

At: Aelodau'r Pwyllgor Cynllunio

Dyddiad: 5 Mai 2015

Rhif Union: 01824 712568

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 13 MAI 2015** 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 DATGAN CYSYLLTIAD (Tudalennau 11 - 12)

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu mewn unrhyw fater a nodwyd i'w ystyried yn y cyfarfod hwn.

3 PENODI CADEIRYDD

Penodi Cadeirydd y Pwyllgor Cynllunio ar gyfer blwyddyn y cyngor 2015/16.

4 PENODI IS-GADEIRYDD

Penodi Is-Gadeirydd y Pwyllgor Cynllunio ar gyfer blwyddyn y cyngor 2015/16.

5 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972.

6 COFNODION (Tudalennau 13 - 20)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 15 Ebrill 2015 (copi ynghlwm).

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 7 - 9) -

7 CAIS RHIF 03/2015/0340/PS – GWAITH BERWYN, STRYD Y BERWYN, LLANGOLLEN (Tudalennau 21 - 34)

Ystyried cais i gael gwared ar amodau a osodwyd ar ganiatâd cynllunio 03/2012/1407/PS ar gyfer datblygu siop fwyd yng Ngwaith Berwyn, Stryd y Berwyn, Llangollen (copi ynghlwm).

8 CAIS RHIF 43/2015/0220/PF - TIR YN 1 BOSWORTH GROVE, PRESTATYN (Tudalennau 35 - 46)

Ystyried cais i godi garej ar wahân (rhannol ôl-weithredol) ar dir yn 1 Bosworth Grove, Prestatyn (copi ynghlwm).

9 CAIS RHIF 45/2015/0316/PF - 23 LYNTON WALK, Y RHYL (Tudalennau 47 - 60)

Ystyried cais i godi estyniad un llawr ac estyniad deulawr yng nghefn 23 Lynton Walk, y Rhyl (copi ynghlwm).

10 ADRODDIAD GORFODI CYNLLUNIO - GOLYGFA, LLWYN Y RHOS, LLANRHAEADR, DINBYCH (Tudalennau 61 - 66)

Ystyried adroddiad gorfodi cynllunio ynglŷn â thorri rheolaeth gynllunio ar ôl gosod ffens sy'n uwch na'r uchder datblygiad a ganiateir yn Golygfa, Llwyn y Rhos, Llanrhaeadr (copi ynghlwm).

11 CANLLAW CYNLLUNIO ATODOL AILDDEFNYDDIO AC ADDASU ADEILADAU GWLEDIG - MABWYSIADU (Tudalennau 67 - 96)

Ystyried adroddiad yn argymhell mabwysiadu'r Canllaw Cynllunio Atodol terfynol ar Ailddefnyddio ac Addasu Adeiladu Gwledig fel y'i diwygiwyd, i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Ian Armstrong
Raymond Bartley
Joan Butterfield
Jeanette Chamberlain-Jones
William Cowie
Ann Davies
Meirick Davies
Richard Davies
Stuart Davies
Peter Arnold Evans
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones

Win Mullen-James
Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Paul Penlington
Pete Prendergast
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams

Pat Jones
Barry Mellor

Cheryl Williams
Huw Williams

COPIAU I'R:

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

Mae tudalen hwn yn fwriadol wag

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT GAIFF Y CYFARFOD EI GYNNAL

Oni bai bod Cadeirydd y Pwyllgor yn nodi i'r gwrthwyneb, bydd trefn y prif eitemau yn dilyn yr agenda a nodwyd ar flaen yr adroddiad hwn.

Cyflwyniad cyffredinol

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

Bydd y Cadeirydd yn gofyn a oes unrhyw ymddiheuriadau dros absenoldeb a datganiadau o fuddiannau.

Bydd y Cadeirydd yn gwahodd Swyddogion i roi cyflwyniadau byr i'r eitemau ar yr agenda.

Bydd Swyddogion yn amlinellau (fel ag sy'n briodol) eitemau a fydd yn cynnwys siarad cyhoeddus, ceisiadau ar gyfer gohirio, eitemau sydd wedi'u tynnu'n ôl, ac unrhyw eitemau Rhan 2 lle bydd y wasg a'r cyhoedd yn cael eu gwahardd. Bydd cyfeiriadau at unrhyw wybodaeth ychwanegol a ddosbarthwyd yn Siambr y Cyngor cyn dechrau'r cyfarfod, gan gynnwys y taflenni sy'n crynhoi cyflwyniadau/newidiadau hwyr (taflenni glas) ac unrhyw gynlluniau atodol neu ddiwygiedig sy'n ymwneud ag eitemau i'w trafod.

Mae'r 'Taflenni Glas' yn cynnwys gwybodaeth bwysig, gan gynnwys crynodeb o ddeunydd a dderbyniwyd mewn perthynas ag eitemau ar yr agenda rhwng cwblhau'r prif adroddiad a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn nodi trefn arfaethedig y ceisiadau cynllunio, sy'n cymryd i ystyriaeth unrhyw geisiadau i siarad yn gyhoeddus.

Mewn perthynas â threfn yr eitemau, bydd disgwyl i unrhyw Aelodau sydd am ddwyn eitem i'w thrafod wneud cais yn union ar ôl cyflwyniad y Swyddogion. Rhaid i unrhyw gais o'r fath fod yn gynnig ffurfiol a bydd pleidlais ar y cais.

Mae'r Pwyllgor Cynllunio yn cynnwys 30 o Aelodau Etholedig. Yn unol â phrotocol, mae'n rhaid i 50% o Aelodau'r Pwyllgor fod yn bresennol i sefydlu cworwm ac i sicrhau bod modd ystyried eitem a phleidleisio ar eitem.

Caiff Cynghorwyr Sir sydd ddim yn aelodau o'r Pwyllgor Cynllunio fynychu a siarad ar eitem, ond ni allant wneud cynnig, na phleidleisio.

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

Bydd y Cadeirydd yn cyhoeddi'r eitem sydd i'w thrafod nesaf. Mewn perthynas â cheisiadau cynllunio, cyhoeddir rhif y cais, sail y cynnig a'r lleoliad, yr Aelodau lleol perthnasol ar gyfer yr ardal, ac argymhelliad y Swyddog.

Os oes yna siaradwyr cyhoeddus ar eitem, bydd y Cadeirydd yn eu gwahodd i annerch y Pwyllgor. Os oes siaradwyr yn erbyn ac o blaid cynnig, gofynnir i'r siaradwr sydd yn erbyn i siarad yn gyntaf. Bydd y Cadeirydd yn atgoffa siaradwyr bod ganddynt hyd at 3 munud i annerch y Pwyllgor. Mae gan siarad cyhoeddus ei brotocol ei hunan.

Lle bo hynny'n berthnasol, bydd y Cadeirydd yn cynnig cyfle i'r Aelodau ddarllen unrhyw wybodaeth hwyr ar yr eitem ar y 'Taflenni Glas' cyn parhau.

Os oes unrhyw Aelod am gynnig y dylid gohirio eitem, gan gynnwys ceisiadau i Banel Archwilio Safle ymweld â'r safle, dylid gwneud y cais ynghyd â'r rheswm cynllunio, cyn unrhyw siarad cyhoeddus neu drafodaeth am yr eitem honno.

Cyn unrhyw drafodaeth, bydd y Cadeirydd yn gwahodd swyddogion i roi cyflwyniad cryno i'r eitem lle credir bod hyn yn werth chweil yng ngolau natur y cais.

Mae sgriniau arddangos yn Siambr y Cyngor a ddefnyddir i ddangos ffotograffau neu gynlluniau a gyflwynir gyda cheisiadau. Cymerir y ffotograffau gan Swyddogion i roi argraff gyffredinol i Aelodau o safle a'i amgylchedd, ac nid eu bwriad yw cyflwyno achos o blaid neu yn erbyn cynnig.

Bydd y Cadeirydd yn cyhoeddi bod yr eitem yn agored am drafodaeth ac yn rhoi cyfle i Aelodau siarad a rhoi sylwadau am yr eitem.

Os oes unrhyw gais 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.

Yn achos yr holl geisiadau eraill, bydd y Cadeirydd yn gofyn i'r aelod(au) lleol siarad yn gyntaf, os yw ef/nhw yn dymuno gwneud hynny.

Fel rheol, rhoddir hyd at bum munud i Aelodau siarad, a bydd y Cadeirydd yn llywio'r drafodaeth yn unol â Rheolau Sefydlog.

Unwaith bod aelod wedi siarad, ni ddylai ef/hi siarad eto oni bai ei fod ef/hi am esboniad o bwyntiau a gododd yn y drafodaeth, a rhaid i hynny hefyd ddigwydd ar ôl i'r holl Aelodau eraill gael cyfle i siarad, a gyda chaniatâd y Cadeirydd.

Ar derfyn trafodaeth yr Aelodau, bydd y Cadeirydd yn gofyn i Swyddogion ymateb yn ôl yr angen i gwestiynau a phwyntiau a godwyd, gan gynnwys cyngor ar unrhyw benderfyniad sy'n mynd yn groes i'r argymhelliad.

Cyn symud ymlaen at y bleidlais, bydd y Cadeirydd yn gwahodd neu'n gofyn am eglurhad o gynigion ac eilyddion i'r cynigion o blaid neu yn erbyn argymhelliad y Swyddog, neu unrhyw benderfyniadau eraill sy'n gofyn am ddiwygiadau i gynigion. Pan gaiff cynnig ei wneud yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn am eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn i hyn gael ei gofnodi yng Nghofnodion y cyfarfod. Mae'n bosibl y bydd y Cadeirydd yn gofyn am sylwadau gan y Swyddog Cyfreithiol a Chynllunio am ddilysrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn gwneud cyhoeddiad i nodi bod y drafodaeth ar ben, a bod y pleidleisio i ddilyn.

Y drefn bleidleisio

Cyn gofyn i Aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau a wnaed a sut fydd y bleidlais yn cael ei chynnal. Gellir gofyn am esboniad pellach ynghylch newidiadau, amodau newydd ac ychwanegol a rhesymau dros wrthod er mwyn sicrhau nad oes unrhyw amwysedd yn yr hyn y mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Os yw unrhyw aelod yn gwneud cais am Bleidlais wedi'i Chofnodi, mae'n rhaid ymdrin â hyn yn gyntaf yn unol â'r Rheolau Sefydlog. Bydd y Cadeirydd a Swyddogion yn egluro'r drefn i'w dilyn. Bydd enwau bob un o'r Aelodau pleidleisio sy'n bresennol yn cael eu galw allan, a bydd gofyn i'r Aelod nodi a yw eu pleidlais o blaid neu yn erbyn rhoi caniatâd neu ymwrthod. Bydd Swyddogion yn cyhoeddi canlyniad y bleidlais ar yr eitem.

Os yw pleidlais arferol i ddigwydd trwy gyfrwng y system bleidleisio electronig, bydd y Cadeirydd yn gofyn i'r Swyddogion weithredu'r sgrin bleidleisio yn y Siambr, a phan ofynnir iddynt wneud hynny, mae'n rhaid i'r Aelodau gofnodi eu pleidlais drwy bwysu'r botwm priodol.

Mae gan Aelodau 10 eiliad i gofnodi eu pleidleisiau unwaith bo'r sgrin wedi ymddangos.

Os yw'r system bleidleisio electronig yn methu, gellir cynnal y bleidlais drwy ddangos dwylo. Bydd y Cadeirydd yn esbonio'r drefn sydd i'w dilyn.

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

Pan fydd penderfyniad ffurfiol y Pwyllgor yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn i Aelodau gytuno'r broses a ddefnyddir i ddrafftio amodau cynllunio neu resymau dros wrthod, er mwyn rhyddhau'r Tystysgrif Penderfyniad (e.e. dirprwyo awdurdod i'r Swyddog Cynllunio, i'r Swyddog Cynllunio mewn cysylltiad ag Aelodau Lleol, neu drwy gyfeirio'n ôl i'r Pwyllgor Cynllunio ar gyfer cadarnhad).

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

<p>+ i RODDI caniatâd - i WRTHOD caniatâd 0 i BEIDIO â phleidleisio</p>
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Neu yn achos eitemau Gorfodi:

<p>+ i AWDURDODI Camau Gorfodi - i WRTHOD AWDURDODI Camau Gorfodi 0 i BEIDIO â phleidleisio</p>
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Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun, Dydd Mercher, 15 Ebrill 2015 am 9.30 am.

YN BRESENNOL

Cynghorwyr Ian Armstrong, Raymond Bartley (Cadeirydd), Joan Butterfield, Jeanette Chamberlain-Jones, Ann Davies, Meirick Davies, Richard Davies, Stuart Davies, Peter Evans, Huw Hilditch-Roberts, Rhys Hughes, Alice Jones, Pat Jones, Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, David Simmons, David Smith, Bill Tasker, Joe Welch, Cefyn Williams, Cheryl Williams a Huw Williams.

Cynghorwyr David Smith, Aelod Arweiniol Parth Cyhoeddus yn bresennol ar gyfer eitem 7 – 9 ar y rhaglen.

HEFYD YN BRESENNOL

Pennaeth Cynllunio a Gwarchod y Cyhoedd (GB); Prif Gyfreithiwr – Cynllunio a Phriffyrdd (SC); Rheolwr Rheoli Datblygu (PM); Swyddog Cynllunio (DR); Rheolwr Polisi Cynllunio a Gwarchod y Cyhoedd (AL); Uwch Swyddog Cynllunio (LG) a Gweinyddwr Pwyllgorau (KEJ).

1 YMDDIHEURIADAU

Cynghorwyr Bill Cowie, Dewi Owens a Julian Thompson-Hill.

Croesawodd y Cadeirydd y Cynghorydd Pete Prendergast i'w gyfarfod cyntaf o'r Pwyllgor Cynllunio. Roedd y Cynghorydd Prendergast yn disodli'r diweddar Gynghorydd McCarroll ar y pwyllgor ar ôl cwblhau'r hyfforddiant angenrheidiol.

2 DATGAN CYSYLLTIAD

Ni chafodd unrhyw gysylltiad personol na rhagfarnol ei ddatgan.

Holodd y Cynghorydd Cefyn Williams am yr arfer o gyhoeddi ffurflenni datgan cysylltiad ym mhob cyfarfod a chytunodd y Cadeirydd i godi'r mater gyda swyddogion.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chafwyd unrhyw faterion bryd.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 18 Mawrth 2015.

***PENDERFYNWYD** y dylid derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 18 Mawrth 2015 fel cofnod cywir.*

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 a 6)

Cyflwynwyd ceisiadau oedd angen penderfyniad y pwyllgor ynghyd â'r dogfennau cysylltiol. Cyfeiriwyd hefyd at wybodaeth a gyflwynwyd yn hwyr (taflenni glas) a dderbyniwyd ar ôl cyhoeddi'r rhaglen ac yn ymwneud ag adroddiadau penodol.

5 CAIS RHIF 01/2014/0063/PF - 3A, 3, 5 PWLL Y GRAWYS, DINBYCH

Cyflwynwyd cais i drosi a newid anheddau presennol ac uned fasnachol i Gartref Gofal Preswyl Dosbarth C2 yn 3A, 3 a 5 Pwll y Grawys, Dinbych.

Siaradwyr Cyhoeddus-

Mr. D. Lewis (**O blaid**) – yn siarad o blaid y cais gan nodi manteision cadarnhaol i anghenion ieuchyd meddwl trigolion unigol ac annog byw'n annibynnol.

Trafodaeth gyffredinol – Nododd y Cadeirydd bod y Cynghorydd Colin Hughes (Aelod Lleol) yn cefnogi argymhelliad y swyddogion i roi caniatâd. Ymatebodd swyddogion i gwestiynau yn cynghori mai'r defnydd presennol oedd dwy uned annedd Dosbarth C3 ac un uned manwerthu A1. Nid oedd y cynllun wedi'i gofrestru eto ond roedd Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru yn ystyried y nifer o fflatiau a gyflwynwyd yn dderbyniol ar y cyfan.

Cynnig – Cynigiodd y Cynghorydd Win Mullen-James argymhelliad y swyddog i gymeradwyo'r cais, ac fe'i eiliwyd gan y Cynghorydd Richard Davies.

PLEIDLAIS:

CYMERADWYO - 25

GWRTHOD - 0

YMATAL - 0

***PENDERFYNWYD** y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad.*

6 CAIS RHIF 10/2014/1168/PFT - HAFOTTY WEN, CORWEN

Cyflwynwyd adroddiad yn gofyn am gymeradwyaeth i amodau cynllunio ynghlwm wrth Dystysgrif Penderfyniad ar gyfer cynllunio mewn perthynas â chodi un tyrbîn gwynt gydag allbwn o hyd at 250 cilowat, uchafswm uchder blaen llafn 48m, a datblygiad cysylltiedig yn cynnwys adeiladu trac mynediad, llawr caled, twll cloddio, cysylltiad grid ac ystafell switsys yn Hafotty Wen, Corwen. Roedd y Pwyllgor wedi rhoi caniatâd cynllunio amodol ym mis Mawrth 2015.

Trafodaeth Gyffredinol – Roedd y swyddogion cynllunio yn credu bod yr amodau drafft fel y manylir yn yr adroddiad yn rhesymol ac yn angenrheidiol o ran y cais ac yn cynnwys materion safonol sy'n berthnasol i geisiadau tyrbînau gwynt. Roedd y Cynghorydd Stuart Davies yn cyfeirio at y ceblau rheolaeth trydan a holodd am y

pellter i'r is-orsaf. Dywedodd swyddogion nad oedd ganddynt unrhyw fanylion am yr elfen cysylltiad grid a fyddai'n destun caniatâd ar wahân.

Cynnig – Cynigiodd y Cynghorydd Stuart Davies argymhellion y swyddog, ac fe'i eiliwyd gan y Cynghorydd Win Mullen-James.

PLEIDLAIS:

O BLAID - 25

YN ERBYN – 0

YMATAL - 0

PENDERFYNWYD cymeradwyo'r amodau a nodiadau i'r ymgeisydd fel y nodir yn adran 3 yr adroddiad ar gyfer eu cynnwys ar y Dystysgrif Penderfyniad ar gyfer cais cynllunio 10/2014/1168.

7 CANLLAW CYNLLUNIO ATODOL HYSBYSEBION - MABWYSIADU'R DDOGFEN DERFYNOL

Cyflwynodd y Cynghorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus yr adroddiad yn argymhell mabwysiadu'r Canllaw Cynllunio Atodol (CCA) terfynol ar Hysbysebion i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio. Rhoddodd rywfaint o gyd-destun i'r adroddiad ac esboniodd y gwahanol gamau yn y broses cyn mabwysiadu dogfennau CCA yn derfynol gan y Pwyllgor Cynllunio.

Atgoffwyd yr Aelodau bod yr adroddiad wedi cael ei ohirio gan y pwyllgor ym mis Mawrth 2015 tra'n aros am adborth gan y Pwyllgor Craffu Cymunedau. Roedd yr ymarfer ymgynghori wedi arwain at newidiadau mân fel yr amlygwyd yn y ddogfen CCA terfynol a oedd yn cynnwys cyfeiriad at waith yr adran Priffyrdd a gwella'r gosodiad. Roedd argymhellion gan y Pwyllgor Craffu Cymunedau hefyd wedi arwain at fân ddiwygiadau, gan gynnwys dileu Atodiad C er mwyn osgoi dryswch rhwng canllawiau cynllunio a phriffyrdd ar arwyddion anawdurdodedig ar dir priffordd.

Trafododd yr Aelodau reoleiddio gweithgareddau penodol gyda swyddogion a p'un a oeddent yn cynnwys materion cynllunio neu briffyrdd sydd angen caniatâd neu orfodi gan gynnwys problemau sy'n gysylltiedig â lleoliad byrddau 'A', ysbwriel a masnachu blaen gwt. Tynnwyd sylw hefyd at yr angen am ymagwedd gyson at y materion hynny. Pwysleisiodd swyddogion diben y ddogfen CCA i roi arweiniad ar y mathau o hysbysebion sy'n gofyn am ganiatâd. Byddai materion o bryder a godwyd gan aelodau gan gynnwys rhwystro, diogelwch i gerddwyr/priffyrdd ac arddangos nwyddau angen ymdrin â hwy ar wahân a chytunodd y swyddogion i gysylltu â chydweithwyr priffyrdd a chynllunio ar faterion penodol yn hynny o beth. Byddai angen asesu pob achos yn ôl ei deilyngdod ei hun ac roedd swyddogion yn awyddus i weithio gyda busnesau dan sylw i gyrraedd canlyniad cadarnhaol. Dywedodd y Cynghorydd Huw Hilditch-Roberts, Cadeirydd Pwyllgor Craffu Cymunedau fod y polisi sy'n ymwneud â symud yr arwyddion anawdurdodedig oddi ar dir priffordd yn destun archwilio. Roedd canlyniadau'n cynnwys newid i'r canllawiau polisi i ymgorffori cynnwys aelodau lleol yn y broses ynghyd â siart llif gorfodi a ddyluniwyd i wella cysondeb. Ar ôl ei gwblhau gall y siart llif gael ei rannu gydag aelodau.

Gofynnodd y Cynghorydd Meirick Davies i air mwy priodol ar gyfer y cyfieithiad Cymraeg o 'ffasgia' gael ei ddefnyddio yn y ddogfen CCA Cymraeg.

Cynnig – Cynigiodd y Cynghorydd Meirick Davies argymhelliad y swyddog fel y manylwyd yn yr adroddiad, ac fe'i eiliwyd gan y Cynghorydd Cefyn Williams.

PLEIDLAIS:

O BLAID - 25

YMATAL - 0

YN ERBYN – 0

PENDERFYNWYD bod yr aelodau'n mabwysiadu'r Canllaw Cynllunio Atodol terfynol ar Hysbysebion i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio (fel y manylir yn Atodiad A gyda'r adroddiad).

8 CANLLAW CYNLLUNIO ATODOL SIOPAU BWYD PAROD POETH - MABWYSIADU'R DDOGFFEN DERFYNOL

Roedd y Rheolwr Polisi Cynllunio a Gwarchod y Cyhoedd wedi cyflwyno adroddiad yn argymhell mabwysiadu'r Canllaw Cynllunio Atodol (CCA) terfynol ar Siopau Bwyd Tecawê Poeth i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio. Yn dilyn cais gan y Cynghorydd Cefyn Williams cytunodd swyddogion y byddai gair mwy priodol yn cael ei ddefnyddio ar gyfer y cyfieithiad Cymraeg 'tecawê' yn y ddogfen CCA Cymraeg.

Cynhaliwyd ymgynghoriad deuddeg wythnos ac roedd crynodeb o'r pedwar sylw a dderbyniwyd ynghyd ag ymateb y Cyngor wedi'u cynnwys fel atodiad i'r adroddiad. Ni chynigiwyd gwneud unrhyw newidiadau i'r CCA drafft o ganlyniad i'r ymatebion a gafwyd. Eglurwyd y byddai ceisiadau ar gyfer bwytai/caffis gydag elfen prydau bwyd parod angen eu hystyried yn ôl eu teilyngdod eu hunain gan gymryd i ystyriaeth y rhaniad gweithredol rhwng 'bwyta i mewn' a 'mynd allan'.

Roedd yr Aelodau wedi ystyried yr adroddiad a rhinweddau'r ddogffen CCA drafft. Mynegwyd pryderon ynglŷn â'r cynnig i gyflwyno cyfyngiad 400 metr ar siopau bwyd parod poeth ger ysgolion, yn enwedig gan fod nifer o ysgolion yn agos at ganol trefi, a chydabuwyd fod gan yr ysgolion eu polisiau eu hunain yn nodi a ddylid caniatáu'r disgyblion i adael tir yr ysgol yn ystod amser cinio. Nid oedd y Cynghorwyr Rhys Hughes a Stuart Davies yn cefnogi'r elfen honno o'r cynnig yng ngoleuni'r effaith niweidiol bosibl ar Langollen a'r economi busnes lleol a rhannwyd y pryderon hynny gan y Cynghorydd Huw Hilditch-Roberts ynglŷn â Rhuthun. Eglurodd swyddogion nad oedd y CCA yn ddogffen bolisi ond roedd yn darparu canllawiau a dywedwyd y byddai pob achos yn cael ei drin yn ôl ei deilyngdod ei hun a gall fod amgylchiadau lle nad oedd y mesur hwn yn briodol. Cadarnhawyd hefyd y rhesymeg y tu ôl i'r cyfyngiad arfaethedig i helpu i fynd i'r afael â phroblem gordewdra ymhlith plant. Fodd bynnag, teimlai aelodau bod y cynnig yn rhy gyfyngol ar fusnesau presennol a rhai newydd sy'n dymuno arallgyfeirio ac yn groes i'r neges bod Sir Ddinbych yn agored ar gyfer busnes. Roeddent hefyd o'r farn y byddai'r cynnig yn atal cystadleuaeth iach rhwng busnesau ac yn dileu'r hawl i unigolion ddewis. Yn ystod trafodaeth bellach cafwyd consensws cyffredinol y

dylid dileu'r cyfyngiad arfaethedig ar siopau prydau bwyd parod poeth newydd o'r ddogfen CCA.

Cynnig - Cynghorydd Win Mullen-James yn cynnig, eiliwyd gan y Cynghorydd Rhys Hughes, bod paragraff 5.2 sy'n ymwneud â chyfyngiad 400 metr ger ysgolion yn cael ei dynnu o'r ddogfen CCA.

PLEIDLAIS:

O BLAID (TYNNU) - 25
YN ERBYN (TYNNU) - 1
YMATAL - 0

Yna pleidleisiodd y pwyllgor ar argymhelliad y swyddogion i fabwysiadu'r ddogfen CCA, ar ôl dileu paragraff 5.2.

PLEIDLAIS:

O BLAID - 26
YN ERBYN – 0
YMATAL - 0

PENDERFYNWYD ar ôl tynnu paragraff 5.2, bod yr aelodau'n mabwysiadu'r Canllaw Cynllunio Atodol terfynol ar Siopau Bwyd Parod Poeth i'w ddefnyddio wrth benderfynu ar geisiadau cynllunio (fel y manylir yn Atodiad 1 gyda'r adroddiad).

9 BRIFF DATBLYGU SAFLE 'TRIONGL RHUDDLAN' – MABWYSIADU'R DDOGFEN DERFYNOL

Cyflwynodd y Rheolwr Polisi Cynllunio a Gwarchod y Cyhoedd adroddiad yn argymhell mabwysiadu'r Briff Datblygu Safle drafft ar gyfer 'Triongl Rhuddlan', gan gynnwys newidiadau arfaethedig i'r ddogfen, ar gyfer penderfynu ar geisiadau cynllunio ac apeliadau cynllunio. Roedd y pwyllgor wedi cymeradwyo'r BDS drafft ar gyfer ymgynghori ym mis Tachwedd 2014.

Roedd y broses ymgynghori'n cynnwys dau sesiwn galw heibio gyda nifer dda yn bresennol yn Llyfrgell Rhuddlan gyda phobl leol yn gefnogol i raddau helaeth. Roedd crynodeb o'r sylwadau a dderbyniwyd ynghyd ag ymateb y Cyngor wedi'u cynnwys fel atodiad i'r adroddiad. Wrth ymateb i'r sylwadau hynny cynigiwyd nifer o newidiadau a amlygwyd yn y ddogfen derfynol.

Diolchodd y Cynghorydd Ann Davies (Aelod Lleol) i'r swyddogion am yr adroddiad a chroesawodd y BDS fel ffordd o wella ymddangosiad gweledol y dref a denu busnesau newydd i'r ardal. Roedd y Cynghorydd Arwel Roberts (Aelod Lleol) hefyd yn siarad o blaid y BDS ond yn tynnu sylw at y perygl o lifogydd sy'n gysylltiedig â'r ardal a'r angen i reoli traffig os oedd y safle i gael ei ddatblygu gan gynnwys lliniaru tagfeydd, gwelliannau i ffyrdd a mynediad i'r safle. Ychwanegodd y Cynghorydd Alice Jones y dylid cymryd i ystyriaeth yr effaith ar y diwydiant amaethyddol yn sgîl y cynnydd mewn traffig a cherbydau nwyddau trwm hefyd. Cadarnhaodd Rheolwr Polisi Cynllunio a Gwarchod y Cyhoedd newidiadau i'r BDS drafft i adlewyrchu'r canllawiau diweddaraf ar risg llifogydd a oedd wedi'i wneud yn glir o fewn y ddogfen. Dywedodd am y problemau traffig a godwyd yn ystod y broses

ymgyngori a'r mesurau lliniaru sy'n cael eu hystyried. Roedd y traffig a gynhyrchir yn dibynnu ar y defnydd arfaethedig ar y safle a gellir ceisio cael cyfraniadau ariannol i liniaru unrhyw effaith. Byddai asesiad trafndiaeth yn ofynnol hefyd i gydfynd ag unrhyw gynigion.

Cynnig – Cynigodd y Cynghorydd Ann Davies argymhelliad y swyddog i fabwysiadu'r ddogfen, gyda'r Cynghorydd Peter Owen yn eilio.

PLEIDLAIS:

O BLAID - 26

YN ERBYN – 0

YMATAL - 0

PENDERFYNWYD bod aelodau'n mabwysiadu'r Briff Datblygu Safle drafft ar gyfer 'Triongl Rhuddlan, ynghlwm fel Atodiad 1 i'r adroddiad, gan gynnwys newidiadau arfaethedig i'r ddogfen, ar gyfer penderfynu ar geisiadau cynllunio ac apeliadau cynllunio.

10 HEN YSBYTY GOGLEDD CYMRU, DINBYCH - ADRODDIAD GWYBODAETH

Cafodd adroddiad gwybodaeth ei gyflwyno, yn unol â chais y pwyllgor ym mis Mawrth 2015, yn rhoi diweddariad i'r aelodau ar ddatblygiadau ar safle Ysbyty Gogledd Cymru.

Dywedodd y Cadeirydd eu bod yn dal i aros am benderfyniad yr Arolygydd ar yr ymchwiliad i wrthwynebiad i'r Gorchymyn Prynu Gorfodol a gofynnodd i'r pwyllgor dderbyn yr adroddiad heb wneud sylw.

PENDERFYNWYD derbyn yr adroddiad gwybodaeth.

11 ADRODDIAD DIWEDDARU A106 – SAFLE POOL PARK, RHUTHUN

Cyflwynwyd adroddiad gwybodaeth yn rhoi'r wybodaeth ddiweddaraf i aelodau mewn perthynas â chynnydd Cytundeb Adran 106 ar gyfer Safle Pool Park, Rhuthun. Darparwyd lluniau diweddar o'r safle hefyd fel y gofynnwyd gan aelodau.

Roedd y pwyllgor wedi rhoi caniatâd cynllunio i ddatblygu ym mis Medi 2013. Cytunwyd ar delerau drafft cytundeb A106 gyda mesurau diogelwch i sicrhau y cynhaliwyd gwaith ar yr adeiladau rhestredig ar y cyfle cynharaf yn unol â chamau'r datblygiad.

Diolchodd y Cynghorydd Meirick Davies i'r swyddogion am y diweddariad. Teimlai y dylai'r pwyllgor adolygu cynnydd o bryd i'w gilydd mewn achosion o'r fath er mwyn sicrhau nad oes unrhyw oedi diangen. Cytunodd y Swyddog Cynllunio efallai fod gwerth mewn adrodd yn ôl i'r aelodau ar achosion er gwybodaeth neu ar gyfer adolygiad. Amlygodd y Cynghorydd Alice Jones bwysigrwydd cofnodi pensaernïaeth yr adeiladau a hanes ar gyfer y dyfodol a rhoddwyd sicrwydd bod angen cofnod ffotograffig fel rhan o'r cynllun adfer ac addasu. Dywedodd y Cadeirydd y byddai'n holi Archifau Ysbyty Gogledd Cymru ynglŷn â chofnodion eraill y safle.

PENDERFYNWYD derbyn yr adroddiad gwybodaeth.

Daeth y cyfarfod i ben am 10.45am.

Mae tudalen hwn yn fwriadol wag

WARD : Llangollen

AELODAU WARD: Y Cyng. Rhys Hughes (c)
Y Cyng. Stuart Davies (c)

RHIF Y CAIS: 03/2015/0340/ PS

CYNNIG: Dileu amodau a osodwyd ar ganiatâd cynllunio
03/2012/1407/PS ar gyfer datblygu siop fwyd:
Amodau 18 ac 19 – dileu'r amodau sy'n ymwneud â
chydymffurfio â safonau BREEAM, gan nad yw'r rhain
bellach yn ofynnol yng Nghymru
Amod 45 - dileu cyfyngiad ar ddatblygu tir islaw 84.6m
AOD, gan nad oes unrhyw ardal o fewn parth llifogydd

LLEOLIAD: Gwaith Berwyn Stryd y Berwyn Llangollen

YMGEISYDD: MrJames Ellis J Ross Developments

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 03/2015/0340
BERWYN WORKS,
BERWYN STREET, LLANGOLLEN

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ
Tel: 01824 706800 Fax: 01824 706709

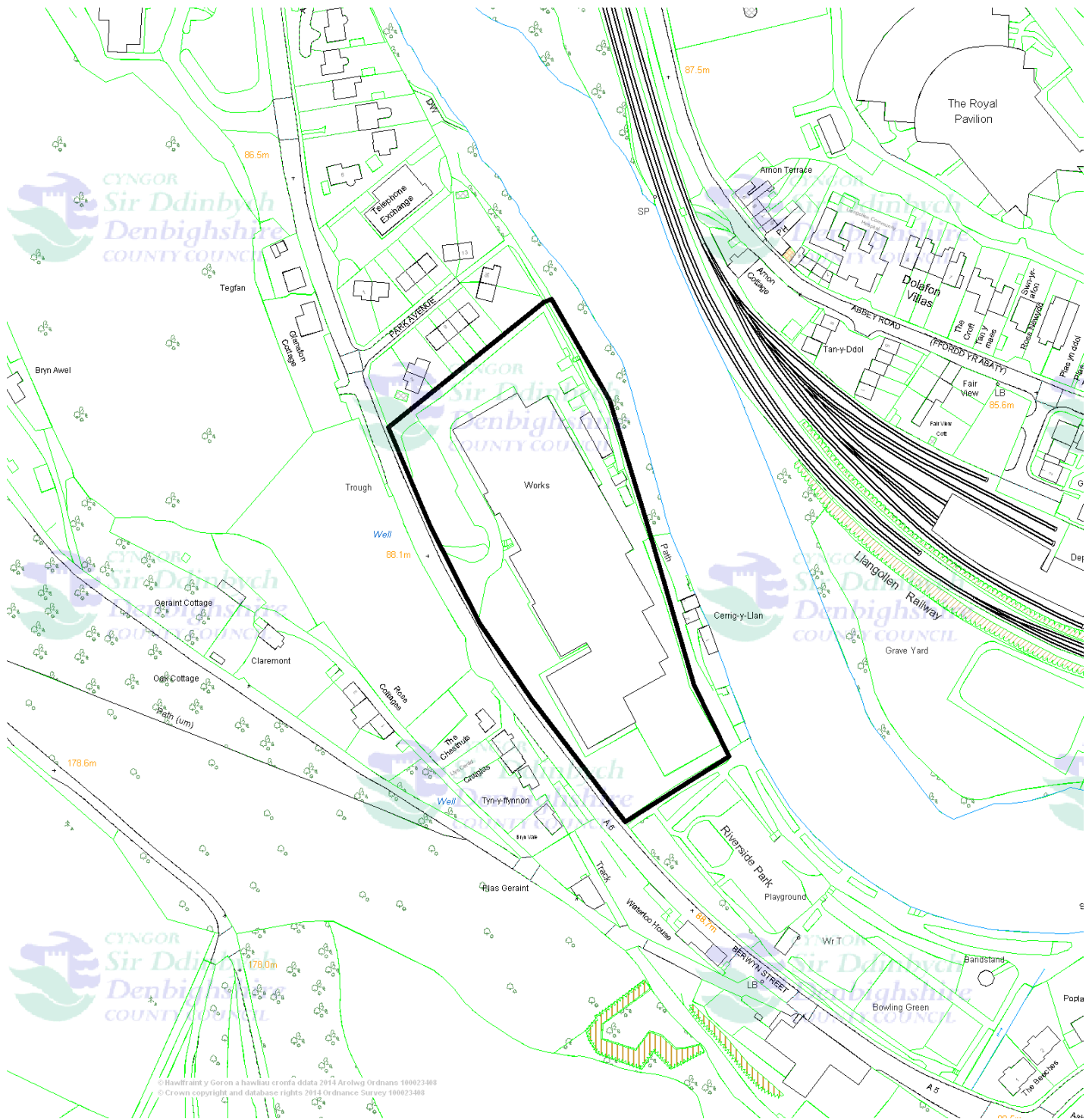
 Application Site



Date 27/4/2015
Centre = 320977 E 342236 N

Scale 1/2500

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.



WARD : Llangollen

WARD MEMBER(S): Cllr Rhys Hughes (c)
Cllr Stuart Davies (c)

APPLICATION NO: 03/2015/0340/ PS

PROPOSAL: Removal of conditions imposed on planning permission 03/2012/1407/PS for foodstore development:
Conditions 18 and 19 - to remove conditions requiring compliance with BREEAM standards, as these are no longer required in Wales
Condition 45 - to remove restriction on the development of land below 84.6M AOD, as no areas are within a flood zone

LOCATION: Berwyn Works Berwyn Street Llangollen

APPLICANT: MrJames Ellis J Ross Developments

CONSTRAINTS: None

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:

LLANGOLLEN TOWN COMMUNITY COUNCIL

In relation to conditions 18 and 19 - "Members noted that compliance with BREEAM standards was no longer a requirement in Wales but objected to the removal of the condition on grounds that the development should still be subject to the highest standards of sustainable design, construction and operation".

In relation to Condition 45 – "...as no areas are within a flood zone, Members had no objections to the removal of this condition".

NATURAL RESOURCES WALES

Are satisfied that the applicants have demonstrated the proposed raising of the car park at the southern end will not result in increased flood risk elsewhere. Have no objection to the modification / withdrawal of Condition 45.

RESPONSE TO PUBLICITY:

None at the time of preparing the report.

EXPIRY DATE OF APPLICATION:

04/06/2015

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks the Council's agreement to the removal of 3 conditions imposed on a planning permission granted at Planning Committee in December 2012 involving the development of a Use Class A1 foodstore on the site of the Dobson and Crowther factory site, under Code No.03/2012/1407/PF.

1.1.2 The application effectively requires separate decisions by the local planning authority, as the proposals relate to removal of different conditions on the foodstore permission.

1.1.3 Section 4 of the report sets out the details of each of the requests for removal. In summary, the application seeks the following:-

Conditions 18 and 19 – to remove the requirement for compliance with BREEAM construction standards in the foodstore development.

Condition 45 – to remove the restriction on the development of land below 84.6m AOD.

1.1.4 The application is submitted by J. Ross Developments. It contains a short statement on the grounds on which the removal of the conditions are sought;

- In relation to Conditions 18 and 19 – 'BREEAM has been removed as a requirement from Welsh Government Policy. It is proposed to remove these conditions as they are no longer in line with current planning policy for Wales'.
- In relation to Condition 45 – 'refers to areas that may flood, NRW have confirmed that no areas of the site are within the flood zone and so the condition is not correct and needs to be removed'.

1.2 Description of site and surroundings

1.2.1 The site has been occupied until recently by the former Dobson and Crowther Works, on Berwyn Road, Llangollen. It is located some 500 metres to the north west of the A5 traffic lights in the centre of Llangollen, immediately north west of the Riverside Park. It extends to some 1.6 hectares.

1.2.2 At the time of drafting this report, demolition works are well advanced on the old print works buildings in preparation for the erection of the foodstore building and its associated access, parking and servicing. Dobson and Crowther have now relocated into a purpose built factory at Cilmedw.

1.2.3 There are dwellings adjacent to the site at Park Avenue to the north, on higher ground to the west of the A5, and between the site and the River Dee to the east. The Riverside Park contains a small café/snack bar kiosk.

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the development boundary for Llangollen shown on the Local Development Plan proposals map. There is no specific use allocation for the site on the proposals map.

1.3.2 Llangollen lies within the recent extended Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The site is within the Buffer Zone of the Pontcysyllte Aqueduct and Canal World Heritage site (WHS), within the River Dee and Bala Lake Special Area of Conservation, and the historic landscape of the Vale of Llangollen.

1.4 Relevant planning history

- 1.4.1 Prior to the submission of the 2012 application for the foodstore development (referred to below), the only records relate to the printing works, so are not of relevance to the current application.
- 1.4.2 Application 03/2012/0030/PF for the development of a foodstore was granted planning permission at Planning Committee in September 2012. The permission contained a range of conditions.
- 1.4.3 An application seeking the variation of 5 of the conditions imposed on 03/2012/0030 was submitted in October 2012, and dealt with under code no. 03/2012/1407. These variations were approved at Planning Committee in December 2012. This necessitated the effective 're-issue' of the Certificate of Decision for the foodstore development, and this is now the permission which the developers are seeking to implement.
- 1.4.4 The developers have submitted a number of detailed proposals for approval in connection with conditions on the December 2012 permission, in preparation for the demolition of the old print works buildings and the carrying out of the works associated with the foodstore.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 In relation to a planning consent, legislation permits applicants to lodge an appeal to the Planning Inspectorate against conditions imposed (within 6 months of the date of grant), or to submit applications to vary or delete conditions (under Section 73 of the 1990 Planning Act). The applicants have submitted the current application under Section 73.
- 1.6.2 Procedurally, Officers suggest the application has to be determined in 3 separate parts, i.e. each request for a variation has to be determined independently and either granted or refused (and if refused, with a land use planning reason capable of being defended at any subsequent appeal which could follow to the Planning Inspectorate).
- 1.6.3 The application is not an opportunity to re-visit the principle or detailing of the foodstore development or conditions other than those on which variations are now sought. The considerations have to be applied purely to the specific variations sought to the conditions specified in the submission.

2. **DETAILS OF PLANNING HISTORY:**

2.1 03/2012/0030/PF

Demolition of existing printing works, erection of Use Class A1 foodstore with associated access, parking, servicing, landscaping, surface water attenuation system, and construction of new vehicular and pedestrian accesses – GRANTED 23/10/2012. The permission was subject to a number of conditions requiring submission of further details and to restrictions on the use. The ones relevant to the application are quoted in the following sections of the report.

2.2 03/2012/1407/PS

Proposed variation of conditions attached to planning permission 03/2012/0030/PF for Use Class A1 foodstore :

- Condition 8d : in relation to the restriction on the provision of a cafe facility within the store, to delete this requirement;

GRANTED

- Condition 13b : in relation to noise emissions, to vary the restrictions on permitted levels;

GRANTED

- Condition 16 : in relation to measures to be taken in the event of noise emissions exceeding permitted levels, to vary the arrangements for investigation and implementation of mitigation;
REFUSED

- Condition 19 : in relation to the need to submit a Certificate of Compliance with BREEAM standards before trading commences, to require the submission within 12 months of the store opening;
GRANTED

- Condition 21 : in relation to the provision of an additional pedestrian access into the site, to revise the wording of the condition to refer to a revised or additional pedestrian access.
GRANTED

Date of decision : 19/12/2012

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7 2014

TAN 12: Design July 2014

3.3 Other material considerations:

Welsh Government Dear Chief Planning Officer Letter 31/07/2014 introducing the changes to Planning Policy Wales and guidance on sustainable buildings dated 31 July 2014.

Welsh Government CL-03-14 Planning for Sustainable Buildings – clarification on the national Planning for Sustainable Buildings policy letter dated 05 June 2014

Opinion of Max Hampton, Welsh Government Planning Manager on planning applications of this nature received 29/10/2014: "I do not believe it is possible to link the Building Regulations and Development Management processes as they are two separate regulatory functions and, given this, we accept that during this transitional period there may be some instances where development proposals will have the CfSH requirement removed and not have to comply with the 2014 Building Regulations."

3.4 The overarching advice for Local Planning Authorities on the use of conditions in planning permissions is contained in Welsh Office Circular 35/95. Circular 35/95 is a significant consideration in the context of the current application, as it sets basic tests which have been set down from the Courts for the validity of planning conditions. For Members' information, the Circular advises that as a matter of policy, conditions should only be imposed where they satisfy all of the following tests:-

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects

3.5 The relevance of the tests set out in Circular 35/95 cannot be understated as the Council has to apply them both when granting planning permission and when considering applications such as this to delete conditions imposed on an existing permission.

4. MAIN PLANNING CONSIDERATIONS

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted

development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations outlined above which are considered to be of relevance to the applications. The report deals with conditions 18 and 19 together as they involve the same issues in relation to application of national standards of construction, and takes condition 45 separately as it involves a wholly different issue.

The proposals for removal of the conditions are taken as follows :

4.1 Conditions 18 and 19

4.1.1 Condition 18 as worded on the planning permission states as follows:-

'No works of construction shall be permitted on the foodstore building hereby permitted until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under Ene 1 -Reduction of CO2 Emissions can be achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.'

The stated Reason for the condition was - 'To ensure relevant Sustainability Code standards are met in connection with the building.'

4.1.2 Condition 19 as worded on the planning permission states as follows:-

'A "Final Certificate" shall be submitted to the Local Planning Authority within twelve months of the store opening, certifying that a minimum (BREEAM) overall very good rating and a minimum of 6 credits under Ene 1 – Reduction of CO2 'Emissions' has been achieved for that building in accordance with the requirements BREEAM in force at the time of the grant of this permission.'

The stated Reason for the condition was - 'To ensure relevant Sustainability Code standards are met in connection with the building'

Background:

4.1.3 Conditions 18 and 19 were imposed on the permission for the foodstore in late 2012, in accordance with national guidance applying *at that time* to all Local Planning Authorities in Wales, as contained in Welsh Government's Technical Advice Note 22 (TAN 22) and section 4.12 of Planning Policy Wales (PPW).

4.1.4 Planning Policy Wales introduced Welsh Government's push for sustainability in the planning process and was developed in TAN 22 (introduced in June 2010) which set out a basic planning policy expectation that new forms of development should achieve certain standards of construction, in respect of minimum sustainable building standards (design, construction, and use of materials) and within these standards, a minimum carbon emission level. The guidance placed an expectation on local planning authorities to secure the relevant standards in new residential development and non residential development above a certain threshold, through imposition of planning conditions. In relation to dwellings, the requirements were in the form of a Code for Sustainable Homes, and in relation to non residential buildings, in the form of assessment under what were referred to as BREEAM (Building Research Establishment Methodology) Standards. Local Planning Authorities were expected to impose conditions on planning consents to oblige construction in accordance with the

relevant technical standards, including post-construction confirmation that such standards had been met. The wording of Conditions 18 and 19 imposed on the foodstore permission was therefore based on suggested contents in the June 2010 version of TAN 22.

- 4.1.5 Significantly, Welsh Government have since reviewed the national planning policy requirements for sustainable building standards being secured through the planning process, as outlined above in Planning Policy Wales and TAN 22: Planning for Sustainable Buildings. The decision was taken in 2014 to remove the sustainability requirements from PPW, and TAN 22 was cancelled. Fundamentally, it was considered that changes to the Building Regulations in 2014 would adequately address the energy and carbon performance of buildings, avoiding the need for duplication through the planning process. In the context of the foodstore conditions, new guidance in Technical Advice Note 12; Design (July 2014) sets out the relevant construction standards which now have to be met to comply with the Building Regulations. TAN 12 5.4.7 states the level of carbon reduction expected will be determined by the minimum required by Building Regulations (Part L); Appendix 3 (Sources and Further Information) lists Welsh Government (2014) Building Regulations – Part L (Conservation of Fuel and Power). These require compliance with stricter standards, for example in terms of thermal performance.
- 4.1.6 It is clear from the above that there is no longer a requirement for Local Planning Authorities to administer the sustainability requirements previously set out in PPW and TAN 22, as this is now a matter for consideration and enforcement in relation to the wholly separate Building Regulation process.

Assessment:

- 4.1.7 The relevant policy and guidance in relation to Conditions 18 and 19 are considered to be:-
Denbighshire Local Development Plan
Policy RD1 – Sustainable development and good standard design

Planning Policy Wales Edition 7 2014
TAN 12: Design July 2014

Welsh Office Circular 35/95 – The use of conditions in planning permissions

- 4.1.8 In respecting the comments of the Town Council, having due regard to the significant changes to Welsh Government policy since the grant of planning permission, the general guidance in relation to the use of planning conditions, and the fact that the development has to comply with the new, more up to date sustainable building requirements of the 2014 Building Regulations, it is considered wholly unreasonable to refuse to consent to the removal of conditions 18 and 19. In an appeal situation, it is suggested the Council would be open to cost claims for ignoring changes in Welsh Government guidance as there are now no Sustainability Code or BREEAM requirements relevant to planning legislation.

Recommendation 1

That the Committee GRANT the application to remove Conditions 18 and 19.

4.2 Condition 45

- 4.2.1 Condition 45 as worded on the planning permission states as follows:-
“There shall be no development or raising of ground levels on land currently within 0.1% floodplain i.e. land below 84.6m AOD”.
The stated reason for the condition was – ‘In order to reduce the risk of flooding to the development and ensure no increase in flood risk to third parties’.

Background:

4.2.2 Condition 45 was imposed on the 2012 permission at the request of Natural Resources Wales, having regard to the information provided with the application and available flood data. The applicants have now submitted further information including interpolation of water levels, to demonstrate their proposals will not result in increased flood risk elsewhere.

Assessment:

4.2.3 The relevant policy and guidance in relation to Condition 45 is considered to be:-
Denbighshire Local Development Plan
Policy RD1 – Sustainable development and good standard design

Planning Policy Wales Edition 7 2014
TAN 15: Development and Flood Risk

Welsh Office Circular 35/95 - The use of conditions in planning permissions

4.2.4 Natural Resources Wales have advised that they are satisfied that the information provided indicates the proposed land raising of the car park at the southern end of the site will not result in increased flood risk elsewhere, and have no objection to the proposed removal of the condition.

4.2.5 Officers consider the comments of Natural Resources Wales to be critical to the determination of this element of the application and that it would be in order to agree to the removal of Condition 45.

Recommendation 2

That the Committee GRANT the application to remove Condition 45.

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 8

WARD : Dwyrain Prestatyn

AELODAU WARD: Y Cyng. James Davies
Y Cyng. Julian Thompson-Hill (c)

RHIF Y CAIS: 43/2015/0220/ PF

CYNNIG: Codi garej ar wahân (rhannol ôl-weithredol)

LLEOLIAD: Tir yn 1 Bosworth Grove Prestatyn

YMGEISYDD: MrArthur Dean

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 43/2015/0220
LAND AT 1 BOSWORTH GROVE
PRESTATYN

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

Tel: 01824 706800 Fax: 01824 706709

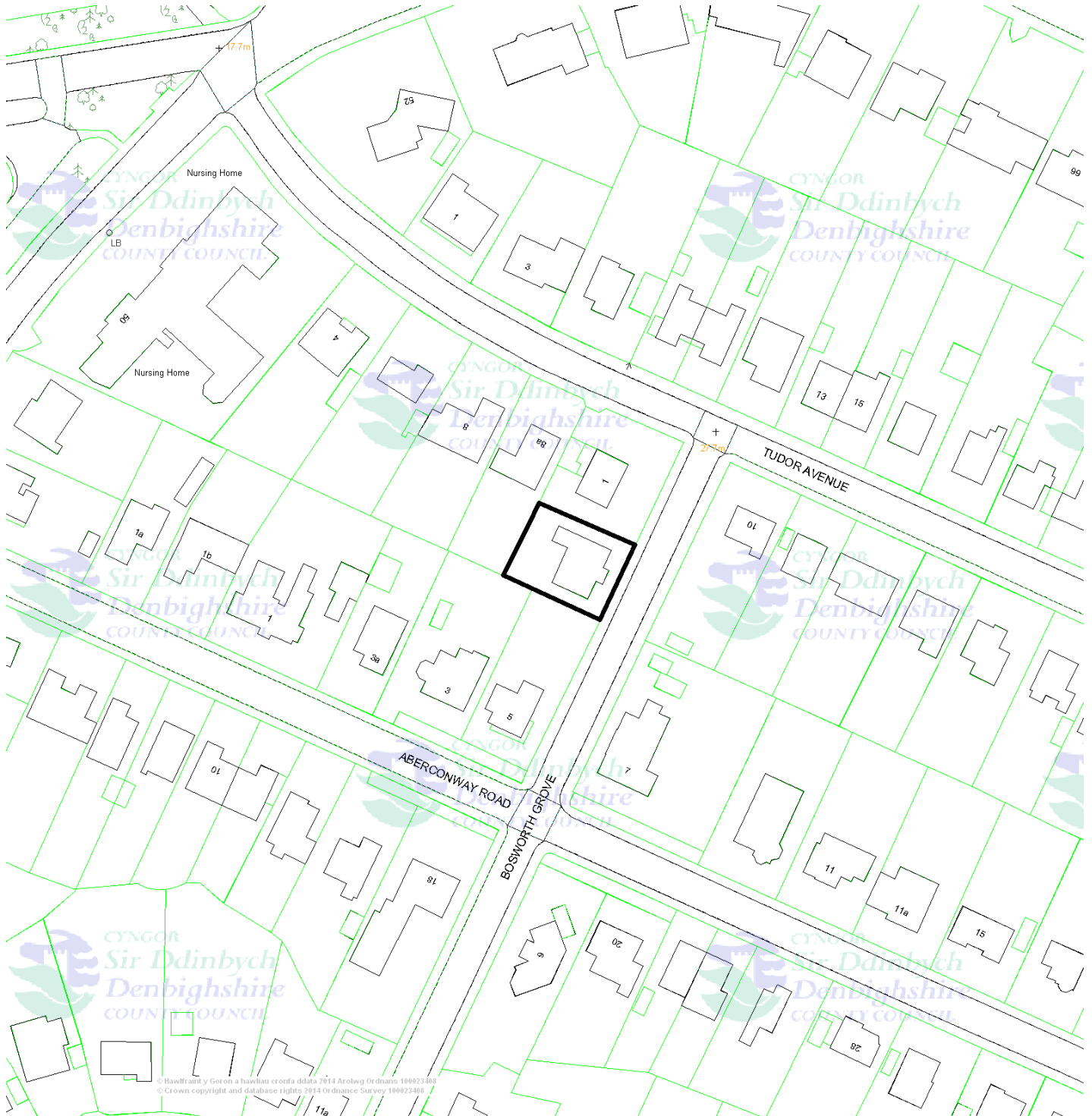
 Application Site



Date 27/4/2015
Centre = 307344 E 382927 N

Scale 1/1250

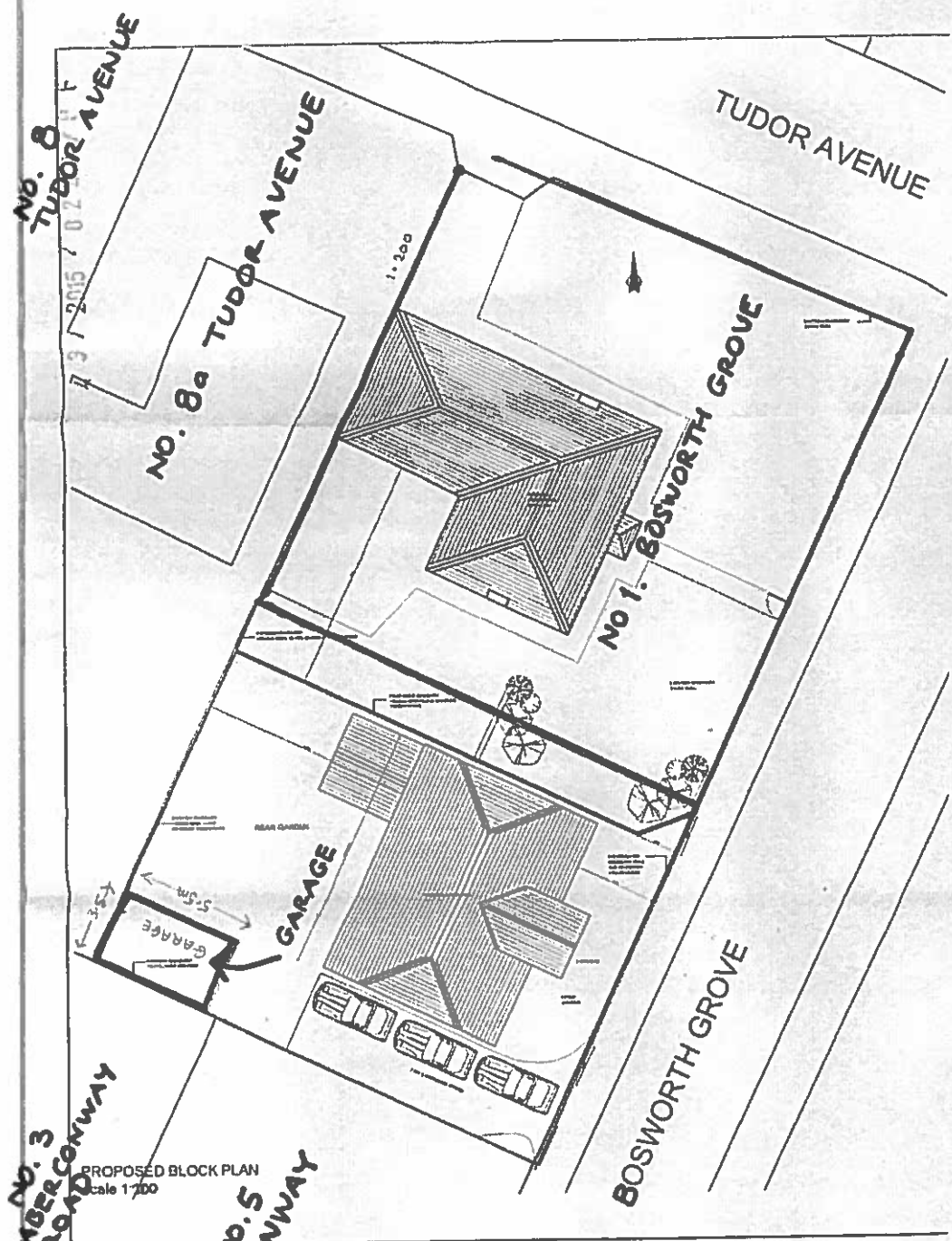
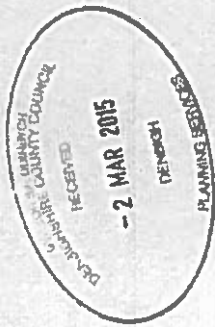
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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

PROPOSED PLANS



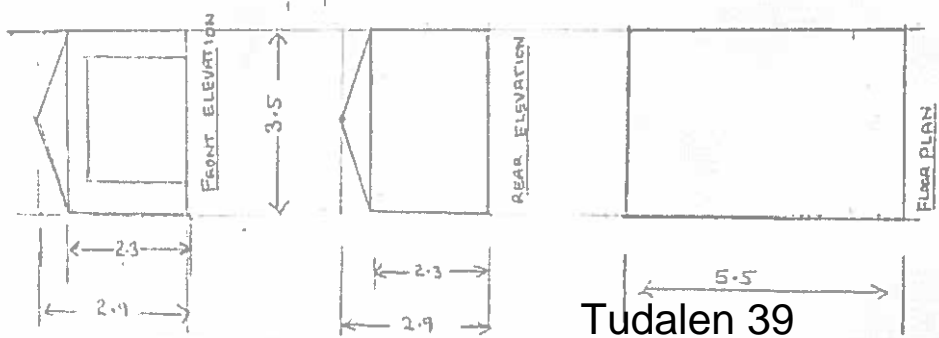
NO. 3
ABERCONWAY
ROAD

NO. 5
ABERCONWAY
ROAD

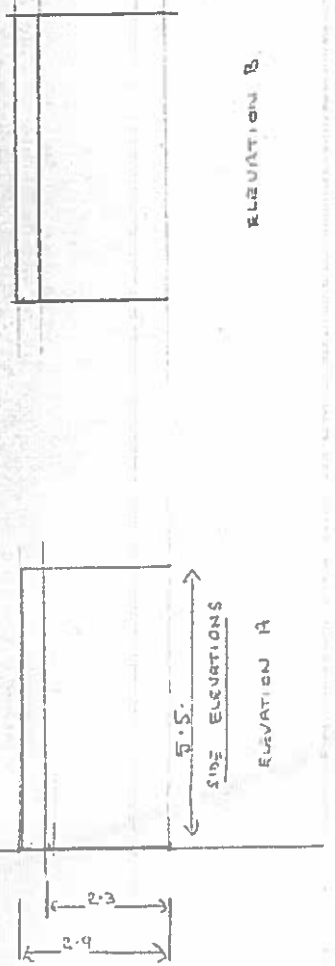
GARAGES TO BE BUILT
OF BRICK TO MATCH
HOUSE WITH LOW
PITCHED TILED ROOF

GARAGE
DETAILS

SCALE 1-100



Tudalen 39



WARD : Prestatyn East

WARD MEMBER(S): Cllr James Davies
Cllr Julian Thompson-Hill (c)

APPLICATION NO: 43/2015/0220/ PF

PROPOSAL: Erection of detached garage (partly in retrospect)

LOCATION: Land at 1 Bosworth Grove Prestatyn

APPLICANT: MrArthur Dean

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice –
NoNeighbour letters - Yes

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

- Member request for referral to Committee

CONSULTATION RESPONSES:
PRESTATYN TOWN COUNCIL “No objection”

RESPONSE TO PUBLICITY:

In objection

Representations received from:
J. Jones, 8, Tudor Avenue, Prestatyn

Summary of planning based representations in objection:

- The garage would be right against boundary fence. Fence in neighbours garden is approx, 1.8m in height. The garage is already under construction, and the wall as built is already 1m above the top of the fence, and once the roof is erected it would be approximately 3.8m above ground level, which would result in the structure being overbearing.
- Concern regarding the provision for rain water drainage.
- Background to development on this site is relevant. Following a number of refusals, the current 3 storey house was granted and it has little free ground space around, which is being further reduced by the proposed garage.
- The house and surrounding area are still not finished and the property remains unoccupied.

EXPIRY DATE OF APPLICATION: 26/04/2015

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for a single storey detached pitched roof garage to the side and rear of a new build detached dwelling, which is nearing completion of construction. Construction of the garage has been commenced.

- 1.1.2 The garage would be 3.5metres wide by 5.5metres in length. The eaves height would be 2.3metres and the ridge height would be 2.9metres above the garden level of the plot.
- 1.1.3 The garage would be sited in the rear corner of the plot, and would be adjacent to the boundary with no. 8a Tudor Avenue and 3 Aberconway Road. The location and relationship between properties can best be appreciated from the plan at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is within the residential curtilage of a new build detached dwelling along Bosworth Grove, Prestatyn which nearing completion of construction. There are long established residential properties to the side and rear.
- 1.2.2 Land levels on the site are slightly higher than those to the north west on Tudor Avenue..

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within Prestatyn development boundary as defined in the Denbighshire Local Development Plan.

1.4 Relevant planning history

- 1.4.1 Several planning applications have been submitted for the development of the site for the erection of a dwelling since 1973. The permission which has been implemented was granted in 2005 and was for the erection of a 4-bedroom dwelling and construction of new vehicular and pedestrian access. No garage was shown on these plans.
- 1.4.2 The 2005 permission restricts permitted development rights and the applicant cannot install any additional windows or extend the dwelling or alter the roof without planning permission.
- 1.4.3 Permitted development rights allowing for the erection of outbuildings and other ancillary structures including garages were not restricted by condition, therefore the applicant can erect outbuildings and ancillary structures under Class E of the householder permitted development rights without the need for applying for planning permission once the dwelling is occupied.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 As stated in section 1.4 above, the grant of planning permission for a detached dwelling in 2005 did not remove permitted development rights for the erection of outbuildings within the residential curtilage and therefore once the dwelling is occupied, the applicant could erect an ancillary building in this location under permitted development rights.
- 1.6.2 The proposed garage is within 2metres of the boundary and therefore under permitted development rights, the applicant could erect a garage with a height of 2.5metres in this location without the need for planning permission once the dwelling is occupied. The proposed garage has a height of 2.9metres and is therefore 0.4metres (1foot 4inches) higher than what could be constructed under permitted development rights in.

2. DETAILS OF PLANNING HISTORY:

- 2.1 PRE/475/76: Erection of a detached bungalow. Granted 03/08/1973
- 2.2 2/PRE/0177/90/P: Two Storey Dwelling. Refused 17/07/1990
- 2.3 43/2004/0595 Development of 0.03 ha of land by erection of 1 dwelling and construction of new vehicular/pedestrian access (Outline application) Granted 01/09/2004
- 2.4 43/2004/1632: Erection of detached 4-bedroom dwelling and construction of new vehicular and pedestrian access. Granted 20/04/2005
- 2.5 43/2005/1117: Erection of detached 4-bedroom dwelling and construction of new vehicular and pedestrian access (amendment to Application Ref. No. 43/2004/1632/PF) Granted 23/11/2005.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD 1 - Sustainable Development and Good Standard Design

Policy RD 3 - Extensions and Alterations to Dwellings

3.2 Supplementary Planning Guidance

Extensions to Dwellings SPG

Householder Development Design Guide SPG

Residential Space Standards SPG

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual Amenity

4.1.3 Residential Amenity

4.1.4 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 3 advises that the extension or alterations to dwellings will be supported subject to compliance with detailed criteria. Extensions and alterations to dwellings are therefore considered acceptable in principle.

4.2.2 Visual Amenity

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications. Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 the scale and form of the proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires that a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The proposed garage would a detached single storey structure which would be situated in the rear corner of the plot. Whilst it would visible when passing the

driveway from along Bosworth Grove, it would be clearly subordinate in scale to the main dwelling house and would not be of a size that would result in an adverse impact to visual amenity.

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the policies.

4.2.3 Residential Amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. Test iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site, to ensure that sufficient external amenity space is retained. The Extensions to Dwellings SPG states that no more than 75% of a residential curtilage should be covered by buildings and that 40m² of amenity space is provided. The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

With regards to the impact of the proposal on the residential amenity, the Householder Development Design Guide SPG states that garages should not impact detrimentally on the space about buildings and should be designed to take into account access and parking. Garages should not be over dominant in relation to the existing and surrounding properties.

A neighbour objection has been received which has raised concerns regarding the overbearing impact of the development when viewed from neighbours properties. The neighbour objection also notes there is already limited outdoor space serving the property, and the proposed garage would reduce this further.

As noted previously, permitted development rights for the construction of outbuildings and ancillary structures including garages have not been removed for this site, and therefore a garage with a height of 2.5metres could be built in this location under permitted development rights once the dwelling is occupied. The garage proposed has a height of 2.9metres, and is therefore 0.4metres higher than what could be constructed under permitted development rights. Officers consider this to be a material consideration in the assessment of the merits of the application.

The garage is proposed in the corner of the rear garden area, and the plans show that parking provision for 3 cars would still be retained within the residential curtilage. As a result of the proposed development, more than 40m² of private external amenity space would be retained and less than 75% of the site would be covered by buildings. Sufficient garden and parking space would therefore remain to serve the property, and the proposal would not compromise the amenity of future occupiers of the property.

The proposed garage would be built in the corner of the rear garden and would be immediately adjacent to the rear garden boundaries of 8a Tudor Avenue and 3 Aberconway Road. The garage would also be close to the rear garden boundary of 5 Aberconwy Road.

The garage would back on to the corner of the rear garden of 8a Tudor Avenue, and would be approximately 16m from the rear elevation of this house. The garage would also back on to the corner of rear garden of 3 Aberconwy Avenue and the garage would be approximately 17m from the rear elevation of this house.

On the site visit, Officers observed a conifer tree in the corner of the rear garden of 8a Tudor Avenue and a greenhouse structure in the rear garden of 3 Aberconway

Aveune close to the site boundary. It was also noted that the ground levels in the rear garden area of 8a Tudor Avenue appear to be slightly lower than the ground levels of the application site, and therefore the ridge height of the proposed garage would appear to be higher than the 2.9m when viewed from the garden of 8a Tudor Avenue.

In respecting the basis of the neighbour objection, given the separation distances between neighbouring properties and the proposed garage, and the depth of neighbouring rear garden areas, Officers do not consider the development would overshadow neighbouring dwellings or significantly overshadow neighbouring garden areas.

Whilst the garage would be visible from the rear garden areas of neighbouring properties and there appears to be a slight difference in ground levels between the application site and neighbouring rear gardens, given the depth of neighbouring rear gardens and the height, size and scale of the proposed garage, Officers do not consider the development would have an overbearing impact on neighbouring properties to the degree that it would unacceptably spoil their quiet enjoyment of private rear garden areas. Officers also consider the existing conifer tree in the rear garden of 8a Tudor Avenue and the greenhouse structure in the rear garden of 3 Aberconway Avenue would help to screen views of the proposed garage.

In conclusion, having regard to the scale, location and design of the proposed development, Officers consider the proposed garage would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the policies listed above.

4.2.4 Other matters

With regard to the neighbour concerns over the rainwater disposal, this could be dealt with by imposition of a suitable condition if planning permission is granted. It is likely that the drainage would connect to a soakaway in the rear garden of the property.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is for a detached single storey pitched roof garage which would be sited close to the rear garden boundary shared with neighbouring properties.
- 5.2 Whilst the garage would be visible from the rear gardens of neighbouring properties, having regard to the size, scale and location of the proposed development, Officers do not consider the proposed development would unacceptably overshadow neighbouring properties or garden areas and do not consider it would have an overbearing impact when viewed from neighbouring properties.
- 5.3 The proposal is therefore considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The garage shall not be permitted to be brought into use until the written approval of the Local Planning Authority has been obtained for the details of the means of capturing and disposing of roof water from the garage, and the approved details have been implemented.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In order that appropriate arrangements are made for the disposal of roof water.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 9

WARD : Dwyrain y Rhyl

AELODAU WARD: Y Cyng. Barry Mellor (c)
Y Cyng. David Simmons (c)

RHIF Y CAIS: 45/2015/0316/ PF

CYNNIG: Codi estyniadau un-llawr a deulawr yng nghefn yr eiddo

LLEOLIAD: 23 Lynton Walk Y Rhyl

YMGEISYDD: Mr C a Mrs H Bollen

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 45/2015/0316

23 LYNTON WALK

RHYL

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

Tel: 01824 706800 Fax: 01824 706709

 Application Site

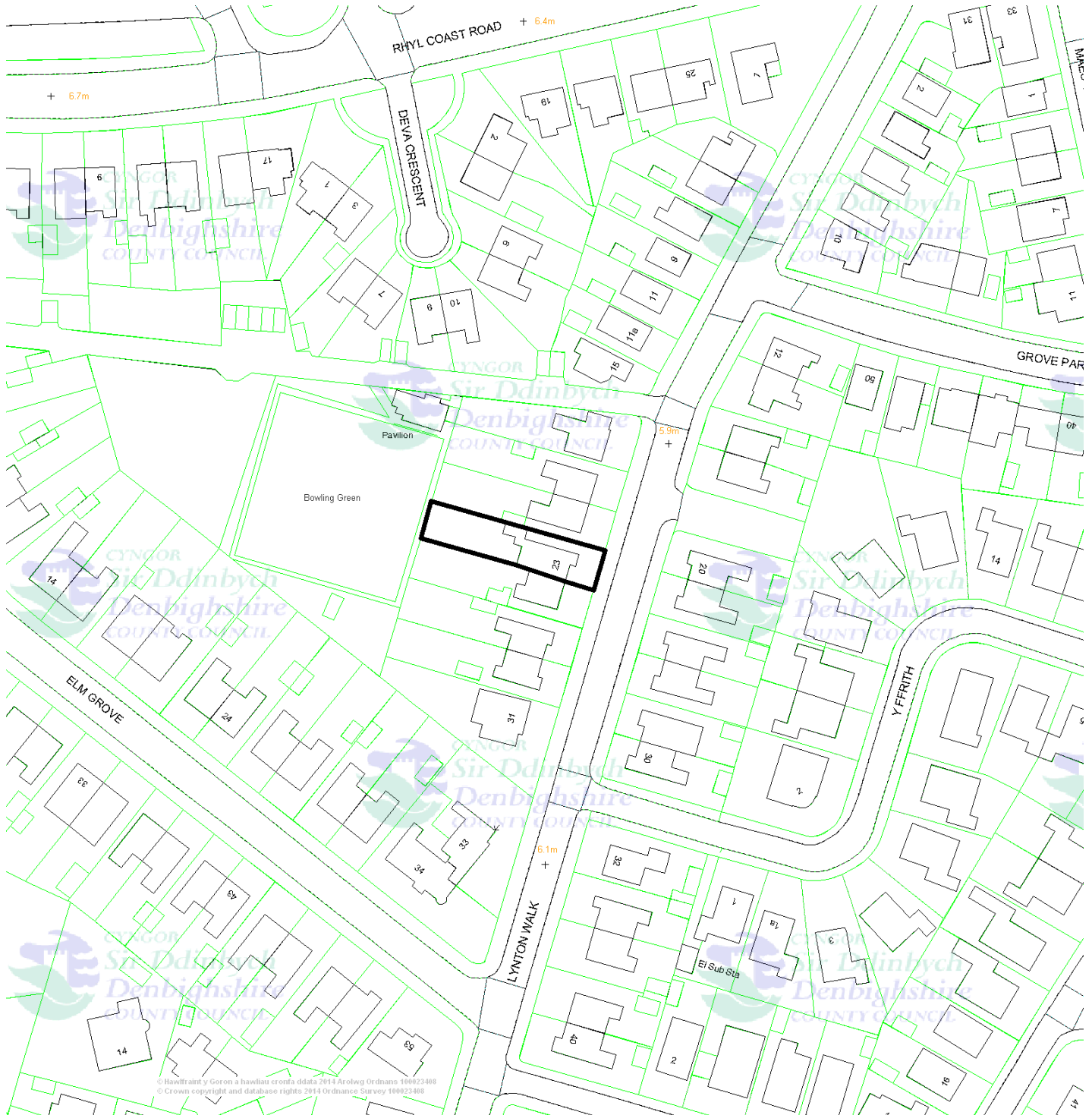


Date 27/4/2015

Scale 1/1250

Centre = 301816 E 381938 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.

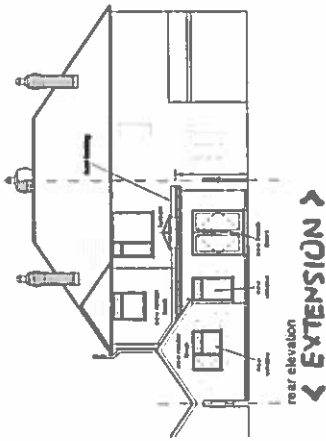


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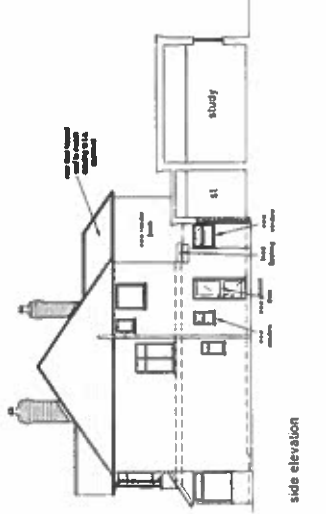
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PROPOSED PLANS



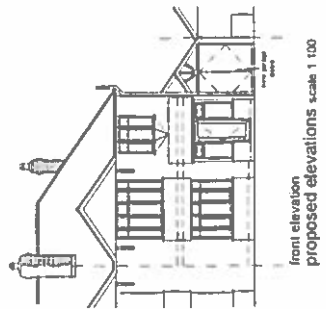
rear elevation

← EXTENSION →



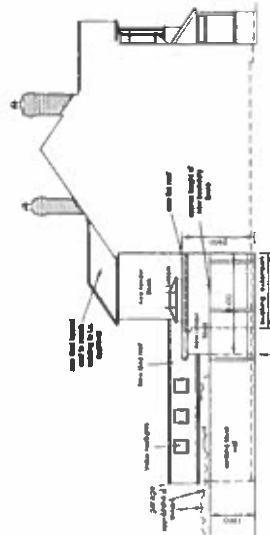
side elevation

← EXTENSION →



front elevation

← EXTENSION →



side elevation

← EXTENSION →

proposed elevations scale 1:100

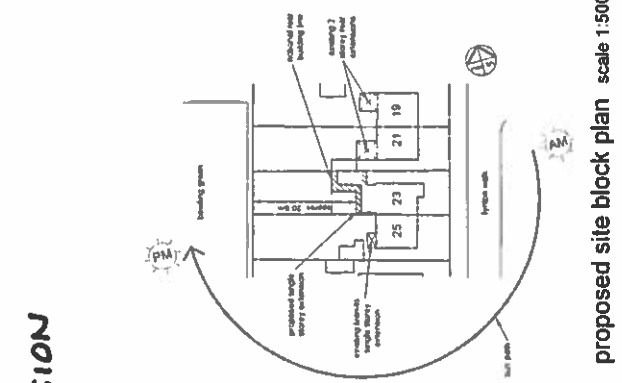
materials: clay tile and ridge tiles to match existing to the base as shown in LA Planning approval.
 the roof with clay ridge tiles to ground floor extension to garage in LA Planning approval.
 flat roof extension to match existing in LA Planning approval.
 pitched facade and large window to match existing in LA Planning approval.
 half round recessed gutters and circular downpipes to match existing in LA Planning approval.
 the extension to be finished with a brickwork finish to match existing in LA Planning approval.
 white uPVC double glazed windows and doors to match existing in LA Planning approval.
 white uPVC double glazed lantern to LA Planning approval.
 lead flashings to substrate.



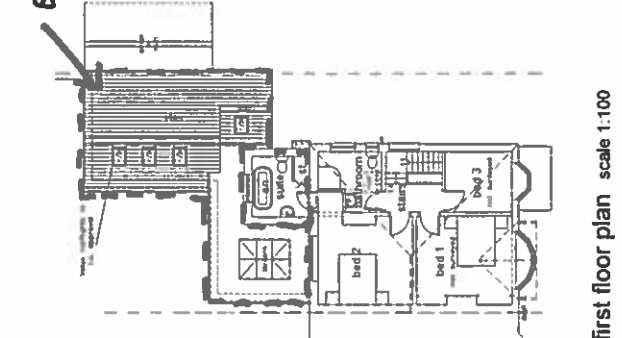
proposed section scale 1:50

EXTENSION

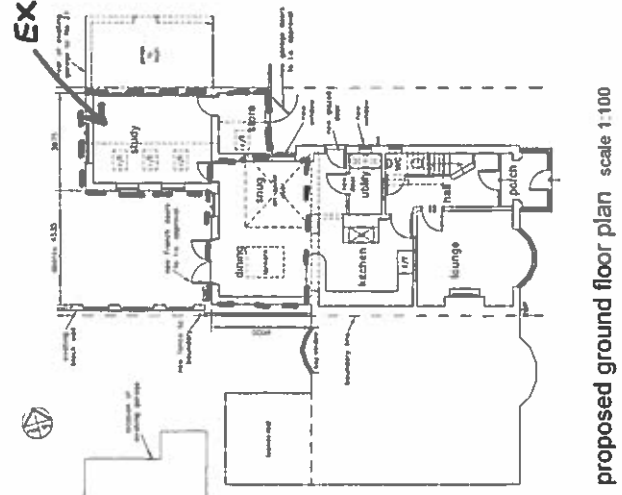
EXTENSION



proposed site block plan scale 1:500



proposed first floor plan scale 1:100



proposed ground floor plan scale 1:100

client
 Mr C. & Mrs. H. Bolen,
 23 Lynton Walk,
 Rhyl,
 Denbighshire.

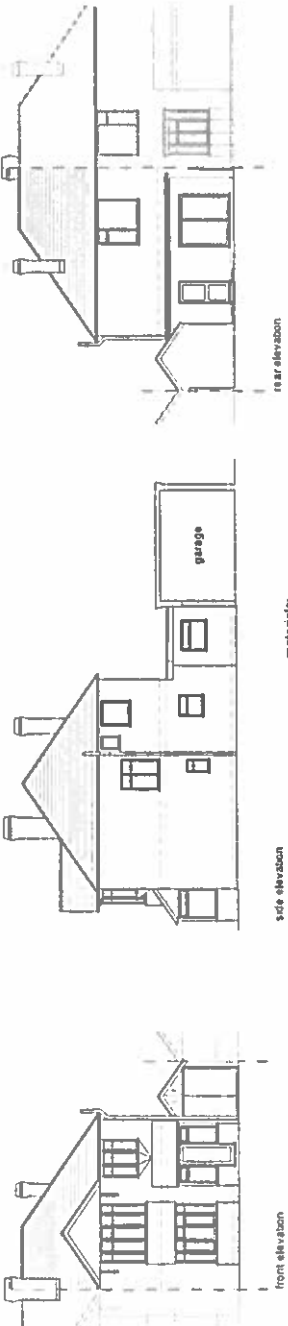
proposed plans
 Proposed Single Storey and Two
 Storey Extensions incorporating
 associated works.

proposed plans and elevations

date
 11/01/17
 scale
 1:50
 ref
 0816 PL 05



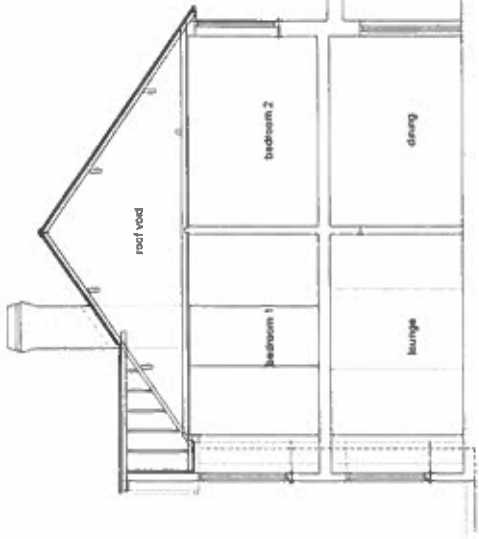
EXISTING PLANS



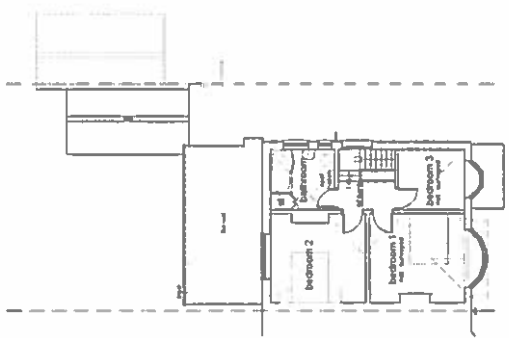
materials:
 All new masonry to be red brick. All new windows and doors to be uPVC double glazed composite and fitted with garage doors.
 All roof (inclination) gables and circular dormers to be uPVC double glazed composite and fitted with garage doors.
 All gutters to be aluminium.

location plan scale 1:1250

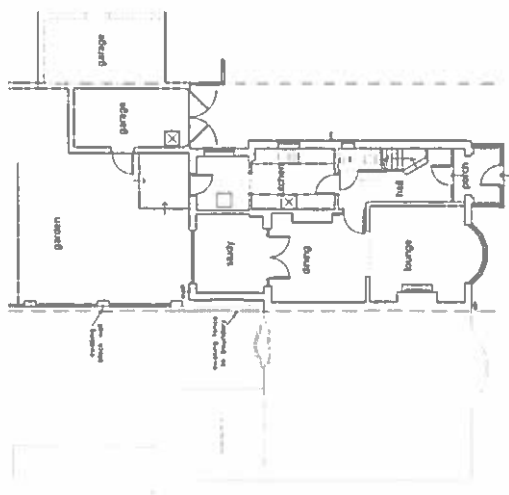
site block plan scale 1:500



existing section scale 1:50



existing first floor plan scale 1:100



existing ground floor plan scale 1:100

0. 173295, No. 112, 1st floor, 1st floor
 4. 173295, No. 112, 1st floor, 1st floor

Client:
 Mr C. & Mrs. H. Bollen,
 23 Lynton Walk,
 Rhyl,
 Denbighshire.

Project title:
 Proposed Single Storey and First Floor
 Extensions incorporating associated
 works.

Drawn by:
 SS 01

EXISTING PLANS AND ELEVATIONS

DATE	BY	NO.	DESCRIPTION
17/01/11	SS	01	EXISTING PLANS AND ELEVATIONS

WARD : Rhyl East

WARD MEMBER(S): Cllr Barry Mellor (c)
Cllr David Simmons (c)

APPLICATION NO: 45/2015/0316/ PF

PROPOSAL: Erection of single storey and two storey extensions to rear

LOCATION: 23 Lynton Walk Rhyl

APPLICANT: MrC & Mrs H Bollen

CONSTRAINTS: Article 4 Direction

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 / approve – Town Council objection

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

“Object on the grounds of over intensification as per decision notice 45/2014/1071/PF”

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 17/05/2015

REASONS FOR DELAY IN DECISION (where applicable): N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Planning permission is sought for the erection of extensions at no. 23 Lynton Walk in Rhyl.

1.1.2 The application comprises of three linked elements, a rear flat roof extension, a rear two storey extension and a rear pitched roof extension.

1.1.3 The extensions would replace the existing single storey rear additions to the dwelling and a garage at the rear of the site.

1.1.4 The single storey section would project 4 metres from the rear of the dwelling on the southern side, and run along the depth of the dwelling. The pitched roof extension on the northern side would extend to a further 5 metres. The two storey rear extension is proposed on the middle section of the dwelling over the existing rear flat roof snug. The extension would comprise of a dining room, snug, store, study and an en suite on the first floor.

1.1.5 The proposals are illustrated on the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The two-storey semi-detached dwelling is sited within a road of similar properties, many of which have been subject to extensions and alterations to their rear and side elevations.
- 1.2.2 The dwelling is finished with pebble dashed walls with a tiled roof and has its rear garden area bounded by 2 metre fencing to each side, with a wall to the rear beyond which lies a Bowling Green.
- 1.2.3 The dwelling has had previous extensions in the form of a single-storey flat-roofed rear addition which has a depth of 3.0 metres and a height of 2.7 metres, linking to the former detached garage outbuilding in the rear garden adjacent to the northern boundary.
- 1.2.4 The adjoining property at no. 25 Lynton Walk has not been subject to any rear extensions and retains its original rear outbuilding.
- 1.2.5 The dwelling is located in a primarily residential area located to the east of Rhyl town centre.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl.

1.4 Relevant planning history

- 1.4.1 Planning permission was refused previously in 2014 for two rear extensions to the dwelling. Both previous refusals related to extensions of at least 7 metres length to the rear of the dwelling, on grounds that the extent of projection would have an unacceptable impact on occupiers of no. 25 Lynton Walk.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 The application has been submitted to address the previous reasons for refusal. The level of projection to the rear has been reduced and a flat roof is proposed instead of the pitched roof on the southern side.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Planning Ref 2/RYL/0046/88/P - Kitchen and dining room extension: Granted 19/04/1988.
- 2.2 Planning Ref 45/2014/0195/PF - Erection of single-storey pitched-roof extension and first-floor pitched-roof extension over existing flat roof at rear of dwelling. Refused 31/03/2014 under delegated powers for the following reason: "It is the opinion of the Local Planning Authority that the proposed extension would, by virtue of its projection in close proximity to the side boundary of the adjoining property, have an unacceptable impact on the residential amenity and privacy of the occupiers of the adjacent dwelling at 25 Lynton Walk, therefore contrary to Criteria i) and vi) of Policy RD 1 of the Denbighshire Local Development Plan and the Council's adopted Supplementary Planning Guidance Note No. 1 "Extensions to Dwellings".
- 2.3 Planning Ref 45/2014/1071/ PF - Erection of single-storey pitched-roof extension and first-floor pitched-roof extension over existing flat roof at rear of dwelling. Refused 14/11/2014 under delegated powers for the following reason: "It is the opinion of the Local Planning Authority that the proposed extension would, by virtue of its projection and height, in close proximity to the side boundary of the adjoining property, have an unacceptable impact on the residential amenity of occupiers of the adjacent dwelling at 25 Lynton Walk due to an overbearing relationship, and is therefore contrary to Criteria i) and vi) of Policy RD 1 of the Denbighshire Local Development Plan and the Council's adopted Supplementary Planning Guidance Note No. 1 Extensions to Dwellings".

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

- Policy RD 1 – Sustainable Development and Good Standard of Design
- Policy RD 3 – Extensions and alterations to dwellings

3.2 Supplementary Planning Guidance

- SPG 1 – Extensions to Dwellings
- SPG 7 – Residential Space Standards
- SPG 24 – Householder Development Design Guide

3.3 Government Policy / Guidance

- Planning Policy Wales Edition 5 November 2012
- Technical Advice Note 12 – Design (2009)

3.4 Other material considerations

None.

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential 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. Policy RD 3 relates specifically to extensions to dwellings and permits extensions subject to the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the dwelling and its immediate locality; and whether the proposal represents overdevelopment of the site. SPG 1 and SPG 24 offer basic advice on the principles to be adopted when designing domestic extensions and related developments. The assessment of impacts is set out in the following sections.

4.2.2 Visual amenity

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings. Criteria i) of Policy RD 3 the scale and form of the proposed extension or alteration is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made. Criteria ii) of Policy RD 3 requires

that a proposals are sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

The application proposes extensions to the rear of the dwelling which would have a footprint of approximately 40 sq metres. The original dwelling footprint is 60 sq metres. The majority of the extensions would be single storey, the two storey section would be set down from the original roof line by 1.8 metres. The plans show a new boundary fence to be erected on the southern side of the site. There would be a garden depth of 15 metres remaining if the extensions are permitted, with a total area of 120 sq metres.

In Officers opinion the extension would clearly be subordinate to the original dwelling and the scale and massing takes into account its design and form, reflecting its features and materials. The recommended garden depth of 6 metres would be achieved if the extension is permitted, and the garden size would be substantially over the minimum standard. For these reasons and with respect to the Town Councils concerns, it is not considered that the proposal would result in an over intensification of development on the site. It is considered that the proposal would comply with the tests of Policy RD1 and Policy RD 3 and advice within the supplementary planning guidance.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The side of the extension would be set 0.4 metres off the boundary of the dwelling to the south, and it would project 4 metres to the rear and would have an overall height of 2.9 metres. There is also a new 2 metre boundary fence proposed between the dwelling and the attached dwelling. Rear windows are proposed in the ground and first floor. The study area of the extension would replace the existing garage.

Previous applications have been resisted on the basis of the impact on the attached dwelling to the south, although it is noted that there is a rear extension on the existing dwelling which is 1 metre smaller than the proposed extension and a 2 metre high boundary fence. Considering the scale of the proposed extension which would only project 1 metre further to the rear on the southern boundary, and the proposed boundary treatment in relation to neighbouring dwellings, it is not considered the extensions would result in an overbearing impact or a loss of light for adjacent occupiers. There are no objections from the neighbouring properties to the application. There is adequate spacing to the boundary and a garage in the rear curtilage of the dwelling to the north which would limit amenity impacts. The proposal is therefore considered to comply with test iii) of Policy RD 3.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposal complies with the relevant planning policies and with respect to the comments of the Town Council, Officers do not consider there are grounds to justify a refusal of permission in this instance.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The materials and finishes of the external surfaces of the walls and roof of the building hereby permitted shall be of the same texture, type and colour as those on external walls and the roof of the existing building.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows additional to those shown on the approved plans shall be inserted at any time in the extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

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

NOTES TO APPLICANT:

WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Mae tudalen hwn yn fwriadol wag

ADRODDIAD GORFODI CYNLLUNIO

CYFEIRNOD: ENF/2015/00006

LLEOLIAD: Golygfa, Llwyn y Rhos, Llanrhaeadr, Dinbych

TROSEDD: Ffens uwch na'r hyn a ganiateir - 2 fetr

Mae tudalen hwn yn fwriadol wag

Heading:

ENF/2015/00006

Golygfa and Ty Maen, Llwyn y Rhos,

Llanrhaeadr, Denbigh LL16 4NH

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

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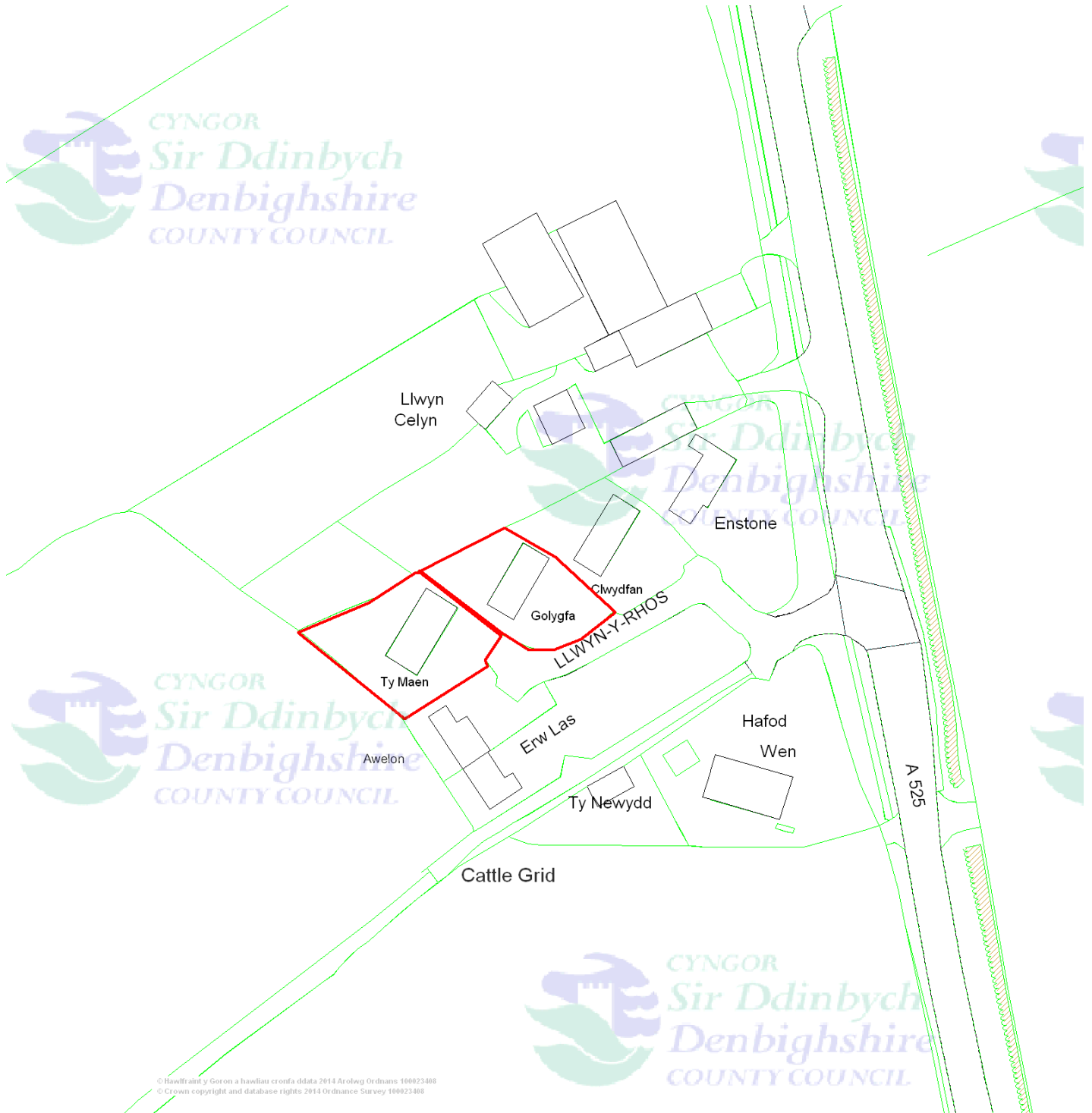
The Site



Date 22/4/2015

Scale 1/1250

Centre = 307964 E 364059 N



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Mae tudalen hwn yn fwriadol wag

ADRODDIAD GORFODI CYNLLUNIO

CYFEIRNOD: ENF/2015/00006

LLEOLIAD: Golygfa, Llwyn y Rhos, Llanrhaeadr, Dinbych

TROSEDD: Gosod ffens sy'n uwch na'r hyn a ganiateir - 2 fetr

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi RD 1 - Datblygu Cynaliadwy a Dylunio o Safon Dda

CANLLAW LLYWODRAETH CYMRU

Polisi Cynllunio Cymru 2002

Nodyn Cyngor Technegol (Cymru) 9: Gorfodi Rheolaeth Gynllunio

YSTYRIAETHAU HAWLIAU DYNOL

Mae darpariaethau Deddf Hawliau Dynol 1998 yn cael eu hystyried wrth ystyried cymryd camau gorfodi yn erbyn datblygiad anawdurdodedig. Yn yr achos hwn mae'r mater dan sylw yn ymwneud â hawl perchennog tir i godi ffens derfyn sy'n uwch na'r uchder a ganiateir dan Hawliau Datblygu a Ganiateir, sef 2 fetr. Wrth gydbwysu hyn yn erbyn budd y cyhoedd, nid yw diffyg effaith y datblygiad ar amwynder yr ardal yn cyfiawnhau ymyrraeth yr Awdurdod Cynllunio Lleol. Nid oes unrhyw fater hawliau dynol penodol wedi eu codi gan berchennog yr eiddo nac unrhyw barti arall sydd â diddordeb.

1. GWYBODAETH GEFNDIR

- 1.1 Mae Golygfa a Thŷ Maen yn fyngalos cyfagos mewn cul de sac bach o'r enw Llwyn y Rhos, ger Llanrhaeadr. Mae gan Llwyn y Rhos fynediad uniongyrchol i'r A525 Dinbych-Rhuthun, i'r gogledd o Lanrhaeadr.
- 1.2 Mae hanes o gŵyn a gwrth-gŵyn gan berchnogion y ddau eiddo.
- 1.3 Yn ystod mis Rhagfyr 2014, cyflwynodd perchennog Tŷ Maen gŵyn i'r perwyl bod ei gymydog yn Golygfa wedi codi ffensys terfyn mwy na'r terfyn uchder o 2 fetr a ganiateir dan yr Hawliau Datblygu a Ganiateir.
- 1.4 Ar 11 Rhagfyr 2014, bu i Swyddog Cydymffurfio Cynllunio ymweld â'r safle. Datgelodd hyn bod perchnogion Golygfa wedi codi paneli ffensys pren yn union gerllaw ffensys tebyg a godwyd gan berchennog Tŷ Maen. Fodd bynnag, roedd y ffens newydd ychydig yn uwch na ffens Tŷ Maen. Roedd yna hefyd adran ychydig yn uwch o ffens wifren blastig rhwylllog, a oedd yn ymddangos fel be bai'n atal gwrych yng ngardd Golygfa wrth ymyl y ffin. Mae'r ffens bren newydd a'r ffens wifren yn uwch na 2 fetr ac felly angen caniatâd cynllunio. Nid yw'r gwrych yn ddatblygiad, ac felly nid oes angen caniatâd cynllunio. Nid yw'r ffaith bod y gwrych yn uwch na 2 fetr yn golygu bod rheolaeth gynllunio wedi ei thorri.
- 1.4 Ar 23 Rhagfyr 2014 anfonwyd llythyr at berchnogion Golygfa a oedd yn amlinellu bod rheolaeth gynllunio wedi ei thorri a dywedwyd wrth iddynt am gyflwyno cais cynllunio ôl-weithredol mewn ymgais i reoleiddio'r materion. Nid oes unrhyw gais o'r fath wedi ei gyflwyno hyd yma.

2. RHESYMAU DROS BEIDIO Â CHYMRYD CAMAU GORFODI

- 2.1 Ar 27 Mawrth 2015, bu i Swyddog Cynllunio, yr Aelod Lleol a'r Aelod Seneddol Lleol ymweld â'r safle.
- 2.2 Mae'r ffens bren yn 2.2 metr o uchder ac felly dim ond yn 20cm (200mm) yn uwch na'r uchder datblygu a ganiateir. Gan ystyried Nodyn Cyngor Technegol (TAN) 9 a gynhyrchwyd gan Lywodraeth Cymru, cynigir na ddylid cymryd unrhyw gam pellach yn erbyn yr achos hwn o dorri rheolaeth gynllunio. Dim ond ychydig yn uwch na'r terfyn 2 fetr y mae'r ffens ac nid yw'n cael unrhyw effaith niweidiol sylweddol ar fwynderau Tŷ Maen. Roedd y Swyddogion yn credu y byddai'n afresymol cyflwyno hysbysiad gorfodi er mwyn unioni'r sefyllfa yn absenoldeb caniatâd cynllunio dilys. Ystyrir felly nad yw'n fuddiol cymryd camau gorfodi.
- 2.3 Mae'r rhan fechan o ffens wifren blastig rhwylllog, rhwng y gwrych a ffin y ddau eiddo, yn fwy nag uchder y ffens bren, ond nid y gwrych. Mae yna ychydig o ddarnau metel yn sownd wrth y ffens wifrog. Mae'r darnau metel a'r ffens wifrog i'w gweld yn glir o Dŷ Maen, ond mae'r ffens wedi ei gosod yn erbyn y gwrych gerllaw. Mae'r ffens wifrog yn uwch na 2 fetr, ac felly mae angen caniatâd cynllunio. Unwaith eto, gan ystyried TAN 9, cynigir na ddylid cymryd unrhyw gam pellach yn erbyn yr achos hwn o dorri rheolaeth gynllunio. Er bod y ffens yn fwy na'r uchder a ganiateir, sef 2 fetr, nid yw'n cael effaith andwyol sylweddol ar fwynderau Tŷ Maen oherwydd ei fod yn ddarn cymharol fyr o ffens a'i fod wedi ei osod yn erbyn y gwrych. Mae'r Swyddogion yn credu y byddai'n afresymol cyflwyno rhybudd gorfodi er mwyn unioni'r sefyllfa yn absenoldeb caniatâd cynllunio dilys. Felly nid yw'n fuddiol cymryd camau gorfodi.
- 2.4 Mae'r Aelod Lleol a'r Aelod Seneddol Lleol wedi cael gwybod am gasgliadau'r Swyddogion. Mae'r AS lleol yn anghytuno â'r casgliadau hynny ac yn credu bod modd cyfiawnhau camau gorfodi ac y dylid cymryd camau o'r fath. Mae'r Aelod Lleol wedi gofyn i'r mater gael ei ystyried gan y Pwyllgor Cynllunio.

3. ARGYMHELLIAD

- 3.1 Mae'n ymddangos bod perchennog Golygfa wedi torri rheolaeth gynllunio drwy godi ffens derbyn rhwng y ddau eiddo sy'n uwch na 2 fetr ac sydd felly yn gofyn am ganiatâd cynllunio. Ond nid oes caniatâd o'r fath wedi ei geisio na'i roi. Fodd bynnag, yn unol â'r cyngor a geir yn TAN 9, gan yr ystyrir bod y toriadau hyn yn y rheolaeth gynllunio yn fychan ac nad ydynt yn cael unrhyw effaith sylweddol ar fwynderau Tŷ Maen, ceisir cymeradwyaeth i beidio â chymryd unrhyw gam pellach oherwydd nad oes modd cyfiawnhau hynny.

Adroddiad i'r: Pwyllgor Cynllunio

Dyddiad y Cyfarfod: 13 Mai 2015

Aelod / Swyddog Arweiniol: Y Cynghorydd David Smith / Angela Loftus

Awdur yr Adroddiad: Angela Loftus, Rheolwr Cynllunio Strategol a Thai

Teitl: Canllawiau Cynllunio Atodol Ailddefnyddio ac Addasu Adeiladau Gwledig - Mabwysiadu

1. Am beth mae'r adroddiad yn sôn?

- 1.1 Mae'r adroddiad hwn yn rhoi crynodeb o'r ymatebion i'r ymgynghoriad ar y Canllawiau Cynllunio Atodol (CCA) Ailddefnyddio ac Addasu Adeiladau Gwledig drafft, ac yn argymhell mabwysiadu gydag addasiadau gan alluogi'r canllawiau i gael eu defnyddio wrth benderfynu ar geisiadau cynllunio.

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1. Ar ôl mabwysiadu Cynllun Datblygu Lleol (CDLI) Sir Ddinbych, mae angen CCA wedi'u diweddarau ar ailddefnyddio ac addasu adeiladau gwledig er mwyn cynnig arweiniad pellach i ddatblygwyr, Swyddogion ac Aelodau. Mae copi terfynol o'r CCA ynghlwm yn Atodiad 1 yr adroddiad hwn.

3. Beth yw'r Argymhellion?

- 3.1. Bod yr Aelodau yn mabwysiadu'r CCA terfynol ar Ailddefnyddio ac Addasu Adeiladau Gwledig fel y'i diwygiwyd, i'w defnyddio wrth benderfynu ar geisiadau cynllunio.

4. Manylion yr Adroddiad

- 4.1. Ar ôl mabwysiadu'r CDLI ar 4 Mehefin, 2013, cytunodd y Cyngor i ddwyn ymlaen y gyfres bresennol o CCA, gan gynnwys CCA 16 – Trawsnewid Adeiladau Gwledig. Fodd bynnag, oherwydd y gwahaniaethau sylweddol rhwng polisïau'r Cynllun Datblygu Unedol (CDU) blaenorol a'r CDLI o safbwynt trawsnewid adeiladau gwledig, a'r angen am ganllawiau pellach, mae'n rhaid cynhyrchu CCA wedi'u diweddarau ar y testun hwn. Pan gaiff ei fabwysiadu, bydd y CCA yn ystyriaeth gynllunio berthnasol wrth asesu ceisiadau cynllunio.
- 4.2. Mae'r CCA yn ategu polisïau'r CDLI ar drawsnewid adeiladau o ddefnyddiau amaethyddol, masnachol neu gymunedol (yn bennaf polisïau HEG 4, HEG 10 a CCC 12) drwy ddarparu rhagor o fanylion am y defnyddiau sy'n dderbyniol ar gyfer adeiladau a drawsnewidiwyd, manylion am y profion marchnata gofynnol a chanllawiau dylunio.

- 4.4 Cynhaliwyd 8 wythnos o ymgynghoriad cyhoeddus ar y CCA rhwng 3 Mawrth a 28 Ebrill 2014. Mae'r adroddiad ymgynghori sy'n nodi canlyniadau'r ymgynghoriad a'r ymatebion a gafwyd ynghlwm fel Atodiad 2 i'r adroddiad hwn.
- 4.5 Y materion allweddol sy'n codi o'r ymgynghoriad oedd:
- Pryderon ynghylch hyfywedd trawsnewid ar gyfer unrhyw ddefnyddiau ar wahân i dai'r farchnad agored.
 - Cefnogaeth gyffredinol gan lawer i gael cyfnod marchnata o 12 mis, teimlai un y dylai fod yn hirach, ac un y dylai fod yn fyrrach.
 - Dylid gwneud cyfeiriad ychwanegol at ardaloedd gyda thirlun sensitif a sensitif yn archeolegol.
 - Cytundeb y dylai estyniadau fod yn eilradd i'r adeiladau gwreiddiol.
- 4.6 Cynigir nifer o newidiadau i'r CCA mewn ymateb i'r sylwadau a dderbyniwyd, a dangosir y rhain yn y fersiwn sydd ynghlwm fel Atodiad 1. Dangosir testun a ddilëwyd gyda llinell drwyddo ac amlygir testun newydd.
- 4.7 Mewn ymateb i bryderon yr Aelodau ynglŷn â thai fforddiadwy, sefydlwyd Grŵp Tasg a Gorffen Tai Fforddiadwy i edrych ar amryw o faterion yn ymwneud â thai fforddiadwy. Roedd hyn yn cynnwys y cyfyngiad tai fforddiadwy mewn perthynas â thrawsnewid ac mae'r Grŵp wedi argymhell y dylid newid polisiau cynllunio i ganiatáu trawsnewid adeiladau gwledig yn dai'r farchnad agored. Byddai hyn yn golygu newid y polisi o'r agwedd a geir yn y CDLI a fabwysiadwyd a byddai angen diwygio'r polisi ar ôl ei adolygu. Nid oes mecanwaith ar hyn o bryd i ddiwygio polisiau yn y CDLI ac eithrio drwy adolygu'r cynllun cyfan yn llawn. Mae Llywodraeth Cymru yn ystyried diwygiad i ganiatáu adolygu cynlluniau yn rhannol ond nid yw hyn wedi ei gadarnhau hyd yn hyn. Fel trefniant dros dro, bwriedir diwygio'r CCA i ganiatáu trawsnewid adeiladau gwledig yn dai'r farchnad agored os gellir dangos bod yr adeilad wedi ei farchnata at ddefnydd economaidd, heb lwyddiant, ac na fyddai trawsnewid yr adeilad yn dŷ fforddiadwy yn hyfyw.
- 4.8 Mae Grŵp Llywio Aelodau'r CDLI wedi trafod yr ymatebion a gafwyd i'r ymgynghoriad ac roeddent yn cefnogi'r newidiadau arfaethedig. Mae Grŵp Llywio'r CDLI a'r Aelodau Arweiniol perthnasol wedi gofyn i'r CCA diwygiedig gael ei adrodd i'r Pwyllgor Cynllunio ar y cyfle cyntaf er mwyn galluogi'r CCA diwygiedig i gael ei fabwysiadu a gweithredu'r canllawiau diwygiedig ar aildefnyddio adeiladau gwledig cyn gynted ag y bo modd.
- 4.9 I grynhoi, y prif newidiadau yw:
- Caniatáu trawsnewid adeiladau gwledig yn dai ar gyfer y farchnad agored os gellir dangos bod yr adeilad wedi ei farchnata at ddefnydd economaidd (heb lwyddiant) ac na fyddai trawsnewid yr adeilad yn dŷ fforddiadwy yn hyfyw.
 - Diwygiadau i'r canllawiau yn ymwneud â'r adeiledd presennol a chael gwared ar y gofyniad i gynnal arolwg strwythurol

- Eglurhad y byddai'r Cyngor yn ystyried bod trawsnewid yn llety gwyliau yn ddefnydd economaidd.
- Ychwanegu gofyniad i ymgymryd â marchnata ar y we fel rhan o'r ymarferiad marchnata ar gyfer defnydd busnes.
- Eglurhad y dylai unrhyw estyniadau sydd eu hangen fod yn eilradd i'r adeilad gwreiddiol.

5 Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

5.1. *Blaenoriaethau Corfforaethol 2012-17.* Bydd y CCA yn cyfrannu'n gadarnhaol at y flaenoriaeth gorfforaethol arfaethedig a ganlyn:

- Datblygu'r economi leol - Bydd darparu canllawiau pellach ar ofynion polisi'r CDLI yn cyfrannu'n sylweddol at sicrhau a darparu cyfleoedd am swyddi gwledig ledled y Sir.
- Sicrhau mynediad at dai o ansawdd da - Bydd mabwysiadu'r canllawiau diwygiedig yn galluogi darparu rhagor o dai fforddiadwy a thai'r farchnad agored yn yr ardal wledig.

6 Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

6.1. Ni ragwelir y bydd mabwysiadu'r CCA yn creu unrhyw gost ychwanegol.

7 Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb (AEC) a gynhaliwyd ar y penderfyniad? Dylai'r templed AEC wedi'i lenwi gael ei atodi fel atodiad i'r adroddiad.

7.1 Ni chredir bod angen Asesiad o Effaith ar Gydraddoldeb ar gyfer yr adroddiad gwybodaeth hwn. Mae'r egwyddor o drawsnewid adeiladau gwledig wedi cael ei sefydlu trwy fabwysiadu'r CDLI. Mae'r CCA yn rhoi arweiniad pellach ar hyn. Cynhaliwyd Asesiad o Effaith ar Gydraddoldeb llawn ar y CDLI ym mis Mai 2011.

8 Pa ymgynghori a gynhaliwyd gyda'r Pwyllgorau Archwilio ac eraill?

8.1 Cynhaliwyd ymgynghoriad mewnol gyda Grŵp Llywio Aelodau'r CDLI, Aelodau Arweiniol perthnasol, swyddogion yn yr Adaran Rheoli Datblygu, Swyddog Cadwraeth y Sir ac Colegydd y Sir, a gwnaed newidiadau. Mae Grŵp Llywio Aelodau'r CDLI wedi trafod yr ymatebion a gafwyd i'r ymgynghoriad yn eu cyfarfod ar 23 Ebrill 2015 ac roeddent yn cefnogi'r newidiadau arfaethedig.

9 Datganiad y Prif Swyddog Cyllid.

9.1 Dylai unrhyw gostau sy'n gysylltiedig â'r canllawiau fod wedi eu cynnwys yn y cyllidebau presennol ac felly nid oes unrhyw oblygiadau ariannol amlwg yn yr adroddiad.

10 Pa risgiau sydd yna ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?

- 10.1 Heb ganllawiau cyfredol, mae perygl na fyddai'r Cyngor yn gallu gweithredu polisi'r CDLI yn effeithiol. Byddai hyn yn arwain at beidio sicrhau defnyddiau cyflogaeth, masnachol neu gymunedol ar gyfer adeiladau gwledig neu dai fforddiadwy a thai'r farchnad agored mewn ardaloedd gwledig. Mae'r CCA trawsnewid adeiladau gwledig yn ymwneud â pholisi'r CDU blaenorol, ac mae gwahaniaethau arwyddocaol rhyngddo a pholisi'r CDLI, ac felly ni ellir dibynnu arno i ddarparu canllawiau cynllunio digonol dros y tymor hir. Nodwyd mabwysiadu CCA trawsnewid adeiladau gwledig newydd fel blaenoriaeth gan y Grŵp Llywio Aelodau'r CDLI.

11 Pŵer i wneud y Penderfyniad

- 11.1 Deddf Cynllunio a Phrynu Gorfodol (2004).

Canllawiau Cynllunio Atodol
Drafft:

Ailddefnyddio ac addasu adeiladau gwledig

Tîm Cynllunio Strategol a Thai
Ebrill 2015



law Cynllunio Atodol - Ail-ddefnyddio ac Addasu Adeiladau Gwledig

Ebrill 2015

1. Cyflwyniad

- 1.1 Mae'r nodyn hwn yn un o gyfres o nodiadau Canllawiau Cynllunio Atodol (CCA) sy'n amlygu polisiâu'r cynllun datblygu mewn fformat clir a chryno gyda'r nod o wella proses, dyluniad, ac ansawdd y datblygiad newydd. Bwriad y nodiadau hyn yw cynnig canllawiau bras a fydd o gymorth i aelodau o'r cyhoedd, Aelodau o'r Cyngor, a swyddogion mewn trafodaethau cyn cyflwyno ceisiadau cynllunio ac i fod o gymorth i swyddogion ac Aelodau wrth benderfynu ar geisiadau cynllunio.
- 1.2 Pwrpas CCA yw:
- Ategu at bolisiâu CDLI mabwysiedig neu ymhelaethu arnynt
 - Rhoi ystyriaeth i ganllawiau cenedlaethol.

2. Statws a chyfnodau paratoi

- 2.1 Nid yw nodiadau CCA y Cyngor yn rhan o'r cynllun datblygu a fabwysiadwyd. Mae Llywodraeth Cymru wedi cadarnhau, yn dilyn ymgynghoriad cyhoeddus a chymeradwyaeth ddilynol yr Awdurdod Cynllunio Lleol (ACLI), gellir trin y CCA fel ystyriaeth gynllunio berthnasol pan fydd ACLI, Arolygwyr Cynllunio a Llywodraeth Cymru yn penderfynu ar geisiadau cynllunio ac apeliadau. Cafodd y ddogfen CCA hon ei chymeradwyo'n ffurfiol ar gyfer ymgynghori gan Bwyllgor Cynllunio Cyngor Sir Ddinbych ar 22 Ionawr 2014.
- 2.2 Mae'r nodiadau hyn wedi cael eu paratoi yn unol â'r canllawiau a gynhwysir ym Mholisi Cynllunio Cymru (Tachwedd 2012); Cynlluniau Datblygu Lleol Cymru (Rhagfyr 2005); Nodyn Cyngor Technegol 6 - Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (Gorffennaf 2010).
- 2.3 Mae'r CCA hwn yn rhoi cyngor ac arweiniad pellach ar ymrwymiad y Cyngor i ddiogelu adeiladau gwledig ar gyfer defnydd sy'n cyfrannu'n gadarnhaol at yr economi wledig. Mae'n ategu at PSE 4 polisi CDLI Sir Ddinbych a fabwysiadwyd ('Ailddefnyddio ac addasu adeiladau gwledig mewn cefn gwlad agored').

3. Cefndir

- 3.1 Mae gan Sir Ddinbych gyfoeth o ysguboriau cerrig ac adeiladau gwledig traddodiadol eraill sy'n gwneud cyfraniad at hynodrwydd y dirwedd leol ac

anghenion economaidd ardaloedd gwledig ar hyn o bryd ac yn y dyfodol. Mae polisiâu cenedlaethol a lleol yn cefnogi ailddefnyddio adeiladau gwledig at ddibenion sy'n cyfrannu at yr economi leol ac egwyddorion datblygu cynaliadwy.

- 3.2 Mae newidiadau mewn arferion ffermio a dirywiad gwasanaethau gwledig wedi arwain at lawer o adeiladau gwledig hŷn yn mynd yn ddiangen yn economaidd neu'n anaddas ar gyfer eu dibenion gwreiddiol. O ganlyniad, mae angen i lawer o berchnogion chwilio am ddefnyddiau economaidd newydd ar gyfer eu hadeiladau. Mae galw i addasu adeiladau gwledig yn llety preswyl, fodd bynnag, mae polisi cynllunio cenedlaethol a lleol yn rhagdybio yn erbyn addasu adeiladau at ddefnydd preswyl lle gallai adeiladau o'r fath gael eu hailddefnyddio at ddibenion busnes. Mae'r CCA hwn yn cadarnhau ymrwymiad y Cyngor i ddiogelu adeiladau gwledig ar gyfer defnydd sy'n cyfrannu'n gadarnhaol at yr economi wledig.

4. Ystyriaethau Polisi

Polisi Cenedlaethol

- 4.1 Mae canllawiau cynllunio cenedlaethol yn cael eu cynnwys ym **Mholisi Cynllunio Cymru (PCC) 2014**, sy'n pwysleisio'r angen i gydbwysu amddiffyn a gwella cefn gwlad gydag anghenion economaidd, cymdeithasol a hamdden. Mae PWW yn cefnogi dull cadarnhaol at addasu adeiladau gwledig ar gyfer eu hail-ddefnyddio ar gyfer busnes.
- 4.2 Mae **Nodyn Cyngor Technegol 6 (TAN 6) Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (Gorffennaf 2010)**, yn nodi y dylai'r brif ystyriaeth wrth asesu ceisiadau cynllunio ar gyfer trosi adeiladau gwledig ymwneud ag a yw natur a maint y defnydd bwriedig yn dderbyniol yn nhermau cynllunio. Ni ddylai fod yn angenrheidiol fel arfer i ystyried a oes angen adeilad mwyach ar gyfer ei ddibenion amaethyddol neu ddibenion eraill sy'n bresennol. Fodd bynnag, dylai awdurdodau cynllunio lleol ymchwilio i hanes y defnydd lle mae achos rhesymol dros gredu bod ymdrech wedi'i wneud i gamddefnyddio'r system gynllunio drwy adeiladu adeiladau gwledig newydd gyda'r fantais o hawliau datblygu wedi'u caniatáu gyda'r bwriad o'u newid yn fuan ar gyfer defnydd arall.
- 4.3 Mae'n well gan TAN6 <http://wales.gov.uk/docs/desh/policy/100722tan6cy.pdf> yn gyffredinol ailddefnyddio busnesau yn hytrach nag ailddefnyddio preswyl (gweler paragraffau 3.5 a 3.6):
'(3.5) Gall addasu adeiladau sydd ar hyn o bryd yn cael eu defnyddio'n ddiwydiannol neu'n fasnachol i ddarparu anheddau gael effaith andwyol ar yr economi leol... (3.6) Er mai effaith fach iawn a gaiff addasu at ddibenion preswyl ar yr economi wledig, gall addasu at ddibenion gwyliau gyfrannu

mwy, ac efallai y bydd yn lleihau'r pwysau i ddefnyddio tai eraill yn yr ardal at ddibenion gwyliau."

- 4.4 Mae'r TAN hefyd yn pwysleisio bod rhaid i gynigion trosi barchu tirwedd, arddulliau a deunyddiau adeiladu lleol.

Polisi Lleol

- 4.5 Mae Cynllun Datblygu Lleol Sir Ddinbych (2006-2021) a fabwysiadwyd yn 2013, yn gosod cyd-destun polisi cynllunio lleol ar gyfer y Sir.
- 4.6 Mae **PSE 4 Aildefnyddio ac addasu adeiladau gwledig yng nghefn gwlad agored** y Polisi Cynllun Datblygu Lleol yn cadarnhau, drwy fod yn gyson â pholisi cenedlaethol, y cefnogir ail-ddefnyddio adeiladau gwledig at ddibenion economaidd. Mae Polisi PSE 4 yn mynd ymlaen i ddweud, lle mae defnydd cyflogaeth wedi dangos nad ydyw'n ddichonadwy, bod addasu at ddefnydd preswyl i gwrdd ag anghenion lleol fforddiadwy yn gallu cael ei ystyried. Mae tystiolaeth yn dangos bod yna angen sylweddol am dai fforddiadwy ar draws Sir Ddinbych a fydd yn parhau am beth amser. Mae rhoi'r cyfle i addasiadau preswyl yng nghefn gwlad ar gyfer tai fforddiadwy i ddiwallu anghenion lleol yn darparu ffynhonnell o dai er mwyn helpu i ddiwallu'r angen hwn a nodwyd yn ein cymunedau gwledig. Fodd bynnag, mae'r Cyngor yn cydnabod, mewn rhai achosion, na fyddai addasu adeiladau gwledig i dai fforddiadwy yn ariannol hyfyw, oherwydd costau uwch addasu o gymharu ag adeiladu o'r newydd, ac fe all fod yn dderbyniol ar yr amod y gellir dangos ei fod yn addasiad anymarferol ar gyfer y farchnad dai.
- 4.7 Mae **Polisi PSE 10 - Siopau a Gwasanaethau Lleol**, yn nodi y bydd colli siopau a gwasanaethau lleol yn cael ei wrthwynebu oni bai y dangosir nad yw defnydd masnachol parhaus yn ddichonadwy, gan gynnwys cyfnod marchnata 12 mis ac archwilio cofnodion ariannol.
- 4.8 Mae **Polisi BSC 12 - Cyfleusterau Cymunedol**, yn nodi y gall newid defnydd o gyfleuster cymunedol gael ei wrthod oni bai ei fod wedi cael ei ddangos bod y potensial ar gyfer defnydd parhaus fel cyfleuster cymunedol yn annichonadwy neu'n anaddas.
- 5 Adeiladau a allai fod yn addas i'w haddasu**
- 5.1 Mae rhai adeiladau gwledig yn chwarae rhan bwysig yn nhirwedd Sir Ddinbych. Gallai cynigion i addasu adeiladau o'r fath mewn modd sensitif a'u dylunio'n dda gael effaith gadarnhaol ar yr amgylchedd a sicrhau bod yr adeiladau hanesyddol/traddodiadol hyn yn cael eu hadfer ac yn ateb diben ymarferol yn y dyfodol. O ganlyniad i'w pwysigrwydd, argymhellir eu haddasu. Serch hynny, ni ddylai addasu adeilad arwain at golli adnodd neu wasanaeth cymunedol (h.y. tafarn, siop y pentref ac ati), oni bai y ceir prawf

cadarn gan y Cyngor bod yr eiddo wedi cael ei farchnata ar werth ac ar rent am bris rhesymol am gyfnod o 12 mis, sy'n cydymffurfio ag egwyddorion polisiâu PSE 4, PSE 10 a BSC12 yn y Cynllun Datblygu Lleol. Gallai adeiladau y gellid eu haddasu ar gyfer defnydd economaidd, twristiaeth neu dai ~~fforddiadwy~~ ar ôl eu marchnata'n aflwyddiannus ar werth ac ar rent ar gyfer eu defnydd presennol, gynnwys:-

- adeiladau amaethyddol
- capeli/eglwysi
- swyddfeydd post/siopau
- tafarndai
- melinau
- hen ysgolion
- festrïoedd

DS Nid yw'r rhestr hon yn gyflawn.

5.2 Adeiladau a allai fod yn anaddas i'w haddasu

Ceir rhai adeiladau/strwythurau nad ydynt yn addas i'w haddasu, fel y rhai sydd yn:-

- ~~Fregus o ran strwythur~~
- Adfeilion, h.y. gyda rhannau sylweddol o'r waliau ar goll neu ei fod mewn cyflwr mor adfeiliatedig mai dim ond olion yr adeilad gwreiddiol sydd i'w gweld, gweler 5.3 isod.
- Adeiladau dros dro
- Adeiladau o adeiladwaith nad ydynt yn draddodiadol h.y. toi a waliau dalennau rhychiog.
- Mewn ardal sydd mewn perygl o lifogydd.
- Rhy fach o ran maint, gweler CDLI CCA 1 Safonau Gofod Preswyl
- Mewn lleoliadau mor anghysbell ac ynysig a fyddai'n arwain at ddatblygiad anghynaliadwy.

5.3 Elfennau Strwythurol Angenrheidiol

O ran strwythur a maint yr adeilad, bydd angen i'r cais gydymffurfio â'r meini prawf canlynol cyn y gellir rhoi caniatâd cynllunio:-

- Mae angen i strwythur y waliau fod yn ~~weladwy ac yn gryf~~ yn gyfan hyd at lefel y bargod.
- Rhaid bod agoriadau amlwg ar gyfer drysau neu ffenestri y gellir eu defnyddio.
- Rhaid i'r adeilad presennol fod o arwynebedd llawr digonol, h.y. o leiaf 50m².
- ~~Os bydd y gwaith addasu yn golygu cynnal gwaith adfer y to, yna ni ddylai fod yn angenrheidiol ail adeiladu mwy na 10% o gyfanswm arwynebedd y wal. Pe bai'n ddiangen gwneud gwaith i adfer y to, yna byddai'n dderbyniol iddo fod yn angenrheidiol ail adeiladu 20% o gyfanswm arwynebedd y wal.~~

6. Y Prawf Cyflogaeth/Marchnata

- 6.1 Mae Cyngor Sir Ddinbych yn ymroddedig i gadw a chreu cyflogaeth leol, gwasanaethau gwledig a chyfleusterau cymunedol. Ni fydd yr Awdurdod Cynllunio Lleol, yn unol â pholisïau PSE 4, PSE 10 a BSC12 yn y Cynllun Datblygu Lleol a chanllawiau cynllunio cenedlaethol, yn caniatáu addasu adeiladau o'r fath i ddefnyddiau preswyl ~~ar gyfer tai fforddiadwy anghenion lleol~~, oni bai bod ymdrechion digonol a rhesymol wedi cael eu gwneud i sicrhau busnes, defnydd masnachol neu gymunedol ar gyfer yr adeilad yn dibynnu ar ddefnydd blaenorol. Byddai'r Cyngor yn ystyried addasu i lety gwyliau neu gyfleusterau i dwristiaid fel defnydd economaidd.
- 6.2 Bydd ymdrechion digonol a rhesymol ar gyfer sicrhau defnydd busnes ar gyfer adeilad gwledig yn gofyn am "ymarfer marchnata". Mae'n anodd rhagnodi ynghylch y diffiniad o ymarfer marchnata gan y bydd pob achos yn wahanol. Fodd bynnag, bydd yr awdurdod cynllunio yn disgwyl ymarfer marchnata ar y lleiaf i gynnwys:
- hysbyseb bob deufis mewn papur newydd rhanbarthol
 - hysbysebu gydag asiant eiddo masnachol;
 - hysbysu sefydliadau eraill a allai fod â diddordeb mewn hyrwyddo'r safle.
- 6.3 Dylai'r ymarfer marchnata bara o leiaf 12 mis. Bydd yr awdurdod cynllunio yn penderfynu yn ôl ei ddisgresiwn ei hun ynghylch pa amserlen sy'n "ddigonol ac yn rhesymol", yn dilyn asesiad o rinweddau pob achos unigol. Mae'r enghraifft a nodwyd isod yn enghraifft o'r gofynion cyffredinol a ddisgwylir gan yr awdurdod cynllunio:
- Rhaid i'r adeilad gwledig gael ei hysbysebu'n *weithredol* ar gyfer defnydd cyflogaeth am gyfnod di-dor sydd o leiaf 12 mis, gan ddechrau o ddyddiad yr hysbyseb cyntaf;
 - Dylai'r adeilad gwledig gael ei farchnata'n *weithredol* drwy asiant eiddo masnachol cydnabyddedig ac annibynnol a dylai gynnwys ardal Gogledd Cymru. Dylai hyn gynnwys marchnata ar y we.
 - Dylai'r adeilad gwledig gael ei hysbysebu ar gyfer defnydd cyflogaeth mewn hysbyseb papur newydd rhanbarthol bob deufis yn ystod y cyfnod marchnata;
 - Rhaid i'r ymgeisydd, ar ddechrau'r cyfnod marchnata, rhoi gwybod i'r canlynol ynghylch argaeledd y tir/adeiladau ar gyfer defnydd cyflogaeth (cysylltwch â'r awdurdod cynllunio ar gyfer enwau cyswllt perthnasol):
 - (a) Uned Datblygu Economaidd a Busnes, Cyngor Sir Ddinbych;
 - (b) Llywodraeth Cymru, Busnes Cymru; ac
 - (c) Unrhyw gymdeithasau busnes neu grwpiau diddordeb lleol perthnasol h.y. siambrau masnach lleol; cynghorau dinas, tref a

chymuned; cymdeithasau twristiaeth a grwpiau Ffederasiwn
Busnesau Bach Lleol ac ati

- Bydd yr Awdurdod Cynllunio Lleol angen tystiolaeth o raddau'r marchnata, gan gynnwys copïau o'r holl hysbysebion (gyda dyddiadau), pryd ac am ba mor hir oedd yr hysbyseb yn ffenestr yr asiant, gwefannau ac ati;
- Rhaid darparu enw cyswllt perthnasol yn yr asiant eiddo masnachol hefyd er mwyn i'r Awdurdod Cynllunio Lleol drafod faint maent wedi marchnata, ynghyd â manylion y gwaith marchnata.
- Ar ddiwedd y cyfnod marchnata, bydd yr awdurdod cynllunio yn gofyn am adroddiad sy'n nodi'r ymholiadau a dderbyniwyd, gan gynnwys unrhyw gynigion cadarn (amodol neu ddiamed) - gyda thystiolaeth lle bo angen - a barn yr asiant eiddo masnachol ynghylch hyfywra masnachol y safle.

6.4 Rhaid i'r Awdurdod Cynllunio Lleol fod yn fodlon fod ymdrechion gwirioneddol wedi'u gwneud gyda'r ddau:

- Marchnata'r eiddo'n weithredol;
- Marchnata'r eiddo am bris rhesymol ar gyfer defnydd cyflogaeth, masnachol neu gymunedol, gan ystyried marchnad eiddo a gwerthoedd lleol.

6.5 Bydd yr Awdurdod Cynllunio Lleol angen tystiolaeth o'r ymarfer marchnata i gyd-fynd â chyflwyniad o unrhyw gais cynllunio ar gyfer addasu at ddefnydd preswyl.

7. **Addasu at ddefnydd preswyl ar gyfer anghenion lleol am dai fforddiadwy**

i) Tai fforddiadwy at anghenion lleol

7.1 Gall addasiadau preswyl yng nghefn gwlad gael effaith niweidiol ar gymeriad gwledig y dirwedd a'r economi leol yn ogystal ag annog y defnydd o geir preifat anghynaliadwy.

7.2 Gall aildefnyddio adeilad gwledig presennol fod yn dderbyniol lle dangosir yn foddhaol bod defnydd economaidd, masnachol neu gymunedol yn annichonadwy ac y bydd yn cwrdd ag angen lleol a nodwyd am dai fforddiadwy. Rhaid i ddeiliaid fod â chysylltiad lleol cryf ag ardal y Cyngor Cymuned, yn unol â Pholisi Cysylltiadau Lleol y Cyngor (gweler CCA Tai Fforddiadwy) a hefyd ag angen ariannol am annedd fforddiadwy. Bydd yn ofynnol i ymgeiswyr ddarparu tystiolaeth i gefnogi cysylltiad lleol y preswlydd bwriedig a chymhwyster ariannol. Gellir cael arweiniad pellach ar dai fforddiadwy yn CDLI CCA Tai Fforddiadwy. Mae eithriadau i'r gofynion hyn wedi'u nodi ym mharagraff 7.4 isod.

ii) Unedau Byw / Gweithio

- 7.3 Mae unedau byw / gweithio yn ddefnydd cymysg o eiddo ar gyfer busnes ac at ddibenion preswyl. Ar yr amod bod y defnydd pennaf o'r adeilad yn cael ei gadw ar gyfer cyflogaeth ac nad defnydd preswyl arfaethedig ydyw'n bennaf gyda lle ar gyfer gweithio gartref, gall hwn fod yn opsiwn derbyniol. Bydd y Cyngor yn ceisio diogelu defnydd o'r adeilad yn y dyfodol trwy ddefnyddio amodau priodol. Er mwyn sicrhau parhad o ddefnydd cyflogaeth, bydd rhoi unrhyw ganiatâd cynllunio yn cynnwys amod sy'n gofyn bod y gwaith angenrheidiol ar gyfer sefydlu'r fenter wedi'i gwblhau cyn y bydd y rhan breswyl yn cael ei meddiannu. Yn ogystal, rhaid gosod amod yn clymu meddiant y llety preswyl â gweithrediad y fenter er mwyn atal yr elfen hon rhag cael ei gwerthu ar wahân. Fel arall gellir ceisio rhwymedigaeth gynllunio er mwyn cysylltu'r defnydd preswyl gyda'r busnes.

iii) Tai ar y farchnad

- 7.4 Mae'r Cyngor yn cydnabod, mewn rhai achosion na fyddai addasu adeiladau gwledig i dai fforddiadwy yn hyfyw yn ariannol, oherwydd y costau uwch o addasu o gymharu ag adeiladu o'r newydd. Mewn achosion o'r fath, ar yr amod y gall yr ymgeisydd ddangos na fyddai addasu ar gyfer tai fforddiadwy yn hyfyw, gall ailddefnyddio ar gyfer tai marchnad agored fod yn dderbyniol mewn egwyddor, yn amodol ar gydymffurfio â pholisïau a chanllawiau perthnasol eraill. Byddai angen dangos hyn drwy gyflwyno asesiad hyfywedd ariannol.

8. Ystyriaethau Cynllunio Eraill

- 8.1 Yn ychwanegol at y canllawiau a nodir uchod, bydd rhagor o feini prawf sy'n rhaid eu cymryd i ystyriaeth wrth benderfynu ar gais cynllunio ar gyfer addasu. Bydd rhai o'r meini prawf yn ymwneud ag addasiadau tai fforddiadwy preswyl yn unig a bydd eraill yn cyfeirio at addasiadau ar gyfer defnydd preswyl a chyflogaeth, masnachol neu gymunedol. Lle cynigir addasu i dai fforddiadwy i ddiwallu anghenion lleol ddefnydd preswyl, dylai'r cynllun fodloni gofynion CDLI CCA 1 Safonau Gofod Preswyl.
- 8.2 Ym mhob achos, yr amcan yw sicrhau bod adeiladau sy'n cael eu haddasu yn ystyried eu hamgylchedd gyda chydymdeimlad. Yn achos adeiladau traddodiadol, dylai'r cynllun addasu sicrhau bod cymeriad gwreiddiol yr adeilad yn cael ei gadw. Ym mhob achos, dylid bod yn ofalus gyda'r dewis o ddeunyddiau a ddefnyddir, dylai inswleiddio ac effeithlonrwydd ynni hefyd gael eu hystyried fel unrhyw gynllun addasu.
- 8.3 **Ansawdd/Cyflwr yr Adeilad**
Dylai adeiladau fod o adeiladwaith parhaol a sylweddol ac ni ddylent fod mor adfeiliedig y gellid ond eu defnyddio unwaith eto drwy waith ailadeiladu sylweddol, a fyddai'n gyfystyr â chodi adeilad newydd.

8.4 ~~Er mwyn sefydlu cyflwr ac addasrwydd ffisegol adeilad, bydd angen adroddiad peiriannydd strwythurol annibynnol. Dylai hyn ddangos gallu strwythurol yr adeilad yn glir i wneud lle i'r cynllun bwriedig a dylid ei gyflwyno gyda'r cais cynllunio. Bydd hyn o fudd i'r Cyngor a'r ymgeisydd, oherwydd os yw adeilad yn cwmpo yn ystod yr addasiad, efallai na fydd y caniatâd cynllunio yn gallu cael ei weithredu.~~

8.5 **Ansawdd yr Addasu**

Unwaith y bydd addasrwydd adeilad ar gyfer ei addasu'n cael ei sefydlu, yna mae angen asesu union fanylion y cynllun. Cyflwynir yr ystyriaethau canlynol fel adlewyrchiad o arfer da yn gyffredinol. Efallai y bydd adeiladau unigol lle efallai na fydd y canllawiau'n briodol, yn dibynnu ar ei gymeriad unigryw, dyluniad, deunyddiau ac adeiladwaith. Mewn achosion o'r fath, dylid gofyn am gyngor gan swyddogion priodol y Cyngor.

(a) Estyniad/addasu

Yn gyffredinol, dylid gallu addasu'r adeilad heb yr angen am estyniadau ac addasiadau. Rhaid i unrhyw estyniadau y cytunwyd arnynt fod yn gymedrol o ran maint ac yn israddol i'r adeilad gwreiddiol. Dylai estyniadau barchu cymeriad y strwythur gwreiddiol. Ni ddylai llinell y to gael ei newid neu ei chodi a bydd ffenestri dormer bron bob amser yn amhriodol, oni bai eu bod yn draddodiadol gydag adeiladau eraill yn yr ardal.

(b) Is-adran fewnol

Oherwydd natur eu dibenion bwriedig, mae llawer o adeiladau cynllun agored yn fewnol. Mae'n anochel, yn enwedig ar gyfer defnydd preswyl, bod yr is-adran fewnol yn angenrheidiol e.e. cegin ar wahân, ystafell ymolchi a man byw neu ofod swyddfa/storio ar wahân. Dylai is-adran fewnol gael ei gadw mor fach â phosibl, er mwyn parchu nodweddion mewnol, gofod neu strwythurau to.

(c) Newidiadau gweddlniol

(i) Ffenestri a Drysau:

Un anhawster a brofir mewn cynlluniau addasu yw galluogi digon o olau naturiol i mewn i adeilad, heb greu swm sylweddol o agoriadau newydd (ffenestri) a fyddai'n niweidio'n ei gymeriad presennol difrifol. Lle bynnag y bo'n bosibl, dylai agoriadau presennol gael eu cadw a dylid cael cyn lleied â phosibl o agoriadau newydd. Lle mae ffenestri a drysau newydd yn anochel, dylent fod yn gydnaws o ran dyluniad, maint a deunyddiau. Bydd y defnydd o UPVC ond yn dderbyniol lle mae proffilio neu fanylu yn cyd-fynd â chymeriad yr adeilad. Dylai'r holl bren allanol gael eu paentio yn hytrach na'u staenio. Gellir cyflawni golau ychwanegol gan y gwydr drwy holltau awyru a defnyddio golau to arbed ynni gwastad ar linellau to llai gweladwy cyn lleied â phosibl.

(ii) Manylion:

Dylid cadw nodweddion presennol fel peiriannau sefydlog, bwâu, linteli holltau awyru ac ati, a'u hymgorffori yn y cynllun. Lle mae angen cau

agoriadau, dylid defnyddio deunydd cydnaws ac wedi'u cilfachu i bwysleisio'r agoriad gwreiddiol. Efallai y bydd defnyddio byrddau pren neu wydr yn briodol ar gyfer agoriadau mawr gyda gwydr i helpu i sicrhau bod digon o olau naturiol ar gael. Dylid osgoi cyflwyno cynnau simnai a manylion modern neu or-addurnedig. Dylid cael cyn lleied â phosibl o nwyddau dŵr glaw allanol ac wedi'u gorffen mewn haearn bwrw neu alwminiwm du.

(iii) Deunyddiau allanol:

Dylid ail-bwyntio gwaith carreg/brics presennol drwy ddefnyddio mortar sy'n seiliedig ar galch traddodiadol a dulliau, a dylid trwsio ac ail-ddefnyddio llechi to/teils lle bo hynny'n bosibl. Mewn achosion lle mae deunyddiau newydd yn angenrheidiol (lle nad yw aildefnyddio neu atgyweirio yn bosibl), dylai'r rhain gyd-fynd â'r maint, lliw, gwead presennol ac ati. Dim ond pan fydd yr adeilad presennol yn cynnwys rendro a/neu baent/gwyngalch y bydd y math hwn o driniaeth yn briodol.

Mannau Allanol

Er gwaethaf ansawdd y cynllun trawsnewid gwirioneddol, mae'n rhaid cymryd ofal gyda'r amgylchoedd allanol. Gall y gwaith o greu cwrttil preswyl, triniaeth ffiniau a chyflwyno nodweddion a defnyddiau preswyl a domestig gael effaith niweidiol ar gymeriad yr adeilad a'r ardal o'i amgylch. Dylai storffeydd biniau ac ati gael eu lleoli mewn man priodol.

(a) Cwrttilau

Yn gyffredinol, dylai cwrttil adeilad gwledig aros ar agor ac yn daclus. Lle mae lle ar gyfer ardaloedd preifat mewn addasiadau preswyl, dylai'r rhain gael eu sgrinio gyda gwrychoedd a waliau o hen frics neu garreg, a dylent ddilyn ffiniau naturiol neu o waith gwneud sy'n bodoli eisoes, fel gwrychoedd neu waliau terfyn buarth. Dylai'r driniaeth o ffiniau adlewyrchu cymeriad gwledig yr adeilad gyda phostyn syml a ffensys rheiliau, waliau cerrig / brics a giatiau pren yn dderbyniol. Dylai'r cais cynllunio gynnwys cynlluniau sy'n diffinio'n glir maint yr ardaloedd cwrttil, a dangos ffiniau manwl.

Mewn addasiadau preswyl, gall ystafelloedd haul, pyllau, siediau, ffensys ymblethedig a mynedfeydd addurnedig ac ati, amharu ar gymeriad yr adeilad a'i leoliad. Mae cynnwys tir amaethyddol yn gwrtil adeilad yn gyfystyr â newid defnydd a bydd angen caniatâd cynllunio, ond fel arfer ni fydd yn cael ei annog.

(b) Arwynebau

Weithiau, nid yw deunyddiau arwyneb tir modern fel tarmac a choncrid yn gydnaws â chymeriad adeiladau gwledig traddodiadol, er bod achosion lle gall tarmac fod yn addas. Lle bynnag y bo'n bosibl, dylai setiau cerrig presennol, cobls neu ddeunyddiau eraill addas/cydnaws gael eu cadw neu eu hail-ddefnyddio ac ychwanegu atynt lle bo angen.

(c) Tirlunio

Yn gyffredinol, bydd tirlunio caled yn briodol ar gyfer buarthau a thirlunio meddal yn briodol mewn mannau eraill. Dylai nodweddion tirwedd presennol gael eu cadw lle bo hynny'n bosibl. Dylai ceisiadau cynllunio gynnwys cynllun tirweddau manwl llawn.

(d) Parcio

Dylai parcio fod yn unol â chanllawiau'r Awdurdod Cynllunio Lleol. Dylid rhoi ystyriaeth ofalus i leoliad a dyluniad parcio sensitif, mewn cynlluniau cyflogaeth a chynlluniau preswyl.

Lle bynnag y bo'n bosibl mewn cynllun addasu preswyl, dylid cynnwys ceir mewn garej o fewn y cynllun addasu, yn enwedig mewn adeiladau â chyn fannau llwytho a drysau ysgubor.

(e) Gwasanaethau

Mae angen rhoi gofal penodol i wasanaethau a all gael effaith weledol niweidiol. Dylai tanciau nwy LP, tanciau septig ac ati gael eu lleoli mewn man sensitif a'u sgrinio'n dda er mwyn sicrhau nad ydyw'n amharu ar y lleoliad, tra dylid lleoli blychau rheoli trydan, blychau larwm, lloeren a chyrn simneiau ac ati, ar ddrychiadau llai amlwg.

(f) Storio

Efallai y bydd rhai cynlluniau addasu cyflogaeth angen gofod ar gyfer storio nwyddau a deunyddiau. Fel gyda pharcio ceir, dylid rhoi ystyriaeth ofalus i leoliad a sgrinio unrhyw ardaloedd storio, gan sicrhau bod cyn lleied o effaith â phosibl ar yr adeilad a'r ardal o'i amgylch drwy ddefnyddio sgrinio drwy waliau presennol neu newydd neu drwy fesurau tirlunio.

(g) Mynediad ar gyfer Pobl Anabl

Argymhellir dull dylunio cynhwysol i ymgorffori cyfleusterau ar gyfer pobl anabl yn unol â Deddf Cydraddoldeb 2010. Dylai mynediad fod yn unol â chanllawiau'r Awdurdod Cynllunio Lleol, y Strategaeth Mynediad a dogfen Gymeradwy Rhan M y Rheoliadau Adeiladu 2010 a 2013 fel y'i diwygiwyd.

8.6 Amwynder/Lleoliad Adeiladau Eraill

Mae angen asesu perthynas y cynllun addasu ag adeiladau eraill. Yn aml, bydd anheddau gerllaw ac mae'n rhaid i'r rhain a'r cynllun addasu ystyried preifatrwydd a materion edrych drosodd. Rhaid i weithrediadau amaethyddol neu weithrediadau eraill, naill ai ar y safle neu gerllaw, beidio ag arwain at safonau amwynder annigonol.

8.7 Bywyd Gwylt

Efallai y bydd rhai adeiladau yn cynnwys clwydi ar gyfer ystlumod, tylluanod ac adar eraill sy'n nythu, sy'n cael eu diogelu gan Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2010 (fel y'i diwygiwyd) a Deddf Bywyd Gwylt a Chefn Gwlad 1981 (fel y'i diwygiwyd). Mae'n anghyfreithlon i ladd, anafu neu gymryd y rhan fwyaf o adar gwylt, ac i gymryd, difrodi neu ddinistrio

nyth unrhyw aderyn gwyllt tra bydd yn cael ei ddefnyddio neu'n cael ei adeiladu. Mae rhai rhywogaethau, fel y dylluan wen, yn cael eu diogelu bellach o dan y Ddeddf. Mewn achosion o'r fath, bydd angen i'r ymgeisydd gynnal arolwg cyn penderfynu ac fe ymgynghorir ag Adnoddau Naturiol Cymru (NRW) ar ganlyniadau'r arolwg a'r mesurau lliniaru sydd eu hangen. Dylai polisi Cynllun Datblygu Lleol VOE 5 Cadwraeth Adnoddau Naturiol gael ei ystyried. Cynghorir ymgeiswyr i gysylltu ag Ecolegydd y Sir i gael cyngor a chyfeirio at unrhyw ganllawiau eraill ar gadwraeth natur a chynllunio. Mae'n drosedd i ladd, anafu neu aflonyddu ar unrhyw ystlum a niweidio, dinistrio neu rwystro mynediad at unrhyw le mae ystlumod yn ei ddefnyddio fel lloches neu amddiffyniad, hyd yn oed os nad yw ystlumod yn bresennol ar y pryd. Gellir cyflawni trosedd hyd yn oed os oedd y weithred yn anfwriadol. Gellir cymryd camau yng nghynlluniau manwl toeau i ddarparu cynefinoedd a mynediad addas ar gyfer ystlumod ac adar, a bydd angen i'r rhain gael eu cynnwys o fewn unrhyw gynllun lle mae presenoldeb y rhywogaethau hyn yn amlwg neu'n debygol. Dylai dyletswyddau mewn perthynas ag adar a bioamrywiaeth gael eu hasesu a'u hannerch er boddhad Ecolegydd y Sir ac arbenigwyr trydydd parti.

8.8 Asedau treftadaeth ac ardaloedd o sensitifwydd tirwedd

Mae nifer sylweddol o'r adeiladau gwledig yn Sir Ddinbych yn gorwedd o fewn Ardal o Harddwch Naturiol Eithriadol Bryniau Clwyd a Dyffryn Dyfrdwy a Safle Treftadaeth y Byd Traphont Ddŵr a Chamlas Pontcysyllte. Mae adeiladau gwledig yn rhan bwysig o gymeriad yr ardaloedd hyn a dylid cael dull sensitif gydag addasiadau.

Efallai y bydd rhai adeiladau yn cael eu rhestru fel rhai o ddiddordeb pensaernïol neu hanesyddol arbennig, neu efallai'n dod o fewn cwrtil adeilad rhestredig. Efallai y bydd eraill yn dod o fewn ardaloedd cadwraeth. Yn y ddau achos, bydd angen ystyried addasiadau'n ofalus iawn, i sicrhau bod cymeriad, golwg a nodweddion yr adeiladau yn cael eu cadw. Lle mae datblygiadau yn cael eu cynnig o dan bolisi VOE 4 Galluogi datblygiad, gallai'r amgylchiadau arbennig sy'n haeddu ystyriaeth o dan y polisi hwn ddiystyru gofynion Polisiâu BSC 12, PSE 4 a PSE 10 a'r canllaw CCA hwn. Bydd angen cais ar wahân am ganiatâd adeilad rhestredig lle bwriedir gweithio ar adeilad rhestredig neu adeilad o fewn cwrtil adeilad rhestredig. Lle bydd diddordeb archeolegol mewn safle, anogir ymgeiswyr i gysylltu'n gynnar gydag Archeolegydd y Sir a/neu Ymddiriedolaeth Archeolegol Clwyd-Powys.

8.9 Cawl Gwared ar Hawliau Datblygu a Ganiateir

Wrth roi caniatâd cynllunio ar gyfer gwaith addasu preswyl, bydd hawliau datblygu a ganiateir yn cael eu tynnu ymaith drwy osod amod cynllunio. Mae'r holl newidiadau dilynol h.y. garejys, estyniadau, adeiladau allanol, siediau, newidiadau i'r to ac ati, a fyddai fel arfer yn cael caniatâd i'w datblygu, angen caniatâd cynllunio penodol. Mae hyn er mwyn osgoi colli cymeriad yr adeilad drwy gyfres o newidiadau bach sydd gyda'i gilydd yn gallu cael effaith niweidiol.

9. Cysylltiadau

Cyngor Sir Ddinbych
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Cynllunio Strategol a Thai
Caledfryn
Ffordd y Ffair
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Mae tudalen hwn yn fwriadol wag

Report of Consultation

Draft Supplementary Planning Guidance

Re-use and Adaptation of Rural Buildings

1 Introduction

- 1.1 This report sets out the consultation that was undertaken on the draft Supplementary Planning Guidance Re-use and Adaptation of Rural Buildings, including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted the general public on the proposed SPG for a period of 8 weeks between 3rd March 2014 and 28th April 2014. The consultation included public notices in local papers, press releases, and a letter to all people on the Local Development Plan database, including (but not limited to): City, Town and Community Councils; Councillors; Assembly Members; Members of Parliament; adjacent local authorities, stakeholders and the general public informing them of the consultation and telling them how to respond. Copies of the document were made available on the Denbighshire website, in public libraries and Council One Stop Shops.

2 Responses received

- 2.1 7 individuals and organisations responded to the consultation, including Bodfari Community Council, AONB JAC, Anwyl Construction, CPAT and CPRW. Late responses were received from Natural Resources Wales and Cllr Martyn Holland which have also been included in the report. Responses to the public consultation raised the following issues:
- General support from many for 12 month marketing period, one felt it should be longer, one shorter.
 - Extra reference should be made to sensitive landscape and archaeological areas.
 - Concerns over viability of converting for any uses other than market housing.
 - Agreement that extensions should be subordinate to original buildings.
- 2.2 Detailed consultation responses are included at the end of this report in table A.

Table A – Consultation responses

Representor	Comments (summary)	Council's Response	Changes proposed
Bodfari Community Council	<p>Guidance should make reference to use of suitable materials, insulation and energy efficiency.</p> <p>Town/Community Councils should be included in the list of local interest groups.</p>	<p>Agreed, para 8.2 will be amended to include references.</p> <p>Agreed, para 6.3 will be amended.</p>	<p>Amendments to paragraph 8.2 to refer to the use of suitable materials, insulation and energy efficiency.</p> <p>Amendments to paragraph 6.3 to refer to City/Town /Community Councils.</p>
AONB JAC	<p>Support broad thrust of policy and guidance that gives priority of seeking economic use for rural Buildings. Also concerned at loss of local shops and services.</p> <p>Para 3.1 and section 8 should make specific reference to AONB and World Heritage Site and need for extra sensitivity in these areas.</p> <p>Support proposed 12 month marketing period prior to considering other uses.</p> <p>Support principle of securing affordable housing for local people in rural areas but have concerns about viability. Suggest policy is monitored regarding delivery.</p>	<p>Support welcomed.</p> <p>Reference to be made in amended Section 8.</p> <p>Comments Noted.</p> <p>The Council acknowledges that in some cases conversion of rural buildings to affordable housing would not be financially viable, due to the higher costs of conversion compared to new build and provided that this can be demonstrated to be unviable conversion for market housing may be acceptable. It is proposed to amend</p>	<p>Amendments to Section 8 to refer to the AONB & World Heritage Site</p> <p>Amendments to Section 7 to clarify that provided that conversion to affordable housing can be demonstrated to be unviable conversion for market housing may be acceptable.</p>

Representor	Comments (summary)	Council's Response	Changes proposed
	<p>Para 8.5a support that buildings should be capable of conversion without need for extension. Where extension considered should be subservient to original building.</p> <p>Concerned about deletion of requirement for building to be redundant. SPG should state that conversion of building should not give rise to need for replacement building unless fully justified.</p> <p>Para 8.6 should cross reference to SPG on residential space standards.</p> <p>Where rights of way are affected need to maintain integrity and continuity of the network should be a requirement.</p>	<p>the SPG to reflect this.</p> <p>Agreed, para 8.5a to be amended accordingly.</p> <p>A requirement for redundancy would run contrary to National policy guidance see TAN 6 Rural Economy 3.2.1. Para 3.3.2 goes on to suggest conditions relating to new agricultural buildings where former ones are converted.</p> <p>Cross references to Residential Space Standards occur throughout the document, additional mention in 8.6 not considered necessary.</p> <p>Comments noted.</p>	<p>Amendment to paragraph 8.5 (a) to clarify that any agreed extensions must be modest in scale and subordinate to the original building.</p> <p>No change proposed</p> <p>No change proposed</p> <p>No change proposed</p>
Anwyl Construction	Express concern regarding policy PSE 4 and the viability of converting for employment or affordable housing uses. Concerns over vacancy and dereliction of rural buildings as a result.	The Council acknowledges that in some cases conversion of rural buildings to affordable housing would not be financially viable, due to the higher costs of conversion compared to new build and provided that this can be demonstrated to be unviable	Amendments to Section 7 to clarify that provided that conversion to affordable housing can be demonstrated to be unviable, conversion for market housing may be acceptable.

Representor	Comments (summary)	Council's Response	Changes proposed
	Policy PSE 4 should be revised and SPG withdrawn until this happens.	conversion for market housing may be acceptable. It is proposed to amend the SPG to reflect this. LDP policies will be revised as part of the LDP review as necessary.	
Clwyd-Powys Archaeological Trust	Prospective developers should be encouraged to contact CPAT and County Archaeologist prior to submitting development proposals for older buildings.	Agreed para 8.8 should be amended to reflect this request.	Amendments to paragraph 8.8 to add: Where there may be archaeological interest on site, applicants are encouraged to make early contact with the County Archaeologist and/or CPAT.
Campaign for the Protection of Rural Wales (Clwyd Branch)	<p>Para 6.8 – agree that 12 months is an appropriate period for marketing but feel that this may need to be extended depending on economic situation prevailing at the time.</p> <p>Para 8.5 – instead of prescribed percentage for extensions, should state that they be ancillary to original building.</p> <p>Suggest including additional paragraph that where appropriate, a photographic record of original building be submitted to and approved by LPA prior to development taking place. This record to be deposited with County Sites and Monuments Record operated by CPAT.</p>	<p>Comment noted, a marketing period in excess of 12 months may be considered overly onerous.</p> <p>Agreed para 8.5a to be amended accordingly.</p> <p>This would be conditioned in relation to any appropriate planning consent.</p>	<p>No change proposed</p> <p>Amendment to paragraph 8.5 (a) to clarify that any agreed extensions must be modest in scale and subservient to the original building.</p> <p>No change proposed</p>

Representor	Comments (summary)	Council's Response	Changes proposed
Cunliffe Planning	<p>Para 5.1 – should emphasise that list suggested is not exhaustive. Suggest adding petrol filling stations; farm shops; bakeries and industrial premises.</p> <p>Para 5.2 – a large number of rural buildings are in unsustainable locations which may exclude many from consideration.</p> <p>Para 5.3 – requirements too prescriptive particularly % in last bullet point.</p> <p>Para 6.2 – requirements for marketing are too onerous, 'Other organisations' should be defined.</p> <p>Para 6.3 – 12 months considered too long, in 12 months a vacant building could fall into disrepair. Useful for the Council to specify a regional newspaper to be used. Marketing requirements unreasonable, rural location of many properties would make them unsuitable for employment, commercial or community uses. Not having to advertise a rural building for commercial purposes will aid recovery of economy.</p>	<p>The list is intended to be illustrative and not exhaustive. A statement to that effect is already included at the end of the list.</p> <p>Sustainable development is at the heart of the LDP and some buildings may be in such remote locations that they should not be considered for re-use.</p> <p>It is proposed to remove the final bullet point from paragraph 5.3, and delete paragraph 8.4 in order to provide greater flexibility. Marketing requirements are considered reasonable and achievable. The 'other' organisations are likely to vary depending on location of the development proposal and this has been left flexible.</p> <p>12 months has received support through the consultation process and has been benchmarked against other north Wales LPAs. Marketing can take place prior or concurrent to a building ceasing its current use and therefore dereliction should not arise. The County is a large one and different areas are covered by different papers depending on where</p>	<p>No change proposed</p> <p>No change proposed</p> <p>Amendment to paragraph 5.3 to remove the final bullet point & deletion of paragraph 8.4</p> <p>No change proposed</p>

Representor	Comments (summary)	Council's Response	Changes proposed
	<p>Para 8.5 - % limit not appropriate, each case should be considered on its merits.</p> <p>SPG should contain pictures of successful conversions.</p> <p>Draft SPG does not help with the Council's drive to be open for business and to improve the rural economy. Viability of converting rural buildings doubtful, Denbighshire will have a legacy of dereliction. Policy PSE 4 is flawed as it is unlikely that it will be viable to convert for affordable housing.</p>	<p>the development proposal is and this has been left flexible. Agreed, para 8.5a to be amended.</p> <p>Agreed final version will have appropriate illustrations.</p> <p>The Council acknowledges that in some cases conversion of rural buildings to affordable housing would not be financially viable, due to the higher costs of conversion compared to new build and provided that this can be demonstrated to be unviable conversion for market housing may be acceptable. It is proposed to amend the SPG to reflect this. LDP policies will be monitored annually and revised as part of the LDP review as necessary.</p>	<p>Amendment to paragraph 8.5 (a) to clarify that any agreed extensions must be modest in scale and subordinate to the original building. Appropriate illustrations will be included in the final version. Amendments to Section 7 to clarify that provided that conversion to affordable housing can be demonstrated to be unviable conversion for market housing may be acceptable.</p>
Natural Resources Wales	<p>Advise that exterior design and appearance reflect local vernacular and designs.</p> <p>Include a paragraph highlighting AONB and WHS.</p> <p>Welcome para on wildlife.</p>	<p>Comments noted. Section 7 requires the retention of existing features and materials wherever possible. Reference to be made in amended para 8.8.</p> <p>Comments noted.</p>	<p>No change proposed</p> <p>Amendments to Section 8 to refer to the AONB & World Heritage Site No change proposed</p>

Representor	Comments (summary)	Council's Response	Changes proposed
	<p>Suggest mentioning derogation purposes in section under bats.</p> <p>Include requirements for appropriate 'bat' friendly building design specifications.</p> <p>Proposals that have implications for nursery roosts are likely to require post project surveillance and monitoring.</p> <p>Consider mentioning there may be need to dedicate all or part of a structure specifically for use as bat roosts.</p> <p>Duties in respect of birds and biodiversity should be assessed and addressed to the satisfaction of the Council's ecological officer and third party specialists.</p>	<p>Reference is made in paragraph 8.7 to the appropriate legislation, SPG specifically on biodiversity to be produced and not necessary to duplicate here. Detailed conditions would be attached to any planning permission.</p> <p>Detailed conditions would be attached to any planning permission.</p> <p>Paragraph 8.7 to be amended accordingly.</p>	<p>No change proposed</p> <p>No change proposed</p> <p>Amendments to paragraph 8.7 to refer to duties in respect of birds and biodiversity.</p>
Cllr Martyn Holland	<p>1) Barns by their nature are often remote and most first time buyers are looking for housing in villages or towns for convenience, schools, public transport, etc.</p> <p>2) Barns cost a considerable amount of money to convert due to the fact that the fabric of the buildings is often in a poor state of repair and some can even be listed. Many barns are remote and utilities are often not on site. If a well is required to supply water these can cost a minimum of £10k to create. Because of these costs they can hardly be called affordable.</p>	<p>The Council acknowledges that in some cases conversion of rural buildings to affordable housing would not be financially viable, due to the higher costs of conversion compared to new build and provided that this can be demonstrated to be unviable conversion for market housing may be acceptable. It is proposed to amend the SPG to reflect this.</p> <p>LDP policies will be monitored annually and revised as part of the LDP review as necessary.</p>	<p>Amendments to Section 7 to clarify that provided that conversion to affordable housing can be demonstrated to be unviable conversion for market housing may be acceptable.</p>

Representor	Comments (summary)	Council's Response	Changes proposed
	<p>I totally agree with the proposed policy that closed village pubs and shops must be actively advertised as pubs and shops for a minimum of twelve months before we should consider any planning application for change of use for residential purposes. I firmly believe that they should be advertised UK wide using all types of media options.</p> <p>I do not agree with the view that they should only be advertised in Wales as I feel that it is important that these community facilities stay open not matter who runs them. This is the only way we will stop the depopulation of rural areas and in the long term protect the Welsh language. We already know from statistics that younger people are leaving Wales for better job opportunities elsewhere in the world and the loss of village amenities will only accelerate this exodus.</p>	<p>Paragraph 6.3 sets out the marketing requirements for rural buildings and it is proposed to include a requirement for web-based marketing by a commercial property agent. This would include national coverage.</p>	<p>Amend paragraph 6.3 to include reference to web-based marketing.</p>

Appendix 3

Conversion of Rural Buildings Supplementary Planning Guidance Adoption of final document 27/04/2015

Equality Impact Assessment

Conversion of Rural Buildings Supplementary Planning Guidance - consultation draft

Contact: Angela Loftus

Updated: 27.04.15

1. What type of proposal / decision is being assessed?

Other

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

The proposal is to adopt the draft Supplementary Planning Guidance (SPG) on conversion of rural buildings following consultation with members of the public and key stakeholders. The Supplementary Planning Guidance supports planning policies contained within the Denbighshire Local Development Plan 2006 – 2021. If adopted the Supplementary Planning Guidance will be used in the determination of relevant planning applications.

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

No

The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the policy. The LDP, including the requirement to consider the conversion of rural buildings, underwent a full EqIA in 2009. There are minor changes proposed to the draft document but it is not envisaged that they would adversely affect any of the eight protected characteristics.

4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

(Please refer to section 1 in the toolkit for guidance)

The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqlA in 2009.

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

(Please refer to section 1 in the toolkit for a description of the protected characteristics)

No

6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

No

7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.

No	Not required
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8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

No	Not required
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Action(s)	Owner	By when?

9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	05/2016
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	27.4.15

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.
