

At: Gadeirydd ac Aelodau'r Pwyllgor  
Cynllunio

Dyddiad: 6 Ionawr 2022

Rhif Union: 01824 712589

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 12 IONAWR 2022** am **9.30 AM TRWY GYNHADLEDD FIDEO**

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

## **AGENDA**

### **1 YMDDIHEURIADAU**

### **2 DATGANIADAU O FUDDIANT** (Tudalennau 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

### **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 - 18)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd 15 Rhagfyr 2021 (copi wedi'i atodi)

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

### **5 CAIS RHIF. 07/2021/0684 - TIR I'R DWYRAIN O FYNYDD MYNYLLOD, LLANDRILLO, CORWEN** (Tudalennau 19 - 52)

Ystyried cais i codi mast meteorolegol 90m o uchder am gyfnod dros dro o dair blynedd ar Tir ym Mynydd Mynyllod, Llandrillo, Corwen (copi ynghlwm).

**6 CAIS RHIF. 23/2021/0852 - TIR YN THE LODGE, LLANRHAEADR, DINBYCH** (Tudalennau 53 - 94)

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

**7 CAIS RHIF. 46/2019/0806 - BOD HAULOG, Y RO, LLANELWY** (Tudalennau 95 - 146)

Ystyried cais i datblygu 0.75 hectar o dir at ddibenion preswyl (cais amlinellol gan gynnwys manylion ynglŷn â mynediad) yn Bod haulog, Y Ro, Llanelwy (copi ynghlwm).

**AELODAETH**

**Y Cynghorwyr**

Y Cynghorydd Joe Welch (Cadeirydd)

Y Cynghorydd Christine Marston (Is-Gadeirydd)

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

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

**COPIAU I'R:**

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

## **CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH**

### **SUT Y CYNHELIR Y CYFARFOD Trefniadau rhithwir Mehefin 2020**

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

#### **Cyflwyniad cyffredinol**

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

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

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

Ble bo hynny'n briodol bydd Swyddogion yn nodi eitemau y cafwyd cais iddynt gael eu gohirio neu eu tynnu'n ôl, unrhyw adroddiadau arbennig ac unrhyw eitemau Rhan 2 lle gellir gwahardd y wasg a'r cyhoedd. Cyfeirir at wybodaeth ychwanegol cyn y cyfarfod, yn cynnwys sylwadau hwyr/taflenni crynhoi diwygiadau ('Taflenni Glas') ac unrhyw gynlluniau ategol neu ddiwygiedig yn ymwneud ag eitemau i'w hystyried.

Mae'r Taflenni Glas yn cynnwys gwybodaeth bwysig, yn cynnwys crynodeb o'r deunydd a dderbyniwyd sy'n berthnasol i eitemau ar y rhaglen, rhwng cwblhau'r prif adroddiadau a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn gosod trefn arfaethedig ceisiadau cynllunio.

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

Mae'r Pwyllgor Cynllunio'n cynnwys 19 Aelod etholedig. Yn unol â phrotocol, rhaid i 10 Aelod fod yn bresennol ar ddechrau trafodaeth ar eitem i wneud cworwm ac i ganiatáu cynnal y bleidlais.

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

#### **YSTYRIED CEISIADAU CYNLLUNIO**

##### **Y drefn i'w dilyn**

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

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

Lle bo'n berthnasol, bydd y Cadeirydd yn cynnig y cyfle i Aelodau ddarllen unrhyw wybodaeth hwyr am eitem ar y

'Taflenni Glas' cyn symud ymlaen.

Cyn unrhyw drafodaeth, gall y Cadeirydd wahodd Swyddogion i roi cyflwyniad byr am eitem os ystyrir y byddai hynny'n ddefnyddiol o safbwynt natur y cais. Yn ychwanegol gall Swyddogion ddarllen unrhyw araith a baratowyd gan barti â budd o blaid neu yn erbyn y cais. Bydd araith yn erbyn unrhyw gais yn cael ei darllen yn gyntaf.

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

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

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

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

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

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

Cyn mynd at y bleidlais, bydd y Cadeirydd y gwahodd neu'n gofyn am eglurhad ar gynigwyr ac eilwyr dros neu yn erbyn argymhelliad y Swyddog neu unrhyw benderfyniadau eraill yn cynnwys newidiadau neu geisiadau. Lle bo cynnig yn groes i argymhelliad Swyddog, bydd y Cadeirydd yn ceisio eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn cofnodi hyn yng Nghofnodion y cyfarfod. Gall y Cadeirydd ofyn am sylwadau gan Swyddog Cyfreithiol a Chynllunio ar ddilysrwydd y rheswm/rhesymau a nodwyd.

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

### **Y weithdrefn bleidleisio**

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

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



DEDDF LLYWODRAETH LEOL 2000



Cod Ymddygiad Aelodau

## DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,  
(enw)

\*Aelod /Aelod cyfetholedig o  
(\*dileuer un)

Cyngor Sir Ddinbych

**YN CADARNHAU** fy mod wedi datgan buddiant **\*personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-  
(\*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)\*

Llofnod

Dyddiad

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

Mae tudalen hwn yn fwriadol wag

## PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn trwy gynhadledd fideo, Dydd Mercher, 15 Rhagfyr 2021 am 9.30 am.

## YN BRESENNOL

Y Cynghorwyr Ellie Chard, Ann Davies, Tina Jones, Gwyneth Kensler, Christine Marston (Is-Gadeirydd), Bob Murray, Merfyn Parry, Pete Prendergast, Peter Scott, Tony Thomas, Julian Thompson-Hill, Joe Welch (Cadeirydd), Emrys Wynne a/ac Mark Young

**Aelodau Lleol** - Roedd y Cynghorwyr Martyn Holland a David Gwyn Williams hefyd yn bresennol ar gyfer eitemau penodol yn ymwneud â'u wardiau

**Arsylwyr** - y Cynghorwyr Meirick Davies, Gwyneth Ellis ac Alan James

## HEFYD YN BRESENNOL

Arweinydd Tîm – Tîm Lleoedd (TD); Rheolwr Rheoli Datblygu (PM); Swyddog Cynllunio (PG); Uwch Beiriannydd - Rheoli Datblygu (MP); Swyddog Cynllunio (DS); Swyddog Cyfreithiol dan Hyfforddiant (SR) a Gweinyddwyr Pwyllgor (SJ a KJ [Gwe-ddarlledwr])

### 1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Joan Butterfield, Brian Jones, Alan Hughes a Melvyn Mile.

### 2 DATGANIADAU O FUDDIANT

Datganodd y Cyngorydd Merfyn Parry fuddiant personol yn eitem 13 ar yr agenda – Tir gerllaw Fferm Hendrerwydd, Hendrerwydd, Dinbych am fod yr Ymgeisydd yn gwsmer i'r cwmni y bu'n gweithio iddo.

Datganodd yr Aelod Lleol y Cyngorydd David Williams fuddiant personol yn eitem 11 ar yr agenda - Siop y Pop mewn ac Adeilad Amaethyddol, Ffordd Cwm, Dyserth am ei fod yn denant i'r Ymgeisydd.

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

Ni chodwyd unrhyw fater brys.

### 4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 10 Tachwedd 2021.

**PENDERFYNWYD** cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 10 Tachwedd 2021 fel rhai cywir.

Cyflwynwyd ceisiadau a oedd yn gofyn am benderfyniad y Pwyllgor ynghyd â'r dogfennau cysylltiedig. Cyfeiriwyd hefyd at y wybodaeth atodol a gyflwynwyd yn hwyr (taflenni glas) a dderbyniwyd ers cyhoeddi'r rhaglen ac a oedd yn cynnwys gwybodaeth ychwanegol a oedd yn ymwneud â'r ceisiadau hynny. Er mwyn caniatáu ceisiadau gan aelodau'r cyhoedd i gyflwyno sylwadau, cytunwyd y dylid amrywio trefn y ceisiadau ar y rhaglen.

## **5 CAIS RHIF 01/2020/0761/ PC - PEN Y MAES, LLANRHAEADR, DINBYCH**

Cyflwynwyd cais am newid defnydd tir i'w ddefnyddio fel estyniad i'r cyfleuster storio a dosbarthu tanceri llaeth presennol ar dir ym Mhen Y Maes, LLanrhaeadr, Dinbych. Hysbysodd y Cadeirydd yr aelodau y byddai'r siaradwr cyhoeddus yn siarad ar ran yr eitem hon ar yr agenda a'r nesaf ac i gymryd ei sylwadau mewn perthynas â'r ddau gais.

### **Siaradwr Cyhoeddus –**

Mr Gari Jones (**Ar gyfer**) – Darparodd rywfaint o hanes cefndirol o ran prynu'r eiddo gan Gyngor Sir Ddinbych yn 2011. Gwerthwyd y lot fel llain a oedd yn cynnwys y tŷ, adeiladau fferm a 7 erw. Dywedodd nad oedd modd defnyddio'r tir fel fferm weithiol oherwydd diffyg erwau. Dywedodd yr Ymgeisydd wrth y pwyllgor ei fod wedi sylwi ar nifer o danceri llaeth yn dosbarthu llaeth yn y cilfannau. Dywedodd Mr Jones ei fod wedi cysylltu â'r cwmnïau i awgrymu defnyddio ei dir i ddosbarthu'r llaeth mewn ardal ddiogel. Roedd caniatâd cynllunio wedi'i roi i 5 tancer llaeth ddefnyddio'r tir.

Dywedwyd wrth yr Aelodau fod y cwmni, ar ôl cau ffatri laeth Arla, wedi gofyn am ddefnyddio'r fferm i ddosbarthu llaeth rhwng tanceri.

Dywedodd Mr Jones ei fod yn dod o'r ardal gyda chefnidir ffermio gyda dealltwriaeth o ddosbarthiad llaeth. Yn ei farn ef roedd safle Pen Y Maes yn hanfodol. Ar hyn o bryd mae'r safle'n cyflogi 30 o unigolion lleol

Cadarnhaodd ei fod wedi ceisio mynd i'r afael â'r pryderon a godwyd yn ystod y broses ymgeisio. Dywedodd nad oedd lle o fewn yr ystâd ddiwydiannol yn Ninbych na Rhuthun i wneud dosbarthiadau mawr.

Hysbysodd yr aelodau ei fod wedi cyflogi'r cwmni Dŵr i lunio adroddiad i fodloni pryderon Cyfoeth Naturiol Cymru. Cadarnhaodd Mr Jones fod cynllun llym mewn lle i reoli unrhyw ollyngiadau ar y safle.

Roedd pensaer tirwedd wedi cael cyfarwyddyd i ddylunio cynllun ar y safle gan gynnwys plannu coed o amgylch y perimedr i sgrinio'r tanceri.

Cadarnhaodd Mr Jones na fu unrhyw wrthdrawiadau ar y safle ac roedd gan y llwybr unffordd ar y safle derfyn cyflymder o 5 milltir yr awr.

**Trafodaeth Gyffredinol** - Dywedodd y Cynghorydd Mark Young (Aelod Lleol) wrth yr aelodau fod ganddo bryderon blaenorol ar y safle a'i fod wedi derbyn pryderon gan drigolion lleol. Roedd y rhestr o amodau yn erbyn y cais wedi mynd i'r afael â'r pryderon a godwyd. Roedd yr ymgeisydd wedi gweithio'n galed i ateb y pryderon a godwyd. Gofynnodd y Cynghorydd Young am sicrwydd y byddai arwyddion ar y golwg yn foddhaol ac yn unol â pholisïau priffyrdd.

Dywedodd y Prif Swyddog Cynllunio nad oedd amod i reoli cyfeiriad cerbydau sy'n gadael y safle. Byddai'n bosibl gofyn i arwyddion gael eu gosod ar y safle byddai'n anodd ei orfodi fel amod ond gellid ei gynnwys fel nodyn i'r ymgeisydd.

**Cynnig** - Cynigiodd y Cynghorydd Mark Young y dylid rhoi'r cais yn unol ag argymhellion y swyddog gyda chynnwys nodyn i'r ymgeisydd, wedi'i secondio gan y Cynghorydd Merfyn Parry.

**PLEIDLAIS:**

O BLAID – 14  
YN ERBYN – 0  
YMATAL – 0

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad gan gynnwys nodyn i'r ymgeisydd ynghylch arwyddion ar y safle.

**6 CAIS RHIF 01/2020/0762/ PF - PEN Y MAES, LLANRHAEADR, DINBYCH**

Cyflwynwyd cais am newid defnydd tir i'w ddefnyddio fel estyniad i'r cyfleuster storio a dosbarthu tanceri llaeth presennol gan gynnwys lleoli'r uned les ar dir ym Mhen Y Maes, LLanrhaeadr, Dinbych.

Gwahoddodd y Cadeirydd y siaradwr cyhoeddus o'r cais blaenorol - Mr Gari Jones, i annerch y pwyllgor gydag unrhyw dystiolaeth bellach mewn perthynas â'r cais hwn. Roedd yr Ymgeisydd yn hapus i fwrw ymlaen â'r cais fel yr oedd.

**Cynnig** - Roedd y Cynghorydd Mark Young am ddiolch i'r swyddogion a'r Ymgeisydd am yr holl waith ar y cais a chynigiodd y dylid rhoi'r cais yn unol ag argymhellion y swyddogion fel y nodir yn yr adroddiad, wedi'i secondio gan y Cynghorydd Merfyn Parry.

**PLEIDLAIS:**

O BLAID – 14  
YN ERBYN – 0  
YMATAL – 0

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad.

**7 CAIS RHIF 15/2020/1019/ PF - PEN Y FFRITH, LLANARMON YN IAL, YR WYDDGRUG**

Cyflwynwyd cais ôl-weithredol ar gyfer ffurfio ac addasu pyllau pysgota presennol gan gynnwys cael gwared ar goed. Cynnig i godi 7 ""Angler Shelters"" i ddarparu cyfleusterau lles a llety dros nos i bysgotwyr, gan gynnwys cysylltiad â thanc septig presennol a gwaith cysylltiedig ym Mhen Y Ffrith, Llanarmon Yn Ial, Yr Wyddgrug, CH7 4QX (amgaeir copi).

### **Siaradwr Cyhoeddus –**

Mr Brian Lewis (**Ar gyfer**) - hysbysodd yr aelodau ef oedd yr asiant a oedd yn siarad ar ran yr Ymgeisydd. Cadarnhaodd fod yr Ymgeisydd wedi sylwi bod angen gwaith atgyweirio ar y safle, wrth i'r Ymgeisydd ddechrau ar y gwaith ar y safle, nodwyd bod cwmipas y gwaith wedi cynyddu. Roedd y gwaith a gwblhaodd cyn y cais yn cynnwys plygio nifer sylweddol o ollyngiadau, tynnu draeniau tir gwreiddiol ac atgyfnerthu'r banciau. Cadarnhaodd cyn gynted ag y bydd y gwaith brys wedi'i gwblhau, bod y gwaith wedi dod i ben a gweithredwyd y cais. O ganlyniad i'r gwaith roedd maint y pyllau wedi cynyddu. Roedd tri phwll ar y safle wedi'u hailstocio â physgod.

Roedd yr Ymgeisydd yn gresynu nad oedd yn deall ei gyfrifoldeb yn llawn o ran cael gwared ar 35 o goed ar y safle. Pan gaiff ei hysbysu o'r rheoliadau, rhoddodd yr Ymgeisydd y gorau i weithio ar unwaith a chyflwynodd y cais. Roedd trafodaethau wedi dechrau gyda Cyfoeth Naturiol Cymru, swyddog Coed y Cyngor a swyddog gorfodi'r Cyngor i gytundeb i blannu 1500 o goed ar y safle gyda 130m o hedging. Roedd wedi bod yn fwriad erioed i gymryd lle'r coed.

Ar hyn o bryd nid oedd llochesi ar y safle. Gyda'r galw cynyddol am gyfleusterau gwell, roedd yr Ymgeisydd yn dymuno bodloni'r gofynion a denu ymwelwyr ychwanegol drwy ddarparu llochesi i bysgotwyr a'u teuluoedd. Byddai'r llochesi'n darparu cyfleusterau gwneud te, toiledau a chawodydd. Byddai'r cysgod yn cael ei leoli o amgylch y pwll ac yn wynebu tua'r pwll ac yn gogwyddo i osgoi anwybyddu ei gilydd. Byddai'r datblygiad yn gwneud cyfraniad net i fusnes y teulu ynghyd â chyfraniad ariannol i'r ardal leol. Mae'r cynnig yn cael effaith isel ar y lleoliad ac mae'n briodol o ran maint a natur. Byddai'r cynnig yn gwella'r dirwedd ac ni fyddai ecoleg yn niweidiol i'r AHNE.

**Trafodaeth Gyffredinol** - Dywedodd y Cynghorydd Martyn Holland (Aelod Lleol) wrth y pwyllgor ei fod yn cefnogi'r cais gan ei fod yn teimlo ei fod yn cyd-fynd â'r polisi twristiaeth, roedd pysgota bras yn gamp cyfranogiad mawr yn y DU a byddai'n gadarnhaol i'r busnesau ardal a thwristiaeth. Ei ddealltwriaeth ef oedd mai dim ond saith llety fyddai ac wedi'u hadeiladu yn unol â'r amgylchedd. Ni fyddai'r tai llety yn cael eu defnyddio ar gyfer llety hirdymor. Cododd y Cynghorydd Holland bryder ar ei ran ei hun a'r Cyngor Cymuned y siom yn y cais sy'n cael ei gyflwyno wrth edrych yn ôl ar y camau gweithredu sydd eisoes wedi dechrau. Mae'r pyllau wedi cael eu hehangu'n sylweddol. Dylid bod wedi gwneud mwy o ymwybyddiaeth o'r gorchmynion cadw coed sydd ar waith.

Cyfeiriodd y Cadeirydd yr aelodau at y wybodaeth ychwanegol am y papurau atodol – gyda newid geiriad i amod 4 i'r cais. Cadarnhaodd hefyd, yn yr adroddiad, ei fod yn nodi bod yr ardal yn nalgylch Afon Wysg a dylai ddarllen Afon Dyfrdwy.

Cadarnhaodd swyddogion y byddent yn cysylltu â'r aelod lleol ynglŷn â'r cynllun plannu a sut y byddai'n symud ymlaen. Roedd amod diwygiedig wedi'i osod i sicrhau bod colli'r coed yn cael ei liniaru.

Gofynnodd y Cynghorydd Merfyn Parry am sicrwydd y byddai'r ymgeisydd yn cydymffurfio â'r amodau sy'n gysylltiedig â phryderon a godwyd gan CNC. Argymhellodd swyddogion yr amodau ac roeddent yn cytuno eu bod yn bodloni'r profion ar gyfer amodau ac yn rhesymol. Byddai'n rhaid i swyddogion cynllunio fonitro a gorfodi pe na bai amodau'n cael eu bodloni.

Gofynnodd y Cynghorydd Christine Marston am eglurder ar gyflwr 6 – goleuadau allanol, a byddai sefyllfa'r safle yn yr AHNE yn cael ei fabwysiadu.

Cadarnhaodd swyddogion fod y geiriad o fewn y cyflwr yn cyfeirio mwy at atal yr effaith ar yr ystlumod ar y safle. Fel rhan o'r cyflwr, byddai swyddogion yn ymgynghori â swyddogion AHNE i sicrhau eu bod yn cytuno na fyddai'r cynlluniau goleuo yn tanseilio uchelgais yr awyr dywyll. Roedd y Cynghorydd Emrys Wynne yn gefnogol i ymgynghori â'r AHNE ynglŷn â'r awyr dywyll.

Gofynnodd y Cynghorydd Gwyneth Kensler am ragor o wybodaeth am agwedd ffosffad yr adroddiad. Dywedodd swyddogion cynllunio wrth y pwyllgor fod ffosffad wedi dod yn broblem mewn ardaloedd yng Nghymru. Roedd ffosffadau o garthion hyd yn oed drwy systemau a draenio tir yn mynd i afonydd, gan achosi problem gyda'r statws fel ardal gadwraeth arbennig. Roedd ystyriaeth newydd wedi'i chynnwys i atal unrhyw ddatblygiad a fyddai'n cynyddu ffosffadau sy'n mynd i afonydd lleol. Daeth swyddogion a swyddogion CNC i'r casgliad nad oedd swm y ffosffad ychwanegol o'r safle yn debygol o gynyddu o'r hyn oedd y lefelau posibl ar y safle ar hyn o bryd.

**Cynnig** - Cynigiodd y Cynghorydd Christine Marston y dylid rhoi'r cais yn unol ag argymhellion y swyddogion fel y'u nodir yn yr adroddiad gyda geiriad diwygiedig amod 4 wedi'i gynnwys yn y papurau atodol, wedi'i secondio gan y Cynghorydd Emrys Wynne.

**PLEIDLAIS:**

O BLAID – 13

YN ERBYN – 0

YMATAL – 1

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad a geiriad diwygiedig amod 4 a gynhwysir yn y papurau atodol.

**8 47/2020/0593 – HEN GLWB RYGBI Y RHYL, Ffordd Y Waen Road, RUDDLAN**

Cais i ystyried adroddiad a oedd yn ymwneud â chais cynllunio yng Nghlwb Rygbi'r Rhyl gynt, Ffordd Waen, Ruddlan, a alwyd i mewn i'w benderfynu gan Weinidogion Cymru cyn i'r Pwyllgor Cynllunio wneud penderfyniad ffurfiol ar y cais.

Cadarnhaodd y Cadeirydd fod siaradwr cyhoeddus o ran ac yn erbyn y cais. Oherwydd anawsterau technegol, gwahoddodd y Cadeirydd y siaradwr cyhoeddus 'Ar gyfer' y cais i annerch y pwyllgor yn gyntaf er mwyn caniatáu mwy o amser i'r siaradwr arall ymuno â'r ddadl.

**Siaradwr Cyhoeddus –**

Mr William Ward (**Ar gyfer**) – Dywedodd wrth yr aelodau ei fod yn gyfarwyddwr North Wales Construction Ltd yn ymgeisydd am y cais. Cadarnhaodd ei fod wedi byw yn y Fflint am ei fywyd cyfan a chael y fraint o fanteisio ar fryniau Clwyd a Gogledd Cymru. Byddai'r cynllun hwn yn creu sylfaen wych i eraill archwilio'r dirwedd. Dywedodd fod

yr economi ymwelwyr yn werthfawr iawn i Sir Ddinbych gan gyfrannu tua 250 miliwn bob blwyddyn i'r economi, mae'n cyflogi tua 5000 o bobl gan ei wneud yn un o sectorau cyflogaeth allweddol y sir. Mae gan Sir Ddinbych enw da cynyddol yn y sector gweithgareddau awyr agored a byddai polisi sy'n nodi cynigion datblygu o ansawdd uchel sy'n cefnogi ac yn gwella economi ymwelwyr y sir yn cael eu hannog a'u cefnogi ar y cyfan. Mae'r cynllun hwn wedi'i gynllunio i fod o'r safon uchaf.

Clywodd yr Aelodau y byddai'r cynllun yn creu mwy na 30 o swyddi llawn amser, ar ôl agor yn ogystal â chreu swyddi lleol yn ystod cyfnod adeiladu'r datblygiad. Roedd y broses ymgeisio wedi bod yn heriol. Cadarnhawyd bod cynllun ecoleg wedi'i greu ar gyfer y safle a fydd yn gwella ecoleg a bioamrywiaeth. Roedd Cyd-bwyllgor Cynghori AHNE Bryniau Clwyd a Dyffryn Dyfrdwy a CNC wedi adolygu'r cais ac yn amodol ar y mesurau tirlunio a goleuo priodol nid oedd ganddynt unrhyw wrthwynebiad i'r cynllun ynghyd â'r adran briffyrdd. Cynigiwyd diolch i swyddogion yn ystod y broses ymgeisio.

Dyweddodd y Cadeirydd fod y Llefarydd Cyhoeddus yn erbyn y cais yn dal i brofi materion technegol. Cytunwyd i ohirio'r cyfarfod am seibiant byr er mwyn ceisio datrys y mater (10.25 am).

### **Ailymgynnull y cyfarfod am 10.40 am.**

**Siaradwr Cyhoeddus – Sophie Edwards (Yn erbyn)** – Dywedodd Miss Edwards wrth y pwyllgor ei bod yn ffermwr lleol yr oedd ei dir yn ffinio â'r cynllun arfaethedig. Pwysleisiodd i'r pwyllgor am y rhesymau canlynol dros ei gwrthwynebiadau. Yn gyntaf, roedd maint y prosiect yn anaddas ar gyfer yr ardal ac nid oedd yn cyd-fynd â'r nodwedd. Ar hyn o bryd mae'n ardal wledig ac yn codi'r hyn sydd yn ei hanfod yn ystâd dai ynghyd â nifer y bobl ar y safle fyddai'n newid natur yr amgylchedd yn llwyr. Nid oedd y cyngor lleol a'r trigolion yn cytuno â'r cynnig. Nid oedd y galw am brosiect o'r fath yn hanfodol ac ni fyddai trigolion lleol yn elwa o'r cynllun. Teimlwyd y byddai'r gymuned yn ysgwyddo baich y materion sy'n deillio o brosiect o'r fath fel tagfeydd ychwanegol, y llygredd sŵn a golwg y datblygiad. Pe bai'r cais yn cael ei golli byddai cymeriad yr ardal yn cael ei golli, byddai bywyd gwyllt yn cael ei orfodi i adael oherwydd presenoldeb dynol, llygredd golau a llygredd sŵn. Pryderon mawr am yr effaith ar y caeau cyfagos sy'n dal da byw pori ar hyn o bryd. Clywodd yr Aelodau fod y cynlluniau'n amlinellu padog hyfforddi cŵn, ac yn hyrwyddo pobl i archwilio'r ardal a'r llwybrau troed sy'n rhedeg drwy ein caeau. Roedd yn annheg, yn beryglus ac yn anaddas i annog 200+ o gerddwyr ychwanegol sy'n debygol o fynd drwy'r caeau. Cynyddu'r potensial ar gyfer ymosodiadau gan gŵn gan greu pryder a straen i bawb dan sylw.

Clywodd yr Aelodau am y pryderon ynglŷn â'r system garthffosiaeth, nodwyd y byddai dŵr y gwasanaeth yn cael ei ryddhau i gysiau dŵr a ffosydd. Byddai hyn yn achosi llifogydd mewn caeau diflas ac o bosibl yn halogi dŵr yfed.

Roedd addasrwydd y ffyrdd ar y safle yn bryder. Mae'r ffyrdd yn gul, gydag ychydig o fannau pasio a phlygiadau dall. Byddai mwy o ddamweiniau, tagfeydd a byddai'n niweidiol i ffermwyr sy'n symud stoc.

Rhoddodd y Rheolwr Rheoli Datblygu wybodaeth ychwanegol i'r aelodau ynghylch pam yr oedd y cais yn cael ei gyflwyno i'r pwyllgor. Clywodd yr Aelodau fod y cais i fod i gael ei gyflwyno i'r pwyllgor yn wreiddiol ym mis Ebrill 2021, gan arwain at y pwyllgor hwnnw roedd ymyriad gan Lywodraeth Cymru i'r cais gael ei benderfynu



gan Weinidogion Cymru. Yna cyflwynwyd cyfarwyddyd daliad i'r awdurdod, sy'n golygu na allai'r awdurdod symud ymlaen â'r cais yn y pwyllgor cynllunio. Yn dilyn hynny, hysbysodd Llywodraeth Cymru swyddogion fod y cais yn cyflwyno materion yn ehangach na phwysigrwydd lleol ac felly penderfynodd alw'r cais i Lywodraeth Cymru. Felly, byddai'n golygu y byddent yn penderfynu datrys y cais. Roedd Llywodraeth Cymru wedi gofyn i'r awdurdod a'r Pwyllgor Cynllunio ddatganiad o achos ar y galw hwnnw. Roedd swyddogion yn gofyn am benderfyniad gan aelodau ar gyfer y cais i ddarparu gwybodaeth i Lywodraeth Cymru gan aelodau i'w penderfynu.

**Trafodaeth Gyffredinol** - Cadarnhaodd y Cynghorydd Joe Welch fod ymweliad safle wedi digwydd. Roedd yr aelod lleol, y Cynghorydd Christine Marston, wedi gofyn am yr ymweliad. Yn ystod yr ymweliad edrychodd y rhai a oedd yn bresennol ar y safle, y ffordd fynediad a'r effaith weledol ar y safle.

Dywedodd y Cynghorydd Christine Marston (Aelod Lleol) wrth yr aelodau fod hen safle clwb rygbi'r Rhyl wedi'i leoli mewn cefn gwlad agored yn y Waen yn lleoliad yr AHNE a llwybr troed Clawdd Offa. Roedd y cais am lety gwyliau moethus mawr iawn ac ar gapasiti gallai'r parc gysgu 228 o bobl.

Dywed y swyddog nad oedd y cynnig yn perthyn i bolisi llety gwyliau Polisi PSE12 a oedd yn canolbwyntio ar garafannau sefydlog, sialcau a phodiau. Dadl swyddogion oedd bod y polisi'n cyfeirio at lety y gellir ei symud. Ni chyfeiriwyd at y saith pod arfaethedig, ond rhoddwyd ffocws i'r tai arfaethedig. Mae POLISI PSE12 o'r CDLI yn gwahardd safleoedd carafannau sefydlog newydd, a ailadroddwyd yn y Cynghorau mabwysiadodd ganllawiau cynllunio atodol o'r enw carafannau, sialcau a gwersylla. Mae'r testun esboniadol Polisi PSE12 yn nodi, ar gyfer ardaloedd gwledig mewndirol fel y safle hwn, y gall datblygu carafannau, yn enwedig carafannau sefydlog y mae'r tai arfaethedig yn dod o fewn y diffiniad statudol ohonynt, fod yn ymwthiol yn y dirwedd ac yn niweidiol i gymeriad yr ardal wledig.

Eglurodd y Cynghorydd Marston wrth yr aelodau fod argymhellid y swyddog yn gwbl groes i gais cynllunio a gyflwynwyd i'r pwyllgor ym mis Mawrth 2019. Gwrthodwyd a chadarnhawyd datblygiad 1.3 o hectorau gyda lleoliad o 24 o dai gwyliau ar apêl oherwydd nad yw'n cydymffurfio ag PSE12 nad yw'n caniatáu safleoedd llety carafannau sefydlog. Cadarnhawyd y penderfyniad hefyd ar apêl i'r arolygiaeth gynllunio, lle daeth yr arolygiaeth i'r casgliad nad oedd cyfiawnhad dros y datblygiad arfaethedig yn ei leoliad cefn gwlad. Pwysleisiodd y Cynghorydd Marston fel awdurdod fod yn rhaid ystyried bod y pwyllgor yn gyson wrth wneud penderfyniadau yn dilyn ein CDLI.

Esboniwyd bod y swyddog wedi rhoi mwy o bwys ar y polisi datblygu lleol PSE5 a oedd yn canolbwyntio ar dwristiaeth a datblygu masnachol er budd y sir ehangach. Teimlai'r Cynghorydd Marston fod hyn yn gamddehongli ar y polisi a gynlluniwyd i gefnogi cymunedau lleol a gwledig. Ar hyn o bryd, roedd gan y safle ddosbarth defnydd D2 sy'n cefnogi chwaraeon a hamdden, gellid dod â'r dosbarthiad hwn yn ôl i ddefnydd hamdden heb ganiatâd cynllunio. Aeth y cynnig y tu hwnt i'r defnydd presennol o'r safle. Dylid rhoi pwysau cyfyngedig ar y defnydd presennol o D2 gan y byddai'r caeau chwarae'n cael eu colli a'u gorchuddio ag adeiladau.

Nododd adroddiad y swyddog fod graddfa fawr y datblygiad yn hygyrch gan ei fod wedi'i gynnwys yn weledol ac roedd ganddo gymeriad lled-drefol. Roedd y safle mewn cefn gwlad agored. Roedd hen safle'r clwb rygbi wedi'i amgylchynu'n gyfan gwbl gan dir amaethyddol; y safle ei fod yn 3.8 hector gyda 82% o'r safle yn cael ei

ystyried yn dir amaethyddol o ansawdd da Gradd3A ac yn ôl polisi cynllunio Cymru 11, y tir sydd orau ac yn fwyaf amlbwrpas ac yn cyfiawnhau cadwraeth ac ni ddylid adeiladu arno.

Daeth yr adroddiad twristiaeth cysylltiedig, a ddaeth i'r casgliad nad oedd yn ymddangos bod tystiolaeth yn cefnogi'r angen na'r galw am lety gwyliau o'r math hwn a gynigiwyd yn y lleoliad hwn. Codwyd pryder gan Dremirchion, Cwm a Waen pe bai'r llety gwyliau hwn yn aflwyddiannus, yna byddai'r llety'n dod yn breswyl, gan greu poblogaeth fawr yn yr ardal wledig. Byddai'r datblygiad yn cael effaith ar amwynder gweledol a chymeriad tirwedd yr ardal. Roedd adeilad presennol tai'r clwb yn adeilad un stori gyda tho gwastad, roedd y tŷ clwb newydd arfaethedig yn 2 stori gyda tho wedi'i osod ac yn cael effaith ar y llinell awyr. Byddai cyfanswm o 38,200 o adeiladau stori yn cael eu codi ar y safle.

Dechreuodd pwyllgor cynghori'r AHNE fod angen rheoli'r goleuadau er mwyn diogelu lleoliad y dirwedd warchodedig ac uchelgais awyr dywyll. Teimlwyd y byddai'n anodd cyflawni hyn. Byddai'r adeilad a leolir yn y lleoliad yn cael effaith ar yr amwynder gweledol. Byddai'n amlwg i'w weld o Foel Hiraddug. Mae'r B5429 yn gul, yn gefeillio ac wedi cael plygiadau dall ac ar adegau dim ond yn ddigon eang i un cerbyd fynd heibio. Mae'r darn hwn o'r ffordd yn beryglus i'w lywio. Ei barn hi oedd y byddai'r datblygiad yn cynhyrchu nifer fawr o gerbydau ychwanegol ar y llwybr peryglus yn ddyddiol.

Roedd CNC wedi derbyn yn gyndyn y byddai gwaith trin preifat yn dderbyniol. Roedd nifer y dŵr twb poeth sy'n mynd i mewn i'r gwaith trin preifat yn wythnosol yn destun pryder.

**Cynnig** - Pwysleisiodd y Cynghorydd Marston ei bod yn teimlo bod y cais yn rhy fawr mewn cefn gwlad agored nad oedd yn glynu wrth bolisi cynllunio a'i bod yn bwriadu mynd yn groes i argymhelliad swyddogion am y rhesymau canlynol: Aeth y cais yn erbyn polisi Cynllunio PSE12, gan ddatblygu ar dir amaethyddol Gradd 3A, mynediad gwael gan ddulliau nad ydynt yn rhai ceir, nid yw'n cynnig cysylltiadau teithio llesol da a mynediad gwael i'r briffordd. Cafodd y cynnig i wrthod ei secondio gan y Cynghorydd Peter Scott.

Atgoffodd y Cadeirydd yr aelodau y gofynnwyd iddynt gymryd pleidlais a phenderfynu ar gynnwys Datganiad Achos y Cyngor fel y nodir yn yr adroddiad.

Gofynnodd y Cynghorydd Merfyn Parry a fu unrhyw amodau neu gyfamod ar y tir os nad oedd angen y clwb rygbi. Dywedodd swyddogion cynllunio nad oeddent yn ymwybodol o unrhyw reolaethau blaenorol ar y safle. Rhoddodd swyddogion ganllawiau cyn ymgeisio i'r ymgeisydd. Bu'n rhaid i swyddogion roi sylw i ddefnydd hanesyddol o'r safle a hyrwyddo'r ymgeisydd ar gyfer sector twristiaeth yr awdurdod.

Roedd adleoli Clwb Rygbi'r Rhyl i'r Rhyl yn fater ar wahân ac yn gais i'r cais hwn. Pwysleisiodd swyddogion cynllunio bwysigrwydd diystyru'r cysylltiad â Chlwb Rygbi newydd y Rhyl ac asesu'r cais ar hen Glwb Rygbi'r Rhyl.

Diolchodd y Cadeirydd i'r aelodau a'r swyddogion am y drafodaeth a chadarnhaodd y cynnig gan y Cynghorydd Christine Marston, a secondiwyd gan y Cynghorydd Peter Scott, i gymryd opsiwn B – 'Penderfyniad i gefnogi Gwrthod caniatâd cynllunio' am y rhesymau a amlinellwyd gan y Cynghorydd Marston.

**PLEIDLAIS:**

O BLAID – 1

YN ERBYN – 13

YMATAL – 0

**PENDERFYNWYD** cefnogi **GWRTHOD** caniatâd cynllunio am y rhesymau fel y nodir yn y cynnig gwrthod yn rhinwedd 3.1 (B) o adroddiad y swyddog ac y bydd Datganiad Achos y cyngor yn adlewyrchu'r penderfyniad ar wrthod cynorthwyo Llywodraeth Cymru.

**9 CAIS RHIF 03/2021/0656/PF - 20 STRYD Y RHAGLAW, LLANGOLLEN**

Cyflwynwyd cais i greu parcio domestig oddi ar y ffordd, ffurfio mynediad, tirlunio a gwaith cysylltiedig ar dir y tu ôl i 20 Stryt y Rhaglaw, Llangollen.

**Trafodaeth Gyffredinol** - Dywedodd y Cadeirydd wrth yr aelodau fod gwybodaeth ychwanegol wedi'i darparu yn y papurau atodol. Nid oedd yr Aelod Lleol, y Cynghorydd Melvyn Mile, wedi gallu bod yn bresennol yn y cyfarfod ond roedd wedi rhoi ei sylwadau i'r Cadeirydd a drosglwyddodd i'r pwyllgor. Dywedodd fod gan yr aelod lleol bryderon i ddechrau gyda'r cais ond yn dilyn trafodaethau a gwaith gyda'r adran briffyrdd a swyddogion cadwraeth roedd yn fodlon ar y cais. Nododd bryder ansawdd y deunyddiau a ddefnyddiwyd ar y giât a gofynnodd ei fod o ansawdd uchel. Dywedodd y Cynghorydd Melvyn Mile fod parcio yn broblem yn Llangollen ac felly roedd o gymorth i'r cais.

**Cynnig** - Cynigiodd y Cynghorydd Merfyn Parry argymhelliad y swyddog i ganiatáu'r cais fel y'i nodir yn yr adroddiad, wedi'i secondio gan y Cynghorydd Mark Young.

**PLEIDLAIS:**

O BLAID – 14

YN ERBYN – 0

YMATAL – 0

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog fel y nodwyd yn yr adroddiad a'r papurau ategol.

**10 CAIS RHIF 03/2021/0748/CA - 20 STRYD Y RHAGLAW, LLANGOLLEN**

Cyflwynwyd cais am ganiatâd yr ardal gadwraeth i ddymchwel wal derfyn er mwyn caniatáu ffurfio mynediad a pharcio oddi ar y stryd ar y tir y tu ôl i 20 Stryt y Rhaglaw, Llangollen.

**Cynnig** - Cynigiodd y Cynghorydd Mark Young argymhelliad y swyddog i ganiatáu'r cais fel y'i nodir yn yr adroddiad, wedi'i secondio gan y Cynghorydd Julian Thompson-Hill.

Gofynnodd y Cynghorydd Merfyn Parry i ystyried y deunyddiau a ddefnyddiwyd ar gyfer y strwythur fel y nodwyd gan yr aelod lleol Melvyn Mile yn y cais blaenorol.

Dywedodd y Swyddogion Cynllunio ei fod yn deall y byddai'r deunyddiau'n cael eu hailddefnyddio neu'n cyfateb i'r deunyddiau presennol.

**PLEIDLAIS:**

O BLAID – 14

YN ERBYN – 0

YMATAL – 0

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog fel y nodwyd yn yr adroddiad a'r papurau ategol.

**11 CAIS RHIF 42/2021/0729/ PF - Y SIOP ALW HEIBIO A'R ADEILAD AMAETHYDDOL, Ffordd Y CWM, DYSERTH**

Cyflwynwyd cais i ddymchwel siop galw heibio bresennol a newid defnydd adeilad amaethyddol i ddefnydd manwerthu, ffurfio mynediad i gerbydau, darparu parcio ceir a gwaith cysylltiedig yn Siop y Pop in ac Adeilad Amaethyddol, Ffordd Cwm, Dyserth.

**Trafodaeth Gyffredinol** - Datganodd y Cynghorydd David Williams (Aelod Lleol) fuddiant personol yn yr eitem hon ar yr agenda gan ei fod yn denant i'r Ymgeisydd.

Dywedodd wrth yr aelodau ei fod wedi cymeradwyo'r cais yn llawn. Mae'r adeilad wedi bod yn anfaddeuol ers nifer o flynyddoedd a byddai'n cael ei ddefnyddio'n dda. Roedd y pop-in presennol yn rhy fach. Byddai'r datblygiad o fudd i'r pentref a'r gymuned gyfagos.

Gofynnodd yr Is-gadeirydd, y Cynghorydd Christine Marston, am sicrwydd gan swyddogion eu bod yn fodlon nad oedd gan briffyrdd unrhyw bryderon am safle'r cais. Roedd ganddi bryderon y byddai'r safle'n creu mwy o faterion.

Nododd yr Uwch Beiriannydd - Rheoli Datblygu i ddechrau, fod pryderon wedi'u codi ynghylch defnyddio'r mynediad presennol i'r safle. Yn dilyn arolwg cyflymder ac ymgynghoriadau eraill ar y safle, symudwyd mynediad i'r safle fel y nodir yn y cais. Barn y swyddog oedd bod yr holl dir priffyrdd wedi'i fodloni yn y cais.

**Cynnig** - Cynigiodd y Cynghorydd Mark Young y dylid rhoi'r cais yn unol ag argymhellion y swyddogion fel y'u nodir yn yr adroddiad, wedi'i secondio gan y Cynghorydd Merfyn Parry.

**PLEIDLAIS:**

O BLAID – 14

YN ERBYN – 0

YMATAL – 0

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddogion a nodwyd yn yr adroddiad.

**12 ADRODDIAD AR AMODAU CYNLLUNIO – CAIS RHIF 22/2020/0735 - TIR GERLLAW FFERM HENDRERWYDD, HENDRERWYDD, DINBYCH**

Cyflwynwyd adroddiad yn gofyn am gymeradwyaeth i amodau cynllunio i'w hatodi i'r caniatâd cynllunio a roddwyd ar 10 Tachwedd 2021 mewn perthynas â chodi annedd menter wledig, gosod gwaith trin preifat a gwaith cysylltiedig ar dir sy'n gyfagos i Fferm Hendrerwydd.

**Cynnig** - Cynigiodd y Cynghorydd Merfyn Parry, a secondiwyd gan y Cynghorydd Ellie Chard, y dylid cymeradwyo'r holl amodau arfaethedig fel y'u nodir yn yr adroddiad, yn unol ag argymhellion y swyddogion.

**PLEIDLAIS:**

O BLAID – 14

YN ERBYN – 0

YMATAL – 0

**PENDERFYNWYD** bod yr amodau llawn arfaethedig i'w gosod ar y caniatâd cynllunio fel y nodir yn yr adroddiad a'u cymeradwyo fel amodau cynllunio.

**13 CAIS RHIF 17/2019/0698/ PC - TYDDYN GRAIG, LLANDEGLA, WRECSAM**

Cyflwynwyd cais ôl-weithredol i barhau i ddefnyddio tir a chadw adeilad mewn cysylltiad â defnydd cytiau cŵn yn Nhyddyn Graig, Llandegla, Wrecsam.

**Trafodaeth Gyffredinol** - Tynnodd y Cynghorydd Peter Scott ar ran y Cynghorydd Martyn Holland sylw at bryder bod trwydded ar gyfer bridio cŵn wedi'i rhoi cyn i'r cais cynllunio gael ei ystyried. Cododd y Cynghorydd Tony Thomas bryderon nad oedd y ddwy adran yn gweithio'n gydlynol wrth roi caniatâd trwyddedu a chynllunio. Cynigiodd y Cynghorydd Tony Thomas wrthod y cais.

Mewn ymateb i bryderon aelodau ynghylch trwyddedau a chaniatâd cynllunio, cadarnhaodd swyddogion eu bod yn anelu at gydweithio ag adrannau eraill. Clywodd yr Aelodau fod y bridio cŵn ar y safle wedi dechrau beth amser yn ôl, ar raddfa fach yn yr eiddo presennol ar y safle. Roedd trwydded wedi'i rhoi bryd hynny. Lles anifeiliaid oedd prif reolaeth y drwydded o safon uchel. Pwynt yn hanes y safle hwn, bod angen ehangu'r busnes ac ymestyn yr adeilad ac ar y pwynt hwnnw roedd angen caniatâd cynllunio. Ehangodd y Rheolwr Rheoli Datblygu fod cyfathrebu rhwng adrannau wedi digwydd. Roedd dwy broses ddeddfwriaethol benodol wedi'u cynnal ar y safle. Roedd y busnes wedi ehangu i gynnwys yr angen am adeilad ar wahân o fewn y seiliau a oedd angen caniatâd cynllunio. Nid oedd angen caniatâd cynllunio ar y drwydded bridio cŵn wreiddiol.

Cododd y Cynghorydd Christine Marston bryderon am yr amod yn ymwneud â goleuadau awyr agored. Roedd y safle wedi'i leoli o fewn yr AHNE ac fel awdurdod rydym am ddiogelu'r awyr dywyll.

Dywedodd y Cynghorydd Martyn Holland (Aelod Lleol) wrth yr aelodau fod yr adeilad wedi cael ei adrodd i'r awdurdod a bod gweithdrefnau gorfodi wedi digwydd gan arwain at gyflwyno'r cais i'r pwyllgor. Yn wreiddiol, roedd gan y Cyngor Cymuned a'r AHNE bryderon am yr adeilad, ond gyda'r amodau a osodwyd ar ymddangosiad yr adeilad byddai'r pryderon hynny'n cael eu lleihau. Roedd y Cynghorydd Holland yn falch o nodi cyflwr y rhwystr acwstig i leihau sŵn cŵn ar gyfer eiddo cyfagos.

Ailadroddodd swyddogion fod deddfwriaeth ar wahân yn cael ei defnyddio, un ar gyfer y drwydded bridio cŵn ac un ar gyfer yr agweddau cynllunio ar y safle. Rhoddwyd gwybod i'r Aelodau am ddadl sy'n mynd rhagddi ar hyn o bryd yn Senedd y DU ynghylch ceisiadau ôl-weithredol. Roedd bil wedi'i gyflwyno iddo ddod yn anghyfreithlon i wneud gwaith heb ganiatâd cynllunio. Roedd taliadau a chanlyniadau ar gyfer ceisiadau ôl-weithredol yn cael eu llywodraethu ledled y DU, hyd nes y gwnaed newidiadau o'r fath, fel awdurdod, ni allem osod unrhyw ganlyniadau pellach.

Gofynnodd y Cynghorydd Christine Marston i amod gael ei osod ar amserlen ar gyfer cwblhau'r adeilad, cladin a gwaith ar y safle. Cadarnhaodd swyddogion fod amserlen wedi'i chynnwys yn yr amodau diwygiedig ar y papurau atodol.

**Cynnig** - Cynigiodd y Cynghorydd Mark Young argymhelliad y swyddog i ganiatáu'r cais fel y'i nodir yn yr adroddiad a'r canllawiau atodol, wedi'u secondio gan y Cynghorydd Peter Scott.

Yn dilyn y drafodaeth roedd y Cynghorydd Tony Thomas yn falch o weld y tîm gwyliadwriaeth cadarn yn rhan o'r cais gan ei fod yn destun pryder iddo. Yng ngoleuni'r drafodaeth tynnodd y Cynghorydd Thomas ei gynnig yn ôl i wrthod y cais.

**PLEIDLAIS:**

O BLAID – 10

YN ERBYN – 3

YMATAL – 1

**PENDERFYNWYD** y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog fel y nodwyd yn yr adroddiad a'r papurau ategol.

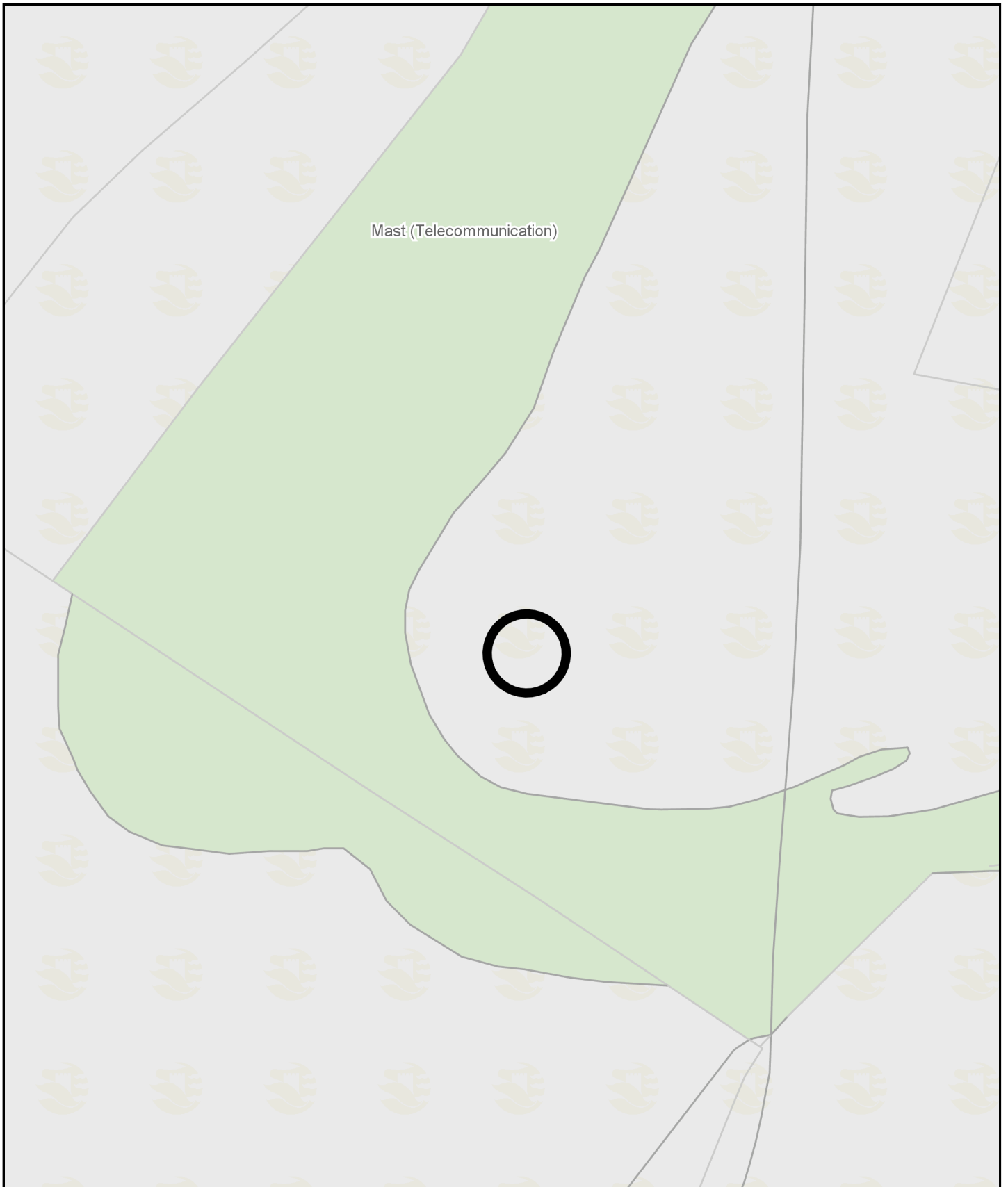
**Daeth y cyfarfod i ben am 11.59 a.m.**

# Eitem Agenda 5

|                            |  |
|----------------------------|--|
| <b>WARD:</b>               | Llandrillo   |
| <b>AELODAU'R<br/>WARD:</b> | Y Cynghorydd Gwyneth Ellis   |
| <b>RHIF Y CAIS:</b>        | 07/2021/0684/ PF   |
| <b>CYNNIG:</b>             | Codi mast meteorolegol 90m o uchder am gyfnod dros dro o dair blynedd. |
| <b>LLEOLIAD:</b>           | Tir ym Mynydd Mynyllod Llandrillo Corwen                               |
| <b>YMGEISYDD:</b>          | Miss Sophie Bennet Rees, RWE Renewables                                |

Mae tudalen hwn yn fwriadol wag





**07/2021/0684**



**N Graddfa / Scale:** 1:1250

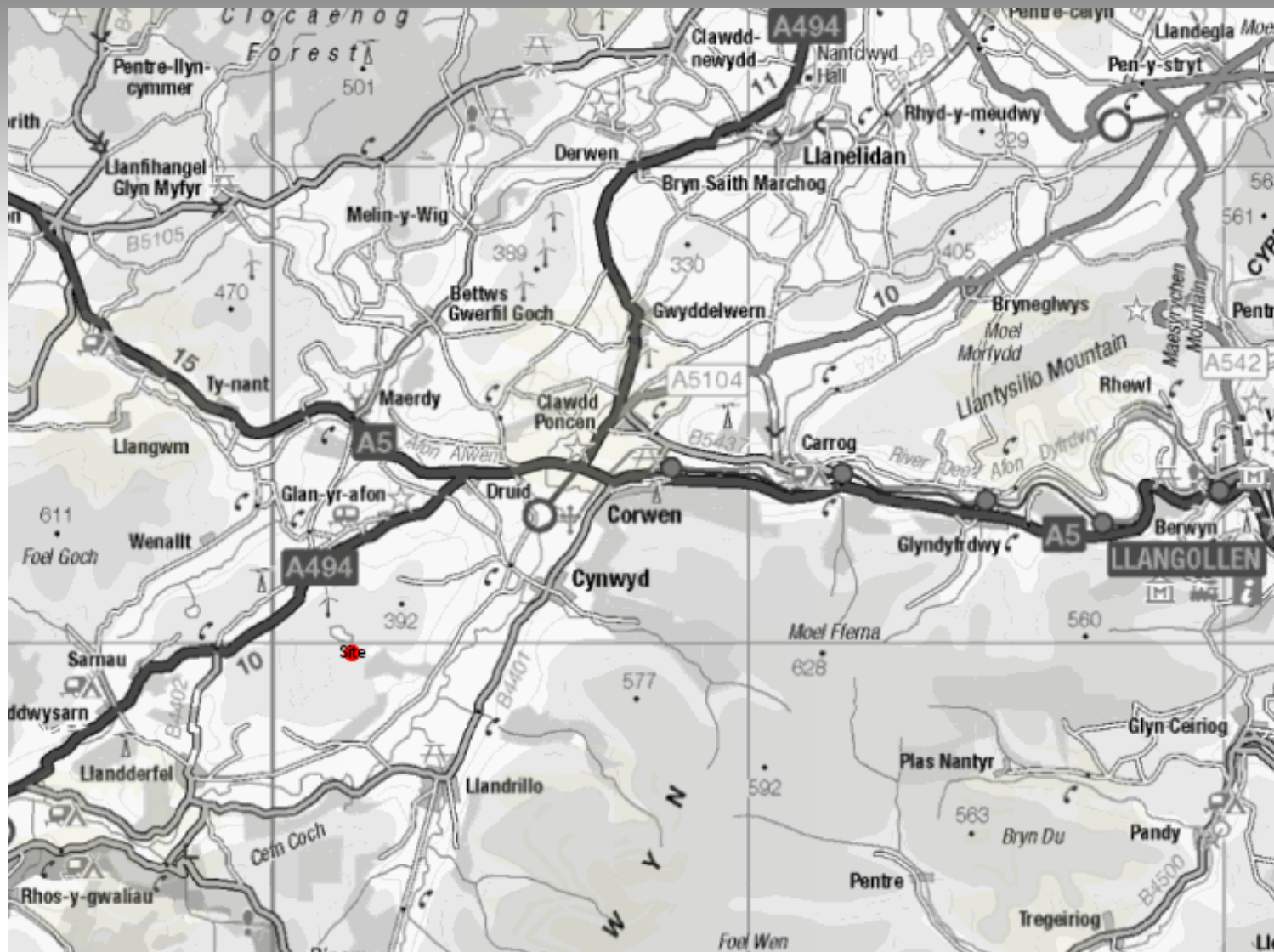
**Canol / Centre:** 301714, 339761

**Dyddiad / Date:** 2021-12-23 13:26:39

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**Tudalen 21**





Site map





Aerial photo

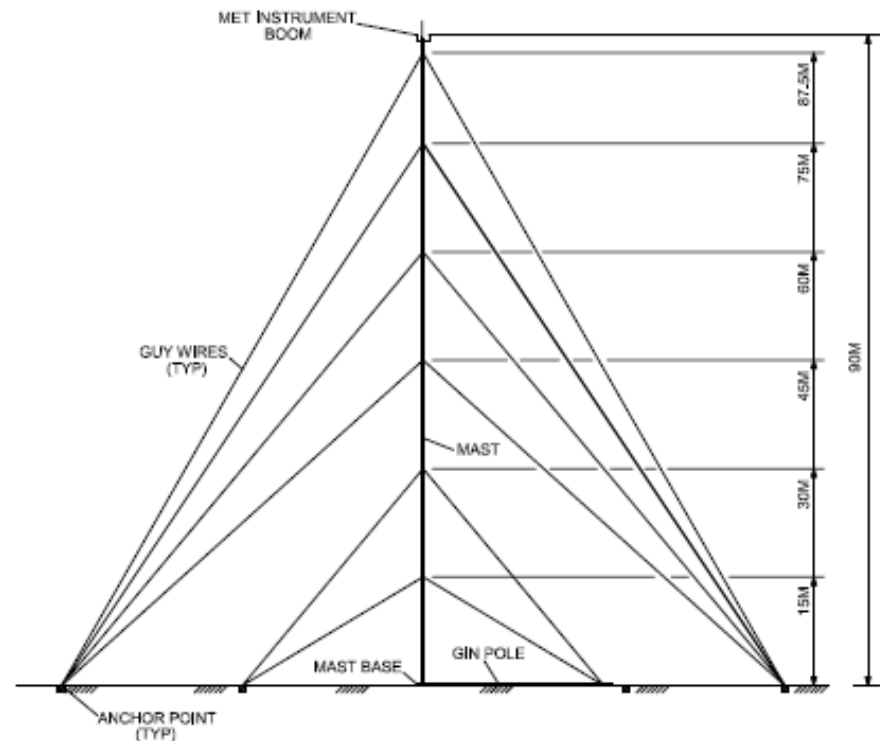




# Location plan





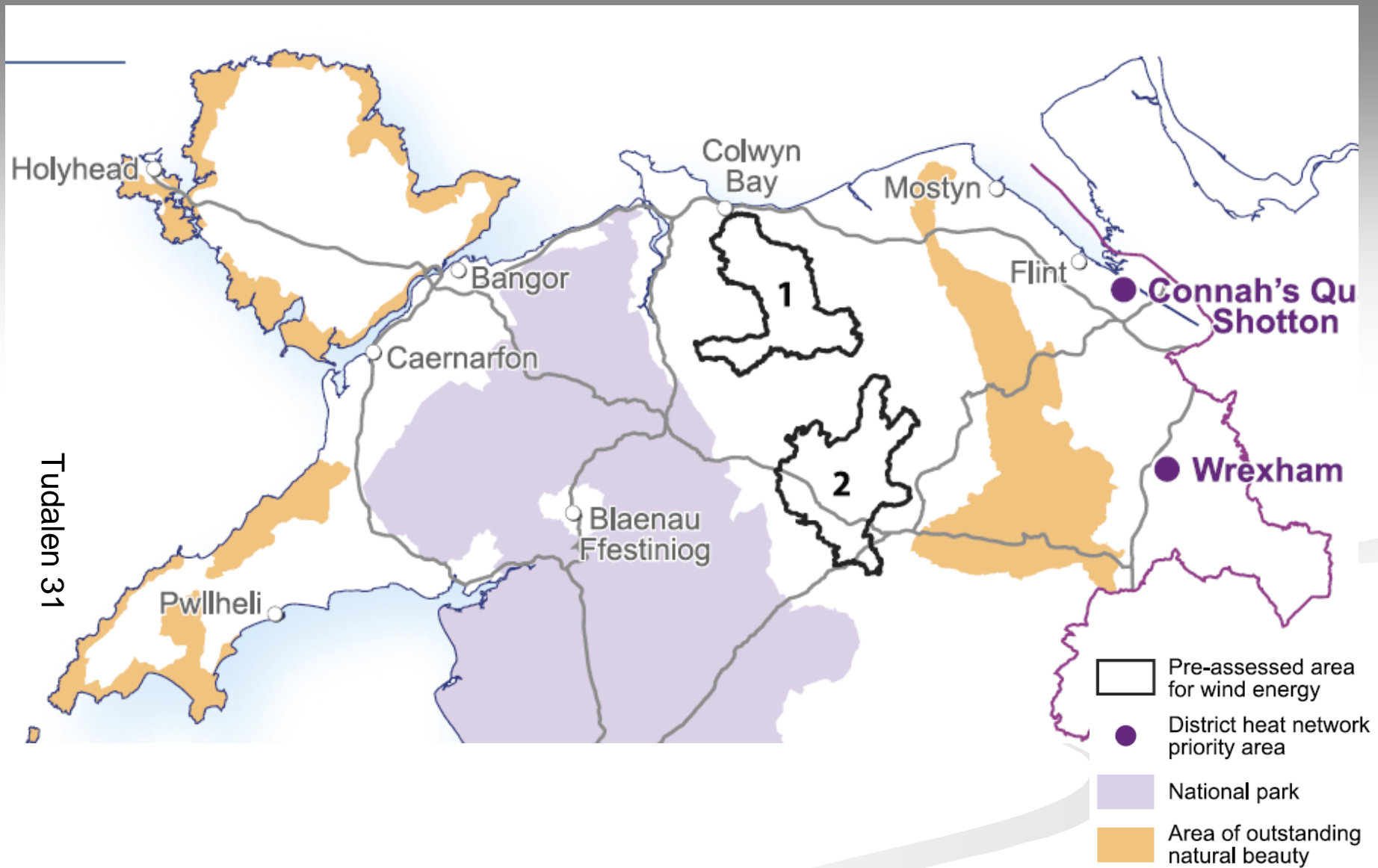
Diagram illustrating the layout of a guyed mast structure. The central point is labeled "MAST BASE". A vertical line extends upwards from the base, labeled "GIN POLE". A horizontal line extends from the base, labeled "MAST". Two concentric dashed circles are shown, with radii labeled "25M RADIUS" and "50M RADIUS". Guy wires are shown extending from the mast base to the 50m radius circle, labeled "GUY WIRES (TYP)". The anchor points for the guy wires and gin pole are labeled "GUY WIRE & GIN POLE ANCHOR POINT". The anchor points for the guy wires are labeled "GUY WIRE ANCHOR POINT (TYP)".



|   |   |  |  |                                      |   |   |            |   |
|---|---|--|--|--------------------------------------|---|---|------------|---|
|  <p>hmcod<br/>Hillman Mechanical Consulting, Inc.<br/>10000 W. 10th Avenue, Suite 100<br/>Denver, CO 80202<br/>Phone: 303.751.1100<br/>Fax: 303.751.1101<br/>www.hillmanmechanical.com</p> | Drawn By: Graham Oliver<br>Date: 19th Sept 2011<br>Job No: 117002 |  |  |                                      |  <p>chillwind<br/>CLIMATE CONTROL<br/>CORPORATE CLIMATE<br/>SOLUTIONS<br/>1000 W. 10th Avenue<br/>Suite 100<br/>Denver, CO 80202<br/>Phone: 303.751.1100<br/>Fax: 303.751.1101<br/>www.chillwind.com</p> | CHILLWIND PROJECT<br>CLIMATE CONTROL<br>CORPORATE CLIMATE<br>SOLUTIONS<br>1000 W. 10th Avenue<br>Suite 100<br>Denver, CO 80202<br>Phone: 303.751.1100<br>Fax: 303.751.1101<br>www.chillwind.com |            |   |
|   | REVISION NOTES  |  |  |                                      |   | © Chillwind   |            |   |
| DESIGN FOR REVIEW AND COMMENTING  |   |  |  | Q01                                  | GM  | 0   | 26-04-2011 | <b>TITLE:</b> 90M MET MAST<br>'GENERAL ARRANGEMENT' |
| QUT HEIGHT AT T REVEALED  |   |  |  | Q01                                  | GM  | 1   | 26-04-2011 |   |
|   |   |  |  | <b>DRAWING No:</b> HC-CW-90M-001-002 |   |   |            | <b>SHEET:</b> 1 of 1                                |

# Elevation Plan





Future Wales – plan showing location of pre-assessed area for wind energy



Tudalen 33

View from site (north)





Tudalen 35

View from site (south)







Tudalen 37

View from site (west)





Tudalen 39

View from site (east)





**WARD :** Llandrillo

**WARD MEMBER(S):** Cllr Gwyneth Ellis

**APPLICATION NO:** 07/2021/0684/ PF

**PROPOSAL:** Erection of a 90m meteorological mast for a temporary period of three years

**LOCATION:** Land at Mynydd Mynyllod Llandrillo Corwen

**APPLICANT:** Miss Sophie Bennet Rees RWE Renewables

**CONSTRAINTS:** PROW  
Phosphorus Sensitive  
SAC

**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:**

LLANDRILLO COMMUNITY COUNCIL - The CC are objecting to this proposal as it's detrimental to the landscape

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

"The Joint Committee has no observations to make on this application subject to removal of the mast and reinstatement of the land after three years. Please note that this does not confer any support for future wind farm development at the site should the prospective DNS application for the Gaerwen Wind farm be progressed."

NATURAL RESOURCES WALES

*Original consultation response:*

Advised further information is required to address concerns regarding water quality. In the absence of additional information being provided, NRW would object to the proposal.

Water Quality

The erection of the mast will disturb the local land and will include excavation. The nature of heavy plant and potential impacts from the plant to the local environment including the potential for ground compressibility and disturbance of local ground materials have not been provided within the Method Statement (included within the Ecological Statement). The potential constraint of encountering groundwater within the excavation works has not been mentioned/discussed. Hydraulic control may be required, which depending on the method used, may result in dewatering effects away from the excavation area. Therefore, NRW advise that further information is sought from the applicant with regards to the above.

Ornithology

The site is located within 2.5km of the Berwyn Special Protection Area (SPA), where the site is characterised for supporting nationally important numbers of four breeding birds. Providing the works are carried out in accordance with the methods laid out within the Ecological Statement then NRW would have no concerns.

Advised the Ecological Statement should be listed as an approved document and they would encourage the construction works to be carried outside of the breeding season.

#### Landscape

The site lies approximately 4.5km from the boundary of Clwydian Range and Dee Valley AONB, and 5.5km from Snowdonia National Park.

NRW consider the new structure would not cause significant visual effect upon views from these designated landscapes or introduce intrusive/inharmonious development which could erode the setting of these valued landscapes.

Therefore have no objection, subject to a planning condition requiring the removal of temporary mast at the end of the approved period and making good of any disturbed ground.

#### *Re-consultation response:*

NRW note the submission of supplementary information, but remain of the opinion that insufficient information has been provided water quality

NRW note that, according to Soilscales, the soils where excavations will take place are freely draining acid loamy soils over rock and drains to local groundwater and the river network.

From the proposed groundworks, NRW consider the following is unclear:

- The number of excavations required for the *deadman* anchors
- The exact depth of excavation. The supplementary information states it will be 2m below ground level, but it is assumed that this depth may be increased depending on the ground conditions encountered. The ground conditions that could be encountered may include superficial sediment thicknesses (till) that are less than the required excavation depth, i.e. bedrock is shallow.
- The depth to groundwater which may be shallow.

The proposed work area is underlain by the Penstrowed Grits Formation which is designated as a Secondary Undifferentiated Aquifer of medium to high vulnerability. A review of the BGS online viewer shows that two springs are located to the NE of the proposed mast location. Although the springs are a few kilometres from the mast, they are operating from the same bedrock and are therefore relevant. The springs may for example be fracture or contact springs.

The Groundwater Protection Guidance, which has been adopted by Wales presents useful principles with respect to the protection of groundwater including Sections A4 and A6.

NRW advises confirmation if there are any private water supplies, notably those relied on by farmers within close proximity of the proposed excavations.

#### *NRW clarification response:*

Officers clarified if NRW concerns could be addressed through the imposition of conditions, and NRW have confirmed this approach is acceptable.

CADW - advises there are seven scheduled monuments located inside 3km of the proposed mast but none of them is closer than 1.2km from its location. At this distance, given the thin nature of the proposed mast, it will not have a significant impact on the setting of any of these scheduled monuments. CADW therefore have no objections.

#### CLWYD POWYS ARCHAEOLOGICAL TRUST

Advised there are no known archaeological sites within the red boundary area of this temporary mast proposal. The ground here has been improved in recent years and there are no surface archaeological features present within the mast footprint or along the access route. The foundation disturbance for the mast is minimal and CPAT would anticipate a negligible impact potential on any unrecorded sub-surface archaeology here.

MINISTRY OF DEFENCE 774(MOD) - MOD has no safeguarding objections to this proposal. However, in the interests of air safety, the MOD requests that the structure is fitted with aviation

warning lighting. (minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure).

MOD also advise the height of the development will necessitate that aeronautical charts and mapping records be amended. Therefore request a condition is imposed requiring the developer to notify UK DVOF & Powerlines at the Defence Geographic Centre with the stated information about the development.

Precise location of development.

Date of commencement of construction.

Date of completion of construction.

The height above ground level of the tallest structure.

The maximum extension height of any construction equipment.

Details of aviation warning lighting fitted to the structure(s)

NATIONAL AIR TRAFFIC SERVICES SAFEGUARDING – no objection.

GWYNEDD COUNTY COUNCIL - Given the temporary nature of the proposal do not have any comments on the proposal

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety

- Highways Officer – Awaiting response

- Footpaths Officer – Awaiting response

Public Protection Officer – Awaiting response

County Ecologist – Awaiting response

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Martin Murray, Ty'n Y Fron, Llandderfel, Bala

Summary of planning based representations in objection:

Considers the proposed mast is a piece of equipment required to facilitate windfarm development, and that it should not be granted without public consultation on, and full details of the impact of, the windfarm.

**EXPIRY DATE OF APPLICATION: 09/12/2021**

**EXTENSION OF TIME AGREED: No**

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

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

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

1.1.1 The proposal is for the erection of a 90 metre high meteorological mast points, for a temporary period of 3 years.

1.1.2 The purpose of the mast is to collect wind data to assess the feasibility of the site for wind farm development.

- 1.1.3 The mast would be made from galvanised steel tubing and would be supported by a number of guys anchored to the ground. The guy radius is 50 metres, so the diameter of the area within the anchor points is 100 metres in total.
- 1.1.4 Excavation trenches for the anchors would measures 3 metres long, 0.75 metres wide and 2 metres deep.
- 1.1.5 The Design and Access Statement confirms access to the site will be along existing forestry and rough farm tracks from Tyfos Farm. A short final section of the access route to the mast location itself will be across open grazing land. For the installation it is anticipated that a farm vehicle, for example a tractor, will be utilised to transport the equipment from the farm. Ongoing maintenance visits will be undertaken in a pick-up or similar vehicle.
- 1.2 Other relevant information/supporting documents in the application
  - 1.2.1 The application is supported by a Design and Access Statement, Ecological Statement and a Water Quality Statement.
  - 1.2.2 The Ecological Statement includes a method statement outlining the construction methodology, which confirms installation is likely to take one day.
  - 1.2.3 The Water Quality Statement has been submitted in response to NRW's consultation response, and confirms excavations are limited to a depth of 2m and therefore unlikely to interact with the groundwater table in this location, and the site is over 300m from the nearest water features. Excavations are limited to trenches for anchors, which will be backfilled with soil immediately after anchor point is installed, and therefore water ingress during excavation works in not envisaged.
- 1.3 Description of site and surroundings
  - 1.3.1 The site is upland grassland located at Mynydd Mynyllod, 6km south-west of Corwen, and is close to public rights of way and open access land across Mynydd Mynyllod.
- 1.4 Relevant planning constraints/considerations
  - 1.4.1 Open countryside location outside of any development boundary defined by the Local Development Plan.
  - 1.4.2 The site is within the River Dee SAC phosphate sensitive zone.
  - 1.4.3 Close to public rights of way.
  - 1.4.4 Close to Mynydd Mynyllod local wildlife site and open access land.
  - 1.4.5 The site appears to fall within Future Wales pre-assessed wind area for wind energy No. 2.
- 1.5 Relevant planning history
  - 1.5.1 Temporary planning permission was granted in 2010 for a 70m meteorological mast at the application site, which has since been taken down.
  - 1.5.2 The Council has previously granted planning permission for two 50kW wind turbines at Sirior Farm, approx. 1.5km to the south east of the application site and one 50kW wind turbine at Tyfos Farm approx. 1km to the south of the application site.
- 1.6 Developments/changes since the original submission
  - 1.6.1 A water quality statement has been submitted in response to concerns raised by NRW.
  - 1.6.2 NRW have been re-consulted on the application.
- 1.7 Other relevant background information



- 1.7.1 Members may remember a previous application for a meteorological mast at the application site was granted planning permission by the Council in 2010 for a temporary period of three years.
- 1.7.2 Members may also remember that a previous windfarm proposal on Mynydd Mynyllod which was being promoted by Scottish Power was abandoned before it reached the formal application stage.
- 1.7.3 Officers would advise Members that the Planning Inspectorate, on behalf of Welsh Government, consulted with Denbighshire County Council and other statutory consultees in July 2021 on an EIA Scoping Opinion Request which had been submitted to them for a new windfarm proposal on Mynydd Mynyllod, referred to as the 'Gaerwen windfarm'. Officers responded to the consultation on behalf of the Council and Welsh Government subsequently issued a detailed EIA Scoping Direction in September 2021 (Welsh Government ref: DNS/3276735).
- 1.7.4 Any subsequent windfarm proposal would be classed as a 'Development of National Significance' (DNS) which would be determined by Welsh Ministers. Officers would note that a DNS application for the Gaerwen windfarm is yet to be submitted to Welsh Government.
- 1.7.5 Members are advised that the current application is for a meteorological mast only, which should be assessed on its own merits. Whilst the Council should have regard to cumulative effects in the assessment of any planning application, as the Gaerwen windfarm development is in the early pre-application stages, Officers would advise that at this time weight should not be apportioned to future windfarm development in the assessment of this application.
- 1.7.6 In terms of Environmental Impact Assessment (EIA), in Officers opinion, a meteorological mast does not fall within any of the categories contained within Schedule 1 or Schedule 2 of the 2017 EIA Regulations and the site is not within a sensitive area. Consequently Officers have concluded the proposal is not a form of development that is subject to the 2017 EIA Regulations.

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

- 2.1 07/2010/0897. Erection of a 70m meteorological mast for a temporary period of three years. Granted 21/09/2010.
- 2.2 07/2012/0539. Installation of 2 no. 50kW micro-generation wind turbines with control box and access track. Granted 12/07/2013 (Sirior, 1.5km to the south east of the site).
- 2.3 07/2015/0414. Erection of one wind turbine with a hub height of 30.5m (48.01m to tip), control box and associated works. Granted 09/12/2015 (Tyfos, 1km to the south of the site).

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

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

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

**Policy VOE1** – Key areas of importance

**Policy VOE5** – Conservation of natural resources

**Policy VOE9** – onshore wind energy

**Policy VOE10** – renewable energy.

Supplementary Planning Guidance:

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Renewable Energy

### **Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Technical Advice Notes:  
TAN 5 Nature Conservation and Planning (2009)  
TAN24 The Historic Environment (

#### 4. MAIN PLANNING CONSIDERATIONS:

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

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

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

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

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

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

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Ecology
- 4.1.4 Drainage / water quality
- 4.1.5 Heritage assets

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
The proposal is for the erection of a temporary meteorological mast which is proposed to collect wind data to assess the feasibility of the site for future wind farm development.

There are no planning policies which make specific reference to the erection of meteorological masts, however it could be considered to be ancillary infrastructure associated with windfarm development, and therefore renewable energy policy is a material consideration.

LDP Policy VOE9 and VOE10 are considered to be of some weight in terms of the impacts to be considered.

Future Wales forms part of the statutory development plan. Future Wales identifies pre-assessed areas for wind development, and whilst the plans are broad scale, the application site would appear to be within, or on the periphery of, pre-assessed area for wind development No. 2 as shown on page 94 of Future Wales.

Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) and Policy 18 (Renewable and Low Carbon Energy Developments of National Significance) support the principle of renewable energy development and are material to the determination of the application.

PPW at 5.9.1 states local authorities should facilitate all forms of renewable and low carbon energy development and ... planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

Officers would also note that temporary planning permission has previously been granted for a mast in this location, and a 70m mast had been installed at the site, but has since been removed following the expiration of the temporary permission.

Having regard to the above, the proposal to install a temporary mast in this location is not in conflict with any specific planning policy or guidance, and the principle is therefore considered to be acceptable, subject to assessment of impacts on the remainder of this report.

Officers would also stress the approval for a temporary mast would not convey the Authority's support for the principle of developing a windfarm in this location, which would involve a wholly separate application process and a completely different range of planning considerations.

#### 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.

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

The site is close to the Clwydian Range and Dee Valley AONB and Snowdonia National Park and owing to the height of the mast, would be visible from within the designated landscapes and therefore Policy VOE1 and VOE2 are also applicable, which together seek to protect key areas of importance, (including statutory designated sites and areas of landscape value and the AONB), from development which would adversely affect them.

The Community Council have raised an objection to the proposal on landscape grounds.

NRW have raised no objection to the proposal on landscape grounds subject to conditions being imposed to remove the mast after 3 years. The AONB Advisory Committee has not raised an objection and have also requested the mast be removed and the land reinstated at the end of three years. Gwynedd County Council have made no observations on the proposal.

The mast is a temporary structure, has minimal impact on the environment and there is no concrete involved in securing the foundations. The dimensions and appearance of the mast are shown on the accompanying figures.

Officer would note there are small turbine developments within 2km of the site, and larger windfarm development in the wider landscape.

Whilst the mast would be 90m in height, it is a very thin structure with only guy ropes anchoring it to the ground, and whilst it would be visible in the landscape, and there may be some intervisibility with wind turbine development, owing to scale, form and temporary nature of the, Officers do not consider the visual impacts would justify a refusal on visual amenity grounds.

With respect to the comments of the Community Council, Officers consider the proposal would not unacceptably impact on visual amenity of landscape character.

#### 4.2.3 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.

Policy VOE1 seek to protect key areas of importance, including statutory designated sites, from development which would adversely affect them.

NRW have raised no objection to the proposal, subject to the Ecological Statement being included in the list of approved documents.

The site is located within 2.5km of the Berwyn Special Protection Area (SPA), which supports nationally important numbers of four breeding birds and is adjacent to the Mynydd Mynyllod local wildlife site which is categorised as semi-upland area with acid grassland, semi-improved neutral grassland, acid dry heath, dry heath/acid grassland mosaic, wet heath, valley mire, swamp, acid flush, open water, which provides habitat for ground nesting birds, and other fauna.

The proposal is for a meteorological mast, which is an inert structure and ground excavations are limited to the anchor points only.

An Ecological Statement has been submitted which includes a method statement setting out the construction methodology to be followed to minimise disturbance to ecological interest.

Having regard to the nature and scale of the proposed development, Officers conclude the proposal would not give rise to any unacceptable impacts on ecological interest.

#### 4.2.4 Drainage / water quality

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 impact on groundwater and surface water quality should therefore be regarded as a potential material consideration.

NRW have advised insufficient information has been provided to assess the impact on water quality.

A water quality statement has been submitted to address concerns raised by NRW, however NRW have maintained their opinion that insufficient information is provided.

The water quality statement confirms the anchor point excavations would be no deeper than 2m, and would not breach the groundwater table. Construction works would be completed within a day, and anchor trenches would be infilled with soil immediately after installation. It also states the site is also some 300m from any waterbody.

NRW have however advised there is still uncertainty in the application, which needs to be resolved before they can confirm the proposal does not present a risk of groundwater contamination. NRW have however confirmed their concerns can be adequately addressed by imposition of a condition.

A pre-commence condition can be imposed to secure details of ground conditions and specific details of the trench excavations, which Officers consider would be sufficient to ensure adequate controls are in place to protect groundwater from potential contamination.

Therefore, following the submission of additional information and subject to the imposition of a pre-commencement condition, Officers are satisfied that the proposal would not adversely impact water quality at the site.

#### 4.2.5 Heritage assets

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 11), 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.

There are a number of scheduled monuments within 3km of the site.

CADW have advised the proposal will not have a significant impact on the setting of any of these scheduled monuments and CPAT have advised there are no known archaeological sites within the site area and would anticipate a negligible impact potential on any unrecorded sub-surface archaeology here.

The proposal would not therefore have any adverse impacts on heritage assets in the vicinity of the site.

#### Other matters

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

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

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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

5.1 Subject to the imposition of conditions, the proposal is considered to be acceptable and is recommended for grant.

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

1. The mast hereby approved shall be removed from the site no later than 12th January 2025 and the land around the anchors and any tracks shall be reinstated within a 3 month period of its removal in accordance with such detailed proposals to be submitted to and approved in writing by the Local Planning Authority.
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 (2 Drawings) - Received 1 July 2021
  - (ii) Block Plan - Received 1 July 2021
  - (iii) Access Route (Rev A) - Received 15 October 2021
  - (iv) 90M MET Mast General Arrangement (Drawing No. HC-CW-90M-001-002) - Received 1 July 2021
  - (v) Chillwind 90/80m Mast Specification - Received 1 July 2021
  - (vi) Chilwind Mast Deadman Anchors (Drawing No. HC-CW-ALL-DEADMAN ANCHORS) - Received 1 July 2021
  - (vii) Design and Access Statement - Received 1 July 2021
  - (viii) Ecological Statement - Received 15 October 2021 (ix) Water Quality Statement (Dated 9/12/21) - Received 13 December 2021
3. The mast hereby approved shall be fitted with air safety lighting which shall have a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light and which shall be fitted at the highest practicable point of the structure and retained as such at all times whilst the mast is in situ.
4. Prior to the erection of the mast hereby approved, the developer shall notify the UK DVOF & Powerlines at the Defence Geographic Centre in writing of the following information:
  - i) Precise location of development.
  - ii) Date of commencement of construction.
  - iii) Date of completion of construction.

- iv) The height above ground level of the tallest structure.
- v) The maximum extension height of any construction equipment.
- vi) Details of aviation warning lighting fitted to the structure(s)

5. PRE-COMMENCEMENT CONDITION

Prior to the commencement of development hereby approved, the following details shall be submitted to an approved in writing by the local planning authority:

- i) confirmation of the exact location and number of excavation points for installation of anchors;
  - ii) confirmation of ground conditions at excavation points;
  - iii) confirmation of the excavation methods and depth of trenches;
  - iv) measures to prevent contamination of groundwater and sources of private water supplies.
- The development shall then proceed in accordance with the approved details.

The reasons for the conditions are:-

- 1. For the avoidance of doubt and in the interests of visual amenity,
- 2. For the avoidance of doubt and to ensure a satisfactory standard of development.
- 3. In the interests of air safety.
- 4. In the interests of air safety.
- 5. In the interests of prevention of groundwater contamination.

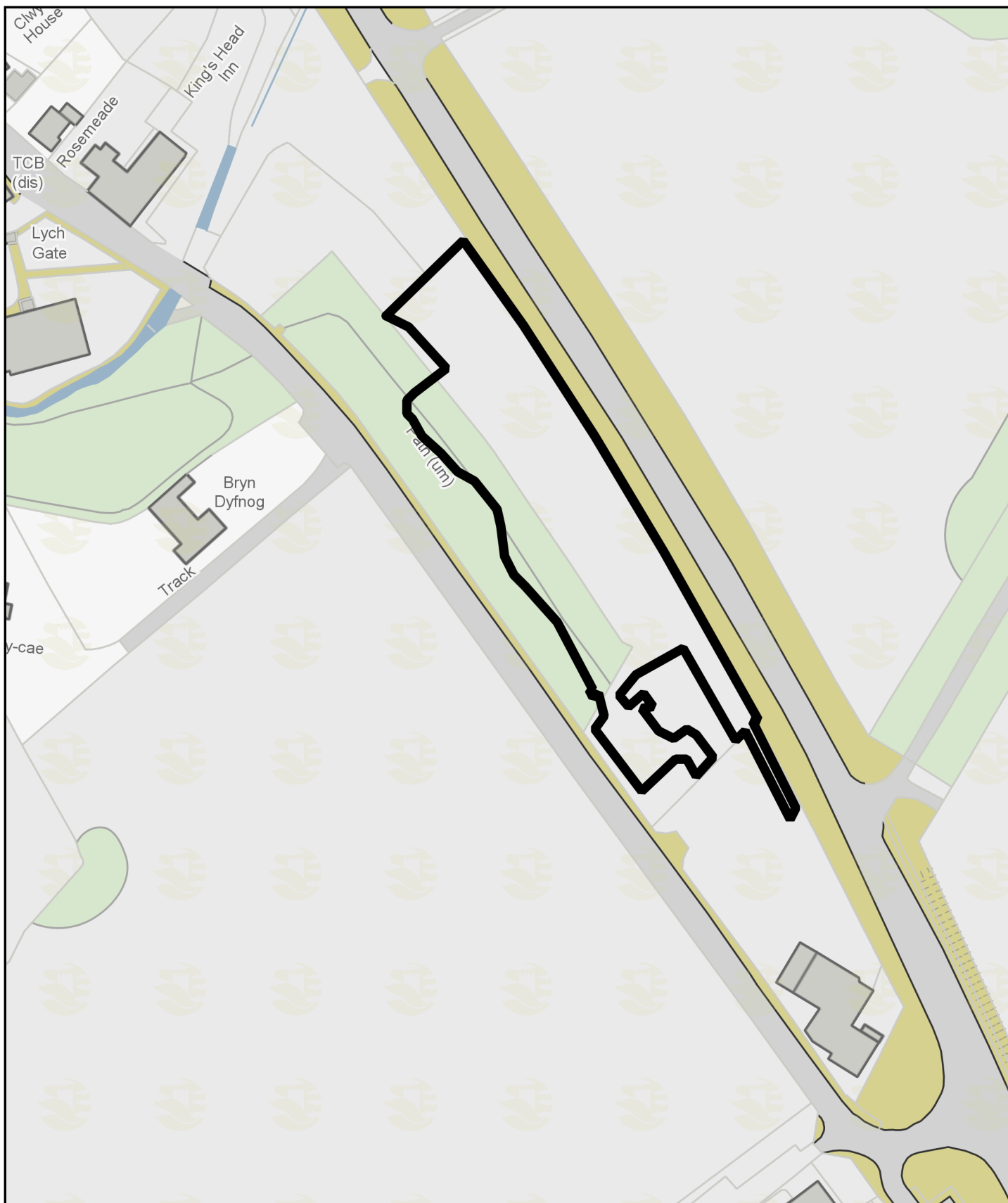
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# Eitem Agenda 6

|                            |   |
|----------------------------|---|
| <b>WARD:</b>               | Llanrhaeadr yng Nghinmeirch   |
| <b>AELODAU'R<br/>WARD:</b> | Y Cyngorydd Joseph Welch  |
| <b>RHIF Y CAIS:</b>        | 23/2021/0852/ PF  |
| <b>CYNNIG:</b>             | Adeiladu 6 uned llety gwyliau, swyddfa'r safle a gwaith<br>cysylltiedig (cynllun wedi'i ddiwygio) |
| <b>LLEOLIAD:</b>           | Tir yn The Lodge Llanrhaeadr Dinbych LL16 4NL   |

Mae tudalen hwn yn fwriadol wag



**23/2021/0852**

 **Graddfa / Scale:** 1:1417

**Canol / Centre:** 308293, 363305

**Dyddiad / Date:** 2021-12-23 15:10:01

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The site facing  
north towards  
Cemetery





Existing site facing  
south towards The  
Lodge







View to the west towards the site  
from the A525







Woodland boundary  
and Haha







Existing access into The Lodge car park and new parking area  
within the field to the right of the photo



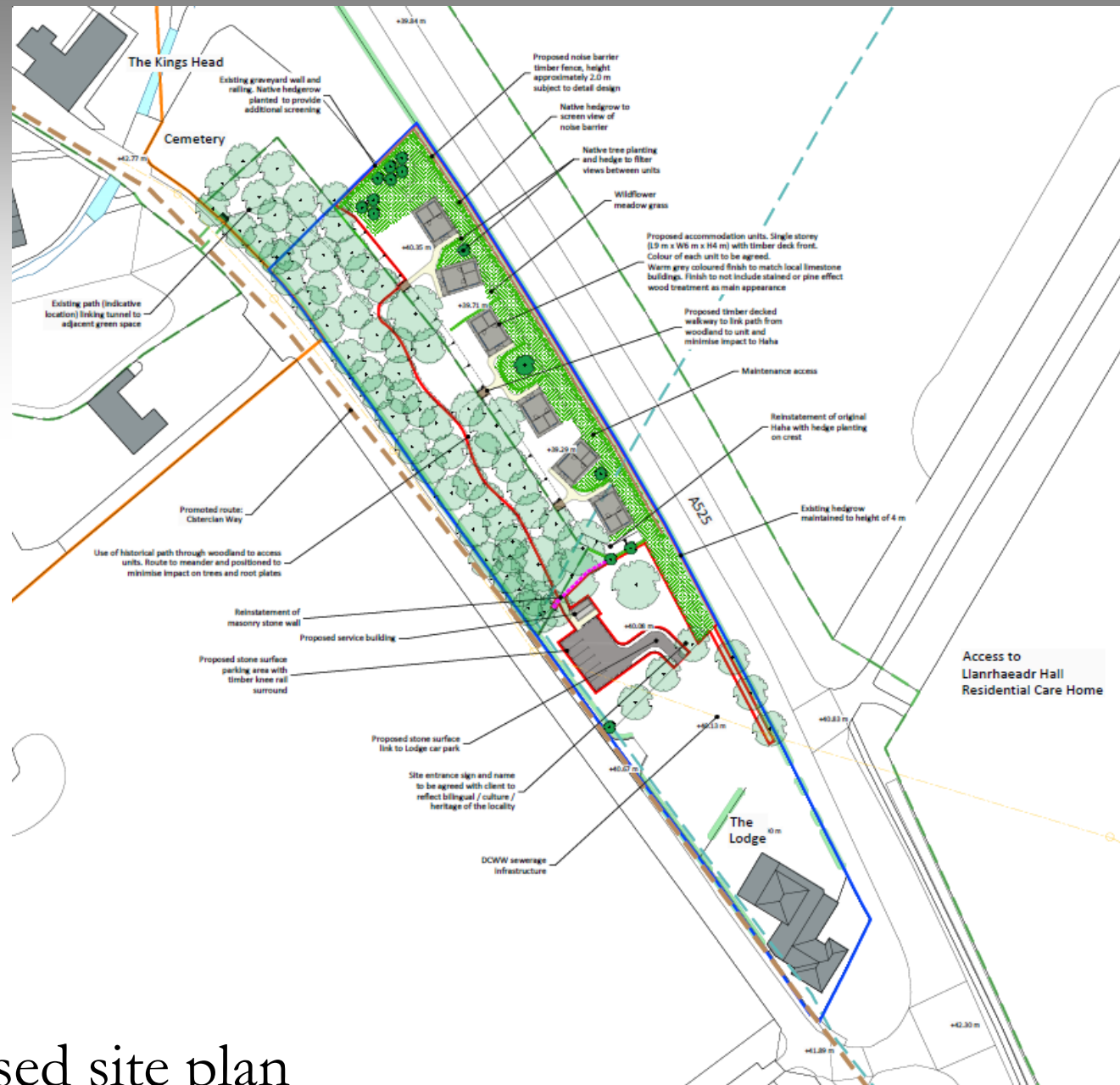




Overgrown woodland to be improved and managed

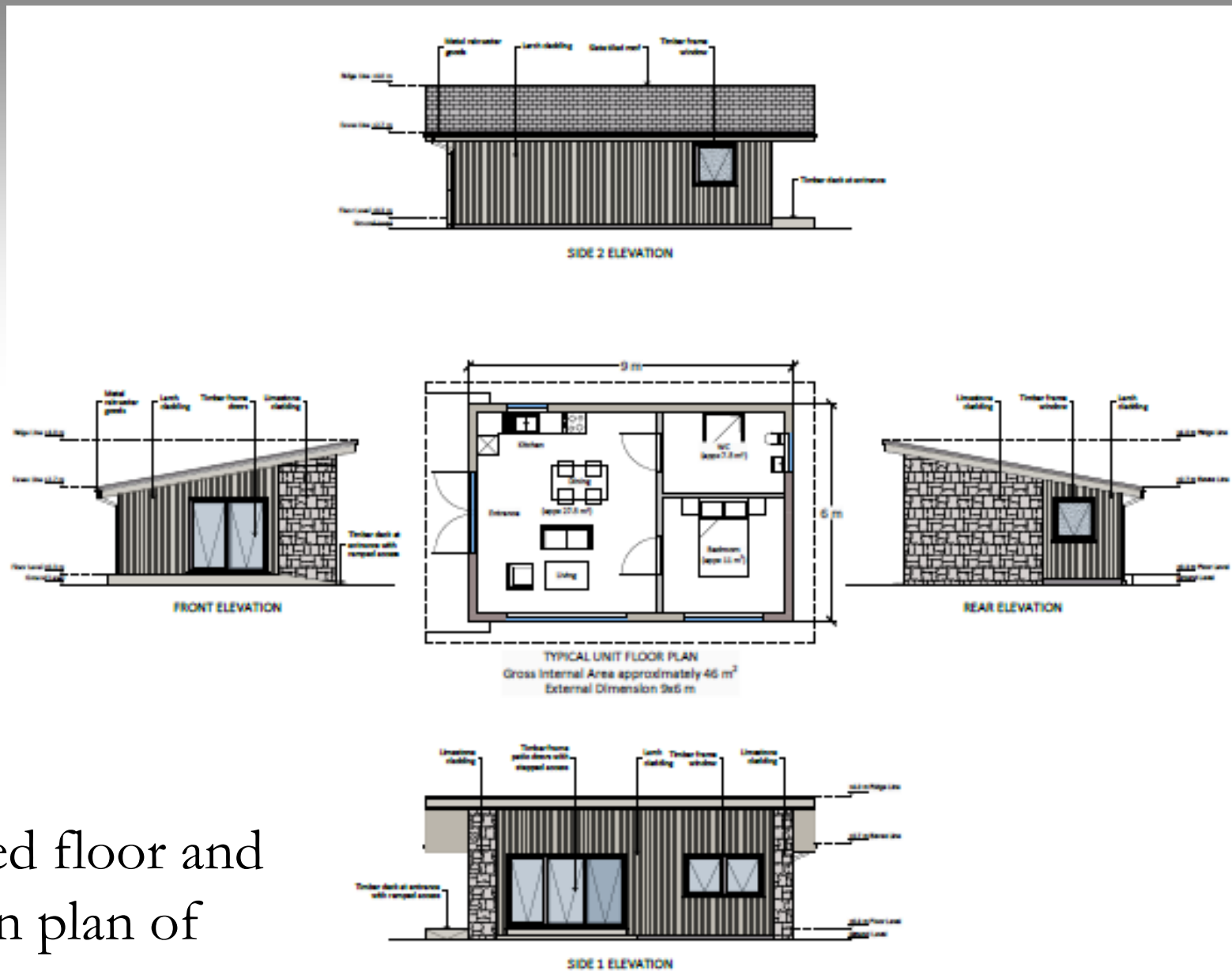






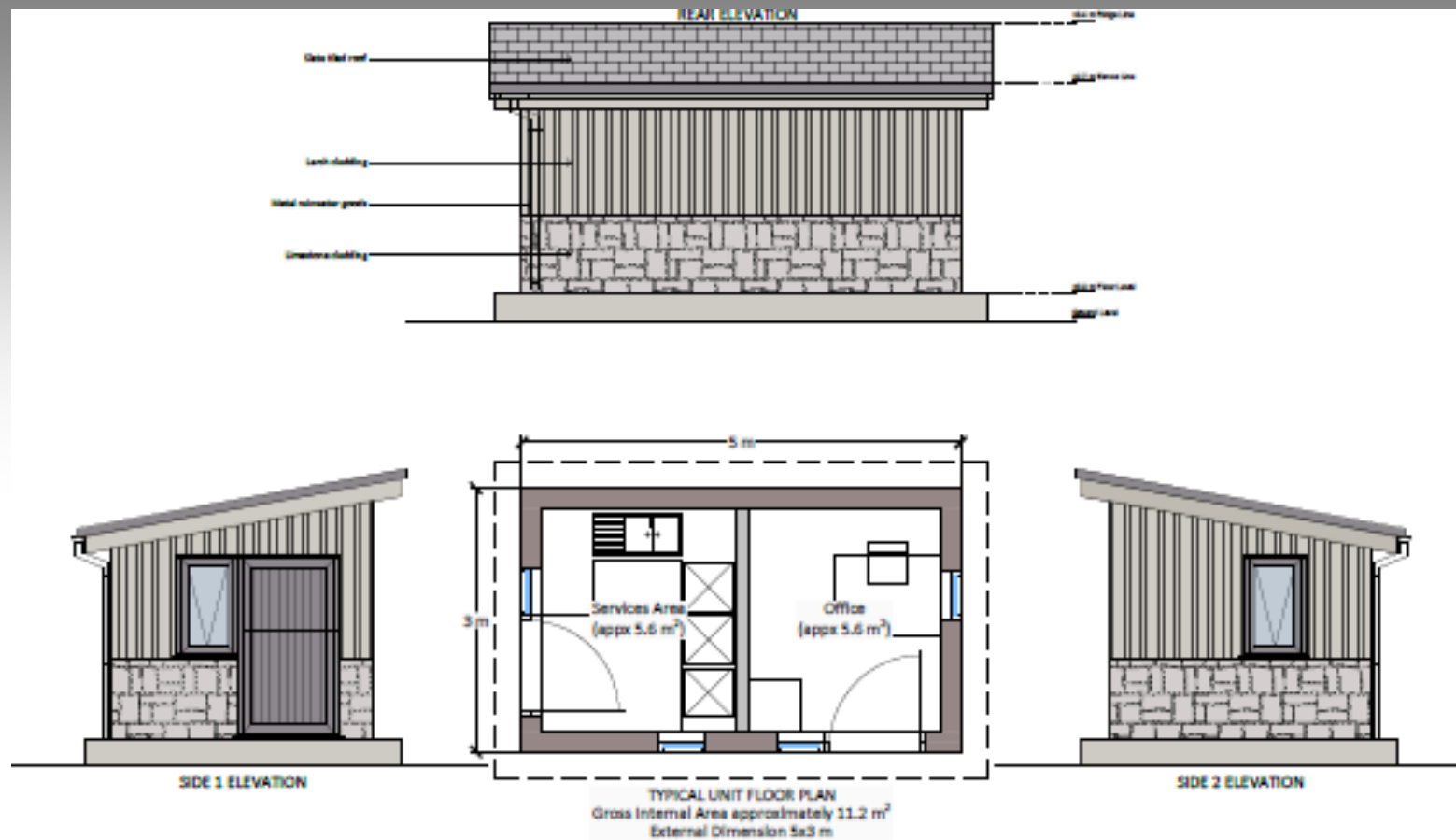
Proposed site plan



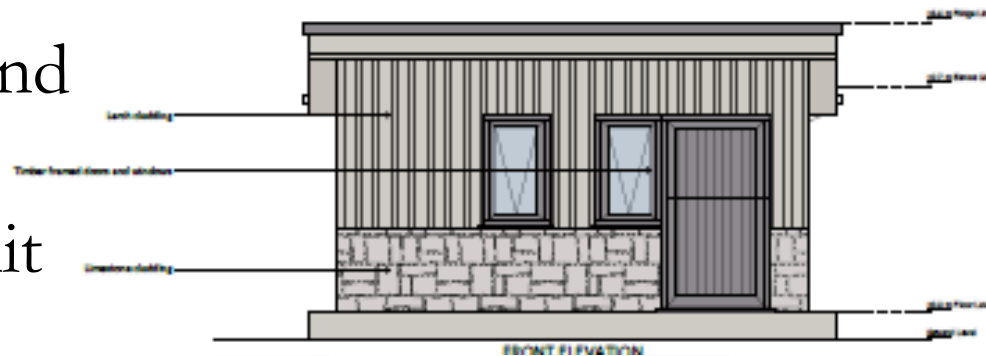


Proposed floor and  
elevation plan of  
accommodation units





Proposed floor and  
elevation plan of  
office/service unit





**WARD :** Llanrhaeadr Yng Nghinmeirch

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

**APPLICATION NO:** 23/2021/0852/ PF

**PROPOSAL:** Erection of 6 no. holiday accommodation units, site office and associated works (amended scheme)

**LOCATION:** Land at The Lodge Llanrhaeadr Denbigh LL16 4NL

**APPLICANT:** Mr Russell Shone

**CONSTRAINTS:** Registered Historic Parks and Gardens

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

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

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

**CONSULTATION RESPONSES:**

**LLANRHAEADR YNG NGHIMEIRCH COMMUNITY COUNCIL:**  
"Objection". The land is not within the Local Development Plan.

**CADW (Historic Parks and Gardens):**  
The proposed development is located adjacent to and partly within the grade II registered historic park and garden at Llanrhaeadr Hall PGW(C)44(DEN). PGW (C) 44 Llanrhaeadr Hall (grade II).

The application is supported by a detailed Heritage Impact Assessment by Richards, Moorhead and Laing, which includes measures to enhance the setting of the registered park and garden and reintegrate the two areas of the registered historic park and garden which are separated by the A525.

The current application seeks to reduce the impact on the setting of the registered park and garden through a series of mitigation and enhancement measures. These measures are outlined in Schedule 1 of the Heritage Impact Assessment and shown on drawing 3182/002 and identify opportunities to reunite the two areas of the registered park and garden. The proposed mitigation and enhancement measures are welcome and in our view reduce the impact of the proposed development to an acceptable level. The proposed 25 year woodland and landscape management plan is also very welcome and will inform and guide the measures.

**NATURAL RESOURCES WALES:**  
No objection and note that it is unlikely that any European Protected Species will be using the site. Provide advice on construction waste and environmental management.

**DWR CYMRU / WELSH WATER:**  
The site is crossed by a public sewer and require a protection zone of 3m each side of the sewer. The site is also in close proximity to a 4inch public water main and as such require an easement of 3m each side of the centreline of the water main. It is recommended that the developer carry out a survey to ascertain the location of the sewer and establish its relationship to the proposed development.

No drainage plans have been provided and recommend a condition is attached to any consent requesting a foul drainage scheme is submitted to ensure no detriment to existing residents or the environment or to DC/WW's assets. An additional condition to prevent surface water drainage into the public sewerage network is also advised to be attached.

**CLWYD POWYS ARCHAEOLOGICAL TRUST:**

While there are no recorded archaeological sites within the proposed holiday cabin plot the red boundary area and access do lie partly within the Llanrhaeadr Hall Park Registered Park and Garden (RPG C44 - Grade II). In addition, there are some very minor footpath additions and restoration proposed to the HaHa ditch on the east side of the woodland which lies within the registered park and Cadw may wish to comment on these proposals. Cadw must be consulted.

**WELSH HISTORIC GARDENS TRUST:**

Awaiting response

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

- Highways Officer:  
No objection to the proposed development.
- Conservation Officer:  
No objection but recommends clarification is sought through planning conditions relating to:
  1. a fully detailed landscaping plan
  2. details and locations of gates and fences to be installed and confirmation on finishes and colours
  3. details and materials of all paths or hard-standings
  4. preferable if the parking area was a permeable system allowing grass to grow through to reduce visual impacts and to maintain a more natural setting
  5. confirmation of the materials and finish of the fascia/barge boards, decking and plinth to units
  6. details of proposed colours for the timber windows and doors
  7. preferable to vary the colours of the painted timber cladding to the walls with 2 different colours to break up the visual appearance, suggest light grey and a heritage green but colours to be approved.
  8. Samples to be provided of the stone and slate for approval
  9. Agree with Tree Officers comments regarding the materials for the woodland walk
  10. No bin storage detailed on plans, confirmation and details to be approved.
- Drainage Officer:  
Informally commented that SAB approval will be required.
- County Ecologist:  
No objections but recommend conditions should be attached to any decision including that the development is carried out in accordance with the Precautionary Method Statement for common reptiles set out in Appendix 2 of the Ecological Report, that works are undertaken outside of bird nesting season, a landscaping scheme, external lighting scheme and ensuring that biodiversity enhancements measures are incorporated into the development for roosting bats and nesting birds is submitted for approval by the LPA.
- Tree Consultant:  
No objections. The chalets are set further back from the woodland and the latest scheme is therefore an improvement. In addition the side entrances to most of the chalets means that they are neither towards the road or woodland. The varied orientations also avoids the chalets appearing regimented in the landscape.

I have reservations about the path going through the woodland and consider that it should not be used as the main means of accessing the chalets whatever its construction. In my view it would be better to have a principle path along the edge of the woodland that could be used by visitors, on foot or bikes, and which also allows for a small quad bike and trailer (or something similar) for chalet cleaning and maintenance. The ha-ha might constrain what can be achieved. It is likely that a desire line along this route would be created anyway because it is



a short cut. Any path through the woodland should be subordinate to the other suggested path and have limited use. I would recommend having kissing gates at the entrances to the woodland and just surfacing it with woodchips or bark mulch.

More details on the proposed landscaping are required, to cover species, sizes, density and numbers for the planting which can be required through condition.

#### **RECONSULTATION RESPONSES:**

- Tree Consultant:  
Site visit conducted. The woodland appears to have been clear felled several decades ago with early mature species mainly comprising of beech, English elm, ash and hazel. The trees on the roadside are fully mature and were spared the felling, it is recommended that a Tree Risk Assessment is undertaken to these trees. (A horse chestnut has a large hung up limb).

Following my visit I have no objection to a footpath through the woodland along the line of the historical path and to the cabins, as a pedestrian only means of access. The main means of access for the servicing the cabins should be the path adjacent to the A525. The path through the woodland should be minimalist in design, such as, a board edged path back filled with woodchip obtained from material on site.

#### **RESPONSE TO PUBLICITY:**

##### In objection

Representations received from:

Philip Williams, 6 Bryn Y Llan, Llanrhaeadr yng Nghinmeirch

Wayne Williams, Rosemeade, Llanrhaeadr yng Nghinmeirch

Summary of planning based representations in objection:

##### *Principle*

The proposal is for new static caravans which are not permitted under Policy PSE12  
Oversupply of lodge and chalet sites locally including the Bryn Morfydd 89 unit site just 500m from the proposed site

The site is outside the boundary of the hamlet and is on land not suitable for development.

Contrary to PSE5 as not appropriate in scale and nature to its location.

Not a natural development of the existing shop and café

##### *Historic assets/Conservation Area*

Detrimental affect on historic park and Grade II Church and Conservation area containing 17 listed buildings.

Out of context and impacts important historical architecture.

##### *Visual amenity*

The proposal does not respect the site and surroundings

The proposal does not protect or enhance the local natural and historic environment

Impacts to prominent public views into and out of and across the settlement and area of countryside

##### *Residential amenity*

Overpopulation of the hamlet and impacts to local people

Location adjacent to A525 at the point where vehicles will accelerate out of a 40mph zone, the noise and fumes will be unacceptable to occupants of the chalets.

**EXPIRY DATE OF APPLICATION: 07/12/2021**

**EXTENSION OF TIME AGREED: 14/01/2022**

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

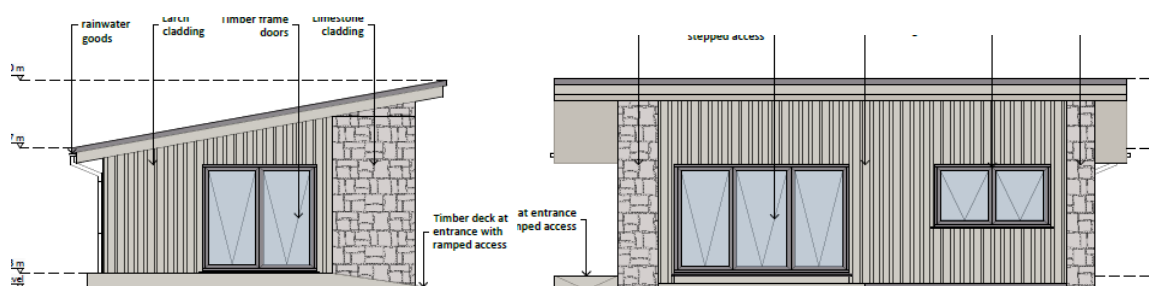
- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

## PLANNING ASSESSMENT:

### 1. THE PROPOSAL:

#### 1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of 6 holiday accommodation units, site office and associated works at land adjacent to The Lodge, Llanrhaeadr.
- 1.1.2 The proposed 6 accommodation units would have a gross internal floor area of 46sqm and an external dimension of 9 x 6m. They are proposed to have a mono pitch roof with a maximum height of 4m and eave height of 2.7m.
- 1.1.3 They would comprise an open plan kitchen, living and dining room with bathroom and a double bedroom. A timber deck area is proposed to the entrance with timber frame patio doors. Additional patio doors are proposed to the side elevation with stepped access down.
- 1.1.4 Two additional windows are proposed to the side elevation with a single window to the rear elevation and side to serve the kitchen. A ground level decking area is proposed.
- 1.1.5 The proposed units would be vertically clad in larch timber with limestone cladding to sections and the roof is proposed to be finished in slate.

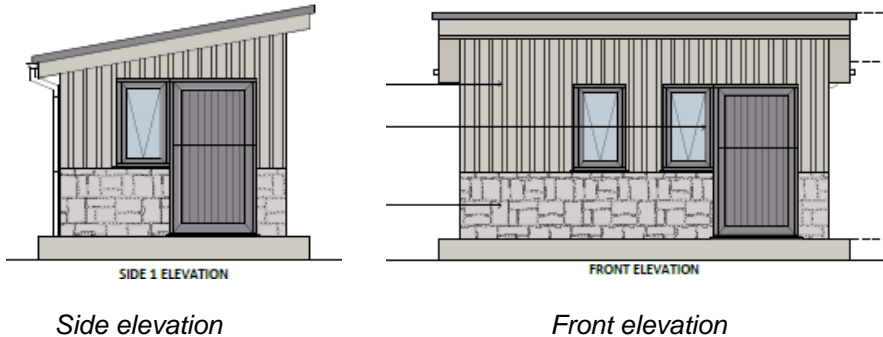


*Proposed front elevation*

*Proposed side elevation*

- 1.1.1 The 6 units are proposed to be staggered along the existing hedgerow and orientated at different angles to each other. Supplementary hedge planting is proposed between the pods and along the existing hedgerow along with a 2m high timber fence to provide a noise barrier. Wildflower meadow grass is proposed to the side of the pods.
- 1.1.2 A parking area for 6 vehicles is proposed to the south west corner of the site and is proposed to be finished in stone surface. The site is proposed to be accessed via the main access to The Lodge car park but would be for residents use only.
- 1.1.3 The proposed site office unit would be of a similar design to the accommodation units but would be 5m x 3m in size (15sqm) and would comprise a services area to one side accessed from the side elevation and office to the other accessed by a front door. Small windows are proposed to each side elevation.

- 1.1.4 It is proposed to be clad in larch timber with a slate roof and limestone cladding to the lower elevations. It is proposed to be located directly to the south of the woodland area adjacent to the proposed car parking area.



- 1.1.5 It is also proposed to reinstate the footpath through the adjacent woodland strip and incorporate subsidiary paths and small timber walkways spanning the former ha-ha (which will also be restored as part of the proposals) to access the accommodation units. The footpath through the woodland is proposed as a raised timber walkway and its reinstatement will reconnect this area with The Dingle via the historic tunnel under the road.

## 1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Statement, Business case, Ecological Survey, Arboricultural Survey and Heritage Impact Assessment.

## 1.3 Description of site and surroundings

- 1.3.1 The site is to the north of the existing parking area connected to the business at The Lodge.
- 1.3.2 The Lodge is a two storey retail clothing shop and coffee shop located approximately 3 miles to the south of Denbigh and 5 miles to the north of Ruthin. There is a local bus stop within close proximity to the site.
- 1.3.3 There is a strip of ancient woodland located adjacent to the site with a ha-ha which runs along the edge of the woodland. There is an unmade path shown on modern OS maps but there is no path in the woodland as existing.
- 1.3.4 The site is bound by a hedgerow along the A525 roadside and mature trees to the south side behind a stone boundary wall.



*View to the west towards the site*

#### 1.4 Relevant planning constraints/considerations

1.4.1 The site is located outside of any development boundary defined in the Local Development Plan but is partly within the Historic Parks and Gardens designation in at Llanrhaeadr Hall – which is a Grade II listed building with associated stables, barn and Laundry.

1.4.2 The site abuts the boundary of the Llanrhaeadr Conservation Area but is not within it.

#### 1.5 Relevant planning history

1.5.1 Various permissions relating to The Lodge, access and car park. The original application for the erection of 8 (amended to 6) holiday chalets was withdrawn.

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

1.6.1 Submission of additional financial information regarding the Business Case.

#### 1.7 Other relevant background information

1.7.1 None.

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

1.2 34/10114 Development of 2.1 a for residential purpose parking play area of village use, REFUSED 30/05/1989

*Reasons for refusal:*

- 1. The application site lies outside the draft development boundary for the village, prepared in conjunction with the draft Glyndwr District Local Plan, and the development as proposed would represent an undesirable outward extension of Llanrhaeadr into a wooded area forming an important natural feature at its southern approach.*
- 2. It is considered that the release of this site is likely to result in a scale of development detrimental to the character of the village in terms of its social/cultural/linguistic characteristics, as such development could not be properly assimilated, being in conflict with the basis of Policy H3 of the Draft Glyndwr District Local Plan, seeking to limit the amount of development in such villages to identified small sites to accord more closely with local needs.*

1.3 23/2013/0775 Construction of new vehicular access to The Lodge car park, GRANTED 13/08/2013

1.4 23/2020/0463 Erection of 6 no. holiday accommodation units, site office and associated works, WITHDRAWN 19/06/2021

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

The main planning policies and guidance are considered to be:

#### **Local Policy/Guidance**

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

**Policy PSE5** – Rural Economy

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

**Policy PSE14** – Outdoor activity tourism

**Policy VOE 5** – Conservation of natural resources

**Policy ASA3** – Parking standards

**Policy VOE1** - Key areas of importance

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Caravans, Chalets & Camping  
Supplementary Planning Guidance Note: Trees & Landscaping

**Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 13 Tourism (1997))

TAN 18 Transport (2007)

TAN 23 Economic Development (2014)

TAN 24 The Historic Environment (2017)

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

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

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

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

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

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

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

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

1.4.1 Principle

1.4.2 Visual amenity including impacts to the Conservation Area

1.4.3 Impacts to the Registered Historic Park and Garden

- 1.4.4 Residential amenity
- 1.4.5 Drainage (including flooding)
- 1.4.6 Highways (including access and parking)
- 1.4.7 Ecology including impacts to trees

1.5 In relation to the main planning considerations:

1.5.1 Principle

Section 5.5 of PPW11 relates to tourism and sets out a general presumption in favour of encouraging sustainable tourism, where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.

PPW11 states that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse local/national economy, but requires development to be sympathetic to the local environment and to the needs of visitors and the local community.

Section 5.5.2 of PPW11 confirms that in Wales “the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.”

TAN15 -Tourism is consistent with the approach of PPW and confirms the importance of the tourism sector to the Welsh economy and under paragraph 4 states that Tourism “Makes a major contribution to the Welsh economy, provides employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas”.

TAN 6 Planning for Sustainable Rural Communities provides guidance on how Authorities should seek to create sustainable rural economies. Para. 3.1.2 states that they “should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment.”

This proposal reflects this guidance, as it would be a small rural business that would assist in supporting and diversifying the economy of the rural area in which it is set, and would provide employment for local persons.

The Planning Statement submitted with the application states that The Lodge is a family run small local business which consists of a two storey retail clothing shop and spacious coffee shop, which has been operating since 1976. The proposal is intended to support and diversity the contribution to the rural economy in the area and the proposed units are stated to be a valuable addition to the business at The Lodge and would help to provide a positive impact on the local economy including the nearby pubs and restaurants which are within walking distance from the site.

Having regard to relevant Local Development Plan Policies, Policy PSE 12 relates to chalets, static/touring caravans and camping sites and allows for the environmental improvement of existing sites but does not allow any new static caravan sites to be created. Officers are of the opinion that the proposed units would not meet the definition of a caravan due to the fact that they more akin to permanent structures as opposed to ‘caravans’ and not capable of being moved once erected. It is therefore considered that the units do not meet the definition of a caravan and Policy PSE12 would not apply in this case.

The Planning statement describes that the site is well situated in relation to reinforcing and expanding the tourism offer in line with Policy PSE14 in connection to the outdoor activity sector as it would complement the extensive outdoor pursuits available within the local area.

Policy PSE 14 states that development proposals that expand or reinforce the tourism offer of the County in the outdoor activity sector will be supported, subject to compliance with four criteria:

- i) the development is appropriate for its setting;
- ii) existing buildings are converted where possible;
- iii) there is no unacceptable impact on the local community; and
- iv) chalet development is only permitted if a significant need is demonstrated.

The justification for policy PSE 14 recognises that Denbighshire is well placed to take advantage of the growth in the outdoor activities sector. It is however stressed that development proposals will require very careful consideration to ensure there will be no detriment to the landscape character.

The Planning Statement states that there are no suitable buildings on the complex which are suitable for conversion. The Lodge is run as a business with retail and café uses and there are no outbuildings which could be used for visitor accommodation.

The proposal is not directly linked to a specific outdoor activity, and as such Officers are of the opinion that Policy PSE14 is not directly relevant to the assessment of the proposal. Officers instead consider that the most relevant policy to be 'Policy PSE5 - Rural Economy'.

Policy PSE 5 states that:

Appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and*
- ii) any suitable existing buildings are converted or re-used in preference to new build; and*
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and*
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.*

The justification to Policy PSE 5 establishes the need to sustain rural employment throughout the County is recognised and relevant considerations relating to sustainability and minimising environmental concerns are identified. The appropriateness of the scale and nature of the proposal is not considered to be unacceptable in this location. The site is on private land in association with The Lodge retail and café but is not used for any specific purpose. The land has been maintained but the woodland adjacent has not been managed for a number of years and requires attention. The proposal is for 6 units staggered down the field with landscaping and connections through the woodland and into the main car park. Officers consider the nature of the site being put forward for holiday accommodation is a logical expansion of the business at The Lodge and would bring into use an area of private land which is not currently used for any purpose by the landowner or the community.

There are no other buildings available for conversion at The Lodge site and as the proposal is for new build accommodation an appropriate business case is required for the development, in order to establish the benefits of the scheme in relation to sustaining local employment and the rural economy. The benefits could include provision of local employment opportunities, use of locally sustainable sources for any raw materials, scope to sell local produce, and provision of services to local communities. A business case has been submitted with the application with supplementary financial forecasting (confidential). It demonstrates that the proposed holiday accommodation would supplement the existing business at The Lodge and

would demonstrate a direct benefit for the local community due to its proposed siting and other business located within walking distance of the site.

Having regard to the representations received regarding the proposed need for the development, taking into account the approved major holiday accommodation site at Bryn Morfydd which is for around 90 lodges, redevelopment of the hotel and chalets on land near to The Lodge, Officers acknowledge the points raised and consider that the proposal for 6 one bed holiday units at the site would not result in an overconcentration of holiday accommodation sites within the area given the stark contrast in the nature of these developments. The target market at Bryn Morfydd is for families staying for weeks at a time in self-contained lodges, whereas the market at The Lodge site is for retired couples for long weekends with The Lodge business offering breakfasts and other meals provided if required.

With respect to the representations received, it is considered that as the Bryn Morfydd site was adjudged by Members to be acceptable on balance given there were few technical consultee reservations and the overall positive benefits the scheme would bring to the rural economy. Having regard to the proposal at The Lodge, it is considered that the scheme is small scale with a strong connection to an existing business operating at the site and overall would be acceptable in principle. It is accepted that small scale holiday accommodation, such as that now proposed, provides a large proportion of the holiday accommodation on offer in Wales.

To conclude, the principle of small scale holiday unit accommodation is not considered to be unacceptable in this location subject to an assessment of the localised impacts.

#### 1.5.2 Visual amenity including impact on the Conservation Area

The Development Management Manual (DMM) 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.

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.

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

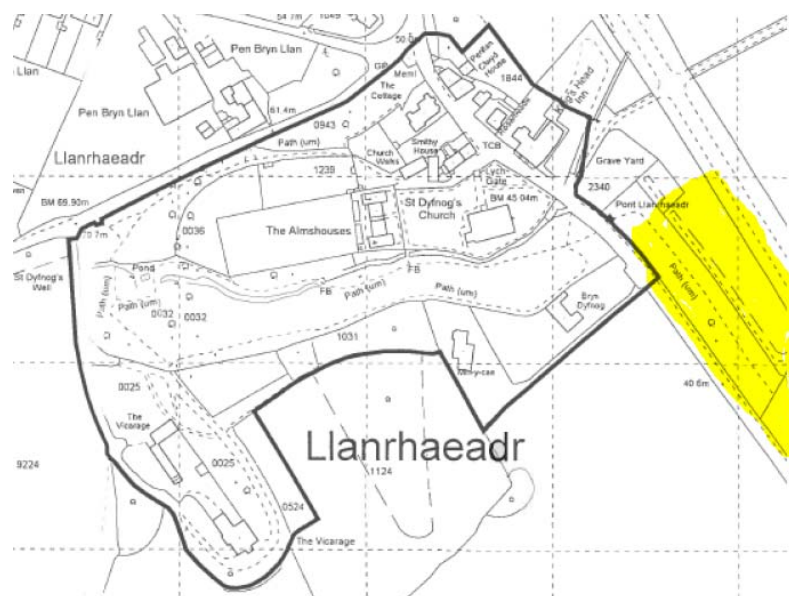
Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states *there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.*

Representations have been receiving raising visual amenity concerns over the impact the proposal would have on the Registered Historic Gardens and the adjacent Conservation Area stating that the proposal does not respect the site and surroundings nor does it protect or enhance the local natural and historic environment and impacts on prominent public views into and out of and across the settlement and area of countryside.



Neither CADW (Historic Parks and Gardens) or the Councils Conservation Officer object to the proposal. The Conservation Officer requires further details on the proposed materials, colour and finish for the units, windows and doors, any proposed gates and fences and materials for areas car park area and recommends conditions are attached ensuring a sample of the proposed stone cladding and slate tiles is provided for approval.

An extract from the HIA submitted has been included below which outlines the Conservation Area boundary of Llanrhaeadr with the site highlighted in yellow.



*Conservation Area Boundary (extract from HIA)*

The site is currently an open unused field with a section of woodland running parallel to the road to the southwest of the site. There is a large mature common lime tree within the centre of the site and the northern boundary of the site abuts the village graveyard and Conservation Area boundary.

The layout of the proposed 6 units incorporates the addition of hedgerow screening and planting to each side which provides privacy and hedgerow trees have already been planted to the northern boundary which will help to screen the site from the graveyard. The units are proposed to be staggered down the site at different orientations to each other. The maximum height of the units measures 4m with this maximum height on the nearest unit to the boundary with the A525 being 8m away. The hedgerow on this roadside boundary measures approximately 4m in height.

Having regard to the comments received regarding the impacts to the character of the area, Officers consider that the small scale nature of the proposals and the design and materials proposed are not likely to result in an unacceptable impact on the nearby Conservation Area. The materials include timber cladding which will help reflect the woodland adjacent and limestone cladding which is a common material within the area as well as slate roofs. The site is well contained by woodland to the west and hedgerow to the east and the proposed landscaping scheme would help to integrate the units into the site, reducing any visual impacts compared to the existing field which exists pre development. Owing to the woodland there is limited inter-visibility between the site and the conservation area. It is further considered that the site would be well screened from the public highway to the east by 4m high hedging (which is to be improved and supplemented as part of the scheme).

The proposed units are small scale and finished in natural materials which are not considered to have an unacceptable impact on the visual amenity of the area. Further

details of these materials are to be conditioned to ensure that the scheme is high quality within the setting. In terms of overall layout, the units are considered to be integrated well into the landscape and are of an appropriate size and number and the landscaping surrounding will help to ensure that they would not appear as a prominent feature in the landscape whilst also increasing the biodiversity value of the site.

Overall, subject to the imposition of conditions controlling the details of the materials and finishes of the units including windows and doors, areas of hardstanding and any fences and gates, Officers consider that the scheme would not result in any unacceptable visual amenity impacts to the character of the area including the setting of the Conservation Area.

### 1.5.3 Impacts to the Registered Historic Park and Garden

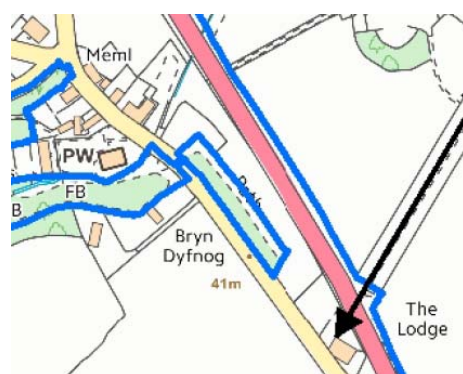
Local Development Plan Policy VOE 1 seeks to protect historic Landscape, Parks and Gardens from development that would adversely affect them.

Planning Policy Wales (PPW 11) Section 6.1.18 and 6.1.19 confirms the effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications. It states that Local Planning Authorities should protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales.

A number of objections have been received regarding the impacts of the proposed development on the character and setting of the Registered historic Park and Garden. A detailed Heritage Impact Assessment has been submitted and reviewed by the Conservation Officer and CADW.

The HIA concludes that in terms of the guidance offered by Cadw, the registered Park and Garden of Llanrhaeadr Hall and associated listed buildings offers a very strong contribution to the Heritage Asset through all of the four categories of Evidential Value, Historical Value, Communal Value and Aesthetic Value. The HIA contends that the proposals have a neutral and no adverse impact on the value of the Heritage Asset by contributing to a sustainable use for the site which will strengthen the heritage asset. These proposals do not prejudice the future of the site in any way, could be relatively easily reversed, and have a limited but benign effect upon the Heritage Asset.

CADW have informed the content of the HIA and it is worth noting that the outcome of a statutory revision to all Registered Historic Parks and Gardens is still awaited. The extract below however, details the proposed new Historic Parks and Gardens Boundary provided by CADW and only contains the woodland area of the site within the new boundary designation.



*Extract from HIA detailing the proposed new Historic Parks and Gardens Boundary provided by CADW in relation to the site.*

The Conservation Officer has raised no objection to the scheme and has requested conditions are attached to any approval to control the final details of the scheme in respect of materials, colours and finishes to the units and car parking area.

CADW raise no objection to the proposals and consider that the proposal seeks to reduce the impact on the setting of the registered park and garden through a series of mitigation and enhancement measures which identify opportunities to reunite the two areas of the registered park and garden. The proposed mitigation and enhancement measures are considered by CADW to reduce the impact of the proposed development to an acceptable level. The proposed 25 year woodland and landscape management plan is also very welcome and will inform and guide the measures.

Having regard to the comments by statutory consultees, with respect to representations received, it is not considered that the proposals would have an unacceptable impact on the Registered Historic Park and Garden or on the Conservation Area and local heritage assets.

#### 1.5.4 Residential amenity

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

Representations have been made regarding residential amenity issues such as over population of the village and noise generation.

The nearest dwelling to the site lies to the west approximately 80m away on the opposite side of the road, separated by the area of woodland. As the proposals are for 6 x 1 bed lodges it is considered that the likely increase in vehicles coming to the site would be 6 and as the target market is retired couples, it is not considered that there would be an unacceptable noise generation at the site when it is at full capacity nor would this increase in visitors to the area result in an over-crowding of the village.

Concerns were also raised regarding the proximity to the A525 at the point where vehicles will accelerate out of a 40mph zone, the noise and fumes will be unacceptable to occupants of the units. Whilst it is acknowledged that the site may have some noise from the passing traffic, a noise assessment was not deemed necessary as the units are for holiday purposes not residential. Given the orientation of the units facing to the west towards the woodland and the additional planting and screening to the A525 boundary, it was not considered reasonable to refuse the proposal on the grounds of noise impacts to the future visitors of the units.

It is not considered that the level of activity associated with the proposed holiday accommodation units would result in a level of noise and disturbance to occupiers which would give rise to a reason for refusal.

#### 1.5.5 Drainage (including flooding)

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

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

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The site is not in an area of flood risk.

NRW have not raised any objection to the scheme. Welsh Water have advised that there are assets within the site which require an easement. No drainage plans have been provided and Welsh Water recommend a condition is attached to any consent requesting a foul drainage scheme is submitted to ensure no detriment to existing residents or the environment or to DC/WW's assets. An additional condition to prevent surface water drainage into the public sewerage network is also advised to be attached.

The Drainage Officer has confirmed that SAB approval would be required for the development as the site is over 100sqm. No surface water drainage details have been included with the application and it is therefore considered reasonable to condition this detail on any decision to grant, in line with the comments provided by Welsh Water. As SAB approval would be required separately, the proposed drainage scheme would be assessed under different legislation.

#### 1.5.6 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 11 (PPW11) 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.

No objections have been received regarding highways matters.

There is an existing site access into The Lodge car park and a separate parking area is proposed for the holiday accommodation including parking for one car per unit which is in line with the advised 1 space per bedroom guidance adopted within the Parking Standards SPG relating to dwellings but is considered to be applicable here. The Highway Officer has raised no objection to the proposal.

It is therefore considered that the proposal would not have an unacceptable impact on the highway network.

#### 1.5.7 Ecology including trees

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

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

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

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

No representations have been received on ecological grounds.

A Preliminary Ecological Assessment (PEA) and Arboricultural Survey have been submitted with the proposal.

The PEA survey identified the following habitats within or in the vicinity of the application site: semi-improved grassland, deciduous woodland, intact native species-rich hedgerow, defunct native species hedgerow, post and wire fencing, metal fencing, a ha-ha, a gravelled driveway, a woodpile, a large lime tree and three smaller lime trees. The woodland, lime trees and hedgerows within and in the vicinity of the proposed site were assessed likely to support nesting birds during the season and to provide foraging/commuting opportunities for bat species. In addition, the woodland and large lime tree were assessed as having high potential to support roosting bats. Mitigation and enhancement measures have been provided within the report.

The County Ecologist has reviewed the details in the Preliminary Ecological Appraisal and has advised that they raise no objections but recommend conditions should be attached to any decision including that the development is carried out in accordance with the Precautionary Method Statement for common reptiles set out in Appendix 2 of the Ecological Report, that works are undertaken outside of bird nesting season, a landscaping scheme, external lighting scheme and ensuring that biodiversity enhancements measures are incorporated into the development for roosting bats and nesting birds is submitted for approval by the LPA.

Officers have assessed the contents of the Ecology Report and the advice provided by the Ecologist and consider that appropriately worded conditions should be attached to any decision to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable

steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11.

The Arboricultural Impact Assessment submitted is the same as for the original application which was withdrawn. It includes a different site plan and Tree Protection Plan in line with the previous layout of the 6 chalets. Nevertheless, the new layout is not considered to be significantly different to this and the trees to be protected would remain the same.

The report identified that all trees and hedgerows can be retained as part of the proposal. The construction of the footpath within these areas has the potential to result in damage to tree roots if undertaken using conventional methods through excavation and installation of a sub base for hard surfacing. The use of a Cellular Confinement System will be essential to mitigate the physical damage to tree roots and compaction of underlying soils thereby maintaining a healthy rooting environment.

The Council's Tree Consultant has reviewed the Arboricultural Assessment and has advised that the woodland appears to have been clear felled several decades ago with early mature species mainly comprising of beech, English elm, ash and hazel. The trees on the roadside are fully mature and were spared the felling. They concluded that the tree report is reasonable in its proposals for safeguarding the trees as the units are outside the Root Protection Areas (RPAs). The hedge should be allowed to grow to act as a screen.

Regarding the footpath through the woodland, the Tree Consultant raised no objection to a footpath along the line of the historical path and to the units, as a pedestrian only means of access. They advised that the main means of access for the servicing the units should be the path adjacent to the A525 and the path through the woodland should be minimalist in design, such as, a board edged path back filled with woodchip obtained from material on site. Officers consider it reasonable to impose conditions to control the final design of the footpath to ensure there is no detriment to the existing trees within the site.

Having regard to the comments received by the Tree Consultant, Officers are satisfied that the Method Statement and Tree Protection Plan would not impact unacceptably on the trees within the site.

#### Other matters

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

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

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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

5.1 The application is considered to be acceptable on the basis of the information submitted regarding the impact to the character of the area and the associated tourism benefits, and is recommended to be granted.

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

1. The development to which this permission relates shall be begun no later than 12 January 2027
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Location Plan (Drawing No. 3183/003 Rev A) - Received 13 October 2021
  - (ii) Site Plan as Existing (Drawing No. 3182/007 Rev A) - Received 13 October 2021
  - (iii) Proposed Site Plan (Drawing No. 3182/002 Rev C) - Received 13 October 2021
  - (iv) Proposed Floor Plan and Elevations Accommodation Unit (Drawing No. 3182/005 Rev B) - Received 13 October 2021
  - (v) Proposed Floor Plan and Elevations Service Unit (Drawing No. 3182/006 Rev B) - Received 13 October 2021
  - (vi) Covering Letter (Dated 22/09/21) - Received 28 September 2021
  - (vii) Planning Statement (Dated 23/06/20) - Received 28 September 2021
  - (viii) Heritage Impact Statement (Jeff St Paul) - Received 28 September 2021
  - (ix) Heritage Impact Statement (Richard Moorhead and Laing)) - Received 28 September 2021
  - (x) Ecological Appraisal (PJ Ecological Solutions, November 2020) - Received 28 September 2021
  - (xi) Arboricultural Appraisal (Salopian Consultancy, 30/11/20) - Received 28 September 2021
3. The holiday units hereby approved shall be occupied for holiday purposes only and not as a person's sole or main place of residence. A record shall be kept of all occupiers of the units and shall be made available for inspection at the reasonable request of the Local Planning Authority. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.
4. Prior to the commencement of development, a detailed landscaping scheme designed to deliver a net benefit for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall 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 commencement of development.
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 hedges, trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
6. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
7. Prior to the commencement of development, a detailed Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the

future management of all trees hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period.

8. The development shall be carried out in strict accordance with the Arboricultural Method Statement as set out in the Arboricultural Appraisal (Salopian Consultancy, November 2020) received on 28th September 2021. The works to tree T4 Common Lime shall not proceed as detailed in the Arboricultural Appraisal but shall be further agreed and included in the Site Management Plan for approval by the Local Planning Authority.
9. The development hereby approved shall be carried out in strict accordance with the Precautionary Method Statement for Common Reptiles set out in Appendix 2 of the Ecological Report (PJ Ecological Solutions, November 2020) received on 28th September 2021, in respect of reptile avoidance and mitigation measures.
10. Works which could result in the damage or destruction of active bird nests shall take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.
11. The development shall contain provision for roosting bats and nesting birds. The number, location and specification of these features shall be determined by a suitably qualified ecologist, and shown on appropriate plans and drawings. The updated plans shall be submitted to the Local Planning Authority for approval and the approved measures shall be implemented in full prior to the use of the site commencing.
12. Notwithstanding the hereby approved plans and documents, the woodland path shall not proceed in accordance with the details contained within the Arboricultural Appraisal (Salopian Consultancy, November 2020) received on 28th September 2021 and shall not be brought into use until the details of the construction, materials and finish of the path have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. Notwithstanding the hereby approved plans and documents, no fences, gates or walkways shall be installed or erected within the site (including the area of woodland contained within the blue line site boundary) until the details of the location, design, material, colour and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
14. Notwithstanding the hereby approved plans and documents, no works shall be permitted to commence on the construction of the parking area or maintenance access to the rear of the units until details have been obtained to the method of construction, materials and finish to these areas. The development shall be carried out in accordance with the approved details.
15. Notwithstanding the hereby approved plans and documents, no works shall be permitted to commence on the construction of the units/lodges/office until details regarding the external finishes of the units/lodges/office have been submitted to and approved in writing by the Local Planning Authority. This shall include the material, colour and finish of the timber cladding, walls, windows, doors, barge boards, fascia boards, plinth and decking. The development shall be carried out in accordance with the approved details.
16. Notwithstanding the hereby approved plans, no works shall be permitted to commence on the construction of the units until samples of the materials to be used in the installation of the stone cladding to the walls and the slate tiles for the roof have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
17. Notwithstanding the hereby approved plans, the development shall not be brought into use until details have been obtained to an appropriate bin/recycling storage facility required to serve the units on the site. The details shall include the location, design, materials, colour and finish to the facility. The development shall be carried out in accordance with the approved details.



18. No external lighting shall be permitted to be installed or operated on the site or within the woodland area, including emergency/ security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.
19. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
20. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
21. Should the use of the site cease for holiday accommodation purposes, all units shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to the satisfaction of the Local Planning Authority.

The reasons for the conditions are:-

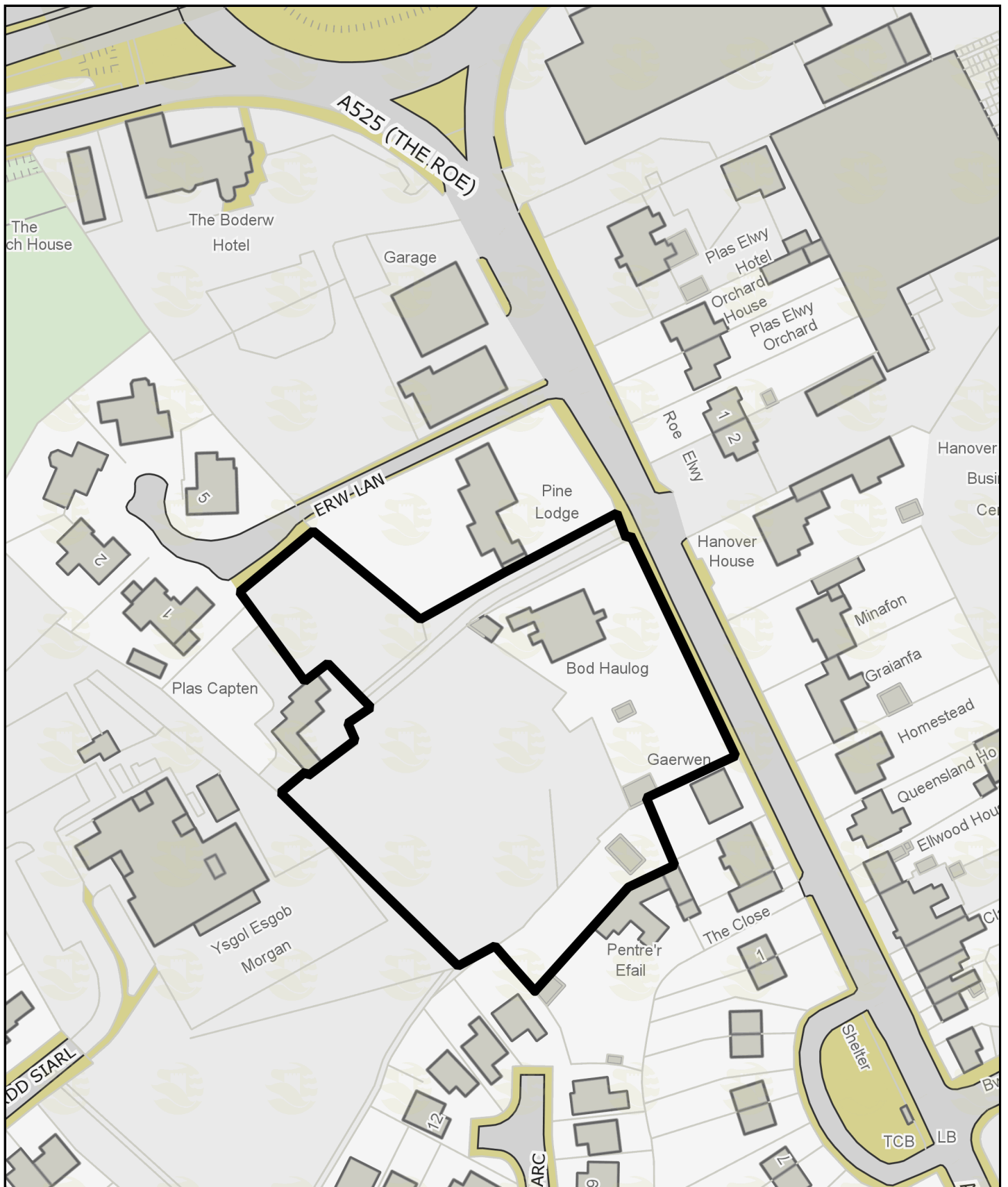
1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure that the units are utilised for holiday accommodation purposes only in line with national and local planning policies.
4. In the interests of nature conservation and in the interest of visual amenity.
5. In the interests of visual amenity.
6. In the interest of visual amenity.
7. In the interests of visual amenity and to protect ecological interests.
8. In the interests of visual amenity and to protect arboricultural interests.
9. To protect the conservation status of protected reptile species.
10. To protect the conservation status of protected birds.
11. To protect the conservation status of protected bat and birds.
12. In the interests of visual amenity and to protect arboricultural interests.
13. In the interests of visual amenity and to protect the character of the area.
14. In the interests of visual amenity and to protect the character of the area.
15. In the interests of visual amenity and to protect the character of the area.
16. In the interest of visual amenity and to protect the character of the area.
17. In the interest of visual amenity and to protect the character of the area.
18. In the interests of visual amenity and to ensure the favourable conservation status of protected bat species.
19. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
20. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
21. In the interest of landscape and visual amenity.

Mae tudalen hwn yn fwriadol wag

# Eitem Agenda 7

|                            |  |
|----------------------------|--|
| <b>WARD:</b>               | Gorllewin Llanelwy   |
| <b>AELODAU'R<br/>WARD:</b> | Y Cynghorydd Peter Scott   |
| <b>RHIF Y CAIS:</b>        | 46/2019/0806/ PO   |
| <b>CYNNIG:</b>             | Datblygu 0.75 hectar o dir at ddibenion preswyl (cais amlinellol gan gynnwys manylion ynglŷn â mynediad) |
| <b>LLEOLIAD:</b>           | Bod Haulog Y Ro Llanelwy LL17 0LY  |

Mae tudalen hwn yn fwriadol wag



**46/2019/0806**

**N Graddfa / Scale: 1:1250**

**Canol / Centre: 303229, 374594**

**Dyddiad / Date: 2021-12-23 15:39:27**

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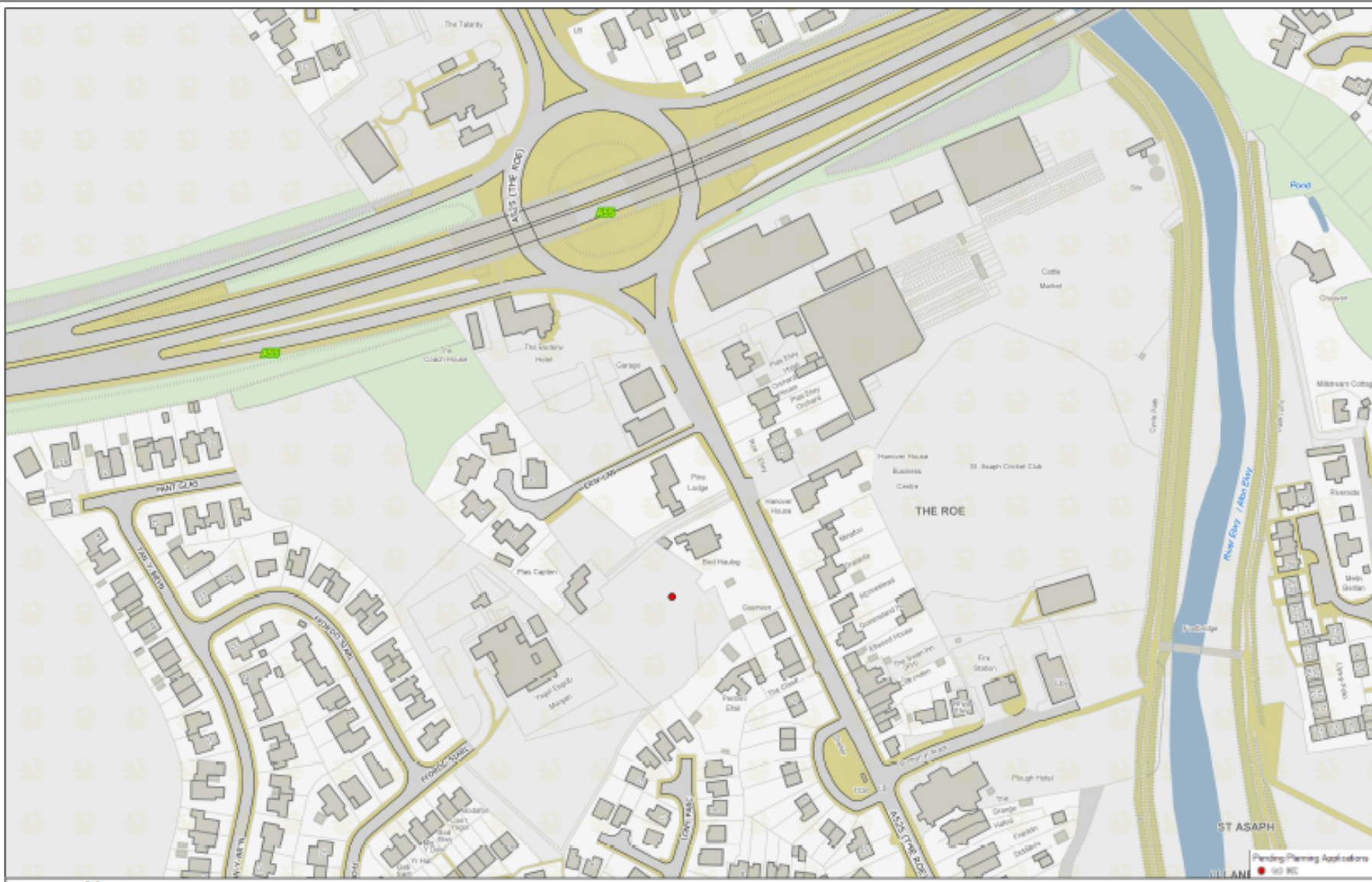


Location plan extract



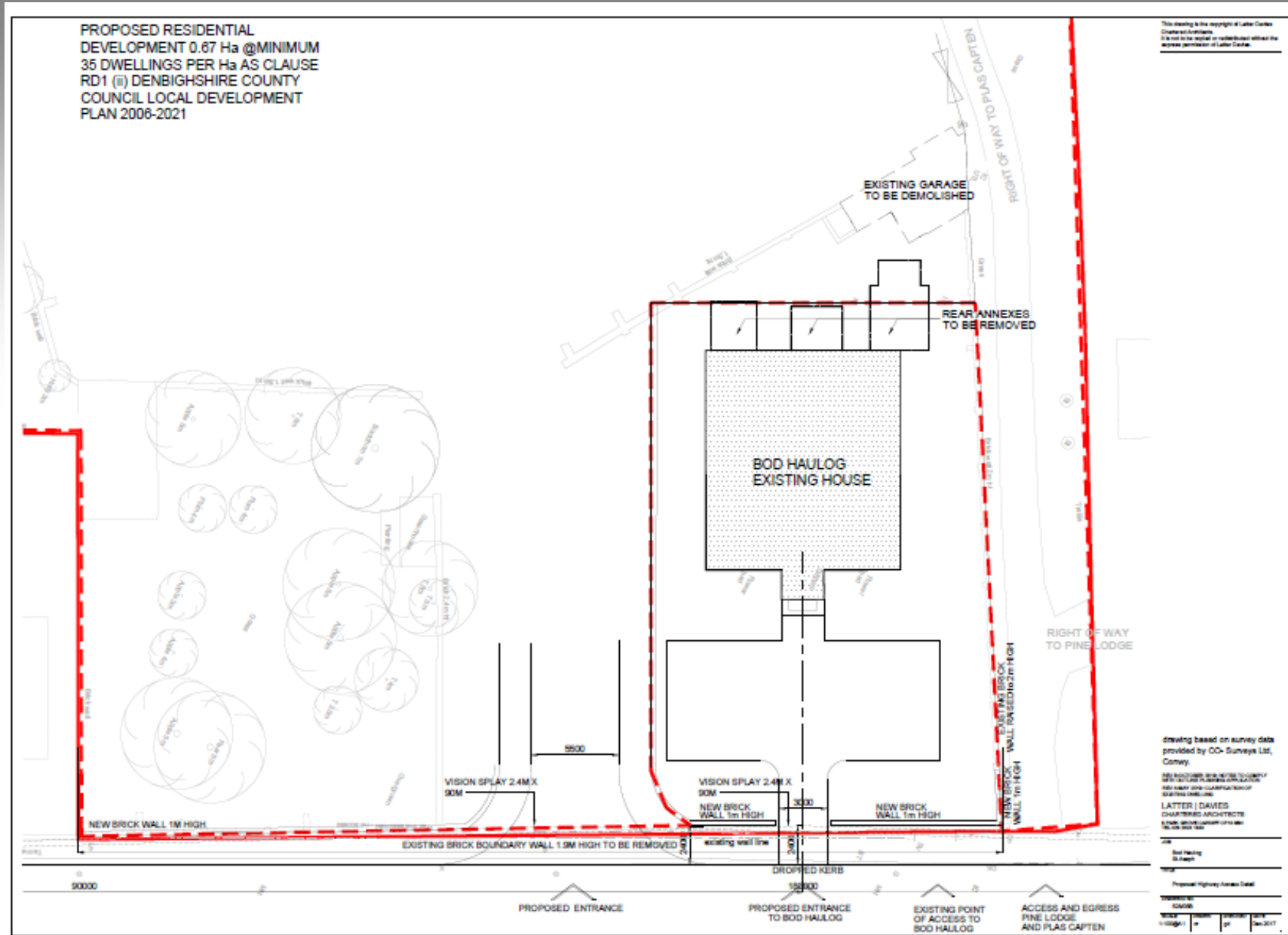


# Tudalen 101



# Site map





Proposed access plan





Indicative layout plan







Site frontage along the Road where access is proposed







Existing dwelling





View from within site towards side / rear of existing dwelling







Outbuilding within site







Outbuilding within site







Outbuilding within site







View from within site







View from site towards neighbouring dwelling





From within site towards neighbouring dwelling







From within site towards neighbouring dwelling





From within site towards neighbouring dwelling



**WARD :** St Asaph West

**WARD MEMBER(S):** Cllr Peter Scott

**APPLICATION NO:** 46/2019/0806/ PO

**PROPOSAL:** Development of 0.75 ha of land for residential purposes (outline application including access)

**LOCATION:** Bod Haulog The Roe St Asaph LL17 0LY

**APPLICANT:** Drs Oliver & Robert Prys-Jones

**CONSTRAINTS:** C1 Flood Zone B Flood Zone

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

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

**Scheme of Delegation Part 2**

- Member request for referral to Committee

**CONSULTATION RESPONSES:**

ST ASAPH CITY COUNCIL – No objections.

**NATURAL RESOURCES WALES:**

NRW raised concerns with the proposal on grounds of unacceptable flood risk impacts in the original consultation response and have been consulted several times throughout the course of the application following the submission of amended and additional flood consequences assessment information.

The final NRW re-consultation response with respect to flood risk is as follows:

**Flood Risk**

The planning application proposes highly vulnerable development (residential) within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15: Development and Flood Risk (July 2004). NRW Flood Risk Map confirms the site to be located within the 1% (1 in 100) and 0.1% (1 in 1,000) annual exceedance probability (AEP) event flood outlines. The site is also shown to be within the historical flood outline for the 2012 flood event.

The site is currently occupied by a single dwelling and undeveloped land. The development proposal is for residential development, consisting of 22-31 dwellings and would therefore constitute an intensification of use at the site.

The modelling work undertaken by JBA, which is presented in the most recent iteration of the Flood Consequences Assessment (FCA) (ref: 2019s0037 - Bod Haulog - FCA V6.docx), demonstrates that the proposal would result in increases in flood risk elsewhere, both in the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change and the 0.1% AEP event, in overtopping and breach scenarios. The increase in flood risk would impact residential properties, commercial buildings, the library, and general infrastructure. In the 0.1% AEP breach event, flood depths over a large area to the east of the site are shown to be increased by between 100 to 150mm, with some properties along The Roe shown to have increased flood depths of over 150 mm as a result of the proposed development.

The FCA therefore confirms that offsite flooding is in excess of the tolerable limit described in our guidance (Natural Resources Wales / Modelling for Flood Consequence Assessments),



which indicates that any detriment to third parties should be less than 5 mm, due to resolution used in the model.

Given the offsite impacts resulting from the development, the proposal fails to comply with the requirements of A1.12 of TAN15, which requires no flooding elsewhere. This will need to be an important factor for your Authority to consider in determining the application.

NRW would highlight that the proposed levels shown on the indicative site plan do not all match the recommendation in the FCA that site levels should be raised to between 13.20 to 13.80 m AOD. The gardens of the two easternmost properties are set to a level of 13.14 and 13.145 m AOD, which is below the design flood level. The plan should be updated to reflect the mitigation measures outlined within the FCA.

Other comments:

### **Protected Species**

#### **- Bats**

The Protected Species survey report states that there was no visible evidence of bats found in the three small buildings at the rear of the house, the small brick barn at the rear of the house, the small garden shed with slate roof nor at the larger shed with tin roof and chimney. NRW agree with the conclusions in respect of bats.

As well as the above-mentioned ecological reports it is noted that an updated report for the main house on the proposal site has been submitted. We note that a single bat has been found roosting in the attic. However, as the main house will not be a part of this application. NRW have not comment on the provisions of the Protected Species survey report with respect to the main house.

#### **- Great Crested Newts**

The Ecological Assessment states the proposed development site includes a garden pond. NRW agree with the conclusions in respect of great crested newt.

NRW have advised the implementation of the recommendations listed in the ecological report and advise the report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

#### **- Biosecurity**

NRW consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases, and recommend a condition is imposed to secure provision of a site wide Biosecurity Risk Assessment.

DWR CYMRU / WELSH WATER:

#### **ASSET PROTECTION:**

Dwr Cymru advise the site is crossed by a public sewer and that their assets will need to be protected. Dwr Cymru recommend the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.

#### **SEWERAGE:**

Dwr Cymru note the proposal to dispose of both foul flows and surface water runoff from the proposed development via the public sewerage system. Dwr Cymru advice that due to capacity constraints with the public combined sewerage network, under no circumstances would they allow surface water runoff from the proposed development to be discharged directly/indirectly into the combined public sewerage network.

In light of the above and given the omission of a detailed drainage layout plan, should permission be granted, Dwr Cymru request conditions and advisory notes should be attached to ensure no detriment to existing residents or the environment and to Dwr Cymru assets.

Two conditions are proposed:

- to secure details of a foul drainage scheme;
- to prevent surface water and/or land drainage from connecting directly or indirectly with the public sewerage network.

HEALTH BOARD:

No comments received

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety

- Highways Officer

*Original consultation response:*

Highway Officers have reviewed the site plans and transport statement and have concluded the following:

Sufficient information has been submitted.

Capacity of Existing Network - Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

Accessibility - Having regard to the location of the existing site and existing arrangements it is considered that the proposals are acceptable in terms of accessibility and the policy requirements identified above.

Site Access - Having regard to the detailed assessments above, taking into consideration the capacity of the existing highway network, accessibility, and site access, Highways Officers would see no reason to object to the proposed development, subject to appropriate conditional controls.

Therefore no objection to the application subject to 2 no. conditions being imposed to secure details of the means of access and a Construction Method Statement

*Re-consultation response:*

Confirmed highway officer response remains unchanged.

Ecology Officer:

*Original comments:*

Initially requested additional information as ecological report submitted in support of this application provides very little detail on the orchards within the site boundary. "Traditional orchard" is a priority habitat, as outlined in Section 7 of the Environment (Wales) Act and further information was requested to determine the status of the on-site orchard habitats.

*Re-consultation comments:*

Ecology Officer subsequently visited the site with the applicant and confirmed the orchard habitat present does not meet the criteria of a priority habitat. Therefore Ecology Officer has no objections to the application, provided that conditions are attached to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity.

Ecology Officer has recommend conditions to ensure landscaping scheme includes plant list to ensure no invasive alien species are included in the details of landscaping; to secure a biosecurity risk assessment and to ensure provision for roosting and nesting birds is incorporated into the development.

Flood Risk Engineer:

No written comments received however Officers sought advice from Lead Local Flood Authority on flood risk matters. Flood Risk Engineer verbally confirmed that on matters of fluvial flood risk, NRW are the statutory body and there does not appear to be any justification in this

instance for deviating from NRW requirements as set out in their consultation and re-consultation responses.

Strategic Planning and Housing Officer:

Site lies within the development boundary and therefore no comments provided on grounds of principle.

In terms of education contributions, based predicated number of dwellings, there is sufficient capacity within primary and secondary schools and therefore no financial contributions are required.

In terms of housing market assessment, the site lies within the Local Housing Market Assessment Area (LHMA) 03- Bodelwyddan & Border.

In accordance with the DCC Local Housing Market Assessment (July 2019), the recommended housing mix of market dwellings on new developments in Denbighshire is shown in the table below to address the issue of housing need:

| Recommended Housing Mix – Market Housing |       |        |       |
|--|-------|--------|-------|
| 1 + 2 bed                                | 3 bed | 4 bed+ | Total |
| 30%                                      | 35%   | 35%    | 100%  |

Where a developer proposes an alternative mix of housing sizes a robust evidence base must support the need for a deviation from this recommended mix. In addition, the supply of one and two bedroom properties must include an appropriate mix of housing types in terms of apartments, houses and bungalows and must not be simply catered for by apartments alone

10% of the onsite units will need to be affordable housing units and also contain an appropriate mix of unit sizes to be agreed with the Local Housing Authority, as per the Affordable Housing SPG. In line with PPW11 '*all affordable housing including that provided through planning obligations... must meet the Welsh Government's development quality standards*'. More information on this can be found at [Welsh Development Quality Requirements 2021](#) (WDQR 2021).

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

John Horden, Pentre Efail, The Roe, St. Asaph

John & Sheila Glaister, 2 Erw Lan, St Asaph

Esther Sime, 10 Llwyn Onn, St Asaph

David Lee, Willows Dental and Implant Practice, The Roe, St Asaph

Summary of planning based representations in objection:

### Residential amenity

- Loss of Privacy and Visual amenity of neighbouring properties.
- Neighbouring properties have windows overlooking the site.
- Indicative layout does not respect neighbours right of privacy and pays no attention to our right of visual amenity. Neighbours outlook is to become a car park and access road which will abut neighbouring building.
- Request conditions are imposed to require a wildlife strip between neighbouring properties and to prevent windows in new dwellings overlooking neighbouring properties and gardens.

### Ecology:

- The proposal would destroy the mature fruit tree orchard onsite – provide habitat for wildlife and filtering the air. Fruit trees onsite should be retained and protected.

### Landscaping / screening:



- The NW boundary abuts Erw Lan. Behind the boundary fence there are a number of trees and shrubs which screen views of the development area from Erw Lan.
- Request that should planning permission be granted, any existing significant trees are retained and additional landscape planting is secured to provide visual screen from existing neighbouring dwellings. Retention pond may have to be revised to allow sufficient room for adequate screening planting.

#### Traffic / transport:

- Challenges the robustness of the traffic study – peak times traffic of 15 vehicles is low for 26 plus houses.
- The Roe at peak times is congested and traffic can be at a standstill. Further development with access onto The Roe will put an additional unacceptable strain on severe traffic situation.
- Right turning traffic in and out of properties and side roads are a major cause of traffic delay on The Roe and current traffic at north (A55) end of the Roe is chaotic - petrol station, Bod Erw Hotel, Wynnstay Country Store and adjacent businesses, the Plas Elwy car sale site and the Cattle Market all combine to increase congestion and create enormous and dangerous conflicts of traffic over a relatively short length of highway.
- An 85 percentile traffic speed at peak time on the Roe of 29mph is suggested by the traffic report. Consider this must be incorrect because southbound traffic in particular is usually queuing along the full length of the Roe.
- There is no enforcement of illegal parking on yellow lines outside the petrol station and the car sale place.
- Accept that the proposed access to Bod Haulog is further south than the petrol station, but local perception is that The Roe is choked with traffic already. An extra 1% traffic cannot be dismissed as insignificant, on an already busy road, with right turn movements being a particular cause of delays.
- Erw Lan (NW boundary) is a private road – do not support the suggested pedestrian route connecting northwards from the new development to Erw Lan. This would reduce privacy and present security problems to existing residents.
- Concern about increased traffic and impact of new access on Dental Practice opposite.

#### Density

- Minimum density of 35 units per hectare is not acceptable. The local character of the area is for large semi and detached houses, to impose a terraced development onto the site is too dense.

#### Flood risk

- Concern about increased risk of flooding to neighbouring properties as a result of the development.
- Site has acted as a flood plain and held a lot of flood water in recent floods - if ground levels are raised within the site and site is development, this would result in more flood water being diverted along The Roe and towards existing property.
- Flood works have gone a long way to reassure people and contain river, but a breach is not impossible.

**EXPIRY DATE OF APPLICATION: 05/12/2019**

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

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

#### **PLANNING ASSESSMENT:**

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

###### **1.1 Summary of proposals**

- 1.1.1 The proposal is an outline application for residential development on land within the curtilage of Bod Haulog, including details of access. Details of appearance, landscaping, layout and scale are reserved matters.
- 1.1.2 The existing Bod Haulog dwelling house is proposed to be retained, however annex extensions to the rear of the dwelling and a detached garage within the grounds are proposed to be demolished.
- 1.1.3 The vehicular access to the Bod Haulog dwelling, which is in the north-east corner of the plot, is proposed to be re-sited so that it is aligned centrally with the existing house façade to improve visibility.
- 1.1.4 A new separate vehicular access to serve the proposed residential development is proposed off The Roe (A525). The existing 1.9m high brick wall along the boundary with The Roe is proposed to be demolished to facilitate the new access.
- 1.1.5 Whilst layout and scale are reserved matters, based on the size of the site which can be developed (deducting the grounds of the existing dwelling), based on a density of 35 dwelling per hectare, the Design and Access Statement indicates an indicative figure of 23 dwellings on 0.67ha of developable land within the site boundary.
- 1.1.6 The upper and lower limits as indicated on the indicative site plan allow for a 2 and 3 storey buildings to be developed and are as follows:

|             | Height (roof ridge) | Width | Length |
|-------------|---------------------|-------|--------|
| Upper limit | 23.3m AOD           | 10.2m | 12.05m |
| Lower limit | 21.185m AOD         | 7m    | 9.5m   |

- 1.1.7 In terms of drainage, foul water would discharge to the mains sewer and the draft drainage strategy indicates that, due to ground conditions, surface water cannot be discharged to ground due to predicated infiltration rates and it is not practical to discharge surface water to a water body. The proposed surface water drainage strategy would therefore be to incorporate SUDs within the site to include swales and detention basins and then surface water would discharge to the public sewer at an attenuated rate.
- 1.1.8 The application is accompanied by a Flood Consequences Assessment (FCA).
- 1.1.9 A topographic survey is included as an appendix to the FCA which indicates the site is relatively flat with site levels ranging from 11.8m AOD in the north to 12.7m AOD in the south.
- 1.1.10 To ensure the development would be flood free in the 1% AEP plus climate change event (TAN15 A1.14..) the Flood Consequences Assessment proposes site levels to be raised "to a minimum level of 13.2m AOD in the north and 13.8m AOD in the south and set minimum finished floor levels to 150mm above the ground levels".
- 1.1.11 This means that ground levels within the site are proposed to be raised some 1.4m in the north and 1.1m in the south.
- 1.1.12 The upper and lower heights are stated in AOD rather than above ground level. To assist Member's understanding of the application, the height above ground level is expressed below (both height above existing ground level and proposed ground levels are provided):

|  | Height above existing ground levels (11.8-12.7m AOD) | Height about proposed raised site levels (13.2m - 13.8m AOD) |
|--|--|--|
|--|--|--|

|                            |                 |                 |
|----------------------------|-----------------|-----------------|
| Upper height (23.3m AOD)   | 10.6m - 11.5m   | 9.5m to 11.1m   |
| Lower height (21.185m AOD) | 8.485m – 9.385m | 7.385m – 7.985m |

## 1.2 Other relevant information/supporting documents in the application

- 1.2.1 In addition to location, site and access plans, the following supporting documents have been submitted:
- Outline Drainage Strategy.
  - Ecological Assessment (Preliminary Ecological Appraisal).
  - Protected Species Survey for outbuildings proposed to be demolished.
  - Protected Species Survey for main house proposed to be retained.
  - Flood Consequences Assessment (revised FCA and addendum letters submitted during the course of the application).
  - Transport Assessment.
  - Design and Access Statement
  - Design and Access Statement Addendum.
  - Illustrative Section Plans.

## 1.3 Description of site and surroundings

- 1.3.1 The site occupied by a large double fronted detached two storey dwelling with extensive grounds which is situated along The Roe, St. Asaph. The dwelling is set back from the highway and the site is enclosed by a 1.9m high brick wall along the boundary with the footway along The Roe.
- 1.3.2 There is a private driveway along the north-western edge of the site which provides a private right of way to Pine Lodge, a residential dwelling to the north east and Plas Capten, a residential dwelling to the west of the site.
- 1.3.3 There are further residential properties along The Roe to the south-east, with the residential curtilage of Gaerwen and Pentre'r Efail abutting the south-east boundary of the site. The curtilage of 7 Lon y Parc abuts the southern corner of the site.
- 1.3.4 Ysgol Esgob Morgan shares a boundary to the south-west of the site.
- 1.3.5 The buildings on the opposite side of The Roe are a mix of residential and commercial units, and the two commercial buildings directly opposite, Minafon and Glandwr (Hanover House) are both Grade II Listed Buildings.

## 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is unannotated land within the St. Asaph development boundary.
- 1.4.2 The site is within C1 Flood Risk Zone as defined by TAN15.

## 1.5 Relevant planning history

- 1.5.1 None.

## 1.6 Developments/changes since the original submission

- 1.6.1 A revised FCA and addendum statements have been submitted during the course of the application in response to flood risk concerns raised by NRW.
- 1.6.2 NRW has been re-consulted as required throughout the course of the application.
- 1.6.3 The application stalled at the end of 2020 due to ongoing flood risk concerns and an extension of time was agreed.
- 1.6.4 In November 2021, the applicant confirmed they do not wish to submit any further flood risk information, and requested the application is submitted based on the flood risk information provided to date. An amended site plan was however submitted which

slightly amended the upper and lower limits for the proposal. Section Plans and a Design and Access Addendum were also provided at this time.

- 1.6.5 Due to the length of time since previous consultations had been undertaken, the application was subject to a full re-consultation prior to referral to Committee.

**1.7 Other relevant background information**

- 1.7.1 The supporting information refers to a possible conversion of the existing dwelling to apartments, however this does not form part of the current planning application and would require separate consent.

- 1.7.2 Separate formal approval for surface water drainage would be required from the SAB.

**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 4<sup>th</sup> June 2013)

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

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

**Policy BSC1** – Growth Strategy for Denbighshire

**Policy BSC3** – Securing infrastructure contributions from Development

**Policy BSC4** – Affordable Housing

**Policy BSC11** – Recreation and open space

**Policy BSC12** – Community facilities

**Policy VOE1** - Key areas of importance

**Policy VOE5** – Conservation of natural resources

**Policy VOE6** – Water management

**Policy ASA3** – Parking standards

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Affordable Housing

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Planning and the Welsh language

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

**Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 2 Planning and Affordable Housing (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 15 Development and Flood Risk (2004)

TAN 18 Transport (2007)

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that

planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

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

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

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

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

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Density of development and housing mix
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Flood Risk and Drainage
- 4.1.7 Highways (including access and parking)
- 4.1.8 Archaeology
- 4.1.9 Open Space

4.2 In relation to the main planning considerations:

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

The site is unannotated land located within the development boundary of St. Asaph which is defined as a Lower Growth Town in the LDP.

It should also be noted that the Denbighshire County Council Corporate Plan (2017-2022) commits the Council to supporting the development of 1000 homes in the county. This proposal would make a positive contribution to meeting that target.

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

#### 4.2.2 Density of development and housing mix

Local Development Plan Policy RD1 test ii) seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate a lower density.

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

##### *Density:*

Excluding the existing dwelling and section of the site proposed to be retained for its curtilage, the remaining site area is approximately 0.67ha. Applying a density of 35 dwellings per hectare would equate to 23 dwellings.

Whilst the application is outline with matters of layout and scale reserved, the indicative layout plan shows 20 dwellings which equates to a density of 30 dwellings per hectare.

The site is however constrained by the presence of neighbouring dwellings around the site which might restrict the potential to achieve higher densities due to the need to protect amenity, and Officers would note a density of 35 dwellings per hectare would not reflect the density in the immediate locale of the site.

For example, buildings fronting The Roe are mix of lower density detached and semi-detached properties

Other residential streets in the immediate locale of the site also have lower densities  
For example:

- Elwy Crescent has a density of approx. 28 dwelling per hectare density;
- Lon Parc has a density of approx. 27 dwellings per hectare;
- Housing estate to the west comprising Pant Glas / Fford Siarl / Tan y Bryn has a density of approx. 23 dwellings per hectare.

Officers therefore have concerns that a high density development in this location would be out of keeping with the character of the local area, and accordingly Officers consider it necessary to apply conditions to control density and a range of between 25 – 30 dwellings per hectare is considered to be an appropriate density range in this case which would allow for an efficient use of land whilst being respectful to the character of the local area.

##### *Housing mix:*

With regard to the mix of dwelling types, it is to be noted that the application is in outline form and that the design and style of dwellings is not for consideration, the Council's Strategy Planning and Housing Officer has advised housing mix should follow the recommendations of the Local Housing Market Assessment.

The upper and lower limits for the dwellings proposed as specified on the indicative site plan would allow for 2 and 3 storey dwellings to be development, and dwellings would have a footprint of between 66.5sq.m 122.9sq.m. Based on the lower limits for the dwelling proposed, the minimum internal floor space would be approximately

120sq.m, which would well exceed the Council's floor space standards for a 4 bed dwelling.

Officers therefore have concerns that the upper and lower limits proposed would preclude smaller units being developed within the site, and therefore the Council's preferred mix of market houses could not be achieved within the site.

The Upper and Lower limits proposed therefore are not sufficiently broad to facilitate an acceptable housing mix within the site, however Officers consider conditions can be imposed to make clear the upper and lower limits shall not be as stated on the indicative site plan, but as otherwise agreed in writing with the LPA to allow for a broader mix of housing.

As housing mix does not fall within the scope of reserved matters, Officers also consider it necessary to apply conditions requiring the details of house sizes and types to be submitted for approval and a note to applicant can be attached to any consent advising the applicants of the Council's policy to secure a reasonable mix of dwelling types.

#### 4.2.3 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

Representations from private individuals have commented on the need for landscaping and screening.

The proposed upper and lower limits would allow for both two and three storey dwellings to be constructed, and it is of note that site levels also need to be raised by up to 1.4m to mitigate the risk of onsite flooding. Ridge lines would be approximately 8.5m to 11.5m above existing ground levels.

An indicative site layout plan has been provided, which shows a suggested layout of a mix of two and three storey dwellings on varying ground levels. Subject to siting, Officers consider three-storey dwellings sited on land that has been raised by some 1.4m could appear out of scale with surrounding properties.

Officers would note that, as matters of layout, scale, landscaping and appearance are reserved matters, the Council does not have to accept three-storey at reserved matters stage if there are concerns on visual amenity grounds at that stage.

Owing to concerns relating to the combination of raised site levels and the potential for three-storey properties to come forward, to avoid prejudice at reserved matters stage, Officers consider it necessary to impose a condition to make it explicit that the indicative layout proposed is not subject of the outline consent.

Therefore, matters of layout, landscaping, scale and appearance are reserved and conditions can be imposed to make it explicit that the indicative layout along with the upper and lower limits shown on the proposed site plan are not subject of the outline consent. These would be dealt with at reserved matters stage, when the full impact of development and visual impact of the proposal can be fully assessed.

At this stage, therefore, it is not considered there are any reasonable visual amenity grounds to resist the grant of outline consent.

#### 4.2.4 Residential amenity

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

Representations from private individuals have raised concerns on grounds of adverse impact on residential amenity currently enjoyed by neighbouring properties.

As stated in the visual amenity section above, the proposed upper and lower limits would allow for both two and three storey dwellings to be constructed, and site levels would also be raised.

Subject to siting, Officers consider three-storey dwellings sited on land that has been raised by some 1.4m may give rise to adverse impact on residential amenity of neighbouring property.

Again, on the grounds of residential amenity, a condition is proposed to make it explicit that, if approved, the outline consent does not convey any approve of the indicative layout proposed.

Therefore, conditions can be imposed to make it clear the proposed layout is not approved at this stage, and whilst the upper limit would allow three-storey property to be built, it does not follow that the Council must agree to three-storey property at reserved matters stage should there be concerns on residential amenity grounds,

Therefore, in the absence of full details of the layout, landscaping, scale and appearance, it is not possible or appropriate to consider specific residential amenity issues at this point. These would be dealt with at reserved matters stage, when the full impact of development and proximity to existing property can be fully assessed. However, it should be noted that the indicative layout suggests that adequate separation distances (as advised in SPG Residential Development) can be achieved. At this stage, therefore, it is not considered there are any reasonable residential amenity grounds to resist the grant of outline consent.

#### 4.2.5 Ecology

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

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

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

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to*



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

Public representations have raised concerns on ecological grounds. NRW have raised no objection on ecological grounds, but advise the recommendations in the Protected Species Report should be followed, and conditions should be imposed to secure submission of a Biosecurity Risk Assessment.

The Ecology Officer has raised no objection, subject to conditions to maintain and enhance biodiversity and to ensure landscaping scheme includes plant list to ensure no invasive alien species are included in the details of landscaping; to secure a biosecurity risk assessment and to ensure provision for roosting and nesting birds is incorporated into the development.

Notwithstanding concerns raised by public representations, having regard to the conclusions of the Protected Species Survey and the advice of NRW and Ecology Officer, subject to the imposition of conditions, Officers would conclude the proposal would not adversely impact on ecological interests.

#### 4.2.6 Flood Risk

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 (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed.

TAN 15 paragraph 6.2 states:

“New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

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

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

**and,**

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

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

TAN15 section A1.11 and A1.12 provide further clarity on the criteria for deciding whether such flood consequences for a development is acceptable. The criteria includes the need to demonstrate that existing flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a probability of occurrence of 0.1%) and there would be no flooding elsewhere as a result of the development.

Public representations have raised concerns regarding the risk of flooding.

NRW have raised significant concerns with the proposal on the grounds that the development would unacceptably increase flood risk to other residential properties, commercial buildings, the library, and general infrastructure.

The site lies within a C1 flood risk zone as defined by TAN15.

The application is supported by a Flood Consequences Assessment which has been amended during the course of the application, and additional information has been provided.

To mitigate the risk of flooding within the site, site levels are proposed to be raised by between 1.1m and 1.4m and finished floor levels are proposed to be set at 150mm.

NRW have been re-consulted on each iteration of the FCA, and whilst they are satisfied that measures proposed to mitigate the flood risk for the site itself are acceptable, they have maintained their view that the development would result in an unacceptable increase in the risk of flooding off site.

The applicant has confirmed that they do not wish to submit any further flood assessment information as it is the applicant's contention that NRW have misapplied TAN15 guidance.

This is on the basis that NRW consider that a breach of the St. Asaph Flood Defence should be considered as the 'design event' for the purposes of the flood consequences assessment.

The FCA however puts forward the contention that, given the St Asaph flood defences have recently been constructed, it is assumed they would have been built to a 100 year design life and will withstand overtopping in the 0.1% plus climate change event. It is assumed that the defences would be regularly inspected and maintained, that it would therefore be unreasonable for a breach of these defences to be the 'design event', and it should instead be considered as a residual risk in the FCA.

Officers would note that the approach taken as to how a breach of the flood defences is assessed is core to the assessment of potential flood risk.

NRW, in their consultation response dated 24/09/20 have defended their stance that the breach should be considered to be a design event, and in their final consultation response they have re-iterated that their views remain unchanged, and they maintain the view that the development would increase flood risk to surrounding property, which is unacceptable.

It should also be stressed that the purpose of the St Asaph flood defence scheme was to provide significant flood risk betterment to the community of St. Asaph and that it was designed to protect existing infrastructure; it has not however been constructed to promote new development in a high flood risk area.

Notwithstanding the stance taken in the FCA, Officers would stress that NRW are the statutory body for flood risk and consider in this instance significant weight should be apportioned to their advice.

In terms of the tests set out in TAN15 at 6.2, whilst the site lies within the St. Asaph development boundary and the development would contribute to local housing supply, the site has not been allocated for housing development in the LDP and therefore the proposal could not be considered to be necessary to assist a regeneration initiative or to sustain the settlement of St. Asaph, and nor would it deliver key employment objectives.

The site is residential garden area and therefore would fall within the PPW definition of previously developed land, however it should be noted the site is nevertheless largely undeveloped land (lawns and planting area), rather than being a 'brownfield' site.

Having regard to the consultation responses of NRW, who have consistently advised that the proposal would create an unacceptable risk of offsite flooding, the proposal has also not satisfactorily demonstrated the potential consequences of a flooding are acceptable.

The proposal therefore does not meet the tests set out in TAN15 6.2 which are required to be met in order to justify development in a C1 flood risk zone, and the proposal is therefore contrary to the advice and guidance contained in PPW and TAN15.

#### 4.2.7 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.

Dwr Cymru has advised the site is crossed by a public sewer and that their assets will need to be protected.

With respect to drainage, Dwr Cymru note the proposal to dispose of both foul flows and surface water runoff from the proposed development via the public sewerage system. Dwr Cymru have however advised that due to capacity constraints with the public combined sewerage network, under no circumstances would they allow surface water runoff from the proposed development to be discharged directly/indirectly into the combined public sewerage network.

Officers consider conditions can be imposed to secure details of foul drainage and to prevent surface water or land drainage from discharging to the public sewer.

Officer also note that surface water drainage proposals would require separate SAB approval.

Subject to the imposition of necessary conditions and advisory notes, Officers consider the proposal would not result in any unacceptable impacts from drainage arrangements.

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

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards.

These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development

Representations from private individuals have raised concerns on grounds of adverse impact on highway safety and unacceptable increase in traffic along The Roe.

Highways Officers have raised no objection to the proposal, subject to conditions being imposed. Highway Officers have taken into account the capacity of the existing highway, accessibility and the adequacy of the proposed site access.

The application includes details of access, and a new vehicular access is proposed along the site frontage off The Roe, and existing boundary wall would be removed to facilitate the formation of the access.

Notwithstanding the concerns raised by public representations, having regards to the Highway Officer assessment, subject to the imposition of conditions, Officers consider the proposal would not give rise to unacceptable impact on highway safety.

#### 4.2.9 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4.

Local Development Plan Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (PPW 11) Section 4.2.25 states that a communities need for affordable housing is a material planning considerations which must be taken into account in formulating development plan policies and the determination of planning applications. It states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

The Strategic Planning and Housing Officer has confirmed there is a demand for affordable home ownership in St Asaph.

The proposal is in outline form and therefore the number and type of housing has not been determined, however the site would nevertheless deliver in excess of 10 units and therefore a combination of onsite provision and a commuted sum would likely be required. Owing to the outline nature of the application a planning condition is considered appropriate to secure the necessary affordable housing provision.

Subject to the inclusion of a suitably worded condition, the proposal is considered acceptable in relation to Policy BSC3 and advice contained in SPG Affordable Housing.

#### 4.2.10 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. The assessment shows a deficiency in the area of St Asaph.

For developments of fewer than 30 dwellings, LDP policy BSC 11 'Recreation and Open Space' and Supplementary Planning Guidance 'Recreational Public Open Space' allows the provision of a financial contribution towards public open space, using the Council's Open Space Calculator. Due to the outline nature of the application a planning condition is considered appropriate to secure the open space provision.

#### Other matters

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

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

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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

5.1 The proposal is within the St. Asaph development boundary and the principle of the development is acceptable.

5.2 The site lies within a C1 flood risk zone, and having regard to the advice of NRW, the proposed development would result in an unacceptable increased risk of offsite flooding. The proposal would therefore increase the flood risk of residential properties, commercial buildings, the library, and general infrastructure in the vicinity of the site, and the proposal has failed to demonstrate the consequences of flooding are acceptable.

5.3 Whilst the development would contribute to housing supply in the County, the site has not been specifically allocated for housing development in the LDP and therefore the proposal could not be considered to be necessary to assist a regeneration initiative or to sustain the settlement of St. Asaph, and nor would it deliver key employment objectives.

5.4 The proposed residential development within a C1 flood risk zone is therefore not justified, and the proposal is considered to be contrary to Policy RD1 and the advice and guidance contained in PPW and TAN15, in particular Section 6.2 and A1.12.

5.5 Officers therefore recommend the application should be refused on grounds of unacceptable flood risk.

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

1. It is the opinion of the Local Planning Authority that the site is located within a C1 flood risk zone and the proposed development is not considered to be necessary to assist a regeneration initiative or to sustain the settlement of St. Asaph, or deliver key employment objectives and would result in an unacceptable increase in flood risk elsewhere. Therefore, the potential consequences of flooding are not considered to be acceptable and a residential development in this location within a C1 flood risk zone is not justified. The proposal is considered to be contrary to Denbighshire Local Development Plan Policy RD1 (xi) and the advice and guidance contained in Planning Policy Wales (Edition 11, February 2021) section 6.6.22 to 6.6.29 and Technical Advice Note (TAN) 15: Development and Flood Risk (2004).