



At: Aelodau'r Pwyllgor Cynllunio

Dyddiad: 12 Gorffennaf 2012

Rhif Union: 01824 712568

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 18 GORFFENNAF 2012** am **9.30 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN.**

Yn gywir iawn

G Williams
Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

AGENDA

1 YMDDIHEURIADAU

2 DATGANIADAU O FUDDIANT

Aelodau i ddatgan unrhyw fuddiant personol neu fuddiant sy'n rhagfarnu mewn unrhyw fusnes a nodwyd i'w ystyried yn y cyfarfod hwn.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhoi gwybod am eitemau y dylid eu hystyried, ym marn y Cadeirydd, yn y cyfarfod fel mater o frys yn unol ag Adran 100B(4) o Ddeddf Llywodraeth Leol, 1972.

4 COFNODION (Tudalennau 5 - 40)

Cadarnhau cywirdeb cofnodion:

- (i) Y Pwyllgor Cynllunio a gynhaliwyd ar 30 Mai 2012 (copi ynghlwm);
- (ii) Y Pwyllgor Cynllunio a gynhaliwyd ar 20 Mehefin 2012 (copi ynghlwm).

5 CEISIADAU AM GANIATÂD DATBLYGU (Tudalennau 41 - 106)

Ystyried ceisiadau am ganiatâd datblygu (mae copïau ynghlwm).

6 ADRODDIAD AR GANLYNIAD APÊL CYNLLUNIO - MAES Y CASTELL, HEOL ABBEY, RHUDDLAN (ER GWYBODAETH) (Tudalennau 107 - 116)

Adroddiad er gwybodaeth ar ganlyniad apêl cynllunio mewn perthynas â chais 44.2011/0508/OB – addasiad o Ran 106 o'r Cytundeb, Maes y Castell, Heol Abbey, Rhuddlan (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Ian Armstrong
Brian Blakeley
Joan Butterfield
William Cowie
Ann Davies
James Davies
Meirick Davies
Richard Davies
Stuart Davies
Bobby Feeley
Carys Guy-Davies
Huw Hilditch-Roberts
Colin Hughes
Rhys Hughes
Alice Jones

Pat Jones
Margaret McCarroll
Win Mullen-James
Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth
Y Wasg a'r Llyfrgelloedd
Cyngorau Tref a Chymuned

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT CAIFF Y CYFARFOD EI REDEG

Mae'r nodyn yn amlinellu sut mae'r cyfarfod yn debygol o redeg.

Oni fo Cadeirydd y Pwyllgor yn nodi i'r gwrthwyneb, bydd trefn y prif eitemau yn dilyn y rhaglen a ddangosir ar ddechrau'r adroddiad hwn.

Cyflwyniad cyffredinol

Bydd y Cadeirydd yn agor y cyfarfod am 9.30am ac yn croesawu pawb i'r Pwyllgor Cynllunio.

Bydd y Cadeirydd yn gofyn os oes unrhyw ymddiheuriadau am absenoldeb ac unrhyw ddatganiad o fuddiant.

Bydd y Cadeirydd yn gwahodd y Swyddogion i wneud cyflwyniad byr ar yr eitemau ar y rhaglen.

Bydd Swyddogion yn amlinellu fel y bo'n briodol eitemau a fydd yn destun siarad cyhoeddus, ceisiadau am ohirio, ceisiadau a dynnwyd yn ôl, adroddiadau arbennig ac unrhyw eitemau Rhan 2 pan waherddir y wasg a'r cyhoedd. Cyfeirir at unrhyw wybodaeth ychwanegol a ddsbarthwyd yn Siambr y Cyngor cyn dechrau'r cyfarfod, gan gynnwys sylwadau hwyr/taflenni crynhoi newidiadau (dalennau gleision) ac unrhyw gynlluniau atodol neu ddiwygiedig sy'n ymwneud ag eitemau i'w hystyried.

Mae'r 'Dalennau Gleision' yn cynnwys gwybodaeth bwysig, gan gynnwys crynodeb o ddeunydd a dderbyniwyd mewn perthynas ag eitemau ar y rhaglen rhwng cwblhau'r prif adroddiadau a'r diwrnod cyn y cyfarfod. Mae'r dalennau hefyd yn nodi'r drefn arfaethedig ar geisiadau cynllunio, i gymryd i ystyriaeth geisiadau i siarad gan y cyhoedd.

Mewn perthynas â threfn yr eitemau, bydd disgwyl i unrhyw Aelod sydd eisiau dwyn eitem ymlaen i gael ei hystyried wneud cais o'r fath yn union ar ôl cyflwyniad y swyddog. Dylai unrhyw gais o'r fath gael ei wneud fel cynnig ffurfiol a bydd yn destun pleidlais.

Mae'r Pwyllgor Cynllunio yn cynnwys 30 Aelod etholedig. Yn unol â'r protocol, rhaid bod 15 Aelod yn bresennol i sicrhau cworwm ac i ganiatáu ystyried eitem a chymryd pleidlais.

Caiff aelodau'r Cyngor Sir nad ydynt wedi eu hethol ar y Pwyllgor Cynllunio fynychu'r cyfarfod a siarad ar eitem, ond ni chânt wneud cynnig i roddi neu wrthod, nac i bleidleisio.

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

Bydd y Cadeirydd yn cyhoeddi'r eitem sydd i'w thrin nesaf. Mewn perthynas â cheisiadau cynllunio, cyfeirir at rif y cais, sylfaen y cynnig, a'r lleoliad.

Os oes siaradwyr o blith y cyhoedd ar eitem, bydd y Cadeirydd yn eu gwahodd i annerch y Pwyllgor. Lle mae siaradwyr yn erbyn ac o blaid cynnig, gofynnir i'r siaradwr yn erbyn fynd gyntaf. Mae siarad cyhoeddus yn destun protocol ar wahân.

Lle'n briodol, bydd y Cadeirydd yn rhoi cyfle i'r Aelodau ddarllen unrhyw wybodaeth hwyr ar yr eitem ar y 'Dalennau Gleision' cyn mynd ymlaen.

Os bydd unrhyw Aelod eisiau cynnig gohirio eitem, gan gynnwys er mwyn caniatáu ymweliad safle gan Banel Archwilio Safle, dylid gwneud y cais, gyda rheswm cynllunio. Rhoddir cyfle i drafod y cais, a chymerir pleidlais i benderfynu ar y camau i'w cymryd.

Bydd y Cadeirydd yn gofyn am gynigiwr ac eilydd o blaid neu'n erbyn argymhelliad y swyddog, neu unrhyw benderfyniad arall.

Bydd y Cadeirydd yn gwahodd swyddogion i roddi cyflwyniad byr ar eitem lle ystyrir bod hyn yn werth chweil oherwydd natur y cais.

Os yw cais wedi bod yn destun Panel Archwilio Safle cyn y Pwyllgor, bydd y Cadeirydd fel rheol yn gwahodd yr Aelodau hynny a fynychodd, gan gynnwys yr aelod lleol, i siarad yn gyntaf.

Ar bob cais arall, bydd y Cadeirydd yn caniatáu i'r aelod(au) lleol siarad yn gyntaf os dymuna wneud hynny.

Cyfyngir aelodau fel rheol i bum munud o siarad ar y mwyaf, a bydd y Cadeirydd yn arwain y drafodaeth yn unol â'r Rheolau Sefydlog.

Unwaith y bydd aelod wedi siarad, ni ddylai siarad eto ac eithrio i ofyn am esboniad o bwyntiau sy'n codi yn y drafodaeth, ac yna dim ond pan fydd yr holl aelodau eraill wedi cael cyfle i siarad, a chyda cytundeb y Cadeirydd.

Ar ddiwedd trafodaeth yr Aelodau, bydd y Cadeirydd yn gofyn i'r swyddogion ymateb fel y bo'n briodol i gwestiynau a phwyntiau a godwyd, gan gynnwys cyngor ar unrhyw benderfyniau sy'n groes i'r argymhelliad.

Bydd y Cadeirydd yn cyhoeddi pan fydd yn drafodaeth wedi cau, a bod pleidlais i ddilyn.

Y drefn bleidleisio

Cyn gofyn i'r aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau sydd wedi eu gwneud a sut mae'r bleidlais i'w chynnal. Efallai y bydd cais am esboniad ar y penderfyniadau, newidiadau, amodau ychwanegol a rhesymau dros wrthod fel nad oes unrhyw amwysedd ynglŷn â'r hyn y mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Os bydd unrhyw aelod yn gofyn am Bleidlais Gofnodedig, rhaid trin hyn yn gyntaf yn unol â'r Rheolau Sefydlog. Bydd y Cadeirydd yn esbonio'r drefn i'w dilyn.

Pan fydd y Cadeirydd yn fodlon y caiff y bleidlais fynd rhagddi, gwneud hyn trwy'r system bleidleisio electronig. Bydd y Cadeirydd yn gofyn i'r swyddogion drefnu'r sgrîn bleidleisio yn y Siambr a rhaid i'r aelodau bleidleisio unwaith y bydd y sgrîn yn ymddangos.

Mae gan yr aelodau 10 eiliad i gofnodi eu pleidlais unwaith y dangosir y sgrîn bleidleisio.

Os bydd y system bleidleisio electronig yn methu, gellir pleidleisio trwy godi dwylo. Bydd y Cadeirydd yn esbonio'r drefn i'w dilyn.

Ar ôl y bleidlais, bydd y Cadeirydd yn cyhoeddi'r penderfyniad ar yr eitem.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

TREFN BLEIDLEISIO

Atgoffir yr aelodau o'r drefn i'w dilyn wrth bleidleisio i roddi neu i wrthod caniatâd cynllunio. Bydd y Cadeirydd neu'r Swyddogion yn esbonio'r drefn i'w dilyn fel y bo angen.

Unwaith y bydd y sgriniau arddangos yn y Siambr wedi eu clirio yn barod ar gyfer y pleidleisio a phan fydd y sgrîn bleidleisio yn ymddangos, bydd gan y Cynghorwyr 10 eiliad i gofnodi eu pleidlais fel a ganlyn:

Ar y bysellfwrdd pleidleisio, pwyswch y

- + i **RODDI** caniatâd
- i **WRTHOD** caniatâd
- 0 i **BEIDIO** â phleidleisio

Mae tudalen hwn yn fwriadol wag

Y PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun ddydd Mercher 30 Mai 2012 am 9.30am.

YN BRESENNOL

Y Cynghorwyr I W Armstrong, B Blakeley, J A Butterfield, J A Davies, M Ll Davies, R J Davies, S A Davies, R L Feeley, H Hilditch-Roberts, T R Hughes, E A Jones, P M Jones, G M Kensler (sylwedydd), M McCarroll, W M Mullen-James, R M Murray, P W Owen, D Owens, T M Parry, A Roberts, D Simmons, J Thompson-Hill, J S Welch, C H Williams, C L Williams a H O Williams.

HEFYD YN BRESENNOL

Pennaeth Cynllunio, Adfywio a Gwasanaethau Rheoleiddio (G Boase), Rheolwr Rheoli Datblygiad (Paul Mead), Prif Swyddog Cynllunio (Ian Weaver), Prif Gyfreithiwr – Cyllunio a Phrifyrdd (Susan Cordiner), Arweinydd Tîm (Gwen Butler), Swyddog Gwasanaethau Cwsmeriaid (Judith Williams), Cyfieithydd (Catrin Gilkes).

Am ran o'r cyfarfod, y Swyddog Prifyrdd (Mike Parker), Swyddog Cynllunio Ynni Adnewyddadwy (Denise Shaw)

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorydd J M Davies.

2 DATGANIADAU BUDDIANT

Datganodd y Cynghorydd T R Hughes fuddiant yng nghais 27/2012/0009/PF (Fferm Tan-y-fron, Lôn Tan-y-fron, Eglwyseg, Llangollen).

Datganodd y Cynghorydd E A Jones fuddiant yn eitem 10 (Estyn Fferm Wynt Burbo Bank – Prosiect Seilwaith Mawr).

3 EITEMAU BRYS: Dim

4 PENODI CADEIRYDD

Gofynnwyd am enwebiadau ar gyfer swydd Cadeirydd y Pwyllgor Cynllunio.

Enwebwyd y Cynghorydd Dewi Owens gan y Cynghorydd Julian Thompson-Hill ac fe'i heiliwyd gan y Cynghorydd Stuart Davies.

Enwebwyd y Cynghorydd Meirick Lloyd Davies gan y Cynghorydd Cefyn Williams ac fe'i heiliwyd gan y Cynghorydd Rhys Hughes.

Enwebwyd y Cynghorydd Win Mullen-James gan y Cynghorydd Joan Butterfield ac fe'i heiliwyd gan y Cynghorydd Bob Murray.

Bu'r ymgeiswyr yn annerch y pwyllgor a chynhaliwyd pleidlais gudd.

Ar ôl cylch cyntaf y bleidlais, cafodd y Cynghorydd Meirick Lloyd Davies ei ddileu.

Cynhaliwyd ail bleidlais a arweiniodd at y canlynol;

11 pleidlais i'r Cynghorydd Dewi Owens
10 pleidlais i'r Cynghorydd Win Mullen-James
3 ymataliad ac un bleidlais wag

Yn unol â'r cyfansoddiad, etholwyd y Cynghorydd Dewi Owens yn briodol yn Gadeirydd y Pwyllgor Cynllunio ar gyfer y flwyddyn ganlynol.

5 PENODI IS-GADEIRYDD

Gofynnwyd am enwebiadau ar gyfer swydd Is-gadeirydd y Pwyllgor Cynllunio.

Enwebwyd y Cynghorydd Meirick Lloyd Davies gan y Cynghorydd Cefyn Williams ac fe'i heiliwyd gan y Cynghorydd Huw Hilditch-Roberts.

Enwebwyd y Cynghorydd Win Mullen-James gan y Cynghorydd Joan Butterfield ac fe'i heiliwyd gan y Cynghorydd Bob Murray.

Cynhaliwyd pleidlais gudd.

13 pleidlais i'r Cynghorydd Meirick Lloyd Davies
11 pleidlais i'r Cynghorydd Win Millen-James
Roedd 1 ymataliad.

Cafodd y Cynghorydd Meirick Lloyd Davies ei ethol yn briodol yn is-gadeirydd y Pwyllgor Cynllunio am y flwyddyn ganlynol.

6 COFNODION Y CYFARFOD A GYNHALIWYD AR 18 EBRILL 2012

Cytunwyd bod y rhain yn gofnod gwir.

Yn y man hwn, profwyd y system bleidleisio electronig. Ar ôl canfod nad oedd yn cofrestru pob pleidlais a fwriwyd, penderfynwyd y byddai'r pleidleisio'n cael ei wneud yn y cyfarfod heddiw drwy ddangos dwylo, oni bai bod gofyn am Bleidlais Gofnodedig.

Eglurodd Paul Mead (Rheolwr Rheoli Datblygiad) nad oedd 4 aelod o'r Pwyllgor wedi bodloni'r gofynion hyfforddiant eto ac na fyddent felly'n gymwys i bleidleisio.

Roedd hyfforddiant i'r Aelodau hynny wedi'i drefnu a bydd yn digwydd cyn y Pwyllgor Cynllunio nesaf.

7 CEISIADAU AM GANIATÂD I DDATBLYGU

Cyflwynwyd yr adroddiad gan y Pennaeth Cynllunio, Adfywio a Gwasanaethau Rheoleiddio (a gylchredwyd yn flaenorol) yn rhifo ceisiadau a gyflwynwyd ac yn gofyn am benderfyniadau gan y Pwyllgor.

PENDERFYNWYD:-

- (a) *cadarnhau argymhellion y Swyddogion, fel y maent wedi'u cynnwys yn yr adroddiad a gyflwynwyd, a rhoi neu wrthod caniatâd cynllunio yn ôl yr achos, fel sy'n briodol o dan Orchymyn Cynllunio Tref a Gwlad (Datblygu Cyffredinol a Ganiateir) 1995, Deddf Cynllunio a Digolledu 1991, Rheoliadau Hysbysebu Cynllunio Gwlad a Thref 1991 a/neu Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990, i'r cynigion sy'n cynnwys y ceisiadau canlynol yn ôl yr amodau sydd wedi'u rhifo yn yr atodlen a gyflwynwyd:-*

Rhif y Cais: 02/2012/0241/PF

Lleoliad: Tir yn (Rhan o ardd) Llys Deri, Bryn Goodman, Rhuthun

Disgrifiad: Newidiadau yn y mynediad i gerbydau a ganiatawyd o'r blaen o dan God Rhif 02/2011/0167 i wasanaethu'r annedd presennol a'r annedd newydd arfaethedig.

Rhodddwyd gwybod am y llythyrau ychwanegol canlynol o sylwadau:

- Mr B Owen (ar ran Mr a Mrs Ayiar, cymdogion)

Gofynnodd y swyddogion am ohirio'r eitem hon er mwyn cadarnhau materion perchenogaeth a lefel y manylion a gyflwynwyd.

Cynigiodd y Cynghorydd R L Feeley ohirio'r eitem hon a chynnal ymweliad safle cyn cyfarfod nesaf y pwyllgor cynllunio.

Eiliwyd hyn gan y Cynghorydd H Hilditch-Roberts.

Ar ddangos dwylo, derbyniwyd hyn.

PENDERFYNWYD felly GOHIRIO'R eitem hon

Rhif y Cais: 23/2011/1144/PF

Lleoliad: Bryn Morfydd, Llanrhaeadr YC, Dinbych

Disgrifiad: Cynllun a safle 42 o letyau gwyliau, derbynfa a llety warden dros dro gan gynnwys seilwaith, tirlunio, parcio a chyfleusterau cysylltiedig.

Rhodddwyd gwybod am wybodaeth ychwanegol gan asiant yr ymgeiswyr.

Siaradwyr Cyhoeddus: Matthew Jones (o blaid)

Cyfeiriodd Matthew Jones at hanes Bryn Morfydd a'i oes aur yn ystod y 1960-70au. Newidiodd y ffasiynau ac erbyn hyn mae'r gwesty a'r cwrs golff wedi cau.

Eglurodd Mr Jones ei fod wedi cael ei annog yn ystod trafodaethau gyda swyddogion cynllunio i gadw'r defnydd twristiaeth. Byddai'r cynnig hwn yn manteisio ar y cynnydd mewn "gwyliau cartref" a byddai'n ailddefnyddio rhan o'r cwrs golff segur. Roedd y cynllun ar gyfer adeiladau gorchudd coed, dwysedd isel, na fyddent yn rhai preswyl.

Bu'r Rheolwr Rheoli Datblygiad, Paul Mead, yn rhoi cyflwyniad byr ac yn egluro bod Cyfarwyddyd Cenedlaethol a Chynllun Datblygu Unedol Sir Ddinbych yn annog prosiectau twristiaeth addas. Mae'r safle hwn wedi cael ei ddefnyddio o'r blaen at ddiben hamdden/twristiaeth. Roedd y swyddogion yn ystyried bod y cynnig hwn yn dderbyniol. Cyfeiriodd at wrthodiadau diweddar ar gyfer lletyau mewn safleoedd eraill ond cynghorodd nad tir amaethyddol gradd uchel oedd hwn a bod y dwysedd arfaethedig o 3.5 i bob hectar yn isel ac yn darparu digon o le amwynder.

Dywedodd y Cynghorydd Joe Welch fod angen adnewyddu prif adeilad Bryn Morfydd a byddai'r datblygiad hwn yn helpu i'w ariannu. Roedd wedi siarad ag etholwyr a oedd wedi codi pryderon am draffig ychwanegol a llygredd golau a'r potensial i ddefnydd preswyl parhaol ddod i'r amlwg. Er ei fod yn cydymdeimlo, roedd y Cynghorydd Welch yn teimlo y byddai'r amodau'n atal defnydd preswyl parhaol, byddai'r traffig yn fwy nag ar hyn o bryd ond yn llai nag i'r gwesty yn ystod ei oes aur. Cyfeiriodd hefyd at sbotoleuadau ar y gwesty a oedd yn fwy pwerus nag unrhyw oleuadau a gynigiwyd ar gyfer y lletyau gwyliau.

Roedd yn teimlo y byddai'r cynnig yn hwb i dwristiaeth ac y byddai hynny o fudd i fusnesau lleol.

Gofynnodd y Cynghorydd Alice Jones am dystiolaeth nad oedd ansawdd y tir yn ei wneud yn dir amaethyddol gradd uchel.

Cododd y Cynghorydd Meirick Lloyd Davies bryderon am yr amod meddiannu.

Eglurodd y Rheolwr Rheoli Datblygiad, Paul Mead, fod y cwrs golff wedi'i ddychwelyd yn rhannol i dir pori ac, am ei fod wedi'i ddefnyddio at ddiben hamdden, y byddai'n dderbyniol ei ddefnyddio felly eto.

O ran yr amodau meddiannaeth, cytunodd Mr Mead nad oedd yn ddymunol cael llety deuol ar y safle ac roedd yn awyddus i'r warden gael llety ym Mryn Morfydd. Roedd amod 17 yn ymdrin â hyn, ond gellid ei gryfhau.

Cynigion:

Cynigiodd y Cyngorydd B Blakeley ROI CANIATÂD.

Eiliwyd hyn gan y Cyngorydd J Butterfield.

Ar ddangos dwylo, derbyniwyd hyn.

RHODDWDYD CANIATÂD FELLY

Yn amodol ar:

Welliant a Awgrymwyd i Amod 4

Ychwanegu ar ddiwedd yr amod – yn y llinell olaf, “.....ffin fel y cytunwyd arno, a bydd yn darparu ar gyfer ailwampio / adfer y wal garreg ar hyd y briffordd gyhoeddus yn rhedeg ar hyd ffin ddwyreiniol y safle.”

Newid geiriad Amod 17:

17. Cyn i unrhyw waith ddechrau ar y safle, bydd cynllun a strategaeth fesul cyfnod yn cael eu cyflwyno i'r Awdurdod Cynllunio Lleol a bydd yr awdurdod yn cytuno arno'n ysgrifenedig. Bydd y strategaeth yn cynnwys manylion amseru'r broses o waredu uned llety dros dro'r warden ymhen 3 blynedd o'r feddiannaeth gyntaf yr uned honno a'r broses o adnewyddu fesul cyfnod adeiladau hen westy Bryn Morfydd. Dim ond y manylion hynny y cytunir arnynt wedyn a fydd yn cael eu gweithredu wedyn.

Rhif y Cais: 27/2012/0009/PF

Lleoliad: Fferm Tan y Fron, Lôn Tan Y Fron, Eglwyseg, Llangollen

Disgrifiad: Codi adeilad amaethyddol i storio porthiant a chadw da byw.

Datganodd y Cynghorydd T R Hughes fuddiant yn y cais hwn a gadawodd y Siambwr yn ystod y broses o'i ystyried.

Ni chafwyd dadl am yr eitem hon.

Cynigion:

Ar ôl cynnig i ROI CANIATÂD, a eiliwyd yn briodol, ar ddangos dwylo derbyniwyd hwn yn unfrydol.

RHODDWDYD CANIATÂD FELLY

Yn amodol ar Newid Amod 4

Dileu "meddiannaeth yr uned gyntaf" a rhoi yn ei le "defnyddio'r adeilad arfaethedig am y tro cyntaf".

Rhif y Cais: 43/2012/0143/TP

Lleoliad: 20c Bryntirion Drive, Prestatyn

Disgrifiad: Torri 2 Sycamorwydden rhif T41 a T43 a chwtogi 25 y cant ar gorun 2 Sycamorwydden rhif T40 a T42 ar y cynllun sy'n atodiad i Orchymyn Cadw Coed Bwrdeistref Rhuddlan (Parc Coetir, Prestatyn) Rhif 3 1985 ac ailblannu'r ardal â rhywogaethau Prydeinig, h.y. Bedw Arian.

Roedd y Cynghorydd J Thompson-Hill yn cefnogi'r Cyngor Tref yn gwrthwynebu torri'r coed hyn ar seiliau esthetig nid diogelwch. Roedd yn teimlo y byddai'n effeithio'n negyddol ar yr ardal.

Atebodd y Rheolwr Rheoli Datblygiad, Paul Mead, nad oes angen caniatâd i waredu Coeden a Gadwyd os yw'n marw neu'n afiach. Yn yr achos hwn, mae angen caniatâd. Dywedodd fod adroddiad coedyddiaeth yn cefnogi'r farn y byddai topio neu gwympto yn gadael mwy o oleuni i mewn i'r ardd i helpu i goed eraill ffynnu.

Cynigion:

Cynigiodd y Cynghorydd J Butterfield roi caniatâd.

Eiliwyd hyn gan y Cynghorydd Peter Owen

Ar ddangos dwylo, derbyniwyd hyn:

15 pleidlais o blaid

3 pleidlais yn erbyn

0 ymataliad

RHODDWDYD CANIATÂD FELLY

Rhif y Cais: 45/2011/1048/PF

Lleoliad: Tir yn Ystâd Fasnachu Cefndy, Ffordd Derwen a Ffordd Cefndy, Y Rhyl

Disgrifiad: Datblygu 1.35ha o dir drwy godi 24 o anheddau gan gynnwys tirlunio, lle agored a mynediad a chodi 1,299 metr sgwâr o uned fasnachol gan gynnwys parcio, gwasanaethau a mynediad.

Cadarnhaodd y swyddogion mai'r lle agored y gellir ei ddefnyddio yw 1582 metr sgwâr nid 929 metr sgwâr fel sy'n cael ei nodi yn yr adroddiad.

Bu'r aelodau'n holi'r swyddogion am y canlynol:

- cyfnodau'r gwaith priffyrdd a gynigir
- y rheswm dros ollwng dŵr i Byllau Brickfield
- a allai'r refeniw am ganiatáu gollwng y dŵr ariannu gwaith ar Doriad y Rhyl
- sut bydd yr unedau tai fforddiadwy'n cael eu diogelu
- a oedd asesiad llifogydd wedi'i gynnal

Atebodd y Swyddog Priffyrdd, M Parker y byddai Bond yn ofynnol i sicrhau bod cyllid ar gael i adeiladu mynediad i gerbydau.

Eglurodd y Rheolwr Rheoli Datblygiad, Paul Mead, fod angen draeniad cynaliadwy a bod Pwll Brickfield ar gael. Byddai'r Isadran Eiddo'n trafod hawliau ac yn gofyn am daliad a allai gael ei ddefnyddio i ariannu gwelliannau yn Nhorriad y Rhyl.

Roedd y Cynghorydd Butterfield yn disgwyl y byddai'n rhaid trafod hynny mewn Fforwm Aelodau Lleol.

Dywedodd Paul Mead hefyd fod Asiantaeth yr Amgylchedd yn fodlon y byddai'r bwnd arfaethedig yn gwarchod yr ardal rhag llifogydd. Mae'r cyllid Tai Fforddiadwy a gynigir ar gyfer 7 uned tai a bydd yn destun Cytundeb A106.

Cyfeiriodd y Cynghorydd M Parry at Ystâd Parc Tyn Llan yn Llandyrnog lle'r oedd Bond Priffyrdd wedi'i lunio ond roedd y Cyngor Cymuned wedi cael anawsterau yn cael y gwaith wedi'i wneud ar ôl i'r datblygwr fynd yn fethdalwr.

Roedd y Cynghorydd B Blakeley yn poeni y gallai dŵr budr gael ei arllwys i Bwll Brickfield neu Doriad y Rhyl.

Eglurodd Paul Mead fod Dŵr Cymru'n fodlon bod digon o le i ymdopi â'r garthffosiaeth. Cytunodd y Swyddog Priffyrdd Mike Parker â'r Cynghorydd Parry am broblemau yn yr ystâd yn ei ward ef ond dywedodd eu bod wedi dysgu gwersi gan Fond Llandyrnog. Bydd y Swyddogion Priffyrdd yn sicrhau bod y gwaith yn cael ei wneud cyn gynted â phosibl, ond bydd rhaid i'r cwrs treulio olaf aros tan fod yr holl gyfleustodau wedi'u gosod i bob tŷ newydd.

Ailadroddodd Paul Mead fod Asiantaeth yr Amgylchedd yn fodlon ond bod angen adroddiad canlyniadau llifogydd. Byddai'r amddiffynfeydd arfordirol yn helpu i atal llifogydd i weddill y Rhyl.

Dywedodd G Boase, y Pennaeth Cynllunio, y byddai'r Tai Fforddiadwy'n cael eu hadeiladu gyntaf ac atgoffodd y Pwyllgor o record dda Sir Ddinbych o ddarparu Tai Fforddiadwy. Byddai pryderon pellach am Byllau Brickfield yn cael eu codi gyda'r adrannau perthnasol.

Parhaodd y Cynghorwyr i godi pryderon am ddatblygwyr yn methu â darparu Tai Fforddiadwy, ond sicrhawyd y swyddogion na fydd hyn yn broblem yn yr achos hwn.

**Cynigiodd y Cynghorydd M McCarroll roi caniatâd
Eiliwyd hyn gan y Cynghorydd Ian Armstrong**

Ar ddangos dwylo, derbyniwyd hyn yn unfrydol

RHODDWYD CANIATÂD FELLY

Yn amodol ar:

Gwblhau rhwymedigaeth o dan adran 106 o Ddeddf Cynllunio Gwlad a Thref 1990 ymhen 12 mis o benderfyniad y Pwyllgor hwn i sicrhau:

- a) Darparu 7 o unedau tai fforddiadwy a chadw'r rhain at ddibenion fforddiadwy
- b) Talu swm gohiriedig am ddarparu lle agored oddi ar y safle ac ardaloedd chwarae i blant.
- c) Darparu a chynnal a chadw ardaloedd chwarae ar y safle.
- d) Cadw a chynnal a chadw mur llifogydd fel sy'n cael ei ddangos yn y cynlluniau a gymeradwywyd.

Ni fyddai Tystysgrif y Penderfyniad yn cael ei rhyddhau cyn cwblhau'r rhwymedigaeth gyfreithiol. Pe na fyddai rhwymedigaeth felly'n cael ei bodloni cyn pen 12 mis o benderfyniad y Pwyllgor hwn, byddai'r cais yn cael ei ailgyflwyno i'r Pwyllgor Cyllunio a'i benderfynu'n unol â'r Polisiâu a fyddai'n berthnasol ar yr adeg honno, pe byddai amgylchiadau'n newid yn sylweddol.

Rhif y Cais: 46/2012/0333/PC

Lleoliad: Cae Rhif 6105, Fferm Bryntirion, Rhualt, Llanelwy

Disgrifiad: Parhau i ddefnyddio'r tir fel ardal chwarae ategol i'r prif annedd a chadw'r tŷ pen coeden (cais ôl-weithredol).

Cylchredwyd cynllun ychwanegol yn dangos graddau'r cwrtil preswyl.

Eglurodd y Rheolwr Rheoli Datblygiad, Paul Mead, gefndir y cais hwn. Mae'r eiddo yn Ardal o Harddwch Naturiol Eithriadol Bryniau Clwyd ac mae tŷ pen coeden wedi'i godi mewn ardal nad oedd yn rhan o'r cwrtil preswyl. Roedd Cydbwyllgor Cynghori'r AHNE wedi gwrthwynebu'r datblygiad hwn.

Bu'r Aelodau'n holi ynghylch cyfansoddiad Cydbwyllgor Cynghori'r AHNE ac, er bod rhai Cynghorwyr yn dweud eu bod yn aelodau o'r pwyllgor, roedd yn cynnwys nifer o gyrrff â diddordeb yng nghefn gwlad.

Holodd y Cynghorydd Alice Jones ai fferm waith oedd yr eiddo.

Cyfeiriodd Paul Mead at y cynllun ychwanegol a gylchredwyd. Nid oedd yr eiddo'n fawr mewn termau ffermio. Roedd caniatâd cynllunio wedi'i roi i gadw garejis, cytiau, clwydi a chamerau teledu cylch cyfyng a chynnydd yn y cwrtil preswyl.

Adeiladwyd y tŷ pen coeden 70m i ffwrdd o'r annedd ond roedd digon o le yn yr ardd ddomestig ar ei gyfer.

Mewn ymateb i gwestiynau, cadarnhaodd Paul Mead y gellid symud y tŷ pen coeden i'r ardd heb ganiatâd pellach, petai'r cais yn cael ei wrthod.

Rhoddodd G Boase, y Pennaeth Cynllunio, gyfarwyddyd clir y dylid gwrthod y datblygiad hwn, am ei fod y tu allan i uned yr annedd a'r tu mewn i'r AHNE.

Cafodd y cynnig ei WRTHOD a'i eilio'n briodol.

**O fwrw pleidlais, derbyniwyd hyn
3 ymataliad ac 1 bleidlais yn erbyn**

GWRTHODWYD CANIATÂD FELLY

Rhif y Cais: 47/2012/0368/PC

Lleoliad: Bryntirion, Rhuallt, Llanelwy

Disgrifiad: Codi adeilad i gadw tanc storio dŵr (cais ôl-weithredol).

Eglurodd y Prif Swyddog cynllunio, Ian Weaver, fod y tanc dŵr hwn i wasanaethu'r sied wyna gerllaw. Nid oedd yn tynnu sylw'n weledol.

Cynigion:

Cynigiodd y Cyngorydd B Blakeley ROI CANIATÂD

Eiliwyd hyn gan y Cyngorydd Stuart Davies

Ar ddangos dwylo, derbyniwyd hyn

(Ymatalodd y Cyngorwyr Rhys Hughes a Merfyn Parry)

RHODDWDYD CANIATÂD FELLY

8 APÊL CYNLLUNIO: CARTREF PRESWYL DEWI SANT, RHODFA'R DWYRAIN, Y RHYL

Eglurodd y Rheolwr Rheoli Datblygiad, Paul Mead, gefndir yr achos hwn. Roedd y Pwyllgor wedi gwrthod rhoi caniatâd cynllunio ym mis Medi 2011.

Cyflwynwyd apêl bellach a bydd yn cael ei gwrando mewn gwrandawriad anffurfiol ddydd Mawrth 19 Mehefin 2012.

Gan fod y swyddog wedi argymhell rhoi caniatâd, roedd cais yn cael ei wneud i gynrychiolydd o'r pwyllgor Cynllunio roi tystiolaeth yn y Gwrandawriad yn unol â pharagraff 9.3 o'r Protocol Apeliadau Cynllunio a Chynnwys Aelodau.

Mewn ymateb i gwestiynau'r Aelodau, dywedodd y Swyddogion nad oedd yn bosibl i'r pwyllgor ailystyried y cais ac, er ei fod yn wrandawriad "anffurfiol", y byddai'n cael ei gynnal mewn modd ffurfiol gan Arolygydd yr apêl. Awgrymwyd y byddai'n ddoeth petai Aelod profiadol yn mynd.

Cynigiwyd i'r Cynghorwyr Ian Armstrong a David Simmons neu Win Mullen-James fynd ar ran y Pwyllgor Cynllunio. Derbyniwyd hyn.

9 PROSIECTAU SEILWAITH MAWR ADRODDIAD DIWEDDARU

Roedd yr adroddiad hwn er gwybodaeth.

Eglurodd Denise Shaw (Swyddog Ynni Adnewyddadwy) fod Deddf Lleoliaeth 2011 yn dileu'r Comisiwn Cynllunio Seilwaith. Erbyn hyn, yr Arolygiaeth Gynllunio sydd â'r pŵer i wneud penderfyniadau am orsafoedd pŵer mwy o faint, ffermydd gwynt ar y môr a llinellau uwchben foltedd uchel.

Ar ôl nifer o gwestiynau gan yr Aelodau, cynigiodd Ms Shaw gysylltu â hwy i drafod gwahanol faterion.

Penderfynwyd derbyn yr adroddiad hwn er gwybodaeth.

10 PROSIECT SEILWAITH MAWR ESTYNIAD FFERM WYNT BURBO BANK

(Datganodd y Cynghorydd Alice Jones fuddiant yn yr eitem hon a gadawodd y Siambr tra bod yr eitem yn cael ei hystyried).

Cyflwynodd Denise Shaw (Swyddog Ynni Adnewyddadwy) yr eitem hon ac eglurodd fod angen ymateb i'r ymgynghoriad a gafwyd a gofynnodd am farn y Pwyllgor.

Gofynnodd yr Aelodau nifer o gwestiynau:

- Sut byddai Cymru'n elwa ar incwm a gynhyrchir ar y môr, yn nyfroedd Lloegr.
(Eglurodd Denise Shaw nad oedd hwn yn rhywbeth y gallai'r awdurdod sôn amdano, ond gallai cymunedau wneud cais am elw).
- Mae Ceblau Trydan yn dod i'r lan ym Mhrestatyn, sut bydd y ceblau'n cyrraedd Llanelwy; beth oedd yr union lwybr; a oedd pwynt mynediad gwell (e.e. Harbwr y Foryd); pwy a ddiffiniodd y pwynt mynediad.
(Dywedodd Denise Shaw y bydd y ceblau'n mynd dan y ddaear, ond nad oedd yr union lwybr wedi'i ddiffinio eto. Byddai'r pwynt mynediad yn cael ei fireinio gan Aseiad Amgylcheddol o ddaeareg gwely'r môr er mwyn nodi'r llwybr gorau).
- Pa is-orsaf a fyddai'n cael ei defnyddio ym Mharc Busnes Llanelwy; beth am gysylltu â'r Grid Cenedlaethol ym Mhrestatyn i gwtogi ar aflonyddwch.
(Dywedodd Denise Shaw fod is-orsaf newydd am gael ei chodi ger y datblygiad presennol ar gyfer cynnyrch Gwynt y Môr, yn Llanelwy/Glascoed Road).

PENDERFYNWYD: bod yr Aelodau'n cytuno i'r ymateb i'r Ymgynghoriad fel y'i disgrifir yn yr adroddiad a gyflwynwyd, a chytunodd i gyflwyno hwn i DONG Energy fel ymateb y Cyngor i'r ymgynghoriad cyn ymgeisio ffurfiol er mwyn cwrdd â'r amserlen a gyfarwyddwyd gan y datblygwr.

11 PROTOCOL AR GYFER HYFFORDDIANT AELODAU - FERSIWN 2

Cyflwynwyd: Adroddiad yn disgrifio'r newidiadau arfaethedig yn y Protocol ar gyfer Hyfforddiant Aelodau ac yn gofyn am gymeradwyo'r newidiadau.

Roedd y newidiadau'n cynnwys cydnabyddiaeth am bresenoldeb rheolaidd yn y Pwyllgor ac am waith yn amddiffyn apeliadau cynllunio.

Yn dilyn cwestiynau gan yr Aelodau am lefel y cymorth a roir i Aelodau sy'n mynd i apeliadau, talwyd clod i'r swyddogion am yr hyfforddiant diweddar a roddwyd.

PENDERFYNWYD bod y Pwyllgor yn cymeradwyo'r newidiadau a awgrymwyd yn y Protocol ar gyfer Hyfforddiant Aelodau.

12 CYNLLUN DIRPRWYO WEDI'I DDIWEDDARU - FERSIWN 4

Cyflwynwyd: Mân welliannau yn y Cynllun Dirprwyo gan gynnwys materion cysylltiedig â Phrosiectau Seilwaith Mawr. Roedd y diweddariad hefyd yn newid y mecanwaith ar gyfer adolygu gwyradau sylweddol neu benderfyniadau lle'r oedd risg o ddyfarnu costau yn erbyn y Cyngor mewn apêl, her gyfreithiol neu ymchwiliad Ombwdsmon. Byddai'r penderfyniadau hyn yn cael eu hadolygu gan y Pwyllgor Cynllunio, nid y Cyngor llawn.

PENDERFYNWYD cymeradwyo'r Cynllun Dirprwyo wedi'i ddiweddarau
(Fersiwn 4).

Daeth y cyfarfod i ben am 12.45 p.m.

Mae tudalen hwn yn fwriadol wag

Y PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun ddydd Mercher 20 Mehefin 2012 am 9.30am.

YN BRESENNOL

Y Cynghorwyr D Owens (Cadeirydd) I W Armstrong, B Blakeley, J A Butterfield, W L Cowie, J.M. Davies M LI Davies, R J Davies, R L Feeley, C. L. Guy-Davies, H Hilditch-Roberts, C. Hughes, , P M Jones, M McCarroll, W M Mullen-James, R M Murray, P W Owen, A Roberts, W.N. Tasker, J Thompson-Hill, C H Williams, a C L Williams.

HEFYD YN BRESENNOL

Rheolwr Rheoli Datblygiad (Paul Mead), Prif Swyddog Cynllunio (Ian Weaver), Prif Gyfreithiwr – Cynllunio a Phrifyrdd (Susan Cordiner), Arweinydd Tîm (Gwen Butler), Swyddog Gwasanaethau Cwsmeriaid (Judith Williams) a Chyfieithydd (Catrin Gilkes).

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr J.A. Davies, E.A. Jones, T M Parry. D Simmons, J S Welch a H O Williams.
Cafwyd ymddiheuriadau hefyd gan Graham Boase, Pennaeth Cynllunio, Adfywio a Gwasanaethau Rheoleiddio.

2 DATGANIADAU BUDDIANT

Datganodd y Cynghorydd M. Lloyd Davies fuddiant yng nghais 46/2011/0998/PC (Rhosfryn, 9 Chester Street, Llanelwy) a'r adroddiad gorfodi cysylltiedig.

3 EITEMAU BRYD:

APÊL CYNLLUNIO CAIS 01/2011/0621/ PF

Gosod 20 o letyau gwyliau, yn ogystal â mynediad a lle parcio cysylltiedig, a gosod gwaith trin carthion.

Y GLYN, PARC LLEWENI, DINBYCH

4 CEISIADAU AM GANIATÂD I DDATBLYGU

Cyflwynwyd yr adroddiad (a gylchredwyd yn flaenorol) gan y Pennaeth Cynllunio, Adfywio a Gwasanaethau Rheoleiddio, yn rhifo ceisiadau a gyflwynwyd ac yn gofyn am benderfyniadau gan y Pwyllgor.

PENDERFYNWYD:-

- (a) *cadarnhau argymhellion y Swyddogion, fel y maent wedi'u cynnwys yn yr adroddiad a gyflwynwyd, a rhoi neu wrthod caniatâd cynllunio yn ôl yr achos, fel sy'n briodol o dan Orchymyn Cynllunio Tref a Gwlad (Datblygu Cyffredinol a Ganiateir) 1995, Deddf Cynllunio a Digolledu 1991, Rheoliadau Hysbysebu Cynllunio Gwlad a Thref 1991 a/neu Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990, i'r cynigion sy'n cynnwys y ceisiadau canlynol yn ôl yr amodau sydd wedi'u rhifo yn yr atodlen a gyflwynwyd:-*

Rhif y Cais: 02/2012/0241/PF

Lleoliad: **Tir yn (rhan o ardd) Llys Deri, Bryn Goodman, Rhuthun**

Disgrifiad: Newidiadau yn y mynediad i gerbydau a ganiatawyd o'r blaen o dan God Rhif 02/2011/0167 i'r annedd presennol a'r annedd newydd arfaethedig.

Rhodddwyd yr wybodaeth ychwanegol ganlynol yn yr adroddiad Gwybodaeth Hwyr a gylchredwyd yn y cyfarfod:

- Llythyr o wrthwynebiad a gafwyd gan Mr B Owen (ar ran Mr a Mrs Aiyar, Oaklea, Bryn Goodman, Rhuthun)
- Asiant yr Ymgeisydd yn rhoi gwybod am yr ymdrechion i gyd-drafod penderfyniad.
- Adroddiad am Ymweliad Safle a gafwyd ddydd Llun 18 Mehefin 2012

Nid oedd y Cynghorydd R L Feeley yn fodlon derbyn yr argymhelliad i roi caniatâd. Roedd yn teimlo bod safle'r mynediad gwreiddiol yn well.

Bu'r Prif Swyddog Cynllunio, Ian Weaver, yn rhoi gwybod am yr ymweliad safle a bu'n egluro cefndir y cais. Rhodddwyd caniatâd i annedd newydd sydd bellach yn cael ei adeiladu ond roedd anghydfod ynglŷn â pherchenogaeth y tir felly cyflwynwyd cais i newid y trefniadau mynediad. Byddai'r cynnig yn arwain at waredu 2m o hyd o glawdd ffawydd. Bu iddo gyfaddef ei fod yn credu mai'r cytundeb blaenorol oedd y dewis gwell ond ei fod yn angenrheidiol i ymdrin â'r cais fel y mae. Ni chafwyd gwrthwynebiad gan yr adran Priffyrdd oherwydd nid yw rhannu mynediad yn anghyffredin. Nid oedd colli clawdd yn afresymol, ac nid oedd llawer i wrthod caniatâd yn ei gylch.

Nid oedd y Cynghorydd Feeley yn credu bod y sefyllfa'n dderbyniol.

Nid oedd y Cynghorydd M. Ll. Davies wedi gallu mynd ar yr Ymweliad Safle felly roedd wedi bod i'r safle ei hun y bore hwnnw. Roedd yn teimlo y gallai fod yn broblem pan fydd y tai'n cael eu gwerthu ond roedd yn fater i'r gwerthwr, nid i'r Pwyllgor Cynllunio.

Cynigiodd y Cynghorydd M. Ll. Davies ROI CANIATÂD ac eiliwyd hyn gan y Cynghorydd Brian Blakely.

PLEIDLAIS: **21 pleidlais i ROI CANIATÂD**
1 bleidlais i WRTHOD
Dim ymataliad

RHODDWYD CANIATÂD FELLY

Yn amodol ar:

Beidio â chael unrhyw wrthwynebiadau pellach nad ydynt eisoes wedi cael sylw yn yr adroddiad erbyn 22 Mehefin 2012.

Diwygio amod 8 fel isod:

8. Ni chaniateir ar unrhyw adeg unrhyw glwydi, ffensys, waliau na moddau eraill o gau na rhwystr parhaol rhag defnyddio'r mynediad / ardal droi a gymeradwyir drwy hyn, heblaw gyda chymeradwyaeth ysgrifenedig flaenorol yr Awdurdod Cynllunio Lleol.

Rheswm: Sicrhau bod y mynediad a'r ardaloedd troi'n cael eu cadw'n rhydd o rwystrau, er mwyn i gerbydau sy'n ceisio cyrraedd a gadael yr eiddo symud yn rhwydd.

Ychwanegu nodyn i'r ymgeisydd:

Mae'r Awdurdod wedi cael gwybod am gynrychiolaeth trydydd parti dros faterion perchenogaeth tir yng nghyffiniau safle'r cais. Ni all yr Awdurdod chwarae ddim rhan mewn penderfynu anghydfodau perchenogaeth, ond fe'ch cynghorir i sicrhau bod modd gweithredu'r caniatâd ar dir sydd dan reolaeth yr ymgeisydd.

Rhif y Cais: 20/2011/1138/PF

Lleoliad: Tir yn Tyn y Celyn, Llanfair Dyffryn Clwyd,
Rhuthun

Disgrifiad: Dymchwel dau adeilad carreg diangen a chodi
annedd gweithwyr amaethyddol

TYNNWYD Y CAIS HWN YN ÔL GAN ASIANT YR YMGEISYDD AR 19
MEHEFIN 2012

Rhif y Cais: 24/2012/0127/PC

Lleoliad: **Bod Ynys, Rhewl, Rhuthun**

Disgrifiad: Adeiladu storfa fiswail gron – manylion wedi'u diwygio (cais ôl-weithredol)

Roedd y Cynghorydd Cheryl Williams yn dymuno nodi nad hi oedd y Cheryl Williams a oedd wedi ysgrifennu i wrthwynebu'r datblygiad hwn.

Rhodddwyd yr wybodaeth ychwanegol ganlynol yn yr adroddiad Gwybodaeth Hwyr yn y cyfarfod:

- Roedd y llythrau gwrthwynebiad a gafwyd yn cynnwys y pwyntiau canlynol:
Bod y cais yn annilys
Bod effaith weledol annerbyniol
Effaith annerbyniol ar amwynder preswyl
- Gohebiaeth gan y Cynghorydd M Parry yn gofyn am ohirio'r cais
- Sylw swyddogion am argymhelliad DEFRA am y pellter i ffwrdd o eiddo preswyl

Cyfeiriodd y Cynghorydd Colin Hughes at gais y Cynghorydd Merfyn Parry, y rhodddwyd gwybod amdano, i ohirio ystyried yr eitem hon a gofynnodd am farn y swyddogion. Dywedodd y swyddogion nad oedd unrhyw resymau cadarn dros ohirio – roedd y cais wedi'i ohirio cyn yr Etholiadau Lleol, cafwyd ymweliad safle ac roedd gwybodaeth bellach wedi'i chael. Roedd y Cyngor mewn perygl apêl yn erbyn Dim Penderfyniad a fyddai'n golygu mai'r Arolygiaeth Gynllunio a fyddai'n gwneud y penderfyniad. Gallai swyddfa'r Ombwdsmon ystyried bod gohiriad pellach yn niweidiol wrth wneud dyfarniad am y gŵyn a gafodd.

Siaradwyr Cyhoeddus:

Mr E Jones (Yn Erbyn)

Mr E Jones yw un o gymdogion yr eiddo ac roedd wedi gwrthwynebu safle'r tanc. Roedd yn teimlo bod effaith weledol annerbyniol ac na fyddai sgrin na phaent yn helpu hynny. Roedd hefyd yn gwrthwynebu'r aroglau a fyddai'n dod o'r tanc, ac nid oedd yn teimlo y byddai'r cynnig rheoli arogl yn helpu hyn. Dywedodd hefyd y dylid symud y tanc a gosod caead arno.

Mr Dewi Roberts (o blaid)

Mr Dewi Roberts yw'r ffermwr sy'n denant yn Bod Ynys. Bu'n rhaid iddo osod storfa fiswail newydd i gydymffurfio â rheolau newydd y Parthau Perygl Nitradau. Roedd ganddo ganiatâd cynllunio hefyd am danc 23m o ddiamedr ac ni chafwyd unrhyw wrthwynebiad. Wrth archebu'r tanc hwn, roedd sion yn cylchredeg y byddai angen tanciau mwy cyn bo hir felly penderfynodd osod un mwy o faint. Roedd yn credu y byddai'n fantais i bawb am na fyddai angen ei wacau mor aml, gan felly leihau'r arogl pan aflonyddir ar y biswail. Roedd yn fodlon cysgodi'r tanc a'i beintio. Dywedodd mai dim ond 25m i ffwrdd o'r hen danc ydoedd ac felly roedd yn teimlo na fyddai'r arogleuon ddim gwaeth.

Dywedodd y Rheolwr Rheoli Datblygiad, Paul Mead, wrth y pwyllgor fod caniatâd wedi'i roi eisoes am storfa fiswail ond bod un mwy o faint wedi'i adeiladu. Cyflwynwyd cais wedi'i ddiwygio i reoleiddio'r sefyllfa. Roedd yr eitem wedi'i gohirio o'r blaen a'i hatal oherwydd bod cynlluniau ychwanegol wedi cyrraedd a bod gofyn ymgynghori ymhellach arnynt hwy. Mae angen y storfa hon ar gyfer deddfwriaeth Parthau Perygl Nitradau ac nid yw Asiantaeth yr Amgylchedd yn gwrthwynebu o gwbl.

Codwyd y cwestiynau canlynol gan yr Aelodau:

Holodd y Cynghorydd Win Mullen James pa mor ymarferol y byddai gosod caead ar y tanc.

Gofynnodd y Cynghorydd Joan Butterfield am adroddiad am yr ymweliad safle: Gofynnodd y Cynghorydd Huw Hilditch –Roberts am eglurhad am y materion cynllunio yn hytrach na'r materion amgylcheddol.

Roedd y Cynghorydd Colin Hughes yn synnu bod y cais blaenorol wedi'i benderfynu gan swyddogion o dan bwerau dirprwyedig a holodd a oedd yr ymweliad safle wedi bod mewn perthynas â'r storfa fiswail neu'r adeiladau amaethyddol newydd.

Atebodd y Swyddog Cynllunio, David Roberts.

- Cynhaliwyd yr ymweliad safle ar yr un pryd â rhyddhau'r cais am dai i'w benderfynu, ond roedd yr ymweliad ar gyfer ystyried y cais am storfa fiswail. Disgrifiwyd nodiadau'r cyfarfod ymweliad safle yn adroddiad y pwyllgor.
- Dywedodd wrth y pwyllgor y dylai benderfynu'r cais fel yr oedd (heb gaead) ond gallai'r swyddogion archwilio posibilrwydd yr ymgeisydd yn gosod caead yn y dyfodol.
- Ymdriniwyd â'r cais blaenorol o dan Bwerau Dirprwyedig oherwydd ni chafwyd dim gwrthwynebiad iddo.
- Materion amgylcheddol - gofynnwyd bod y tanc yn cael ei lenwi o'r gwaelod er mwyn cadw cramen ar ben y biswail; byddai hyn yn cwtdogi ar aroglau. Mae rheoliadau'r Parthau Perygl Nitradau'n gofyn am werth 6 neu 7 mis o storio ac mae'r tanc hwn yn dderbyniol ond nid yw'n rhy fawr.

- Mae gan Asiantaeth yr Amgylchedd ei rheoliadau ei hun ac mae'n gofyn bod cyrsiau dŵr yn cael eu gwarchod. Rhaid i ffermydd gwaith gael storfeydd biswail. Yn yr achos hwn, mae'n ddigon pell i ffwrdd o eiddo a bydd yn cael ei sgrinio.

Holodd y Cadeirydd am y Cynllun Dirprwyo mewn perthynas â'r ffordd yr ymdriniwyd â'r cais cynllunio gwreiddiol. Eglurodd Paul Mead, y Rheolwr Rheoli Datblygiad, nad oedd hyn yn berthnasol i asesu'r cynnig cyfredol ond bod y cais gwreiddiol wedi cael sylw yn unol â'r Cynllun Dirprwyo.

Cynigion:

**Cynigiodd y Cynghorydd B Blakely ROI CANIATÂD i'r eitem hon
Eiliwyd hyn gan y Cynghorydd J Thompson Hill**

PLEIDLAIS:

18 pleidlais i ROI CANIATÂD

3 pleidlais i WRTHOD

1 ymataliad

RHODDWYD CANIATÂD FELLY

Yn amodol ar:

Amod Diwygiedig 1

1. Bydd wynebau allanol paneli concrit y storfa a gymeradwyir drwy hyn yn cael eu peintio mewn lliw gwyrdd tywyll heb fod yn hwyrach na 30 Medi 2012. Bydd y lliw gwirioneddol fel y ceir cytuno arno'n ysgrifenedig gan yr Awdurdod Cynllunio Lleol cyn bod unrhyw beintio'n digwydd, a bydd paneli'r storfa'n cael eu cynnal drwy'r amser yn y lliw y cytunwyd arno.

Amod Diwygiedig 3

3. Er y manylion a gyflwynwyd, ni chaniateir i'r tanc biswail barhau i weithredu ar ôl 30 Medi 2012 heblaw yn unol â Chynllun Rheoli Aroglau; bydd manylion y cynllun hwn yn cael eu cyflwyno i'w cymeradwyo'n ysgrifenedig gan yr Awdurdod Cynllunio Lleol, a byddant yn cynnwys manylion i gwtogi ar aroglau o'r tanc yn ystod prosesau llenwi'r tanc biswail, storio biswail a gwacau'r tanc biswail. Bydd y tanc yn gweithredu'n unol â'r cynllun a gymeradwywyd drwy'r amser wedi hynny.
Rheswm: I sicrhau camau lliniaru rhesymol ar gyfer rhyddhau arogl mewn cysylltiad â gweithredu'r tanc biswail, er mwyn amwynder preswyl.

Nodyn i'r ymgeisydd

Fe'ch atgoffir fod angen sicrhau bod y manylion sy'n ofynnol gan Amodau 1 a 3 o'r caniatâd hwn yn cael eu cyflwyno'n gynnar, a bod y datblygiad wedi'i gwblhau yn unol â chymeradwyo manylion felly gan y Cyngor heb fod yn hwyrach na 30 Medi 2012.

Rhif y Cais: 24/2012/0382/PF

Lleoliad: **Parsel OS Rhif 8912 ger Glanynys, Llanynys
Dinbych**

Disgrifiad: Adleoli 2 o lochesau cae presennol, codi storfa
newydd ar gyfer bwyd/offer (yn rhannol ôl-weithredol)

Rhoddwyd yr wybodaeth ychwanegol ganlynol yn yr adroddiad Gwybodaeth
Hwyr a gylchredwyd yn y cyfarfod:

V Kalities, Glanynys Bach, Llanynys
Mr a Mrs H J Varney, Glanynys, Llanynys
A a B Isaac, Tai Newydd, Llanynys (heb ei lofnodi)
J Beasley, Glyn Cottage, Llanynys (heb ei lofnodi)

Ni chafwyd dim dadl am yr eitem hon.

Cynigiodd y Cynghorydd J Butterfield ROI CANIATÂD
Eiliwyd hyn gan y Cynghorydd Brian Blakely

PLEIDLAIS:
22 pleidlais i ROI CANIATÂD
0 pleidlais i WRTHOD
0 ymataliad

RHODDWDYD CANIATÂD FELLY

Rhif y Cais: 45/2012/0383/PFRE

Lleoliad: **Ysgol Uwchradd a Chanolfan Hamdden y Rhyl,
86 Grange Road, y Rhyl**

Disgrifiad: Gosod system wresogi biomas hunangynhwysol gyda chyfleuster seilo allanol i wresogi'r ganolfan hamdden a'r pwll nofio

Holodd y Cynghorydd Win Mullen Jones sut byddai nwyddau'n cael eu dosbarthu i'r safle ac roedd y Cynghorydd J Butterfield yn poeni am y gost.

Dywedodd y Rheolwr Rheoli Datblygiad, Paul Mead, fod y trefniadau mynediad presennol yn ddigon da ac nad lle'r pwyllgor cynllunio oedd trafod peryglon posibl y dyfodol. Byddai'r system wresogi'n gwresogi'r ganolfan hamdden. Gofynnodd y Cynghorydd M Ll. Davies pam oedd cyflenwyr a ffafir yn cael eu henwi yn yr adroddiad.

Dywedodd y Rheolwr Rheoli Datblygiad, Paul Mead, mai dyfynbris oedd hwnnw o'r Datganiad Dylunio a Mynediad a ddarparwyd gyda'r cais.

Cynigiodd y Cynghorydd B Blakely ROI CANIATÂD
Eiliwyd hyn gan y Cynghorydd Cheryl Williams.
Ar fwrw pleidlais, cafwyd

22 pleidlais i ROI
0 pleidlais i WRTHOD
0 ymataliad

RHODDWDYD CANIATÂD FELLY

Yn amodol ar:

Ddiwygio Amod 3

3. Bydd uchder y fflw fel y'i dangosir ar y cynlluniau a gymeradwywyd a bydd cais cynllunio o'r newydd yn ofynnol ar gyfer unrhyw amrywiad.

Diwygio Amod 4

Ychwaneger ar y diwedd

Bydd y datblygiad yn cael ei gyflawni yn gwbl unol â'r manylion a gymeradwywyd mewn perthynas â'r amod hwn

Rhif y Cais: 46/2011/0998/PC

Lleoliad: **Rosfryn 9 Chester Street Llanelwy**

Disgrifiad: Cadw tŷ gwydr, newidiadau yn nho'r gegin yn y cefn ac ail-rendro blaen yr annedd

Datganodd y Cyngorydd M Lloyd Davies fuddiant yn y cais hwn a gadawodd y Siambr yn ystod y broses o ystyried y cais.

Ni chafwyd dadl am yr eitem hon.

**Cynigiodd y Cyngorydd Bill Cowie WRTHOD hyn
Eiliwyd gan y Cyngorydd Huw Hilditch Roberts**

PLEIDLAIS:
2 bleidlais i ROI CANIATÂD
17 pleidlais i WRTHOD
1 ymataliad

GWRTHODWYD CANIATÂD FELLY

Rhif y Cais: 46/2011/0998/PC

Lleoliad: **Rosfryn 9 Chester Street Llanelwy**
Adroddiad Gorfodi –

Disgrifiad: Datblygiad anawdurdodedig – codi estyniad

Datganodd y Cynghorydd M Lloyd Davies fuddiant yn yr eitem hon a gadawodd y Siambr yn ystod y broses o'i hystyried.

Gofynnodd y swyddogion am awdurdodiad i gymryd camau gorfodi i waredu'r estyniad anawdurdodedig, gan ganiatáu cyfnod cydymffurfio o chwe mis.

Cynigiodd y Cynghorydd J Thompson Hill roi awdurdodiad.

Eiliwyd hyn gan y Cynghorydd Bill Cowie

O fwrw pleidlais, cafwyd
18 pleidlais i awdurdodi'r camau gorfodi
0 pleidlais yn erbyn.

PENDERFYNWYD FELLY:

Rhoi'r awdurdodiad ar gyfer y canlynol:

- (i) Rhoi Hysbysiad Gorfodi i sicrhau bod yr estyniad anawdurdodedig yn cael ei waredu cyn pen chwe mis
- (ii) Dechrau achos erlyn, neu'r achos priodol o dan y Deddfau Cynllunio, yn erbyn yr unigolyn, neu'r unigolion, y gosodir unrhyw Hysbysiad Gorfodi, neu Hysbysiad arall felly arno, neu y cymerir camau cyfreithiol yn ei erbyn os bydd yn methu â chydymffurfio â gofynion yr Hysbysiad Gorfodi.

8 APÊL CYNLLUNIO: Y Glyn, Lleweni Parc, Dinbych

Cylchredwyd: adroddiad gan y Pennaeth Cynllunio, Adfywio a Gwasanaethau Rheoleiddio, yn rhoi gwybod bod apêl wedi'i chyflwyno i'r Arolygiaeth Gynllunio yn erbyn y penderfyniad i wrthod caniatâd i osod 20 llety yn y Glyn, Lleweni Parc, Dinbych. Eglurodd y Rheolwr Rheoli Datblygiad, Paul Mead, gefndir yr achos hwn a dywedodd fod caniatâd cynllunio wedi'i wrthod gan y Pwyllgor ym mis Ebrill 2012, ychydig cyn yr etholiadau lleol.

Mae'r apêl am gael ei gwrandawr drwy Wrandawriad Anffurfiol ddydd Mawrth 18 Medi 2012.

Gan fod y swyddog wedi argymhell rhoi caniatâd, roedd cais yn cael ei wneud i ddau gynrychiolydd o'r Pwyllgor Cynllunio roi tystiolaeth yn y Gwrandawriad yn unol â pharagraff 9.3 o'r Protocol Apeliadau Cynllunio a Chynnwys Aelodau. Gofynnodd y swyddogion hefyd am awdurdodiad i benodi ymgynghorydd cynllunio i helpu i baratoi a chyflwyno'r achos yn y gwrandawriad.

Cydnabuwyd na fyddai'r Cynghorydd Ray Bartley (aelod lleol) yn gallu mynychu'r apêl oherwydd ymrwymadau eraill felly gofynnodd yr Aelodau am enwi'r Cynghorwyr hynny a bleidleisiodd i wrthod y caniatâd ym mis Ebrill. Cytunodd y rhai a oedd yn bresennol yn ffurfiol i hyn.

O'r Cynghorwyr hynny sy'n dal yn Aelodau Pwyllgor, dywedodd y swyddogion fod y canlynol wedi pleidleisio i wrthod caniatâd:

Y Cynghorwyr Ian Armstrong, Brian Blakeley, Joan Butterfield, Meirick Lloyd-Davies, Colin Hughes, a Cefyn Williams

Roedd y Cynghorydd Colin Hughes yn ansicr am ei gymhwyster am fod ei gyflogaeth newydd mewn twristiaeth efallai'n achos o wrthdaro buddiannau ond roedd yr Aelodau'n teimlo ei bod yn bwysig penodi cynrychiolydd lleol.

Cynigiwyd enwebu'r Cynghorwyr M. Lloyd Davies a Colin Hughes i gynrychioli'r pwyllgor yng ngwrandawriad yr apêl. Byddai'r Cynghorydd Richard Davies (yr aelod lleol newydd i ward Dinbych Isaf) yn mynd fel sylwedydd.

Derbyniwyd hyn yn briodol

Cytunwyd ymhellach i benodi ymgynghorydd cynllunio i helpu i baratoi a chyflwyno'r achos.

DAETH Y CYFARFOD I BEN AM 10:50 am

Mae tudalen hwn yn fwriadol wag

DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE 18th July 2012
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Mae tudalen hwn yn fwriadol wag



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Denbighshire
COUNTY COUNCIL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:
01/2012/0680
64 Park Street
Denbigh

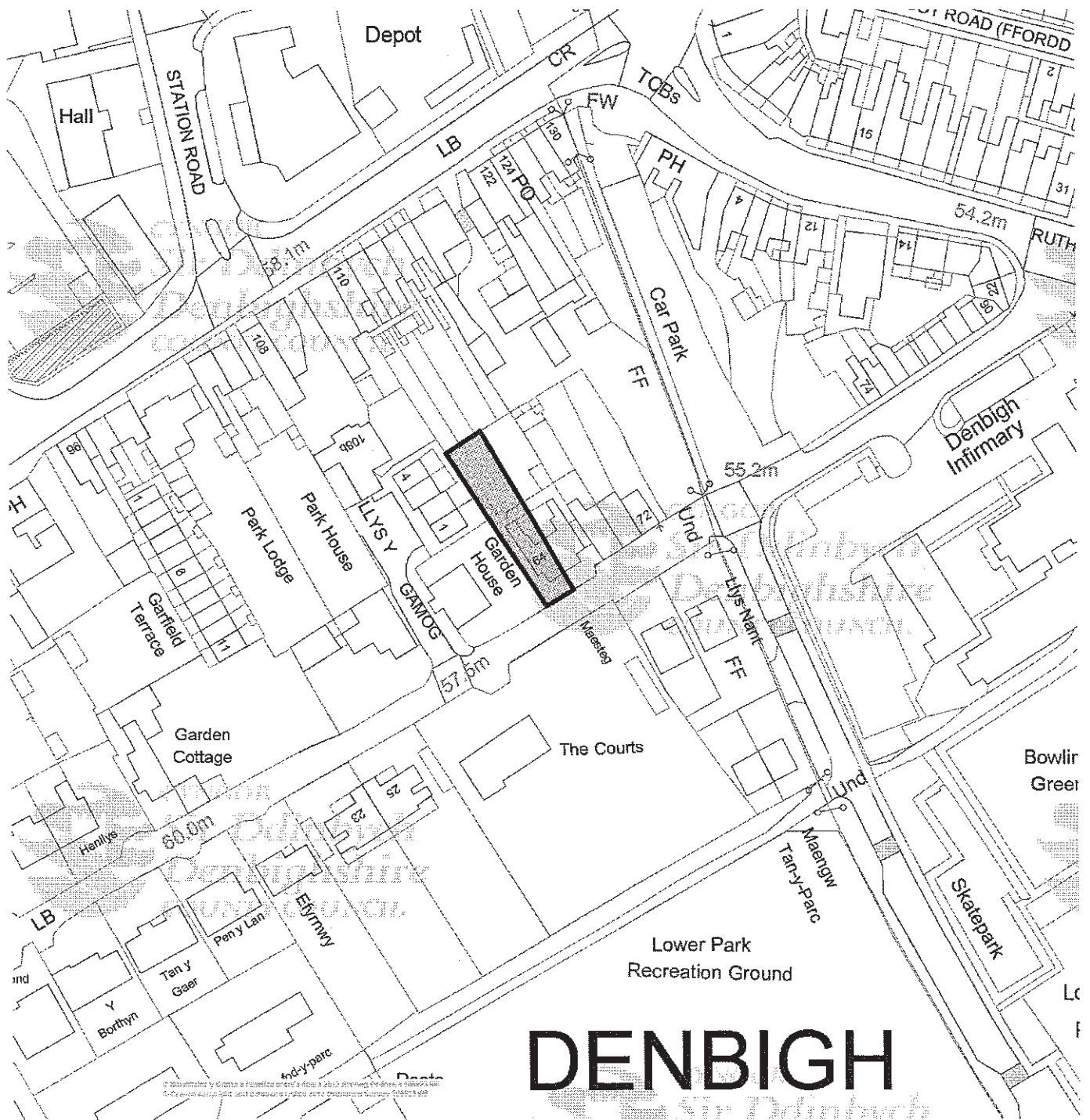
 Application Site

Date 3/7/2012
Centre = 305765 E 366347 N

Scale 1/1250



This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



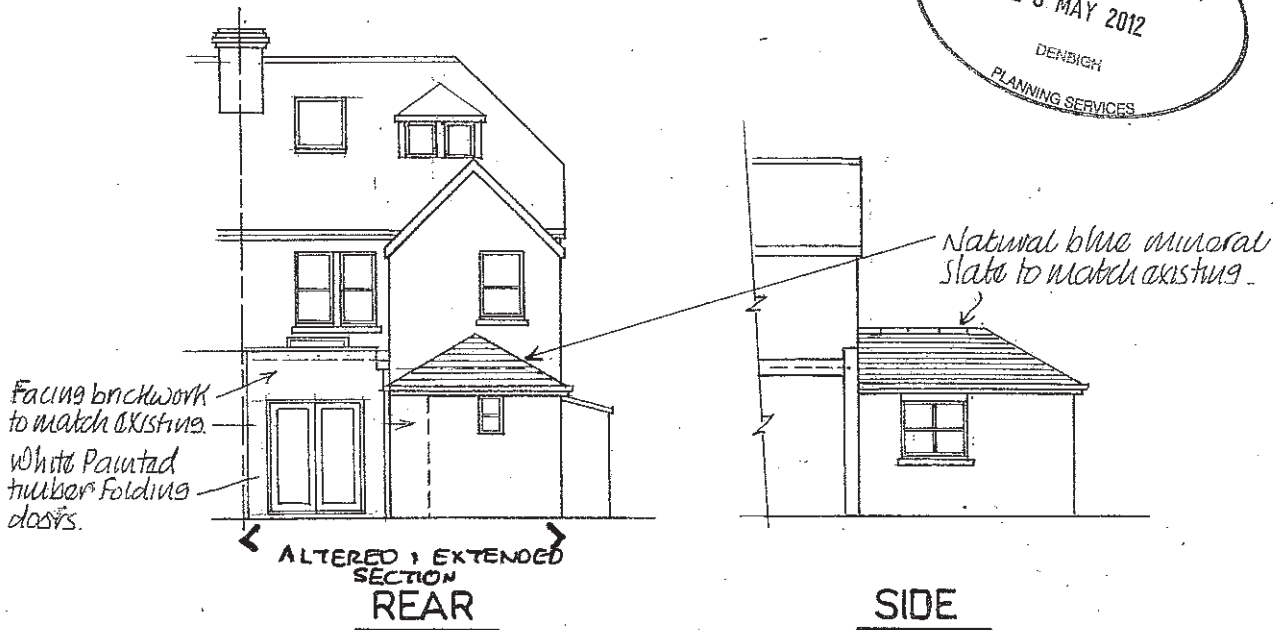
DENBIGH

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© Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa El Mawrhydi
© Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn tom hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

64 PARK ST DG8 1:100

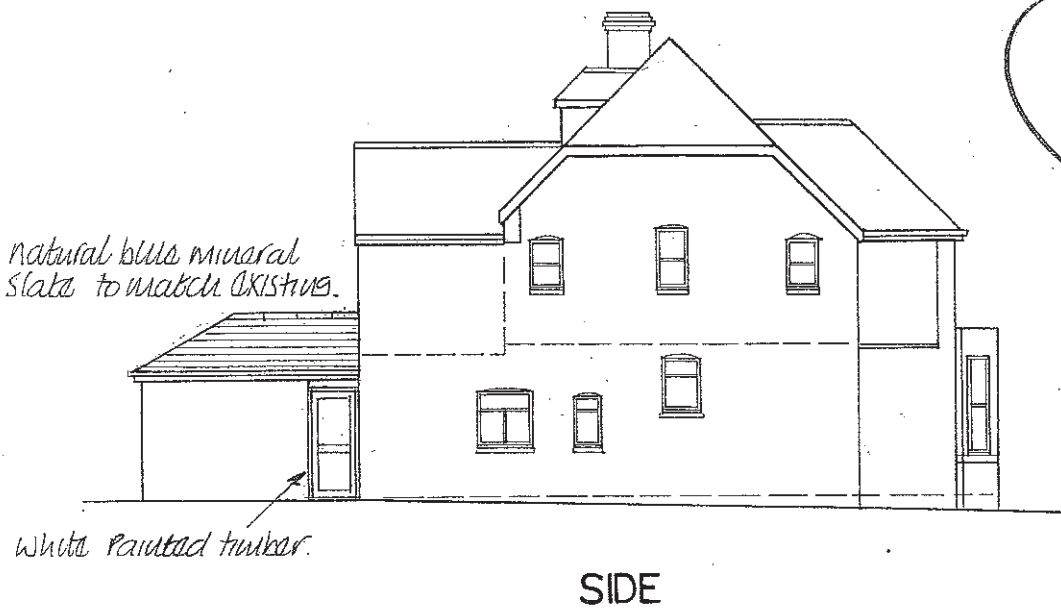
ELEVATIONS

PROPOSED



64 PARK ST DG7 1:100

PROPOSED

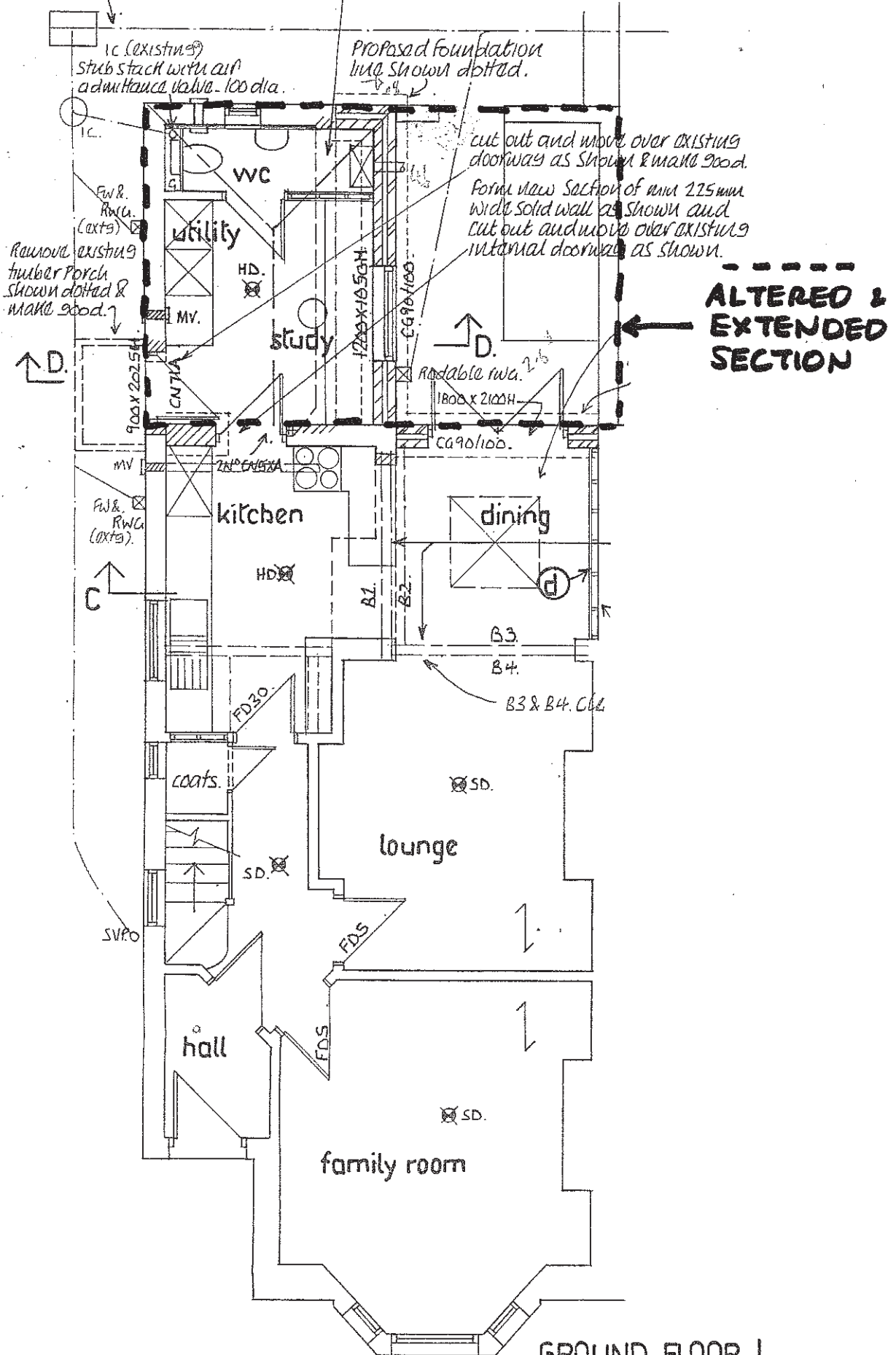


01/2012/08007/PF

GROUND FLOOR PLAN

assumed line of existing combined drain.

Remove existing side wall of existing structure shown dotted and construct new extension as shown, with complete new roof structure all as shown and described on section.



ALTERED & EXTENDED SECTION

Mae tudalen hwn yn fwriadol wag

ITEM NO: 1
WARD NO: Denbigh Central
APPLICATION NO: 01/2012/0680/ PF
PROPOSAL: Erection of 2 no. single storey extensions to rear of dwelling
LOCATION: 64 Park Street Denbigh
APPLICANT: Mrs Glesni Owen
CONSTRAINTS: Town Heritage Area
Conservation Area
PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2**

- Application submitted by Member of Staff of the Service

CONSULTATION RESPONSES:
DENBIGH TOWN COUNCIL- No objection.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 22/07/12

REASONS FOR DELAY IN DECISION: None applicable.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes extensions to the dwelling at no. 64 Park Street in Denbigh. The extensions would comprise of:
- A single storey pitched roof extension to the rear western side, replacing the existing side wall of the kitchen and pantry. Measuring 0.8 metres in width, and 4 metres in depth with an overall height of 3.5 metres, the extension would comprise of a wc, utility and study.
 - A single storey flat roof extension on the rear eastern side, projecting 2.8 metres, 2.6 metres in width, with an overall height of 3 metres. The extension would infill an area between the neighbouring dwellings rear extension and the existing kitchen and pantry. The extension would comprise an extended dining room.
- 1.1.2 The extensions would be finished in materials to match the existing dwelling, i.e. facing bricks and natural slate roof. An outline of the proposals are shown

on the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 No. 64 is located on Park Street, a primarily residential area comprising a mix of dwelling types to the east of Denbigh town centre.
- 1.2.2 The semi-detached dwelling (with third floor rooms in the roofspace), is constructed of red brick with a slate roof. The attached dwelling to the east has had a similar extension to the proposed eastern side.
- 1.2.3 The dwelling has a well contained garden area, bounded to the west by a high stone wall and to the east by a low brick wall.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Denbigh, and the Denbigh Conservation Area.

1.4 Relevant planning history

- 1.4.1 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 As noted the application is reported to Committee as the applicant is an officer of Denbighshire's Planning and Public Protection Service.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 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
 - Policy HSG 12 Extensions to Dwellings

3.2 **Supplementary Planning Guidance**

- SPG Note No. 1 Extensions to Dwellings
- SPG Note No. 24 Householder Development Design Guide

3.3 GOVERNMENT GUIDANCE

- Planning Policy Wales Edition 4

4. **MAIN PLANNING CONSIDERATIONS:**

- 4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Detailed design and impact on visual amenity

- 4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The principle of extensions to existing dwellings is generally acceptable in terms of current policies, subject to consideration of detailing and impacts.

HSG 12 relates specifically to extensions to dwellings and recognises householders have the right to alter and extend their dwellings providing they

meet criteria relating to; size/scale, character, amenity considerations and do not result in overdevelopment of the site.

Policy GEN 6 contains a wide range of general development control amenity considerations geared at ensuring a high standard of development with minimal impacts.

SPG 24 offers basic advice on the principles to be adopted when designing domestic extensions and related developments.

CON 5 is also of relevance as the site is located in the conservation area.

This policy allows development which preserves or enhances the character or appearance of the conservation area. The explanation to the policy requires that applications demonstrate how the development proposal fits in with the essential character and appearance of a conservation area.

The assessment of the detailed impacts of the proposed extensions are set out in the following section:

4.2.2 Detailed design and impact on visual amenity

Scale and form – Test i) of Policy HSG 12 requires extensions to dwellings to be subordinate in scale and form to the original dwelling.

The application comprises of two small single storey extensions to the rear of the dwelling. The combined footprint of the extensions would be less than the original dwelling.

The proposal is therefore considered to comply with test i) of policy HSG 12 and advice in SPG no. 24.

Design and Materials – Test ii) of Policy HSG 12 requires extensions to dwellings to be sympathetic to the original dwelling and character of the area in terms of design and materials. CON 5 is also of relevance as the site is located in the conservation area.

The more visible extension brick extension is proposed with a pitched slate roof. These materials and their use in the design of the proposal reflect the existing character and materials of the dwelling. The flat roof section would be hidden behind a parapet wall constructed of matching brickwork, and would also be in sympathy with the rest of the dwelling and adjacent development.

The proposal is therefore considered to comply with test ii) of HSG 12 and would not conflict with the aims of policy CON 5.

Amenity of area and dwelling – Test iii) of Policy HSG 12 seeks to ensure that proposals to extend dwellings do not harm the amenity of the area by way of loss of privacy or light to neighbouring dwellings.

The single storey extensions would be to the rear of the dwelling. Windows are proposed on the east and north side. There is an existing east side window, which would be retained to serve a study.

Neighbours are unlikely to be affected by this proposal owing to the single storey nature of the extensions and existing boundary treatments.

Furthermore as the dwelling to the east has an existing rear extension, similar to the proposed flat roof extension which would not result in a loss of amenity for the adjacent occupiers. No objections have been received from the neighbours.

Over development – Test iv) of HSG 12 states that proposals should not result in an overdevelopment of the site.

As mentioned above, the two rear extensions would have a small footprint and the dwelling would retain a significant amount of private amenity space in the rear garden (over 180 sq metres), with additional space to the front (albeit more open). This more than meets the standards set out in Supplementary Planning Guidance Note No. 1 (para. 8.6) which requires at least 70 sq metres of amenity space for a larger dwelling.

The proposal is not considered to be an over development of the site, with sufficient amenity space remaining for the proposed occupiers, complying with test iv) of HSG 12.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant policies and is therefore recommended for grant.

RECOMMENDATION: - GRANT subject to the following conditions:-

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

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

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

NOTES TO APPLICANT:

None



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Sir Ddinbych
Denbighshire
 COUNTY COUNCIL

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

18/2012/0481/PF
 Land between Canol y Wern
 & Capel y Dyffryn, Llandymrog

2



Application Site

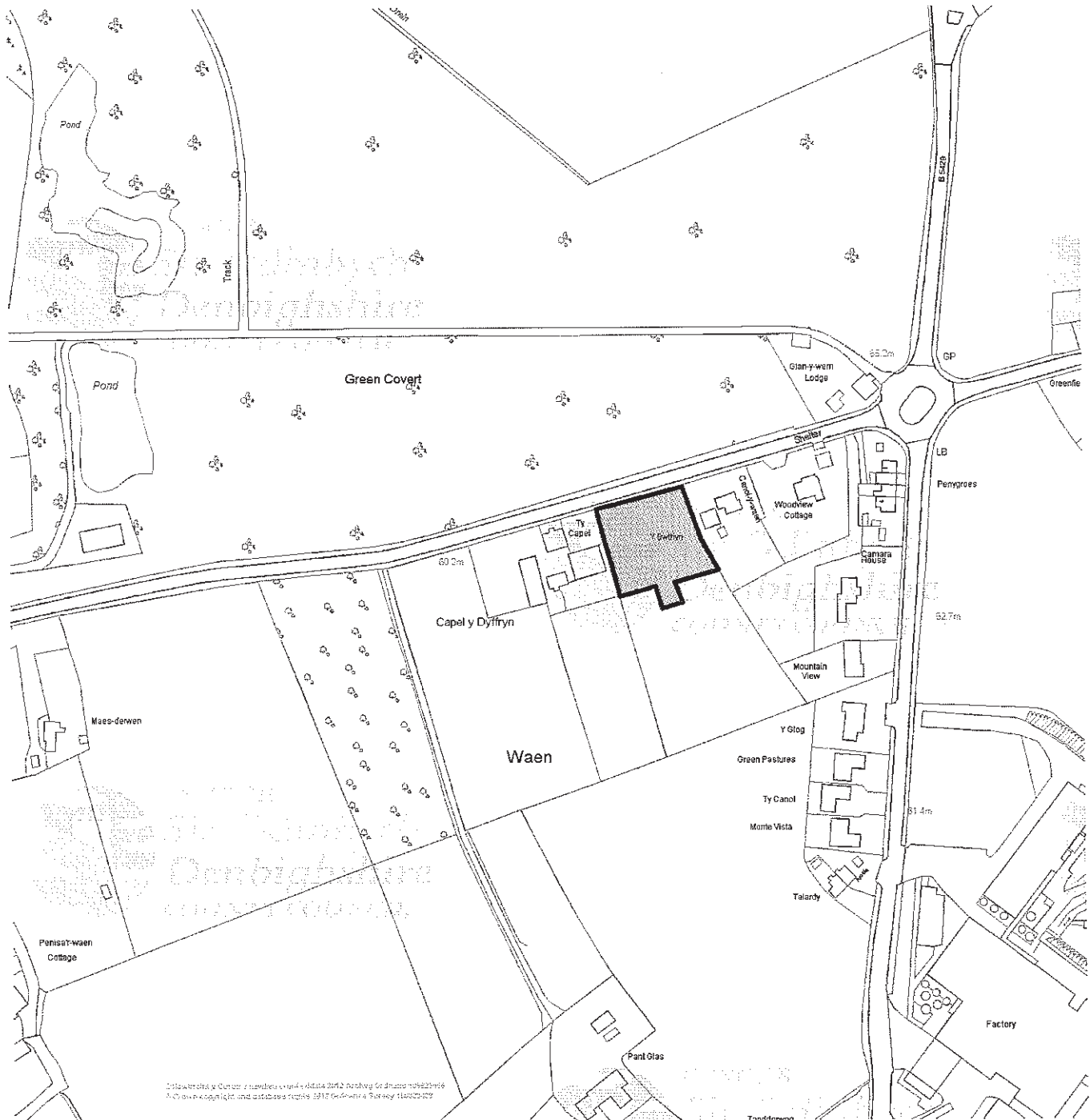


Date 3/7/2012

Scale 1/2500

Centre = 310731 E 365843 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran rheolwr llyfrfa Eiddo Wrhydi © Hawlfraint y Goron. Mae atgynhyrchu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at broseciwn neu broses drosedd. Cyngor Sir Ddinbych. 100023408. 2011.

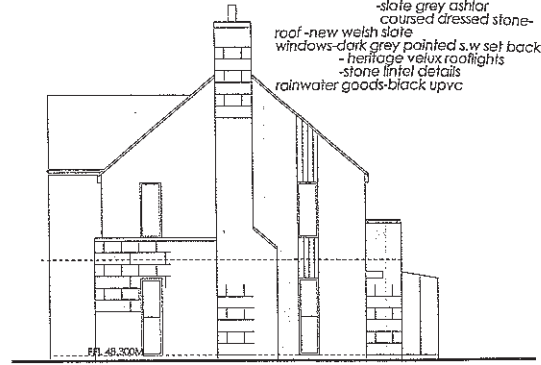
ELEVATION PLANS

PLOT 1

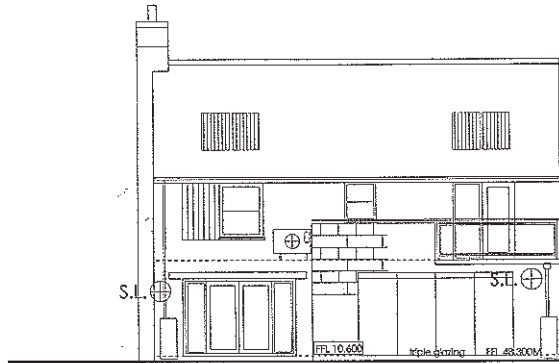
external finishes:
 external walls - white/off grey smooth render
 - raised render window surrounds
 - slate grey ashlar
 - coursed dressed stone-
 roof - new welsh slate
 windows - dark grey painted s.w set back in reveal
 - heritage velux rooflights
 - stone lintel details
 rainwater goods - black upvc



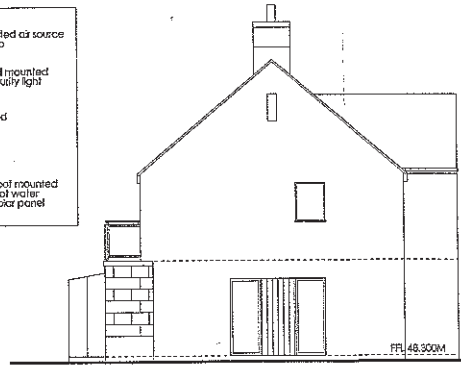
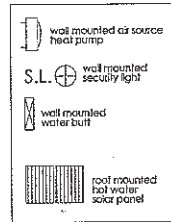
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



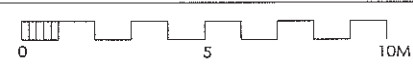
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



Townscape Jones Architects take no responsibility for any dimensions obtained by scaling from the drawings. It is recommended that the architect must accompany the dimensions obtained from the Architect on the site to ensure accuracy. It is recommended that the Architect should check the dimensions of the site before the start of the construction. All dimensions shall be checked against the site plan. All dimensions shall be checked against the site plan. All dimensions shall be checked against the site plan.



PROPOSED RESIDENTIAL DEVELOPMENT CAPEL DYFFRYN LLANDYRNOG	PLANNING NUMBER	SCALE	DATE
CARRINGTON-STYKES PLOT 1 DESIGN	D-1036-9-11-P105A	1:100 @a3	0112
TOWNSCAPE JONES ARCHITECTS		DENBIGH 01745 87169	
www.townscapejones.co.uk		www.denbigh.gov.uk	

PLOT 2

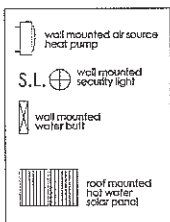
external finishes:
 external walls - white/off grey smooth render
 - raised render window surrounds
 - slate grey ashlar
 - coursed dressed stone-
 roof - new welsh slate
 windows - dark grey painted s.w set back in reveal
 - heritage velux rooflights
 - stone lintel details
 rainwater goods - black upvc



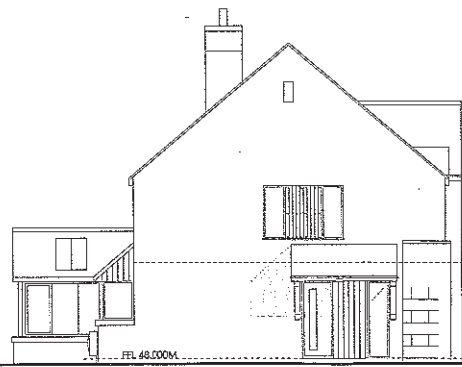
PROPOSED FRONT ELEVATION



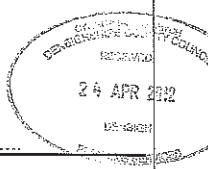
PROPOSED SIDE ELEVATION



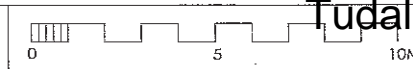
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



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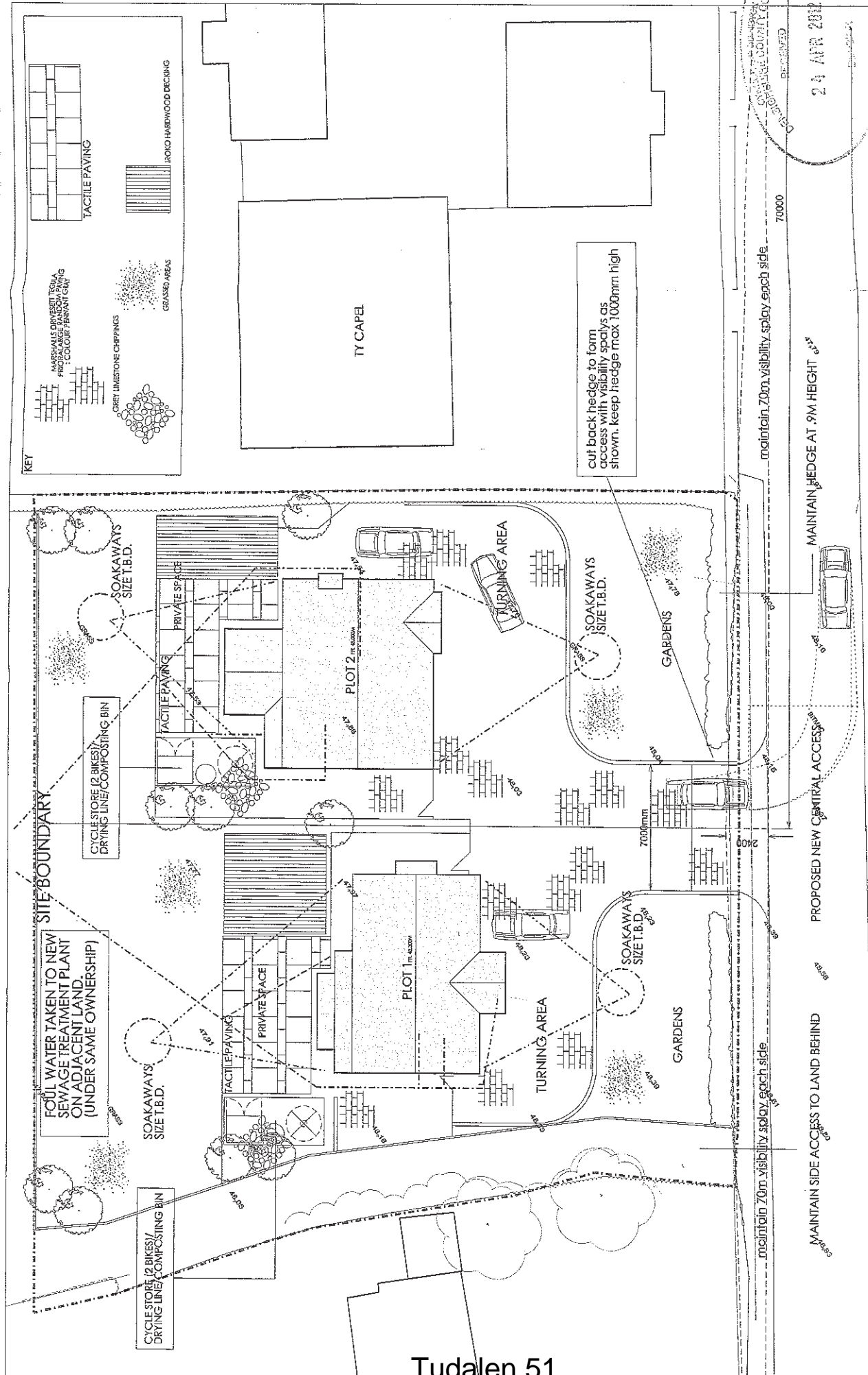


PROPOSED RESIDENTIAL DEVELOPMENT CAPEL DYFFRYN LLANDYRNOG	PLANNING NUMBER	SCALE	DATE
CARRINGTON-STYKES PLOT 1 DESIGN	D-1036-9-11-P107A	1:100 @a3	1211
TOWNSCAPE JONES ARCHITECTS		DENBIGH 01745 87169	
www.townscapejones.co.uk		www.denbigh.gov.uk	

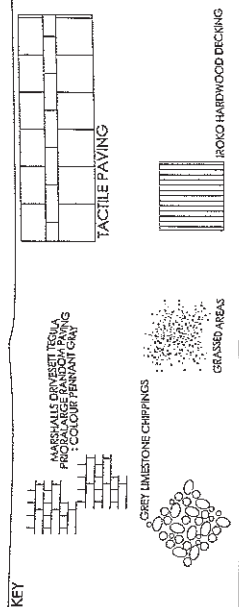
Tudalen 50

101 090704811 PF

SITE PLAN



CONSULTANT
 CONSULTANT
 24 APR 2012
 PREPARED



cut back hedge to form access with visibility splays as shown. keep hedge max 1000mm high

maintain 70m visibility splay each side.

MAINTAIN HEDGE AT 9M HEIGHT

SITE BOUNDARY

FOUL WATER TAKEN TO NEW SEWAGE TREATMENT PLANT ON ADJACENT LAND. (UNDER SAME OWNERSHIP)

SOAKAWAYS SIZE T.B.D.

CYCLE STORE (2 BIKES) DRYING LINE/COMPOSTING BIN

SOAKAWAYS SIZE T.B.D.

SOAKAWAYS SIZE T.B.D.

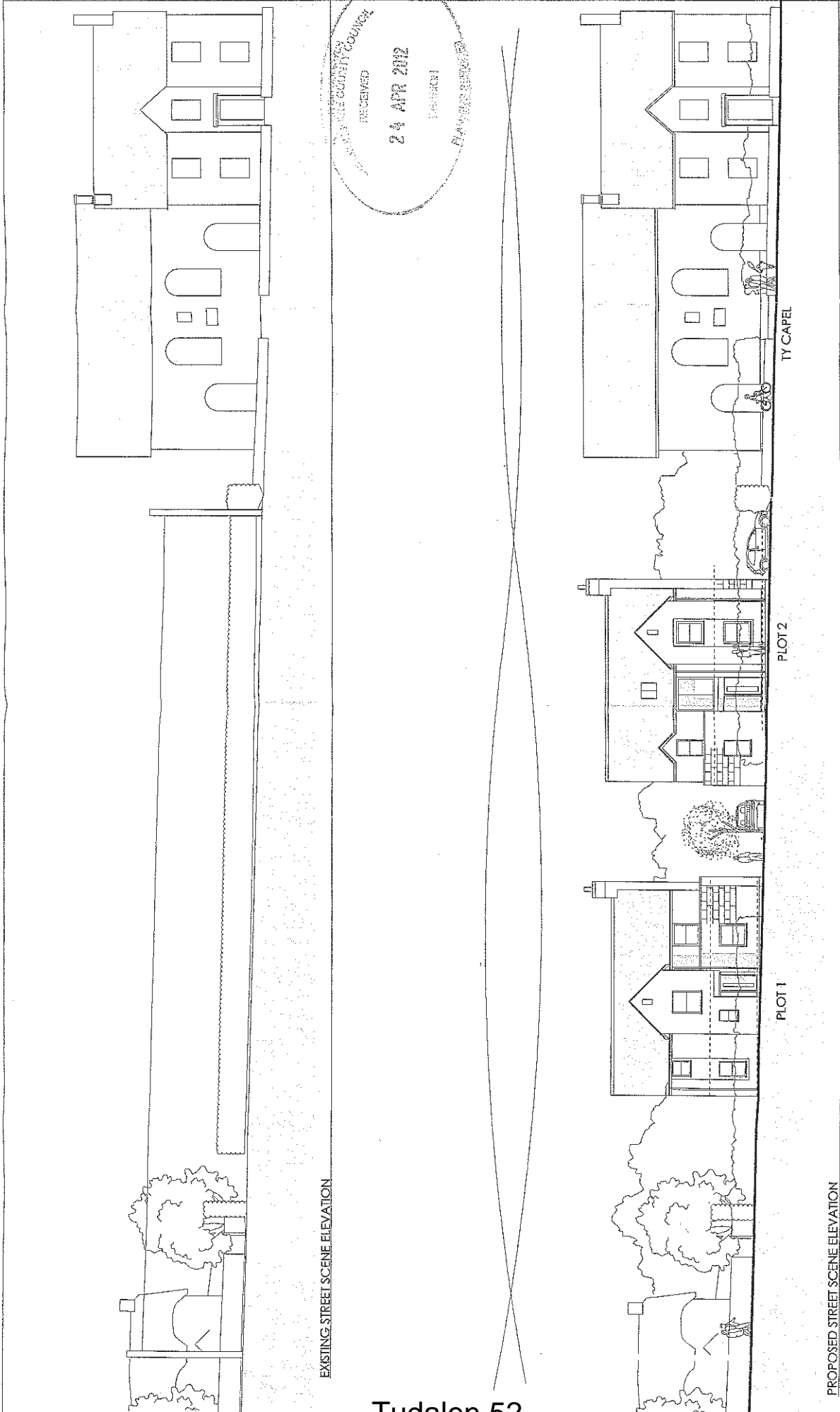
PROPOSED NEW CENTRAL ACCESS

MAINTAIN SIDE ACCESS TO LAND BEHIND

PROPOSED RESIDENTIAL DEVELOPMENT CAPEL DIFFRYN LLANDYRNOG CARRINGTON SKYLES	PLANNING NUMBER D-1036-9-11-PLO3A	SCALE 1:200 @C3	DATE 0112
SITE PLAN		CONWY 01492 883036 DENBIGH 01745 817169 e.admin@tarmasterjones.com t:01745 817169 www.tarmasterjones.com	
TJ			
tarmasterjonesarchitects			
<small> Tarmaster Jones Architects take no responsibility for any dimensions checked by reading from this drawing. If no dimension is shown the contractor shall refer to the relevant drawings. This drawing is digital data only for convenience and no reliance may be placed on digital data. All dimensions must be checked on site. Any discrepancies must be reported to the architect immediately. This drawing is copyright © Tarmaster Jones Architects </small>			

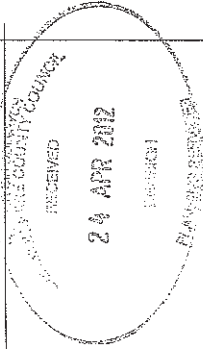
Tudalen 51

STREET ELEVATION



EXISTING STREET SCENE ELEVATION

PROPOSED STREET SCENE ELEVATION



<p><small>tannester jones architects take no responsibility for any dimensions or measurements supplied in this drawing. It is the responsibility of the client to verify all dimensions and measurements. Any discrepancies must be checked against a hard copy. The drawing is copyright of tannester jones architects.</small></p>	<p>PROPOSED RESIDENTIAL DEVELOPMENT CAPEL DYFFRYN LANDRYNOG CARRINGTON & STOKES</p>	<p>DRAWING NUMBER D-1036-9-1-1-F108</p>	<p>SCALE 1:200 @G3</p>	<p>DATE 12/1</p>
	<p>tannester jones architects www.tannesterjones.com</p>	<p>CONVY 07492 663036 DENBIGH 07745 87169 www.tannesterjones.com</p>	<p>PROPOSED RESIDENTIAL DEVELOPMENT CAPEL DYFFRYN LANDRYNOG SCHEMATIC ELEVATIONS</p>	

Tudalen 52

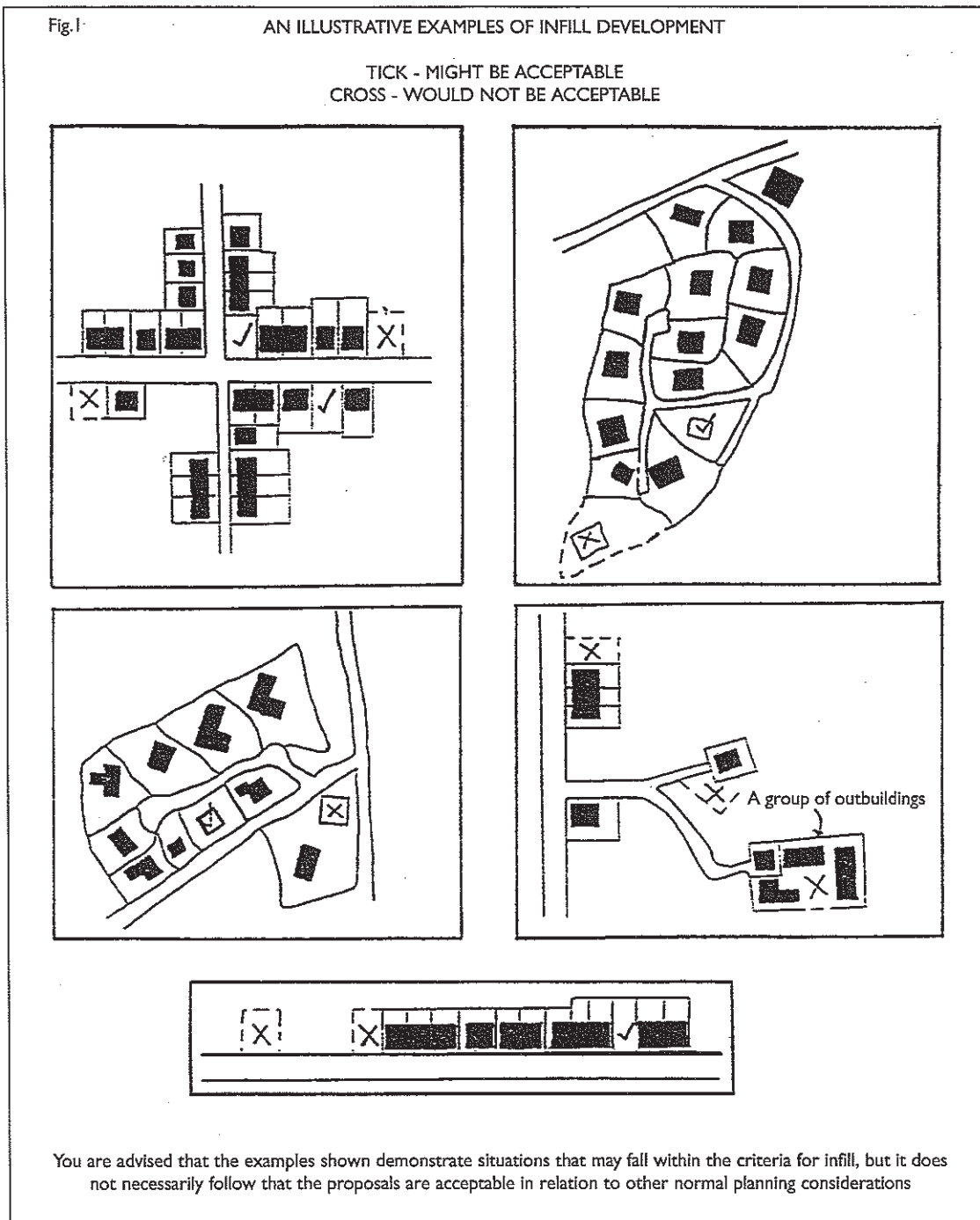
EXTRACT FROM
SPG 10

6 ACCEPTABLE DEVELOPMENT EXAMPLES

6.1 Examples of what may be considered to be acceptable infill in a recognisable group of houses in the open countryside, are set out in Figure 1.

7 UNACCEPTABLE DEVELOPMENT EXAMPLES

7.1 Development is NOT ACCEPTABLE in a sporadically sited, loosely related spread of dwellings or outbuildings/other buildings in the open countryside or where the development constitutes the extension of a ribbon form of development. Examples of what is considered to be an unrecognisable group of houses in the open countryside, and also unacceptable infill development, are set out in Figure 1.



Mae tudalen hwn yn fwriadol wag

ITEM NO: 2

WARD NO: Llandyrnog

APPLICATION NO: 18/2012/0481/ PF

PROPOSAL: Erection of 2 no. detached dwellings, construction of a new vehicular access and installation of a sewage treatment plant (site area 0.16ha)

LOCATION: Land between Canol Y Waen and Capel Y Dyffryn Llandyrnog Denbigh

APPLICANT: Mr & Mrs G Carrington-Sykes

CONSTRAINTS:

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant – Community Council objection

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL:

“Members wish to object to the application on the following grounds:

1. HSG 5 allows developments within small gaps of an infill type - this is an individual parcel of land which happens to have a road frontage.
2. The development would result in a perpetuation of existing ribbon development.
3. The overall appearance of the two substantial size houses is totally out of scale size and character of the adjacent properties.
4. Infill should only be considered if there are a group of six or more dwellings - it is not felt there are six dwellings in this group - Ty Capel, the Chapel y Bwthyn, Canol y Waen - this is however open to interpretation as to whether the properties facing B5429 form part of the group.
5. Any development will detract from overall appearance of the adjoining grade 2 listed building.
6. The development will lead to the loss of good agricultural land.

The National Planning Guidance does allow strictly controlled opportunities in rural areas however it goes on to suggest that this be restricted to infill capable of one unit in small infill plots. Members felt that granting this application would set a very dangerous precedent.”

WELSH WATER:
No objections.

ENVIRONMENT AGENCY:
No objections.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

SENIOR CONSERVATION ARCHITECT:

The Senior Conservation Architect has advised the Case Officer that the proposal is acceptable in terms of its overall massing, scale and layout in relation to the surrounding properties and adjacent listed building. It would, however, be preferable to see more simplified detailing on the front elevations.

BIODIVERSITY OFFICER:

There is a Great Crested Newt site recorded on an adjacent site. Will advise further on the scheme of mitigation measures put forward by the applicant.

HEAD OF HIGHWAYS AND INFRASTRUCTURE:

No objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mr. C. Jones, Y Bwthyn, Waen Crossing, Llandyrnog
Ms. D. L. Jones, Y Bwthyn, Waen Crossroads, Llandyrnog
T. Roberts, Ysg. Capel y Dyffryn, Glanywern Bennett, Llandyrnog

Summary of planning based representations:

- Impact upon visual amenity and setting of listed building (Capel Dyffryn and Ty Capel)
- Loss of wildlife habitat – hedgerows/newts habitat
- Principle – land not in development plan/not infill/precedent
- Design – the ridges are too high
- Drainage/hydrology

EXPIRY DATE OF APPLICATION: 18/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the erection of 2 detached dwellings, construction of a new vehicular access, and installation of a sewage treatment plant.
- 1.1.2 The proposed dwellings would be two storeys in height, featuring slate pitched roofs and front projecting gables similar in style to Ty Capel y Dyffryn, which is immediately adjacent to the site.
- 1.1.3 The dwelling on plot 1 would have a footprint of 11 metres by 7 metres, and the dwelling on Plot 2 would have a footprint of 10 metres by 8 metres.
- 1.1.4 The dwellings would be set back into the site, approximately 14 metres from the edge of the highway. Parking and garden areas are proposed to the front of the dwellings. The proposed new vehicular access is shown to access the site centrally, before splitting to serve both dwellings.
- 1.1.5 A separation distance of 11 metres is proposed between the side elevations of Plot 1 and Y Bwthyn, and this would include the retained access track to the field at the rear of the site. Between Plot 1 and Plot 2, a separation distance of 5 metres is proposed, whilst between Plot 2 and Capel Y Dyffryn the gap would be 7 metres. (See plan at the front of the report).

- 1.1.6 The proposed sewage treatment plant would be located to the rear of the dwellings.
- 1.1.7 The application is accompanied by a Design and Access Statement, and Code for Sustainable Homes Pre Assessment Report which demonstrates the proposed dwelling would meet level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is currently flat agricultural land which it is understood is used occasionally for grazing. It has a road frontage onto Whitchurch Road, which links Llandyrnog and Denbigh and it is located approximately 110 metres west of the B5429 roundabout.
- 1.2.2 The site measures approximately 37 metres by 38 metres with its boundaries defined by mature hedgerows to the front and sides. These are, in places, supplemented with mature trees along the eastern boundary. Surrounding the site to the east and west are residential properties and a chapel. Opposite the site to the north, and across the road, is an area of woodland.

1.3 Relevant planning constraints/considerations

- 1.3.1 As commented upon by Llandyrnog Community Council, the site is within an area of good agricultural quality land. However, officers would confirm that the 1966 Provisional Agricultural Land Classification Map does not include the site within the Grade 1 notation but instead includes it within the boundary of 'land predominantly in urban use', along with the string of development along the B5429 out of Llandyrnog and along the Denbigh Road.
- 1.3.2 The adjacent dwelling Ty Capel Y Dyffryn, and the associated Chapel are Grade II listed buildings.

1.4 Relevant planning history

- 1.4.1 An initial outline application was made in 2010, but owing to the site's position close to listed buildings it was felt that the application should be made with all details being submitted for consideration. The 2010 application was subsequently withdrawn.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 18/2010/0613/PO – Development of 0.16ha of land by the erection of 2 no detached dwellings, construction of new vehicular access and installation of package treatment plant. Outline including access, layout and scale. WITHDRAWN 1/10/2010

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1 – General

Policy STRAT 7 - Environment

Policy GEN 3 – Development Outside Development Boundaries
Policy GEN 6 – Development Control Requirements
Policy HSG 5 – Groups of Houses in the open Countryside
Policy CON 1 – The Setting of Listed Buildings
Policy ENV 6 – Species Protection
Policy ENV 11 – Safeguarding of High Quality Agricultural Land
Policy TRA 6 – Impact of New Development on Traffic Flows

3.2 SUPPLEMENTARY PLANNING GUIDANCE:

Supplementary Planning Guidance 10: Infill Housing in the Countryside
Supplementary Planning Guidance 18: Nature Conservation and Species Protection
Supplementary Planning Guidance 24: Design Guide For Householder Development
Supplementary Planning Guidance 25: Residential Development Design Guide

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales 4 (February 2011)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 12 – Design (2009)
Technical Advice Note 18 – Transport (2007)
Technical Advice Note 22 – Sustainable Buildings (2010)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on visual amenity and setting of listed building
- 4.1.3 Impact on residential amenity
- 4.1.4 Impact upon biodiversity
- 4.1.5 Impact upon highway safety
- 4.1.6 Design and Access/Sustainability Code/Access for All
- 4.1.7 Agricultural Land Quality

4.2 In relation to the main planning considerations:

4.2.1 Principle:

Policy GEN 3 allows for certain categories of development outside of development boundaries. In accordance with Policy HSG 5 infill development of *one or two* housing units may be permitted within a clearly identifiable group of dwellings in the open countryside. Infill developments may be permitted provided that it is a small gap between buildings in a continuously developed frontage; it does not result in ribbon development; and is of a comparable scale and size and is sited so as to respect adjacent properties in the locality. This policy is augmented by Supplementary Planning Guidance Note No. 10 Infill Housing in the Open Countryside.

With regard to the Community Council's concerns over the principle of 'infill' development:

- The first test of the infill policy (criteria i) relates to a small gap between buildings within a continuously developed frontage, and SPG 10 refers specifically to a clearly identifiable group being of 6 or more residential units. In this case the site is considered to sit within a continually developed frontage made up of more than 6 dwellings which form a clearly identifiable group. It is suggested that the dwellings along the B5429 are to be counted along with Woodview Cottage, Canol Y Waen, Y Bwthyn, and Ty Capel Y Dyffryn as they are clearly related visually. (See the pan at the front of the report).

-The second test of the policy (criteria (ii)) refers to ribbon development. It is not considered that the proposal would in itself result in ribbon development given that the site is not at the end of a line of dwellings, but between existing

dwellings. Reference is made to the examples in Supplementary Planning Guidance Note 10 which show similar examples to the case in question as being acceptable. (See front of report)

-The third test (criteria (iii)) refers to a small gap of comparable scale, character and size to the surrounding properties. It is considered the site frontage is comparable to the adjacent frontages, and that the plot sizes proposed are not dissimilar to those in the immediate vicinity.

It is considered, given the tests of Policy HSG 5 and the accompanying guidance in Supplementary Planning Guidance Note 10, that the development of this site, within an existing group of dwellings is acceptable in principle as infill, subject to an assessment of impacts as set out below.

4.2.2 Impact on visual amenity:

Policy GEN 6 includes criteria which aim to safeguard the visual amenity of areas and to ensure that development is not allowed which is out of character with the established character of the immediate vicinity. Policy CON 1 requires development adjacent to listed buildings to preserve the setting of the listed building, where the setting is an integral part of the character of the building. Whilst this is still clearly a consideration in this application, it is considered that the site does not, in itself, form an essential part of the character of Ty Capel Y Dyffryn and Capel Y Dyffryn in that the site is not within the curtilage of the listed buildings.

The area is characterised by a mixed form of development, ranging from listed buildings (Ty Capel Y Dyffryn), a small thatched cottage (Y Bwthyn) to modern two storey red brick dwelling (Woodland cottage). Materials used in the area range from brick to render, and fenestration can be seen to be both traditional and modern. Most influential to the character of the area are, however, Ty Capel Y Dyffryn and Capel Y Dyffryn. The design of the proposed dwellings seeks to step the height and scale of development down from Capel Y Dyffryn, to the lower and smaller scale of Y Bwthyn. The dwellings feature details which mirror the appearance of the listed buildings. A submitted street scene elevation (at the front of this report) indicates how the proposed dwellings would relate to the surrounding development. The Council's Conservation Architect is of the view that the design of the dwellings is acceptable in terms of their impact upon the listed buildings and character of the area, subject to materials and fenestration being controlled.

With regard to the submitted details, it is considered that the proposal, featuring dwellings set back within the site to avoid dominating the adjacent buildings, would not appear an intrusive feature within the area. It is considered therefore that, with respect to the comments of the Community Council and local concerns, the proposed dwellings would be unlikely to harm the character and appearance of the area, subject to control over the materials and fenestration. The proposal is therefore considered acceptable in terms of its impact upon the visual amenity of the area and is compliant with the requirements of Policy GEN 6 and CON 1.

4.2.3 Impact upon residential amenity:

There is a general requirement to ensure that new development does not detrimentally affect the amenity of neighbouring properties by way of, amongst other things, over dominance and loss of privacy. This requirement is embodied within Policy GEN 6. Additional guidance on how this can be achieved is contained in Supplementary Planning Guidance Notes 24 and 25. Policy GEN 6 also requires new residential development to provide a

reasonable amount of amenity space for future occupants, and SPG 7 expands upon this.

The main windows in the proposed dwelling face towards the highway and the open field to the rear. The separation distances between the proposed dwellings and existing dwellings are, 11 metres between the side elevations of Y Bwthyn and Plot 1, (including the retained access track to the field at the rear of the site), 5 metres is proposed between Plot 1 and Plot 2, and 7 metres between Plot 2 and Ty Capel (which is not a dwelling). Some side windows are proposed to the new dwellings, but given the orientation/siting of the dwellings and the absence of side windows on the existing dwellings, they would not look directly towards each other. Both of the proposed dwellings would have external amenity space in excess of 250 square metres.

It is considered, based on the recommendations in SPG 1 and SPG 24 that there is sufficient distance to avoid any unreasonable loss of amenity to the occupiers of the neighbouring properties. Similarly, given the distances, orientation of buildings, location of windows, boundary treatments and changes in levels, it is not considered that the proposal would have a detrimental impact on the residential amenity of the neighbouring dwellings.

4.2.4 Impact upon biodiversity

Policy ENV 6, Species Protection, aims to ensure that proposals for new development do not detrimentally harm any protected species, or their habitat. Welsh Government policies/guidance in Planning Policy Wales 4 and TAN 5 set out clear requirements to consider the implications of development on protected species.

Concern has been expressed locally in respect of the impact upon great crested newts and other wildlife. There is a recorded Great Crested Newt within a neighbouring garden. It has also been suggested that the loss of 9m of hedgerow to create the new access would result in a loss of valuable habitat for wildlife. It is not proposed to remove any trees from the site. The County Council Biodiversity Officer has examined the proposal and the suggested mitigation measures and concludes that the development of this site is unlikely to have a detrimental impact upon the favourable conservation status of any protected species.

On the basis of the information submitted, and the specific responses of the Biodiversity Officer and the Countryside Council for Wales, it is considered that, with respect to the particular concerns raised, the development of this site, as now proposed, is unlikely to result in a detrimental impact upon protected species. The proposal is therefore not in conflict with policy ENV 6 Species Protection.

4.2.5 Impact upon highway safety

Policies TRA 6 Impact of New Development on Traffic Flows, TRA 9 Parking & Servicing Provision and GEN 6 Development Control requirements, only permit proposals for development where there is adequate parking and servicing provision and there would not be a detrimental impact upon the safe and free flow of traffic on the highway.

The proposal involves creating a new access into the site. Within the site, parking and turning areas would be created. The proposal has been considered by the Highway Officers, who have not raised an objection to the proposal.

It is considered, based on the Highway Officer's response, that the proposal is acceptable in terms of its impact upon highway safety, and meets policy requirements for the provision of parking. The proposal is therefore unlikely to result in a detrimental impact on highway safety. To help ensure this, it is considered not unreasonable to impose a planning condition requiring the proposed access and parking is laid out strictly in accordance with the submitted plans in the interest of securing a high quality and safe form of development. The proposal is considered to meet the requirements of TRA 6 and GEN 6.

4.2.6 Design and Access/Sustainability Code/Access for All

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1 and 13 to ensure sustainable development principles are embodied in schemes.

In the case of this submission, the Sustainability Code requirements of Planning Policy Wales, TAN 12 and 22 are considered to have been satisfactorily addressed. The Code for Sustainable Homes Pre Assessment Report indicates that it should be possible to achieve the required number of credits under 'Ene1 - Dwelling Emission Rate' and attain a Code Level 3 type for the development. In line with the advice contained in TAN 22, suitably worded conditions can be included to ensure the development is carried out in accordance with the requirements of Sustainability Code guidance.

4.2.7 Agricultural Land Quality

Strategic and detailed policies of the Unitary Plan (STRAT 1, 7; ENV 11) and Planning Policy Wales seek to protect high quality agricultural land from 'permanent' forms of development unless there is an overriding need. ENV 11 looks to resist unacceptable permanent loss of agricultural land of grades 1, 2, and 3a, except where overriding need exists, and land of lower quality is not available, or lower grade land has other specific statutory protection.

As commented upon by Llandyrnog Community Council, the site is within an area of good agricultural quality land. However, officers would confirm that the 1966 Provisional Agricultural Land Classification Map does not include the site within the Grade 1 notation but instead includes it within the boundary of 'land predominantly in urban use', along with the string of development along the B5429 out of Llandyrnog and along the Denbigh Road.

In recognising the agricultural land quality issue, it is material here that the part of the site to be developed is located between existing development, and accordingly the site is excluded from the Grade 1 notation. It is considered therefore that the proposal does not conflict with Policy ENV 11.

5 SUMMARY AND CONCLUSIONS:

5.2 With regard to the material planning considerations, it is considered that with respect to the representations, the proposal complies with adopted planning policies, and it is therefore recommended that planning permission be granted.

RECOMMENDATION: GRANT subject to following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
No external wall or roof materials shall be applied until the written approval of the Local

Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)] of the development hereby permitted and no materials other than those approved shall be used.

3. The access shall be laid out in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.

4. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.

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

6. **PRE-COMMENCEMENT CONDITION**

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 (including the grass-crete area);

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

7. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.

8. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

9. 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.

10. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system unless otherwise agreed by the Local Planning Authority.

11. The new dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

12. Construction of the dwellings hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for those dwellings or house types in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

13. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a

minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

14. Notwithstanding the provisions of Class(es) A, B, C, D, E, F, G, 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.

15. The fenestration detailing shall not be as shown on the submitted plans but shall be in accordance with such detailed plans as may be submitted and approved in writing by the Local Planning Authority prior to their installation, and the development shall only proceed in accordance with those details as 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 the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
4. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
5. To maintain a reasonable standard of privacy in adjoining dwellings and gardens in the interests of amenity.
6. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
7. To ensure a satisfactory standard of development, in the interests of visual amenity.
8. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
9. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
10. To ensure the proper drainage of the site and to minimise the risk of pollution.
11. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
12. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
13. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
14. In the interests of ensuring that no inappropriate additional development takes place at a later date which may have a detrimental impact upon the character of the adjacent listed buildings.
15. In the interest of visual amenity.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

25/2012/0445/PFT
Wern Uchaf
Nantglyn

3



Application Site

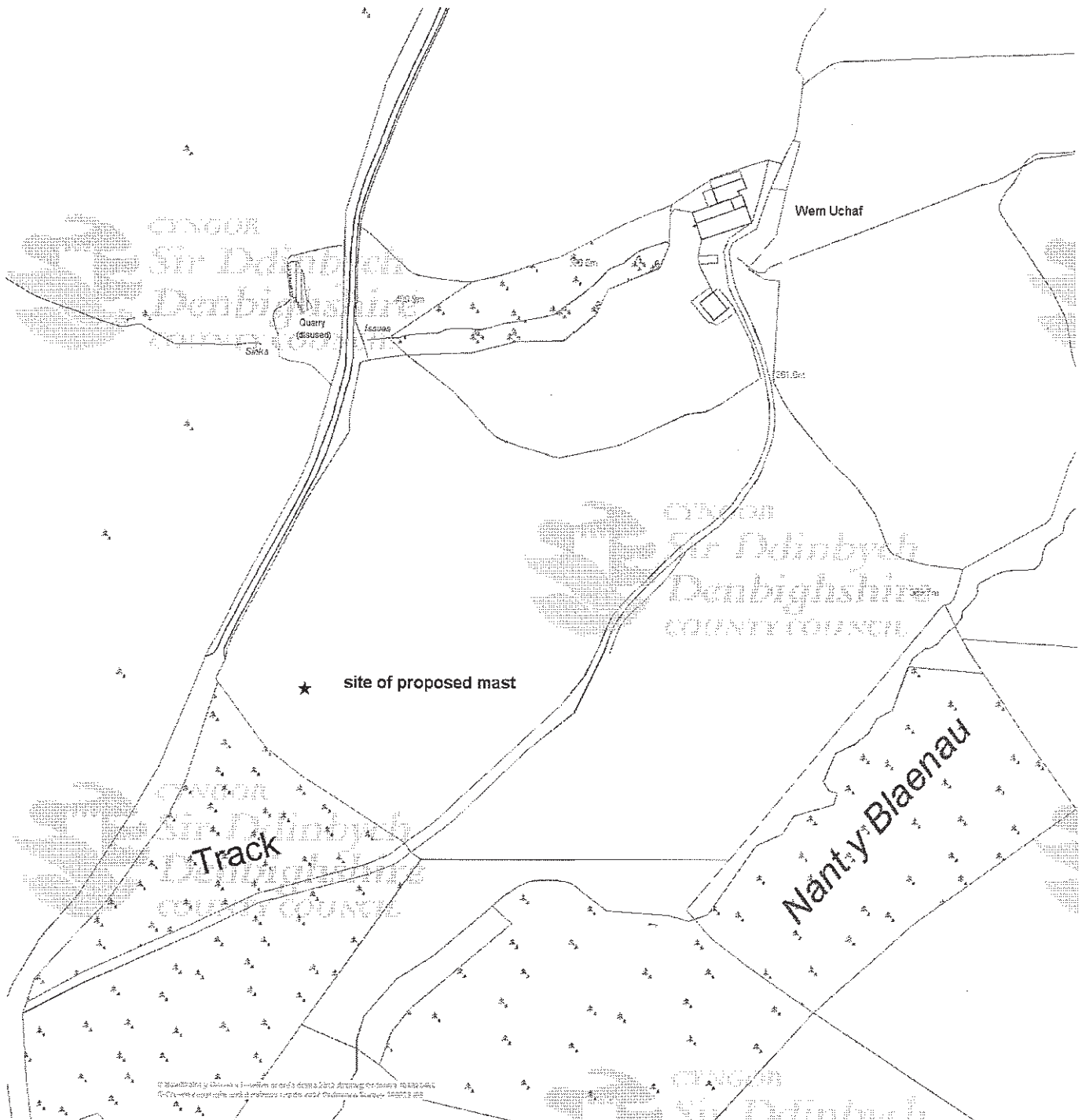


Date 3/7/2012

Scale 1/2500

Centre = 298241 E 360037 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran hysbysu. Llyfrfa El Wainnydi © Hawlfraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

Tudalen 65

25. 2012.01.15.17P

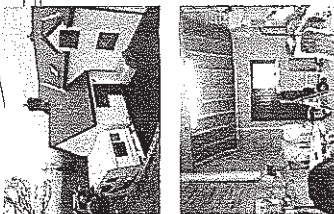
COUNCIL
DENBIGH
PLANNING SERVICES
- 1 MAY 2012

SITE PLAN

© The drawings and the building would be subject to the copyright of the Council and the drawings will be accepted for amendments made by other persons.

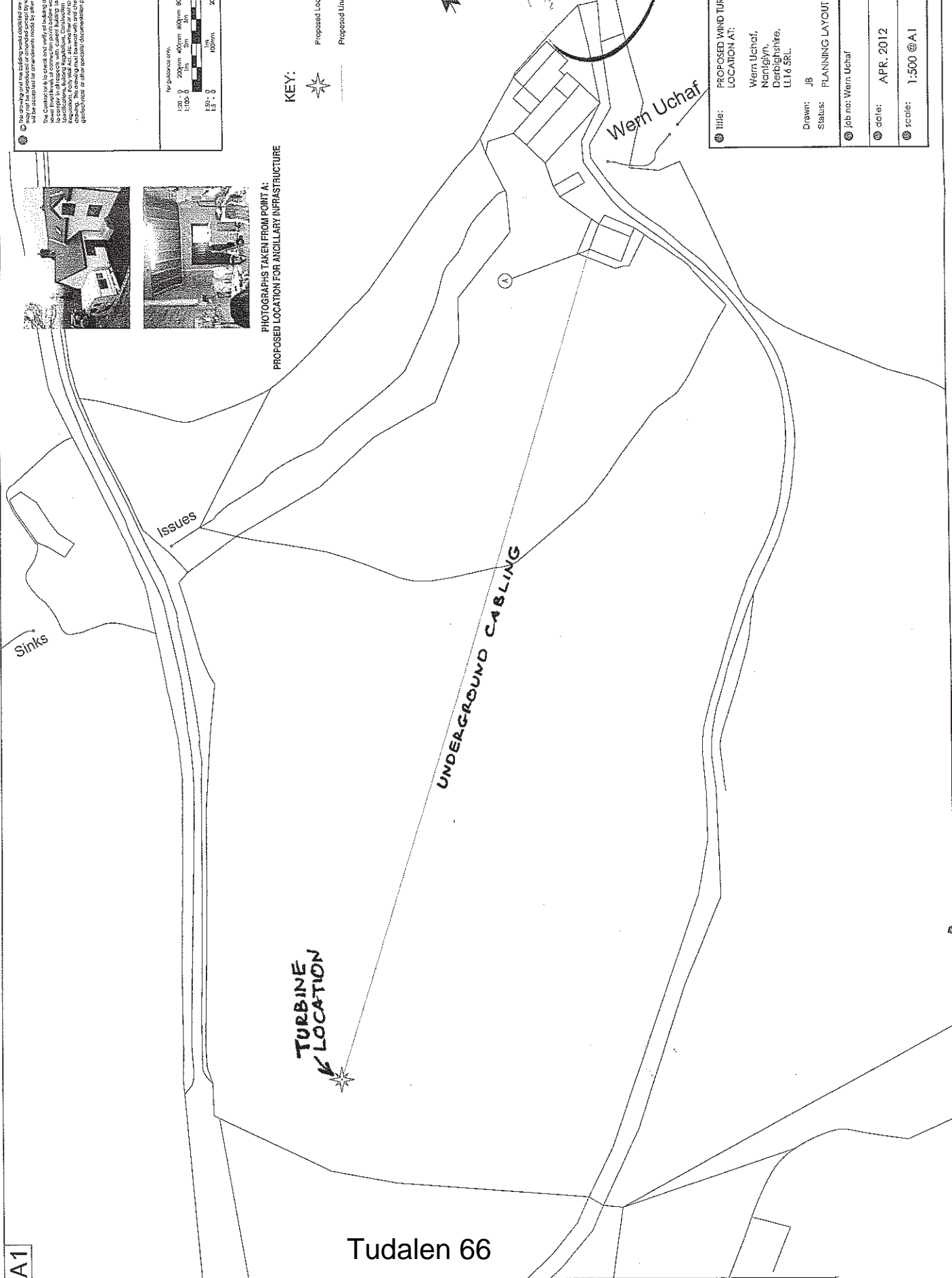
The Contractor to erect and verify building and its components, level and level of the ground, to be in accordance with the drawings, shall be responsible for any modifications, during construction, to the drawings, to be made in accordance with the drawings. The drawings shall be used with the drawings and shall not be used for any other purpose without the consent of the Council.

For guidance only:
 1:100 = 0 20mm 40mm 60mm 80mm 100mm
 1:50 = 0 1m 200mm
 1:5 = 0 10m 200mm



PHOTOGRAPHS TAKEN FROM POINT A:
 PROPOSED LOCATION FOR ANCILLARY INFRASTRUCTURE

KEY:
 Proposed Location of Wind Turbine
 Proposed Underground Cabling



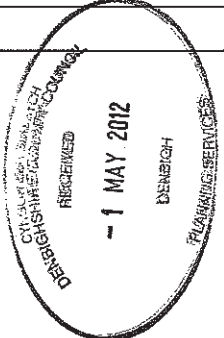
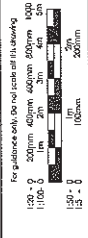
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Job no: Wern Uchar	date: APR. 2012	scale: 1:500 @A1	

A1

Tudalen 66

DETAIL OF TURBINE

14 The drawing and the building work described are the copyright of the client and will be accepted for approval with certain conditions. No liability is accepted for approval with certain conditions. The client is responsible for the design and construction of the building work. The client is responsible for the design and construction of the building work. The client is responsible for the design and construction of the building work.



Chief Drawing by:
 Design Work:
 t: 01538 44497
 w: www.e-first.co.uk
 e: enquiries@e-first.co.uk

Project: Wern Uchar

Title: Proposed 15m Small Scale Wind Turbine

Drawn: JB

Status: Layout

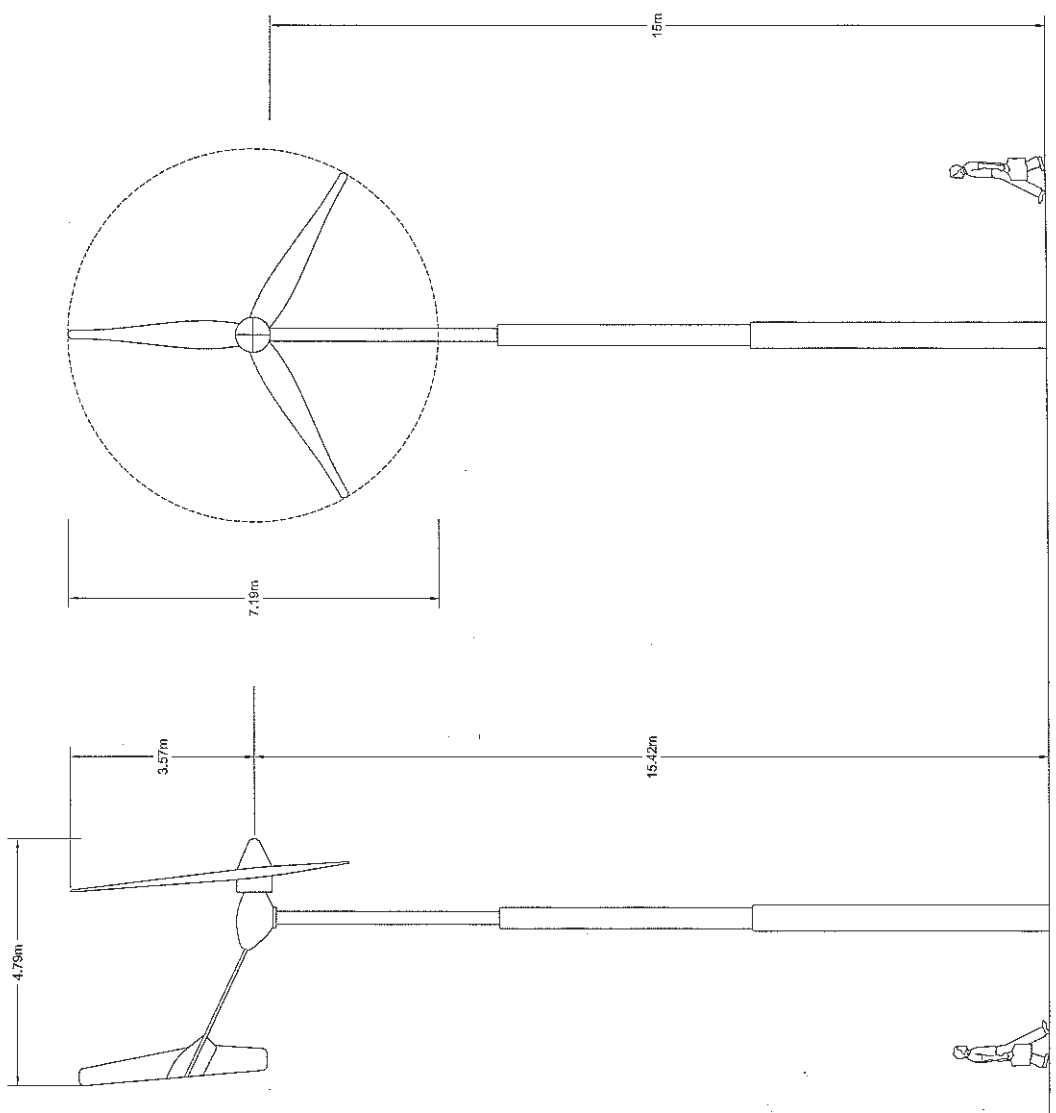
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date: Apr. 2012

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drawing no:

08



A3

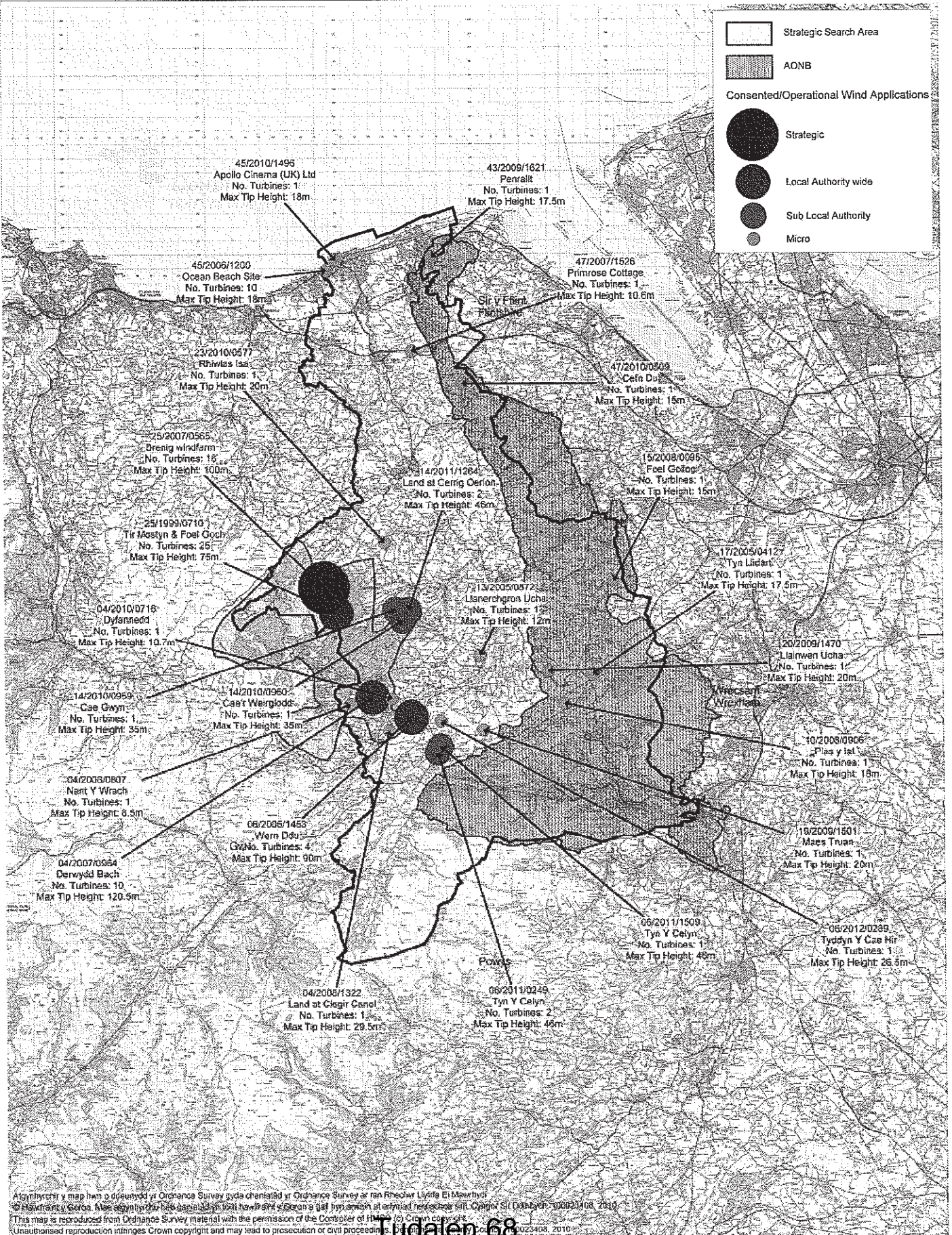


Consented/Operational Wind Applications as of 1st June 2012

Scale: 1:250000
Date: 01/06/2012
Map Sheet:



Environment Directorate



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ITEM NO: 3

WARD NO: Llanrhaeadr Yng Nghinmeirch

APPLICATION NO: 25/2012/0445/ PFT

PROPOSAL: Installation of a 10kw wind turbine on a 15m tower for domestic use

LOCATION: Wern Uchaf Nantglyn Denbigh

APPLICANT: Mr Ken Howatson

CONSTRAINTS:

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

NANTGLYN COMMUNITY COUNCIL

“Nantglyn Community Council held a public meeting on Thursday 14 June to permit the community to comment on the planning application for a Small Scale Domestic Wind Turbine at Wern Uchaf, Nantglyn. This meeting was called in view of past interest in the community in Wind Turbines.

The primary concern expressed was about noise levels made by these small turbines and the quality of the sound produced. The location of this specific turbine will reduce its impact but it was felt that this must be kept under review and the machinery maintained to prevent increases in sound produced by worn parts. It was drawn to our attention that noise problems developing in a similar size turbine in a village close by had resulted in its removal.

The second objection raised was the issue of whether this was a commercial or domestic project. If the turbine is being paid for and installed by a company set up to generate electricity using wind power it was suggested that it should be considered as a commercial venture and application considered as such. On the other hand the use of a proportion of the electricity on site and the size of the turbine suggest it is a domestic scale piece of equipment. It was felt that the granting of permission for this turbine should preclude subsequent applications for further turbines on the same farm.

The final concern was one of precedents. It was agreed I think by all there, that this is a unique location and that few others sites in the parish would meet the criteria. Hence, whilst not wishing to prevent the current proposal we did not wish this to be seen as supporting any subsequent proposal.”

COUNTRYSIDE COUNCIL FOR WALES (CCW)
No objection.

ROYAL SOCIETY FOR THE PROTECTION OF BIRDS
No response received.

NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)
No safeguarding objection.

MINISTRY OF DEFENCE
No objection.

AIRBUS
No aerodrome safeguarding objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

TECHNICAL OFFICER (POLLUTION)

If the application is approved, planning conditions to control noise impacts should be applied in order to safeguard the amenity of local residents.

BIODIVERSITY OFFICER

No objection. Turbine is to be situated a sufficient distance from any features that could be used by bats, and due to small size of turbine does not anticipate any impacts on birds.

RESPONSE TO PUBLICITY:

No representations received as a result of the public consultation:

EXPIRY DATE OF APPLICATION: 25/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a single XZERES 442SR 10kW wind turbine on agricultural land at Wern Uchaf, Nantglyn. The aim of the turbine is to provide electricity for domestic purposes. The application submission includes the following documents:
 - Design and Access Statement (DAS)
 - Feasibility Study
 - XZERES 442SR Wind Turbine – Planning Support Document
 - Location, Site and Elevation Plans
- 1.1.2 The turbine would be mounted on a grey 15m galvanized steel monopole tower. The proposed 3 blade rotor has a diameter of 7.2m and a maximum tip height of 19m. The blades would be white with grey edging. The turbine has a tail-vane which would be no longer than 5m.
- 1.1.3 No new access tracks are proposed; the field where the turbine is to be sited can be accessed via a farm gate off the A543. The gateway to the field has a standard gate suitable for large farm vehicles and the contractor can supply and install the turbine over a 3-5 day period.
- 1.1.4 The turbine would be connected to the electricity distribution grid via the existing grid connection at Wern Uchaf, which is housed within the existing domestic garage. No additional ancillary buildings to house meter/control equipment are proposed. The necessary cabling for the turbine will be laid in an underground trench approx. 540m in length which will run in a straight line from the turbine back to the domestic garage.

1.2 Description of site and surroundings

- 1.2.1 The site is in a rural upland location within open countryside approximately 3km to the south west of the village of Nantglyn. Gorsedd Bran commercial

woodland lies immediately to the west of the A543 which forms the western boundary of the agricultural field in which the turbine would be sited.

- 1.2.2 Wern Uchaf is an isolated farm complex and the turbine would be sited in an agricultural field approximately 260 metres to the south of the main farmhouse. The nearest residential properties are Nant Gwyn approximately 560m to the north east, Hafodwen approximately 800m to the east, and Rhiwiau approximately 1km to the north east.

1.3 Relevant planning constraints/considerations

- 1.3.1 In planning policy terms the site lies in the open countryside and is not affected by any statutory landscape of nature conservation designations.
- 1.3.2 The site lies within the Clocaenog Forest Strategic Search Area (SSA). In accordance with TAN8, large scale wind farm development in Wales should be directed to within SSA boundaries.
- 1.3.3 The operational Tir Mostyn windfarm and the consented Llyn Brenig windfarm are approximately 2.5km and 2km to the south east of the application site.
- 1.3.4 Gorsedd Bran Round Barrows Scheduled Ancient Monument lying approximately 750m to the west. The north-eastern boundary of the Mynydd Hiraethog (Denbigh Moors) SSSI and Historic Landscape is approximately 500m to the west of the site. A Public Right of Way runs approximately 220 metres to the north, however there are no rights of way that affect the application site.
- 1.3.5 The Denbighshire Landscape Strategy shows the application site lies within the north western section of the Denbigh and Derwen Hills LANDMAP Character Area which is defined as hill and scarp slopes with enclosed pasture. This is within 100m of the boundary with the adjoining Llyn Brenig and Moorland / Forest LANDMAP Character Area. which is defined as exposed upland moorland, wooded upland and plateau.

1.4 Relevant planning history

- 1.4.1 The application site is immediately adjacent to the refused Gorsedd Bran windfarm site, and approximately 2.5km to the north west of the operational Tir Mostyn windfarm and 2km to the north west of the consented Brenig windfarm.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 Wind turbines of this scale are eligible for Feed-in Tariffs (FITs), which is a government backed financial incentive designed to encourage renewable electricity generation.
- 1.6.2 To date, a total of 87 wind turbines have been granted planning permission within the County. There is a map of all consented / operational wind turbine development in the County as at 1 June 2012 at the front of this report.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1.1 25/2007/0642 (Gorsedd Bran windfarm). Application for the construction of 13 wind turbine generators (up to 125m in overall height) c/w electrical control room & compound area, new and improved access tracks, underground cabling, 80m anemometry mast, ancillary works and equipment; temporary construction works; new vehicular access from the minor country road; removal of conifer fores. 2.5-3MW turbines, at Gorsedd Bran, Nantglyn. refused at Planning Committee 02/04/08 and dismissed at Appeal 18/11/09.

Legal Challenge dismissed by Court of Appeal in December 2010. The reasons for refusal which were upheld at Appeal were unacceptable landscape and visual impacts (incl. cumulative impacts) and unacceptable cumulative noise impacts when considered in combination with the Tir Mostyn windfarm.

- 2.1.2 25/1999/0710 (Tir Mostyn windfarm). Application for the development of a windfarm consisting of 25 turbines (49m tower, 52m rotor diameter), 2 met masts (40m) and associated works. 850kW turbines at Tir Mostyn, Nantglyn. Called in and granted by Welsh Government 19/12/2002.
- 2.1.3 25/2007/0565 (Brenig windfarm). Application for the construction and operation of a wind farm comprising of sixteen wind turbines with a maximum tip height not exceeding 100m, along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operational infrastructure (max capacity will not exceed 50MW) at Llyn Brenig, Nantglyn. Granted at Planning Committee 06/04/09.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

- Policy STRAT 1 General
- Policy STRAT 2 Energy
- Policy STRAT5 Design
- Policy STRAT 7 Environment
- Policy GEN 3 Development Outside Development Boundaries
- Policy GEN 6 Development Control Requirements
- Policy ENV 1 Protection of the Natural Environment
- Policy MEW 8 Renewable Energy
- Policy MEW 10 Wind Power

3.2 GOVERNMENT POLICY GUIDANCE

- Planning Policy Wales (PPW Edition 4, February 2011)
- TAN 8 Planning for Renewable Energy (2005)
- TAN 5 Nature Conservation and Planning (2009)
- TAN 6 Planning for Sustainable Rural Communities (2010)
- TAN 11 Noise (1997)

WELSH GOVERNMENT PRACTICE GUIDANCE

- Planning Implications Of Renewable And Low Carbon Energy (Practice Guidance 2011)

3.3 Other material considerations

- Denbighshire Landscape Strategy (2003) / LANDMAP

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Context for the development
- 4.1.3 Landscape and visual impact, including cumulative effects of / with other wind turbines
- 4.1.4 Biodiversity and nature conservation
- 4.1.5 Noise and amenity
- 4.1.6 Aviation

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Welsh Government policy and guidance

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Planning Policy Wales (PPW) reaffirms UK and national energy strategies and the Welsh Government is committed to playing its part. PPW refers to the Welsh Government's Energy Policy Statement (2010) and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. As illustrated in PPW, the total capacity for energy generation from onshore wind by 2020/2025 is estimated at 2GW.

For planning purposes, PPW defines the following renewable and low carbon energy scales, which is of relevance to the application before Committee:

Scale of development	Threshold (Electricity and heat)
Strategic	Over 25 MW for onshore wind and over 50 MW for all other technologies
Local Authority - Wide	Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies
Sub local authority	Between 50kW and 5MW
Micro	Below 50kW

This application therefore falls within the 'micro' scale of development in PPW. Micro scale renewable energy projects are considered acceptable developments in principle in all parts of Wales subject to the assessment of site specific impacts.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects; TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identifies 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

The principle of wind energy development within SSAs is therefore established, subject to the assessment of localised and cumulative impacts.

Denbighshire Unitary Development Plan (UDP) Policies

The strategic policies contained in the UDP promote a sustainable approach to development, with STRAT 2 supporting the principle of generating energy from renewable sources so far as they are compatible with the Plan's policies.

UDP Policy MEW 8 supports renewable energy development in principle, provided that proposals do not give rise to unacceptable effects on the environmental quality of the locality. Policy MEW 10 is a criteria based policy which specifically deals with wind power developments. It states that wind turbine development will be permitted subject to compliance with the policy criteria.

Policy GEN 6 refers to general development control requirements which applies to all development proposals and ENV 1 relates to the protection of the natural environment. It states "*Development must be designed to maintain or enhance the landscape character of the countryside and biodiversity of the natural environment*".

Taken together, the policies contained in the UDP provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, taking into account the cumulative impact and spread of wind turbine development of varying scales throughout the County.

4.2.2 Context for the development

When determining planning applications for renewable energy development, PPW requires local planning authorities take into account a range of factors including the

contribution a proposal will play in meeting identified targets for renewable energy generation, including the contribution to cutting greenhouse gas emissions.

Therefore the benefits of the scheme in terms of offsetting the electricity demand of farm and the contribution to renewable energy generation targets need to be carefully weighed against any adverse impacts associated with this development.

The applicant wishes to install the turbine to provide renewable electricity for the farmhouse and for daily farm operations. The turbine proposed has a rated generation capacity of 10kW, and therefore falls within the definition of a micro turbine, and is considered to be of an acceptable size for a domestic turbine.

Furthermore, the turbine will be connected to the grid via the existing single phase supply at the farmhouse, and the electricity generated will therefore preferentially be used on-site; any surplus electricity will be exported to the grid.

In conclusion, given the generating capacity of the turbine and the grid connection arrangement ensuring the electricity generated is preferentially used on site, Officers are satisfied that the proposed turbine is of an acceptable scale for domestic purposes.

4.2.3 Impact on landscape and visual amenity, including cumulative implications

Detailed Unitary Development Plan policies relevant to the visual and landscape impact associated with wind energy development are policy GEN 6 and policy MEW 10. GEN 6 requires consideration of ii) *the effect of development on the form and character of surrounding landscape*; iii) *the effect on prominent views into, out of, or across any area of open countryside*; iv) *incorporating existing landscape features and taking account of site contours and changes in levels and avoids prominent skylines*; and v) *the impact on residential amenity*.

MEW 10 (iii) *requires that proposals do not unacceptably harm the character and appearance of the landscape*, (viii) *requires that proposals would not lead to an unacceptable cumulative visual impact in an area where zones of visibility (with other wind turbine development) overlap, and that particular attention will be paid to the potential proliferation of such developments in any one area*; and vii) *the proposal does not cause unacceptable harm to the enjoyment of the landscape*.

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN8 Annex D states that within SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development. However, given the increasing number of consented wind turbine developments within and on the periphery of the SSA, it is imperative that cumulative effects are fully considered when planning applications are assessed.

The Denbighshire Landscape Strategy is based on the LANDMAP study, which provides useful background material on the essential characteristics and quality of the landscape of the County. The application site lies on the western edge of the "Denbigh and Derwen Hills" Character Area where the Visual and Sensory evaluation is identified as 'High'.

A landscape impact assessment has not been submitted with the application, but given the scale of the development, Officers do not feel it is necessary in this instance given that the site is not affected by a statutory or local landscape designation.

The application site is not within a designated landscape area nor it is within a landscape classified as having an 'outstanding' overall evaluation in LANDMAP. The application site is more than 500m from the Mynydd Hiraethog (West Denbigh Moors)

Historic Landscape and is separated from it by a belt of conifer trees which will act as a screen. CCW have raised no objection to the application in terms of its impact on the Historic Landscape.

When viewing the application site from the north and from the east (including views from Nantglyn village and from neighbouring properties) the turbine would be viewed against the woodland backdrop, which Officers consider would lessen the visual impact. Furthermore, the turbine would be located in a field which is adjacent to the main farmhouse, and Officers feel that the turbine would therefore appear to be well related to the main farm complex, rather than appearing as an isolated turbine in open countryside. The nearest residential property is over 500m from the site, and it is not considered that the proposed turbine would have any unacceptable adverse impacts on the visual amenity of neighbours.

The proposed turbine is small in scale, with a maximum tip height of 19m. The turbine would be over 2km away from the Tir Mostyn windfarm and the consented Brenig windfarm, and whilst the Tir Mostyn windfarm is clearly visible from the application site, given the size and scale of the turbine proposed it is not considered that the development would give rise to unacceptable cumulative landscape impacts when considered in combination with other wind energy development in the vicinity.

In concluding on the issue of landscape and visual impact, Officers consider the proposal would not give rise to adverse cumulative impacts, and any potential negative visual impacts will be mitigated by the scale of the development and the proximity of the site to the area of woodland to the west. Officers therefore consider the proposal accords with UDP policies GEN6 i), iii), v) and MEW10 vii), viii).

4.2.4 Biodiversity and nature conservation

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5, UDP policies STRAT 1, STRAT 7, GEN 6 and ENV 6 and SPG 18. Specific to wind turbine development is policy MEW 10 criterion x) which states that wind turbine development will be permitted provided that *'There is no unacceptable effect on nature conservation.'* Policy ENV 6 deals with species protection and states *'development which would unacceptably harm species given special protection by law will not be permitted unless appropriate steps can be taken to secure their protection'*.

Both CCW and the Council's Biodiversity Officer have no objection to the proposal.

The application site is agricultural land which is outside of any statutory or local nature conservation designation and as the proposed turbine would be positioned away from linear features, it is unlikely to have an adverse impact on bats. Due to the small size of the turbine, it is also unlikely that the proposed development would have any adverse impact on birds. No alterations or amendments to the site access are proposed, and it is considered unlikely that any trees or hedgerows would be damaged during the construction phase.

In Officers' opinion it is reasonable to conclude that the proposal would not have any adverse impacts on biodiversity and nature conservation interests, and therefore does not conflict with policy ENV 6 and MEW 10 criterion x).

4.2.5 Noise and amenity

Policy GEN 6 and MEW 10 seek to ensure development does not impact on residential amenity. The latter requires that particular consideration has to be given to noise and shadow flicker. TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is industry standard for the Assessment and Rating of Noise from Wind Farms. It is important to ensure that predicated operational noise levels fall within the established limits of ETSU-R-97. For single turbines ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to an $LA_{90,10min}$ of 35dB (A) up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.

The nearest residential property is over 500 metres away from the application site. Site specific noise assessments have not been carried out, however the Council's Technical Officer (Pollution) is satisfied that planning conditions can be imposed to ensure the noise generated by the wind turbine would not have an unacceptable impact on the amenity of neighbouring dwellings.

The incidence of shadow flicker depends on the position of the sun in the sky. It only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The proposed turbine has a blade diameter of 7.2m and therefore shadow flicker may occur within 72m of the proposed turbine. Given that there are no properties (not even the applicant's property) within 10 rotor diameters of the turbine, it is highly unlikely that shadow flicker would occur. However, as a precautionary measure, a condition can be imposed to ensure any incidence of shadow flicker experienced by nearby properties can be controlled.

Subject to the inclusion of conditions, it is reasonable to conclude that the proposal would comply with policy GEN 6 criterion v) and MEW 10 criterion iv) and v).

4.2.6 Communication and aviation

In certain locations wind turbines can affect communication and aviation infrastructure which may also need to be addressed. Airbus, who operate Hawarden Airport, the NATS (en route) public limited company (who are responsible for civilian en-route air traffic control over the UK) and the Ministry of Defence have been consulted on this application.

No objections have been raised by the aviation authorities and therefore Officers are satisfied that the proposal will not have any adverse effects on communication and aviation infrastructure.

5. SUMMARY AND CONCLUSIONS:

- 5.1 With regards to the above considerations, it is concluded that the proposal would not give rise to unacceptable adverse impacts on the locality, nor would it result in any adverse cumulative impacts when viewed in combination with the existing wind energy developments in the Clocaenog Forest Strategic Search Area. It is therefore recommended that planning permission is granted.

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

The Conditions are:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbines. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Planning Authority no later than 1 calendar month after the event.
3. The location of the turbine shall be in the position indicated on the approved plans.

4. This permission relates solely to the erection of a 3 bladed wind turbine as described in the application plans and drawings with a maximum height to blade tip of 19m from original ground level.
5. The finish of the turbine tower, hub and blades shall be semi-matt, the colour of the tower shall be grey and the colour of the hub and blades shall be white with grey edging.
6. No new external ancillary equipment required in connection with the operation of the turbine, such as metering boxes, switchgear and overhead lines and poles shall be permitted without the prior written approval of the Local Planning Authority.
7. No part of the development shall display any name, logo, sign, advertisement or means of illumination other without the prior written approval of the Local Planning Authority.
8. In the event that the turbine is non-operational for a continuous period of 6 months, it shall be removed from the site and the land restored to its former condition/use within 3 months.
9. Noise from the turbines shall not exceed $35\text{dB}_{\text{LA90,10min}}$ for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor in accordance with ETSU-R-97.
10. If justified complaints of noise nuisance are received by Denbighshire County Council the applicant shall employ a suitably qualified acoustic consultant to undertake a noise assessment. The purpose of the investigation will be to ensure that condition 9 is being complied with, but if this is found not to be the case, then it should recommend mitigation measures that will ensure compliance and these should then be implemented by the applicant. A copy of the report shall be submitted to the Local Authority within 14 days of its completion.
11. The applicant shall temporarily turn the turbine off (braked to stop the rotors) to facilitate noise investigations being undertaken in nearby locations, when requested in writing by the Local Authority. This will be necessary to aid cumulative impact and complaint investigations should they be necessary.
12. If justified complaints of shadow flicker are received by Denbighshire County Council, any turbine producing shadow flicker at any occupied dwelling which existed or was consented at the time that this permission was granted shall be shut down and the blades remain stationary until the conditions causing those shadow flicker effects have passed.
13. No later than 12 months before the expiry of the 25 year operational period of this permission, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, and the removal of turbine bases to a depth of 1.0m, shall be submitted for the consideration of the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires.

The reasons for the conditions are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in order that the Local Planning Authority retains control over the longer term uses of the land.
3. For the avoidance of doubt.
4. For the avoidance of doubt and in the interests of visual amenity.
5. For the avoidance of doubt and in the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of the amenities of occupiers of residential property in the locality.
10. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, in the interests of occupiers of residential property in the locality.
11. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, in the interests of occupiers of residential property in the locality.
12. In the interests of the amenities of occupiers of residential property in the locality.
13. To ensure the long term reinstatement of the site, in the interests of visual amenity.



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

27/2012/0211/PF
Hen Pandy Barn, Tan y Fron Farm,
Llangollen

4



Application Site

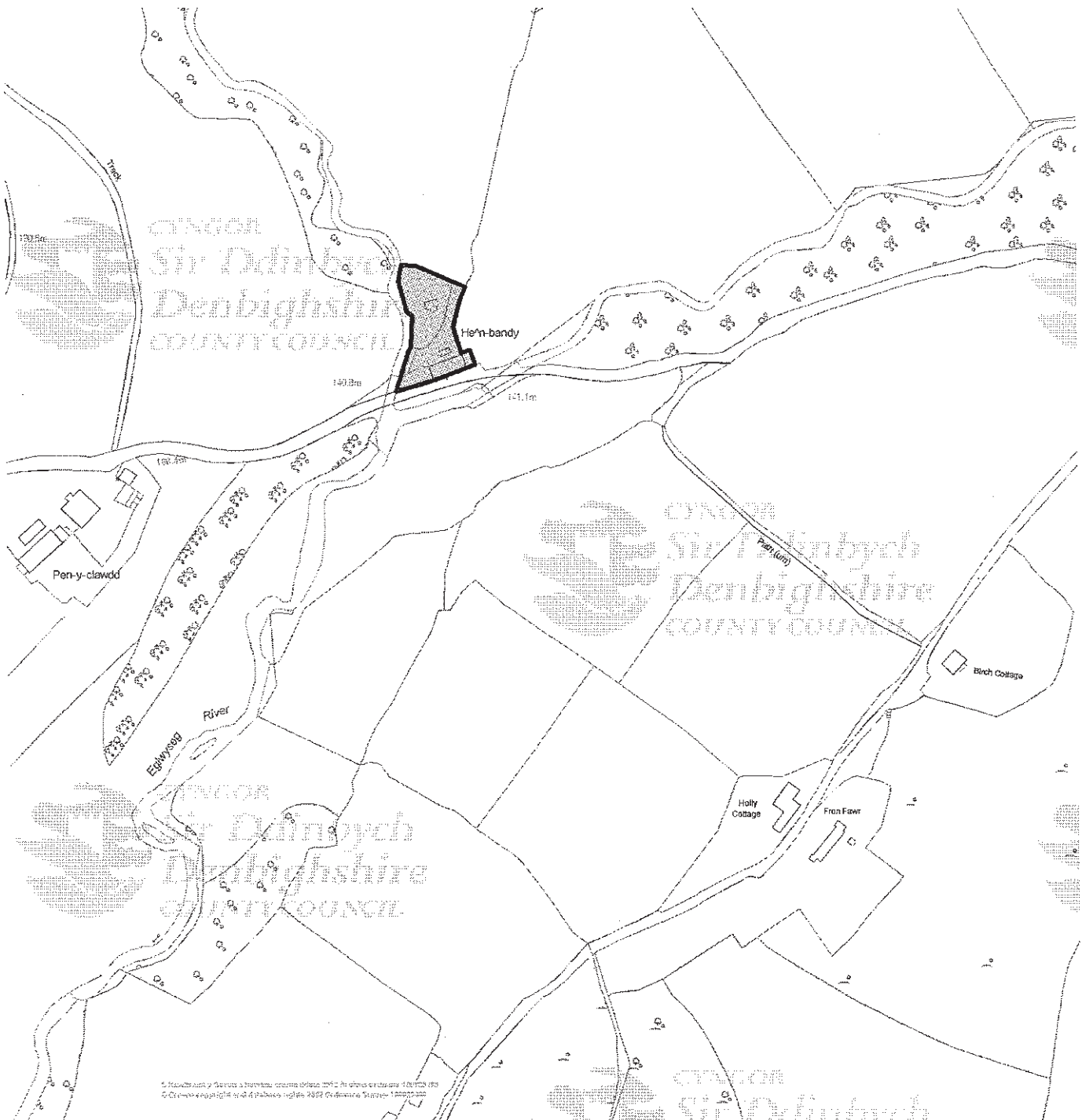


Date 3/7/2012

Scale 1/2500

Centre = 320513 E 345697 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

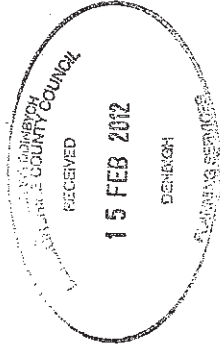
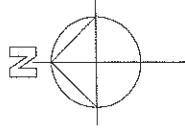


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27 / 2012 / 0711 / R F

Construction Drawings must comply with the Building Regulations. It is the responsibility of the client to ensure that the drawings are submitted to the appropriate authority with the necessary supporting documents. Where necessary, the drawings should be accompanied by a copy of the relevant Building Regulations. The drawings should be submitted to the appropriate authority with the necessary supporting documents. The drawings should be submitted to the appropriate authority with the necessary supporting documents.



No.	Description	FOR APPROVAL FOR CONSTRUCTION	FOR TENDER AS BUILT	DATE	BY	DATE
1	Final for construction	<input type="checkbox"/>	<input type="checkbox"/>			



lawray architects
pensein

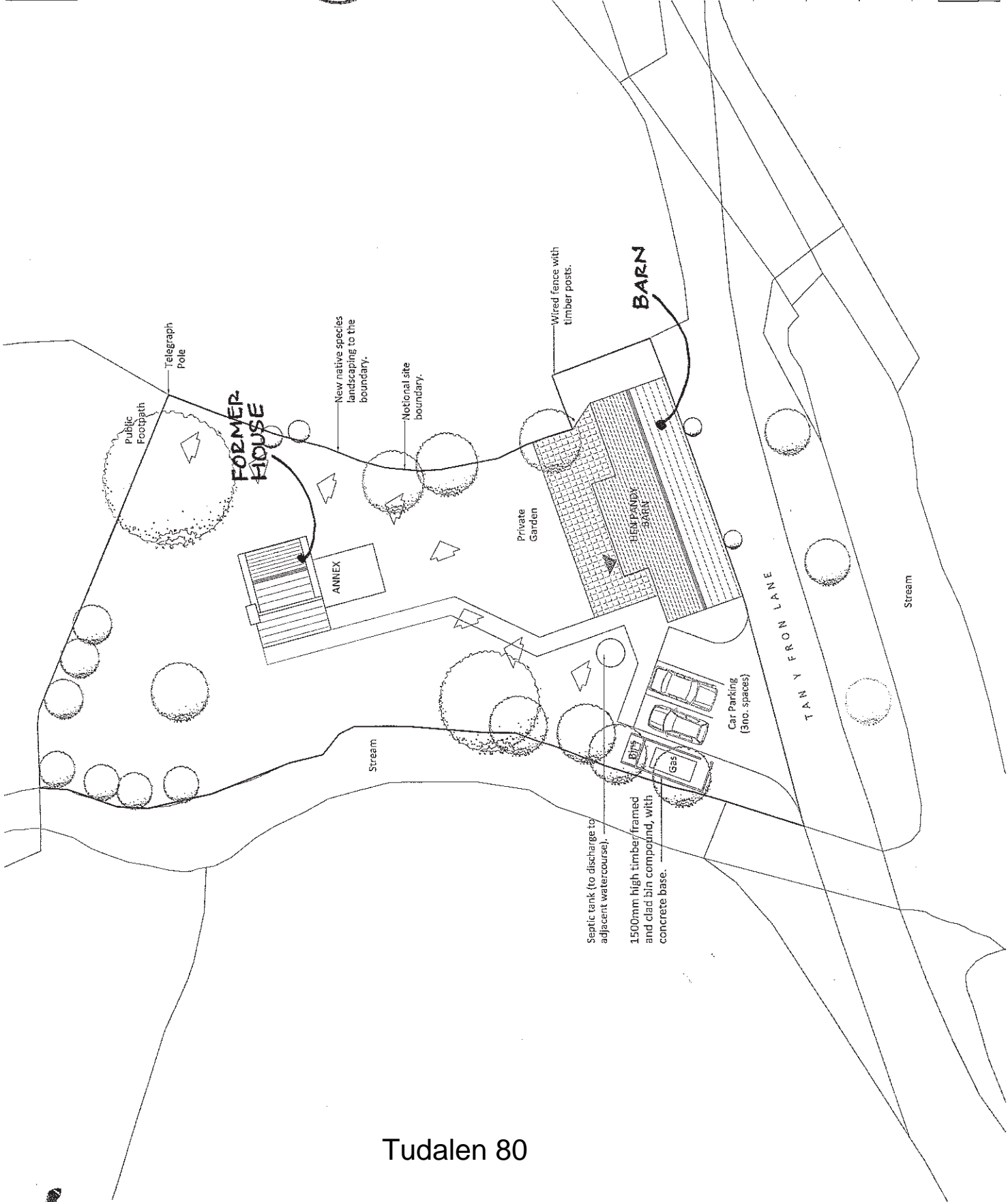
Central House, 122, Business Village,
The Quadrant, Denbigh,
Denbighshire, LL42 0JH, 01752 821827
www.lawray.co.uk
o-p@lawray.co.uk
Also at Cardiff and London.

SITE PLAN

CLIENT: MR & MRS T RHYS HUGHES
JOB TITLE: HEN PANDY BARN EXTENSIONS & ALTERATIONS
DRAWING TITLE: PROPOSED SITE PLAN

DATE	11.11	SHEET	01	MARK	DJ	CHECKED	
REV NO.	N1436	PROJECT NO.	PR.01	REV	A		

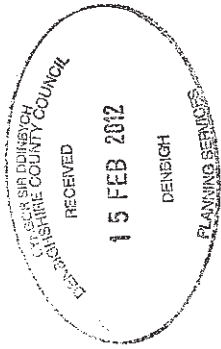
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Construction Regulations and Management Regulations. Copies of documents are stored on the Denbigh Housing Authority website. The Denbigh Housing Authority is a registered provider of services under the Housing Act 2004. The Denbigh Housing Authority is a registered provider of services under the Housing Act 2004. The Denbigh Housing Authority is a registered provider of services under the Housing Act 2004.

Materials:

- Walls: Natural random rubble stone & paint finished render.
- Roof: Selected second hand natural slate with matching ridge tiles.
- Windows: Stained double glazed timber window units and rooflights.
- Doors: Stained timber doorsets.
- Rainwater Goods: Black UPVC downpipes and gutters.



Accepted by the Local Planning Authority
 For Approval For Construction For Tender As Built
 Date: 15 FEB 2012



lawray architects
 pensert

Penryn House, 50a, Business Village,
 Walsingham, LN13 7PL
 Tel: 01939 370200
 www.lawray.co.uk
 01939 370200
 Also at Cardiff and London

PROPOSALS FOR FORMER HOUSE

CLIENT

MR & MRS T RHYNS HUGHES

JOB TITLE

HEN PANDY HOUSE
 EXTENSIONS & ALTERATIONS

DRAWING NO.

PROPOSED PLAN & ELEVATIONS
 TO ANNEX

DATE

11.11

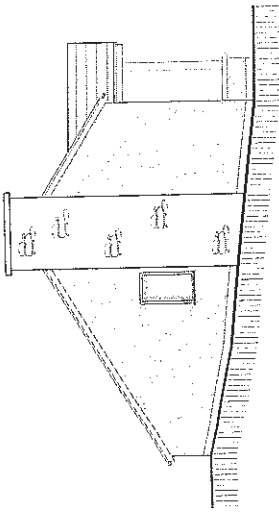
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N1437

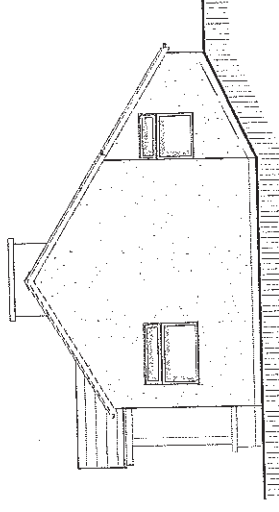
PR.03

15 FEB 2012

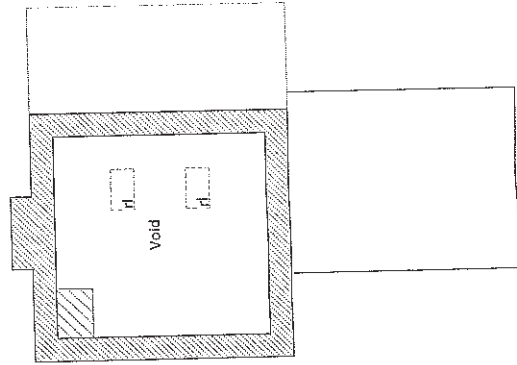
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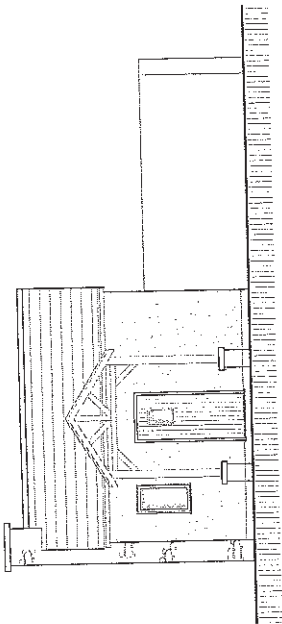
SIDE ELEVATION (NORTH WEST)



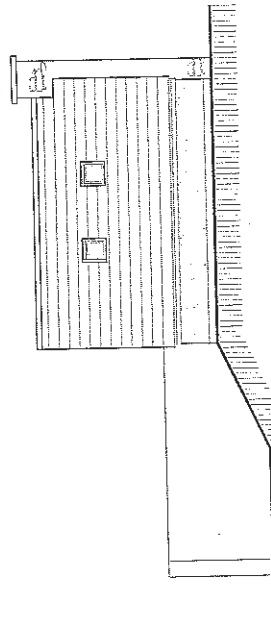
SIDE ELEVATION (SOUTH EAST)



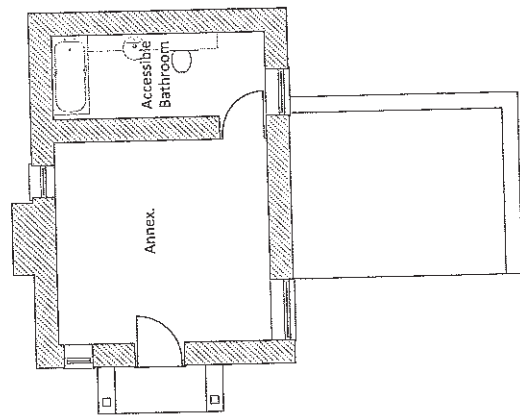
FIRST FLOOR PLAN



FRONT ELEVATION (SOUTH WEST)



REAR ELEVATION (NORTH EAST)



GROUND FLOOR PLAN

ITEM NO: 4

WARD NO: Llangollen

APPLICATION NO: 27/2012/0211/ PF

PROPOSAL: Adaptations to and conversion of existing barn and derelict house to form new dwelling and annex and installation of new septic tank

LOCATION: Hen Pandy Barn Tan y Fron Farm Tan Y Fron Lane Eglwyseg Llangollen

APPLICANT: Mr Rhys Hughes

CONSTRAINTS: C2 Flood Zone
PROW
AONB

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2**

- Application submitted on behalf of County Councillor

CONSULTATION RESPONSES:

LLANTYSILIO COMMUNITY COUNCIL-
"No objection".

COUNTRYSIDE COUNCIL FOR WALES (CCW)-
No objection.

CLWYD POWYS ARCHAEOLOGICAL TRUST-
No objection, subject to the submission of a photo survey for archaeological records.

ENVIRONMENT AGENCY WALES-
No objection, subject to conditions relating to finished floor levels.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-
BIODIVERSITY OFFICER-
No objection.

BUILDING CONTROL OFFICER-
Reply awaited at time of drafting report.

HEAD OF HIGHWAYS AND INFRASTRUCTURE-
No objection.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 06/05/2012

REASONS FOR DELAY IN DECISION (where applicable):

- None

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the conversion of an outbuilding and a derelict dwelling at Hen Pandy, Tan Y Fron Lane, Eglwysseg.
- 1.1.2 The application proposes the conversion of the outbuilding to a two bedroom dwelling and the conversion of the derelict dwelling 20 metres to the north to a one room annex, with an accessible bathroom.
- 1.1.3 Alterations proposed to facilitate the conversions would be the re-roofing of both buildings, creation of some new openings, and internal remodelling. A small single storey lean-to extension is proposed to be added to the north elevation of the outbuilding to accommodate a porch and wc.
- 1.1.4 It is proposed that the area to the north of the outbuilding would provide amenity space, and parking for the unit would be to the west. Vehicular access is as existing off Tan Y Fron Lane. (See site plan at the front of the report).
- 1.1.5 The application is accompanied by a detailed structural report and design and access statement (DAS), which comments on the adequacy and suitability of the outbuilding for the scheme of conversion. An ecological survey has also been submitted in support of the application.

1.2 Description of site and surroundings

- 1.2.1 Sited on a small former agricultural complex located to the south of Pentredwr, the former outbuilding abuts the road and the derelict house is located to the north of the site.
- 1.2.2 Vehicular access to the site is off a minor road Tan Y Fron Lane which runs east of the A542 south of the Horseshoe Pass. The site is approximately 400 metres off the A road. A public footpath runs through the site.
- 1.2.3 The site is located in a valley, and is bounded to the west by a stream.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary. The area is within the recently extended Area of Outstanding Natural Beauty.

1.4 Relevant planning history

- 1.4.1 The proposal was originally submitted in late 2011 as two separate planning applications, but was withdrawn to allow for resolution of flood risk issues and resubmitted as one proposal.

1.5 Developments/changes since the original submission

- 1.5.1 Additional ecological information has been sought on the request of Countryside Council for Wales following the initial submission.
- 1.5.2 Additional flood risk information has been sought on the request of the Environment Agency Wales following the initial consultation.

1.6 Other relevant background information

- 1.6.1 The application is being considered by Planning Committee as the applicant is a County Councillor.

2. DETAILS OF PLANNING HISTORY:

2.1 27/2011/0489 Conversion of existing barn into single dwelling with associated external works, formation of vehicular access and installation of new septic tank. Withdrawn 28/07/2011

2.2 27/2011/0490 Change of use, extension to and conversion of barn to form holiday-let unit, construction of new vehicular access and installation of new sewage treatment plant. Withdrawn 28/07/2011.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 3 – Development outside development boundaries

Policy GEN 6 – Development Control Requirements

Policy HSG 9 – Residential conversion of rural buildings to dwellings

Policy ENP 6 - Flooding

Policy ENV 2 – Development affecting the AONB/ AOB

Policy ENV 6 – Species Protection

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note No. 16 – Conversion of Rural Buildings

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4

TAN 15 Development and Floodrisk

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Residential Amenity

4.1.4 Highways Safety

4.1.5 Ecological Impact

4.1.6 Floodrisk

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 relates to development outside development boundaries and states that residential development will not be permitted apart from some exceptions, the most relevant being the conversion and reuse of vacant rural buildings. Policy HSG 9 of the adopted Unitary Development Plan, relates specifically to the residential conversion of rural buildings to dwellings. This policy allows for the conversion of rural buildings where the building is structurally sound and capable of conversion without major or complete reconstruction. SPG 16 provides further advice on these requirements and states amongst other things that buildings should not be so derelict that they could only be brought into use by substantial rebuilding.

In terms of Policy HSG 9 the Design and Access Statement submitted with the application refers to the business use test, (which the Council has resolved not to apply) but it is suggested in any event that the buildings are unsuitable for employment uses. The buildings are considered to be structurally sound and capable of conversion. The conversions will not have an unacceptable impact on the character of the buildings and the character and appearance of the countryside. The site is well contained and has an adequate curtilage with suitable boundary treatment.

4.2.2 Impact on visual amenity

The main policy that refers to scale, landscape and visual impact is GEN 6.

Policy HSG 9 also refers to the character of the buildings and area. As the site is located in the AONB policy ENV 2 is also relevant, and seeks to ensure development does not have an unacceptable impact on the character of the area.

The most notable alteration is the removal of the roofs and their replacement with slate. A small lean-to extension is also proposed to be added to the north elevation of the barn, and an open porch would be added to the annex.

In terms of visual appearance, the proposals will retain the scale and form of the buildings with minimal alterations to facilitate the conversions, which is in line with the general thrust of policy HSG 9. The cumulative impacts of the alterations are not considered excessive; the resulting dwelling would be in keeping with surrounding buildings and not appear out of character in the AONB. It is considered that the sympathetic conversion would preserve the building from further degradation, and that complies with Policy HSG 9.

4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development. Policy HSG 9 also refers to amenity impacts.

There are no immediate neighbours to the site. Amenity space is proposed for the conversion and the annex is located within this curtilage.

It is considered the proposal would not raise any conflicts with policy in terms of the amenity of existing or proposed occupiers.

4.2.4 Highways

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway network.

No alterations are proposed to the existing access points and parking will be provided on site. The public footpath will not be affected and a note can be attached to ensure it is not obstructed when works commence.

Considering the scale of the existing movements connected with the agricultural use, and potential as a result of the conversions, it is considered the proposal would not raise any conflicts with policy.

4.2.5 Ecological impact

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats or barn owls currently using the outbuildings although the building was considered to have good potential to support bats. Swallows were found to have nested in the building in the past.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable. It is considered prudent however to attach a condition to ensure works are carried out in accordance with the recommendations of the Bat and Bird Survey and a note to applicant to advise that all contractors follow a code of best practice.

4.2.6 Floodrisk

Policy ENP 6 requires that development does not result in an unacceptable risk from flooding. TAN 15 Development and Floodrisk also provides guidance to the Local Planning Authority when dealing with development in flood risk areas.

The site is located in a zone C2 as defined by the development advice maps of TAN 15 Development and Floodrisk. An FCA has been submitted to justify the development and the Environment Agency have considered this and raised no objection subject to the applicant being advised to install flood proofing measures.

Provided that the applicant is advised to install flood proofing measures it is considered the proposals are acceptable in relation to flood risk.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the terms of the relevant policies therefore recommended for grant.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the proposed new sections of walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used. The stone used shall be to match that on the existing building and the roof material shall be blue/ grey slate.
3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. 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.
6. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.
7. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted

by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

8. The development shall be carried out in accordance with the details submitted in the Bat and Bird mitigation reports and drawings.

9. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plans, and shall be completed prior to the development being brought into use.

10. The annex accommodation shall be used in connection with the converted dwelling only. The annex shall not be used for any trade of business and shall not be used as an independent unit of residential accommodation.

11. Finished floor levels shall be set to a minimum of 143.05m above Ordinance Datum.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. In the interests of investigation and recording of historic/listed buildings.
7. In the interests of residential and/or visual amenity.
8. In the interest of safeguarding the conservation of protected species.
9. To provide for the parking of vehicles clear of the highway.
10. In the interests of residential amenity.
11. To reduce the risk of flooding to the proposed development.

NOTES TO APPLICANT:

Condition No. 6 of this permission requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

Photographs should be taken using a digital camera with a minimum resolution of 4 megapixels and preferably 8 megapixels or more.

Photographs should be taken at the highest jpeg resolution setting available on the camera (usually Fine or Super Fine). The saved photographs must be copied onto a good quality branded CD or DVD disk in the jpeg/jpg file format.

Note: Digital photographs presented on normal paper or photographic paper will not be accepted as they are not archivally stable in the long term.

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

If available a measured scale should be placed within each but this is not essential.

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

The applicant should indicate where the views taken are positioned on an architect's floor

plan of the building. Location reference numbers on the plan/s should utilise the digital photo numbers from the camera for cross reference purposes.

The applicant must check the photos at the application site to ensure there are no blurred or poorly lit images. If some images are blurred, please increase the speed at which the exposures are taken (1/125 is a good minimum) and re-take the images. If images are poorly lit please check your flash is working and/or increase the aperture. Setting the camera ISO at 200 or 400 will also allow higher shutter speeds to be used in dimly lit locations.

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

Your attention is drawn to the attached notes:- 'Suggestions for bat friendly features to be incorporated into buildings'.

Mae tudalen hwn yn fwriadol wag



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

43/2012/0504/PF
Plot 11, Melyd Avenue
Prestatyn

5



Application Site

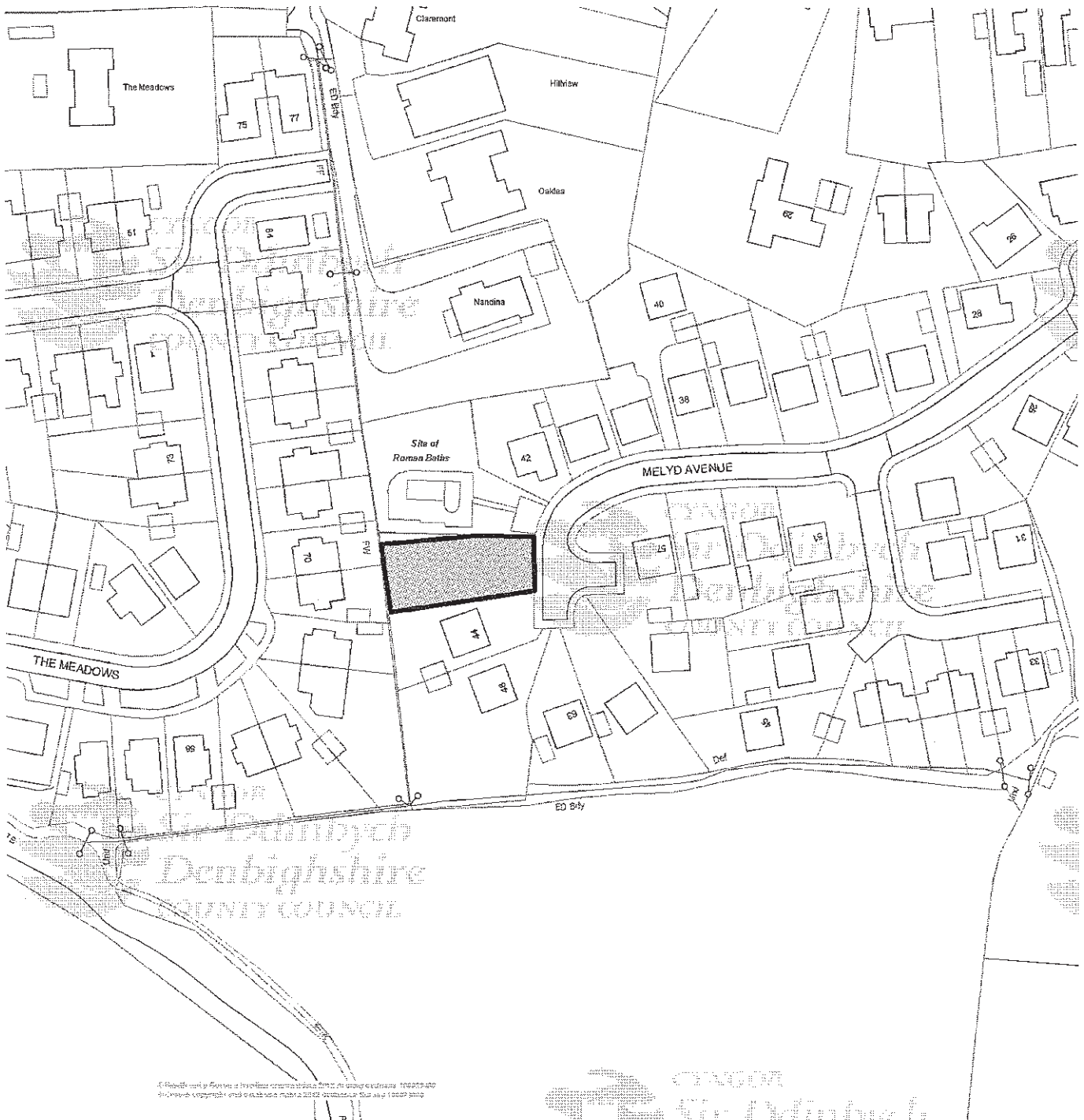


Date 3/7/2012

Scale 1/1250

Centre = 306235 E 381736 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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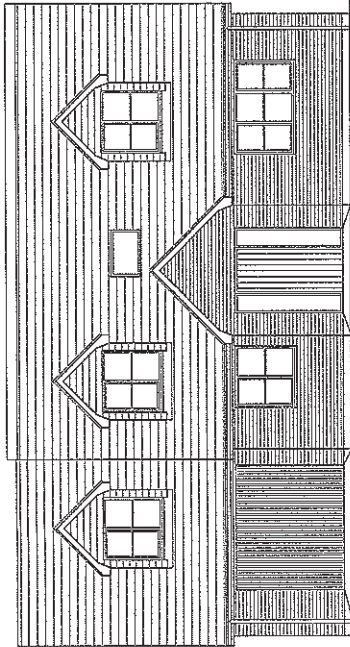
Atgynhrychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran hysbysu. Llyfrfa EFNhawrhdy © Hawffraint y Goron. Mae atgynhrychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

Tudalen 91

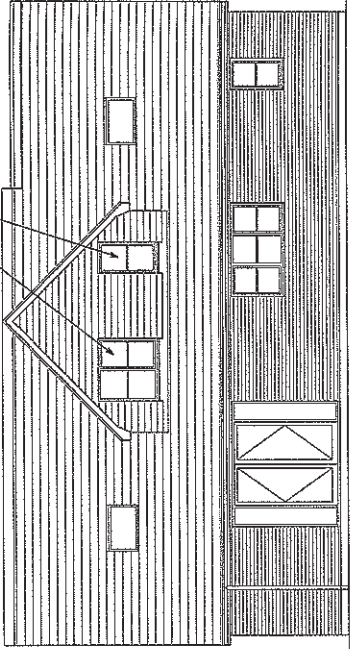
43 / 2012 / 05040 R P

REVISED PLAN

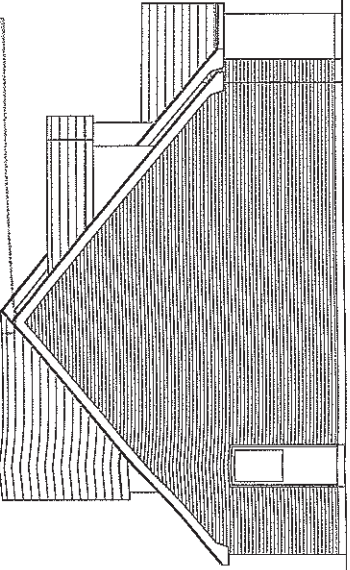
Windows to rear dormer (bedroom and en-suite) to be obscure glass



Front elevation



Rear elevation



Side elevation

Tudalen 92

Finishes:
 Walling in facing brick to match in colour and texture the adjoining houses.
 Roof:
 masonry dark grey plain concrete tiles to match adjoining houses.
 Soffits and fascias:
 White UPVC
 Doors and windows:
 White UPVC double glazed.
 Rainwater goods:
 White plastic.

PROPOSED FLOOR & ELEVATION PLANS

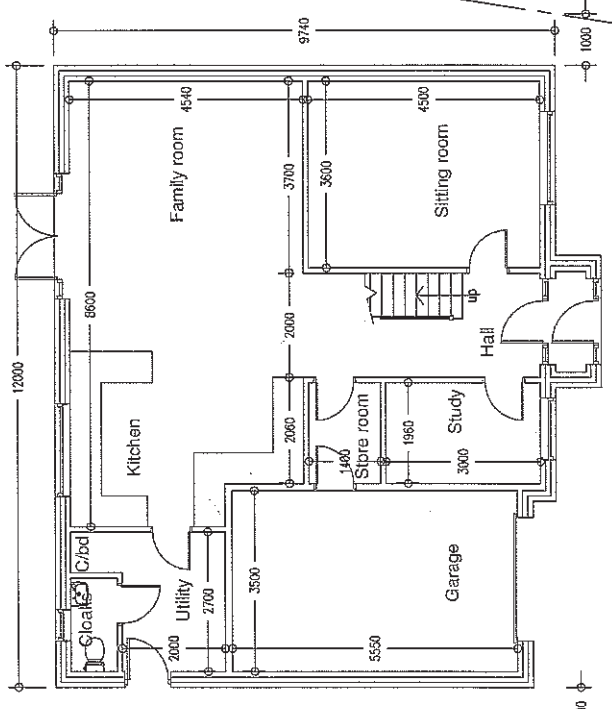
RECEIVED
 31 MAY 2012
 DENBIGH
 PLANNING SERVICES
 DENBIGH COUNTY COUNCIL

A garage set back 450mm
 May 2012

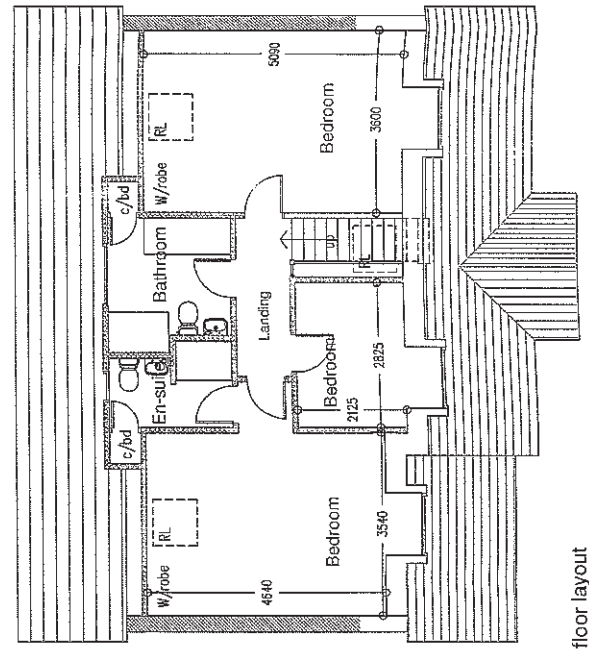
AS PROPOSED

New dwelling
 Plot 11, Melyd Avenue, Prestatyn
 SCALE 1:100 @ A3
 DATE April 2012
 LAWRENCE PARRY ASSOCIATES
 HILL HOUSE, HILLSIDE, PRESTATYN.
 01745 854945
 DRWG. No 3821/03A

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Ground floor layout



First floor layout

50

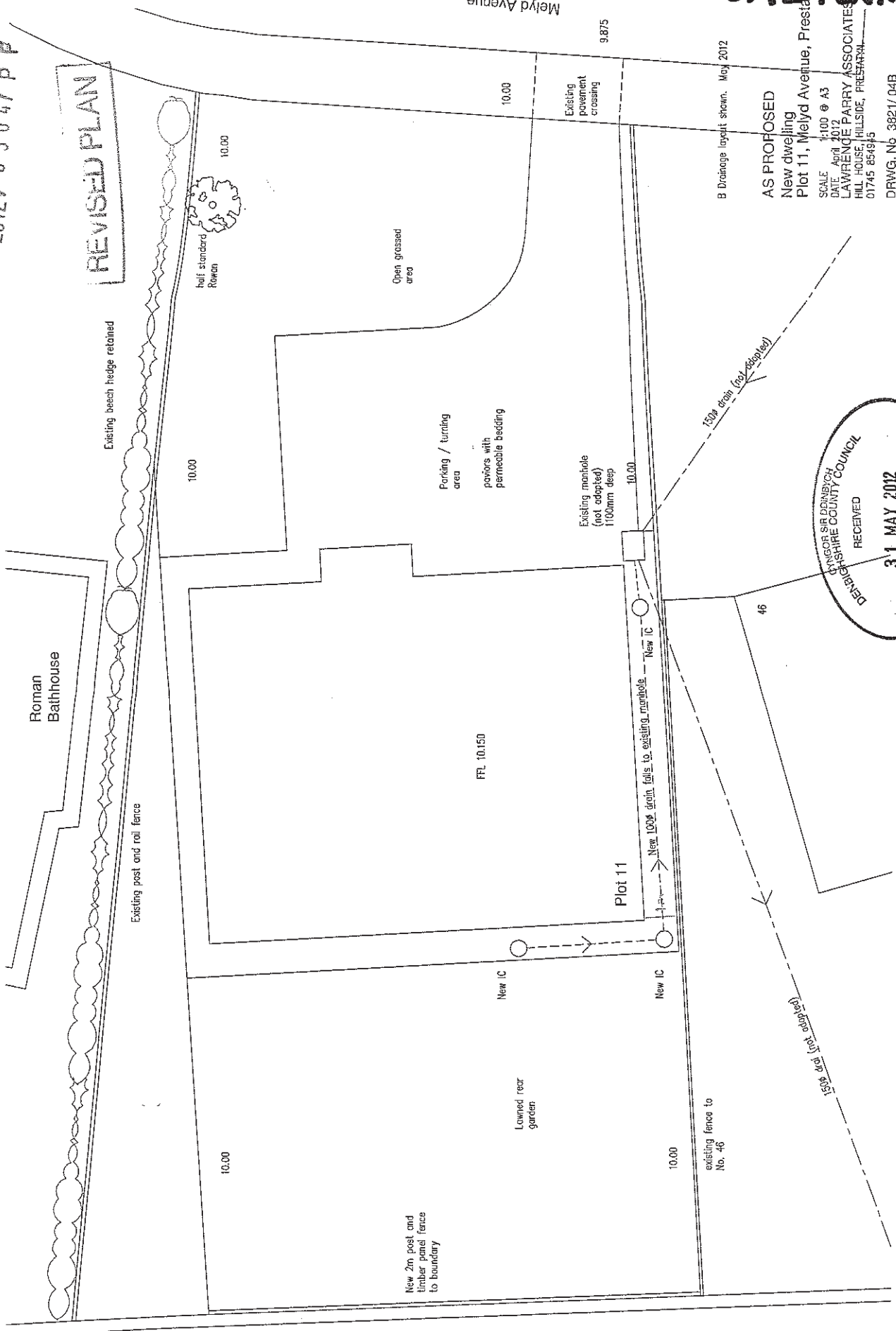
0

100

43/2012/0504/PF

REVISED PLAN

PROPOSED SITE PLAN

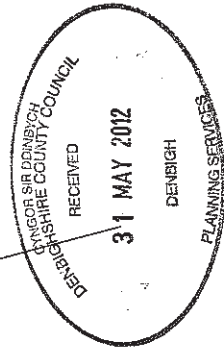


B Drainage layout shown. May 2012

AS PROPOSED
New dwelling
Plot 11, Melyd Avenue, Prestatyn.

SCALE 1:100 @ A3
DATE April 2012
LAWRENCE PARRY ASSOCIATES
HILL HOUSE, HILLSIDE, PRESTATYN
01745 854945

DRWG. No 3821/04B



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0 50 100

43/2006/0912/PF

10/08/06 30/08/06

14 JUL 2007

24 MAY 2011
DEVELOPMENT

PREVIOUSLY APPROVED DWELLING JULY 2011 - ELEVATIONS & FLOOR PLANS

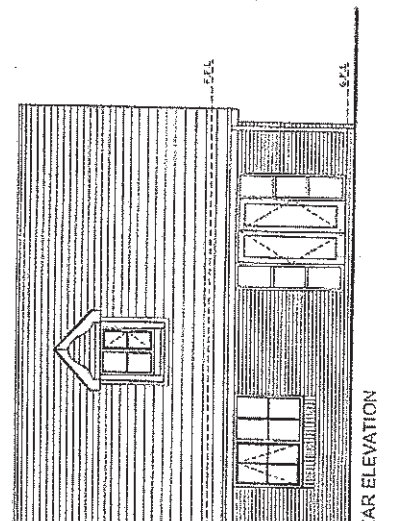
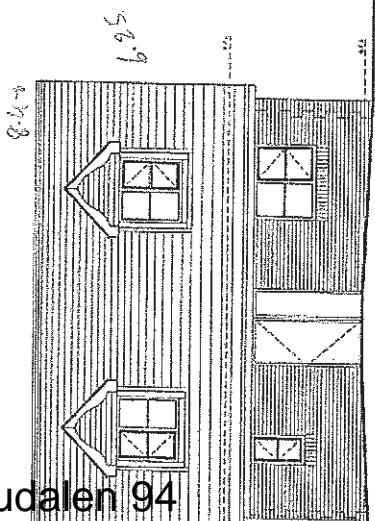
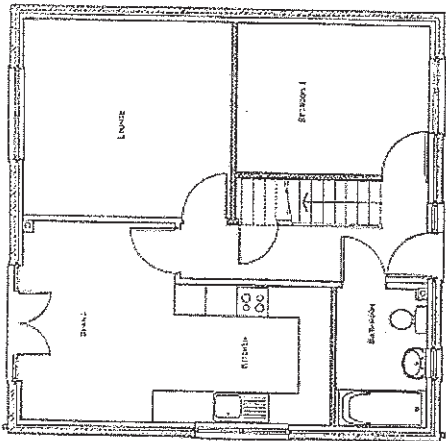
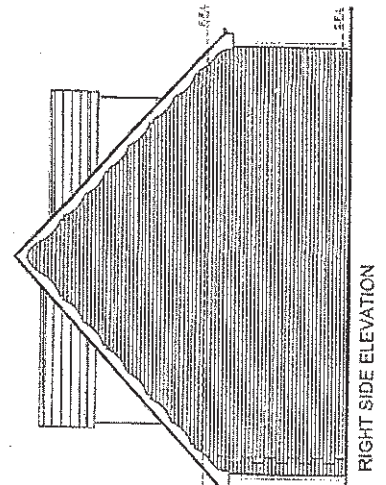
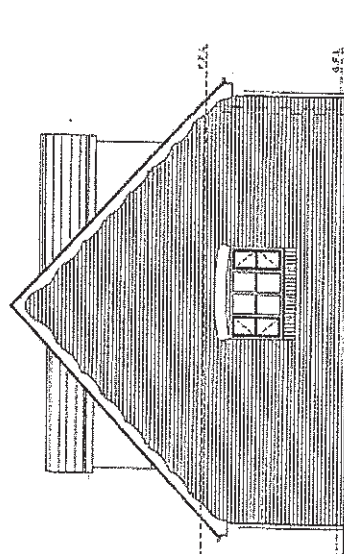
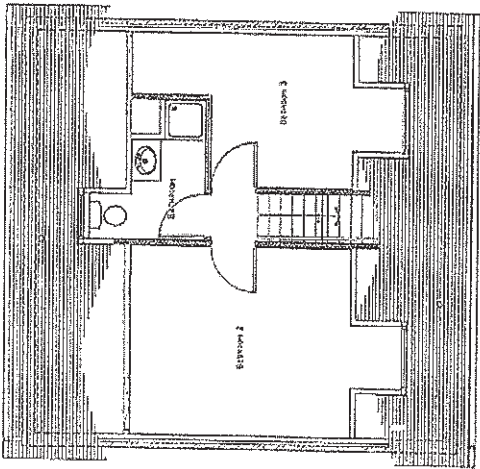
A3

AEID

Client: HEALEY HOMES LTD
 Project: PLOT 11
 Address: MELD AVE/AVENUE PRESTATYN
 County: CHANGA
 Date: 01 AUG 2008
 Plan No: 43/2006/0912/PF
 Project Name: PLANS AND ELEVATIONS

Checked by: VSB/TH
 Reviewer: [blank]
 Date: 01 AUG 2008
 Status: [blank]
 Drawn by: [blank]
 Date: [blank]
 Project: [blank]

CONTRACT DRAWINGS & PLANS WARRINGTON AND CHESTER, WILSON ROAD, WARRINGTON, CHESHIRE, W9 1JH

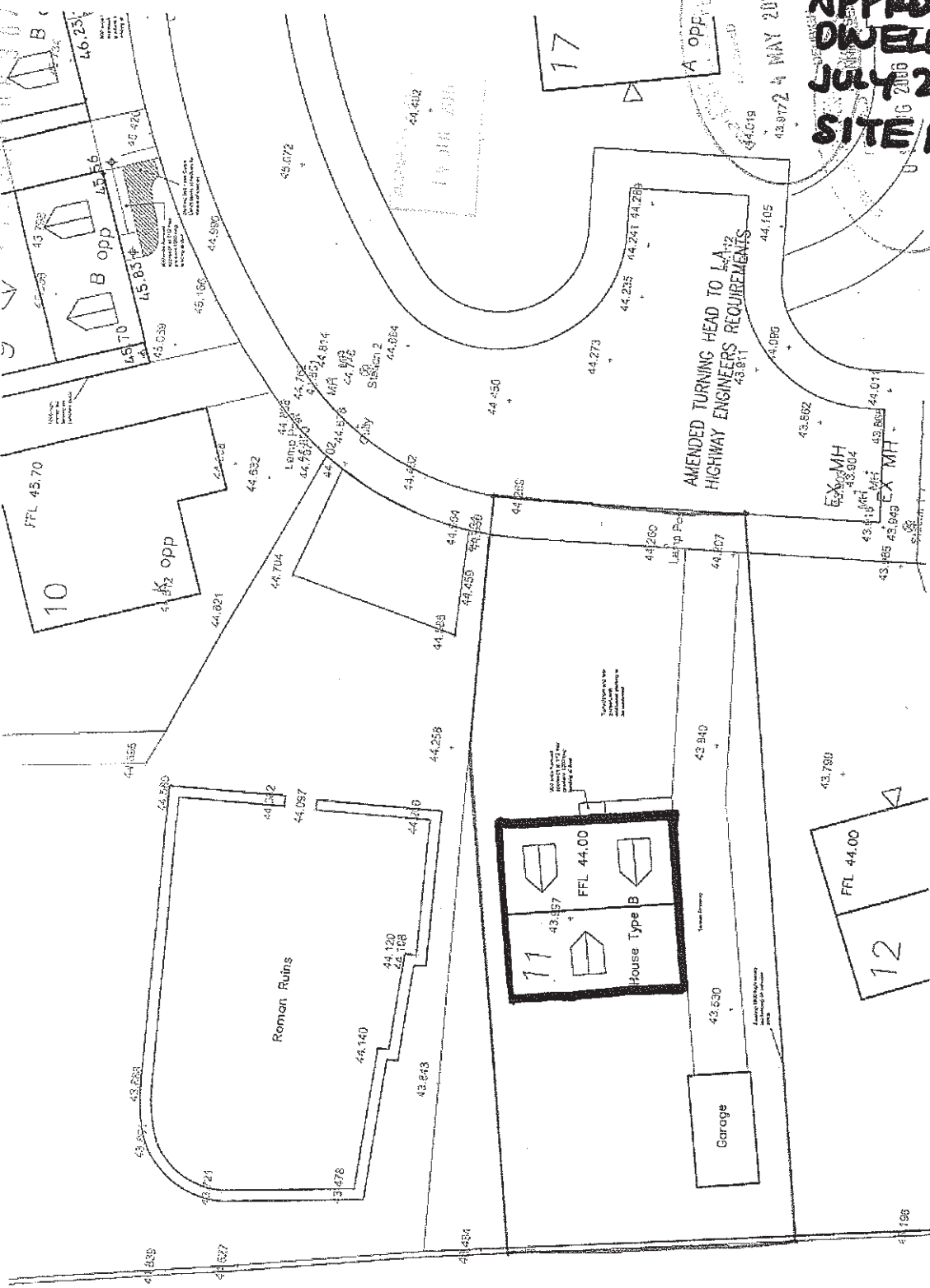


Tudalen 94

3 3 2003 / 09 12 2003
 09 07 00

**PREVIOUSLY
 APPROVED
 DWELLING
 JULY 2011
 SITE PLAN**

A3



Client	HEALEY HOMES LTD
Contract	PLOT 11 MELYD AVENUE PRESTATYN
Drawing	SITE LAYOUT
Drawing No	W807 - 115
Revision	Revision
Date	MAY 2008
Scale	1:200 @ A3
Drawn	JR
Checked	

CERTIFY BUILDINGS STAFF'S PURCHASE MANCHESTER M3 200 TEL 0161 214 4370 FAX 0161 214 4371 e-mail: MANS@MANCHESTER-CERTIFY.COM

Mae tudalen hwn yn fwriadol wag

ITEM NO: 5

WARD NO: Prestatyn Central

APPLICATION NO: 43/2012/0504/ PF

PROPOSAL: Erection of a detached dwelling

LOCATION: Plot 11 Melyd Avenue Prestatyn

APPLICANT: Mr & Mrs Darren Hickman

CONSTRAINTS: Scheduled Ancient Monument
B Flood Zone

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant – 4 or more objections received
- Recommendation to grant – Town / Community Council objection

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL

“Committee would reiterate its previous unanimous objection:-

Committee was informed of past history associated with the site that adjoins a nationally recognised Roman Bathhouse. A number of residents has also submitted objections and a petition to Denbighshire County Council Planning Authority. The current proposals are out of scale and keeping with surrounding property due to significant size.

There are concerns over adequacy of infrastructure including mains sewerage system. The plot should remain as public open space due to the limited provision in this area. It is hoped that the site can be utilised to enhance and support the adjoining open Roman Bathhouse site.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection, subject to condition for watching brief.

ENVIRONMENT AGENCY WALES

No objection.

WELSH WATER / DWR CYRMU

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

COUNTY ARCHAEOLOGIST

No objection.

HEAD OF HIGHWAYS AND INFRASTRUCTURE

No objection, subject to condition requiring the completion of parking spaces within plot.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Ms. E. Wares, 46, Melyd Avenue, Prestatyn

G.W. & J.Evans, 70, The Meadows, Prestatyn

M. & A. Lynch, 44, Melyd Avenue, Prestatyn

G.& M.E. Davies, 42, Melyd Avenue, Prestatyn

Petition containing 27 signatures submitted by M Lynch, 44 Melyd Avenue, Prestatyn

Summary of planning based representations:

Visual amenity- Scale and design of dwelling out of keeping with surrounding dwellings/ previous consent was sympathetic/inappropriate dormer and garage features.

Archaeology- Implications of development on adjacent Roman Bathhouse site.

Amenity- overbearing impact on adjacent occupiers.

EXPIRY DATE OF APPLICATION: 19/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the erection of a dwelling on Plot 11 Melyd Avenue, Prestatyn.
- 1.1.2 A dormer bungalow with integral garage is proposed to be sited centrally on the plot with an amenity area to the west (rear). Access is proposed on the eastern side of the site as existing. Parking is proposed to the eastern side of the dwelling. (See the plan at the front of the report).
- 1.1.3 The dwelling would comprise of three bedrooms and living accommodation. Materials proposed are facing brick, tiled roof, and upvc windows, doors and rainwater goods.
- 1.1.4 The site plans show the existing boundary treatments on the north and south side of the site to be retained. A 2 metre panel fence would be the preferred boundary treatment to the rear.
- 1.1.5 The application submission includes the following documents:
 - Design and Access Statement (DAS) which refers to the site context and constraints, accessibility, character, community safety and environmental sustainability.
 - Information on how this proposal aims to achieve Code Level 3 of the Code for Sustainable Homes.

1.2 Description of site and surroundings

- 1.2.1 The site is located in a primarily residential area, at the western end of the cul de sac of Melyd Avenue.
- 1.2.2 The Melyd Avenue residential development comprises of bungalows, dormer features within roof areas and two storey dwellings.
- 1.2.3 The application site is bounded to the north by the Roman Baths and to the south by a dormer bungalow (number 44 Melyd Avenue). The dwellings to the west are bungalows on The Meadows.

1.2.4 It is a relatively flat site, the adjacent dwellings are on the same level and the dwellings to the south are sited at a slightly lower level.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Prestatyn. A Roman Bathhouse, which is a Scheduled Ancient Monument is located to the north of the site.

1.4 Relevant planning history

1.4.1 Full planning permission for the development of one dwelling on this site was granted by Planning Committee in November 2006. A subsequent application was made to renew this planning permission in 2011 and granted under delegated powers. The permitted dwelling is a similar design to the neighbouring dwelling to the south.

1.5 Developments/changes since the original submission

1.5.1 The design of the dwelling has been amended to take account concerns of the objectors in terms of scale and mass. The dwelling has also been re-sited to take into account the existence of a drain crossing the site.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 2/PRE/392/78 Residential Development – Granted 11th June 1980.

2.2 43/2006/981/PC Erection of 8 no. dwellings (amendments to dwelling design) Granted 30th October 2003.

2.3 43/2003/1389/PF Erection of 19 dwellings (amendments to house types) and construction of a balancing pond. Granted 26 March 2003.

2.4 43/2006/912 Erection of dwelling on Plot 11. Granted 08/11/2006 Decision made by Planning Committee.

2.5 43/2011/0630/ PF Erection of detached dwelling and garage (renewal of planning permission code no. 43/2006/0912) Granted 14/07/2011 Decision made under Delegated Powers.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 1 Development within Development Boundaries

Policy GEN 6 Development Control Requirements

Policy HSG 2 Housing Development in Main Centres

Policy TRA 6 Impact of New Development on Traffic Flows

Policy TRA 9 Parking and Servicing Provision

Policy CON 11 Areas of Archaeological Importance

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG 21 Parking provision in new developments

SPG 26 Residential Space standards

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4

TAN 12 Design

TAN 22 Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Amenity impact
- 4.1.4 Highway safety impact
- 4.1.5 Archaeology
- 4.1.6 Sustainable buildings

4.2 In relation to the main planning considerations:

4.2.1 Principle

The principle of residential development on the plot accords with Policy GEN 1, as the site is located within the development boundary of Prestatyn, where the principle of residential development is acceptable. The planning history is also relevant as the site has had the benefit of outline planning permission granted on appeal in 2006 and 2011, under the same planning policy framework.

Policy GEN 6 must be applied to assess the detailed impacts of this full planning application, and the detailed issues are considered under these policies as set out below

4.2.2 Impact on visual amenity

Policy GEN 6 contains general considerations to be given to the visual impacts of new development.

A dormer bungalow is proposed, with a brick finish and tiled roof. Three small dormer windows are proposed to the front and one with two windows to the rear. On the cul de sac immediately south and east of the proposed dwelling there are four identical dwellings, there is a mix of dwelling styles and types in the wider residential area.

In Officers opinion whilst fully respecting the basis of the objections raised, the nature of surrounding development and similarity of the design and detailing to that of existing dwellings means a dormer bungalow can be accommodated on the site without detriment to the visual amenity of the area. As mentioned above there are similar dwellings to the south and east, this plot is on the west side and is south of the Roman Bathhouse. The dwelling can therefore be considered to 'round off' the bungalow development. Furthermore the dwelling to the north of Bathhouse is a bungalow with an attached conservatory. It is considered that there are no sound planning reasons to insist the dwelling be identical to the surrounding dwellings or to resist the proposed design.

It is not considered the proposal would conflict with tests of GEN 6 relating to visual amenity.

4.2.3 Impact on residential amenity

Policy GEN 6 sets specific tests to be applied to amenity impacts of development.

The proposed dwelling would be 3.6 metres wider and 0.25 metres higher than the originally approved dwelling. The plans show that the dwelling can be accommodated on the site with adequate amenity space, and parking/turning. Windows are proposed on the front and rear elevations. There is screening proposed on the rear boundary with a minimal height of 2 metres, and it is intended to retain the existing boundary treatment on the side boundaries.

As the application proposes a dormer bungalow, which would be sited centrally on the plot, where there is adequate separation and boundary screening, it is considered that the proposal would not result in a significant loss of amenity for adjacent occupiers by virtue of loss of light or overlooking. The rear dormer contains two bathroom windows, which would be obscure glazed and have limited outlook, which would not result in overlooking of the dwellings to the rear.

It is not considered the proposal would conflict with GEN 6 criteria relating to residential amenity.

4.2.4 Impact on highways safety

Policy GEN 6 and TRA 6 and TRA 9 require consideration of access and highway safety issues.

The proposal includes off road parking to the east of the site, and the dwelling would utilise an existing pavement crossing. Highways Officers have raised no objection to the proposal subject to the inclusion of planning conditions to control the retention of the parking area.

It is not considered there are policy conflicts relating to access and highway safety. The proposal complies with Policy GEN 6, Policy TRA 6 and Policy TRA 9.

4.2.5 Archaeology

Policy CON 11 requires consideration of the archaeological impacts of development prior to a decision being made.

Owing to the location of the site adjacent to the Roman Bathhouse, there may be potential for the site to have some archaeological significance. The site was subject to an archaeological pre-determination evaluation in 2006 and no significant finds were discovered. CPAT have requested a condition be attached to any permission to evaluate the archaeological significance of the site prior to the commencement of development.

It is considered that attaching a condition to any consent to allow a programme of archaeological work would ensure that the archaeological interests are adequately covered.

4.2.6 Sustainable buildings

Planning Policy Wales requires that all new dwellings meet Code Level 3 of the Code for Sustainable Homes and achieve at least 1 credit under ENE 1.

A full Code for Sustainable Homes Assessment has been submitted with the planning application which demonstrates the Code requirements can be met. The proposal is actually set to achieve Code Level 3 and achieve 1 credit under ENE 1.

It is considered the information provided demonstrates that the proposal could meet the relevant sustainable buildings policy requirement.

4.2.7 Other matters

The Town Council have raised points relating to the preferred use of the land, but Officers would respectfully advise that this is not a relevant consideration. The site has had the benefit of planning permission for residential development, and the 2011 permission is still capable of implementation.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered acceptable under the relevant policies and therefore recommended for grant.

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

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

2. PRE-COMMENCEMENT CONDITION

No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

(a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.

(b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;

(c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;

(d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;

(e) Proposed positions, design, materials and type of boundary treatment.

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

4. PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the wall, roof, rainwater goods and windows to be used for the development hereby permitted and no materials other than those approved shall be used.

5. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the applicant and approved in writing by the local planning authority. The archaeological work will be undertaken to the standards laid down by the Institute for Archaeologists. On completion of site work and any post-excavation analysis a report on the investigation will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

6. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

7. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

8. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.

9. PRE-COMMENCEMENT CONDITION

The access shall be laid out in accordance with the approved plan and completed to the satisfaction of the Local Planning Authority before any works commence on site.

10. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning facilities of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
3. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interests of investigation and recording of historic/listed buildings.
6. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To provide for the loading/ unloading, parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

ADRODDIAD GAN BENNAETH GWASANAETHAU CYNLLUNIO, ADNEWYDDU A RHEOLEIDDIO

CANLYNIAD YR APÊL CYNLLUNIO

ADDASIAD O RAN 106, GORFODAETH MEWN PERTHYNAS Â DARPARIAETH TAI FFORDDIADWY, GAN GYNNWYS TALIAD O'R CYFANSWM CYMUDOL £115,400

MAES Y CASTELL, HEOL ABBEY, RHUDDLAN, LL18 5RJ

CAIS 44/2011/0508/OB

1 PWRPAS YR ADRODDIAD

Mae'r adroddiad hwn yn cyfateb i ganlyniadau'r apêl cynllunio a benderfynwyd mewn Cynhadledd Anffurfiol ar Fawrth 6, 2012. Diystyriwyd yr apêl yn ogystal â'r cais am gostau a wnaed gan yr un a apeliodd.

- 1.2 Mae'r adroddiad hwn yn cynnig adborth i'r Aelodau ar benderfyniadau'r apêl, ynghyd â sylwadau ar y materion sylfaenol a godwyd yn yr achos.

2 CEFNDIR

- 2.1 Cododd yr apêl ar ôl y penderfyniad a wnaed gan y Pwyllgor Cynllunio ym Medi 2011 i wrthod cais oedd yn newid Rhan 106 o'r Cytundeb. Byddai hyn yn newid y ddarpariaeth o dai fforddiadwy ar gyfer 10 fflat ar y safle gyda swm cymudol o £115,400. Mae Rhan 106 o'r Cytundeb yn cyfeirio at ganiatâd cynllunio ar gyfer 38 preswyliad wedi'u rhoi gan y Cyngor yn Ionawr 2006. Mae'r ddarpariaeth yn gofyn am 10 uned fforddiadwy ar ffurf ystafelloedd mewn bloc sengl. Er bod y datblygiad wedi dechrau ar Chwefror 2006, dim ond 17 allan o'r 38 preswyl sydd wedi eu hadeiladu (45%). Y pwynt pwysicaf yn Rhan 106 o'r cytundeb ar gyfer darpariaeth unedau yw pan fydd 70% o'r unedau wedi cael eu hadeiladu.
- 2.2 Bydd y cais yn newid y ddarpariaeth ar gyfer tai fforddiadwy mewn perthynas gyda datblygiad o adeiladu o fewn y 10 uned ar y safle a chyfraniad ariannol y

Cyngor o £115,400. Cynhaliwyd trafodaethau gyda'r ymgeiswyr a chyfeiriwyd y ffigwr £115,400 at y disgrifiad o'r datblygiad sydd â chyfanswm o £28,850 ar gyfer 4 uned fforddiadwy oddi ar y safle.

- 2.3 Gall yr Aelodau gofio, bod y cais wedi'i gyflwyno am y tro cyntaf i'r Pwyllgor Cynllunio ym mis Gorffennaf 2011, ond fe'i gohiriwyd o'r pwyllgor er mwyn cael dadansoddiad manylach. Dadleuwyd y cais gan y Pwyllgor Cynllunio ym Medi 2011 gyda'r Swyddog yn parhau i awgrymu'r grant wedi'i gefnogi gan farn y Cyngor, ond fe'i gwrthodwyd am y rheswm canlynol:

'Yn dilyn penderfyniad yr Awdurdod Cynllunio Lleol, byddai'r newid yn gwrthwynebu bwriad Polisi'r Cyngor am Dai Fforddiadwy o fewn y Cynllun Datblygiad Unedol (HSG 10) a'r Cynllun Datblygu Unedol Nodyn 22. Mae angen darpariaeth ar dai fforddiadwy o fewn y safle datblygiad oni bai bod tystiolaeth ar gael am ddull gwahanol. Yn yr achos hwn, nid yw'r Cyngor yn ystyried yr achos i gyfiawnhau'r taliad o'r swm ar y safle. Yn ogystal, nid yw'r swm yn ffurfio'r newid ar sail lefel y ddarpariaeth yn uned 10 fel y cynigiwyd fel rhan o'r datblygiad'.

3 POLISIŌAU AC ARWEINIAD CYNLLUNIO

- 3.1 Mewn perthynas gyda pholisïau cynllunio lleol, penderfynwyd gan y Cyngor mai'r polisi allweddol oedd Polisi HSG a SPG 22. Gall yr aelodau ddod o hyd iddo ym mharagraff 5.1 o'r SPG 22 sy'n nodi bydd y cynllun 30% ar y safle yn parhau fel arfer oni bai bod tystiolaeth gyferbyniol yn cael ei gyflwyno. Mewn achos apêl, bydd cyfanswm o 10 uned allan 38 a 26% o'r ddarpariaeth sydd ychydig yn is na'r targed o 30%. Digwyddodd hyn oherwydd y ffordd a gafodd y ddarpariaeth ei chyflwyno, h.y. o fewn bloc sengl o 10 ystafell.
- 3.2 Mae Paragraff 5.5 o'r SPG 22 yn cynnig darpariaeth arall oddi ar y safle sy'n gallu profi: darpariaeth ar y safle yn anymarferol, byddai darpariaeth oddi ar y safle yn ateb gofynion a'r angen am dai yn lleol. Yn ogystal byddai cynllunio, adnewyddu a dosbarthu tai yn llawer mwy buddiol trwy ddarpariaeth oddi ar y safle. Mae Paragraff 5.6 o'r SPG 22 yn amlygu ffactorau sy'n ystyried dan ba sefyllfaoedd mae darpariaeth oddi ar y safle yn fanteisiol. Mae un ffactor wedi

dangos bod problemau economaidd ymarferol ynglŷn â datblygu tai fforddiadwy. Canolbwyntiodd yr Apelyddion a'r Swyddogion ar y mater hwn yn ystod y trafodaethau am y cais, a gosodwyd pwyslais arno yn ystod y cyfarfod yr apêl.

- 3.3 O ran arweiniad cenedlaethol gan y Llywodraeth, defnyddiodd yr apelyddion Arweiniad WAG (2008) a'r diweddariad yn (2009), sy'n sôn yn arbennig am drosglwyddo tai fforddiadwy yn Rhan 106 o'r Cytundeb. Mae Rhan 4 o'r diweddariad yn 2009 yn ymwneud yn fawr â'r amgylchedd ymarferol, felly roedd yn berthnasol i'r mater am newidiadau yn y farchnad o gymharu â Rhan 106 o'r Cytundeb yn 2006. Yn ystod cyfarfod y Cyngor, nodwyd bod y cyngor wedi cymryd arweiniad 2008 a 2009 i lawn ystyriaeth. Nodwyd eu bod yn anghytuno fod y cynllun am 10 uned ar y safle o 38 preswyl yn anymarferol.

4 PRIF FATERION AM GYFARFOD YR APÊL

- 4.1 Seiliodd yr apelyddion eu hachos ar y newid yn y farchnad a'r amgylchiadau economaidd ers 2006. Credent fod hyn yn golygu bod y gwerth wedi lleihau yn sylweddol a bod y galw am fflatiau hefyd wedi disgyn er mwyn darparu tai. Darparwyd tystiolaeth trwy'r ymgynghorydd prisio bod y ffigwr disgwyliedig o £120,000 i bob fflat wedi disgyn i £95,000 a £100,000. Golyga hyn y byddai elw'r datblygwyr yn disgyn yn 20% i 13%. Ni fyddai datblygu gweddill y safle bellach yn ymarferol yn economaidd a dim ond swm o £115,400 ar gyfer darpariaeth oddi ar y safle fyddai yn gallu cyfrannu at ddatblygiad gorffenedig. (O.N.: mae angen nodi hefyd bod angen i'r apelyddion leihau'r ffigwr i £75,400 yn sgil cwmp mewn gwerth. Ond ni dderbyniwyd hyn gan yr Arolygwr oherwydd nid oedd wedi cael ei nodi yn nisgrifiad y datblygiad).
- 4.2 Cytunwyd gan y Cyngor bod gwerth y farchnad am fflatiau yn rhy isel, a gwelwyd tystiolaeth gan yr ymgynghorydd prisio bod pobl wedi prynu fflatiau yn yr ardal am tua £118,000 a £135,000. Gwelwyd y pris uchaf am ddatblygiad Llys Abbey yn Rhuddlan. Awgrymodd y Cyngor bod elw'r datblygwr o 20% yn rhy uchel o dan amgylchiadau presennol y farchnad, a bod 13% yn dderbyniol er mai 20% oedd y ffigwr dymunol. Dadleuwyd hefyd bod y gwerthiant diweddar o fflatiau yn profi

bod dal galw am y math hwn o breswylfeydd yn dal i fodoli. Dadleuodd y Cyngor nad oedd posibilïadau darpariaeth ar y safle wedi cael eu hystyried yn fanwl eto.

5 PENDERFYNIAD YR AROLYGWR

- 5.1 Asesodd yr Arolygwr y prif fater am yr achos yn Rhan 106 o'r Cytundeb, a gall y pwrpas hwn gael ei weithredu fel newid gan yr apelyddion.
- 5.2 Asesodd yr Arolygwyr ar sail y dystiolaeth pe bai'r cynllun yn cael ei gwblhau, byddai'r datblygiad yn creu elw rhwng 13% (£583,822) a 20% (£783,822) fel y cyflwynwyd gan y Cyngor ar sail gwerth mewn fflatiau. Dywedodd yr Arolygwr fod elw dal yn bosib fod yn well nag elw mewn rhai sectorau economaidd. Gallai 10 uned fforddiadwy ac ymarferol gael eu hadeiladu ar y safle fel y cynlluniwyd yn wreiddiol yn Rhan 106 o'r Cytundeb.
- 5.3 Nododd yr Arolygwr y dylai'r ddarpariaeth am dai fforddiadwy gael eu hariannu gan yr elw o'r datblygiad cyfan nid yn unig rhan ohono. Roedd hyn yn adlewyrchiad o ddull yr apelyddion i ddadlau'r achos dros wneud y fflatiau yn ymarferol. Soniwyd hefyd am werth y safle a'r ffigyrau gwerthu tai oedd yn £475,000 ar gyfer tai mawr sengl. Datganodd y Cyngor yn y cyfarfod bod y gwerthoedd uchaf yn y farchnad tai yn bosib, a bod angen eu cymryd i ystyriaeth wrth benderfynu pa mor ymarferol yw'r safle, a thalodd yr Arolygwr sylw i'r penderfyniad hwn.
- 5.4 O ran unedau fforddiadwy, h.y. fflatiau, nododd yr Arolygwr y gallai'r galw am y math hwn o breswyl fod yn gyfyngedig . Gallai hyn arwain at yr angen i newid y caniatâd cynllunio ar gyfer y fflatiau a chreu math arall o breswyl, ond nid oedd y rhai oedd yn apelio wedi ystyried hyn o gwbl. Hyd yn oed os bydd y ddarpariaeth yn newid, daeth yr Arolygwr i'r casgliad y gallai'r newid hwn dal i gynnwys elfen o dai fforddiadwy os oes gofyn amdano.
- 5.5 Awgrymwyd yn ystod y cyfarfod pe bai'r apêl yn cael ei ollwng yna byddent hefyd yn gollwng gweddill y datblygiad. Ymateb yr Arolygwr i'r penderfyniad hyn oedd bod yna ragdybiaeth o fewn y polisi o blaid y ddarpariaeth ar y safle. Roedd hefyd wedi ei ddylanwadu gan ei benderfyniad blaenorol bod y datblygiad yn

parhau i fod yn ymarferol economaidd fel y cynlluniwyd yn wreiddiol yn Rhan 106 o'r Cytundeb.

- 5.6 Nododd yr Arolygwr bod y rhai sy'n apelio wedi cyfeirio os byddai'r apêl yn cael ei ollwng byddai'n gallu effeithio ar ohirio'r cynlluniau i ddatblygu *The Orchards*. Ond ni fyddai'n effeithio ar ddatblygiad safle Rhuddlan am nad oes dim cysylltiad rhwng y ddau safle.
- 5.7 Nododd yr Arolygwr gyfeiriadaeth y rhai sy'n apelio i farn y Cyngor am y mater a gyflwynwyd yn wreiddiol yn y Pwyllgorau Cynllunio rhwng Gorffennaf 2011 a Medi 2011. Awgrymwyd yn y Pwyllgorau hyn pe byddai'r cydsyniad yn cael ei wrthod ni fyddai yn fater i'w godi yn yr apêl. Fodd bynnag, dywedodd yr Arolygwr fod y farn hon wedi ei chyflwyno mewn cyfnod pan nad oedd tystiolaeth broffesiynol ar gael i gefnogi'r rheswm dros ei wrthod. Yn ogystal nid oedd y dystiolaeth a gyflwynwyd yn y cyfarfod ar gael i'r Cyngor, sy'n golygu gallai'r ymgynghoriad fod wedi bod yn wahanol.
- 5.8 Fel canlyniad cyffredinol, nid oedd yr Arolygwr yn hollol siŵr am yr angen am i wneud tai fforddiadwy ar ffurf fflatiau yn Rhuddlan. Ond roedd Rhan 106 o'r Cytundeb yn para i bwysleisio bod pwrpas mawr a defnyddiol i'r angen am dai fforddiadwy ar y safle. Gollyngodd yr Arolygwr y syniad y byddai'r swm, cyferbyniol yn gallu rhoi sail dda i dai fforddiadwy ar gyfer y ddarpariaeth ar y safle fel y gofynnwyd amdano.
- 5.9 O ran costau, cyflwynodd y rhai sy'n apelio, gais am eu costau a fyddai'n cael ei wobrwyo ar sail ymddygiad y Cyngor a'r Pwyllgor Cynllunio. Cymerodd yr aelodau awgrym y swyddog i roi caniatâd i'r cynllun yn ddifater, a chefnogwyd barn y Cyngor gan gefnogi'r argymhellion. Wrth asesu'r honiad hwn, nododd yr Arolygwr y materion sy'n codi gan yr apelyddion. Ond er mwyn gwobrwyo'r costau byddai'n rhaid dangos nad yw'r Cyngor wedi cyflwyno tystiolaeth i gyfiawnhau'r rheswm dros y gollyngiad yng nghynlluniau'r apêl. O gofio bod y Cyngor yn gallu cynhyrchu tystiolaeth bwrpasol i gefnogi'r achos, daeth yr Arolygwr i'r casgliad bod y cais am gostau wedi'i ollwng am fod dim ymddygiad annealladwy wedi codi o'r apêl.

6 MATERION SY'N CODI O'R APÊL.

6.1 Ystyriwyd fod y materion sylfaenol hyn angen ystyriaeth fanwl ar gyfer cynigion yn y dyfodol. Credir y byddai penderfyniad yr apêl wedi bod yn gofiadwy a byddai wedi agor drysau i ddadleuon hirdymor o fewn Rhan 106 o'r Cytundeb.

Ffurf ar y ddarpariaeth ar y safle.

6.2 Ar y cyfan, penderfynodd yr Arolygwr efallai nad oedd 10 fflat fforddiadwy ar y safle yn ddelfrydol i ateb galw'r farchnad am fwy o dai. Penderfynodd hefyd nad oedd cyfraniad na swm cymudol yn ffordd ymlaen chwaith ar gyfer y ddarpariaeth ar y safle. Nododd yn glir nad oedd y rhai sy'n apelio wedi ystyried darpariaethau eraill ar gyfer datblygiad ar y safle.

6.3 Er enghraifft, ar sail y ffigurau am gost yr adeiladu gan y rhai sy'n apelio, gwelwyd byddai tŷ trefol dwy ystafell yn llawer rhatach nag adeiladu fflat dwy ystafell. Yn ogystal byddai'r un faint o alw yn y farchnad am dai ag y byddai am fflatiau, ac efallai byddai'r galw hyd yn oed yn fwy. Felly, dylai'r mater hwn am dai teras neu dai pâr fod wedi cael ei asesu yn fanwl, cyn bod y cynlluniau am yr apêl wedi cymryd lle. Efallai byddai hyn wedi gallu cynnig ateb a byddai'r datblygwr a'r Cyngor yn cytuno arno.

Swm cymudol oddi ar y safle

6.4 Mae polisiâu cynllunio ar lefel lleol a chenedlaethol yn caniatáu'r defnydd o symiau cymudol i dalu am ddarpariaeth oddi ar y safle ond mewn amgylchiadau angenrheidiol. Fodd bynnag, daeth yr Arolygwr i'r casgliad fod y ddarpariaeth ar y safle yn hollol gyraeddadwy. Gellir ystyried swm cymudol ar gyfer y ddarpariaeth oddi ar y safle fel y cam gweithredu olaf, oherwydd bydd angen gwneud y mwyaf o bob posibiliad am ddarpariaeth ar y safle.

6.5 Felly byddai dweud bod gostyngiad yn lefel y ddarpariaeth o 10 uned i 4 uned ac mai swm cymudol ar gyfer darpariaeth oddi ar y safle oedd yr unig ffordd ymlaen, yn gor-symleiddio pethau yn ddifrifol. Y rheswm am hyn oedd nad oedd pob posibiliad am ddarpariaeth ar y safle a gwahanol fathau o breswylfeydd wedi cael eu hystyried, neu fod y farchnad yn awgrymu nad oedd fflatiau yn addas.

Lefel o elw'r Datblygwr

- 6.6 Mae elw'r Datblygwr yn adlewyrchu risgiau unrhyw gynllun datblygu, ac nid dyletswydd y Cyngor yw rhoi nac addasu caniatâd cynllunio ar sail bod y caniatâd yn mynd i wella neu gynyddu elw'r datblygwr. Ond, fel yn achos yr apêl, pe bai gofynion y farchnad yn newid yn ystod y cyfnod datblygu, nid lle'r Cyngor yw addasu'r polisi na'r arweiniad er mwyn cadw lefel ddigonol o elw i'r datblygwr. Eglurodd yr arolygwr yn glir bod lefel yr elw yn y cynllun hwn yn llawer gwell na sectorau marchnad eraill yn y cyfnod be bynnag fyddai'r ffigwr cyraeddadwy, unai 20% neu 13%. Felly nid yw asesu elw'r datblygwr yn fater y dylai'r Cyngor fynd i ddyfnder amdano. Y mater pwysicaf yw asesu a fydd y cynllun yn ymarferol economaidd ac a fydd y ddarpariaeth am dai fforddiadwy ar gael ar y safle.

Ystyriaethau mewn rhannau

- 6.7 Yn yr achos hwn mae angen i'r rhai sy'n apelio nad oedd y datblygiad bellach yn ymarferol oherwydd cwmp yn y farchnad a gwerth tai. Credai'r rhai sy'n apelio mai'r elfen o dai fforddiadwy sy'n golygu bod y cynllun yn anymarferol. Ond roedd eu tystiolaeth wedi ei seilio ar bris y tir a phris adeiladu'r blociau o fflatiau a'r pris gwerthu ar y diwedd. Mae'r egwyddor ar gyfer darpariaeth o dai fforddiadwy wedi eu gosod allan yn glir yn y polisi SPG, a bod y polisi hwnnw yn cyfeirio ar y safle cyfan yn hytrach na rhannau ohono. Soniwyd hefyd y dylai'r tai fforddiadwy wrth asesu pa mor ymarferol oedd y safle dderbyn elw o'r cynllun cyfan h.y. tai a fflatiau. O ystyried yr elw mawr a dderbyniwyd gan y tai sengl, mae'r ddarpariaeth o unedau fforddiadwy ar y safle yn hollol ymarferol economaidd yn ôl yr Arolygwr.

Gwerth yn y Farchnad

- 6.8 Derbyniodd yr Arolygwr y ffaith na allai categorïo gwerthoedd unedau o fflatiau i fod tua £95,000 neu tua £125,000 gan y Cyngor. Fodd bynnag, gallai ddod i'r casgliad rhesymol bod gwir werth yr amrediad yn ymarferol economaidd gydag elw'r datblygwr yn 13% neu 20% neu rhywle yn y canol. Ystyriwyd bod angen i'r Cyngor ddod yn weithredol o fewn dadleuon estynedig am werth a phrisio eiddo, a chanolbwyntio ar ba mor ymarferol mae'r cynllun o ran darpariaeth fforddiadwy. Yn yr achos hwn, roedd yr Arolygwr wedi'i argyhoeddi bod y safle yn ymarferol economaidd gyda gwerth terfynol yr unedau.

Gollyngiad

- 6.9 Cafwyd rhybudd gan y rhai sy'n apelio ar sawl achlysur yn ystod y cyfarfod na fyddai gweddill y safle yn cael ei ddatblygu pe bai'r apêl yn cael ei ollwng. Ond dywedodd yr Arolygwr yn ei benderfyniad nad oedd yn fater digon mawr yn sgil methiant yr apelyddion i ymchwilio i unrhyw ffurfiau eraill o ddarpariaeth ar y safle. Mae'n debyg, dylai cynigiad o'r fath dim ond derbyn ychydig o sylw credadwy ar gyfer ystyriaethau safle yn y dyfodol.

7 Y CANLYNIAD

- 7.1 Mae nifer o ffactorau angen eu hystyried yn ymwneud â chyfarfod cymhleth yr apêl, gan gynnwys materion am brisio, datblygiad rhannol, ffurfiau eraill o ddatblygu, lefel o elw, gollyngiad, yr amgylchedd economaidd presennol a pholisïau cynllunio. Fodd bynnag, yr hyn a ddaeth i'r amlwg yn ystod y broses ac a nodwyd gan yr Arolygwr yn ei gasgliad, oedd bod y dull o gefnogi gwybodaeth yn benodol iawn. Roedd yn canolbwyntio ar y canlyniadau gwaethaf posibl gan gynnwys prisio'r eiddo a'r diffyg galw am fflatiau ynghyd â datblygiad rhannol y fflatiau sy'n achosi methiant i dderbyn yr elw o'r cynllun cyfan. O ganlyniad, daeth y cais a barn y Cyngor a oedd yn cynnig datrysiadau eraill i Ran 106 o'r Cytundeb yn dderbyniol o dan yr amgylchiadau a gyflwynwyd gan yr apelyddion.
- 7.2 Ond, unwaith i'r cais gael ei archwilio yn fanwl gan ymgynghorwyr prisio a chynllunio annibynnol, roedd hi'n amlwg fod cymhlethdodau. Gellid dadlau bod rhaid i Ran 106 o'r Cytundeb aros yr un peth a bod y galw am dai fforddiadwy ar y safle yn para i fod yn ymarferol economaidd. Cwblhawyd hyn gan y penderfyniad i ollwng yr apêl a'r canlyniadau a nodwyd yn y llythyr penderfyniad a dderbyniwyd wrth yr Arolygydd.
- 7.3 Er mwyn symud ymlaen i archwilio cynigion pellach, awgrymwyd y dylai'r Cyngor ymchwilio i bosibiliadau o ddefnyddio ymgynghorwyr arbenigol ac annibynnol. Bydden nhw yn gallu rhoi cyngor ar unrhyw fath o dystiolaeth economaidd, ac efallai cyngor tebyg i'r hyn sy'n cael ei gynnig gan ACAS ar gyfer preswylfeydd i weithwyr am ffi osodedig gan yr ymgeisydd. Posibiliad arall efallai byddai archwilio'r posibiliadau i gael swyddog gyda chefnidir prisio a chynllunio er mwyn

bod yn gyfrifol am ddelio â chynigion gan gadw at Ran 106 o'r Cytundeb. Byddai cael swyddog arbenigol yn fanteisiol am y byddai yn medru datrys problemau cyn cyrraedd yr apêl. Byddai hefyd yn fanteisiol i'r swyddog hwnnw greu templed manwl ar gyfer amcangyfrif cyllidol a fyddai yn cynnwys agweddau angenrheidiol i'w trafod er mwyn osgoi amwysedd ar gyda cheisiadau'r dyfodol.

Mae tudalen hwn yn fwriadol wag