

# 7.1

## Gweddill y Ceisiadau

## Remainder Applications

Rhif y Cais: **15C116E** Application Number

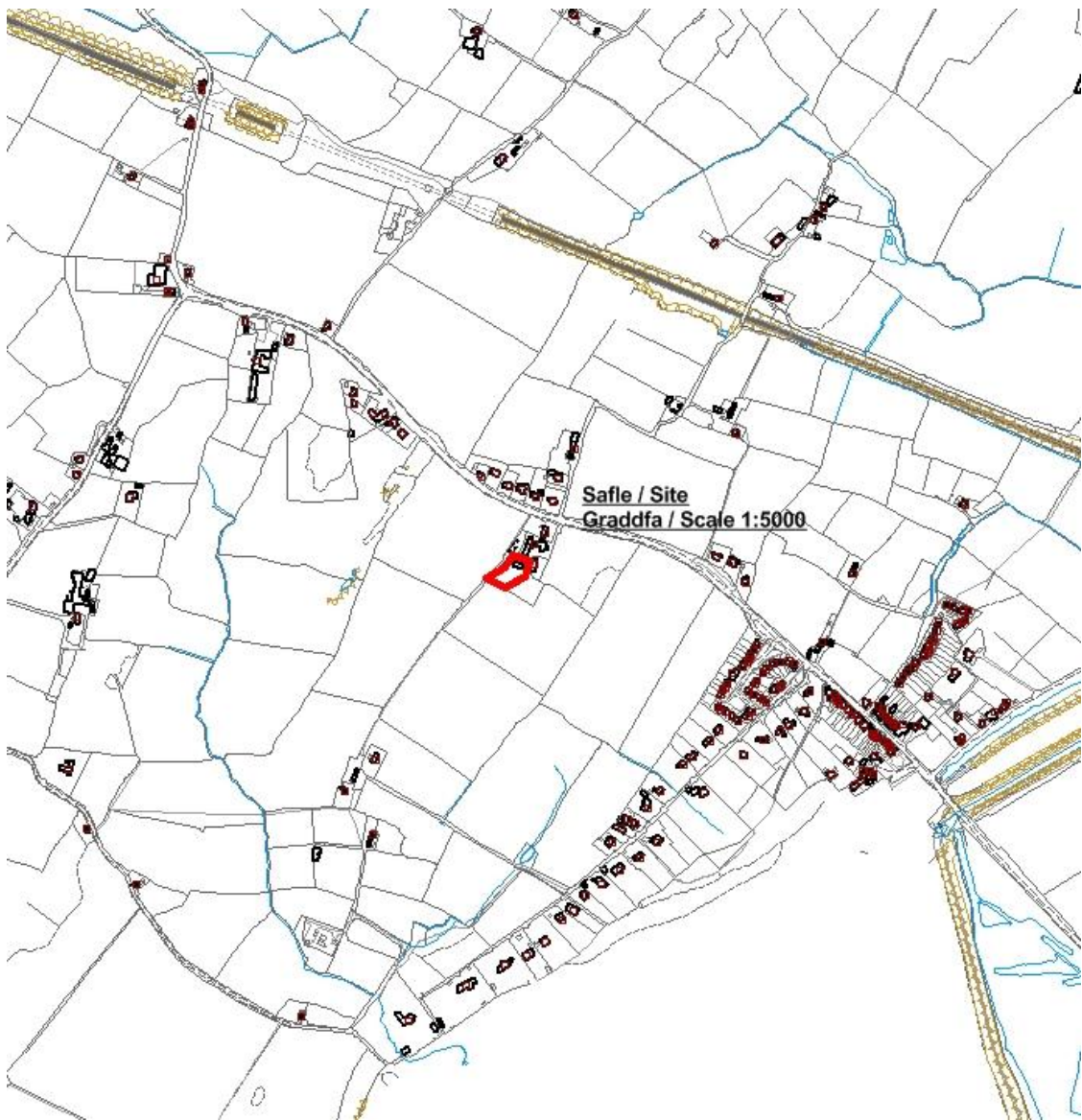
Ymgeisydd Applicant

**Mr Walter Hughes  
3 Bythynnod Gwenllyr  
Malltraeth  
Bodorgan  
Ynys Mon  
LL62 5AF**

Cais llawn am addasu ag ehangu yn

Full application for alterations and extensions at

5, Bythynnod Gwenllyr, Malltraeth



**Planning Committee: 07/05/2014**

**Report of Head of Planning Service (AMH)**

**Recommendation: Refuse**

**Reason for Reporting to Committee:**

At its meeting held on the 2<sup>nd</sup> April 2014 the Members resolved that a site visit should take place prior to determining the application. The site visit took place on the 16<sup>th</sup> April 2014 and the Members will be familiar with the site and its setting.

### **1. Proposal and Site**

The proposal lies on the outskirts of Malltraeth village towards Hermon/Bethel. The outbuilding the subject of this application has not currently been completed, however the other outbuildings have been converted. The site lies within the AONB

### **2. Key Issue(s)**

The key issue is whether or not the proposed extension undermines the provisions of the Council's approved policies on rural conversions and whether or not the proposal will affect the AONB.

### **3. Main Policies**

#### **Ynys Mon Local Plan**

- 1 – General Policy
- 30 – Landscape
- 42 – Design
- 55 – Conversion
- 58 - Extensions

#### **Gwynedd Structure Plan**

- D1 – Protect and enhance the environment
- D4 – Location, Siting and Design
- D25 – New development or alterations to existing Buildings
- D29 – Ensure new developments or alterations to existing buildings are to a high standard

#### **Stopped Unitary Development Plan**

- GP1 – Development Control Guidance
- GP2 – Landscape
- EN1 – Landscape Character
- EN2 – AONB
- EN13 – Conversion
- HP8 – Conversion

### **4. Response to Consultation and Publicity**

**Community Council** – Support

**Local Member (Peter Rogers)** – Call into committee.

**Local Member (Ann Griffiths)** – No response received at time of writing report.

**Footpaths Officer** - Comments.

The application was afforded three means of publicity. These were by the posting of a site notice near the site and the publication of a notice in the local press. The latest date for the receipt of representations is the 07<sup>th</sup> April 2014. At the time of writing this report one letter of support has been received to the department.

## **5. Relevant Planning History**

15C116 – Alterations and extensions at Ty Pigyn, Malltraeth APPROVED 16/08/2001

15C116A - Demolition of existing steel framed barn. Extension and alterations to existing holiday cottage together with the conversion of existing outbuildings to 2 holiday cottages and one dwelling at Tŷ Pigyn, Malltraeth REFUSED 25/05/2004

15C116B – Full plans for the demolition of the existing steel framed barn, extension and alterations to the existing holiday cottages, together with the conversion of existing outbuilding to 2no. holiday cottages and 1no. dwelling at Ty Pigyn, Malltraeth APPROVED 09/08/2004

15C116C – Deletion of conditions (09) (10) (11) and (12) from planning consent 15C116B so as to allow the units to be occupied as permanent residential units at Ty Pigyn Outbuildings, Malltraeth APPROVED 10/12/2007

15C116D – Full application for alterations and extensions at 5 Bythynod Gwenllyr, Malltraeth WITHDRAWN 13/02/14

## **6. Main Planning Considerations**

### **Affect on amenity**

The proposal entails a large extension to the rear of the property as well as creating a first floor to the existing outbuilding. The main planning consideration is whether the original application would have been approved had it included this proposal for an extension to the building and the design of the proposed extension. Any additions to the converted dwelling-house have to be considered against Policy 55 of the Ynys Mon Local Plan. The footprint of the original building currently is 85.5 square metres. Whilst Policy 55 does stipulate that minor extensions can be supported depending on the scale, location and design; however this proposal will create an additional 255 square metres. Nearly 3 times more than the existing outbuilding. Due to the scale of this extension, the section cannot support the application as it will impact the current outbuilding and the other outbuildings in the amenity where it will dominate the surrounding area; this application cannot be supported and is contrary to Policy 55 of the Ynys Mon Local Plan.

### **7. Conclusion**

Given the amount of extensions previously approved, the section cannot support the application for a further extension under Policy 55 of Ynys Mon Local Plan and HP8 of the stopped Unitary Development Plan.

### **8. Recommendation**

#### **Refuse**

(01) The Local Planning Authority consider that the proposed extension is contrary to the provisions of Policy 55 of the Ynys Mon Local Plan and Policy HP8 of the stopped Unitary Development Plan and would undermine the integrity of these policies together with the guidance contained within the Council's Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment and Rural Conversions.

## 7.2

### Gweddill y Ceisiadau

### Remainder Applications

Rhif y Cais: **22C40A** Application Number

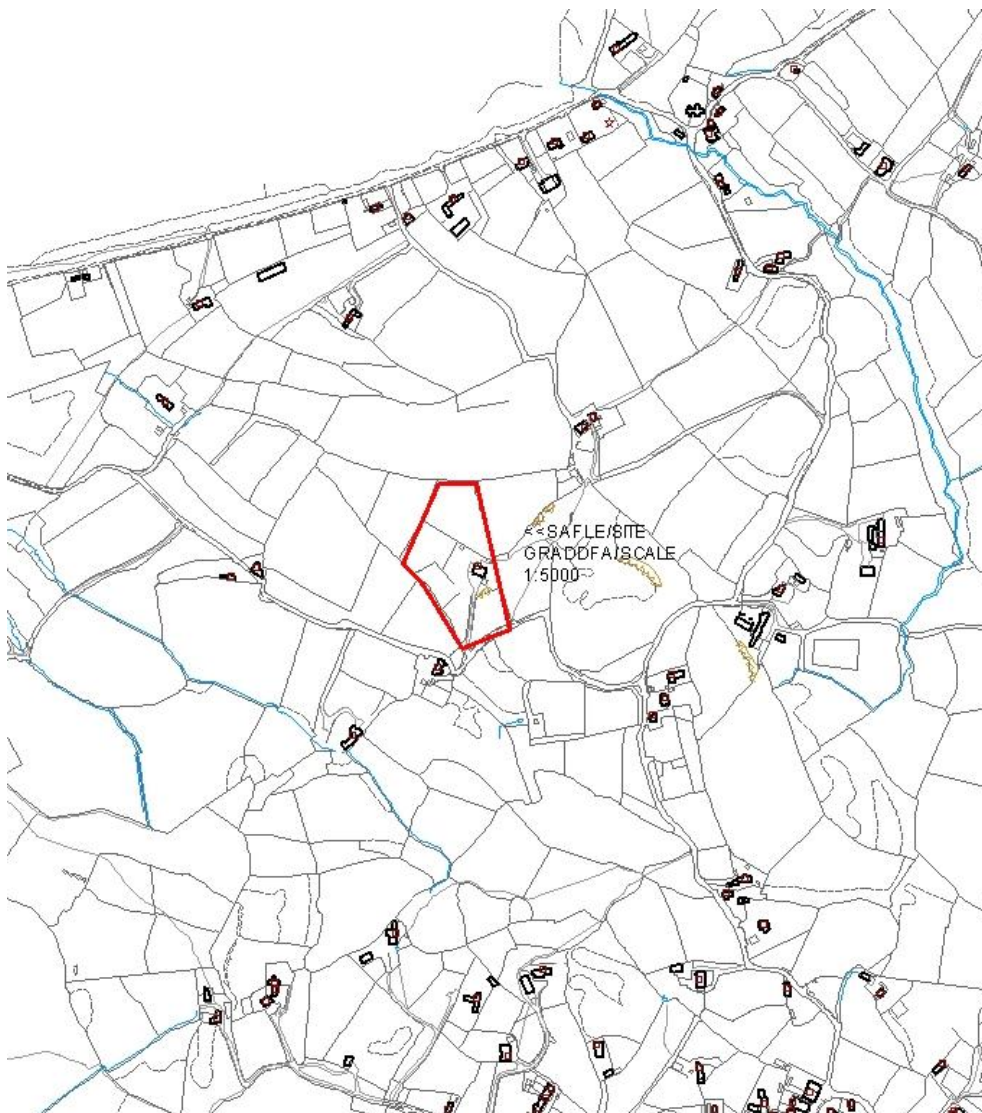
Ymgeisydd Applicant

**Mr Brian Jardine  
c/o Mr Ifan Rowlands  
Yr Adwy  
Llanddeusant  
Holyhead  
Anglesey  
LL65 4AD**

Cais llawn ar gyfer dymchwel yr annedd presennol a modurdy a chodi annedd a modurdy newydd, codi stablau, gosod system trin carthffosiaeth a addasu'r fynedfa presennol yn

Full application for the demolition of existing dwelling and garage, together with the erection of a replacement dwelling and garage, stables, installation of a package treatment plant and alterations to the vehicular access at

Cae Maes Mawr, Llanddona



**Planning Committee: 07/05/2014**

**Report of Head of Planning Service (GJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application has been called in to the planning committee by 2 of the Local Members.

The application was presented to the April committee and it was recommended that the application was deferred until May in order that comments made by the Countryside and Area of Outstanding Natural Beauty Officer are taken into account.

### **1. Proposal and Site**

The application is a full application for the demolition of existing dwelling together with the erection of a replacement dwelling, garage, associated treatment plant, alterations to the access road track and the erection of stables.

The application site is situated within a parcel of land and accessed by an unclassified highway leading from the village of Llanddona towards the beach.

### **2. Key Issue(s)**

The key issue is whether the proposal complies with the relevant planning policies and the effect upon the Area of Outstanding Natural Beauty

### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 30 – Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 54 – Replacement Dwellings

#### **Gwynedd Structure Plan**

Policy D1 – Environment

Policy D3 – Environment

Policy D4 – Environment

Policy D28 – Roofing Material

Policy D29 – Design

#### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN2 – Area of Outstanding Natural Beauty

Policy HP9 – Replacement Dwellings

Policy SG5 – Private Sewage Treatment Facilities

### **4. Response to Consultation and Publicity**

**Community Council** – Recommend Refusal due to impact on Area of Outstanding Natural Beauty

**Local Member (Cllr Lewis Davies)** – Request that the application be presented to the Planning Committee for consideration

**Local Member (Cllr Carwyn Jones)** – Request that the application be presented to the Planning Committee

for consideration

**Local Member (Cllr Alwyn Rowlands)** – No response

**Welsh Water** – Comments

**Natural Resources Wales** – Comments

**Highways** – Comments

**Footpath Officer** – Comments advising a public footpath is nearby.

**Drainage** – Comments

The application has been advertised by means of a site notice near the site and nearby properties have been notified. The application has also been advertised in the local newspaper as a public footpath is in close proximity of the site. The expiry date to receive representations was the 31<sup>st</sup> January, 2014.

At the time of writing the report 1 letter of support and 1 letter of objection was received.

Their main objections as follows:-

- Impact on Area of Outstanding Natural Beauty
- Public Footpath in close proximity of the application site
- Two storey dwelling will look out of place in the area

Response to objections received:-

- It is not considered that the development will have a negative impact on the Area of Outstanding Natural Beauty
- The public footpath is not affected by the development
- It is not considered that a two storey dwelling will look out of place in the area due to the topography and location of the dwelling.

## **6. Main Planning Considerations**

22C40 – Erection of a private garage at Cae Maes Mawr, Llanddona – Granted 9/12/87

## **7. Conclusion**

### **Policy Context**

Having regard to the provisions of section 38(6) of the 2004 act, determination must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the approved Gwynedd Structure Plan (approved November 1993) and the adopted Ynys Mon Local Plan (December 1996).

On the 1<sup>st</sup> December 2005 the County Council voted to implement the transitional arrangements set out in the LDP Wales regulations and to 'stop work' on the Ynys Mon Unitary Development Plan (UDP). The deposit plan of 2001, as amended by the Inspector's report, remains a material planning consideration carrying weight commensurate to the stage it reached.

Policy 54 of the Ynys Mon Local Plan permits the replacement of existing dwellings in the countryside subject to the listed criteria being met that the proposed dwelling is on the same site and reflects the size, scale and massing of the existing dwelling. Policy HP9 of the Stopped Ynys Mon Unitary Development Plan contains similar provisions whilst allowing greater flexibility on the scale of the resultant dwelling.

Policy 1 and 42 of the Ynys Mon Local Plan, D4 and D29 of the Gwynedd Structure Plan, Planning Policy Wales, Technical Advice Note 12 (Wales): Design, GP1 and GP2 of the Stopped Ynys Mon Unitary Development Plan are material in respect of design and the external appearance of the development

Policy 30 of the Ynys Mon Local Plan, Policy D1 and D3 of the Gwynedd Structure Plan, and Policy EN2 of

the Stopped Ynys Mon Unitary Development Plan are material in respect of the Area of Outstanding Natural Beauty.

### **Area of Outstanding Natural Beauty.**

The application site is located within an Area of Outstanding Natural Beauty under the provisions of Policy 30 of the Ynys Mon Local Plan and D1 of the Gwynedd Structure Plan and Policies EN1 and EN2 of the Stopped Ynys Mon Unitary Development Plan. It is not considered that the proposal would unacceptably affect the character and appearance of this landscape designation.

It is acknowledged that the site is within an Area of Outstanding Natural Beauty and we have taken on board the comments made by the objector and the Community Council regarding the impact on the Area of Outstanding Natural Beauty. The proposed dwelling has a slate roof and the front elevation and parts of the North and East elevation are clad in natural stonework. The glazing on the North elevation has been reduced to allow more stone to be seen. The original dwelling has little architectural merit and it is our considered opinion that the proposed new dwelling is of high quality and design which will fit in with its surroundings and positively contribute to the Area of Outstanding Natural Beauty.

### **Countryside and Area of Outstanding Natural Beauty Officer response:-**

The Countryside and Area of Outstanding Natural Beauty Officer has made observations that there is very little to be seen of the property when descending or ascending the narrow steep lane. When traversing the road that runs parallel to the beach there are only glimpses of the property. However, when on the long and wide expanse of the beach which is designated as an Area of Outstanding Natural Beauty (down to low tide) the existing and proposed development becomes more visible. There is also the important consideration of the views from the coastal path which forms part of the national all Wales Coast Path.

When viewing the proposed development from the coastal path/beach there is very little backdrop screening (majority scrub and gorse) whereas the neighbouring properties have mature trees as a backdrop which minimises their presence prominence and dominance and thus a potential visual impact to the AONB setting compared to the established and neighbouring properties which are nestled into the hillside setting.

The Area of Outstanding Natural Beauty Management Plan (2009-2014) state the following:-

Policy CCC 3.1 – all development proposals within the AONB to rigorous assessment to minimise inappropriate development which will damage the special qualities and character of the AONB or the integrity of the European sites.

Policy CCC 3.2 – all development within the AONB should adopt the highest standard of design, materials and landscaping to ensure that they complement the special qualities of the AONB. Proposals that are based upon the principles of sustainable development and that are of an appropriate scale and nature to the special qualities of the AONB will be supported.

Paragraphs 5.3.5, 5.3.6 and 5.5.5 of the Planning Policy Wales 'Edition 6' February 2014 states that the primary objective in designating AONB's is the conservation and enhancement of their natural beauty. AONB's must be afforded the highest status of protection from inappropriate developments and great weight given to conserving and enhancing the natural beauty of the areas. Statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.

Having considered the comments made by the Countryside and AONB Officer and the policies as stated above, it is not considered that the proposed replacement dwelling is of high quality and design which will fit in with its surroundings and positively contribute to the Area of Outstanding Natural Beauty.

### **Effect on Amenities**

Policy 1 of the Ynys Mon Local Plan, GP1 of the Stopped Ynys Mon Unitary Development Plan and Planning Policy Wales relate to the effect on residential amenities, pollution and nuisance problems will be assessed in determining planning applications. It is not considered that the development will materially affect the amenities of any adjacent properties.

## **Landscape/Trees**

The trees on site are not subject to a Tree Preservation Order. The existing trees provide some additional screening from the roadside but are not individually significant, and less prominent than those on the site boundary. Recent work has taken place and trees have been felled prior to the submission of the application.

The application involves altering the existing track, Originally more trees were affected by the proposal, however the track has been amended so that less trees are being affected. It is now proposed that 2 trees will need to be felled as part of the proposal. A condition will be placed on the permission that an inspection of the trees is undertaken prior to the commencement of any works to check the presence of bats. The likelihood of there being bats in the trees is low because the trees involved are neither large nor particularly old.

No further landscaping is proposed as part of the application. The site is already screened by trees and hedges.

The Biodiversity Officer has commented on the proposal and the preference would be for a specialist to inspect the 2 trees that are proposed for felling for the presence of bats prior to the determination of the application. Notwithstanding this preference it is considered in this instance a suitably worded condition will act as a satisfactory safeguard in respect of the protected species.

## **Species Survey**

A bat survey has been carried out on the existing dwelling. The conclusion of the survey revealed that a bat was observed exiting the building and there is evidence of bats in the roof space a development licence will be required from Natural Resources Wales in order to undertake works which will damage or destroy a bat roost. The licence application can only be made once planning permission has been obtained. A specialist will be present on site prior to the commencement of any works. A condition will also be placed on the permission in order that the 2 trees that are proposed for felling will also be inspected prior to the commencement of any works on site.

## **Footpath**

Public Footpath Number 11 goes through the curtilage of the applicant and is adjacent to the proposed development.

The applicant has confirmed that the footpath and existing gate will not be disturbed.

## **Drainage**

Surface water will be disposed of via an existing watercourse. Foul drainage will be disposed via a Package Treatment Plant. No objections have been raised by the Natural Resources Wales or Drainage Section to these proposals and it is considered that they can be assessed under the Building Regulations.

## **Justification**

The application has been accompanied by a Structural Survey which explains the defects that have been found on the property.

- Roof Structure
- Internal ground floor
- External masonry walls
- Inadequate foundations

It is not considered that the existing dwelling has any significant architectural value.

The proposal is located upon the footprint of the existing dwelling. The proposed dwelling footprint size is approximately 30% increase to that of the original.

## **7. Conclusion**

The development complies with all policies listed above and it is not considered that the proposal will have



an unacceptable impact on the character or appearance of the Area of Outstanding Natural Beauty.

## **8. Recommendation**

The development complies with all policies listed above and it is not considered that the proposal will have an unacceptable impact on the character or appearance of the Area of Outstanding Natural Beauty.

### **Permit**

**(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.**

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

**(02) The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credits under category 'Ene 1 – Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11<sup>th</sup> November 2010 (Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.**

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

**(03) Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene 1 – Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11<sup>th</sup> November 2010 (Version 3).**

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

**(04) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene 1 – Dwelling Emission Rate', has been achieved for the dwelling in accordance with requirements of the Code for Sustainable Homes: Technical Guide 11<sup>th</sup> November 2010 (Version 3).**

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

**(05) No other part of the development hereby approved shall commence until the existing dwelling has been completely demolished.**

Reason: For the avoidance of doubt and because the Local Planning Authority would not accept an additional dwelling on this site due to the open countryside location.

**(06) The provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order re-voking or re-enacting that Order) are hereby excluded.**

Reason: In the interests of the amenities of the locality

**(07) Natural slates of uniform colour shall be used as the roofing material of the proposed building(s).**

Reason: To ensure that the development is in the interests of amenity.

**(08) The development hereby approved shall be faced with a local natural stone of equivalent colour texture and weathering characteristics as indicated on drawing number IPR-2/13/04B Rev B received on the 12<sup>th</sup> March, 2014.**

Reason: To ensure a satisfactory appearance of the development

**(09) The garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the adjoining dwelling known as Cae Maes Mawr, Llanddona and for no commercial or business use whatsoever.**

Reason: For the avoidance of doubt.

**(10) The stable hereby permitted shall only be used as a private stable incidental to the enjoyment of the adjoining dwelling known as Cae Maes Mawr, Llanddona and for no commercial or business use whatsoever.**

Reason: For the avoidance of doubt.

**(11) No demolition of the existing building shall take place between 1<sup>st</sup> March or 30<sup>th</sup> September in any year unless the site has been checked for the presence of nesting birds by a suitably qualified ecologist and certified as being free of nesting birds. Should nesting birds be found to be present, no development shall take place until the chicks have fledged.**

Reason: To safeguard any nesting birds which may be present on the site.

**(12) No development shall take place until full details of the bat roosting area within the new roof void of the garage and the means of access to it, together with a timetable for its provision, has been submitted to and approved in writing by the local planning authority. The works shall thereafter proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation. The bat roosting area and access points shall be maintained in perpetuity after installation.**

Reason: To mitigate the loss of bat roosting opportunities present in the existing building.

**(13) The two trees that are proposed for felling will be inspected by an ecologist for the presence of bats. The report shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site.**

Reason: To ensure that any remaining risks to bats/nesting birds are minimised.

**(14) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 19/12/13, 07/02/14, 12/03/14 under planning application reference 22C40A.**

Reason: For the avoidance of doubt.

## **9. Other Relevant Policies**

### **Supplementary Planning Guidance**

- Parking Standards
- Housing Design Guide

Technical Advice Note 12: Design

Planning Policy Wales (Edition 6) 'February 2014' – Paragraphs 5.3.5, 5.3.6 and 5.5.5

AONB Management Plan (2009-2014) – Policy CCC 3.1 and CCC 3.2

## 7.3

## Gweddill y Ceisiadau

## Remainder Applications

Rhif y Cais: **38C237B** Application Number

Ymgeisydd Applicant

**Mr Huw Eurig Jones  
c/o Cadnant Planning Ltd  
1 & 2 Connaught House  
Riverside Business Park  
Benarth Road  
Conwy  
LL32 8UB**

Cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa i geir ar dir ger

Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjoining

Careg y Daren, Llanfechell



**Planning Committee: 07/05/2014**

**Report of Head of Planning Service (MTD)**

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

On request of Local Member.

At the last Planning Committee members resolved to visit the site before making its determination. The site was visited on 16<sup>th</sup> April, 2014.

**1. Proposal and Site**

This is a vacant green site and it is proposed to erect a dwelling with associated access

**2. Key Issue(s)**

- Would the development of this site conform with the relevant policy requirements.
- Is the relationship of the application site with its surroundings acceptable?

**3. Main Policies**

**Gwynedd Structure Plan**

A2 Housing

D3 Landscape

D4 Location siting and design

**Ynys Mon Local Plan**

1 General Policy

31 Landscape

48 Housing Development Criteria

50 Listed settlements

**Unitary Development Plan (Stopped 2005)**

Policy 1 General Policy

Policy EN1 Landscape Character

Policy HP4 Villages

**4. Response to Consultation and Publicity**

**Local Member K Jones** has referred the application to Committee to discuss policy issues.

**Local Member J Griffiths** has commented in respect of the application stating;

“May lead to development outside boundary but this is for a local Welsh family which could be acceptable, officer to make recommendation”

**Local Member LM Huws** has not commented

**Highways** Conditions

**Drainage** comments

4 letters have been received points raised include;

- Access will be unsafe and it is located on a bend which is used as a passing bay
- The area is becoming built up and will soon join the village
- Will extend area into hamlet

- Would harm privacy

## **5. Relevant Planning History**

38C237 Erection of a dwelling refused 10/11/2006

38C237A Erection of a dwelling refused 11/02/2008

## **6. Main Planning Considerations**

In terms of the principle of the development under consideration policy 50 (Listed settlements) of the Ynys Mon Local Plan (December 1996) states planning permission will normally be granted for single dwellings within or on the edge of the listed villages and hamlets including Llanfechell subject to the listed criteria being satisfied, which are described and considered below.

Under the Stopped UDP Llanfechell is defined as a village under policy HP4, the application site is outside but adjoining the settlement boundary for Llanfechell defined under on the proposals map.

As the local plan forms part of the development plan weight can be attributed to the provisions of policy 50 such as to outweigh the UDP. Assessment of this planning application is thus based on policy 50.

The first criterion of policy 50 requires the proposal to form a reasonable minor extension to the settlement and that it would not constitute an undesirable intrusion into the landscape. As detailed in the planning history planning applications have consistently been refused on this site due to the relationship of the development site and the surroundings being deemed unacceptable. The reasons for refusal centred around the location of the proposed development in relation to the existing settlement and it is the officers opinion that this objection remains such that the application should be refused for the reasons given previously.

The second criterion requires that the proposal should not exceed the requirements of the settlement in terms of new dwellings. In light of the scale of development seen over the past 10 years, justification has been requested from the agent as regards how the proposal would meet the requirement of the village community.

## **7. Recommendation**

### **Refuse**

(01) The proposal would constitute an unacceptable extension to the existing form of development constituting sporadic development in an open rural location detrimentally affecting the visual amenity and character of the area and as such would be contrary to policies 31, 48 and 50 of the Ynys Mon Local Plan, policies HP4 and EN1 of the Ynys Mon Stopped Unitary Development Plan policies A2 and D4 of the Gwynedd Structure Plan and the provisions of Planning Policy Wales February 2014

## 7.4

## Gweddill y Ceisiadau

## Remainder Applications

Rhif y Cais: **44C294B** Application Number

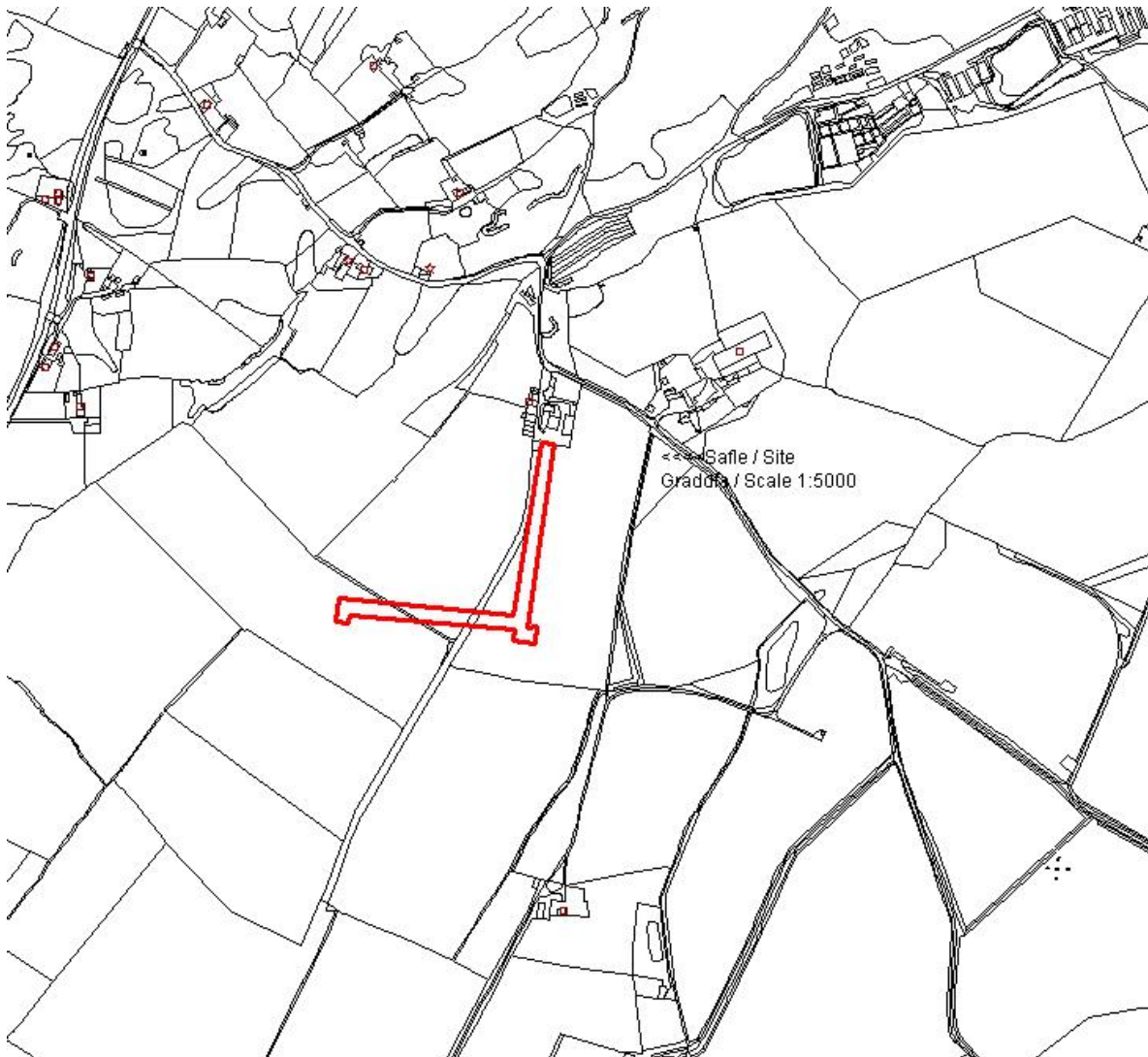
Ymgeisydd Applicant

**Mrs Hilda Owen  
c/o Mr John McGarry  
Entrust  
Daresbury Innovation Centre  
Daresbury  
Cheshire  
WA4 4FS**

Cais llawn i godi twrbin gwynt 20kW gyda uchder hwb hyd at 20.5m, diamedr rotor hyd at 13.1m ac uchder blaen unionsyth fertigol hyd at uchafswm o 27.1m ar dir yn

Full application for the erection of a 20kW wind turbine with a maximum hub height of 20.5m, a rotor diameter of 13.1m and a maximum vertical upright height of 27.1m on land at

Plas Newydd, Rhosybol



**Planning Committee: 07/05/2014**

**Report of Head of Planning Service (MTD)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application is reported to the committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

Members will recall visiting the site on the 16<sup>th</sup> October 2013.

At the April Planning Committee members resolved to defer the application so as to allow officers to present the committee with additional information regarding the number of other wind turbines in the area of the proposal as far as the Trysglwyn Wind Farm and their cumulative effect, along with the location and boundary of the AONB and SSSI relative to the application site.

### **1. Proposal and Site**

The application was originally made for two wind turbines with a maximum height to the tip of the blades of 27.1 metres and a maximum rotor diameter of 13.1metres. The rated power of each turbine is 20kw.

Following an objection from GATS the scheme has now been amended to an application for 1 turbine which is located to the east of the track.

### **2. Key Issue(s)**

- Principle of the development
- Landscape and Visual Impact
- Residential Amenity.

### **3. Main Policies**

#### **Gwynedd Structure Plan**

C7 Renewable Energy

D3 Landscape Conservation Area

D10 Protection of Natural heritage

#### **Ynys Môn Local Plan**

31 Landscape

45 Renewable Energy

#### **Stopped Ynys Mon Unitary Development Plan**

EP 18 Renewable Energy

EN1 Landscape Character

#### **Planning Policy Wales Edition 5 (November 2012)**

**Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).**

**Technical Advice Note 8 Renewable Energy (2005)**

**Practice Guidance: Planning for Renewable and Low Carbon Energy - A Toolkit for Planners', Welsh Assembly Government (2010)**

**Practice Guidance Planning Implications of Renewable and Low Energy (February 2011)**

**Supplementary Planning Guidance On shore wind energy January 2013**

#### **4. Response to Consultation and Publicity**

**Community Council** - No Comments

**Drainage** - comments

**Environmental Services** - Conditions

**Environmental Advisor** - No objection

**Landscape** - No objection

**MOD.** - No objection

**Natural Resources Wales** -No objection

73 letters have been received points raised include;

There is a SSSI in close proximity there is a presumption against development likely to harm such a site;  
There are 3 scheduled ancient monuments nearby;

Trysglwyn wind farm is in close proximity and the proposals would be contrary to TAN8;  
The cumulative impact should be assessed;  
Questionable if the 20kw capacity of the turbines is sufficient in relation to their associated impacts on the wider landscape;  
One very large windturbine will be created;  
Why are 2 required for domestic use;  
Major construction will be required for access;

Amenity will be harmed;  
There will be harm to Parys mountain;  
Tourism will be harmed.

#### **5. Relevant Planning History**

44C294/SCR - Screening opinion for erection of one wind turbine with a maximum hub height of up to 20.5m, rotor diameters of up 13.1m and a maximum upright vertical tip height of up to 27.1m on land at Plas Newydd, Rhosybol. No EIA required - 24/01/14

#### **6. Main Planning Considerations**

##### **Principle of development**

Policy C7 of the Gwynedd Structure Plan states:

“There will be a presumption in favour of renewable energy projects provided that the impacts upon the locality are acceptable to the local planning authority. Where applicable, the proposals should be supported by an environmental assessment.”

Policy 45 of the Ynys Mon Local Plan states:

“Renewable energy projects will be permitted where it can be clearly demonstrated that there will not be any unacceptable impact on i. Landscape character, ii. Sites of international, national or local importance for nature conservation, iii. species which are of nature conservation importance iv. the standard of amenity enjoyed by the resident and tourist population and vi. Essential public services and communications.

Policy 8B- Energy Developments of the Stopped Ynys Mon Unitary Development Plan states:

“Applications for the development of renewable and non-renewable energy resources will be permitted where it can be demonstrated that there will be no unacceptable adverse impact upon the environment. Preference will be given to the development of clean and renewable energy sources, but proposals for non-renewable energy projects will be permitted if they encourage the maximum use of energy efficiency within their design.



Policy EP18 (Renewable Energy) of the Stopped UDP states renewable energy projects will be permitted where it can clearly be demonstrated that there will not be any significant adverse impact on the listed criteria.

### **Landscape and Visual Impact**

This has been assessed and is considered acceptable not having an unacceptable impact on the landscape. It should be noted that the site is around 3 km from the AONB.

### **Residential Amenity**

The SPG On Shore Wind Energy prescribes a distance of 500m separation between medium sized turbines and dwellings. Whereas there are dwellings within this distance with the closest being 228m away, given the nature of the landscape and screening it is not considered that there would be undue harm to those properties.

This concurs with the residential amenity assessment carried out in the applicants submissions.

### **Members Reason for Deferral at the April Planning Committee**

At the April Planning Committee members resolved to defer the application so as to allow officers to present the committee with additional information regarding the number of other wind turbines in the area of the proposal as far as the Trysglwyn Wind Farm and their cumulative effect, along with the location and boundary of the AONB and SSSI relative to the application site.

A plan now accompanies this report identifying the position of the application site in relation to the AONB and SSSI.

The Trysglwyn development comprises 14 turbines with a tip height of approximately 45 meters. The proposed turbines would be located closest to a group of 10 turbines to the north of the Trysglwyn site. The proposal is for turbines of a lower tip height which from many viewpoints would be seen as an extension to the existing layout. Differences in model appearance and tip height would be more visible at closer range and greater than that evident in the photomontages. As noted above there would be cumulative effects on views from Mynydd Parys. There would also be cumulative landscape effect on Mynydd Parys, with more turbines occupying the southern setting.

In terms of existing windfarms there would also be inter visibility with the Llyn Alaw Windfarm.

In terms of other turbines in the area granted planning permission the following are considered material:

Reference	Location	Description
11C557B	Ysgellog, Rhosgoch.	Two turbines up to 92.5m
44C293	Bryntirion, Rhosybol.	One turbine up to 19.4m
44C182C	Bryn Goleu, Rhosybol.	One turbine up to 17.5m
44C290A	Bodneithior, Llandyfrydog.	Two turbines up to 39.6m.

There would be intervisibility with the turbines above depending on the viewpoint.

The distances prescribed in the in the SPG are listed under the Residential Amenity Section of this report and the distances of the proposed turbine to existing dwellings is also provided. Members will note that it is not considered that the development would result in undue harm to these properties. Members are further advised that in a number of recent appeal decisions Inspectors have attributed little weight to the prescribed distances in the SPG as they were not subject to public consultation.

## **7. Conclusion**

It is considered that the site can accommodate the proposed turbines without undue harm to visual or residential amenity

## 8. Recommendation

### Permit

**(01) The development hereby approved shall commence not later than five years from the date of this approval.**

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

**(02) The planning permission is for a period not exceeding 25 years (“the 25 year period”) from the date that the development is first connected to the electricity grid (“the grid”). The dates of (a) first connection to the grid and (b) of the full operation of the turbine “the commissioning” shall be notified in writing to the local planning authority within 28 days of each of these 2 events occurring.**

Reason: To enable the Local Planning Authority to review the position in the light of circumstances prevailing at the end of the period.

**(03) The turbine hereby approved shall not exceed:**

<b>27.1 metres</b>	<b>maximum tip height *(to the upright vertical tip of an attached blade)</b>
<b>20.5 metres</b>	<b>maximum hub height</b>
<b>13.1 metres</b>	<b>maximum rotor diameter</b>

**No wind turbine shall be installed on site until details of the make, model, design, size, transformer location, power rating, sound levels, external finish and colour of the proposed turbine has been submitted in writing to, and approved in writing by, the local planning authority.**

Reason: To define the scope of the permission having regard to the assessed impact of the development.

**(04) At the end of the 25 year period, the turbine shall be decommissioned and all related above ground structures shall be removed from the site. Twelve months before the decommissioning of the turbine, a written scheme for the restoration of the site (“the decommissioning scheme”) shall be submitted to the local planning authority for approval in writing. The decommissioning scheme shall make provision for the removal of the wind turbine and its associated ancillary equipment to a depth of at least 1m below ground. All decommissioning and restoration works shall be carried out in accordance with the decommissioning scheme as approved and in accord with the timetable therein.**

Reason: To ensure a satisfactory appearance upon cessation of the development.

**(05) If the wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 months the wind turbine and its associated ancillary equipment shall be removed to a depth of at least 1m below ground and removed from the site and the land shall be reinstated within a period of 6 months from the end of that 12 month period in accordance with a scheme (“the removal scheme”) submitted to and approved in writing by the local planning authority prior to the commencement of the development. The developer shall provide written operational data for the turbine to the local planning authority on reasonable written request.**

Reason: In the interests of the amenities of the locality.

**(06) Within 6 months of the “the commissioning” and on the written request of the local planning authority including any timescales set out therein; a written mitigation scheme including a timetable (“the mitigation scheme”) setting out the details of work necessary to mitigate any adverse effects to domestic television and radio signals in the area caused by the development shall be submitted to and approved in writing by the local planning authority. The mitigation scheme shall include provision for investigating and dealing with any claim by any person for domestic loss or interference at their household, and any mitigation works must be carried out in accordance with the approved mitigation scheme.**

Reason: To safeguard the amenity of the area.

**(07) Within 12 months of the “the commissioning” and on the written request of the local planning authority including any timescales set out therein; a written scheme to mitigate any incidence of shadow flicker at any affected property including a timetable (“the alleviation scheme”) shall be submitted to and approved in writing by the local planning authority. The operation of the development shall thereafter be carried out in accordance with “the alleviation scheme”.**

Reason: To safeguard the amenities of the occupants of the adjacent dwelling.

**(08) All cabling on the site between the wind turbine and the site sub-station shall be installed underground.**

Reason: In the interests of amenity.

**(09) The development shall not commence until the following has been submitted to and approved in writing by the local planning authority.**

- **The date construction starts and ends.**
- **The maximum extension height of any construction equipment.**
- **The latitude and longitude of the turbine.**

**The development shall thereafter be undertaken strictly in accord with the details approved under the provisions of this condition.**

Reason: To ensure that military aircraft avoid the area and avoid the danger of collision.

**(10) No wind turbine shall be installed on site until confirmation of the following has been submitted to and approved in writing by the local planning authority:**

**1) The turbine shall only be installed by a suitably qualified person, in accordance with the manufactures instructions and the site survey and written confirmation of compliance shall be submitted to the local planning authority within 14 days of the completion of the installation of the turbine.**

**2) The wind turbine shall be serviced in accordance with the manufacturer’s recommendations and the local planning authority may request written confirmation of compliance with such servicing on reasonable request.**

**3) The level of noise emissions from the turbines hereby permitted when measured 3.5m from the façade of any dwelling which lawfully existis or has planning permission for construction at the date of this planning permission shall not exceed 33dB LA90, 10min or 5dB(A) above prevailing LA90, 10 min background noise levels (inclusive of any tonal penalty agreed in writing by the local planning authority) up to wind speeds of 10 m/s derived at height of 10m above ground level at a location near to the turbine. All instrumentation and methodology, for evaluating compliance with this condition and the positions of all measurements of noise and wind speed, shall have been approved in writing by the local planning authority prior to the commencement of the development.**

**4) The wind turbine shall not be tonal in character.**

**The development shall thereafter be implemented and retained strictly in accordance with the details approved under the provision of this condition.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

**(11) No development (including any groundworks or site clearance) shall take place until an archaeological specification has been submitted and approved in writing by the archaeological advisors to the Local Planning Authority. The development and all archaeological work shall be carried out and completed in accordance with the approved specification, unless otherwise agreed in writing by the archaeological advisors to the Local Planning Authority.**

Reason: To ensure the implementation of an appropriate programme of archaeological mitigation in

accordance with the requirements of Planning Policy Wales 2012 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

**(12) No development shall commence until a scheme of landscaping / screening is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 1 month of the erection of the turbine unless otherwise agreed with the Local Planning Authority.**

**Informatives.**

The applicant is advised to seek the written approval of the Highway Authority regarding site compound location, traffic management scheme, vehicle wheel washing facilities (if appropriate), hours and days of operation and the management and operation of construction vehicles.

**9. Other Relevant Policies**

**Gwynedd Structure Plan**

FF11 (Traffic)

**Ynys Mon Local Plan**

1 (General Policy)

35 (Nature Conservation)

**Stopped Anglesey Unitary Development Plan**

GP1 (Development Control Guidance)

EN4 (Biodiversity)

**Technical Advice Note 5 Nature Conservation and Planning (2009)**

**Technical Advice Note 11 Noise (1997)**