

At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: 8 Mehefin 2015

Rhif Union: 01824 712568

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 17 MEHEFIN 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 (Tudalennau 5 - 10)

2 DATGANIADAU O GYSYLLTIAD (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 MATERION BRYD 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.

4 COFNODION (Tudalennau 13 - 18)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 13 Mai 2015 (copi ynghlwm).

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 -11) -

5 CAIS RHIF 05/2015/0353 - PEN Y GRAIG, GLYNDYFRDWY (Tudalennau 19 - 40)

Ystyried cais i ailddechrau defnydd preswyl o annedd ar gyfer deiliadaeth anghenion lleol a chodi estyniad ym Mhen y Graig (de-orllewin Plas Tirion) Glyndyfrdwy, Corwen (copi ynghlwm).

6 CAIS RHIF 08/2014/1110 – TIR CYFAGOS I WERCLAS, CORWEN (Tudalennau 41 - 60)

Ystyried cais i Godi annedd, creu mynedfa newydd a maes parcio, gosod gwaith trin a ffos gerrig a gwaith cysylltiedig ar dir ger Gwerclas, Corwen (copi ynghlwm).

7 CAIS RHIF 16/2015/0271 - NEUADD LLANBEDR, LLANBEDR DC RHUTHUN (Tudalennau 61 - 74)

Ystyried cais i Ddileu amod rhif 11 (sy'n gofyn am ddarparu tai fforddiadwy) o ganiatâd cynllunio cod rhif 16/2014/1020 - Neuadd Llanbedr, Llanbedr DC, Rhuthun (copi ynghlwm).

8 CAIS RHIF 40/2015/0319 - FFERM PENGWERN, FFORDD NANT Y FAENOL, BODELWYDDAN (Tudalennau 75 - 88)

Ystyried cais i Godi adeilad amaethyddol gydag ardaloedd llawr caled, Fferm Pengwern, Ffordd Nant y Faenol, Bodelwyddan (copi ynghlwm).

9 CAIS RHIF 45/2015/0298 - 140A VALE ROAD, Y RHYL (Tudalennau 89 - 102)

Ystyried cais i Newid defnydd o gyflenwyr adeiladwyr i siop cyrff cerbydau modur a bwth chwistrellu a newidiadau cysylltiedig gan gynnwys gosod simnai awyru, 140A Vale Road, Y Rhyl (copi ynghlwm).

10 CAIS RHIF 45/2015/0386 - 27 EDGBASTON ROAD, Y RHYL (Tudalennau 103 - 118)

Ystyried cais i Godi estyniad 2 lawr yng nghefn yr annedd, 27 Edgbaston Road, Y Rhyl (copi ynghlwm).

11 CAIS RHIF - 45/2013/1510 - SAFLE OCEAN BEACH, FFORDD WELLINGTON, Y RHYL (Tudalennau 119 - 130)

Ystyried cais i Ddileu amod rhif 4 o ganiatâd cynllunio amlinellol rhif 45/2013/1510 i ganiatáu gwaith tirlunio dros dro, ar neu cyn 31 Hydref 2015, Safle Ocean Beach, Ffordd Wellington, Y Rhyl (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Y Cyngorydd Ray Bartley (Cadeirydd)

Ian Armstrong
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Meirick Davies
Richard Davies
Stuart Davies
Peter Arnold Evans
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones
Pat Jones
Barry Mellor
Bob Murray

Y Cyngorydd Win Mullen-James (Is-Gadeirydd)

Peter Owen
Dewi Owens
Merfyn Parry
Paul Penlington
Pete Prendergast
Arwel Roberts
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth
Y Wasg a'r Llyfrgelloedd
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 Cyngorwyr 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 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, 13 Mai 2015 am 9.30 am.

YN BRESENNOL

Y Cyngorwyr Raymond Bartley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, 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, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams a Huw Williams

Mynychodd y Cyngorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus ar gyfer eitem 11 ar y rhaglen.

HEFYD YN BRESENNOL

Pennaeth Cynllunio a Gwarchod y Cyhoedd (GB); Prif Gyfreithiwr – Cynllunio a Phrifyrdd (SC); Rheolwr Rheoli Datblygu (PM); Prif Swyddog Cynllunio (IW); Rheolwr Polisi Cynllunio a Gwarchod y Cyhoedd (AL) a Gweinyddwr Pwyllgorau (KEJ)

1 YMDDIHEURIADAU

Y Cyngorwyr Ian Armstrong a Dewi Owens

2 DATGAN CYSYLLTIAD

Ni ddatganwyd unrhyw gysylltiad personol na niweidiol.

3 PENODI CADEIRYDD

Gofynnwyd am enwebiadau ar gyfer swydd Cadeirydd y Pwyllgor Cynllunio ar gyfer 2015/16. Cynigiodd y Cyngorydd David Simmons ac eiliodd y Cyngorydd Paul Penlington fod y Cyngorydd Win Mullen-James yn cael ei benodi'n Gadeirydd. Cynigiodd y Cyngorydd Joe Welch, ac eiliodd y Cyngorydd Huw Hilditch-Roberts fod y Cyngorydd Ray Bartley yn cael ei benodi'n Gadeirydd. Anerchodd yr ymgeiswyr y pwyllgor i gefnogi eu henwebiadau ac yn dilyn hynny, cynhaliwyd pleidlais gyfrinachol.

PLEIDLAIS:

Y Cyngorydd Win Mullen-James – 8

Y Cyngorydd Ray Bartley – 18

***PENDERFYNWYD** penodi'r Cyngorydd Ray Bartley yn Gadeirydd y Pwyllgor Cynllunio ar gyfer y flwyddyn ddilynol.*

4 PENODI IS-GADEIRYDD

Gofynnwyd am enwebiadau ar gyfer swydd Is-gadeirydd y Pwyllgor Cynllunio ar gyfer 2015/16. Cynigiodd y Cynghorydd David Simmons ac eiliodd Paul Penlington fod y Cynghorydd Win Mullen-James yn cael ei benodi'n Is-gadeirydd. O fwrw pleidlais –

PENDERFYNWYD yn unfrydol penodi'r Cynghorydd Win Mullen-James yn Is-gadeirydd y Pwyllgor Cynllunio ar gyfer y flwyddyn ddilynol.

5 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chodwyd unrhyw faterion bryn.

6 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 15 Ebrill 2015.

Materion yn Codi – Tudalen 16: Eitem 11 yr Agenda: Adroddiad Diweddar S106 – Ysbyty Pool Park, Rhuthun – Gwnaeth y Cadeirydd ymholiadau i Archifau Ysbyty Dinbych Gogledd Cymru a chadarnhaodd fod y cofnodion hanesyddol yn ymwneud ag Ysbyty Pool Park wedi'u cadw.

PENDERFYNWYD cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 15 Ebrill 2015 fel gwir gofnod.

7 CAIS RHIF 43/2015/0220/PF - TIR YN 1 BOSWORTH GROVE, PRESTATYN

Cyflwynwyd cais i godi modurdy ar wahân (yn rhannol ôl-weithredol) ar dir yn 1 Bosworth Grove, Prestatyn.

Siaradwyr Cyhoeddus –

Mr. J. Duncan (**Yn Erbyn**) - mynegodd bryderon mewn perthynas ag uchder a safle'r modurdy a'r dŵr ffo o'r to.

Mr. A. Dean, Ymgeisydd (**O blaid**) – esboniodd ei resymau y tu cefn i'r dewis modurdy a rhoddodd sicrwydd mewn perthynas â'r ddarpariaeth draenio dŵr.

Dadl Gyffredinol - Tynnwyd sylw'r aelodau at ganfyddiadau'r ymweliad safle a gynhaliwyd ar 7 Mai 2015 fel y manylir yn y dalennau glas ychwanegol. Cadarnhaodd y Cynghorydd Julian Thompson-Hill (Aelod Lleol) nad oedd ganddo wrthwynebiad i godi modurdy mewn egwyddor ar yr amod yr eir i'r afael â'r broblem draenio dŵr. Er iddo gydymdeimlo â safbwyntiau'r gwrthwynebwyr, nid ystyriodd y byddai caniatáu'r cais yn arwain at effaith negyddol sylweddol ar eiddo cyfagos. O ganlyniad, cynigiodd argymhelliad y swyddog i roi caniatâd, yn amodol ar amod i sicrhau nad oes anghyfleustra i gymdogion o ganlyniad i ddŵr ffo o'r modurdy. Tynnwyd sylw'r aelodau at yr amod 2 a awgrymwyd yn yr adroddiad a fyddai'n sicrhau bod trefniadau priodol yn cael eu gwneud i waredu ar ddŵr y to. Rhoddwyd esboniad hefyd o'r cynlluniau amgaaedig mewn ymateb i gwestiynau ac eglurwyd

mai 1 Bosworth Grove oedd yr eiddo presennol ac mai 1a fyddai'r adeilad newydd sydd wrthi'n cael ei adeiladu o'i gwblhau.

Cynnig – Cynigiodd y Cynghorydd Julian Thompson-Hill argymhellion y swyddog i roi caniatâd, a eiliwyd gan y Cynghorydd Peter Owen.

PLEIDLAIS:

O BLAID – 25

YN ERBYN – 0

ATAL – 0

PENDERFYNWYD RHOI caniatâd yn unol ag argymhellion y swyddog fel y manylir arnynt yn yr adroddiad.

8 CAIS RHIF 03/2015/0340/PS – GWAITH BERWYN, STRYD Y BERWYN, LLANGOLLEN

Cyflwynwyd cais i godi tri amod a osodwyd ar ganiatâd cynllunio 03/2012/1407/PS ar gyfer datblygiad siop fwyd yn Berwyn Works, Stryd y Berwyn, Llangollen fel a ganlyn –

- Amodau 18 ac 19 – codi'r gofyniad i ufuddhau i safonau adeiladu BREEAM yn natblygiad y siop fwyd
- Amod 45 – codi'r cyfyngiad ar ddatblygu tir islaw 84.6m AOD.

Dadl Gyffredinol – Cadarnhaodd y Cynghorydd Stuart Davies (Aelod Lleol) ei fod yn hapus i symud argymhellion y swyddog i godi'r tri amod o gofio bod safonau adeiladu BREEAM wedi'u disodli'n effeithiol gan reoliadau adeiladu ac nad oedd llifogydd yn broblem. Cadarnhaodd y Cynghorydd Rhys Hughes (Aelod Lleol) hefyd nad oedd ganddo wrthwynebiad i godi amod 45 ond gofynnodd am eglurhad pellach mewn perthynas â safonau adeiladu BREEAM ac effaith ddilynol eu codi. Esboniodd y swyddogion cynllunio mai'r rheswm y tu cefn i gyflwyno safonau BREEAM oedd y bwriad o wella safonau adeiladu a darparu stamp ansawdd ar gyfer datblygu. Gosodwyd Amodau 18 ac 19 yn 2012 yn unol â Nodyn Cyngor Technegol 22 (TAN 22) Llywodraeth Cymru. Fodd bynnag, cafodd TAN 22 ei ganslo yn 2014 ar y sail y byddai newidiadau dilynol i'r broses rheoliadau adeiladu bellach yn mynd i'r afael â'r materion cynaliadwyedd.

Ystyriodd y pwyllgor y ceisiadau i godi'r amodau ar wahân.

Cynnig - Cynigiodd y Cynghorydd Stuart Davies argymhellion y swyddog i godi Amodau 18 ac 19, ac fe'i heiliwyd gan y Cynghorydd Joan Butterfield.

PLEIDLAIS:

O BLAID – 21

YN ERBYN – 2

ATAL – 1

PENDERFYNWYD RHOI caniatâd i'r cais i godi Amodau 18 ac 19 yn unol ag argymhellion y swyddog fel y manylir yn yr adroddiad.

Cynnig – Cynigiodd y Cynghorydd Stuart Davies argymhellion y swyddog i godi Amod 45, a eiliwyd gan y Cynghorydd Joan Butterfield.

PLEIDLAIS:

O BLAID – 21

YN ERBYN – 3

ATAL – 0

PENDERFYNWYD RHOI caniatâd i'r cais i godi Amod 45 yn unol ag argymhellion y swyddog fel y manylir yn yr adroddiad.

9 CAIS RHIF 45/2015/0316/PF - 23 LYNTON WALK, Y RHYL

Cyflwynwyd cais i godi estyniadau un llawr a deulawr i gefn 23 Lynton Walk, Y Rhyl.

Dadl Gyffredinol – Siaradodd y Cynghorydd David Simmons (Aelod Lleol) o blaid y cais er gwaetha'r gwrthwynebiadau gan Gyngor Tref y Rhyl yn sgil rhesymau dwysáu gormodol. Teimlai'r Cynghorydd Simmons nad oedd y cais yn anghyson â'r estyniadau a wnaed i eiddo eraill ar yr un stryd. Nodwyd na chafwyd unrhyw wrthwynebiad gan y cymdogion.

Cynnig – Cynigiodd y Cynghorydd David Simmons argymhelliad y swyddog i roi caniatâd, a eiliwyd gan y Cynghorydd Barry Mellor.

PLEIDLAIS:

CANIATÂU – 24

GWRTHOD – 0

ATAL – 0

PENDERFYNWYD RHOI caniatâd yn unol ag argymhellion y swyddog fel y manylir yn yr adroddiad.

10 ADRODDIAD GORFODI CYNLLUNIO - GOLYGFA, LLWYN Y RHOS, LLANRHAEADR, DINBYCH

Cyflwynwyd adroddiad gorfodi cynllunio mewn perthynas â thresmasiad yn ymwneud â chodi ffens sydd dros y cyfyngiad datblygu a ganiateir yng Ngolygfa, Llwyn y Rhos, Llanrhaeadr. Roedd y ffens yn fwy na dau fetr o uchder ac felly'n gofyn am ganiatâd cynllunio nad oedd wedi'i geisio na'i roi.

Dadl Gyffredinol – Esboniodd y Swyddog Cynllunio amgylchiadau'r achos a'r rhesymeg y tu cefn i argymhelliad y swyddog i beidio â chymryd camau pellach o gofio mai mân oedd y tramgwydd ac ym marn y swyddogion, nid oedd effaith sylweddol ar amwynderau'r eiddo cyfagos, Tŷ Maen.

Adroddodd y Cynghorydd Joe Welch (Aelod Lleol) ar ymweliad safle i'r eiddo ac amlygodd y tramgwyddau a phryderon Tŷ Maen gerllaw. Ym marn y cymydog, roedd y tramgwyddau'n cael effaith andwyol ac yn effeithio ar eu golygfa o Fryniau

Clwyd. Cynghorodd y Cynghorydd Welch fod y sefyllfa'n debygol o ddwysáu a holodd pryd y byddai camau gorfodi'n cael eu cymryd. Teimlai y byddai methu gweithredu'n trosglwyddo'r neges anghywir.

Mewn dadl, nododd yr aelodau hanes y gŵyn a'r wrthgwyn gan y cymdogion a mynegwyd pryder mewn perthynas â'r ymddygiad ymosodol a brofwyd gan swyddogion a'r diffyg cysylltiad gan y tramgwyddwr yn yr achos hwn. Cafwyd barnau cymysg ynghylch y ffordd orau o symud ymlaen gyda rhai aelodau'n ystyried na fyddai cymryd camau gorfodi'n gwneud y defnydd gorau o adnoddau yn yr achos hwn ac yn gwneud y Cyngor yn rhan o anghydfod rhwng cymdogion. Teimlai'r aelodau eraill y dylai'r Cyngor orfodi ei bolisiau a chymryd camau yn erbyn y tramgwyddau i reolaeth gynllunio. Gofynnodd y swyddogion i'r aelodau ganolbwyntio ar ystyriaethau cynllunio materol wrth benderfynu p'un ai i gymryd camau gorfodi – a gafodd y tramgwyddau i reolaeth gynllunio gymaint o effaith andwyol ar amwynderau'r cymydog i gyfiawnhau camau gorfodi yn yr achos hwn? Petai'r aelodau'n penderfynu yn erbyn argymhelliad y swyddog, dylid cael rhesymau clir pam y byddai'n fanteisiol cymryd camau gorfodi. Ni fyddai cymryd camau gorfodi ar hyn o bryd yn golygu na ellir cymryd camau yn y dyfodol petai'r sefyllfa'n newid. Petai'r aelodau o blaid gweithredu, byddai rhybudd gorfodi'n cael ei gyflwyno i gyfyngu ar uchder y ffens yn unol â'r terfyn datblygu a ganiateir o ddau fetr.

Pleidleisiwyd ar y cynigion canlynol –

Cynnig – Cynigiodd y Cynghorydd Joe Welch, a eiliwyd gan y Cynghorydd Merfyn Parry, yn groes i argymhelliad y swyddog, sef cymryd camau gorfodi ar sail yr effaith andwyol sylweddol ar amwynder yr eiddo cyfagos yn sgil effaith weledol y ffens.

Cynnig - Cynigiodd y Cynghorydd Julian Thompson-Hill argymhelliad y swyddogion i beidio â chymryd camau, a eiliwyd gan y Cynghorydd David Simmons.

PLEIDLAIS:

O BLAID CAMAU GORFODI – 17
YN ERBYN CAMAU GORFODI – 6
ATAL – 1

***PENDERFYNWYD**, yn groes i argymhelliad y swyddog, gymryd camau gorfodi yn erbyn tramgwyddo'r rheolaeth gynllunio yng Ngolygfa, Llwyn y Rhos, Llanrhaeadr ar sail yr effaith andwyol sylweddol ar amwynder yr eiddo cyfagos yn sgil effaith weledol y ffens.*

11 CANLLAW CYNLLUNIO ATODOL AILDDEFNYDDIO AC ADDASU ADEILADAU GWLEDIG - MABWYSIADU

Cyflwynodd y Cynghorydd David Smith, Aelod Arweiniol Tir y Cyhoedd yr adroddiad yn argymhell mabwysiadu'r Canllawiau Cynllunio Atodol ar Ailddefnyddio ac Addasu Adeiladau Gwledig terfynol i'w defnyddio wrth benderfynu ar geisiadau cynllunio. Darparodd rywfaint o gyd-destun i'r adroddiad ac esboniodd y gwahanol gamau yn

y broses cyn i'r Pwyllgor Cynllunio fabwysiadu'r dogfennau Canllawiau Cynllunio Atodol.

Cynhaliwyd cyfnod ymgynghori o wyth wythnos a darparwyd crynodeb o'r sylwadau a ddaeth i law ynghyd ag ymateb y Cyngor. Tynnwyd sylw'r aelodau at y prif faterion a godwyd a arweiniodd at nifer o newidiadau arfaethedig fel yr amlygwyd yn y ddogfen derfynol a'r diwygiadau fel a osodwyd yn y papurau atodol hwyr. Cyfeiriwyd yn benodol at argymhellion y Grŵp Tasg a Gorffen Fforddiadwy a'r cynnig dilynol i ddiwygio'r Canllawiau Cynllunio Atodol i alluogi ar gyfer trawsnewid adeiladau gwledig ar gyfer tai marchnad pe gellid dangos bod yr adeilad wedi'i farchnata at ddefnydd economaidd, heb lwyddiant ac na fyddai ei drawsnewid ar gyfer tai fforddiadwy'n ymarferol.

Mewn dadl, cymerodd yr aelodau'r cyfle i ddiolch i'r Aelod Arweiniol a'r swyddogion am eu gwaith caled wrth lunio'r ddogfen Canllawiau Cynllunio Atodol terfynol er mwyn rhoi canllawiau clir ar y defnyddiau priodol a derbyniol ar gyfer adeiladau gwledig. Gwerthfawrogwyd y ffordd glir yr amlygwyd y newidiadau a'r diwygiadau yn y ddogfen canllawiau cynllunio atodol hefyd. Croesawodd yr aelodau'n benodol newidiadau a fyddai'n galluogi ar gyfer trawsnewid adeiladau gwledig yn dai marchnad dan amgylchiadau penodol, gan alluogi adeiladau segur i gael eu hadfer a'u trawsnewid yn llety byw. Codwyd y materion canlynol hefyd –

- cyfeiriwyd at faint bach rhai adeiladau gwledig a chadarnhaodd y swyddogion fod y Cyngor wedi mabwysiadu canllawiau o ran yr isafswm safonau lle a dylai unrhyw estyniadau angenrheidiol fod yn eilradd i'r adeilad gwreiddiol – ond roedd yr isafswm safonau lle er cyfarwyddyd yn unig a byddai pob cais yn cael eu trin yn ôl eu haeddiant
- ar ôl cryn ddadlau, ystyriwyd y byddai cyfnod marchnata o ddeuddeg mis yn rhesymol a chafodd ei gynnwys yn y canllawiau – ond unwaith eto, byddai pob achos yn cael eu hasesu yn ôl eu haeddiant unigol
- nododd y swyddogion fod y gair "yn" wedi'i ddyblygu yn y ddogfen Canllawiau Cynllunio Atodol Gymraeg a bod angen ei dynnu allan (tudalen 75, paragraff 5.3, pwynt bwled cyntaf).

Cynnig – Cynigiodd y Cynghorydd Stuart Davies argymhelliad y swyddog, a eiliwyd gan y Cynghorydd Merfyn Parry.

PLEIDLAIS:

O BLAID – 23

YN ERBYN – 0

ATAL – 1

PENDERFYNWYD bod yr aelodau'n mabwysiadu'r Canllawiau Cynllunio Atodol ar Ailddefnyddio ac Addasu Adeiladau Gwledig terfynol fel y diwygiwyd, i'w defnyddio wrth benderfynu ar geisiadau cynllunio (fel y manylir yn Atodiad 1 yr adroddiad a'r diwygiadau a osodwyd yn y papurau atodol hwyr).

Daeth y cyfarfod i ben am 11.00 a.m.

Eitem Agenda 5

Philip Garner

WARD: Corwen

AELOD WARD: Y Cyng. Huw Jones

RHIF Y CAIS: 05/2015/0353/PF

CYNNIG: Ail-ganiatáu defnydd preswyl annedd ar gyfer daliadaeth anghenion lleol a chodi estyniad

LLEOLIAD: Pen y Graig (i'r de-orllewin o Blas Tirion), Glyndyfrdwy, Corwen

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 05/2015/0353/PF
PEN Y GRAIG (SOUTH WEST OF PLAS TIRION)
GLYNDYFRDWY

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

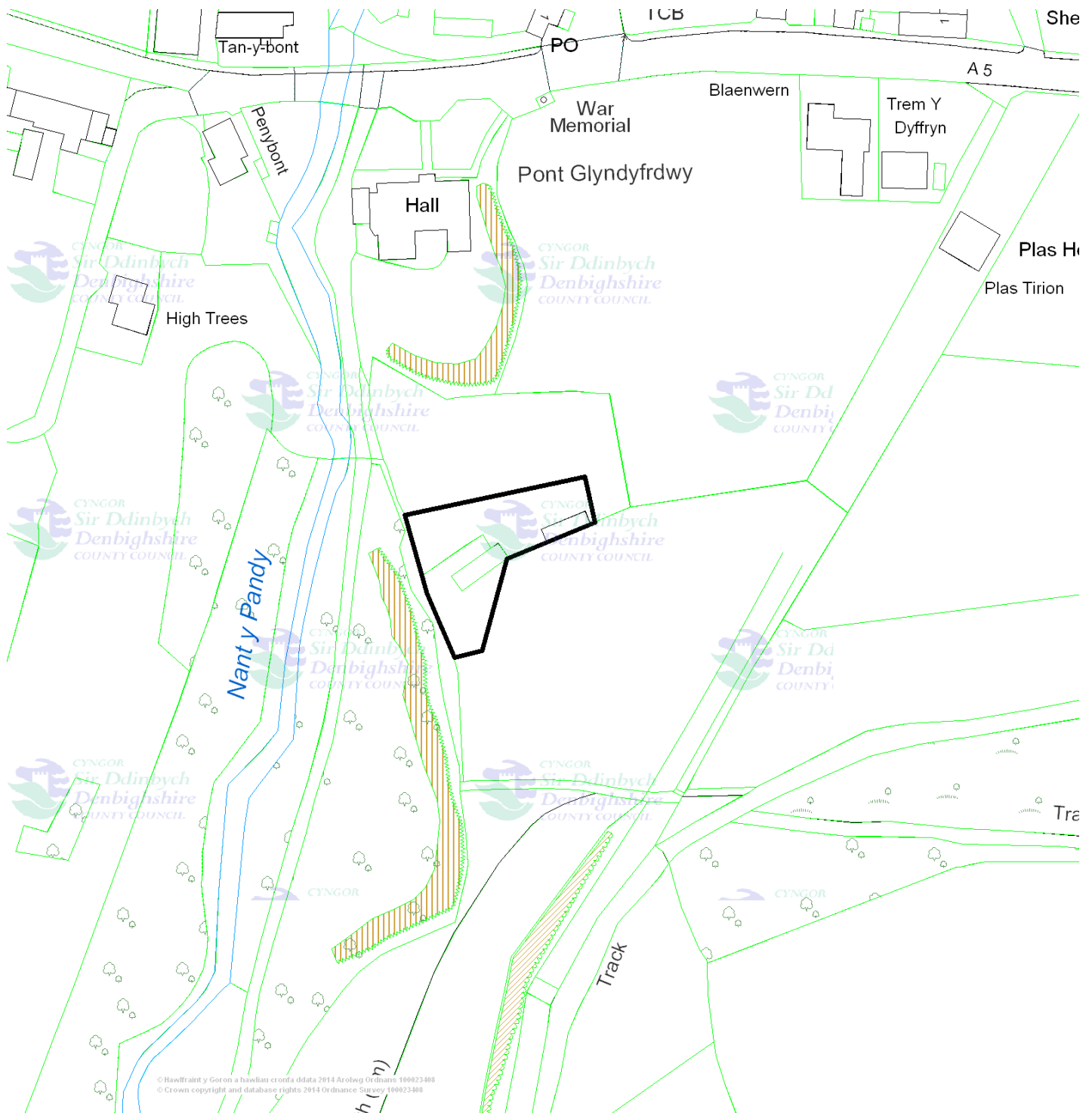


Date 1/6/2015

Scale 1/1250

Centre = 314908 E 342539 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.



SITE PLAN



LOCATION PLAN

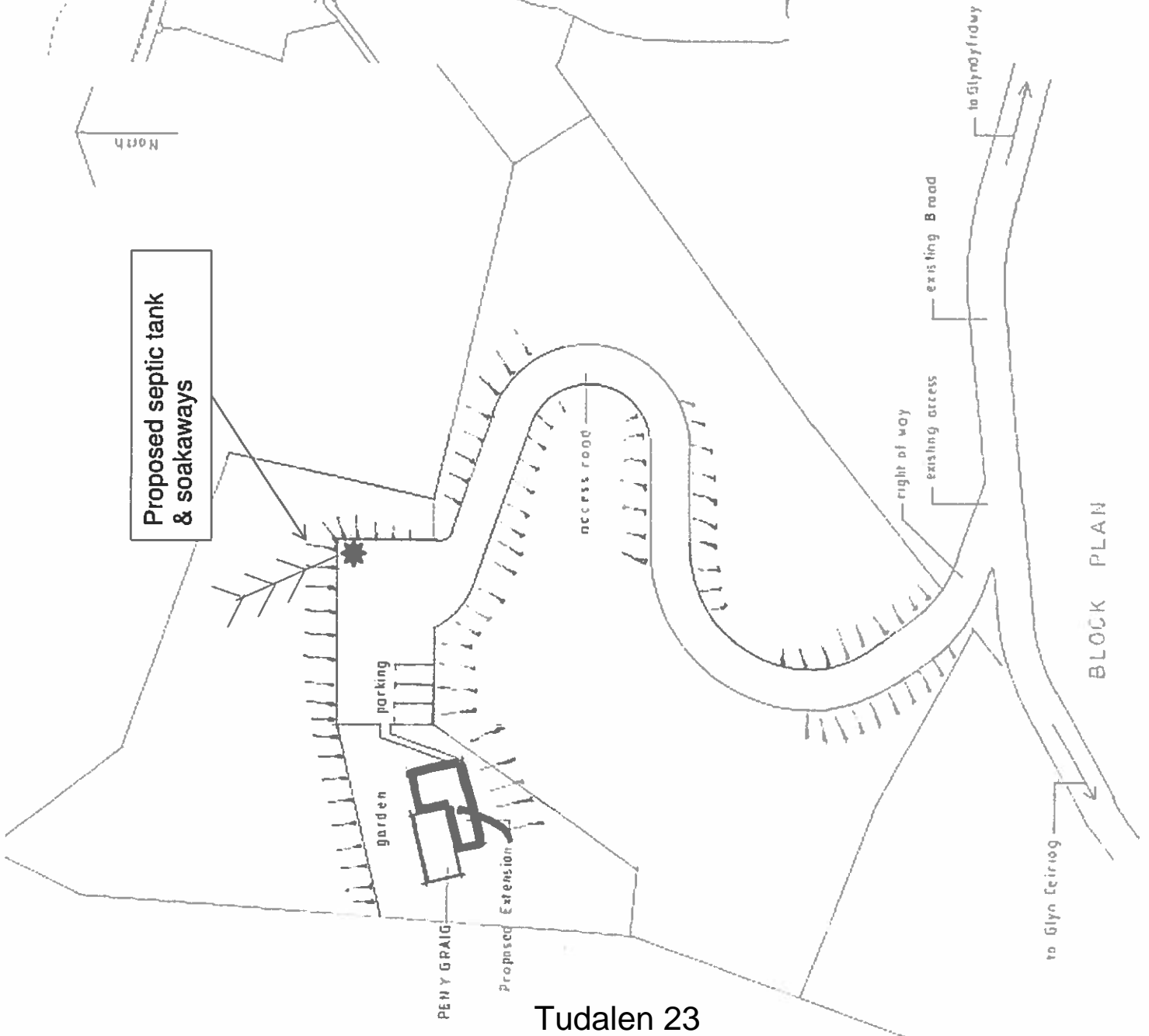
David E. Davies
 Building Consultant
 2, Moss Glod
 Court Road
 Wrexham LL13 7SN
 Tel: 01978 359882

PROPOSED EXTENSIONS TO
 PEN Y GRAIG, GLYNDYFRDŴY.

Block Plan: Location Plan

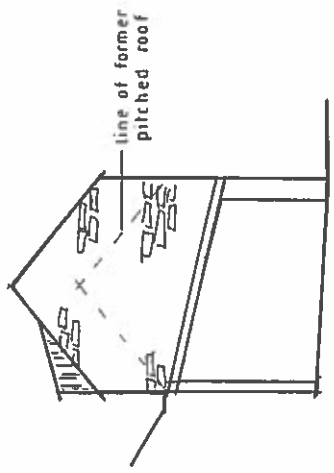
Scale: 1:500 Date: March 2015

Drawing No. BW/01/05 A

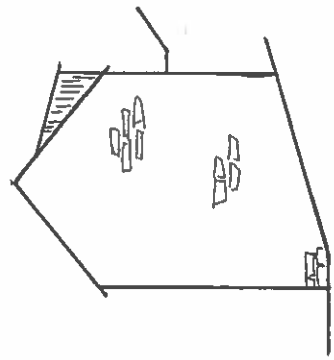


BLOCK PLAN

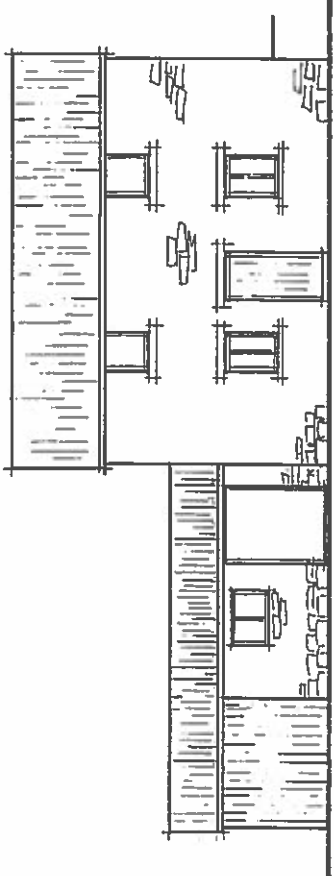
EXISTING FLOOR & ELEVATION PLANS



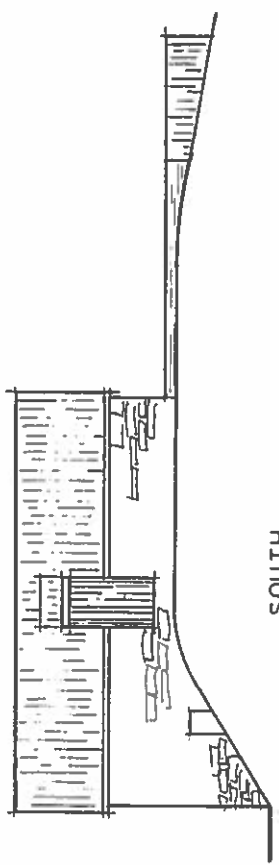
EAST



WEST

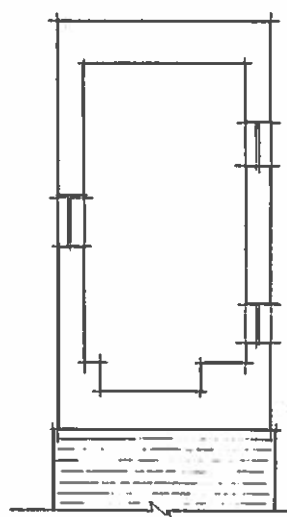


NORTH ELEVATION

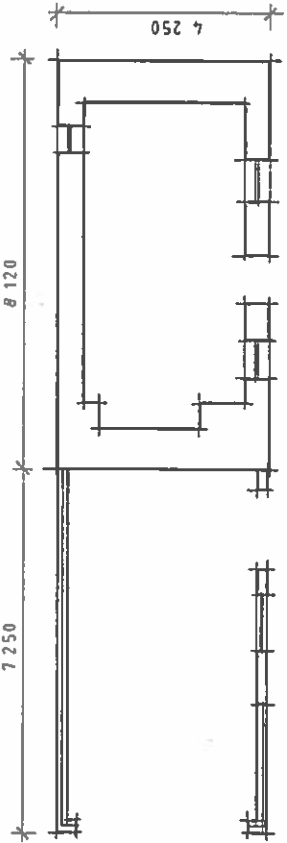


SOUTH

<p>PROPOSED RESTORATION AND EXTENSIONS TO PEN Y GRAIG, GLYNDYFRDWY, CORWEN.</p> <p>Existing Plans and Elevations</p>	<p>David B. Davies Building Consultant 2 Maes Glas Court Road Wrexham LL13 7SN</p> <p>Tel: 01978 359882</p>
<p>Scale: 1 : 100 Date: July 2014</p>	<p>Drawing No. BW/01/001 A</p>

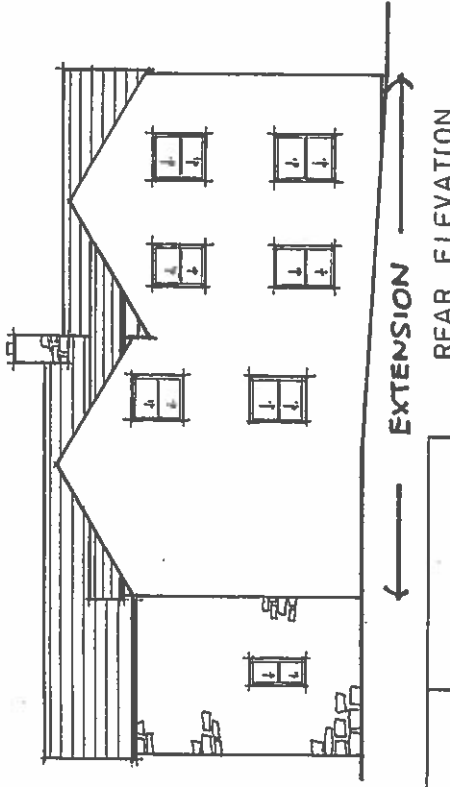
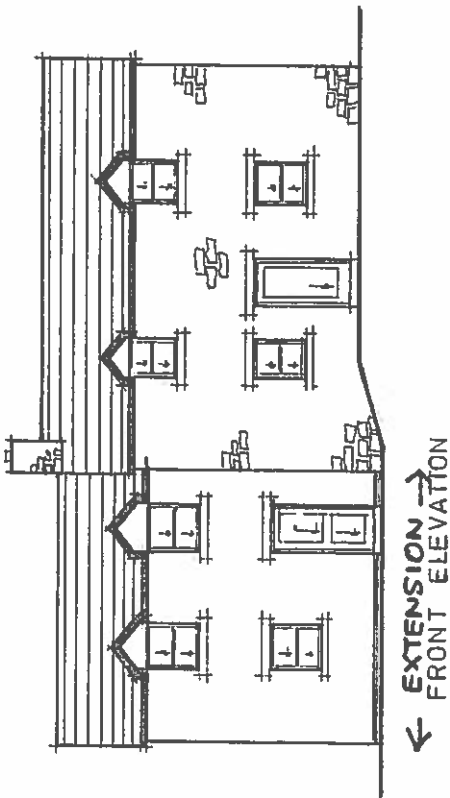


FIRST FLOOR



GROUND FLOOR

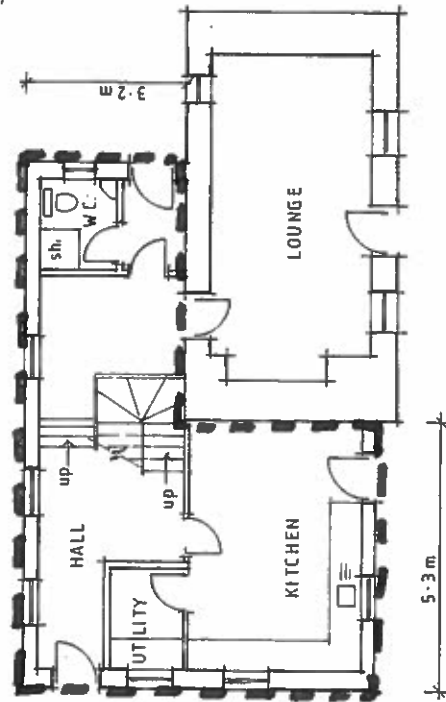
PROPOSED FLOOR & ELEVATION PLANS



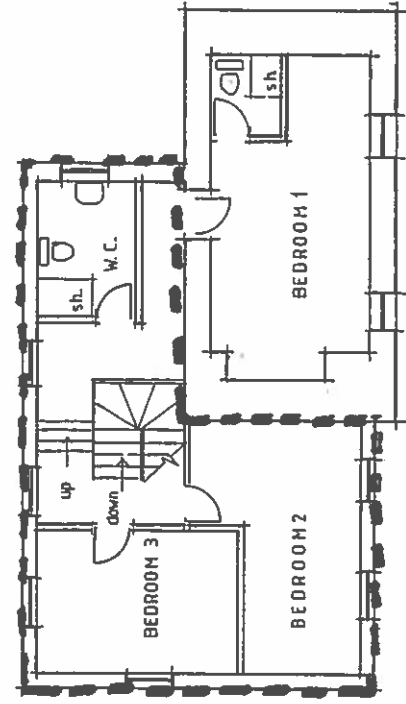
**PROPOSED EXTENSIONS TO
PEN Y GRAIG, GLYNDYFRDWWY.**
Proposed Plans & Elevations
 Scale: 1 : 100 Date: March 2015
 David B. Davies
 Building Consultant
 2 Maes Glas
 Court Road
 Wrexham LL13 7SN
 Tel: 01978 359882
 Drawing No. 8W/01/04 A



**OUTLINE OF
EXTENSION**

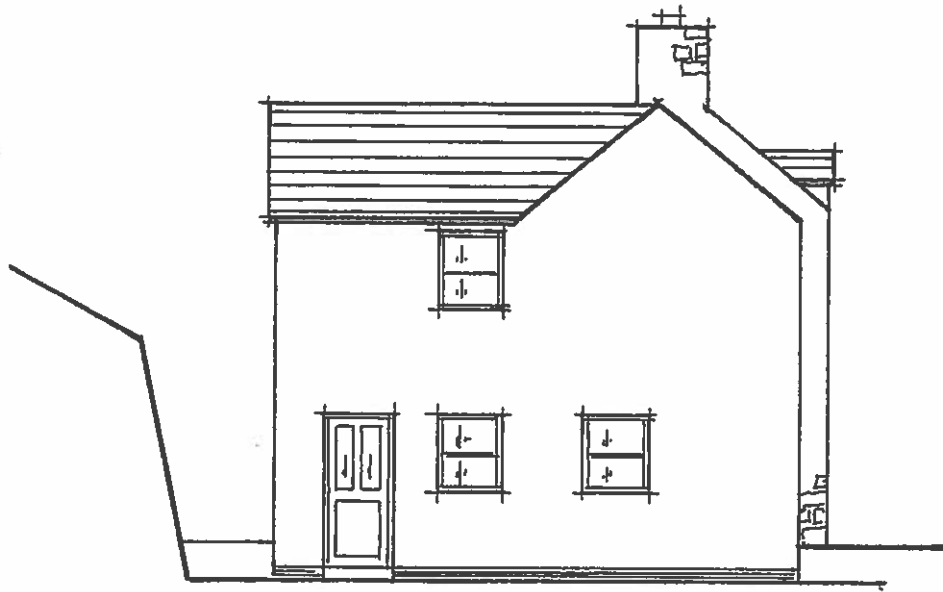


GROUND FLOOR PLAN

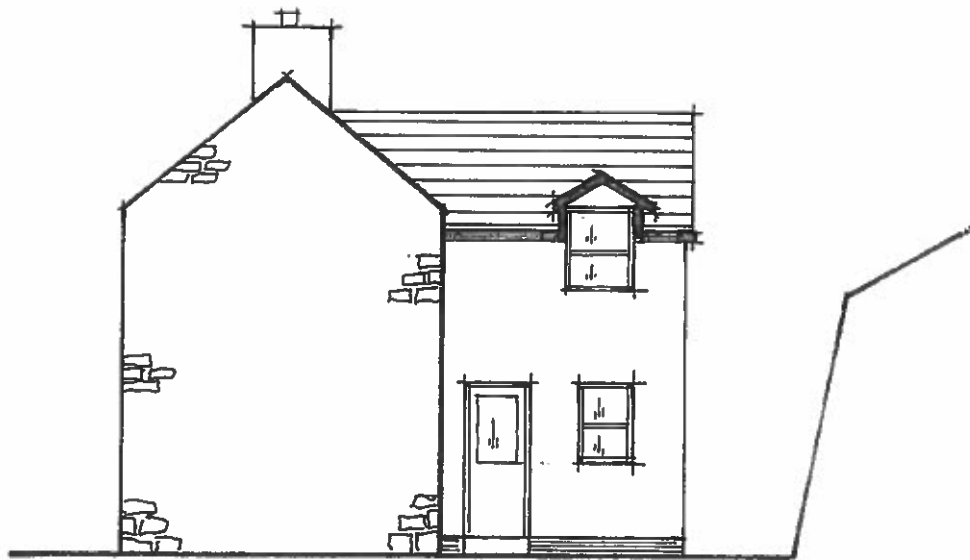


FIRST FLOOR PLAN

PROPOSED ELEVATIONS



EAST ELEVATION



WEST ELEVATION

**PROPOSED EXTENSIONS TO
PEN Y GRAIG, GLYNDYFRDWY.**

**Proposed Elevations
Tudalen 29**

Scales: 1 : 100; Date: April 2015

David B. Davies
Building Consultant
2 Maes Glas
Court Road
Wrexham LL13 7SN
Tel: 01978 359882

Drawing No. BW/01/06

WARD : Corwen

WARD MEMBER(S): Cllr Huw Jones

APPLICATION NO: 05/2015/0353/PF

PROPOSAL: Resumption of residential use of dwelling for local needs occupation and erection of extension

LOCATION: Pen Y Graig (south west of Plas Tirion) Glyndyfrdwy Corwen

APPLICANT: Mrs Heather E Wilson

CONSTRAINTS: PROW
AONB

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

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

- Recommendation to refuse – 4 or more letters of support received
- Recommendation to refuse – Community Council support
- Member request for referral to Committee

CONSULTATION RESPONSES:

CORWEN TOWN COUNCIL –
“Fully support the application.”

AONB IJAC –

“Subject to the planning authority being satisfied that there are established residential use rights for the building, the Partnership has no objection in principle to the development which it is also understood will help meet a specific local need for a dwelling in the community.

However, the Partnership has some concerns about the scale and design of the proposed alterations and extensions which do not reflect the simple character of the original dwelling. The roof should be natural grey/blue slate and the most prominent extension walls should be faced in natural local slate to match the existing. In addition, any retaining structures should be faced with traditionally finished local slate. It will also be necessary to define a modest residential curtilage, which it is suggested should be enclosed with a traditional hedge comprising native local species. Care will required to ensure that the access track blends into its surroundings by seeding cut and fill areas and using slate grey coloured local stone to surface the track.

Finally, the Partnership would emphasise the need to remove the static caravan from the site when the dwelling is occupied and would also draw attention to the need to ensure that the public footpath which adjoins the site is kept open at all times.”

CLWYD POWYS ARCHAEOLOGICAL TRUST

Although the development appears to have limited archaeological implications the proposals will affect a traditional stone house of local architectural interest which is believed to be 17th century in origin. Request an appropriate planning condition be attached to any permission granted requiring a photographic survey of the existing buildings.

NATURAL RESOURCES WALES

Does not object to the proposal. The proposal is not likely to adversely affect Protected species or landscapes.

LLANGOLLEN CIVIC SOCIETY
Support the application.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HIGHWAYS OFFICER –

No objection to the proposals subject to inclusion of conditions relating to parking and turning of vehicles.

PUBLIC RIGHTS OF WAY OFFICER –

Public Footpath 85 (Corwen Community) abuts the development area and would need to be safeguarded.

RESPONSE TO PUBLICITY:

In support:

Representations received from:

Susan Davies, Hafod y Wern, Glyndyfrdwy;
Michelle Hale, 2 Bryn Hyfryd, Glyndyfrdwy;
David & Srah Jones, Plas Tirion, Glyndyfrdwy;
Lisa Jones, Plas Hyfryd, Glyndyfrdwy;
Mary Lewis, School House, Glyndyfrdwy;
Veronica Jones, 4 New Inn Terrace; Glyndyfrdwy;
Enid Williams, Gernant, Glyndyfrdwy;
Jeannette Morris, (Church warden), 19 Maes Owain, Glyndyfrdwy.

Summary of planning based representations in support:

- Desire of the applicants to remain in the village;
- House prices preclude the applicants purchasing a house in the village;
- Present home of the applicants is too small;
- The existing building would be saved and the AONB enhanced.

EXPIRY DATE OF APPLICATION: 07/06/2015

REASONS FOR DELAY IN DECISION (where applicable):

- Awaiting consideration at Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks consent to convert an derelict freestanding stone-built structure with a corrugated metal roof into a three-bedroom dwelling via substantial extensions.
- 1.1.2 The existing building is in two parts. The main section has a footprint of 8.1 metres by 4.2 metres and is of two-storey height, equating to a gross floor area of approximately 69 sqm. Attached to the main stone building is a single-storey outrigger formed from a wooden framework with metal cladding.
- 1.1.3 The information submitted with the application confirms that the last occupation of the building as a dwelling was in 1952, with domestic rates then subsequently stated as being paid until 1957. Since 1952 (63 years ago) it would appear that the building has been utilised as an agricultural store.
- 1.1.4 The application proposes to utilise the existing stone building as a ground floor lounge with a bedroom and en-suite shower room above, with a large two-storey L-shaped extension added to the south and east of the existing building to allow for a kitchen, utility room, hall and shower room on the ground floor with two bedrooms and a bathroom on the first floor, along with a new staircase. The extension proposed

would have a total gross floor area of 104 sqm, thereby representing an increase over the existing building of approximately 150%.

1.1.5 The development includes the re-roofing of the building with a slate roof in place of the existing corrugated metal, with the extension also using slate for its roof, but with rendered walls. The scheme retains the existing four window openings and a ground floor door to the front (north) elevation of the existing building and adds a small ground floor window into the south elevation of the existing property, but with the extension covering all of the east end elevation and the majority of the rear (south) elevation. The existing west end gable of the building is blank and is not proposed to be altered.

1.1.6 The layout proposed shows the use of a track down from the road to the south which leads to a parking area and indicates a septic tank in the north east corner of a hardstanding to the east of the building.

1.1.7 An existing caravan at the site is shown as being removed.

1.2 Description of site and surroundings

1.2.1 The subject building has stone walls with a metal roof and is in a field to the south of the village, around 50 metres from the hall which fronts onto the A5 running through Glyndyfrdwy from east to west. The site has open fields to the south, east and north, with a footpath to the west leading up from the Nant Y Pandy which runs in a valley to the west.

1.3 Relevant planning constraints/considerations

1.3.1 The site stands outside of the development boundary of Glyndyfrdwy. It is within the Area of Outstanding Natural Beauty

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 The case officer contacted the agent for the scheme via email to raise concern at the issues of (1) the lawful use of the building given its non-residential use since 1952 and (2) the scale of extensions proposed to be added. It was suggested that the current application be withdrawn to allow for proper consideration of the existing 'lawful' use of the building given that the 63 years since it was last utilised as a dwelling, and its physical condition indicates that residential use has been abandoned.

1.5.2 The agent responded that as the applicants are anxious to urgently provide themselves with satisfactory local accommodation and they consider that extensions are necessary to bring the building up to a reasonable habitable standard, an application is needed anyway, and it was requested that the application be determined as submitted.

1.6 Other relevant background information

1.6.1 The application is accompanied by a Design and Access Statement which includes details about the site and the need for the dwelling. The agents Statement contains a number of points of interest to the application:

The dwelling is believed to date from the seventeenth century. The design is that of a small quarry or agricultural worker's house. So far as can be seen, the property is in a sound condition.

There are several attached outbuildings which it is believed provided additional residential accommodation.

The property was lawfully occupied as a dwelling from the seventeenth century up to about 1952. The property was then marketed as the occupiers had left it and the estate owner wished to dispose of it. Some furniture was left in the property by the last occupiers (and this remains there to today). It was purchased by the present owners' grandparents with the intention of re-occupying it in 1954. Domestic rates were paid to the Council on it until 1957.

The owners were given the opportunity to purchase a butcher's shop in the village in 1957 and, as a result, the project to bring the property into residential use had to be deferred. It was also understood about that time mains electricity was being brought to the village and it was decided to wait for that before progressing with the project.

In 1975, in order to progress the project the owner added his wife's name to the deeds in order to facilitate obtaining a mortgage for the improvement works and the erection of an extension.

In 1987, the owners were becoming rather elderly and they decided that the remote nature of the property with the steep access was not suitable for their needs. Accordingly, they transferred the ownership to their son and his wife who had a young family. They were ready to move forward with the project and sought advice from the Glyndŵr District Council planning office. The officer visited the site and discussed their intentions. He concluded that the erection of complete new dwelling might better serve their needs and accordingly permission was obtained to erect the property which still occupied by the applicant's parents.

By 2006, the children (i.e. the applicant) had grown up and wished to provide themselves with their own home in the village. Accordingly ownership of Penygraig was transferred to the daughter and her fiancé. The wife of the original owner gave them £100 to start the fund for the renovation of the property. A mobile home was moved to the site about ten years ago to enable them to live on site whilst they undertook the renovation works. Plans for an extension were prepared and submitted informally to the Council in July 2014.

However, it was not occupied and the construction works did not commence owing to adverse comments from the planning officer on the proposed extension.

Agents Analysis:

There appears to be a strong argument that the intention for the existing dwelling was always envisaged as providing a dwelling for occupation for future generations of the family. The applicants always held the hope that they could bring up a family in it and continue the long connection between them and the Glyndŵr community. Their parents had made this intention clear by contacts with the former Glyndwr Council planning department but were apparently persuaded that a new dwelling (now constructed at Plas Tirion) would provide an easier alternative. However the dwelling was retained and limited works were undertaken to ensure it remained sound. The applicants confirmed their intentions by moving a static caravan onto the site around ten years ago in the hope that as finances became available they would be able to move forward with the renovation works.

Following considerable research, it is clear that the occupiers who left the property did not consider that the house was to be abandoned and Council rates continued to be paid. Some furniture was left in the property and it is still present. The property was transferred into the ownership of the owner's granddaughter (now the applicant) and a sum of money was provided to start the building fund.

An application for a Certificate Of Lawfulness has been prepared but after consideration, it has been agreed to leave that in abeyance for the present and to apply (without prejudice) to apply to resume the residential use and to erect limited extensions necessary to house the applicant's growing family.

The Council's policies for conversion of redundant buildings in the countryside requires that they be initially advertised for commercial use. In this case, advice has been sought from local estate agents who have indicated that the building is totally unsuitable for commercial use due to its size, position and location. They suggest that it would be pointless going through the advertisement process.

The building is of considerable local historic interest due to its age and form of construction and is no doubt typical of many rural residential properties which have now long been demolished. Its reuse for its original purpose is clearly the most appropriate way of ensuring its future survival.

However the internal floorspace is particularly small and the provision of a minimal level of accommodation for modern usage requires extensions. The incorporation /reconstruction of the attached ancillary building will minimise the amount of additional building required. It is also important to recognise that the applicants and their family have been assessed by the Affordable Homes Administration Officer of Tai Clwyd and found to be fully eligible for a local needs dwelling. The letter confirms that although they have been trying for some time, there is no site or property in the community which is affordable to them. With a growing family, it is clearly essential that the situation is quickly resolved and not allowed to continue otherwise they will have to sever their connection with the community or live in unsatisfactory accommodation.

The development now applied for would allow them to use a site which they already own and provide a property which will allow them to continue to live within the local community. They have building skills themselves. This will save considerable money and make the project more viable.

The alternatives for them are:

- Move out of the community and lose the valued and historic link to the community
- Attempt to modify their existing property but recognise that this will result in an inadequate standard of accommodation and in the medium term would result in the above alternative.
- Apply for change of use of the property to holiday accommodation and sell the site to purchasers from outside the area.
- With the funds from that, to try and purchase a greenfield site and build new.
- Allow the historic cottage to fall derelict and be lost to the cultural heritage of the area.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD3 – Extensions and Alterations to Existing Dwellings

Policy BSC6 – Local connections affordable housing in hamlets

Policy PSE4 – Re-use and Adaptation of Rural Buildings in Open Countryside

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance

SPG 1 – Extensions to Dwellings

SPG 7 – Residential Space Standards

SPG 8 – Access for All

SPG 16 – Conversion of Rural Buildings

SPG 21 – Parking

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

Technical Advice Notes

Circulars

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 Lawful Use of the Building

4.1.3 Re-Use of the Existing Building as a Dwelling

4.1.4 Visual amenity - Scale of the Proposed Extensions

4.1.5 Highways (including access and parking)

4.1.6 Area of Outstanding Natural Beauty / Area of Outstanding Beauty

Other matters

Local Connections Affordable Housing

4.2 In relation to the main planning considerations:

4.2.1 Principle

The planning status of the existing buildings is of considerable significance to the determination of the application.

If the residential use of the dwelling has been abandoned, the relevant planning policy in the local development plan is Policy PSE4, which sets tests for proposals for the re-use or adaptation of an existing building in the open countryside. Such development may be acceptable subject to meeting an employment use test and where the dwelling is affordable to meet local needs.

Should it be held that the building can be considered as an 'existing' dwelling, then alterations and extensions may be acceptable in principle, subject to their scale and appearance being in accord with Policy RD3 and SPG1.

4.2.2 Lawful Use of the Building

When considering the issue of whether the use of a building has been abandoned, Officers are aware that there are four typical tests which may be relevant to a particular situation. These are referred to in the following paragraphs.

The Physical Condition of the Building

The submitted documentation does not include any form of structural survey for the subject building; however an inspection by the case officer did not reveal there to be any immediately evident major structural faults, and the existing corrugated metal roof could be replaced with slate as proposed if the owner wished to make good the existing property. No major concern is therefore raised in respect of the condition of the building.

The Period of Non-use

The submitted design and access statement confirms that the property was last occupied as a dwelling in 1952. Whilst it is further stated that rates were paid for a further 5 years until 1957, the fact of the matter is that the property was last used as a dwelling some 63 years before the current application being submitted. This period of non-residential use is significant and lends weight to an argument that the use of the building as a dwelling has long been abandoned.

Any Intervening Uses

The submission made by the applicant provides no evidence of the building being used for any other purpose since its abandonment in 1952, and although it would appear that the property has been utilised for storage purposes, it is not considered there is clear evidence that a permanent change of use has taken place.

Evidence of the Owner's Intentions for the Building

The submitted information suggests that the owners in 1957 had to make a choice whether to "bring the property into residential use" or set up a business as a butchers shop in the village. Given that they chose the latter, this statement alone appears to confirm that the scheme to bring the property "into" use as a dwelling was abandoned at that time.

The onus of proof for the use of a property is firmly on the applicant. In respecting the information provided in relation to the application, Officers do not consider that this provides clear evidence that what is on site is an existing dwelling, and are of the opinion that the residential use has long been abandoned. On this basis, Officers conclude that the structure has no lawful use as a dwelling, and it is suggested that the application should properly be considered against Policy PSE 4 as it involves the re-use of an existing rural building as a dwelling.

4.2.3 Re-use of the existing building as a dwelling

LDP Policy PSE 4 states that all conversions of rural buildings will be expected to make a positive contribution to the landscape and ensure that any architectural and/or historic features are retained. Proposals for the conversion of rural buildings outside development boundaries for employment use will be supported. Proposals for the conversion of rural buildings outside development boundaries for residential use will only be permitted where:

- i) an employment use has been demonstrated not to be viable; and
- ii) the dwelling is affordable to meet local needs.

The justification to Policy PSE 4 confirms that in line with national guidance its re-use for employment purposes will be the first priority. Residential re-use will only be permitted where it has been shown that an employment use is not viable and where the new dwelling would be affordable to meet local need as set out in the reasoned justification to Policy BSC 8. The recently approved SPG in relation to conversions provides up to date guidance on the information required to support an application for conversion, and reaffirms the need for applicants to undertake a marketing test for a period of 12 months to test the market for an employment use, and in relation to the affordable housing test, to provide evidence in support of the occupant's local connections and financial eligibility, or to demonstrate conversion for affordable housing would not be viable, through a viability assessment.

The application does not provide any evidence of marketing of the property for employment use and therefore fails the first criterion. In addition, whilst it would appear that the scheme is intended for use by a family living in the locality, no financial evidence has been submitted to suggest that the circumstances of the applicants allow them to be considered for affordable housing rather than purchasing any open market property in the village. The information provided with the

application falls some way short of that required by PSE4 and the Supplementary Planning Guidance, to justify supporting the application.

It is also considered that the scale of the proposed extensions (examined below) will not satisfy the first part of Policy PSE 4 as they would dwarf the existing building, which would be detrimental to the landscape and fail to preserve the inherent character of the property.

The application is therefore considered to be in clear conflict with Policy PSE 4.

4.2.4 Visual amenity - Scale and form of the proposed extensions

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to 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. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

Officers' opinion is that the application does not fall to be considered against the policy relating to extensions to existing dwellings. However, if a contrary view is taken, and regard is to be had to Policy RD 3, it is to be noted that this 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 floorspace of the extensions proposed equates to an increase of some 150% in that of the main stone building and would therefore completely overwhelm the existing property and lead to a detrimental visual impact, which is contrary to Policy RD 3. The form of the extensions is not considered sympathetic to the simple original structure, wrapping around it and introducing a large double gable feature out of character with the original. The use of render on the scale proposed immediately up against the stone of the original building would also change the character of the original. Officers consider the scheme is clearly contrary to RD3 and PSE4 (whichever are deemed relevant to the application) and that it would not make a positive contribution to the landscape or respect the architectural / historic features of the original stone structure, contrary to the intentions of both policies.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations 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. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The comments of the Highway Officer are noted and the scheme is considered to be acceptable in this respect.

4.2.6 Area of Outstanding Natural Beauty / Area of Outstanding Beauty

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause

unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The comments made by the AONB IJAC in respect of the inappropriate appearance, scale and design of the extensions as proposed is duly noted. For the reasons outlined in section 4.2.4 of the report, Officers are of a similar view and on this basis the proposed development is considered to be contrary to Policy VOE 2 due to its potentially adverse impact on the AONB.

Other matters
Local Connections Affordable Housing

It is noted that one of the letters of support makes reference to Policy BSC 6 which allows for local connections housing in hamlets listed in the policy text.

However, as Glyndyfrdwy is not one of the listed hamlets this policy is not applicable to the subject application.

5 SUMMARY AND CONCLUSIONS:

5.1 The application raises important questions relating to application of planning policy and guidance.

5.2 There is a clear question over the lawful use of the building, which on the evidence provided seems to have been long abandoned as a dwelling. Even if this issue is overlooked, the scale and form of the proposed extensions are considered wholly inappropriate in relation to the original building and would have an adverse impact on the AONB.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The Local Planning Authority consider that the residential use of the property has been abandoned, given the evidence submitted confirms it was last utilised in 1952, and as such the proposals cannot be regarded as for the extension of an existing dwellinghouse.
2. The application does not provide any evidence of the marketing of the property for employment use or any financial information to assess the case whether the dwelling would be affordable for local needs, and the extensions would have an adverse impact on the landscape and architectural / historic features of the original building, contrary to the tests of Policy PSE 4 of the Denbighshire Local Development Plan, relating to the re-use and adaptation of rural buildings in open countryside.
3. If the existing building is considered to be a dwelling for planning policy purposes, the scale and design of the proposed extensions are considered unacceptable, increasing the floor area of the original building by some 150%, dwarfing the original and having a detrimental visual impact on its character, contrary to Policy RD3 of the Denbighshire Local Development Plan and the Council's Supplementary Planning Guidance 1.
4. The proposed alterations and extensions to the existing building do not reflect the simple character of the original dwelling, and the development would therefore be harmful to the character and appearance of the AONB, contrary to Policy VOE 2 of the Denbighshire Local Development Plan.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 6

Paul Griffin

WARD: Llandrillo

AELOD WARD: Y Cyng. Cefyn Williams (c)

RHIF Y CAIS: 08/2014/1110/ PF

CYNNIG: Codi annedd, creu mynediad newydd a man parcio, gwaith trin a ffos gerrig a gwaith cysylltiedig.

LLEOLIAD: Tir wrth ymyl Gwerclas, Corwen

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 08/2014/1110/PF
LAND ADJ TO GWERCLAS
CORWEN

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

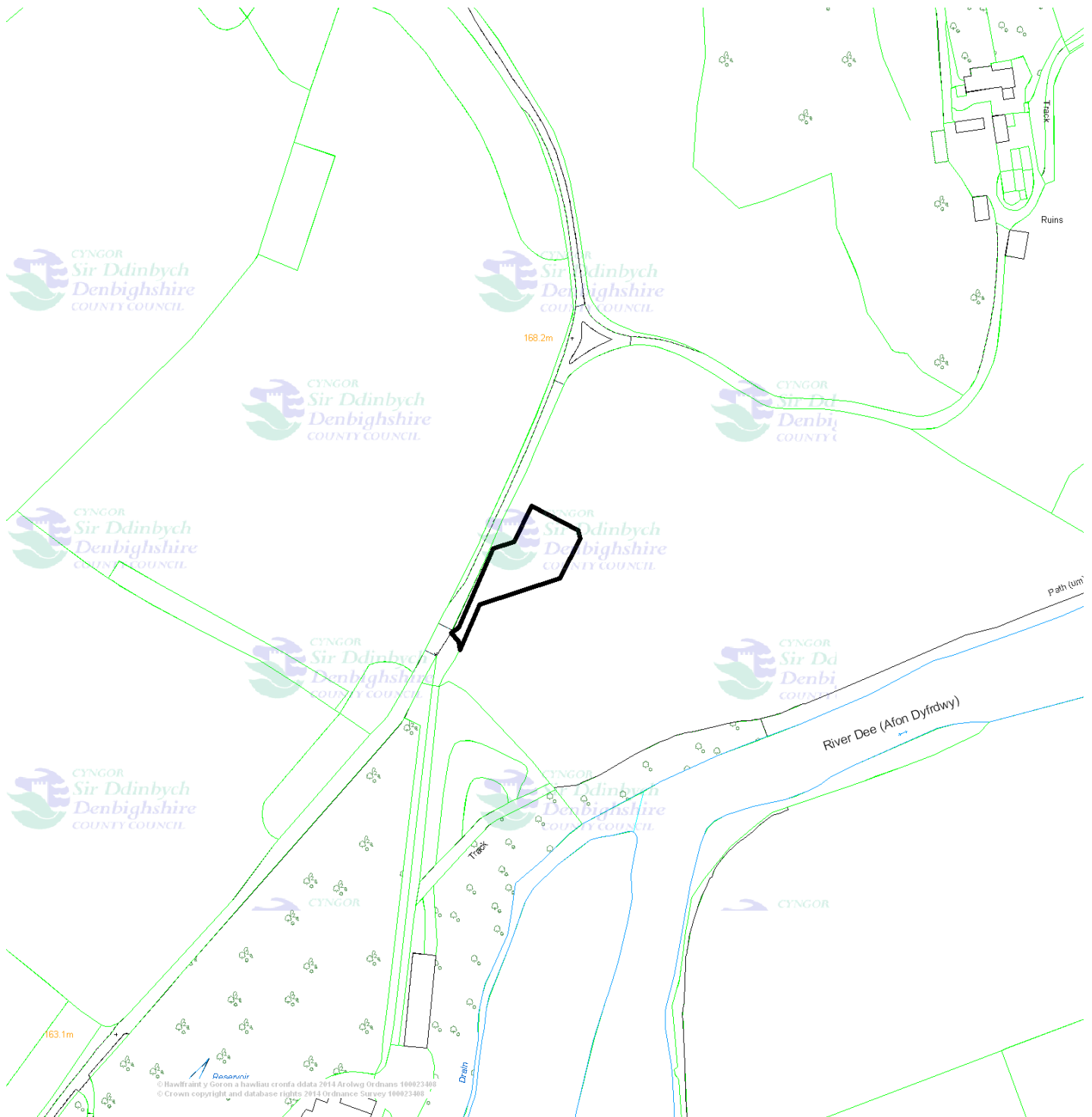


Date 28/5/2015

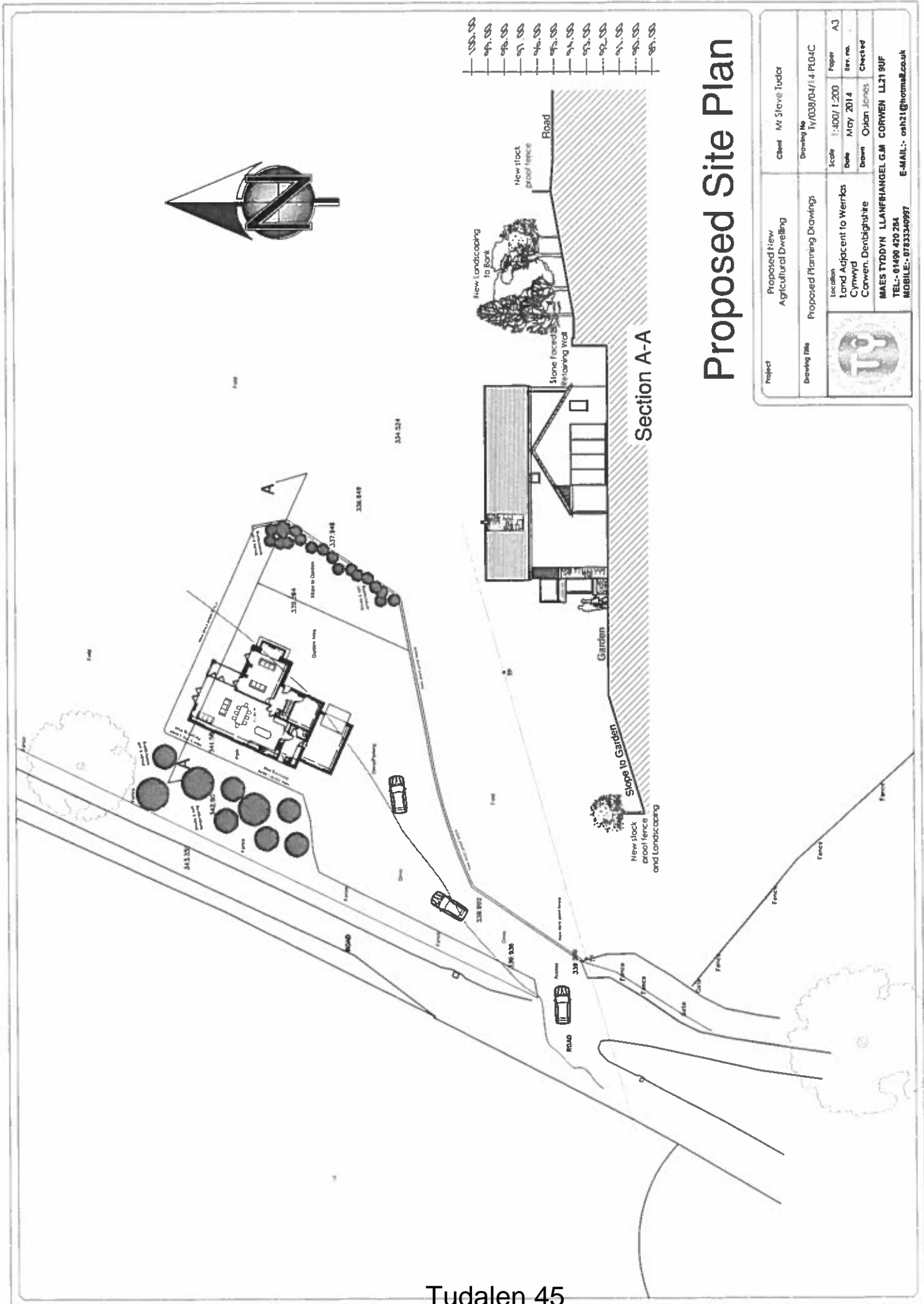
Scale 1/2500

Centre = 305452 E 342454 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.



SITE PLAN



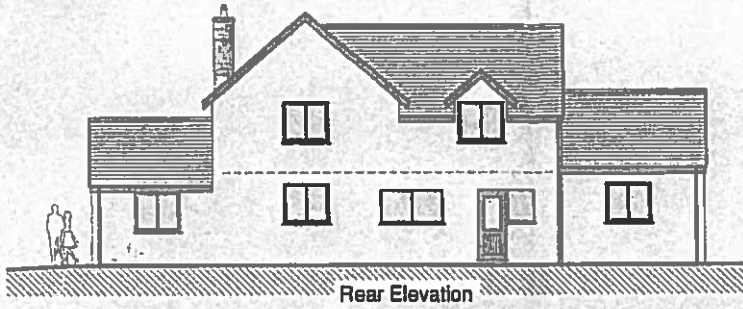
Proposed Site Plan

Project	Proposed New Agricultural Dwelling	Client	Mr Steve Tudor
Drawing Title	Proposed Planning Drawings	Drawing No	1y/038/04/14.PLO4C
	Location	Scale	1:400/1:200
	Land Adjacent to Werlles Cymwyd	Date	May 2014
	Drawn	Drawn	Orian Jones
	Checked		Checked
	MAES TYDDYN LLANFANGEL G.M. CORWEN LL21 9UF		
	TEL:- 01490 420 284		
	MOBILE:- 07833340997		E-MAIL:- osh21@hotmail.co.uk

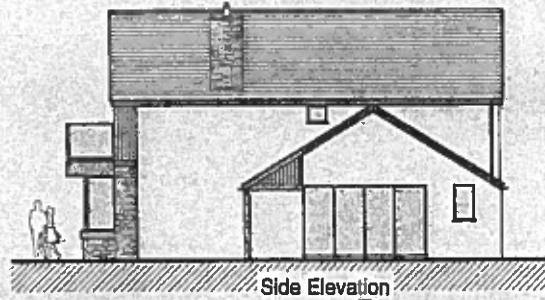
PROPOSED ELEVATIONS

RECEIVED

29 SEP 2014



Rear Elevation



Side Elevation

EXTERNAL FINISHES:

WALLS - PART STONE & TRIMER CLADDING TO GABLE GARAGE AND CHIMNEY, ALL OTHER WALLS TO BE SMOOTH RENDER PAINTED CREAM/OFF-WHITE.
 WINDOWS - WHITE/GREY UPVC
 FRONT DOOR - WHITE/GREY UPVC
 FASCIAE - WHITE/GREY UPVC. AGREED WITH THE PLANNING DEPARTMENT.
 MAIN ROOF - NATURAL SLATE

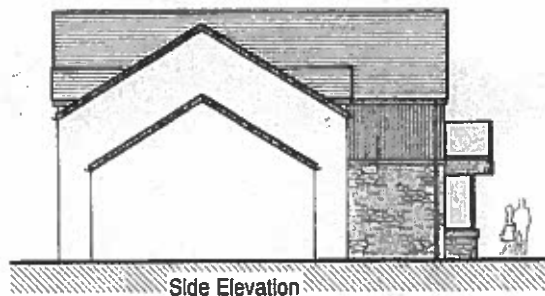
Project: Proposed New Agricultural Dwelling		Client: Mr Steve Tudor		
Drawing Title: Proposed Planning Drawings		Building No: Ty/038/04/14-PL03		
	Location: Land Adjacent to Werrilas Cynwyl Convent, Denbighshire	Scale: 1:100	Page: A3	
	Date: May 2014	Drawn: Oslan Jones	Checked:	
	MACE TYDORH LLANFANGEL GLE CORWEN LL27 9UP	TEL: 01498 438864	E-MAIL: osh31@btmail.co.uk	
	MOBILE: 07811149697			

RECEIVED

29 SEP 2014



Front Elevation



Side Elevation

EXTERNAL FINISHES:

WALLS - PART STONE & TIMBER CLADDING TO GABLE GARAGE AND CHIMNEY, ALL OTHER WALLS TO BE SMOOTH RENDER PAINTED CREAM/OFF-WHITE.
 WINDOWS - WHITE/GREY UPVC
 FRONT DOOR - WHITE/GREY UPVC
 FASCIAE - WHITE/GREY UPVC. AGREED WITH THE PLANNING DEPARTMENT.
 MAIN ROOF - NATURAL SLATE

Project: Proposed New Agricultural Dwelling		Client: Mr Steve Tudor		
Drawing Title: Proposed Planning Drawings		Building No: Ty/038/04/14-PL02		
	Location: Land Adjacent to Werrilas Cynwyl Convent, Denbighshire	Scale: 1:100	Page: A3	
	Date: May 2014	Drawn: Oslan Jones	Checked:	
	MACE TYDORH LLANFANGEL GLE CORWEN LL27 9UP	TEL: 01498 438864	E-MAIL: osh31@btmail.co.uk	
	MOBILE: 07811149697			

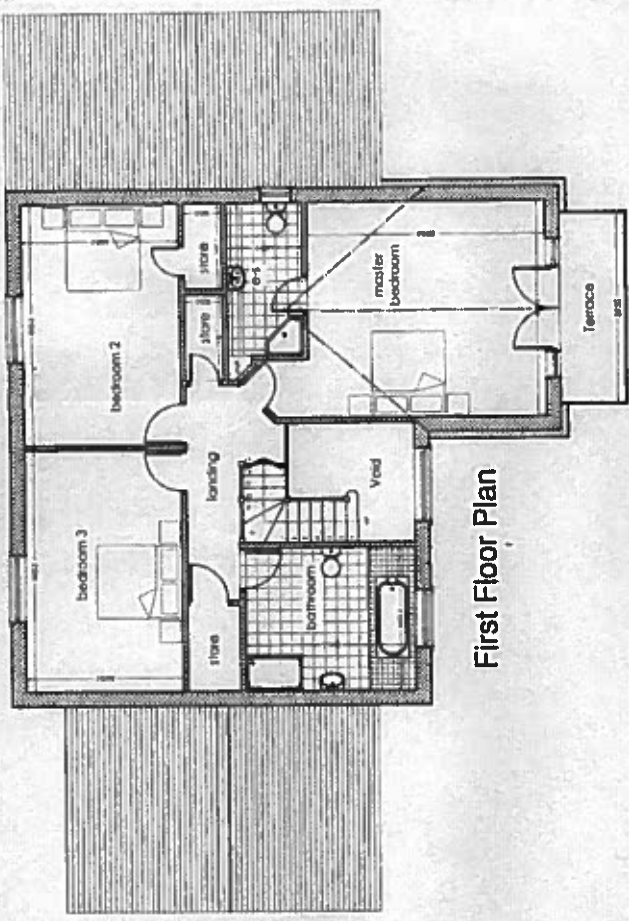
08 2014/11110/PF

RECEIVED

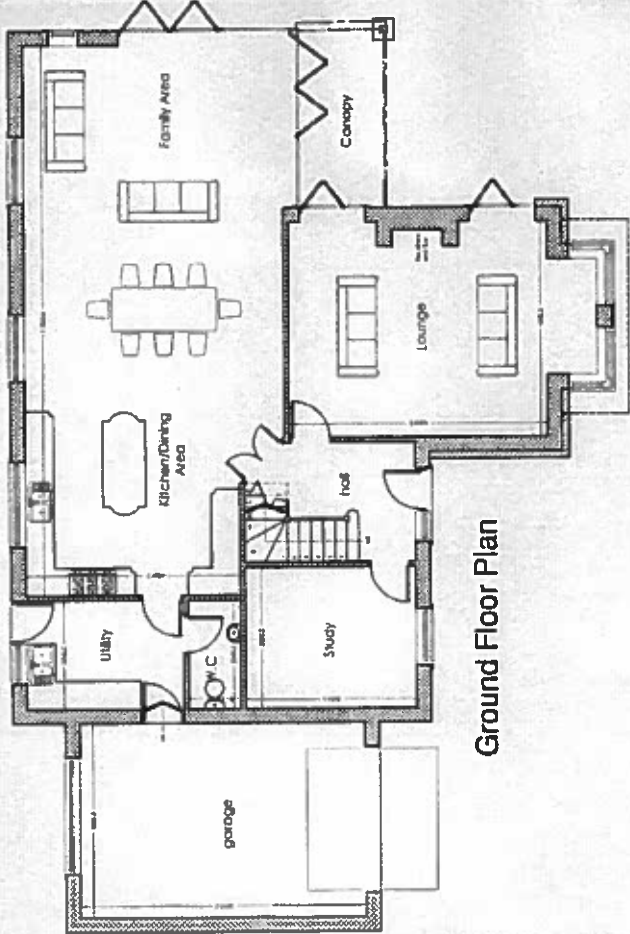
29 SEP 2014

PROPOSED FLOOR PLAN

200msq



First Floor Plan



Ground Floor Plan

Project	Proposed New Agricultural Dwelling	Client	Mr Steve Tudor
Drawing Title	Proposed Planning Drawings	Drawing No.	TY000000/14-PD1
		Scale	1:100
		Date	May 2014
		Drawn	Colin Jones
		Checked	Colin Jones
		Location	Land Adjacent to Wernick Cymwyd Carwen, Denbighshire
		Project	MAES TYDDYD LLANFANGEL G.M. CORWEN LL21 0UF
		TEL:	01499 428 254
		MOBILE:	07555555987
		E-MAIL:	enq21@hoomail.co.uk

WARD : Llandrillo

WARD MEMBER(S): Cllr Cefyn Williams (c)

APPLICATION NO: 08/2014/1110/ PF

PROPOSAL: Erection of dwelling creation of new access & parking area, installation of treatment plant & soakaway & associated works

LOCATION: Land adj. Gwerclas Corwen

APPLICANT: Mr Stephen Tudor

CONSTRAINTS: None

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

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

CONSULTATION RESPONSES:

LLANDRILLO CC – no comments received

NATURAL RESOURCES WALES – no objections, subject to conditions to protect otters/bats etc.

DWR CYMRU / WELSH WATER – no objections.

AONB PARTNERSHIP – “Although outside the AONB the application site comprises an open field on a prominent hillside clearly visible from the AONB to the east. Providing the planning authority is satisfied of the need for a new agricultural workers dwelling to meet the needs of the holding the IJAC has no objection in principle to a sensitively sited and designed new dwelling. However, the site in question appears unrelated to the existing farm complex and is prominently sited in open countryside. In addition, the scale and design of the dwelling will accentuate its prominence. The IJAC do not support development of this site and would prefer alternative options such as conversion of a suitable existing building on the farm or failing this a site for a new dwelling which is better related to the existing farm complex.”

READING AGRICULTURAL CONSULTANTS – In relation to the relevant TAN 6 tests, conclude that the proposal is acceptable, although the site for the proposed dwelling would generally be considered too distant from the site of need during lambing and calving. However, if there are no alternatives, then the siting would be considered acceptable.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure
- Highways Officer: no objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Bruce & Susan Wallace, Gwerglas, Cynwyd

Jenny Lees, Hafod y Calch, Corwen,

Summary of planning based representations in objection:

- proposed dwelling is too far from the farm complex
- the proposed dwelling would be too prominent within the landscape
- design not appropriate for location
- over sized for agricultural workers dwelling
- detrimental impact on setting of listed buildings in the area

EXPIRY DATE OF APPLICATION: 23/11/14

REASONS FOR DELAY IN DECISION (where applicable):

- protracted negotiations relating to siting

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of a rural enterprise dwelling, creation of new access & parking area, installation of treatment plant & soakaway & associated works on land at Gwerclas, Cynwyd.
- 1.1.2 The proposed dwelling would feature 3 bedrooms, a kitchen dining area, lounge and study. It would be two story and orientated so as to face south, overlooking the Dee Valley. The rear elevation would face the minor road to the west of the site.
- 1.1.3

1.2 Description of site and surroundings

- 1.2.1 The site is located approximately 1.3km south of the A5, 1.2km north of Cynwyd and 2.2km south west of Corwen. It is approximately 150 metres north of the existing farm complex at Gwerclas.
- 1.2.2 South of the site is a large wooded area. Open fields are to the north, west and east. The river Dee flows to the east.
- 1.2.3 The land proposed for development is triangular in shape and slopes down from north to south. The site falls approximately 2 metres across its width. approximately 150 metres from the existing farm complex.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside.
- 1.3.2 The River Dee and Bala Lake Special Area of Conservation (SAC) runs approximately 85 metres to the east of the site, as does the River Dee Site of Special Scientific Interest (SSSI).
- 1.3.3 The boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty is located approximately 780 metres to the east of the site, across the Dee Valley.

1.4 Relevant planning history

- 1.4.1 In 2014 an application was submitted for a rural enterprise dwelling to support the farm. The site was to the south of Gwerclas Hall and adjacent to a principle access to Gwerclas Hall (a grade II* listed building). Owing to the impact upon the essential setting of the listed building the applicants agreed to withdraw the application and look for an alternative site. The site now being considered is the result of that search.

1.5 Developments/changes since the original submission

- 1.5.1 The application has been subject to much discussion in relation to the siting of the dwelling. Much of this has focussed on the distance from the working farm yard, and the impact upon the character of the countryside.
- 1.5.2 Objectors have suggested that the dwelling be sited lower down the slope, nearer the farm yard. This has been considered by the applicants and the majority land owner (Rhug Estate) and dismissed.

1.5.3 A summary of the applicants case is that the suggestion for the dwelling being part of the operational yard, and to locate the dwelling near the yard would prejudice any possible future use as an affordable dwelling. The alternative site (as suggested by neighbours) is lower down the hillside, and albeit nearer the farm yard and less prominent, is significantly closer to the SSSI and SAC. In addition it is suggested that the land owner is reluctant to release other land for development owing to it impacting negatively on the Rhug Estate asset.

1.6 Other relevant background information

1.6.1 The background to the proposed development is described in the Kite Consultancy Statement and the following points are extracted for ease of reference. Gwerclas extends to some 810 hectares (2,010 acres) of agricultural land, of which 6.6ha (16 acres) are owned by the applicants, JM and SE Tudor. The remaining land is all rented on long-term tenancies from the Rhug Estate.

The business runs 1,550 ewes, plus 390 ewe lambs, and 77 suckler cows with progeny mostly sold as strong store cattle at 24 months of age. The land is all laid to grass apart from 6.9ha (17 acres) of forage root crops.

There is a range of modern and traditional farm buildings on the site. Mr and Mrs Tudor (Snr) live in a farm dwelling to the south of the farm buildings, whilst their son Stephen and his wife, live in the village of Cynwyd, some two miles distant.

There are two full-time farm workers, namely Stephen Tudor and his father John Tudor. Stephen took over as head of holding under the YESS scheme in early 2012. (*For members information, YESS is a Welsh Government initiative to encourage young people to manage farm businesses – Young Entrant Support Scheme.*)

It is concluded that the case is for a second dwelling to assist with the management /running of the agricultural enterprise.

2. **DETAILS OF PLANNING HISTORY:**

08/2013/0685 – Erection of an agricultural workers dwelling and installation of a new septic tank – WITHDRAWN 3/3/2014

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy VOE 2 – Area of Outstanding Natural Beauty
Policy VOE 5 – Conservation of natural resources

SPG Nature Conservation and Species Protection (2003)
SPG Agricultural Workers Dwellings (2003)
SPG Residential Space Standards (2011)

Government Policy / Guidance

Planning Policy Wales 7 July 2014

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

TAN 6 Rural Enterprise Dwellings Practice Guide (2011)

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 (including impact on landscape and the AONB)
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Biodiversity considerations

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales Para 9.3 refers to controlling new housing development in the open countryside and states that new residential development away from established settlements should be strictly controlled. However TAN 6 should be read in conjunction with Planning Policy Wales (PPW). In addition consideration should be given to the TAN 6 Practice Guide as it sets out the circumstances in which new residential development is permitted in the open countryside. The TAN has the underlying objective of limiting sporadic development in the open countryside but sets out exceptions to policy to enable individual dwellings to be located in the countryside where there is an essential need. The exception applies to land related businesses which directly or indirectly, need to be located in the countryside rather than in existing settlements. Land related tourism and leisure is included as an exception.

Paragraph 4.4.1 of TAN 6 considers new dwellings on established enterprises and states: "*New permanent dwellings should only be allowed to support established rural enterprises providing:*

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;*
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;*
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.*

The TAN advises that an appraisal is required to demonstrate compliance with the tests.

Functional test: It is necessary to establish whether it is essential, for the proper functioning of the enterprise for one or more workers to be readily available at most times. ('All based on an assessment of risk').

Time test: If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

Financial test: The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining sustainable for a reasonable period of time, usually at least 5 years.

Alternative Accommodation test: This requires assessment whether the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned.

With regard to the detail of these tests, the main conclusions of Reading Consultants who are engaged by the Council to assess the case for an additional dwelling are:

Functional Need

The functional test examines whether it is necessary for a worker to live on the site to meet any out-of-hours emergency requirements which could be anticipated and which, if there were no presence, the viability of the business could be jeopardised. This need would have to be sustained throughout the year, rather than for a discreet period within the year.

JM & SE Tudor is a substantial livestock business with a significant number of ewes lambing over an extended period in the spring and cows calving in both the spring and autumn. This creates a functional need over a large part of the year. Due to the scale and nature of the livestock enterprises it is accepted that there will be periods throughout the year when emergency livestock welfare issues could occur which warrant the immediate, on-site, presence of two workers.

This might either be with more than one event happening simultaneously or with events that require the work input of two workers.

It is accepted that there is a functional need for two workers to live on the holding.

Labour Requirement

Based on standard data there is a theoretical labour requirement for 4.4 full-time workers. This is currently met by Stephen Tudor and his father working long hours with some assistance from contractors.

The proposed dwelling would thus be occupied by a worker engaged in full-time agriculture.

The Financial Test

The farm business has been operational since the 1930s when it was started by Stephen Tudor's great-grandfather.

The accounts that have been submitted with the application show significant profits in each and every year from 2008 to 2012.

There are no long term borrowings and current assets far exceed current liabilities.

The Balance Sheet shows a business that is in a very strong financial position and it has a clear prospect of remaining so.

It is noted that the proposed dwelling provides 200m² of floor area and this is at the upper limit of what is generally considered to be acceptable. It is, though, affordable to the business.

Other Suitable and Available Accommodation/Siting

The traditional agricultural buildings on the holding are unavailable for conversion to a dwelling as they are in current use and do not therefore provide a suitable opportunity for conversion.

An assessment of other available dwellings in the locality has been undertaken and there are two dwellings for sale within 1 mile of the site in Tyn y Cefn, Corwen at £240,000 and £245,000. Although these could be considered affordable for this business, they are considered too distant to provide the close attention required for the livestock.

However, it is also noted that the site for the proposed dwelling is outside the farmyard 'envelope' and is some 150m from the farm buildings and 90m from the nearest 'working area' of the yard. This could be considered too distant to properly provide for the functional needs of the holding. However, consideration should be given as to whether there is a suitable site nearer to the farmyard. In this respect it is noted that:

- a previous application was withdrawn due to adverse impact on the setting of a listed building;
- the farm buildings are surrounded by woodland and are set on sloping land;
- the alternative site (as suggested by neighbouring properties) is part of the operational area of the farm yard; and
- TAN 6 Practice Guide advises that proposed rural enterprise dwellings should be sited so as not to prejudice its potential future use as a unit of generally available affordable housing. Regard should, therefore, be had to residential amenity and health and safety considerations in the siting of dwellings.

In terms of siting it is considered that the proposed site is acceptable from a functional aspect, and there are reasons which make sites nearer to the complex less preferable. Officers acknowledge that the Council's own SPG on Agricultural Workers Dwellings suggests such dwellings should be located as near as possible to the farm complex, but this advice was written in 2003 and has been superseded by national guidance (the Rural Enterprise Dwelling Practice Guidance 2011). Whilst the Rural Enterprise Dwelling Practice Guidance encourages sites to be close to the farm complex, it also acknowledges there may be instances when some separation is necessary. In Officers' opinion, more weight should be afforded to the national guidance than the Council's adopted SPG given the SPG was written in the context of superseded national guidance and policy.

In the apparent absence of alternative sites at this time it is accepted that the proposed siting may be suitable for the needs of the holding.

With respect to the objectors' comments on the size of the dwelling, Reading Consultants suggest it is at the upper level of size acceptability for a second dwelling - but indicate it is affordable, and can be properly sustained by the business.

4.2.2 Visual amenity (including impact on landscape and the AONB)

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to 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. The impact of a development on visual amenity is therefore a relevant test on planning applications. Policy VOE 2 seeks to resist development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for its designations.

The application is submitted for a modern two storey, 3 bedroom dwelling, with parking and patio. It would be two storey and orientated so as to face south, overlooking the Dee Valley. Materials proposed are slate and render. The rear elevation would face the minor road to the west of the site. The site is visible at distance from the AONB (located on the opposite side of the Dee Valley), and would be visible from the adjacent highway. The AONB Partnership and neighbouring properties have objected to the proposal on the basis that its siting would be overly prominent and harmful to the landscape and character of the open countryside. Reference has been made by objectors to the Council's adopted SPG on Agricultural Workers Dwellings (2003) and 3D simulations provided to indicate the possible appearance of the dwelling.

It is acknowledged that the building would be clearly visible within the immediate locality, and indeed would, to an extent also be visible from within the AONB some 780 metres away, appearing to a degree, detached from the main complex. It is also noted that the submitted plans offer some indication of engineering works to the land levels in order to construct the dwelling. An indicative landscaping plan has also been submitted to suggest how the dwellings appearance may be softened.

With regard to the impact upon the landscape and AONB, the AONB Partnership have not concluded that the proposal would harm the character of the AONB, but have commented that in their opinion the dwelling would be too far away from the farm complex and should be better sited. However, as discussed previously, the siting is considered reasonable and the main impact on visual amenity is considered to be the design of the dwelling in relation to the surrounding landscape.

In Officers' opinion, the proposed design of the dwelling would not have an unacceptable impact on the character of the surrounding landscape, and whilst visible from the AONB, it would appear in the distance with a large back drop of rising open fields to the north and woodland to the west. The dwellings impact would be further softened by suitable landscaping/planting. From within the AONB other isolated properties are visible, and this proposal represents a single addition to an area of fragmented development. It is not considered that the proposal would have an unacceptable impact upon the AONB or surrounding landscape.

The neighbours concerns regarding the proposed floor and site levels are to be noted. The submitted plans do not make it precisely clear how the site levels are to be managed, although they do indicate the dwelling would be set at a lower level than the road. Neither do the plans indicate precisely how the site is to be landscaped. It is considered that in this instance an appropriate landscaping scheme could make a significant contribution to the proposals impact on visual amenity. However, in line with normal practice it is considered that such details can be adequately managed through the imposition of suitably worded planning condition to require details of levels and landscaping to be approved prior to the commencement of development.

With respect to the comments of the objectors, it is not considered that the proposal would result in a significantly detrimental impact on the character and appearance of the landscape or AONB. The proposal is therefore considered acceptable in this respect.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to 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 as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. Supplementary Planning Guidance Note on residential space standards advises on minimum room sizes and garden areas. 3 bed dwellings should have a minimum floor space of 80 square metres, with living rooms being a minimum of 9 square metres, and double bedrooms being 11 square metres. Garden areas should exceed 40 square metres.

The proposed development would provide in excess of 100 square metres of garden space. The overall floor space of the dwelling is 200 square metres, with the living room being 25 square metres, and the bedrooms all exceeding 15 square metres. The nearest neighbours are Gwerclas Hall, 300 metres south west of the site, and Hafod Y Calch, 300 metres north east of the site.

Given the distances to neighbouring properties, it is not considered that the proposed dwelling would result in a loss of residential amenity for surrounding properties. With in excess of 100 square metres of garden space, the proposed dwelling would have sufficient amenity space for occupants, and room sizes exceed the minimum requirements outlined in supplementary planning guidance. In terms of residential amenity the proposed dwelling is considered acceptable and in accordance with the relevant planning policies and guidance.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations 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. The acceptability of means of access is therefore a standard test on most planning applications.

An existing access is proposed to serve the development. Highways Officers have considered the proposal and raise no objection.

In Officers' opinion, the proposal is unlikely to result in a detrimental highways impact, and therefore is considered acceptable in this respect.

4.2.5 Biodiversity

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The River Dee and Bala Lake Special Area of Conservation (SAC) runs approximately 85 metres to the east of the site, as does the River Dee Site of Special Scientific Interest (SSSI). The County Council Biodiversity Officer has undertaken a Test of Likely Significance for the proposal to assess its impacts upon the SAC. The test concludes that no significant adverse effects are anticipated, provided the Reasonable Avoidance Measures for otters are other required measures are implemented as a condition of any planning permission granted. Natural Resources Wales have not raised an objection to the proposal.

It is considered that the proposal is unlikely to have a detrimental upon the adjacent SSSI or SAC and therefore the proposal is compliant with Policy VOE 5.

Other Matters:

Concern has been raised by neighbours regarding the impact upon the setting of adjacent Listed Buildings, Gwerclas Hall, and Hafod Y Calch. These buildings are both in the region of 300m from the site and due to the topography of the area and existing trees, there is no direct line of sight between the site and the properties. The issue has been discussed with the County Council's Conservation Architect, who considers that owing to the considerable separation distances and lack of visibility between the sites that the impact upon the setting of listed buildings is not in this instance a matter of concern.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal has been assessed against the tests of TAN 6 and has found to be justified in terms of a functional and financial need. In terms of the siting of the building, guidance is clear that the dwelling should not be located so far from the site as to undermine its functionality, but at the same time should not be located so close to the working farm as to prejudice its potential use as an affordable dwelling unrelated to the enterprise.

5.2 With regard to the main tests and the other considerations outlined in the report, Officers consider there is a basis for supporting the application subject to appropriate conditions

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 occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

3. Prior to the application of any external materials on the dwellings, details shall be submitted to and approved in writing by the Local Planning Authority

4. **PRE-COMMENCEMENT CONDITION**

No development shall take place until the finished floor levels of the dwelling and surrounding land have been submitted to and approved in writing by the Local Planning Authority, and the development shall proceed only in accordance with those details as approved.

5. **PRE-COMMENCEMENT CONDITION**

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

- (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) proposed positions, design, materials and type of boundary treatment.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the first occupation of the dwelling. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation

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

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure compliance with National Planning Policy on Rural Enterprise Dwellings.
3. In the interest of visual amenity.
4. In the interest of visual amenity.
5. In the Interest of visual amenity.
6. In the interests of visual and residential amenity.
7. In the interest of highway safety.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 7

Philip Garner

WARD: Llanbedr Dyffryn Clwyd / Llangynhafal

AELOD WARD: Y Cyng. Huw Williams (c)

RHIF Y CAIS: 16/2015/0271/PS

CYNNIG: Dileu amod rhif 11(ynglŷn â'r angen i ddarparu tai fforddiadwy)
cais cynllunio cyfeirnod 16/2014/1020

LLEOLIAD: Neuadd Llanbedr, Llanbedr DC, Rhuthun

YMGEISYDD: Mr Rod Cox

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 16/2015/0271/AC
LLANBEDR HALL, LLANBEDR DC
RUTHIN

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

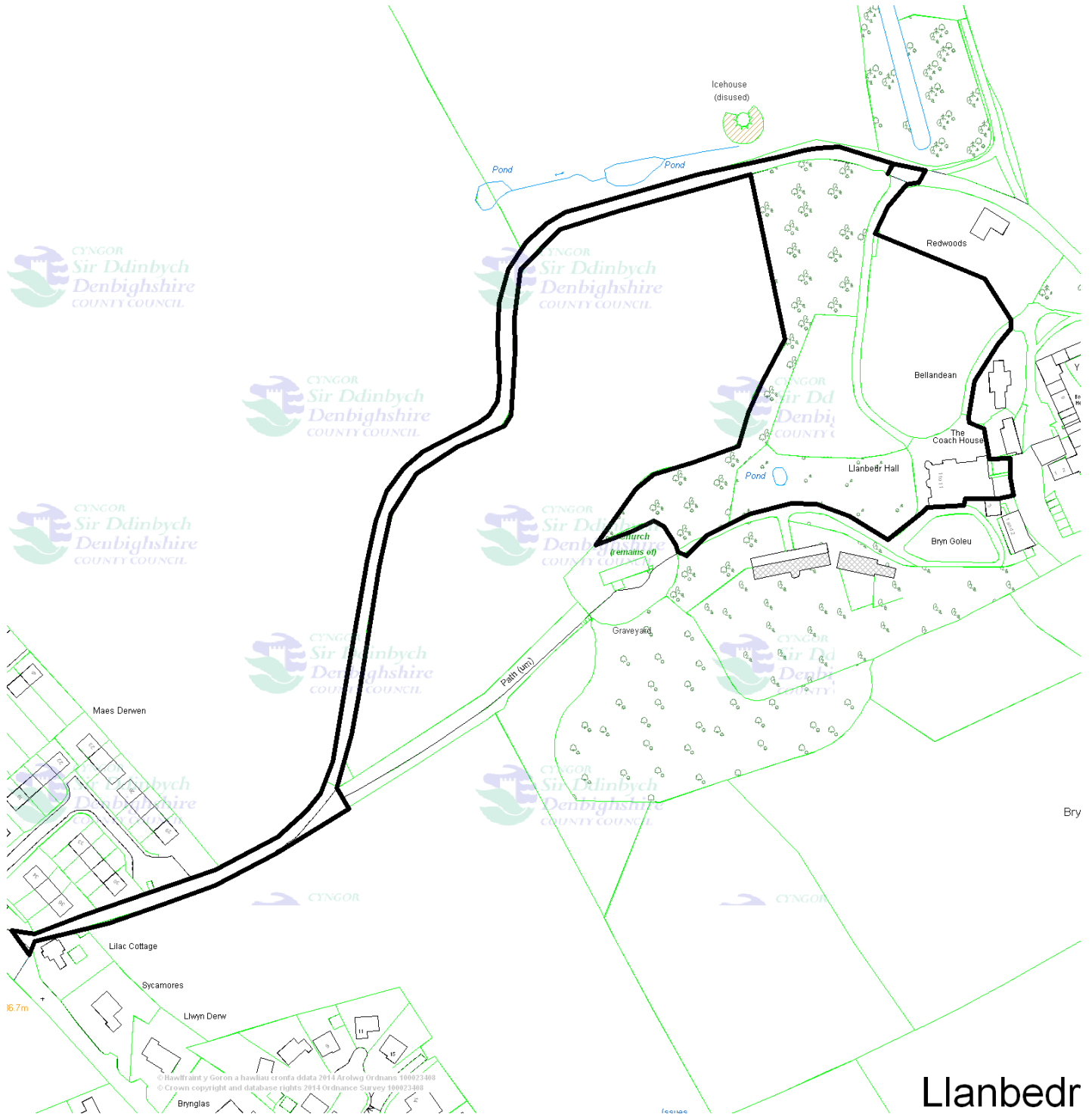


Date 28/5/2015

Scale 1/2500

Centre = 314499 E 359821 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.



Llanbedr

APPROVED LAYOUT PLAN

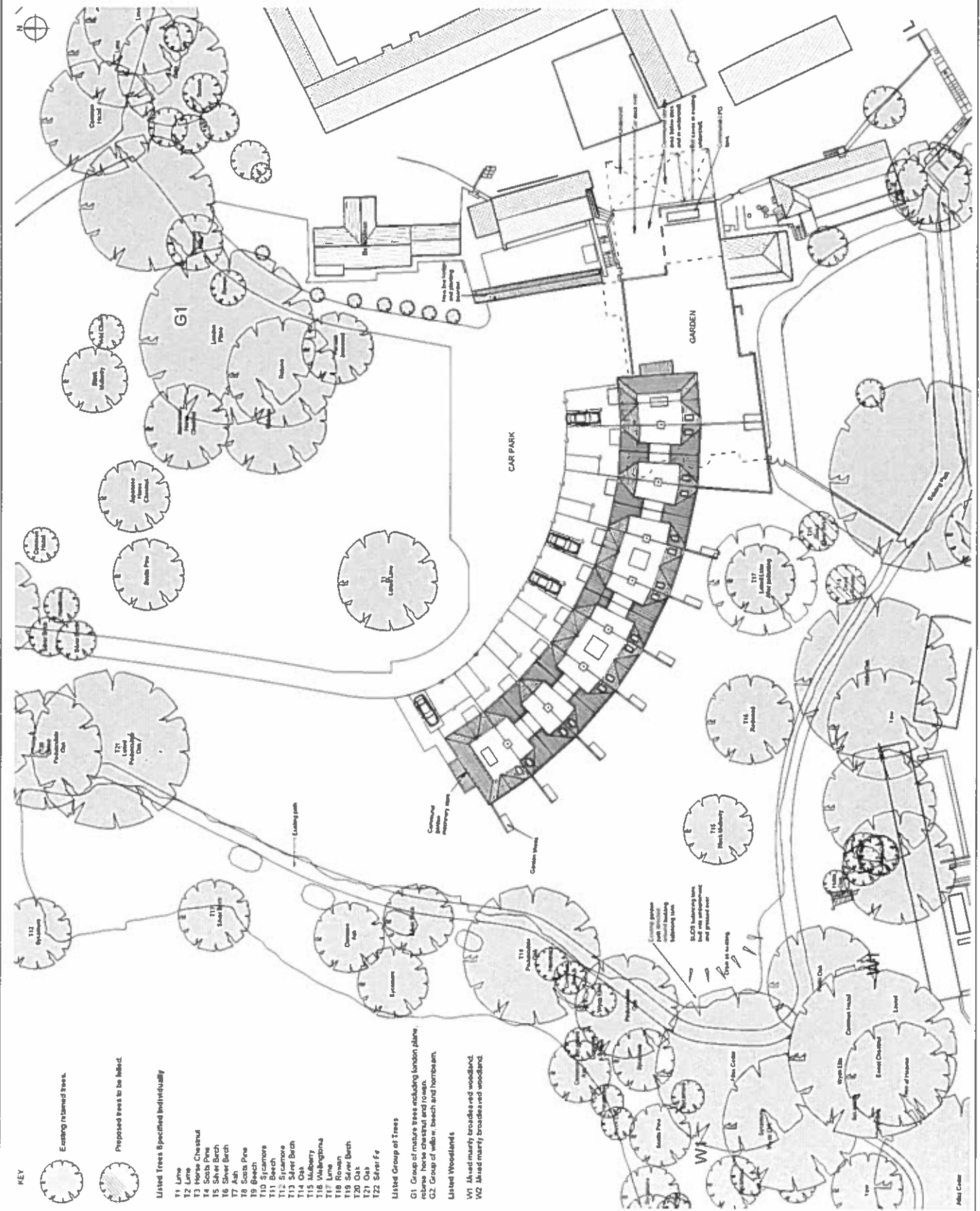
Notes:
 1. Any development proposed to be used only in conjunction with and to the scale of the surrounding development.
 2. All dimensions are to be shown on site by the contractor. Tolerances for the proposed development are to be shown on site by the contractor. Tolerances for the proposed development are to be shown on site by the contractor.
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- KEY**
- Existing retained trees.
 - Proposed trees to be added.
- Listed Trees Specified Individually**
- T1 Lime
 - T2 Lime
 - T3 Horse Chestnut
 - T4 Silver Birch
 - T5 Silver Birch
 - T6 Silver Birch
 - T7 Ash
 - T8 Scotch Pine
 - T9 Beech
 - T10 Sycamore
 - T11 Sycamore
 - T12 Sycamore
 - T13 Silver Birch
 - T14 Oak
 - T15 Mulberry
 - T16 Walnuts
 - T17 Elm
 - T18 Rowan
 - T19 Silver Birch
 - T20 Oak
 - T21 Oak
 - T22 Silver Fir

- Listed Group of Trees**
- G1 Group of mature trees including London plane, redburn, horse chestnut and rowan.
 - G2 Group of willow, beech and hornbeam.
- Listed Woodlands**
- W1 Mixed mature broadleaved woodland.
 - W2 Mixed mature broadleaved woodland.

Notes:
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Project: LHR.09 F-4002

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Scale: 1:1250

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw Williams (c)

APPLICATION NO: 16/2015/0271/PS

PROPOSAL: Deletion of condition no. 11 (requiring the provision of affordable housing) of planning permission code no. 16/2014/1020

LOCATION: Llanbedr Hall Llanbedr DC Ruthin

APPLICANT: Mr Rod Cox

CONSTRAINTS: Tree Preservation Order
AONB

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 – Community Council objection.

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL –

“The Members of Llanbedr DC Community Council oppose the removal of the above planning condition as there is a proven need for ‘Affordable Housing’ within the Community of Llanbedr DC.”

RESPONSE TO PUBLICITY:

In objection:

Mr. G. Alford, 17, Tan y Bryn, Llanbedr DC – Objection.

Summary of planning based representations in objection:

The adopted LDP Policy BSC 3 requires the provision of affordable housing.

EXPIRY DATE OF APPLICATION: 03/06/2015

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 application follows the grant of permission at Planning Committee in January 2015 for the demolition of Llanbedr Hall and the erection of 9 dwellings and associated works (ref. 16/2014/1020).

1.1.2 Condition 11 of the January 2015 consent was imposed at the request of Members at Planning Committee, and states as follows:

“No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to arrangements for the provision of affordable housing in connection with the development in accordance with the Council’s policies and guidance.”

1.1.3 The reason stated for the inclusion of Condition 11 reads:

“In order to secure provision of affordable housing in connection with the development.”

1.1.4 Condition 11 was not recommended for inclusion by Officers, as it was not considered reasonable in the circumstances to oblige provision of affordable housing to a scheme involving the replacement of a Hall containing 11 / 12 flats.

1.1.5 The applicants have submitted information in support of the application to remove Condition 11, in a Design and Access Statement. The Summary section of the Statement states as below in relation to the application :

“Prior to the submission of the application, the site had undergone numerous pre-application consultations - both with the local planning authority and by means of community consultations. The principle of the development had been discussed at length with both development control officers and planning policy. The application was accepted that the principles entailed in this proposal can be deemed acceptable under local and national planning policy by its recommendation of approval without this unreasonable condition.

Appendix 2 of this statement details the committee report and in officers opinion there was no requirement for the contribution to affordable housing. This scheme was not designed to include affordable housing into the deliverable viability and therefore would not go ahead on this basis.

The planning condition should be removed as there is no requirement from the replacement dwelling policy RD4 to provide affordable housing and nor was it considered appropriate by officers to impose such a condition. Further to this, the provision of affordable housing within the scheme would not be viable.”

1.2 Description of site and surroundings

1.2.1 Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof, and incorporates a corner tower along with gabled and dormer features.

1.2.2 The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscaped gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.

1.2.3 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Tree Preservation Order.

1.2.4 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house which has recently gained permission to be converted into a dwelling (see planning history).

1.2.5 There are public footpaths which run through and adjoin the site, including one which runs past the listed building of the remains of St Peter’s Church which lies to the west of the hall.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies outside of the development boundary for the village of Llanbedr DC and is set within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Vale of Clwyd Historic Landscape, but without any other specific

designation in the Local Development Plan. Public Footpaths 14 and 37 run through and about the site.

1.4 Relevant planning history

1.4.1 Prior to the January 2015 consent issued for the redevelopment, there has been a complex planning history to the Llanbedr Hall site which is summarised as follows:

- The commercial use of the hall as a restaurant ceased sometime before 2004. This resulted in an application to convert the restaurant into 2 self-contained dwellings which was granted in 2005.
- In 2006 the Council approved a planning application for the conversion and alterations of existing flats and restaurant to create 20 self-contained flats. This permission has now lapsed.
- In 2007 the owner of the hall submitted a planning appeal under section 78 of the Town and Country Planning Act 1990 in relation to two conditions relating to highway/access matters. This appeal was allowed and the conditions were duly varied.
- Application reference 16/2009/0941/PF for the demolition of Llanbedr Hall and its replacement with 9 detached family houses set in the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling was assessed against the policies of the now superseded Unitary Development Plan and was refused on 15 February 2012 for the following reasons:

“1. It is the opinion of the Local Planning Authority that the replacement of the hall in the manner proposed is in direct conflict with tests iv, v, and vi of Policy HSG 8 of the adopted Denbighshire Unitary Development Plan. Insufficient justification has been provided to show that the replacement of the hall with a substantially different type of dwelling in terms of its siting, size, scale, form, design and materials is acceptable and would not have an unacceptable effect on the landscape, and the scheme fails to show that an overall environmental improvement will be achieved.

2. It is the opinion of the Local Planning Authority that the residential dwellings proposed would have an unacceptable impact on the character and appearance of the site and the Area of Outstanding Natural Beauty in which it is located by reason of their size, scale and form. The proposal would neither conserve nor enhance the natural beauty of the area, in direct conflict with Policy ENV 2 of the Denbighshire Unitary Development Plan.”

- The above decision was taken to an appeal (ref APP/R6830/A/12/2181528) which was dismissed on 28 February 2013. In arriving at his decision, the Inspector concluded in paragraph 18 of the decision letter that:

“I have taken into account all other matters raised, including the intended design of the proposed houses to a high level of sustainability and the comments of the Design Commission for Wales in connection with an alternative proposal, but nothing outweighs the considerations that have led me to my main conclusion that the proposed development would be unacceptably harmful to the character and appearance of the area and would not conserve and enhance the natural beauty of the AONB. It would be contrary to UDP Policies GEN 3, HSG 8 and ENV 2.”

- The 2013 appeal decision also confirmed that there was general agreement between the parties that the hall has an existing lawful use for 11/12 flats and a restaurant.

- In addition to the application site, the boiler house/glasshouse which lies to the west of the hall obtained consent at appeal on 14 October 2014 for its extension and conversion into a single dwelling.

1.4.2 The application granted in January 2015 involved the demolition of the old Hall and the erection of a single block of 9 apartments in the shape of a crescent. The permission was subject to a number of conditions. As noted above, Condition 11 was imposed at the request of Members at Committee.

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 The application is not an opportunity to re-visit the principle or detailing of the development or conditions other than No. 11 as now sought. The planning considerations have to be applied purely to the application to remove Condition 11.

2. **DETAILS OF PLANNING HISTORY:**

2.1 16/2004/1450/PF – Change of use from restaurant to 2 self-contained dwellings: Granted by Committee on 26 January 2005.

2.2 16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20 self-contained flats and construction of associated parking areas: Granted by Committee on 10 October 2006.

2.3 Appeal 2042164/WF – Against Conditions 6 and 9 on the above permission: Allowed on 30 July 2007.

2.4 16/2007/1363/PO – Demolition of main hall (11 flats) and development of 0.33 ha of land by the erection of replacement building containing 11 flats and erection of 6 dwellings within grounds and alterations to existing vehicular access (outline – all matters reserved for further approval): Refused on 15 February 2012.

2.5 16/2011/0691 – Conversion and extension of the former garages into 1 dwelling with a designated bat roost in the roof void: Granted by Committee on 28 September 2011.

2.6 16/2009/0941/PF – Demolition of Llanbedr Hall and its replacement with 9 detached family houses set into the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling: Refused 15 February 2012.

2.7 16/2014/1020/PF - Demolition of Llanbedr Hall and the erection of 9 three-storey dwellings and associated works: Granted 21 January 2015.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4 June 2013)

Policy RD4 – Replacement of existing dwellings

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

3.1 Supplementary Planning Guidance
Affordable Housing SPG May 2014

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014
Technical Advice Notes

4. MAIN PLANNING CONSIDERATIONS:

4.1 In addition to the policies and guidance referred to in Section 3, 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

4.2 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 remove conditions imposed on an existing permission.

4.2 The application seeks to remove the requirement under Condition 11 for the provision of affordable housing in connection with the 9 dwelling permission. The single issue to be addressed is whether there is a justifiable case for removing the condition, having regard to the aforementioned planning policies and other material considerations.

4.3 In drafting the report for the January 2015 meeting in relation to application 16/2015/1020, Officers provided the following commentary on the specific matter of affordable housing:

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC 4. Policy BSC 4 relates specifically to affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either on site on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

In respecting the intentions of the affordable housing policies, the history of the site is considered a significant factor in this instance, and it is not suggested as reasonable to oblige any affordable provision as part of the development, given the scheme proposes to replace a building containing 11/12 flats, none of which are controlled as affordable units, with a development of 9 dwellings.

In these circumstances, it is not considered that any contribution towards affordable housing is justified.

4.4 Members took a contrary view to Officers at the January Committee and imposed the affordable housing condition outlined in paragraph 1.1.1 of the report.

4.5 There are objections to the removal of Condition 11 from the Community Council and a private individual. The basis of these objections is that there is proven need for affordable housing and a planning policy requirement for affordable housing in BSC3 of the local Development Plan.

4.6 The applicant's arguments are that there is no requirement for the contribution to affordable housing, including from the replacement dwelling policy RD4, that the scheme was not designed to include affordable housing and that provision of affordable housing within the scheme would not be viable.

4.7 The wording of the Council's policies and Supplementary Guidance setting out the requirement for affordable housing provision are important in the consideration of this application :

- Policy BSC 3 states *'where relevant, development will be expected to contribute to the provision of infrastructure....requirements arising from the development.'* It refers to the Council's priorities, which will vary depending on the nature and location of the development, and lists as one of these - *'affordable housing (in accordance with Policy BSC4)'*.

Officers' interpretation of BSC3 is that it simply sets the context for securing infrastructure contributions from development, and it makes no specific obligation for provision in connection with specific forms of development.

- Policy BSC4 is the Plan's main policy in relation to affordable housing. It states: *'All developments of three or more residential units are expected to provide a minimum of 10% affordable housing either on site on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units'*. Factually, to comply with the condition it would be necessary for the payment of a financial contribution towards off-site provision.

BSC4 goes on to clarify that all homes permitted through Policies BSC6, BSC8, BSC9 and PSE 4 will be affordable housing for local needs. In recognition of differing characteristics throughout the County, the policy states that *'negotiations to determine the actual provision of affordable housing will be based on factors outlined in the Council's Affordable Housing Supplementary Planning Guidance'*.

Policies BSC6, BSC8, BSC9, and PSE4 are not relevant to the Llanbedr Hall development.

- The May 2014 Supplementary Planning Guidance – Affordable Housing document sets out in further detail advice and guidance on how affordable housing is to be delivered on new residential schemes submitted through the planning system. Section 4.14 deals with the situation where no affordable housing provision is proposed. It states;
'This will only be considered in exceptional circumstances, and only once all other options have been exhausted, where:
* *The planning history of the site makes it unreasonable to require affordable housing, e.g. previous planning commitments*
* *The proposal meets an identified, acknowledged and overriding approved regeneration aim or project in accordance with an approved Council regeneration strategy, and where the provision of affordable housing would seriously prejudice this.*
* *The applicant is able to demonstrate to the Council that there is no affordable housing need in the locality currently or within 5 years.*

4.8 Having regard to the background, and in respecting both the decision of Members in January 2015 and the intentions of the affordable housing policies, Officers remain of the view that the history of the site is a significant material consideration to which due weight has to be given in this instance. In this context, Officers are obliged to point out that a previous appeal in relation to developments involving the Hall in 2013 held that the existing building can be shown to lawfully contain 11/12 residential units, which have no affordable housing restriction. Consequently, as the development proposes 9 dwellings in place of 11/12 flats, it is

respectfully suggested there is no material increase in the number of residential “units” in the development granted permission, and as such it is not considered reasonable to insist on compliance with the requirements of Policies BSC 3 and BSC 4. The Supplementary Planning Guidance document makes clear that consideration can be given to proposals for no provision where the planning history makes it unreasonable to require affordable housing.

4.9 For the record, there is no submission from the applicants that the proposals are in accord with regeneration strategies or that there is no affordable need in the locality.

4.10 If the replacement dwellings policy RD4 is taken into consideration as relevant to the original decision to grant permission to replace the Hall with 9 dwellings, it is to be noted that this places no obligation for the provision of affordable housing. There are no historic planning restrictions on the units in the Hall in respect of use for affordable housing.

4.11 In these circumstances, it is not considered that any contribution towards affordable housing is justified.

5. SUMMARY AND CONCLUSIONS:

5.1 In respecting the Committee’s decision to impose an affordable housing requirement on the development granted in January 2015, Officers suggest the planning history of the site is a significant consideration in this instance and that given the scheme as approved for 9 dwellings is to replace the 11/12 existing units in the Hall, it not considered necessary or reasonable to impose a requirement for a contribution towards affordable housing provision either on-site or off-site.

5.2 It is therefore recommended that the application to delete Condition 11 should be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 8

Emer O'Connor

WARD : Bodelwyddan

AELOD WARD: Y Cyng. Alice Jones (c)

RHIF Y CAIS: 40/2015/0319/ PF

CYNNIG: Codi adeilad amaethyddol gyda lleiniau caled

LLEOLIAD: Pengwern Farm, Nant Y Faenol Road, Bodelwyddan, y Rhyl

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 40/2015/0319/PF
PENGWERN FARM, NANT Y FAENOL ROAD
BODELWYDDAN

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

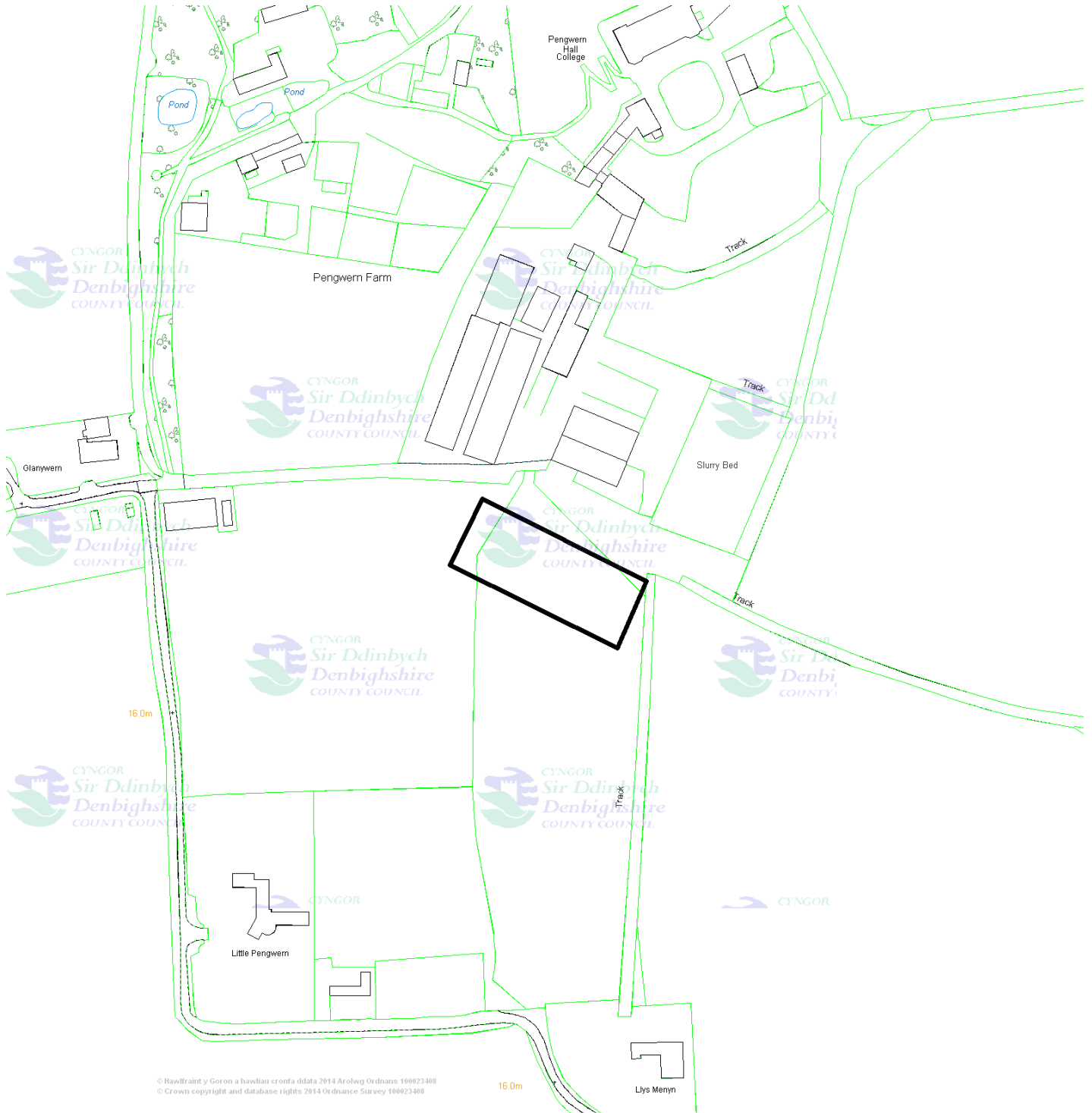


Date 28/5/2015

Scale 1/2500

Centre = 301867 E 376383 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.

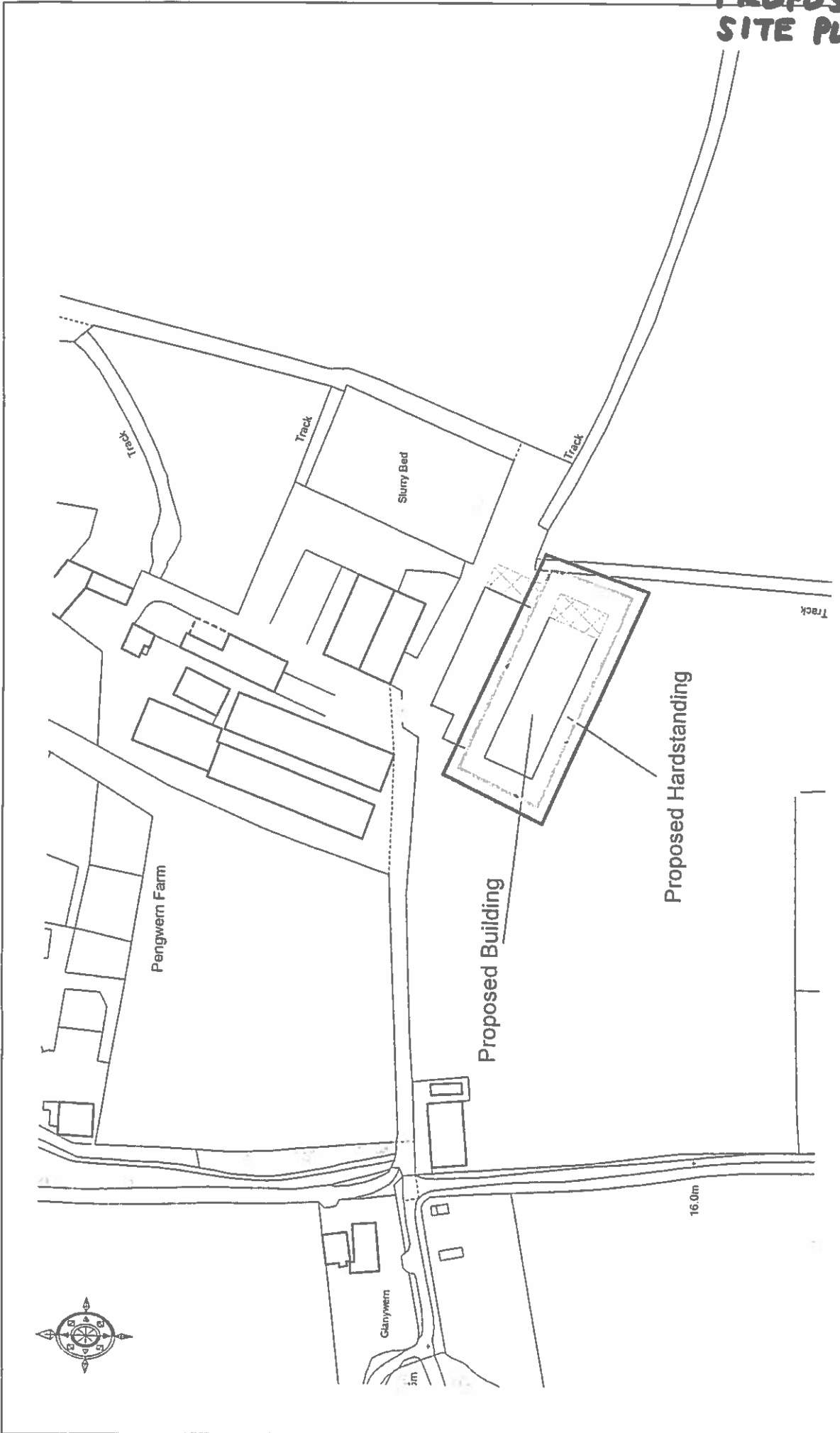


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16.0m

Llys Menn

PROPOSED SITE PLAN



JOB:	Erection of an Agricultural Building and all associated works
CLIENT:	E R Jones & Partners
TITLE:	Site Plan
LOCATION:	Pengwern Farm, Near Y Fawcett Road, Rhyl, Chyr. LL18 5UL
SCALE:	1:1250
DATE:	Mar-15
DRAWING NO.:	RJCREFR102
DRAWN BY:	REE

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www.rogerparry.net
 mail@rogerparry.net
 Tel: 01691 658334
 Fax: 01691 657798

Roger Parry & Partners LLP
 The Property Experts



PROPOSED FLOOR & ELEVATION PLANS

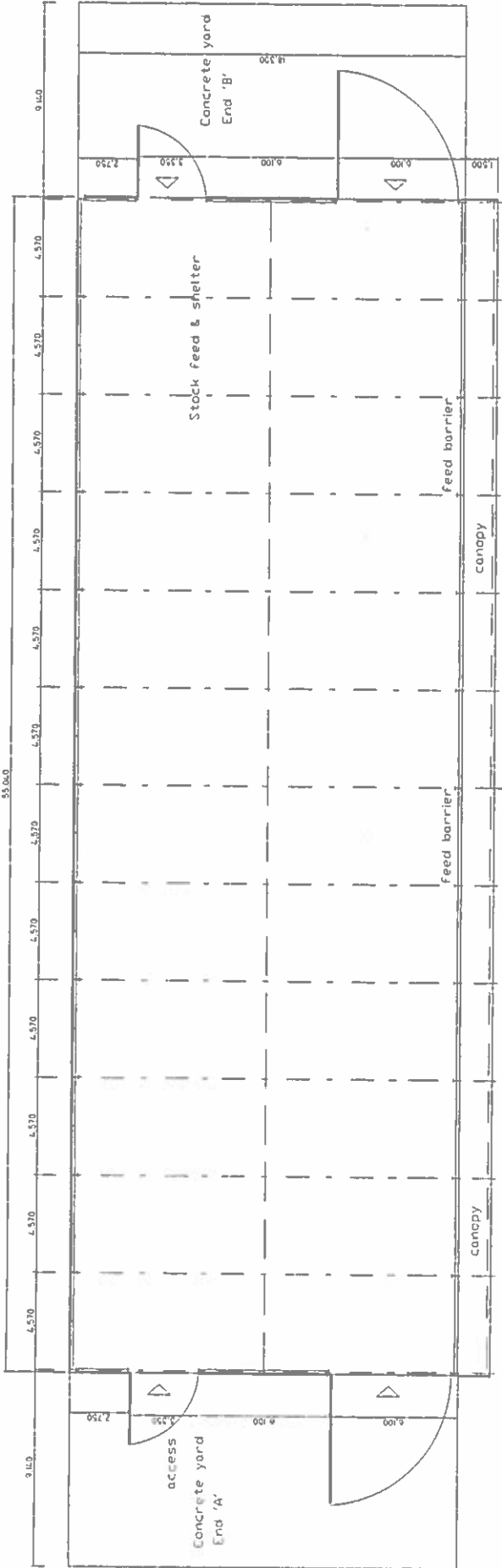


Roger Parry & Partners LLP
 The Exchange, The Old Mill Road
 Basingstoke, Hampshire RG24 0JH
 01256 333334

Residential - Agricultural - Commercial

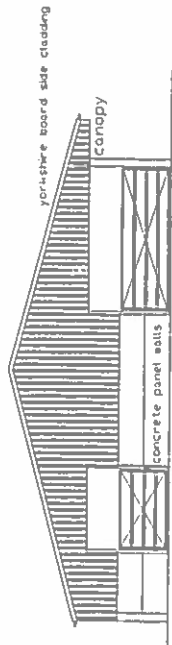
Job	Site	Location	Client	Scale & All marked	Drawing No	Rev.	Date	Drawn by	Checked by
Lee Stock Building	Plan & Elevations	Pengsarn Farm, Hunt Y Farm Rd, Rhyl, Gwynedd LL18 5UL	ER Jones & Partners		6039/14/05				

HEDDLETON HALL, HUNTSLEY, WYKE, WILTSHIRE
 TEL: 01299 250000 FAX: 01299 250001
 e-mail: info@rogerparry.co.uk
 web address: www.rogerparry.co.uk

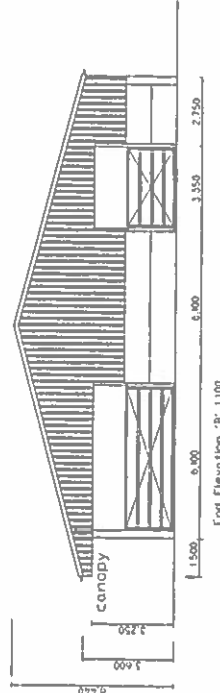


Layout Plan 1:00

NOTES:
 1. All elements profile subject to roof with 4 nos. transoms
 2. 200mm high cast concrete sill panels to GL
 3. 200mm high cast concrete sill panels to GL
 4. 200mm high cast concrete sill panels to GL
 5. 200mm high cast concrete sill panels to GL
 6. 200mm high cast concrete sill panels to GL
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 20. 200mm high cast concrete sill panels to GL

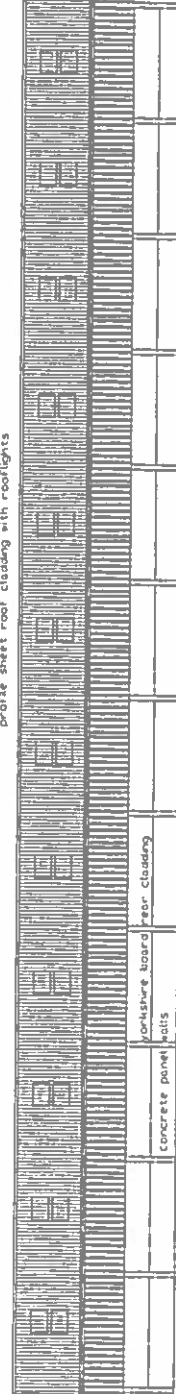


End Elevation 'A' 1:100

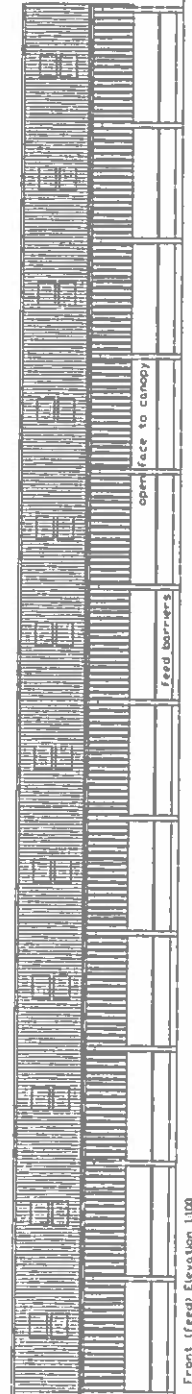


End Elevation 'B' 1:100

profile sheet roof cladding with rooflights



Rear Elevation 1:100



Front Elevation 1:100

WARD : Bodelwyddan

WARD MEMBER(S): Cllr Alice Jones (c)

APPLICATION NO: 40/2015/0319/ PF

PROPOSAL: Erection of agricultural building with hardstanding areas

LOCATION: Pengwern Farm Nant Y Faenol Road Bodelwyddan Rhyl

APPLICANT: Mr H Jones ER Jones & Partners

CONSTRAINTS: None

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

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

- Application submitted by relative of County Councillor

CONSULTATION RESPONSES:

BODELWYDDAN COMMUNITY COUNCIL:
Awaiting response

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
HEAD OF TRANSPORT AND INFRASTRUCTURE
Highways Officer
No objection

Biodiversity Officer
No objection subject to Note to Applicant regarding proper measures for dealing with animal waste and surface water

RESPONSE TO PUBLICITY:

Representations received from:

“The residents of Nant Y Faenol Road, signed by Mr & Mrs N Williams, Little Pengwern, Nant y Faenol Road & Mrs L Roberts, 2 Glan y Wern, Nant y Faenol Road.

Summary of representations: Concerns regarding details referred to in the Design and Access Statement, accuracy of plans and statements made. Intensification of use. Building may lead to more activity on farm. Highways: Access is via a single lane road, additional traffic potential, question over impact on right of way. Residential amenity. Potential additional smell and flies, lighting.

EXPIRY DATE OF APPLICATION: 18/05/2015

REASONS FOR DELAY IN DECISION (where applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Permission is sought for the erection of an agricultural building to house cattle at Pengwern Farm in Bodelwyddan. It would be sited on the southern side of the existing farm complex.
 - 1.1.2 The proposed building would measure 18 metres by 55 metres with an overall height of 6.4 metres. Permission is also sought for a 9 metre area of concrete hard standing on both ends of the building, which would span the width of the building.
 - 1.1.3 The building would be open to the north to allow cattle to feed, the east and west sides would also be open for access and it would have a solid wall to the south. It would be constructed of steel stanchions supporting concrete walls with Yorkshire boarding above and a roof of fibre cement panels.
 - 1.1.4 It is indicated that clean surface water from the roof of the building will be collected in the farm's existing underground storage tank and used for washing down purposes. Surplus clean water from the roof will be run by pipe to existing watercourses. Livestock housed within the building will be kept on a straw bedding base, resulting in solid manure being produced. The manure will be applied directly to the land at Pengwern Farm from the building maximising the nutrients within the manure and value to the farm land. Construction of the floor will incorporate gulleys allowing any dirty water to be collected into the existing gulleys and into the existing dirty water system. This dirty water will then be spread by vacuum tanker over the farm's 500 acres (or thereabouts) of grassland and arable land as per the farm manure management plan. Waste muck would be stored in a short term holding area then carried to a field heap.
 - 1.1.5 The proposed cattle shed would be accessed from the existing farm track.
 - 1.1.6 The basic details are shown on the plans at the front of the report.
- 1.2 Description of site and surroundings
- 1.2.1 The existing yard at Pengwern Farm features a wide range of buildings including cow accommodation, silage storage, a milking parlour, and a slurry lagoon.
 - 1.2.2 Further north of the farm yard are the buildings which comprise Pengwern Hall, west are the dwellings 1 and 2 Glan y Wern and to the south lies Little Pengwern and Llys Menyn. The rest of the surrounding area is characterised by open fields in agricultural use.
 - 1.2.3 Pengwern Farm is approached by a public highway then a private road.
- 1.3 Relevant planning constraints/considerations
- 1.3.1 The site is in open countryside outside of any development boundary.
- 1.4 Relevant planning history
- 1.4.1 There have been applications for various agricultural developments on the farm over the years, however the most recent planning permission was granted in 2012 for the erection of a loose housing building for cattle, which has been constructed and is located adjacent to the proposed site.
- 1.5 Developments/changes since the original submission
- 1.5.1 An updated Design and Access Statement has been provided to address concerns expressed by neighbours over some of the original statements in the document.
- 1.6 Other relevant background information
- 1.6.1 Pengwern Farm is a well-established livestock farm of some 400 acres with about 300 dairy cows and dairy heifers reared as replacements.

2. DETAILS OF PLANNING HISTORY:

2.1 40/2012/0456 Erection of a loose housing building for cattle (partly in retrospective). Granted 18/12/2012.

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)

None

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

Technical Advice Notes TAN5 – Nature conservation and planning

Technical Advice Notes TAN 6 – Planning for Sustainable Rural Communities

TAN 12 – Design

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

4.1.4 Highways impacts

4.1.5 Ecology

4.2 In relation to the main planning considerations:

4.2.1 Principle

Given the nature of the proposal for an agricultural building in open countryside, the main issues are whether there is sufficient justification for the size of the building and whether the siting and visual impact are appropriate or if the building should be set within the existing collection of farm buildings.

Given the existing nature of the site, the stocking levels and the amount of land farmed, it is considered that the size of the building is justified.

Paragraph 7.6.5 of PPW 7 states “*Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use.*”

Paragraph A14 of TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions for agricultural buildings. The guidance on siting and design set out in Paragraph 14 is considered useful and relevant for the subject

application as it states that *“The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.”*

With regard to the above national guidance it is considered that the proposal for an additional building close to an established farm complex is acceptable in principle, subject to an assessment of the localised impacts.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to 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. The impact of a development on visual amenity is therefore a relevant test on planning applications.

The site is located in the open countryside. The building would be located immediately to the south of the main agricultural complex at Pengwern Farm. The site is visible from a nearby public right of way.

The proposed building would be located close to the existing farm complex, which is in line with national guidance. It would be of a similar scale and design to the existing farm buildings. For this reason it is not considered that the building would appear as an isolated structure in the open countryside, neither is it considered that the proposed building would appear overly prominent given the topography of the land. It is considered therefore that the proposal is acceptable in terms of visual amenity.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to 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 as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications.

The nearest dwelling that is unrelated to this site is over 150 metres from the proposed building. The applicant has advised that the building is required for animal welfare purposes and will not intensify the use of the site.

It is considered that with this separation distance and the existing nature of the site, it is unlikely that a livestock building would have a significant impact upon the residential amenity of the occupants of this property. The proposal is not therefore considered likely to be unacceptable in terms of residential amenity impacts, having regard to concerns over potential noise/smells/flies.

4.2.4 Highways impact

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the means of access. The acceptability of means of access is therefore a standard test on most planning applications.

The access arrangements to the site would remain as existing and the use will not intensify. Having regard to the specific proposals, the Highways Officers raise no objections to the application.

In respecting representations, it is not considered that that the proposal would result in highway safety problems or raise new questions over the acceptability of the principle of the development. There would be no interference with the public footpath running west to east, immediately to the north of the proposed building and hard standing.

4.2.5 Ecology

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5 and TAN 5.

The Design and Access Statement outlines the methods by which waste water and surface water will be disposed of. There is also NRW legislation which controls this issue. The Council's Biodiversity Officer considers the proposal acceptable subject to a note to applicant reminding them of their responsibilities under relevant legislation.

It is considered that the proposal would raise no significant issues relating to ecology or biodiversity.

5. SUMMARY AND CONCLUSIONS:

5.1 It is considered that the proposal would not be unacceptable, and it is therefore recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following condition:-

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.

The reason for the condition is :-

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

NOTES TO APPLICANT:

You are reminded of to take into account your responsibilities under the The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 which control surface water and drainage from the building.

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 9

Philip Garner

WARD : De-Ddwyrain y Rhyl

AELODAU WARD: Y Cyng. Pat Jones (c)
Y Cyng. Pete Prendergast (c)

RHIF Y CAIS: 45/2015/0298/PF

CYNNIG: Newid defnydd o gyflenwyr deunyddiau adeiladu i siop atgyweirio cyrff ceir a bwth chwistrellu ac addasiadau cysylltiedig gan gynnwys gosod simnai awyru.

LLEOLIAD: 140A Ffordd y Dyffryn, y Rhyl

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 45/2015/0298/PF

140A VALE ROAD

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

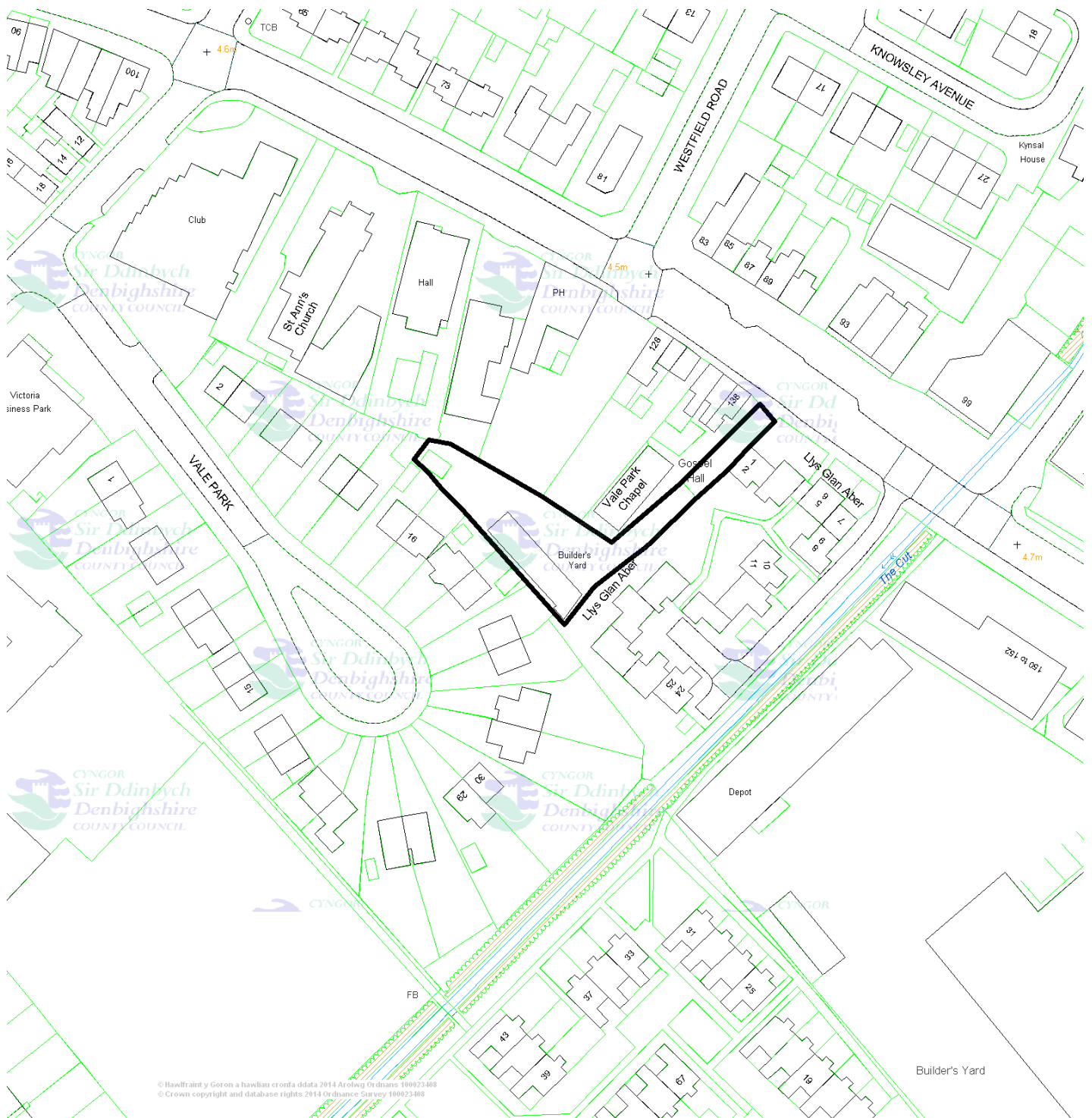


Date 28/5/2015

Scale 1/1250

Centre = 301449 E 380932 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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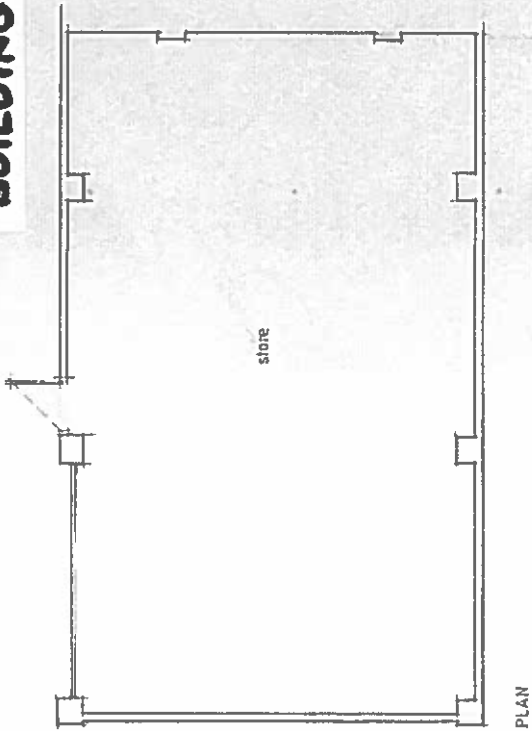
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EXISTING / PROPOSED SITE PLAN

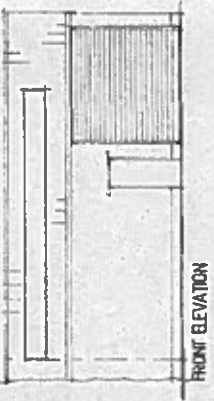
EXISTING FLOOR PLAN & ELEVATIONS

PROPOSED CHANGE OF USE UNIT REAR OF 116 VALE RD RHTL
 EXISTING SCALE 1:50, 1:100
 DATE FEB 2015

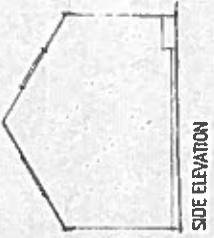
BUILDINGS AS EXISTING



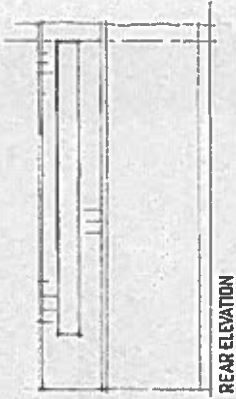
PLAN



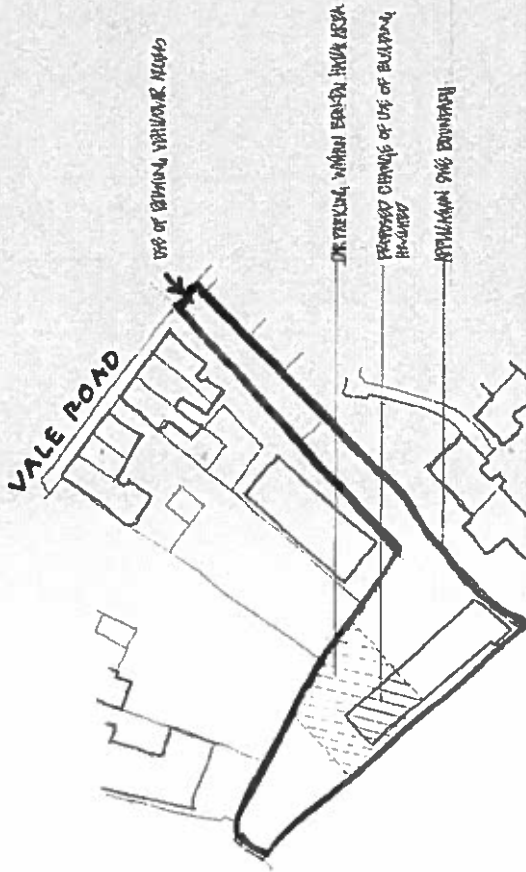
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SITE PLAN SCALE 1:500 NORTH

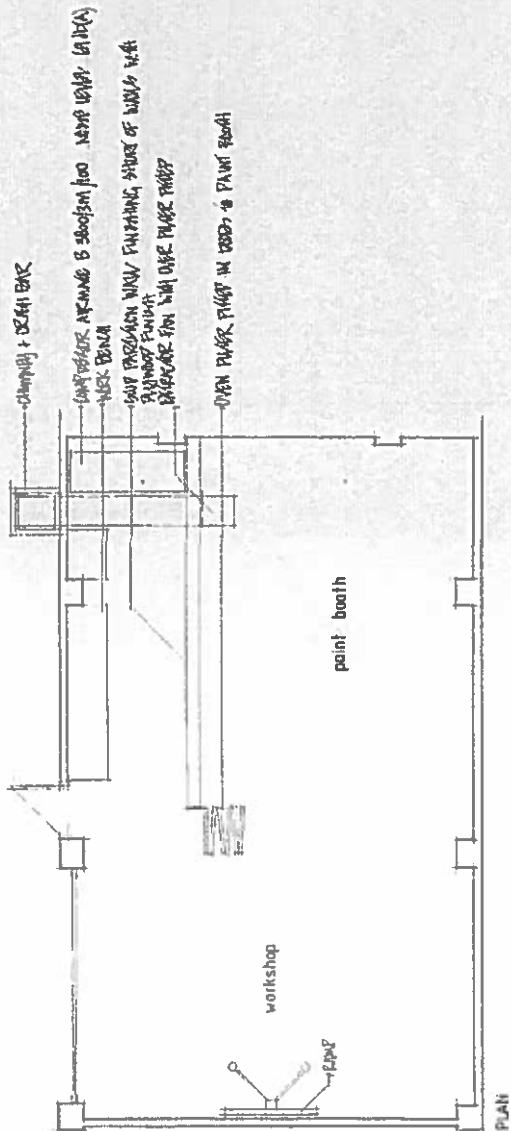
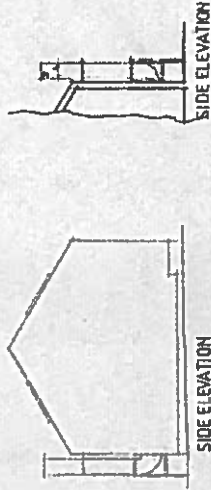
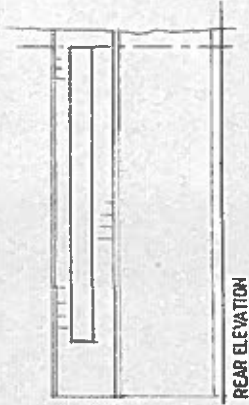
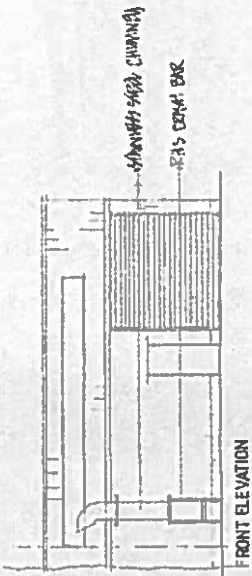


LOCATION PLAN SCALE 1:250 NORTH

PROPOSED PAINT BOOTH AND WORKSHOP

PROPOSED FLOOR PLAN & ELEVATIONS

PROPOSED CHANGE OF USE
 UNIT REAR OF 116 VALE RD
 RHYL
 PROPOSED SCALE 1:50 1:100
 DATE FEB 2015



WARD : Rhyl South West

WARD MEMBER(S): Cllr Pat Jones (c)
Cllr Pete Prendergast (c)

APPLICATION NO: 45/2015/0298/PF

PROPOSAL: Change of use from builders merchants to motor vehicle body shop and spray booth and associated alterations including installation of vent chimney

LOCATION: 140A Vale Road Rhyl

APPLICANT: Mr Lee Rainford Coastal Cars

CONSTRAINTS: None

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

REASON APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee
- Town Council Objection

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL –

“Objection. The Town Council are concerned that the proposals will have negative impact on the residential amenity of neighbouring residential properties (particularly the nearby sheltered accommodation and Ysgol Emmanuel playing field). The Council is concerned as to the fumes to be generated by the business and distributed by the vent chimney from a health and environmental pollution aspect. The Council feel that the proposal would also lead to potential increased noise to the detriment of adjacent residential properties. The Council is also concerned that the development site is not well maintained at present and should be the subject of an order to require it to be improved.”

DWR CYMRU / WELSH WATER

No objections. Standard comments relating to water discharge and sewerage.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer:

No objection to the proposals subject to the inclusion of conditions relating to parking / turning of vehicles.

Pollution Control Officer:

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Adrian Woonton, 19 Llys Glan Aber, Rhyl (O)D. Butters, 10, Vale Park, Rhyl (O)

Summary of planning based representations in objection:

- Air contamination and increased noise

- Smells/fumes and impact on health

EXPIRY DATE OF APPLICATION: 18/05/2015

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 application proposes to change the use of part of the existing building and its yard/car park from its last use as a builders' merchant and associated offices to motor body repairs including the creation of a spray booth and a stainless steel vent chimney to the front of the building.
- 1.1.2 The hours of use proposed are 0830 to 1800 hours Mondays to Saturdays and closed on Sundays, with the scheme employing 2 staff. The floor area of the unit is suggested as being 54 sqm which is just under half of the existing building and will use the western section of the structure with car parking to the front.
- 1.1.3 The chimney to be added has a height of 4.1 metres which compares to the eaves of the building of 3.3 metres and the ridge height of 4.9 metres. No other external alterations are proposed, with the internal layout having room for the paint booth and a workshop including a ramp. A compressor and extraction fan for the vent is also indicated as being installed.
- 1.1.4 The application is accompanied by a Design and Access Statement which concludes that:

"The proposal for the change of use from B8 to B2, to allow for motor vehicle repairs and spraying of vehicles, would not have an adverse impact upon the visual amenity of the locality, the residential amenity of nearby occupiers, highway safety, or flood risk. The proposal will supplement the range of commercial services offered within this part of Rhyl, thereby providing a positive contribution to the local economy and employment pool. The proposal complies with Policies RD 1 and ASA 3 of the Denbighshire LDP and national planning guidance in Planning Policy Wales and TANs, and should therefore be supported."

1.2 Description of site and surroundings

- 1.2.1 The subject property lies to the south west of Vale Road and is reached by an access road that leads down the side of the florist fronting the main road and alongside the residential accommodation to the east on Llays Glan Aber.
- 1.2.2 The building has a row of residential properties immediately adjacent to its rear (southern) boundary, with a taxi business, public house and Christian meeting room to the north.
- 1.2.3 The eastern end of the building is utilised as offices and is not subject to the proposed change of use.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary but has no specific designation in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 The site has a history of refusals which have sought alternative commercial uses, including motor body repairs, dating back to the 1980's, and a private hire office /

service workshop in the 1990's.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The Member request for referral to Committee has been made by Councillor Pete Prendergast to allow for assessment of the potential impacts of noise and pollution for residents.

2. DETAILS OF PLANNING HISTORY:

2.1 2/RYL/223/80 - Erection of warehouse/workshop extension: Refused 09/04/1980.

2.2 2/RYL/622/80 - Commercial vehicle repair and servicing workshops and sales depot: Refused 27/01/1981.

Reasons – additional non-conforming site leading to congestion on the site and road; Introduction of a general industrial use in a primarily residential area, detrimental to the visual and general residential amenities of adjacent residential property.

2.3 2/RYL/0008/89/E - Use of premises as a builders' yard / light industrial: Established Use Certificate issued 09/10/1989.

2.4 2/RYL/0297/91/P - Demolition of 2 shops and hall construction of new hall & 12 flats: Refused 05/11/1991.

2.5 2/RYL/0359/92/P - Change of use to private hire office service workshop: Refused 10/11/1992.

2.6 2/RYL/0413/92/P - Change of use to private taxi hire office and service workshop: Refused 07/01/1993.

Reason – Noise and disturbance detrimental to residential amenity of occupiers of nearby residential properties.

3. RELEVANT POLICIES AND GUIDANCE:

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

Policy ASA3 – Parking standards

3.1 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 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

As the scheme relates to an existing business use within the town development boundary, an alternative employment use may be appropriate in principle, subject to detailed consideration of the impacts of the change of use on the site and its surroundings.

4.2.2 Visual 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 are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

There are no representations relating to the visual impacts of the proposals.

In Officers' opinion, the proposed changes to the existing building are minimal, with the addition of a front chimney vent considered not to raise any substantial visual issues as it would be located between the eaves and ridge of the commercial property onto which it is proposed.

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.

There are objections on residential amenity grounds from Rhyl Town Council and occupiers of nearby residential properties, raising concerns in relation to noise and fumes from the proposed use. The building is sited only 7 metres from the rear of the closest house to the rear on Vale Park, and it is to be noted that the two individual objections are from the occupiers of residential properties which abut the site and the access road.

In considering the issues, due regard needs to be had to the existing long established use as a builders' yard, which clearly can give rise to a level of noise and disturbance from the arrival of vehicles, loading operations and general day to day activity. However, it is considered the use of the building for the carrying out of motor body repairs has the potential to result in a higher level of noise along with the accompanying fumes that would be generated from the spraying of vehicles as highlighted by the need to install an extraction system. On this basis, having regard to the close proximity of residential properties, it is considered that the change of use as proposed would lead to an unacceptable increase in noise, disturbance and fumes

which would be harmful to the amenity of the occupiers, contrary to criteria i) and vi) of Policy RD 1 of the Local Development Plan.

4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The Highway Officer has no objections to the proposals subject to inclusion of a suitable condition relating to the internal parking / turning arrangements. There are no other representations on highway or parking matters.

In Officers' opinion, it is not considered that the change of use will result in any significant detriment in respect of parking or the highway network.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst recognising the existing use as a builders yard is capable of generating a degree of noise and disturbance, it is concluded that the proposed use would have an unacceptable adverse impact on the amenities of adjacent residential occupiers, contrary to Policy RD 1 of the Local Development Plan.

RECOMMENDATION: REFUSE- for the following reason:-

1. The operation of a motor body repair shop with associated spray booth and fume extraction system is considered likely to result in a level of noise and disturbance which would be harmful to the residential amenities of occupiers of nearby residential properties which are located in close proximity to the site. The change of use proposed is therefore considered contrary to criteria i) and vi) of Policy RD 1 of the Denbighshire Local Development Plan as it would not respect the site and surroundings in terms of the intensity of use of land/buildings and would unacceptably affect the amenity of local residents by virtue of increased activity, disturbance, noise, dust and fumes.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 10

Emer O'Connor

WARD: Dwyrain y Rhyl

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

RHIF Y CAIS: 45/2015/0386/ PF

CYNNIG: Codi estyniad deulawr yng nghefn annedd

LLEOLIAD: 27 Edgbaston Road, y Rhyl

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 45/2015/0386/PF

27 EDGBASTON ROAD

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

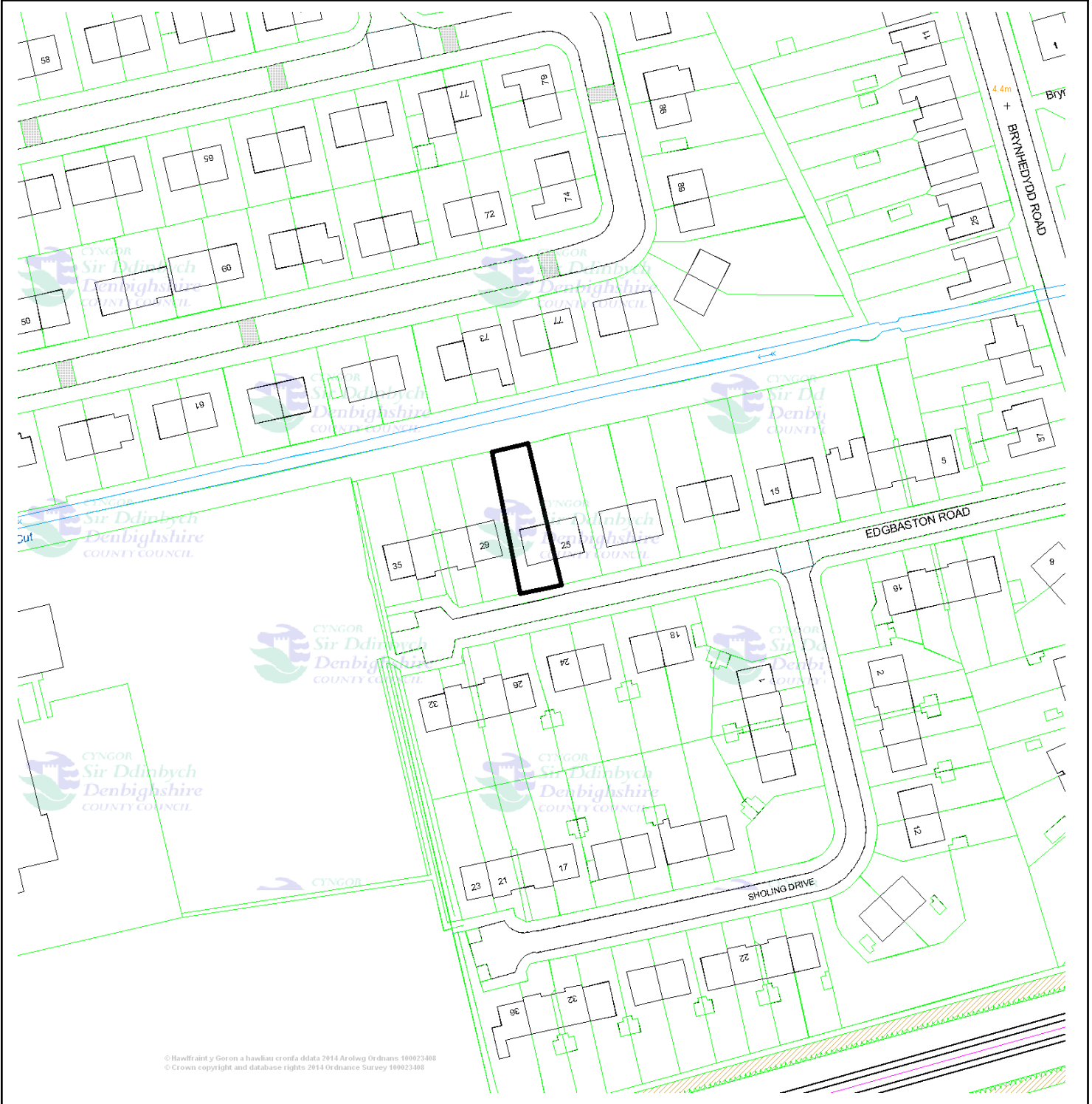


Date 28/5/2015

Scale 1/1250

Centre = 302501 E 382021 N

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



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa 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.

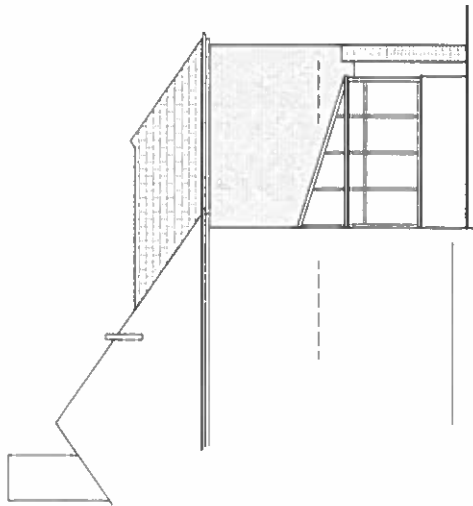
SITE PLAN



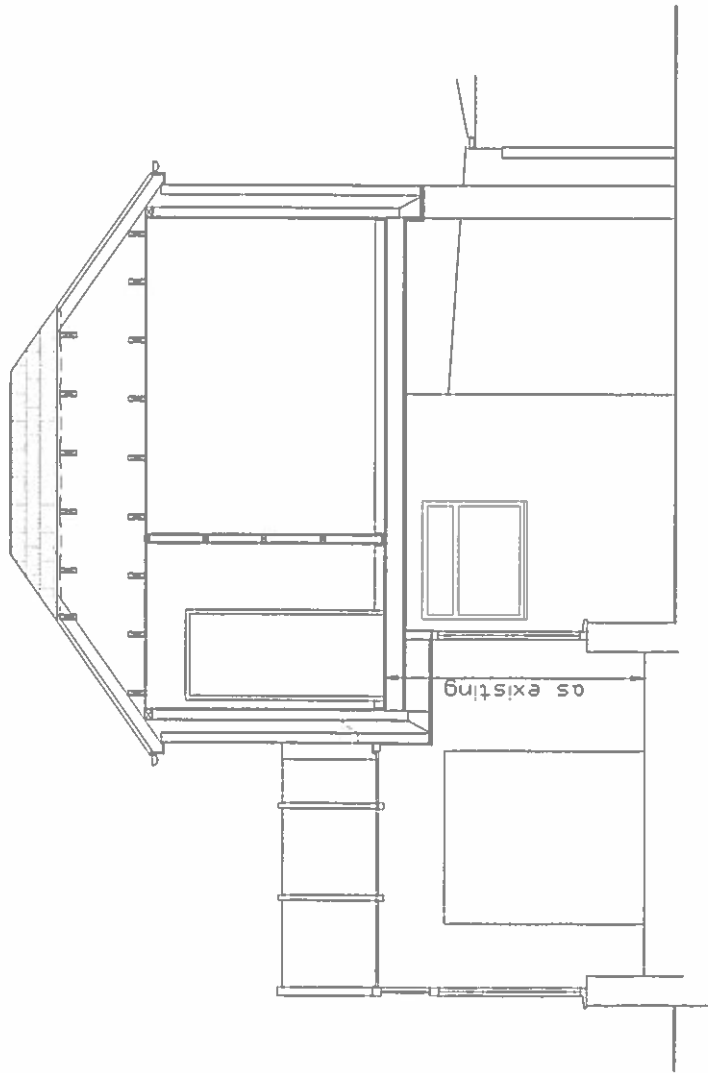
SITE LOCATION PLAN - Scale 1:2500



BLOCK PLAN - Scale 1:500



PROPOSED SIDE ELEVATION



SECTION

JIG Architects
 RIBA Chartered Practice
 Studio 16, Mold Business Park, Vrethun Rd, Mold CH7 1XP
 T 01352 744889 F 01352 700769 E info@jigarchitects.com

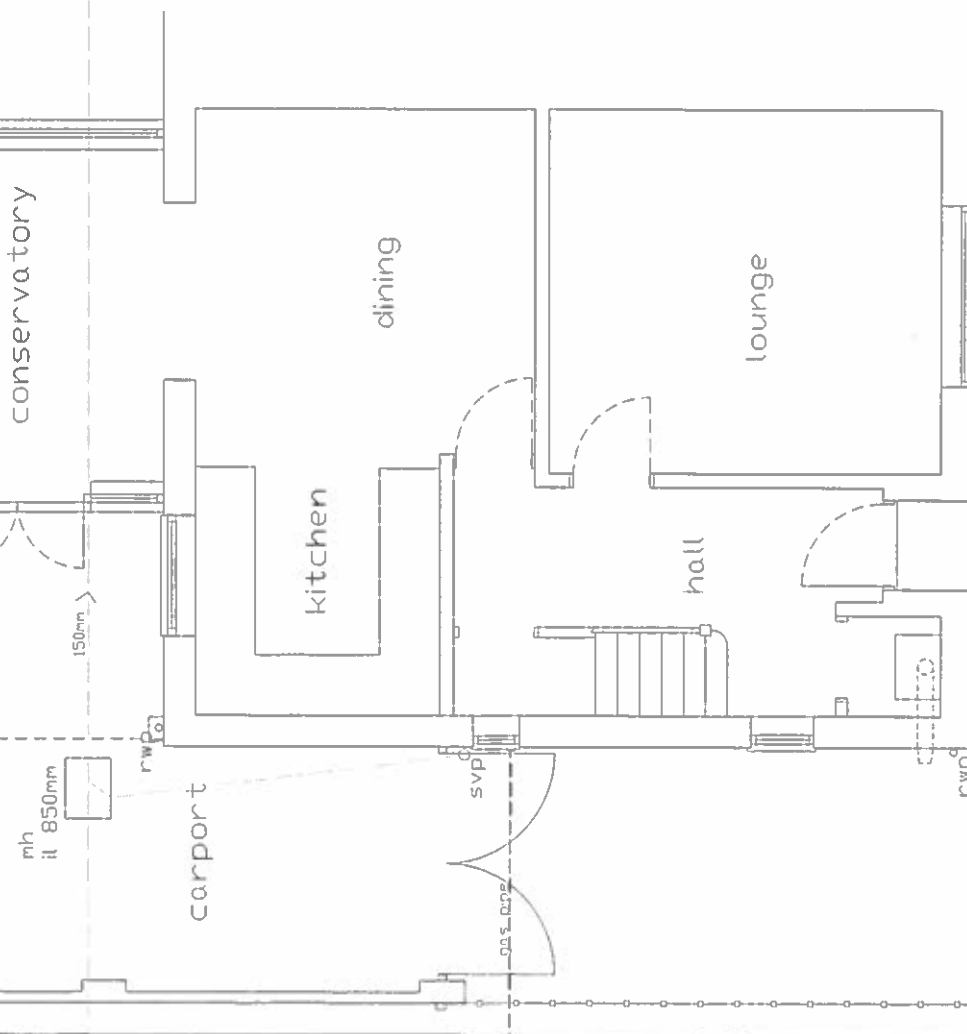
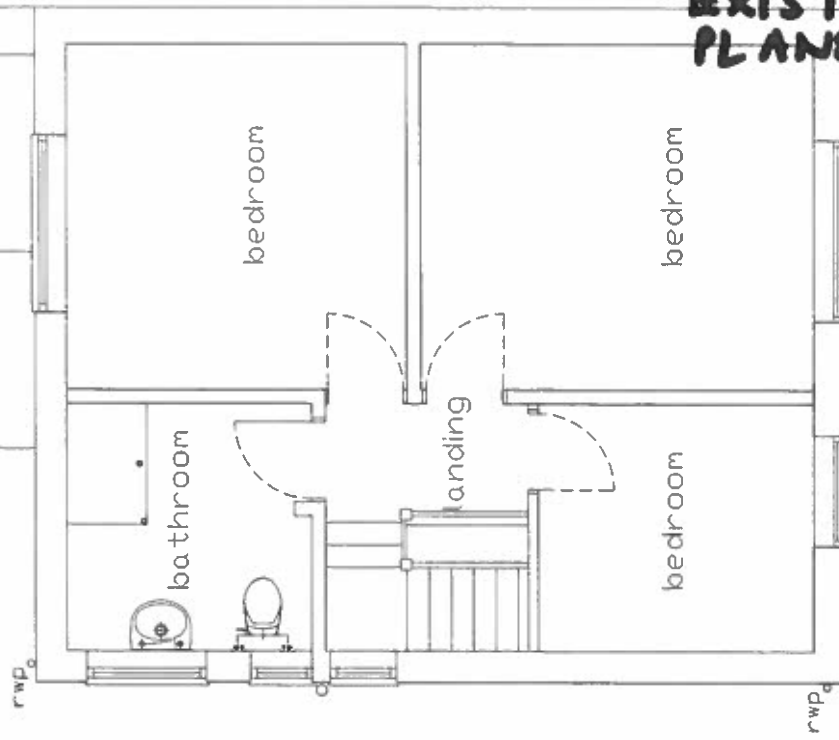
The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to JIG before proceeding with the work. Where there are discrepancies between the drawings and the scales, the larger scale drawing is to take precedence. Do not scale drawings. Figured dimensions are to be observed in all cases. This drawing is copyright © JIG architects

Project	Two storey extension
Address	27 Edgbaston Road, Ryyl
Client	Mr & Mrs Iobal Schofield MK201
Scale	1:50 (A)
Drawn	JG
Date	Mar '15
Drawn No.	JIG1253/14
Sheet No.	-A03

Sections & Location Plan.

EXISTING FLOOR PLANS

EXISTING FIRST FLOOR



JIG Architects
 RIBA Chartered Practice
 Studio 16, Hold Business Park, Wrexham Rd, Mold CH7 1XP

Project Two storey extension
Address 27 Edgbaston Road, Rhyd

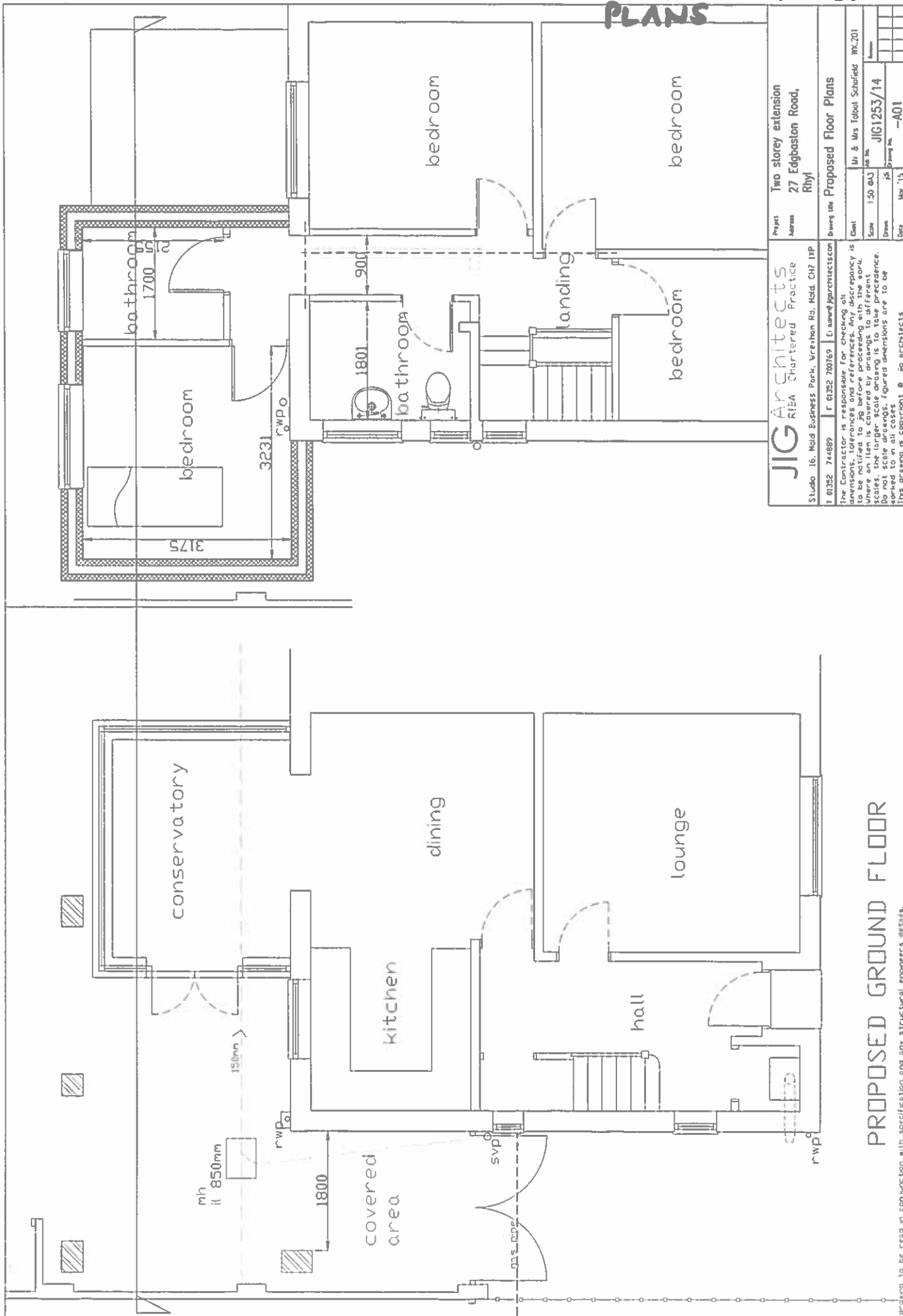
Drawing No		Existing Floor Plans	
Client	Mr & Mrs Tabol Schofield MK201	Drawn By	JIG1253/14
Scale	1:50 (A3)	Check By	
Date	Jan '15	Issue No	-A04

The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to JIG before proceeding with the work. The Contractor shall be responsible for ensuring that all scales, the larger scale drawings is to take precedence. Do not scale drawings. Figured dimensions are to be worked to in all cases. This drawing is copyright © JIG architects

EXISTING GROUND FLOOR

Always to be read in conjunction with specification and any structural engineers details.

PROPOSED FLOOR PLANS

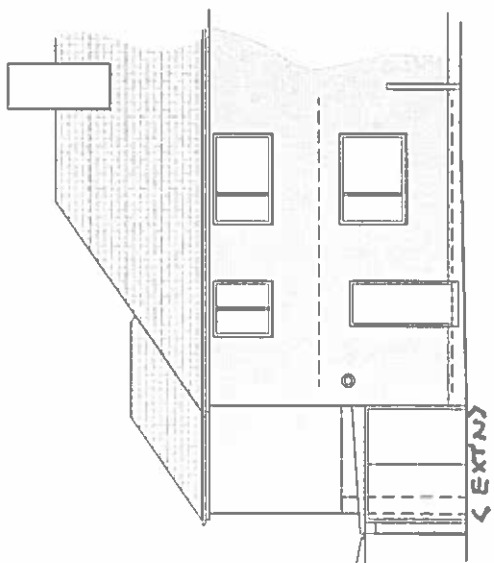


JIG Architects RIBA Chartered Practice		Project: Two storey extension
Studio 16, Nald Business Park, Vrechen Rd, Nald CH7 1JF		Address: 27 Edgaston Road, Rhyd
T 01352 744889	F 01352 700769	Drawn by: Proposed Floor Plans
<p>The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to JIG before proceeding with the work, where an item is covered by drawings to different scale. Do not scale drawings; figured dimensions are to be sorted to in all cases. This drawing is copyright © JIG architects</p>		
Client: Mr & Mrs Iobal Schofield, WK 201	Scale: 1:50 (A3)	Date: Mar '15
Drawn: JIG1253/14	Project No: -A01	

PROPOSED GROUND FLOOR

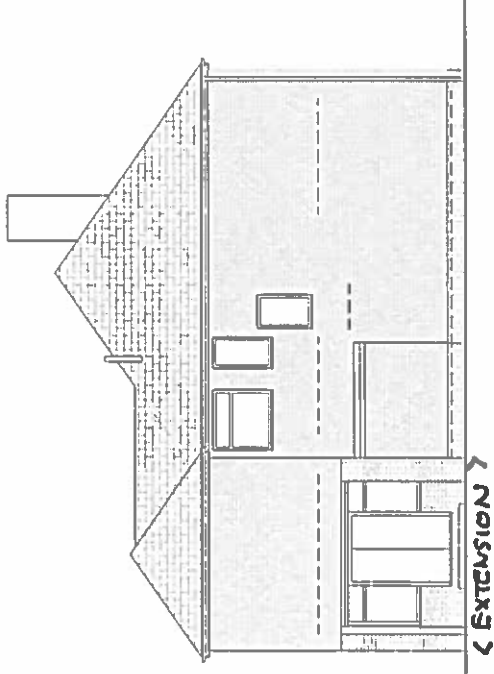
PROPOSED

EXISTING ELEVATIONS



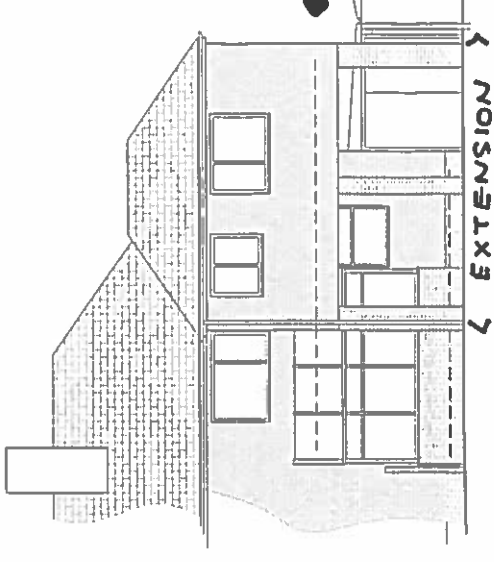
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PROPOSED FRONT ELEVATION



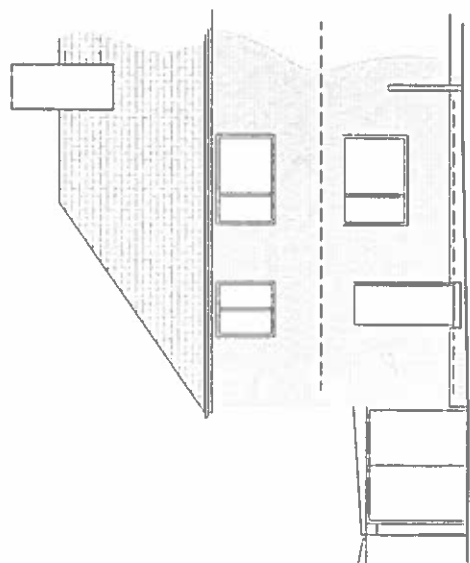
← EXTENSION →

PROPOSED SIDE ELEVATION

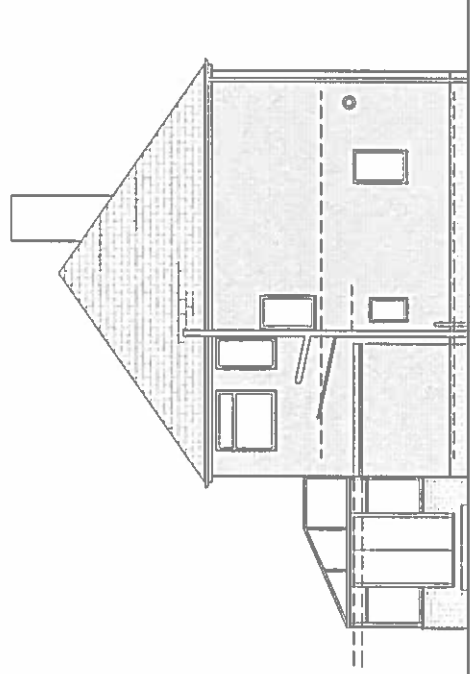


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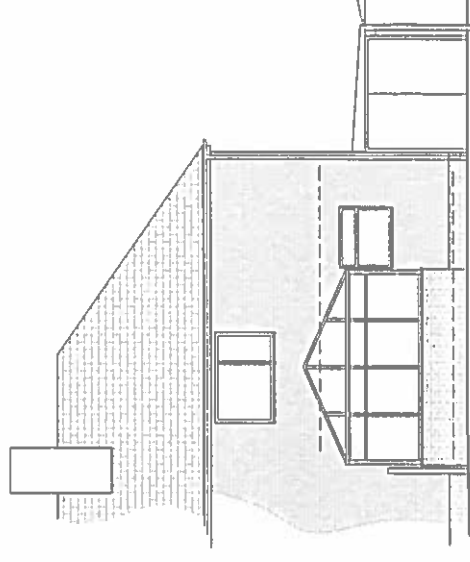
PROPOSED REAR ELEVATION



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

JIG Architects
 RIBA Chartered Practice
 Studio 16, Mold Business Park, Wrexham Rd, Mold, CH7 1NP
 T 01352 744899 F 01352 700769 E info@jigarchitects.co.uk

The contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is the contractor's responsibility. Where a discrepancy is noted, the contractor is required to take precedence. Where a discrepancy is noted, the contractor is required to take precedence. Do not scale drawings, figured dimensions are to be worked to in all cases. This drawing is copyright © JIG architects

Project	Two storey extension	Client	Mr & Mrs Tabal Schield WK201
Address	27 Eggobston Road, Rhyll	Scale	1:100 @ A3
Drawn	JG	Date	11/06/14
Checked	JG	Drawn No.	JIG1253/14
Discussed		Date	Jan 13
Drawn		Drawn No.	-A02

drawing to be read in conjunction with specification and any structural engineers details

WARD : Rhyl East

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

APPLICATION NO: 45/2015/0386/ PF

PROPOSAL: Erection of 2-storey extension to rear of dwelling

LOCATION: 27 Edgbaston Road Rhyl

APPLICANT: Mr & Mrs Stuart Talbot Schofield

CONSTRAINTS: None

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

"The Town Council is concerned that the application would result in an overdevelopment of the site to the detriment of the residential amenities of adjoining property occupiers."

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 11/06/15

REASONS FOR DELAY IN DECISION (where applicable): Awaiting Committee determination.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the erection of an extension at 27 Edgbaston Road in Rhyl.
- 1.1.2 The application comprises of a two storey rear extension, projecting off the north-west side of the dwelling. It would measure 5.45 metres in width by 3.35 metres in length. It would have an overall height of 6.2 metres to the ridge.
- 1.1.3 An existing car-port on the side elevation would be retained and access to the rear garden would remain, as the ground floor of the extension would have an open undercroft area. The conservatory to the rear would also be retained.
- 1.1.4 The extension would comprise of an additional bedroom and bathroom on the first floor and an open covered area on the ground floor. There would be two first floor windows facing to the rear garden.
- 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 an area of similar properties, which are staggered various distances from the Edgbaston Road frontage.
- 1.2.2 The dwelling is finished with render walls with a tiled roof and has its rear garden area bounded by fencing and soft landscaping. To the north the site is bounded by 'Rhyl Cut'.
- 1.2.3 The dwelling has had previous extensions in the form of a conservatory to the rear.
- 1.2.4 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 None.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None.

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 an extension to the rear of the dwelling which would have a footprint of approximately 18 sq metres. The original dwelling footprint is 45 sq metres. The roof would be set down from the original roof line by 1.8 metres. There would be a garden depth of 14 metres remaining if the extensions are permitted, with a total area of over 100 sq metres.

In Officer's 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 Council's concerns, it is not considered that the proposal would result in over development of 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 0.3 metres off the boundary of the dwelling to the west, and it would project 3.35 metres to the rear and would have an overall height of 6.4 metres. There is 2 metre high boundary fencing between the dwelling and adjacent properties. Rear windows are proposed in the first floor facing into the rear garden. As the extension would be sited on the western side of the dwelling there would be 3 metres from its side elevation to the boundary with the attached dwelling. The dwelling to the west it set back in the site from the frontage so although there

would be only 2.5 metres between it and the extension, the line of the back wall of the rear elevations would be almost the same.

Considering the siting of the extension and the existing dwelling in relation to adjacent 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 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. 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.

Paul Mead

WARD	Gorllewin y Rhyl
AELODAU WARD:	Y Cyng. Ian Armstrong (c) Y Cyng. Joan Butterfield (c)
RHIF Y CAIS:	45/2015/0410/PS
CYNNIG:	Amrywio amod rhif 4 caniatâd cynllunio amlinellol rhif 45/2013/1510 i ganiatáu ymgymryd â gwaith tirlunio dros dro ar neu cyn 31 Hydref 2015
LLEOLIAD:	Safle Ocean Beach, Ffordd Wellington, y Rhyl

Mae tudalen hwn yn fwriadol wag

Heading:

REFERENCE NO. 45/2015/0410/AC
OCEAN BEACH SITE
WELLINGTON ROAD, 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

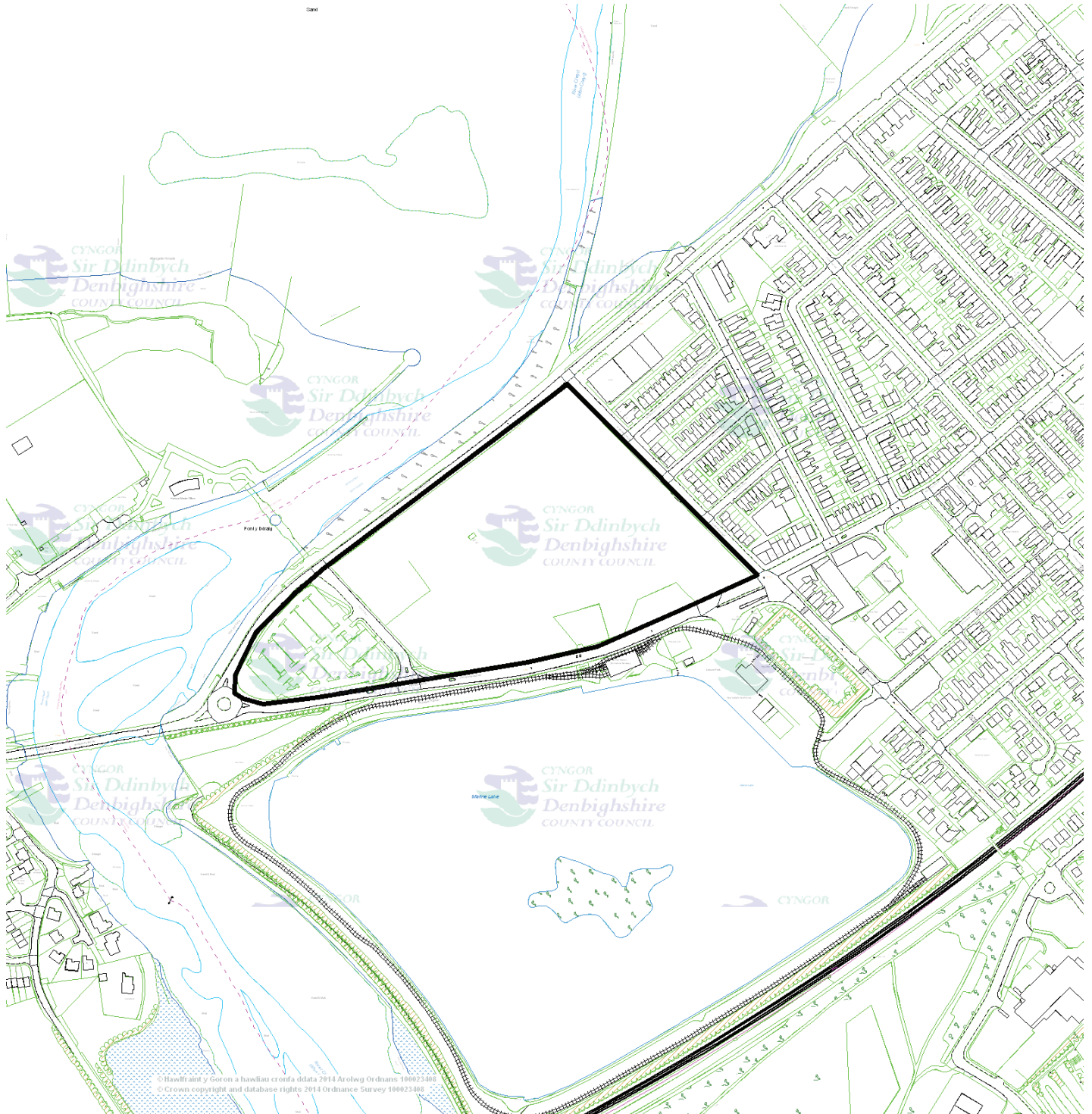


Date 28/5/2015

Scale 1/5000

Centre = 299878 E 380794 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.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
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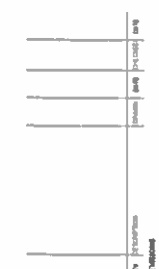
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi
© Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

NOTES

1. This plan shows the proposed development in accordance with the planning permission granted by Scarborough Council on 14th November 2011.
2. The proposed development is shown in red on this plan.
3. The proposed development is shown in red on this plan.
4. The proposed development is shown in red on this plan.
5. The proposed development is shown in red on this plan.
6. The proposed development is shown in red on this plan.
7. The proposed development is shown in red on this plan.
8. The proposed development is shown in red on this plan.
9. The proposed development is shown in red on this plan.
10. The proposed development is shown in red on this plan.

GRAPHIC STATEMENT BY E

1. Location
2. Scale
3. Date
4. Author
5. Checked
6. Approved
7. Title
8. Revision Number



Scarborough
Development Group



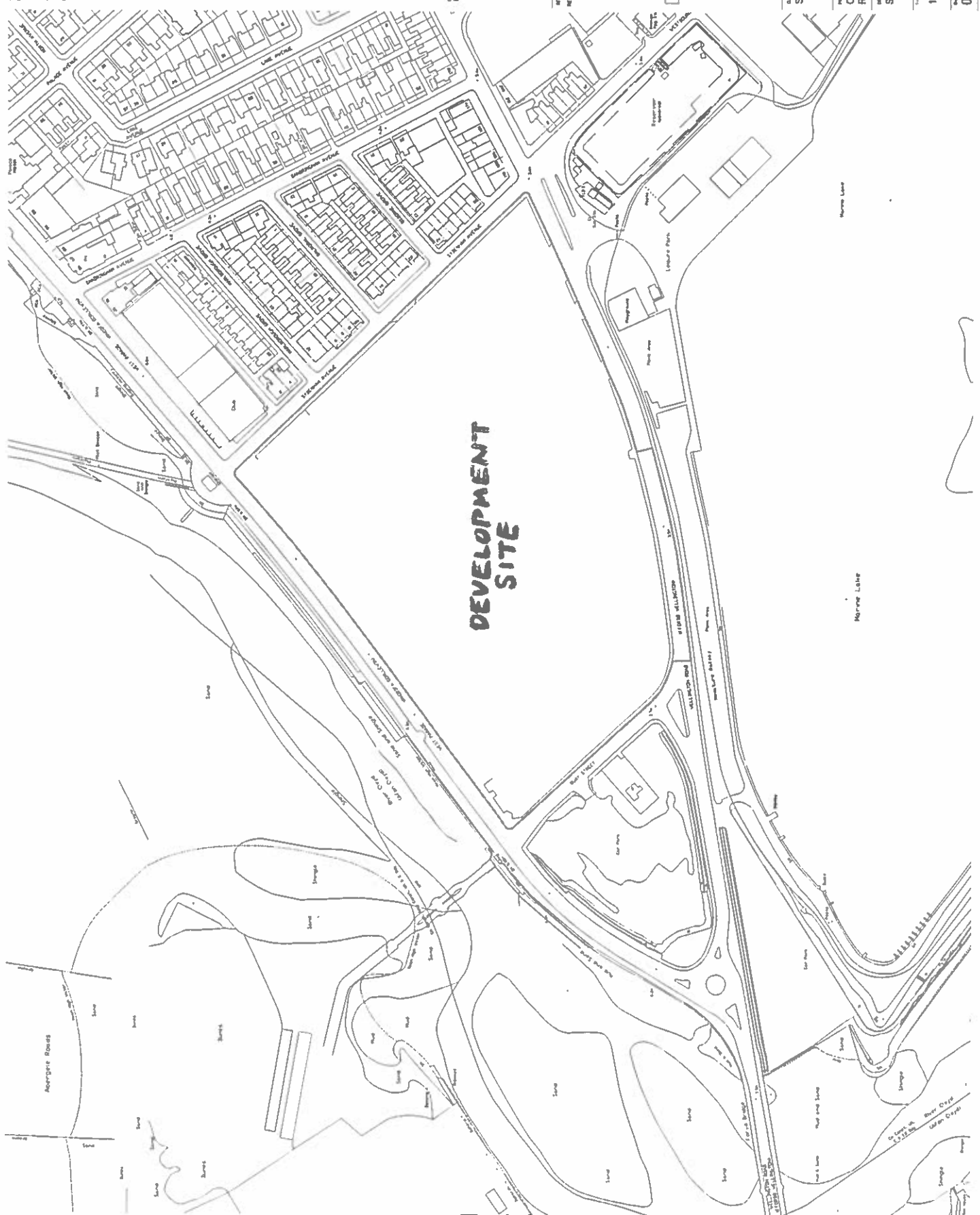
NW-ARCHITECTS
Floor Plans, Site Plans, 3D Models
Tel: 01753 881111
www.nw-architects.co.uk

Client: Scarborough Development Group

Project: Ocean Plaza, Wellington Road
Rhyll

Drawing No: Sale Plan Existing

Scale	1:1000 @ A1
Author	AW
Checked	AW
Approved	AW
Date	14/11/11
Revision	01
Project No	08215-S100



Tudalen 123

WARD NO: Rhyl West

WARD MEMBER(S): Cllr Ian Armstrong (c)
Cllr Joan Butterfield (c)

APPLICATION NO: 45/2015/0410/PS

PROPOSAL: Variation of condition no. 4 of outline planning permission code no. 45/2013/1510 to allow the implementation of interim landscaping works on or before 31st October 2015

LOCATION: Ocean Beach Site, Wellington Road, Rhyl

APPLICANT: Scarborough Development Group

CONSTRAINTS: None

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

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

- At request of Development Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

None received at time of preparing report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Valuation and Estates Manager - The Council is anxious to see the Ocean Plaza site redeveloped and the sea defence works are a critical prerequisite for this to happen. By its nature, sea defence involves very large quantities of material which need to be available in close proximity to the works if cost & vehicle movements are to be kept to a minimum. The only other site for a compound would have been the Council's adjacent car park and use of this site would have had a significant visual impact & loss of amenity (it is not practical or cost effective to move the compound at this stage). Any landscaping of the Ocean Plaza site will have little or no impact whilst the sea defence works are ongoing.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 18/6/2015

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

The proposal seeks to vary a previously imposed planning condition on the current governing outline planning consent for the Ocean Plaza site (see Relevant Planning History section below).

The relevant condition (No.4) was imposed as follows:

Tudalen 125

“The interim landscaping works indicated on plan 08215-P303 shall be fully implemented on or before 30th June 2015 to the satisfaction of the Local Planning Authority and maintained as such thereafter.”

Due to on-site circumstances explained below (See Other Relevant Background Information) the applicant is seeking to vary the above condition to allow an extended period for the interim landscaping works to be carried out. This extended period is proposed to be to 31st October 2015.

The relevant interim landscaping plan is shown at the front of this report. (See Plan A)

1.2 Description of site and surroundings

The current application site consists of some 5.3ha of land formerly used as the Rhyl Fun Fair. The site has stood empty for some 7 years and has been hoarded off around its perimeter.

The site sits on two levels. The higher part of the site fronts onto West Parade to the north. The lower end has Wellington Road to the south with the Marine Lake beyond. To the east of the site is Sydenham Avenue which contains a mix of dwellings and businesses. To the west is Quay Street which still contains a Council run car park.

To the promenade side of the site much regeneration work has taken place within the harbour area including a new cycle bridge, coastal defence works and a café.

1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the development boundary of Rhyl. The site is within the North Wales Coast Strategic Regeneration Area and is identified as a Brownfield Regeneration Priority site. It is also sited within a C1 flood zone.

1.4 Relevant planning history

1.4.1 Planning permission was granted in November 2007 for a major mixed use scheme incorporating 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations. This scheme was subject to a s.106 legal agreement.

1.4.2 Planning permission was granted in December 2013 for a variation of condition on the above scheme which gave a further 2 years for the scheme to be commenced. This was effectively an extension to the original scheme. This too was subject to a s.106 legal agreement.

1.4.3 Outline planning permission was granted in February 2015 for a new mixed use scheme on the Ocean Plaza site. This scheme incorporated the provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping. This permission was subject to a s.106 legal agreement and also contained the relevant condition 4 outlined above.

1.5 Developments/changes since the original submission

None

1.6 Other relevant background information

1.6.1 Historically part of the Ocean Plaza site has been used by the Council as a site compound during phased work to improve the sea defences. This compound has been located to the northern part of the site close to the area around the harbour where major sea defence works have been undertaken in recent years.

1.6.2 There was a period of inactivity after phase 2 of the sea defence works where the compound area was unused and closed off. The reason for this was that the phase 3 works to create a revetment area on the promenade had not been finalised and

agreed. These phase 3 works are now on-going meaning the use of the compound located on the Ocean Plaza site is required until completion of phase 3.

1.6.3 The granting of the most recent outline consent for the redevelopment of the Ocean Plaza site required a scheme of interim landscaping works to be carried out to the northern part of the site adjacent to the promenade. This was required in order to improve the visual appearance of the site which had blighted this area of Rhyl for some years. Given the potential further time periods between granting outline consent for redevelopment and actual development taking place it was felt reasonable to require an interim landscaping scheme to the northern part of the site. The consent required this interim scheme to be implemented by 30th June 2015. Given the continued requirement for the sea defence compound to be on the site of these interim landscaping works it is deemed necessary to require a variation of the imposed condition to enable the sea defence works to be completed.

1.6.4 It is anticipated that these works will be completed around July 2015. As such, extending the period for the landscaping works to be carried out to 31st October 2015 should allow sufficient time after the use of the compound on site has ceased.

2. DETAILS OF PLANNING HISTORY:

2.1 45/2006/1200/PF - Demolition and redevelopment of 7.625 hectares of land to provide a mixed use development comprising 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations – GRANTED by Committee 27th November 2007. **This permission included planning conditions and a s.106 legal agreement. The main elements of the s.106 legal agreement are as below:-**

- financial contribution by the developer into a “regeneration pot” in lieu of affordable housing and open space provision on site. Secured through a bond.
- CCTV links provided by the developer
- Provision of public open space by the developer
- For the developer to address the relocation of the Asda store in Kinmel Bay to the development site by putting in a planning proposal to Conwy CBC.
- For the developer to carry out flood mitigation works.
- For the developer to carry out landscaping works
- For the developer to ensure BREEAM very good ratings.

45/2012/1236/PS - Variation of Condition No. 1 of planning permission Code No. 45/2006/1200/PF (for demolition and redevelopment of 7.625 hectares of land for mixed-use development) to allow the grant of planning permission for a further 2 years – GRANTED by Committee 9th December 2013. **This permission included the s.106 obligations as set out above and relevant planning conditions, including one to address the appearance of the site.**

45/2104/0165/AC - Details of site landscaping / maintenance submitted in accordance with Condition No. 33 on planning permission Code No. 45/2012/1236/PS – REFUSED under delegated powers 6th March 2014. The reason for refusal was as follows:-

“It is the opinion of the Local Planning Authority that the contents of the letter submitted by Zerum dated 12th February 2014 provides insufficient detail to comply with the requirements of the condition. In particular the submitted letter fails to provide details on hoarding maintenance, landscaping of the site, removal of debris and means of dust suppression. The failure to submit an adequate scheme to address the condition of the site is considered contrary to Policy RD1 of the adopted Local Development Plan (criteria i, iv, v, vi, xii, xiii).”

45/2013/1510/PO - Development of 5.3 hectares of land for mixed-use re-development to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved) – GRANTED by Committee 12th November 2014 subject to a s.106 agreement.

Agreement signed and decision issued **24th February 2015. Condition 4, the subject of this application, imposed.**

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 BSC 2: Brownfield Development Priority Allocation
Policy PSE 1: North Wales Coast Strategic Regeneration Area.
Policy PSE 6: Retail Economy
Policy PSE 9: Out of Centre Retail Development
Policy VOE 6: Water Management
Policy ASA 3: Parking Standards

3.2 Supplementary Planning Guidance

SPG – Landscaping
SPG - Access for All
SPG – Parking Standards

3.3 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014
Technical Advice Notes (TAN's)
TAN 4 – Retailing and Town Centres
TAN 5 – Nature Conservation
TAN 11 – Noise
TAN 12 – Design
TAN 13 – Tourism
TAN 14 – Coastal Planning
TAN 15 – Development and Flood Risk
TAN 18 – Transport
TAN 22 – Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

4.1 In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 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.

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

- 4.2.1 Principle and Policy Considerations
- 4.2.2 Impact on visual amenity

4.3 In relation to the main planning considerations:

4.3.1 Principle

The site is located within the development boundary of Rhyl. The site also holds an extant permission for a major mixed use development. The governing outline consent will remain with all previously imposed conditions and the s.106 agreement valid. The principle of varying a single condition relating to the implementation of an interim landscaping scheme is accepted and must be assessed in isolation to the main outline consent. The main material planning issue in this instance is the impact which an extended period for implementation of the landscaping will have on the visual

amenities of the area.

4.3.2 Impact on visual 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 are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

It is acknowledged that the current visual appearance of the site is causing detriment to the site and surroundings. This is caused by the continued presence and poor state of the hoardings located to its perimeter. The intention was to remove hoardings from the northern part of the site and to landscape an area along the promenade by 30th June 2015.

The applicants have stated in the submission that they have been willing to undertake the intended interim landscaping work. However, this would have significantly impacted on the ability of another part of the Council to complete the vital sea defence works as another site compound would have needed to be found. This was explored, however, even if a nearby alternative compound could have been found the visual amenity of this area of Rhyl would still have been characterised by construction activity until the sea defence works would have been completed. The interim landscaping works proposed would not have greatly improved the visual appearance or accessibility of the promenade area along West Parade until the sea defence works were finished.

As such, Officers feel, in this instance, it is reasonable to allow a variation of the imposed condition to enable the compound on the site to continue to be used. By extending the period for implementation of the landscaping scheme until 31st October 2015 it allows the sea defence works to be completed, construction activity related to that development to cease and this gives the applicants better prospects of carrying out their required works without disturbance.

5. SUMMARY AND CONCLUSIONS:

5.1 The site is located within the development boundary of Rhyl and holds an extant planning permission for a mixed use development.

Circumstances relating to the completion of a significant sea defence project and the use of a key part of the site as a compound for these works mean that the applicant has to extend the period for implementation of interim landscaping works on site. Officers feel that this is a reasonable proposal which will enable a key regeneration project to be completed for the benefit of the town.

RECOMMENDATION: GRANT

NOTES TO APPLICANT:

All conditions imposed on governing planning permission ref: 45/2013/1510/PO still apply apart from condition 4 which now reads:

The interim landscaping works indicated on plan 08215-P303 shall be fully implemented on or before 31st October 2015 to the satisfaction of the Local Planning Authority and maintained as such thereafter.

Mae tudalen hwn yn fwriadol wag