



At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: 29 Awst 2024

Rhif Union: 01824 712589

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 4 MEDI 2024 am 9.30 AM** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN A THRWWY GYNHADLEDD FIDEO**

Yn gywir iawn

G Williams
Swyddog Monitro

AGENDA

1 YMDDIHEURIADAU

2 DATGANIADAU O FUDDIANT (Tudalennau 5 - 6)

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

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

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

4 COFNODION (Tudalennau 7 - 16)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 17 Gorffennaf 2024 (copi ynghlwm)

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 - 6)

5 CAIS RHIF 15/2023/0029 BURLEY HILL GARAGE, ERYRYS (Tudalennau 17 - 44)

Ystyried cais i newid defnydd tir ar gyfer parcio 3 bws ar y man tarmac presennol (cais ôl-weithredol) yn Burley Hill Garage, Eryrys (copi ynghlwm).

6 CAIS RHIF 41/2024/0115/PF THE WARREN, BODFARI (Tudalennau 45 - 78)

Ystyried cais i godi annedd menter wledig, gosod tanc septig a gwaith cysylltiedig yn The Warren, Bodfari (copi ynghlwm).

ADRODDIAD ER GWYBODAETH

7 ADRODDIAD ER GWYBODAETH - CRYNODEB O BENDERFYNIAD APÊL KYNAL HOUSE (45/2021/0516) (Tudalennau 79 - 94)

AELODAETH

Y Cynghorwyr

Y Cynghorydd Mark John Young
(Cadeirydd)

Y Cynghorydd Alan James (Is-
Gadeirydd)

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

Julie Matthews
Terry Mendies
Raj Metri
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Andrea Tomlin
Cheryl Williams
Elfed Williams

COPIAU I'R:

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

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT Y CYNHELIR Y CYFARFOD

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

Cyflwyniad cyffredinol

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

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

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

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

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

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

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

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

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

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

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

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

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

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

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

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

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

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

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

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

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

Y drefn bleidleisio

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

Aelodau sy'n mynychu dros Zoom

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

Aelodau sy'n mynychu'r Siambr

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

Canlyniad Terfynol

Bydd y Cadeirydd yn cyfri'r pleidleisiau ac yn cyhoeddi a yw'r cais wedi cael ei gymeradwyo neu ei wrthod.

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

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

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

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

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun a thrwy gynhadledd fideo, Dydd Mercher, 17 Gorffennaf 2024 am 9.30 am.

YN BRESENNOL

Y Cynghorwyr Michelle Blakely-Walker, Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Jon Harland, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Arwel Roberts, Gareth Sandilands, Andrea Tomlin, Cheryl Williams a Mark Young (Cadeirydd)

HEFYD YN BRESENNOL

Ymgynghorydd Cyfreithiol (CL), Rheolwr Datblygu (PM), Prif Swyddog Cynllunio (PG), Pennaeth Cynllunio, Gwasanaethau Gwarchod y Cyhoedd a Chefn Gwlad (EJ) Uwch Beiriannydd (MP), Rheolwr Traffig, Parcio a Diogelwch Ffyrdd (MJ), Gweinyddwr Zoom (SW) a Gweinyddwr Pwyllgor (NH)

Siaradwr Cyhoeddus – Huw Edwards (ymgeisydd) Eitem 6

Siaradwr Cyhoeddus – Saul Page (preswlydd) Eitem 7

Siaradwr Cyhoeddus - Endaf Roberts (asiant) Eitem 7

Siaradwr Cyhoeddus – Steve Grimster (asiant) Eitem 8

Aelod Lleol – Cynghorydd Hugh Evans yn bresennol ar gyfer eitem 5 ar y rhaglen.

Aelod Lleol – Cynghorydd Peter Scott yn bresennol ar gyfer eitem 7 ar y rhaglen.

Aelod Lleol – Cynghorydd Pauline Edwards yn bresennol ar gyfer eitem 8 ar y rhaglen.

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Chris Evans, Merfyn Parry ac Elfed Williams.

2 DATGAN CYSYLLTIAD

Datganodd y Cynghorydd James Elson gysylltiad personol yn eitem rhif 5 ar y rhaglen gan fod ei lysfab wedi gweithio i Jones Brothers.

Datganodd y Cynghorydd Gwyneth Ellis gysylltiad personol yn eitem rhif 6 ar y rhaglen gan fod ei chŵn yn mynd i'r lleoliad gofal dydd ar safle'r cais.

Datganodd y Cynghorydd Huw Hilditch-Roberts gysylltiad personol yn eitem 6 ar y rhaglen gan fod merch yr ymgeisydd yn yr un dosbarth â'i ferch yn yr ysgol.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

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

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 19 Mehefin 2024. Felly:

PENDERFYNWYD: *derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 19 Mehefin 2024 fel cofnod cywir.*

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 - 8)

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 ymwneud â cheisiadau penodol. Er mwyn bodloni ceisiadau i siarad gan y cyhoedd, cytunwyd i amrywio trefn ceisiadau ar y rhaglen yn unol â hynny.

5 CAIS RHIF 19/2022/0783/ PC - TYN Y MYNYDD, LLANELIDAN, RHUTHUN, LL15 2LG

Cyflwynwyd cais ar gyfer newid defnydd adeilad a thir amaethyddol i gyfleuster gofal dydd a phreswyl ar gyfer cŵn, adeiladu swyddfa safle, gosod carthbwll a gwaith cysylltiedig (cais ôl-weithredol).

Siaradwr Cyhoeddus – Huw Edwards (O blaid) roedd angen mawr am y cyfleuster hwn yn lleol. Gweithredwyd eisoes ar argymhellion gan Swyddogion a dilynwyd canllawiau megis ychwanegu insiwleiddiad wal graig mewn mannau a oedd yn debygol o adleisio sŵn. Roedd newidiadau o fewn y Cynllun Busnes a Rheolaeth hefyd wedi'u rhoi ar waith mewn perthynas â lliniaru sŵn. Roedd hyn yn amrywio o waith sgrinio ychwanegol am lefydd yn cau a mwy o ymwybyddiaeth ymysg staff.

Roedd y busnes yn fusnes teuluol ac yn cyflogi tri aelod o staff llawn amser a nifer o staff rhan amser pan oedd angen, yn ogystal â bod yn gefnogwr brwd o Gynllun Dechrau Gweithio Sir Ddinbych. Roedd y busnes hefyd yn darparu ar gyfer unigolion ag Anghenion Addysgol Arbennig.

Ar hyn o bryd roedd mil o gŵn wedi'u cofrestru o dan y busnes gofal dydd a llety i gŵn, gyda llawer o gwsmeriaid yn dibynnu'n helaeth ar y gwasanaeth a ddarperir.

Roedd llawer o fanteision i'r cŵn ddefnyddio'r cyfleuster, gan gynnwys ymarfer corff a chymdeithasu. Caiff yr holl gŵn eu sgrinio cyn cael dod yno, ac ni chaniateir cŵn ymosodol.

Trafodaeth Gyffredinol –

Croesawodd yr Aelod Lleol, y Cynghorydd Hugh Evans y wybodaeth fanwl am gefndir y busnes o fewn y cais. Roedd y gwrthwynebiadau blaenorol i'r cais wedi cael sylw ac roedd yn llwyr gefnogi'r cais.

Gofynnodd y Cynghorydd Andrea Tomlin am eglurhâd ar yr elfen ôl-weithredol o'r cais. Holodd a oedd yr elfen ôl-weithredol wedi ffafrio'r ymgeisydd a'r trigolion, gyda mwy o sieciau a balansau yn cael eu gwneud na phe bai'n gais gwreiddiol. Eglurodd y Rheolwr Datblygu fod y mater hwn yn cael ei godi'n aml pan oedd pobl yn cyflwyno ceisiadau ôl-weithredol. Nid oedd unrhyw beth mewn deddfwriaeth na chyfraith cynllunio a oedd yn nodi bod ceisiadau ôl-weithredol yn anghyfreithlon. Bu sgysiau gyda Llywodraeth Cymru a Llywodraeth y DU ynghylch newid y ddeddfwriaeth o ran ffioedd cynllunio a'u cynyddu. Gall hyn fod yn rhwystr i ymgeiswyr a'u hannog i fynd drwy'r broses ceisiadau cynllunio sydd eisoes ar waith. Byddai swyddogion yn rhoi'r wybodaeth ddiweddaraf i aelodau pe bai'r ddeddfwriaeth yn newid.

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

Pleidlais –

O blaid – 16

Yn erbyn – 0

Ymatal – 0

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

6 CAIS RHIF 40/2023/0627/ PF - TIR YM MRYN MORFA, BODELWYDDAN, Y RHYL

Cyflwynwyd cais ar gyfer dymchwel annedd ac adeiladu 31 o anheddau fforddiadwy newydd gan gynnwys mynediad newydd i gerbydau, ffordd fynediad fewnol a gwaith cysylltiedig.

Siaradwr Cyhoeddus – Saul Page (yn erbyn) yn byw ar y stryd am 7 mlynedd roedd llawer o bryderon am y cais oedd wedi ei gyflwyno ar gyfer y tir gwyrdd ger yr ardal breswyl bresennol.

Roedd y gwrthwynebiadau yn erbyn y cais fel a ganlyn –

- Colli tir gwyrdd.
- Roedd posibilrwydd i brisiau tai ostwng gan na fyddai'r stryd bellach yn ffordd bengaead.
- Roedd difrod i gerbydau yn bryder gyda'r cynnydd mewn traffig oherwydd y stryd gul.
- Pryderon ynglŷn â diogelwch plant yn chwarae tu allan gan y byddai'r stryd yn dod yn ffordd drwodd i'r datblygiad newydd, gyda chynnydd mewn cerbydau adeiladu yn ystod y gwaith.
- Plant yn cael eu gorfodi i chwarae y tu mewn, gan gyfyngu ar fynediad i'r awyr agored.

I gloi, roedd y Pwyllgor yn awyddus i ymweld â'r safle i weld sut y byddai'r mewnlifiad traffig yn effeithio ar y stryd gul cyn gwneud penderfyniad ar y datblygiad.

Siaradwr Cyhoeddus – Endaf Roberts (o blaid) - mae angen tai fforddiadwy yn Sir Ddinbych ac roedd yr angen presennol sydd heb ei ddiwallu yn arwain at drigolion yn byw mewn gwestai.

Byddai'r cais hwn yn cyfrannu at ddarparu cartrefi fforddiadwy yn Sir Ddinbych. Roedd y safle mewn ardal hynod gynaliadwy ym Modelwyddan, gyda chysylltiadau cludiant cyhoeddus. Roedd y safle ar hyn o bryd mewn perchnogaeth breifat heb unrhyw fynediad cyhoeddus. Roedd yr aneddiadau yn y cynnig yn amrywio o eiddo 1 ystafell wely i gartrefi teuluol mwy, a fyddai'n diwallu'r angen yn uniongyrchol.

Roedd yr ymgeisydd wedi darparu gwybodaeth ychwanegol ar faterion tir amaethyddol, priffyrdd a gofynion ecolegol.

Nodwyd bod materion priffyrdd wedi eu hamlygu fel pryder ac atgoffwyd yr aelodau na wrthodwyd cynllun marchnata tebyg ar yr un safle lle disgwylir i berchenogaeth ceir fod yn llawer uwch na'r cynnig hwn ar sail priffyrdd.

Roedd y safle mewn lleoliad cynaliadwy ac yn darparu mathau a chymysgedd o dai yr oedd dirfawr eu hangen yn yr ardal.

Gofynnwyd yn garedig am ganiatâd cynllunio i'r cais er mwyn gallu mynd i'r afael â rhan o'r argyfwng tai yn yr ardal.

Trafodaeth Gyffredinol –

Dywedodd yr aelod lleol, y Cynghorydd Raj Metri ei fod yn deall pryderon y trigolion ond bod y boblogaeth yn cynyddu a'r angen am dai yn cynyddu.

Gofynnodd y Cadeirydd am wybodaeth gan swyddogion ar y mater bod y cais y tu allan i'r Cynllun Datblygu Lleol (CDLI) a'r rheswm y derbyniwyd y cais i ddod gerbron y Pwyllgor Cynllunio, yn ogystal â'r pryderon a godwyd am y briffordd.

Eglurodd y Prif Swyddog Cynllunio nad oedd y safle yn y CDLI a'i fod y tu allan i ffin y datblygiad. O fewn y CDLI mabwysiedig roedd polisi eithriadau (polisi BSC8) a oedd yn caniatáu ar gyfer anheddau y tu allan i ffin y CDLI pe bai'r cais yn amlygu'r angen am dai fforddiadwy. Ni allai 55% o aelwydydd yn ardal Bodelwyddan fforddio rhentu na phrynu eiddo ac am y rhesymau hyn argymhellodd swyddogion ganiatáu'r cais.

Dywedodd yr Uwch Beiriannydd Rheoli Datblygiadau, Traffig, Parcio a Diogelwch Ffyrdd wrth y Pwyllgor fod y cynnig ar gyfer 31 o unedau preswyl ac y byddai mynediad uniongyrchol i'r safle o ffordd bengaead Bryn Morfa a oedd yn gwasanaethu tua 40 o eiddo preswyl ar hyn o bryd. Mae stryd Bryn Morfa oddeutu 6m o led, gyda llwybrau troed ar y ddwy ochr yn cwrdd â Ronalds Way ar gyffordd a

reolir yn ôl blaenoriaeth. Mae datganiad cludiant wedi'i gynnwys gyda'r cais. Roedd y mewnlif traffig prysur yn y bore i'r datblygiad yn 4 cerbyd, a 15 cerbyd yn y prynhawn, ac all-lif traffig prysur yn y bore yn 15 cerbyd a 7 cerbyd yn y prynhawn. Byddai Cynllun Rheoli Traffig adeiladu ar waith cyn i'r gwaith adeiladu ddechrau. Teimlwyd bod natur a graddfa'r datblygiad arfaethedig yn annhebygol o achosi swm andwyol o draffig.

Dywedodd y Cynghorydd Jon Harland ei fod yn deall bod angen tai, ond nid oedd y safle hwn yn addas. Byddai glaswelltir a llwyni yn cael eu dinistrio ac roedd prinder carbon yn barod.

Cynnig - Cynigiodd y Cynghorydd Jon Harland wrthod y cais, ac EILIWYD hynny gan y Cynghorydd Arwel Roberts.

Pleidlais –

O blaid - 4

Yn erbyn – 12

Ymatal – 0

Roedd y Cynghorydd Huw Hilditch-Roberts yn cydnabod y prinder tai yn yr ardal a dywedodd fod swyddogion wedi gwneud gwaith i warchod elfen amgylcheddol y cais.

Dywedodd y Rheolwr Datblygu wrth y Pwyllgor fod y Tîm Cynllunio wedi cysylltu ag Ecolegydd y Sir ynghylch diogelu gwahanol lefelau o Fioamrywiaeth. Ar ôl pwysu a mesur, roedd yr angen am dai ychwanegol yn drech na rhai o'r ystyriaethau ynghylch manau gwyrdd, a mater i'r Pwyllgor oedd gwneud penderfyniad gwybodus.

Cynnig –

Cynigiodd y Cynghorydd Huw Hilditch-Roberts y dylid cymeradwyo'r cais yn unol ag argymhellion y swyddog, ac EILIWYD hynny gan y Cynghorydd Alan James.

Pleidlais –

O blaid - 12

Yn erbyn – 4

Ymatal – 0

PENDERFYNWYD: y dylid **CYMERADWYO**'r cais yn unol ag argymhelliad y swyddog.

7 CAIS RHIF 46/2023/0719/ PF - PARC BUSNES NEW VISION, Ffordd GLASCOED, LLANELWY, LL17 0LP

Cyflwynwyd cais i godi 2 uned fasnachol gan gynnwys creu maes parcio, tirlunio a gwaith cysylltiedig.

Siaradwr Cyhoeddus - Steve Grimster (o blaid) fel y dogfennwyd gan Swyddogion, roedd y tir dan sylw wedi'i neilltuo ers tro ar gyfer defnydd swyddfa B1 yn y CDLI, gan ffurfio rhan o Barc Busnes Llanellwy. Sicrhaodd y tir ganiatâd cynllunio am y tro cyntaf ar gyfer defnydd swyddfa yn 2006, a gafodd ei ymestyn wedi hynny.

Er bod rhywfaint o ofod swyddfa wedi'i ddarparu ar y tir cyfagos, nid oedd yr ymgeisydd wedi gallu dod o hyd i ddeiliad ar gyfer gweddill ei ddatblygiad, a elwir yn Barc Busnes New Vision. Gwnaed popeth posibl i wneud iddo lwyddo. Roedd pandemig covid wedi lleihau'r galw am ofod swyddfa ymhellach, oherwydd mwy o weithio hyblyg.

18 mlynedd ar ôl rhoi caniatâd cynllunio cyntaf ar y safle, daeth defnyddiwr at yr ymgeisydd, a oedd yn ceisio cyfleuster newydd, modern a phwrpasol yn benodol yn Llanellwy, i ddarparu triniaethau clinigol, meddygol a chosmetig fel defnydd D1.

I'r perwyl hwn, rhoddwyd y sylwadau a ganlyn:

- Derbyniodd y Cyngor fod y tir dan sylw wedi'i farchnata'n briodol, ac nad oedd unrhyw ddi-ddordeb yn y tir ar gyfer y defnydd a ganiatawyd.
- Roedd y CDLI a'r polisïau sydd ynddo bellach wedi dod i ben, yn cwmpasu'r cyfnod hyd at 2021. Fodd bynnag, yn absenoldeb CDLI Newydd, maent yn parhau i fod yn sail ar gyfer gwneud penderfyniadau, yn cynnig hyblygrwydd cyfyngedig i ddefnyddiau amgen gael eu hystyried ar y safle pan oedd yn amlwg nad oedd unrhyw alw am y defnydd B1 a neilltuwyd. Gallai'r dull hwn arwain at y buddsoddiad arfaethedig a 30-50 o swyddi'n mynd y tu allan i'r Sir;
- Gofynnodd yr ymgeisydd am farn bragmatig wrth ystyried argaeledd tir ac adeiladau eraill. Mae'r defnyddiwr terfynol eisiau bod yn Sir Ddinbych, yn agos at Ysbyty Glan Clwyd i gefnogi gwasanaethau'r GIG, a'r rhwydwaith priffyrdd i wasanaethu trigolion y Sir. Nid oeddent am fod yn Sir y Fflint na Chonwy; ystyriwyd bod asesiad o'r tir a'r adeiladau sydd ar gael yn y Siroedd hynny yn ormodol ac y gallai unwaith eto lywio buddsoddiad y tu allan i Sir Ddinbych;
- Ar y mater hwn, 'roedd yr ymgeisydd yn ymwybodol nad oedd y Cyngor wedi cymhwyso ystyriaethau prawf dilyniannol wrth ganiatáu cais ôl-weithredol i newid defnydd o B1 i D1 ym Mharc Busnes Rhuthun ym mis Ionawr. Nid yw'n glir pam bod dull gwahanol o ymdrin â'r prawf dilyniannol bellach yn cael ei roi ar waith. Fodd bynnag, mae'n dangos y gall defnyddiau B1 a D1 fodoli gyda'i gilydd ar Barc Busnes;
- O ran hygyrchedd, derbyniwyd y byddai rhywfaint o ddibyniaeth ar y maes parcio preifat. Nid oedd hynny'n wahanol i'r defnydd B1 a ganiatawyd. O ran lleoliad, y safle oedd yr agosaf at Llanellwy, dim ond milltir o'r terfynau datblygu. Roedd gwasanaeth bws bob awr, a byddai ymwelwyr yn gallu aros y tu mewn i'r adeilad cyn dychwelyd i'w cyrchfan. Ar gyfer y defnyddiwr terfynol, roedd angen cael cydbwysedd rhwng agosrwydd at Llanellwy, yr Ysbyty a'r A55.

Byddai'r pecyn o fanteision economaidd, cymdeithasol ac iechyd a gynigir yn sylweddol, heb unrhyw effeithiau amgylcheddol annerbyniol. Nid oedd unrhyw seiliau technegol dros wrthod.

Trafodaeth Gyffredinol –

Dywedodd yr aelod lleol, y Cyngorydd Peter Scott, bod y cais hwn yn gyfle gwych i ddod â 30-50 o swyddi proffesiynol i'r ardal a ddarparu gwasanaeth deintyddiaeth y mae mawr ei angen. Roedd Llwybr Teithio Llesol newydd yn cael ei ddatblygu ar Green Gates East a Green Gates West, a fyddai'n cysylltu safle'r Parc Busnes â Llanellwy. Teimlai y byddai'r cais hwn yn ased i Llanellwy.

Roedd y Rheolwr Datblygu yn deall sylwadau'r aelodau lleol ac eglurodd fod argymhelliad y swyddog i wrthod y cais yn seiliedig ar ymagwedd Swyddogion at geisiadau defnydd amgen eraill ar y Parc Busnes. Roedd D1 yn categori o fewn y gorchymyn dosbarthiadau defnydd cynllunio sy'n delio â sefydliadau amhreswyl, gan gynnwys gwasanaethau meddygol neu iechyd. Roedd y cais yn ymwneud â defnydd categori D1 yn unig, ac adeiladu strwythur newydd a oedd yn mynd i gynnwys defnydd D1.

Argymhellodd y Cynghorydd Andrea Tomlin i'r Pwyllgor ganiatáu'r cais gydag amod ychwanegol ar categori D1, yn cyfyngu'r defnydd ar gyfer gwasanaethau meddygol ac iechyd yn unig.

Cynnig – Cynigiodd y Cynghorydd Andrea Tomlin bod y cais yn cael ei ganiatáu yn erbyn argymhelliad y cynnig, gydag amod ychwanegol ar gyfer defnydd cyfyngedig D1, a SECCONDWYD gan y Cynghorydd Karen Edwards.

Pleidlais –

O blaid – 16

Yn erbyn – 0

Ymatal – 0

PENDERFYNWYD: *CANIATÁU'R cais yn groes i argymhelliad y swyddog, gydag amod ychwanegol ar gyfer defnydd cyfyngedig D1.*

8 CAIS RHIF 01/2020/0315/ PF - HEN YSBYTY GOGLEDD CYMRU

Cyflwynwyd cais ar gyfer newid, adfer, dymchwel yn rhannol ac addasu prif ystod yr adeiladau rhestredig i ddefnydd preswyl (34 annedd); dymchwel Cartrefi Nyrsys, Marwdy, ward ynysu, Ward Aled a hen adeilad gwaith nwy; a datblygu tir o fewn safle'r ysbyty ar gyfer defnydd cymysg i alluogi datblygiad, gan gynnwys hyd at 300 o unedau preswyl a hyd at 1114 metr sgwâr o unedau busnes; lleoli Clwb Criced Dinbych; ac adeiladu mynedfa, system ddraenio a gwaith cysylltiedig.

Cyfeiriodd y Cadeirydd yr aelodau at nodiadau'r swyddogion yn y papurau ategol.

Rhoddodd y Rheolwr Datblygu gefndir byr i'r cais i'r Pwyllgor.

Cyflwynwyd a thrafodwyd y cais cynllunio'n wreiddiol gan Bwyllgor Cynllunio Cyngor Sir Ddinbych ddydd Mercher 8 Medi 2021. Rhoddwyd caniatâd cynllunio yn amodol ar ddychwelyd manylion y cytundeb cyfreithiol ac amodau cynllunio i'r Pwyllgor Cynllunio i benderfynu arnynt ymhellach. Byddai'r Aelodau'n ymwybodol bod hwn yn brosiect mawr i Ddinbych a Sir Ddinbych. Roedd y safle yn cynnwys adeilad rhestredig o bwysigrwydd cenedlaethol, a bwriedir adfer a throsi'r adeilad hwn fel rhan o'r cynnig. Roedd y Prosiect yn cynnwys galluogi datblygiadau sy'n ymwneud ag adeiladu tai o fewn y tir, er mwyn cefnogi gwaith adfer ac addasu'r prif adeilad rhestredig. Roedd angen cynhyrchu swm sylweddol o arian y Sector

Cyhoeddus er mwyn gwneud y prosiect yn hyfyw, a chyllid oedd un o'r prif resymau dros yr oedi ers mis Medi 2021. Roedd llawer o reolaethau deddfwriaethol yr oedd angen eu hystyried, a oedd yn cynnwys sgyrsiau gyda Chyfoeth Naturiol Cymru (CNC), Ecolegydd y Sir a'r Tîm Priffyrdd, er mwyn sicrhau y gellid cyflawni'r prosiect ac ystyried amser a'r effeithiau ar Ddinbych a'r ardaloedd cyfagos.

Yn olaf, gydag unrhyw gytundeb cynllunio cyfreithiol, roedd angen cytundeb rhwng y datblygwr a'r awdurdod. Teimlai swyddogion bod y lefel hon o gytundeb wedi'i chyflawni a'u bod yn hyderus gyda'r manylion o ran amser a chyflawniad, a oedd yn gwneud y cynllun yn ymarferol.

Trafodaeth Gyffredinol –

Diolchodd yr aelod lleol, y Cynghorydd Delyth Jones i'r swyddogion am eu gwaith ar y cais hwn ar gytundeb Adran 106. Gan gyfeirio at ohirio'r eitem o gyfarfod y Pwyllgor Cynllunio ym mis Mai 2024, gofynnwyd a oedd yr Adran Gyfreithiol yn fodlon â'r amodau sydd bellach wedi'u cynnwys yn y cais. Cyfeiriwyd at elfennau Bioamrywiaeth a Chadwraeth y cais, ac amlygwyd eu bod yn hollbwysig i lwyddiant a chyflawniad y prosiect hwn. Gofynnwyd am eglurder ynghylch cadw adeilad Ward Aled yn ystod y cyfnod adeiladu. Codwyd cwestiynau ynghylch pwy fyddai'n gyfrifol am y safle a chodwyd pryderon hefyd ynghylch y cyllid sydd ar gael. Gofynnwyd am eglurhad ar gludiant a llwybrau Teithio Llesol i'r safle.

Eglurodd y Rheolwr Datblygu sut y byddai Ecoleg a Bioamrywiaeth yn cael ei reoli ar y safle, a'u bod yn rhai o'r problemau mwyaf oedd yn wynebu'r prosiect. Roedd gwaith agos yn parhau gyda CNC ynghylch y broses drwyddedu gan ystyried y cyfrannau lliniaru arfaethedig a nodir yn y cynigion.

Cynnig y datblygwr ar hyn o bryd oedd dymchwel Ward Aled, ond oherwydd bod y datblygiad hwn wedi cymryd 10 - 15 mlynedd i'w gwblhau, cafodd Ward Aled ei gynnwys yng nghyfnodau'r prosiect er mwyn caniatáu pob cyfle iddi gael ei chadw.

Roedd CNC yn awyddus i gael awdurdod cyfrifol (CSDd) i ofalu am y safle a'i reoli, ac roedd trafodaethau manwl wedi'u cynnal gyda'r Gwasanaethau Cefn Gwlad ynghylch sut y gellid rhoi hyn ar waith.

Dywedodd y Rheolwr Traffig, Parcio a Diogelwch Ffyrdd fod gan Sir Ddinbych y cyllid i gynorthwyo gyda rhai addasiadau priffyrdd oddi ar y safle. Fodd bynnag, roedd angen ei wario erbyn diwedd mis Rhagfyr 2024. Mewn perthynas â goblygiadau diogelwch priffyrdd, roedd asesiad traffig wedi'i gynnal yn flaenorol a theimlwyd bod hyn yn ddigonol i ddelio â'r cynnydd mewn traffig ar gyffyrdd yn y dyfodol. Nid oedd llwybrau / arosfannau bysiau wedi'u cysylltu'n dda â thref Dinbych ar hyn o bryd. Fodd bynnag, roedd y datblygwr wedi awgrymu cyfleoedd i ddarparu arhosfan o fewn y safle yn y dyfodol.

Gofynnodd yr Aelodau gwestiynau ynghylch sicrwydd yr adnoddau sydd ar gael o fewn y Cyngor ar gyfer y prosiect o dan yr hinsawdd economaidd bresennol. Dywedodd y Pennaeth Cynllunio, Gwarchod y Cyhoedd a Gwasanaethau Cefn

Gwlad fod y prosiect hwn yn cael ei ystyried yn un â blaenoriaeth uchel i'r rhanbarth, a bod arian cyhoeddus wedi'i glustnodi ar gyfer y cynllun. Byddai rheolaeth ecolegol barhaus y safle yn flaenoriaeth i Wasanaethau Cefn Gwlad y Cyngor, ac roedd Pwyllgor Cyswllt yn y broses o gael ei greu a fyddai'n fuddiol iawn.

Amlygodd y Cynghorydd Gwyneth Ellis anghysondebau rhwng yr argymhelliad yn yr adroddiad a'r argymhelliad yn y taflenni sylwadau hwyr. Eglurodd y Rheolwr Datblygu mai'r argymhelliad a nodwyd yn y taflenni sylwadau hwyr oedd yr argymhelliad y byddai'r aelodau'n pleidleisio arno.

Cynnig – Cynigodd y Cynghorydd Gareth Sandilands y dylid cymeradwyo'r cais yn unol ag argymhelliad y swyddog, ac fe EILIWYD hynny gan y Cynghorydd Cheryl Williams.

Pleidlais –

O blaid – 16

Yn erbyn – 0

Ymatal – 0

PENDERFYNWYD: *y dylid CYMERADWYO'r cais yn unol ag argymhelliad y swyddog.*

Daeth y cyfarfod i ben am 11.50am

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 5

Paul Griffin

WARD: Dyffryn Alyn

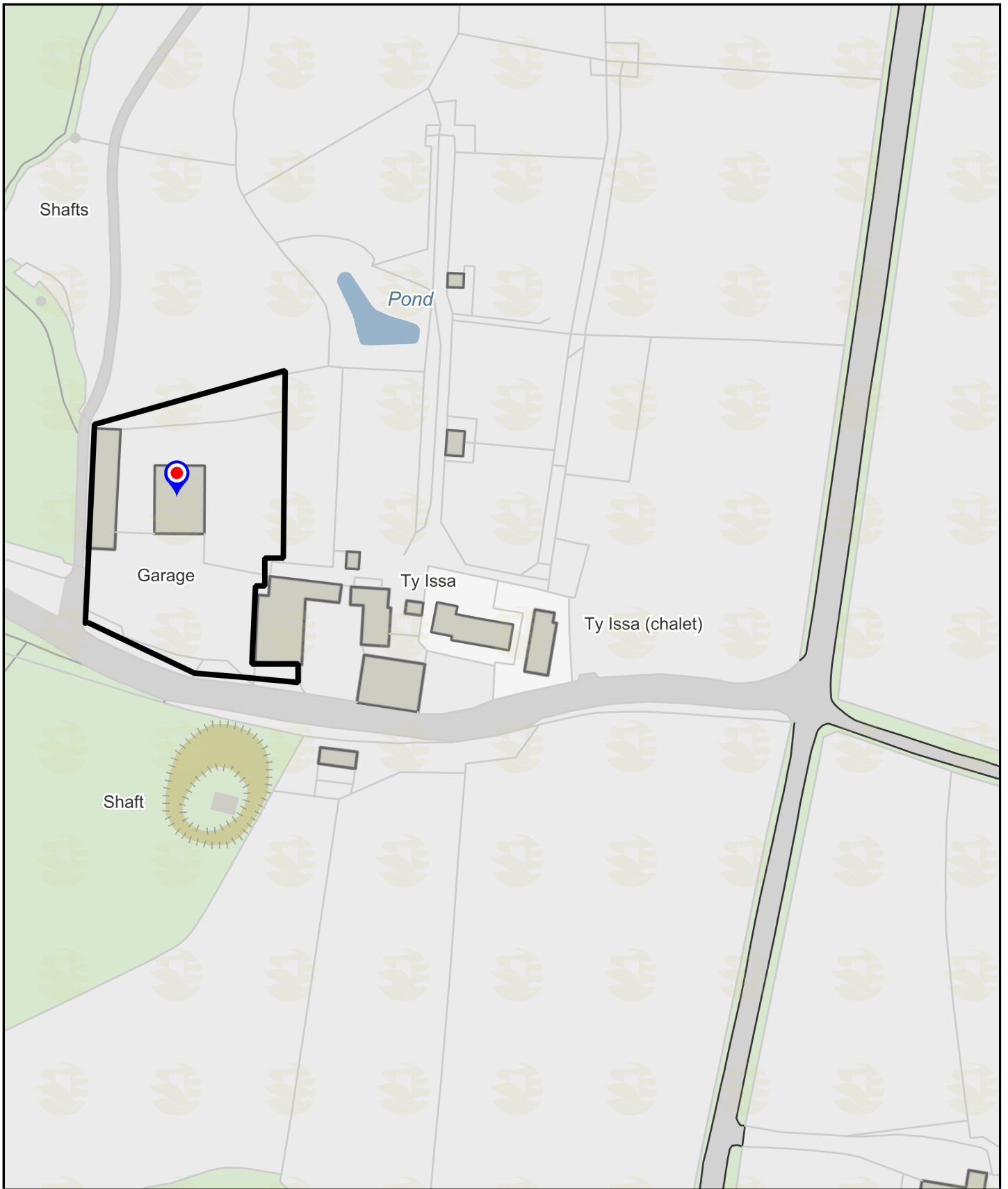
AELOD WARD: Y Cyngorydd Terry Mendies (c)

CAIS RHIF: 15/2023/0029/PC

CYNNIG: Newid defnydd tir ar gyfer parcio 3 choets ar dir wedi'i darmacio presennol (cais ôl-weithredol)

LLEOLIAD: Garej Burley Hill, Eryrys, Yr Wyddgrug, CH7 4DD

Mae tudalen hwn yn fwriadol wag



15-2023-0029



N Graddfa / Scale: 1:1417

Canol / Centre: 320671, 359424

Dyddiad / Date: 2024-08-21 14:05:08

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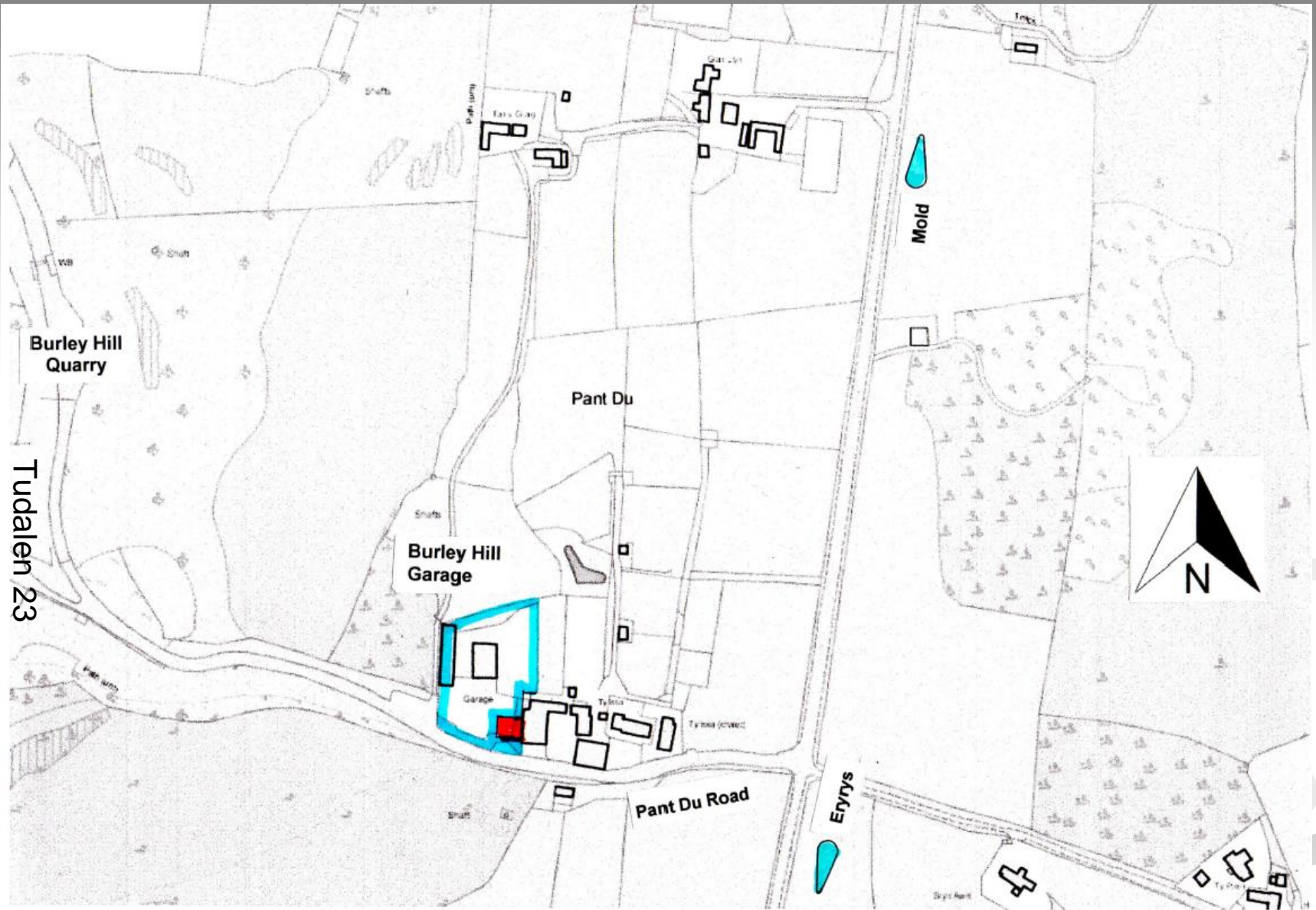
15/2023/0029/PC

Burley Hill Garage, Eryrys

Tudalen 24

**Change of use of land for the parking of 3
no. coaches on existing tarmacked area
(retrospective application)**

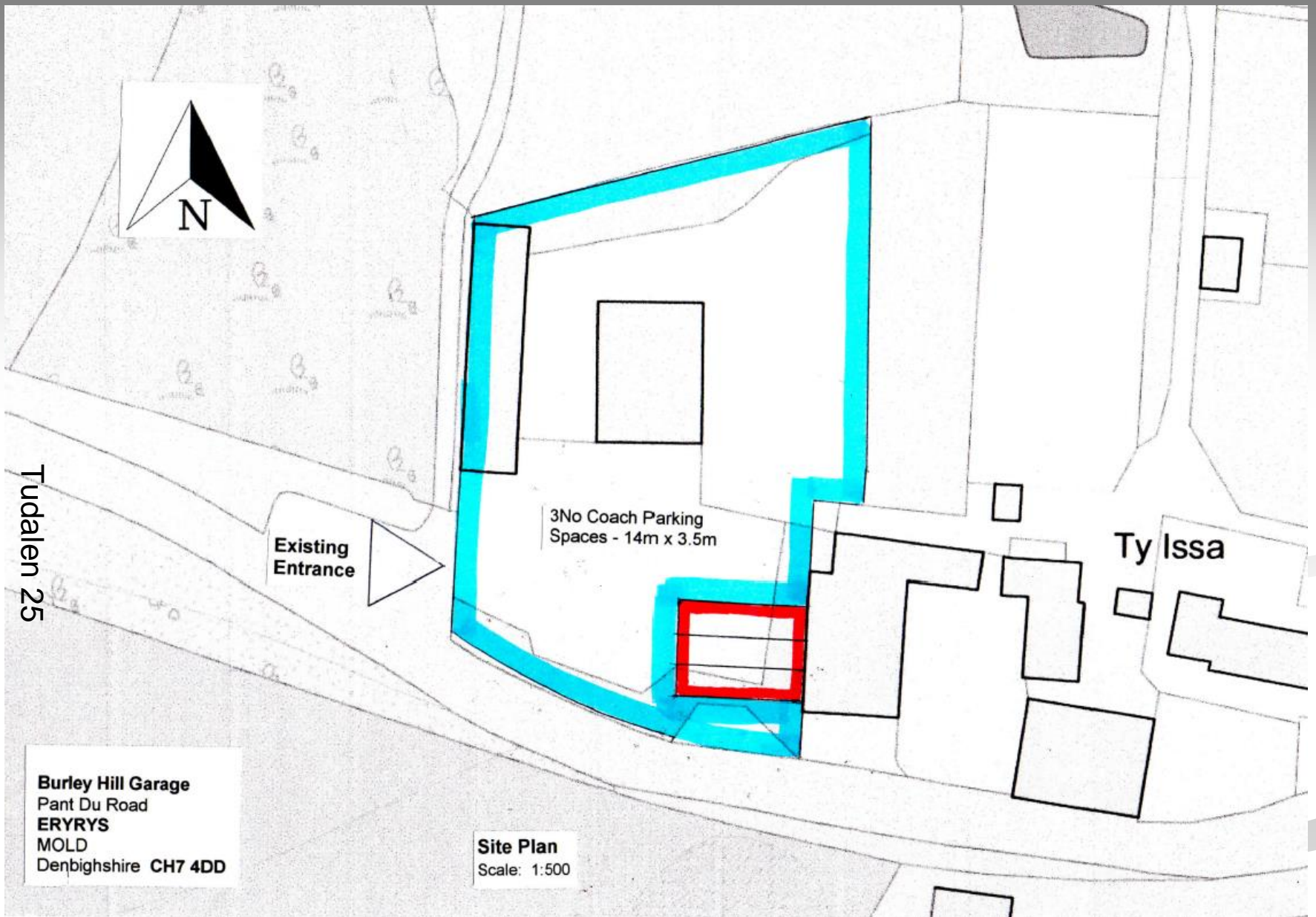
Tudalen 22



Tudalen 23

Location plan

Tudalen 24



Site plan



Tudalen 27

View of site



Tudalen 29

Access road (looking west)

Tudalalen 30

Tudalen 31



Access road (looking east)



Adjacent storage buildings and cafe

WARD : Alyn Valley

WARD MEMBER(S): Councillor Terry Mendies (c)

APPLICATION NO: 15/2023/0029/PC

PROPOSAL: Change of use of land for the parking of 3 no. coaches on existing tarmacked area (retrospective application)

LOCATION: Burley Hill Garage, Eryrys, Mold, CH7 4DD

APPLICANT: Daniel Keane, Keane's Coaches

CONSTRAINTS: PROW / Phosphorus Sensitive - SACAONB

PUBLICITY UNDERTAKEN: Site Notice
Press Notice
Neighbour letters

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANARMON YN IAL COMMUNITY COUNCIL:

“Council thought the garage had always been used for vehicles and commercial vehicles use; didn't really feel it was a change of use. Although, we do not have details of the neighbour's current objections. No Objection.”

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

“The site appears to have an established use for the parking of HGV's and an existing visual presence within the AONB. The Joint Committee do not therefore object in principle to this application.

However, given its location some degree of control over the intensification of use would be beneficial, as a proliferation of parking across the whole site could prove detrimental to the character and appearance of the AONB.

You may therefore wish to consider a personal permission with a restriction on numbers to no more than 3 coaches to be parked specifically in the area shown on the submitted site plan. Whilst the site is relatively well screened there are gaps which again could be addressed via an appropriate planting condition.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer: No objection

Public Protection Officer:

Requests that a noise assessment is provided

RE-CONSULTATION RESPONSES (following submission of noise assessment)

Public Protection Officer:

“The noise impact assessment has been completed by a suitable qualified professional consultant in accordance with the most relevant current guidance and standards.

With the benefit of local knowledge, I would disagree with consultants’ assumption that the night time decibel (dB) level would be 25dB, I believe it is more likely to be around 20dB, however not withstanding this difference the overall conclusion would remain the same and the proposed coaches should not have a detrimental impact on the neighbouring property with the engines running within the application site as measured.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Andrew Edwards, The Annese, Ty Isa, Pant Du Road, Eryrys Lesley Phillips, Ty Isa, Pant Du, Eryrys
Roy Kendrick, Ty Isa, Pant Du Road Julie Wynne, The White House, Pant Du Road, Eryrys
Richard Haggerty, Glan Llyn, Pant Du Road, Mold.

Summary of planning based representations in objection:

Impact on residential amenity – concerns raised by residents about the impact on their amenity by way of noise and disturbance from the bus engines.

Impact on highway safety – concerns raised regarding the suitability of the adjacent local highway for use by buses.

Impact on character of the AONB – concerns raised that the activities at the site harm the peaceful character of the AONB.

Impact on well-being of horses – concerns raised that the fumes from the vehicles will be harmful to the horses kept on the adjacent site.

In support

Representations received from:

Sarah Jones, 1 The Firs Mold
Ryan Williams, 59 Poppy Field Road, Northop Hall, Mold
James Masters-Read 16 Ffordd Powys Rhis Wrexham
Daniel Pitman, 3 Second Avenue, Llay, Wrexham
John Morris 1 Tulip Avenue, Birkenhead
Zoe Smith, The Online Marketing Co., Flint
Martin Dudley, 47 Brook Road, Shotton, Deeside
Eifion Williams, 18 Glaslyn Street, Porthmadog
Simon Wade, 8 Raleigh Road, Leasowe

EXPIRY DATE OF APPLICATION: 19/03/2023

EXTENSION OF TIME AGREED: 04/09/24

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 Retrospective planning permission is sought for the continued use of an area of existing tarmac to be used to park 3 buses/coaches. The applicants have requested that they are able to enter and leave the site 24 hours a day as they often provide rail replacement services which can be needed at any time of day or night.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is accompanied by a Noise Assessment report which assesses the impact of noise levels of buses with engines running within the site on nearby residential properties.

1.3 Description of site and surroundings

- 1.3.1 The site is located in open countryside some 1.5km north of Eryrys. It is accessed via a metalled by-way (open to all traffic), which links to the C-class road some 160m to the east of the site, and serves Burley Hill Quarry to the north-west of the site.
- 1.3.2 Immediately to the east of the site is a stable/agricultural storage building. Beyond the stable is a large sheet steel shed which appears to be in use as a café.
- 1.3.3 The nearest dwelling to the site is Ty Isa, which is approximately 65 metres from the site and separated from the site by storage buildings and café building. It is understood a stable building is located to the rear of the storage buildings.
- 1.3.4 The site is located in the corner of a larger site which is used as parking and storage for the adjacent mechanics business.
- 1.3.5 The site is enclosed by wire fencing and sporadic planting/overgrown scrub.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is in the open countryside for planning purposes and is within the designated National Landscape/AONB.

1.5 Relevant planning history

- 1.5.1 The site (including the on-site building) benefits from planning permission to be used for agricultural and commercial vehicle repairs, servicing parking and storage.
- 1.5.2 The permission was granted in 1994, and the use was limited by planning condition to the operational hours of 0800 – 1800 (Monday to Friday) and 0800 – 1300 (Saturdays), with no operations on Sundays or on public holidays.
- 1.5.3 The operational hours were later varied through a variation of condition which allowed repair and maintenance activities within the existing building on site to be carried out 24 hours a day, but prevented the driving of vehicles in and out of the building outside of the hours 0800 – 1800 (Monday to Friday) and 0800 – 1300 (Saturdays), with no operations on Sundays or on public holidays. It does not prevent the manoeuvring

of vehicles within the parking areas outside as the condition is specifically worded as follows:

1 (b) No vehicles to be repaired or serviced shall be driven into or out of the garage building outside the existing permitted hours and days of operation

The variation of condition also imposed the following restriction:

1 (c) None of the activities carried out outside the existing permitted hours and days shall be permitted to generate noise levels which exceed the following criteria, when measured in accordance with the methodology contained in BS 4142 (1997) at any point on the boundary of the site:

- (i) 35 dB LAeq (5min) (freefield) for any period of 5 minutes;*
- (ii) A maximum noise level of 45 dB(A) (fast) (freefield)*

1.6 Developments/changes since the original submission

- 1.6.1 At the request of public protection officer's a noise assessment report has been submitted to support the application.

1.7 Other relevant background information

- 1.7.1 The application has been submitted as a result of investigations by Enforcement Officers.

- 1.7.2 It is noted that there are still potentially some breaches of planning control on the site which sit outside of the control of this planning application. However, members are advised that these are not a material consideration in determining this application and can be dealt with separately. Members are advised to consider this application solely on the basis of what is being asked for – the parking of 3 coaches/buses on the site.

2. DETAILS OF PLANNING HISTORY:

- 2.1 25/13934 – Use of existing buildings for agricultural and commercial vehicle repairs, servicing, parking and storage. GRANTED 30/3/94
- 2.2 15/2002/0615/PS – Variation of condition 2 on planning permission 25/13934 relating to hours of operation of agricultural and commercial vehicle garage to permit 24 hour operation within the building only, using specified plant and machinery (permitted hours of use 0800 – 1800 Monday to Friday, 0800 – 1300 Saturdays, no operations on Sundays or public holidays. GRANTED 6/9/2002

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

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

Policy ASA3 – Parking standards

Supplementary Planning Guidance

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

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)
Development Control Manual November 2016
Future Wales – The National Plan 2040

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities (2010)
TAN 11 Noise (1997)

4. MAIN PLANNING CONSIDERATIONS:

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

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

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

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

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

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 12) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.38 of PPW 12 states that “*The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources*”.

National policy therefore restricts new building outside development boundaries unless it is justified as an exception to the policy of restraint.

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

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 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.

The proposal relates to the use of part of a site for the parking of three buses/coaches. The site benefits from extant planning permission to be used as parking in association with the adjacent mechanic’s garage and as such is classed as previously developed land/brownfield land.

The proposal would help support wider employment opportunities within the locality/region.

Given the broad support offered by Policy PSE 5 for economic/commercial development in rural areas, Officers can see little reason to object to the proposal on policy grounds. The existing use of the site also adds further support to the principle of development. Therefore, Officers consider that the proposal is acceptable in principle

4.2.2 Visual amenity and Impact on Area of Outstanding Natural Beauty

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.

Planning Policy Wales (Edition 12, 2024) at para 6.3.3 states ‘All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due

regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

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

This reflects guidance in Planning Policy Wales (Edition 12, 2024) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Supplementary Planning Guidance (SPG) has been developed – 'The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)' along with a specific SPG for lighting in the AONB - 'Planning for Dark Skies'. The SPG's provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

The site is currently used for the parking of vehicles waiting to be serviced in the garage. Its use for the parking of buses/coaches is not considered to raise any impacts on the visual amenity of the area or wider AONB than the existing situation. However, there is scope for the boundary of the site adjacent to the road to be improved by way of additional planting. This can be controlled by imposing a suitably worded planning condition.

In officer's opinion the proposal is considered acceptable in terms of its impact on the visual amenity of the area and the character of the AONB.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration. Planning Policy 12 stresses that the impact of noise on the amenity of an area and its residents is a material planning consideration.

A number of responses have been received from members of the public raising concern that the use of the site for buses is having a detrimental impact on their residential amenity.

The proposal is for the use of part of an existing parking area (serving a mechanics business) for the parking of 3 buses. The applicant has requested that the buses are allowed to enter and leave the site at any time of the day or night. Accordingly, Public Protection Officers requested that a noise assessment be provided to demonstrate what the noise levels of the buses (with engines running) within the site would be during the night-time, and what the level would be at the nearest residential property.

The submitted noise report assesses the background noise levels at the site, and the noise levels of a worst-case scenario of 4 buses starting at the same time, and stopping at the same time; with their engines approximately 72metres from the nearest dwelling. The night time impact on the nearest dwelling has been assessed

on the assumption of the occupants being inside their dwelling with a window open. The result is that the internal noise level at the nearest dwelling would be around 4db increase – which the relevant British Standard relating to noise classified as being a 'low' impact.

The Noise Assessment report has been reviewed by the Councils Public Protection Officer, who advises that it has been carried out by a suitably qualified person, and that it takes sufficient variables and scenarios so as to give a reasonably accurate conclusion.

Officers have also considered the extant planning permissions on the site. It is noted that the previous (and extant) permission does not specifically restrict the manoeuvring of vehicles within the site at any time of the day or night – it only prevents them from being driven into/out of the building. The proposal does not therefore differ significantly from what is already permitted on site.

In conclusion, having regard to the planning history of the site, the submitted Noise Assessment and the comments of the Councils Public Protection Officer, Officers consider that the proposal is not likely to have a detrimental effect on the amenity of nearby residents and a condition restricting the hours of operation (in relation to three buses) is not necessary. If a noise issue were to arise, then the Council would be able to take action under the Statutory Nuisance legislation. Therefore, Officers conclude that the proposal is not unacceptable in terms of its impact upon the amenity of residents.

4.2.4 Highways (including access and parking)

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

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 12) and TAN 18 – Transport, in support of sustainable development.

The proposal is for the use of part of the site for the parking of 3 buses/coaches. The site is already in use for the parking of vehicles for the adjacent mechanics business.

Concern has been raised locally regarding the suitability of the access roads for the proposed use. However, the Highway Officer does not raise an objection to the proposal.

In Officers opinion the proposed use would not result in a material increase in the number of vehicles entering or leaving the site. Given the 'no objections' response from the Highway Authority and the existing use of the site, it is not considered that the proposal would result in an unacceptable impact on the adjacent highway.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

5. SUMMARY AND CONCLUSIONS:

- 5.1 Officers consider that the key consideration in determining this application is the impact of the use on the amenity of the neighbouring dwellings. It is noted that the existing planning controls in place on the site do not specifically prevent vehicle movements into and out of the site at any time (only into and out of the building) and that this represents a fall-back position.
- 5.2 Alongside this, the results of the noise assessment which shows that vehicle noise would be unlikely to have an unacceptable impact upon the residential amenity of neighbouring properties indicates that a condition restricting the hours that vehicles can enter and leave the 'bus yard' is not necessary. It is noted that should a noise problem arise, then there is statutory noise legislation which can be used to address the matter.
- 5.3 Officers therefore consider that based on the existing use of the site, the planning history of the site, and the results of the noise assessment, the proposal is acceptable in principle and in its impacts upon the amenity of the area.

RECOMMENDATION: GRANT - subject to the following conditions:

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Site plan received 17 January 2023
 - (ii) Location plan received 17 January 2023
 - (iii) Design, Access and Viability Statement received 17 January 2023
 - (iv) Noise Assessment received 30 October 2023

2. All buses parked within the site shall be parked 'front on' to the eastern boundary.
3. Within one month of the date of the permission, a detailed scheme of soft landscaping for the southern and eastern boundary of the site. The scheme shall be designed to deliver a net benefit for biodiversity and to improve the appearance of the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting and only feature species of known benefit to wildlife.
4. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

The reasons for the conditions are:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interest of residential amenity.
3. In the interest of biodiversity and visual amenity.
4. In the interest of biodiversity and visual amenity

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 6

Sarah Stubbs

WARD: Tremeirchion

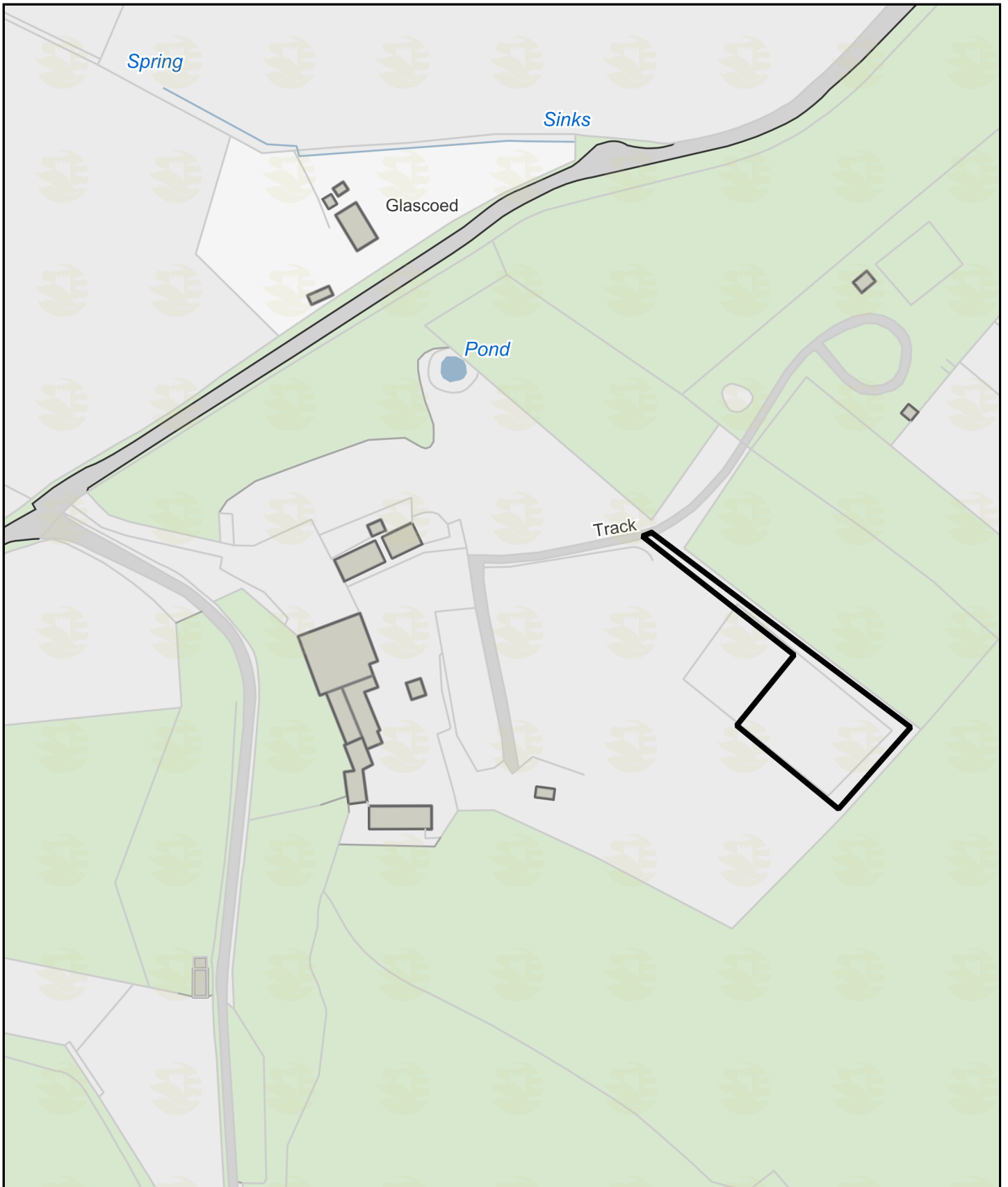
AELOD WARD: Cyng Robert Chris Evans (c)

CAIS RHIF: 41/2024/0115/ PF

CYNNIG: Adeiladu annedd menter wledig, gosod tanc septig a gwaith cysylltiedig.

LLEOLIAD: The Warren, Bodfari, Dinbych, LL16 4DT

Mae tudalen hwn yn fwriadol wag



41-2024-0115



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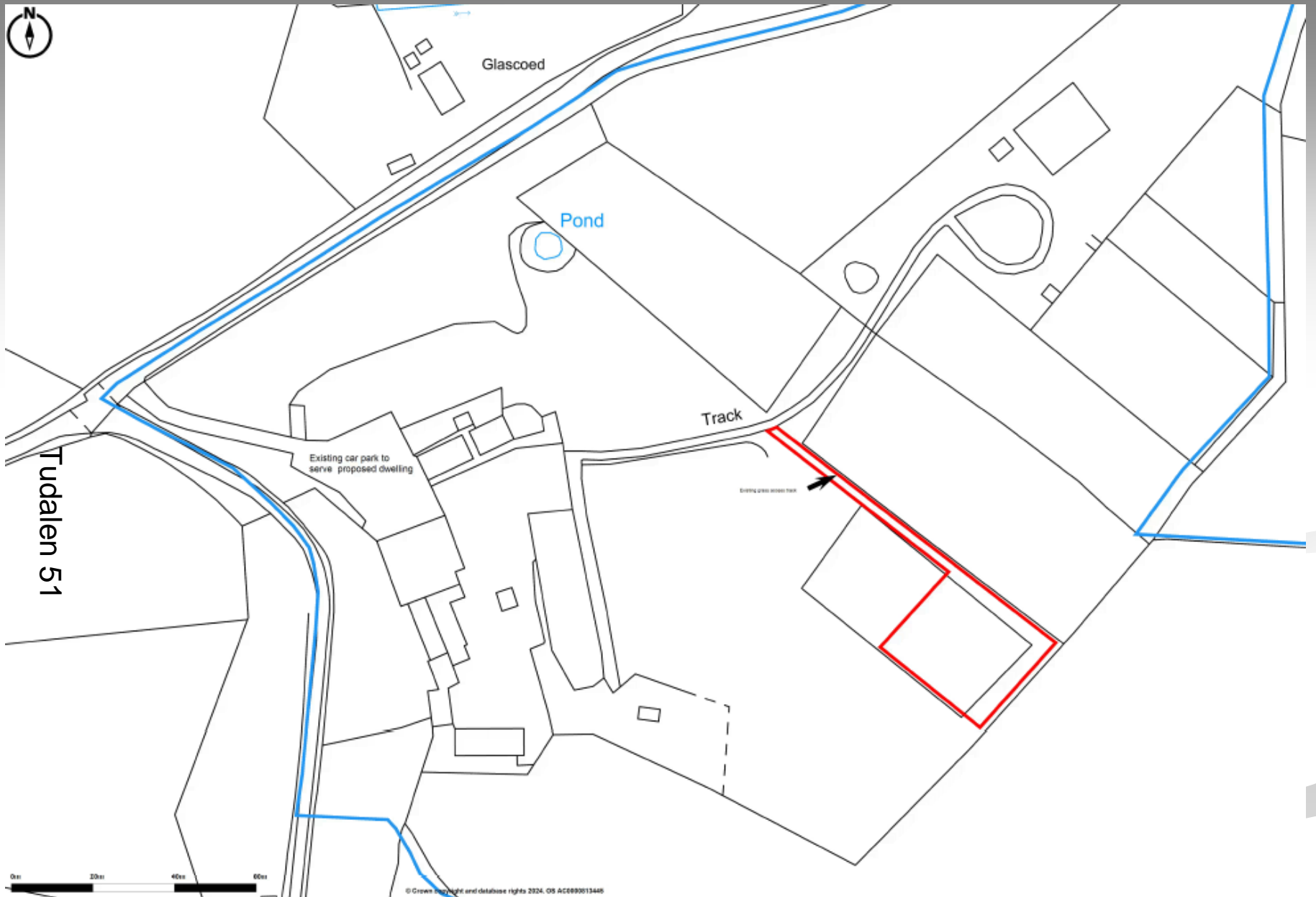
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41/2024/0115/PF – The Warren, Bodfari

Tudalen 49

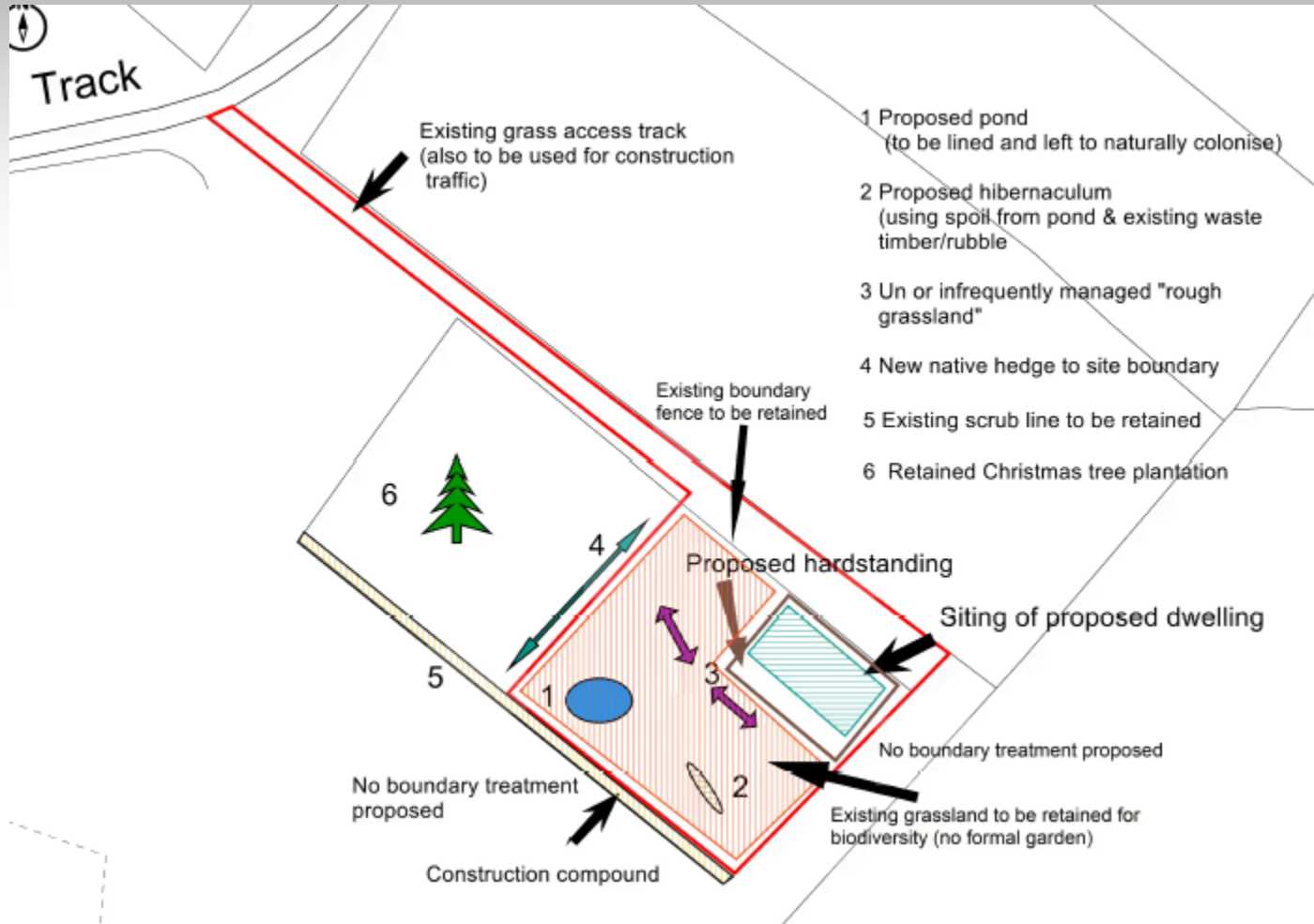
**Erection of a rural enterprise dwelling,
installation of a septic tank and
associated works**

Tudalen 50



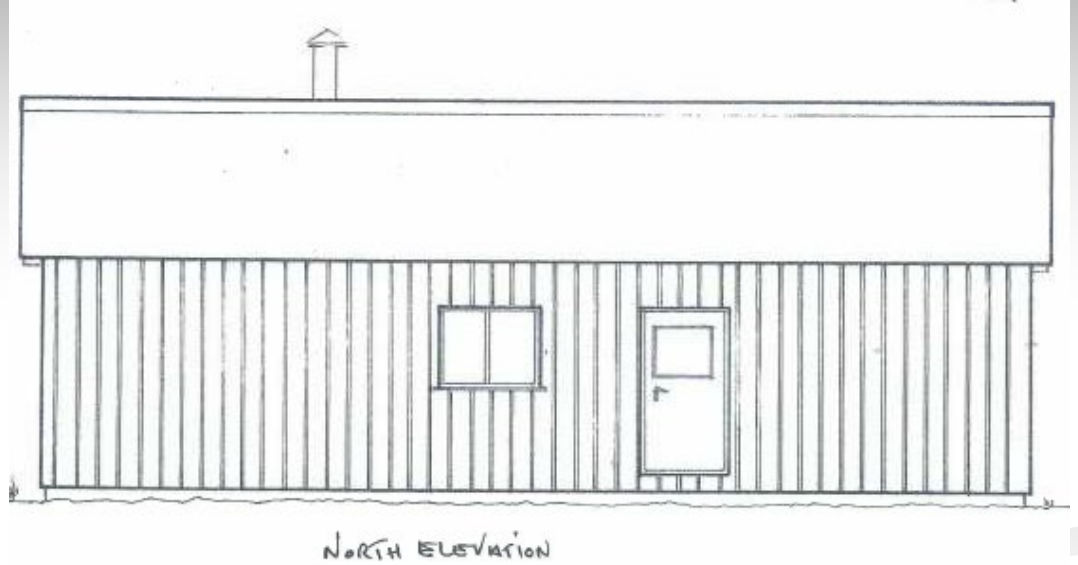
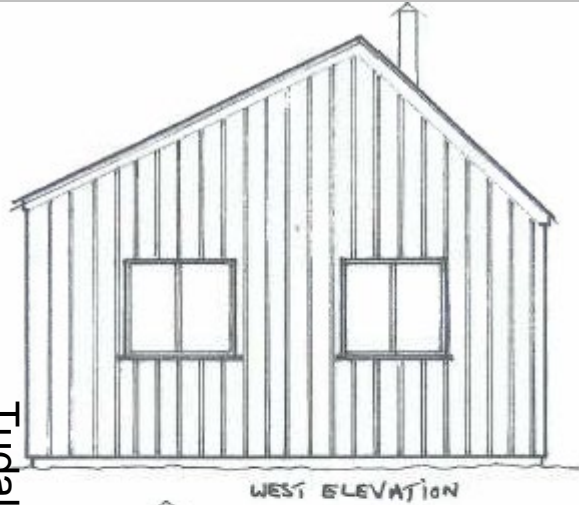
Location plan

Proposed site plan

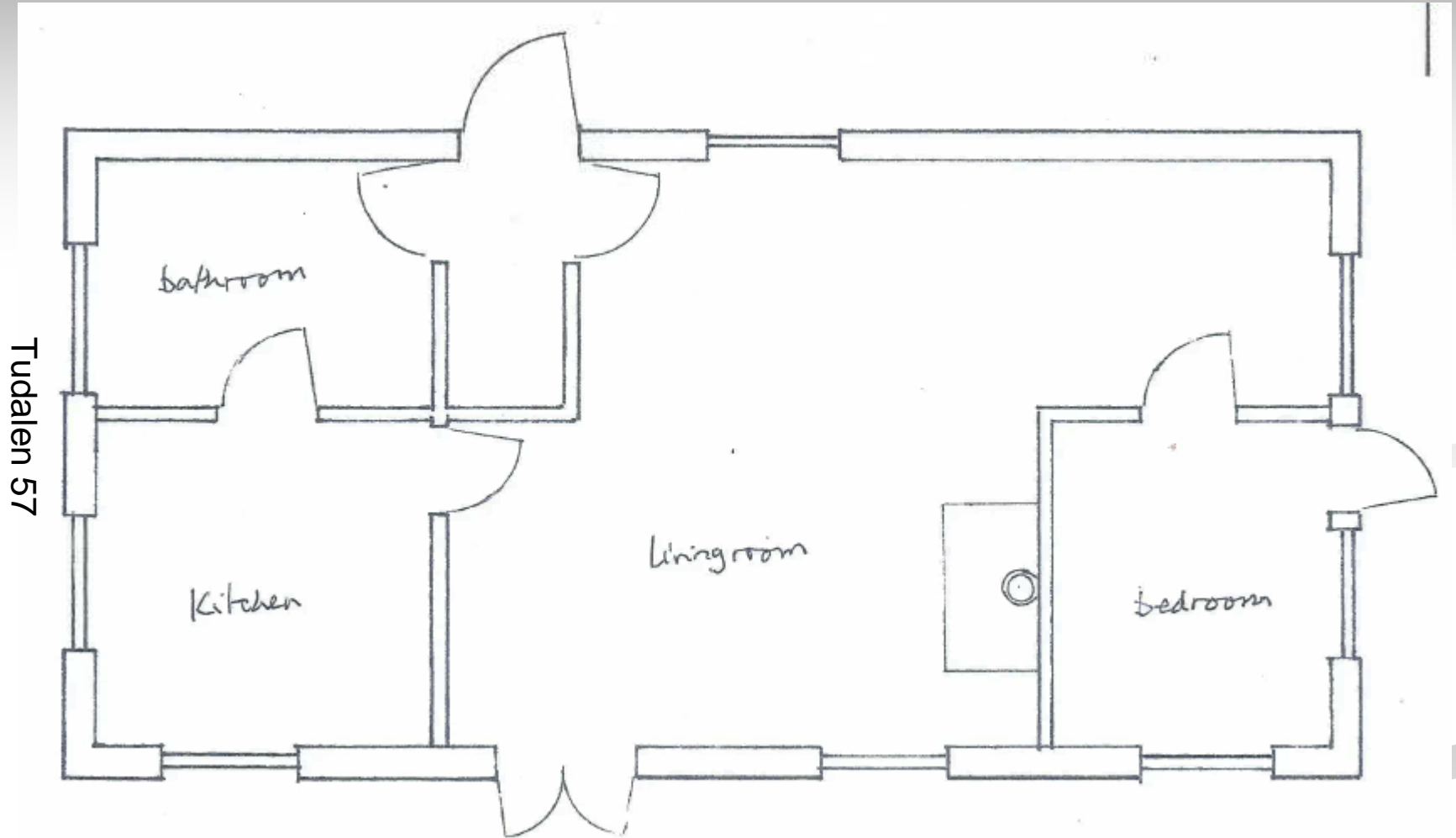


Elevations of proposed dwelling

Tudalen 55



Floor plan of proposed dwelling



Tudalen 58

Site photographs



Tudalen 59

Tudalen 60

Some existing buildings at The Warren



WARD : Tremeirchion

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

APPLICATION NO: 41/2024/0115/ PF

PROPOSAL: Erection of a rural enterprise dwelling, installation of a septic tank and associated works

LOCATION: The Warren, Bodfari, Denbigh, LL16 4DT

APPLICANT: Mr Rod Waterfield

CONSTRAINTS: AONB

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

BODFARI COMMUNITY COUNCIL

“ Support - the supporting documentation to this application is thorough and the planned dwelling is secluded and will therefore have no visual impact”

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

National and local planning policy allows for the principle of a Rural Enterprise Dwelling subject to the criteria set out in TAN 6 and the adopted Denbighshire SPG note. The existing enterprise is well established and the supporting evidence robustly demonstrates adherence with both the required functional and financial tests to justify an essential need. The principle of a dwelling based upon this evidence is therefore accepted in this location.

In terms of the detail, the proposed building has been sensitively designed to ensure that it takes account of the surrounding area. The dwelling is quite modest in scale and proportions and the siting, design, layout and use of materials will help assimilate the development into its surroundings. The Joint Committee is satisfied that the proposed development will not cause unacceptable harm to the character and appearance of the landscape and accords with LDP policy VOE 2

Subject to an appropriate occupancy condition tying the dwelling to the existing business the Joint Committee raise no objections.

NATURAL RESOURCES WALES

No objections

DWR CYMRU / WELSH WATER

No comments

READING AGRICULTURAL CONSULTANTS (RAC) Dated 15/03/2024

The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by a full time worker employed by Warren Woods Ltd, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the applicants' rural business.

RAC does not consider that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by Rod Waterfield who lives 6 miles from the application site. No details of emergencies, unforeseen incidents or numbers of livestock and types of horticultural crops requiring an on-site presence have been provided.

The confidential Balance Sheets provided demonstrate that the applicants' business is viable and sustainable now and likely to remain so in the long term however RAC have not had sight of the Profit and Loss Accounts that would show the rent, labour and other income and expenses for Warren Woods Ltd.

There are likely to be other suitable and available dwellings in the locality (within three miles) that can meet the opening and closing requirements of the applicant's rural business.

Overall, RAC would conclude that the applicant's proposal is not compliant with TAN 6 or with Policy PSE 5 of the Denbighshire County Council Local Development.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Footpaths Officer

There are no public rights of way crossing the site. Path 10 runs from a point on the opposite side of the road to the site entrance and it would therefore appear the proposal will not impact on any public rights of way.

RE-CONSULTATION RESPONSES

BODFARI COMMUNITY COUNCIL

"No objection to the revised planning documents because as well as owning the site, all plans will be carried out well within the curtilage".

NATURAL RESOURCES WALES

No further comments

DWR CYMRU / WELSH WATER

No comments

READING AGRICULTURAL CONSULTANTS (RAC) Dated 20th May 2024 in response to the submission of additional information

The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by a full time worker employed by Warren Woods Ltd, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the applicants' rural business.

RAC does not consider that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by Rod Waterfield who lives 6 miles from the application site. The essential need for a labour requirement relating to animal welfare and crop protection are currently considered minimal and the number of livestock on site and area of crops grown under polytunnels remain unknown.

The confidential Balance Sheets provided demonstrate that the applicants' business is viable and sustainable now and likely to remain so in the long term however RAC have not had sight of the Profit and Loss Accounts that would show the rent, labour and other income and expenses for Warren Woods Ltd.

There are likely to be other suitable and available dwellings in the locality (within three miles) that can meet the opening and closing requirements of the applicant's rural business.

Overall, RAC would conclude that the applicant's proposal is not compliant with TAN 6 or with Policy PSE 5 of the Denbighshire County Council Local Development.

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

Ecology Officer
No objection subject to the inclusion of conditions

RESPONSE TO PUBLICITY:

In objection

Representation received from:
Alan Williams, 6 Bro Lleweni, Bodfari

Summary of planning based representations in objection:

The proposal does not comply with Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals that state that applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling.

EXPIRY DATE OF APPLICATION: 04/09/2024

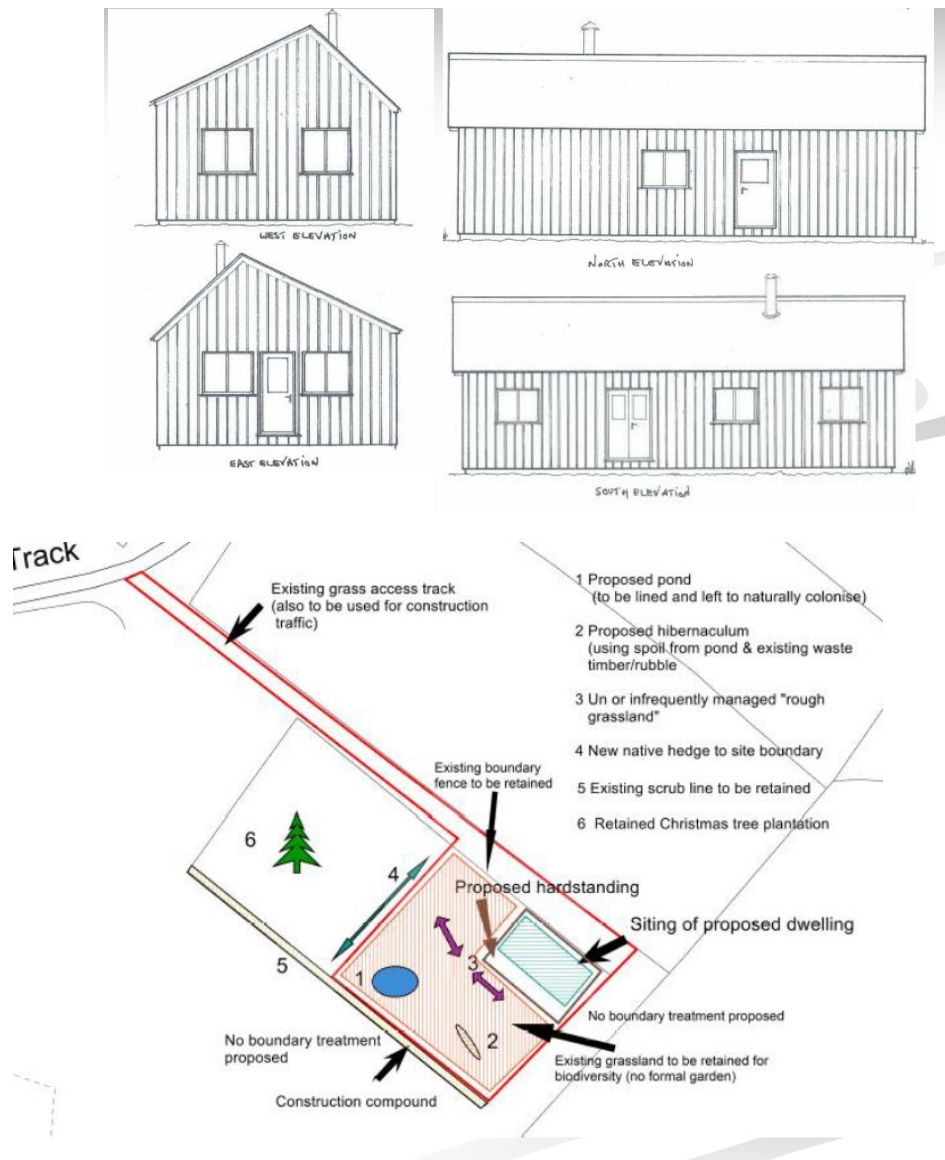
PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposal

- 1.1.1 Full planning permission is sought for the erection of a rural enterprise dwelling, installation of a septic tank and associated works at The Warren, Bodfari.
- 1.1.2 There are currently no dwellings on the site.
- 1.1.3 The dwelling would be located on an area of land approx. 0.08ha in area in the south east corner of The Warren which is associated with a mixed use of woodland based education and training, forestry and a landscape contractors business.
- 1.1.4 A single storey dwelling is proposed measuring approx. 6m by 12m to a height of 4.8m. The dwelling would provide 70sq metres of floor space consisting of a living room, bedroom, bathroom and kitchen. The dwelling would be constructed with a larch timber frame with larch cladding and a box profiled roof in juniper green. Proposed elevations and site layout details are shown below.
- 1.1.5 The submission explains that all materials will be locally sourced and the intention to achieve a high energy rating, utilising natural insulation materials such as sheep wool.

1.1.6 There would be no change to existing access arrangements.



1.2 Other relevant information/supporting documents in the application

1.2.1 A Rural Enterprise Dwelling Appraisal and accounts have been submitted.

1.2.2 A Planning, Green Infrastructure, Design and Access Statement has been submitted along with an ecological appraisal.

1.2.3 The Statement explains the current land uses at The Warren: -

Bodfari Environmental operate a woodland management and environmental contracting business from the site and employ an equivalent of 5 full time posts

Warren Woods Ltd who provide the social prescribing and traditional craft courses. The Woodland Skills Centre currently employs 2 full time and 6 part time staff.

A Heritage Orchard with over 60 trees

14 allotments

A medicinal herb garden

A small farm including 3 polytunnels and a market garden which are worked by the people attending the social prescribing programmes

Horticulture Wales

Training courses for Wellbeing in Nature Practitioner, Focus on Forestry First and National Botanic Garden of Wales and First Aid courses for those working in the outdoors.

A Certified Caravan Site.

1.3 Description of site and surroundings

- 1.3.1 The Warren is located in the open countryside some 1.5km to the north east of the village of Bodfari. Access is via a Class C County road which links to the A541 Mold Road.
- 1.3.2 The land at The Warren extends to 50 acres, 24 hectares. The use of the site is mixed, comprising land used for woodland based education and training, forestry and a landscape contractors business.
- 1.3.3 The site is surrounded by woodland and scrub.
- 1.3.4 The nearest properties to the site are Glascoed to the north (approx. 180m away), Warren House to the south (approx. 240m away) and Argoed House to the north west (approx. 360m away).

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located in the open countryside beyond any development boundaries within the Local Development Plan.
- 1.4.2 The site is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

1.5 Relevant planning history

- 1.5.1 Planning permission for a single dwelling was refused and dismissed on appeal in 1999. The appeal was determined on the basis that it was for a forestry workers dwelling and the key issue was whether there was sufficient justification on forestry grounds for the proposed dwelling.
- 1.5.2 The conclusion of the Planning Inspector was there was insufficient functional need for the proposed dwelling on forestry grounds alone to outweigh the normal policy objections to new dwellings in the open countryside.

1.6 Developments/changes since the original submission

- 1.6.1 Further information submitted in response to Reading Agricultural Consultants original response submitted as follows: -

It is stated that no details of the type of livestock or numbers on site or area of crops within the polytunnels have been provided.

The livestock (pigs and chickens) are there as part of the Community Support programs which are run for adults and children with additional needs. Warren Woods have groups in on every week day, apart from Bank Holidays, for 50 weeks a year. The livestock needs to be checked and fed on all other days and outside of the hours

which the support programmes currently operate (Monday to Friday 9.30am to 4.00pm).

There are 2 allotments, a market garden and 3 poly tunnels which are used by the Community Support groups for a variety of purposes : growing fruit and veg which they take home or cook on site as part of their activities; to produce "surplus" food for sale to the public or to be donated to local food banks; to grow plants for sale; to grow wildflower plants for Denbighshire Countryside Services as part of the County's Roadside Verge Wildflower Programme; to grow plants to be donated to local schools and community groups; to grow heritage fruit trees for sale. These activities are to provide meaningful work situations for the people who attend the Centre which also benefit the wider community. The allotments, polytunnels and market garden need to be checked and watered on the days when the Community Support groups are not at the Centre (about 150 days a year) and outside of the hours which the support programmes operate (see above). The labour requirement for the operations also needs to include the social prescribing programmes.

In terms of out of hours emergencies, Rod Waterfield, for the last 20 years has been on site all day every day of the year. He has been able to deal with issues as they arise. These include dealing with issues relating to the caravan site such as fuses being tripped when they are overloaded, being able to provide first aid when needed, dealing with the situation when power or water fails, dealing with any storm damage and generally making sure that the site is secure.

I would like to provide further clarification of the duties of the "site manager" for which there already is or could be payment and the hours through a year. In brief

- opening up and closing buildings and workshops on weekdays - 2 hours a day, 5 days a week, 50 weeks a year - 500 hours
- cleaning all buildings twice a week - 2 hours a week, 50 weeks a year - 100 hours
- checking on stock levels of consumables and doing routine maintenance on the buildings - 100 hours
- opening up buildings and workshops for courses at weekends, greeting tutors and students, ensuring that there is tea, coffee and milk, taking any course fees that are outstanding, clearing up at the end of the day so that the buildings are ready for the next day - 80 days a year - 3 hours a day - 240 hours
- supporting groups who have booked to run courses - at the Forest School sites or in the buildings - which may include taking water and firewood to the sites - 100 days - 2 hours - 200 hours
- caravan site - being available to meet people who arrive, show them the facilities and take fees - 200 occasions - 1 hour - 200 hours
- caravan site - grass cutting etc - 50 hours
- checking and feeding livestock, checking and watering polytunnels - 150 days - 2 hours a day - 300 hours
- checking and dealing with routine site maintenance - litter, recycling, hedges, plants etc - 100 hours

This amounts to about 1790 hours a year but split into small items and spread over all 365 days.

RAC states that it is not possible to comment on the rental payment from Warren Woods Ltd to the Waterfield Family Trust, labour costs or the income or other expenses for the enterprise. To provide further clarification, the funding of this post comes from different sources. Warren Woods Ltd pays the Family Trust, which owns the site, around £15,000 a year as rent, part of which covers the expenses of this post. They also pay £50 a day per group for someone to be on duty for the courses that run at weekends - a total of about £4000 a year - all of which goes to fund this post. The Family Trust charges external groups who use the buildings, woodlands and Forest School sites a daily fee of £40-£50 - an annual total of around £5000, part

of which funds this post. The annual income from the caravan site is about £5000, part of which funds this post.

RAC considers that in order for a farming business to demonstrate viability, it should be generating profits sufficient to provide a return on the capital invested – in agriculture a figure of 2.5% is usually cited; reward the owner for any unpaid labour a notional return on land and provide for the build cost of the proposed dwelling. However, the enterprise at The Warren is not a traditional farm with 1 owner and a labour force solely employed in farming. It is a much more complex situation. It has already been explained that the established rural enterprise has social, environmental and sustainable objectives. There are 2 organisations who operate from the land, Bodfari Environmental Lys and Warren Woods trading as Woodland Skills Centre.

RAC seems to consider that the only role of the person whom would occupy the rural enterprise dwelling is to open and close the site at the beginning and end of day. This is totally incorrect as can be seen from the figures given above. This accounts for only part of the hours per year. As has been explained, the social prescribing programmes do not operate 24 hours a day for 7 days a week. The need to maintain, care for and feed crops and livestock does not stop once the programmes have finished for the day Monday to Friday. If these needs are not met, the viability of the enterprise would be compromised.

- 1.6.2 The submission of amended existing and proposed site plan to include details of boundary treatments, along with some photographs and plans of existing buildings on the site.

1.7 Other relevant background information

- 1.7.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 41/31/98 – Development of 0.2 hectares of land by the erection of a single dwelling house and means of access and installation of septic tank (outline application) REFUSED 12/02/1998.

41/451/98 - Development of 0.2 hectares of land by the erection of a single dwelling house and means of access and installation of septic tank (outline application) – REFUSED and DISMISSED AT APPEAL 02/07/99

41/2002/0808 - Retention of hardstanding, and earth bund and continued use of land for mixed forestry-related uses incorporating storage of machinery/materials in connection with Landscape Contractor's business, timber storage, cutting, bagging & storage of fuelwood, charcoal production, tree nursery, coppice crafts, and woodland-based education and training. Erection of polytunnel. (Retrospective application). GRANTED 23/04/2003

41/2009/0016 Variation of Conditions No. 9 & 10 of planning permission Ref. No. 41/2002/0808/PC to allow storage of timber up to 300 tonnes (from 200 tonnes) and 12 deliveries annually (from 8). RREFUED 25/03/2009

41/2010/1177/PF Erection of a detached building to provide classroom, office, kitchen and WC and installation of new septic tank; and retention of use for woodland based education and training centre for up to 200 days per year and 2 no. forest school structures in woodland known as The Warren GRANTED 15/6/2011

41/2015/1229/PS Variation of condition number 2(a) of planning permission 41/2010/1177/PF restricting woodland based education and training centre use to a maximum of 300 days in any calendar year APPROVED 22/6/2016

41/2016/0027/PF Erection of classroom, store, wc and creation of passing places GRANTED 24/5/2016

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

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

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Agricultural and Forestry Workers Dwellings

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

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

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Llangollen - Town Centre Design Guide

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010) and Practice Guidance Note for

TAN 6 Rural Enterprise Dwellings.

TAN 12 Design (2016)

4. MAIN PLANNING CONSIDERATIONS:

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

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

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

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

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy

2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

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

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

- 4.1.1 Principle
- 4.1.2 Visual amenity/landscape
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales has limited content relevant to the consideration of rural enterprise dwelling applications. Paragraph 3.60 states that *Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.*

Technical Advice Note 6 (TAN6) is the key Welsh Government document of relevance to the considerations to be given to applications for agricultural workers dwelling applications. Section 4.3 deals with rural enterprise dwellings and states as follows: *“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.”*

The following sections of TAN 6 provide detailed guidance to Local Planning Authorities for the consideration of applications for new agricultural dwellings. Paragraph 4.4.1 of TAN 6 considers new dwellings on established enterprises and states:

“New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need;
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and
- e. other normal planning requirements, for example siting and access, are satisfied.”

Additional guidance on matters to consider is provided in Welsh Government’s Practice Guidance Note for TAN 6 Rural Enterprise Dwellings.

In summary, the Development Plan policy, Planning Policy Wales, and the contents of TAN 6 make provision for the development of rural enterprise dwellings, subject to the key tests outlined above being met. The tests are reviewed in the following sections of the report.

TAN 6 Tests for rural enterprise dwellings

In assessing the case for the dwelling in respect of the TAN 6 tests, Reading Agricultural Consultants were instructed to carry out an independent agricultural appraisal to consider whether there is sufficient justification for the dwelling on the basis of the tests set out in Technical Advice Note 6 (TAN 6).

In summary, in relation to the TAN 6 tests, the independent agricultural appraisal concludes the following:-

The Functional Need Test

The functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise.

The test of functional need is based upon the *existing* operations, as emphasised in paragraph 4.41a of TAN 6:

“New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need;...”

An assessment of the essential need for a rural worker to live at or near their place of work requires:

- an evaluation of the risks involved;
- the frequency and type of out-of-hours emergency that might arise;
- the scale and loss that could be incurred should that emergency situation occur;
- the potential for an on-site worker to identify the problem; and,
- the ability of that resident worker to rectify the problem.

The applicant considers the essential functional need relates to a combination of activities which require the ready presence of a worker on site at most times. Without this, the proper functioning of the existing enterprise would be prejudiced.

The application details that the Site Manager has been on site all day every day of the year for the past 20years with him dealing with any issues as they arise. The issues which can arise are detailed as relating to the caravan site (fuses tripping), providing first aid when needed, dealing with power cuts and issues with water supply, dealing with any storm damage and ensuring the site is secure.

Information has also been submitted with the application detailing these activities and the time spent on them by the Site Manager, in summary these are as follows:

1. *opening up and closing buildings and workshops on weekdays - 2 hours a day, 5 days a week, 50 weeks a year*
2. *cleaning all buildings twice a week - 2 hours a week, 50 weeks a year*
3. *checking on stock levels of consumables and doing routine maintenance on the buildings*
4. *opening up buildings and workshops for courses at weekends, greeting tutors and students, ensuring that there is tea, coffee and milk, taking any course fees that are outstanding, clearing up at the end of the day so that the buildings are ready for the next day - 80 days a year - 3 hours a day*
5. *supporting groups who have booked to run courses - at the Forest School sites or in the buildings - which may include taking water and firewood to the sites - 100 days - 2 hours*
6. *caravan site - being available to meet people who arrive, show them the facilities and take fees - 200 occasions - 1 hour*
7. *caravan site - grass cutting etc - 50 hours*
8. *checking and feeding livestock, checking and watering polytunnels - 150 days - 2 hours a day*
9. *checking and dealing with routine site maintenance - litter, recycling, hedges, plants etc*

It is not detailed how often the incidents listed above have occurred and how often they occur out of hours and therefore requiring a residential presence. RAC considers that all requirements of the site are pre-arranged with bookings in advance and therefore the opening and closing routine requirements are known.

Based on the information provided by the applicant Reading Agricultural Consultants (RAC) and Officers cannot accept that there is a functional need to live on the site.

The functional requirement test is therefore not met.

The Time test is only applied if a functional requirement is established (it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant).

In this case, based on the information provided RAC and Officers do not accept that there is a justified essential need for a rural worker's dwelling at The Warren.

The Financial Test

The financial test in TAN 6 requires that: *"the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;..."*

TAN 6 paragraph 4.10.2 states:

"To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development."

The TAN 6 Practice Guidance states that in order for a farming business to demonstrate viability, it should be generating sufficient profits to reward the owner for any unpaid labour – equivalent to the national minimum wage and provide for the build cost of the proposed dwelling.

RAC have been provided with Financial Statements for Warren Woods Ltd and considers that in order for a farming business to demonstrate viability, it should be

generating profits sufficient to provide a return on the capital invested – in agriculture a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the national minimum wage; a notional return on land and, provide for the build cost of the proposed dwelling.

The Financial Statements do not include the Profit and Loss Accounts but further information is provided in the additional supporting letter. It details that the funding of the labour costs, income and other expenses comes from different sources.

Without sight of the Profit and Loss Accounts it is still not possible for RAC to comment on the sustainability and viability of the rural business. RAC would note that the Balance Sheet (assets minus liabilities) shows an increasing profitable Members Fund which would be able to support the build costs of the proposed dwelling.

Other dwelling test

Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need. If there are existing dwelling(s) on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling.

There are no existing dwellings on the site.

The Supporting information comments on properties available for sale in the immediate area and the value of historic sales.

A search of Rightmove shows two properties for sale within 1 mile of the site postcode. The two properties are a three bedroom detached house with a guide price of £595,000 or a four bedroom detached house with a guide price of £525,000. RAC would consider these beyond the affordability of a rural worker.

The applicant currently lives in Denbigh and travels approximately 6 miles to the site each day to carry out the opening and closing tasks. Without an essential need on site, RAC considers that the applicant could consider alternative dwellings slightly closer to the site with a lower sale guide price.

Other planning requirements test

Rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. The siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation.

Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape. Careful consideration needs to be given to minimising the environmental effects of new rural enterprise dwellings.

It remains for the LPA to consider the appropriateness of the overall size and siting of the dwelling. It should meet the needs of the enterprise but it should be capable of being affordable to those eligible for affordable housing in line with the Council's own policies.

Having regard to the proposed details, Officers consider that the design, siting, sustainability and access for the proposed dwelling is acceptable.

Conclusions:

The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by a full time worker employed by Warren Woods Ltd, and as such the rural worker's dwelling will be occupied by a full-time worker employed in the applicants' rural business.

RAC does not consider that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by the applicant who lives 6 miles from the application site. The essential need for a labour requirement relating to animal welfare and crop protection are currently considered minimal and the number of livestock on site and area of crops grown under polytunnels remain unknown.

The confidential Balance Sheets provided demonstrate that the applicants' business is viable and sustainable now and likely to remain so in the long term however RAC have not had sight of the Profit and Loss Accounts that would show the rent, labour and other income and expenses for Warren Woods Ltd.

There are likely to be other suitable and available dwellings in the locality (within three miles) that can meet the opening and closing requirements of the applicant's rural business.

Overall, RAC conclude that the applicant's proposal is not compliant with TAN 6 or with Policy PSE 5 of the Denbighshire County Council Local Development.

Further assessment of the visual amenity impacts will be discussed further in the following section of the report.

4.2.2 Visual amenity/landscape

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.

The proposed dwelling would consist of a two storey three-bedroom dwelling. It would have a ridge height of 8m and eave height of 5m, and would have a width of circa 9.25m by a depth of 13m (240.5sqm). This is a relatively large dwelling. All of the rooms would comply with the minimum floor space standards set out within the Residential Space Standards Supplementary Planning Guidance Note.

The proposed materials would be larch timber cladding with a juniper green box profiled roof. Windows would be timber and all materials are specified as being sourced locally and the property built to achieve a high energy rating.

The proposed dwelling is small in scale and has been designed in a sensitive manner to take account of its local environment. The site is well screened and would not result in an adverse impact on visual amenity or the landscape of the AONB. The AONB Officer has been consulted as states "*The proposed building has been sensitively designed to ensure that it takes account of the surrounding area. The dwelling is quite modest in scale and proportions and the siting, design, layout and use of materials will help assimilate the development into its surroundings*".

Having regard to the design, siting, scale and appearance, including additional proposed landscaping, it is considered that the proposed dwelling would integrate with its surroundings. It is considered that this complies with criteria i) of Policy PSE5.

4.2.3 Residential amenity

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

The application site is 180m away from the nearest dwelling at 'Glascoed' to the north, which is far in excess of all minimum distance standards. It is considered that there would be no unacceptable residential amenity impacts such as privacy and overlooking given the separation distance between the properties.

The proposed dwelling would comply with all of the minimum residential standards for rooms and a 1 bed property as set out in the Supplementary Planning Guidance Note for Residential Space Standards.

There is also an acceptable amount of external space although no formal garden space is proposed.

It is therefore considered that the erection of a dwelling in this location is acceptable in respect of residential amenity.

4.2.4 Ecology

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

This reflects policy and guidance in Planning Policy Wales (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (Edition 12, 2024) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) 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).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- **Green Infrastructure**

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure

assessments and the submission of proportionate green infrastructure statements with planning applications.

- Net Benefit for Biodiversity and the Step-wise Approach

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

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

- Protection for Sites of Special Scientific Interest (SSSI)

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

- Trees and Woodlands

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

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

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

The proposal is supported by an Ecological Survey and concludes that the proposal would not have any adverse impacts. Reasonable Avoidance Measures (RAMs) are recommended within the report and concludes that provided the recommended mitigation and enhancement measures are undertaken, there should be a net gain in biodiversity, no net loss of roosting or nesting sites nor any danger of harm to any species.

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

4.2.5 Drainage (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.

The proposal is to install a new septic tank for foul drainage, details have been provided on the septic tank and appear acceptable. Soakaways are proposed for surface water drainage disposal.

The floor space of the proposed dwelling would not be in excess of 100m² however the proposed layout plan indicates a hardstanding area which may exceed this. A note to applicant would be suggested to advise the applicant that the proposal may require SuDs Approval Body (SAB) approval. SuDS is a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m². The applicant would have to get SAB approval separately from planning permission and construction can only begin when SAB approval and planning permission have been granted.

4.2.6 Highways (including access and parking)

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

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

The proposal would not impact upon the existing access track used by the business and there is sufficient space within the site for parking and turning.

There are no public footpaths affected by the proposal.

The Highway and Footpath Officer raise no objections to the proposed development.

Officers would therefore conclude that the proposal would not adversely impact on highway safety and the proposal is considered to be in compliance with the policies and guidance.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is for a rural enterprise dwelling. The conclusions of the Agricultural Consultant and the Local Planning Authority against the TAN 6 tests are that the proposal is not compliant.
- 5.2 It is not considered that the labour requirements of Warren Woods Ltd amount to an essential need for a full-time rural worker to reside on site. The labour requirement for opening and closing tasks at the site have been met for a number of years by the applicant who lives 6 miles from the application site. The essential need for a labour requirement relating to animal welfare and crop protection are minimal and the number of livestock on site and area of crops grown under polytunnels remain unknown.
- 5.3 The Financial Statements do not include the Profit and Loss Accounts, without this information it is not possible to comment on the sustainability and viability of the rural business. However it is noted that the Balance Sheet (assets minus liabilities) shows an increasing profitable Members Fund which would be able to support the build costs of the proposed dwelling
- 5.4 The design, sustainability and access considerations are considered acceptable.
- 5.5 Given the above assessment of the proposal, the dwelling to accommodate an agricultural worker is not considered to be acceptable in principle as the scheme would not satisfy the tests set out in paragraph 4.4.1 of TAN 6.

RECOMMENDATION: REFUSE for the following reason:

1. It is the opinion of the Local Planning Authority that the application fails to demonstrate key tests of TAN 6 and LDP Policy PSE5 are satisfied to justify the proposed dwelling, in terms of demonstrating that there is an essential need for the dwelling. The long term financial viability of the rural business is also unclear. The proposal is therefore considered contrary to criteria iii) of Policy PSE 5 and the rural restraints policies of Planning Policy Wales (Edition 12) including the advice and guidance contained in Welsh Government Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and the accompanying Rural Enterprise Dwellings Practice Guide (December 2011).

ADRODDIAD GAN Y PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD A GWASANAETHAU CEFN GWLAD

Adroddiad gyda gwybodaeth ar benderfyniad yr apêl: 45/2021/0516/ PF - KYNMAL HOUSE, VALE ROAD, Y RHYL Apêl wedi'i Chaniatáu

1. DIBEN YR ADRODDIAD

1.1 I roi gwybodaeth i'r aelodau ar benderfyniad yr apêl gan PEDW ar gyfer y canlynol:

“Newid defnydd o dir ac adeiladau ategol i ffurfio safle Teithwyr preswyl ar gyfer 6 carafán, gyda'r annedd bresennol Kynsal House yn cael ei gadw ar gyfer llety perchenogion/ rheolwyr; yn cynnwys ffurfio llwybrau mewnol a maes parcio, tirlunio a gwaith cysylltiedig”

2. CEFNDIR

2.1 Gofynnwyd am ganiatâd cynllunio yn 2022 ar gyfer:

“Newid defnydd o dir ac adeiladau ategol i ffurfio safle Teithwyr preswyl ar gyfer 6 carafán, gyda'r annedd bresennol Kynsal House yn cael ei gadw ar gyfer llety perchenogion/rheolwyr; yn cynnwys ffurfio llwybrau mewnol a maes parcio, tirlunio a gwaith cysylltiedig”

2.2 Roedd swyddogion yn argymhell i'r Pwyllgor Cynllunio ym mis Mawrth 2022 y dylid ceisio caniatâd cynllunio ar gyfer y broses gynllunio uchod. Yn dilyn trafodaeth faith a llawn, penderfynodd yr Aelodau wrthod caniatâd cynllunio yn erbyn argymhelliad y Swyddogion. Y rheswm dros wrthod oedd:

1. Roedd yr Awdurdod Cynllunio Lleol o'r farn y byddai newid defnydd o safle'r tir yn arwain at or-ddefnydd o'r safle. Byddai effaith cronus creu safle Teithwyr preswyl gyda 6 gwersyllfa wrth ochr yr annedd ar y safle 0.2 ha yn cynrychioli dull gorddwys o ddatblygiad yn agos at eiddo preswyl ar Rodfa Knowsley a fyddai'n cynyddu'r posibilrwydd o fwy o amhariad a gweithgaredd yn yr ardal ac yn arwain at effaith andwyol ar iechyd a lles preswylwyr. O ganlyniad, ystyrir bod y cynnig yn gwrthdaro gyda meini prawf vi) polisi RD 1 a meini prawf iv) Polisi BSC10

Polisi Cynllun Datblygu Lleol BSC10, sydd angen i gynigion beidio â bod yn andwyol i amwynder defnyddwyr eiddo cyfagos.

2. Mae'r Awdurdod Cynllunio Lleol o'r farn y byddai'r cynnig yn golygu mwy o ddefnydd ar y mynediad i Vale Road a ystyrir yn is na'r safon. Byddai'r defnydd o'r fynedfa ar gyfer graddfa a natur y datblygiad sy'n cael ei gynnig yn arwain at berygl i gerddwyr a defnyddwyr ffordd ar Vale Road yn groes i feini prawf vii) a viii) polisi RD 1 y Cynllun Datblygu Lleol.

2.3 Roedd y bleidlais yn cynnwys 13 i wrthod caniatâd cynllunio, 2 i roi caniatâd cynllunio a 2 yn ymatal.

2.4 Cynhaliwyd gwrandawriad yr apêl ar 30 Ebrill 2024. Cyflwynwyd y penderfyniad i ganiatáu'r apêl ar 10 Gorffennaf 2024 yn ddarostyngedig i amodau cynllunio.

2.5 Fel rhan o'r penderfyniad mae'r Arolygydd wedi egluro fod rhai problemau gyda gweithdrefnau a oedd yn cynnwys cadarnhau perchnogaeth o dir mewn perthynas â mynediad, derbyn y penderfyniad cyfreithiol o Ymgymeriad Unochrog, a chadarnhau bod yr holl apelyddion yn cwrdd â'r diffiniad o sipsiwn a theithwyr yng Nghylchlythyr Llywodraeth Cymru Rhif 005/2018 - Cynllunio ar gyfer Safleoedd Sipsiwn, Teithwyr a Theithwyr Sioeau.

2.5 Mae copi o Benderfyniad yr Apêl i'w gael yn Atodiad A o'r adroddiad hwn.

3. CRYNODEB O BENDERFYNIAD YR AROLYGYDD

3.1 Roedd penderfyniad yr arolygydd yn canolbwyntio ar 4 prif broblem:

- i) Effaith y cynnig ar amodau byw cymdogion;
- ii) Effaith y cynnig ar ddiogelwch priffyrdd;
- iii) Ydi'r cynnig yn cydymffurfio â pholisi cynllunio sy'n ceisio llywio datblygiad hynod fregus oddi ar dir sydd mewn perygl sylweddol o lifogydd;
- iv) Os byddai defnyddiau posib yn drech ar unrhyw niwed sydd wedi'i adnabod.

3.2 Wrth ymdrin â phob problem yn ei dro, daeth yr arolygydd i'r canlyniad fod:

- i) Amodau Byw:

Mae'r Arolygydd wedi cydnabod fod Cynllun Datblygu Lleol Sir Ddinbych a fabwysiadwyd yn caniatáu safleoedd carafán sipsiwn a theithwyr tu mewn neu ar gyrion y ffiniau setliad sefydledig gyda mynediad i amryw o gyfleusterau a gwasanaethau ac ni fyddai'r rhain yn cael effaith andwyol ar amwynder y preswylwyr eiddo yn y gymdogaeth.

Ystyriodd yr arolygydd gynllun arfaethedig y safle mewn perthynas â ffiniau safle ac anheddau cyfagos. Dywedodd yr arolygydd na fyddai gosodiad y carafanau ar y safle yn ymddangos yn anghydweddol yn yr ardal ac ni fyddai

effeithiau annerbyniol ar ddefnyddwyr o'r ystâd fasnachu gyfagos. Wrth nodi'r golygfeydd agored sydd gan rai anheddau dros y safle dywedodd yr Arolygydd ei fod yn dynwared golygfeydd tebyg rhwng eiddo presennol a bod yr effaith sgrinio gan y ffens bresennol yn atal y problemau o allu gweld drosodd sy'n annerbyniol.

Archwiliodd yr arolygydd y pellteroedd gwahanu rhwng y carafanau a'r anheddau gerllaw. Adnabuwyd fod dwy garafán yn agos i dai teras ar Ffordd Brookfield ac yn syrthio'n fyr o'r canllaw CCA awgrymedig sef pellter gwahanu o 21 metr rhwng eiddo. Fodd bynnag roedd yr Arolygydd yn ystyried mai pwrpas y pellter gwahanu o 21 metr oedd i amddiffyn preifatrwydd. Yn yr achos hwn, er ei fod yn syrthio'n fyr o'r 21 metr roedd yr arolygydd o'r farn bod y gofod sydd ar gael i dirlunio, natur un llawr y carafanau a'r ffin bresennol sy'n cynnig sgriniad effeithiol yn ddigonol i sicrhau na fyddai golygfa annerbyniol drosodd i'r eiddo gerllaw.

Roedd yr arolygydd hefyd o'r farn nad oedd yna unrhyw reswm i gredu y byddai gweithgareddau dyddiol ar y safle yn arwain at aflonyddwch annerbyniol i gymdogion, yn enwedig wrth ystyried lleoliad y safle o fewn ardal gymysg a dwys o eiddo preswyl a masnachol.

ii) Diogelwch y briffordd:

Roedd yr arolygydd wedi ystyried natur y traffig ar Vale Road ac wedi gwyllo'r llif traffig yn yr ardal yn ystod ei hymweliad safle ganol y prynhawn. Mae'r nifer o lefydd parcio yn y safle ynghyd â llefydd i gerbydau allu troi rownd yn dderbyniol. Mae'r gwelededd o ran cael mynediad ar Vale Road yn cael ei ystyried i fod yn dderbyniol hefyd a nodwyd nad oedd yna dystiolaeth empirig i gefnogi tystiolaeth hanesyddol preswylwyr o achosion diogelwch ar y briffordd. Mae natur ffisegol y mynediad yn cael ei ystyried i fod o fudd gan y byddai'n gorfodi pobl i arafu wrth yrru i mewn ac allan o'r safle.

iii) Perygl Llifogydd:

Mae penderfyniad yr apêl yn adnabod bod y safle wedi'i leoli mewn parth llifogydd C1 ac yn y gwrandawriad derbyniwyd y byddai'r cynnig yn arwain at ddwysâd o ddefnydd preswyl ar y safle (datblygiad bregus iawn).

Derbyniodd yr Arolygydd na fyddai'r cynnig yn llwyddo ym mhroffion i) neu ii) o brofion TAN 15 sydd eu hangen i gyfiawnhau datblygiad hynod o fregus ym mharth-llifogydd C1. Aeth yr Arolygydd ymlaen i ystyried y digwyddiadau llifogydd wedi'u modelu o fewn yr Asesiad Canlyniadau Llifogydd sy'n arddangos y byddai effaith llifogydd ar y safle a fyddai ar y cyfan o fewn y lefelau llifogydd 'goddefol' fel y diffinnir yn TAN 15. Fodd bynnag, mewn achos o lifogydd llanw/arfordirol mae'r modelu Asesiad o Ganlyniadau Llifogydd yn dynodi pe bai llifogydd ar y safle rhagwelir dyfnder o dros 2m sy'n cynrychioli risg sylweddol ac annerbyniol. O ran risg o lifogydd fe ddaeth

yr arolygydd i'r casgliad y byddai'r cynnig yn methu o ran cwrdd â'r profion cyfiawnhad yn TAN 15 ac yn methu â chydymffurfio â'r polisi cynllunio ym Mholisi PNU 1 yn y CDLI a'r PCC sy'n ceisio arwain datblygiad bregus iawn oddi wrth ardaloedd sydd mewn risg sylweddol o lifogydd.

iv) Ystyriaethau materol eraill

Mae penderfyniad yr arolygydd yn crynhoi gofyniad y polisi ar gyfer awdurdodau lleol i sicrhau fod gofynion llety Sipsiwn a Theithwyr yn cael eu hasesu'n gywir a bod yr angen am wersylloedd yn cael ei gwrdd. Yn y gwrandawriad cydnabuwyd bod y drafft diwygiedig mwyaf diweddar o Asesiad o Anghenion Llety Sipsiwn a Theithwyr yn dangos gofyniad sydd ddim yn cael ei gwrdd ar gyfer 18 gweryllfa. Ystyriwyd amgylchiadau'r teulu ac mae penderfyniad yr Arolygydd yn dynodi y byddai'r cynnig yn darparu lleoliad i blant allu ymgartrefu ac yn galluogi plant hŷn i fynychu ysgol a chael addysg. Ystyriwyd ei bod yn angenrheidiol i gyflwyno amod cynllunio sy'n cyfyngu aelodau teulu a'u dibynyddion i'r safle er mwyn sicrhau bod y buddion a nodwyd yn cael eu gwireddu.

CYDBWYSEDD/ CANLYNIAD CYNLLUNIO:

Mae penderfyniad yr Arolygydd yn cydbwyso'r ystyriaeth uchod ac yn nodi:

- Na fyddai unrhyw niwed i amwynder
- Bod y cynnig ddim yn pasio'r profion TAN 15 o ran llifogydd
- Byddai gwrthod caniatâd yn golygu ymyrraeth i fywyd teuluol preifat a bywyd teuluol y plant dan sylw, achosion sy'n cael eu diogelu gan Erthygl 8 o Gonfensiwn Ewropeaidd ar Hawliau Dynol. Mae'r diffyg o ran darpariaeth arall yn golygu y byddai gwrthod caniatâd yn *'condemnio'r plant i fywyd ar ochr y ffordd'*. Mae'r effaith o wrthod caniatâd ar fudd y plant dan sylw yn gwyrho'r penderfyniad i fod o blaid cymeradwyo'r apêl
- Dylai ystyriaeth sylweddol gael ei roi i'r angen sydd ddim yn cael ei gwrdd ar hyn o bryd ar gyfer Safleoedd Sipsiwn a Theithwyr yn Sir Ddinbych. Byddai'r cynnig hwn yn cyfrannu rhywfaint at yr angen hynny.
- Mae budd y plant yn cael ei ystyried i fod yn bwysig iawn ac yn drech ar y gwrthdaro gyda'r polisi cenedlaethol o ran llifogydd.

Wrth ddod i gasgliad a chaniatáu'r apêl roedd yr Arolygydd yn ei gweld yn hanfodol i gyflwyno amodau cynllunio i ymdrin â'r canlynol:

- Cyfyngu ar ddeiliadaeth i aelodau o'r teulu a'i dibynyddion
- Cyfyngu ar nifer y carafanau ar y safle a gwahardd unrhyw garafanau teithiol a chartrefi modur
- Amod i gyfyngu mynediad i'r safle
- Amod i wahardd gweithgareddau masnachol
- Amod sy'n ei gwneud yn ofynnol cael cynllun golau ar y safle
- Amod sy'n ei gwneud yn ofynnol am welliant ecolegol

4. ARGYMHELLIAD

4.1 Bod aelodau'n nodi cynnwys penderfyniad yr Arolygydd.

Mae tudalen hwn yn fwriadol wag



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/07/2024

Appeal reference: CAS-02030-S8W8X4

Site address: Land at Kynsal House, Vale Road, Rhyl,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Phillip Purcell against the decision of Denbighshire County Council.
 - The application Ref 45/2021/0516/PF, dated 14 May 202, was refused by notice dated 17 March 2022.
 - The development proposed is the change of use of land and ancillary buildings to form residential traveller site for siting 6 no. static caravans, with the existing dwelling (Kynsal House) retained for owners / managers accommodation and including formation of internal pathways, parking, landscaping and associated works.
 - A hearing was held on 30 April 2024.
 - A site visit was made on 30 April 2024.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land and ancillary buildings to form residential traveller site for siting 6 no. static caravans, with the existing dwelling (Kynsal House) retained for owners / managers accommodation and including formation of internal pathways, parking, landscaping and associated works at Land at Kynsal House, Vale Road, Rhyl, in accordance with the terms of the application, Ref 45/2021/0516/PF, dated 14 May 2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The Council queried whether correct certification of landownership had been undertaken with reference to unregistered land near the access to the appeal site. However, although the full extent of the access to the appeal site was omitted from the red line plan, the appellant confirmed that the access does not include that unregistered land, and the parties agreed that Kynsal House is served by an access onto Vale Road which would also be used to serve the proposed development.
3. At the time of my site visit, static caravans present at the time of the Council's decision had been removed. The appellant confirmed that the permission sought is for a proposed

development rather than retrospective planning consent, and I have considered the appeal on this basis.

4. A completed Unilateral Undertaking, including a commitment towards open space, was submitted after the hearing, and the Council given opportunity to comment.
5. Paragraph 2 of the Welsh Government's Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites (the Circular) defines gypsies and travellers. It was confirmed at the hearing that there is no dispute between the parties that the appellant meets this definition. It was also agreed at the hearing that details regarding the personal circumstances of the appellant and his family would be exchanged in writing after the event. Interested parties were given an opportunity to comment.

Main Issues

6. The main issues are:
 - i) The effect of the proposal on the living conditions of neighbouring occupiers;
 - ii) The effect of the proposal on highway safety;
 - iii) Whether the proposal would comply with planning policy which seeks to steer highly vulnerable development away from areas at the highest risk of flooding;
 - iv) Whether any identified harm would be outweighed by other material considerations.

Reasons

Living conditions

7. Kynsal House is a two-storey detached dwelling, facing into a large rear enclosed yard. It is located to the north of, and set back from, the A525 at Vale Road, and accessible between commercial units, which I saw during my site visit form part of a bustling mixed commercial and residential area. The Glan Aber Trading Estate adjoins the appeal site to its east, whilst housing at Brookdale Road and Knowsley Avenue adjoin to the north and west. The caravans would be located within the rear yard area, along with parking and amenity areas.
8. Denbighshire Local Development Plan (LDP) Policy BSC 10 is permissive of gypsy and traveller caravan sites within or on the outskirts of established settlement boundaries with access to a range of facilities and services, which applies in this case. Policy BSC 10 also resists development that would be detrimental to the amenity of occupiers of adjacent properties. LDP Policy RD 1 also supports proposals within development boundaries, provided, amongst other things, that they do not unacceptably affect the amenity of local residents, by virtue of, amongst other things, increased activity, noise and disturbance.
9. It was accepted at the hearing that the proposal would reflect a density of a minimum of 35 dwellings per hectare expected for residential development set out in Policy RD 1. Given the appeal site's location within a tight knit built up area, I do not consider that the number of units proposed as part of the appeal scheme would represent an overly intense development of the appeal site.
10. In terms of layout, the intended siting of caravans on the appeal site would place them close to some of its external boundaries. I saw during my site visit however that the caravan proposed to be located in the north-western corner of the appeal site, on pitch No.1, would reflect the side to boundary siting of its immediately adjoining property at No 54 Brookdale Road and so would not be incongruous. The remaining five caravans would be close to the eastern boundary but would be orientated with their narrowest elevations towards the adjoining Trading Estate and would have no unacceptable effects on users of

that site. The intended location of open spaces and parking and turning areas closest to the appeal site's western boundary would largely mirror the open aspect fronting properties at Knowsley Avenue alongside. Whilst some nearby dwellings would have open views across the appeal site from their first-floor windows, this would largely replicate similar views between existing properties within the densely developed setting of the site. The dwellings at No 16 and No 18 Knowsley Avenue face towards the site across the estate road but the intended caravans would be located at the furthest end of the appeal site and orientated with their narrowest elevation towards these properties. Given this, and the screening effect of the existing fence, there would be no unacceptable overlooking towards these dwellings.

11. The proposed caravans would be raised above ground level to mitigate flood risks and the two units which would be located close to the rear boundaries of the terraced row at Brookfield Road would fall significantly short of the separation distance of 21m between opposing windows set out in the Council's adopted Supplementary Planning Guidance 'Residential Development' (SPG). However, the SPG's guidelines on separation distances are intended to maintain adequate privacy. Given the available width to secure an appropriate landscaping scheme, as well as the screening effects of existing boundary fencing, and the single storey nature of the caravan accommodation proposed, I do not consider that there would be unacceptable overlooking of properties at Brookfield Road or their gardens as a result of the proposed development.
12. As well as suitable parking space, the site would accommodate areas of open space. Moreover, the areas between caravan pitches would be unenclosed and available for the families' use. Whilst the extent of these areas would not reach the on-site standard of open space expected by LDP Policy BSC 11, that Policy allows some flexibility in provision, including where it is demonstrated that amongst other things, it is impractical to provide the full requirement for open space on site. The Council has confirmed that there is no shortfall of open space locally, with extensive facilities within a short walking distance from the appeal site. It has also accepted that a financial contribution towards the maintenance of that open space would be appropriate in this case. Accordingly, I consider that the scheme would provide an appropriate layout.
13. There is no reason to believe that the daily activities at the site would result in unacceptable disturbance to neighbouring occupiers, particularly given the site's location within a mixed and densely developed residential and commercial area. Moreover, some of the site's intended occupiers may be periodically absent from the site travelling for work, reducing the habitual level of on-site activity, whilst a planning condition could also ensure that no inappropriate commercial activity would take place on the site. Existing 2m high timber fences would be retained on the site's external boundaries whilst a landscaping scheme would add an additional buffer between the appeal site and existing housing. Lighting would be low level and would have no unacceptable effects beyond the site's boundaries. Notwithstanding the fabric of caravans, the proposal is for 6 units to be used as permanent residences and there is no cogent evidence that this type of residential use would be inherently noisier than conventional housing. Other legislative controls exist to deal with any excessive noise amounting to a statutory nuisance.
14. I conclude that the proposal would not harm the living conditions of neighbouring occupiers and so would comply with LDP Policies BSC 10 and RD 1.

Highway Safety

15. Vale Road is a busy arterial route into Rhyl. It operates as a regular bus route and also serves local housing and commercial premises as well as four local schools. During my mid-afternoon site visit, the road accommodated a steady and continuous volume of

vehicular and pedestrian traffic, including school pupils. Whilst I acknowledge the travelling lifestyle of intended occupiers of the site, the appeal scheme would allow the opportunity of a permanent residential base and I have therefore assessed the proposal on the basis that the site would be permanently occupied.

16. The intended layout was amended at the application stage to provide turning space within the site. The caravans, as well as the existing dwelling, would be provided with designated parking spaces, and there would be additional communal parking space within the site. The appellant confirmed that no touring caravans would be kept at the appeal site, and this is a matter which could be controlled by a planning condition. Whilst local residents raise concerns about the logistics of installing static caravans on the site, the appellant confirms that once installed, the units would only require replacing when they reach the end of their design life. I consider that any disruption through installation would have only limited localised short-term effects.
17. Visibility on exiting the appeal site is impaired in both directions by commercial properties where its access meets the partially ad hoc arrangement of shared parking and pedestrian space between those properties and Vale Road. The appeal scheme would lead to an increased regular use of this access. However, the Council confirms that the access forms part of an employment allocation in the LDP at Glan Aber Trading Estate and I saw that as well as the appeal site, it serves as rear access to those adjoining commercial units, with one business utilising space alongside the access for loading and unloading goods at the time of my visit. I note residents' anecdotal evidence of highway safety incidents but there is no empirical evidence of any accidents locally and I note that the Highway Authority raises no concerns regarding the use of the access to serve the proposed development. Owing to its dog-leg alignment, and commercial use, as well as use for informal parking, I consider intended residents of the appeal site would be likely to emerge slowly from the access. Given existing parking and pedestrian activity in the commercial frontage area, I also consider that drivers and pedestrians would exercise suitable caution within that space.
18. I saw that visibility onto Vale Road from the shared parking and pedestrian space is good in both directions. Given the volume of traffic it already carries, the likely increase in traffic which would arise from the appeal proposal would represent only a small addition to the overall flow on the local highway network. Moreover, since the application was considered by the Council, the local speed limit has been reduced which would be likely to benefit highway safety for all users.
19. I acknowledge local concerns regarding a previous proposal for an access from the appeal site onto Knowsley Avenue to which the Highway Authority objected. However, the intended occupiers of the appeal proposal would utilise the existing access onto Vale Road. Whilst I saw that a dropped kerb was in place at Knowsley Avenue at the time of my site visit, access was blocked by the existing perimeter fence, and any future use could be controlled by a planning condition.
20. I conclude that the proposal would not harm highway safety and would therefore comply with LDP Policy RD 1.

Flood Risk

21. Planning Policy Wales (Edition 12) (PPW) states that planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. The Council's approach to flood risk is set out in LDP Policy RD 1 which states that development proposals will be supported within development boundaries provided its criteria are met, including that it satisfies physical or natural environmental considerations relating to, amongst other things, liability to flooding.

22. The appeal site lies entirely in Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development & Flood Risk (TAN 15). The site is within Flood Zone 3 and the TAN15 defended zone according to the Flood Map for Planning (FMfP). Notwithstanding any occasions spent by its intended residents in travelling, the appellant acknowledges that the proposal would lead to an intensification of residential use of the appeal site. All residential premises, including caravans, are defined in TAN 15 as highly vulnerable development (HVD).
23. TAN 15 advises that new development will only be justified in zones C1 and C2 if it is necessary to assist or be part of a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement (test i) or necessary to contribute to key employment objectives (test ii). Neither applies here and on that basis, I need not go on to consider tests (iii) and (iv).
24. Nonetheless I will do so. The site comprises previously developed land (test iii). The final justification test requires that the potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable. In most modelled flood events, including flooding risk from the adjoining watercourse at 'The Cut', the appellant's Flood Consequences Assessment (FCA) indicates that the appeal site would meet the tolerable flood levels set out in TAN 15. Even so, TAN 15 states development should be designed to be flood free during the 0.5% tidal/coastal flood (i.e. 200 to 1 chance in any year event). However, for such an event, should there be a breach of flood defences, the FCA's modelling indicates that flooding of the appeal site would occur, with depths of over 2m predicted, representing significant and unacceptable risk.
25. I conclude that the proposal would fail to meet the justification tests set out in TAN 15 and would fail to comply with planning policy set out in LDP Policy RD 1 and PPW which seek to steer highly vulnerable development away from areas at the highest risk of flooding.

Other material considerations

26. The Circular confirms that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. No unmet need had been identified during preparation of the LDP. However, Policy BSC 10 also states that the Council will identify permanent and transit caravan sites for Gypsies and Travellers should an unmet need be identified. The Council acknowledges it has not allocated or delivered any sites and accepts there is an unmet need for at least 12 pitches, as identified in its published 2021 Gypsy and Traveller Accommodation Assessment (GTAA), which forms part of the evidence base for the Replacement Local Development Plan 2018-33 (RLDP). Further, at the hearing, the Council advised that the latest revised draft GTAA assessment indicates an unmet need for up to 18 pitches.
27. The RLDP is expected to address the shortfall, but a deposit plan is not expected until early 2025. At best the RLDP is likely to be examined in 2026 and adopted in 2027. Any Gypsy and Traveller sites allocated in the deposit RLDP would be subject to consultation and likely to be subject to scrutiny at examination. Accordingly, there is no likelihood that a plan led solution to the acknowledged unmet need will occur any time soon.
28. The appellant has set out his family's personal circumstances, providing details of his six children, and their respective partners and children, who would occupy the intended caravans. The adult male family members all travel for work. The appeal site offers the extended family an opportunity to live together on family-owned land, with the appellant and his wife also providing financial support to one of their daughters. In relation to the family's children, there are several of school age, as well as pre-school age children. The

proposal would provide all the children with a settled base and would enable the older children to attend school and obtain an education.

29. I have had regard to representations from a neighbouring occupier about the limited number of family members resident at Kynsal House, with other family members not currently residing at the site. However, during the hearing the appellant explained the circumstances of those family members resident in the existing dwelling. The absence of other family members was also cogently explained. As agreed by the Council, a planning condition could limit occupation of the site to family members and their dependents.

Planning Balance

30. The appeal proposal would not harm the living conditions of neighbouring occupiers or highway safety and would provide a sustainable site within a settlement boundary. It would also contribute to the maintenance of public open space in the locality. However, I afford these matters neutral weight as they would be expected of any development.

31. In relation to flood risk the proposal would not meet local and national planning policy guidance which unequivocally emphasises the need to take a precautionary approach and directs development away from areas of highest risk. Avoidance of highly vulnerable development in areas of flood risk serves the wider public interest and this policy conflict therefore weighs heavily against allowing the appeal.

32. I have taken into account the personal circumstances advanced in support of the proposal with particular regard to the fact that dismissal of the appeal would result in an interference with the private family life of the extended family group, and the family life of the children concerned, which is a matter safeguarded under Article 8 of the European Convention on Human Rights, and which includes consideration of the best interests of the children. Given the accepted lack of alternative provision, dismissing the appeal is likely to condemn the children to a roadside existence. I consider that the children's best interests would be served by a settled family base and access to education and other necessary services. This carries substantial weight in favour of allowing the appeal.

33. The existing unmet need for Gypsy and Traveller sites in Denbighshire is unlikely to be met in the foreseeable future. The appeal proposal would provide 6 residential traveller pitches which would go some way to meet that need in accordance with LDP Policy BSC 10. Bearing in mind the duty to meet the accommodation needs of Gypsies and Travellers, I afford these matters considerable weight in favour of the appeal proposal.

34. In balancing these competing considerations and their respective weight, I have taken into account whether the best interests of the children in this case outweighs conflict with national planning policy on flood risk. I acknowledge that it would not be in the best interest of children that their homes are flooded and that their lives put at risk. However, flooding at the appeal site is predicted to be within the tolerable ranges for residential use set out in national planning policy in all but extreme events with flooding levels including a breach of flood defences, calculated with regard to a 100 year residential design life with an allowance made for climate change. Given the nature of the predicted flood risk, taking into account that there are no other sites available to meet the family's needs, I consider the dangers to the children of a roadside existence are greater than from flooding and conclude that the children's best interests would be served by allowing the proposal.

Other Matter

35. The Council raises no concern that the use of the access would prejudice the employment allocation at the Glan Aber Trading Estate. Given the existing use of the access, I have no reason to reach a different conclusion.

Conditions and Obligation

36. Whilst there is no shortfall in the provision of open space, developers are expected to make a financial contribution to mitigate the increased usage of existing facilities. As the appeal proposal would likely add to the demand for and use of local facilities, I consider the submitted obligation is necessary for the proposal to comply with LDP Policy BSC 11.

37. The Council has suggested conditions which I have considered in the light of the advice within Circular 016/2014 The Use of Planning Conditions for Development Management ('the Circular'). I consider that a condition, naming family members and their resident dependents, would provide the necessary clarity to limiting the occupation of the intended development to the family group, to reflect the justification for the development to serve the best interests of the children. A condition is also necessary to limit the number of static caravans on the site to reflect the permission sought and to prohibit any touring caravans or motorhomes from being placed on the site in the interests of highway safety. A condition to prevent use of an access on the western boundary of the appeal site, including the removal of dropped kerbs in that location, is also necessary in the interests of highway safety. A condition prohibiting commercial activities is necessary to safeguard the living conditions of neighbouring occupiers, but matters related to the burning of waste and surface water drainage are covered by other legislative controls and therefore unnecessary. A condition requiring submission of a lighting scheme is also unnecessary as details have already been provided. There is no cogent evidence of protected species being present at the appeal site, but a scheme of ecological enhancement could be secured by a planning condition. Whilst the submitted drawings indicate that landscaping would be provided, the proposals are limited in species mix and a condition requiring a landscaping scheme is therefore necessary to ensure that any scheme is appropriate.

Conclusion

38. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be allowed. I allow the appeal.

39. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

Inspector

List of Documents

Appellant's draft Unilateral Undertaking

Council's written justification for an open space contribution

Schedule of Conditions

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified otherwise within any other condition pursuant to this permission:

- (i) Location Plan
- (ii) Existing Site Plan (Drawing No. DG1)
- (iii) Proposed Site Plan (Drawing No. DG2 Rev B)
- (iv) Existing and Proposed Outbuilding Floor Plan (Drawing No. DG3)
- (v) Justification Statement
- (vi) Limited Flood Consequences Assessment
- (vii) Landscaping Schedule
- (viii) Lighting Bollard Specification
- (ix) Waterco Flood Consequences Assessment
- (x) Statement in Response to Consultation Responses

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

3. There shall be no more than 6 permanent static caravans on the site at any time as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. No additional static caravans, touring caravans or motor homes shall be brought onto the site at any time.

Reason: To define the scope of the permission and in the interests of highway safety (LDP Policy RD 1).

4. The occupation of Kynsal House and the site shall only be by the following, and their resident dependents: Mr & Mrs Phillip Purcell, Joe and Bridget Doran, Patrick and Margaret Delaney, John and Hannah Purcell, Luke and Mary Price, Kathleen Purcell and John Padley, Babi Purcell.

Reason: To ensure continuation of the justification for permitting the development

5. No commercial or livery activities shall take place on the land, including the storage of materials. No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and commercial vehicles shall not exceed 3.5 tonnes in weight.

Reason: To ensure no commercial activities adversely affect the residential amenity of residents of nearby properties (LDP Policies RD 1 and BSC 10).

6. No static caravans shall be brought onto the site until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. The development shall be carried out, and thereafter retained, in accordance with the approved details.

Reason: To enhance the site's biodiversity (Policy 9 Future Wales)

7. Notwithstanding the approved plans, no static caravans shall be brought onto the site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the bringing of the first static caravan onto the site, or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area or on the living conditions of neighbouring occupiers (LDP Policies BSC 10 and RD 1)

8. The sole means of access to the site shall be as shown on the approved plan, Proposed Site Plan (Drawing No. DG2 Rev B). Access onto Knowsley Avenue shall remain permanently closed, with the dropped kerbs removed and the raised kerbs reinstated before any static caravans are brought onto the site.

Reason: In the interests of highway safety (LDP Policy RD 1).

Mae tudalen hwn yn fwriadol wag