - Paul David Griffin	GRANT	03 /01 /2006
01/2005/1429 / PF	Craig Bragdy Design Unit 10a Colomendy Industrial Estate Rhyl Road Denbigh Erection of two-storey extension to rear of premises	Nick Powell Craig Bragdy Design Ltd. Case Officer - Paul David Griffin	GRANT	20 /01 /2006
01/2005/1437 / PF	Old Farmhouse Ystrad Farm Ystrad Denbigh Conversion/reinstatement of building/office as dwelling house and installation of replacement septic tank.	Mr G Brookes & Mrs S Archdale Case Officer - Paul Mead	GRANT	18 /01 /2006
01/2005/1446 / PF	36 Maes Y Dre Denbigh Erection of two-storey flat-roofed extension at rear of dwelling	Mr & Mrs D Roberts Case Officer - Paul David Griffin	REFUSE	23 /01 /2006
01/2005/1448 / PF	Bod Hafod Bryn Dedwydd Denbigh Erection of conservatory to rear of dwelling	Mr & Mrs Cooper Case Officer - Nicola Marie Jones	GRANT	13 /01 /2006

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

01 /01 /2006 ac 31 /01 /2006



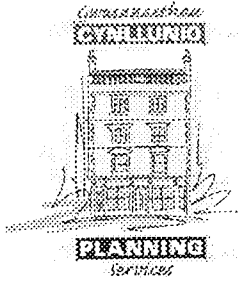
**DECISIONS MADE BY HEAD OF PLANNING AND PUBLIC
PROTECTION UNDER DELEGATED POWERS**

01 /01 /2006 and 31 /01 /2006

<u>RHIF CYF REF NO</u>	<u>LLEOLIAD A CHYNNIG LOCATION AND PROPOSAL</u>	<u>YMGEISYDD APPLICANT</u>	<u>PENDERFYNIAD DECISION</u>	<u>DYDDIAD DATE</u>
01/2005/1458 / PF	73 Rhyl Road Denbigh Erection of two-storey pitched roof extension to rear of dwelling.	Mr & Mrs I Hall	GRANT	25 /01 /2006
		Case Officer - Paul David Griffin		
01/2005/1504 / AG	Broadleys Farm Denbigh Bulk bin/grain silo for agricultural feed	Maj. Tom Smith	APPROVE	03 /01 /2006
		Case Officer - Nicola Marie Jones		
02/2005/1293 / PF	Units 5 & 6, Plot 1 Lon Parewr Industrial Estate Ruthin Change of use from Class B1 to Class B2 (Vehicle repairs, servicing and MOT.)	Messrs G H Lewis & Sons	GRANT	06 /01 /2006
		Case Officer - Catrin E Williams		
02/2005/1349 / PF	Ruthin Auto Centre 17 Lon Parewr Ruthin Erection of steel framed extensions to existing building	R Wilding	GRANT	05 /01 /2006
		Case Officer - Paul David Griffin		

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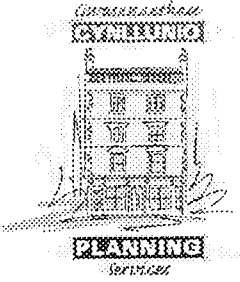
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02/2005/1359 / LB	Corporation Arms, 4 Stryd Y Castell Ruthin Replacement of existing ground-floor front glazing with like-for-like or repair of existing panes and internal alterations comprising formation of new security door and stud partition to top of ground-floor staircase	Punch Taverns Limited Case Officer - Paul David Griffin	GRANT	27 /01 /2006
02/2005/1388 / PF	Pen Y Garth St. Meugans Ruthin Erection of two-storey pitched roof extension to side of dwelling	Mr & Mrs G Tomos Case Officer - Paul David Griffin	GRANT	04 /01 /2006
02/2005/1411 / PF	Lewis Electrics Lon Parcwr Industrial Estate Ruthin Subdivision of premises to provide separate unit and construction of new vehicular access	Mr & Mrs D Lewis Case Officer - Nicola Marie Jones	REFUSE	13 /01 /2006
02/2005/1426 / LB	Rose Cottage 15 Rhos Street Ruthin Application of lime render to gable end of property (Listed Building application)	Mr E Hughes Case Officer - Paul David Griffin	PENDING	13 /01 /2006

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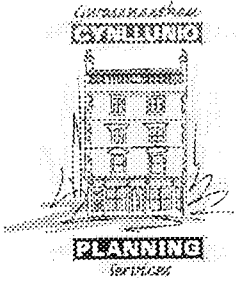
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02/2005/1434 / AD	Corporation Arms, 4 Stryd Y Castell Ruthin Display of externally-illuminated projecting sign	Punch Taverns Limited Case Officer - Paul David Griffin	REFUSE	27 /01 /2006
02/2005/1435 / LB	Corporation Arms, 4 Stryd Y Castell Ruthin Display of advertising signs and reduction in number of up-lights on fascia roof to 4	Punch Taverns Limited Case Officer - Paul David Griffin	REFUSE	27 /01 /2006
03/2004/0020 / EL	Land Between The Old Vicarage and Tyn y Pistyll . Llangollen Erection of replacement overhead 33kv line supported by wood poles	SP Power Systems Ltd. Case Officer - Catrin E Williams	WDN	30 /01 /2006
03/2004/0695 / PF	Pen Y Coed Llangollen Creation of stacking bay for timber harvesting operations	Coed Cadw/ The Woodland Trust Case Officer - Catrin E Williams	WDN	18 /01 /2006
03/2005/1262 / PF	Land At (Part Garden Of) Swn Awelon Fron Bache Llangollen Erection of detached dwelling and alterations to existing vehicular access	Mr & Mrs R O Roberts Case Officer - Catrin E Williams	GRANT	12 /01 /2006

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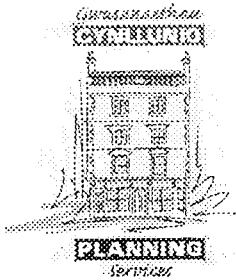
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03/2005/1311 / LB	7 Chapel Street Llangollen Installation of window in place of door on first-floor at rear and double-doors in place of window on ground-floor at rear (Listed Building application)	Mr & Mrs M.R Heaton	GRANT	12 /01 /2006
		Case Officer - Paul David Griffin		
03/2005/1381 / EL	Land Rear Of The Headlands Abbey Road Llangollen Proposed 11KV overhead line supported by wood poles.	SP Power Systems Ltd SP Manweb Plc	GRANT	03 /01 /2006
		Case Officer - Paul David Griffin		
03/2005/1461 / PF	68 Pengwern Llangollen Erection of single-storey pitched-roof extension at side/rear of dwelling	Mr & Mrs R.P Davies	GRANT	30 /01 /2006
		Case Officer - Paul David Griffin		
03/2006/0006 / AC	5 George Street Llangollen Details of bin stores and drying areas submitted in accordance with Condition No, 2 of Planning Permission Code No. 03/2005/1257/PF	Mr M Francis	APPROVE	10 /01 /2006
		Case Officer - Catrin E Williams		

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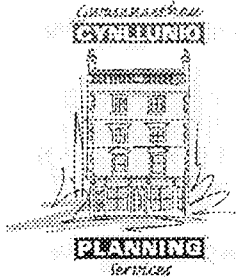
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05/2005/1287 / PS	Land Adjoining The Crescent Corwen Variation of condition no. 3 of planning permission Code No. 05/1073/97/PO to allow further 12 month period for commencement	Williams Constructio	APPROVE	19 /01 /2006
		Case Officer - Shan Wyn Jones		
05/2005/1465 / PF	Gwelafon Maesafallen Corwen Alterations and extension to garage to form kitchen and extension to porch	Mr. & Mrs. G. Jones	GRANT	18 /01 /2006
		Case Officer - Paul David Griffin		
07/2005/0177 / PS	Branas Isaf Personal Development Centre Llandrillo Corwen Removal of Condition No. 7 on planning permission Ref. No. 16/15179 to allow use of building as residential care facility annex to the Centre	Mrs C D Murphy	WDN	13 /01 /2006
		Case Officer - Paul Mead		
07/2005/1190 / PO	Land At Field No 9817 Ty Isa Dinam Llandrillo Corwen Development of 0.1ha of land by the erection of an agricultural workers dwelling and the installation of new septic tank (outline application)	G I Jones	GRANT	24 /01 /2006
		Case Officer - Philip Garner		

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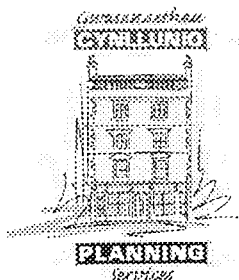
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08/2005/1404 / PF	Tan Y Coed Cynwyd Corwen Erection of pitched roof extensions to side and rear and conservatory and porch to front of dwelling	Roger Chambers	GRANT	04 /01 /2006
		Case Officer - Paul David Griffin		
10/2005/1224 / PC	3 Llan Isa Bryneglwys Corwen Continuation of use of land for keeping of horses and retention of sectional stable/store (retrospective application)	M Bellis	GRANT	13 /01 /2006
		Case Officer - Nicola Marie Jones		
10/2005/1402 / PF	Talybidwal Bach Bryneglwys Corwen Erection of stable block for use ancillary to the main dwelling	N Lockert	GRANT	06 /01 /2006
		Case Officer - Paul David Griffin		
10/2005/1460 / AG	Bodanwydog Llandegla Wrexham Erection of 2no. agricultural buildings for use as sheep sheds/implement and fodder store	Mr R.W Edwards	NOT REQ	25 /01 /2006
		Case Officer - Nicola Marie Jones		

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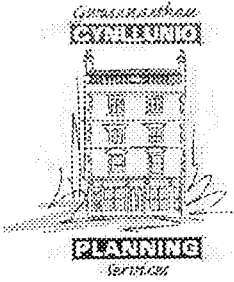
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11/2005/1408 / PF	Penymaes Lodge Llanfwrog Ruthin Erection of pitched roof extension at side of dwelling	Mr & Mrs T Jones	GRANT	13 /01 /2006
		Case Officer - Paul David Griffin		
12/2005/1492 / PO	Land Opposite Telephone Exchange Clawddnewydd Ruthin Development of 0.07ha of land by the erection of 1 No. dwelling and construction of new vehicular access (Outline application)	Mr J.Ll Williams	REFUSE	31 /01 /2006
		Case Officer - Catrin E Williams		
13/2005/0890 / PF	Shippon at Pencoed Isa Pwllglas Ruthin Conversion of disused shippon to single dwelling, associated landscaping and new access track	Mr & Mrs D Vasmer	GRANT	03 /01 /2006
		Case Officer - Catrin E Williams		
15/2005/1161 / LE	Perth Y Wrach Llandegla Road Llanarmon-Yn-Ial Mold Application for Certificate of Lawfulness for the existing use of The Caravan as a holiday caravan	Mr E Sharp	CERTIFY	25 /01 /2006
		Case Officer - Paul Mead		

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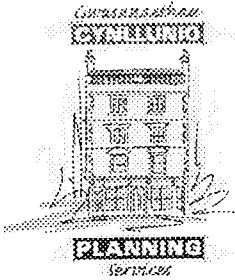
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15/2005/1413 / PF	Bryn Goleu Llandegla Road Llanarmon-Yn-Ial Mold Erection of detached single garage	Mr D Hughes	GRANT	12 /01 /2006
		Case Officer - Paul David Griffin		
16/2005/0889 / LE	Land adjoining Wayside Rhiwlas Llanbedr Dyffryn Clwyd Ruthin Certificate of Lawfulness for erection of dwelling and construction of vehicular access as granted by planning permission reference 11/1740	Mr Gwyn Jones	RCERTIFY	24 /01 /2006
		Case Officer - Philip Garner		
16/2005/1336 / PF	Squirrel Corner Llanbedr Hall Ruthin Alterations to roof of existing dwelling to form pitched roof	Mr & Mrs B McQueen	GRANT	18 /01 /2006
		Case Officer - Paul David Griffin		
16/2005/1400 / TP	Melin Y Wern Llanbedr Dyffryn Clwyd Ruthin Works to trees - 30% crown reduction of 1 Alder and 2 Willows and felling of 1 willow the subjects of a tree preservation order	Mr James McAllester	GRANT	04 /01 /2006
		Case Officer - Paul David Griffin		

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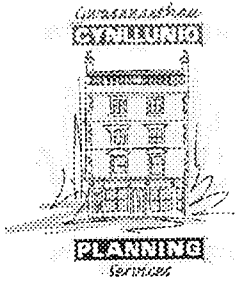
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19/2005/0276 / PF	Sowrach Llanelidan Ruthin Conversion of redundant outbuilding to dwelling, construction of new vehicular access and installation of new septic tank	G Rowlands	GRANT	25 /01 /2006
		Case Officer - Nicola Marie Jones		
20/2005/1340 / PF	Ty Brith Pentre Celyn Ruthin Extension to existing sheep shed/fodder store	Mr W Jones	GRANT	03 /01 /2006
		Case Officer - Paul David Griffin		
20/2005/1407 / PF	Dolydd Llanfair Dyffryn Clwyd Ruthin Erection of pitched roof extensions at front and rear of dwelling	Mr. & Mrs. J. G. Jones	GRANT	13 /01 /2006
		Case Officer - Paul David Griffin		
21/2005/1543 / AC	Ffynnon Y Berth Llanarmon Road Llanferres Mold Details of Condition No. 10 (landscaping) on planning permission Ref. No. 21/2003/0395/PF	Mr & Mrs M Thackary	APPROVE	12 /01 /2006
		Case Officer - Catrin E Williams		
22/2005/1360 / PF	Plas Yn Llan Farm Llangynhafal Denbigh Proposed slurry pit	Mr M Jones	GRANT	03 /01 /2006
		Case Officer - Paul David Griffin		

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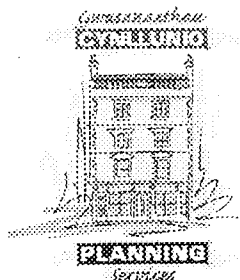
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22/2005/1486 / HE	Tyn Y Caeau Llangynhafal Ruthin Notification of intention to remove 7 metres of hedgerow to facilitate access to new dairy	Denbighshire County Council Head Of Development Services Case Officer - Paul David Griffin	GRANT	04 /01 /2006
23/2005/1286 / PF	Rhewl Valley Peniel Denbigh Conversion of outbuilding to dwelling and installation of new septic tank	Mr H Howatson Case Officer - Emer O'Connor	GRANT	10 /01 /2006
23/2005/1397 / PF	Tyddyn Bryn Rossa Prion Denbigh Erection of pitched-roof extension to side of dwelling and change of use of land to form extension to existing residential curtilage	Ms Claire Andrews Case Officer - Paul David Griffin	GRANT	05 /01 /2006
23/2006/0087 / AC	Rhewl Valley Peniel Denbigh Details of Landscaping (2), Access (5) and Parking & Turning (6) submitted in accordance with Condition Nos. 2, 5 and 6 of Code No. 23/2005/1286/PF	Mr H Howatson Case Officer - Emer O'Connor	APPROVE	27 /01 /2006

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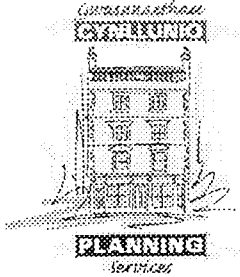
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25/2005/1226 / AC	Windfarm At Tir Mostyn And Foel Goch Nantglyn Denbigh	Mr Tom Murley Hg Capital Windpower I Ltd	APPROVE	30 /01 /2006
	Details of survey of the acoustic performance of the turbine types submitted in accordance with condition numbers 18 and 19 of planning permission code no. 25/710/99/PF	Case Officer - Ian Weaver		
25/2005/1267 / AC	Bryn Awel Peniel Denbigh	Mr & Mrs N Heckman	APPROVE	26 /01 /2006
	Details of excavation works and impact on groundwater flow submitted in accordance with condition no. 3 of planning permission code no. 25/2004/0725/PF	Case Officer - Catrin E Williams		
25/2005/1508 / AG	Plas Newydd Nantglyn Denbigh	Mr & Mrs R L Howatson	APPROVE	03 /01 /2006
	Extension to existing steel shed for forage and implements	Case Officer - Nicola Marie Jones		
31/2005/1375 / PF	Outbuildings at Pen Y Bryn Wigfair St. Asaph	Mr W Curgenvan	GRANT	20 /01 /2006
	Renewal of Application Ref. No. 31/2001/0834/PF comprising conversion of outbuildings to 2 no. dwellings and installation of new septic tank	Case Officer - Nicola Marie Jones		

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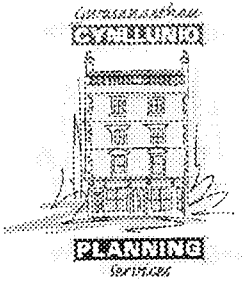
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31/2005/1430 / TA	Land At Bryn Hen Quarry Groesffordd Marli Abergele	Airwave 02 Ltd.	GRANT	20 /01 /2006
	Installation of 12m high lattice tower with 3 antennae, 2 dishes and associated equipment cabinets	Case Officer - Paul Mead		
40/2005/1497 / PF	22 Ffordd Parc Castell Bodelwyddan Rhyl	Mr D E J Tweed	GRANT	12 /01 /2006
	Erection of front entrance porch	Case Officer - Emer O'Connor		
40/2005/1516 / AC	Integra Phase 2 Glascoed Road St. Asaph Business Park St. Asaph	Pennaf Ltd	APPROVE	13 /01 /2006
	Details of reasonable avoidance measures and mitigation works submitted in accordance with condition no. 7 of planning permission code no. 40/2005/0448/PF	Case Officer - Sarah Stubbs		
40/2006/0015 / AC	Land at Expressway Business Park, Abergele Road Bodelwyddan Rhyl	Manbat Ltd	APPROVE	12 /01 /2006
	Details of Vehicular Access submitted in accordance with Condition No. 2 of Planning Permission Code No. 40/2005/0549/PR.	Case Officer - Paul Mead		

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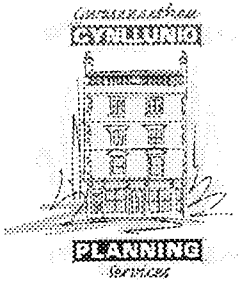
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42/2005/1364 / PF	Garden Cottage The Rockery Waterfall Road Dyserth Rhyl Alteration to dwelling including new roof and extension at rear and formation of vehicular access	Mrs A Williams Case Officer - Emer O'Connor	REFUSE	09 /01 /2006
42/2006/0023 / AC	Plas Newydd Estate Land off Ffordd Pantycelyn Prestatyn Survey of protected species submitted in accordance with condition no. 16 of planning permission code no. 42/2004/0102/PF	Macbryde Homes Limited Case Officer - Shan Wvn Jones	APPROVE	17 /01 /2006
42/2006/0066 / AC	Plas Newydd Estate Land off Ffordd Pantycelyn Prestatyn Details of external wall and roof materials submitted in accordance with condition no. 2 of planning permission code no. 42/2004/0102/PF	Macbryde Homes Limited Case Officer - Shan Wvn Jones	APPROVE	24 /01 /2006
43/2005/1227 / PF	17 Fforddlas Prestatyn Demolition of existing timber structure and erection of two-storey pitched-roof extension at rear	Mr M Simpson Case Officer - Paul Mead	GRANT	10 /01 /2006

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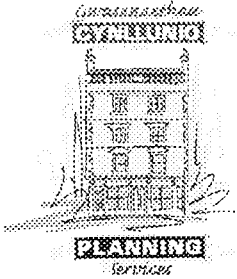
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43/2005/1372 / PF	6 Ffordd Ty Newydd Prestatyn Erection of garage at side of dwelling	Mr & Mrs W.G Semple	GRANT	03 /01 /2006
		Case Officer - Paul David Griffin		
43/2005/1377 / PF	193 Victoria Road Prestatyn Erection of detached garage at rear of dwelling	Mr G Davies	GRANT	03 /01 /2006
		Case Officer - Paul David Griffin		
43/2005/1419 / PR	Land at (part garden of) 11 Kirby Avenue Prestatyn Details of design and external appearance of dwelling and landscaping of site submitted in accordance with Condition No. 1 of Outline planning permission Ref. No. 43/2005/0109/PO (Reserved Matters)	Mr & Mrs B Miln	APPROVE	12 /01 /2006
		Case Officer - Emer O'Connor		
43/2005/1450 / PF	178-182 High Street Prestatyn Change of use of former first floor offices to self contained flat	J T Carson Ltd.	GRANT	12 /01 /2006
		Case Officer - Emer O'Connor		

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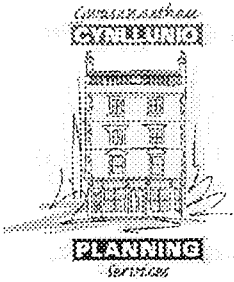
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43/2005/1451 / PC	Mcbrides 102 High Street Prestatyn Installation of "see through, punched and glazed" roller shutter (retrospective application)	Mrs H Cockman	GRANT	05 /01 /2006
		Case Officer - Emer O'Connor		
43/2005/1464 / TC	Prestatyn Church Yard Christ Church High Street Prestatyn Felling of cherry and cypress trees and works to various trees/hedges within the Churchyard	Mr. Francis J. Cook Church Warden	GRANT	30 /01 /2006
		Case Officer - Paul Mead		
43/2005/1481 / AC	113 Meliden Road Prestatyn Details of wind turbines submitted in accordance with condition no. 4 of planning permission code no. 43/2005/1049/PF	Mr T. Lowry-Hughes	REFUSE	24 /01 /2006
		Case Officer - Philip Garner		
43/2005/1484 / AC	Plots 8 And 9 Land at Melyd Avenue Prestatyn Details of foundations submitted in accordance with condition no. 7 of planning permission code no. 43/2004/0496/PF	Healey Homes Limited	APPROVE	30 /01 /2006
		Case Officer - Mark Dakevne		

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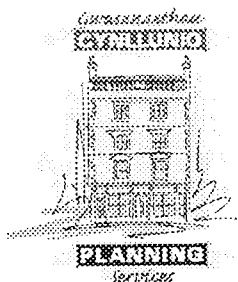
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43/2005/1518 / AC	Land Adjoining Brookdale Cefn Y Gwrych Prestatyn Details of drainage submitted in accordance with condition no. 7 of planning permission code no. 43/2000/0875/PO	Aria Developments Ltd.	APPROVE	19 /01 /2006
		Case Officer - Mark Dakevne		
43/2006/0106 / AC	Land Adjoining Brookdale Cefn Y Gwrych Prestatyn Estate road details submitted in accordance with condition no. 10 of planning permission code no. 43/2000/0875/PO	Aria Developments Ltd.	APPROVE	27 /01 /2006
		Case Officer - Mark Dakevne		
44/2005/1337 / PC	2 Wynne Close Rhuddlan Rhyl Retention of conservatory extension to side of dwelling	Mrs C Williams	GRANT	19 /01 /2006
		Case Officer - Emer O'Connor		
44/2005/1392 / PF	Bryn Cwybr Nursing Home Cwybr Rhuddlan Rhyl Erection of pitched-roof extension at side	The Thomas Care Group	GRANT	13 /01 /2006
		Case Officer - Emer O'Connor		
44/2005/1395 / PF	5 High Street Rhuddlan Rhyl	Mr Derek Hughes Denbighshire Youth Service	GRANT	05 /01 /2006

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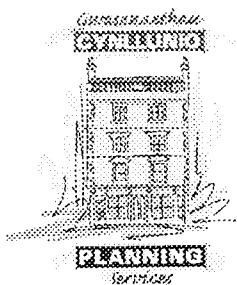
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	Change of use from Class A1 retail shop to Class B1 Information Centre (Young Persons)	Case Officer - Paul David Griffin		
44/2005/1409 / PO	Land at (Part garden of) 1a Plas Y Brenin Rhuddlan Rhyd	Mrs F Brotherwood	GRANT	16 /01 /2006
	Development of 0.06 hectares of land by erection of 1 No. dwelling (Outline application)	Case Officer - Philip Garner		
44/2005/1441 / PC	54 Ffordd Nant Rhuddlan Rhyd	Mr LB Tilley	GRANT	20 /01 /2006
	Retention of conservatory at side of dwelling	Case Officer - Paul David Griffin		
44/2005/1490 / PF	Plots 9 & 20 Tir Morfa Site Meliden Road Rhuddlan Rhyd	Lloyd Construction Limited	GRANT	17 /01 /2006
	Substitution of house types previously approved under code no. 44/2003/0006/PF	Case Officer - Sarah Stubbs		
44/2005/1537 / PF	Awel Y Ddol Abergele Road Rhuddlan Rhyd	Mrs M Lewis	GRANT	20 /01 /2006
	Erection of flat-roofed extension and conservatory at rear of dwelling	Case Officer - Emer O'Connor		

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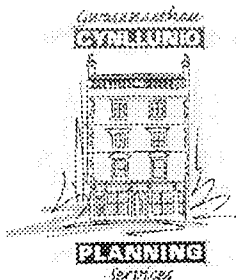
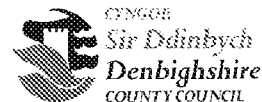
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45/2005/0087 / CA	49-55 Queen Street Rhyl Demolition of three storey terrace (conervation area application)	Welsh Development Agency	WDN	19 /01 /2006 Case Officer - Mark Dakevne
45/2005/1019 / PF	Unit 5 Glan Morfa Industrial Estate Marsh Road Rhyl Change of use of part of site to form extension to existing storage container area, retention of existing storage containers and formation of additional vehicular access (partly in retrospect)	Access Storage	GRANT	05 /01 /2006 Case Officer - Michael G Hughes
45/2005/1111 / PF	18 Eaton Avenue Rhyl Erection of extension at front, extension to existing roof, formation of dormers and balcony at rear of dwelling	Mr D Jones	GRANT	25 /01 /2006 Case Officer - Paul Mead
45/2005/1259 / PF	95 Wellington Road Rhyl Conversion of 1st and 2nd floors into 3 No. self contained flats	Mr & Mrs Burns	GRANT	17 /01 /2006 Case Officer - Sarah Stubbs

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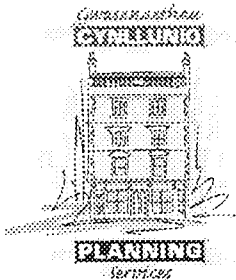
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45/2005/1302 / PF	Springfield 25 Bath Street Rhyl Change of use of ground floor to dwelling, demolition of store, erection of extension and associated alterations	Mr & Mrs W Lockett	GRANT	25 /01 /2006
		Case Officer - Nicola Marie Jones		
45/2005/1379 / PF	35 Ffordd Derwen Rhyl Bay window extensions to front and side of dwelling	Mr & Mrs J Mival	GRANT	09 /01 /2006
		Case Officer - Michael G Hughes		
45/2005/1389 / PF	12 Coventry Drive Rhyl Erection of single-storey pitched-roof extension at side of dwelling	Mr & Mrs R Clowes	GRANT	16 /01 /2006
		Case Officer - Michael G Hughes		
45/2005/1410 / PF	The Cottage, Farnsworth Court Old Golf Road Rhyl Construction of new pitched roof over existing flat roof	Mr G Williams	GRANT	12 /01 /2006
		Case Officer - Emer O'Connor		
45/2005/1467 / PF	71 Maes Y Gog Rhyl Erection of two-storey pitched roof extension to rear of dwelling	Mr. & Mrs. Marsden	GRANT	20 /01 /2006
		Case Officer - Michael G Hughes		

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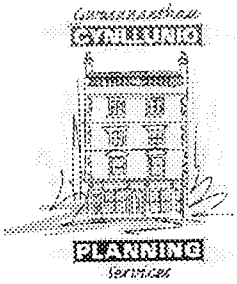
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45/2005/1476 / PF	51 Brighton Road Rhyl Change of use of dwelling to residential home	Carenza Care Case Officer - Paul Mead	WDN	17 /01 /2006
45/2005/1498 / PF	3 Donald Avenue Rhyl Formation of dormer windows at front of dwelling	Mr M Hayden Case Officer - Emer O'Connor	GRANT	18 /01 /2006
45/2005/1533 / PF	1 Bath Street Rhyl Erection of attached garage	Mrs S Moorat Case Officer - Emer O'Connor	GRANT	18 /01 /2006
45/2005/1541 / PF	77 Dyserth Road Rhyl Erection of single-storey front entrance porch and three-storey extension at front to provide additional bedrooms (amendment to previously-approved scheme under Ref. 45/2005/112/PF)	Mr Mark Thomas Sandy Lodge Nursing Home Case Officer - Emer O'Connor	GRANT	20 /01 /2006

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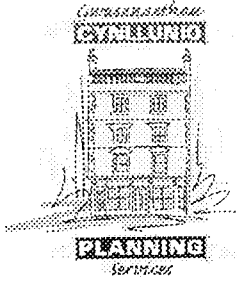
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45/2006/0017 / AC	Shops Site Adjoining Aldi Wellington Road Rhyl Details of external wall and roof materials submitted in accordance with condition no. 2 of planning permission code no. 45/2004/1656/PF	Escala Limited Case Officer - Sarah Stubbs	APPROVE	12 /01 /2006
46/2005/0311 / PR	Open Space Land Junction Of Tan Y Bryn And Pant Glas St. Asaph Reserved matters application dealing with siting, design of buildings, external appearance, landscaping and means of access for 3 bungalows submitted in accordance with outline application code no. 46/2002/0384/PO	J & T Gizzi J&T Gizzi (Builders) Ltd Case Officer - Sarah Stubbs	GRANT	24 /01 /2006
46/2005/1140 / TP	5 & 6 Hen Waliau St. Asaph Height reduction of Holly tree at No. 5 and crown thinning of Ash tree at No.6, trees included on the Borough of Rhuddlan (Talarly Hotel, St Asaph) Tree Preservation Order 1975	Mrs L. Gummer Case Officer - Paul Mead	GRANT	25 /01 /2006
46/2005/1175 / PO	Georges Yard High Street St. Asaph Development of 0.02ha of land by the demolition of existing workshop and erection of 1 no. dwelling (outline application)	Mr C. Williams Case Officer - Philip Garner	REFUSE	17 /01 /2006

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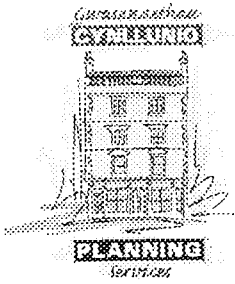
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46/2005/1385 / PO	Land Rear of 51 Forming Part Garden of 49 Bishops Walk St. Asaph	Mr & Mrs E Winter	REFUSE	10 /01 /2006
	Development of 0.07ha of land by the erection of 1 no. dwelling and alterations to existing vehicular access (outline application)	Case Officer - Nicola Marie Jones		
46/2005/1422 / CA	Georges Yard High Street St. Asaph	Mr C Williams	REFUSE	17 /01 /2006
	Demolition of existing workshop and use of land for erection of 1 dwelling	Case Officer - Philip Garner		
46/2005/1443 / PF	3 Lon Y Parc St Asaph	Mr & Mrs D Timson	GRANT	20 /01 /2006
	Erection of conservatory to rear of dwelling	Case Officer - Paul David Griffin		
46/2006/0016 / AC	Part OS Field No. 0006 Pen Y Bryn Farm Mount Road St. Asaph	Hutchinson 3G Uk Ltd	APPROVE	12 /01 /2006
	Details of landscaping submitted in accordance with Condition No. 2 of Planning Permission Code No. 46/2005/1042/PF.	Case Officer - Paul Mead		

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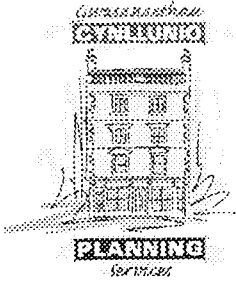
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47/2005/1082 / LE	The Croft Caerwys Road Rhuallt St. Asaph Certificate of Lawfulness for existing use of building as a dwelling	Mr J A G Thomas	RCERTIFY	18 /01 /2006
		Case Officer - Philip Garner		
47/2005/1394 / PF	Awelog Waen St. Asaph Change of use of part of agricultural land to form extension to residential curtilage.	Mr Dylan Williams	GRANT	13 /01 /2006
		Case Officer - Nicola Marie Jones		
47/2005/1406 / PF	Bodlonfa Hall Rhuallt St. Asaph Extension and conversion of triple garage to form annexe accommodation to main dwelling	T & D Garnett Limited	GRANT	18 /01 /2006
		Case Officer - Emer O'Connor		
47/2005/1438 / PF	Land at (Former garden of) Ty Mona Rhuallt St. Asaph Erection of new dwelling and detached double garage, alterations to existing vehicular access and installation of private treatment plant	Celyn Builders	GRANT	17 /01 /2006
		Case Officer - Philip Garner		

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47/2005/1493 / AG	Land At Tan Llan Farm Cwm Dyserth Rhyl Erection of agricultural store	Mr Gareth Edwards	REFUSE	03 /01 /2006

Case Officer - Nicola Marie Jones
