

**7.1**

**Gweddill y Ceisiadau**

**Remainder Applications**

Rhif y Cais: **11C399E** Application Number

Ymgeisydd Applicant

**Mrs P H Gleave  
c/o Mr Eric Roberts  
RGR Partnership  
RGR Partnership First Floor Natwest Bank Building  
Glanhwa Road  
Llangefni  
LL77 7EN**

Gosod chalet pren ar gyfer defnydd sy'n atodol i'r  
prif annedd yn

Siting of a timber chalet for use incidental to the  
main dwelling at

Tyn y Coed, Penrhyd, Amlwch



**Planning Committee: 06/03/2013**

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

Originally on request of Local Member. At its meeting held on 6<sup>th</sup> February 2013 the Members resolved to undertake a site visit. The site was visited on the 20<sup>th</sup> February, 2013 and the Members will now be familiar with the site and its setting.

**1. Proposal and Site**

The site forms part of the curtilage of Tyn Y Coed Farm, the application is to erect a timber chalet for residential use.

**2. Key Issue(s)**

Whether the proposal can be supported in policy terms.

**3. Main Policies**

**Ynys Mon Local Plan**

1 General policy  
26 Car Parking  
30 Landscape  
57 Residential Caravans

**Ynys Mon Unitary Development Plan**

GP1 Development Control Guidance  
TR10 Parking  
EN1 Landscape Character

**4. Response to Consultation and Publicity**

1 letter has been received points raised include;

Agree with the planning committees previous decision to refuse  
Concerns in respect of drainage foul and surface water  
The boundaries on the plan are incorrect there is a large swimming pool not shown.

Local Member has referred the application to Committee for its determination.

Welsh Water no objection

## **5. Relevant Planning History**

11C399D erection of a chalet refused 02/02/2012

## **6. Main Planning Considerations**

This application is the same as that previously refused at the planning committee in Feb 2012.

The proposed chalet falls within the definition of a caravan and is self-contained. The residential use of such a structure is contrary to Development Plan policies which seek to restrict additional static caravans and also the residential occupation thereof.

## **7. Conclusion**

The proposals are contrary to Development Plan policy and if permitted could be repeated elsewhere.

## **8. Recommendation**

### **Refuse**

(01) The proposed siting of a residential caravan on this site would result in a form of development which the provisions of the Development seek to prevent and would be contrary to policies 9,31 and 57 of the Ynys Mon Local Plan and policy EN1 of the Ynys Mon Unitary Development Plan

Rhif y Cais: **41C124B** Application Number

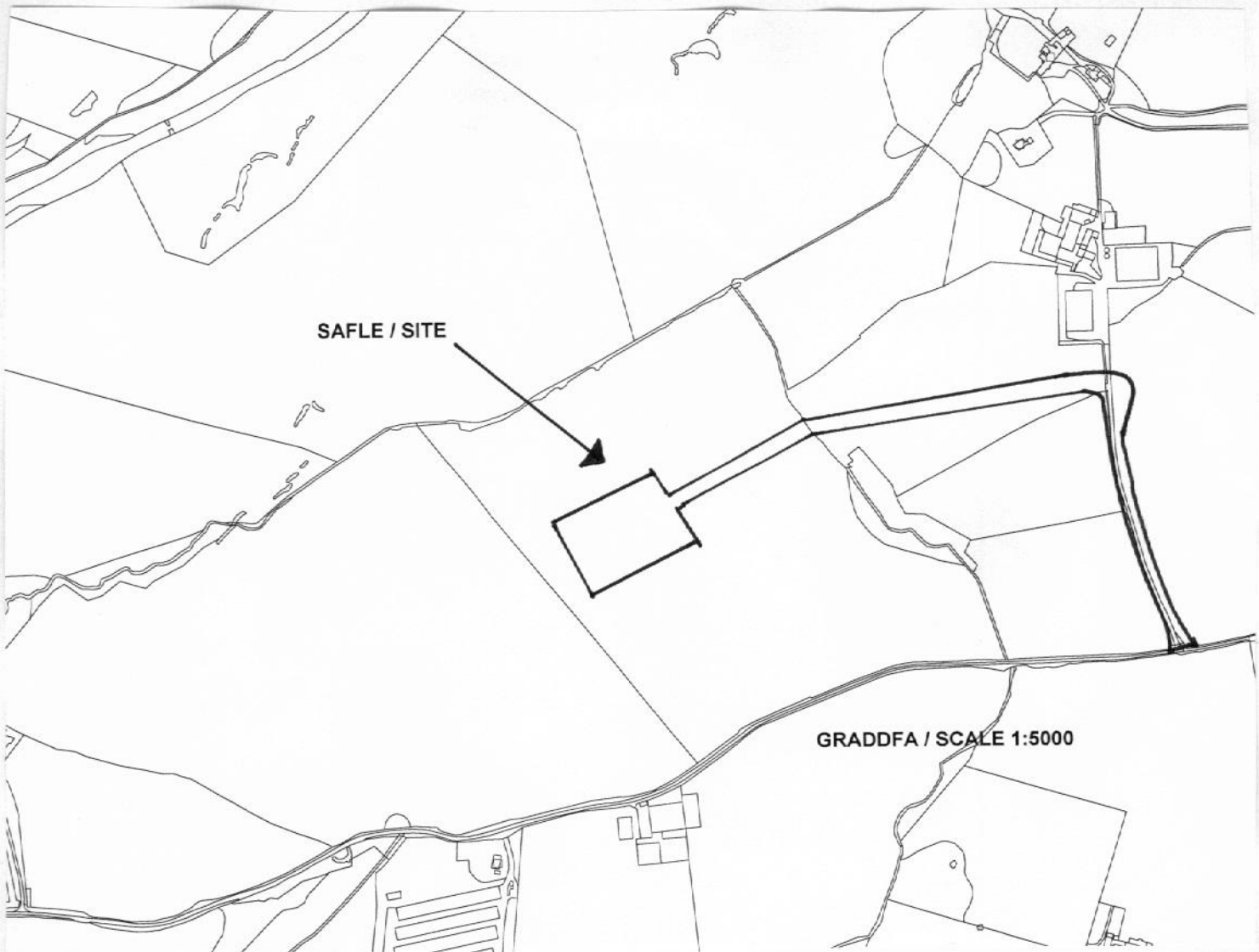
Ymgeisydd Applicant

**Mr. D. Jones  
c/o Livos Energy Ltd  
Mr. Barry Butchart  
Gable House  
46 High Street  
Malmesbury  
Wiltshire  
SN16 9AT**

Cais llawn ar gyfer codi un twrbin wynt uchder hwb hyd at uchafswm o 44m, diamedr rotor hyd at uchafswm o 56m a uchder blaen unionsyth hyd at uchafswm o 72m ynghyd a codi gorsaf newidydd, trac mynedfa a man caled newydd ar dir yn

Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum vertical tip height of up to 72m together with the erection of a transformer station and new access track and hardstanding on land at

Ty Fry Farm, Rhoscefnhir



## **Planning Committee:06/03/2013**

### **Report of Head of Planning Service (NJ)**

#### **Recommendation:**

Refuse

#### **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.

A report was submitted to the February meeting of the Planning and Orders Committee recommending that a site visit be made prior to the determination of the application. In advance of that meeting however the applicant appealed to the Planning Inspectorate against non-determination. This was reported to the members at the Committee meeting on 6<sup>th</sup> February where it was resolved that a written report and recommendation from officers be submitted to the March Committee in order that members can consider their position and indicate the Council's stance in the forthcoming appeal. This report is submitted for that purpose.

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

The application site comprises an agricultural field used for grazing. It will be accessed off an existing farm track which also serves as part of a public footpath, which runs to the west of Rhoscefnhir. The access track across fields will cross the Afon Tai Hirion (Ceint). Access improvements are proposed at the farm gate as well as route works to allow for access of components from the A5025.

The application is made for a single wind turbine with a maximum height to the tip of the blade of up to 72 meters, maximum height to hub of 44 meters and a maximum rotor diameter of up to 56 meters. The maximum rated power of the turbine being applied for is 500 kw. The height of the proposed structure compares with 106m height for the BBC mast at Llanddona and some 45m height for the Penmynydd mast.

The proposal also includes ancillary structures including a control building and access roads/hard standings.

The application originally erroneously stated that the proposal is located at Ty Fry. This is not the case. Ty Fry is a private dwelling with associated cottage and buildings located to the north east of the application site. It is a Grade II\* listed building. The application address is Ty Fry Farm and the developer has acknowledged the error in nomenclature. Documents have been corrected to refer to Ty Fry Farm and reconsultation has taken place to ensure that consultees are fully aware that Ty Fry and its occupants are wholly unconnected with the application at Ty Fry Farm.

The application's validity has been called into question due to the errors in address. However, on legal advice, it is considered valid.

The planning application is supported by the following:

- Landscape and Visual Assessment including Photomontages and Individual Property Assessment.
- Design and Access Statement
- Ecological Assessment
- Noise Report
- Shadow Flicker and Safety Report
- Environmental Investigation Report
- Archaeological Assessment Report

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

- Principle of the development
- Landscape and Visual Impact
- Residential Amenity and Noise
- Ecology

## **3. Main Policies**

### **Gwynedd Structure Plan**

C7 Renewable Energy

D1 AONB

D3 Landscape Conservation Area

D22 Listed Buildings

### **Ynys Mon Local Plan**

1 General

30 Landscape

31 Landscape

32 Landscape

35 Nature Conservation

41 Listed Buildings

45 Renewable Energy

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

GP1 Development Control Guidance

EP 18 Renewable Energy

EN1 Landscape Character

EN2 Area of Outstanding Natural Beauty

EN4 Biodiversity

EN13 Conservation of Buildings

EN 14 TPO

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

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

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

### **Technical Advice Note 8 Planning for Renewable Energy (2005)**

### **Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas**

### **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: Onshore Wind Energy (January 2013).**

### **Natural England Technical Information Note TIN051 (Bats and Inshore Wind Turbines) Interim Guidance**

## **Natural England Technical Information Note TIN059 (Bats and Single Large Wind Turbines) Interim Guidance**

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

**Local Member** Called the application to the planning committee on the basis of the strong objection locally and across the island

#### **Community Councils:**

**Penmynydd** (in which area the proposal is located) Strong objection based on:

Applications have nothing to do with climate change, they are to do with subsidy farming;

There are no benefits to the community, only landowners;

The size and scale of the application is far too high;

The turbine will have a visual and noise impact and will affect wildlife; it has no place in a rural landscape and will be seen for miles;

It will generate very little energy;

A turbine of this size will ruin the beauty of the island and affect tourism – in other areas where turbines have been approved, tourism has dropped 25%; tourism is the main industry on the island;

Wind turbines can contribute towards health problems, especially to those living within close proximity.

**Pentraeth** public meeting held to discuss the application and a 52 name petition was signed on the night.

Objections are based on :

Insufficient publicity undertaken; no details of the application available on the Council's website;

The address is incorrect with documents making reference to Ty Fry rather than Ty Fry Farm;

The application constitutes placing a commercial structure within a green belt;

No noise monitoring has been undertaken by the Council;

Large turbines are not acceptable and their size has to be reduced to make them publicly acceptable;

It will destroy the local landscape;

tourism will suffer;

each application should be shown the same consideration;

the turbine would be visible from a wide area, not just in Anglesey but also in Gwynedd;

the proposal will affect residential amenity.

**Environment Agency:** No objection in principle although the access track will cross a designated main river and as such the new crossing will be subject to formal consent under the Water Resources Act 1991.

**Highways** Public footpath no.9 is situated near the development. The granting of planning permission does not entitle the applicant to interfere with the public right of way.

Traffic Management Plan requested

Suggested conditions in relation to site access and informatives regarding construction phase

**RSPB** No comments received

**Dwr Cymru-Welsh Water** No response received

**Drainage Section** comments for construction phase

**Environmental Advisor** In relation to proposed access route, any hedges and walls for removal should be replaced and replanted. Work should avoid the bird nesting season unless areas are satisfactorily inspected beforehand. Walls should be replaced with walls rather than fencing as shown on the drawings. Methodology for works should be submitted for approval.. Stand-off drawing is acceptable.

**Environmental Health Officer** Conditional permission suggested. The turbine shall not be tonal. No additional comments in relation to additional details relating to corrected address.

**Built Environment** Not able to support the current proposal on the grounds that there would be a significant adverse visual impact; potential cumulative landscape and visual Impact to the coastal AONB and landscape and transport corridors and significant changes to landscape character.

**MOD** Conditions suggested

**Arqiva** No objections on the grounds of the effect on television reception.

**Gwynedd Archaeological Planning Service** Further details being sought from authors of archaeological assessment in order to inform an appropriate response. Proposal appears to have an impact on the settings of several scheduled monuments and listed buildings. If permission is granted, a condition requiring a programme of archaeological works is suggested.

**Countryside Council for Wales:** The proposal is likely to have an adverse cumulative effect on views of the Ynys Mon AONB. It is not considered that the site will affect, either directly or indirectly, Corsydd Mon a Llyn Ramsar Site, the Corsydd Mon Special Area of Conservation, the Cors Bodeilio SSSI and National Nature Reserve or the Caeau Talwrn SSSI. No effects are predicted in relation to species such as water voles or otters.

CCW objects however to the issuing of planning consent until further survey work and assessment of the effects of the proposal on a soprano pipistrelle bat roost recorded within 600m of the site and upon noctule and serotine bats recorded within 600m of the site have been submitted for consideration.

Hedgerows and field boundaries to be removed for access to the site should be reinstated to ensure that bat flight lines are unaffected.

**Cyngor Gwynedd:** The Council does not wish to give a formal opinion but requests that full consideration be given to the effects of the development in relation to views and impacts from Gwynedd rather than just Anglesey itself.

**Parc Cenedlaethol Eryri:** Because of its size and location, it is not considered that the proposal will have a negative impact on views out of the national park. However, the turbine will be viewed against the backdrop of the Snowdonia mountains (e.g photomontage 1 where Snowdon forms a background to the turbine). As a consequence it can be considered that the proposal has the potential to affect the setting of the national park and this should be taken into account when determining the application.

## **Response to Publicity**

97 letters have been received in support of the application. Support is based on:

The generating capacity of the turbine meeting the demands of over 400 homes per year and offsetting CO2 emissions;

The application accords with national and local planning policies;

Increased energy security and less reliance on fossil fuels;



The limited visual impact should be examined in the wider context of climate change;  
Noise levels are acceptable;  
Transport issues are not considered problematic;  
The turbine will have no impact on tourism or residential amenity;  
The turbine will be an important contribution to farm diversification.

A 52 name petition and over 500 letters have been received objecting to the planning application on the following grounds:

The proposal will dominate the landscape;  
The proposal will constitute a major visual intrusion;  
The proposal will represent an alien industrial structure in a previously unspoilt landscape;  
There will be unacceptable cumulative impacts with other proposals leading to the area becoming a wind farm;  
There will be negative impacts on the setting of listed buildings;  
There will be significant landscape and visual amenity impacts;  
The proposal will adversely impact the National Park and AONB;  
Detrimental effect on tourism assets and the tourism economy;  
Will set a precedent for further development;  
National policies promoting the use of renewable resources must not be given primacy over local landscape policies;  
Particular detrimental impact on local bat populations;  
Detrimental effects on protected species, wildlife and wetlands;  
Noise and shadow flicker effects;  
health effects;  
Insufficient detail in the application rendering it invalid;  
Inaccuracies and discrepancies in the application rendering it invalid;  
Archaeological implications;  
Other technologies exist which are more efficient than wind turbines.

## **5. Relevant Planning History**

41C124: Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56 m and a maximum upright vertical tip height of up to 71m together with the erection of a transformer station, new access track and hardstanding on land at Ty Fry Farm, Rhoscefnhir – Withdrawn 26/01/12

41C124A/SCR : Request for Screening Opinion for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56 m and a maximum upright vertical tip height of up to 71m together with the erection of a transformer station, new access track and hardstanding on land at Ty Fry Farm, Rhoscefnhir – Withdrawn 26/01/12

41C124C/SCR : Request for Screening Opinion for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum vertical tip height of up to 72m together with the erection of a transformer station and new access track and hardstanding on land at Ty Fry Farm, Rhoscefnhir - EIA not required 3/12/12

## **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.

Planning Policy Wales was updated to Edition 5 in November 2012. The most significant change was the clarification and strengthening of the presumption in favour of sustainable development. In terms of section 12.8 Renewable and Low Carbon Energy of the revised Planning Policy Wales there are no significant changes.

Section 12.8.1 (Renewable and Low Carbon Energy) of Planning Policy Wales (5th Edition November 2012 ) sets out targets and gives strong support for renewable energy projects in line with the Welsh Assembly Government’s Energy Policy Statement (2010).

Planning Policy Wales at paragraph 12.8.15 states the impacts from renewable energy developments will also vary depending on their location and scale and require different policy and development management considerations. At 330KW, the turbine subject to this report is categorised as “Sub Local Authority” in Planning Policy Wales which includes developments of between 50KW & 5MW (Figure 12.3). Table 3.1 of Practice Guidance – Planning Implications of Renewable and Low Carbon Energy states there are no rigid categories to describe the scale of individual wind turbines but that installations tend to fall within 4 main bandwidths. The turbine subject to this report would fall within the “Medium” with a ‘typical’ rating of 500Kw and which would potentially supply 400 homes); though the height is slightly larger to the blade tip than a typical installation of 65 meters. As a “Sub Local Authority” or a “Medium” installation the scale of the turbine is acceptable in principle in policy terms in this location but there are also detailed considerations within the policy considerations to take into account.

Section 12.10.1 of PPW (Edition 5) reproduced below highlights matters that should be taken into account by the local planning authority in dealing with renewable and low carbon energy development and associated infrastructure. This covers the positive aspects such as contribution to meeting national, UK and European targets and wider environmental, social and economic benefits. It also highlights the need to consider impact on the natural heritage, the coast and the historic environment and the need to minimise impacts on local communities. Other matters such as mitigation and infrastructure matters i.e. grid connection and transportation network are also highlighted within this section as follows:

“12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future

- generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal”

Technical Advice Note 8 Planning for Renewable Energy (2005) (paragraph 14) states the Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Assembly Government has concluded that 800MW of additional installed capacity is required from onshore wind sources.

Paragraph 2.12 of TAN 8 states the Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5 MW). The paragraph explains that local planning authorities could define “community based”. There are no policy definitions which can currently be used and weighted in this regard. The application confirms that the scheme is intended to allow further investment in Ty Fry Farm with consequent benefits to local businesses which are utilised in the current farming enterprise.

Section 2 of Technical Advice Note 6: Planning for Sustainable Rural Communities contains the following guidance:

*“2.1.1 The planning system has a key role to play in supporting the delivery of sustainable rural communities. It can help to ensure that appropriate development takes place in the right place at the right time by making sufficient land available to provide homes and employment opportunities for local people, helping to sustain rural services. Simultaneously, the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation. It must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. The overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. Planning authorities should seek to strengthen rural communities by helping to ensure that existing residents can work and access services locally using low carbon travel and obtain a higher proportion of their energy needs from local renewable sources.”*

In relation to farm diversification Technical Advice Note 6: Planning for Sustainable Rural Communities contains the following guidance:

*3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.*

It is evident that the policies listed above provide a presumption in favour of renewable energy developments in meeting the identified targets for low carbon energy generation. The scale of the development classified as “Sub Local Authority” or “Medium” is acceptable in principle in this location Weight can also be attributed to the benefits to the rural economy.

The Council’s adopted Supplementary Planning Guidance: ‘Wind Energy Development’ (1994) has been superseded by the Supplementary Planning Guidance: Onshore Wind Energy adopted in January 2013. This document is a material consideration in determining wind turbine applications. The Onshore Wind Energy SPG states that in relation to turbines over 20m to tip height, none should be located within 500m of a residential or tourism property, or closer than 20x tip height, whichever is the greater; in relation to medium and large turbines, none should be located within 2km of the boundary of the AONB; cumulative impacts should be considered and the developer will be required to provide a bond to ensure satisfactory restoration of the site at the end of its operational life.

As detailed in the policies listed there are also other environmental and community considerations which

need to be assessed, and these are considered below.

## **Landscape and Visual Impact**

The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by White Young and Green (WYG) and updated December 2012. The assessment includes a Zone of Theoretical Visibility Map (ZTV) of up to 10km and 25 viewpoints have been selected and are presented in the form of photomontages, viewpoint photographs and cumulative wireframe images.

The proposed site is within Landscape Character Area 12 East Central Anglesey (LCA). The LCA forms the inland buffer zone to the Menai Strait and reflects much of the typical undulating landscape of Anglesey. LCA 12 is the third largest LCA on the island occupying an area of 100kms<sup>2</sup>.

Key relevant issues for LCA 12 in terms of this proposal are: -

- the effects upon the coastal habitat and the need to have regard to the AONB Management Plan; the impact of development on settlement edges;
- impacts on transportation corridors and the character and quality of the gateway into Anglesey.

The site is approximately 2.5 kms from the edge of the AONB at approximately 53m (AOD) and within a medium scale landscape with variable sized enclosures and gentle rolling topography. There are currently no medium or large wind turbines within the LCA and none are easily visible from the LCA.

The submitted LVIA assesses that the addition of the turbine proposal would result:

- in a large magnitude of change within 500 metres resulting in significant effects;
- the effect from 500 metres to 2km are also predicted to be significant.

The magnitude of change is presented as being dependant on distance, in the manner in which a visual receptor would be. There is no standard published methodology for the quantification of this effect and it is considered that a distance threshold is an oversimplification of the magnitude of change to a landscape. A turbine of this scale could be expected to become a prominent feature and result in significant changes to existing landscape combinations and patterns well beyond 2km due to the open nature of the landscape.

The introduction of a turbine to LCA 12 may further reduce the sensitivity of this landscape to additional change, particularly further wind turbines and reduce the quality of the landscape 'buffer' to the AONB and coastal landscape.

The ZTV map indicates theoretical views from the AONB. Viewpoint 22 from the AONB at Mynydd Bodafon show the turbine as a ridgeline feature. The proposed turbine would not represent a major landscape feature from the AONB but would be perceptible and uncharacteristic in the view and likely to be recognised and therefore of significant effect.

There are likely to be significant effects in views from the public footpath approximately 1.2km west of the site and from Lon Las Cefni ( a highly sensitive receptor with long-duration views).

In terms of cumulative impacts, the proposal is judged unlikely to produce significant intervisibility or effects in combination with other consented windfarms . Within LCA 12 however, significant cumulative impacts would occur with other proposed sites and cumulative effects would occur in the AONB. Views into the island in the context of the AONB would produce significant effects. The proposal is likely to have significant adverse effects on the edge of settlement at Rhoscefnhir.

The effects of works to allow access for components has been assessed and it is considered that appropriate

mitigation could be achieved.

Section 8.4 of TAN 8 states that there is an implicit objective to maintain the quality and integrity of AONBs, i.e. there should be no change in landscape character from turbines. Similarly, for the remainder of Wales, outside Strategic Search Areas, the implicit objective is also to maintain landscape character i.e. again, there should be no change in landscape character from turbines.

The LVIA identifies a potential significant adverse visual effect on sensitive receptors within a 2.5km radius of the site and there are potentially additional in-combination effects from other proposals. The Ty Fry Farm proposal will have a significant adverse effect on the edge of the settlement of Rhoscefnhir while there are likely to be individual and cumulative effects on views from part of the AONB. Significant adverse landscape character effects are likely to occur off the island where the turbine would be a discernible and uncharacteristic feature. Such effects would potentially reduce the sensitivity of the landscape to further change. In accordance with TAN8, the implicit objective is that there should be no significant change in landscape character from a wind turbine development within such an area. The north of Anglesey has been subject to considerable landscape change and visual impact from three existing wind farms together with other approved schemes. The introduction of a turbine to a further Landscape Character Area could bring about a change where turbines were a feature common in much of the county. The proposal is not supported on landscape and visual impact grounds.

### **Cultural Heritage**

A report outlining impacts on scheduled ancient monuments and listed buildings in the vicinity of the site has been submitted and assessed for this proposal by the Gwynedd Archaeological Planning Service and the Council's Built Environment and Landscape Section. The proposal is likely to affect the setting of several scheduled monuments to varying degrees. The scheme is considered to have a negative adverse impact on the setting of the Grade II\* TY Fry manor house. The gardens are currently proposed for inclusion in the National Register of Historic Parks and Gardens

### **Ecology**

An ecological assessment was submitted in support of the application which suggests that the proposal will have neutral impacts overall on designated sites and species. The proposal complies with the 50m distance from landscape features advocated in the TIN051 guidance. However, there are records of a soprano pipistrelle roost within 600m of the site and records of noctule and serotine bats within 600m of the site and it is not considered that the submitted data gives sufficient information to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of each of the potentially affected populations of bat species. Although the positioning of the proposed turbine complies with TIN051 guidance, the behaviour of noctule and serotine bats is slightly different to other species in that they are known to regularly fly across open landscapes as well as at greater heights and as such noctule bats are recognised within TIN059 as being susceptible to high risk of adverse impacts from wind turbines while serotine bats are recognised as being of medium risk. CCW advice is that, prior to determination, survey works should be undertaken and an assessment thereafter made of the likely impacts on the conservation status of the populations of each species potentially affected by the proposal.

Given that the applicant had appealed against non-determination prior to receipt of CCW advice, this information has not been sought or provided. In light of information available at this time, it has not been conclusively demonstrated that there will be no unacceptable impact on bats, and it is advised that a precautionary approach as advocated in paragraph 5.5 of Planning Policy Wales (Edition 5) and in paragraph 6.2.2 of TAN 5, is followed and that the application be refused on this basis.

## Noise

The application is supported by Noise Reports which have been assessed by the Environmental Health Section. The Section has been advised that the property at Ty Fry is not within the ownership or control of the applicant but comprises a privately owned and unrelated dwelling. The concession in relation to appropriate noise levels which could be granted to the applicant's property at Ty Fry Farm do not apply to Ty Fry as it is wholly unassociated with the development proposed. The Environmental Health Section considers that the candidate turbine can achieve appropriate noise limits and a condition is proposed.

## Residential Amenity

The application is accompanied by an assessment of the effects of the proposal on residential amenity. An assessment of the impacts on the amenities of surrounding properties has also been undertaken by officers.

Policy C7 of the Gwynedd Structure Plan supports renewable energy developments if the impact on the locality is acceptable. Policy 45 of the Ynys Mon Local Plan requires that renewable energy development does not have an unacceptable impact on "the standard of amenity enjoyed by the resident and tourist population". Policy EP18 of the Stopped Ynys Mon Unitary Development Plan includes the same criterion but requires it not to have a significant adverse impact. Policies 1 and GP1 of the Ynys Mon Local Plan and the Stopped Ynys Mon Unitary Development Plan are also material in considering residential amenity.

Paragraph 12.8.14 of Planning Policy Wales (Edition 5) (November 2012) states that:

"...developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations..."

Annex D of TAN 8 lists factors which should typically be reviewed to identify "technically feasible areas" for the development of onshore wind energy schemes. At paragraph 3.4 it states "500m is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is again advised"

The Council's Supplementary Planning Guidance Onshore Wind Energy (January 2013) stipulates that in relation to turbines of 20m to tip or more, none should be located within 500m of a residential or tourism property, or closer than 20x tip height, whichever is the greater.

Officers have also considered decisions made by Planning Inspectors in relation to residential visual amenity. Such an analysis indicates that a common threshold criterion applied by Inspectors for assessing visual residential amenity is where the change in the view would affect the fundamental living conditions. Various terms are used to describe this threshold, e.g. 'overbearing', 'overwhelming', 'overpowering' or 'oppressive'.

Some of the closest properties to the proposed turbine are:

Property	Approximate Distance from Proposal
Awelon	334m
Tai Hirion Unit 5	664m
Ty Fry and Ty Fry Cottage	680m
Tai Hirion Unit 4	698m
Tai Hirion Unit 3	707m

Tai Hirion Unit 2	713m
Dyffryn Isaf and Annex	714m
Tai Hirion	729m
Dyffryn Farm	740m

All but Awelon are further than the 500m distance suggested in TAN 8. However, the TAN 8 distance is specified therein in relation to Strategic Search Areas. All are located within the 20x tip height limit in the Onshore Wind Energy SPG. Properties within the village of Rhoscefnhir would also be within the 20x tip height threshold. The SPG states that where residential properties occur within this threshold limit, applications should be refused.

In assessing the residential impacts, it is not considered that the proposal would be overbearing or overwhelming from any property although some properties will have direct views of it which would be significant.

In a letter dated 5<sup>th</sup> February 2013 in response to a third party concern regarding the now adopted SPG, The Welsh Government's Chief Planning Officer confirmed:

*'The Welsh Government's planning policy and guidance does not specify a minimum distance between dwellings and wind turbines. It is our view that a rigid minimum separation distance could unnecessarily hinder the development of renewable energy projects in Wales. The Welsh Government opposed the Private Members' Bill 'Wind Turbines (Minimum Distances from Residential Premises) Bill introduced into the House of Lords by Lord Reay, which sought to make provision for a minimum distance between wind turbines and residential premises according to the size of the wind turbine, which has subsequently failed to make it into statute. We consider that the issue of separation distances between residential premises and wind turbines is best determined locally on a case-by-case basis, taking on board locally sensitive issues such as topography and cumulative impacts, when decisions on planning applications are taken'.*

The changes made to the SPG, in taking it forward to adoption on 24<sup>th</sup> January 2013, were made against officer advice. Although significant views of the turbine would be experienced from several residential premises in this case, the effects are not assessed to be overbearing or overwhelming in planning terms. In strict compliance with the SPG, as the turbine at Ty Fry Farm would be located within the separation zone, it should automatically be refused. However, in the absence of evidence of harm to residential amenities sufficient to lead to refusal of planning consent, a blanket ban on turbines within the separation zone is contrary to national and local planning policy and policy advice which advocates consideration of applications on their individual planning merits. The refusal of permission at Ty Fry Farm on the basis of a blanket ban on turbines within the specified separation distance is considered to be ill-advised in this context.

Annex C of Planning Policy Wales provides advice on Shadow Flicker and Reflected light. Shadow flicker is only found to occur within properties up to 10 rotor diameters of a turbine and within 130 degrees either side of north at these latitudes in the UK. Discussion of the shadow flicker assessment submitted with the application suggests that its effects in this particular case 'would not be significant'. The diagrammatic representation however suggests that several properties may experience between 1 hour and 10 hours of effects per annum while the dwelling at Ty Fry may experience between 10 and 30 hours per annum. No mitigation is proposed by the applicant but in accordance with guidance, this matter can be dealt with by condition.

Annex C goes on to state turbines can also cause flashes of reflected light, which can be visible for some distances. The guidance states that reflected light can be mitigated by the choice of blade colour and a condition can be recommended on the colour to mitigate impacts.

## **Other Material Considerations**

The Ministry of Defence has no objections to the development subject to conditions.

The effects of the development on tourism is a material consideration. The Isle of Anglesey Council commissioned research on "The Impact of Wind Turbines on Tourism" which has been weighted in making the recommendation below.

In terms of Health and Safety the proposals are not situated in proximity to any roads or buildings having regard to advice in Annex C, paragraphs 2.19 and 2.20 of "TAN 8".

## **7. Conclusion**

The policies listed above provide a presumption in favor of renewable energy developments subject to the considerations listed. As detailed in the policies there are also other environmental and community considerations which need to be assessed and in this instance the proposed development is considered unacceptable for the reasons provided below.

There would be a significant adverse local visual impact; a cumulative landscape and visual impact including a significant impact on the AONB and the introduction of a significant change to Landscape Character Area 12.

Insufficient information has been provided in relation to the proposal's impacts upon bats and as such a precautionary approach must be taken.

## **8. Recommendation**

That planning permission is **refused** for the following reasons:

(01) The scale of the proposed development would result in significant adverse visual effects; significant changes to Landscape Character and potential cumulative landscape and visual effects to the AONB. This would be contrary to the provisions of policies C7, D1, D3 of the Gwynedd Structure Plan, 1, 30, 31, 45 of the Ynys Mon Local Plan, EN1, EN2, GP1, EP18 of the Stopped Ynys Mon Unitary Development Plan, Planning Policy Wales (Edition 5) (November 2012) and the Isle of Anglesey Council Supplementary Planning Guidance Wind Energy Development (1994).

(02) It has not been demonstrated that the proposal will not adversely affect protected species (bats) and the proposal is therefore contrary to policies D4 and D10 of the Gwynedd Structure Plan, policies 1, 34, 35 and 45 of the Ynys Mon Local Plan, policies GP1 and EN4 of the stopped Ynys Mon Unitary Development Plan and the precautionary approach advised within Planning Policy Wales (Edition 5) (November 2012) and Technical Advice Note 5 Nature Conservation and Planning (2009).

(03) The proposal will adversely affect the setting of the Grade II\* Ty Fry manor house and would be contrary to Policy D22 of the Gwynedd Structure Plan, Policy 41 of the Ynys Mon Local Plan, Policy EN13 of the stopped Ynys Mon Unitary Development Plan and the advice contained within Planning Policy Wales (Edition 5) (November 2012) and Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

## **9. Other Relevant Policies**

### **Gwynedd Structure Plan**

FF11 (Traffic)

D32 Landscaping Schemes



**Ynys Mon Local Plan**

32 (Landscape)

**Stopped Anglesey Unitary Development Plan**

TR3 (Highway Design)

EN14 (Tree Preservation Orders & Hedgerows)

EN16 (Landscape Features of Major Importance for Flora & Fauna)

Technical Advice Note 5 Nature Conservation and Planning (2009)

Technical Advice Note 11 Noise (1997)

Welsh Government Circular letter 01.04.09 Transportation Issues Arising From Wind Farms

**7.3**

**Gweddill y Ceisiadau**

**Remainder Applications**

Rhif y Cais: **46C149L** Application Number

Ymgeisydd Applicant

**Anglesey Marine and Leisure  
c/o Alan J Williams & Associates  
48 Refail Farm,  
Rhoscolyn,  
Holyhead,  
Anglesey.  
LL65 2EX.**

Cais llawn ar gyfer newid defnydd y tir i greu darpariaeth storio cychod ynghyd a chreu mynedfa i gerbydau ar dir ger y maes parcio yn

Full application for the change of use of land to form a boat storage facility together with the construction of a vehicular access on land adjacent to the car park at

Trearddur Bay Hotel, Lôn Isallt, Trearddur Bay



**Planning Committee: 06/03/2013**

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

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

At the request of the Local Member

Members will recall that at it's meeting that was held on the 6<sup>th</sup> February, 2013 it was resolved to defer the determining of the application in order to carry out a site visit.

The site was visited on the 20<sup>th</sup> February, 2013 and the Members will now be familiar with the site and its setting.

**1. Proposal and Site**

The proposal entails the change of use of a vacant parcel of land into a boat storage facility, the construction of a new vehicular access together with the siting of a portacabin.

The site lies in the centre of the village of Trearddur Bay. The site is situated off Lon Isallt and is located between the Trearddur Bay Hotel and Bowling Green. To the front of the application site is the Tennis Courts and Pavillion. The site lies opposite the boat launching slipway.

**2. Key Issue(s)**

The applications main issues are whether the proposal will have an adverse effect on the amenities of the occupants of neighbouring properties, whether the proposal will harm the surrounding landscape, whether the development complies with Technical Advice Note 15: Development and Flood Risk and whether the proposal will be detrimental to highway safety.

**3. Main Policies**

**Ynys Môn Local Plan**

Policy 1 – General Policy

Policy 2 – New jobs

Policy 5 - Design

Policy 28 – Tidal Inundation and River Flooding

Policy 31 – Landscape

Policy 36 – Coastal Development

**Gwynedd Structure Plan**

Policy B1 – Jobs

Policy CH1 – Recreation and Tourism

Policy D4 – Location, Siting and Design

Policy D29 – Design

D32 – Landscape

### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 – Landscape Character

Policy EN9 – Development in or near Wetlands, Water Courses and Shorelines

Policy TO8 – Water or Boating Facilities

Policy SG6 – Surface Water Run Off

### **Planning Policy Wales – 5<sup>th</sup> Edition – November 2012**

**TAN 12: Design**

**TAN 13: Tourism**

**TAN 14: Coastal Planning**

**TAN 15: Development and Flood Risk**

**TAN 16: Sport, Recreation and Open Space**

**TAN 18: Transport**

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

Local Member – Requested that the application be referred to the Planning and Orders Committee for determination due to concerns with the access

Community Council – Comments regarding access, landscaping, flood barriers, light pollution. Stated that the proposal lacked detailed information

Welsh Water – Recommended conditional approval

Highways – Further information required

Drainage – Further information required

Environment Agency – Recommended conditional approval

Economic Development Unit – Support application

The application was afforded three means of publicity these were by the posting of a notice near the site, publication of a notice in the local press and the serving of personal notifications on the occupants of neighbouring properties. The latest date for the receipt of representations was the 11<sup>th</sup> January, 2013 and at the time of writing this report 32 letters of support and 7 letters of objection had been received at the department. The main issues raised were:

In support of the application:

- i) Proposal will be good for the Trearddur Bay Hotel and local economy
- ii) The relocation of the boatyard from Lon St Ffraid to Lon Isallt will help minimise traffic and relieve

congestion

iii) If the application is not supported it would be a great loss to the Trearddur community

The issues raised in objection to the proposal can be summarised as follows: :

i) Highway – additional access on busy road a number of accesses already on this part of Lôn Isallt, proposal will not ease existing traffic congestion

ii) Proposal increases risk to children, pedestrians and passing traffic

iii) Landscape Impact - Coastline is within an Area of Outstanding Natural Beauty and proposal will spoil the aspect and natural beauty of the seafront

iv) Loss of views

v) Drainage - Increase risk of flooding – the site overlaps environmentally sensitive land and proposal will affect wildlife and biodiversity by way of fuel spillage

vi) No details of the fencing, office and security features have been submitted as part of the application

vii) Noise disturbance from boat maintenance and the use of the tractors

viii) Proposal will not create new jobs due to the nature and size of the business

In response to these comments I would state:

i) The Highway Authority have confirmed that they have no objection in principal to the proposal subject to the receipt of further details regarding the flood defence system and detailed access design

ii) When the storage area was located on Lon St Ffraid the boats were towed from the yard via Lon Isallt and onto the slipway. The proposed site is located nearer to the slipway which will result in the reduction in travel journeys between the compound and slipway. The site shall only be used by the site operator and members of the public will not be visiting the site.

iii) The applicant has stated that landscaping works shall be provided along the boundary of the site and a condition will be imposed on the permission requesting that a detailed landscaping/screening scheme be submitted to the department prior to the commencement of the works on the site.

iv) The proposal is situated more than 97 metres away from the immediate neighbouring property and therefore it is not considered that the proposal will affect the amenities currently enjoyed by the occupants of neighbouring properties to such a degree as to warrant the refusal of the application. Landscaping along the boundary of the site will also obscure the storage area from the nearby residential properties and surrounding area.

v) Further details is required in relation to the drainage of the site. The ground levels of the application site shall not be altered as part of the proposal. The proposal is for the change of use of the site for the storage of boats and it is considered that some degree of repair/maintenance and cleaning of the vehicles on the site would be incidental to the main use of the site. A flood consequence assessment submitted as part of the application confirms that the proposal is acceptable and will not increase the risk of flooding.

vi) No details of the proposed fencing has been submitted as part of the application and a condition will be

imposed on the permission requesting details of the proposed security fencing and any security lighting to be submitted for the local planning authority's approval prior to the commencement of the works on the site. Details of the proposed portacabin were submitted to the department on the 24<sup>th</sup> January, 2013. The portacabin measures approximately 9.75 m x 3 m and the proposed building is considered acceptable as a temporary building. However the local planning authority do not consider that the siting of a permanent portacabin on the site to be acceptable and therefore a condition will be imposed on the permission that the portacabin shall only be placed on the land for a period of no more than three years.

vii) The site shall not be open to members of the public and the boats shall be towed from the site via tractor by the site operator. The site is located in the centre of Trearddur Bay which attracts many visitors by way of vehicular and pedestrian traffic and it is not considered that the use of the tractors will generate noise disturbance to the occupants of the surrounding properties to such a degree as to warrant the refusal of the application. However, in the event that these activities do become a statutory nuisance powers exist under Environmental Health Legislation to take action. As stated above minor repairs/maintenance and cleaning of the vehicles is considered acceptable and is considered to be incidental to the main use of the site. The screening of the site will minimise the impact of noise to the neighbouring properties

viii) The applicant has confirmed that the business currently employs 4 full time employees, 2 of which are apprentices and following the approval of this permission and additional full time post will become available.

## **5. Relevant Planning History**

46C149 - Alterations and extensions to Burgee Suite, Trearddur Bay – Approved 20/04/89

46C149A - Alterations and extensions to Trearddur Bay Hotel, Trearddur Bay – Approved 19/03/90

46C149B/AD - Erection of an externally illuminated sign at Trearddur Bay Hotel, Trearddur Bay – Approved 12/10/90

46C149C/AD - Erection of an external static illuminated sign at Trearddur Bay Hotel, Trearddur Bay – Approved 01/11/91

46C149D - Change of use of dwelling to form part of the hotel together with the erection of a single storey link at Sandcroft and Trearddur Bay Hotel, Trearddur Bay – Approved 24/03/97

46C149E- Alterations and extensions to Tower House, Trearddur Bay Hotel, Trearddur Bay – Approved 27/03/03

46C149F - Demolition of the existing Burgee Bar and function room together with the erection of a new bar, conference centre/function suite at Trearddur Bay Hotel, Trearddur Bay – Approved 09/07/03

46C149G – Erection of a smoking shelter at Trearddur Bay Hotel, Trearddur Bay – Approved 06/09/07

46C149H – Retention of the storage container on land at the Trearddur Bay Hotel, Trearddur Bay – Approved 25/09/07

46C149J- Change of use of land to form a boat storage facility, the installation of a cess pit together with the construction of a vehicular access on land adjacent to the car park at Trearddur Bay Hotel, Trearddur Bay – Withdrawn 05/04/12

46C149K - Application for the retention of the breezhouse and children's play area at Trearddur Bay Hotel, Trearddur Bay – Approved 29/07/11

## **6. Main Planning Considerations**

**Affect on the amenities of occupants of neighbouring properties** – Concerns have been raised by the occupants of the neighbouring properties that the proposal will result in loss of views and noise disturbance. The application site lies approximately 97 metres away from the front of the immediate neighbouring properties. Owing to the distance between the site and neighbouring properties it is not considered that the proposal will detrimentally affect the amenities currently enjoyed by the occupants of the properties to such a degree as to warrant the refusal of the application. The site is situated within the centre of Trearddur Bay which is busy during the holiday periods with both pedestrian and vehicular traffic and therefore it is not considered that the use of tractors to and from the application site will result in greater noise disturbances to the occupants of the neighbouring properties than that generated at present.

Concerns have also been raised by members of the public that the proposal may be detrimental to the Trearddur Bay Hotel which is located next to the application site. The land which forms the application is owned by the Trearddur Bay Hotel and notice has been served on the owner, to date no adverse comments have been received at the department by the owner of the Hotel. However as screening is proposed along the boundary of the application site it is not considered that the proposal will affect the neighbouring hotel.

**Landscape Impact** – As stated above the site is located within the settlement of Trearddur Bay. In order to minimise any impacts the compound from the public vista and neighbouring properties a condition will be imposed on the permission in order to provide landscaping along the boundary of the site with details to be submitted to the local planning authority for approval prior to the commencement of works on site.

Although in close proximity to the designated Area of Outstanding Natural Beauty, nearby Listed Buildings and public footpath the site will be screened in order to reduce the impact of the proposal on the surrounding area. The site is considered suitable due to its close proximity to the slipway which will reduce the distance for vehicles being towed to the slipway.

**Development and Flood Risk** – As the site is located within a C2 Zone and a Flood Consequence Assessment was submitted as part of the application. The report stated that the proposed development could be implemented without conflicting with the requirements of Technical Advice Note 15 – Development and Flood Risk provided that the floor level of the proposed office be set 475 mm above existing ground levels.

**Highway Safety** – The Highway Authority have no objection in principle to the siting of the boat compound and the construction of a new vehicular access. However at the time of writing this report the Highway Authority were awaiting further details in regards to a flood defence system and detailed access information for approval.

## **7. Conclusion**

The proposal will not detrimentally affect the amenities of the occupants of neighbouring properties or have an adverse effect on the surrounding landscape. The proposal complies with the requirement of Technical Advice Note 15: Development and Flood Risk. Subject to the receipt of satisfactory highway and drainage details my recommendation is one of approval.

## **8. Recommendation**

### **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 site shall be used for the storage of boats only and no repair/maintenance/servicing of the boats shall be carried out at the site.**

Reason: In the interests of residential and visual amenity.

**(03) Full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before any work on the site is commenced, unless otherwise agreed in writing with the local planning authority. Such works shall be erected prior to the commencement of the use of the development hereby approved.**

Reason: In the interests of residential and visual amenity.

**(04) Screening shall be provided, along the boundary of the site. Details of the proposed screening shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The screening works shall be carried out in full accordance with the approved details within.**

Reason: In the interests of residential and visual amenity.

**(05) Full details of any proposed security lighting shall be submitted to and approved in writing by the local planning authority prior to their installation.**

Reason: In the interests of residential amenity.

**(06) The portacabin, the details of which were received on 24<sup>th</sup> January, 2013 and 25<sup>th</sup> February, 2013 shall not be placed on the site until the prior written approval of the local planning authority has been obtained to its installation. The portacabin shall be removed from the land upon expiry of three years from the date of its installation and the land reinstated to its former condition within three months of the removal date.**

Reason: The local planning authority has granted permission for a temporary period only as they wish to re-consider the position in light of circumstances prevailing at that date.

**(07) The finished floor level of the office/portacabin building shall be raised a minimum of 475mm above existing ground level.**

Reason: To reduce the impact of flooding to the building

**(08) The development permitted by this consent shall be carried out strictly in accordance with the plans attached to this permission and the plans which may be required to be approved under condition(s) (03), (04), (05) and (06) above.**

Reason: For the avoidance of doubt.

## **9. Other Non-Material Issues Raised**

i) Previous site was used to store caravans and should caravans be allowed on the new site would affect surrounding properties



ii) Neighbouring properties will not have been given the opportunity to comment on the application as they are not aware of the application due to the time of year when the application has been submitted. Also the area is quiet at this time of year and therefore the number of vehicular and pedestrian traffic is low and therefore a final decision should not be made without seeing the area at peak holiday times

iii) Portacabin to be raised 5 metres will create an eyesore

iv) More suitable areas for this development

In response to these comments I would state:

i) The proposal is for the storage of boats only and caravans will not be stored on the site

ii) As stated above the application has been afforded three means of publicity. These were by the posting of a site notice in four different locations, the publication of the notice in the local press and the posting of notices to the occupants of neighbouring properties and to persons who submitted representations during the course of determining application 46C149J. Although the site has been visited following the submission of the current application the department is aware of the nature and use of the site during the holiday periods.

iii) The portacabin/office will not be raised 5metres off the existing ground level. The building will be raised 475 mm.

iv) The application has been submitted for this site and is considered on its own merits. The site lies opposite the slipway for launching boats and is considered to be an acceptable site.