



At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: Dydd Iau, 31 Hydref 2024

Rhif Union: 01824 712589

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 6 TACHWEDD 2024** 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 GYSYLLTIAD (Tudalennau 5 - 6)

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

3 MATERION BRYD 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) Deddf Llywodraeth Leol 1972.

4 COFNODION (Tudalennau 7 - 12)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 9 Hydref 2024 (copi ynghlwm).

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

5 CAIS RHIF 45/2024/1019 - 1 FFORDD WELLINGTON, Y RHYL, LL18 1AY (Tudalennau 13 - 34)

Ystyried cais i newid defnydd o siop (dosbarth A1) i fwyty/siop bwyd poeth i fynd (dosbarth A3) a gosod blaen siop newydd (copi ynghlwm).

6 CAIS RHIF 24/2023/0566 - TIR GER BRO FAIR, FFORDD YR ORSAF, RHEWL (Tudalennau 35 - 64)

Ystyried cais i godi stabl, creu llawr caled a ffordd fynediad, tirlunio a gwaith cysylltiedig (copi ynghlwm).

7 CAIS RHIF 47/2023/0838 - EGLWYS MC, TREMEIRCHION (Tudalennau 65 - 96)

Ystyried cais i drawsnewid capel i ffurfio annedd yn cynnwys dymchwel ac ailadeiladu adeilad festri a chodi estyniad unllawr, ffurfio mynedfa i gerbydau, maes parcio a gwaith cysylltiedig (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Y Cynghorydd Mark John Young
(Cadeirydd)

Y Cynghorydd Alan James (Is-
Gadeirydd)

Michelle Blakeley-Walker
Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Justine Evans
Jon Harland
Huw Hilditch-Roberts
Delyth Jones

Julie Matthews
Terry Mendies
Raj Metri
Merfyn Parry
Arwel Roberts
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, 9 Hydref 2024 am 9.30 am.

YN BRESENNOL

Y Cynghorwyr Michelle Blakeley-Walker, Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Justine Evans, Jon Harland, Huw Hilditch-Roberts, Alan James (Is-Gadeirydd), Julie Matthews, Terry Mendies, Merfyn Parry, Gareth Sandilands, Andrea Tomlin, Elfed Williams a/ac Mark Young (Cadeirydd)

HEFYD YN BRESENNOL

Ymgynghorydd Cyfreithiol (CL), Swyddog Monitro Officer (GW), Prif Swyddog Cynllunio (PG), Rheolwr Datblygu (PM) Prif Swyddog Cynllunio (SS), Uwch Beiriannydd (MP), Cyfreithiwr Dan Hyfforddiant (EC) Gweinyddwr Pwyllgorau (NH) ac Uwch Weinyddwr Pwyllgorau: Darlledwr Zoom (KJ)

Aelod Lleol, Y Cynghorydd Bobby Feeley

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb oddi wrth y Cynghorwyr Chris Evans, Delyth Jones, Raj Metri, Arwel Roberts a Cheryl Williams.

2 DATGAN CYSYLLTIAD

Cafwyd ymddiheuriadau am absenoldeb oddi wrth y Cynghorwyr Chris Evans, Delyth Jones, Raj Metri, Arwel Roberts a Cheryl Williams.

3 MATERION BRYG FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chodwyd unrhyw eitemau bryg gyda'r Cadeirydd cyn dechrau'r cyfarfod.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 4 Medi 2024.

Ni chodwyd unrhyw fater mewn perthynas â chywirdeb y cofnodion.

Materion yn codi –

Ysbyty Gogledd Cymru - Gofynnodd y Cadeirydd am ddiweddariad ynglŷn ag ymgysylltiad cyhoeddus ar gais blaenorol: safle Ysbyty Gogledd Cymru. Dywedodd y Prif Swyddog Cynllunio fod y tîm wedi bod mewn cyswllt agos â'r ymgeiswyr ac roedd pethau'n symud yn eu blaen gydag Adran 106. Ar ôl cwblhau'r Cytundeb

Adran 106, byddai swyddogion yn penderfynu sut i ddiweddarau'r cyhoedd ac Aelodau.

PENDERFYNWYD: *yn amodol ar yr uchod, y dylid derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 4 Medi fel cofnod cywir.*

5 CAIS RHIF: 43/2024/1086: TIR AR FFERM MIDNANT, GRONANT ROAD, PRESTATYN

Cyflwynwyd cais i amrywio amod rhif 2 o Ganiatâd Cynllunio rhif 43/2023/0071 i amrywio'r rhestr o gynlluniau cymeradwy i gynnwys newidiadau i fathau o dai a'u gosodiad.

Siaradwr Cyhoeddus - Stuart Andrew: Cyfarwyddwr Dylunio a Chynllunio: Castle Green (ymgeisydd) (o blaid) - Dyranwyd y safle dan sylw ar gyfer tai gan Gyngor Sir Ddinbych yn ei Gynllun Datblygu Lleol yn 2013. Roedd y dyraniad ar gyfer 65 annedd, fodd bynnag, dim ond 45 o gartrefi a oedd wedi'u cynnwys yn y cynllun ac fe ystyriwyd hyn yn nifer addas ar gyfer safle o'r maint hwn. Byddai 10% o'r anheddau a oedd eisoes wedi cael eu cymeradwyo i'w hadeiladu yn dai fforddiadwy yn unol â pholisi mabwysiedig y Cyngor.

Cymeradwywyd caniatâd cynllunio ar gyfer y safle gan y Pwyllgor yn hwyr y llynedd, ac roedd y cais hwn i wneud mân newidiadau i ran o'r safle i ganiatáu ar gyfer cynllun draenio dŵr wyneb a fyddai'n cydymffurfio'n well â Safonau Systemau Draenio Cynaliadwy. Ar adeg y cais blaenorol, nid oedd yr ymgeisydd yn gallu cael mynediad at y safle'n llawn i gael gwybodaeth ymchwiliad tir a oedd ei hangen i gwblhau'r strategaeth draenio dŵr wyneb ar gyfer y safle. Llwyddwyd i gwblhau'r gwaith arolwg ychwanegol yn dilyn cymeradwyo'r caniatâd cynllunio gwreiddiol, ac fe brofodd yr ymchwiliad a gynhaliwyd y byddai'n well storio dŵr wyneb mewn lleoliad arall o fewn ffiniau'r datblygiad. Arweiniodd hyn at yr ail gais am ddiwygiad sylweddol i'r caniatâd cynllunio gwreiddiol, prif nod y cais oedd i adleoli'r man agored cyhoeddus a'r celloedd storio dŵr wyneb a fyddai wedi'u claddu oddi tano, i gyd-fynd yn well â fersiwn derfynol y dyluniad draenio dŵr wyneb.

Roedd y mathau o dai, nifer y tai fforddiadwy a mannau agored cyhoeddus, a'r cyfraniadau ariannol dros £155,000 a gynigiwyd fel rhan o'r cynllun gwreiddiol wedi aros yr un fath.

Roedd yr ymgeisydd wedi cael gwybod gan y Swyddog Cynllunio, fod pryderon wedi cael eu codi ynghylch cyflwr presennol y safle yn ystod ymweliad y Pwyllgor yno yr wythnos ddiwethaf. Pwysleisiwyd nad oedd yr ymgeisydd yn berchen ar y safle ar hyn o bryd, roedd yr ymgeisydd yn aros i gael cytundeb ar y system ddraenio cyn cymryd perchnogaeth. Nid oedd yr ymgeisydd yn rhan o'r gwaith i glirio rhan o'r safle a gynhaliwyd dros yr wythnosau diwethaf, er roedd yn ymwybodol fod hyn wedi cael ei wneud gan y tenant fferm blaenorol, gyda chaniatâd y landlord presennol.

Rhannodd yr ymgeisydd y pryderon ynglŷn â chyflwr y safle, a phe bai caniatâd yn cael ei roi, trefnwyd gyda'r tiffeddiannwr y byddai trwydded yn dod yn weithredol ar

unwaith gyda nhw er mwyn caniatáu mynediad i'r safle, i'w ddiogelu a'i glirio ymlaen llaw cyn i'r ymgeisydd gymryd perchnogaeth o'r tir ar ddiwedd y mis. Byddai gwaith i ddatblygu'r safle yn cychwyn cyn gynted â phosibl wedi hynny. Roedd y diwygiad sylweddol i'r caniatâd cynllunio gwreiddiol wedi bod yn destun ymgynghoriad cynllunio llawn, ac roedd yr holl ymgynghoreion statudol a Swyddogion y Cyngor a oedd yn gysylltiedig â hyn wedi cadarnhau nad oedd ganddynt unrhyw wrthwynebiad i gymeradwyo'r cynllun. Felly, argymhellwyd gan y Swyddogion Cynllunio bod y diwygiad hwn i'r caniatâd cynllunio gwreiddiol yn cael ei gymeradwyo.

Trafodaeth Gyffredinol –

Eglurodd y Prif Swyddog Cynllunio nad oedd yr ymgeisydd, oherwydd problemau perchnogaeth tir a mynediad, wedi gallu ymgymryd â'r arolygon cywir i sicrhau bod y system ddraenio'n gweithio. Ar ôl cael mynediad, roedd yr arolygon bellach wedi cael eu cwblhau ac roedd y cais yn ymwneud â'r newidiadau yn y cynllun yn y cynnig. Roedd y newidiadau allweddol yn y cynllun ar y ffin orllewinol ac i bwynt gogleddol y safle. Roedd y newidiadau i'r cynllun wedi cael eu cynnig i ganiatáu ar gyfer gwneud system ddraenio'r safle yn fwy effeithlon.

Dywedodd y Cadeirydd wrth y Pwyllgor fod archwiliad safle wedi cael ei gynnal ar 2 Hydref 2024 ac roedd hyn yn fuddiol, fodd bynnag, codwyd pryderon ynglŷn â chyflwr presennol y safle. Dywedodd y Prif Swyddog Cynllunio mai bwriad yr ymgeisydd oedd cael mynediad at y safle cyn gynted â phosibl a gwneud y safle'n ddiogel. Roedd amod ychwanegol wedi cael ei argymhell gan swyddogion, sef bod yr ymgeisydd, o fewn 4 wythnos o gael mynediad at y safle, yn cyflwyno manylion ynghylch sut yr oedd y safle yn cael ei wneud yn ddiogel.

Roedd yr Aelod Lleol, y Cynghorydd Andrea Tomlin, yn ddiolchgar am yr eglurhad o ran pam yr oedd y cais wedi cael ei ail gyflwyno i'r Pwyllgor Cynllunio. Byddai rhai eiddo yn agos at y safle, oherwydd y newid i'r cynllun, yn cael eu heffeithio'n andwyol ac roedd yn fodlon fod popeth wedi cael ei wneud i liniaru hyn ar gyfer preswylwyr. Codwyd cwestiynau ynglŷn ag amod ychwanegol yn cael ei ychwanegu at y cynnig. Cynigodd y Cynghorydd Tomlin y dylid datgan yr anheddau ar y safle fel anheddau at ddefnydd preswyl yn unig (defnydd C3) o ystyried y galw uchel am eiddo preswyl ym Mhrestatyn. Dywedodd y Prif Swyddog Cynllunio y gellid gosod cyfyngiad o ddefnydd C3 ar y safle a byddai hyn yn atal eiddo rhag cael eu prynu a'u defnyddio fel llety gwyliau. Byddai'n rhaid i aelodau fod yn sicr bod yna dystiolaeth o'r angen am eiddo preswyl yn yr ardal. Ni fyddai ychwanegu amod C3 yn unig yn atal prynwr eiddo ar y safle rhag cyflwyno cais i gael gwared ar yr amod yn y dyfodol. Dywedodd y Cadeirydd fod angen am dai preswyl yn yr ardal oherwydd bod y safle wedi cael ei dderbyn ar gyfer anheddau y tu allan i ardal y Cynllun Datblygu Lleol (CDLI).

Eiliodd y Cynghorydd Merfyn Parry y cynnig i ychwanegu amod C3 i'r cais.

Cwestiynodd y Cynghorydd Merfyn Parry y defnydd o dalcendoeau yn agos at y ffin orllewinol. Eglurodd y Prif Swyddog Cynllunio, Sarah Stubbs, y byddai'r anheddau agosaf at y ffin ar Ffordd Onnen yn cynnwys talcendoeau.

Gofynnodd y Cynghorydd Jon Harland i gael dileu'r amod ychwanegol a gynigwyd ac eiliwyd a bod y cais yn cael ei gymeradwyo fel y cafodd ei gyflwyno, oherwydd bod deddfwriaeth eisoes yn ei lle gan Lywodraeth Cymru i atal perchnogaeth eiddo llety gwyliau. Eglurodd y Prif Swyddog Cynllunio nad oedd y ddeddfwriaeth yn weithredol yn Sir Ddinbych ar hyn o bryd, roedd rhai Cynghorau wedi gosod cyfarwyddyd erthygl 4 a oedd yn atal newid dosbarth C ac roedd Sir Ddinbych yn edrych ar gynlluniau peilot a oedd yn cael eu cynnal mewn ardaloedd eraill. Tynnodd y Cynghorydd Jon Harland ei gynig yn ôl.

Roedd y Cynghorydd Alan James yn bresennol yn yr ymweliad safle ac roedd yn hapus bod hyn wedi cael ei godi.

Cynnig – Cynigodd y Cynghorydd Alan James y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog, ac EILIWYD hynny gan y Cynghorydd Andrea Tomlin.

Pleidlais –

O blaid – 16

Yn erbyn – 0

Ymatal – 0

PENDERFYNWYD –

- *bod amod ychwanegol o anheddau yn cael eu defnyddio at ddefnydd C3 yn unig yn cael ei ychwanegu at y cais a*
- *bod y cais yn cael ei GYMERADWYO yn unol ag argymhellion y swyddog.*

6 CAIS RHIF 02/2024/1010: HEN GAPEL STRYD Y RHOS RHUTHUN

Cyflwynwyd cais i newid defnydd rhan o ddepo i gaffi, gosod ramp mynediad a gwaith cysylltiedig.

Siaradwr Cyhoeddus - Catherine Howatson (ymgeisydd) (o blaid) - Roedd y cais i agor Siop Goffi yn seiliedig ar batrwm gwaith tebyg i siopau eraill y stryd fawr, gan ddarparu amrywiaeth o goffi poeth a bwyd o safon. Byddai bwyd yn cael ei wneud yn lleol oddi ar y safle.

Y nod oedd creu gofod diogel a chroesawgar i gwsmeriaid, yn enwedig pobl ifanc o'r ysgolion cyfagos. Adeiladwyd yr adeilad yn wreiddiol i ddod â phobl at ei gilydd ac roedd yr ymgeisydd yn dymuno dod â'r adeilad yn ôl i ddefnydd er mwynhad y gymuned.

Rhagwelwyd y byddai llawer iawn o gwsmeriaid ar droed, fodd bynnag, roedd maes parcio wrth ochr yr adeilad a maes parcio cyhoeddus 40 metr i ffwrdd.

Byddai hwn yn fusnes teuluol, ar agor rhwng 8am a 5pm i ddarparu ar gyfer plant ysgol gan gynnig opsiwn i fwyta yn y caffi neu i fynd â bwyd allan.

Croesawyd y cais gan yr aelod lleol, y Cynghorydd Bobby Feeley, ynghyd â'r cynllun i ddod â'r Capel yn ôl i ddefnydd yn y gymuned.

Roedd yr aelod lleol Huw Hilditch- Roberts hefyd yn croesawu'r cynnig i wneud defnydd o'r adeilad eto a dywedodd y byddai'n ased ac yn fan diogel i blant ysgol yn yr ardal.

Cynnig – Cynigodd y Cynghorydd Huw Hilditch-Roberts y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog, ac fe EILIWYD hynny gan y Cynghorydd Terry Mendies.

Pleidlais –

O blaid – 16

Yn erbyn – 0

Ymatal – 0

PENDERFYNWYD: y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog.

7 CAIS RHIF: 21/2021/1157: CAMP ALYN, TAFARN Y GELYN, LLANFERRES

Cyflwynwyd cais i adeiladu 4 o unedau gwyliau ffrâm bren a gwaith cysylltiedig.

Ni ofynnwyd unrhyw gwestiynau gan y Cadeirydd neu aelodau'r Pwyllgor Cynllunio.

Cynnig – Cynigodd y Cynghorydd Huw Hilditch-Roberts y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog, ac fe EILIWYD hynny gan y Cynghorydd Merfyn Parry.

Pleidlais –

O blaid – 16

Yn erbyn – 0

Ymatal – 0

PENDERFYNWYD: y dylid CYMERADWYO'R cais yn unol ag argymhellion y Swyddog.

8 CAIS RHIF: 41/2024/0115 THE WARREN, BODFARI, DINBYCH

Cyflwynwyd cais i godi annedd menter wledig, gosod tanc septig a gwaith cysylltiedig.

Ni ofynnwyd unrhyw gwestiynau gan y Cadeirydd neu aelodau'r Pwyllgor Cynllunio

Cynnig – Cynigodd y Cynghorydd Terry Mendies y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog, ac EILIWYD hynny gan y Cynghorydd Andrea Tomlin.

Pleidlais –

O blaid – 16
Yn erbyn – 0
Ymatal – 0

PENDERFYNWYD: y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog.

9 CAIS RHIF: 46/2024/1200 GREEN GATES CWTTIR LANE, LLANELWY

Ystyried cais i ddymchwel adeilad presennol, newid defnydd tir o dir amaethyddol i warchodfa natur newydd a chreu cynefinoedd gan gynnwys adfer pyllau presennol, creu pyllau newydd, creu ardal wlypdir ger dau gwrs dŵr bach a chreu ardaloedd cynefinoedd coetir a glaswelltir, adeiladu llwybr caniataol a gwaith peirianyddol i greu man gwyllo uwch ynghyd â gwaith cysylltiedig.

Eglurodd y Prif Swyddog Cynllunio, Sarah Stubbs, bod y safle wedi'i ddyrannu yn y CDLI ar gyfer defnydd cyflogaeth ac roedd y cais ar gyfer newid defnydd tir. Roedd y cais ar gyfer creu gwarchodfa natur ac roedd yn bwysig ar gyfer madfallod dŵr cribog.

Ni ofynnwyd unrhyw gwestiynau gan y Cadeirydd neu aelodau'r Pwyllgor Cynllunio.

Cynnig – Cynigodd y Cynghorydd Gareth Sandilands y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog, ac fe EILWYD hynny gan y Cynghorydd James Elson.

Pleidlais –
O blaid – 16
Yn erbyn – 0
Ymatal – 0

PENDERFYNWYD: y dylid CYMERADWYO'R cais yn unol ag argymhellion y swyddog.

10 ADRODDIAD GWYBODAETH: CYNLLUN DATBLYGU LLEOL SIR DDINBYCH 2006- 2021: ADRODDIAD MONITRO BLYNYDDOL 2024

Cyflwynwyd yr adroddiad gwybodaeth, Cynllun Datblygu Lleol Cyngor Sir Ddinbych 2006-2021: Adroddiad Monitro Blynyddol 2024 i'r aelodau.

PENDERFYNWYD: bod y Pwyllgor Cynllunio'n nodi Cynllun Datblygu Lleol Cyngor Sir Ddinbych 2006-2021: Adroddiad Monitro Blynyddol 2024.

Daeth y cyfarfod i ben am 10.20am.

Eitem Agenda 5

Ward – Gorllewin y Rhyl

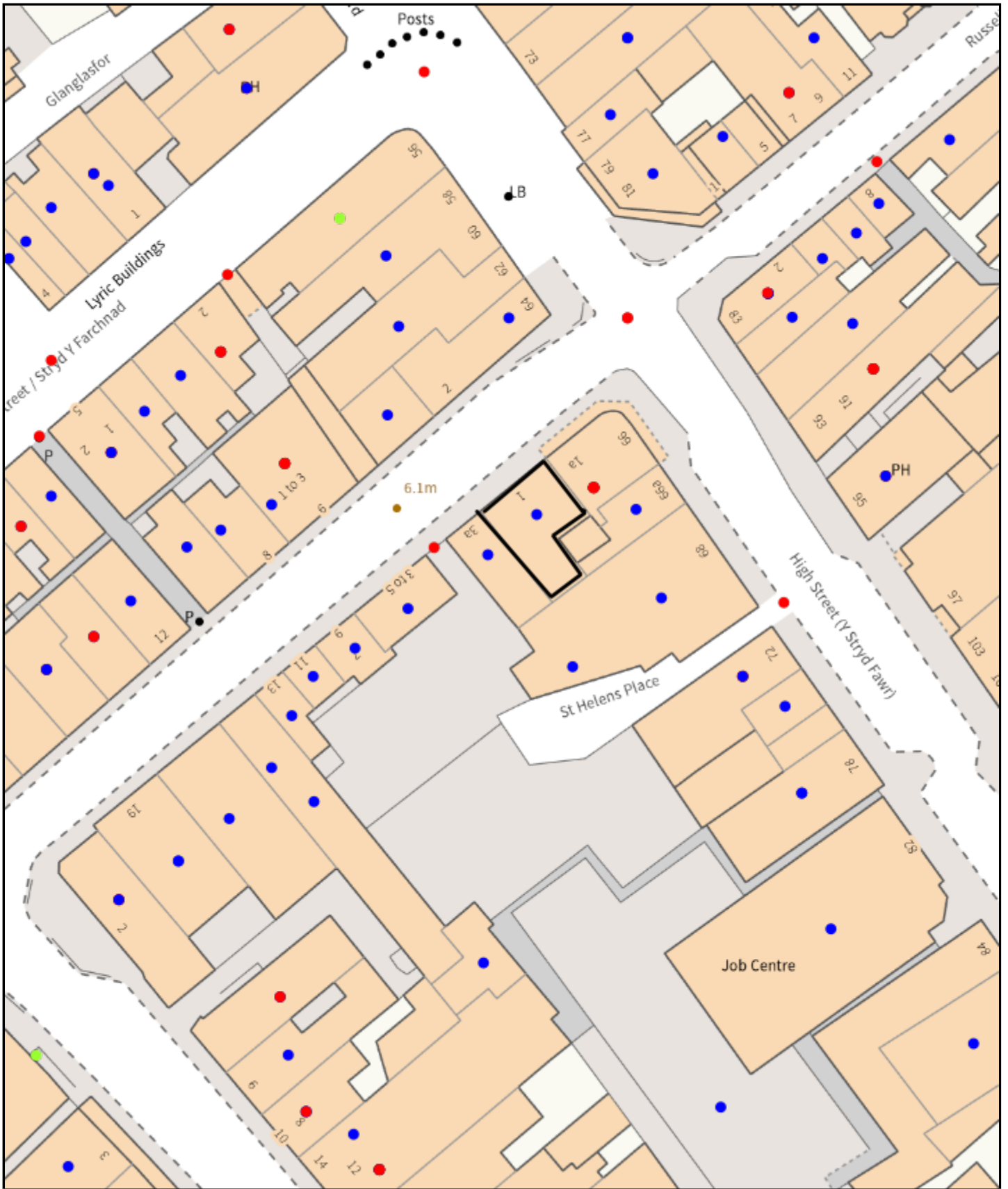
Aelodau Ward – Cynghorwyr Joan Butterfield a'r Cynghorydd Alan James (c)

Rhif y cais - 45/2024/1019/PF

Cynnig - Newid defnydd o siop (dosbarth A1) i fwyty/siop bwyd poeth i fynd (dosbarth A3) a gosod blaen siop newydd

Lleoliad - Office 2 Home, 1 Ffordd Wellington, Y Rhyl, Sir Ddinbych, LL18 1AY

Mae tudalen hwn yn fwriadol wag



45-2024-1019



N Graddfa / Scale: 1:620

Canol / Centre: 300849, 381397

Dyddiad / Date: 2024-10-23 11:55:26

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**45/2024/1019/PF – 1, Wellington Road,
Rhyl**

Tudalen 16

**Change of use from shop (use class A1)
to a hot food takeaway/restaurant (use
class A3) and installation of new
shopfront**

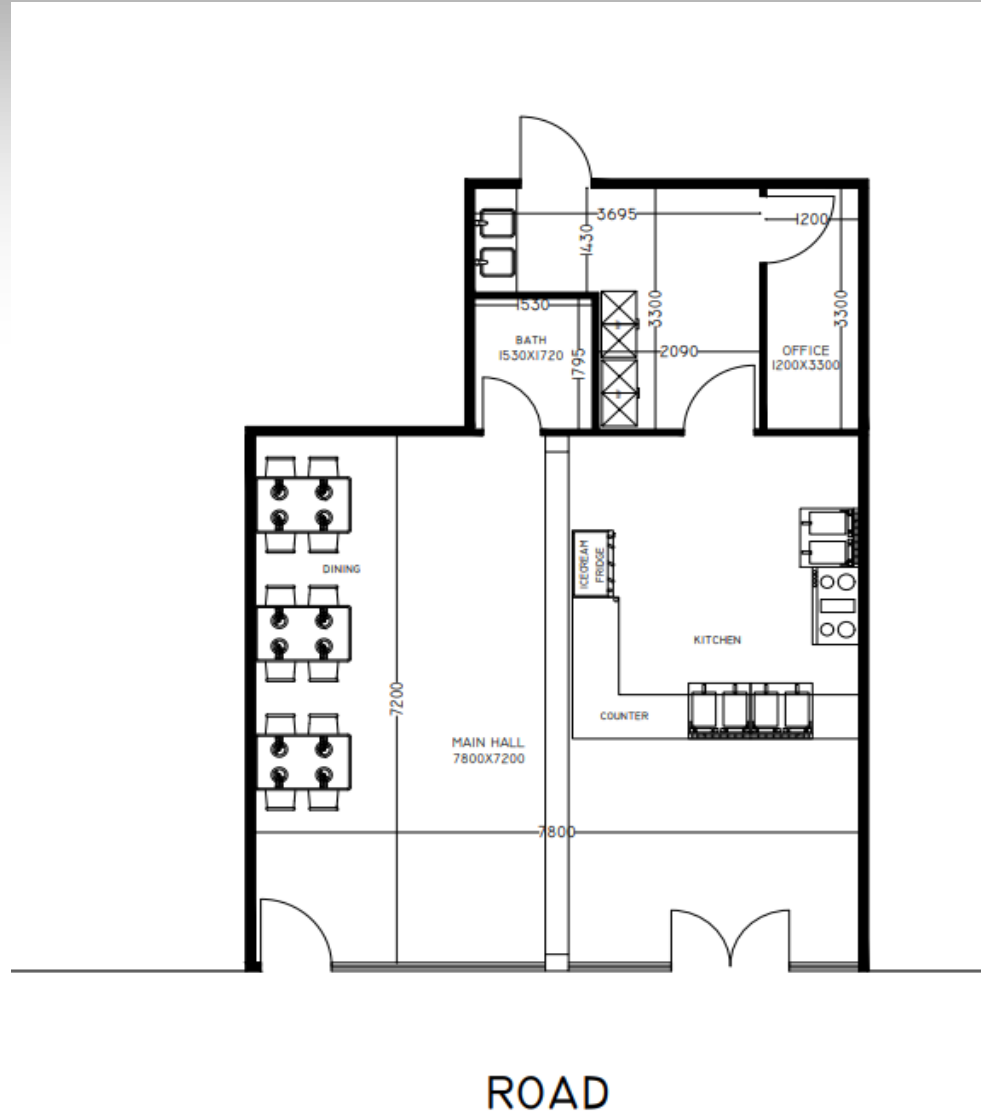
Location Plan



Tudalen 17

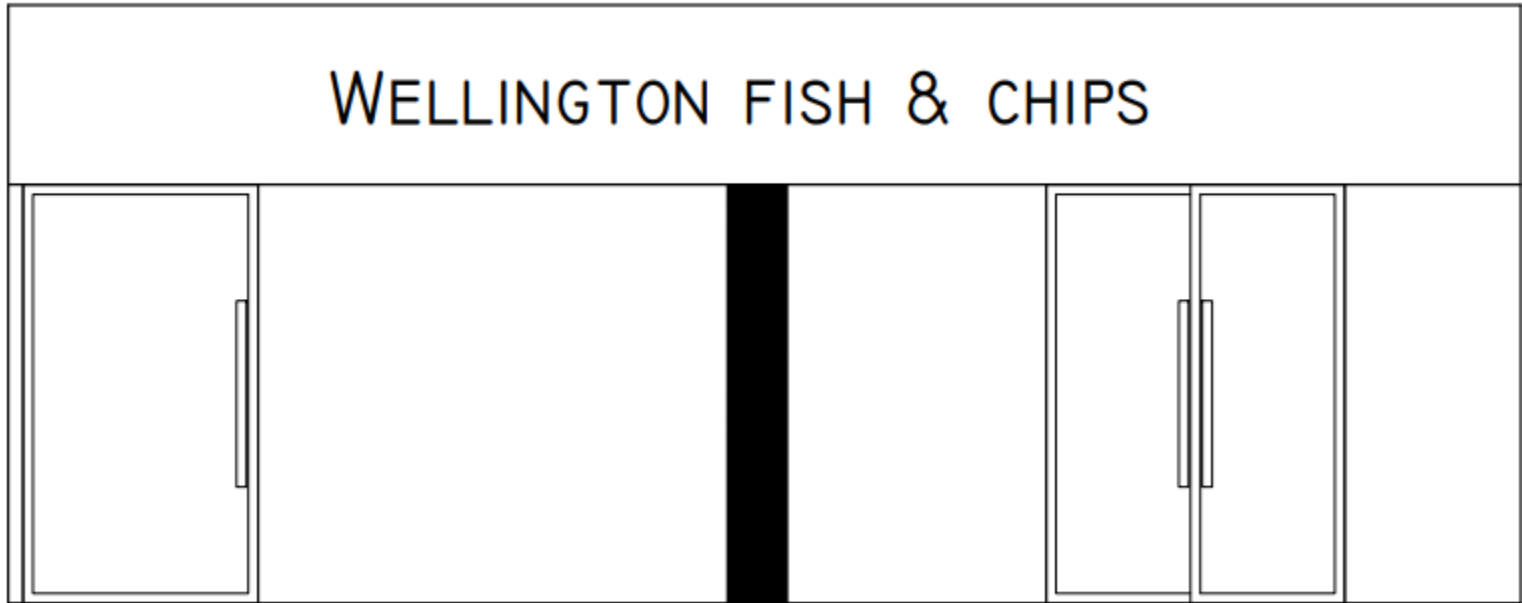
Proposed Floor Plan

Tudalen 18



Proposed Elevation

Tudalen 19



Extraction detail

Tudalen 20



Figure 2: Proposed elevations showing ductwork

Site photographs





Officer - Sarah Stubbs

Ward – West Rhyl

Ward Member(s) – Cllr Joan Butterfield and Cllr Alan James (c)

Application Number - 45/2024/1019/PF

Proposal - Change of use from shop (use class A1) to a hot food takeaway/restaurant (use class A3) and installation of new shop front

Location - Office 2 Home, 1 Wellington Road, Rhyl, Denbighshire, LL18 1AY

Applicant - Mr Muhammed Yasir Malik Parveen Coffee Limited

Constraints

Denbighshire Electoral Divisions	Rhyl West
City Town and Community Councils	Rhyl Community
Conservation Areas	Rhyl Central
Townscape Heritage	Rhyl Townscape Heritage Initiative area
Local Development Plan	Town Centre Boundary
Local Development Plan	Development Boundary
Local Development Plan	Conservation Area
Article 4 Directions	TP/R/1/3
Groundwater Vulnerability 100k	MAJOR

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:

RHYL TOWN COUNCIL

"Objection on the following grounds:

1. The premises is located close to the junction with High Street and Russell Road – probably the busiest junction within Rhyl with significant traffic usage by vehicles leaving Rhyl towards either Prestatyn to the East or along the A525 to the South. There is no on street permitted parking adjacent to the building.

Although the applicant submits that vehicle parking is not relevant to the application, the nature of the proposed use will inevitably result in the parking of vehicles immediately outside the premises. Experience at other similar premises suggests that in addition to

customer parking, food delivery service providers will also park immediately adjacent to the premises while collecting delivery orders. The Council therefore consider that the proposed takeaway service would result in on-street parking at this busy junction and create conflict with both other road users and pedestrians. This the Council submits would be contrary to paragraph viii of Policy RD1 of the adopted Local Plan.

2. The application makes no reference to the number of occupied flats immediately above the shop unit on the first and second floors of the building. It is not known whether adjacent buildings are similarly occupied. (The building also shares a boundary with properties on High Street which may also have occupied accommodation)

It is the opinion of the Council that the proposed change of use would give rise to an unacceptable impact on the amenity of these residential occupiers above, to the sides and to the rear of the application site by way of noise, disturbance and odours. On this basis, it is considered that the application is unacceptable as it is contrary to test vi) of Policy RD 1 of the Denbighshire Local Development Plan.

It has been noted that other retail units located adjacent to the premises have also expressed concerns regarding odours impacting on their business"

Betsi Cadwalader University Health Board
Express general concerns relating to the proliferation of hot food uses in the area

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Traffic, Parking and Road Safety:
- Highways Officer
No objections

Public Protection Officer
No objections subject to conditions ensuring compliance with the Noise and Odour Assessments

Conservation Officer
No comments

RESPONSE TO PUBLICITY:

In objection: -

1. Adil Oflazoglu, Golden Razir Barbers, 66 High Street, Rhyl
2. Ross Starkey, High Street News, 66a High Street, Rhyl
3. Y. Aka (AJs Cafe) Mostyn Buildings, 3a Wellington Road, Rhyl
4. Kay Pidduck Les & Ritas Fish Bar, 28 Wellington Road, Rhyl

Summary of planning-based representations in objection:

General Comments

Rhyl doesn't need another a fish and chip shop; concerns about the drains blocking

Amenity

Concerns about smells and litter will increase

Highways

Will increase traffic, parked cars in front of the shop, blocking exit gate and dangerous next to the traffic lights, also for the cars waiting and turning to the right direction.

In Support:-

1. Amir Shahzad (Fone united) Unit 1a, White Rose Centre, High Street, Rhyl

Summary of planning-based representations in support:

Brings some opportunity for the town, will create a few jobs and contribute to the local economy, there are other shops in the town that are empty.

EXPIRY DATE OF APPLICATION: 06/11/2024

REASONS FOR DELAY IN DECISION: N/A

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Full planning permission is sought for the change of use from a shop (use class A1) to a hot food takeaway/restaurant (use class A3) and installation of a new shopfront.

1.1.2 The empty shop unit is the former 'Office 2 Home' Stationery shop which has been vacant for some time. Planning permission is sought to form a hot food takeaway with a restaurant area with the proposed floor plan showing a kitchen, storage area, office and toilet facilities.

1.1.3 The proposal includes a new aluminium shopfront which includes a new doorway to access the take away and restaurant separately. A grey shopfront colour has been specified (illustration shown at front of report).

1.1.4 The plans include a kitchen extraction system comprising of a wall type canopy extracting through a carbon filter then an Electrostatic Precipitator (ESP) system before the extract fan discharges at 1m above roof ridge (illustration shown at front of report).

1.2 Other relevant information/supporting documents in the application

1.2.1 A Noise Impact Assessment (including extraction details) and an Odour Assessment have been submitted with the application.

1.3 Description of site and surroundings

1.3.1 The application site is a vacant retail unit fronting Wellington Road in Rhyl Town Centre.

1.3.2 The unit is located on a one way road section of Wellington Road close to it's junction with the High Street and Russell Road which is controlled by traffic signals.

1.3.3 Within the Wellington Road and High Street area close to the application site, there are a mix of Class A1 retail and Class A3 units along with a number of vacant units. Immediately adjoining the application site is a Barbers shop and AJ's cafe.

1.3.4 Upper floors of some premises in the area, including the application site are in residential use.

1.4 Relevant planning constraints/considerations

1.4.1 The property is located in the development boundary of Rhyl and within the Policy PSE 8 Town Centre boundary.

1.4.2 The property is located within the Rhyl Central Conservation Area boundary.

1.5 Relevant planning history

1.5.1 Planning permission was granted in 2010 for the use of the upper floors to be used as 4 no. self contained flats.

1.6 Developments/changes since the original submission

1.6.1 A Noise Impact Assessment and an Odour Assessment has been submitted with the application along with additional information relating to the delivery arrangements and extraction system proposed.

1.6.2 The description has been amended to include the installation of a new shopfront.

1.7 Other relevant background information

1.7.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 45/2007/1175/PF Change of use of 1st and 2nd floor offices to 4 no. self-contained flats GRANTED 21st January 2010

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy RD 1 - Sustainable Development and good quality design

Policy PSE 8 - Development within town centres

Policy VOE 1 - Key areas of importance

Supplementary Planning Guidance

Supplementary Planning Guidance Hot Food Takeaways

Government Policy / Guidance

Planning Policy Wales Edition 12, 2024

Future Wales: The National Plan 2040

Development Management Manual 2017

Welsh Government 'Building Better Places: The Planning System Delivering Resilient and Brighter Futures' (July 2020)

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 must be considered in conjunction with Planning Policy Wales (Edition 12, 2024) 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 12) 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 including impact on Conservation Area

4.1.3 Residential amenity including noise and odour

4.1.4 Drainage

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site is located within the development boundary and town centre boundary (Policy PSE 8) of Rhyl.

Policy PSE 8 sets out the local policy criteria that address developments within a defined town centre boundary and permits development proposals provided they i) enhance the vitality and viability of the town centre and ii) they do not result in an unacceptable imbalance of retail and non retail uses.

As there has been a change in national policy stance on town centre development since the adoption of the LDP in 2013, Policy PSE 8 criteria should be interpreted in line with the provisions contained in Future Wales (2021), Planning Policy Wales (PPW) Edition 12 (2024) and Welsh Government 'Building Better Places' (July 2020). All of these

documents stress the importance of diversification in town centres uses to maintain vitality and viability.

Whilst Policy PSE 8 and Supplementary Planning Guidance focus the assessment of a proposal's impact on the balance of retail and non-retail uses in terms of town centre vitality and viability, preferring the retention of Class A1 retail uses, Welsh Government is very vocal about the 'town centre first principle' as set out in Future Wales and PPW. PPW, paragraph 4.3.21, prescribes the approach to identifying a sustainable location for restaurants/ takeaways (Use Class A3). "*The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres.*" It is noted that National policy not only supports town centre diversification but explicitly considers food and drink establishments (Class A3 uses) as a reasonable complementary use.

In conclusion it is considered that there is no reason to oppose the principle of the proposal in terms of national and local planning policy.

4.2.2 Visual amenity including impact on Conservation Area

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.

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (Edition 12, 2024) in Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.

There are no objections raising visual amenity or Conservation based concerns.

The proposal seeks to replace the existing shopfront with a grey aluminium shopfront which would be in keeping with the area and Conservation Area. The final colour specification has not been provided therefore it is considered reasonable to impose a condition requiring the submission of this detail. The extraction system is located to the rear and is not visible from Wellington Road or locally.

Signage is shown on the proposed elevation plan submitted however as this may require separate Advert consent, a note to applicant is suggested.

The proposal is considered acceptable in relation to visual amenity and Conservation policies.

4.2.3 Residential amenity including noise and odour

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

The 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 from the Town Council and local business owners have been submitted raising general amenity concerns, such as noise, odour and litter impacts. Public Protection Officers have also been consulted.

A Noise Impact Assessment and Odour Assessment was requested and has been submitted in support of the application. Public Protection Officers have reviewed the assessments and have confirmed no objections, subject to conditions to ensure the development is carried out in accordance with the approved Noise and Odour Assessment details.

Whilst respecting the concerns raised, having regard to the location of the proposed development in the town centre where there are a mix of uses, it is considered that subject to conditional controls the change of use would not have an unacceptable impact on residential amenity.

4.2.6 Drainage

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 (Edition 12, 2024) at para 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 ((Edition 12, 2024) at paras 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
- Concerns have been raised regarding drains blocking.

The proposal relates to an existing building with established drainage connections and facilities however it would introduce a hot food use. No specific drainage details have been provided with the application and therefore it is considered necessary to impose a condition requiring details of a grease trap which should be fitted to ensure the public sewerage system is protected.

4.2.7 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

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) 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.

The Town Council and a local business owner has raised concerns relating to highway safety as a result of the proposal in this location. The particular concern relates to the proximity of the application to the junction with the High Street and Russell Road and where on street parking is prohibited.

Highways Officers have been consulted and have raised no objection to the proposal. It is acknowledged that the unit is located on a busy road and close to the High Street/Russell Road junction and that on street parking is prohibited on Wellington Road close to the application site. However, the site is in a town centre location, which is considered to be a sustainable and accessible location, there is on street parking available on nearby streets, with car parks and public transport links (bus and rail) all within close walking distance to the site.

There is a rear yard and small parking area to the rear of the property, it can be accessed off Wellington Road and the High Street. The applicant has advised that delivery vehicles would park in an unloading area on the High Street and bring goods via the rear access into the proposed shop at the back. This is typical of many businesses in High Street/town centre locations.

In conclusion, this site is located in a sustainable and accessible location. It is not considered that the proposed use conflicts with the highways considerations of the policies mentioned above.

Other matters

In response to the comments from Betsi Cadwaladr University Health Board in relation to the proliferation of hot food/Class A3 uses in the area, the Class A3 uses are spread out over a wide area and not concentrated in a specific area. The application site is in a town centre location where a mix of uses, including Class A3 uses are supported by planning policy.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 The principle of a Class A3 use in a town centre is considered acceptable. The proposal would also bring a vacant unit in the town centre and designated Conservation Area back in to use.

5.2 With the imposition of planning conditions requiring grease trap details and to ensure noise and odour details are implemented in accordance with approved details it is not considered that there would be any adverse residential amenity impacts.

5.3 The visual amenity impacts are considered acceptable subject to agreeing the final colour finish which is suggested as planning condition.

RECOMMENDATION: GRANT subject to the following conditions:

1. The development shall begin not later than 5 years from the date of this decision.

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:

Extraction details Received 30-05-2024 and 23-07-2024

Delivery Arrangements Received 23-07-2024

Odour Impact Assessment Received 18-07-2024

Noise Impact Assessment Received 18-07-2024

Proposed floor and Elevation plan Received 29-05-2024

Existing floor plan Received 29-05-2024

Location Plan Received 13-03-2024

Photograph of shop front Received 13-03-2024

3. The noise mitigation measures for the extraction system and for the noise from the premises shall be implemented in accordance with details in Section 5.5 and 6.0 of the approved Noise Impact Assessment.

4. Prior to the commencement of the Class A3 hot food takeaway, details to demonstrate the noise mitigation measures for the extraction system have been implemented in full compliance with the details approved in Section 5.5 and 6.0 of the Noise Impact Assessment (DAA Group, Issue 01 dated 15/7/2024) shall be submitted to and approved in writing by the Local Planning Authority.

5. The odour mitigation measures for the extraction system shall be implemented in accordance with the details in Section 3.3 of the approved Odour Assessment, and the system shall be maintained in accordance with the details in Section 4 of the approved Odour Assessment.

6. Prior to the commencement of the Class A3 hot food takeaway, details to demonstrate the odour mitigation measures for the extraction system have been implemented in full compliance with the details approved in Section 3.3 of the Odour Assessment (NML, dated 16/7/2024) shall be submitted to and approved in writing by the Local Planning Authority.

7. Prior to the commencement of the use, an adequate grease trap shall be fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

8. The new aluminium shopfront shall be finished in a colour to be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

Reasons:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development
3. In the interests of residential amenity
4. In the interests of residential amenity
5. In the interests of residential amenity
6. In the interests of residential amenity
7. To protect the integrity of the public sewage system and ensure the free flow of sewage
8. In the interests of visual amenity and character and appearance of the Conservation Area

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 6

Paul Griffin

WARD: Llandyrnog

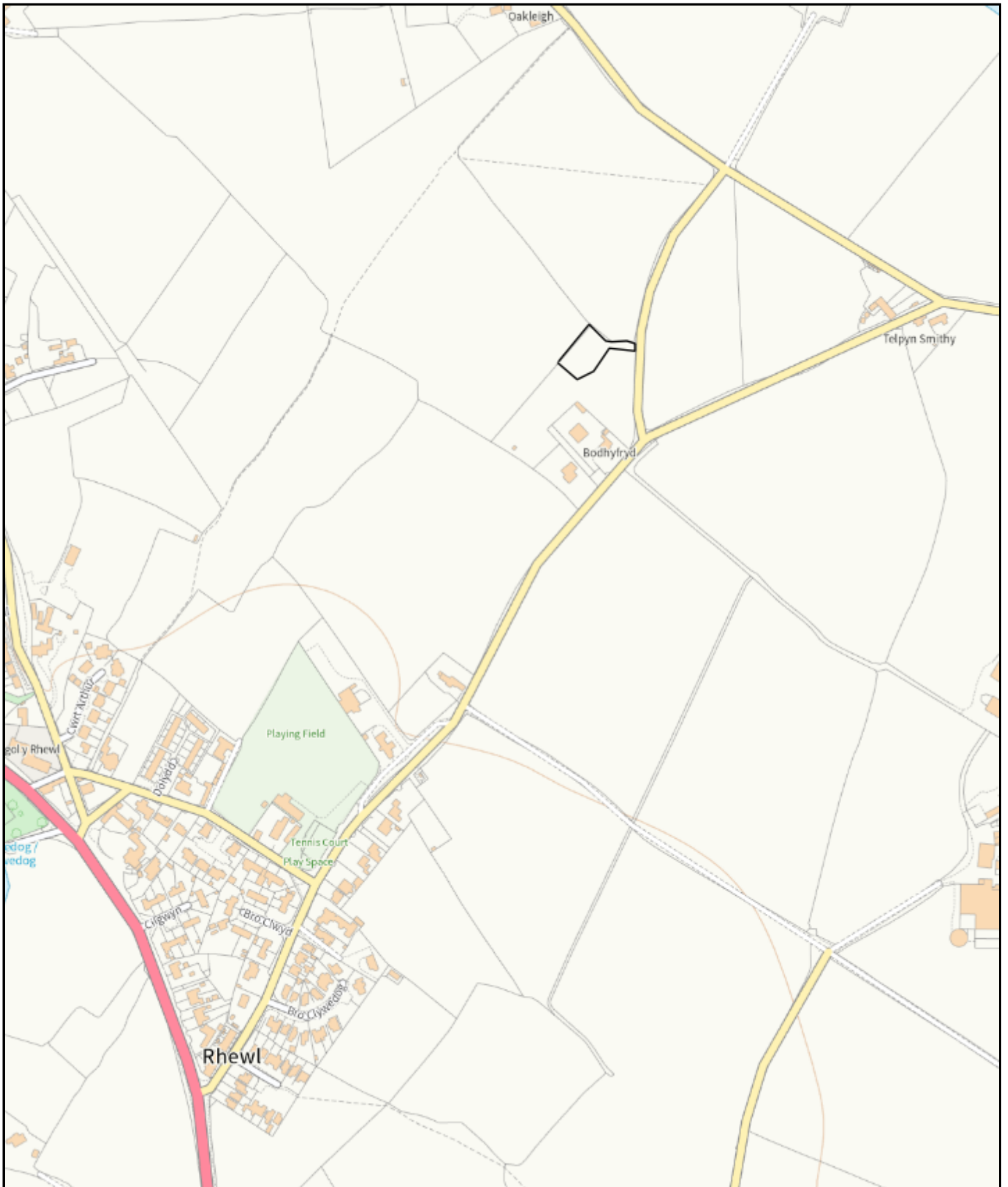
AELOD Y WARD: Y Cyngorydd Merfyn Parry (c)

CAIS RHIF: 24/2023/0566/ PF

CYNNIG: Codi stabl, ffurfio llawr caled a ffordd fynediad, tirlunio a gwaith cysylltiedig.

LLEOLIAD: Tir ym Mro Fair, Ffordd Yr Orsaf, Rhewl, Rhuthun, LL15 1TW

Mae tudalen hwn yn fwriadol wag



20-2023-0566

 **N Graddfa / Scale: 1:5000**

Canol / Centre: 311330, 360626

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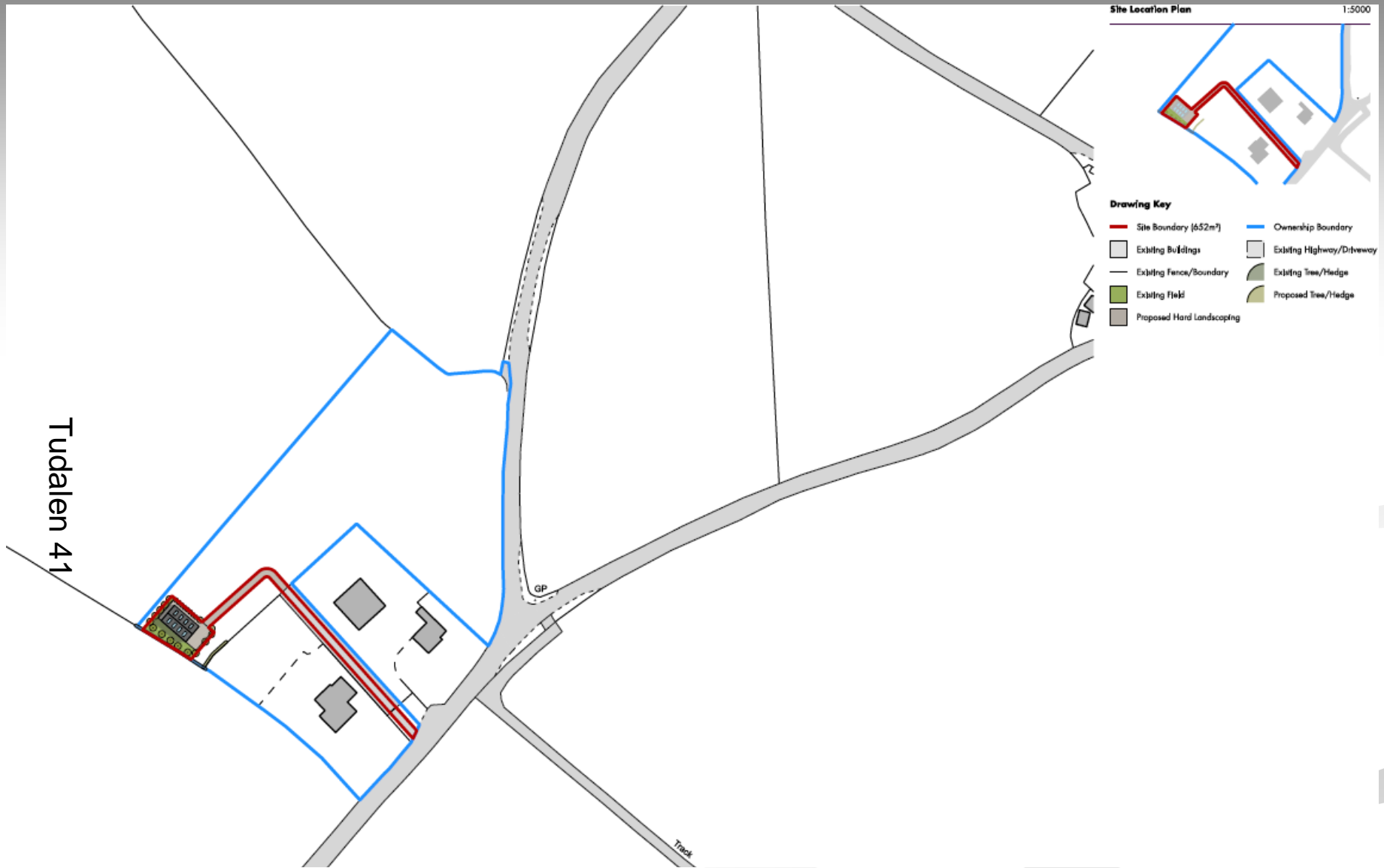


24/2023/0566/ PF

Bro Fair, Rhewl

**Erection of stable, formation of
hardstanding and access road,
landscaping and associated works**

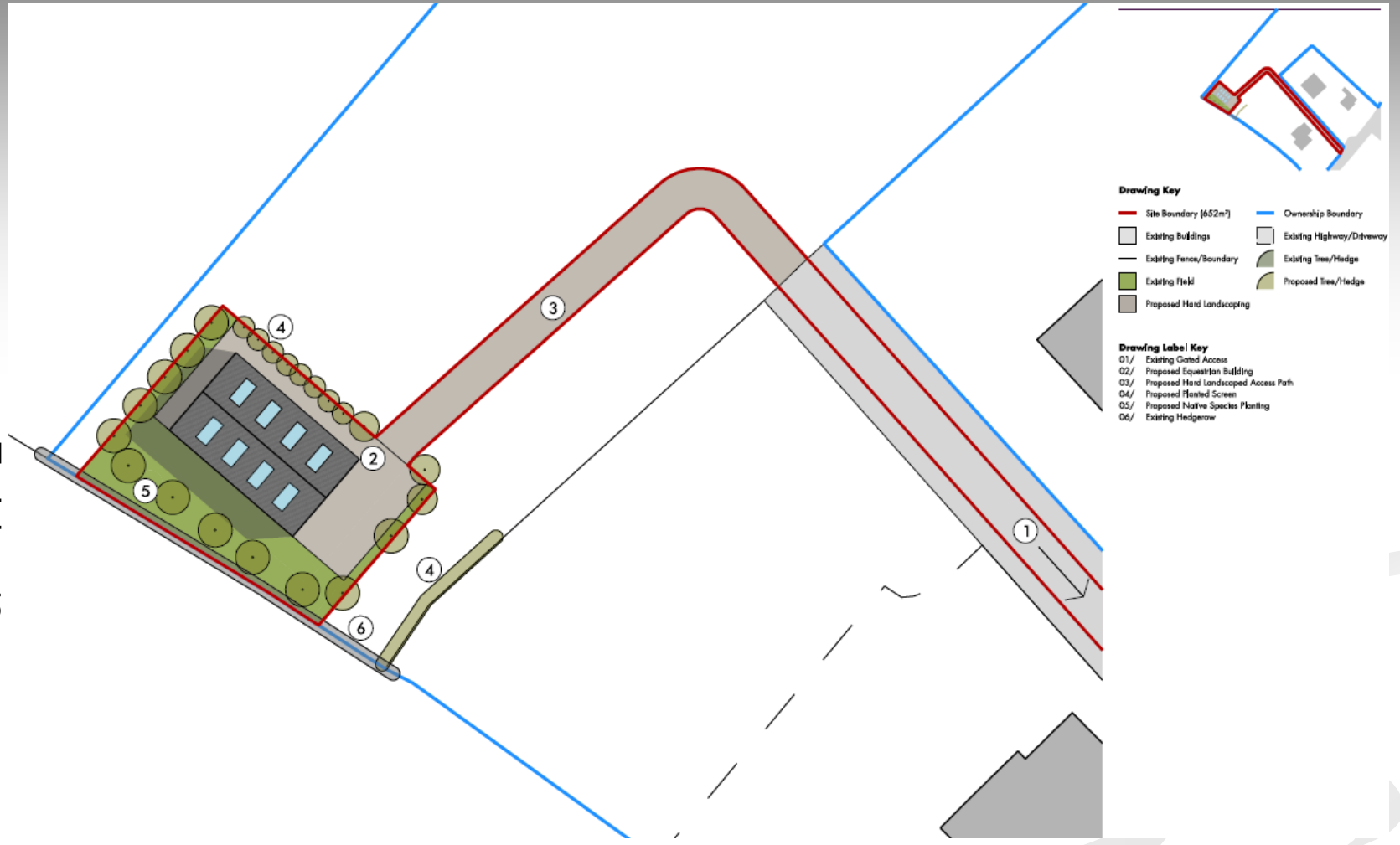
Tudalen 40



Tudalen 41

Location plan

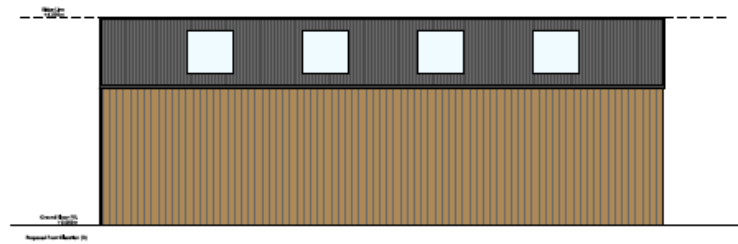
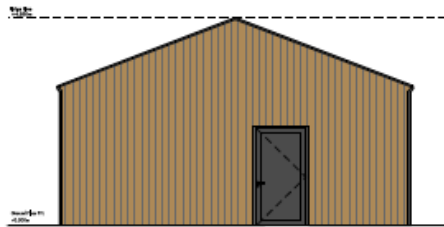
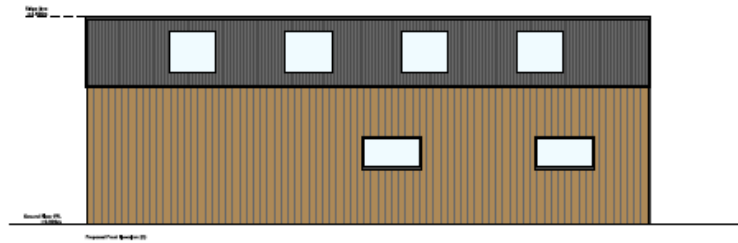
Tudalen 43



Site plan

Tudalen 44

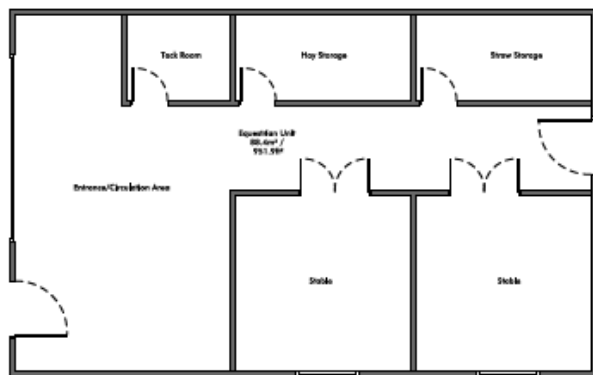
Tudalen 45



Elevations

Tudalen 46

Tudalen 47



Proposed Floor Plan



Proposed Elevation

Plans

Tudalen 48

Tudalen 49



View Across site

Tudalen 50

Tudalen 51



Access track

Tudalen 53



View from rear of Bro Fair towards neighbouring site

Tudalen 54



View south towards site location (from north of Bod Haulog – red line is approximate location of proposed building)

WARD : Llandyrnog

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

APPLICATION NO: 24/2023/0566/ PF

PROPOSAL: Erection of stable, formation of hardstanding and access road, landscaping and associated works

LOCATION: Land at Bro Fair, Ffordd Yr Orsaf, Rhewl, Ruthin, LL15 1TW

APPLICANT: Mr Alan Jones

CONSTRAINTS: None

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

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

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANYNYS COMMUNITY COUNCIL:

“Llanynys community Council objects to the subject planning application and plans for the following reasons:-

1. The proposed access to the site is on a narrow busy road which is part of a lay-by which will obstruct the lay-by. The site entrance should be with the existing site entrance to the dwelling.
2. The proposed building seems too large for personal use only.
3. The proposed building should be screened off.
4. Is the planning application also for change of use from agricultural land to equestrian use.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer:
No objections

Ecology Officer:
No objections

RE-CONSULTATION RESPONSES (following amendment to the location of the building to adjacent to the rear of Bro Fair)

LLANYNYS COMMUNITY COUNCIL:

“Llanynys Community Council has no further observations to the subject planning application and plans following the re-consultation on the amended/additional plans/documents.”

RESPONSE TO PUBLICITY:

None received

EXPIRY DATE OF APPLICATION: 18/01/2024

EXTENSION OF TIME AGREED: 07/11/2024

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- 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 stables and tack room along with associated hard standing and access track on land adjacent Bro Fair, Rhewl. The application relates to approximately 0.065 ha of agricultural land and would result in the change of use from agriculture to equestrian. However, this would only relate to the site of the building – the remainder of the field would remain as agricultural.
- 1.1.2 The proposed building would be located approximately 50m to the north-west of the dwelling Bro Fair.
- 1.1.3 The building is proposed to comprise two stables, tack room, storage and feed rooms.
- 1.1.4 It would measure 12m x 7.5m in size with a height of 4.5m and eave height of 3m.
- 1.1.5 The external walls of the building would be finished in natural timber cladding, whilst the roof would be dark corrugated style sheeting. A concrete apron is proposed around the building with a parking area to the south. The building would be served by its own access track which would run from the rear of Bro Fair to the development site.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Additional information from agent on the justification for the building.

1.3 Description of site and surroundings

- 1.3.1 The site is an existing agricultural field located adjacent to the dwelling known as Bro Fair. An unrelated dwelling, Bod Hyfryd is located 80metres to the west of the site. A large agricultural shed (belonging to Bod Hyfryd) is situated between the site and Bod Hyfryd
- 1.3.2 The site is bound to the east by a mature hedgerow fronting the road and a ditch with hedgerow and a number of mature trees to the north. There is an existing agricultural access to the northeast corner of the field.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of the development boundary of Rhewl as defined by the LDP.

1.5 Relevant planning history

- 1.5.1 No history relating to the field.

1.6 Developments/changes since the original submission

- 1.6.1 Since the initial submission the building has been relocated nearer to the Bro Fair.

2. DETAILS OF PLANNING HISTORY:

2.1 No planning history relating to the field.

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 VOE5 – Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)

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)

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 must be considered in conjunction with Planning Policy Wales (Edition 12, 2024) 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 12) 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 – including loss of agricultural land
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

PPW 12 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.

Technical Advice Note 6 (TAN6) Appendix 1 sets out the general considerations for planning authorities when dealing with agricultural prior notification applications. TAN 6 paragraph 2.1.1 states the planning system must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. Whilst it is acknowledged that this is not an application for a prior notification due to the size of the agricultural holding, the principles are still relevant to this application in terms of impacts.

TAN6 section A.14 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.

Planning Policy Wales (Edition 12, 2024) paras 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 12 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality 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 justification provided to support the application states that the building is needed to provide shelter for the applicants 2 horses. The applicant has also stated that they do not have access to other land and that the shelters are required to ensure the continued well being of the horses.

The proposed erection of a stable building so as to ensure the continued welfare of the horses is in this instance considered justified. The proposal would only result in a loss of 0.065ha of agricultural land from a unit of 0.8ha. The remainder of the site would continue to be used for agricultural purposes (the grazing of horses on land is classified as agricultural). It is therefore considered that the proposal is acceptable in principle subject to further detailed assessment of its visual impact and other materials considerations. The loss of 0.065ha agricultural land from a site area of 0.8ha is not considered to be significant enough to justify refusing planning permission in this instance.

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 section A.14 states the siting of a new agricultural building 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.

The proposed design of the agricultural building is typical for agricultural development. The building is proposed to have timber clad walls and dark coloured sheeting roof. It would be located to the rear of existing residential and agricultural development at Bro Fair and Bod Hyfryd. Additional landscaping is proposed in the form of additional hedgerows, tree planting and wildflower meadow planting.

It is considered that the siting of the stables would not appear as excessively intrusive within the wider landscape and is to be constructed of appropriate materials for its location. Whilst the final details of landscaping have not been submitted, it is clear from the indicative plans that the development would be further assimilated into the landscape when the proposed landscaping has matured. It is considered that the proposal would not have a detrimental impact on the visual amenity of the area, subject to the imposition of planning conditions relating to the detailing and implementation of a landscaping scheme.

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.

The nearest unrelated residential property to the site is Bod Hyfryd, some 85metres east of the site. Bod Hyfryd is an existing dwelling on an agricultural unit and has a number of agricultural buildings within its grounds. Having regard to the context of the site, and the details of the proposal, it is not considered that the erection of an agricultural building in this location would raise privacy concerns given the separation distances, boundary treatments and the use of the building for agricultural purposes. It is not considered that the proposed building would result in unacceptable disturbance from vehicles using the access track

On balance, it is not considered that the proposed development would have an unacceptable impact on residential amenity.

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 12) 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 12) 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.

Future Wales – The National Plan 2040 (2021) advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The proposal is not supported by an ecology survey however PPW states that all new developments should demonstrate a biodiversity enhancement. It is therefore considered reasonable to attach a condition to demonstrate that biodiversity enhancement will be provided at the site as a result of the development. It is therefore considered subject to a condition, that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity net gain at the site.

Subject to the imposition of an appropriately worded condition it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

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 12) 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'.

The application is for the erection of an agricultural building within an existing field. Hardstanding is proposed to the new access track and a concrete apron to the front of the building.

SUDs approval will be required from the SAB as the building's size exceeds 100sqm and the additional hardstanding is also over 100sqm.

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 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.

The proposal involves the utilisation an access to the site which runs between Bro Fair and Bod Hyfryd. The building is considered small scale for personal use. rather than for a commercial use. Accordingly. Highways Officers consider that vehicle movements to and from the site will not be excessive

The Highways Officer raises no objection to the and as such the proposal is considered to be acceptable from a highways perspective.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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 subject to conditions.

RECOMMENDATION: GRANT - subject to the following conditions:

1. The development to which this permission relates shall be begun no later than 7th November 2029
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing Site Location Plan (Drawing No. A001 Rev P06) - Received 25 June 2024
 - (ii) Existing Site Plan (Drawing No. A003 Rev P06) - Received 25 June 2024
 - (iii) Proposed Site Location Plan (Drawing No. A002 Rev P06) - Received 25 June 2024
 - (iv) Proposed Site Plan (Drawing No. A004 Rev P06) - Received 25 June 2024
 - (v) Proposed Agricultural Building Plans (Drawing No. A005 Rev P04) - Received 25 June 2024
 - (vi) Proposed Agricultural Building Elevations (Drawing No. A006 Rev P04) - Received 25 June 2024
 - (vii) Planning, Design and Access Statement - Received 15 August 2023
 - (viii) Justification Statement - Received 25 June 2024
 - (ix) Green Infrastructure Statement - Received 25 June 2024
3. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
4. No development shall take place until a detailed scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include a full planting list of the species proposed ensuring only native species are implemented. The development shall be carried out strictly in accordance with the approved details.
5. 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.
6. Notwithstanding the hereby approved plans, no external lighting shall be permitted to be installed on the building until the written approval of the Local Planning Authority has been obtained to details of the proposals, which shall be designed to avoid negative impacts on nocturnal wildlife. The approved measures shall be implemented in full and retained at all

times thereafter.

7. Should the use of the building for agricultural and equestrian purposes cease, the building 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 a state fit for revegetation.

8. The use of the building shall not be used at any time other than for purposes ancillary to the residential use of the dwelling at Bro Fair, and shall not be used for any commercial purpose at any time.

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 order to maintain and enhance biodiversity
4. In the interests of visual amenity and in order to maintain and enhance biodiversity
5. In the interests of visual amenity and in order to maintain and enhance biodiversity
6. In the interest of the amenities of occupiers of nearby properties and to protect nocturnal wildlife
7. In the interest of landscape and visual amenity
8. For the avoidance of doubt, in the interests of residential amenity

Eitem Agenda 7

Paul Griffin

WARD:

Tremeirchion

AELOD Y WARD:

Y Cyngorydd Chris Evans (c)

CAIS RHIF:

47/2023/0838/ PF

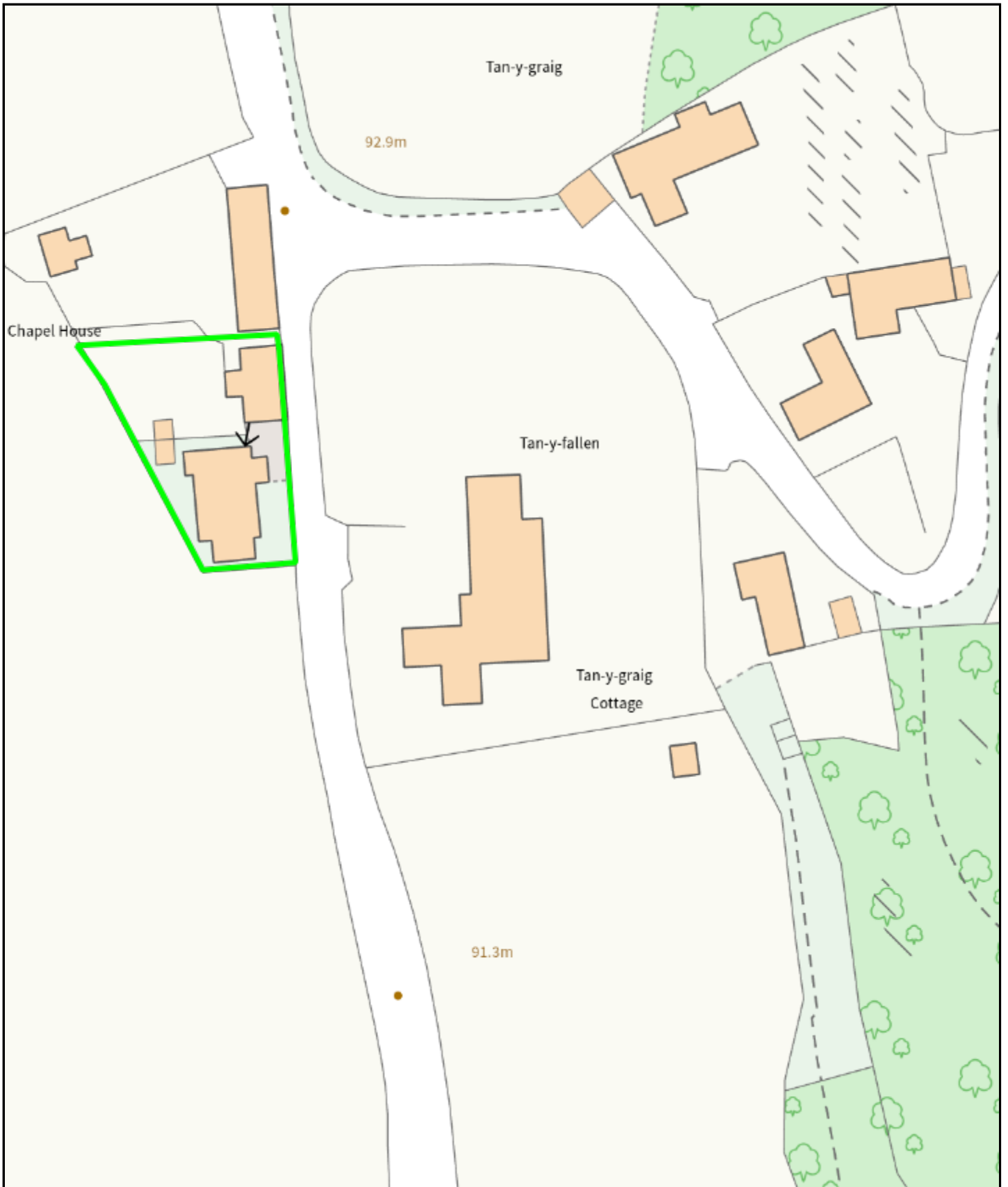
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LLEOLIAD:

Eglwys MC, Tremeirchion

Mae tudalen hwn yn fwriadol wag



47/2023/0838



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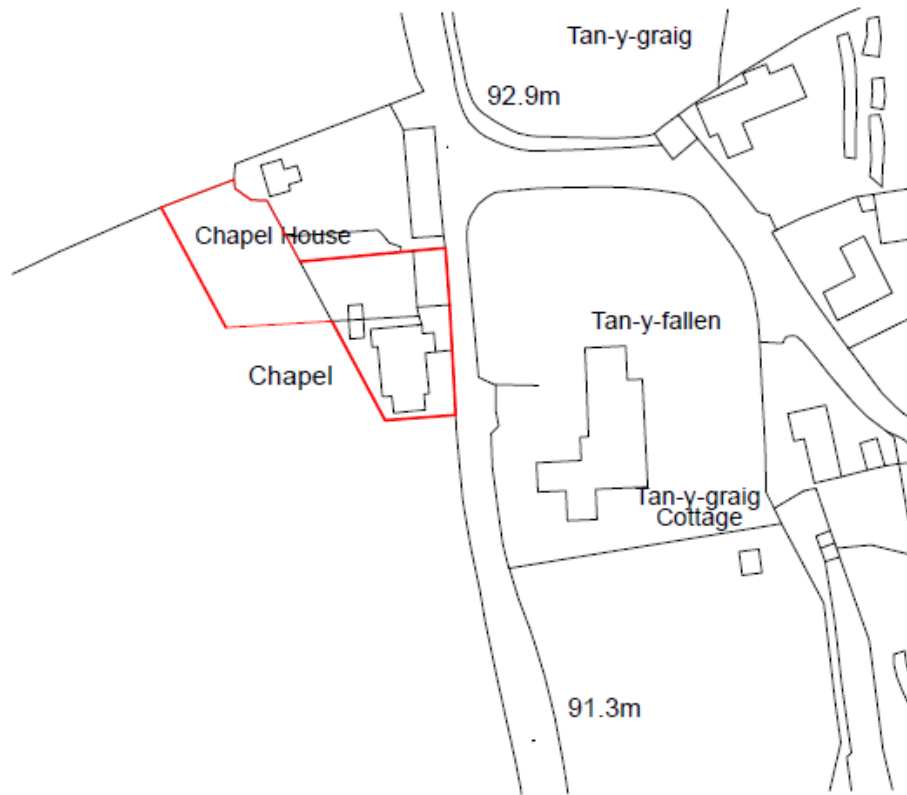
**47/2023/0838/PF –
Eglwys MC Tremeirchion and Vestry
Tremeirchion St Asaph**

**Conversion of chapel to form dwelling
including the demolition and rebuilding of
vestry building and erection of single storey
extension, formation of vehicular access,
parking area and associated works**

Tudalen 70

Location Plan

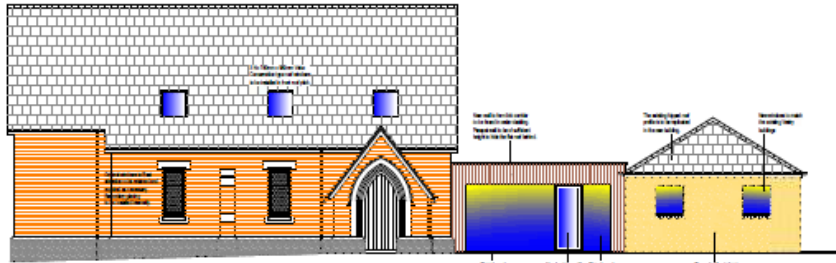
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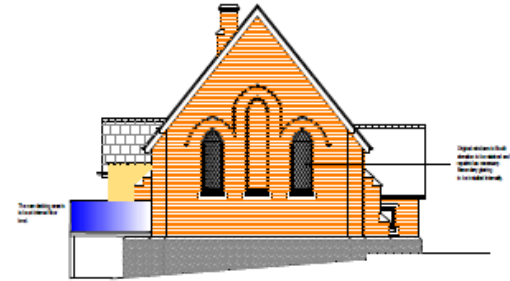
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Tudalen 72

Proposed Elevations



PROPOSED EAST ELEVATION



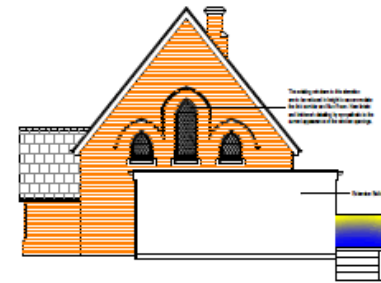
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION

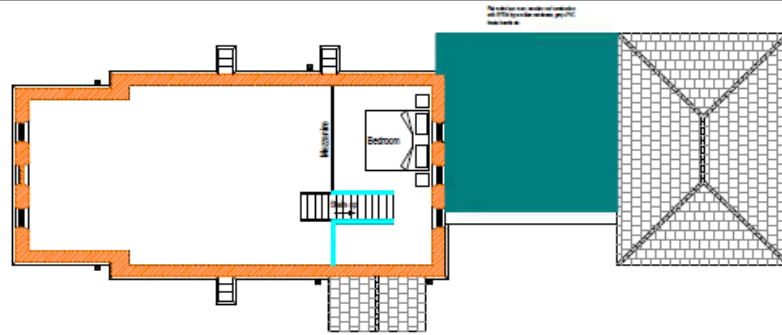


PROPOSED NORTH ELEVATION
(VIEW AT FLAT ROOF LEVEL)

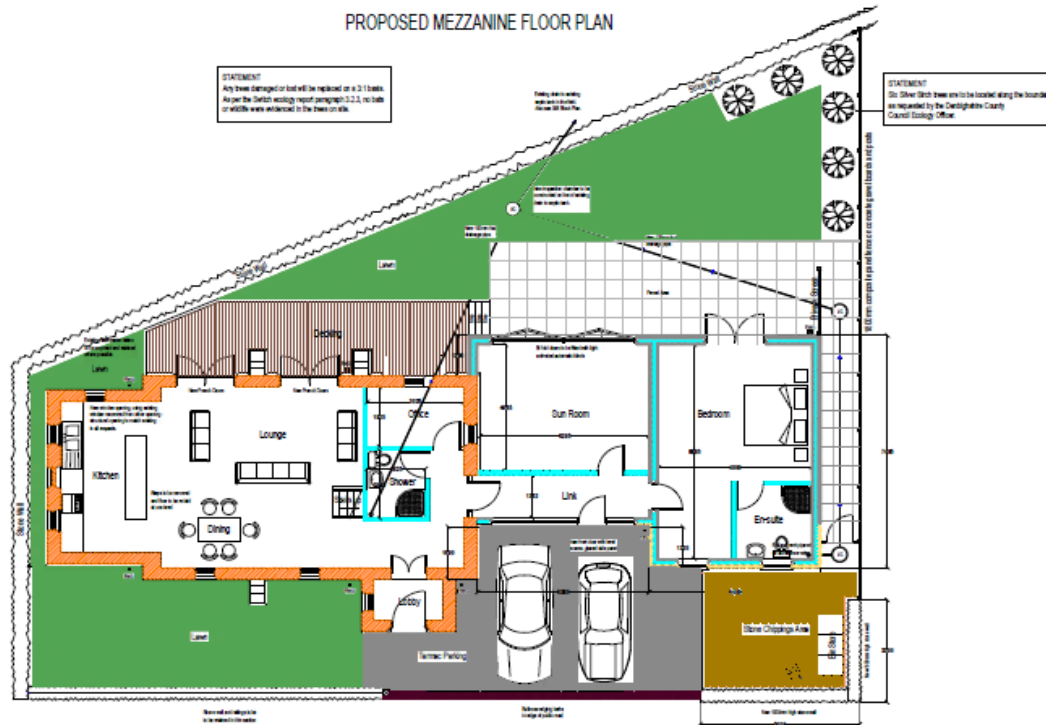
Tudalen 73

Tudalen 74

Proposed Floor Plans



PROPOSED MEZZANINE FLOOR PLAN



PROPOSED GROUND FLOOR PLAN AND SITE

Tudalen 75

Tudalen 76

Site photographs



Ludalen 77



WARD : Tremeirchion

WARD MEMBER(S): Cllr Chris Evans (c)

APPLICATION NO: 47/2023/0838/ PF

PROPOSAL: Conversion of chapel to form dwelling including the demolition and rebuilding of vestry building and erection of single storey extension, formation of vehicular access, parking area and associated works

LOCATION: Eglwys MC, Tremeirchion and Vestry, Tremeirchion, St Asaph LL17 0UE

APPLICANT: Mr Nigel Heckman

CONSTRAINTS: NONE

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

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

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

CONSULTATION RESPONSES:

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL:

“Objection pending review of vehicular access to the site; review of adequacy of sewage treatment; and improvements to visual amenity.

Additional notes I have made at the meeting suggested that the road there is too narrow and dangerous (a 60 mph speed limit) for the type of parking spaces suggested in the plans.”

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

“The conversion of the chapel will secure a positive use for the building and retain its existing appearance in the landscape. The proposed new contemporary link extension with the vestry provides a contrasting but sympathetic extension connecting the two buildings. It does not detract from the character and appearance of the chapel building. Subject to the removal of permitted developments rights the AONB Joint Committee raise no objections to this application.”

NATURAL RESOURCES WALES

Inadequate information has been provided in support of the proposal regarding ground contamination and protected species

DWR CYMRU/WELSH WATER:

No objections

CLWYD POWYS ARCHAEOLOGICAL TRUST

"Information held within the Regional Historic Environment Record indicates that the conversion will significantly alter the Tremeirchion Welsh Calvinistic Methodist Chapel (NPRN 8178), a chapel built in 1889 in the Simple Gothic style. This building is of at least local vernacular and architectural interest, and it would be unfortunate if it is now altered without a record of its current form and layout.

In this case we would advise that a Level 3 Historic Building Survey is completed by an approved archaeological contractor in accordance with the Planning Policy Wales (Feb 2021) and TAN 24 (May 2017) guidance to retain a record of the building in its current historic form and a suitable condition is provided below.

The Level 3 survey would include a desk- based assessment to provide a building history, a detailed written descriptive survey of the present structure, measured survey of the building in plan and elevation, a detailed photographic survey, and phased plans of the building's development over time."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

Initial concerns regarding the parking arrangements and concerns regarding highway safety due to lack of visibility.

Ecology Officer

Additional protected species surveys are necessary

FIRST RE-CONSULTATION RESPONSES

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL:

Sustaining objections as revised plans do not overcome the concerns raised previously.

NATURAL RESOURCES WALES

Additional information is required in relation to drainage and protected species

Ecology Officer:

Additional information is required in relation to protected species.

FINAL RE-CONSULTATION RESPONSES

TREMEIRCHION, CWM AND WAEN COMMUNITY COUNCIL:

"Eglwys MC Tremeirchion and Vestry. Objections sustained. As before these objections are: Councillors feel this particular proposal is overdevelopment of the site, and that the latest amendments and modifications do not address the concerns below.

- Access: Firstly, there are still concerns regarding visibility for cars pulling out from the parking area into a single-track road with a 60mph speed limit. Even with the relocation of the vestry the neighbouring property to the left will still obscure a clear view until the car has partly pulled out onto the Highway. At a site meeting it was noted that the road is only single carriageway immediately outside the property and there was a considerable number of cars passing in the half hour period that councillors were there. There have been many comments and questions about when highways visited and what time of day etc and would like another visit to the area as they would be pulling out into a 60mph zone.*
- Secondly, having been informed of the need for wheelchair access, councillors noted the lack of space available when two cars are parked. The plan does not show enough space for a wheelchair to get alongside the cars either to or from the preferred route into the building (noting that the chapel porch is NOT the preferred access).*

- *Septic Tank: Councillors have not seen any documentation confirming that the present septic tank is fit for purpose now that the applicant states that he has no plans to alter the sewage arrangements. Is there a covenant in place to allow owners of the building access to the septic tank which is on an adjacent field not in the same ownership?*
- *Chapel Windows: Councillors are concerned about the loss of the three tall chapel windows due to the link corridor and believe that is seriously detrimental to maintaining the character of the chapel building. Original windows on the west side will also be lost.*
- *The loss of a potential community building with significant history and emotional connection for many local people.*
- *Impact on neighbouring property Ty Capel: Councillors wish to emphasise the major impact this particular proposal has on the next-door property and its residents. There will be light lost by relocating the vestry due to the new gable end and new boundary wall greatly reducing the light to Ty Capel. The encroachment is not merely physical but will also affect the mental health of the present elderly long term resident who is greatly upset already by this planning process. We understand that approaches from applicant to the elderly neighbour are also adding to this stress and we understand the family want any future approaches to be via them only.*

We therefore OBJECT to this application."

NATURAL RESOURCES WALES:

No objection subject to the inclusion of standard conditions.

Ecology Officer:

Following the submission of additional details no objections subject to the inclusion of conditions.

Highway Officer:

My interim comments were provided to this scheme and posted on June 18th and should still be considered as part of this application. Further to this, the agent submitted further details on how the access and parking could be achieved. Although the visibility is below standard, speeds at this location will be significantly lower due to the width and alignment of the road. The scheme shows that the boundary wall will be no greater than 1.0m metre and space for two vehicles provided to the front of the building, which I consider to be adequate to serve this small-scale development.

Given the low traffic movements and lower speeds at this location do not envisage any significant highway related issues arising from vehicles accessing and egressing the site and therefore have no objection.

I note the existing stone wall and railings will be retained as part of the scheme, I would advise the applicant that further details shall be provided on the existing stone wall and railings to ensure that the visibility at the point of access is not impaired. If this is the case the applicant shall submit further details for approval on the proposed inter-visibility railings to be provided.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

John Evans, Tan Y Graig Cottage, Tremeirchion Phil Adey, Tan Y Graig, Tremeirchion Helen Williams, Henblas Farm Tremeirchion

Mary Elizabeth Owens & Rhian Wynne Ty Capel Tremeirchion St Asaph Bethan Owens, Y Caban, Penlanfach, Ponthirwaun, Cardigan Peter and Anne Bullen, Henblas Farm, Tremeirchion Frank Jordan, Rock Cottage, Tan Y Graig Rd, Tremeirchion

Summary of planning based representations in objection:

Highway Impact: concern is raised that the proposed parking arrangements would have an adverse impact on highway safety as a result of vehicles pulling out of the proposed driveway onto a 60mph road.

Drainage: The necessary consents are not in place / agreed with neighbouring properties and insufficient information is provided in the application.

Character of Building: Local concern is raised that the proposed alterations will have a detrimental impact on the character of the chapel, though inappropriate materials for the extensions, removal of boundary walls, use of composite boarding for fencing and loss of original windows. Concern about the level of glazing and roof lights is expressed.

Impact on Amenity: Concern is raised that the proposal would have an adverse impact on the privacy of residents in the neighbouring property. Concern is also raised that the proposal will over shadow the neighbouring property.

Impact on Ecology: Neighbours consider the proposal would have an adverse impact on the ecology of the site/surrounding area and protected species.

EXPIRY DATE OF APPLICATION: 08/05/2024

EXTENSION OF TIME AGREED: 07/11/2024

REASONS FOR DELAY IN DECISION:

- 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 conversion of a chapel to form a single dwelling including the erection of a single storey link extension, formation of vehicular accesses and parking area and associated works at former Eglwys MC Tremeirchion and Vestry, Tremeirchion, St Asaph.
- 1.1.2 The main ground floor of the chapel is proposed to be converted to an open plan kitchen, lounge and dining room with a separate office and shower room partitioned within the space. The lobby and main entrance are proposed to remain as existing. A mezzanine floor is proposed to the first floor accessed via a staircase to create a bedroom. A total of 2no. bedrooms would be created as part of the conversion scheme.
- 1.1.3 Due to the land levels being lower to the rear proposed garden area, a terrace decking area is proposed to the rear of the chapel with 2 sets of French doors opening out from the living space. It would project to the rear by 2.5m.
- 1.1.4 The Vestry building is proposed to connect to the chapel by a contemporary link extension which is shown to be clad in timber cedar cladding with a flat roof and would comprise a sunroom to the rear with bi fold doors with an entrance and glazing on the front elevation. 3 no. rooflights are proposed to the front and rear elevations of the roof. It is proposed to project to the side of the chapel by 5m to create the sunroom and would extend a further 3m to link to the en- suite bedroom.
- 1.1.5 Parking for 2 vehicles is proposed within the front of the site on a permeable surface.

1.1.6 Drainage is proposed to a new package treatment plant which will replace the existing septic tank.

1.1.7 The existing stone wall boundary to the north boundary is proposed to be removed and replaced with a 1.8m stone wall to the front section and 1.8m high close board timber fence to the rear section, the existing WC block is proposed to be demolished. The existing stone wall to the south and west boundary is to be retained.

1.2 Other relevant information/supporting documents in the application

1.2.1 Planning Statement, Design and Access Statement, Ecological Survey, Green Infrastructure Statement.

1.3 Description of site and surroundings

1.3.1 The property is located on the outskirts of Tremeirchion near St Asaph. It is situated to the south end of the village, on the B5429. The property is a detached former Chapel constructed of load bearing brick walls with a pitched, slated roof. There is also a separate Vestry building which is stone built with a hipped, slated roof.

1.3.2 The Chapel was constructed circa 1888.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located outside of the development boundary of Tremeirchion village in the Local Development Plan proposals map.

1.5 Relevant planning history

1.5.1 None

1.6 Developments/changes since the original submission

1.6.1 Submission of additional information to satisfy policies PSE4 and BSC11. Bat activity survey report and updated Green Infrastructure Statement. Amended access details and elevation details.

1.7 Other relevant background information

1.7.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy PSE4 – Re-use and adaptation of rural buildings in open countryside

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

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Archaeology

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

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

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 Space Standards
Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings
Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)
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 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 12, 2024) 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 12) 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 and impact on AONB
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology
- 4.1.8 Open Space

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 12) 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.

The site is located within the open countryside as identified in the adopted Local Development Plan (LDP) where new development is strictly controlled in the interests of sustainable development and the need to protect and enhance the natural and built heritage of the County. National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint.

Paragraph 3.37 of PPW 12 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 for 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.

The proposal is for the conversion of a former chapel to a 2 bedroom open market dwelling.

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

- i) An employment use has been demonstrated not to be viable; and
- ii) The dwelling(s) are affordable to meet local needs.

The justification to Policy PSE 4 establishes, in line with national guidance, that the re-use for employment purposes will be the first priority. It states that residential re-use will only be permitted where it has been shown that an employment use is not viable and any new dwelling would be affordable to meet local need.

The SPG on the conversion of rural buildings provides further guidance on the subject. It sets out the requirement for an employment / marketing test which should be undertaken for a minimum of 12 months to test the interest in an employment use.

Having regard to the first part of the policy, an assessment of the contribution of the development on the landscape will be discussed in more detail in the following sections of the report. However, in broad terms, the conversion retains the entire original building, and whilst an extension is proposed, this is to replace a previous vestry extension. In general terms it is not considered that the proposal would harm the contribution the building makes to the character of the area.

With regard to criterion i) evidence has been provided which aims to demonstrate that an employment use is not viable. The sales particulars include 'commercial' within their documentation for a potential new use for the chapel. The estate agents who marketed the property confirmed that there was no interest in the property for commercial or employment uses and only two tenders were received for residential purposes. The SPG guidance states to obtain the commercial property agents view as to the commercial viability of the site. The estate agents are of the opinion that it was '*unlikely to be any demand for this property for commercial/employment use due to its size and nature and its listing, all of which significantly increases the cost of conversion and removes any commercial/economic viability for any form of commercial use*'.

Having regard to the guidance contained in the Conversions SPG, it states at paragraph 6.3 *The marketing exercise should last a minimum of 12 months. The planning authority will determine at its own discretion what timescale is "sufficient and reasonable", following an assessment of the merits of each individual case.*

The proposal is for the conversion to a residential use which is not put forward as an affordable dwelling to meet local needs. Officers are aware that the purchase cost of the building was in excess of £130,000. Officers agree that a conversions scheme on such a building would far outweigh the affordable value of a dwelling in this location (£131,832). Although the proposal fails to comply with criterion ii) of the policy, it is considered that the scheme would not be viable as an affordable dwelling in this case.

It is therefore considered reasonable to allow a market dwelling in this instance as it would provide a secure future for the building.

This leads on to the consideration of Policy BCS12 - Community Facilities which only supports a change of use if it can be demonstrated that the potential for the continued use of the facility is unviable or unsuitable.

This 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.

A statement was submitted by the Chapel Trustees to state that whilst the building was for sale, no interest was received to use it as a community building since its closure as a chapel 7 years ago.

Whilst it is unfortunate to lose such a historic community facility in the area, Officers note that the building is a distance out from the main village and the village has a number of other community hubs such as the Salisbury Arms Public House, Old School Hall, Tremeirchion Primary school and Corpus Christi Church within 1km of the site. Officers are therefore of the opinion that the continued use of the facility for a community and following the decision to sell the building by the church committee, the continued use as a place of worship would not be viable. Officers conclude that there

are a number of other community facilities within the village and the loss of this facility would not impact unacceptably on the needs of the local community.

The application is therefore considered to be acceptable in principle subject to an assessment of the localised impacts.

4.2.2 Visual amenity and impact on AONB

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 12 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.'*

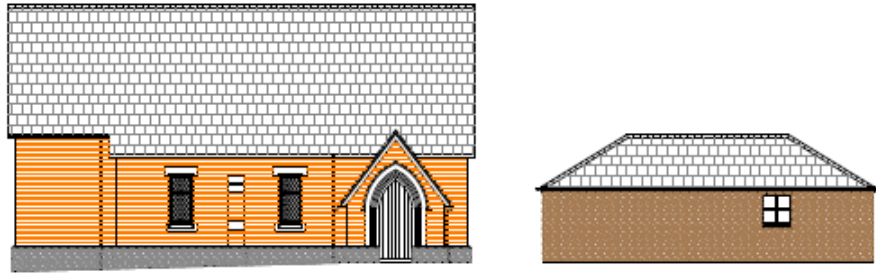
Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 12) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Objections have been received regarding the proposed conversion scheme and its impact upon the character of the chapel.

The application is for the conversion of a former chapel to a 2 bed dwelling. The external alterations would include the installation of patio doors to the rear, a link extension to a new single storey extension which replaces the existing vestry. Roof lights are also proposed. A garden area is proposed immediately to the rear of the building and fencing is proposed to the boundaries.

Existing front (east) and rear (west) elevations:

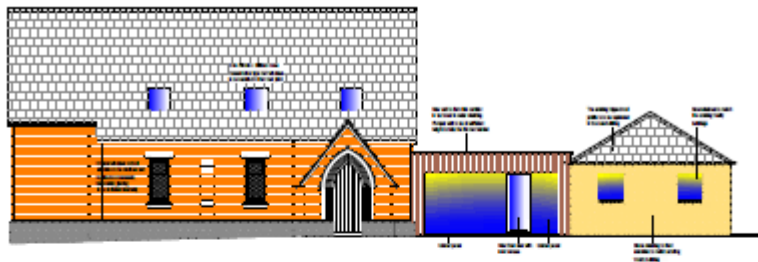


EXISTING EAST ELEVATION



EXISTING WEST ELEVATION

Proposed front (east) and rear (west) elevations:



PROPOSED EAST ELEVATION



PROPOSED WEST ELEVATION

The AONB Joint Committee have not raised an objection in principle to the proposal, subject to the removal of permitted developments rights with Officers consider acceptable and suggest a suitable condition.

Local residents have raised concerns relating to the fencing details, Officers suggest a planning condition is imposed to require the submission of these details.

In terms of the visual amenity impacts of the conversion scheme and the impact on the character of the AONB landscape, Officers conclude that the visual amenity impacts would not be unacceptable in this location and would retain the existing character of the chapel.

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.

No representations have been received raising residential amenity concerns.

There is a neighbouring property adjoining the chapel (Ty Capel) to the north. Officers consider the proposal would not have an unacceptable impact on residential amenity, subject to appropriate boundary treatments being installed which is suggested as planning condition. It is not considered an additional dwelling would give rise to a level of disturbance greater than the former use as a community chapel.

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

4.2.4 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 12) which was updated in October 2023 by the publication of an amended Chapter 6 – Distinctive and Natural Places. Section 6.4 ‘Biodiversity and Ecological Networks’, current legislation and the Conservation and Enhancement of Biodiversity SPG 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 12) sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems” (Section 6.4.5).

Planning Policy Wales (PPW 12) 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 updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- Green Infrastructure

A stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- Net Benefit for Biodiversity and the Step-wise Approach

Further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach,

pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- Protection for Sites of Special Scientific Interest (SSSI)

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.

- Trees and Woodlands

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The application is supported by a Preliminary Ecological Appraisal which concludes that the building is used as a bat roost. Natural Resources Wales (NRW) do not raise an objection, but conclude a bat licence will be required before work can be undertaken. NRW advise that the proposal is a lower risk case for bats, and that it considers the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In considering the grant of planning permission the LPA must consider whether the disturbance of the protected species is required for the purpose of "*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment.*"

This proposal, being for the conversion of a redundant building, is considered to accord with social and economic justifications – it will add an additional unit to the housing stock in a rural area, prevent a building falling into a derelict state and provide work for local trades people. Furthermore, if carried out correctly the works could secure the longer term future of the habitat.

Having regard to the nature of the proposal, it is not considered that there is a satisfactory alternative to the works proposed as the alternative would be to do nothing, resulting in further deterioration of the building. It is also considered that it is not practicable to leave the building as is, because in that scenario, works would be required at some point in the future to improve the thermal efficiency of the building – it is inevitable that at some point works would need to be undertaken on the building, which would require a licence.

A Green Infrastructure Statement (GrIS) has also been submitted with the application.

The Ecology Officer has advised that they raise no objection to the proposals subject to the attachment of conditions around biodiversity protection, enhancement and external/internal lighting.

It is therefore considered reasonable to attach conditions to demonstrate that the biodiversity enhancement measures are installed as recommended in the report and external lighting does not impact negatively on bats to ensure there is a net benefit to biodiversity, no let loss of roosting or nest sites, nor any danger of harm to any species.

Subject to the imposition of appropriately worded conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 Drainage

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 12) 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'.

The proposal involves the installation of a package treatment plant and associated drainage field to the south of the dwelling.

Objections have been raised to the proposal, but these have focused primarily on civil law issues. From a planning perspective the use of a private treatment plant in this location is acceptable and is already established. The proposal to improve the existing system would be controlled outside of the planning process.

It is not considered that there is a sound planning reason to resist the application on the grounds of drainage.

4.2.6 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 12) 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.

Significant concern has been raised by local residents as to the acceptability of the parking and access arrangement to the site.

The proposal involves the creation of 2 parking spaces to the front of the building accessed by a new opening in the existing stone boundary wall.

The Highways Officer has advised that despite initial concerns the access has been amended sufficiently to improve the visibility for vehicles pulling out of the proposed parking area. The Highway Officer considers that whilst the visibility splays are below standard, the proposal is small in scale, and matches existing accesses in the area. It is also noted that there are no recorded highway safety issues in the area.

Weight is also to be attached to the extant use of the site as a chapel which is classed as a D1 Non-residential institution. This would allow the building to be used as any of the following uses without planning permission: clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non- residential education and training centres and would almost certainly result in a greater number of vehicle movements being associated with the use.

Whilst respecting the concerns raised by the Community Council and local residents, Officers consider that as a result of the physical nature of the adjacent road, and the potential for the building to be used as a Class D1 non- residential institution, the proposed parking and access arrangements are not unacceptable in this instance.

4.2.7 Archaeology

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 12), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a Local Planning Authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging

consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

CPAT have advised that information held within the Regional Historic Environment Record indicates that the conversion will significantly alter the Tremeirchion Welsh Calvinistic Methodist Chapel (NPRN 8178), a chapel built in 1889 in the Simple Gothic style. This building is of at least local vernacular and architectural interest, and it would be unfortunate if it is now altered without a record of its current form and layout.

CPAT therefore request that a Level 3 Historic Building Survey is completed by an approved archaeological contractor in accordance with the Planning Policy Wales (Feb 2024) and TAN 24 (May 2017) guidance to retain a record of the building in its current historic form. This is to be secured by imposition of a planning condition.

Having regard to the advice provided by CPAT, Officers are of the opinion that it would be reasonable to attach the condition to any decision to grant, to ensure the important features of interest in the building is recorded prior to conversion by an Archaeological Contractor.

4.2.8 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.

In relation to the application, the assessment shows there is a deficiency in open space in Tremeirchion.

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 of £1237.22 to mitigate the increased usage on the existing open space and equipment within the area.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 The principle of the proposal is considered acceptable with no local adverse impacts. The application is therefore recommended for approval subject to the imposition of planning conditions.

5.2 A suitable open space agreement should be completed along with a commuted sum payment of £1237.22. This should be completed and paid before the decision is issued.

RECOMMENDATION: GRANT - subject to the following conditions:

1. The development shall begin no later than 5 years from the date of this decision.
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. 005 Rev A) - Received 28 May 2024
 - (ii) Block Plan with drainage (Drawing No. 006 Rev C) - Received 28 May 2024
 - (iii) Existing Floor Plans (Drawing No. 002 Rev B) - Received 28 May 2024
 - (iv) Existing Elevations (Drawing No. 001 Rev A) - Received 28 May 2024
 - (v) Proposed Floor Plans and site plan (Drawing No. 004 Rev G) - Received 7 October 2024
 - (vi) Proposed Elevations (Drawing No. 003 Rev E) - Received 7 October 2024
 - (vii) Design and Access Statement - Received 28 May 2024
 - (viii) Preliminary Roost Assessment (Ref: 20240001-PRA Rev A, Switch Ecology dated 5/1/24) - Received 10 January 2024
 - (ix) Planning and Green Infrastructure Statement - Received 22 August 2024
 - (x) Proposed Changes to Boundaries elevations (Drawing No. 007 Rev C) - Received 22 August 2024
 - (xi) Proposed drainage scheme - Received 28 May 2024

- (xii) Treatment Plant Specification - Received 2 May 2024
- (xiii) Treatment Plan Brochure - Received 2 May 2024
- (xiv) 12 Person Treatment Plant Drawing - Received 2 May 2024
- (xv) Re use of rural building appraisal - Received 2 May 2024
- (xvi) Envirosmart Phase 1 Contaminated Land Assessment (GeoSmart Information Ltd, dated May 2024) - Received 22 May 2024
- (xvii) Bat Report & Mitigation Strategy (switch ecology Rev 1: Report dated 1/7/2024) - Received 3 July 2024

3. PRE COMMENCEMENT CONDITION

- No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 3 building survey, has been secured and implemented, in accordance with a brief issued by the Local Planning Authority and a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority. The survey shall be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: neil.bayliss@cpat.org.uk Tel: 01938 553670). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.
4. The development shall be carried out strictly in accordance with the measures set out in Section 5 of the approved Bat Report & Mitigation Strategy (switch ecology, 1st July 2024).
 5. No development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and shall be implemented in full prior to the occupation of the development.
 6. External works shall take place during daylight hours only, with no artificial lighting used during the demolition or construction phase.
 7. Notwithstanding the hereby approved plans and documents, an external lighting/internal light spillage scheme designed to avoid negative impacts on bats, shall be submitted to and approved in writing by the Local Planning Authority. This shall include plans illustrating the location and type of existing and proposed external lighting and have consideration for the projected or retained bat emergence points from existing and proposed roosts, along with any enhancement features and retained or proposed features planned for bats functional use in foraging/dispersal purposes. The scheme shall be carried out strictly in accordance with the approved details.
 8. Notwithstanding the hereby approved plans and documents, within 3 months of the date of this permission a full hard and soft landscaping scheme to include all boundary treatment details shall be submitted to the Local Planning Authority for written approval. The scheme shall be designed to deliver a net benefit for biodiversity and include all proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, maturity, location, height, spacing and timing of implementation. The landscaping scheme as approved shall be implemented in the first available planting season following this permission and shall be retained as such at all times.
 9. All trees and hedges to be retained (including those adjacent to the site) as part of the development hereby permitted shall be protected during site clearance and throughout the course of the development by a fence one metre from the outermost limit of the root protection area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and

Construction - Recommendations). 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.

10. Facilities shall be provided and retained within the site for the parking of vehicles as indicated on the approved plan, and shall be completed prior to the occupation of the dwelling hereby approved.
11. No development shall take place until details of the existing stone wall and railings to be retained have been submitted to and approved in writing by the Local Planning Authority. This is to ensure that the visibility at the point of access is not impaired. If visibility is impaired, the submitted details must include further details on the proposed inter-visibility railings to be provided. The development shall proceed in strict accordance with such approved details.
12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
13. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
14. Prior to the installation of the rooflights on the front elevation of the former chapel building details of the rooflights which should be Conservation style rooflights with a central vertical gazing bar shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with such 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 allow an adequate analytical record of the listed building before alteration, renovation, and extension and to ensure that the buildings origins, use, and development are understood and the main features, character and state of preservation are recorded.
4. To maintain the favourable conservation status of protected species
5. In order to maintain and enhance biodiversity
6. To maintain the favourable conservation status of protected bat species
7. To maintain the favourable conservation status of protected bat species
8. In the interest of visual amenity and enhancing the biodiversity of the area
9. In the interest of visual amenity and enhancing the biodiversity of the area
10. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety
11. In the interests of highway safety

12. To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.
13. In the interests of residential and visual amenity
14. In the interest of visual amenity