

At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: 3 Chwefror 2022

Rhif Union: 01824 712589

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 9 CHWEFROR 2022 am 9.30 AM yn TRWY GYNHADLEDD FIDEO**

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

AGENDA

1 YMDDIHEURIADAU

2 DATGANIADAU O FUDDIANT (Tudalennau 5 - 6)

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

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

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

4 COFNODION (Tudalennau 7 - 12)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 12 Ionawr 2022 (copi ynghlwm).

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 - 8) –

5 CAIS RHIF. 02/2021/1179 - TIR YN (RHAN O ARDD) LLYS GWYN, BRYN GOODMAN, RHUTHUN (Tudalennau 13 - 48)

Ystyried cais ar gyfer codi 2 annedd ar wahân a gwaith cysylltiedig yn Tir yn (rhan o ardd) Llys Gwyn, Bryn Goodman, Rhuthun (copi ynghlwm).

6 CAIS RHIF. 18/2021/0533 - FFERM GLAN Y WERN, Ffordd Eglwyswen, Llandyrnog (Tudalennau 49 - 86)

Ystyried cais i godi 2 adeilad amaethyddol ar gyfer cadw da byw. Gosod seilo bwydo a thanc dylifol dan y ddaear. Creu llawr caled a phwll arafu dŵr wyneb, tirweddu a gwaith cysylltiedig yn Fferm Glan y Wern, Ffordd Eglwyswen, Llandyrnog (copi ynghlwm)

7 CAIS RHIF. 23/2021/0927 - TIR GER DOLWAR, LLANRHAEDR, DINBYCH (Tudalennau 87 - 120)

Ystyried cais gyda manylion edrychiad, tirlunio, cynllun a graddfa 33 annedd wedi ei gyflwyno yn unol ag amod rhif 1 caniatâd cynllunio amlinellol rhif cais 23/2016/0557 (cais materion a gadwyd yn ôl) Tir ger Dolwar, Llanrhaeadr, Dinbych (copi ynghlwm)

8 CAIS RHIF. 41/2021/1199 - BRYN FFYNNON, BODFARI, DENBIGH (Tudalennau 121 - 148)

Ystyried cais i godi storfa offer gardd (cais ôl-weithredol) yn Bryn Ffynnon, Bodfari, Dinbych (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Y Cynghorydd Joe Welch (Cadeirydd)

Y Cynghorydd Christine Marston (Is-Gadeirydd)

Joan Butterfield
Ellie Chard
Ann Davies
Gwyneth Ellis
Peter Arnold Evans
Alan Hughes
Brian Jones
Tina Jones
Gwyneth Kensler

Melvyn Mile
Bob Murray
Merfyn Parry
Pete Prendergast
Peter Scott
Tony Thomas
Julian Thompson-Hill
Emrys Wynne
Mark Young

COPIAU I'R:

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

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT Y CYNHELIR Y CYFARFOD Trefniadau rhithwir Mehefin 2020

Oni bai bod Cadeirydd y Pwyllgor yn dweud yn wahanol, bydd trefn trafod y prif eitemau 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 roi cyflwyniad byr i'r materion sy'n berthnasol i'r cyfarfod.

Ble bo hynny'n briodol bydd Swyddogion yn nodi eitemau y cafwyd cais iddynt gael eu gohirio neu eu tynnu'n ôl, unrhyw adroddiadau arbennig ac unrhyw eitemau Rhan 2 lle gellir gwahardd y wasg a'r cyhoedd. Cyfeirir at wybodaeth ychwanegol cyn y 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 dderbyniwyd sy'n berthnasol i eitemau ar y rhaglen, rhwng cwblhau'r prif adroddiadau a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn gosod trefn arfaethedig ceisiadau cynllunio.

Mewn perthynas â threfn eitemau, bydd disgwyl i unrhyw Aelodau sy'n dymuno gwneud cais bod eitem yn cael ei hystyried yn gynt wneud y fath gais ar unwaith ar ôl cyflwyniad y Swyddog. Rhaid gwneud unrhyw gais o'r fath fel cynnig ffurfiol a bydd yn destun pleidlais.

Mae'r Pwyllgor Cynllunio'n cynnwys 19 Aelod etholedig. Yn unol â phrotocol, rhaid i 10 Aelod fod yn bresennol ar ddechrau trafodaeth ar 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 ni fyddant yn gallu gwneud cynnig i ganiatáu neu wrthod cais, na phleidleisio.

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

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

Os bydd unrhyw Aelod o blaid cynnig gohirio eitem, yn cynnwys awdurdodi ymweliad â'r safle gan y Panel Arolygu Safle, dylid gwneud y cynnig hwnnw, gyda'r rheswm cynllunio drosto, cyn unrhyw siarad cyhoeddus neu ddadl dros yr eitem honno.

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 os ystyrir y byddai hynny'n ddefnyddiol o safbwynt natur y cais. Yn ychwanegol gall Swyddogion ddarllen unrhyw araith a baratowyd gan barti â budd o blaid neu yn erbyn y cais. Bydd araith yn erbyn unrhyw gais yn cael ei darllen yn gyntaf.

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

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

Gyda phob cais arall, bydd y Cadeirydd yn caniatáu i'r Aelod(au) Lleol siarad gyntaf, os ydynt yn dymuno.

Mae Aelodau fel arfer yn cael eu cyfyngu 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 ddylent siarad eto oni bai bod arnynt eisiau eglurhad ar 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 ddiwedd 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 at y bleidlais, bydd y Cadeirydd y gwahodd neu'n gofyn am eglurhad ar gynigwyr ac eilwyr dros neu yn erbyn argymhelliad y Swyddog neu unrhyw benderfyniadau eraill yn cynnwys newidiadau neu geisiadau. Lle bo 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 Cyfreithiol a Chynllunio ar ddilysrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn cyhoeddi pan fo'r ddadl wedi cau a bod y pleidleisio i ddilyn.

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. Mae'n bosibl 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.

Bydd y pleidleisio'n digwydd gyda'r Cadeirydd yn mynd o amgylch holl aelodau'r Pwyllgor Cynllunio sy'n gymwys i bleidleisio yn gofyn iddynt ddweud ar lafar a ydynt yn pleidleisio 'Dros', 'yn Erbyn' neu'n 'Ymatal'. Bydd y pleidleisiau'n cael eu nodi a bydd y Cadeirydd wedyn yn cyhoeddi a yw'r cais wedi'i gymeradwyo neu ei wrthod.

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

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn trwy gynhadledd fideo, Dydd Mercher, 12 Ionawr 2022 am 9.30 am.

YN BRESENNOL

Y Cynghorwyr Joan Butterfield, Ellie Chard, Ann Davies, Gwyneth Ellis, Peter Evans, Brian Jones, Tina Jones, Gwyneth Kensler, Christine Marston (Vice-Chair), Melvyn Mile, Bob Murray, Pete Prendergast, Peter Scott, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Arsylwyr - y Cynghorwyr Meirick Davies and Alan James

HEFYD YN BRESENNOL

Arweinydd Tîm - Tîm Lleuedd (TD); Rheolwr Rheoli Datblygu (PM); Swyddog Cynllunio (PG); Prif Swyddog Cefnogi (JW), Gweinyddwyr Pwyllgor (RTJ a SJ [Gwe-ddarlledwr])

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Alan Hughes and Merfyn Parry.

2 DATGANIADAU O FUDDIANT

No declaration of interests were raised. Ni chodwyd unrhyw ddatganiad o fuddiant.

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chodwyd unrhyw fater bryn.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 15 Rhagfyr 2021.

Materion o gywirdeb –

Amlygodd yr aelodau ddau gamgymeriad yn y cofnodion. Tudalen 10 cafodd Cyfoeth Naturiol Cymru ei deipio'n anghywir, ac ar dudalen 11 ni chafodd enw'r Cyngorydd Christine Martson ei gynnwys yn ei gyfarwydd.

PENDERFYNWYD cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 15 Rhagfyr 2021 fel rhai cywir.

Cyflwynwyd ceisiadau a oedd yn gofyn am benderfyniad y Pwyllgor ynghyd â'r dogfennau cysylltiedig. Cyfeiriwyd hefyd at y wybodaeth atodol a gyflwynwyd yn

hwyr (taflenni glas) a dderbyniwyd ers cyhoeddi'r rhaglen ac a oedd yn cynnwys gwybodaeth ychwanegol a oedd yn ymwneud â'r ceisiadau hynny. Er mwyn caniatáu ceisiadau gan aelodau'r cyhoedd i gyflwyno sylwadau, cytunwyd y dylid amrywio trefn y ceisiadau ar y rhaglen.

5 CAIS RHIF. 23/2021/0852 - TIR YN THE LODGE, LLANRHAEADR, DINBYCH

Cyflwynwyd cais i adeiladu 6 uned llety gwyliau, swyddfa'r safle a gwaith cysylltiedig (cynllun wedi'i ddiwygio) yn Dir yn The Lodge, Llanrhaeadr, Dinbych.

Siaradwr Cyhoeddus –

Andrew Sumner (**O blaid**) – diolchodd i'r pwyllgor am y cyfle i siarad o blaid y cais. Roedd y cynllun ar gyfer chwe chaban pwrpasol, a fyddai'n darparu llety gwyliau. Byddai'r cais arfaethedig yn ategu gweithgareddau eraill yn y Lodge a'r ardal leol drwy gynyddu nifer yr ymwelwyr.

Roedd y siaradwr cyhoeddus yn ymwybodol bod y cynigion blaenorol ar y safle wedi achosi rhai pryderon ynglŷn â'r effaith ar y dirwedd hanesyddol. Mynegodd CADW'r pryderon gan fod y datblygiad ar hen barcdir Plas Llanrhaeadr. Roedd yr ofnau a godwyd gan CADW wedi peri i'r ymgeisydd newid dyluniad y cynnig. Roedd y cais oedd yn cael ei gynnig wedi cael ei weithio ar drafodaethau gyda swyddogion CADW.

Wrth gloi, amlygodd y siaradwr cyhoeddus mai bwriad y cynllun oedd gwarchod rhai tirweddau hanesyddol a'u hymgorffori yn nyluniad y cais arfaethedig. Bwriad y cais oedd cefnogi'r ardal leol. Roedd y prosiect yn fuddsoddiad sylweddol a byddai'n helpu i gadw gwerth hanesyddol y pentref, bioamrywiaeth, ac i fod yn hwb i'r economi leol.

Trafodaeth Gyffredinol -

Rhoddodd y Cynghorydd Joe Welch (aelod lleol) gefndir y cais i aelodau'r pwyllgor a oedd yn cael ei drafod. Yr oedd y cais wedi ei gyflwyno yn flaenorol. Fodd bynnag, fe'i galwyd yn ôl i ganiatáu diwygio'r cais. Roedd y cyngor cymuned wedi ei rannu ar y cais, gyda hanner yn dangos cefnogaeth tra bod y lleill yn gwrthwynebu. 'Roedd yr aelod lleol eisiau gwybod pa fesurau lliniaru y gellir eu gwneud i sicrhau na fyddai'r datblygiad yn cael ei wneud yn dai parhaol yn y dyfodol.

Aeth y Cynghorydd Welch ymlaen i gwestiynu a oedd y pryderon a godwyd gan y swyddog cadwraeth wedi cael sylw yn y cais, gan fod pryderon ynghylch y cais yn flaenorol. Gofynnodd y cadeirydd hefyd pam fod polisi cynllunio HEG 12 (safleoedd cabanau gwyliau, carafanau sefydlog a theithiol a gwersylla) wedi'i ystyried yn yr adroddiad, hefyd pe bai polisi cynllunio HEG 5 (Economi wledig) wedi'i ystyried.

Yn olaf, dywedodd y Cynghorydd Joe Welch yr hoffai gynnwys amod ychwanegol ar y cais petai'n cael ei ganiatáu, sef fel a ganlyn – “Bydd y datblygiad a ganiateir drwy hyn yn aros fel yr un uned gynllunio a'r Lodge, fel y dangosir gydag ymyl las ar y safle cynllun lleoliad, sef y cynllun a dderbyniwyd ar 17 Hydref 2021, ac ni

ddylid ei werthu fel uned gynllunio ar wahân. Byddai hyn yn sicrhau bod rhywfaint o reolaeth yn cael ei chadw dros y tir.”

Eglurodd y swyddogion a ymatebodd y byddai angen cyflwyno cais cynllunio pe bai'r safle'n dod yn ddatblygiad tai parhaol. Byddai'r pwyllgor cynllunio yn penderfynu ar y mater bryd hynny. Roedd y swyddog cadwraeth yn hapus gyda'r cais a ailgyflwynwyd. Parthed polisi cynllunio, teimlai swyddogion HEG 12 nad oedd yn berthnasol i'r cais gan ei fod yn cyfeirio at garafanau sefydlog, nid carafanau sefydlog oedd yr unedau a fwriedir. Byddai'r cais hefyd yn cefnogi'r economi wledig fel y nodwyd ym mholisi cynllunio HEG 5.

Holodd yr aelodau a oedd y pibellau carthffosiaeth sy'n rhedeg o dan y safle yn peri pryder, ymatebodd swyddogion y byddai angen cytuno ar y mater rhwng yr ymgeisydd a Dŵr Cymru. Holwyd hefyd a fyddai cytundeb adran 106 gyda'r cais, ymatebodd swyddogion nad oedd y cytundeb yn ddiangen ar gyfer y cais.

Mewn ymateb i ymholiadau ynghylch a ellid defnyddio'r safle drwy gydol y flwyddyn, eglurodd swyddogion nad oedd unrhyw gyfyngiadau gyda'r safle.

Cynnig – Cynigiodd y Cynghorydd Mark Young y dylid caniatáu'r cais gyda'r amod ychwanegol a gynigiwyd gan y Cynghorydd Joe Welch ac eiliwyd gan y Cynghorydd Melvyn Mile.

PLEIDLAIS:

O BLAID - 14

YN ERBYN - 0

YMATAL - 4

PENDERFYNWYD y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad, gan gynnwys yr amod a osodwyd gan y Pwyllgor.

6 CAIS RHIF. 46/2019/0806 - BOD HAULOG, Y RO, LLANELWY

Cyflwynwyd cais i ddatblygu 0.75 hectar o dir at ddibenion preswyl (cais amlinellol gan gynnwys manylion ynglŷn â mynediad) yn Bod Haulog, Y Ro, Llanelwy.

Siaradwr Cyhoeddus –

Gwyn Davies (O blaid) – Amlygodd y siaradwr cyhoeddus mai'r mater unigol gyda'r cais oedd risg llifogydd. Roedd ymateb Cyfoeth Naturiol Cymru (CNC) i'r Cyngor yn seiliedig ar eu dehongliad o Nodiadau Cyngor Technegol (NCT 15) a oedd yn afresymol ac eithafol. Amlygodd y siaradwr cyhoeddus fod CNC wedi anwybyddu rhan hanfodol o asesiad canlyniadau llifogydd y cais.

Dywedodd Mr Davies fod dwy elfen i berygl llifogydd. Un oedd perygl llifogydd ar safleoedd. Byddai'r ardaloedd o fewn y datblygiad arfaethedig yn cael eu codi lle bo angen, felly pe bai toriad yn digwydd, byddai'r holl anheddau yn parhau i fod yn rhydd o lifogydd. Yr ail elfen oedd risg llifogydd ar dai eraill oherwydd y datblygiad.

Dangosodd modelu llifogydd os yw adeiladau newydd yn rhwystro llif dŵr llifogydd, a fyddai'n arwain at ddŵr llifogydd dyfnach mewn mannau eraill.

Dywedodd y siaradwr cyhoeddus mai dim ond sylwadau ar hanner yr adroddiad gan yr ymgeisydd a wnaeth yr ymateb gan CNC. Dywedodd y siaradwr cyhoeddus fod gwrthwynebiadau CNC wedi'u seilio'n gyfan gwbl ar un dadansoddiad perygl llifogydd, sef a oedd y safle'n safle maes glas heb ffiniau. Fodd bynnag, erbyn yr asesiad hwnnw, byddai unrhyw ddatblygiadau yn achosi risg uwch o ddŵr llifogydd. Amlygodd y siaradwr cyhoeddus fod y cais arfaethedig ar safle tir llwyd a bod ffiniau eisoes yn bodoli. Byddai'r waliau sy'n bodoli eisoes yn effeithio ar unrhyw lifogydd. Fodd bynnag, byddai'r cais yn cael gwared ar rai rhannau o'r wal, a fyddai'n achosi i lefelau llifogydd mewn mannau eraill ostwng. Roedd wal derfyn y safle, a oedd yn bresennol yn ystod llifogydd 2012, yn profi eu cyfanrwydd.

Trafodaeth Gyffredinol -

Gwahoddodd y cadeirydd aelodau'r pwyllgor a fynychodd y cyfarfod safle i siarad gerbron yr aelod lleol.

Roedd y Cynghorwyr Christine Marston ac Ellie Chard yn dau aelod pwyllgor a fynychodd y cyfarfod safle. Cytunodd y ddwy fod y cyfarfod safle yn hanfodol i sylweddoli maint y safle a'r ddaearyddiaeth.

Diolchodd y Cynghorydd Peter Scott (aelod lleol) i'r cadeirydd am y cyfle i siarad. Roedd y cais arfaethedig ar gyfer datblygiad ar safle tir llwyd; o safbwynt lleol, dim ond chwe gwrthwynebiad oedd i'r cais. Roedd galw am dai i bobl iau yn y gymuned. Roedd y wybodaeth a rannwyd gan CNC yn edrych ar y mater, fel pe bai'r amddiffynfeydd llifogydd yn methu, a phe bai'r safiad yn cael ei gymryd gyda phob cais yn yr ardal, byddent i gyd yn cael eu gwrthod. Amlygodd y Cynghorydd Scott fod pwyllgor cynllunio Sir Ddinbych wedi mynd yn erbyn CNC; s argymhellion yn flaenorol. Roedd yr ymgeisydd wedi dangos mesurau lliniaru llifogydd o fewn y cynlluniau.

Cynnig – Cynigiodd y Cynghorydd Peter Scott y dylid caniatáu'r cais yn groes i argymhellion y swyddogion, gan y byddai'r risgiau llifogydd a nodwyd yn cael eu lliniaru drwy'r cais. Eiliwyd y cynnig gan y Cynghorydd Brian Jones.

Ymatebodd y swyddogion i'r pwyntiau a godwyd a chanmol pawb a siaradodd ar y mater. Roedd yr aelod lleol wedi amlygu manteision y cais. Fodd bynnag, y mater sylfaenol gyda'r cais oedd a allai'r datblygiad gynyddu'r perygl o lifogydd i'r rhai a oedd eisoes yn byw yn Llanelwy. Pwysleisiodd swyddogion mai dyma'r arweiniad clir gan CNC ar y mater ac, ar ôl pwysu a mesur, roedd yn rhaid i Swyddogion argymhell gwrthod ar y sail honno. Atgoffodd y swyddogion yr aelodau, petaent yn dymuno mynd yn groes i'w hargymhelliad, y byddai angen iddynt roi rhesymau clir. Petai hyn yn digwydd, gellir gosod amodau ar y datblygiad a'u cytuno gyda'r aelod lleol.

PLEIDLAIS:

O BLAID - 17

YN ERBYN - 1

YMATAL - 0

PENDERFYNWYD y dylid **CYMERADWYO'R** cais yn groes i argymhellion swyddogion y manylwyd arnynt yn eu hadroddiad.

7 CAIS RHIF. 07/2021/0684 - TIR I'R DWYRAIN O FYNYDD MYNYLLOD, LLANDRILLO, CORWEN

Cyflwynwyd cais i godi mast meteorolegol 90m o uchder am gyfnod dros dro o dair blynedd yn Nhir ym Mynydd Mynyllod, Llandrillo, Corwen.

Cynnig – Cynigiodd y Cynghorydd Gwyneth Ellis y dylid gohirio'r eitem tan ddyddiad diweddarach gan iddi ddatgan na fu digon o ymgynghori lleol ar y mater, ac eiliwyd hyn gan y Cynghorydd Emrys Wynne.

PLEIDLAIS:

O BLAID - 10

YN ERBYN - 7

YMATAL - 0

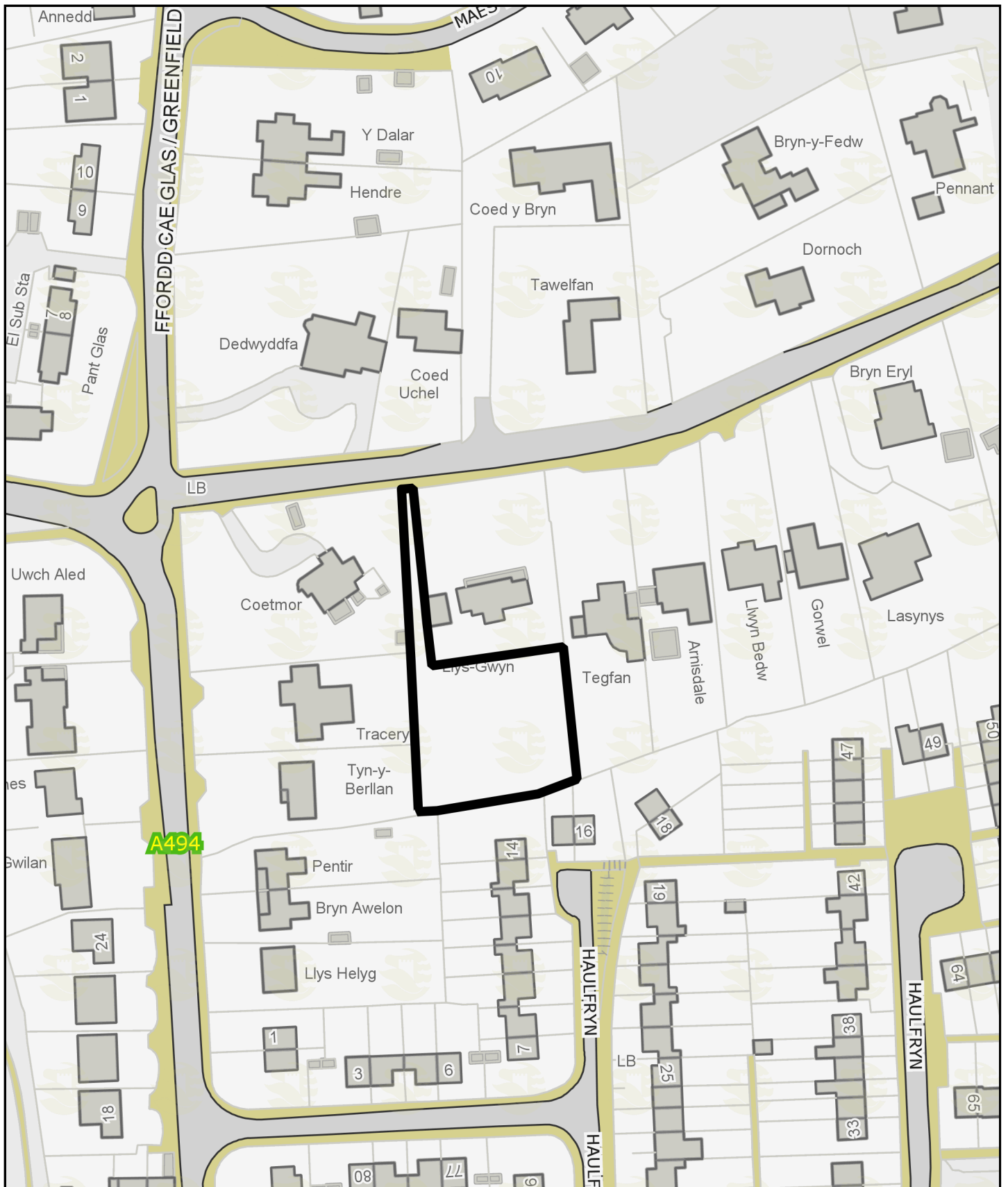
PENDERFYNWYD gohirio'r cais i godi mast meteorolegol 90m am gyfnod dros dro o dair blynedd ar Dir Mynydd Mynyllod, Llandrillo, Corwen tan gyfarfod yn y dyfodol am y rhesymau a nodwyd gan y Cynghorydd Gwyneth Ellis uchod.

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 5

WARD:	Rhuthun
AELOD/AELODAU'R WARD:	Y Cynghorydd Emrys Wynne (c) Y Cynghorydd Bobby Feeley Y Cynghorydd Huw Hilditch- Roberts
RHIF Y CAIS:	02/2021/1179/ PF
CYNNIG:	Codi 2 annedd ar wahân a gwaith cysylltiedig
LLEOLIAD:	Tir yn (rhan o ardd) Llys Gwyn, Bryn Goodman, Rhuthun LL15 1EL

Mae tudalen hwn yn fwriadol wag



02/2021/1179

N Graddfa / Scale: 1:1250

Canol / Centre: 312778, 358459

Dyddiad / Date: 2022-01-25 15:39:52

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Tudalen 15



View of the site facing
south from the access
off Bryn Goodman





View facing north towards
Llys Gwyn



View from the site facing east



View from the site facing
south



View from the site facing west



Proposed site
plan showing
new dwellings



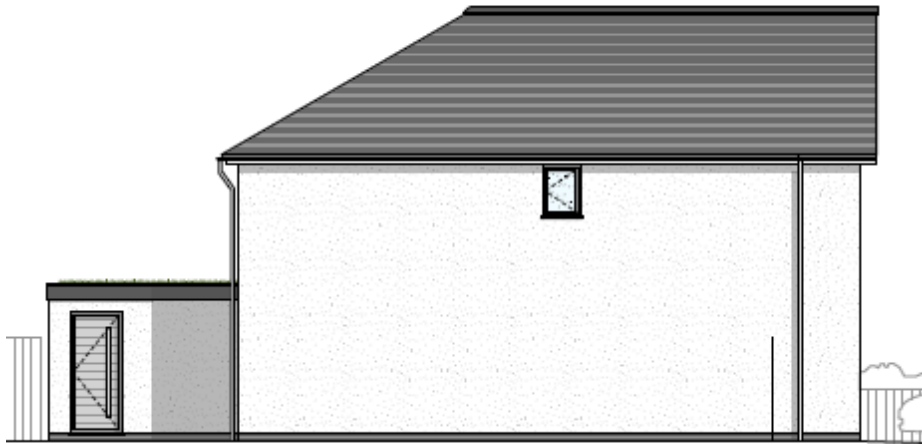
Proposed front
elevation



Proposed side elevation



Proposed rear and side elevation



WARD : Ruthin

WARD MEMBER(S): Cllr Emrys Wynne (c)
Cllr Bobby Feeley
Cllr Huw Hilditch-Roberts

APPLICATION NO: 02/2021/1179/ PF

PROPOSAL: Erection of 2 no. detached dwellings and associated works

LOCATION: Land at (Part garden of) Llys Gwyn Bryn Goodman
Ruthin LL15 1EL

APPLICANT: Ian Roberts Roberts Homes Ltd.

CONSTRAINTS: Within 67m Of Trunk Road

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

CONSULTATION RESPONSES:

RUTHIN TOWN COUNCIL-

Objection based on potential overdevelopment of the site, adverse effect on traffic levels and environmental impact on the local wildlife.

DWR CYMRU / WELSH WATER-

No objection subject to a condition being attached regarding no surface and or land drainage be allowed to connect directly or indirectly with the public sewerage network to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
No objection.

- Land Drainage Officer-
SAB approval will be required.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Geraint Owain, 5 Les Tourettes, Chateauponsac, France
Gethin and Mari Hughes, Hafan Deg, Wern Fechan, Rhuthun

Eric Owen, Tynyberllan, Wernfechan, Ruthin
Basil Thomas, Dedwyddfa, Bryn Goodman, Ruthin

A Lloyd, Tegfan, Bryn Goodman, Ruthin

R Bell, Pentir, Wernfechan, Ruthin

Tim & Sherry Edwards, Coetmor, Ruthin

K Almond, Bryn y Fedw, Bryn Goodman, Ruthin

Summary of planning based representations in objection:

Principle

Not put forward as affordable housing and local people cannot afford them.
No need for the new dwellings with other developments in the area

Visual amenity

House sizes are too large for the plot, gardens are too small
Not in keeping with the surrounding development
Overdevelopment of the plot
The dwellings should be built facing Bryn Goodman not in this orientation which is not sympathetic to the character of the area

Residential amenity

Overlooking concerns to the properties to the west and into back gardens and rooms of two adjoining dwellings on Wernfechan and Pentir
Concerns over noise and car headlights
Loss of privacy
Loss of sunlight to the rear of property (Hafan Deg)
Garden sizes too small for large properties

Highways

The road is in a poor state of repair and is dangerous for users
Additional traffic using the road will exacerbate the problems along with the other developments on this road.
Parking provision not adequate at the site for occupiers and visitors
Single access for existing dwelling and 2 dwellings not acceptable
Concerns over the safety of school children walking down Bryn Goodman by the increased traffic
Concerns over the safety of the access from Bryn Goodman onto Greenfield Road with increased traffic.

Ecology

The field has been empty for over 10 years and has hedgehogs, dormice, crested newts occupying the site
The trees to the south are home to owls and bats which will be impacted by the development.
The existing trees on the site have been removed already

Environment

Renewable energy not considered as part of the proposal
No refuse or recycling arrangement on plans
Loss of trees already at the site

Drainage

Additional surface water run off onto smaller gardens below

Other matters

High hedges

Maintenance of boundary hedgerow at certain height

Building regulations

Concerns over drive level and loading onto retaining wall at Hafan Deg

EXPIRY DATE OF APPLICATION: 26/01/2022

EXTENSION OF TIME AGREED: 11/02/2022

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 seeks permission for the erection of two detached dwellings on land which was formerly part of the garden of Llys Gwyn, Ruthin.
- 1.1.2 The proposed dwellings are proposed to have a floor area of 205.4sqm and would measure 11m x 10.5m with a ridge height of 7.4m and eave height of 5m.
- 1.1.3 They are proposed to comprise a entrance hall, lounge, snug, utility and WC and open plan kitchen/dining/family room to the ground floor and 4 bedrooms including 1 en-suite/dressing room, family bathroom and study to the first floor.
- 1.1.4 They are proposed to be clad in composite to the front gable and between the windows to the front and rear with white render elsewhere and a hipped tiled roof. They are proposed to have an attached flat roof garage to the side extending beyond the rear elevation measuring 6.5 x 3.5m with a height of 2.7m.
- 1.1.5 The dwellings are proposed to be accessed via the existing access to Llys Gwyn (now separated by a boundary fence) with parking and turning provided to the front of each dwelling. No details have been provided of the materials for the driveways or access.
- 1.1.6 The rear gardens are proposed to measure approximately 180sqm and would have a slope up to the east of nearly 2m from ground floor level.



Proposed front elevation



Proposed side elevation



Proposed site plan

1.2 Other relevant information/supporting documents in the application

1.2.1 None.

1.3 Description of site and surroundings

1.3.1 The site is located in a residential area along Bryn Goodman Road. The site is situated to the rear of Llys Gwyn and was formerly used as extended garden area which is separated by a hedge from the rear amenity space directly behind the dwelling Llys Gwyn. This area has since been fenced off to separate the garden from the application site. There is a mix of dwelling styles and sizes in the locality.



Garden boundary of Llys Gwyn

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the Development Boundary of Ruthin as defined by the LDP.

1.5 Relevant planning history

1.5.1 An application was refused in 1988 for the erection of a single dwelling on the site due to it being a form of back-land development. A resubmission was also refused in 1997 on the grounds that there would be unacceptable residential amenity impacts and a lack of amenity standards retained as a result of the development.

1.6 Developments/changes since the original submission

1.6.1 None.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

02/733/96/PO Development of 0.1ha of land by erection of a dwelling (outline) REFUSED on 10/01/1997

The reasons included that the proposal was out of keeping with the character of the adjoining and nearby dwellings and would result in a degree of disturbance to Llys Gwyn due to the location of the access and a degree of overlooking and loss of privacy. The reduction in the garden area would be severely reduced as a result of the proposal which would be inappropriate for the size of the property at Llys Gwyn. The proposal would be severely overlooked from Llys Gwyn and adjoining residential properties with no street frontage of its own and lacking in adequate amenity standards.

9/9122 Erection of a Dwelling REFUSED on 29/02/1988

Reason: The proposal provides for a form of residential development out of keeping with the character of adjoining and nearby dwellings. It represents an unacceptable backland development with no separate access of its own, and no street frontage, which would detract from the amenity of

the area, particularly by way of potential overlooking and loss of privacy. It is further considered that the development would create an undesirable precedent which would result in similar proposals for adjacent land which the District Planning Authority would in all equity find difficult to resist.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC11 – Recreation and open space

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 1 Joint Housing Land Availability Studies (2015)

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

TAN 18 Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard

to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Ecology
- 4.1.5 Drainage
- 4.1.6 Highways (including access and parking)
- 4.1.7 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

Policy RD1 supports development proposes within development boundaries subject to compliance with policy criteria.

The site is located within the development boundary of Ruthin as defined by the LDP.

The principle of housing development is therefore considered acceptable and Officers would suggest the acceptability of the particular proposals therefore has to rest on assessment of the local impacts, which are reviewed within the following sections of the report.

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 (iv) 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.

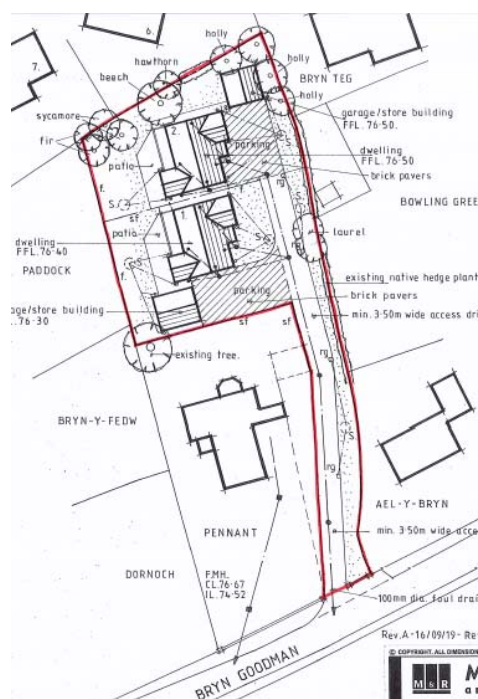
The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Objections have been received from the Town Council and members of the public on visual amenity grounds including that the proposal is not in keeping with built development on Bryn Goodman and it would be an overdevelopment of the plot.

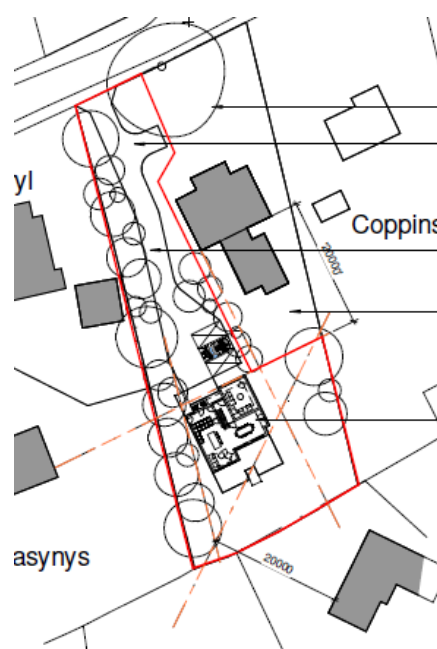
The dwellings proposed are two substantial, modern, two storey dwellings situated on a former rear garden previously associated with Llys Gwyn. The dwellings are proposed to have a separate access off Bryn Goodman and would have driveways and parking to the front and a sloping garden to the rear.

A previous proposal for a single dwelling on the site was refused due to the dwelling being out of character with the nearby dwellings and that it would cause a degree of disturbance to the occupiers of Llys Gwyn.

The dwellings on Bryn Goodman are predominately large detached dwellings set in large grounds and there is no uniform housing type in the immediate area. There has been permission granted in 2019 and 2020 for similar proposals at The Nook and Pennant on Bryn Goodman where former garden areas have been approved for development, see extracts of site plans approved below.



Pennant



The Nook

The layout of the proposal provides amenity space to the front and rear of the dwellings which is in excess of the 40sqm as detailed in the Residential Space Standards SPG. Having regard to the comments received around overdevelopment of the plot, the total site area measures approximately 1232sqm (0.123hectares) with each plot measuring approximately 500sqm (not including the access). Policy RD1

requires residential development to be at a density of 35 dwellings per hectare, unless local circumstances dictate otherwise. The density of the development as proposed is 16 dwellings per ha which is far below the advised density of 35 dwellings per ha. If the site were to be developed in line with the density required by policy, there would need to be 4 dwellings. The proposal is for 2 dwellings, and Officers consider this to be in line with the characteristics of residential development in the vicinity of the site and with respect to comments received, do not consider the proposal to represent an overdevelopment of the site.

The proposed dwellings are of a large scale and would have a height of over 7m. It is acknowledged that the site is at a higher elevation than the land to the west but when they are considered from public vantage points such as Bryn Goodman Road, the proposed dwellings would be set back in line behind Llys Gwyn and do not project to the side of Llys Gwyn. It is considered that the dwellings are a sufficient distance away from the Bryn Goodman road at approximately 50m away, to not result in a significant visual amenity impact when viewed from this direction. Having regard to the views towards the site from the A494, located to the rear of Hafan Deg and Ty'n y Berllan, the dwellings are considered to be prominent in the streetscene and would be seen above the ridgeline of both properties. As Hafan Deg has limited screening to the front of the property, the new dwellings are likely to be clearly seen from this vantage point, however, in Officers opinion, the development would not appear out of place as this is a residential area of Ruthin and there is a mix of large detached, modern style dwellings set back from the trunk road in this location. It is not considered that the development would affect prominent skylines in this area of Ruthin.



View of the site from the A494 to the west

The plans have confirmed the render would be white in colour. Whilst the plans have not been annotated to indicate the colour of the proposed composite cladding, it is likely that the cladding would likely be stone (grey) in colour similar to that which has been installed to Llys Gwyn adjacent, but further details can be agreed by condition. Similarly, details of the roof tiles have not been specified on the plans, but could also be dealt with by condition.

The plans show hedgerow would be planted along the southern boundary where a new fence has already been erected. No other landscaping arrangements have been detailed on plans. Having regard to the site clearance already undertaken and the objections received regarding the impacts to wildlife, Officers consider that a detailed landscaping scheme designed to deliver net benefit for biodiversity should be submitted for further approval and consider this should be controlled by an appropriately worded condition.

Having regard to the scale, design, form, massing and materials of the proposed new dwellings in this location, Officers consider that the design and detailing is acceptable and would not have a detrimental impact on the character of the area.

Therefore, having regard to the proposal, the locality and landscape, it is considered the proposal would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 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; and 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. and that it provides a satisfactory amenity standards itself.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Objections have been received from local residents on residential amenity grounds in terms of the potential for overlooking and loss of privacy into gardens and adjacent properties, impacts from car headlights, loss of light to properties to the south and the garden sizes being too small for the size of the properties.

The Residential Development SPG provides guidance on acceptable separation distances to protect neighbouring properties from overlooking, overshadowing and overbearing impact.

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

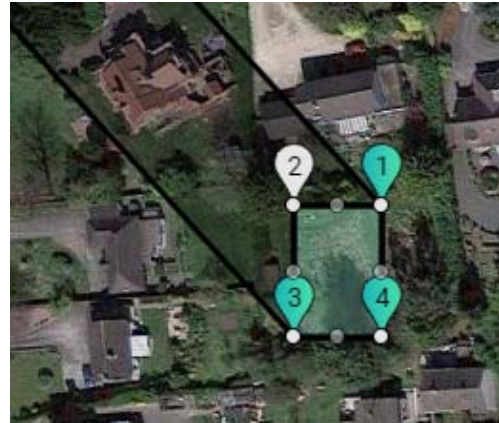
The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are residential properties surrounding the site on all sides. The nearest residential properties to the west facing from the front of the proposed dwellings would be Hafan Deg (Tracery) and Tyn' y Berllan. The Residential Development SPG advises that the separation distance front- to -back should be 21m. The proposal would be in excess of this distance at 40m. Whilst it is acknowledged that the site is at a higher elevation than the properties to the west, it is not considered to result in an unacceptable degree of overlooking which would warrant a reason for refusal given the separation distances involved.

In terms of the impacts to the amount of light received at the properties to the west, having regard to the orientation of the sun throughout the day, it is not considered that the dwellings would unacceptably reduce the sunlight received by these properties. The Shadow Calculator tool (extracts included below) shows the shadow which could be created by the new dwellings during summer and winter.



Mid summer 9am



Mid winter 9am

Having regard to the impacts to the properties to the south of the site, the Residential Development SPG advises that in a back - to - side situation, the separation distance should be 15m. This has been achieved at the site having regard to Number 15 Haulfryn and Officers do not consider that there would be a detrimental impact to the residential amenity of the occupiers of this dwelling as a result of the development.

Having regard to the impacts on the future occupiers of Llys Gwyn to the north, the back- to – side elevation distance would measure 16m which is just above the advised 15m in this situation as set out in the SPG. It is therefore considered to be an acceptable distance to not result in significant impacts to residential amenity.

In terms of amenity requirements for the proposed dwelling itself, the internal floor space well exceeds the minimum requirements for a 4 bedroom dwelling as prescribed in the Residential Space Standards SPG.

In terms of garden space, whilst the rear garden area is relatively shallow before it begins to rise up to the east, taking into account the front garden area, the total external area far exceeds 100square metres and therefore adequate garden space has been provided for the future occupiers of the dwellings.

Having regard to the above, Officers would conclude the proposal would not adversely impact on residential amenity of neighbours and the proposal would provide a satisfactory standard of amenity itself.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of*

species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

The application is not supported by an Ecological Survey and it is noted that extensive clearance has been undertaken at the site. Officers have noted comments received regarding the species which once inhabited the site but having sought advice from the Council's Ecologist, did not conclude it was reasonable to request a Preliminary Ecological Appraisal at this stage. However, Officers are keen to ensure that biodiversity enhancement measures are incorporated into and around the site in the form of bat and bird boxes, hedgehog holes in fences, native species hedgerow and tree planting and wildflower planting. Officers consider it reasonable to ensure these details are secured by condition to ensure that a biodiversity enhancements are installed at the site in line with guidance contained within PPW11.

4.2.5 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 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 (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Representations have been received raising concerns over surface water drainage.

Dwr Cymru/Welsh Water have not raised objections to the proposal subject to the inclusion of suitable conditions being imposed if planning permission is granted. No objections have been raised regarding the connection to the mains foul sewer.

There is no known flood risk at the site. The application proposes to install soakaways within the rear garden areas of the dwellings. As consent is required from the SuDS Approval Body (SAB) for the two dwellings prior to commencement, it is considered that Drainage Legislation will assess the acceptability of the proposal in greater detail but in principle the installation of soakaways is broadly acceptable in this location.

Given the comments of the technical consultees, it is considered reasonable to conclude that an acceptable drainage scheme can be achieved on the site. The proposals have been revised to show the proposed foul drain would run along the access driveway and not third party land. The proposals are therefore considered acceptable in relation to drainage.

4.2.6 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

With respect to domestic garages, the SPG advises garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m. If disabled access is required, these dimensions must be increased to 6m x 3.8m.

These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Objections have been received on highway safety grounds by the Town Council and members of the public due to the increased traffic using the road which is already in a poor state and the impacts on the safety of school children using Bryn Goodman road and additional vehicles exiting onto Greenfield Road.

The development would utilise the existing access point onto Bryn Goodman which currently serves the existing dwelling. This has been widened and divided to provide a separate access for the new development adjacent to the access serving Llys Gwyn. Onsite parking is proposed within the garage and on hardstanding to the front of each dwelling, and providing the garage is utilised, cars can turn within the site and therefore can enter and exit from the site in forward gear.

The Highways Officer has raised no objection to the proposal. It is not considered that the number of vehicles entering the plot to the rear of Llys Gwyn, would cause significant harm or annoyance to future occupiers by way of noise and fumes, or from the increased amount of traffic in Bryn Goodman. It is considered that the traffic

generation as a result of the two new dwellings would not give rise to a significant increase in vehicle movements on Bryn Goodman which would warrant a refusal on highways safety grounds.

Whilst respecting the concerns raised by the Town Council and local residents, having regard to the views of the Highway Officer, it is considered that the site proposal complies with TAN18 requirements. It is further noted that parking is provided in accordance with the guidance contained in the SPG. Therefore Officers conclude the proposal would not give rise to unacceptable impacts on highway safety grounds.

4.2.7 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity, quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis.

On the basis of the evidence within the Open Space Assessment and Audit Report, it is considered that the proposal should make a financial contribution to mitigate the increased usage on the existing open space and equipment within the area.

The proposal is for two dwellings, and in line with SPG Open Space, open space provision should be contributed to by way of a commuted sum payment. The current calculation for 2 dwellings is £2474.43.

The proposal is considered acceptable in relation to open space policy subject to the requisite contribution being secured through an appropriate agreement.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of

supporting safe, cohesive and resilient communities. 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 site lies within the Ruthin development boundary and therefore the proposal is acceptable in principle.
- 5.2 It is therefore recommended that planning permission be granted subject to the following conditions and the completion of a section 106 style agreement with the Local Authority to secure the payment of £2474.43 to provide additional public open space in the community. The sum should be paid prior to the occupation of the first dwelling. The planning permission would only be released on completion of the Section 106 Agreement. Failure to complete the Agreement within 12 months of the date of the Committee meeting would oblige the application to be reported back to Committee and reconsidered against policies and guidance in place at that time.
- 5.3 Subject to the necessary financial contribution to open space being secured, and necessary conditions being imposed, the proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th February 2027
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) Proposed elevation 1 of 4 (Drawing No. TBP_19.032_A104 P01) received 19 November 2021
 - (ii) Proposed elevation 2 of 4 (Drawing No. TBP_19.032_A105 P02) received 30 November 2021
 - (iii) Proposed elevation 3 of 4 (Drawing No. TBP_19.032_A106 P01) received 19 November 2021
 - (iv) Proposed elevation 4 of 4 (Drawing No. TBP_19.032_A107 P01) received 19 November 2021
 - (v) Proposed ground floor plan (Drawing No. TBP_19.032_A101 P02) received 30 November 2021
 - (vi) Proposed first floor plan (Drawing No. TBP_19.032_A102 P02) received 30 November 2021
 - (vii) Proposed roof plan (Drawing No. TBP_19.032_A103 P01) received 19 November 2021
 - (viii) Existing site plan (Drawing No. TBP_19.032_A002 P01) received 19 November 2021
 - (ix) Proposed site plan (Drawing No. TBP_19.032_A004 P01) received 19 November 2021
 - (x) Existing site location plan (Drawing No. TBP_19.032_A001 P01) received 19 November 2021
 - (xi) Proposed site location plan (Drawing No. TBP_19.032_A003 P01) received 19 November 2021
3. Prior to the application of any external materials to the dwellings hereby approved, full details of the wall and roof materials, including materials, colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. **PRE COMMENCEMENT CONDITION**
No development shall be permitted to commence until the details of the provision for roosting bats, nesting birds and hedgehog holes in fences have been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and

specification of these features which shall be determined by a suitably qualified ecologist and shown on appropriate plans having particular regard to the external lighting scheme which shall also be detailed on the plans. The development shall proceed in strict accordance with the approved plans and details.

5. Within 6 months of the commencement of development, a detailed scheme of hard and soft landscaping designed to deliver a net benefit for biodiversity, including details of all boundary treatments and containing a full planting list, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.
6. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
7. The facilities for the parking and turning of vehicles within each plot shall be completed in accordance with the approved plans before the dwelling to which they relate is first brought into use, and shall be retained as approved at all times thereafter.
8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
9. No external lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.

The reasons for the conditions are:-

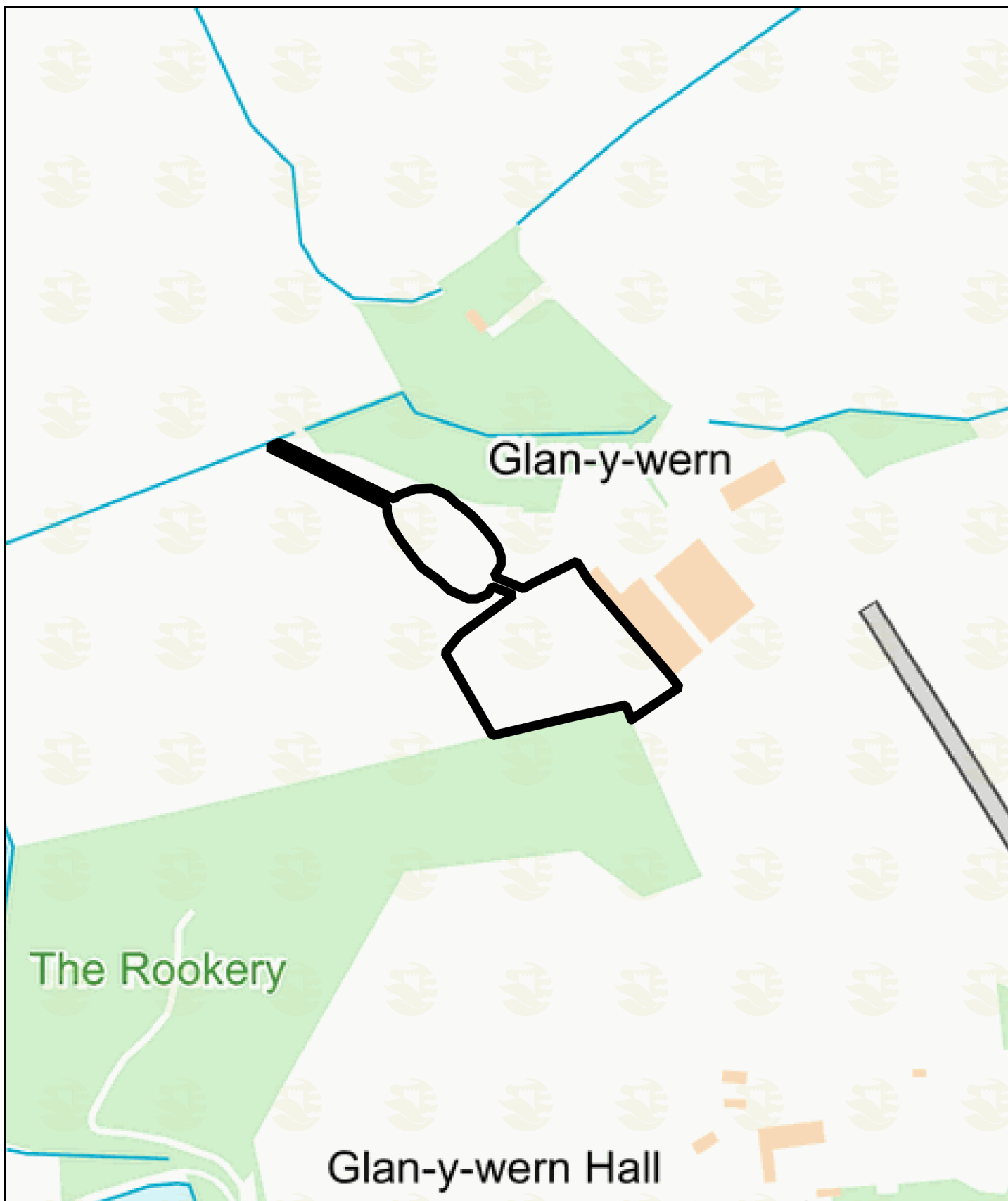
1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of visual amenity.
4. To protect the favourable conservation status of protected species.
5. In the interests of ecology and visual amenity.
6. In the interests of ecology and visual amenity.
7. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
9. To ensure the favourable conservation status of protected bat species.

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 6

WARD:	Llandyrnog
AELOD/AELODAU'R WARD:	Y Cyng Merfyn Parry (c)
RHIF Y CAIS:	18/2021/0533/ PF
CYNNIG:	Codi 2 adeilad amaethyddol ar gyfer cadw da byw. Gosod seilo bwydo a thanc dylifol dan y ddaear. Creu llawr caled a pwll arafu dŵr wyneb, tirweddu a gwaith cysylltiedig.
LLEOLIAD:	Fferm Glan y Wern, Ffordd Eglwyswen, Llandyrnog

Mae tudalen hwn yn fwriadol wag



18/2021/0533

 **Graddfa / Scale:** 1:2500

Canol / Centre: 309808, 366335

Dyddiad / Date: 2022-01-25 16:17:05

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View of the site facing north



View facing south towards
Ancient woodland



View from the site facing west



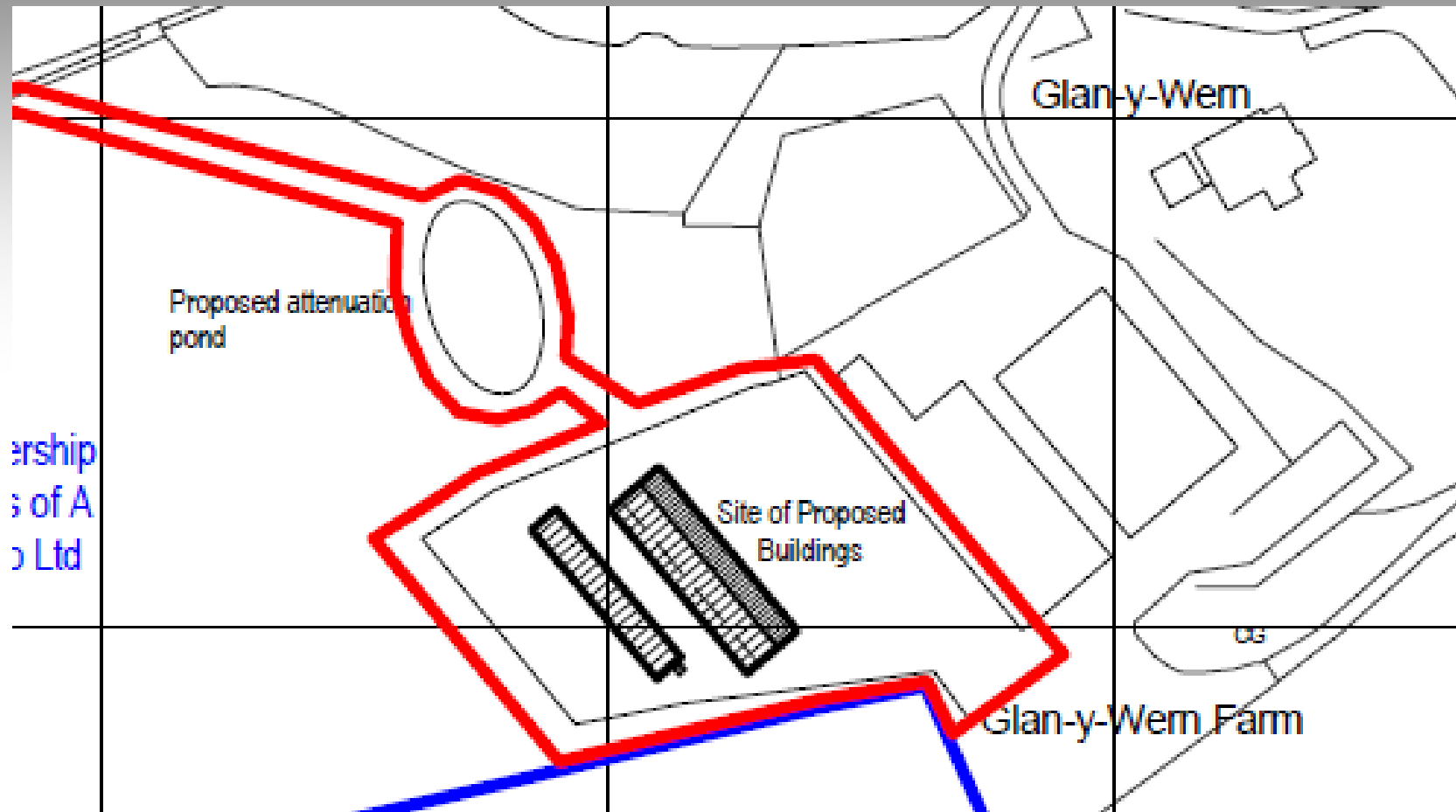
View from the site facing
east



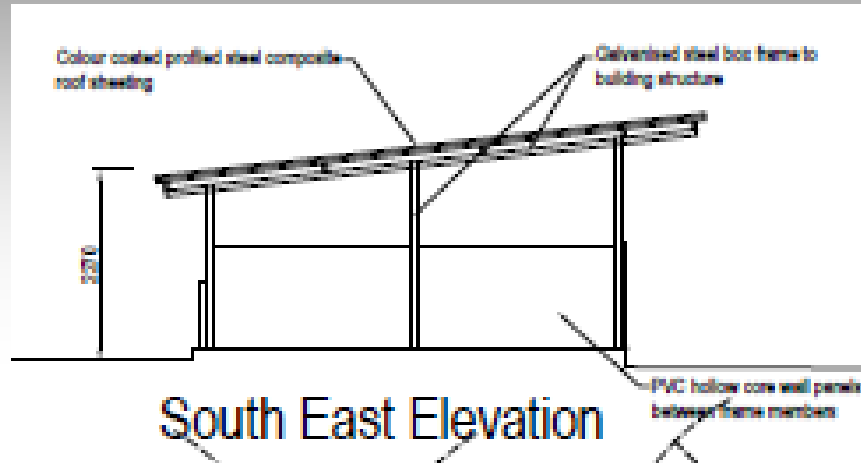
View from yard towards neighbouring properties



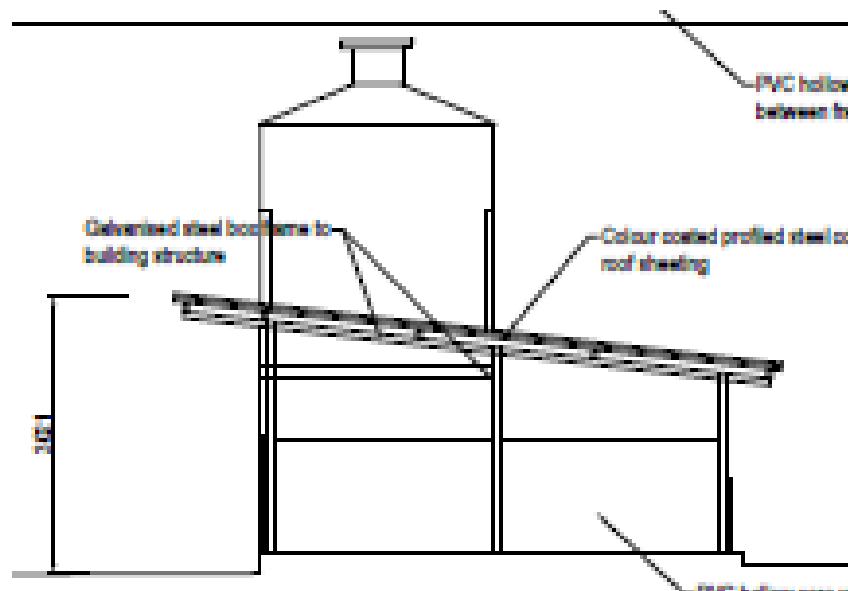
View to the north showing location of attenuation pond



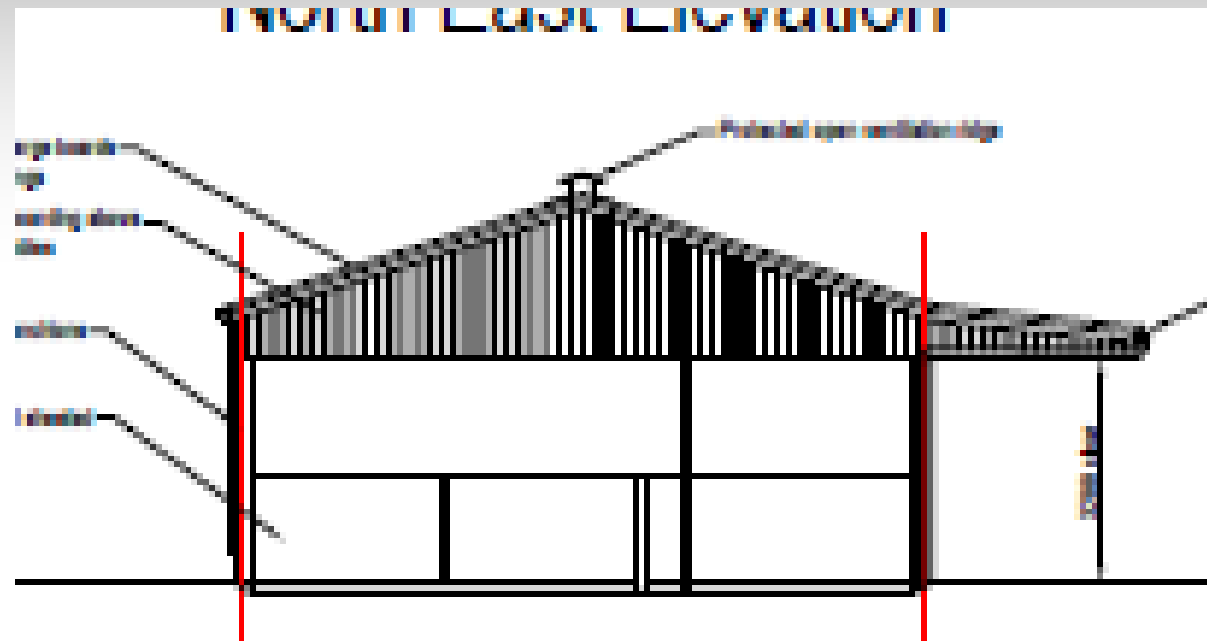
Proposed site plan showing buildings and attenuation pond



Proposed side elevation of calf building



Proposed side elevation of calf building including silo



Proposed side elevation
of youngstock building

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry

APPLICATION NO: 18/2021/0533/ PF

PROPOSAL: Erection of 2 agricultural buildings for the housing of livestock.
Installation of feed silo and under ground effluent tank. Formation of hardstandings and surface water attenuation pond, landscaping and associated works

LOCATION: Glan Y Wern Farm Whitchurch Road Llandyrnog
Denbigh LL16 4HL

APPLICANT: Huw Jones & M Evans Farms Co. 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 – 4 or more objections received

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL
'Support the application'

NATURAL RESOURCES WALES

'We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding pollution prevention and air quality. If this information is not provided, we would object to this planning application'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Officer –

Informally commented that no details had been provided of the bore hole that is known to the Authority at the site. Plans were submitted showing the location of the bore hole and no objections were raised by the Public Protection Officer.

Conservation Officer-

The proposed outbuildings are adequately screened from the listed hall and cottage by the existing woodland and will not impact the setting of the LB.

County Ecologist-

Raised concerns regarding the ammonia impact on woodlands and surface water contamination with animal waste. The nitrogen levels at the site are likely already having an impact to the ancient woodland sites around the farm

Flood Risk Engineer-
Awaiting response.

RECONSULTATION RESPONSES:

Additional information provided on pollution prevention, manure removal, field heaps, borehole location, air quality in relation to the SAC and impacts to protected species.

NATURAL RESOURCES WALES

Continue to have concerns as inadequate information has been provided in support of the proposal. Further consideration is required by the Authority regarding air quality.

Other sources of ammonia contributions could alter the findings of the report, and we advise that your Authority investigates, in line with Guidance Note 020, if there are other sources of ammonia emissions to consider that could affect the sensitive sites.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

County Ecologist-

From an ecological perspective, a woodland ground flora dominated by nettles indicates a nitrogen issue which is harming that habitat. The woodland trust propose that all ancient woodlands should be considered in assessments, but NRW are conveying the message that it's only specific sites containing specific lichens and bryophytes are susceptible. I still believe that this development will further harm those ancient woodland ecosystems, but I suspect that on the grounds of the email below, we cannot object.

RECONSULTATION RESPONSES:

Additional information provided by agent in response to NRW's previous concerns.

NATURAL RESOURCES WALES

Air Quality

The process contribution of the development alone is below 1%, and therefore believe that the risk to the designated site is low. However, other sources of ammonia contributions could alter the findings of the report, and we advise that your Authority investigates if there are other sources of ammonia emissions to consider that could affect the sensitive sites.

NRW consider the proposals have the potential to impact upon several SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Pollution prevention

Satisfied that the developer has submitted information to address the concerns regarding pollution prevention previously raised.

RECONSULTATION RESPONSES:

Screening exercise of existing ammonia producers within 3km of the SAC boundary provided

NATURAL RESOURCES WALES

Previous response remains valid. From the additional information submitted, the in-combination contribution would still be below the 1%, and therefore we are still of the opinion that risks to designated sites are low.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Mark Griffiths, Glan y Wern Hall, Llandyrnog
David and Margaret Jones, Hafan Dawel, Llandyrnog
James Scott, Glan y Wern Cottage, Llandyrnog
Emyr Morris, Penisa'r Waen, Llandyrnog

Summary of planning based representations in objection:

Visual amenity

The woodland will provide little screening in winter and are not maintained by the Hall or Farm so there is no control over their maintenance.

Impacts on the views from the AONB and Offa's Dyke Path

Pollution

Surface water from the cattle yard will be contaminated and will enter the river Clwyd and impact on ecology

No mention on how slurry and manure generated will be handled.

Impacts if the river floods- cross contamination

Flood risk

The discharge to the River Clwyd and land is low lying and within high risk flood zone. Risks of cross contamination.

Odour

Intensive cattle rearing will cause odour issues, attract flies and raise methane levels.

No evidence of potential ammonia emissions impacts on neighbouring properties

No details of how waste is to be stored or disposed of.

Noise

Additional highways movements on drive and over old cattle grid causing noise issues

Highways

Additional traffic using the lane by Pony Club events

The driveway is a PROW and old Roman Road which should have an archaeological survey done on it before any further development is permitted.

Principle

Intensive farming of cattle in buildings should not be allowed.

RECONSULTATION RESPONSE TO PUBLICITY:

In objection

Emyr Morris, Penisa'r Waen, Llandyrnog

James Scott, Glan y Wern Cottage, Llandyrnog

Summary of planning based representations in objection:

Inaccurate site plans not showing the location of the manege which could have in-combination impacts on drainage and the River Clwyd

Flood risk concerns regarding contamination and dirty water tank sited on the land and manure storage locations

The proposed site for the field heaps does not show the location of the agricultural workers dwelling and its proximity to neighbouring properties impacting on air quality.

The existing woodland trees do not screen the site during the winter and the buildings are in full view of property

EXPIRY DATE OF APPLICATION: 29/07/2021

EXTENSION OF TIME AGREED? Yes 11/02/2022

REASONS FOR DELAY IN DECISION (where applicable):

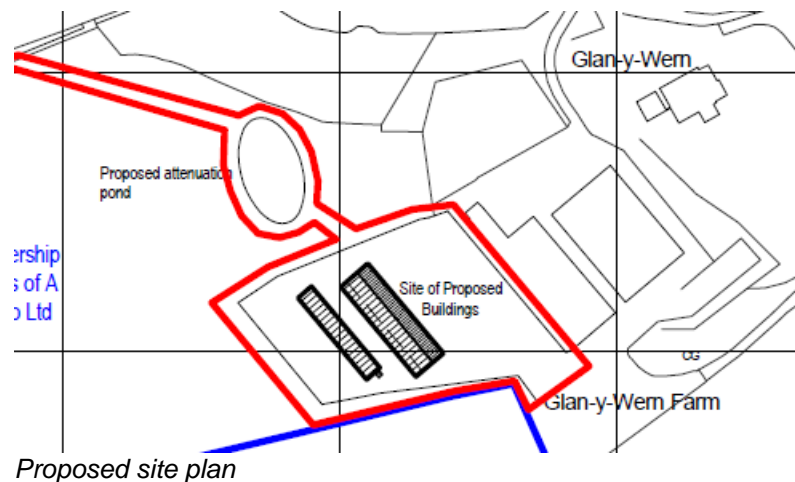
- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

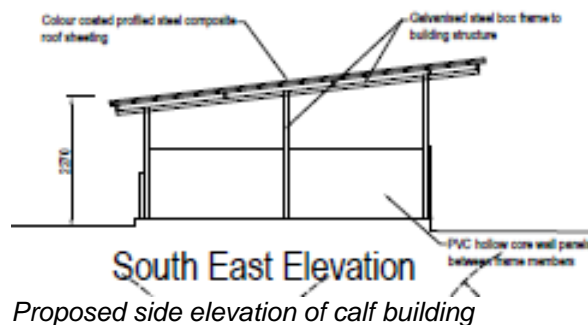
1. THE PROPOSAL:

1.1 Summary of proposals

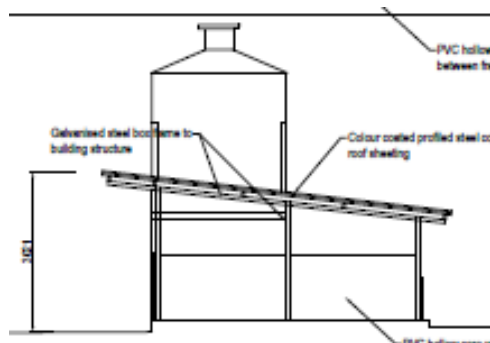
- 1.1.1 The application seeks permission for the erection of 2 agricultural buildings for the housing of livestock. Installation of feed silo and under ground effluent tank. Formation of hardstandings and surface water attenuation pond, landscaping and associated works at Glan y Wern Farm, Llandyrnog.
- 1.1.2 The 2 new buildings are proposed to be oriented so they are parallel to the existing buildings within the north eastern portion of the farm complex.



- 1.1.3 The first building is a proposed calf building and would measure 6.4m x 38.5m and would be arranged into 12 bays. 8 of the bays would accommodate 48 calves and 2 would be isolation pens. The gross external floor area would measure 248sqm (including canopy).

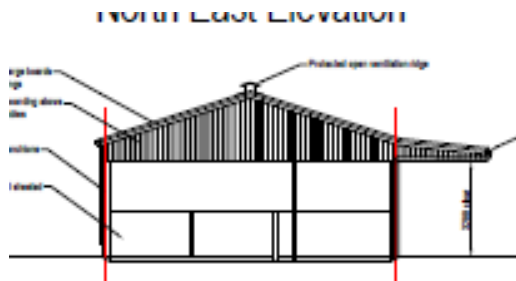


- 1.1.4 The building would be finished in pvc hollow core wall panels in mid grey colour.
- 1.1.5 The building is proposed to have a mono-pitch roof of slate blue box sheeting with a height of approximately 2.270 metres on its south western elevation and a height of just approximately 3.021 metres on its north eastern elevation.
- 1.1.6 A galvanized steel feed silo would be positioned adjacent to the south eastern elevation.



Side elevation including silo

- 1.1.7 The second building is proposed to be for young stock and would externally measure approximately 42.300 metres x 12.953 metres (including roof overhang covering the external feed fence) arranged in 7 bays. Overall, the building would have a gross external floor area (including roof overhang) of approximately 548 sqm.



Proposed side elevation of youngstock building

- 1.1.8 The building would be finished in vertical spaced stained timber boarding with a natural grey coloured fibre cement sheeting.
- 1.1.9 The building is proposed to have a pitched roof with an eaves height of 3.9m on the north east elevation and 3.6m on the south west elevation and ridge height of 5.8m. The floor area (including roof overhang) would measure 548sqm.
- 1.1.10 A surface water attenuation pond is proposed to be located on lower lying land to the north of the farmstead with a controlled outfall discharging to an existing watercourse which flows to the west. It is proposed to have a capacity of 454 cubic metres to facilitate the attenuation of flows arising from the proposed and existing buildings.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Design and Access Statement, Ecology report and Drainage Assessment, Supplementary Planning Note, Field Heap Locations, Borehole Location, in-combination Ammonia Impacts, response to NRW and response to Ecologist.

1.3 Description of site and surroundings

- 1.3.1 The site is located approximately 3km to the east of Denbigh and comprises of an agricultural unit of 109 ha with a further 123ha of rented land.
- 1.3.2 The business has entered into an agreement with Genus Plc which involves the rearing of cattle of high genetic value and commercial value with technical support. This has replaced the conventional beef cattle enterprise formerly at the site.
- 1.3.3 The site slopes up to the north east and there is a large area of woodland to the south known as the Rookery and an area of woodland to the north of the site.

- 1.3.4 The site is currently bare ground used for storage. A concrete yard separates the site from the existing modern cattle buildings

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundaries defined in the LDP. There is a PROW to the north east of the site.
- 1.4.2 There are 2 non-statutory protected wildlife sites within 1km of the site- Pont Clawdd Ddu 623m away and Garn Clwyd Bella, 865m away.
- 1.4.3 There are two residential dwellings, one a Grade II* listed building within 250m of the site.
- 1.4.4 The Predictive Agricultural Land Classification is Grade 3a Good to moderate quality agricultural land

1.5 Relevant planning history

- 1.5.1 A prior notification application for the construction of a building for the accommodation of calves under Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development Order 2015 (as amended) was determined that the proposed building would be located within 400 metres of the curtilage of a protected building and as such, would not constitute permitted development and accordingly planning permission would be required.

1.6 Developments/changes since the original submission

- 1.6.1 Details of location of the bore hole, field heap locations, pollution prevention and air quality information, Supplementary Planning Note, information on in- combination ammonia impacts, response to Ecology comments on ammonia impacts to woodlands and surface water contamination. Updated landscaping scheme including submission of Hedgerow Establishment Specification.

1.7 Other relevant background information

- 1.6.2 The submitted Planning Statement sets out that the business is seeking to improve its cattle accommodation at Glan y Wern Farm through providing building environments that are specifically designed for the age of cattle being housed. The main aims will be to:
- Improve bio-security;
 - Reduce the risk of disease transmission (both via direct contact and airborne) between cattle of different age groups;
 - Reduce the age range of cattle accommodated within each building, so that youngstock of disparate ages do not share the same airspace;
 - Optimise group sizes in accordance with current research;
 - Improve the environments within buildings;
 - Ensure the ratios of bedded areas to feed fence meet industry standards for the feeding systems employed;
 - Provide more loafing and bedding space per head; and
 - Facilitate the ability to improve animal husbandry and management (e.g. through the installation of locking head yokes in feed fences to enable efficient routine testing of the larger cattle for bovine TB)
 - Improvements in biosecurity, animal health, mortality rates, animal welfare, animal husbandry, operational efficiency and staff health & safety.

2. DETAILS OF PLANNING HISTORY:

2/11238 Demolition of Existing Farmhouse and erection of replacement Granted 25/05/1990
28/11689 Erection of sheep shed Granted 21/12/1990

18/962/97/PF Erection of an extension to sheep shed Granted 07/01/1998
18/2017/1225 Development of 0.09ha of land by erection of a rural enterprise dwelling, installation of a new septic tank Granted 14/03/2018
18/2017/0232 Erection of stables and secure plant store, GRANTED 03/05/2017
18/2020/0763 Prior Notification for the erection of an agricultural building for the housing of calves- REFUSE TO CERTIFY due to being within 400m of a protected building.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 15 Development and Flood Risk (2004)

TAN 24 The Historic Environment (2017)

3.3 Other material considerations

None.

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

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 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Impact on listed building

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales 11 (PPW 11) advises that Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition authorities are encouraged to adopt a positive approach to the conversion of rural buildings for business re-use.

TAN 6 Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN 6 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

Policy PSE 5 states that development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising any special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

Given the nature of the two agricultural buildings outside of the development boundary, the main issue is considered to be whether there is sufficient justification for the buildings and whether the siting and visual impact are appropriate.

In terms of justification provided, the proposed development of the calf and youngstock buildings at Glan y Wern represents a capital investment which would deliver a boost to the local economy.

The management and labour inputs associated with the rearing of cattle of high genetic and commercial value under the agreement with Genus is proposed to result in the need to employ three additional stockpersons at Glan y Wern who are local Welsh speakers.

The proposed development is also proposed to have added benefits to the wider rural economy including:

- Agricultural machinery manufacturers and suppliers;
- Agricultural machinery and equipment servicing and repairs;
- Livestock feed / supplement suppliers;
- Straw suppliers;
- Contractors;
- Veterinary surgeons; etc.

The application states that the link with Genus will serve to enhance the status of the farm business and the livestock sector generally, helping to further develop the reputation of Denbighshire as an internationally recognised location for excellence in bovine breeding and rearing.

Having regard to the information provided in the submission, it is considered that the proposals are acceptable in principle subject to an assessment of the localised impacts.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

TAN6 A14 states 'The siting of a new agricultural building can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost'.

Representations have been received raising visual amenity concerns including the fact that the woodland will provide little screening in winter and the impacts on the views from the AONB and Offa's Dyke Path.

The siting of the proposed buildings are to be located to the south west of the existing livestock buildings with the attenuation pond to the north of the site on lower ground within a field. The buildings would be viewed in the context of an existing range of utilitarian farm buildings. The proposed buildings would be relatively small in terms of their individual and overall footprint, height and mass, particularly when considered in the context of the larger existing buildings to the east. The materials to be used in the construction of the buildings are typical of those used for modern agricultural buildings in rural locations and are considered to be in compliance with the guidance contained in TAN6 A14.

The site benefits from large areas of mature woodland immediately to the north and south and by the existing farm buildings and rising topography to the east. With respect to the comments received, it is considered that long distance views of the buildings from public viewpoints and neighbouring properties would be limited and the buildings would not occupy a prominent skyline location. As the site is on land which is elevated above the field to the north, it is considered that the proposals could have an impact on the visual amenity of the area when viewed from the Public Right of Way to the north and it is considered reasonable to seek further landscaping details through the provision of supplementary hedgerow planting to the fence boundary to the north and south of the site to help it to blend more successfully into the surrounding landscape. Overall, it is not considered that the buildings when viewed within the context of the farm would have an unacceptable impact on visual amenity, more than what already exists at the site.

Having regard to the design, siting, scale, massing and materials of the buildings in relation to the character and appearance of the locality and the wider landscape, it is considered that the proposals would not have an acceptable landscape and visual impact despite being located on the periphery of the main farm complex.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Policy PSE5 (i) of the LDP states appropriate employment proposals outside of development boundaries will be supported providing the proposal is appropriate in scale and nature to its location.

The June 2018 Welsh Government Dear Chief Planner letter states:

“Intensive agricultural units particularly pig and poultry farms, can affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise.

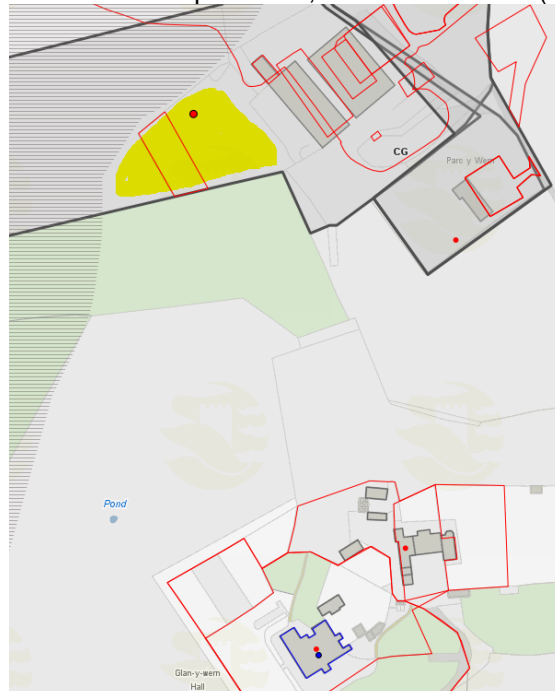
There is the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account.”

“While environmental permitting and local controls, such as statutory nuisance, may manage the ongoing effects of development, the planning system should consider the relationship between neighbouring and potentially conflicting land uses in the first instance.”

It is recognised that intensive livestock units therefore have the potential to impact on the living conditions of residents living nearby through a number of factors, in particular emissions of noise, odour and dust / airborne pollution.

Representations have been received raising residential amenity concerns including noise from the track by vehicles going over the cattle grid and odour concerns from the intensive rearing and field heap manure locations.

The nearest non-related residential properties are Glan y Wern Cottage and Glan y Wern Hall located approximately 230m and 250m away respectively from the proposed new agricultural buildings. They are separated by an area of ancient woodland and open fields, see extract below (application site marked in yellow).



Extract of map showing distance between site and residential properties to the south

Comments have been received regarding the poor efficiency of the woodland at screening the site from views from Glan y Wern Hall and Cottage to the south. With respect to comments received, a right to a view is not a material planning consideration. Officers consider that a 60m wide area of woodland and an additional 200m separation distance across farmland would provide an adequate screening distance of the proposed sheds from the properties and are of the opinion that development would not have a detrimental impact on the residential amenity of the occupiers of these dwellings.

The proposed buildings would be accessed via the existing track to the farm complex and as such it is not expected that the proposal would result in a significant increase in traffic movement to and from the building and therefore would not impact unacceptably on neighbouring property.

Having regard to the odour concerns raised, it is proposed to construct an underground effluent tank and field heaps on the wider land approximately 300m and 450m away from the Glan y Wern Farm complex.

NRW have reviewed the information and have advised that they are satisfied with the details relating to pollution prevention. Officers are of the opinion that the buildings form part of the existing farm complex and are proposing an increase of 48 cattle on the farm. It is considered that the increase in numbers of animals at the farm is relatively small and consider that the underground effluent tank to be sufficient to deal with the manure and should not result in any significant increases to odour more than what already exist at the farm. The proposed field heaps are considered to be of a suitable distance away to not raise any significant odour concerns. However, should odour become a nuisance to nearby properties, the Public Protection Section of the Council can investigate accordingly and this is covered by separate legislation to Planning.

Having regard to the location of the proposed development, it is considered that the proposals would have limited impact on residential amenity. The proposals therefore comply with the policies and guidance listed above.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

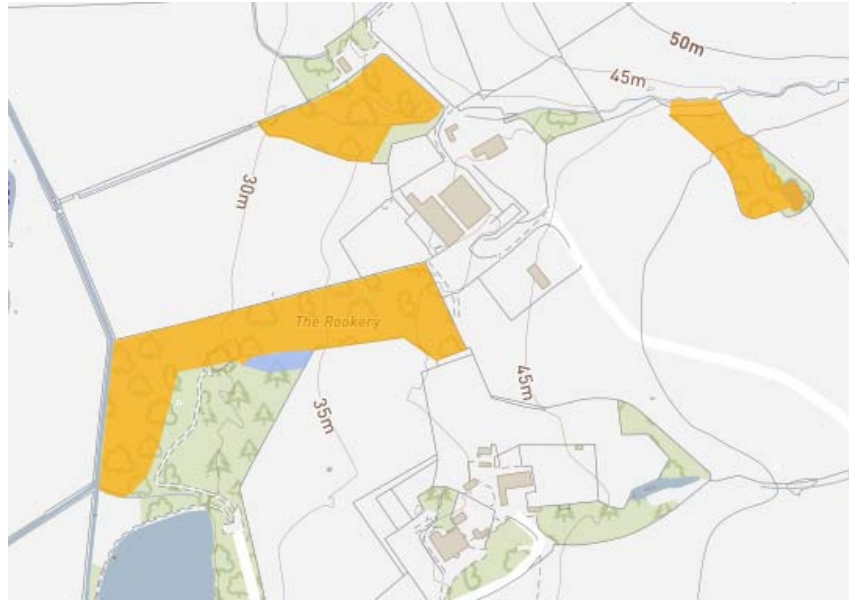
The Preliminary Ecological Appraisal submitted with the application states that there are no statutory protected sites within 1 kilometre of the site; the nearest SSSI is Llwn, located approximately 1.9 kilometres to the south west. There are however two non-statutory wildlife sites within 1 kilometre of the application site: Pont Clawdd-ddu located 623 metres away; and Garn Clwyd Bella located 865 metres away.

The proposed development involves the construction of two buildings to be used for the accommodation of livestock and the site is located within 5 kilometres of a number of designated ecological sites. Accordingly, an ammonia impact assessment for the proposed development was conducted and demonstrated that all process contributions from the baseline, existing and proposed development at Glan y Wern are insignificant and that there is no requirement to consider further in-combination sources.

However, NRW responded to state that the process contribution of ammonia from the development alone is below 1% of the critical level of ammonia contributions, and believed that the risk to the designated site is low. However, other sources of ammonia contributions could alter the findings of the report, and advised that the Local Planning Authority investigates if there are other sources of ammonia emissions to consider that could affect the sensitive sites.

A screening exercise was carried out by the Local Planning Authority and potential sites which could provide another source of ammonia emissions were sent to the agent for further assessment. The results found 1 development was relevant which was the free range egg production unit (24/2018/0206) in Llanynys which had an Ammonia Impact Assessment submitted and approved. An in-combination assessment was then conducted and the agent has confirmed that the in combination contribution with the proposed development at Glan y Wern would still be below 1% critical level. NRW also confirmed that they were of the opinion that risks to designated sites are low.

The County Ecologist initially raised concerns regarding the impacts to ancient woodlands from the existing development and increasing the nitrogen levels which can have an impact on specific species in the woodland. He had advised that the Woodland Trust propose that all ancient woodlands should be considered in assessments, but NRW are conveying the message that it's only specific sites containing specific lichens and bryophytes are susceptible. The County Ecologist is of the opinion that the development will further harm those ancient woodland ecosystems, but that he cannot object as NRW do not have any records of any ammonia sensitive ancient woodlands close to Glan Y Wern and accordingly, there is no requirement for them to be included within the Ammonia Impact Assessment. The ancient woodlands around Glan y Wern are considered to be 'restored ancient woodlands' due them having suffered such significant disturbance during past afforestation that they no longer function as natural ecosystems and no ammonia impact assessment is required.



Lle.gov map of restored ancient woodlands around Glan y Wern Farm

4.2.5 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Flood risk and contamination concerns have been raised as an objection by neighbours.

The application site is not within an area of known flood risk according to the Development Advice Maps from TAN15: Development and Flood Risk, nor in the more up to date Flood Risk for Planning maps produced by NRW for the release of the new TAN 15.

The proposed attenuation pond is located to the north of the site and would have a total depth of 1m and is proposed to have a meadow seed mixture for wetlands planted within it. Given the location of the attenuation pond within the field location

away from existing development, it is not considered that it would raise any significant drainage concerns as it is away from existing development and is not in an area of flood risk.

As the new buildings would result in a surface area over 100sqm, SUDs approval is required from the SUDs Approval Body prior to the commencement of development. Officers consider that drainage concerns can be dealt with under the SUDs legislation during the separate SAB approval process and it would be unreasonable to condition this on any planning decision. It is therefore considered that, subject to the SAB approval being obtained, the development would not have an unacceptable impact on the drainage of the site.

4.2.6 Impact on Listed Building

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. PPW refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest; and indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

Concerns have been raised regarding impacts to the listed buildings as a result of the development.

There is a listed building located approximately 250m to the south of the site at Glan y Wern Hall. Given the separation distances between the site including the stretch of existing woodland it is considered that the site would be adequately screened from the listed hall and would not result in any unacceptable impacts to the setting of the listed buildings. The Conservation Officer has also raised no objection to the proposals.

Officers consider the proposed buildings would be seen in the context of other agricultural buildings on the complex and as such it would not adversely impact on the setting of the Listed Buildings.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 acceptable and is recommended to be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th February 2027
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) Location Plan (Drawing No. H0260-05-A3-PL-01) - Received 19 May 2021
 - (ii) Existing Site/Topographical Survey Plan (Drawing No. H0260-05-A3-PL-02 Rev A) - Received 6 June 2021
 - (iii) Proposed Site/Block/Roof Plan (Drawing No. H0260-05-A3-PL-05 Rev A) - Received 6 June 2021
 - (iv) Proposed Landscaping Plan (Drawing No. H0260-05-A3-PL-06) - Received 6 June 2021
 - (v) Calf Building Proposed General Arrangement and Elevations (Drawing No. H0260-05-A1-PL-03 Rev A) - Received 6 June 2021
 - (vi) Youngstock Building Proposed General Arrangement and Elevation (Drawing No. H0260-05-A1-PL-04) - Received 19 May 2021
 - (vii) Stock Fencing (Drawing No. H0260-05-A1-PL-07) - Received 6 June 2021
 - (viii) Planning, Design and Access Statement (Dated May 2021) - Received 19 May 2021
 - (ix) Preliminary Ecological Appraisal - Received 19 May 2021
 - (x) Drainage Strategy (Dated April 2021) - Received 19 May 2021
 - (xi) Ammonia Emissions: Impact Assessment (Dated April 2021) - Received 19 May 2021
 - (xii) Existing Site/Borehole Location (Drawing No. H0260-05-A3-PL-08 Rev A) - Received 28 October 2021
 - (xiii) Additional information from agent in response to Ecologist - Received 18 October
 - (xiv) Additional information from agent in response to NRW - Received 28 October 2021
 - (xv) Magic Map - Received 28 October 2021
 - (xvi) Temporary Field Heaps Location Plan - Received 28 October 2021
3. The buildings hereby approved shall not be brought into use until the proposed drainage systems have been installed and are operational, strictly in accordance with the approved Drainage Strategy (Waterco, April 2021) received 19 May 2021.
4. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
5. No external lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.
6. Should the use of the buildings for agriculture cease, the structures shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to the satisfaction of the Local Planning Authority.
7. The buildings hereby approved shall not be brought into use until the written approval of the Local Planning Authority has been obtained to an Odour Management Plan. The development shall then be implemented strictly in accordance with the approved details.

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. To ensure adequate drainage facilities are provided to serve the development.

4. In the interests of landscape and visual amenity.
5. To ensure the favourable conservation status of protected bat species.
6. In the interest of landscape and visual amenity.
7. In the interests of protecting amenity of occupiers of nearby residential properties.

Eitem Agenda 7

WARD:	Llanrhaeadr yng Nghinmeirch
AELOD/AELODAU'R WARD:	Y Cyngorydd Joseph Welch (c)
RHIF Y CAIS:	23/2021/0927/ PR
CYNNIG:	Manylion edrychiad, tirlunio, cynllun a graddfa 33 annedd wedi ei gyflwyno yn unol ag amod rhif 1 caniatâd cynllunio amlinellol rhif cais 23/2016/0557 (cais materion a gadwyd yn ôl)
LLEOLIAD:	Tir ger Dolwar, Llanrhaeadr, Dinbych, LL16 4NT

Mae tudalen hwn yn fwriadol wag



23/2021/0927



N Graddfa / Scale: 1:1250

Canol / Centre: 308637, 362471

Dyddiad / Date: 2022-01-25 17:28:40

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Tudalen 89



View of the site facing towards the north

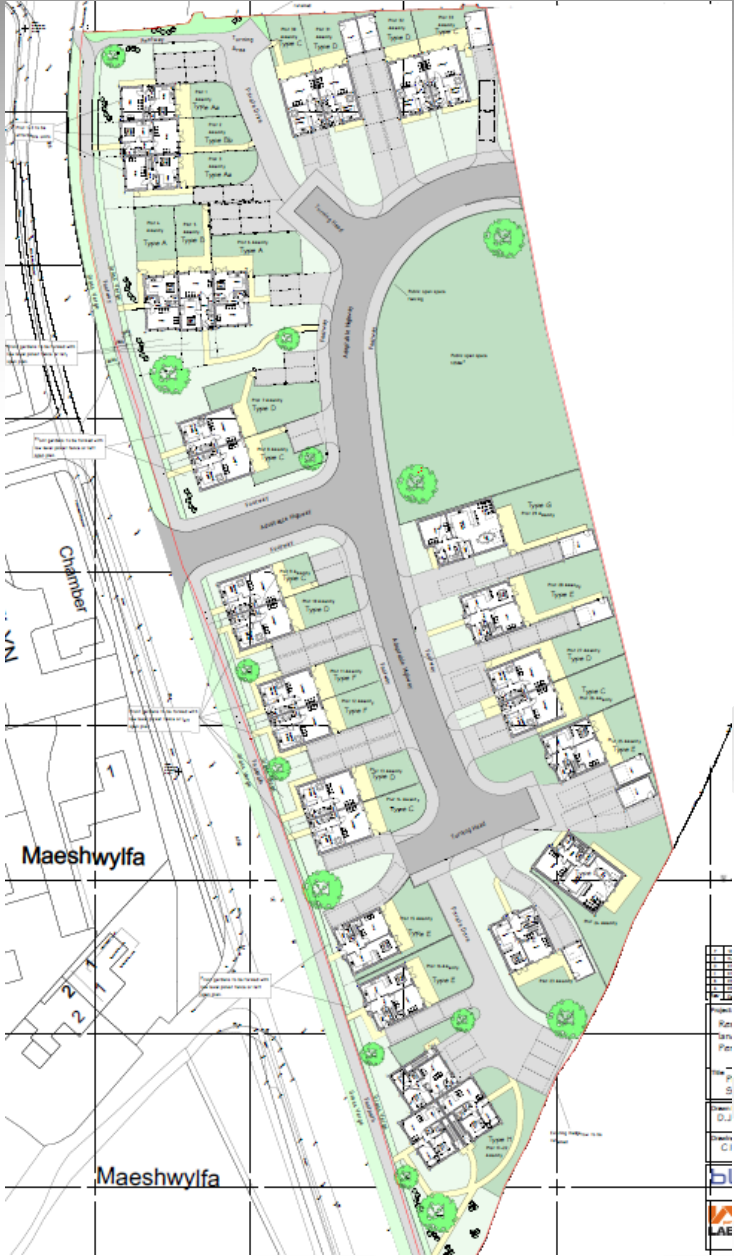


View of the site facing east



Site to the left with existing new development across the road

Proposed site plan





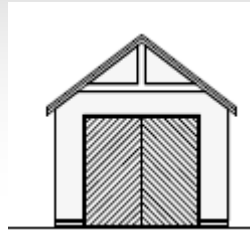
House types A and B



House Types A and B
affordable dwellings



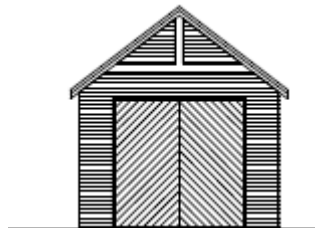
House Types C and D
and garages



House type E and detached garage



House Type F



House type G and detached garage



House Type H- block of
6 apartments



Street scene

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER(S): Cllr Joseph Welch (c)

APPLICATION NO: 23/2021/0927/ PR

PROPOSAL: Details of appearance, landscaping and scale of 33 no. dwellings submitted in accordance with condition no. 1 of outline planning permission code no. 23/2016/0557 (reserved matters application)

LOCATION: Land adjacent to Dolwar Llanrhaeadr Denbigh LL16 4NT

APPLICANT: Mr Andy Cottle

CONSTRAINTS: None.

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:

LLANRHAeadr YNG NGHINMEIRCH COMMUNITY COUNCIL-

'Objection' on the following grounds:

1. The Sewerage discharge will be crossing land towards the river without the permission of the land owner in question.
2. The local Primary School is full to capacity and therefore the increased housing development would not be able to educate children locally.
3. The trees planted at the location should be native trees only and not oriental trees as proposed.

NATURAL RESOURCES WALES

No comments to make and do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018).

DWR CYMRU / WELSH WATER

No objection but provide guidance on the discharge of condition 8 of original outline planning permission ref.23/2016/0557 and advise that foul water should be connected to the sewer in the highway between specific manholes.

NORTH WALES POLICE

'Part Q of Building Regs now requires developers to include secure doorsets and windows in new dwellings. This development was initially submitted before Part Q came into effect however it will only be exempt provided the work was started on site before 1 November 2019'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer-
No objection.

Public Protection Officer-

No comments received.

County Ecologist-

Informally commented that they were happy to see the bat/bird boxes on the elevations, and the inclusion of a wildflower meadow on the plans, as well as some additional tree and hedge planting. Suggested the inclusion of hedgehog access points in each garden and that the external lighting was at 2700 kelvin rather than 3000 kelvin and details submitted regarding the dimming of the lights at any point.

Drainage Officer-

SUDs SAB approval required.

Strategic Housing & Policy Officer-

Principle

The application site is allocated for housing under policy BSC 1 in the adopted Denbighshire Local Development Plan and benefits from outline planning consent. The principle of residential development on this site is established and supported.

Density

The housing density proposed was agreed at the outline stage and is considered acceptable.

Affordable housing

The provision of 3no. 2 bedroom houses is welcomed and is appropriate to the identified affordable housing need in Llanrhaeadr.

The remaining commuted sum payable is **£33,084.00**.

Design

Consideration of the incorporation of renewable energy generation technologies for individual properties would be welcomed.

Open Space

The open space provision is considered acceptable as per the outline application and section 106 agreement.

Education

The education authority have confirmed that there is sufficient capacity in the local secondary schools to accommodate the proposed development and that no contribution is required.

There is insufficient capacity however at the nearest primary school to accommodate the development and a commuted sum of **£32,000** would be payable based on 33 homes and PLASC data Sept 2021. This is a different sum to that in the signed Section 106 agreement and reflects the current capacity data at the local primary school.

RECONSULTATION RESPONSES:

Details of hedgehog holes, bat and bird boxes and external lighting submitted.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

County Ecologist-

No objection. The proposals submitted in accordance with condition 1 of outline planning permission code no. 23/2016/0557 (reserved matters application) demonstrate a net benefit to biodiversity.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Dykin Morgan, 7 Llys Pant y Celyn, Pentre Llanrhaeadr

Maria & Matthew Freeman, 8 Llys Pant y Celyn, Pentre Llanrhaeadr

Julia Upton and Alan Murray, 1 Llys Pant y Celyn, Pentre Llanrhaeadr

Caroline Birch, Llys Gwilym, Pentre Llanrhaeadr

Summary of planning based representations in objection:

Principle

Village already had new houses built recently, the development would represent a 27% increase in number of households in the village
Adjacent development not shown on any plans

Visual Amenity

Too much growth too quickly, losing village character.
Impacts to open rural character of village
Loss of agricultural land surrounding the village
Non-native trees proposed and should be replaced with native ones
Grass verge lost- will the landscaping scheme reinstate this?
Density of development out of proportion with village
Ridge heights will dwarf existing properties in the vicinity
Use of materials out of character with the area
Light pollution concerns

Residential Amenity

Overlooking and loss of privacy by proximity to property across the road.

Highways

Traffic concerns on already busy highway
Additional 40-60 cars on the roads entering and existing the village
Access close to a blind bend and could result in accidents.
Safety concerns as road users don't abide by speed limits.
Extend the 30mph speed limit to account for the new development
No safe crossing point

Education

Pressure on school places, schools already at capacity

Drainage and flooding

Concerns over flooding issues in this area
Unclear where foul connections points will be and proposal involves crossing land where an agreement has not been met

Welsh Language

Impacts to Welsh Language

Noise

Concerns over increased traffic noise

Ecology

Damage to existing trees on adjacent land to install drainage

EXPIRY DATE OF APPLICATION: 18/11/2021

EXTENSION OF TIME AGREED? Yes, 14/01/2021

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- 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 This is a reserved matters application seeking approval of details of appearance, landscaping and scale of 33 no. dwellings submitted in accordance with Condition 1 of outline planning permission ref 23/2016/0557 on land adjacent to Dolwar, Llanrhaeadr.
- 1.1.2 Outline planning permission was granted at Planning Committee on 4th August 2020 for the development of 1.2 hectares of land by the erection of 33 dwellings including access and layout. The application was made in outline with all other matters reserved.
- 1.1.3 The layout was approved at outline stage and is based around the spine road with the public open space proposed on the eastern side of the site.
- 1.1.4 The plans show 33 dwellings arranged at various angles to one another relative to the access road and A525. The documents indicate there would be 6 different house types to include:
- 1 terrace of 3 affordable dwellings- house type Aa and Bb- 2 beds
 - 1 terrace of 3 dwellings- House type A and B- 3 beds
 - 7 pairs of semi-detached dwellings- 3 beds
 - 7 detached dwellings – House type C and D and F - 3 and 4 beds
 - 1 block of 6 apartments - 2 beds

The housing mix on the site is:

No. beds	Mix on the site	Recommended mix
1-2 bed	27 %	30%
3 bed	52%	35%
4 bed +	21%	35%
	100%	100%

House types A and B



House type A – 3 beds x 2

House type B- 3 beds x 1

Materials: Terca Cassandra red brick, slate roof

GIA: 92sqm

Height: 7.8m

House type Aa and Bb- Affordable dwellings



House type Aa – 2 bed affordable x 2

House type Bb- 2 bed affordable- x 1

Materials: Terca Cassandra red brick, slate roof

GIA: 92sqm

Height: 7.8m

House Type C and D



House type C (left) - 3 beds x 6

House type D (right)- 3 beds x 6

Material: Render and sandstone, slate roof

GIA: 92sqm

Height: 7.8m

Shared double garage: Height 4.8m, GIA 15sqm- Render, slate roof

House Type E



House type E- 4 beds x 5

Materials: Render and sandstone, slate roof.

GIA: 120sqm

Height: 7.6m

Garage: Height 3.9m, GIA 18sqm- Render, slate roof

House Type F



House type F - 3 beds x 2

Materials: Render and sandstone, slate roof

GIA: 88sqm

Height: 7.8m

House Type G



House type G- 4 beds x 2

Materials: Red brick Terca Cassandra brick, slate roof

GIA: 155sqm

Height: 7.7m

Garage: Height 3.9m, GIA 18 sqm- Red brick Terca Cassandra brick, slate roof

House Type H



House type H- 6 x 2 bed apartments

Materials: Terca Cassandra Red brick, slate roof

GIA: 49sqm

Height: 7.7m

- 1.1.5 The main access to the site would be from A525 and has already been agreed at outline stage. No other public vehicular accesses are proposed. An agricultural access would be retained on the north eastern side to the adjacent farmland.
- 1.1.6 Surface water drainage is proposed to be dealt with within the site utilising 'infiltration'/soak away methods. Foul drainage is to be dealt with via connection to the mains sewer system.
- 1.1.7 The design of the dwellings incorporates red brick to the larger terraced dwellings and the block of apartments to the far corners of the site and a mix of different designs incorporating sandstone front gables and sandstone plinths, render walls and natural slate roofs.

- 1.1.8 A shared double detached garage is proposed between plots 31 and 32, single detached garages are proposed to serve dwellings on plots 33, 23, 24,25, 28 and 29.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the southern fringe of Llanrhaeadr. It is bound to the north by the dwelling Dolwar. To the west is the A525. To the east and south of the site are open fields. To the west is a new residential development of 15 dwellings finished in yellow brick.
- 1.2.2 The site boundaries are predominantly defined by estate-type railings and hedges. The land is relatively level.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is allocated for housing development in the adopted Local Development Plan under Policy BSC1. The site is also within the development boundary of Pentre Llanrhaeadr.

1.4 Relevant planning history

- 1.4.1 Outline planning permission was granted at Planning Committee and the decision was released on 4th August 2020 for the development of 1.2 hectares of land by the erection of 33 dwellings including access and layout.

1.5 Developments/changes since the original submission

- 1.5.1 Submission of original documents submitted with the outline application, including the Design and Access Statement, Ecology Report and details regarding the July 2020 s106 agreement.
- 1.5.2 Revised plans incorporating design amendments to house type C and material amendments to house type F (including renaming from house type D) and revised floor plan details of the 2 bed affordable dwellings within the Aa and Bb housing type.
- 1.5.3 Revised plans incorporating the Ecologist's comments regarding bat and bird boxes, hedgehog holes and the external lighting scheme.
- 1.5.4 Updated boundary plan incorporating black estate style fencing to the roadside boundary.

1.6 Other relevant background information

- 1.6.1 There is an existing Section 106 Agreement in place at the site which was secured following the grant of Outline Planning Permission in 2020 which secured specific commuted sums for open space, affordable housing and education contributions which were relevant to the situation at the time of making the Agreement.

2. DETAILS OF PLANNING HISTORY:

- 2.1 23/2016/0557 Development of 1.2 hectares of land by the erection of 33 no. dwellings (outline application including access and layout), GRANTED at planning committee on 4/08/2020

3. RELEVANT POLICIES AND GUIDANCE:

Local Policy/Guidance

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management
Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Affordable Housing
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Recreational Public Open Space
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Development Design Guide
Supplementary Planning Guidance Note: Residential Space Standards
Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021
Future Wales – The National Plan 2040
Development Control Manual November 2016
Technical Advice Notes

TAN 12: Design
TAN 18: Transport

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Appearance
- 4.1.3 Landscaping
- 4.1.4 Scale

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of cities, towns and villages, and it states developers will be expected to provide a range of house sizes, types and tenure.

The application site is within the development boundary of Pentre Llanrhaeadr and is allocated for housing under Policy BSC 1 in the adopted Denbighshire Local Development Plan and benefits from outline planning consent. The principle of residential development on this site is established through the grant of outline permission, and is not for deliberation at this stage, it is only the details of the reserved matters that are to be considered in relation to this application.

4.2.2 Appearance

“Appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

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.

Concerns have been raised locally in respect of the visual impact of the proposal which include comments around the impact to the rural character of the village, the density of development being out of proportion with the village, concerns over the ridge heights and the use of materials not being in keeping with the character of the area.

Having regard to the comments received, the density of the development has already been agreed at outline stage and the layout and number of dwellings has been approved.

In terms of design detailing for the new dwellings, the proposals involves a mix of both red brick dwellings and render and sandstone dwellings, all with slate roofs. The red brick dwellings are typically the larger house sizes, the terraces and block of apartments located to each end of the site along the trunk road. The design includes sills to the bottom of the windows and detailing within the gables. The render and sandstone dwellings include 3 different designs, all with a sandstone plinth and some with front sandstone gables (house types D and E).

The appearance of the dwelling mixes traditional with some modern elements. The windows are mainly traditional sized windows and the patio doors to the rear provide a contemporary feel and function. The front gables over the windows of house types A, Aa, B, Bb and C are common throughout the development and provide common design link across the estate.

The height of the proposed dwellings has been raised as a concern with the proposed dwellings not being in keeping with the surrounding development. The surrounding development is mixed with some traditional bungalow development fronting on the main road finished in render and sandstone and directly opposite with more modern larger dwellings finished in yellow brick set back off the road. The large dwelling, Dolwar is located to the north of the site and is a prominent red brick dwelling on approach to the centre of the village. The proposal includes red brick dwellings closer to the Dolwar end of the site which is considered to tie into the existing development in the area. The proposed semi-detached dwellings finished in render and sandstone located opposite the new development is not considered to conflict with the colours and textures of the external materials of this development and would fit in well and complement the existing streetscene.

With respect to the comments received in objection, having regard to the design and materials of the dwellings in the vicinity, Officers consider the appearance and details proposed in relation to the dwellings is considered to be acceptable and in keeping with surrounding development.

It is considered that the appearance of the development would be respectful of the location.

4.2.3 Landscaping

"Landscaping" in relation to a site or any part of a site for which outline planning permission has been granted to, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:

- (a) screening by fences, walls or other means;
- (b) the planting of trees hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the layout out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

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.

Concerns have been raised specifically in relation to landscaping issues including the proposed non-native trees which should be replaced with native ones and the loss of the grass verge.

The proposed landscaping scheme has been considered by the County Ecologist who was satisfied with the inclusion of a wildflower meadow within the public open space area as well as some additional hedge and tree planting throughout the site. The scheme includes a beech hedge to the front boundary and a box leaved holly hedge to the property boundaries which front the internal estate road. These are

considered to be acceptable and would help to soften the development within the landscape and improve the appearance of the site when viewed from the public road. A number of trees are proposed to the front boundary including pear and Amelanchier 'Robin Hill' and Rowan and maple trees are proposed to be dotted within the flower bed boundary to the area of open space. Hornbeam trees and other lower level dense shrubs are proposed throughout the estate. The grass verge to the front of the development is proposed to be retained and improved with a footway within the estate bound by a black estate style fence.

In terms of boundary treatments, it is considered that the incorporation of a black estate fence to the front boundary would help to remember the site's former agricultural use and would provide a nod to the former metal agricultural fence which curved around the site boundaries on approach into the village. The proposed close boarded fences are considered to be reasonable to ensure the privacy of the rear gardens is retained and the post and rail fencing to the west boundary is acceptable and would not impact unacceptably on the character of the area.

In relation to soft landscaping, detailed proposals have been provided for each plot and the spaces around the properties with planting specifications with numbers, size and type detailed on the landscaping plan.

All hard and soft landscaping details proposed are considered acceptable and appropriate for the area to soften the visual appearance of the development, to protect the amenities of existing residents and would provide a sufficient level of amenity for future occupants of the dwellings proposed.

It is therefore considered that the landscaping of the development would be respectful of the location.

4.2.4 Scale

"Scale" means the height, width and length of each building proposed within the development in relation to its surroundings.

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.

Concerns have been raised locally in respect of the height of the dwellings not being in keeping with the surrounding development in the area.

In relation to surrounding development, overall it is considered that the submitted detail demonstrates an acceptable scale of development which in Officers' view is in keeping with the area.

With respect to the concerns raised, it is Officers opinion that whilst the erection of dwellings will clearly have a visual impact given the site is currently an undeveloped field, it is not concluded this would result in an unacceptable impact on the character of the area given the recently completed development on the opposite side of the road and the site being a logical extension to the village boundaries.

It is therefore considered that the scale of the development would be respectful of the location.

Other matters

Drainage

The agent has confirmed that an agreement in principle is in place to cross land not within our clients ownership for the foul water connection, this agreement won't be finalised until planning is secured as with all developments of this nature. All necessary Legal agreements in terms of Welsh Water S104 Foul water connections are in progress. It is further noted that the drainage arrangements are to be agreed as part of a condition imposed on the associated outline consent. If this reserved matters application were granted consent, it would not convey any consent as to the drainage arrangements for the site.

Contributions

Amendments are required through a Deed of Variation to the existing Section 106 agreement in line with the advice provided by the Strategic Planning and Housing Officer in respect to affordable housing and education contributions.

Affordable Housing:

The variation in affordable housing contribution figures is due to changes in the Gross Internal Area of the proposed dwellings and associated build costs.

Education:

The variation in education figures is due to changes in role numbers and the fact they are looking at refurbishment and remodelling rather than an extension so the figures are lower.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 detailing of the dwellings including appearance, scale and the landscaping arrangements are considered acceptable and merit support.
- 5.2 There is an existing Section 106 Agreement in place at the site which was secured following the grant of Outline Planning Permission in 2020 which secured specific commuted sums for open space, affordable housing and education contributions which were relevant to the situation at the time of making the Agreement. Having regard to the advice provided by the Strategic Planning and Housing Officers, amendments to the final affordable housing and education contributions are required through a Deed of Variation to the existing Agreement.
- 5.3 It is therefore recommended that planning permission be granted subject to the following conditions and an updated Section 106 Agreement is secured with the Local Authority around

the revised sums payable towards affordable housing (£33,084.00) and education contributions (£32,000).

- 5.4 The sums should be paid prior to the occupation of the first dwelling. The planning permission would only be released upon completion of the updated Section 106 Agreement through a Deed of Variation. Failure to update and complete the Agreement within 12 months of the date of the Committee meeting would oblige the application to be reported back to Committee and reconsidered against policies and guidance in place at that time.

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 approval:
 - (i) House Type A and B (Drawing No. C102/010 Rev. C) received 9 November 2021
 - (ii) House Type C and D (Drawing No. C102/011 Rev. E) received 21 December 2021
 - (iii) House Type F (Drawing No. C102/012 Rev F) received 21 December 2021
 - (iv) House Type E (Drawing No. C102/013 Rev. C) received 9 November 2021
 - (v) House Type G (Drawing No. C102/014 Rev. C) received 9 November 2021
 - (vi) House Type H (Drawing No. C102/015 Rev. B) received 9 November 2021
 - (vii) Shared double garage (Drawing No. C102/021 Rev. B) received 9 November 2021
 - (viii) House Type G Garage (Drawing No. C102/019 Rev. B) received 9 November 2021
 - (ix) House Type C and E Single Garage (Drawing No. C102/020 Rev. B) received 9 November 2021
 - (x) Soft landscape design (Drawing No. 583-STO-00-00-DR-L-0001 P01) received 21 December 2021
 - (xi) Soft landscape details (Drawing No. 583-STO-00-00-DR-L-0002 P00) received 8 September 2021
 - (xii) Boundary design (Drawing No. 583-STO-00-00-DR-L-0003 P03) received 21 December 2021
 - (xiii) Proposed Site Plan (Drawing No. C102/017 Rev. F) received 21 December 2021
 - (xiv) Location plan (Drawing No. C102/022 Rev. D) received 21 December 2021
 - (xv) Employment Strategy received 8 September 2021
 - (xvi) Lighting Layout Plan received 26 November 2021
 - (xvii) Lighting Report received 26 November 2021
 - (xviii) House Type Aa and Bb (Drawing No. C102/024) received 9 November 2021
 - (xix) Street Scene (Drawing No. C102/023 Rev A) received 21 December 2021
 - (xx) Design and Access Statement Addendum received 9 November 2021
 - (xxi) Ecological Assessment (Clwydian Ecology, 15/07/2016) received 22 November 2021

Highways and drainage

- (i) Construction Method Statement received 8 September 2021
- (ii) Drainage Layout (Drawing No. 7287 / 01 Rev. A) received 8 September 2021
- (iii) Highway Setting Out (Drawing No. 7287/02 Rev. A) received 8 September 2021
- (iv) Proposed Highway Layout (Drawing No. 7287/03 Rev. A) received 8 September 2021
- (v) Highway and Drainage longsections (Drawing No. 7287/04 Rev. A) received 8 September 2021
- (vi) Highway Construction Details (Drawing No. 7287/05 Rev. A) received 8 September 2021
- (vii) Section 38 and 278 Agreement Plan (Drawing No. 7287/06 Rev. A) received 8 September 2021
- (viii) External Works Layout (Drawing No. 7287/07 Rev. A) received 8 September 2021
- (ix) Manhole Schedules (Drawing No. 7287/08-1 Rev. A) received 8 September 2021
- (x) Manhole Schedules (Drawing No. 7287/08-2) received 8 September 2021
- (x) Drainage Construction Details Sheet 1 of 2 (Drawing No. 7287/09-1) received 8 September 2021

- (xi) Drainage Construction Details Sheet 2 of 2 (Drawing No. 7287/09-2) received 8 September 2021
- (xii) Surface Water Catchment Areas (Drawing No. 7287/10-A) received 8 September 2021
- (xiii) Surface Water SABS Layout (Drawing No. 7287/11-A) received 8 September 2021
- (xiv) Surface Water SABS Details (Drawing No. 7287/12) received 8 September 2021
- (xv) Manhole Connection Plan (Drawing No. 7287/13) received 8 September 2021

2. No development shall be permitted to commence on the external faces of the walls or roofs of any buildings until the written approval of the Local Planning Authority has been obtained to the details of all the materials and finishes it is proposed to use thereon, including, where relevant, the texture, type and colour of the finish. The development shall be undertaken strictly in accordance with the details approved under this condition.
3. No development shall be permitted to commence on the pathways, driveways and parking areas until the written approval of the Local Planning Authority has been obtained to the details of all the materials it is proposed to use thereon, including, where relevant, the texture, type and colour of the finish. The development shall be undertaken strictly in accordance with the details approved under this condition.
4. The development shall proceed in strict accordance with the Soft Landscaping Design scheme hereby approved (received 21 December 2021) which shall be implemented within the first available planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
6. The development hereby approved shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures set out in the Ecological Assessment (Clwydian Ecology, 15/07/2016) received 22 November 2021 and as detailed on the approved elevational plans in respect of the provision of bat and bird boxes and included on the Boundary Design Plan (Drawing No. P03) received 21 December 2021 in respect of hedgehog holes within the close board fencing.
7. The development hereby approved shall be undertaken in strict accordance with the external Lighting Layout Plan and Outdoor Lighting Report (received 26 November 2021).
8. Notwithstanding the hereby approved plans, the visibility splays for the access into the site shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 m in height above the level of the adjoining carriageway.
9. Notwithstanding the submitted plans, this consent does not convey any permission as to the detailing of the foul water drainage.

The reasons for the conditions are:-

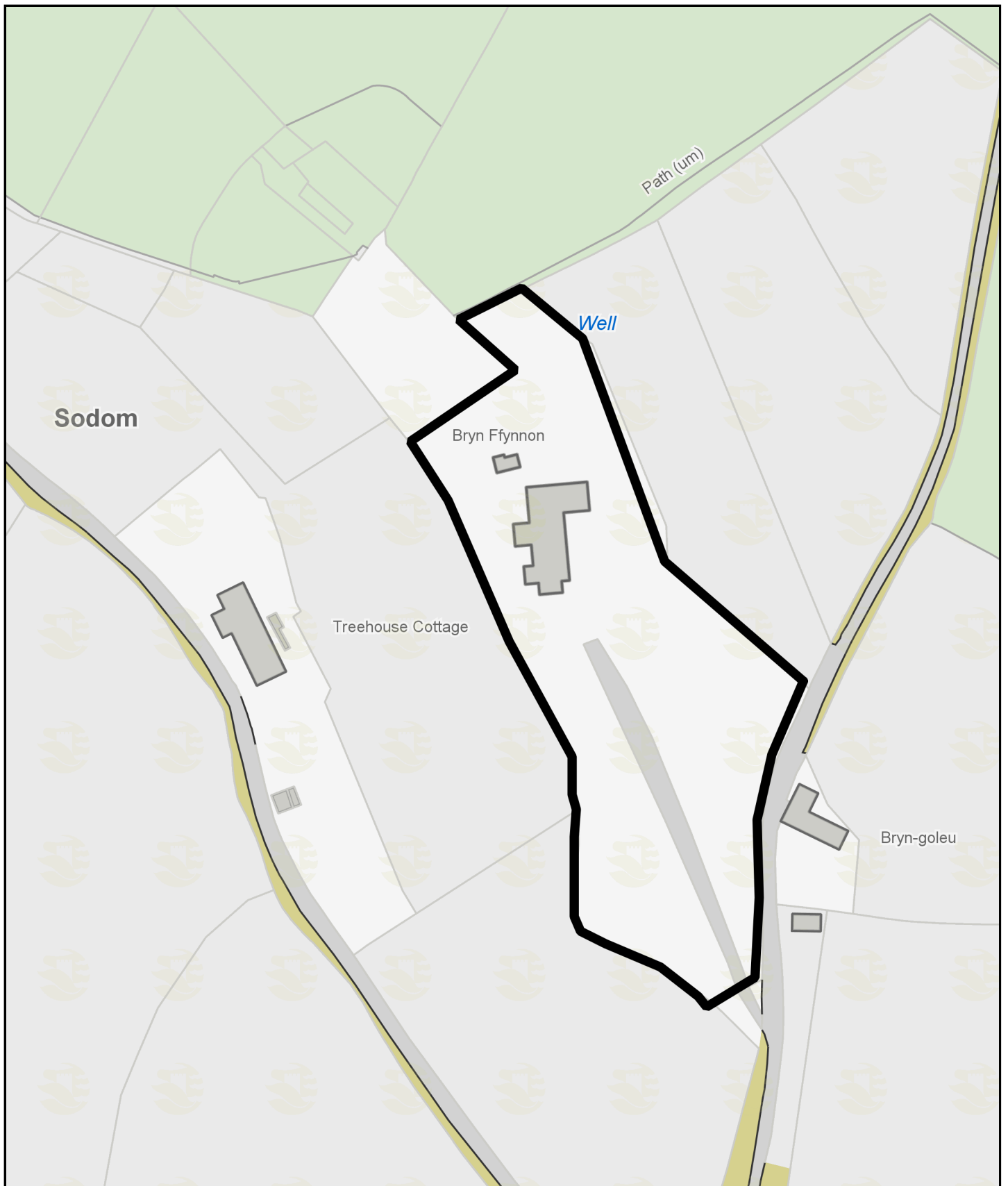
1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of ecology and visual amenity.
5. In the interests of ecology and visual amenity.

6. In the interests of ecology.
7. To protect the favourable conservation status of protected bat species.
8. To ensure that adequate visibility is provided at the proposed point of access to the highway.
9. In the interest of clarity to ensure the foul water drainage system is appropriately assessed prior to work commencing.

Eitem Agenda 8

WARD:	Tremeirchion
AELOD/AELODAU'R WARD:	Y Cyngorydd Christine Marston (c)
RHIF Y CAIS:	41/2021/1199/ PC
CYNNIG:	Codi storfa offer gardd (cais ôl-weithredol)
LLEOLIAD:	Bryn Ffynnon, Bodfari, Dinbych

Mae tudalen hwn yn fwriadol wag



41/2021/1199



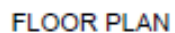
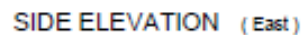
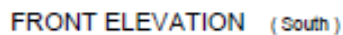
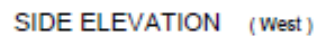
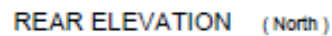
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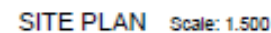
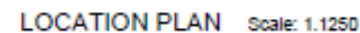
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Tudalen 123



Time Release release Period:



A. OAS VOCI
Planting schedule added for native breeds and new lines.













Proximity to neighbouring dwellings



View towards dwelling to the south-west



View towards dwelling to the north-west

WARD : Tremeirchion

WARD MEMBER(S): Cllr Christine Marston (c)

APPLICATION NO: 41/2021/1199/ PC

PROPOSAL: Erection of a garden implement store (retrospective application)

LOCATION: Bryn Ffynnon, Bodfari, Denbigh

APPLICANT: Mr & Mrs A J Emslie

CONSTRAINTS: 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:

BODFARI COMMUNITY COUNCIL

The Council objected to this application on the grounds that:

- a) It significantly overlooked neighbouring properties
- b) It would contribute greatly to light pollution in an area that is at variance with the AONB supplementary guidance on dark skies that DCC has adopted.

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

"The Joint Committee deplores the retrospective nature of this application but has no objection in principle to the proposals. The specification of natural slate roof and timber clad walls is appropriate to the rural setting. The committee favours a naturally weathered finish for the timber cladding to better integrate the development into the rural scene. The intention to plant new native hedge boundaries to supplement the existing post and wire boundary fences is supported, but further details are required of the extent and specification of the proposed hedges. The committee would also recommend that selected locally native hedgerow trees are also planted as part of the landscaping scheme. No details of existing or proposed external lighting are shown but the committee would recommend that a condition be attached to any permission requiring further details of any proposed lighting to ensure it is designed and specified to conserve the AONB's dark sky and nocturnal wildlife."

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Heather and Martin Eubank, Treehouse Cottage, Bodfari
Mr & Mrs Moorhouse, The Old Chapel, Sodom, Bodfari

Summary of planning based representations in objection:

Visual amenity:

- Outbuilding is of considerable size and in view of the time it takes to screen with landscaping, wonder if this is an option as a light now shines from the side of the house to the newly developed area.

- Concerns also raised about the impact of the replacement dwelling built at the site (subject of previous consent).
- Consider site has been overdeveloped and trees have been removed not replaced.
- Note that the landscaping scheme approved as part of previous replacement dwelling consent has not been implemented / completed in accordance with approved plans. This needs to be completed and feel current application should be conditioned to ensure previous landscaping scheme is carried out.

Residential amenity:

- Concerns regarding impact on neighbouring dwellings to the west of the site in terms of privacy, noise and light pollution.
- The Garden Implement Store is visible from the rear of dwellings to the west. Consider landscaping is needed to provide screening to help with privacy, and to minimise noise and light pollution.
- Need to control external lighting to avoid light pollution.
- Feel more information is needed on the garden implements being stored to ensure it doesn't cause noise pollution.

Re-consultation response:

- Note the additional landscaping proposed, but concerns raised regarding when it will be carried out and where it is sited - proposed location of the additional native hedging is considerably lower (downhill) from where the store has been built, and won't provide screening of the store from neighbouring properties, and will fail to maximise privacy and minimise noise and light pollution from the store. Screen planting should be alongside the store building at the same level. The revised proposed plan therefore does not address neighbour concerns.

EXPIRY DATE OF APPLICATION: 20/01/2022

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the retention of a garden store building which has been built within the curtilage of Bryn Ffynnon residential dwelling.
- 1.1.2 The garden store building is 7.8m long by 5.3m wide. Walls are timber and the pitched roof is finished in slate tiles. The pitch height is 3.9m.

1.2 Description of site and surroundings

- 1.2.1 The site lies within the residential curtilage of Bryn Ffynnon, which is a new build two storey dwelling situated in an open countryside location, approximately 1.4km to the north-east of Bodfari village centre.
- 1.2.2 The closest neighbouring dwellings are Treehouse Cottage, approximately 75m to the south-west and The Old Chapel, approximately 110m to the north-west from the site of the garden store building, which are at a lower ground level to the application site.

1.3 Relevant planning constraints/considerations

- 1.3.1 Outside of development boundaries and within the AONB.

1.4 Relevant planning history

- 1.4.1 Planning permission granted in 2014 for a replacement dwelling at the application site.

1.5 Developments/changes since the original submission

- 1.5.1 Amended plans submitted to include additional planting to the west of the site.

1.6 Other relevant background information

1.6.1 Subject to controls on size and siting, outbuildings can be built within the curtilage of a dwelling under permitted development rights. Officers would note that permitted development rights have not been removed, however the building is more than 20m from the dwelling and therefore requires planning permission.

1.6.2 Officers would also stress that the grant of planning permission for ancillary buildings within the residential curtilage does not override the need to comply with conditions imposed on the planning permission for the replacement dwelling.

2. **DETAILS OF PLANNING HISTORY:**

2.1 41/2014/1215. Demolition of existing dwelling and outbuildings and erection of replacement dwelling and ancillary works. Granted 30/12/2014.

2.2 41/2015/0195. Details of landscaping submitted in accordance with condition number 2 of planning permission 41/2014/1215 (approval of condition application) Approved 25/02/2015.

2.3 41/2015/0728. Re-siting of replacement dwelling submitted in relation to application Code No. 41/2014/1215/PF (non-material amendment). Approved 17/08/2015.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

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: Residential Development

Government Policy / Guidance

Planning Policy Wales Edition 11 February 2021

Development Control Manual (2016)

Future Wales – The National Plan 2040

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 / character of the AONB
- 4.1.3 Residential amenity

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.

The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments, including domestic outbuildings within the residential curtilage.

The principle of appropriate outbuildings within the residential curtilage 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 / Character of the AONB
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 VOE2 seeks to prevent development that would harm the character and appearance of the AONB.

Representations on the visual amenity impacts have been made by the Community Council and members of the public. The AONB Advisory Committee have raised no objection, subject to conditions to control landscaping and external lighting.

The proposal is for a timber storage shed within the residential curtilage of a recently constructed replacement dwelling.

Amended plans have been submitted which include additional planting along a boundary outside of the residential curtilage, but within the applicant's control on grounds of visual and residential amenity.

Comments have also been made in relation to compliance with the approved landscaping scheme for the replacement dwelling at the site.

Officers would note the conditions imposed on the replacement dwelling permission, including the scheme of landscaping, need to be complied with, and the grant of consent for the storage building subject of the application does not alter this.

Officers also note that the landscaping proposals should only relate to the impact of the scheme subject of the planning application, and conditions cannot be imposed to require landscaping measures to rectify impacts outside of the scope of the planning application.

Officers consider the materials using in the garden store building to be sympathetic to the setting within the AONB. The scale of the building is clearly subordinate to the main dwelling, and the siting is also considered to be well related to the main dwelling.

The planting proposed is also considered to be proportionate to the scale of the development, and would help to screen views of the building from the west.

Officers do not therefore consider it reasonable to condition additional landscaping over and above what is shown on the approved plans, and would note that the landscaping scheme subject of the replacement dwelling permission would still need to be complied with.

No details of lighting are shown on the plans, however owing to the siting within the AONB, conditions are considered necessary to control external lighting.

Therefore, having regard to the design, siting, scale, massing and materials of the proposed garden store building, in relation to the character and appearance the locality and landscape, subject to the imposition of conditions, 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.

4.2.3 Residential Amenity

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

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 40m² 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 members of the public.

The proposal is for a garden store within the residential curtilage.

Officers would note that the nearest unrelated dwelling is over 75m from the application site. Whilst residential properties to the west are at a lower ground level, owing to topography and intervening vegetation, views towards the neighbouring properties from the site are very limited.

From officer observations at the site visit, from a vantage point close to the store building, only roof pitches of Tree House Cottage and The Old Chapel to the west could be seen from the site. Windows and residential gardens could not be seen.

Whilst neighbours may have concerns regarding views towards their property from the recently built replacement dwelling or from other sections of the site, Officers would stress the assessment of impact on residential amenity needs to be focussed on the development which is subject of the current application.

Owing to the scale and siting of the proposed garden store, the separation distances between the site and dwellings to the west, and intervening topography and vegetation, Officers do not consider the proposal would adversely impact on residential amenity of residential neighbours.

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.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 9th February 2027
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) As proposed (Drawing No. E1514-1 Rev. A) received 5 January 2022
 - (ii) Existing site and location plan (Drawing No. E1514-2) received 25 November 2021
3. All planting comprised in the approved details of landscaping shown on the proposed plans shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

4. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.

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. To ensure a satisfactory standard of development, in the interests of visual amenity.
4. In the interest of the visual amenity of the Area of Outstanding Natural Beauty and nature conservation.

Mae tudalen hwn yn fwriadol wag