



At: Gadeirydd ac Aelodau'r Pwyllgor  
Cynllunio

Dyddiad: 5 Medi 2018

Rhif Union: 01824 712589

ebost: [democrataidd@sirddinbych.gov.uk](mailto:democrataidd@sirddinbych.gov.uk)

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 12 MEDI 2018** am **9.30 AM** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN LL15 1YN**

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

## AGENDA

**1 YMDDIHEURIADAU** (Tudalennau 5 - 8)

Derbyn ymddiheuriadau am absenoldeb.

**2 DATGAN CYSYLLTIAD** (Tudalennau 9 - 10)

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu ag unrhyw fater a nodwyd fel un 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 11 - 16)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar y 18 Gorffennaf 2018 (copi ynghlwm).

## **CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5-10) -**

- 5 CAIS RHIF 01/2018/0607 – TIR YNG NGHAE TOPYN, ODDI AR HEN FFORDD RHUTHUN, FFORDD EGLWYSWEN, DINBYCH** (Tudalennau 17 - 30)

I ystyried cais am fanylion y cynllun ar gyfer gwarediad dŵr wyneb a dŵr budr, egwyddorion draenio cynaliadwy a darpariaeth trefniadau rheoli a chynnal a chadw dilynol a gyflwynwyd yn unol ag amod 8 cod caniatâd cynllunio 01/2016/0374/PF (copi wedi ei atodi).

- 6 CAIS RHIF 21/2018/0166 – 12 BRYN ARTRO AVENUE, LLANFERRES, YR WYDDGRUG** (Tudalennau 31 - 50)

I ystyried cais i godi estyniad unllawr ar gefn yr adeilad (copi wedi ei atodi).

- 7 CAIS RHIF 21/2018/0293 – 16 LÔN Y RHEITHORDY, LLANFERRES, YR WYDDGRUG** (Tudalennau 51 - 68)

I ystyried cais i ddymchwel portsh a chodi garej cysylltiol (cynllun diwygiedig) (copi wedi ei atodi).

- 8 CAIS RHIF 43/2018/0328 – 1-5 STAD DDIWYDIANNOL PARC DYFFRYN, PRESTATYN** (Tudalennau 69 - 78)

I ystyried cais i adeiladu maes parcio a gwaith cysylltiol newydd ar lefel y tir (copi wedi ei atodi).

- 9 CAIS RHIF 43/2018/0439 – 45 BEACH ROAD WEST, PRESTATYN** (Tudalennau 79 - 92)

I ystyried cais i ddymchwel y garej presennol a newid defnydd y cwrtill domestig er mwyn cynnwys carafán sefydlog i'w osod ar gyfer gwyliau (copi wedi ei atodi).

- 10 CAIS RHIF 43/2018/0522 – MAES CARAFANAU FOUR WINDS FARM, FFORDD FFYNNON, PRESTATYN** (Tudalennau 93 - 102)

I ystyried cais i gael gwared ar amod rhif 3 o gòd caniatâd cynllunio 43/2018/0030 sy'n nodi mai ar gyfer carafanau sy'n teithio yn unig y caniateir defnyddio'r safle, ac na chaiff unrhyw garafán aros ar y safle am gyfnod hwy na 21 diwrnod (copi wedi ei atodi).

- 11 ADRODDIAD GWYBODAETH – DIWEDDARIAD AR APELIADAU CYNLLUNIO** (Tudalennau 103 - 110)

I dderbyn adroddiad gwybodaeth ar benderfyniadau diweddar ar apeliadau cynllunio a dderbyniwyd ers Mawrth 2018 (copi wedi ei atodi).

## **AELODAETH**

### **Y Cynghorwyr**

Y Cynghorydd Joe Welch (Cadeirydd)

Ellie Chard  
Ann Davies  
Meirick Davies  
Peter Arnold Evans  
Brian Jones  
Huw Jones  
Tina Jones  
Gwyneth Kensler  
Christine Marston

Y Cynghorydd Alan James (Is-Gadeirydd)

Bob Murray  
Merfyn Parry  
Pete Prendergast  
Andrew Thomas  
Tony Thomas  
Julian Thompson-Hill  
Emrys Wynne  
Mark Young

### **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 Y CYNHELIR Y CYFARFOD

Oni bai y bydd Cadeirydd y Pwyllgor yn dweud yn wahanol, bydd trefn y prif eitemau a drafodir yn dilyn y rhaglen a nodir ar ddechrau'r adroddiad hwn.

### Cyflwyniad cyffredinol

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

Bydd y Cadeirydd yn holi a oes unrhyw ymddiheuriadau am absenoldeb a datganiadau o gysylltiad.

Bydd y Cadeirydd yn gwahodd Swyddogion i wneud cyflwyniad byr i'r materion sy'n berthnasol i'r cyfarfod.

Bydd Swyddogion yn amlinellu eitemau fel y bo'n briodol a fydd yn destun siarad cyhoeddus, yn geisiadau am ohirio, eu tynnu'n ôl, adroddiadau arbennig ac unrhyw eitemau Rhan 2 lle gellir gwahardd y wasg a'r cyhoedd. Cyfeirir at wybodaeth ychwanegol sydd wedi'i chylchredeg yn Siambr y Cyngor cyn dechrau'r cyfarfod, yn cynnwys sylwadau hwyr/taflenni crynhoi diwygiadau ('Taflenni Glas') ac unrhyw gynlluniau ategol neu ddiwygiedig yn ymwneud ag eitemau i'w hystyried.

Mae'r Taflenni Glas yn cynnwys gwybodaeth bwysig, yn cynnwys crynodeb o'r deunydd a dderbynnir mewn perthynas ag eitemau ar y rhaglen rhwng cwblhau'r prif adroddiadau a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn gosod trefn rhedeg arfaethedig ceisiadau cynllunio, i ystyried ceisiadau siarad cyhoeddus.

Mewn perthynas â threfn eitemau, bydd disgwyl i unrhyw Aelodau sy'n ceisio symud eitem yn ei blaen i'w hystyried, yn gorfod gwneud cais o'r fath yn syth wedi cyflwyniad y Swyddog. Rhaid gwneud unrhyw gais o'r fath fel cynnig ffurfiol a bydd yn destun pleidlais.

Mae'r Pwyllgor Cynllunio'n cynnwys 21 Aelod etholedig. Yn unol â phrotocol, rhaid i 11 Aelod fod yn bresennol ar ddechrau dadl dros eitem i wneud cworwm ac i ganiatáu cynnal y bleidlais.

Gall Aelodau'r Cyngor Sir nad ydynt wedi'u hethol ar y Pwyllgor Cynllunio ddod i'r cyfarfod a siarad am eitem, ond nid ydynt yn gallu gwneud cynnig i roi neu wrthod cais, neu bleidleisio.

### YSTYRIED CEISIADAU CYNLLUNIO

#### Y drefn i'w dilyn

Bydd y Cadeirydd yn cyhoeddi'r eitem a fydd yn cael sylw nesaf. Mewn perthynas â cheisiadau cynllunio, cyfeirir at rif y cais, y lleoliad a sail y cynnig, yr Aelodau lleol perthnasol ar gyfer yr ardal ac argymhelliad y Swyddog.

Os yw unrhyw Aelod o blaid cynnig gohirio eitem, yn cynnwys caniatáu bod y safle'n cael ymweliad gan y Panel Arolygu Safle, dylid gwneud y cais, gyda'r rheswm cynllunio dros ohirio, cyn unrhyw siarad cyhoeddus neu ddadl dros yr eitem honno.

Os oes siaradwyr cyhoeddus gydag eitem, bydd y Cadeirydd yn eu gwahodd i annerch y Pwyllgor. Lle mae siaradwyr o blaid ac yn erbyn cynnig, gofynnir i'r siaradwr siarad yn gyntaf. Bydd y Cadeirydd yn atgoffa siaradwyr eu bod ag uchafswm o 3 munud i annerch y Pwyllgor. Mae siarad cyhoeddus yn destun protocol ar wahân.

Lle bo'n berthnasol, bydd y Cadeirydd yn cynnig y cyfle i Aelodau ddarllen unrhyw wybodaeth hwyr am eitem ar y 'Taflenni Glas' cyn symud ymlaen.

Cyn unrhyw drafodaeth, gall y Cadeirydd wahodd Swyddogion i roi cyflwyniad byr am eitem lle ystyrir hyn yn werthfawr o ran natur y cais.

Mae sgriniau arddangos yn Siambr y Cyngor sy'n cael eu defnyddio i ddangos lluniau, neu gynlluniau a gyflwynwyd gyda'r ceisiadau. Mae'r lluniau'n cael eu tynnu gan Swyddogion i roi darlun cyffredinol o'r safle a'r hyn sydd o'i amgylch i Aelodau, ac nid eu bwriad yw cyflwyno achos o blaid neu yn erbyn cais.

Bydd y Cadeirydd yna'n cyhoeddi y bydd yr eitem yn agored i'w thrafod ac yn rhoi'r cyfle i Aelodau siarad a gwneud sylwadau ar yr eitem.

Os yw unrhyw gais wedi bod yn destun Panel Arolygiad Safle cyn y Pwyllgor, bydd y Cadeirydd fel arfer yn gwahodd yr Aelodau hynny a oedd yn bresennol, yn cynnwys yr Aelod Lleol, i siarad gyntaf.

Gyda phob cais arall, bydd y Cadeirydd yn caniatáu'r Aelod(au) Lleol i siarad gyntaf, pe bai ef/hi/nhw yn dymuno.

Mae Aelodau fel arfer yn gyfyngedig i uchafswm o bum munud o amser siarad, a bydd y Cadeirydd yn cynnal y ddadl yn unol â'r Rheolau Sefydlog.

Unwaith y bydd Aelod wedi siarad, ni ddylai siarad eto oni bai y ceisir eglurhad am bwyntiau sy'n codi yn y ddadl, ac yna dim ond wedi i bob Aelod arall gael y cyfle i siarad, gyda chytundeb y Cadeirydd.

Ar gasgliad dadl yr Aelodau, bydd y Cadeirydd yn gofyn i Swyddogion ymateb fel y bo'n briodol i gwestiynau a phwyntiau a godwyd, yn cynnwys cyngor ar unrhyw benderfyniad sy'n groes i argymhelliad.

Cyn mynd ymlaen i bleidleisio, bydd y Cadeirydd yn gwahodd neu'n ceisio eglurhad am gynigion ac eilyddion o blaid neu yn erbyn argymhelliad y Swyddog, neu unrhyw benderfyniadau eraill yn cynnwys diwygiadau i gynigion. Lle mae cynnig yn groes i argymhelliad Swyddog, bydd y Cadeirydd yn ceisio eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn cofnodi hyn yng Nghofnodion y cyfarfod. Gall y Cadeirydd ofyn am sylwadau gan Swyddog y Gyfraith a Chynllunio ar ddilystrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn cyhoeddi pryd fydd y ddadl yn cau, ac y bydd pleidleisio'n dilyn.

## Y weithdrefn bleidleisio

Cyn gofyn i Aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau sydd wedi'u gwneud, a sut y bydd y bleidlais yn digwydd. Os oes angen, efallai y bydd angen rhagor o eglurhad am ddiwygiadau, sylwadau newydd neu ychwanegol a rhesymau dros wrthod, fel nad oes amwysedd ynghylch beth mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Os oes unrhyw Aelod yn gofyn am Bleidlais wedi'i Chofnodi, rhaid delio â hyn yn gyntaf yn unol â Rheolau Sefydlog. Bydd y Cadeirydd a'r Swyddogion yn egluro'r weithdrefn i'w dilyn. Bydd enw pob Aelod sy'n pleidleisio'n cael eu galw a bydd pob Aelod yn cyhoeddi a yw eu pleidlais o blaid, yn erbyn, neu a ydynt yn gwrthod pleidleisio. Bydd Swyddogion yn cyhoeddi canlyniad y bleidlais ar yr eitem.

Os yw pleidlais am symud ymlaen yn y dull arferol drwy'r system bleidleisio electronig, bydd y Cadeirydd yn gofyn i'r Swyddogion baratoi'r sgrin(iau) pleidleisio yn y Siambr, ac yn ôl y gofyn, rhaid i Aelodau gofnodi eu pleidleisiau drwy bwysu'r botwm priodol (gweler y daflen ganlyniol).

Mae gan Aelodau 10 eiliad i gofnodi eu pleidleisiau unwaith y bydd y sgrin bleidleisio wedi'i dangos, oni bai y nodir yn wahanol gan Aelodau.

Os bydd y system pleidleisio electronig yn methu, gellir pleidleisio drwy ddangos dwylo. Bydd y Cadeirydd a'r Swyddogion yn egluro'r weithdrefn i'w dilyn.

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

Lle bydd penderfyniad ffurfiol y Pwyllgor yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn i Aelodau gytuno ar y broses y drafftir amodau cynllunio neu resymau dros wrthod, er mwyn rhyddhau'r Dystysgrif Penderfyniad (e.e. dirprwyo awdurdod i'r Swyddog Cynllunio, i'r Swyddog Cynllunio mewn ymgysylltiad ag Aelodau Lleol, neu drwy gyfeirio'n ôl at y Pwyllgor Cynllunio am gadarnhad).

# PWYLLGOR CYNLLUNIO

## GWEITHDREFN PLEIDLEISIO ELECTRONIG

Atgoffir Aelodau o'r weithdrefn wrth ddefnyddio'r system pleidleisio electronig i fwrw eu pleidlais.

Oni ddywedir yn wahanol gan y Cadeirydd neu Swyddogion, unwaith y bydd y sgriniau arddangos yn y Siambr yn glir er mwyn paratoi i bleidleisio, a bod y sgrin pleidleisio'n dangos, mae gan Gynghorwyr 10 eiliad i gofnodi eu pleidlais fel a ganlyn:

Wrth bleidleisio ar **geisiadau**, ar y bysellfwrdd i bleidleisio, pwyswch

- 1 – i ROI / CYMERADWYO'R** cais
- 2 – i YMATAL** rhag pleidleisio ar y cais
- 3 – i WRTHOD** y cais

Wrth bleidleisio ar **adroddiadau arbennig ac eitemau gorfodi**, ar y bysellfwrdd i bleidleisio, pwyswch

- 1 – i DDERBYN ARGYMHELLIAD Y SWYDDOG**
- 2 – i YMWARTHOD** rhag pleidleisio ar yr argymhelliad
- 3 – i BEIDIO Â DERBYN ARGYMHELLIAD Y SWYDDOG**

Os bydd problemau gyda'r system pleidleisio electronig, bydd y Cadeirydd neu Swyddogion yn rhoi gwybod am y gweithdrefnau i'w dilyn.

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: Rhwng 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 y Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun ddydd Mercher, 18 Gorffennaf 2018 am 9.30 am.

## YN BRESENNOL

Y Cynghorwyr Ellie Chard, Ann Davies, Meirick Davies, Peter Evans, Alan James (Is-gadeirydd), Brian Jones, Huw Jones, Tina Jones, Gwyneth Kensler, Christine Marston, Bob Murray, Pete Prendergast, Andrew Thomas, Tony Thomas, Joe Welch (Cadeirydd), Emrys Wynne a Mark Young

**Arsylwr** – Cyngorydd Melvyn Mile

## HEFYD YN BRESENNOL

Arweinydd Tîm – Tîm Lleoedd (SC), Prif Swyddog Cynllunio (IW), Rheolwr Cynllunio Strategol a Thai (AL), Prif Swyddog Cynllunio (SS), Swyddog Cynllunio (CMF), Prif Syrfêwr Adeiladau a Chadwraeth (CE), Cyfreithiwr (CT), Uwch Swyddog Cynllunio - Cyngor Conwy (MS) a Gweinyddwr Pwyllgorau (SJ).

### 1 YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau am absenoldeb oddi wrth y Cynghorwr(wyr) Merfyn Parry a/ac Julian Thompson-Hill

### 2 DATGAN CYSYLLTIAD

Datganodd y Cyngorydd Emrys Wynne gysylltiad personol ag Eitem Rhif 9 ar y Rhaglen.

### 3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Dim.

### 4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 20 Mehefin 2018.

Holodd y Cyngorydd Meirick Lloyd Davies a fyddai'r penderfyniad a wnaed yn erbyn argymhelliad y swyddog ar gyfer caniatâd cynllunio yn Ystrad Isa yn cael ei gyflwyno yn ôl i'r Pwyllgor Cynllunio.

Eglurodd y Prif Swyddog Cynllunio fod y Rheolwr Datblygu a Phennaeth y Gwasanaeth yn teimlo nad oedd angen cyflwyno'r adroddiad yn ôl i'r Pwyllgor Cynllunio.

**PENDERFYNWYD** y dylid derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 20 Mehefin 2018 fel cofnod cywir.

## **CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5-7)**

Cyflwynwyd ceisiadau a oedd yn gofyn am benderfyniad y pwyllgor ynghyd â'r dogfennau cysylltiol. Cyfeiriwyd hefyd at yr wybodaeth atodol a gyflwynwyd yn hwyr (taflenni glas) a dderbyniwyd ar ôl cyhoeddi'r Rhaglen ac a oedd yn ymwneud â'r ceisiadau penodol. Er mwyn caniatáu ceisiadau aelodau'r cyhoedd i gyflwyno sylwadau, cytunwyd y dylid amrywio trefn rhaglen y ceisiadau fel y bo'n briodol.

### **5 CAIS RHIF. 14/2018/0360/ - FFERM WYNT COEDWIG CLOCAENOG**

Ystyried cais ar gyfer pwll benthyg i echdynnu cerrig mân i'w defnyddio er mwyn adeiladu'r Fferm Wynt sydd wedi'i chymeradwyo yng Nghoedwig Clocaenog.

Ar y pwynt hwn, gofynnodd y Cynghorydd Alan James am gael gohirio'r cais wrth aros am ganlyniadau asesiad effaith hydro-ddaearyddol.

Eglurodd y swyddogion rywfaint o'r wybodaeth gefndir a chadarnhau y gellid parhau â'r cais yn seiliedig ar yr wybodaeth bresennol.

**Cynnig** – Cynigodd y Cynghorydd Alan James, a eiliwyd gan y Cynghorydd Mark Young bod yr eitem yn cael ei gohirio.

#### **PLEIDLAIS:**

O BLAID GOHIRIO - 14

YMATAL - 0

YN ERBYN GOHIRIO - 2

**PENDERFYNWYD** y dylid gohirio'r cais.

### **6 CAIS RHIF. 41/2018/0009/ - CHAPEL COTTAGE, Ffordd yr Wyddgrug, BODFARI, DINBYCH**

Cyflwynwyd cais i godi estyniadau i eiddo yn Chapel Cottage, Ffordd yr Wyddgrug, Bodfari, Dinbych.

#### **Siaradwr Cyhoeddus -**

Nododd Martin Shutt (**o blaid**) bod yr ymgeisydd wedi gwneud penderfyniadau yn unol â chanllawiau yr AHNE o ran dyluniad yr eiddo. Roedd y cynnig ar gyfer estyniad cyfoes i'r eiddo presennol gydag argymhellion yn eu lle i ganiatáu i'r estyniad gydfynd â'r ardal gyfagos. Roedd newidiadau eisoes wedi'u cwblhau i'r cynnig gwreiddiol

yn unol â chanllawiau'r AHNE. Croesawyd trafodaethau gyda'r swyddog cynllunio i liniaru unrhyw bryderon eraill. Mae safle'r cais yn gaeedig ac mae'r estyniad arfaethedig y tu cefn i'r eiddo wedi'i guddio o'r golwg.

**Trafodaeth Gyffredinol** – cynhaliwyd cyfarfod Panel Arolygu Safle ar 12 Gorffennaf 2018.

Darparodd y Cynghorydd Christine Marston (Aelod Lleol) gefndir byr o safle'r cynnig. Nododd y Cynghorydd Marston bod cefnogaeth wedi'i dderbyn gan Gyngor Cymuned Bodfari heb unrhyw bryderon na gwrthwynebiadau gan eiddo cyfagos. Nododd canllawiau cynllunio atodol yr AHNE bod mwy o ryddid ar ddyluniad estyniad ar eiddo ar wahân. Darparwyd cadarnhad i'r pwyllgor bod yr eiddo wedi'i guddio o olwg yr eiddo cyfagos.

Eglurodd y Cynghorydd Meirick Lloyd Davies ei fod wedi ymweld â'r safle. Roedd maint yr estyniad y tu cefn i'r eiddo yn uwch na'r eiddo presennol ac nid oedd yn cyd-fynd â'i ddyluniad.

Hysbysodd y Cynghorydd Alan James yr aelodau ei fod yn bresennol yn yr ymweliad safle. Roedd y cynnig yn gyfoes iawn ac fe deimlwyd bod cwmpas i gael adeilad cyfoes yn yr ardal. Roedd y Cynghorydd Gwyneth Kensler yn gobeithio y byddai'r estyniad yn eiddo sy'n rhad ar ynni gyda safonau gwyrdd uchel.

Cadarnhawyd gan y Prif Swyddog Cynllunio bod uchder yr estyniad i'r eiddo yn is na'r annedd bresennol. Byddai safonau adeiladu gwyrdd yn cael eu mabwysiadu pe gymeradwyir yr estyniad. Roedd gan y Swyddogion bryderon o ran y dyluniad a holwyd a oedd y cynnig yn cyd-fynd â'r annedd bresennol a'r ardal. Cadarnhawyd pe bai'r cais yn cael ei gymeradwyo byddai amodau yn cael eu cymhwyso yn dilyn trafodaethau gyda'r aelod arweiniol.

**Cynnig** – Cynigodd y Cynghorydd Christine Marston y dylid cymeradwyo'r cais, yn erbyn argymhelliad y swyddog gan fod y dyluniad yn wreiddiol ac o fewn cwmpas y canllawiau a nodwyd, eiliwyd y cynnig gan y Cynghorydd Mark Young.

**PLEIDLAIS:**

CYMERADWYO yn groes i argymhelliad y swyddogion – 14

YMATAL - 0

GWARTHOD yn unol ag argymhelliad y swyddogion - 3

**PENDERFYNWYD CYMERADWYO'R cais, yn groes i argymhelliad y swyddogion.**

**7 CAIS RHIF. 20/2018/0484/ - BRANAS, LLANFAIR DYFFRYN CLWYD, RHUTHUN**

Cyflwynwyd cais i adeiladu estyniad llawr gwaelod i eiddo ym Mranas, Llanfair Dyffryn Clwyd, Rhuthun.

**Cynnig** – Cynigodd y Cynghorydd Gwyneth Kensler argymhelliad y swyddog i gymeradwyo'r cais, ac eiliwyd hyn gan y Cynghorydd Huw Jones.

**PLEIDLAIS:**

CYMERADWYO - 17  
GWRTHOD - 0  
YMATAL - 0

**PENDERFYNWYD** y dylid rhoi **CANIATÂD** yn unol ag argymhellion y swyddogion fel y nodwyd yn yr adroddiad.

## **8 YMATEB I'R YMGYNGHORIAD - PROBLEMAU, DEWISIADAU A'R DEWIS A FFEFRIR AR GYFER Y FFRAMWAITH DATBLYGU CENEDLAETHOL NEWYDD**

Cyflwynodd y Rheolwr Cynllunio Strategol a Thai yr adroddiad gan gyflwyno ymateb drafft y Cyngor i'r Ymgynghoriad - Problemau, Dewisiadau a'r Dewis a Ffefrir ar gyfer y Fframwaith Datblygu Cenedlaethol newydd.

Darparwyd gwybodaeth gefndir i'r aelodau ar ddiweddariad cynhyrchu Fframwaith Datblygu Cenedlaethol Llywodraeth Cymru. Nodwyd y bydd yn darparu fframwaith ar gyfer buddsoddi, nodi meysydd twf allweddol a math a lleoliad seilwaith. Bydd y fframwaith yn weithredol ochr yn ochr â Pholisi Cynllunio Cymru. Bydd y Fframwaith Datblygu Cenedlaethol yn darparu fframwaith i'r Cynllun Datblygu Strategol Rhanbarthol a'r Cynllun Datblygu Lleol gydymffurfio ag ef.

Roedd y Fframwaith yn y camau datblygu cynnar ar hyn o bryd. Clywodd yr Aelodau mai terfyn amser y fframwaith oedd ugain mlynedd gydag adolygiad bob pum mlynedd. Ystyriodd Llywodraeth Cymru sawl opsiwn gwahanol. Enwyd yr opsiwn a ffefrir yn Fannau Cynaliadwy. Byddai Fframwaith Datblygu Cenedlaethol drafft yn cael ei gynhyrchu gydag ymgynghoriad pellach ym mis Gorffennaf- Medi 2019. Byddai adroddiad yn cael ei gyflwyno i'r Pwyllgor Cynllunio ar y pwynt hwn.

Roedd pryder wedi'i nodi gan y swyddogion ar adroddiad drafft yr ymgynghoriad (atodiad 2) yn ymwneud â niferoedd tai. Awgrymwyd y byddai Llywodraeth Cymru yn gosod nifer y tai ar lefel ranbarthol. Ni ddarparwyd eglurhad pellach o ran dyraniad niferoedd tai rhwng yr awdurdodau. Roedd amseru hefyd yn bryder. Roedd perygl na fyddai amseru'r Fframwaith Datblygu Cenedlaethol a'r gwaith a wnaed ar y Cynllun Datblygu Lleol yn cyd-fynd.

Ategodd yr Aelodau at y pryderon a godwyd gan y swyddogion o ran amseru'r gwaith a gwblhawyd, yn enwedig yn unol â'r Cynllun Datblygu Lleol.

Yn dilyn pleidlais unfrydol,

**PENDERFYNWYD** bod y Pwyllgor Cynllunio'n nodi'r adroddiad ac yn cytuno ar ymateb i ymgynghoriad Drafft Fframwaith Datblygu Cenedlaethol.

## **9 CANLLAWIAU CYNLLUNIO ATODOL: 'CARAFANAU, CABANAU GWYLIAU A GWERSYLLA' – MABWYSIADU'R DDOGFEN DERFYNOL**

Datganodd y Cynghorydd Emrys Wynne gysylltiad personol â'r eitem hon ar y rhaglen gan fod awdur yr adroddiad yn ferch yng nghyfraith iddo.

Cyflwynodd y Swyddog Cynllunio'r adroddiad a oedd yn cyflwyno canllaw cynllunio atodol drafft (CCA): Carafanau, Cabanau Gwyliau a Safleoedd Gwersylla – Mabwysiadu dogfen derfynol. Tynnwyd sylw'r pwyllgor at y ffaith fod y CCA yn berthnasol i safleoedd newydd yn unig neu i estyniad safleoedd presennol ar gyfer defnydd gwyliau.

Holodd y Cynghorydd Mark Young pe bai'r adroddiad wedi'i fabwysiadu yn gynt a fyddai ceisiadau cynllunio blaenorol wedi'u cymeradwyo. Cyflwynodd bryder fod caniatâd blaenorol ar gyfer 'pod' wedi'i gymeradwyo gyda'r sicrwydd na fyddai'n troi'n garafán sefydlog ac roedd eisiau cadarnhad bod hyn yn parhau i fod yn berthnasol.

Mewn ymateb i bryderon a godwyd gan y Cynghorydd Young, nododd y Swyddogion Cynllunio bod y polisi'n parhau i fod yr un fath. Felly byddai'r argymhellion ar gyfer ceisiadau cynllunio blaenorol yn parhau i fod yr un fath. Mae cyfeiriad y polisi wedi'i nodi yn PSE 12 yn cyfeirio at garafanau, byddai'n rhaid cyflawni unrhyw newidiadau drwy'r Cynllun Datblygu Lleol. Rhoddwyd cadarnhad o'r diffiniad o garafán.

Yn dilyn pleidlais unfrydol,

**PENDERFYNWYD** bod yr aelodau yn mabwysiadu'r CCA arfaethedig i'w ddefnyddio i benderfynu ar geisiadau ac apeliadau cynllunio.

## 10 GWERTHUSIAD ARDAL GADWRAETH Y RHYL

Cyflwynodd y Rheolwr Cynllunio Strategol a Thai adroddiad yn ceisio cymeradwyaeth yr aelodau i gynnal ymgynghoriad ar Werthusiad drafft Ardal Gadwraeth y Rhyl, gyda chyrrff statudol ac aelodau o'r cyhoedd.

Darparwyd cefndir a diffiniad bras o'r ardal gadwraeth i'r aelodau. Yn wreiddiol bu dwy ardal gadwraeth yn y Rhyl ac fe'u cyfunwyd yn un yn 2007. Codwyd rhai pryderon bod ardaloedd penodol wedi colli eu cymeriad. Cynigodd y Gwerthusiad o'r Ardal Gadwraeth sawl newid allweddol a oedd yn cynnwys ychwanegu ardaloedd penodol i'r ardal gadwraeth ac eithrio ardaloedd eraill.

Roedd y cynnig yn nodi y dylid cynnal ymgynghoriad cyhoeddus am wyth wythnos ac fe fyddai'n ymgysylltu â Chyngor Tref y Rhyl, preswylwyr lleol, darparu gwybodaeth yn y llyfrgell, y wefan a siop dros dro yng Nghanolfan y Rhosyn Gwyn. Byddai unrhyw ymatebion i'r ymgynghoriad yn cael eu cyflwyno'n ôl i'r Pwyllgor Cynllunio maes o law.

Yn ystod y drafodaeth holodd yr aelodau sut y byddai adeiladau yn cael eu rheoli yn yr ardaloedd cadwraeth pe na baent yn diwallu'r safonau.

Cadarnhaodd y Prif Syrfëwr Adeiladau a Chadwraeth fod cynnal safonau yn allweddol a byddai cynnal camau gorfodi ar waith a gyflawnwyd heb ganiatâd yn allweddol.

Roedd trafodaethau a gwaith ar Brif Gynllun y Rhyl wedi parhau.

Yn dilyn pleidlais unfrydol,

**PENDERFYNWYD** bod yr Aelodau yn cymeradwyo bod Apêl Drafft Ardal Gadwraeth y Rhyl, Atodiad 1, yn destun ymgynghoriad cyhoeddus sy'n para o leiaf wyth wythnos.

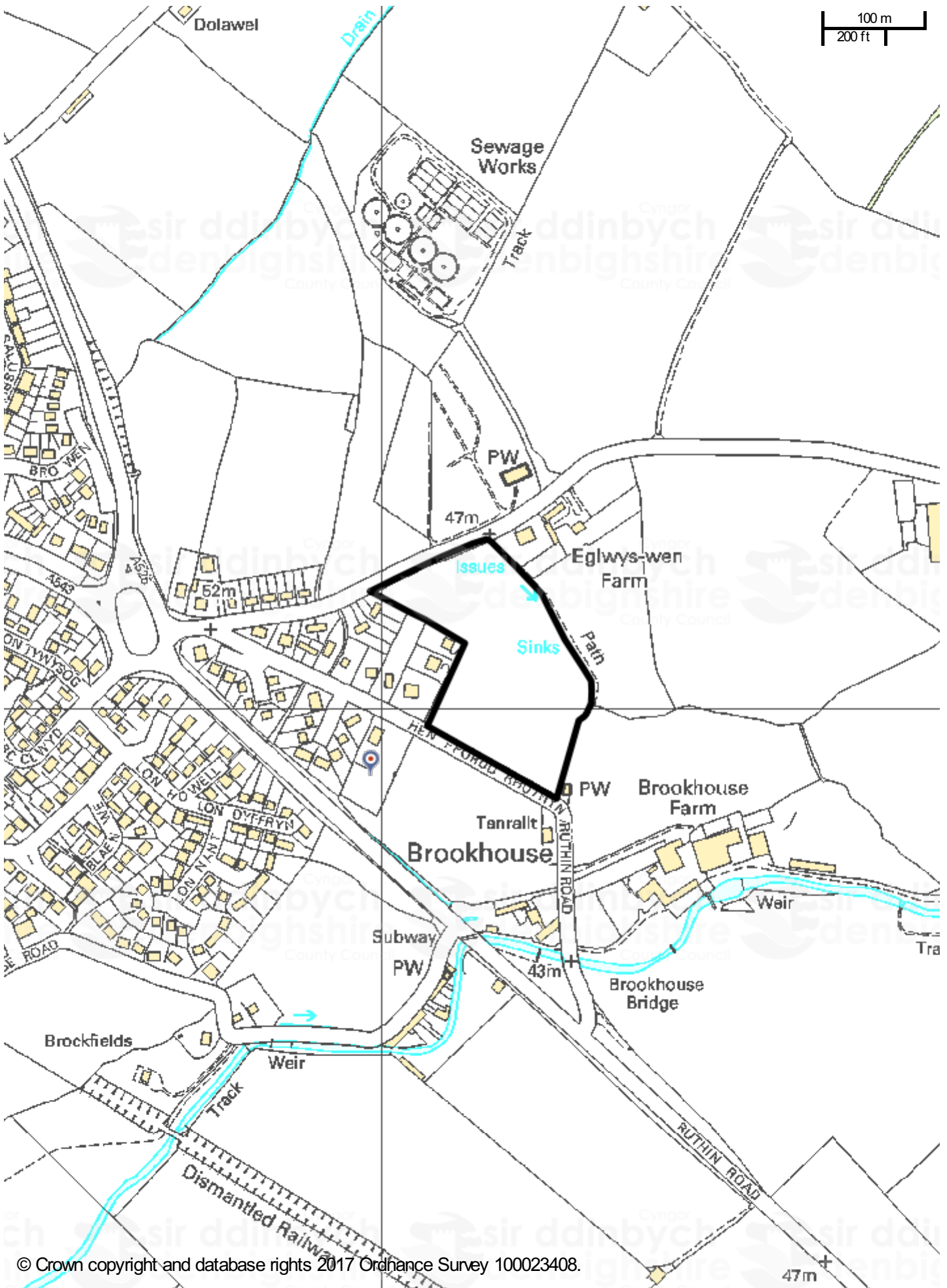
**Daeth y cyfarfod i ben am 10:35 a.m.**



# Eitem Agenda 5

<b>WARD:</b>	Dinbych Isaf
<b>AELODAU WARD:</b>	Y Cynghorwyr Mark Young (C) a Rhys Thomas
<b>RHIF Y CAIS:</b>	01/2018/0607/ AC
<b>CYNNIG:</b>	Manylion y cynllun ar gyfer gwarediad dŵr wyneb a dŵr budr, egwyddorion draenio cynaliadwy a darpariaeth trefniadau rheoli a chynnal a chadw dilynol a gyflwynwyd yn unol ag amod 8 cod caniatâd cynllunio 01/2016/0374/PF
<b>LLEOLIAD:</b>	Tir yng Nghae Topyn, oddi ar Hen Ffordd Rhuthun, Ffordd Eglwyswen, Dinbych LL16 4RA

Mae tudalen hwn yn fwriadol wag



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01/2018/0607

Scale: 1:5000

Printed on: 22/8/2018 at 14:53 PM

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SCHEDULE	75 Ha	83,973sqft
TYPE A - 4 BED DET HOUSE 6 No @ 164.62 sqm	987.72sqm	
TYPE B - 3 BED DORMER BUNGALOW 6 No @ 170sqm	1,020sqm	
TYPE C - 4 BED DET HOUSE 5 No @ 155.4sqm	777sqm with integral garage	
TYPE Cg - 4 BED DET HOUSE 3 No @ 155.4sqm	466.2sqm plus double garage	
TYPE D - 3 BED SEMI HOUSE 8 No @ 94.3sqm	754.4sqm	
TYPE E - 3 BED SEMI HOUSE 8 No @ 95sqm	760sqm	
TYPE F - 3 BED TOWN HOUSE 16 No @ 94.8sqm	1,516.8sqm	
TYPE O - 2 BED TOWN HOUSE 11 No @ 67.4sqm	741.4sqm	
TYPE J - 2 BED BUNGALOW 12 No @ 65.0sqm	780sqm	
<b>TOTAL</b>	<b>7,803.52sqm</b>	<b>83,973sqft</b>
<b>29,300sqm OVERALL SITE AREA</b>		
<b>1,650sqm P.O.S.</b>		



REV. 21 JAN 2017 LAYOUT UPDATED

**PLANNING DRAWING**



willacy horwood  
PURE RESIDENTIAL & COMMERCIAL LTD  
C&E TOPON PROPOSED DEVELOPMENT EXTENSION  
PROPOSED SITE LAYOUT  
1:500 @ A1 JAN 18 10/11/18 (11/18/18) 2  
willacy horwood  
willacy horwood



IMPROVEMENT FOR DRAINAGE SYSTEM WITH 150mm WIDE OPEN CHANNEL

EXISTING HEDGEROW REMOVED ON WIDE 1.5M WIDE FOOTPATH CORNER WITH 1000mm HIGH STONE WALL TO BE PLANTED ON LENGTH SIDE ALONG THIS BOUNDARY

EXISTING HEDGEROW WITH BERRY AND LOGS TO BE REMOVED AND REPLACED WITH 1.5M WIDE FOOTPATH

EXISTING HEDGEROW REMOVED AND REPLACED TO CREATE PUBLIC OPEN SPACE

EXISTING HEDGEROW TO BE MOVED ON WIDE 1.5M WIDE FOOTPATH CORNER WITH 1000mm HIGH STONE WALL TO BE PLANTED ON LENGTH SIDE ALONG THIS BOUNDARY

Tudalen 20



5576 103 4

Continued Below

Continued Above

# Tudalen 21

- LEGEND**
- 13/22 — New Service Meter (Domestic Consumer & Hot Water) to be installed (see Appendix 1)
  - 13/21 — Existing (and New) Sewer & Stormwater
  - 13/20 — Existing (and New) Gas & Water
  - 13/19 — Existing (and New) Electricity
  - 13/18 — Existing (and New) Cable TV
  - 13/17 — New (and Existing) Fire Alarm
  - 13/16 — New (and Existing) Fire Alarm
  - 13/15 — New (and Existing) Fire Alarm
  - 13/14 — New (and Existing) Fire Alarm
  - 13/13 — New (and Existing) Fire Alarm
  - 13/12 — New (and Existing) Fire Alarm
  - 13/11 — New (and Existing) Fire Alarm
  - 13/10 — New (and Existing) Fire Alarm
  - 13/9 — New (and Existing) Fire Alarm
  - 13/8 — New (and Existing) Fire Alarm
  - 13/7 — New (and Existing) Fire Alarm
  - 13/6 — New (and Existing) Fire Alarm
  - 13/5 — New (and Existing) Fire Alarm
  - 13/4 — New (and Existing) Fire Alarm
  - 13/3 — New (and Existing) Fire Alarm
  - 13/2 — New (and Existing) Fire Alarm
  - 13/1 — New (and Existing) Fire Alarm

- NOTES**
1. All proposed works shall be carried out in accordance with the relevant regulations and standards.
  2. The Contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
  3. The Contractor shall be responsible for ensuring that all works are carried out in accordance with the relevant regulations and standards.
  4. The Contractor shall be responsible for ensuring that all works are carried out in accordance with the relevant regulations and standards.
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  20. The Contractor shall be responsible for ensuring that all works are carried out in accordance with the relevant regulations and standards.

**Engineering Consultancy**

**mba**

RESIDENTIAL & COMMERCIAL

RESIDENTIAL DEVELOPMENT AT CAPE TOWN

PRELIMINARY PLANNING

SECTION 103 (M) 103 M









**WARD :** Denbigh Lower

**WARD MEMBERS:** Councillors Mark Young (c ) and Rhys Thomas

**APPLICATION NO:** 01/2018/0607/ AC

**PROPOSAL:** Details of the scheme for the disposal of foul and surface water, sustainable drainage principles and provision of subsequent management and maintenance arrangements submitted in accordance with condition 8 of planning permission code 01/2016/0374/PF

**LOCATION:** Land at Cae Topyn off Old Ruthin Road Ffordd Eglwyswen Denbigh LL16 4RA

**APPLICANT:** Mr G Jones, Pure Residential And Commercial Ltd.

**CONSTRAINTS:** PROW

**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 / Community Council objection

**CONSULTATION RESPONSES:**

**DENBIGH TOWN COUNCIL**

“The town councillors wished to object to the below application - not appropriate and the town councillors wish to support the County Council and local residents with the objection.”

**DWR CYMRU / WELSH WATER**

No objections raised in relation to the foul sewer arrangements. Consider the arrangements to be acceptable in principle, and confirm the details are subject to technical review under Section 104 of the Water Industry Act (1991).

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

**Highways Officer**

Following detailed discussions and meetings between Highway Engineers, independent consultants employed to assess the applicant’s scheme and the applicant, Officers are satisfied that the drainage proposals are acceptable, will work and that the Highway Authority will be able to adopt the relevant elements under the appropriate legislation.

**Lead Local Flood Engineer**

I have discussed the surface water drainage proposals with the developer and his consultants in detail. I’m satisfied that the developer has exercised due diligence in employing a suitably qualified and experienced engineering consultancy to design the surface water drainage system. The proposed system manages the risk of flooding of the development site and adjacent land and property in an appropriate fashion, in accordance with current national guidelines.

**RESPONSE TO PUBLICITY:**

None at time of writing report

**EXPIRY DATE OF APPLICATION: 19/08/2018**

## EXTENSION OF TIME AGREED Yes

### REASONS FOR DELAY IN DECISION (where applicable)

- additional information required from applicant

### PLANNING ASSESSMENT:

#### 1. THE PROPOSAL:

##### 1.1 Summary of proposals

1.1.1 The application relates to details required under one of the conditions of the planning permission for the 75 dwelling development at Cae Topyn, Denbigh, granted on appeal in September 2017.

1.1.2 Condition 8 of planning permission 01/2016/0374 relates to drainage detailing, and is worded as follows:

*“No development shall commence until details of a scheme for the disposal of foul and surface water from the development, incorporating sustainable drainage principles and including phasing/timing of provision and subsequent management and maintenance arrangements, has been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details.”*

1.1.3 The plans submitted indicate the location of surface water and foul water pipes, connection points, manhole locations, inspection chamber locations, rodding eye locations, highway gullies, shared geo-cellular soakaway location and domestic geo-cellular locations.

1.1.4 Technical drawings submitted show the construction detail of the proposals, including the design of manholes, inspection chambers, bedding and concrete surround details, catch-pit design and geo-cellular design details.

1.1.5 Technical calculations for the capacity of the drainage system have been provided which include porosity test results, summary of methodology and legislative requirements, methodology of assessment, rainfall data, design data for the water storage cull soakaway, filter drain design for a range of storm severities (1 in 10 year return period storm through to 1 in 100 year return period storm).

1.1.6 Details of the phasing/timing of provision and management and maintenance arrangements have been provided. It is intended to commence the installation of the main drainage on 24/9/18 for a 22 week period, and works on individual plots will continue on a rolling programme for 2 years.

1.1.7 The long term management and maintenance of the foul drainage system will be transferred to Dwr Cymru by agreement under Section 104 of the Water Industry Act 1991. Similarly management and maintenance of the surface water in the highway (including the geocellular soakaway under the public open space) and surface water drainage outside of the plot boundaries will be adopted by Denbighshire County Council by agreement under Section 38 of the Highway Act 1980.

##### 1.2 Description of site and surroundings

1.2.1 The site is located on the south eastern fringe of Denbigh. It is bound to the north west by Whitchurch Road and to the south west by Old Ruthin Road. To the east of the site are open fields, and immediately south of the site is Brookhouse Chapel. To the west is residential development at Karen Court, Llys and other dwellings along Old Ruthin Road and Whitchurch Road.

1.2.2 The site slopes upwards from south to north, and at present is pasture land. The site boundaries are currently defined by hedgerows.

1.2.4 A public footpath runs along the eastern boundary of the site from opposite Brookhouse Chapel up to the Eglwys Wen Farm complex.

### 1.3 Relevant planning constraints/considerations

1.3.1 The site is allocated for housing in the adopted Denbighshire Local Development Plan.

1.3.2 A Site Development Brief was adopted in March 2016 by the Council for the two allocated sites in this location, i.e. Cae Topyn and the site immediately east of Brookhouse Chapel.

### 1.4 Relevant planning history

1.4.4 Planning permission for the development of the site was refused at planning committee in April 2017. The decision was subsequently appealed and allowed by the Planning Inspectorate following a Public Inquiry. The decision permitting the development was issued in September 2017.

### 1.5 Developments/changes since the original submission

1.5.4 Following advice from Highway Engineers, and external consultants, the dimensions of a number of pipes in the surface water drainage system have been increased to prevent surcharging in a 1 in 100 storm event. In addition design changes have been discussed and agreed relating to the landscape bund to the road side of the surface water storage area.

### 1.6 Other relevant background information

1.6.4 None.

## 2 **DETAILS OF PLANNING HISTORY:**

2.2 01/2016/0374 - Erection of 75 no. dwellings, together with associated roads, open space and related works. REFUSED by COMMITTEE 21/4/2017 on the basis of unacceptable impact upon highway safety and an unacceptable impact upon the character and appearance of the area. ALLOWED on appeal.

## 3 **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.2 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy VOE6** – Water management

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Residential Development

### 3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note 15 – Development and Flood Risk (2004)

### 3.4 Other material considerations

## 4 **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2017 states that material considerations 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 (DMM section 9.4).

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 issue in relation to the application is considered to be:

4.2.1 The acceptability of the drainage proposals

4.2.2 In relation to the main planning consideration:

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales Section 12.4.1 states 'The adequacy of water supply and the sewage infrastructure are material in considering planning applications and appeals.'

TAN 15 recognises that all types of land use change will impact on the natural hydrological cycle in one way or another and flooding is not confined to flood plains, as heavy rain falling on waterlogged ground can cause localised flooding almost anywhere. For this reason, TAN 15 states that development should not increase the risk of flooding elsewhere. Runoff from developments in these areas can, if not properly controlled, result in flooding at other locations and significantly alter the frequency and extent of floods further down the catchment.

TAN15 also advises that consideration must also be given to maintaining the effectiveness of any drainage system, including pipes. Systems must be able to cope with severe rainfall/snowmelt events and provision must be made for long term maintenance and renewal.

The detailed proposals for the drainage (foul and surface) at Cae Topyn seek to demonstrate that the mechanism for disposing of foul sewage is acceptable and that surface water can be dealt with adequately in a range of storm events without resulting in run-off.

The technical details have been examined by Welsh Water, Denbighshire County Council Highway Engineers, Flood Engineers and independent engineers (employed by DCC Local Highway Authority). Following the requested submission of amendments to the design and dimension of surface water drainage pipes, it has been agreed by the relevant bodies that the proposed drainage details are acceptable.

With regard to the future management of the drainage systems, Dwr Cymru Welsh Water and the Highway Officers are satisfied with the adequacy of the design. On that basis they are prepared to adopt the relevant elements of the drainage system. As is usual on

residential plots, the surface water drainage/soakaway for individual plots will remain the responsibility of the house owner.

Based on the technical responses of Welsh Water, the Highway Officer and the Lead Local Flood Engineer, it is considered that the proposals for dealing with foul and surface water, and the long term maintenance arrangements put forward are acceptable. It is therefore the opinion of officers that condition 8 of permission 01/2016/0374 should be discharged.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

**5 SUMMARY AND CONCLUSIONS:**

5.1 In recognising local concerns over the implications of the development, the responses from the 'technical' consultees involved with the assessment of the proposed drainage systems raise no objections. On this basis it is not considered there are any grounds to resist the approval of the details.

**RECOMMENDATION: APPROVE-** subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission.
  - (i) Proposed site layout plan (drawing number 1218-P01 Rev K) received 22 June 2018
  - (ii) Proposed site layout plan (drawing number 1218-P02) received 22 June 2018
  - (iii) Drainage General arrangement 1 of 2 (drawing number 101 Rev A) received 22 June 2018
  - (iv) Drainage General arrangement 2 of 2 (drawing number 102 Rev A ) received 22 June 2018
  - (v) Drainage General arrangement 1 of 2 (drawing number 103) received 22 June 2018
  - (vi) Drainage General arrangement 2 of 2 (drawing number 104) received 22 June 2018
  - (vii) Drainage construction details (drawing number D05) received 22 June 2018
  - (viii) Construction details manhhole type 1B (drawing number D06) received 22 June 2018
  - (ix) Construction details manhhole type E (drawing number D07) received 22 June 2018
  - (x) Construction details Catchpit (drawing number D08) received 22 June 2018
  - (xi) Construction details Geocellular soakaway (drawing number D09) received 22 June 2018
  - (xii) Foul drainage windes long sections received 22 June 2018
  - (xiii) SW Windes long sections received 22 June 2018
  - (xiv) Location plan received 22 June 2018

The reason for the condition is:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.

Mae tudalen hwn yn fwriadol wag

# Eitem Agenda 6

**WARD:** Llanarmon yn Iâl / Llandegla

**AELOD WARD:** Y Cyng. Martyn Holland

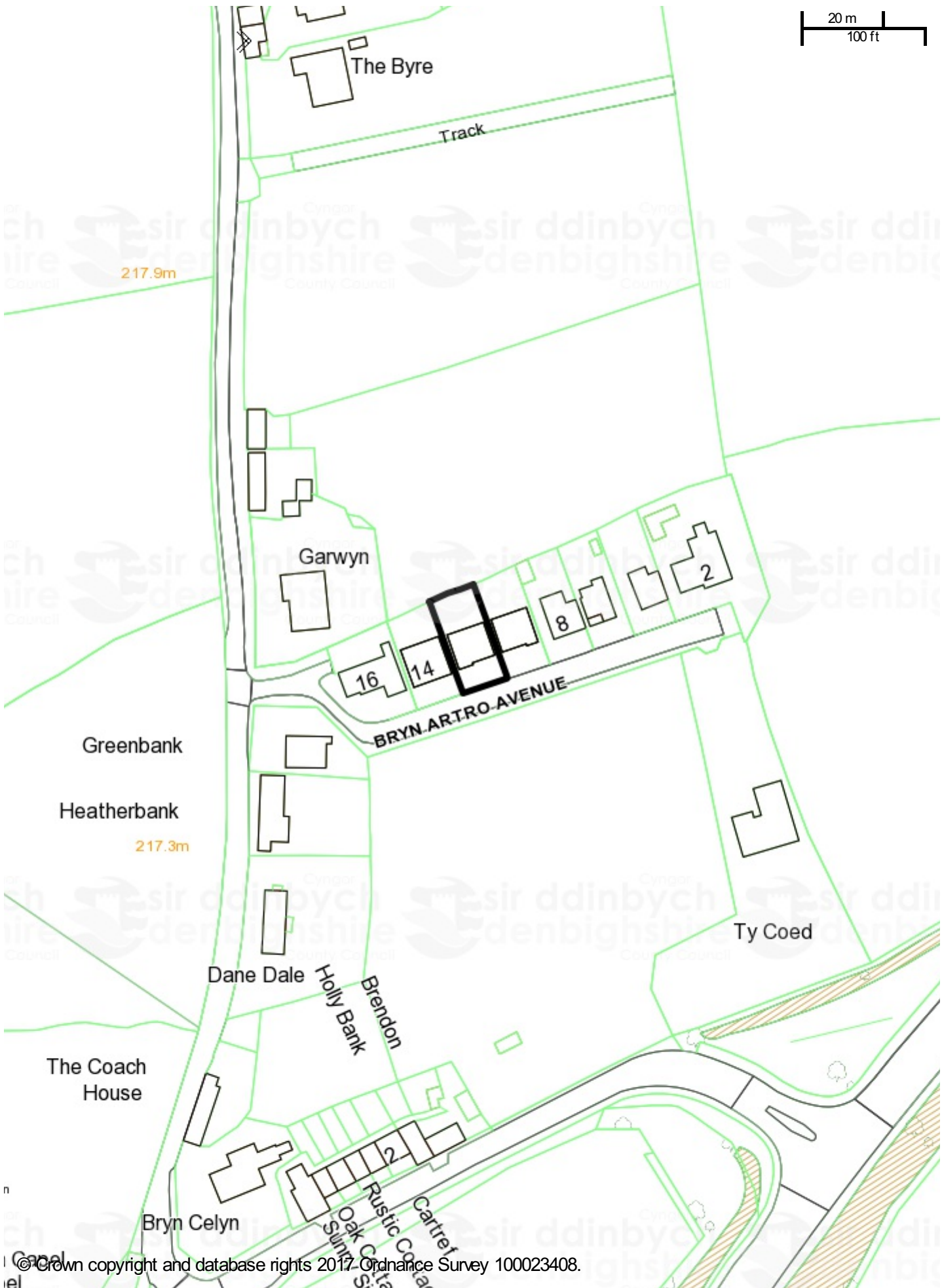
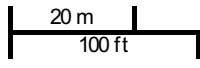
**RHIF Y CAIS:** 21/2018/0166/ PF

**CYNNIG:** Codi estyniad unllawr ar gefn yr adeilad

**LLEOLIAD:** 12 Bryn Artro Avenue, Llanferres, Yr Wyddgrug

Mae tudalen hwn yn fwriadol wag





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21/2018/0166

Scale: 1:1250

Printed on: 22/8/2018 at 14:59 PM

# Tudalen 33

# EXISTING FLOOR PLAN

**REVISED PLAN**

**GENERAL NOTES**

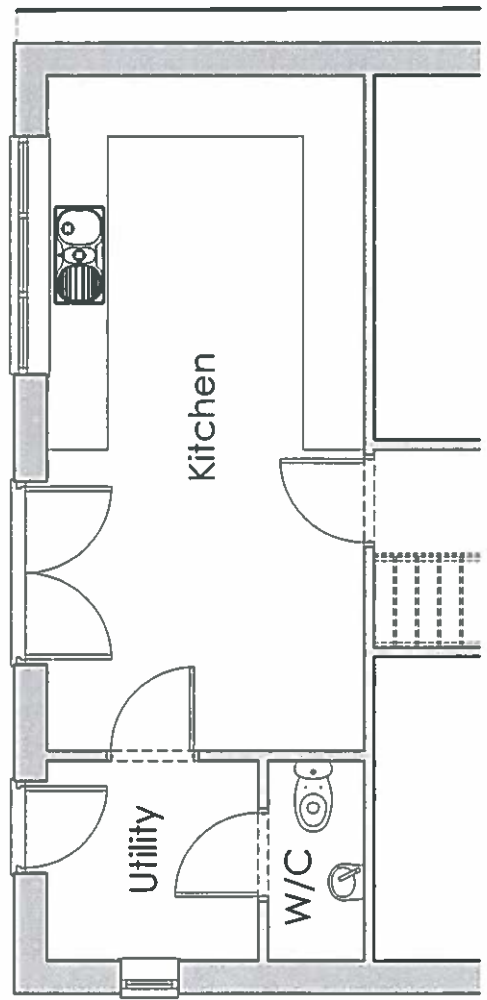
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3. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS 2011 AND THE PLUMBING REGULATIONS 2011.
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8. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL SAFETY REGULATIONS 2011 AND THE SAFETY REGULATIONS 2011.
9. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL ACCESSIBILITY REGULATIONS 2011 AND THE ACCESSIBILITY REGULATIONS 2011.
10. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL SUSTAINABILITY REGULATIONS 2011 AND THE SUSTAINABILITY REGULATIONS 2011.

**Rev:** Description Date  
1. First Issue 26/10/17  
A. Revising Sub 1a/02/18

Scheme Title  
**12 Bryn Arfo Avenue,  
Llanferres**  
Drawing Reference  
**Existing Plans**  
Scale: 1:50  
Entry: LOJ  
Checklist: RAL

Project Number: 5538  
Drawing Number: EX01  
Revision: A

**d2 architects**  
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**Existing - Ground Floor Plan**  
Scale: 1 : 50

# EXISTING ELEVATIONS

**GENERAL NOTE**  
 1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 3. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.  
 4. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.  
 5. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

**Rev Description:**  
 A. Planning Sub  
 B. Planning Sub  
 C. Planning Sub

**Date:**  
 08/10/17  
 15/02/18

12 Bryn Arfo Avenue,  
**Llanterres**  
 Drawing Reference  
**Existing Elevations**

Scale: 1 : 100  
 Drawing: LOJ  
 Checked: RAL

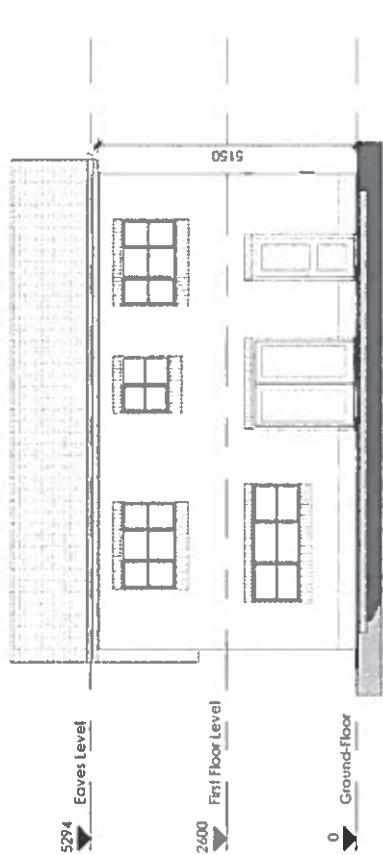
Project Number: 5538  
 Drawing Number: EX02  
 Revision: A

**d2 architects**

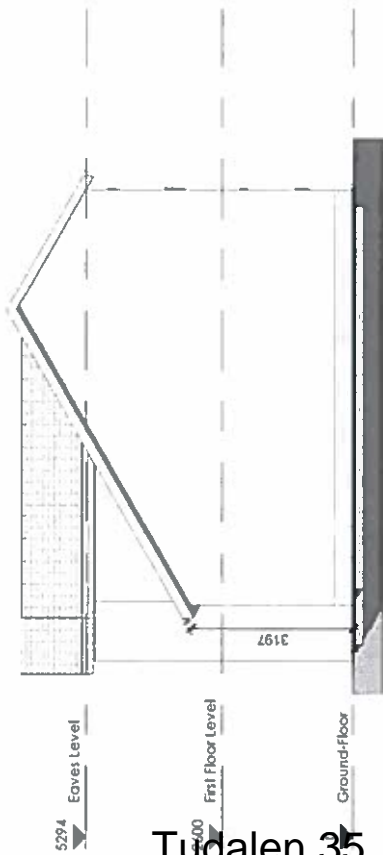
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 21, Church Street, Wrexham  
 Chester  
 CH1 3JG

**Hindri Studio**  
 Purdie Cuthy  
 11, 12, 13  
 11, 12, 13

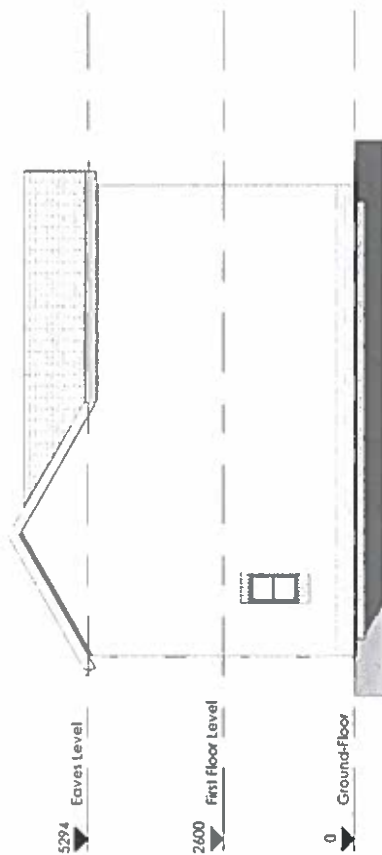
T: 01244 205 247 / 01874 852012  
 E: admin@d2architect.co.uk  
 W: www.d2architect.co.uk



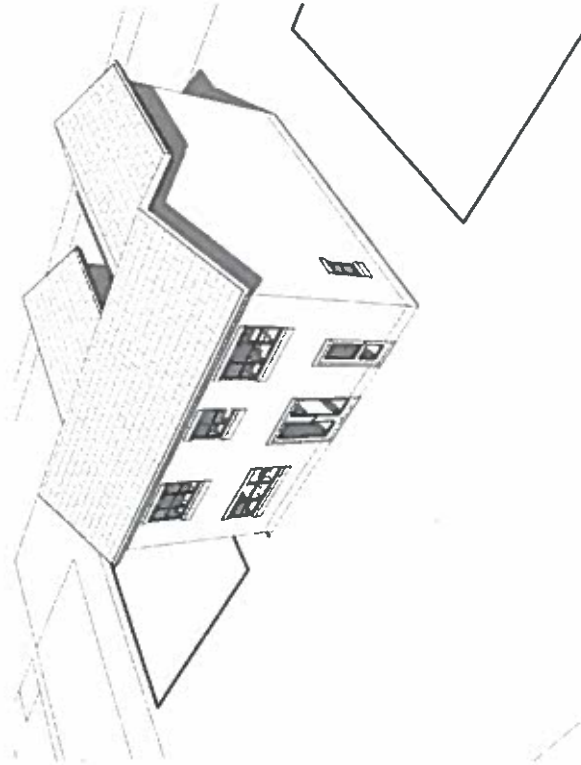
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 Scale: 1 : 100



**Existing - Side Elevation 01**  
 Scale: 1 : 100



**Existing - Side Elevation 02**  
 Scale: 1 : 100



**Existing - External Visual**  
 Scale:

**REVISED PLAN**

# PROPOSED FLOOR PLAN

**GENERAL NOTES**

1. All work to be in accordance with the approved plans.
2. All work to be in accordance with the approved specifications.
3. All work to be in accordance with the approved schedule of work.
4. All work to be in accordance with the approved budget.
5. All work to be in accordance with the approved program.
6. All work to be in accordance with the approved design.
7. All work to be in accordance with the approved construction.
8. All work to be in accordance with the approved materials.
9. All work to be in accordance with the approved finishes.
10. All work to be in accordance with the approved fixtures.

Rev.	Description	Date
A	Initial	30/01/17
B	Client Amend	27/01/17
C	Finaling	19/02/16
D	Revised Final	24/02/16

5538/1/16  
 12 Bryn Arfo Avenue,  
 Llanterres

Proposed Plans &  
 Visuals

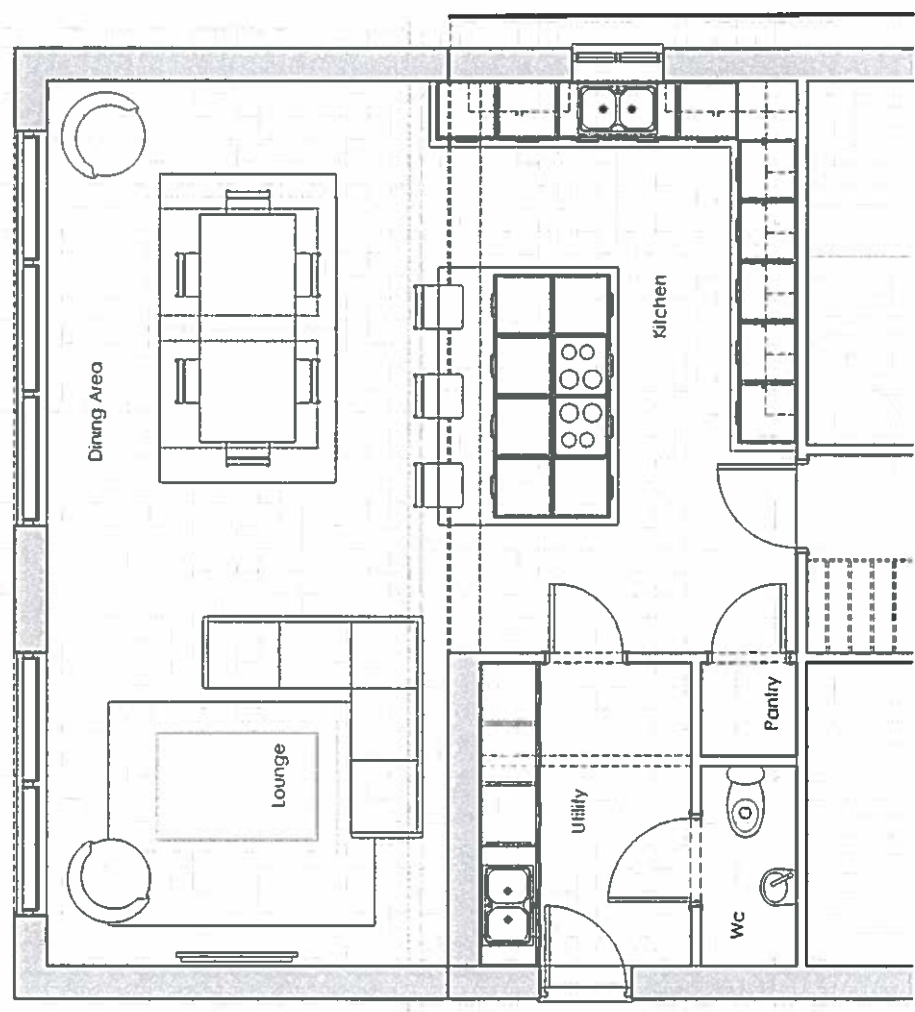
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 Drawn by: RAL  
 Checked by: MOH

Project: 5538  
 Drawing: PL01  
 Revision: C

d2 architects

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 10, Parnell Park, Dublin 2  
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 Fax: 01 454 4445  
 Email: info@heidistudio.com



Proposed - Ground Floor Plan  
 Scale: 1:50

**REVISED PLAN**

# PROPOSED ELEVATIONS

**GENERAL NOTES**

1. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
2. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED BUDGET.
4. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED AREA.
5. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED PERMITTING FRAMEWORK.
6. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED DESIGN FRAMEWORK.
7. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED CONTRACT FRAMEWORK.
8. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED LIABILITY FRAMEWORK.
9. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED RISK FRAMEWORK.
10. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED COMPLIANCE FRAMEWORK.

**Rev: Description: Date:**

A	Final Issue	30/10/17
B	Client Approval	21/07/16
C	Planning Sub	14/07/16
D	Planning Approval	21/05/16

**Scheme Info**  
 12 Bryn Afno Avenue,  
 Llanferres  
 Drawing Reference  
**Proposed Elevations**

Scale: 1 : 100  
 Drawn by: RAL  
 Checked by: MOH

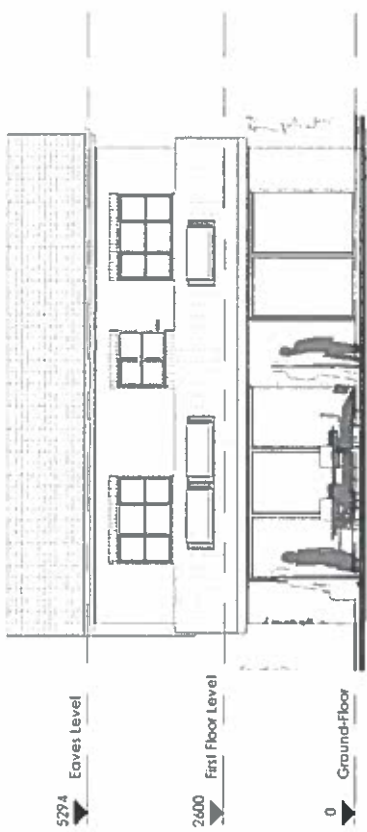
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 Drawing Number: PL02  
 Revision: C

**d2 architects**

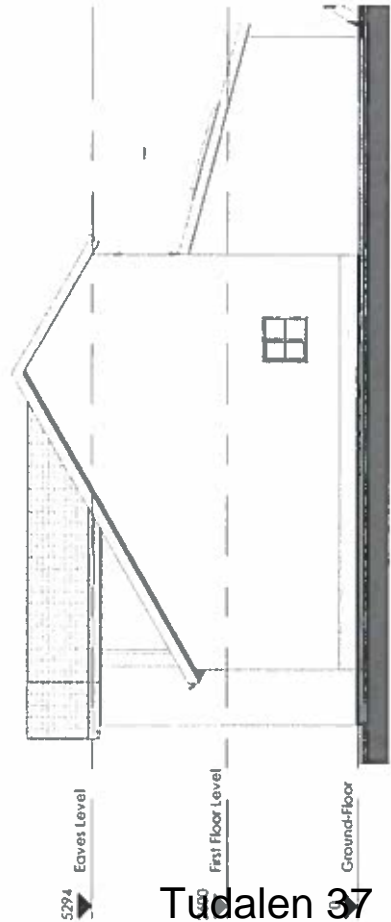
**Soughton House**  
 212-213 High Street (Glow)  
 Chester  
 CH1 3JG

**Hidir Studio**  
 Penryn Colyn  
 Penryn  
 TR29 8JH

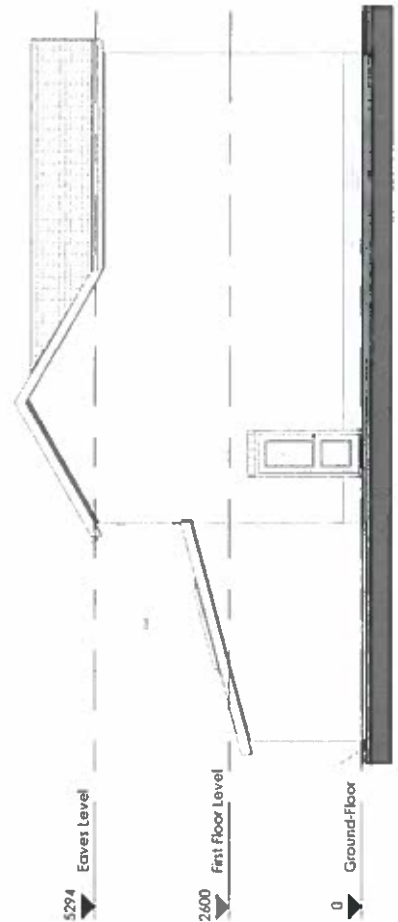
T: 01244 225 241 / 01628 552092  
 E: admin@d2architects.co.uk  
 W: www.d2architects.co.uk



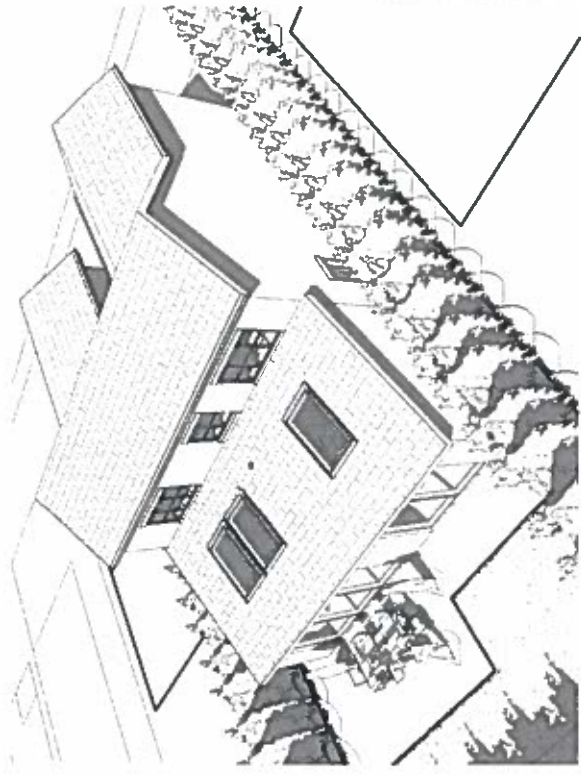
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 Scale: 1 : 100



**Proposed - Side Elevation 01**  
 Scale: 1 : 100



**Proposed - Side Elevation 02**  
 Scale: 1 : 100

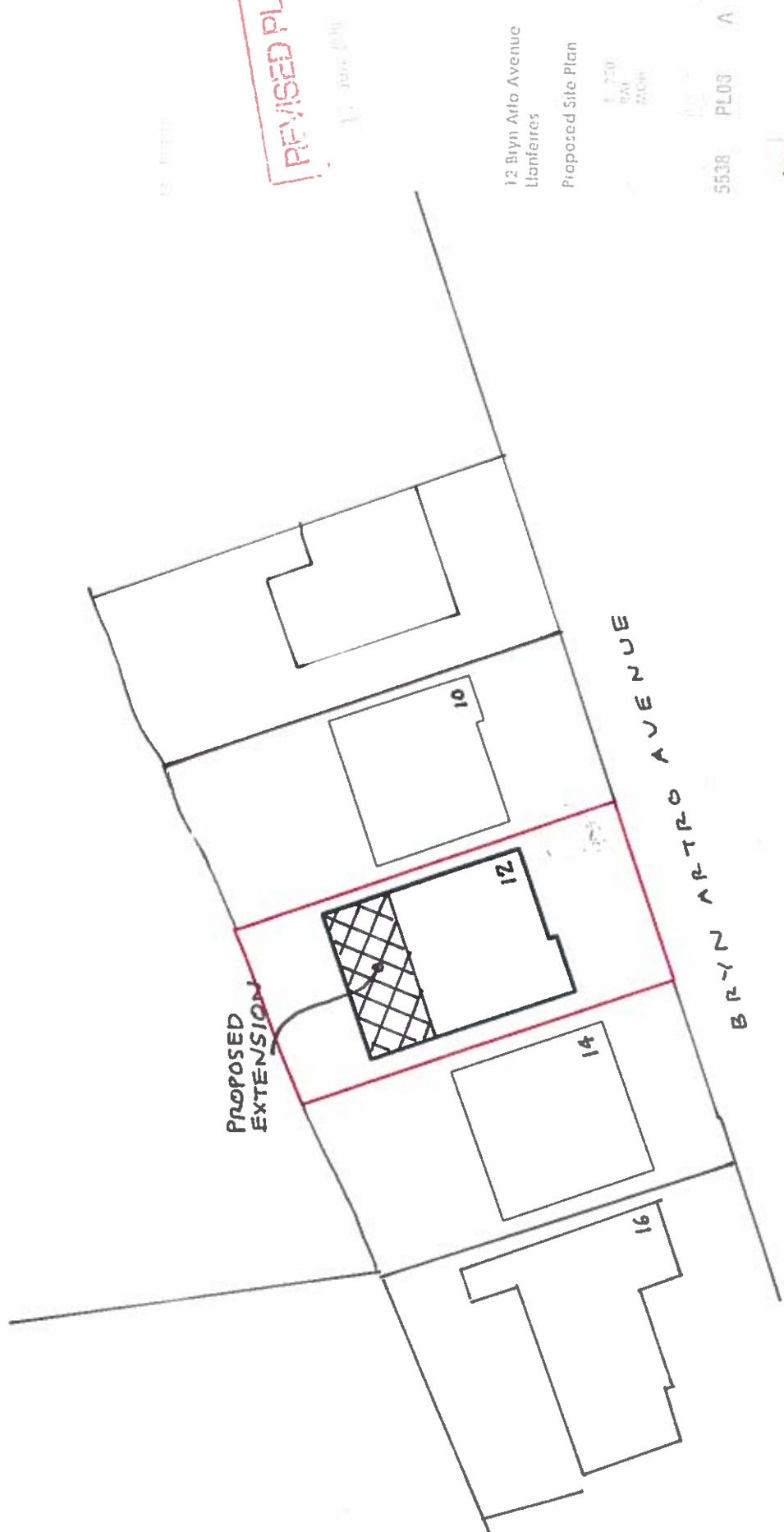


**Proposed - External Visual**  
 Scale:

**REVISED PLAN**

# PROPOSED SITE PLAN

**REVISED PLAN**



12 Bryn Arto Avenue  
Hanferres

Proposed Site Plan

1:250  
PLAN  
SCALE

5538 PL03 A



www.d2.com

10/11/2015

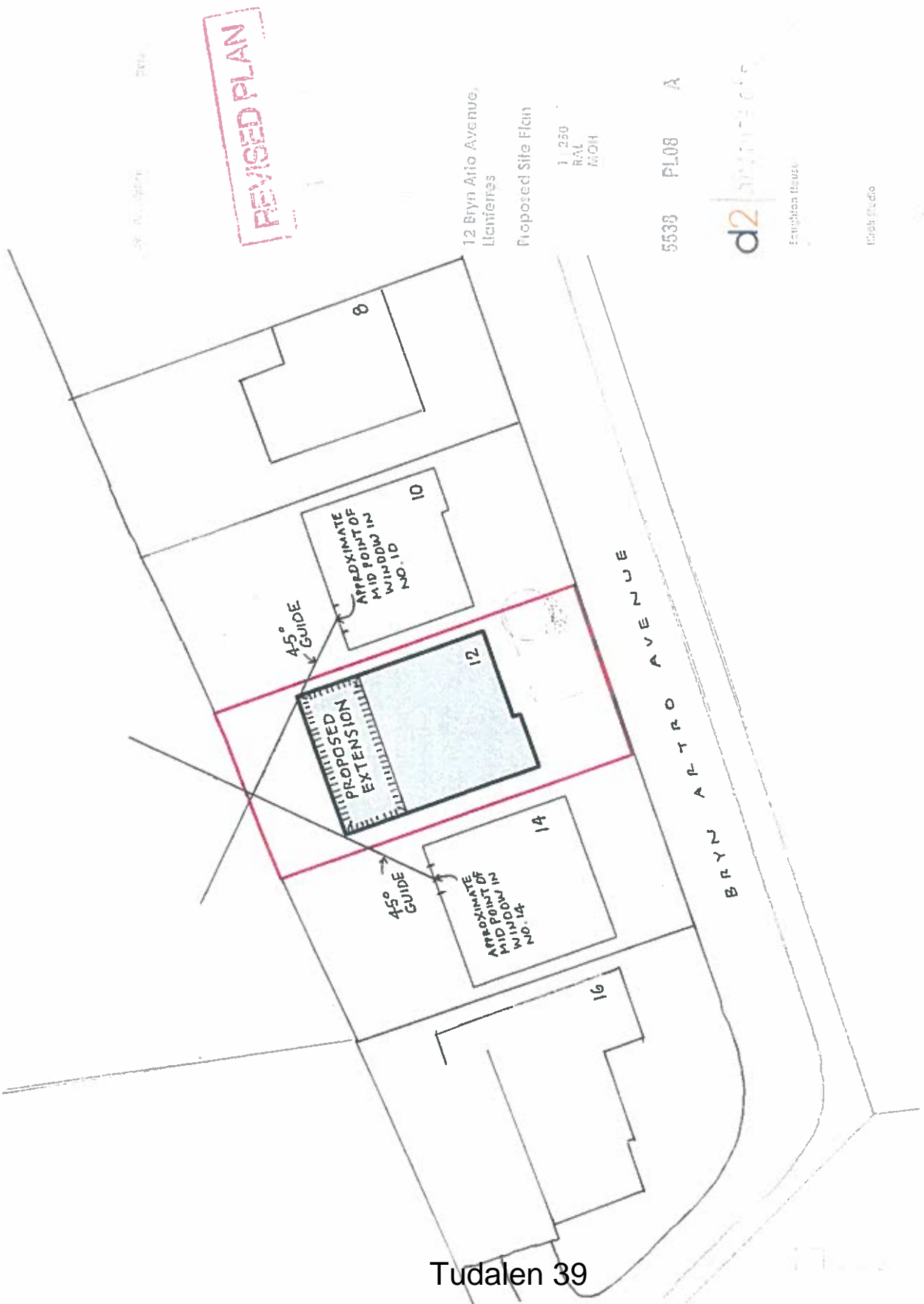
Tudalen 38

Proposed - Site Plan

Scale: 1 : 250

# SITE PLAN OF PROPOSED EXTENSION AND ADJACENT PROPERTIES ANNOTATED TO ILLUSTRATE THE 45 DEGREE GUIDE, AS APPLIED TO THE CASE

The annotated details have been drawn onto the submitted 1:250 scale site plan, which has been photoreduced to A4 size to fit the report. The interpretation of the location of windows of adjoining dwellings is that of Officers from observation on site.



**WARD :** Llanarmon Yn Ial / Llandegla  
**WARD MEMBER:** Councillor Martyn Holland  
**APPLICATION NO:** 21/2018/0166/ PF  
**PROPOSAL:** Erection of single storey rear extension  
**LOCATION:** 12 Bryn Artro Avenue Llanferres Mold  
**APPLICANT:** Mrs S Harris  
**CONSTRAINTS:** AONB  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

LLANFERRES COMMUNITY COUNCIL

Original consultation response:

"The Community Council has discussed the above-mentioned application and would make the following comment to the proposals:

Llanferres Community Council have concerns regarding the BRE daylight 45&25 degree test regarding this extension and request that accurate measurements be taken to establish whether they apply. If the extension does comply with the requirements of the test then the council has no objection to the application. We would, however, bring to the planning officers attention, the chimney from the solid fuel burner which seems to contravene building regulations.

We would like to complain about the quality of the planning documents, especially as seen on the website. We consider them totally inadequate with no meaningful measurements and difficult to understand."

Re-consultation response:

With reference to the above mentioned Planning Application, the Community Council have received correspondence from neighbours situated on either side of this property.

Following discussions. The Community Council do not object to the proposal in principle providing that the Planning Officer is satisfied that the plan meets the 45 degree rule."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT COMMITTEE

"The Joint Committee has no objection to the proposed extension subject to the roof and wall facing materials matching the existing."

(Same response to original application and reconsultation)

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Mrs E Cook, 10 Bryn Atro, Tafarn y Gelyn  
Cllr B Barton, Glan Alyn, Llanferres Road



Mrs R Johnson, 14 Bryn Artro, Tafarn Y Gelyn

Summary of planning based representations in objection  
Comments on original submission

*Accuracy of plans:*

Concern that plans do not accurately plot positioning of neighbouring properties - No's 10 and 12 are in line with each other. Nos 14 and 16 are also in line with each other lying almost one metre back from the rear from no 12. This has a major implication when utilising the 45 degree guide. The distance between 10 and 12 is 1.8 metres, not the 2 metres shown on these plans.

*Impact on residential amenity of neighbours:*

Due to proximity to neighbouring properties and projection of extension, it would fail 45 degree guide and therefore would have detrimental impact on neighbours in terms of loss of light / maintaining sunlight and daylight (Proposed extension will be 0.9 metres from 10 Bryn Artro Avenue and 1.0 metre from 14 Bryn Artro Avenue, this will effectively block the sunlight and daylight to 40-50% of each rear garden); affect outlook and would have an overbearing impact on neighbouring properties.

*Loss of Garden Space / proximity to garden boundary:*

Back gardens are shallow - SPG advises sufficient private garden space should be retained to provide amenity for dwelling and to ensure enough space is kept between neighbouring properties to avoid cramped form of development. SPG recommends a minimum garden depth of 6m is retained – this would not be achieved.

*Design:*

Not subordinate in scale; out of keeping with neighbouring properties.

Summary of resubmission:

*Accuracy of plans:*

Note plans are more accurate than original drawings, but consider rear of neighbouring properties are not accurately plotted.

*Impact on residential amenity of neighbours:*

Due to proximity to neighbouring properties and projection of extension, it would fail 45 degree guide and therefore would have detrimental impact on neighbours in terms of loss of light / maintaining sunlight and daylight.

At least 26% of the side of the proposed extension would be visible from centre point of neighbouring properties

Would have a detrimental impact on early morning sun from west on No. 14 and mid-afternoon and early evening sun from the east on No 10.

Windows / doors are proposed in side elevation which would face towards and overlook neighbouring garden

*Loss of Garden Space / proximity to garden boundary:*

Back gardens are shallow, would leave rear garden cramped and over-crowded. Insufficient garden depth retained.

*Design:*

Not subordinate in scale; out of keeping with neighbouring properties.

Overdevelopment of site- would result in a cramped, overcrowded feel to the area

*Flue:*

Concerned that smoke from flue would enter rear bedrooms of neighbouring properties.

**EXPIRY DATE OF APPLICATION: 16/04/2018**

**EXTENSION OF TIME: 18/07/2018**

## **REASONS FOR DELAY IN DECISION (where applicable):**

- previous deferral by Committee for further information
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 Consideration of the application was deferred at the April Planning Committee to allow opportunity to seek clarification of points of detail arising from consultation and neighbour responses. Revised plans have been submitted in June 2018 and a re-consultation exercise has been carried out. Further revised plans have been submitted on 21 August 2018 which sought to remove a previously proposed flue.
- 1.1.2 The proposal is for a single storey lean to extension to the rear of an existing two storey detached dwelling, to provide additional living accommodation.
- 1.1.3 The extension would run the width of the dwelling (8.3 metres) and project 4.1 metres out from the rear elevation. It would have a lean-to roof with an eaves height of 2.1 metres, rising to 3.5 metres where it meets the main rear wall of the dwelling.
- 1.1.4 The application form states the roof would be tiled and walls would have a rendered finish.
- 1.1.5 Roof lights are proposed in the roof and full height windows / doors would be installed in the rear elevation, looking out into the rear garden. No windows or doors are proposed in the side elevations of the extension, but an additional window is proposed at ground floor level on the existing gable wall facing No.10, to serve the kitchen, and a new external door is proposed to serve the utility room, in the position of an existing window in the gable facing the side of No.14.
- 1.1.6 The rear elevation would be some 5.5m from the rear garden boundary.
- 1.1.7 The proposal originally included the installation of a flue in connection with a wood-burning stove. Following concerns by consultees, the flue has now been omitted from the scheme as illustrated on the further revised plans received on 21 August 2018.
- 1.1.8 The proposed extension would be 0.9m from the side boundary with No.10, the neighbouring property to the east. The boundary between the two properties is a 1.2m high wooden fence with a curved trellis above, which rises to approximately 1.6m at its highest point.
- 1.1.9 The proposed extension would be 1.2m from the shared boundary with No. 14, the neighbouring property to the west. The boundary between the two properties is a wooden fence, approximately 2.1m in height, and there are a number of shrubs / trees alongside the fence within the garden of No.14 which are well in excess of the height of the fence.
- 1.1.10 Plans of the proposed extension and the relationship between the properties are provided at the front of the report.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is occupied by an existing modern detached two-storey dwelling, which is one of eight detached dwellings fronting the northern side of Bryn Artro Avenue, which is within the hamlet of Tafarn y Gelyn. The dwellings have been erected over time as replacements for older timber built chalets.

1.2.2 There are dwellings on either side of the application site, with No. 10 to the east and No. 12 to the west. Wooden fences demark the side boundaries with each property, and to the rear of the site are open fields.

1.2.3 The rear gardens of all the Bryn Artro dwellings are relatively shallow, as can be noted from the location plans at the front of the report. The existing rear elevation of the dwelling is approximately 9 metres from the rear garden boundary.

#### 1.3 Relevant planning constraints/considerations

1.3.1 The site is outside of any development boundary as defined in the Local Development Plan.

1.3.2 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 1.4 Relevant planning history

1.4.1 Permission for a replacement dwelling on the plot was granted in 2005.

#### 1.5 Developments/changes since the original submission

1.5.1 Revised plans have been submitted following concerns raised by the Community Council and individuals regarding the accuracy of the plans.

1.5.2 Following re-consultation responses, further revised plans were received which removed the flue.

#### 1.6 Other relevant background information

1.6.1 Following Community Council and private individual concerns regarding the accuracy of the submitted plans, revised plans have been submitted which the agent has confirmed are based on site measurements rather than Ordnance Survey Maps. Officers have also visited the site and consider the revised plans accurately reflect the position of the dwelling in relation to the site and to the neighbouring properties.

1.6.2 It is to be noted that permitted development rights have not been removed or restricted at the application site, and therefore standard rights to extend in accordance with national legislation apply.

1.6.3 In respect of the proposed extension, the relevance of the above is that if the projection of the extension was reduced by 0.1m / 10cm (approximately 4 inches) so that it would project no more than 4m from the rear elevation, it would fall within householder permitted development rights, and no planning permission would be required. This is a relevant 'fallback' position which is referred to later in the report.

1.6.4 The original scheme included a domestic flue which projected 1.2m above the lean to roof. As the site is within the AONB, permitted development rights do not extend to the flue, and accordingly planning permission would be required for this element of the proposal.

1.6.5 However, due to concerns raised relating to the flue and its impact on residential neighbours, the agent has confirmed the applicant was happy to remove the flue from the scheme and revised plans were subsequently submitted. The Community Council and objectors have been sent a re-consultation letter to inform them of the further revised plans. The re-consultation period was still outstanding at the time of writing this report, and therefore any further responses received in relation to this application will be reported on the 'Late Sheets' at the Planning Committee meeting.

## **2 DETAILS OF PLANNING HISTORY:**

2.2 21/2004/1247. Demolition of existing 2-bed bungalow and erection of replacement two-storey dwelling. Granted 04/03/2005

## **3 RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

**3.2** Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD3** – Extensions and alterations to existing dwellings

**Policy VOE 2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Residential Development

Government Policy / Guidance

Planning Policy Wales Edition 9 November 2016

Development Control Manual

#### **4 MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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 3.1.3). It advises that material considerations '... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability' (Section 3.1.4).

The Development Management Manual 2016 states that material considerations 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 (Section 9.4).

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

4.2.2 Visual amenity

4.2.3 Residential amenity

Other matters

**4.3** In relation to the main planning considerations:

4.3.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria.

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

The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.

4.3.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be 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 proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

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 site is located within the AONB and therefore the impact of the proposals on visual amenity and on the character and appearance of the AONB are therefore key considerations.

The AONB Joint Committee has raised no objection to the proposal subject to wall and roof materials matching the existing dwelling.

Following the submission of revised plans, the Community Council have withdrawn their previous objection on visual amenity grounds.

Private individuals have responded to the original consultation and the re-consultation on the revised plans and have raised concerns regarding the scale, design and appearance of the extension - specifically that due to the relatively small size of the back garden, the proposal would result in a cramped form of development.

The existing dwelling is a modern two-storey detached dwelling and the proposal is for a single storey lean to extension to the rear which would project some 4.1m from the rear elevation of the existing dwelling. The application documents indicate the roof would be tiled and walls would have a rendered finish. The existing dwelling is a modern house with rendered walls and a tiled pitched roof and Officers are of the opinion that the extension proposed would be in keeping with the existing dwelling and conditions could be applied to control the external finishes to be applied to the extension in the interests of visual amenity.

It is also of relevance that there are already extensions to the rear of other Bryn Arthro Avenue properties. No.14, for example has a substantial conservatory at the rear.

The proposal originally included a chimney flue for a wood burning stove to be installed, however following the submission of further revised plans, the flue has now been omitted from the scheme.

With regards to the scale of the development, notwithstanding concerns raised by private individuals, Officers consider the extension would be subordinate in scale and form to the original dwelling. Whilst the rear garden area is relatively shallow, the rear elevation of the proposed extension would be some 5.5m from the rear boundary and therefore garden space would be retained to the rear, and there is also a parking / garden area to the front of the dwelling. Accordingly, due to the scale of the extension, it is not considered that the proposal would represent overdevelopment of the plot.

In respecting the concerns raised by the Community Council and private individuals, Officers would conclude that having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the locality and landscape, it would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

#### 4.3.3 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

Criteria vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.

The Residential Space Standards SPG specifies that 40m<sup>2</sup> of private external amenity space should be provided as a minimum standard for residential dwellings.

The Community Council had originally objected to the proposal on residential amenity grounds, however following re-consultation on revised plans, the Community Council have now withdrawn their previous objection, providing that 'the Planning Officer is satisfied that the plan meets the 45 degree rule'

Representations raising concerns on residential amenity impacts have been made by neighbours and a private individual. The concerns focus on the impact of the proposal in terms of overshadowing of neighbouring properties and gardens, effect on outlook from neighbouring properties and overbearing impact. Issues have also been raised regarding the reduction in the garden area of No.12 and failure to maintain a setback distance of 6m from the extension to the rear garden boundary. Reference is made to the application of the 45 / 25 degree guides in the Council's Supplementary Planning Guidance; and it is contended that the proposal conflicts with the 45 degree guide as 'up to 26% of the side of the proposed extension will be visible from the centre of the centre point of the window of No.14', and it will also fail the test in relation to the rear French window of No.10.

In response to the detailed matters arising:-

#### 25 degree guide

In noting reference to the '25 degree guide' in the Residential Development Supplementary Guidance, this is guidance applicable to situations where the rear of properties face one another. This is not applicable in this instance as there are no properties backing on to the proposed extension.

#### Accuracy of plans:

As noted earlier in the report, revised plans have been submitted which the agent has confirmed are based on site measurements rather than Ordnance Survey maps. Objectors commenting on the revised application still contest the plans do not accurately show the positioning of neighbouring properties in relation to the proposed extension, but based on Officer observations on a site visit, it is considered the plans show the relationships between the application site and adjacent properties with sufficient accuracy to allow a fair assessment to be made of the likely impacts of the extension on them. Officers have also independently measured out the footprint of the extension and the proximity to neighbouring boundaries, and consider the revised plans represent these fairly.

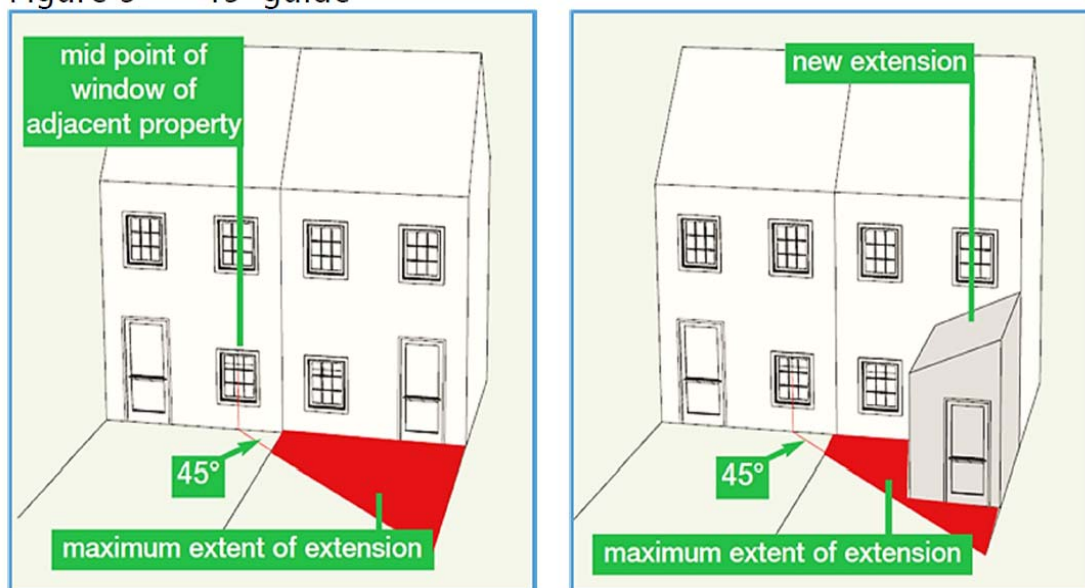
#### Overshadowing and the 45 degree guide

With respect to rear extensions, the Residential Development SPG advises that one of the main issues involved is the need to protect the amenities of occupiers of dwellings immediately adjoining a proposed extension, in terms of protecting privacy, maintaining sunlight and daylight and maintaining a reasonable outlook.

The Supplementary Guidance provides a tool to help assess whether a proposal would have adverse impact on adjoining property in terms of overshadowing habitable windows in neighbouring properties. This is referred to as the '45 degree guide'.

The basis of the 45 degree guide is to project an imaginary line from the centre of the nearest ground floor window of any habitable room in an adjoining property, horizontally at a 45 degree angle. The guidance suggests that no part of the proposed development should cross this line. The guidance is worded to contain an element of flexibility and requires consideration of matters such as the direction of sunlight and shadow fall predicted from the new development. The illustration below helps to explain the principles of applying the 45 degree guide.

Figure 5 45° guide



Objectors to the application consider the proposal would fail the 45 degree guide.

In this case, in respecting the concerns expressed, the proposal is for a lean to single storey extension, and based on Officers assessment of the location of windows in the rear elevations of adjacent property and the position of the proposed extension, there would appear to be no obvious conflict with the 45 degree guide. Officers have provided an annotated plan at the front of the report which gives an impression of how the guide would translate into the context of the application site.

In applying the guide, due account has also to be taken of other site features which may have a bearing on and mitigate impacts. In this instance it is notable that there is a 2 metre high screen fence along the boundary between Nos 12 and 14, with a number of trees / shrubs within the garden of No.14 extending above the top of the fence. The effect of these features would be to largely obscure views of the proposed extension from the nearest rear windows of No.14, significantly mitigating the impact of the extension.

In respect of No.10, the boundary fence with No.12 is at a lower height (1.6m), but the proposed extension at No.12 would not project significantly beyond the 45 degree line.

Having regard to the above considerations and the fact the proposed extension would be on the northern side of the property, it is not considered it would give rise to unreasonable loss of sunlight / overshadowing in respect of the neighbouring occupiers.

Loss of garden space:

Objectors have also raised concerns that the rear gardens at Bryn Artro are already shallow, and as a result of the development it would leave a cramped and over crowded rear garden at No.12 with insufficient garden depth being retained.

Officers would acknowledge that the rear wall of the extension would be approximately 5.5m from the rear garden boundary. However, the Residential Space Standards SPG states that a minimum of 40 square metres of garden area / outdoor amenity space should be provided to serve an individual dwelling, and does not set minimum garden depths, etc. . In this case, in excess of 60 square metres of rear

garden space would be retained and therefore Officers consider sufficient garden area would be retained within in the site.

#### Overbearing impact

Guidance indicates overbearing impact on a neighbouring property should be prevented, particularly if there are windows in the side elevation of an adjacent house that the extension projects towards. Whilst it is not always possible to achieve in all instances, a 1 metre gap should be retained wherever practical between an extension and the site boundary.

In this case, the proposed extension would be set back 0.9m from the side boundary with No. 10 and 1.2m from the side boundary with No.14. The proposal is also a single storey lean-to extension which has a relatively low profile, and Officers do not consider the proposal would give rise to an overbearing or cramping impact on neighbouring properties.

#### Privacy / overlooking

The proposal is for a single storey extension and no windows or doors are proposed in either side elevation of the extension.

Whilst a new doorway is proposed in the side elevation of the existing dwelling facing the gable end of No.14, this is to replace an existing window opening, and would not result in the potential for additional overlooking.

A new kitchen window is proposed in the side elevation of the existing dwelling, facing the gable end of No.10. Given the position of the window, it is not considered this would result in the potential for additional overlooking.

Officers are therefore satisfied the proposal would not result in any unacceptable overlooking of neighbours or impinge on their privacy.

#### Flue

Concerns were raised regarding emissions from the proposed flue entering into bedroom windows of neighbouring properties.

Following the submission of revised plans, the flue has now been removed.

The site is within the AONB, and therefore the flue does not benefit from permitted development rights, and therefore should the flue be progressed in the future, the Council would retain control over the siting of such a flue through the need for planning permission.

#### Other matters

##### Fallback position

Officers consider the fall-back position is of some relevance in this instance. As noted in paragraph 1.6.3 of the report, if the projection of the extension was reduced by 0.1m/10cm (approximately 4 inches) the proposal would fall within permitted development rights and could therefore be built without the need for planning permission. As 'permitted development' tolerances effectively reflect a scale of development considered reasonable by Government on dwellinghouses without the need for formal permission, it suggests the impacts of an extension in the order of 0.1m larger than this size limitation would need to be significantly adverse to justify a refusal of permission.

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being)



objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs.

It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5 SUMMARY AND CONCLUSIONS:**

- 5.1 In respecting the concerns raised by the Community Council and private individuals, for the reasons highlighted in the report, having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the proposal is considered to be acceptable and is recommended for grant.

**RECOMMENDATION: GRANT** subject to the following condition(s) :-

1. The development to which this permission relates shall be begun no later than 12<sup>th</sup> September, 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Existing Elevations (Drawing No. EX02 Revision A) received 21 August 2018
  - (ii) Proposed Elevations (Drawing No. PL02 Revision C) received 21 August 2018
  - (iii) Existing Ground Floor Plan (Drawing No. EX01 Revision A) received 21 August 2018
  - (iv) Proposed Ground Floor Plan (Drawing No. PL01 Revision C) received 21 August 2018
  - (v) Existing Site & Location Plan (Drawing No. EX03 Revision A) received 12 June 2018
  - (vi) Proposed Site Plan (Drawing No. PL08 Revision A) received 21 August 2018
3. The materials and finishes of the external surfaces of the walls and roofs of the extension hereby permitted shall be of the same texture, type and colour as those on external walls and roofs of the existing building.

The reasons for the conditions are:-

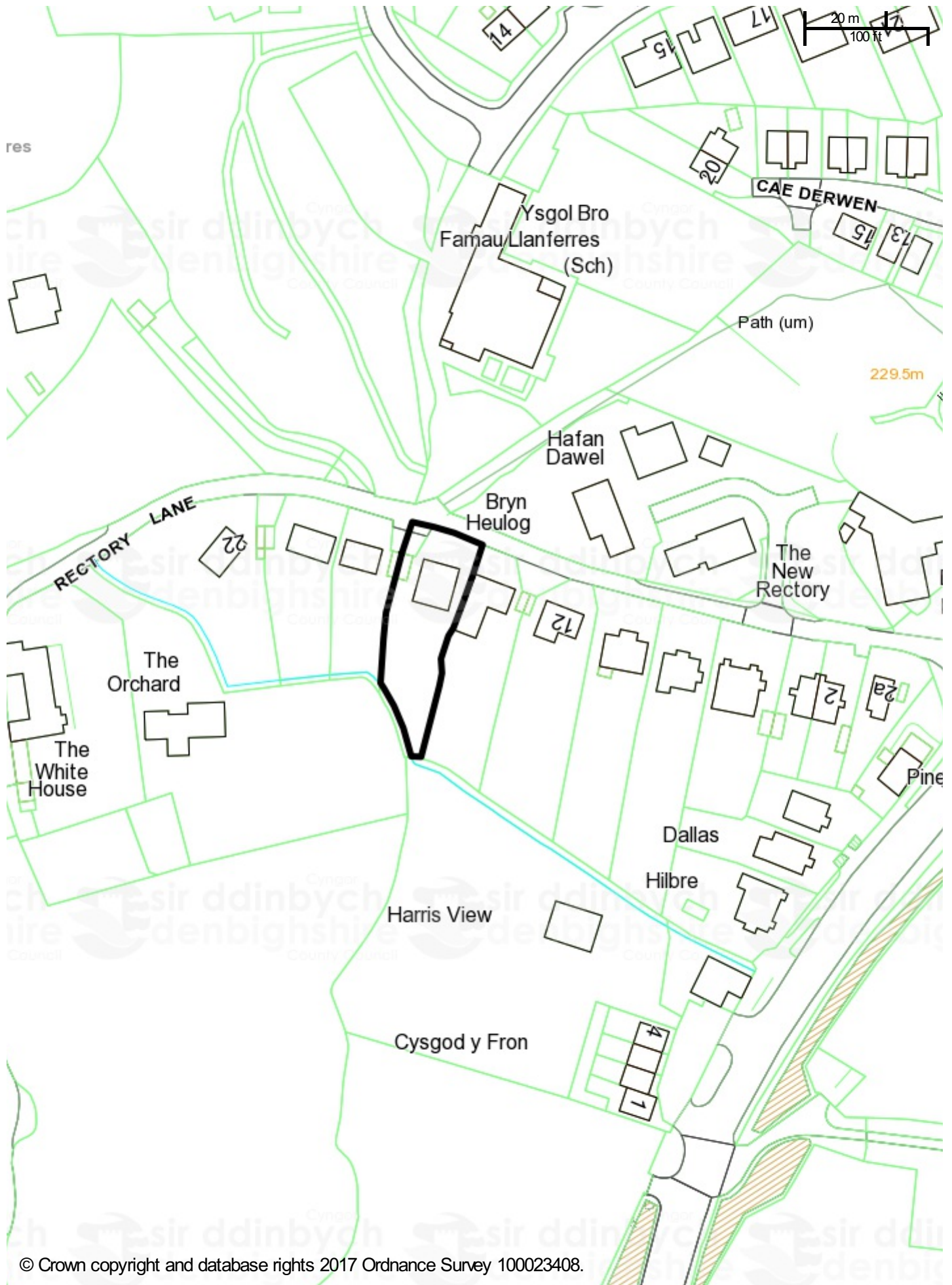
- 1: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2: For the avoidance of doubt and to ensure a satisfactory standard of development.
- 3: In the interests of visual amenity and to conserve the character and appearance of the AONB.

Mae tudalen hwn yn fwriadol wag

# Eitem Agenda 7

<b>WARD:</b>	Llanarmon yn Iâl / Llandegla
<b>AELOD(AU) WARD:</b>	Y Cyng. Martyn Holland
<b>RHIF Y CAIS:</b>	21/2018/0293/ PF
<b>CYNNIG:</b>	Dymchwel portsh a chodi garej cysylltiol (cynllun diwygiedig)
<b>LLEOLIAD:</b>	16 Lôn y Rheithordy, Llanferres, Yr Wyddgrug

Mae tudalen hwn yn fwriadol wag



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21/2018/0293

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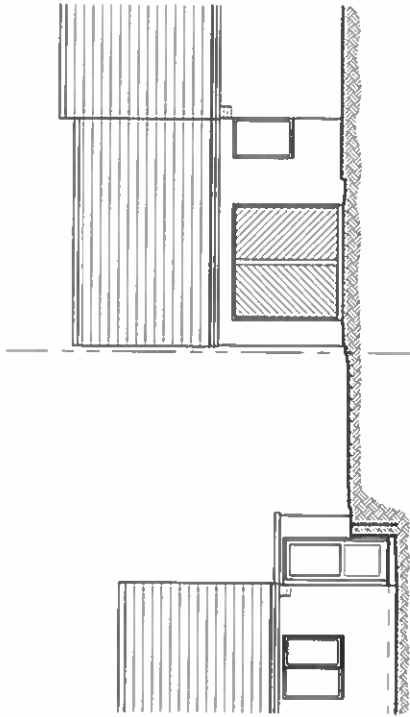
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Tudalen 53

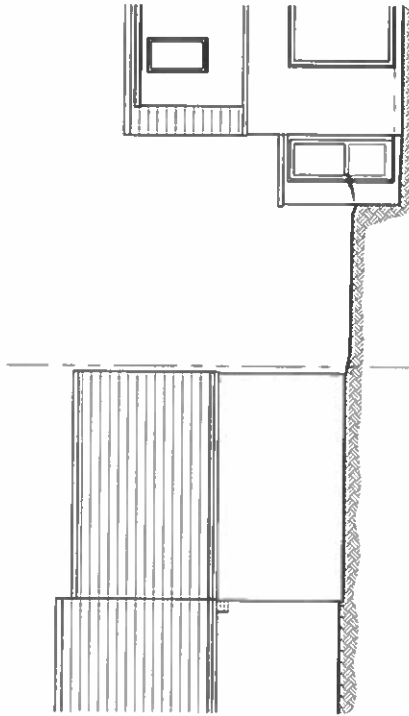


© Denbighshire County Council

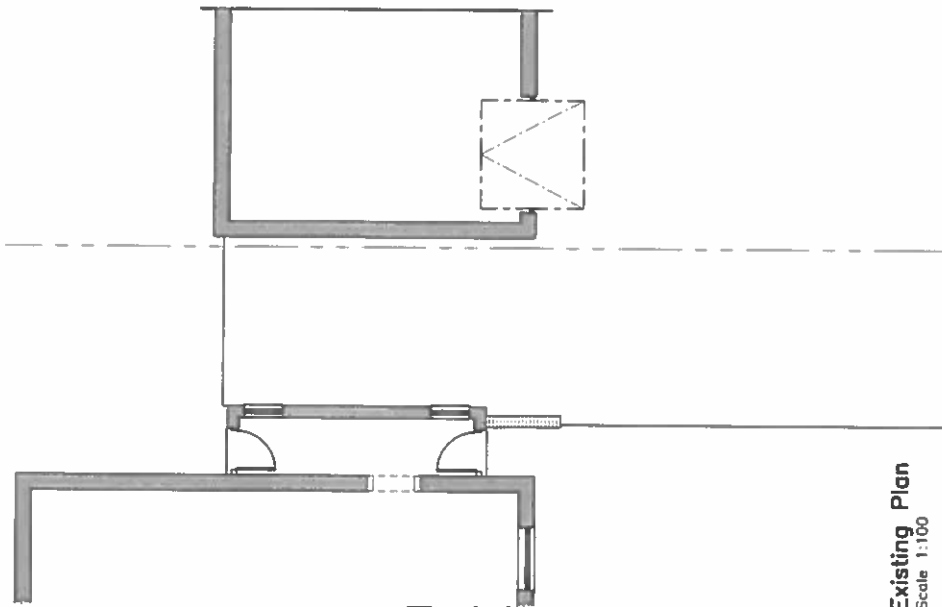
# EXISTING SITE + ELEVATIONS



**Existing Front Elevation**  
Scale 1:100



**Existing Rear Elevation**  
Scale 1:100

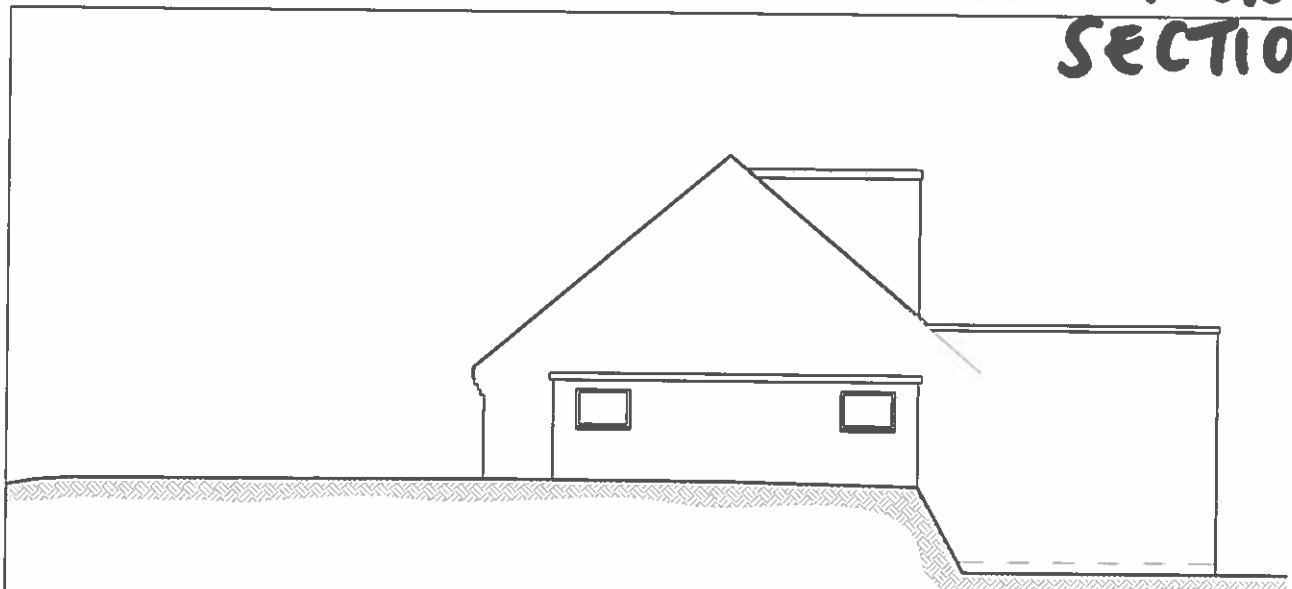


**Existing Plan**  
Scale 1:100

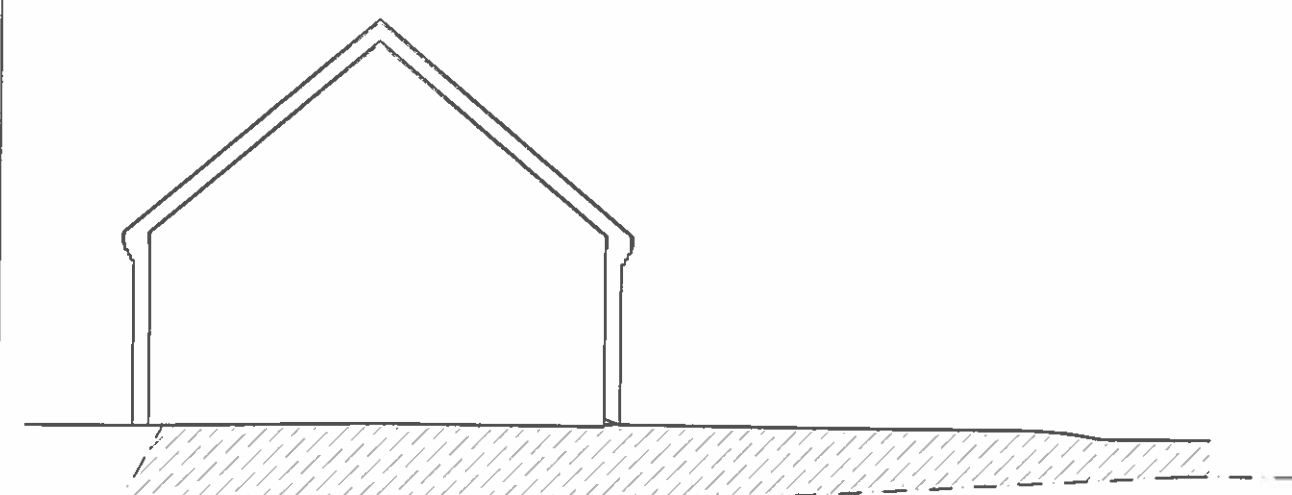
Tudalen 54

<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres		<b>ADAMS</b> CONSU LTD ENGINERS LTD	
<b>Title</b> Survey Plan Existing Front & Rear Elevations		Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201	
<b>Cad Rev</b> -	<b>Scale</b> 1:100	<b>Drawn</b> SGL	<b>Project Ref.</b> 15065
<b>Date</b> 18/01/2018	<b>Checked</b> IP	<b>Approved</b> (Signature)	<b>Rev.</b> -

# EXISTING SIDE ELEVATION + SECTION



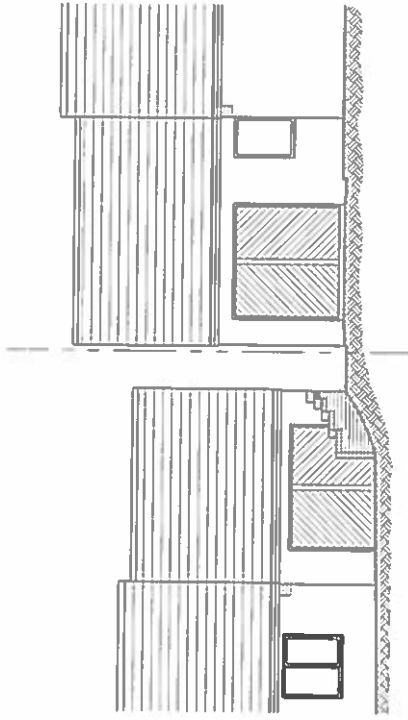
**Existing Side Elevation**  
Scale 1:100



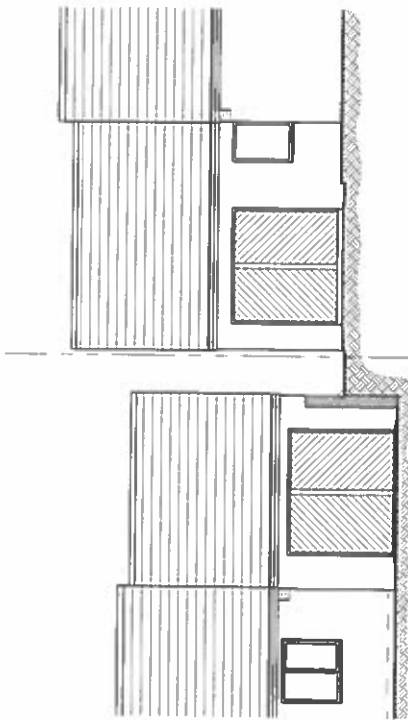
**Section Through Site**  
Scale 1:100

Status									
Project		Proposed Retaining Wall 16 Rectory Lane Llanferres		Rev		Details		Date	
Title		Existing Side Elevation & Section Through Site				<b>A D A M S</b>		CONSULTING ENGINEERS L T D	
Cod Rev		Scale 1:100		0mm 10 20 30 40 <small>mm</small>		Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201		©A4	
Date	Drawn	Checked	Approved	Project Ref.	Drg. No.	Rev.			
Jan 2018	SGL	TP		15065	S02	A			

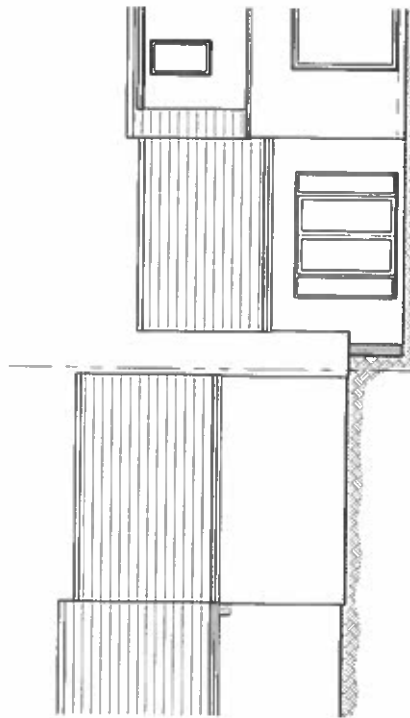
# PROPOSED ELEVATIONS



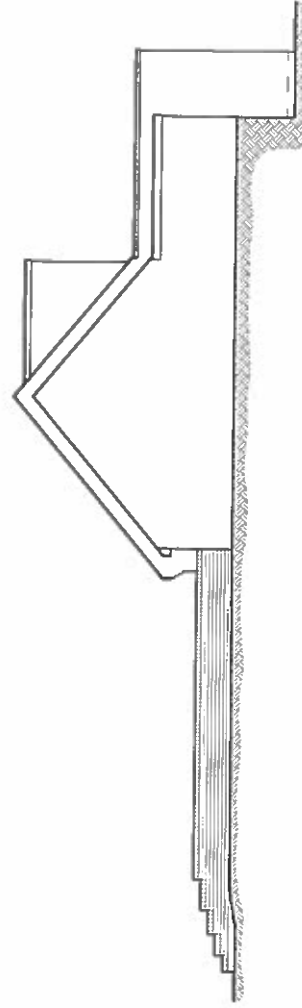
**Proposed Front Elevation**  
Scale 1:100



**Section Through Driveway**  
Scale 1:100



**Proposed Rear Elevation**  
Scale 1:100

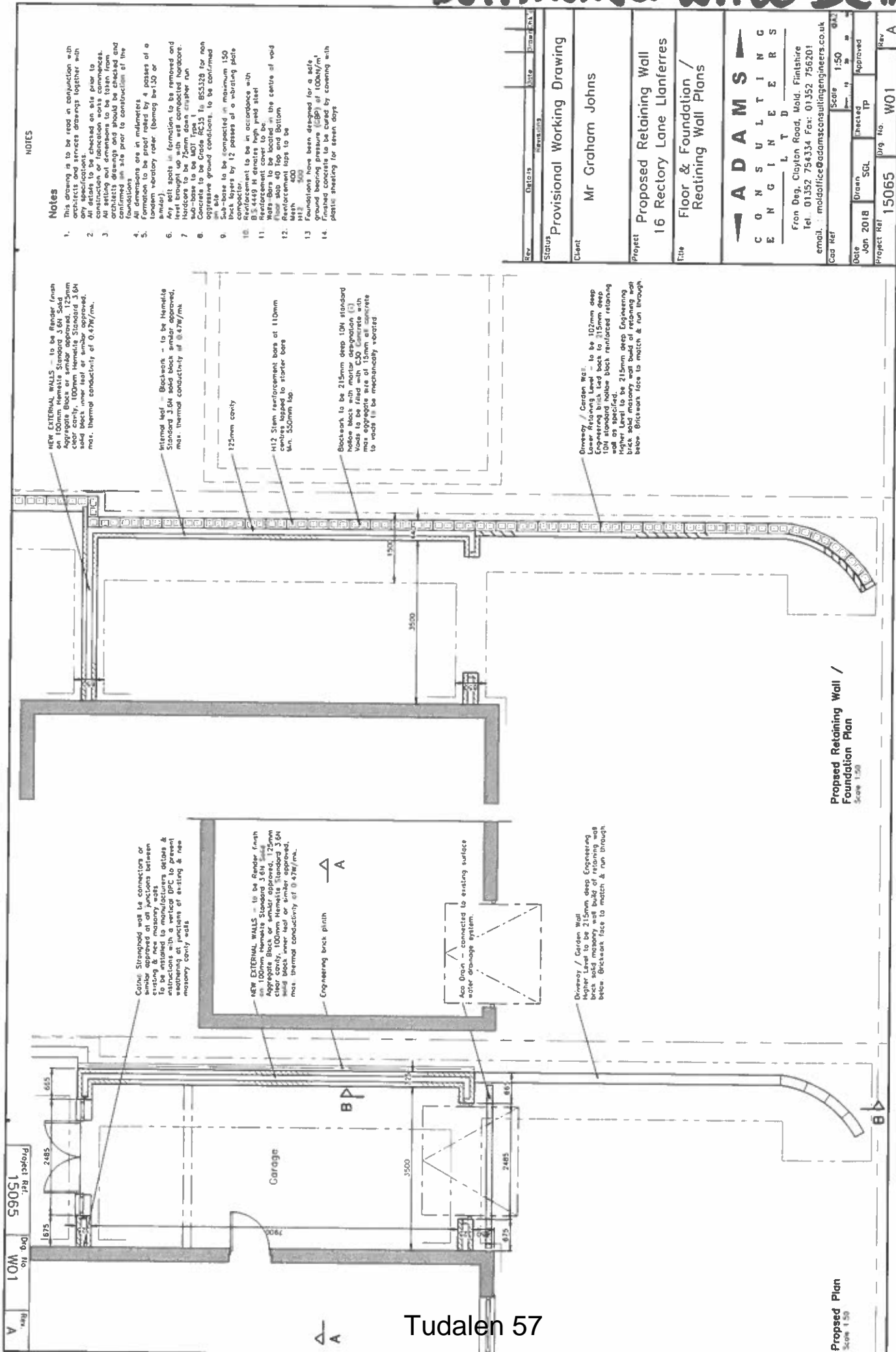


**Proposed Side Elevation**  
Scale 1:100

<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres		<b>ADAMS</b> CONSU LT I N G E N G I N E E R S L T D Fron Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201 Project Ref: 15065	
<b>Title</b> Proposed Front, Rear, Side Elevations & Section Through Driveway		Scale 1:100	Date 18/01/2018
Cad Rev -	Checked SGL	Drawn TP	Approved TP
Date 18/01/2018	Drawn SGL	Checked TP	Approved TP
Project Ref 15065	Dwg. No. P01	Rev. A	Rev. A



# RETAINING WALL DETAIL



**NOTES**

1. This drawing is to be read in conjunction with architect and services drawings together with any other drawings.
2. All details to be checked on site prior to construction or fabrication works commences.
3. Setting out dimensions to be taken from architect's drawings and confirmed on site prior to construction of the foundations.
4. Foundations are in millimetres.
5. Foundation dimensions are to be in accordance with the random variety roller (bore) be 150 or similar).
6. Any set spots in formation to be removed and the surface to be compacted.
7. Hardcore to be 75mm thick compacted hardcore.
8. sub-base to be MOT Type 1.
9. Concrete to be Grade RC35 to BS5328 for non structural ground conditions. To be confirmed on site.
10. Sub-base to be compacted in maximum 150mm layers by 12 passes of a vibrating plate.
11. Reinforcement to be in accordance with BS 4449 H strands high yield steel.
12. Reinforcement cover to be 40mm to the centre of void floor slab 40 top and bottom.
13. Reinforcement laps to be 400mm.
14. Foundations have been designed for a safe ground bearing pressure (GBP) of 100kN/m<sup>2</sup>.
15. Finished concrete to be cured by covering with plastic sheeting for seven days.

**NEW EXTERNAL WALLS** - to be Render finish on 100mm Hemelie Standard 3.6M Solid Aggregate Block or similar approved. 125mm clear cavity. 100mm Hemelie Standard 3.6M solid block inner leaf or similar approved. max. thermal conductivity of 0.47W/mk.

**Internal leaf - Blockwork** - to be Hemelie Standard 3.6M solid block similar approved. max. thermal conductivity of 0.47W/mk.

125mm cavity

M12 Stem reinforcement bars at 110mm centres lapped to starter bars 4m, 500mm lap.

Blockwork to be 215mm deep 10M (10Standard) hollow block with mortar designation (2) voids to be filled with C30 Concrete with max aggregate size of 15mm all concrete to voids to be mechanically vibrated.

**Driveway / Garden Wall** - Higher Level to be 215mm deep Engineering brick solid masonry wall built on below brickwork face to match & run through brick solid masonry wall built on below brickwork face to match & run through

Canal Straps shall be connections or similar approved at all junctions between existing masonry walls. To be installed to manufacturers details & instructions with a vertical DPC to prevent weathering at junctions of existing & new masonry cavity wall.

**NEW EXTERNAL WALLS** - to be Render finish on 100mm Hemelie Standard 3.6M Solid Aggregate Block or similar approved. 125mm clear cavity. 100mm Hemelie Standard 3.6M solid block inner leaf or similar approved. max. thermal conductivity of 0.47W/mk.

Engineering brick plinth

Aco Drain - connected to existing surface water drainage system.

**Driveway / Garden Wall** - Higher Level to be 215mm deep Engineering brick solid masonry wall built on below brickwork face to match & run through

Project Ref: 15065  
 Rev. No. W01  
 Rev. A

Tudalen 57

Proposed Plan  
 Scale 1:50

Rev	Details	Date	Drawn	Checked	Approved
Status: Provisional Working Drawing					
Client: Mr Graham Johns					
Project: Proposed Retaining Wall 16 Rectory Lane Llanferres					
Title: Floor & Foundation / Retaining Wall Plans					
<b>A D A M S</b>					
C O N S U L T I N G E N G I N E E R S L T D					
Fron Deg, Clayton Road, Mold, Flintshire Tel: 01352 754334 Fax: 01352 756201 email: moldoffice@adamscsconsultingengineers.co.uk					
Scale	1:50	Scale	1:50	Scale	1:50
Date	Jan 2018	Drawn	SGL	Checked	TP
Project Ref	15065	Drawn No.	W01	Rev	A

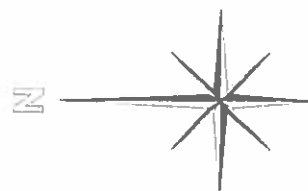
# EXISTING + PROPOSED SITE PLAN



**Block Plan**  
Scale 1:500



**Site Location Plan**  
Scale 1:500



<b>Project</b> Proposed Retaining Wall 16 Rectory Lane, Llanferres		<b>Scale</b> 1:500		Date 18/01/2018		Drawn SGL		Checked IP		Approved [Signature]	
<b>Title</b> Site Location & Block Plans		Date 18/01/2018		Drawn SGL		Checked IP		Approved [Signature]		Project Ref. 15065	
<b>ADAMS</b> CONSUULTING ENGINEERS LTD										Org. No. L01	
From Deg, Clayton Road, Mold, Flintshire Tel.: 01352 754334 Fax: 01352 756201										Rev. -	

**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER(S):** Cllr Martyn Holland

**APPLICATION NO:** 21/2018/0293/ PF

**PROPOSAL:** Demolition of porch and erection of an attached garage (amedned scheme)

**LOCATION:** 16 Rectory Lane Llanferres Mold

**APPLICANT:** Mr Graham John

**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 grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**LLANFERRES COMMUNITY COUNCIL**

“With reference to the above-mentioned Planning Application, the Community Council objects to this revised proposal. Its views are basically the same given when objecting to the original application 21/2017/0928.

There is a shared drive with No. 18, which has been in existence for over fifty years. Rights of way, with unhindered access, have therefore been established with mutual benefits to both parties. This revised proposal would result in this shared drive being divided into two separate drives with a height difference of over a metre and the access width halved.

The shared drive is by a pinch point in Rectory Lane, where the road not only narrows to 2.5 metres but is also at its steepest incline

Currently vehicles visiting either 16/18 Rectory Lane must enter across the neighbouring part of the shared drive. Manoeuvring requires crossing the centre line of the shared drive. The opening onto the shared drive also allows vehicles to pass each other in the lane, as the one going uphill can usually pull onto it.

This proposal would result in manoeuvring within No. 18 extremely difficult if not impossible, as would access by emergency and service vehicles.

The Amended Scheme therefore clearly fails criteria vii) of LDP Policy RD 1.

The excavation to build the attached garage would compromise the foundations of No. 18.

As the Amended Scheme has failed to meet any of our initial objections, the Community Council strongly opposes the application in its current form.”

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT ADVISORY COMMITTEE**

“The Joint Committee has no objection to this application but would recommend that the front retaining wall should be faced in natural local stone to reflect the traditional character of boundary treatments in this locality.”

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**  
Highways Officer  
No objection.

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

D Jones, 18 Rectory Lane, Llanferres

Summary of planning based representations in objection:

Does not consider the amended application overcomes the previous reason for refusal.

The shared driveway is a feature common to all other properties situated on this part of Rectory Lane which is the steepest and narrowest section. The amendments suggested would not guarantee safe and convenient access and egress for No18, particularly for larger vehicles e.g. service or emergency vehicles. The shared driveways have been a necessary feature of these properties since 1964.

Also concerned that the quantity of material to be excavated may lead to the instability of the property and drive.

Visual impact of the proposed wall would also be detrimental to the existing open aspect of the property.

**EXPIRY DATE OF APPLICATION: 29/08/2018**

## REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the demolition of an existing porch and the erection of an attached garage to the side of 16, Rectory Lane in Llanferres.
- 1.1.2 The existing driveway is at a higher ground level to the main dwelling and the proposal requires excavation works to lower the ground level of the existing drive and a new brick retaining wall is also proposed, which would be set 0.6m off the shared boundary with the neighbouring property to the west (no 18).
- 1.1.3 Section plans have been provided which show the proposed changes in ground levels. The section plans show the proposed driveway would be some 1m lower than existing ground levels (see details of the proposal at the front of this report).

#### 1.2 Description of site and surroundings:

- 1.2.1 The site is a detached dwelling within a ribbon of residential development along the southern side of Rectory Lane, Llanferres, with properties along the lane all being detached but of a variety of forms and appearances.
- 1.2.2 Rectory Lane is a sloping road and therefore the dwellings along the lane are set at different levels as the road ascends from A494 to the east.
- 1.2.3 The dwelling at no 16 is set at a lower ground level to the neighbour to the west (no 18), however there is a shared driveway which serves both the properties which is set at the same ground level as No 18. As such, the existing driveway adjacent to the dwelling where the proposed attached garage extension is proposed to be built is approx. 1m higher level than compared to the ground levels immediately adjacent to the dwelling.

- 1.2.4 The retaining wall would be 1.6m above proposed ground levels on the applicant's side of the boundary, and 0.6m above the ground level of the neighbour's driveway.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Llanferres as shown on the Local Development Plan proposals map and is located within the AONB.

1.4 Relevant planning history

- 1.4.1 Planning permission for a garden store building in the rear garden granted in 2014.
- 1.4.2 The proposal is an amended scheme following a refusal to grant planning permission in November 2017. Section plans had not been provided with this application and the submission had failed to acknowledge there was any difference in ground levels with no details provided in relation to the excavation works or retaining walls. Due to the lack of information, the application was refused.

1.5 Developments/changes since the original submission

- 1.5.1 The Community Council and the neighbour have both referred to the driveway as being 'a shared drive' in their consultation responses, with both parties having a right of way over the respective neighbour's driveway. Whilst the existing driveways at no 16 and 18 have the same ground level and currently have a shared surface with no wall or fence in situ to delineate the boundary, this does not infer the driveways are in shared ownership.
- 1.5.2 The applicant's agent has checked the deeds to the property and has confirmed the driveways are not in shared ownership, and there is not covenant on the land which conveys any third party a legal right over the land. Therefore whilst the current situation is that each householder can drive over a section of their neighbour's drive when accessing and egressing their own driveways, this is an informal arrangement and neither neighbour has any legal right over the land outside their ownership.

1.6 Other relevant background information

- 1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 21/2014/0033/PF Erection of a block building to the rear of the dwelling for storage of garden equipment. Granted under delegated powers on 6<sup>th</sup> March, 2014.
- 2.2 21/2017/0928?PF Demolition of porch and erection of an attached garage. Refused under delegated powers on 17<sup>th</sup> November, 2017. The reason for refusal was as follows:

*1. It is the opinion of the Local Planning Authority that the proposed garage extension could not be facilitated without excavating and re-profiling the existing driveway which would result in the existing shared drive being subdivided to form two separate drives with differing ground levels. Without detailed information of the engineering operations required to excavate and re-profile the driveway, it is considered that insufficient information has been provided to demonstrate that, as a result of the development adequate manoeuvring space would be retained to allow vehicles to safely access and egress the shared driveway serving the application site and the driveway serving the neighbouring property, No 18 Rectory Lane, and therefore the proposal has the potential to adversely impact on highway safety contrary to Denbighshire Local Development Plan Policy RD1 vii) and the advice and guidance contained in Section 8 of Planning Policy Wales (Edition 9, November 2016) Technical Advice Note 18: Transport.*

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design

**Policy RD3** – Extensions and alterations to existing dwellings  
**Policy VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty  
**Policy ASA3** – Parking standards

Supplementary Planning Guidance  
Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty  
Supplementary Planning Guidance Note: Parking Requirements In New Developments  
Supplementary Planning Guidance Note: Residential Development  
Supplementary Planning Guidance Note: Residential Space Standards

Government Policy / Guidance  
Planning Policy Wales Edition 9 November 2016  
Development Control Manual

#### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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 3.1.3). It advises that material considerations '... must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability' (Section 3.1.4).

The Development Management Manual 2016 states that material considerations 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 (Section 9.4).

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 AONB)
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met. The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The principle of appropriate extensions and alterations to existing dwellings is therefore acceptable. The assessment of the specific impacts of the development proposed is set out in the following sections.
- 4.2.2 Visual Amenity

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be 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 proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

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 vi) of Policy RD1 requires that development proposals do not affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

The site is within the AONB. Policy VOE2 seeks to restrict development proposals which would have an adverse impact on the character and setting of the AONB. The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

Representations on the visual amenity impacts have been made by Community Council, the AONB Joint Advisory Committee and the neighbour. The representations focus on the changes to the ground levels and proposed retaining wall rather than the proposed garage extension.

Officers would consider the proposed attached garage is subordinate in scale and form and is sympathetically designed so that it is in keeping with the character of the existing house and locality.

The AONB have no objection to the proposal, but consider due to the setting within the AONB, the front retaining wall should be faced in natural local stone to reflect the traditional character of boundary treatments in this locality. Other representations consider the proposed wall would also be detrimental to the existing open aspect of the neighbouring property.

Whilst the driveway's serving a number of properties along Rectory Lane have a similar arrangement to the site, i.e. adjoining driveways with a shared surface and no boundary treatments, Officers would note that properties along the lane consist of a variety of forms and appearances and a number of the properties towards the end of the lane have driveways which are at different ground levels to the neighbouring property with a variety of boundary treatments. The current driveway arrangement is therefore not considered to be a unique characteristic of the area.

The AONB have requested the retaining wall is finished with local stone. Whilst the site is within the AONB, it is nevertheless a modern house within a built up residential area and Officers would note the boundary treatments along Rectory Lane are not uniform and consist of a mix of stone walls, fences, hedgerows and brick walls, and therefore Officers do not consider there is sufficient justification in this instance to require the wall to be stone facing.

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

#### 4.2.3 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

Criteria vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards

itself.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings. The Residential Space Standards SPG specifies that 40m<sup>2</sup> of private external amenity space should be provided as a minimum standard for residential dwellings.

Representations on the residential amenity impacts have been made by the Community Council and the neighbour regarding the impact of the excavation works on the foundations and stability of the neighbouring property.

However, development close to a party wall including issues relating to structural stability are covered by the Party Wall Act and Officers would therefore consider the issues raised regarding structural stability to be a civil matter rather than a planning issue.

The proposed single storey pitched roof attached garage extension is subordinate in scale and form and is sympathetically designed. The garage would have double doors within the front elevation to access the garage and double door to the rear to access the garage from the rear of the property. There are no windows proposed within the side elevation.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

#### 4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration

The existing driveway is currently set at a higher level to the main dwelling and is at the same ground level as the drive serving the neighbouring property. The two driveways have a shared surface and the boundary between the two properties is not delineated by any boundary treatments.

The proposal also includes works to reduce the ground level of the existing driveway by some 1m so that it is set at the same ground level as the dwelling, and a retaining wall is proposed to be built along the length of the drive.

Highways Officers have been consulted on the application and have raised no objection to the proposal.

The Community Council and the neighbour have raised concerns on highways grounds.

Consultees have noted the driveways have a shared surface with no division and currently vehicles visiting either 16 or 18 Rectory Lane must manoeuvre across the



neighbouring part of the shared drive and the opening onto the shared drive also allows vehicles to pass each other in the lane, as the one going uphill can usually pull onto it.

As the proposal would result in this shared drive being divided into two separate drives with a height difference of over a metre and the access width halved, consultees consider the proposal would make manoeuvring within No. 18 extremely difficult and adversely impact highway safety as they would not guarantee safe and convenient access and egress.

As stated in paragraph 1.5 above, whilst the driveway has a shared surface it is not in shared ownership, and the current arrangement whereby the respective neighbours can drive over the neighbouring driveway is an informal arrangement and is not due to any legal covenant or highway requirement.

Whilst Officers understand the concerns raised by the neighbour, it is noted that the retaining wall would not be up to the boundary, but rather is proposed to be set 0.5m in from the boundary leaving a strip of the applicant's driveway at the existing ground level, and the neighbour has further garden area to the front of their dwelling which they could utilise to help them manoeuvre onto their drive should they require it.

The adjoining driveways of other properties along Rectory Lane are already divided by boundary treatments and Officers would also note that, subject to height limits, the applicant is also free to enclose their land with fences, walls and gates under permitted development rights, so whilst the current arrangement whereby both neighbours can drive freely across both driveways is mutually convenient, there is no planning reason to require the existing arrangement to be retained in perpetuity.

The Community Council also notes the driveway is by a pinch point in Rectory Lane, and the drive at no 16 serves as a passing place for vehicles travelling up the hill. Officers would respectfully point out that the driveways are within private ownership and therefore should not be used as passing places by vehicles using the road. As noted above, the applicant (and any other properties within Rectory Lane) could erect a fence/wall along the front boundary under permitted development rights should they wish to which would prevent the drive being used as a passing place.

Highways Officers have raised no objection to the proposal on highway safety grounds.

Whilst the previous application was refused, the reason for refusal centred on the lack of information and accordingly Officers could not conclude the proposal would not adversely impact on highway safety. However, the current application is supported by section plans and details of the positioning and height of the retaining wall and therefore Officers consider the current scheme has provided sufficient information to address the previous reason for refusal.

Therefore, whilst concerns raised by the Community Council and the neighbour are acknowledged, Officers do not consider there is sufficient grounds to refuse planning permission on highway safety grounds and the proposal is considered to be in general compliance with the policies listed above.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs.

It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 The application is an amended scheme following a previous refusal.

5.2 Notwithstanding the concerns raised by the Community Council and the neighbour and having regard to the response of the Highway Officer, Officers would conclude the proposal would not have an unacceptable impact on highway safety.

5.3 Concerns relating to the excavation works on the structural stability of the neighbouring property would be a civil rather than a planning matter.

5.4 With regards to the visual appearance of the proposal, Officers consider the proposal would not give rise to unacceptable impacts on visual amenity of the locality or on the character and setting of the AONB.

5.5 Accordingly, having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, it is considered the information submitted with the current application is sufficient to overcome the previous reason for refusal and Officers therefore consider the proposal to be acceptable and the application is recommended for grant.

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

1. The development to which this permission relates shall be begun no later than 12th September 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Site Location and Block Plans (Drawing No. L01) - Received 27 March 2018
  - (ii) Survey Plan, Existing Front and Rear Elevation (Drawing No. S01) - Received 27 March 2018
  - (iii) Existing Side Elevation and Section Through Site (Drawing No. S02) - Received 27 March 2018
  - (iv) Proposed Front, Rear, Side Elevations & Section Through Driveway (Drawing No. P01) - Received 27 March 2018
  - (v) Section A-A, B-B, Retaining Wall Detail (Drawing No. W01) - Received 27 March 2018
  - (vi) Existing Site Plan - Received 5 July 2018
  - (vii) Location Plan - Received 4 April 2018

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.

### **NOTES TO APPLICANT:**

DWR CYMRU WELSH WATER Note to Applicant:

Dwr Cymru Welsh Water have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were

transferred into public ownership by nature of the Water Industry (Schemes of Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal they request you contact their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Mae tudalen hwn yn fwriadol wag

# Eitem Agenda 8

**WARD:** Canol Prestatyn

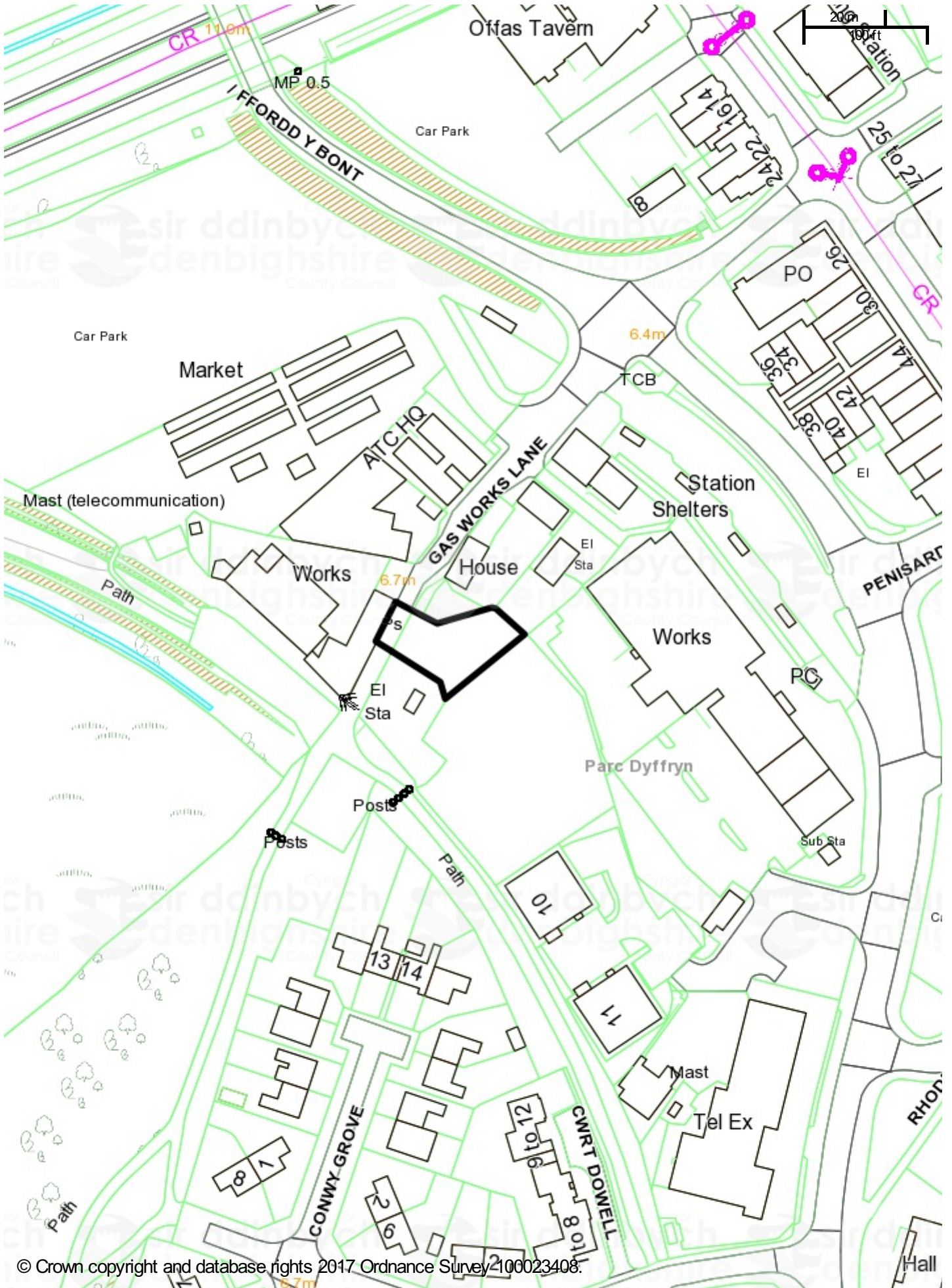
**AELOD(AU) WARD:** Y Cyng. Hugh Irving  
Y Cyng. Tina Jones (c)

**RHIF Y CAIS:** 43/2018/0328/ PF

**CYNNIG:** Adeiladu maes parcio a gwaith cysylltiol newydd ar lefel y tir

**LLEOLIAD:** 1-5 Stad Ddiwydiannol Parc Dyffryn, Prestatyn LL19 9DG

Mae tudalen hwn yn fwriadol wag



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43/2018/0328

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Printed on: 23/8/2018 at 14:47 PM

# Tudalen 71



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Project No.	2019-011
Client	LIDL
Site No.	2019-011
Project Name	LIDL Store
Project Address	Tudalen 72
Project City	Oslo
Project Country	Norway
Project Date	2019-01-11
Project Status	Application
Project Scale	1:500
Project Sheet	1 of 1

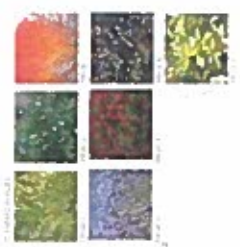
**NOTES**

1. This plan shows the proposed layout of the site. The client is responsible for ensuring that the site is suitable for the proposed use and that all necessary permissions are obtained.

2. The client is responsible for ensuring that the site is suitable for the proposed use and that all necessary permissions are obtained.

3. The client is responsible for ensuring that the site is suitable for the proposed use and that all necessary permissions are obtained.

4. The client is responsible for ensuring that the site is suitable for the proposed use and that all necessary permissions are obtained.



**STATUS: PLANNING**

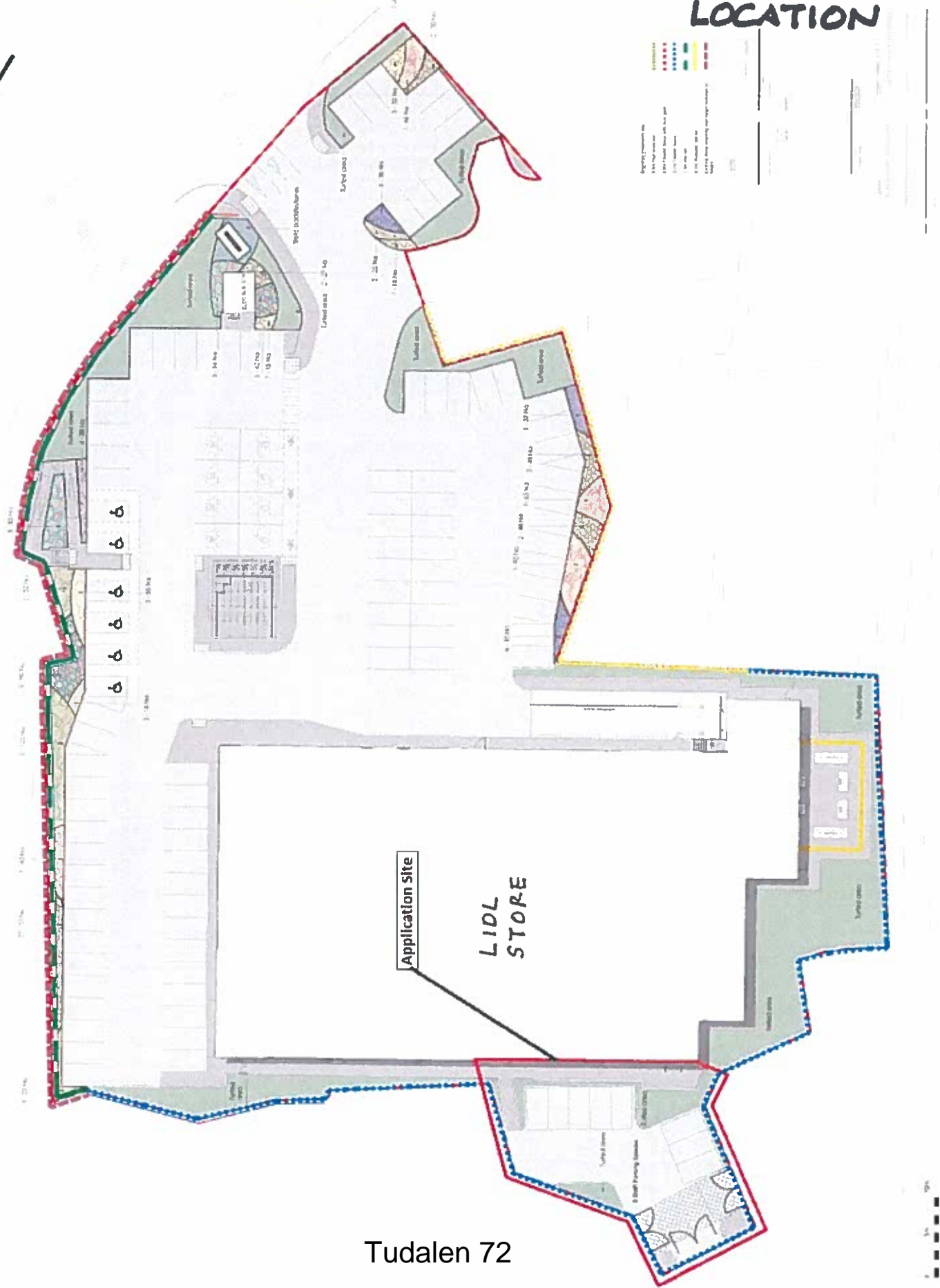
Client: LIDL  
 Project: Tudalen 72  
 Title: Landscape Architecture Design  
 Specification:

Job No: 2019-011  
 Drawing No: 2019-011-01  
 Drawn by: [Name]  
 Checked by: [Name]  
 Date: 2019-01-11  
 Scale: 1:500  
 Sheet: 1 of 1



Checked by: [Name]  
 Checked by: [Name]  
 Checked by: [Name]

Approved by: [Name]  
 Approved by: [Name]



# LOCATION

Application No.	2019-011
Project Name	LIDL Store
Project Address	Tudalen 72
Project City	Oslo
Project Country	Norway
Project Date	2019-01-11
Project Status	Application
Project Scale	1:500
Project Sheet	1 of 1



Tudalen 72





# LAYOUT

NOTES		<b>SCIP</b> Transportation Planning : Infrastructure Design	
REV	DESCRIPTION	DATE	BY
Client Name LIDL		Project Title STAFF CARPARK LIDL PRESTATYN	
Drawing Title PROPOSED CAR PARK LAYOUT		Date 28.02.2019	Scale 1:200 @ A3
Drawing No. SCP/18077/SK001		Status PLANNING	Approved/Revised Rev



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**WARD :** Prestatyn Central

**WARD MEMBER(S):** Cllr Hugh Irving  
Cllr Tina Jones (c)

**APPLICATION NO:** 43/2018/0328/ PF

**PROPOSAL:** Construction of new surface level car park and associated works

**LOCATION:** 1-5 Parc Dyffryn Industrial Estate Prestatyn LL19 9DG

**APPLICANT:** Mr Dominic Bryan LIDL UK GMBH

**CONSTRAINTS:** Article 4 Direction

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

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

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL

“Objection

Number of objections had been received regarding traffic congestion which is compounded further on market days.

Inadequate turning circle

Lack of pavement space which creates hazardous conditions for pedestrians”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highways Officer

No objection.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Cristian Darlington, Morfa Unit B, Gasworks Lane, Prestatyn (O) Yvette Green, 4 The Boulevard, Rhyl (O) M. Powell, Unit A Morfa Units, Gasworks Lane, Prestatyn (O) Lucinda Wilson, Unit A, Morfa Units, Gasworks Lane, Prestatyn (O) Ian Hapgood, 20 Bryntirion Drive Prestatyn (O) Margaret Williams, 14 Moelwyn Avenue North, Kinmel Bay (C)

Summary of planning based representations in objection:

Highway safety concerns owing to more intensive use of an already congested access resulting in danger to pedestrians and car users.

Existing parking problems exacerbated by proposal.

**EXPIRY DATE OF APPLICATION: 02/07/2018**

**EXTENSION OF TIME AGREED: 14/09/2018**

## **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 the construction of a staff car park to the rear of the new Lidl store in Prestatyn.
- 1.1.2 Parking for 8 vehicles is proposed. The car park would be accessed off Gas Works Lane.
- 1.1.3 The site is a level area bounded by fencing. Access is required to be maintained across the front of the site for the adjacent utility works, hence the need for three gateways in the vicinity of the access onto the road (see the plans at the front of the report).
- 1.1.4 To facilitate the proposal, an existing bollard on the adjacent right of way is proposed to be re-sited.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located on the northern side of the Lidl store, which is currently under construction.
- 1.2.2 Access to the store is from the south, off Penisa'r dre Road. Access to the proposed parking area is off Gas Works Lane.
- 1.2.3 To the west of the site is the dwelling Gas Works House and opposite the site there are some business units. The business units are bounded to the rear by the Prestatyn Market site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Prestatyn as shown on the Local Development Plan proposals map.

#### 1.4 Relevant planning history

- 1.4.1 The Lidl foodstore was granted permission in December 2016 and is currently under construction.

#### 1.5 Developments/changes since the original submission

- 1.5.1 Highways Officers requested clarification of details of the proposals, which resulted in the submission of an additional plan to demonstrate access and parking arrangements are workable.

#### 1.6 Other relevant background information

- 1.6.1 The original planning application for the main store suggested that the majority of staff would be able to park in the main 100 space car park. However, it was also suggested that, given the proximity to the bus/railway station and town centre many staff would walk or cycle to work.

### **2. DETAILS OF PLANNING HISTORY:**

- 2.1 43/2016/0432 Demolition of existing buildings and erection of foodstore (Class A1), car parking and service areas, vehicular and pedestrian accesses and associated works.  
GRANTED under delegated powers/at Planning Committee 14/12/2016

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design  
**Policy ASA1** – New transport infrastructure  
**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Parking Requirements In New Developments

#### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016  
Development Control Manual November 2016

#### 3.3 Other material considerations

### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Residential amenity
- 4.1.3 Highways (including access and parking)

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

The site is located within the Prestatyn development boundary, on a brownfield development priority site.

The principle of the development of the wider site was established in the original planning permission for the Lidl Store. The use of a small additional area of land for ancillary parking to the store would not conflict with planning policy.

Officers consider the proposal is acceptable in principle. The detailed impacts are considered below.

##### 4.2.2 Residential amenity

Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest, and as the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

There are no representations raising concerns over the residential amenity impacts of the proposals.

The nearest dwelling to the site is Gas House, which is located to the east of the car parking area.

Whilst accepting that the development of the 8 space car parking area would have some impact on the outlook from Gas House in particular, in the context of existing development on the site, the adjacent land uses and the town centre location, it is not considered this would be so overbearing to justify refusal of the application. The proposal is therefore considered to comply with the policies and guidance listed above.

#### 4.2.3 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.

There are representations raising highway concerns, in terms of the acceptability of the access, the adjacent road network, and the safety of neighbouring businesses and pedestrians.

Highways Officers have considered the application and following a request for further information, the developer has provided a plan detailing the vehicle movements into and within the site. The car parking spaces have been reviewed to determine whether they would interfere with the manoeuvring of vehicles. Highway Engineers have concluded they won't. The available area within the car park is also of sufficient size to allow the vehicles to drive in forwards, reverse and leave the site in forward gear. The plan also details improved visibility splays at the proposed site access. It is also Officers' understanding that Lidl are currently in the process of acquiring a formal grant of easement as to a right of way from a third party to access from Gas Works Lane. It is therefore considered the splayed access, low level usage of the site/carrage way and parking of vehicles within the site would be acceptable to serve the development subject to the imposition of planning conditions.

Whilst it is accepted that there may be issues with parking in the area at present, Officers do not consider this is a reasonable ground to warrant refusal of this proposal, as it seeks to provide an off road parking area for staff away from the main store. The scale of the development seems unlikely to encourage significantly more traffic within the area as it will only serve 8 cars. Having regard to the Highway Officer's stance on the safety of the access and the existing position it is not considered that there are reasonable grounds to refuse the application on the basis of highway safety. It is considered to comply with the relevant highways policies.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 It is the opinion of Officers that the proposal is acceptable and the application is recommended for grant.

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

1. The development to which this permission relates shall be begun no later than 12th September 2023
2. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Site Boundary (Drawing No. SCP/18077/D01) - Received 8 May 2018
  - (ii) Proposed Car Park Layout (Drawing No. SCP/18077/SK001) - Received 4 April 2018
  - (iii) Photograph - Received 8 May 2018
  - (iv) Existing Site Plan (Drawing No. AD101) - Received 4 April 2018
  - (v) Proposed Landscape Design and Specification (Drawing No. AD 116 REV C) - Received 8 May 2018
3. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the approved plan, and which shall be completed prior to the proposed development being brought into use.
4. Prior to the commencement of the use hereby permitted further details of the proposed vehicular access/egress to the site along with confirmation of any easements shall be submitted to and agreed by the Local Planning Authority. Only those details subsequently approved shall be implemented thereafter.
5. The use of the car parking area hereby permitted shall be for staff of the adjacent food retail store only unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
3. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. To ensure a safe access and egress is created to the site.
5. To ensure adequate parking clear of the highway in the interests of the free flow of traffic.

## **NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

# Eitem Agenda 9

**WARD:** Gogledd Prestatyn

**AELOD(AU) WARD:** Y Cyng. Rachel Flynn  
Y Cyng. Tony Flynn  
Y Cyng. Paul Penlington

**RHIF Y CAIS:** 43/2018/0439/PF

**CYNNIG:** Dymchwel y garej presennol a newid defnydd y cwrtil domestig er mwyn cynnwys carafán sefydlog i'w osod ar gyfer gwyliau.

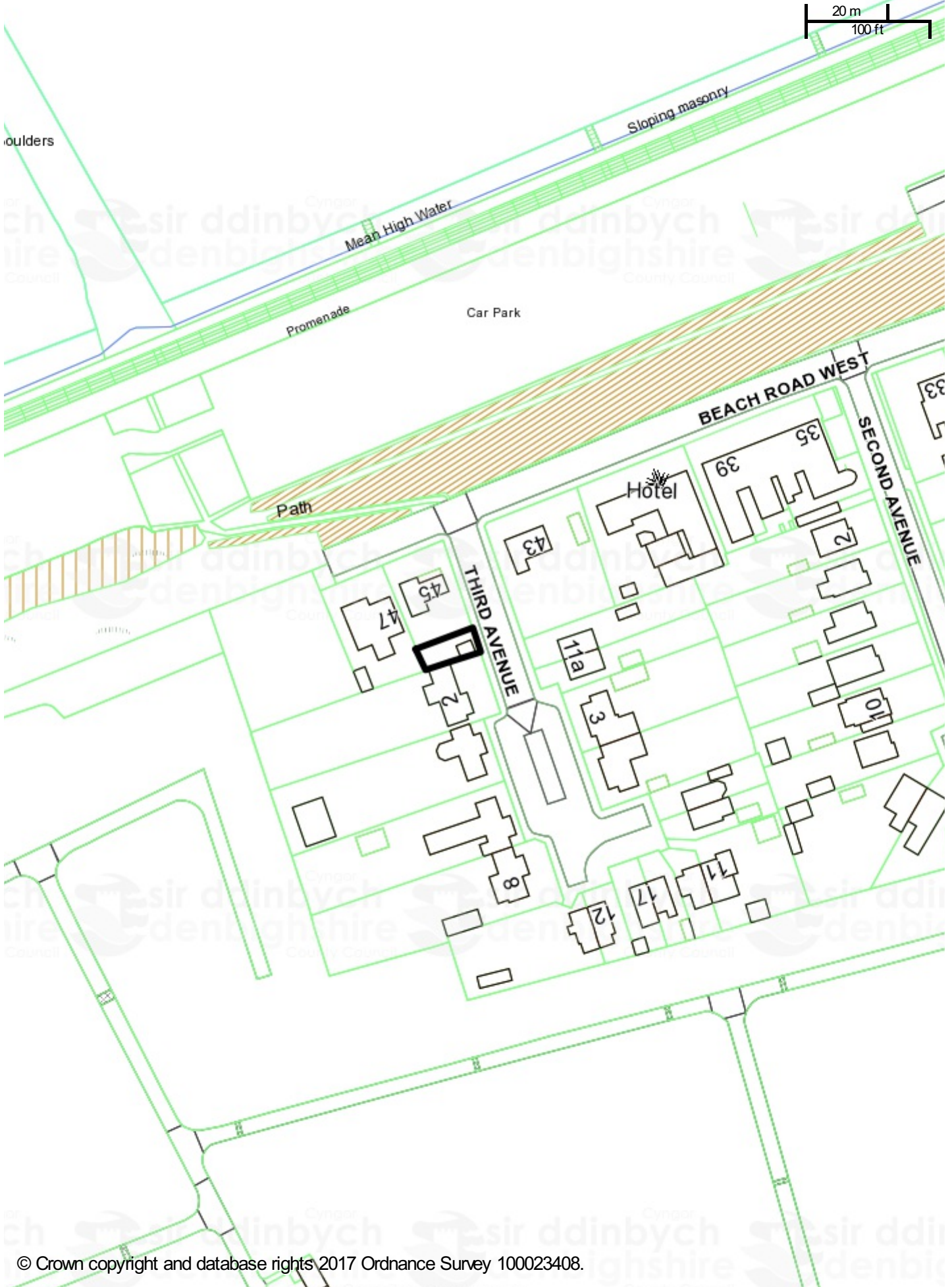
**LLEOLIAD:** 45 Beach Road West, Prestatyn LL19 7LL

**YMGEISYDD:** Mr a Mrs Bradbury

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100 ft



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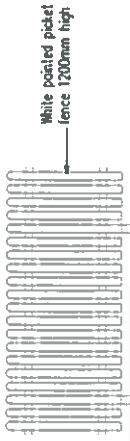
43/2018/0439

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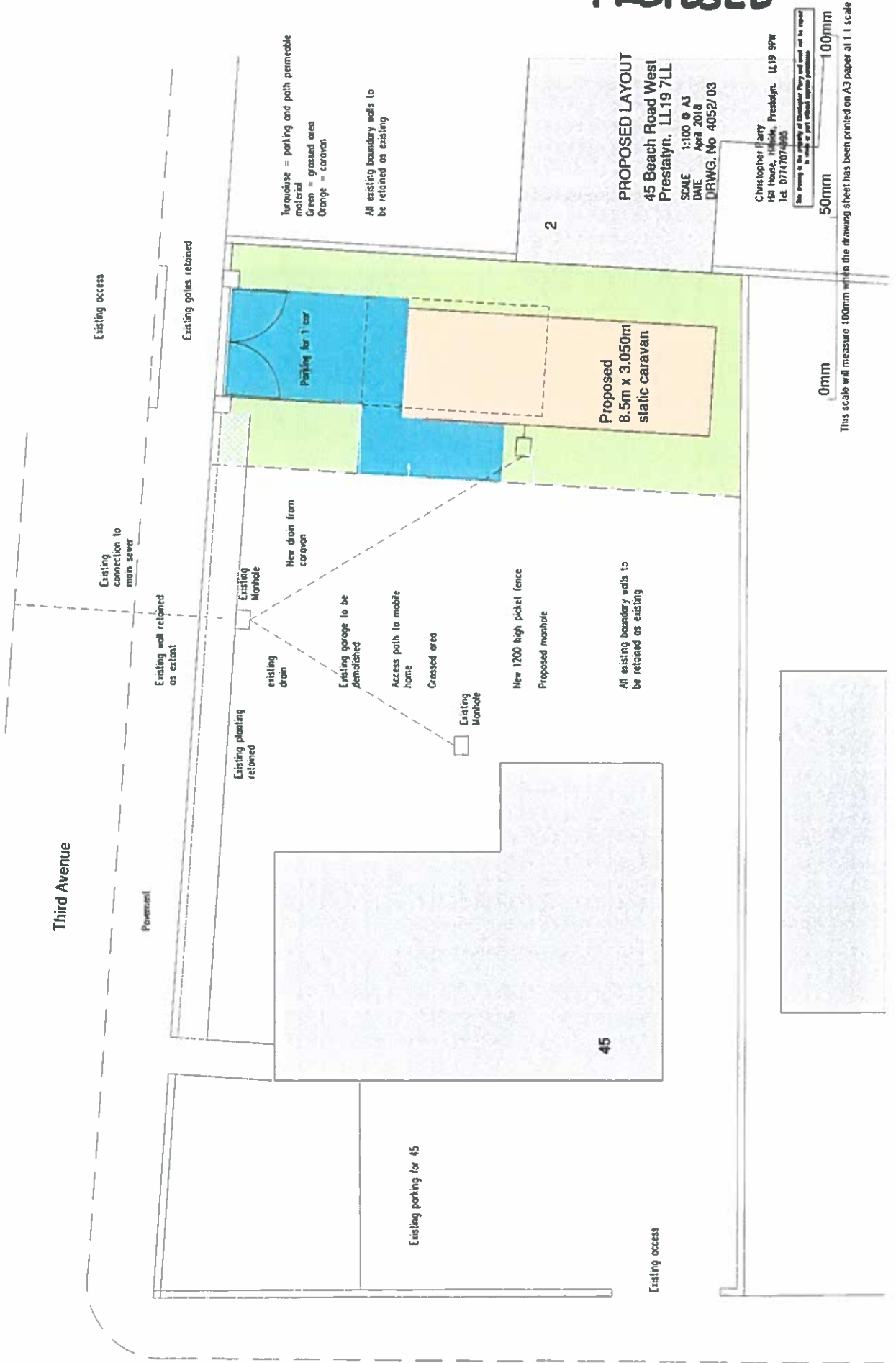
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Tudalen 81

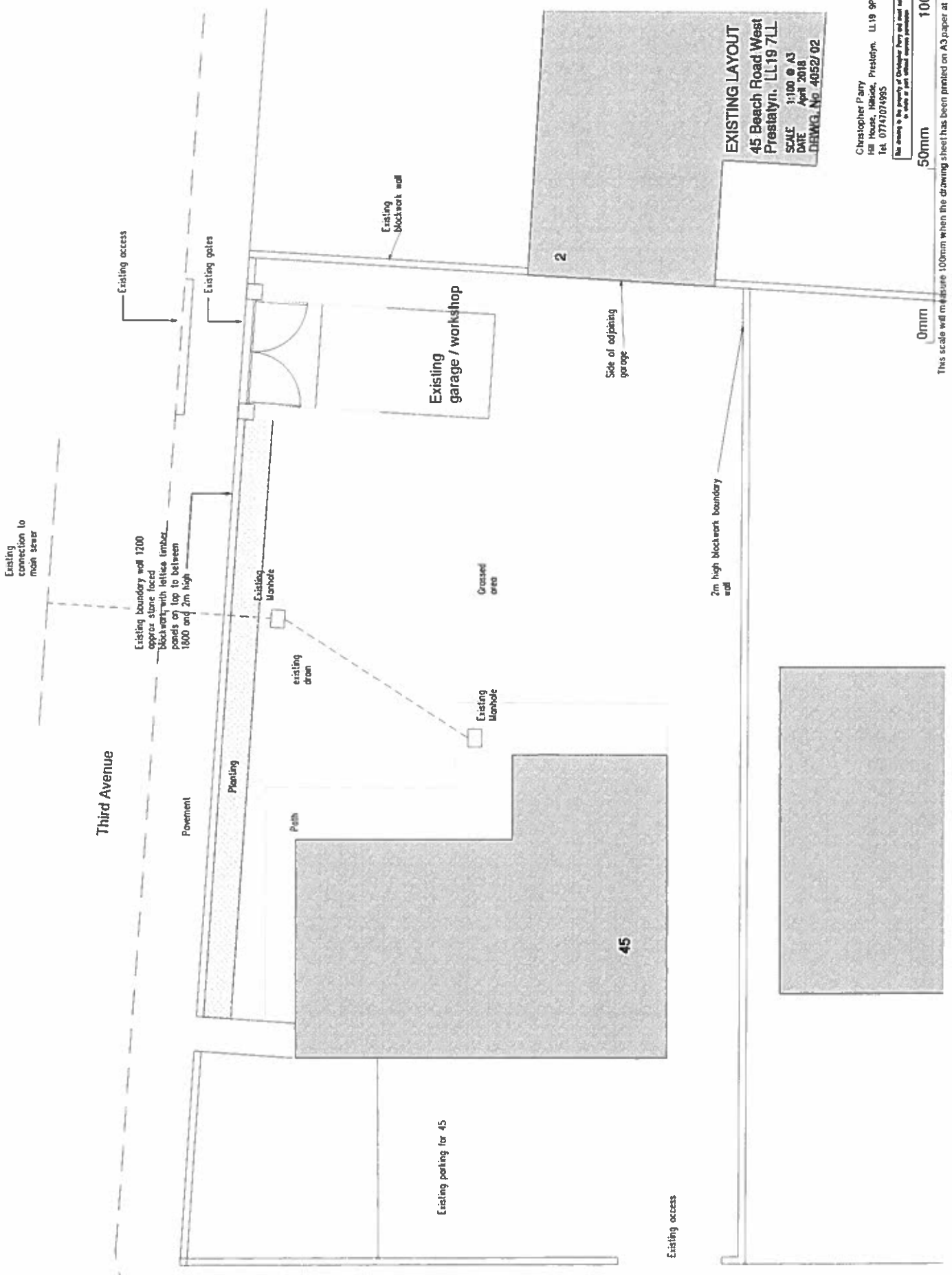
# LAYOUT AS PROPOSED



Elevation to fencing



# EXISTING LAYOUT



**EXISTING LAYOUT**  
 45 Beach Road West  
 Prestatyn, LL19 7LL  
 SCALE 1:100 @ A3  
 DATE April 2018  
 DRAWING NO. 4052/02

Christopher PARRY  
 Hill House, Mabeau, Prestatyn, LL19 9PW  
 Tel. 07747074955  
 This drawing is the property of Christopher PARRY and shall not be copied  
 or used in part without express permission.

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# CARAVAN DETAIL

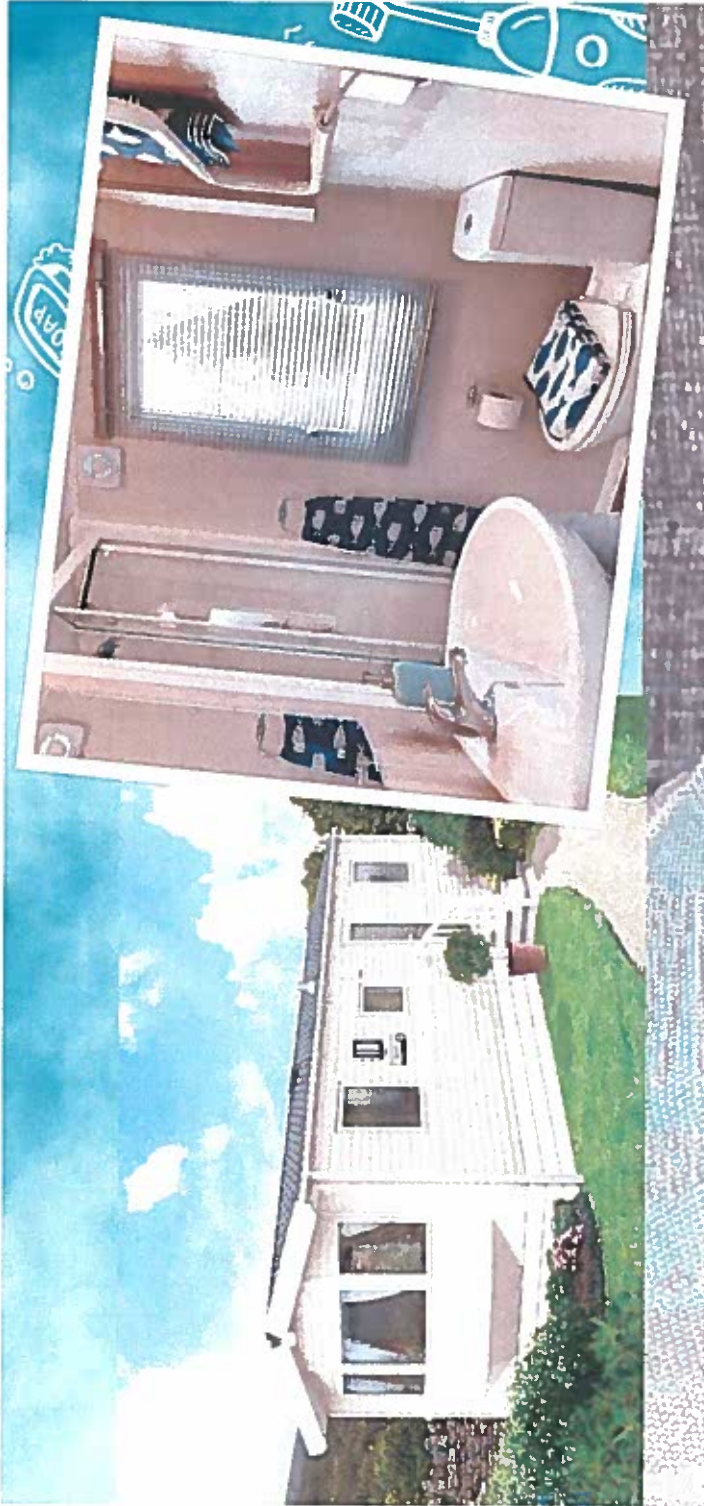


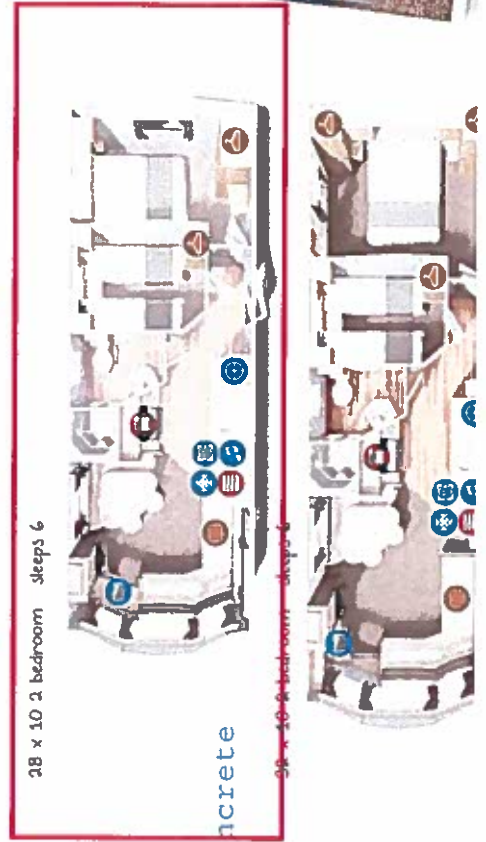
Illustration of typical caravan sitting

Tudalen 84

- Icon Key
- TV Space
  - Fold-out Bed
  - Optional MP3 Player
  - Fridge and Freezer
  - Electric Fire
  - Washer/dryer Space
  - Dishwasher Space
  - Cooker
  - Hob
  - Microwave
  - Washing Machine
  - Eater
  - Storage Cupboard
  - Wardrobe

28' x 10' static van as proposed

Overall height of van will be 3m and it will be sited on a concrete base which will be the same size as the van.



**WARD :** Prestatyn North

**WARD MEMBER(S):** Cllr Rachel Flynn  
Cllr Tony Flynn  
Cllr Paul Penlington

**APPLICATION NO:** 43/2018/0439/ PF

**PROPOSAL:** Demolition of existing garage and change of use of domestic curtilage to accommodate a static caravan for use as a holiday let

**LOCATION:** 45 Beach Road West Prestatyn LL19 7LL

**APPLICANT:** Mr & Mrs Bradbury

**CONSTRAINTS:** C1 Flood Zone

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

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

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL  
"No objection"

**NATURAL RESOURCES WALES**

Objects to the proposed development as submitted and consider that the Flood Consequence Assessment (FCA) submitted is insufficient as it has failed to demonstrate that the consequences of flooding can be acceptably managed over the development lifetime.

DWR CYMRU / WELSH WATER  
No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Highways Officer  
No objection

**RESPONSE TO PUBLICITY:** None

**EXPIRY DATE OF APPLICATION:** 14/9/2018

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the demolition of an existing garage and change of use of part of the domestic curtilage to accommodate a static caravan for use as a holiday let at 45 Beach Road West in Prestatyn.
- 1.1.2 The caravan is proposed to be sited to the rear (south) of the existing dwelling. The newly created plot on which the caravan is shown to be sited is rectangular in shape and measures some 87sq.m in total. The caravan would be sited centrally on this plot, with a small parking area for 1 car indicated to the front of the caravan. Access to the site is off Third Avenue which abuts the east of the site.
- 1.1.3 Illustrative plans have been provided of a two bed static caravan. It would be sited on a concrete base measuring 8.5 metres by 3.050 metres. The caravan would be connected to the existing mains drainage and services serving the main dwelling.

#### 1.2 Description of site and surroundings

- 1.2.1 The existing dwelling is located on Beach Road West on the northern periphery of Prestatyn. To the side of the site is Third Avenue. The newly created plot shown to house the caravan would be accessed from Third Avenue via an existing gated access.
- 1.2.2 The land on which the caravan is proposed to be sited currently forms part of the rear curtilage of 45 Beach Road West. There is currently a shallow pitched roof garage on the application site. The site is bounded by a pre-cast stone effect concrete wall topped with timber panels.
- 1.2.3 Beach Road West comprises of a mix of dwellings which face northwards to the sea. No 45 and the neighbouring dwelling to the east are similar style dwellings with some historic interest although both have been subject to alteration. There is also a mix of dwelling styles on Third Avenue.
- 1.2.4 To the west of the site and further south of Beach Road West is Lido Beach Caravan Site, a long-established static site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Prestatyn as defined within the Local Development Plan.
- 1.3.2 The site is located within a Zone C1 flood risk area as defined by the Development Advice Maps of TAN 15: Development and Flood Risk.

#### 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 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design

**Policy PSE12** – Chalet, static and touring caravan and camping sites

**Policy VOE5** – Conservation of natural resources

**Policy ASA2** – Provision of sustainable transport facilities

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

#### 3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note No. 15 Development and Flood Risk

#### 3.3 Other material considerations

## **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Drainage (including flooding)

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria and other relevant policies.

Local Development Plan Policy PSE12 states that proposals for new static caravan sites will not be permitted. The policy justification states that whilst static sites are an important source of holiday accommodation, such sites are often seen as being visually intrusive, and there is specific reference to this being the case in the main resort areas such as Prestatyn. It goes on to note that there is already an over provision of caravan type development particularly in the North of the County, much of which is of low quality and there is reference to much of the coastal area being exposed with little tree cover which makes the assimilation of caravan sites into the landscape difficult.

The proposal is, in effect, to create a static holiday site, albeit for 1 caravan. In this case, the proposed involves hiving off part of the private garden area of an existing residential dwelling.

The site is located within the development boundary of Prestatyn. Whilst there is a presumption in favour of development within the development boundary, there is specific policy within the adopted LDP for Static Caravan Sites which has to be applied to this proposal, albeit that it is only for one caravan. This policy states that new static caravan sites should not be permitted.

Taking the relevant planning policies into consideration, it is the opinion of Officers that the principle of the proposal is not acceptable. Officers are of the view that should this application be granted this could set an unwanted precedent for use of other garden areas of residential dwellings being sub-divided to allow for the siting of static caravans. Static caravan provision, as set out in the policy, is already well catered for elsewhere. The detailed impacts of the proposal are considered further below.

#### 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 raising visual amenity concerns.

The application proposes the change of use of part of the rear curtilage of a dwelling and the siting of a static caravan. This is a mainly residential area between the sea and Lido Beach Caravan Site. On Beach Road West there is a mix of dwelling types and sizes. The static caravan would front Third Avenue, a cul de sac of 2 storey dwellings and would be viewed between the host dwelling no. 45 Beach Road West and no. 2 Third Avenue.

Whilst there are static caravans in the vicinity of the site (located at Lido Beach Caravan Park), it is the opinion of Officers that the subdivision of the curtilage of no. 45 and the use of land for the siting of an independent static caravan would appear at odds with the residential character of the immediate area. The caravan would not be viewed ancillary to the dwelling owing to the separate access, subdivision of the curtilage and proposed nature of the use. The caravan would appear a prominent and cramped visual feature within the cul de sac of Third Avenue and in Officers' opinion would have a negative impact on the character of the area, contrary to Policy RD 1.

#### 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 no representations raising visual amenity concerns.

To facilitate the development, the garden area of no. 45 Beach Road West would be reduced to 7.5 metres in depth at the closet point to the newly created boundary. There would be over 100sq metres of amenity space remaining for the dwelling should the subdivision of the garden be permitted. The caravan would be within 1.5 metres of the boundary with the adjacent dwelling to the south, although this part of the boundary is abutted by a garage wall at No.2 Third Avenue.



Considering the siting, spacing and window arrangements it is considered that the proposal would not harm the residential amenity of the adjacent occupiers and there would be no conflict with Policy RD 1.

#### 4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales Section 13.2 and 13.4 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, providing a detailed framework within which risks arising from different sources of flooding should be assessed.

The site lies entirely within Zone C1 as defined by Welsh Government's Development Advice Map (DAM) as referred to under TAN15: Development & Flood Risk. C1 zones are areas of the floodplain which are developed and served by significant infrastructure, including flood defences. In C1 zones development can take place subject to application of the justification tests, including acceptability of consequences.

Section 6 of TAN 15 sets out specific planning considerations to be given to new development in C1 flood zones and states that this should only be permitted if it is determined by the Local Planning Authority to be justified in that location. The relevant section (6.2) states that development can only be justified if it can be demonstrated that:

i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,

ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In relation to the justification tests, the site is located within the development boundary of Prestatyn. However, as mentioned above there is a policy conflict with the principle of the development as the LDP seeks to resist new static caravan development. Hence it is considered that the proposed development would not be justified in relation to the tests of section 6.2 of TAN 15.

In relation to potential consequences of a flooding, a limited Flood Consequences Assessment (FCA) has been submitted with the application. The FCA acknowledges that the site is at flood risk and has presented a number of measures that would be implemented in the development to reduce risks. This includes anchoring the caravan to a concrete base, and ensuring that residents sign up to Natural Resources Wales' (NRW) free Flood Warning service available for this community.

NRW has been consulted on the application as the statutory consultee on flood risk matters. They have significant concerns that the development and its users will introduce new highly vulnerable development to an area of flood risk. They have advised that the site is located close to the Coastal Frontage of Prestatyn, and

although the area benefits from flood defence infrastructure, the flood risks to this community are likely to increase considerably over the next 100 years with the continuation of sea level rise and climate change. Outputs from Denbighshire's updated Strategic Flood Consequences Assessment shows that when the effects of climate change and failure of flood risk assets are considered over the next 100 years, the site could be affected by very significant flooding depths which would pose a significant flood hazard to the development and users of it.

Considering the severity of the flood risks in this location over the development lifetime, NRW do not consider that mitigation measures could be realistically included in this development to manage the flood risks to an acceptable level. NRW have objected to the application and consider it unlikely that any FCA would be able to demonstrate that new highly vulnerable development on this site can satisfy the requirements of TAN15.

Therefore it is considered that the application fails to comply with the relevant tests of TAN 15 and planning policy tests in relation to flood risk.

#### 4.2.5 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).

There are no representations raising highway related concerns.

The proposed plans show an access off Third Avenue for the static caravan. An area is shown in front of the caravan which could be utilised for parking.

Highways Officers have not objected to the proposal, therefore Officers would consider the proposal would not give rise to unacceptable adverse impacts on highway safety.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

**RECOMMENDATION: REFUSE-** for the following reasons:-

The reasons for the conditions are:-

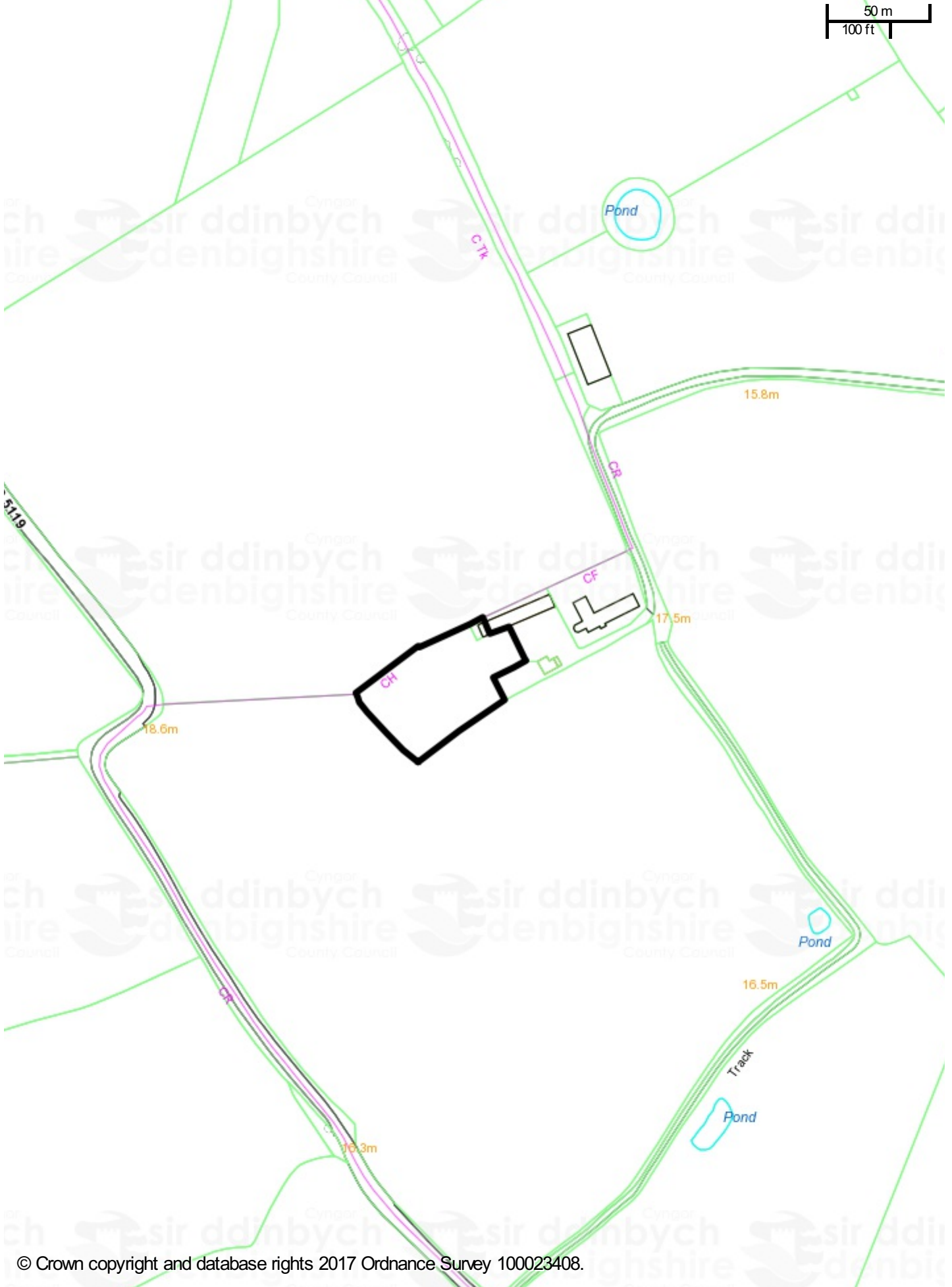
1. It is the opinion of the Local Planning Authority that the proposal to change the use of part of the residential curtilage of 45 Beach Road West to accommodate a static caravan for holiday purposes is unacceptable in principle as it would be contrary to the provisions of Policy PSE 12 of the Local Development Plan.
2. It is the opinion of the Local Planning Authority that the proposal to change the use of part of the residential curtilage of 45 Beach Road West to accommodate a static caravan for holiday purposes would be out of keeping with and have a detrimental impact on the visual amenity of the residential area immediately surrounding the site, also setting an unwelcome precedent for similar developments which the Council would find difficult to resist. The proposal fails to comply with criteria i) of Policy RD1 in the Local Development Plan.
3. It is the opinion of the Local Planning Authority that a proposal for a static caravan for holiday purposes is not justified development in relation to the requirements of paragraph 6.2 of TAN 15, and the consequences of flooding are not acceptable when assessed against the guidance contained within TAN 15, Development and Flood Risk. Therefore the proposal fails to comply with the tests and acceptability criteria of TAN 15, and is contrary to criteria xi) of Policy RD 1 in the Local Development Plan, and to principles and advice contained within Planning Policy Wales (Edition 9, 2016).

Mae tudalen hwn yn fwriadol wag

<b>WARD:</b>	De-orllewin Prestatyn
<b>AELOD(AU) WARD:</b>	Y Cyng. Gareth Davies Y Cyng. Bob Murray (c)
<b>RHIF Y CAIS:</b>	43/2018/0522/ PS
<b>CYNNIG:</b>	Tynnu amod rhif 3 o gòd caniatâd cynllunio 43/2018/0030, sy'n nodi mai ar gyfer carafanau sy'n teithio yn unig y caniateir defnyddio'r safle, ac na chaiff unrhyw garafán aros ar y safle am gyfnod hwy na 21 diwrnod.
<b>LLEOLIAD:</b>	Maes Carafanau Four Winds Farm, Ffordd Ffynnon, Prestatyn LL19 8BE

Mae tudalen hwn yn fwriadol wag

50 m  
100 ft



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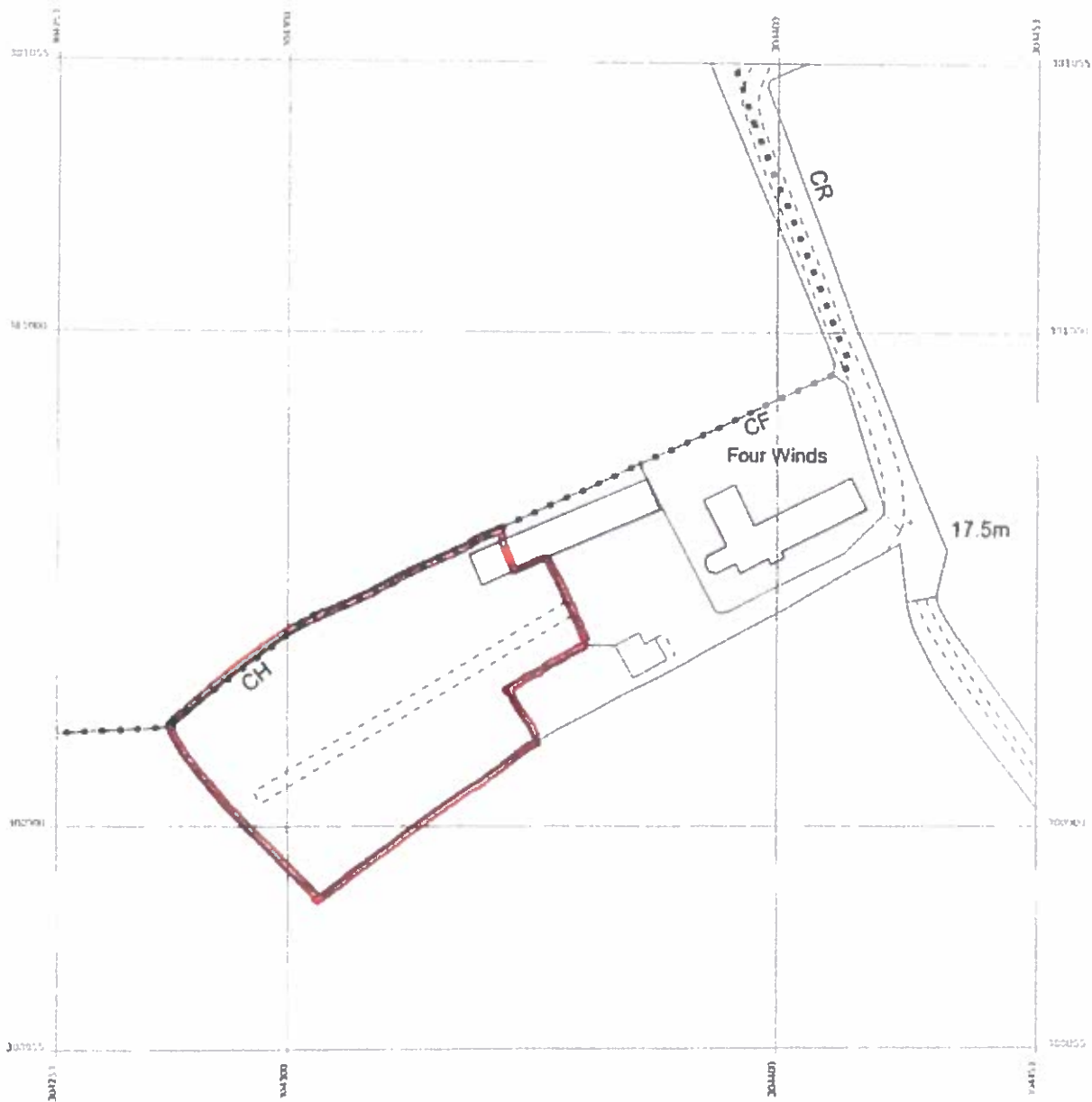
43/2018/0522

Scale: 1:2500

Printed on: 21/8/2018 at 10:11 AM

Tudalen 95

# EXTENT OF SITE



Produced 15 Dec 2017 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Four Winds Farm, Ffordd Ffynnon,  
Prestatyn  
LL19 8BE

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License: Crown Copyright and  
database rights 2017 OS 100038864  
Reference: Q1187869  
Centre coordinates: 304353 380955





# SITE LAYOUT 43/2018/0030

**FOUR WINDS FARM**  
**DG 2, 1:250**  
**PROPOSED**

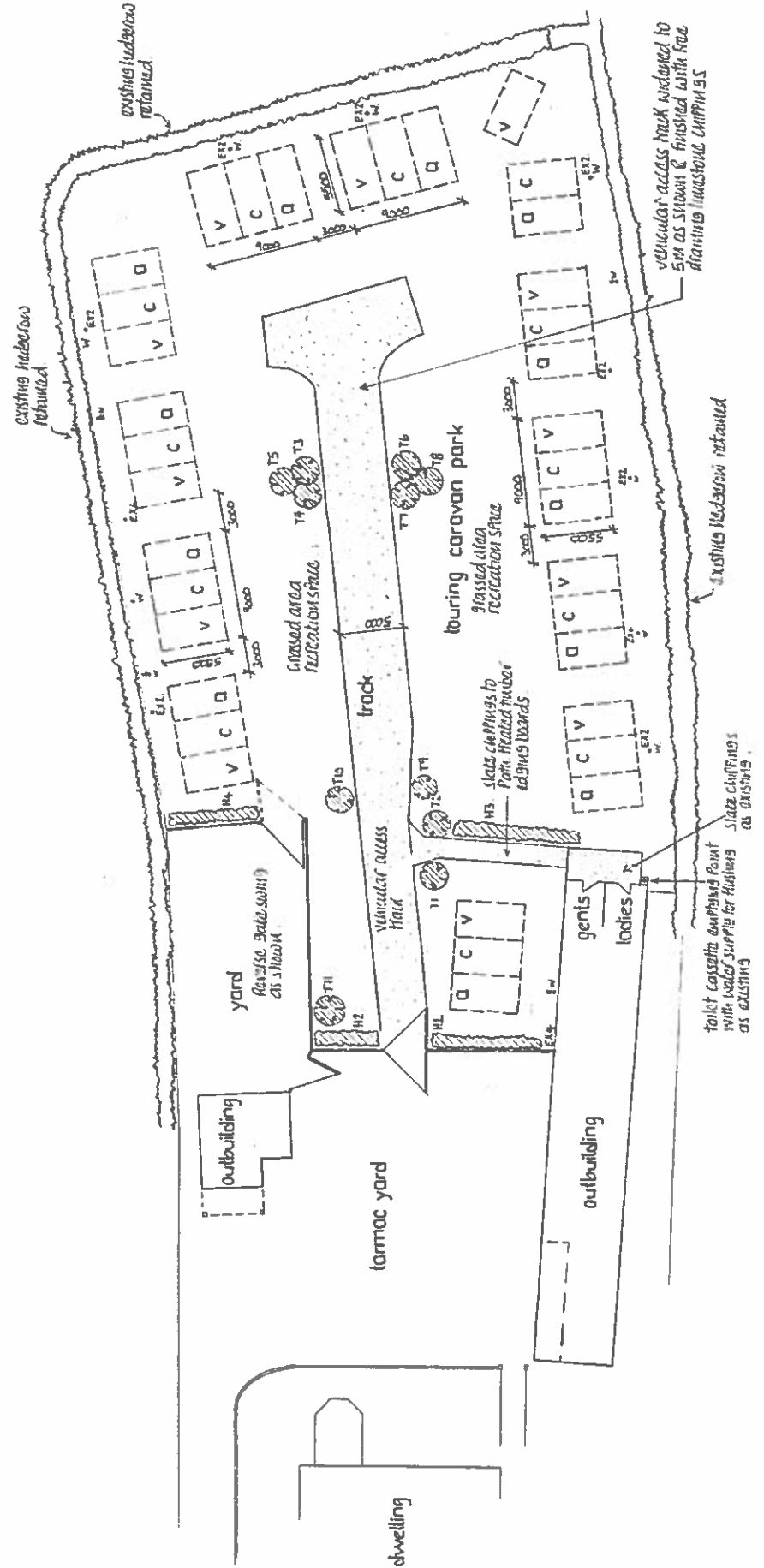
**Legend**

- w Drinking water supply stand pipe - 1m high
- EX Electrical height points - 4N - 1.5m high
- EX2 Electrical height points - 2N - 1.5m high
- V vehicle parking bay adjacent to caravan pitch - 3M x 5.5M
- C touring caravan pitch - 3M x 5.5M
- Q ANNEX PITCH 3M x 5.5M

to total allocated pitches 9M x 5.5M with min 3M separation distances as shown



**Proposed landscaping**  
 H1, H2, H3 & H4 New hedgerow planting of 600mm tall saplings planted at 600mm centres in 2 staggered rows 300mm apart. Plant in mixed mulch / compost to surround foot ball by 200mm.  
 T1, 2, 3, 4 & 11 - Silver birch min 1500mm high planted height plant in mixed mulch / compost to surround foot ball by 200mm.  
 T9, 10, 4 & 7 - as above but species to be holly.  
 T3 & 6 as above but species to be ash.  
 All plants / trees to be supported with stakes and filled with rabbit guards.  
 All plants to be watered in daily to promote healthy growth.  
 All planting to be undertaken in the first planting season following completion of use for additional pitches.  
 All planting to be subject of a 5yr maintenance programme with any sick or dying plants discarded in that period to be replaced on a like for like basis of species and size in the first planting season following discovery.



**WARD :** Prestatyn South West

**WARD MEMBER(S):** Cllr Gareth Davies  
Cllr Bob Murray (c)

**APPLICATION NO:** 43/2018/0522/ PS

**PROPOSAL:** Removal of condition no. 3 of planning permission code no. 43/2018/0030 ('The site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days')

**LOCATION:** Four Winds Farm Caravan Site Ffordd Ffynnon Prestatyn LL19 8BE

**APPLICANT:** Mr Alan Clews

**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 – Community Council objection.

**CONSULTATION RESPONSES:**

PRESTATYN TOWN COUNCIL–

“Objection. Removal of this condition will set a precedent resulting in other caravan parks with this condition imposed to apply for removal”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Environmental Health Officer –  
Awaiting response.

**RESPONSE TO PUBLICITY:** None received.

**EXPIRY DATE OF APPLICATION: 25/07/2018**

**EXTENSION OF TIME AGREED? 14/09/2018**

**REASONS FOR DELAY IN DECISION (where applicable):**

- Delayed owing to consideration at Committee.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 The application seeks to remove a condition which was attached to planning consent reference 43/2018/0030, granted on 18th April 2018 for “Alterations to existing touring caravan park area for the siting of 12 touring caravan pitches in lieu of existing provision for 5 pitches”. The site is at Four Winds Farm in Prestatyn.

1.1.2 Condition 3 of the permission relates to the touring caravan element of the development and reads as follows:

*“The site shall only be used for caravans on tour and no caravan shall stay on the site for any period longer than 21 days.*

The reason for the Condition was –

*“To ensure that no unauthorised permanent residential occupation of holiday units takes place on site.”*

- 1.1.3 The application is accompanied by a Statement which puts forward the case for the removal of the condition. It is contended that as the site is a seasonal caravan site with a condition restricting use during the winter period, 31<sup>st</sup> March until 1<sup>st</sup> April, that the holiday units could not become permanent residential units. It is argued that the removal of the condition would result in less traffic on the adjacent road, as caravans would be towed onto the site and left for longer periods than the specified 21 days.

#### 1.2 Description of site and surroundings

- 1.2.1 Four Winds Farm is located off Ffordd Ffynnon to the west of Prestatyn. The site is accessed off a lane which also serves Pydew Farm and the Abandoned Animals Association Rescue Centre.
- 1.2.2 The building complex at Four Winds comprises of a bungalow which has recently been granted permission to be extended, and a small range of single storey outbuildings.
- 1.2.3 The character of the area is open flat agricultural land along the coastal plain between Prestatyn and Rhyl to the west.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of any development boundary in an area without any specific designation in the Local Development Plan.

#### 1.4 Relevant planning history

- 1.4.1 The site has been in use in the past for the stationing of caravans under Caravan Club exemptions.
- 1.4.2 The permission of relevance to the application was granted at Committee in April 2018, for a touring caravan site as detailed in section 2 of the report. A total of twelve pitches were proposed in the application utilising the existing sanitary facilities and access. The permission contained a number of other conditions including ones requiring the keeping of a register of caravans visiting the site with names and addresses of occupiers, the dates of arrival and departure; and a requirement that no caravans shall remain on the site between 31<sup>st</sup> October in any one year and 1<sup>st</sup> April in the following year.

#### 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 43/2018/0030/ PF Alterations to existing touring caravan park area for the siting of 12 touring caravan pitches in lieu of existing provision for 5 pitches. Granted by Planning Committee 18/04/2018.

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy RD1** – Sustainable development and good standard design  
**Policy PSE5** – Rural economy  
**Policy PSE12** – Chalet, static and touring caravan and camping sites

#### 3.1 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016  
Development Control Manual November 2016  
Technical Advice Notes

#### **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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.

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

- 3.2.1 Principle
- 3.2.2 Visual amenity
- 3.2.3 Highways (including access and parking)
- 3.2.4 Controls over year round caravan use
- 3.2.5 Other matters

3.3 In relation to the main planning considerations:

#### 3.3.1 Principle

There are no Local Development Plan Policies of specific relevance to applications which seek to alter the extent of occupation of existing touring caravans. There is general reference in policy PSE 12 which covers Chalet, Static and touring caravan and camping sites to occupancy restrictions and ensuring holiday uses on new or improved sites.

Policy PSE 5 Rural Economy recognises the importance of the tourist industry to the local economy subject to tests of detailed impacts. Planning Policy Wales offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards.

This site was formerly a small scale caravan club site. The planning permission granted in April 2018 recognised the Council's acceptance that the site was suitable for the touring caravan use having regard to planning policy, following assessment of detailed impacts such as landscape, amenity, highway, ecology and drainage.

Officers consider therefore that the key issues to address here are whether there would be any 'additional' localised impacts from the potential use of the site by touring caravans for periods longer than 21 days, and whether there are adequate controls to ensure the use is for holiday purposes and would not in effect allow potential to create a residential site. The latter is an issue Members have recognised as significant when considering similar applications in the County, and is referred to in the following sections of the report.

### 3.3.2 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 development, 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.

The April 2018 permission permits the siting of caravans on Four Winds from April to the end of October each year. The application seeks to remove the condition restricting individual caravans staying more than 21 days at a time within this season.

The effect of the removal of this condition is unlikely to impact on visual amenity, as there is permission to site 12 touring caravans on the site for the whole season (April to October). Whether caravans move on or off the site is immaterial, as long as the total number is not exceeded and the caravans are moved off out of the permitted season. It is considered that the proposal meets the visual impact tests of PSE 12.

### 3.3.3 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 highway implications of a proposal.

The access arrangements to the site are to remain as existing. The Agent contends the application may result in less vehicle movement which would address concerns of Members raised at Planning Committee when the decision was made in April. Highways Officers have raised no objection to the removal of the condition.

Given the access arrangements and the scale of the proposal it is considered that the removal of condition 3 would not give rise to any significant issues in respect of access to the highway or on-site parking, having regard to the previous approval for these arrangements.

### 3.3.4 Controls over holiday use

The application does not propose any variation to Condition 4 and 5 of the 2018 permission which governs the occupation and seasonal use of the touring caravans on the site irrespective of the determination on the application to allow unrestricted period of sitting of the touring caravans. These conditions are worded as follows:

*4. An up to date register shall be kept of all caravans visiting the site, containing the registration number of each caravan, the names of all the occupiers, their main home addresses, and the date of their arrival and departure from the site . The register shall be made available for inspection on request by the Local Planning Authority.*

*5. No caravans shall remain on site between the 31st October in any one year and the 1<sup>st</sup> April in the following year.*

Officers suggest the comfort offered by Condition 4 and 5 are adequate to address the concerns of the Town Council over the use of caravans, including a mechanism for investigating any suspected breaches, where complaints may be made or there may be concerns over uses. In reality the 21 day restriction would be more difficult to enforce from an officer perspective than the other conditions imposed which seek to prevent permanent residential use. Challenging condition no. 4, which requires the site operator to keep records, will, in officer's view, offer a more practical means to control the use of the site. Such investigations of the remaining conditions would be undertaken by the Development Management and / or Public Protection Sections as appropriate.

#### Other matters

#### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

#### **4. SUMMARY AND CONCLUSION:**

- 4.1 In respecting the comments of the Town Council, Officers consider it would be reasonable to consent to the removal of the 21 day restriction condition.
- 4.2 The main planning permission is for a touring caravan site and has a condition restricting use to a 6 month occupancy season. The proposal to allow touring caravans to use the site for periods longer than 21 days is unlikely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts.
- 4.3 There is general policy encouragement for tourism use in appropriate locations, and the existence of condition no. 4 and 5 of the 2018 April permission provides the Council with relevant control to ensure there are no conflicts with rural restraints policies.

**RECOMMENDATION: GRANT-** deletion of Condition 3 of planning permission 43/2018/0330

PWYLLGOR CYNLLUNIO

12 MEDI 2018

ADRODDIAD GWYBODAETH GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

## Y DIWEDDARAF AR APELIADAU CYNLLUNIO

### 1. PWRPAS YR ADRODDIAD

1.1 Mae'r eitem hon yn rhoi gwybodaeth i'r aelodau am benderfyniadau apeliadau cynllunio diweddar a gafwyd gan yr Arolygiaeth Gynllunio ar achosion yn y Sir. Mae'n cwmpasu cyfnod o 6 mis o fis Mawrth 2018 hyd yma.

### 2. CYNWYS

2.1 Mae **Atodiad A** ynghlwm yn cynnwys tabl fel arweiniad sydyn sy'n rhestru'r penderfyniadau apêl a gafwyd yn y cyfnod hwn, gyda gwybodaeth sylfaenol gan gynnwys y canlyniad, math o apêl, a chyfraniad gan y Pwyllgor Cynllunio a'r Cynghorau Tref a Chymuned.

2.2 Mae **Atodiad B** yn rhoi crynodeb / adolygiad o'r pwyntiau allweddol sy'n berthnasol i bob achos.

2.3 Os yw'r Aelodau yn dymuno darllen fersiynau llawn o benderfyniadau'r Arolygydd Cynllunio ar yr apeliadau, gellir gweld y rhain ar wefan Sir Ddinbych (Cynllunio; *Dod o hyd i gais cynllunio; (rhowch rif y cais); Chwilio; Dogfennau; Penderfyniad Apêl.*

### 3. ARGYMHELLION

3.1 Derbyn yr adroddiad er gwybodaeth.

EMLYN JONES

PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

Mae tudalen hwn yn fwriadol wag



ATODIAD A

# CRYNODEB APELIADAU

<u>Achos Apêl</u>	<u>Dyddiad y penderfyniad:</u>	<u>Penderfyniad</u>	<u>Math o Apêl</u>	<u>Argymhelliad Swyddog</u>	<u>Penderfyniad Pwyllgor</u>	<u>Ymateb Cyngor Tref</u>
63 Trewen, Dinbych	20/03/2018	<b>Caniatáu</b>	Ysgrifenedig	Dirprwyedig - Gwrthod	Amherthnasol	Dim gwrthwynebiad.
50 Stryd Y Baddon, Y Rhyl	19/07/2018	<b>Caniatáu</b>	Ysgrifenedig	Gwrthod	Gwrthod	Dim gwrthwynebiad.
The Chalet, Pwllglas	25/04/2018	<b>Gwrthod</b>	Ysgrifenedig	Dirprwyedig - Gwrthod	Amherthnasol	Dim gwrthwynebiad.
Coed yr Hengoed, Bontuchel, Rhuthun	08/06/2018	<b>Gwrthod yn rhannol</b>	Ysgrifenedig	Dirprwyedig - Gwrthod	Amherthnasol	Dim gwrthwynebiad.
8 Birch Grove, Prestatyn	07/08/2018	<b>Gwrthod</b>	Deiliad tŷ	Cymeradwyo	Gwrthod	Gwrthwynebiad.

- Derbyniwyd cyfanswm o 5 penderfyniad apêl o 1/3/2018 tan 1/9/2018
- Roedd pob un yn apeliadau cynllunio
- Caniatawyd 2, gwrthodwyd 3 (llwyddiant o 60%)
- Cafodd yr holl apeliadau eu trin trwy'r broses ysgrifenedig
- Roedd 2 o'r 5 penderfyniad yn ymwneud â cheisiadau a wrthodwyd yn y Pwyllgor Cynllunio. Cafodd y ddau benderfyniad gan y Pwyllgor eu cynnal gan yr Arolygiaeth Gynllunio.
- Cododd 3 o'r 5 apêl cynllunio o benderfyniadau Swyddogion dirprwyedig. Cafodd 2 o'r 3 eu gwrthod
- Roedd y 2 apêl a ganiatawyd yn ymwneud â cheisiadau lle na chodwyd unrhyw wrthwynebiadau gan y Cyngorau Cymuned perthnasol
- O'r 3 apêl a wrthodwyd, roedd gan y Cyngorau Cymuned perthnasol wrthwynebiadau i 2 o'r ceisiadau.
- Ni ddyfarnwyd unrhyw gostau yn erbyn y Cyngor yn unrhyw achos.

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**APELIADAU A GANIATAWYD**

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**1. CAIS RHIF 01/2017/0999**

CYFEIRIAD Y SAFLE: 63 Trewen, Dinbych

CYNNIG: Estyniad llawr cyntaf

SAIL GWRTHOD: Lefel annerbyniol o daflu cysgod ar ffenestri ac effaith ormesol ar gefn eiddo cyfagos (64 Trewen)

MATH O APÊL: Sylwadau ysgrifenedig

COSTAU A DDYFARNWYD YN ERBYN Y CYNGOR: Amherthnasol

MATERION I'W NODI

Credai'r Arolygydd mai'r prif fater oedd effaith y cynnig ar amodau byw deiliaid yr eiddo cyfagos, 64 Trewen, o ran cysgod a golygwedd.

Casgliadau'r Arolygydd:

Wrth fantoli, daeth i'r casgliad na fyddai'r datblygiad arfaethedig yn niweidio amodau byw deiliaid 64 Trewen. Aseswyd y rheolau 45 gradd a derbyniwyd asesiad y Cyngor y byddai'r rhain yn cael eu torri, ond wrth ystyried i ba raddau y byddent yn cael eu torri a'r ffaith na fyddai'r estyniad yn amharu ar olau haul nac yn taflu cysgod dros yr eiddo am lawer o'r diwrnod, ni ddaethpwyd i'r casgliad y byddai'r estyniad yn achosi problemau arwyddocaol i Rif 64. 64. Cytunodd â'r Cyngor y dylid rheoli unrhyw gais i osod unrhyw ffenestri ychwanegol yn yr estyniad yn y dyfodol

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**2. CAIS RHIF 45/2017/0677**

CYFEIRIAD Y SAFLE: 50 Stryd Y Baddon, Y Rhyl

CYNNIG: Newid defnydd o annedd i ganolfan asesiadau teuluol.

SAIL GWRTHOD: Colli annedd deiliadaeth sengl ac effeithio ar gymysgedd tai yn yr ardal; effaith gronol andwyol o ddefnyddio gwasanaeth cefnogi ychwanegol yn yr ardal ynghyd ag effeithiau negyddol posibl ar ddefnyddwyr yr eiddo sy'n agored i niwed.

MATH O APÊL: Sylwadau ysgrifenedig

MATERION I'W NODI

Credai'r Arolygydd mai'r prif faterion oedd:-

P'un a fyddai'r cynnig yn arwain at golled annerbyniol uned llety preswyl; ac

Effaith y cynnig ar gymeriad yr ardal gyfagos, amodau byw preswylwyr yn y dyfodol ac ar ddarpariaeth gwasanaethau lleol.

Casgliadau'r Arolygydd:

Ni fyddai colli annedd teulu sengl yn newid cymysgedd tai yr ardal yn sylweddol, nac yn tanseilio nodau polisi BSC1, polisi RD1 na'r polisi cynllunio cenedlaethol. Gan mai dim ond un uned fyddai'n cael ei golli ni fyddai'r effaith yn sylweddol.

Ni fyddai'r datblygiad arfaethedig yn newid cymeriad yr ardal yn sylweddol; nid oes tystiolaeth gadarn y byddai'r cynnig yn parhau i beri canfyddiad negyddol o'r ardal, yn niweidiol i gymeriad yr ardal, na'n tanseilio polisiâu cynllunio.

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## APELIADAU A WRTHODWYD

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### 3. CAIS RHIF 20/2017/0148

CYFEIRIAD Y SAFLE: The Chalet, The Watermill, Pwllglas

CYNNIG: Newid carafán breswyl am un annedd a garej

SAIL GWRTHOD: Annerbyniol mewn egwyddor, tanseilio polisiâu cynllunio sy'n ymwneud â datblygiad newydd y tu allan i aneddiadau (polisiâu cynllunio BSC8, BSC9 ac RD 4), mynd yn groes i egwyddorion cynllunio aneddiadau a datblygu cynaliadwy.

MATH O APÊL: Sylwadau ysgrifenedig

COSTAU A DDYFARNWYD YN ERBYN Y CYNGOR: Amherthnasol

MATERION I'W NODI

Credai'r Arolygydd mai'r prif fater oedd nad oedd ystyriaethau cadarn digonol i orbwysu unrhyw wrthdaro â pholisiâu cynllunio lleol a chenedlaethol.

Casgliadau'r Arolygydd:

Mae'r datblygiad yn mynd yn groes i bolisiâu cynllunio lleol a chenedlaethol. Mae'r Dystysgrif Datblygiad Cyfreithlon yn nodi defnydd y tir fel maes carafanau i osod un garafán sefydlog ar gyfer deiliadaeth breswyl trwy gydol y flwyddyn. Nid yw carafán yn cael ei hystyried yn adeilad at ddibenion Polisi RD4 Cynllun Datblygu Lleol. Mae polisi cenedlaethol a'r cynllun datblygu yn ceisio rheoli datblygiadau preswyl y tu allan i ffiniau aneddiadau. Nid oes digon o ystyriaethau cadarn i orbwysu unrhyw wrthdaro â pholisiâu cynllunio lleol a chenedlaethol pwysig.

Ôl-nodion / pwyntiau ymarfer

Mae penderfyniadau'r Arolygydd yn ailddatgan y gwahaniaeth pwysig y dylid ei nodi o ran na ellir ystyried carafán yn annedd at ddibenion y polisi anheddau newydd.

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### 4. CAIS RHIF 14/2017/0487

CYFEIRIAD Y SAFLE: Coed yr Hengoed, Bontuchel, Rhuthun

CYNNIG: Dileu amodau 3,4,5 a 6 o ganiatâd cynllunio 14/2017/0487, sy'n mynnu cymeradwyo goleuadau, cyfyngu ar storffeydd allanol, darparu planhigion a chyfyngu ar systemau seinchwyddo a chwarae cerddoriaeth.

MATH O APÊL: Sylwadau ysgrifenedig

## MATERION I'W NODI

Credai'r Arolygydd mai'r prif fater oedd p'un a yw'r amodau sy'n destun dadl yn rhesymol ac yn angenrheidiol.

### Casgliadau'r Arolygydd:

Amod 3 (goleuadau allanol) – mae gosod yr amod yn rhesymol ac yn angenrheidiol. Cadwyd yr amod.

Amod 4 (Cyfyngu ar storfeydd allanol) – caiff yr amod ei amrywio i ddileu'r cyfeiriad at storio storfeydd allanol.

Amod 5 (Y gofyn i gyflwyno cynllun plannu) – mae gosod yr amod yn rhesymol ac yn angenrheidiol. Cadwyd yr amod.

Amod 6 (Cyfyngu ar systemau seinchwyddo a chwarae cerddoriaeth) – mae gosod yr amod yn afresymol. Dilëwyd yr amod.

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## 5. CAIS RHIF 43/2017/1212

CYFEIRIAD Y SAFLE: 8 Birch Grove, Prestatyn

CYNNIG: Estyniad llawr cyntaf uwchben estyniad llawr gwaelod unllawr a gymeradwywyd yn flaenorol trwy Dystysgrif Datblygiad Cyfreithlon Arfaethedig.

SAIL GWRTHOD: Effaith ormesol annerbyniol ar eiddo cyfagos

MATH O APÊL: Deiliad tŷ

COSTAU A DDYFARNWYD YN ERBYN Y CYNGOR: Amherthnasol

## MATERION I'W NODI

Credai'r Arolygydd mai'r prif faterion oedd:-

- Effaith y datblygiad arfaethedig ar amodau byw deiliaid Rhifau 8 a 10 Birch Grove mewn perthynas ag effaith weledol o ganlyniad i ddyluniad gwael y ffenestr newydd yn ystafell wely 3 sy'n golygu bod modd edrych drosodd o un ffenestr i'r llall.
- Roedd defnyddio amod cynllunio i addasu'r datblygiad arfaethedig yn groes i baragraff 4.13 o Gylchlythyr Llywodraeth Cymru – *Defnyddio Amodau Cynllunio i Reoli Datblygu* (WGC 016/2014) sy'n datgan “*ni ellir gosod amod i addasu'r datblygiad pe bai'n gwneud y datblygiad a ganiateir yn wahanol iawn i'r un a gynhwysir yn y cais...*”. Credai'r Arolygydd y byddai'r addasiad a geisiwyd gan yr amod yn addasiad sylweddol ac na ellid ei osod.

### Casgliadau'r Arolygydd:

Nid oedd yr Arolygydd yn credu y byddai'n cael effaith annerbyniol ar ddraenio, amodau byw deiliaid Rhifau 6 a 10 o ran effaith weledol, ac na fyddai'n arwain at golled annerbyniol golau haul uniongyrchol i'r tai hyn. Byddai'n bosibl edrych drosodd o ffenestr arfaethedig yr ystafell wely ar yr ochr (ystafell wely 3), a fyddai'n arwain at golled annerbyniol preifatrwydd i Rif 10 - ystyriwyd bod hwn yn fater na ellid mynd i'r afael ag ef trwy osod amod.

Roedd yr Arolygydd yn credu bod y cynnig yn mynd yn groes i bolisi gan fod ei ddyluniad yn wael ac y byddai'n methu â darparu amodau byw boddhaol i ddeiliaid Rhif 8 oherwydd effaith weledol, ac i ddeiliaid Rhifau 8 a 10 oherwydd y gallu i edrych drosodd o un ffenestr i'r llall.

Mae tudalen hwn yn fwriadol wag