



At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: 13 Ebrill 2023

Rhif Union: 01824 712589

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 19 EBRILL 2023 am 9.30 AM** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN A THRWY GYNHADLEDD FIDEO**

Yn gywir iawn

G Williams
Swyddog Monitro

AGENDA

1 YMDDIHEURIADAU

2 DATGANIADAU O FUDDIANT (Tudalennau 5 - 6)

Aelodau i ddatgan unrhyw gysylltiad personol neu sy'n rhagfarnu mewn unrhyw fusnes 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, gael 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 22 Mawrth 2023 (copi ynghlwm).

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEM 5)

5 CAIS RHIF. 09/2022/1080 - LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH (Tudalennau 13 - 38)

Ystyried cais i Newid defnydd o dir amaethyddol i ffurfio tir amwynder cymunedol, ffurfio mynediad newydd i gerbyd a pharcio a gwaith cysylltiol yn Tir gyferbyn â Phorth y Waen, Aberchwiler, Dinbych (copi ynghlwm).

EITEM YCHWANEGOL

6 ADOLYGU PROTOCOL HYFFORDDI AELODAU (Tudalennau 39 - 44)

Derbyn adroddiad yn amlinellu newidiadau a awgrymwyd i'r aelodau i'r Protocol Hyfforddi Aelodau (Cynllunio) (copi ynghlwm)

AELODAETH

Y Cynghorwyr

Y Cynghorydd Mark John Young
(Cadeirydd)

Y Cynghorydd Peter Scott (Is-
Gadeirydd)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones
Julie Matthews

Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Pete Prendergast
Gareth Sandilands
Andrea Tomlin
Cheryl Williams
Elfed Williams

COPIAU I'R:

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

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT Y CYNHELIR Y CYFARFOD

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

Cyflwyniad cyffredinol

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

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

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

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

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

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

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

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

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

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

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

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

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

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

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

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

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

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

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

Bydd y Cadeirydd yn cyhoeddi pan fydd y drafodaeth yn cau, ac y bydd pleidleisio'n dilyn.

Y drefn bleidleisio

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

Aelodau sy'n mynychu dros Zoom

Bydd y bleidlais yn mynd yn ei blaen wrth i'r Cadeirydd fynd o amgylch pob aelod o'r Pwyllgor Cynllunio sy'n gymwys i bleidleisio i ofyn am eu pleidlais "O blaid", "Yn erbyn" neu "Ymatal". Bydd y pleidleisiau'n cael eu nodi.

Aelodau sy'n mynychu'r Siambr

Bydd yr Aelodau'n defnyddio'r system bleidleisio electronig a bydd y Cadeirydd yn darllen y canlyniad yn uchel.

Canlyniad Terfynol

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

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun a thrwy gynhadledd fideo, Dydd Mercher, 22 Mawrth 2023 am 9.30 am.

YN BRESENNOL

Dros y We – Y Cyngorwyr Ellie Chard, Julie Matthews, Raj Metri, Gareth Sandilands a Cheryl Williams

Siambr y Cyngor, Neuadd y Sir, Rhuthun – Y Cyngorwyr Karen Edwards, Gwyneth Ellis, James Elson, Huw Hilditch-Roberts, Alan James, Delyth Jones, Terry Mendies, Win Mullen-James, Merfyn Parry, Pete Prendergast, Peter Scott (Is-Gadeirydd), Andrea Tomlin a Mark Young (Cadeirydd)

Arsylwyr - Y Cyngorydd Hugh Irving (Dros y we), y Cyngorydd Diane King a'r Cyngorydd Emrys Wynne (Dros y we).

HEFYD YN BRESENNOL

Swyddog Cyfreithiol (RJ); Rheolwr Datblygu (PM); Prif Swyddog Cynllunio (PG); Swyddog Cynllunio (BM); Gwesteiwyr Zoom (RTJ); Gweinyddwr Pwyllgorau (SJ).

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cyngorwyr Jon Harland ac Elfed Williams.

Nododd y Cadeirydd yr aelodau a oedd yn mynychu dros y we drwy Zoom a'r rhai a oedd yn bresennol yn y Siambr, Neuadd y Sir, Rhuthun.

2 DATGANIADAU O FUDDIANT

Datganodd y Cyngorydd Cheryl Williams gysylltiad personol ag Eitem Frys - Cais Rhif 45/2021/0516 – Kynsal House, Vale Road, Y Rhyl – dywedodd y Cyngorydd Williams wrth y pwyllgor fod aelod o'r teulu yn byw ar bwys y safle.

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Yn unol â gofynion Adran 100B(4) Deddf Llywodraeth Leol 1972, nododd y Cadeirydd ei fod yn bwriadu cynnwys y mater canlynol i'w drafod oherwydd bod angen rhoi sylw bryn iddo -

Cais Rhif 45/2021/0516 Kynsal House, Vale Road, y Rhyl

Cytunwyd ystyried y mater yn dilyn y prif eitemau busnes.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 15 Chwefror 2023.

Materion cywirdeb -

Tudalen 10 - Cais Rhif 03/2022/0862 42 Stryd y Farchnad, Llangollen – dywedodd y Cynghorydd Karen Edwards ei bod wedi ymatal ei phleidlais.

Dywedodd y Cynghorydd Win Mullen-James ei bod wedi bod yn bresennol yn y cyfarfod ond nad oedd wedi'i chynnwys ar y rhestr o fynychwyr. Dywedodd y Cynghorydd Huw Hilditch-Roberts ei fod yntau wedi bod yn bresennol.

Pwysleisiodd yr aelodau bwysigrwydd cofnodi presenoldeb aelodau yn y cyfarfod yn gywir. Cadarnhaodd y Cadeirydd ei fod yn cadarnhau ar lafar ar ddechrau pob cyfarfod yr aelodau oedd yn bresennol dros y we ac yn y Siambr, Neuadd y Sir.

Yn bresennol yn y cyfarfod blaenorol a gynhaliwyd ar 15 Chwefror 2023 oedd –

Dros y we – Y Cynghorwyr Ellie Chard, Jon Harland, Huw Hilditch-Roberts, Julie Matthews, Win Mullen-James, Pete Prendergast, Gareth Sandilands ac Elfed Williams

Yn bersonol – Y Cynghorwyr Karen Edwards, Gwyneth Ellis, James Elson, Alan James, Delyth Jones, Terry Mendies, Merfyn Parry, Peter Scott, Andrea Tomlin a Mark Young (Cadeirydd).

Materion yn Codi – Dim

PENDERFYNWYD yn amodol ar yr uchod, y dylid cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 15 Chwefror 2023 fel cofnod cywir.

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEM 5)

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 i'r rhaglen gael ei chyhoeddi ac a oedd yn cynnwys gwybodaeth ychwanegol a oedd yn ymwneud â'r ceisiadau hynny.

5 CAIS RHIF 43/2022/0537/ PF - STATION HOUSE, 1 BRIDGE ROAD, PRESTATYN

Cyflwynwyd cais i newid defnydd hen amgueddfa ac ystafelloedd te i ffurfio un annedd yn Station House, 1 Bridge Road Prestatyn (a ddosbarthwyd ymlaen llaw).

Trafodaeth Gyffredinol –

Cynhaliwyd cyfarfod safle ddydd Gwener 17 Mawrth 2023. Roedd y Cynghorydd Andrea Tomlin wedi bod yn bresennol ar yr ymweliad safle. Dywedodd wrth yr aelodau ei bod wedi byw yn yr ardal ers nifer o flynyddoedd a'i bod yn adnabod y safle'n dda gan ddweud ei fod yn eiddo o gymeriad eiconig wedi'i leoli o fewn ardal gadwraeth. Roedd yr eiddo wedi bod yn eiddo preswyl cyn iddo gael ei ddefnyddio fel ystafell de. Roedd yr eiddo wedi'i leoli mewn man uwch ar Bridge Road. Yn ei barn hi, er ei fod wedi ei gynnwys ym mapiau llifogydd Cyfoeth Naturiol Cymru, dylai aelodau ystyried cymeriad yr eiddo, y safle a hanes yr ardal fel rhan o'u penderfyniad. Pwysleisiodd i'r aelodau bwysigrwydd yr ardal gadwraeth yr oedd yr eiddo wedi'i leoli ynddi. Roedd yr aelodau i sicrhau bod cymeriad neu ymddangosiad yr ardal yn cael ei gynnal neu ei wella. Yn ei barn hi nid oedd unrhyw reswm dros beidio â chaniatáu i'r eiddo ddod yn eiddo preswyl fel y bu unwaith. Felly, **cynigiodd** y Cynghorydd Tomlin ganiatáu'r cais yn groes i argymhelliad y swyddog.

Roedd y Cynghorydd Alan James hefyd wedi bod yn bresennol ar yr ymweliad safle a diolchodd i'r swyddogion am eu hamser. Eiliodd y Cynghorydd James y cynnig a gyflwynwyd gan y Cynghorydd Tomlin.

Roedd y Cynghorydd Hugh Irving yn cynrychioli ward gyfagos ym Mhrestatyn, adleisiodd y sylwadau a nodwyd gan y Cynghorydd Tomlin uchod. Diolchodd i'r swyddogion am y lluniau oedd wedi eu cynnwys yn y cais, gan ddweud eu bod yn dangos cymeriad yr eiddo yn glir i'r aelodau. Dywedodd wrth yr aelodau fod y ddau achos diweddaraf o lifogydd ym Mhrestatyn wedi digwydd yn 2001 a 1978 pan dorrodd yr amddiffyniad môr ac ar y ddau achlysur ni chyrrhaeddodd dŵr y môr yr ardal lle safai'r eiddo.

Cyfeiriodd y Cynghorydd Merfyn Parry at y mapiau llifogydd a ddarparwyd gan Gyfoeth Naturiol Cymru. Dywedodd fod yn rhaid i'r aelodau ystyried y canllaw. Cydnabu'r Aelodau'r risg i'r eiddo ond dywedodd ei fod yn berthnasol i'r ardal gyfan, yn fusnesau ac yn eiddo preswyl.

Nodwyd nad oedd unrhyw newidiadau ffisegol i'r eiddo yn cael eu gwneud o fewn y cais.

Cadarnhaodd y Rheolwr Datblygu yr ymgynghorwyd â'r cyrff statudol. Ystyriodd y swyddogion cynllunio'r sylwadau a dderbyniwyd gan Gyfoeth Naturiol Cymru wrth benderfynu ar yr argymhelliad. Daeth Cyfoeth Naturiol Cymru i'r casgliad y gallai llifogydd yn yr ardal olygu y gallai'r eiddo fod 0.6m o dan ddŵr. Nododd yr aelodau pe byddai llifogydd, byddai'n rhaid i unigolion adael yr adeilad neu gael eu hachub.

Gofynnodd yr aelodau a oedd swyddogion wedi ystyried hanes y safle, gan gynnwys a welwyd unrhyw lifogydd ar y safle. Gan ymateb i bryderon yr aelodau cadarnhaodd y Rheolwr Datblygu fod hanes y safle yn cael ei ystyried wrth edrych ar yr holl ystyriaethau cynllunio perthnasol ar gyfer argymhelliad y swyddog. Cadarnhaodd swyddogion nad oedd ganddynt unrhyw dystiolaeth i awgrymu bod yr eiddo wedi wynebu llifogydd yn flaenorol. Nododd y Swyddogion Datblygu'r sylwadau gan gynnwys yr angen am dai yn y Sir.

Rhoddodd y Cynghorydd Tomlin ei rhesymau dros ganiatáu'r cais yn groes i argymhellion y swyddog am y rhesymau canlynol;

- Roedd yr eiddo wedi'i adeiladu ar gyfer annedd preswyl i feistr yr orsaf. Roedd yr eiddo wedi cael ei ddefnyddio ar gyfer defnydd preswyl am ran fwyaf o fodolaeth yr adeilad.
- Roedd yr eiddo o fewn ardal gadwraeth.

Dywedodd y Swyddog Cyfreithiol pe bai llifogydd yn digwydd yn yr ardal y byddai'n drasig i'r rhai sy'n meddiannu'r eiddo ond ar ôl pwyso a mesur yn erbyn y difrod a fyddai'n digwydd yn fwy cyffredinol yn yr ardal byddai'r risg yn weddol fach.

Cynnig - Cynigiodd y Cynghorydd Andrea Tomlin fod y cais yn cael ei ganiatáu yn groes i argymhelliad y swyddog, ac eiliwyd hyn gan y Cynghorydd Alan James.

PLEIDLAIS –

O blaid - 17

Ymatal - 1

Gwrthod - 0

PENDERFYNWYD RHOI caniatâd yn groes i argymhelliad y swyddog am y rhesymau a nodir uchod.

GWYBODAETH YCHWANEGOL

6 YMATEB I LYWODRAETH CYMRU YNGLŶN Â'R NODYN CYNGOR TECHNEGOL (NCT) 15 DIWYGIEDIG FERSIWN IONAWR 2023 DATBLYGU, LLIFOGYDD AC ERYDU ARFORDIROL.

Cyflwynodd yr Aelod Arweiniol Datblygu Lleol a Chynllunio adroddiad ar y diwygiadau arfaethedig i Nodyn Cyngor Technegol (TAN) 15: Datblygu, llifogydd ac erydu arfordirol (dosbarthwyd ymlaen llaw). Dywedodd wrth yr aelodau fod TAN 15 yn ganllaw cenedlaethol a gyhoeddwyd gan Lywodraeth Cymru y mae'n rhaid i'r awdurdodau cynllunio lleol ei ddilyn. Darparodd ganllaw ar ddatblygu o ran risgiau arfordirol a llifogydd. Roedd ymgynghoriad ar y TAN 15 newydd ar hyn o bryd a oedd i fod i ddod i ben ar 17 Ebrill 2023. Roedd yr adroddiad yn rhoi nodyn briffio i'r holl aelodau ar y TAN 15 Newydd a oedd i fod ar waith yn ddiweddarach yn y flwyddyn. Gofynnwyd i'r aelodau am eu hymateb ar yr ymgynghoriad i Lywodraeth Cymru. Roedd llythyr drafft ar gyfer Llywodraeth Cymru wedi'i atodi er mwyn i'r aelodau roi sylwadau arno.

Mynegodd y Cynghorydd Emrys Wynne bryderon am y Gymraeg. Awgrymodd y gallai'r nodyn diwygiedig o bosibl gael effaith anuniongyrchol ar y Gymraeg. Gofynnodd i ddatganiad ar yr effeithiau anuniongyrchol posibl ar y Gymraeg gael ei ychwanegu at adran 5 o'r llythyr ymateb. Diolchodd y Swyddog Cynllunio i'r Cynghorydd am ei sylwadau, cadarnhaodd y byddai'n trafod y geiriad gyda'r aelod y tu allan i'r pwyllgor.

Cynigiodd y Cynghorydd Alan James y dylid cefnogi cynnig y Cynghorydd Wynne. Eiliodd y Cynghorydd Peter Scott gynnwys testun ar yr effaith anuniongyrchol ar y Gymraeg. Roedd yr aelodau'n cytuno i'r Cynghorydd Wynne gyflwyno awgrym o ran geiriad.

Gofynnodd y Cynghorydd Scott am sicrwydd fod Parth Amddiffynnol TAN 15 arfaethedig yn cynnwys afonydd ac amddiffynfeydd arfordirol yn y sir. Cadarnhaodd y Swyddog Cynllunio fod parthau amddiffynnol TAN 15 yn y mapiau llifogydd newydd ar gyfer cynllunio, yn edrych ar barthau amddiffynnol a sefydlwyd i lefel benodol o amddiffyniad. Gallai hynny fod ar gyfer afonydd neu fôr ac roedd yn rhaid eu cynnal. Pwysleisiwyd bod yn rhaid i Gyfoeth Naturiol Cymru, Llywodraeth Cymru a'r Awdurdod Lleol dderbyn yr amddiffynfeydd. Clywodd yr aelodau fod map llifogydd Cyfoeth Naturiol Cymru ar gyfer cynllunio yn cael ei ddiweddarau bob chwe mis. Roedd proses i aelodau herio mapiau llifogydd, roedd unrhyw heriau i'w cyfeirio at Gyfoeth Naturiol Cymru. Clywodd yr aelodau ar ôl i Gyfoeth Naturiol Cymru dderbyn her arfaethedig, y gellid defnyddio'r manylion hynny i asesu ceisiadau cynllunio ac mewn Cynlluniau Datblygu Lleol. Roedd y diwygiad hwn wedi'i gynnwys yn y fersiwn ddiwygiedig o TAN 15 ym mis Ionawr 2023. Clywodd yr aelodau fod yr awdurdod yn cynnal Asesiad o Ganlyniadau Llifogydd Strategol yn rheolaidd. Adolygodd ymgynghorwyr y risgiau llifogydd a rhoddwyd adborth i'w gynnwys yn yr asesiad. Cyflwynwyd yr Asesiad o Ganlyniadau Llifogydd Strategol i Lywodraeth Cymru ei ystyried wrth adolygu mapiau llifogydd.

Dywedodd y Swyddog Cynllunio fod y Tirlun Polisi Cenedlaethol wedi newid. Wedi'i gynnwys yn Cymru'r Dyfodol 2040, roedd y cynllun strategol ar gyfer Cymru yn bolisi a oedd yn mynd i'r afael â llifogydd. O fewn y cynllun mae'n nodi bod y Rhyl a Phrestatyn wedi'u dyrannu fel ardaloedd twf rhanbarthol. Yn ychwanegol i'r polisiau hynny roedd Polisi Cynllunio Cymru a'r Nodiadau Cyngor Technegol. Pwysleisiwyd pwysigrwydd sicrhau bod y Cynllun Datblygu Lleol yn cydymffurfio â'r dogfennau hynny.

Roedd y mapiau llifogydd a oedd wedi'u cynnwys yn y nodyn diwygiedig yn rhoi'r wybodaeth ddiweddaraf wrth ystyried ceisiadau cynllunio.

Cafodd yr aelodau eu tywys drwy'r argymhellion i'r adroddiad gan yr Aelod Arweiniol.

PLEIDLAIS –

O blaid - 17

Ymatal - 0

Gwrthod - 0

PENDERFYNWYD bod y Pwyllgor Cynllunio yn cymeradwyo'r llythyr yn ymateb i'r ymgynghoriad TAN 15 sydd ynghlwm fel Atodiad 1 i'w gyflwyno i Lywodraeth Cymru.

7 CAIS RHIF 45/2021/0516 - KYNSAL HOUSE, VALE ROAD, Y RHYL

Derbyn adroddiad brys yn gofyn am enwebiadau gan Aelodau'r Pwyllgor Cynllunio i gynrychioli'r Cyngor yn y Gwrandawriadau ar gyfer cais cyf: 45/2021/0516 Kynsal House, Vale Road, Y Rhyl a oedd wedi'i alw i mewn gan Lywodraeth Cymru i Weinidogion Cymru benderfynu arno.

Ar ran ei hun a'r Cynghorydd Diane King, gofynnodd y Cynghorydd Pete Prendergast i gael cynrychioli'r Pwyllgor Cynllunio yn yr apêl.

Cynigiodd y Cynghorydd Ellie Chard benodi'r ddau aelod lleol i gynrychioli'r Cyngor yn y gwrandawriad apêl ynghyd ag ymgynghorydd cynllunio ac ymgynghorydd priffyrdd. Eiliodd y Cynghorydd Peter Scott y cynnig.

Dywedodd y Rheolwr Datblygu wrth yr aelodau y byddai dyddiad yn cael ei osod ar gyfer yr apêl ar ôl y dyddiad cau cychwynol ar gyfer cyflwyno cais, sef 31 Mawrth 2023.

PLEIDLAIS –

O blaid – 16

Ymatal - 1

Gwrthod - 0

PENDERFYNWYD bod y Cynghorwyr Pete Prendergast a Diane King yn cynrychioli'r Cyngor yn y Gwrandawiadau ar gyfer cais cyf: 45/2021/0516 a oedd wedi'i alw i mewn gan Lywodraeth Cymru i Weinidogion Cymru benderfynu arno.

Daeth y Cadeirydd â'r cyfarfod i ben am 10.25am.

Eitem Agenda 5

WARD: Llandyrnog

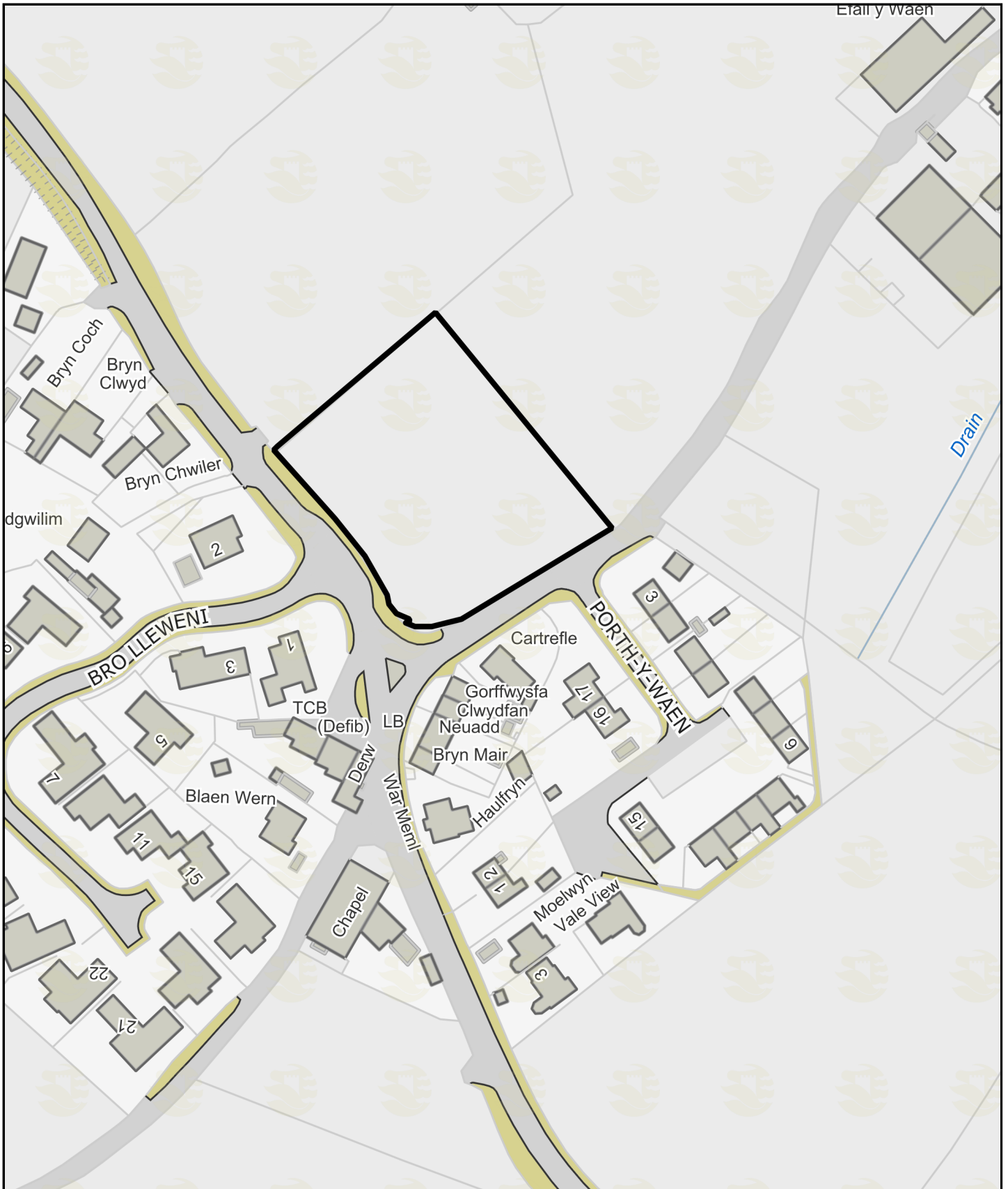
**AELOD/AELODAU'R
WARD:** Cyng. Merfyn Parry (c)

CAIS RHIF: 09/2022/1080/ PF

CAIS: Newid defnydd o dir amaethyddol i ffurfio tir amwynder cymunedol, ffurfio mynediad newydd i gerbyd a pharcio a gwaith cysylltiol.

LLEOLIAD: Tir gyferbyn â Phorth y Waen, Aberchwiler, Dinbych

Mae tudalen hwn yn fwriadol wag



09-2022-1080

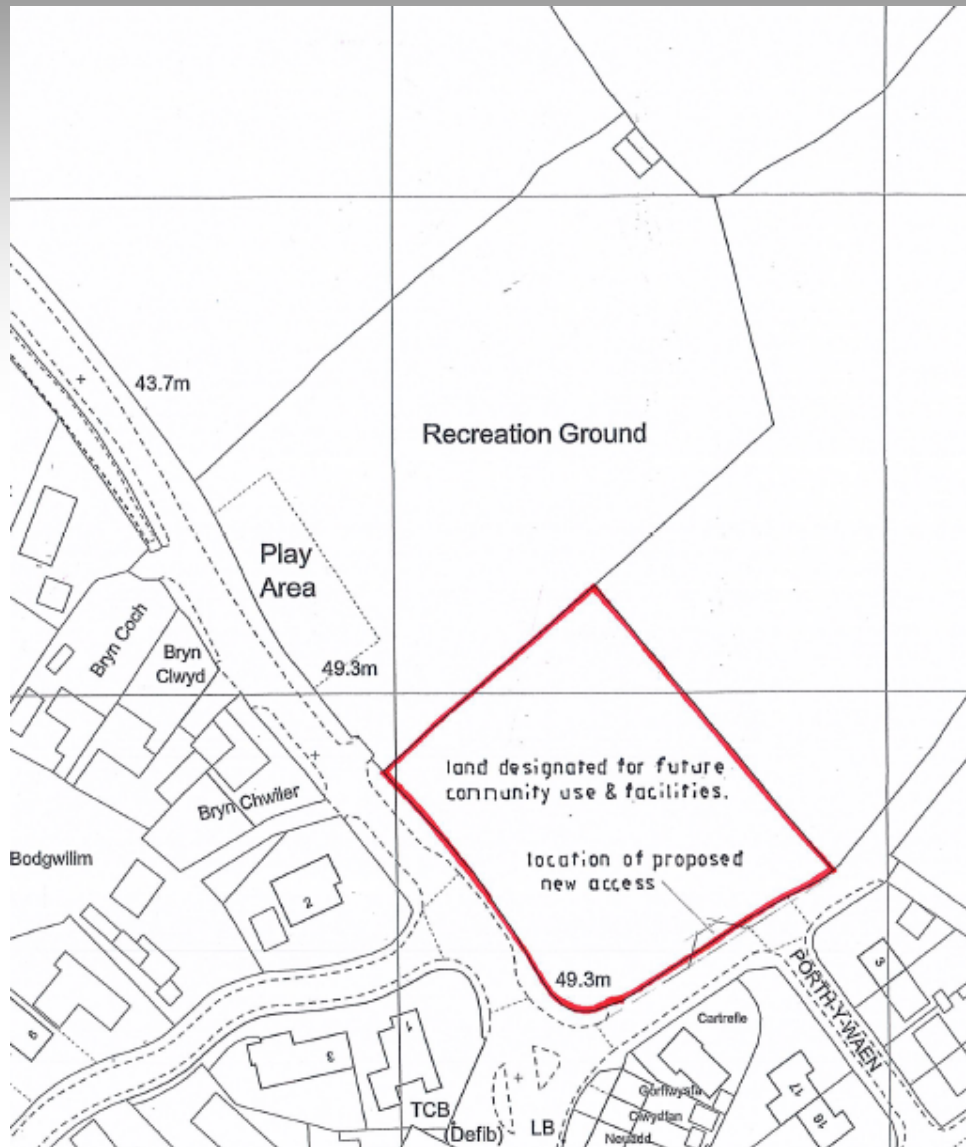


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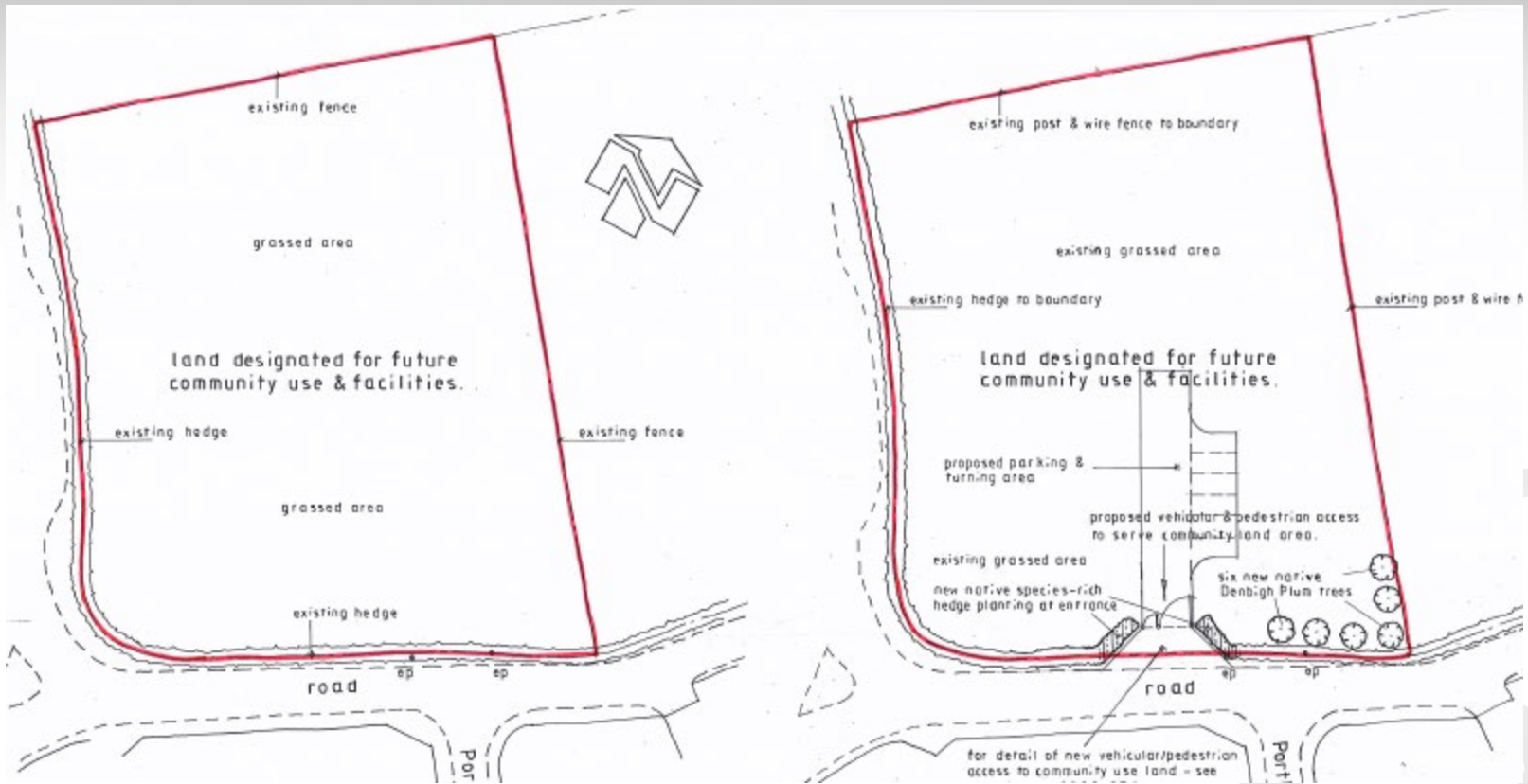
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Location plan

Tudalen 18



Existing and proposed site plan

Tudalen 20



Aerial view of the site

Tudalen 22



Location of access opposite Porth y Waen



Tudalen 25

View of the site from centre of the village

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2022/1080/ PF

PROPOSAL: Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

LOCATION: Land opposite Porth y Waen, Aberwheeler, Denbigh

APPLICANT: Mrs Helen Williams, Aberwheeler Community Council

CONSTRAINTS: Cllr Merfyn Parry (c)

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

ABERWHEELER COMMUNITY COUNCIL-

No response received (applicant)

CLWYD POWYS ARCHAEOLOGICAL TRUST

'After checking the location via Google Street, the hedgerow involved looks to be quite modern, with the likelihood that a visibility splay increase for the road junction may have removed a section at the southwestern end. A little more investigation may be necessary, but I would suggest that the hedgerow may have been re-aligned with a road widening too, making the hedgerow of little significance. There are no known heritage assets on, or near the proposed section to be removed, and although the hedgerow/roadside is visible on the 1st ed Ordnance Survey mapping, I would suggest that it is not of any historic significance'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer
No objection. Access is adequate to serve the development. Walking to the site would be more favourable and footway is opposite the site. There are low traffic movements on the road and no highways related issues are likely to arise from vehicular or pedestrian movement to/from the site. Consent will be required under Section 184 of the Highways Act.
- Ecology Officer
Awaiting response
- Drainage Officer
SAB approval required.

- Strategic Housing & Policy Officer-
The site is Grade 3a agricultural land which is classed as Best and Most Versatile (BMV).
Planning Policy Wales (11).

The applicant will need to demonstrate the overriding need for the development on this BMV land in line with national policy.

- The site is lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature. The provision of built community facilities can; subject to material planning considerations, be supported under LDP policy BSC 12 and a communities aspiration for additional facilities is understood.

The proposed car park on it's own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Chris Dickson, Cartrefle, Aberwheeler

Nicola Bellerby, Cartrefle, Waen, Aberwheeler, Bodfari Kate Jackson, Bryn Awel, Bodfari

Summary of planning based representations in objection:

Principle

Why does the site need to be in this location when the chapel can be used as a community centre

Already an entrance on the B5429 to the playground

Only part of the scheme submitted and only for a car park.

The park and recreational area is already underused and in need of development and maintenance, eg, provision for older children, benches for parents, upkeep of the football field, outdoor gym equipment, cycle run etc.

Wildflower planting can take place at the existing park

Highways

The road is too narrow for an entrance to be used safely

No footpath on that side of the road

A new access will cause safety concerns for road users including pedestrians and horses, horse boxes, delivery vans, tractors buses

Impacts to driveways opposite

Hedge is kept high so visibility is a concern

Query why existing entrance cant be used or a different entrance into the site

No pedestrian walkway

Improvements should be made to the existing park entrance at the brow of the hill

Visual amenity

Concerns the field is at a higher level than the road

Ecology

Loss of ancient hedgerows and impacts to birds and wildlife

Residential amenity

The access will impede the use of driveways of occupiers of dwellings opposite

Drainage and flooding

The field regularly floods in the south east corner and contained by the vegetation

EXPIRY DATE OF APPLICATION: 08/03/2023

EXTENSION OF TIME AGREED? 21/04/2023

REASONS FOR DELAY IN DECISION (where applicable):

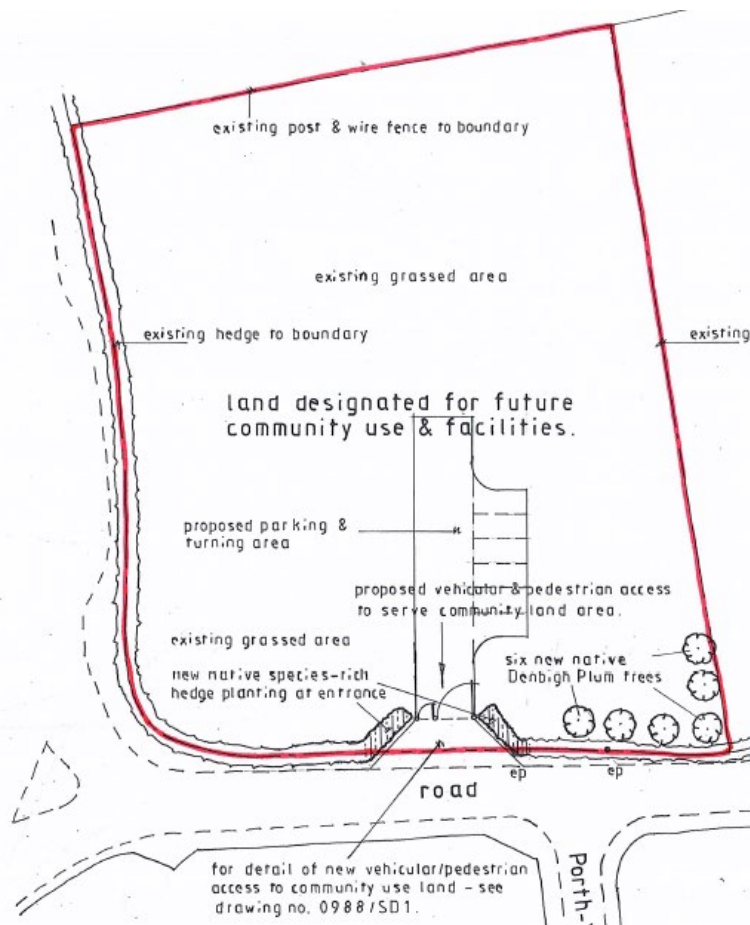
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler.
- 1.1.2 The existing field is proposed to us used as public open space land for use by the community and visitors.
- 1.1.3 The application proposes a new access point into the site opposite Porth y Waen cul de sac. The access would involve the loss of 15.2m of hedgerow and would be set back 5m from the road. There would be a vehicle gate measuring 4m in with and a pedestrian gate 1.2m in width.
- 1.1.4 A 31m central access road is proposed in the centre of the field with car parking for 6 vehicles to the east side.
- 1.1.5 6 native species Denbigh Plum trees are proposed to be planted to the south east corner along with replacement hedging to each side of the access.



1.2 Other relevant information/supporting documents in the application

1.2.1 Planning Statement and Community Council Feasibility Study.

1.3 Description of site and surroundings

1.3.1 The site is an open agricultural field bound on 2 sides by mature hedgerow. A post and wire fence separates the site to the north from the existing community recreation area and play park. There is no direct field access into the site within the red line boundary as submitted.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located outside the Aberwheeler development boundary as defined by the LDP.

1.4.2 The site is Grade 3a high quality agricultural land as classified by the Welsh Governments Predictive Agricultural Land Classification.

1.5 Relevant planning history

1.5.1 Start typing here

1.6 Developments/changes since the original submission

1.6.1 Submission of Community Council Feasibility Study

1.7 Other relevant background information

1.7.1 The land is currently owned by Denbighshire County Council and discussions are being had with Property over the transfer of land to the Community Council.

1.7.2 A Community Consultation and Feasibility Study was carried out by the Community Council in September 2022 regarding the potential uses of the community field. It

concluded that there was little community facilities and actives in the village which were exacerbated by poor transport links and has an ageing population.

An outline plan was drawn up for future development opportunities at the site including a community hub building potentially serving food and drinks, gardens, planting and pitch improvements.

The report states that the community Council have advised the use of the Chapel as a community facility is currently not 'fit for purpose' which limits what types of activities and events are allowable there. The study recommends that the Community Council will need to fully satisfy themselves that; i) the facilities at the chapel are not appropriate for future needs, ii) the capital cost of redeveloping the facilities would be too prohibitive and iii) the development of any facility on the playing fields would not unduly undermine the chapel's continued operation as a place of worship.

The study also recommends the more detailed designs of the whole site are commissioned for the landscaping and Community hub building.

2. DETAILS OF PLANNING HISTORY:

2.1 5/19/7493 Development of land for residential purposes and new access, WITHDRAWN 16/04/1985

2.2 5/11797 Residential development, GRANTED 11/04/1991

2.3 09/212/97 Development of 0/70 hectares of land for residential purposes, REFUSED 19/06/1997

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 2 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

2.4 09/0020/98 Development of land for residential purposes, REFUSED 16/06/1998

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The Local Planning Authority consider the proposal conflicts with Policy H.4 of the Glyndwr District Council Local Plan, and would result in an unacceptable scale of development out of character with the village, and inappropriate in terms of available facilities/services, being likely to set an undesirable precedent for similar development in small rural settlements.
- 2 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 4 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

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 BSC12 – Community facilities

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

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: 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 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

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 Loss of best and most versatile agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.37 of PPW 11 states that “*The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources*”.

PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake.

Policy BSC 12 states that proposals for the provision of community facilities will be supported provided:

- i) they are located within existing development boundaries; or
- ii) outside of development boundaries, but within settlement clusters, the proposal will provide an essential facility to support the community.

The policy recognises that access to community facilities is an essential element of sustainable and inclusive communities. Community facilities such as schools, theatres, village halls and places of worship often serve a network of small settlements and are essential to reduce the amount of travelling to reach alternative community facilities. The loss of local facilities will lower community sustainability, and this can have a knock-on effect on the future well-being of the Welsh language. The Council will support and encourage the retention and improvement of community facilities which provide an essential facility to support the sustainability of Denbighshire’s communities.

The proposal is for the change of use of land to community recreational area including the creation of an access and car park.

The provision of built community facilities can; subject to material planning considerations, be supported under LDP policy BSC 12 and a community's aspiration for additional facilities is understood. However, the application does not include details of a community building and therefore Policy BSC12 can not be applied in this case.

The site is lies in open countryside where development must be strictly controlled. The applicant refers to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

It is therefore considered that the principle of development in the open countryside is contrary to Local and National Planning Policy and is not supported.

4.2.2 Loss of best and most versatile agricultural land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 notes this land is considered to be the Best and Most Versatile (BMV) and justifies conservation as a finite resource for the future.

PPW states that land of this quality (grade 1, 2, or 3a) should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The proposal involves the loss of 0.04ha of agricultural land of Grade 3a quality to a community recreation facility and car park.

The approach to development on BMV land is two-fold:

a) is there an overriding need for the proposed development?

Insufficient justification or overriding need has been put forward by the Community Council for the development of the land. Officers are not aware that parking provision is a problem in the village to justify the loss of land to a car park. The proposal is considered to be premature and piecemeal, and whilst the Feasibility Study indicates that there may be a proposal for a community hub in this location in the future, no details have been put forward of how the land is proposed to be used as a community facility, or indeed whether this proposal itself would justify the loss of Grade 3a agricultural land.

b) is there no other alternative site available?

The site is adjacent to a recreational area and children's play park. Representations have been received which suggest the existing chapel could be used for community use with upgrades, yet this option has not been explored before considering development on a greenfield site and BMV site. Other comments suggest that improvements need to be made to the existing play area and field to provide for a wider group of people. The existing field has a vehicular access point and Officers consider that utilising the existing access should be explored further. There could be scope to improve a community walking route around the existing playing field or utilising the existing area more efficiently, providing a wider range of facilities for all ages.

Overall, Officers consider the proposal for the change of use of land to a community recreational area and car park does not outweigh the loss of grade 3a best and most versatile agricultural land and the proposal is contrary to National Planning Policy.

4.2.3 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.

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

Representations have been received raising visual amenity concerns due to the levels of the land which are higher than the road.

The proposal involves the change of use of land to community recreation land including a new access and car parking for 6 vehicles. The proposal would include the loss of 15m of hedgerow to facilitate the access.

No details of the community hub building (which has been suggested in the Feasibility Study) have been put forward with the proposal, nor the community gardens or how the space is to be used by the community. The proposal is effectively for a car park in the middle of a field and Officers have concerns regarding the visual impact of this within the rural landscape.

The loss of hedgerow to create the access will no doubt have a visual impact on the character of the area. However, the access is located to the east of the village up a lane and is not clearly visible from the centre of the village or the B4529. The hardstanding to create the access and car park is not likely to be clearly visible from outside the site, however, would be visible from higher ground to the east. Officers question the siting of the access and car park in this location and query whether there is a more suitable location which utilises the existing access to the playing field and park. Officers are not aware that parking is a concern in the village as it would be expected that most visitors are local and would walk to the park and facilities.

Nevertheless, despite the full proposal (as indicated in the Feasibility Study) involving a community hub not being submitted with this application, the proposal only involves a car park and access at this point. Further consideration of any future development of the site would be undertaken with another planning application in the future.

Regarding the proposal, Officers do not consider the visual amenity impacts of the access and car park in this location would be significant enough to warrant a reason for refusal in this regard.

4.2.4 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.

Representations have been received raising residential amenity concerns due to the new access impeding on the ability to use driveways to the properties opposite.

The proposal is for the change of use of land to community recreation area including car park and new access.

The proposed access is opposite an existing access off a lane which the Highways Officers have advised has low vehicle movements.

Officers acknowledge the concerns raised, however do not consider the new access would impact unacceptably on the occupiers of Cartrefle due to the low vehicle movements anticipated from the development. There is a community recreation ground existing to the north of the site and it is not expected that the use of this land would result in a level of disturbance to the occupiers of the neighbouring properties, more than what already exists.

The proposals therefore would be in general compliance with the policies and guidance listed above.

4.2.5 Ecology and hedgerow removal

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.

Concerns have been raised regarding the loss of hedgerow and the impact to wildlife.

The proposal is not supported by an ecological report and proposes to plant 4 Denbigh plum trees as ecological enhancement measures.

The proposal involves the loss of 15.2m of hedgerow to create the new access into the site.

Provision 4

Criteria for determining 'important' hedgerows

4. For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch —

- (a) has existed for 30 years or more; and
- (b) satisfies at least one of the criteria listed in Part II of Schedule 1.

Schedule 1 Part II Criteria

To qualify as 'important', a hedgerow must be at least 30 years old and meet at least one of the eight criteria listed in Schedule 1 Part II, which identify hedgerows of particular archaeological, historical, wildlife and landscape value and are summarised as follows:

1. The hedgerow marks the boundary of a historic parish or township existing before 1850.
2. The hedgerow incorporates an archaeological feature.
3. The hedgerow is a part of or associated with an archaeological site.
4. The hedgerow marks the boundary of or is associated with a pre-1600 AD estate or manor.
5. The hedgerow forms an integral part of or is associated with a field system pre-dating the Enclosures Act.
6. The hedgerow contains a listed species or is referred to in a record held immediately before the relevant date by a biological record centre
7. The hedgerow includes, on average, in a 30 metre length one of:
 - a) at least 7 woody shrub and tree species listed in the regulations (see the list below).
 - b) at least 6 woody species and has at least 3 associated features.
 - c) at least 6 woody species including a black-poplar tree, large-leaved lime, small-leaved lime or wild service tree.
 - d) at least 5 woody species and has at least 4 associated features (see the list below)
8. The hedgerow runs alongside a bridleway, footpath, road used as a public path or a byway open to all traffic, and includes at least four woody species, on average, in a 30 metre length and has at least two associated features (see the list below).

The associated features are:

1. A bank or wall supporting the hedgerow along at least half of its length.
2. Less than 10% gaps.
3. On average, at least one tree per 50 metres of hedge
4. At least three species from a list of 57 herbaceous woodland plants, including bluebell, primrose, wild strawberry and assorted ferns and violets (see list below).
5. A ditch along at least a half of the length of the hedge.
6. A number of connections with other hedgerows, ponds or woodland.
7. A parallel hedge within 15 metres of the hedgerow.

Does the hedgerow satisfy any of the above criteria?

The Clwyd Powys Archaeological Trust has considered the proposal and checked it against the Historic Environment Record. They have advised that the hedgerow does not fulfil any of the historical criteria for an important hedgerow.

Although a response from the County Ecologist is still awaited at the time of writing, having regard to the characteristics of the hedgerow Officers consider it unlikely that

the hedgerow would be classed as 'important' and therefore do not consider its loss to be grounds for refusing planning permission.

4.2.6 Drainage (including flooding)

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

Drainage concerns have been raised by a neighbour that the field becomes waterlogged in one corner.

As the site is not within a known area of flood risk, it is not considered the proposals would raise any further impacts on the area. A permeable surface should be installed for the new access and parking areas (no details provided) and the surface water drainage will be controlled through the SUDS SAB approval process. A note to applicant will be attached on any decision to grant to remind the applicants of their duty to obtain this consent which is covered by separate drainage legislation.

4.2.7 Highways (including access and parking)

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.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

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

Representations have been received raising highways concerns due to the access onto a narrow lane, lack of pedestrian footway on that side of the road and issues to vehicles using the access and impacts on neighbouring driveways.

The proposal involves the creation of a new access through an existing hedge, central access road to 31m in length to the centre of the field and parking provision for 6 vehicles.

The Highways Officer has raised no objection to the proposals and has advised that the vehicular movements on the road are low and therefore the access proposed is not considered likely to result in an unacceptable impact on the highway network.

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 is lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

5.2 The proposed car park on it's own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

RECOMMENDATION: REFUSE - for the following reasons:

1. It is the opinion of the Local Planning Authority that as the site is located on grade 3a agricultural land, (which Planning Policy Wales 11 considers to be the 'best and most versatile'), the application has not satisfactorily demonstrated that there is an overriding need for the development in this location or that alternative lower grade agricultural or previously developed land is not available. The proposal is therefore contrary to the advice and guidance contained in Planning Policy Wales (Edition 11) Section 3.58 and 3.59.

ADRODDIAD I'R PENNAETH CYNLLUNIO, DIOGELU'R CYHOEDD A GWASANAETH CEFN GWLAD

ADOLYGU PROTOCOL HYFFORDDIANT AELODAU (CYNLLUNIO)

1. PWRPAS YR ADRODDIAD

Amlinellu i'r Aelodau newidiadau a awgrymwyd i'r Protocol Hyfforddiant Aelodau (Cynllunio). Os yw'r Pwyllgor Cynllunio yn cytuno, gweithredu'r fersiwn newydd o'r Protocol Hyfforddiant Aelodau (Cynllunio) ar unwaith.

2. CEFNDIR

Y Protocol Hyfforddiant Aelodau (Cynllunio) yw'r ddogfen sy'n nodi'r angen i Aelodau dderbyn y wybodaeth ddiweddaraf ar y prosesau a gweithdrefnau a ddefnyddir o fewn y system Cynllunio a hefyd i hysbysu Aelodau am unrhyw newidiadau perthnasol mewn deddfwriaeth. Mae'r Protocol yn amlinellu'r lefel o hyfforddiant sy'n angenrheidiol, beth sy'n cynnwys hyfforddiant a sut fydd hyfforddiant yn cael ei gofnodi.

Mae hyfforddiant yn sicrhau bod Pwyllgor Cynllunio'r Cyngor yn gwneud penderfyniadau cadarn ac amddiffynnol ar gynigion datblygu a materion eraill. Heb lefel ddigonol a phriodol o hyfforddiant, ni fydd Aelodau o'r Pwyllgor Cynllunio yn gallu pleidleisio ar faterion cynllunio mewn pwyllgor.

Mae'r newidiadau a awgrymwyd yn yr adolygiad hwn fel a ganlyn:

Paragraff (F3)	Newid	Rheswm
2	Nifer o sesiynau hyfforddiant wedi gostwng o 4 i 2, ond gyda'r rhain yn cael eu harwain gan 'Swyddog'. Cyflwyno sesiynau hyfforddiant 'amgen' nad ydynt yn cael eu harwain gan Swyddog	Mae'r newid hwn yn cydnabod bod Aelodau yn cyfrannu'n aml at gyfarfodydd â gwerth hyfforddiant ond nid yn angenrheidiol yn cael eu harwain gan Swyddogion. Mae'n cael ei ystyried yn fuddiol i gydnabod gwerth y sesiynau hyfforddi 'amgen' hyn.
3	Nifer llai o sesiynau hyfforddi i gael eu trefnu mewn blynyddoedd Etholiad y Cyngor, ond mae'n mireinio beth ddylai'r sesiwn hyfforddi hwnnw fod	Mae'r newid hwn er mwyn pwysleisio'r angen i sicrhau bod unrhyw aelodau newydd yn cael eu hyfforddi mewn materion cynllunio mewn digon o amser er mwyn ffurfio Pwyllgor Cynllunio gyda nifer digonol o aelodau yn gymwys i bleidleisio.

4	Nifer o sesiynau sydd angen eu mynychu	Mae'r newid hwn er mwyn sicrhau cysondeb gyda'r newidiadau i baragraff 3, ac mae'n ailgadarnhau bod y sesiwn hyfforddi cychwynol wedi'i anelu at gael aelodau i lefel
	y gall Aelodau etholedig o'r Pwyllgor Cynllunio bleidleisio.	a fyddai'n eu galluogi i bleidleisio'n hyderus mewn pwyllgor cynllunio.
5	Nifer o sesiynau sydd angen eu mynychu cyn y gall Aelodau a Ail-etholwyd a diffyg hyfforddiant bleidleisio.	Yn unol â'r sylw uchod.
	Paragraff 6 blaenorol wedi'i ddileu.	
6	Fersiwn newydd o baragraff 7 blaenorol. Ehangu er mwyn adlewyrchu beth mae hyfforddi aelodau yn ei gynnwys o ddydd i ddydd. Cyflwyno'r angen am dystiolaeth ysgrifenedig o ffynonellau amgen o hyfforddiant i gael ei gyflwyno.	Yn unol â sylwadau a wnaed ym mharagraff 1
7, 8 a 9	Paragraffau diwygiedig sy'n nodi sut y dylai hyfforddiant gael ei gofnodi a sut fydd Swyddogion yn cynorthwyo i sicrhau bod Aelodau wedi derbyn yr hyfforddiant gofynnol.	

Mae'r cynllun diwygiedig (Fersiwn 3) ynghlwm wrth yr adroddiad hwn i Aelodau (**Atodiad A**). Mae copi o'r cynllun presennol (Fersiwn 2) hefyd ynghlwm er mwyn cyfeirio ato (**Atodiad B**).

Ymgynghorwyd â'r Aelod Arweiniol Cynllunio a Chadeirydd y Pwyllgor Cynllunio cyn gwneud y newidiadau hyn a awgrymwyd.

3. ARGYMHELLIAD

Bod Aelodau yn nodi cynnwys yr adroddiad hwn ac yn mabwysiadu'r newidiadau a awgrymwyd i'r Protocol Hyfforddi Aelodau (Cynllunio).

PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

DEVELOPMENT MANAGEMENT AND COMPLIANCE TEAM

PROTOCOL FOR MEMBER TRAINING AND DEVELOPMENT ON PLANNING MATTERS

The purpose of this protocol is to ensure that Members have an up to date and relevant knowledge on planning issues so as to ensure that the Council's Planning Committee makes robust and defensible decisions on development proposals and other issues.

1. All Members of the County Council will be encouraged to undertake relevant training and development on planning matters.
2. Members will be expected to attend a minimum of 2no. Officer arranged Planning training events in any Council Year or provide evidence of alternative learning and development as set out in Paragraph 6 below.
3. In Council election years, the first planning training event will always be held prior to the first planning committee of the new Council. This initial session will be focused on the functions and responsibilities of the Local Planning Authority and how planning decisions are made. This initial session will be a face to face event unless circumstances require it to be virtual.
4. All newly elected Members will be required to attend the initial planning training event should they be required to vote at the first Planning Committee meeting or thereafter.
5. Re-elected Members with a shortfall of agreed planning training in the previous Council year will also need to attend the initial planning training event specified in paragraph 4.
6. It will be necessary for Members, who have not attended specific Officer arranged Planning training events, to submit their alternative training and development proposals to the Development Manager. Alternative sources of training could include:-
 - (i) Attendance at a relevant event organised by the WLGA, another Local Authority or any external provider.
 - (ii) Distance learning or evidenced reading using an approved planning based website
 - (iii) Direct involvement in planning appeals and/or major planning applications where the Member has demonstrated an understanding of planning issues as agreed with the Development Manager.
 - (iv) Planning Aid seminars/events/virtual training
 - (v) Attendance at other relevant Council events or training where the subject matter is linked to the development process (e.g. housing, ecology, local development plan, highways)

(vi) Attendance at 9 or more Planning Committee meetings in the previous Council Year.

(vii) Any other learning and development as agreed in writing with the Development Manager and Chair of Planning Committee.

Written proof of any relevant, alternative learning and development must be submitted to the Development Manager and agreed with the Development Manager and Chair of Planning Committee.

7. Officers will record Members attendance at Officer arranged training events. It will be a Members responsibility to ensure any alternative learning and development as set out in Paragraph 6 is submitted, agreed and recorded.

8. Prior to the March Planning Committee in any Council year Officers will share the Members learning and development records for that year with Group Leaders and the Chair of Planning Committee. This will be to ensure Members who may seek to vote at Planning Committee in the following year have the chance to meet the Protocol requirements.

9. Any Members who may wish to join and vote at Planning Committee within a Council year will be required to have met the Protocol requirements.

Note:

Should a Planning Committee Member choose to vote on any item at Planning Committee without having met the Protocol requirements this could put the Council at risk. This could be at any subsequent planning appeal or through a legal challenge. Officers will always seek to work with Members to ensure they meet the Protocol Requirements.

Author : Paul Mead Date : November 2022

Contact : Judith Williams Version : X

Date to be reviewed : January 2027

PLANNING AND PUBLIC PROTECTION SERVICES

DEVELOPMENT CONTROL AND COMPLIANCE TEAM

PROTOCOL FOR MEMBER TRAINING AND DEVELOPMENT ON PLANNING MATTERS

The protocol was first approved at Full Council on 8th April 2008 to ensure that Members were kept up to date on the processes and procedures used within the Planning system and to also keep Members informed of any relevant changes in legislation.

1. All Members of the County Council will be encouraged to undertake training and development sessions on planning matters.
2. To facilitate this, a minimum of 4 no. training/development events will be organised by Officers within each Council year (May to April).
3. In Council election years, a minimum of 6 no. training/development events will be organised by Officers. The first 2 no. events will always be held prior to the first planning committee of the new Council.
4. All newly elected Members will be required to attend the 2 no. initial training events organised after the commencement of the new Council and before the first Planning Committee of that new Council year.
5. Re-elected Members with a shortfall of development events in a previous Council year may attend the 2 no. events as specified within paragraph 4 above.
6. In each consecutive Council year (May to April), all Members will be required to attend at least 2 no. training/development events.
7. It will be necessary for Members who have not attended Officer arranged training events to submit their alternative training proposals to the Head of Planning and Public Protection Services or the Development Control and Compliance Manager. Alternative sources of training could include:-
 - (i) Attendance at an event organised by the WLGA, another local Authority or an external provider.
 - (ii) Distance learning using an approved planning based website

- (iii) Direct involvement in planning appeals and/or planning proposals where the Member has demonstrated an understanding of planning issues as agreed with the Development Control and Compliance Manager.
8. Members attendance for training will be monitored by the Head of Planning and Public Protection Services who will report on a six monthly basis to the Corporate Governance Committee. Reports will normally be at the end of the Council year (March/April) and after six months of the Council year (Nov/Dec).
 9. Prior to the final 2 no. training events in any one Council year letters will be sent to Group Leaders outlining the number of events that their members need to attend for that year with a reminder of the agreed protocol and the forthcoming training events.
 10. Members will need to have fulfilled the training requirement for the Council year by the 30th April in any one year. Members who fail to fulfill the training requirements by this date would be able to discuss/debate planning related matters but would be prohibited from voting on any planning related matters at Planning Committee and Full Council during the following Council year, unless
 - a) They were Planning Committee Members in the previous Council year and had attended a minimum of 8 Planning Committee meetings that year and had also attended at least 1 no. training/development event.
 - b) They attend two organised officer events in the current Council year.
 - c) They have had agreement to vote at Planning Committee and Full Council by the Head of Legal and Democratic Services and the Head of Planning and Public Protection Services.

Note:

This protocol is not designed to prevent Members from voting on Planning matters at Planning Committee and/or Full Council. The purpose of the protocol is to provide Members with appropriate training/development opportunities.

Those Members who do not meet the training/development criteria laid down in the protocol will be advised as such before all relevant meetings and will be advised/requested not to vote on Planning matters.

Whether the Member chooses to vote or not under such circumstances is a matter for each individual Member, but if they do vote, they run the risk of officers advising Corporate Governance Committee and/or Standards Committee. They also run the risk of a third party reporting them to the Local Government Ombudsman.

Author : Paul Mead	Date : April 2012
Contact : Judith Williams	Version : 2
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