

At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: 8 Hydref 2015

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 14 HYDREF 2015** am **9.30 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN**.

Yn gywir iawn

G Williams
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd

AGENDA

1 YMDDIHEURIADAU

2 DATGANIADAU O FUDDIANT (Tudalennau 9 - 10)

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

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

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

4 COFNODION (Tudalennau 11 - 20)

I gadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 16 Gorffennaf 2015 (amgaeir copi).

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5-6) -

5 CAIS RHIF 23/2015/0463/PFT-TIR YN CEFN YFED, CYFFYLLIOG, RHUTHUN (Tudalennau 21 - 50)

Ystyried cais i osod un tyrbin gwynt 500 kw gyda both uchder o 48m a diamedr rotor o 45m a gwaith cysylltiedig ar Dir yn Cefn Yfed, Cyffylliog, Rhuthun (copi ynghlwm).

6 CAIS RHIF 47/2015/0741/PS – GWESTY WHITE HOUSE HOTEL, FFORDD TREFFYNNON, RHUALLT, LLANELWY (Tudalennau 51 - 64)

I ystyried cais i gael gwared ar amod rhif 3 o ganiatâd cynllunio cod rhif 47/2011/0527 sy'n ymwneud ag amod defnydd tymhorol sy'n cyfyngu defnydd y safle ar gyfer carafannau teithiol rhwng 31 Hydref a 1 Mawrth yng Ngwesty White House Hotel, Ffordd Treffynnon, Rhualt, Llanelwy (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Ray Bartley (Cadeirydd)

Win Mullen-James (Is-Gadeirydd)

Ian Armstrong
Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Bill Cowie
Meirick Davies
Richard Davies
Stuart Davies
Peter Arnold Evans
Huw Hilditch-Roberts
Rhys Hughes
Alice Jones
Pat Jones
Barry Mellor

Bob Murray
Peter Owen
Dewi Owens
Merfyn Parry
Pete Prendergast
Arwel Roberts
Anton Sampson
David Simmons
Bill Tasker
Julian Thompson-Hill
Joe Welch
Cefyn Williams
Cheryl Williams
Huw Williams

COPIAU I'R:

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

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT GAIFF Y CYFARFOD EI GYNNAL

Oni bai bod Cadeirydd y Pwyllgor yn nodi i'r gwrthwyneb, bydd trefn y prif eitemau yn dilyn yr agenda a nodwyd ar flaen yr adroddiad hwn.

Cyflwyniad cyffredinol

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

Bydd y Cadeirydd yn gofyn a oes unrhyw ymddiheuriadau dros absenoldeb a datganiadau o fuddiannau.

Bydd y Cadeirydd yn gwahodd Swyddogion i roi cyflwyniadau byr i'r eitemau ar yr agenda.

Bydd Swyddogion yn amlinellau (fel ag sy'n briodol) eitemau a fydd yn cynnwys siarad cyhoeddus, ceisiadau ar gyfer gohirio, eitemau sydd wedi'u tynnu'n ôl, ac unrhyw eitemau Rhan 2 lle bydd y wasg a'r cyhoedd yn cael eu gwahardd. Bydd cyfeiriadau at unrhyw wybodaeth ychwanegol a ddosbarthwyd yn Siambr y Cyngor cyn dechrau'r cyfarfod, gan gynnwys y taflenni sy'n crynhoi cyflwyniadau/newidiadau hwyr (taflenni glas) ac unrhyw gynlluniau atodol neu ddiwygiedig sy'n ymwneud ag eitemau i'w trafod.

Mae'r 'Taflenni Glas' yn cynnwys gwybodaeth bwysig, gan gynnwys crynodeb o ddeunydd a dderbyniwyd mewn perthynas ag eitemau ar yr agenda rhwng cwblhau'r prif adroddiad a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn nodi trefn arfaethedig y ceisiadau cynllunio, sy'n cymryd i ystyriaeth unrhyw geisiadau i siarad yn gyhoeddus.

Mewn perthynas â threfn yr eitemau, bydd disgwyl i unrhyw Aelodau sydd am ddwyn eitem i'w thrafod wneud cais yn union ar ôl cyflwyniad y Swyddogion. Rhaid i unrhyw gais o'r fath fod yn gynnig ffurfiol a bydd pleidlais ar y cais.

Mae'r Pwyllgor Cynllunio yn cynnwys 30 o Aelodau Etholedig. Yn unol â phrotocol, mae'n rhaid i 50% o Aelodau'r Pwyllgor fod yn bresennol i sefydlu cworwm ac i sicrhau bod modd ystyried eitem a phleidleisio ar eitem.

Caiff Cynghorwyr Sir sydd ddim yn aelodau o'r Pwyllgor Cynllunio fynychu a siarad ar eitem, ond ni allant wneud cynnig, na phleidleisio.

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

Bydd y Cadeirydd yn cyhoeddi'r eitem sydd i'w thrafod nesaf. Mewn perthynas â cheisiadau cynllunio, cyhoeddir rhif y cais, sail y cynnig a'r lleoliad, yr Aelodau lleol perthnasol ar gyfer yr ardal, ac argymhelliad y Swyddog.

Os oes yna siaradwyr cyhoeddus ar eitem, bydd y Cadeirydd yn eu gwahodd i annerch y Pwyllgor. Os oes siaradwyr yn erbyn ac o blaid cynnig, gofynnir i'r siaradwr sydd yn erbyn i siarad yn gyntaf. Bydd y Cadeirydd yn atgoffa siaradwyr bod ganddynt hyd at 3 munud i annerch y Pwyllgor. Mae gan siarad cyhoeddus ei brotocol ei hunan.

Lle bo hynny'n berthnasol, bydd y Cadeirydd yn cynnig cyfle i'r Aelodau ddarllen unrhyw wybodaeth hwyr ar yr eitem ar y 'Taflenni Glas' cyn parhau.

Os oes unrhyw Aelod am gynnig y dylid gohirio eitem, gan gynnwys ceisiadau i Banel Archwilio Safle ymweld â'r safle, dylid gwneud y cais ynghyd â'r rheswm cynllunio, cyn unrhyw siarad cyhoeddus neu drafodaeth am yr eitem honno.

Cyn unrhyw drafodaeth, bydd y Cadeirydd yn gwahodd swyddogion i roi cyflwyniad cryno i'r eitem lle credir bod hyn yn werth chweil yng ngolau natur y cais.

Mae sgriniau arddangos yn Siambr y Cyngor a ddefnyddir i ddangos ffotograffau neu gynlluniau a gyflwynir gyda cheisiadau. Cymerir y ffotograffau gan Swyddogion i roi argraff gyffredinol i Aelodau o safle a'i amgylchedd, ac nid eu bwriad yw cyflwyno achos o blaid neu yn erbyn cynnig.

Bydd y Cadeirydd yn cyhoeddi bod yr eitem yn agored am drafodaeth ac yn rhoi cyfle i Aelodau siarad a rhoi sylwadau am yr eitem.

Os oes unrhyw gais wedi bod yn destun Panel Archwilio Safle cyn y Pwyllgor, bydd y Cadeirydd fel rheol yn gwahodd yr Aelodau hynny a fynychodd, gan gynnwys yr aelod lleol, i siarad yn gyntaf.

Yn achos yr holl geisiadau eraill, bydd y Cadeirydd yn gofyn i'r aelod(au) lleol siarad yn gyntaf, os yw ef/nhw yn dymuno gwneud hynny.

Fel rheol, rhoddir hyd at bum munud i Aelodau siarad, a bydd y Cadeirydd yn llywio'r drafodaeth yn unol â Rheolau Sefydlog.

Unwaith bod aelod wedi siarad, ni ddylai ef/hi siarad eto oni bai ei fod ef/hi am esboniad o bwyntiau a gododd yn y drafodaeth, a rhaid i hynny hefyd ddigwydd ar ôl i'r holl Aelodau eraill gael cyfle i siarad, a gyda chaniatâd y Cadeirydd.

Ar derfyn trafodaeth yr Aelodau, bydd y Cadeirydd yn gofyn i Swyddogion ymateb yn ôl yr angen i gwestiynau a phwyntiau a godwyd, gan gynnwys cyngor ar unrhyw benderfyniad sy'n mynd yn groes i'r argymhelliad.

Cyn symud ymlaen at y bleidlais, bydd y Cadeirydd yn gwahodd neu'n gofyn am eglurhad o gynigion ac eilyddion i'r cynigion o blaid neu yn erbyn argymhelliad y Swyddog, neu unrhyw benderfyniadau eraill sy'n gofyn am ddiwygiadau i gynigion. Pan gaiff cynnig ei wneud yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn am eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn i hyn gael ei gofnodi yng Nghofnodion y cyfarfod. Mae'n bosibl y bydd y Cadeirydd yn gofyn am sylwadau gan y Swyddog Cyfreithiol a Chynllunio am ddilysrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn gwneud cyhoeddiad i nodi bod y drafodaeth ar ben, a bod y pleidleisio i ddilyn.

Y drefn bleidleisio

Cyn gofyn i Aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau a wnaed a sut fydd y bleidlais yn cael ei chynnal. Gellir gofyn am esboniad pellach ynghylch newidiadau, amodau newydd ac ychwanegol a rhesymau dros wrthod er mwyn sicrhau nad oes unrhyw amwysedd yn yr hyn y mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Os yw unrhyw aelod yn gwneud cais am Bleidlais wedi'i Chofnodi, mae'n rhaid ymdrin â hyn yn gyntaf yn unol â'r Rheolau Sefydlog. Bydd y Cadeirydd a Swyddogion yn egluro'r drefn i'w dilyn. Bydd enwau bob un o'r Aelodau pleidleisio sy'n bresennol yn cael eu galw allan, a bydd gofyn i'r Aelod nodi a yw eu pleidlais o blaid neu yn erbyn rhoi caniatâd neu ymwrthod. Bydd Swyddogion yn cyhoeddi canlyniad y bleidlais ar yr eitem.

Os yw pleidlais arferol i ddigwydd trwy gyfrwng y system bleidleisio electronig, bydd y Cadeirydd yn gofyn i'r Swyddogion weithredu'r sgrin bleidleisio yn y Siambr, a phan ofynnir iddynt wneud hynny, mae'n rhaid i'r Aelodau gofnodi eu pleidlais drwy bwysu'r botwm priodol.

Mae gan Aelodau 10 eiliad i gofnodi eu pleidleisiau unwaith bo'r sgrin wedi ymddangos.

Os yw'r system bleidleisio electronig yn methu, gellir cynnal y bleidlais drwy ddangos dwylo. Bydd y Cadeirydd yn esbonio'r drefn sydd i'w dilyn.

Ar derfyn y bleidlais, bydd y Cadeirydd yn cyhoeddi'r penderfyniad ar yr eitem.

Pan fydd penderfyniad ffurfiol y Pwyllgor yn groes i argymhelliad y Swyddog, bydd y Cadeirydd yn gofyn i Aelodau gytuno'r broses a ddefnyddir i ddrafftio amodau cynllunio neu resymau dros wrthod, er mwyn rhyddhau'r Tystysgrif Penderfyniad (e.e. dirprwyo awdurdod i'r Swyddog Cynllunio, i'r Swyddog Cynllunio mewn cysylltiad ag Aelodau Lleol, neu drwy gyfeirio'n ôl i'r Pwyllgor Cynllunio ar gyfer cadarnhad).

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

TREFN BLEIDLEISIO

Atgoffir yr aelodau o'r drefn i'w dilyn wrth bleidleisio i roddi neu i wrthod caniatâd cynllunio. Bydd y Cadeirydd neu'r Swyddogion yn esbonio'r drefn i'w dilyn fel y bo angen.

Unwaith y bydd y sgriniau arddangos yn y Siambr wedi eu clirio yn barod ar gyfer y pleidleisio a phan fydd y sgrîn bleidleisio yn ymddangos, bydd gan y Cynghorwyr 10 eiliad i gofnodi eu pleidlais fel a ganlyn:

Ar y bysellfwrdd pleidleisio, pwyswch y

<p>+ i RODDI caniatâd - i WRTHOD caniatâd 0 i BEIDIO â phleidleisio</p>
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Neu yn achos eitemau Gorfodi:

<p>+ i AWDURDODI Camau Gorfodi - i WRTHOD AWDURDODI Camau Gorfodi 0 i BEIDIO â phleidleisio</p>
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Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

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

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

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

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun, Dydd Mercher, 16 Medi 2015 am 9.30 am.

YN BRESENNOL

Y Cynghorwyr Raymond Bartley (Cadeirydd), Brian Blakeley, Joan Butterfield, Bill Cowie, Meirick Davies, Huw Hilditch-Roberts, Rhys Hughes, Pat Jones, Barry Mellor, Win Mullen-James (Is-Gadeirydd), Bob Murray, Dewi Owens, Pete Prendergast, Arwel Roberts, Anton Sampson, David Simmons, Julian Thompson-Hill, Joe Welch, Cefyn Williams a Huw Williams

Aelodau Lleol – mynychodd Martyn Holland a Huw Jones ar gyfer yr eitemau penodol hynny a oedd yn ymwneud â'u wardiau hwy.

Mynychodd y Cyngorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus, ar gyfer eitemau 5-9 ar y rhaglen.

HEFYD YN BRESENNOL

Pennaeth Cynllunio a Gwarchod y Cyhoedd (GB); Prif Gyfreithiwr – Cynllunio a Phrifyrdd (SC); Rheolwr Datblygu (PM); Swyddog Cynllunio (DS); Rheolwr Cynllunio Strategol a Thai (AL); Uwch Beiriannydd, Trafnidiaeth a Chludiant (MP) a Gweinyddwr Pwyllgorau (KEJ)

1 YMDDIHEURIADAU

Y Cynghorwyr Ian Armstrong, Jeanette Chamberlain-Jones, Richard Davies, Stuart Davies, Alice Jones, Peter Owen, Merfyn Parry, Pete Prendergast, Bill Tasker a Cheryl Williams

2 DATGAN CYSYLLTIAD

Ni ddatganwyd unrhyw gysylltiad personol na chysylltiad sy'n rhagfarnu.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chafwyd unrhyw faterion bryd.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 15 Gorffennaf 2015.

Tudalen 16 – Rhif Cais 05/2015/0040/PF tir oddi ar Lôn Werdd, Corwen – mewn ymateb i gwestiwn gan y Cyngorydd Meirick Davies, dywedodd y swyddog cynllunio ei fod yn aros am ragor o fanylion ar y mesurau lliniaru llifogydd cyn cysylltu â'r aelodau lleol ynghylch yr amodau cynllunio i'w gosod.

PENDERFYNWYD y dylid derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 15 Gorffennaf, 2015 fel cofnod cywir.

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEMAU 5 - 9) -

Cyflwynwyd ceisiadau oedd yn ceisio penderfyniad y pwyllgor ynghyd â'r dogfennau cysylltiol. Cyfeiriwyd hefyd at yr wybodaeth a gyflwynwyd yn hwyr (taflenni glas) a dderbyniwyd ar ôl cyhoeddi'r rhaglen ac yn ymwneud â'r ceisiadau penodol. Er mwyn caniatáu ceisiadau aelodau'r cyhoedd i gyflwyno sylwadau cytunwyd y dylid amrywio trefn rhaglen y ceisiadau fel y bo'n briodol.

5 CAIS RHIF 05/2015/0353/PF - PEN Y GRAIG (DE-ORLLEWIN I BLAS TIRION) GLYNDYFRDWY, CORWEN

Cyflwynwyd cais i aildddechrau defnydd preswyl o annedd ar gyfer deiliadaeth anghenion lleol a chodi estyniad ym Mhen y Graig (de-orllewin Plas Tirion) Glyndyfrdwy, Corwen.

Siaradwyr Cyhoeddus -

Mr. B. Dewey (**o blaid**) – Esboniodd gysylltiadau'r teulu gyda'r ardal, eu cymhwysedd ar gyfer tai fforddiadwy, diffyg tai fforddiadwy yn yr ardal a manylion am yr adeilad arfaethedig i'w adfer. Cyfeiriodd at ymdrechion i farchnata'r eiddo yn unol â pholisi a thynnodd sylw at ei anaddasrwydd ar gyfer defnydd masnachol.

Trafodaeth gyffredinol – Crynhodd y swyddog cynllunio (PM) yr adroddiad a materion polisi perthnasol a arweiniodd at yr argymhelliad i wrthod y cais. Roedd swyddogion wedi ystyried bod defnydd preswyl o'r eiddo wedi cael ei roi o'r neilltu ac yn groes i brofion polisi HEG 4 o'r Cynllun Datblygu Lleol, ni fu unrhyw dystiolaeth bod yr eiddo wedi cael ei farchnata ar gyfer defnydd masnachol ac nad oedd unrhyw wybodaeth ariannol wedi cael ei ddarparu i asesu a fyddai'r annedd yn fforddiadwy ar gyfer angen lleol. Roedd Aelodau wedi clywed gan y siaradwr cyhoeddus bod rhyw ymgais wedi'i wneud i farchnata'r eiddo ac o ystyried ei leoliad derbyniwyd y byddai'n anodd aildefnyddio'r adeilad at ddibenion masnachol. Fodd bynnag, y brif sail dros wrthod oedd y mater o angen lleol am dai fforddiadwy. Pe bai Aelodau o blaid rhoi caniatâd i'r cais dylid ystyried sut y gellid rheoli'r eiddo yn y dyfodol ar gyfer angen lleol am dai fforddiadwy yn hytrach na'i werthu ar y farchnad agored i rywun o du allan i'r ardal. Cadarnhaodd swyddogion na chodwyd unrhyw bryderon penodol ynghylch yr estyniad a'r elfennau dylunio.

Siaradodd y Cynghorydd Huw Jones (Aelod Lleol) o blaid y cais a darparodd sicrwydd bod yr ymgeisydd yn fodlon derbyn amod i sicrhau dyfodol fforddiadwy yr eiddo ar gyfer angen lleol. Cyfeiriodd at amgylchiadau'r teulu a'u cysylltiadau â'r ardal, gan dynnu sylw at y diffyg tai fforddiadwy presennol a rhinweddau adfer yr adeilad adfeiliedig ar gyfer defnydd preswyl.

Yn ystod y ddadl roedd yr Aelodau'n cydymdeimlo â'r cais yn amlygu pwysigrwydd tai fforddiadwy i ddiwallu anghenion lleol. Tynnwyd sylw hefyd at y manteision o adfer yr eiddo o ran estheteg ac effaith weledol ac ar gyfer defnydd gwerth chweil

yn hytrach na gadael iddo ddirywio ymhellach. Cyfeiriwyd at geisiadau blaenorol wrth ystyried materion cynllunio tebyg a'r angen i ddefnyddio ymagwedd gyson a synnwyr cyffredin. Roedd llawer o drafodaeth yn canolbwyntio ar yr elfen tai fforddiadwy a rhoddodd y swyddogion eglurhad ar faterion penodol fel a ganlyn –

- Roedd y cais ar gyfer meddiannaeth anghenion lleol ac ni ellid rhoi caniatâd cynllunio drwy ddileu'r elfen honno
- Cyfeiriwyd at gymhwysedd â'r broses asesu ar gyfer tai fforddiadwy lleol ynghyd â pholisi a chanllawiau cysylltiad lleol
- Cadarnhawyd yn absenoldeb amod i sicrhau dyfodol yr eiddo i ddiwallu angen lleol am dai fforddiadwy, gellid gwerthu'r eiddo ar y farchnad agored i brynwr o du allan i'r ardal
- Pe bai'r cais yn cael ei ganiatáu gyda chymal tai fforddiadwy, ni fyddai'n atal yr ymgeisydd rhag gwneud cais i gael yr amod honno wedi'i dileu yn y dyfodol pe dangoswyd nad oedd bellach angen lleol am dai fforddiadwy.

Cyfeiriodd y Cynghorydd Meirick Davies at y sylwadau hwyr a dderbyniwyd oddi wrth y Cydbwyllgor AHNE a chynigwyd, pe bai'n cael ei ganiatáu, bod amod yn cael ei rhoi yn unol â'r argymhellion ynglŷn â'r grisiau y credai a fyddai'n cyd-fynd yn well â'r amgylchoedd. Nid oedd dim eilydd ar gyfer y cynnig hwnnw.

Cynnig – Cynigodd y Cynghorydd Cefyn Williams, bod y cais yn cael ei ganiatáu gydag amod i sicrhau dyfodol yr eiddo ar gyfer angen lleol am dai fforddiadwy, eiliwyd hyn gan y Cynghorydd Arwel Roberts.

PLEIDLAIS:

CYMERADWYO - 18

GWRTHOD - 0

YMATAL - 1

PENDERFYNWYD y dylid **CYMERADWYO'R** cais, yn groes i argymhelliad y swyddog, gydag amod i sicrhau dyfodol yr eiddo ar gyfer angen lleol am dai fforddiadwy am y rheswm y bydd yn diwallu angen lleol am dai fforddiadwy.

6 CAIS RHIF 18/2014/1164/PS – PARK HIGHFIELD, LLANGWYFAN, DINBYCH

Cyflwynwyd cais ar gyfer amrywio amod rhif 12 o god caniatâd cynllunio rhif 18/2012/1595 i ganiatáu 2 bwynt mynediad i aros ar agor ym Mharc Highfield, Llangwyfan, Dinbych.

Siaradwyr Cyhoeddus -

Ms. G. Butler (**yn erbyn**) – siaradodd Ms Butler ar ran trigolion lleol gan ddweud bod eu hofnau diogelwch ffyrdd dros y defnydd o fynedfeydd dros dro wedi eu cyfiawnhau ac adroddodd am y peryglon a achosir gan symudiadau traffig yn y ddau bwynt mynediad.

Mr. A. Armstrong (**o blaid**) - soniodd am gynllun y ffordd a'r rhesymu dros gadw'r ddau bwynt mynediad mân sydd ddim ond yn cyfrif am tua 3 - 4% o symudiadau

traffig gydag uchafswm o wyth lle parcio er mwyn gwasanaethu dau adeilad a chaniatáu mynediad brys.

Trafodaeth gyffredinol – yn absenoldeb y Cynghorydd Merfyn Parry (Aelod lleol), siaradodd y Cynghorydd Joe Welch ar ei ran a chyfeirio at e-bost a anfonwyd at Aelodau'r Pwyllgor yn rhoi manylion am ei bryderon. Er y cydnabuwyd y gwaith a'r buddsoddi a ddarparwyd gan yr Ymgeisydd, gwiredwyd yr ofnau diogelwch a fynegwyd ar adeg y cais gwreiddiol, ac roedd y ddwy fynedfa dros dro wedi cael eu camddefnyddio yn ystod y gwaith adeiladu. Cynhaliwyd cyfarfodydd rheolaidd gyda rheolwyr Parc Highfield, ond nid yw'r sefyllfa wedi gwella. Roedd yr ymgeisydd wedi dweud y dylid cadw mynediad D oherwydd roedd yn dir dan glo – gellid bod wedi osgoi hyn yn y datblygiad – a gallai'r safle weithredu'n dda heb gadw'r mynedfeydd dros dro. O ganlyniad, cynigiodd Joe Welch y dylid gwrthod y cais, a chafodd hyn ei eilio gan y Cynghorydd Dewi Owens.

Amlygwyd safleoedd mynedfeydd A, B, C a D ar y cynlluniau a ddarparwyd ac eglurodd yr Uwch Beiriannydd, Traffig a Chludiant sut y rheolwyd y llif traffig ledled y safle. Adroddodd bod Mynediad C i'w ddefnyddio ar gyfer Pine Cottage a Rose House yn unig gyda gwell gwelededd, arwyddion priodol a rheolaeth traffig ar waith. Roedd cysylltiad drwodd i'r prif safle o Fynedfa C ac er iddo awgrymu gosod rhwystr codi ar gyfer mwy o reolaeth, nid oedd hyn wedi'i dderbyn gan yr ymgeisydd. Fodd bynnag ystyriwyd nad oedd yn ddigon o reswm dros wrthod o ystyried y mesurau rheoli traffig eraill. Byddai'r mynediad D yn cael ei ddefnyddio ar gyfer cerbydau cynnal a chadw yn unig heb unrhyw gysylltiad uniongyrchol i'r prif safle ar gyfer staff. Roedd swyddogion yn ystyried y mynedfeydd hynny yn dderbyniol o ran polisïau a chanllawiau perthnasol.

Ystyriodd yr aelodau'r pryderon diogelwch ffordd ynghyd â'r mesurau rheoli a oedd ar waith i ymateb i'r pryderon hynny. Mynegwyd amheuon ynghylch effeithiolrwydd y mesurau rheoli a'u gorfodaeth, yn enwedig o gofio nad oedd y mynedfeydd dros dro eisoes yn cael eu camddefnyddio, mae'n debyg heb gosbau, ac o glywed bod pryderon cychwynnol trigolion lleol wedi'u gwireddu, er gwaethaf sicrwydd i'r gwrthwyneb. Dywedodd yr Uwch Beiriannydd bod traffig wedi bod yn hynod brysur yn ystod y cyfnod adeiladu a chadarnhawyd na fu unrhyw ddamweiniau wedi'u cofnodi. Tynnodd sylw at y diffyg tystiolaeth i gyfiawnhau gwrthod yn yr achos hwn o gofio'r mesurau lliniaru a'r cynllun rheoli traffig.

Cynnig – Cynigodd y Cynghorydd Joe Welch wrthod y cais ar sail diogelwch ffyrdd a threfoli tir gwledig, a chafodd hyn ei eilio gan Dewi Owens.

PLEIDLAIS:

CYMERADWYO - 6

GWRTHOD - 12

YMATAL - 0

PENDERFYNWYD GWRTHOD caniatâd, yn groes i argymhelliad y swyddog, ar sail diogelwch ffyrdd a threfoli lonydd gwledig.

7 CAIS RHIF 40/2014/1445/PF - TIR YN NHŶ FRY INN, LÔN TŶ FRY, BODELWYDDAN

Cyflwynwyd cais ar gyfer adeiladu siop gyfleus dosbarth A1 gyda pheiriant ATM, maes parcio cysylltiedig, trefniadau mynediad a thirlunio ar dir Tŷ Fry Inn, Lôn Tŷ Fry, Bodelwyddan.

Mr. T. Hallet (**o blaid**) – tynnodd sylw at fanteision economaidd a chymunedol y datblygiad a'r cydweithredu gyda'r swyddogion cynllunio a phriffyrdd i ddiwygio'r cynllun er mwyn mynd i'r afael â'r materion a godwyd.

Trafodaeth gyffredinol – yn absenoldeb y Cynghorydd Alice Jones (Aelod lleol), siaradodd y Cynghorydd Arwel Roberts ar ei rhan a chyfeiriwyd at e-bost a anfonwyd at aelodau'r Pwyllgor yn rhoi manylion am ei phryder dros y defnydd o Ffordd Ronaldsway gan ddarparu cerbydau. Roedd y Cynghorydd Jones yn hapus i gefnogi'r datblygiad yn amodol ar roi amod ychwanegol yn cyfyngu cerbydau danfon rhag mynd i mewn i Ronaldsway o Groesffordd Borth o blaid llwybrau mwy diogel o gyfeiriad Ffordd Abergele. Ar ymadael y safle dylai cerbydau danfon droi i'r dde yn ôl ar Ffordd Abergele. Roedd yr Aelodau yn cefnogi'r cynnig er mwyn sicrhau diogelwch defnyddwyr y ffordd ar Ronaldsway a chytunodd y swyddogion y gellid cadw rheolaeth resymol dros gyfeiriad y traffig yn y modd drwy amod; byddai'r cyfrifoldeb ar yr ymgeisydd i gynghori sut byddai'n sicrhau cydymffurfiaeth. Rhoddodd y swyddogion sicrwydd bod rheolaethau priodol ar waith i orfodi amodau o'r fath.

Siaradodd yr Uwch Beiriannydd, Traffig a Chludiant am gynnwys yr Adran Priffyrdd. Roedd y cynlluniau wedi'u diwygio yn dilyn archwiliad diogelwch ffyrdd annibynnol ac roedd swyddogion yn fodlon bod y trefniadau mynediad arfaethedig yn dderbyniol ac roedd digon o le ar y safle ar gyfer danfon, parcio a throï. Nodwyd y pryderon a godwyd gan Gyngor Tref Bodelwyddan ond roedd swyddogion o'r farn na fyddai'r cynigion yn cael effaith annerbyniol ar y rhwydwaith priffyrdd lleol. Eglurwyd, er gwaethaf y cyfyngiad pwysau, yn gyfreithiol gallai unrhyw gerbyd masnachol ddefnyddio'r ffordd i gyrraedd unrhyw safle.

Cynnig – Cynigodd y Cynghorydd Arwel Roberts y dylid caniatáu'r cais yn unol ag argymhellion y swyddog yn amodol ar amod ychwanegol yn cyfyngu ar symudiadau traffig cerbydau danfon yn mynd i mewn ac allan o'r safle drwy Ronaldsway i sicrhau diogelwch defnyddwyr y ffyrdd, cafodd hyn ei eilio gan y Cynghorydd Meirick Davies.

PLEIDLAIS:

CYMERADWYO - 18

GWRTHOD - 0

YMATAL - 0

PENDERFYNWYD y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog fel y manylir yn yr adroddiad yn amodol ar amod ychwanegol yn cyfyngu ar symudiadau traffig cerbydau danfon yn mynd i mewn ac allan o'r safle drwy Ronaldsway i sicrhau diogelwch defnyddwyr y ffyrdd.

Cyflwynwyd cais ar gyfer codi garej ar wahân yn lle'r garej presennol yng Nglan Llyn, Eryrys, yr Wyddgrug.

Trafodaeth gyffredinol - Doedd gan y Cynghorydd Martyn Holland (Aelod Lleol) ddim gwrthwynebiad i'r cais ond cyfeiriodd at bryderon Cyngor Cymuned Llanarmon yn lâl ynglŷn â maint y garej a'i botensial i gael ei droi'n annedd yn y dyfodol. Roedd Partneriaeth AHNE Bryniau Clwyd a Dyffryn Dyfrdwy yn argymhell dylid adfer y wal ffin ffryntiad carreg naturiol fel rhan o'r datblygiad. Wrth ymateb i gwestiynau, dywedodd y Swyddog Cynllunio y byddai unrhyw newid i ddefnydd y garej yn y dyfodol yn destun cais cynllunio arall ac felly ni fyddai'n briodol i roi amod ar ei ddefnydd. Roedd y defnydd o garreg a awgrymwyd gan y bartneriaeth AHNE eisoes wedi nodi ar y cynlluniau.

Cynnig – Cynigodd y Cynghorydd Huw Hilditch-Roberts, ac fe'i eiliwyd gan y Cynghorydd Meirick Davies, bod y cais yn cael ei ganiatáu yn unol ag argymhellion y swyddog.

PLEIDLAIS:

CYMERADWYO - 17

GWRTHOD - 0

YMATAL - 0

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

9 CAIS RHIF 43/2015/0112 /PF – CARTREF GOFAL PRESWYL HIGHCROFT, 49 RHODFA HIGHBURY, PRESTATYN

Cyflwynwyd cais i newid defnydd o hen Gartref Gofal Preswyl/Nyrsio i 5 o anheddau hunangynhwysol yng Nghartref Gofal Preswyl Highcroft, 49 Rhodfa Highbury, Prestatyn.

Trafodaeth Gyffredinol – Soniodd y Cynghorydd Anton Sampson (Aelod Lleol) am ei ymweliad i'r safle ac nid oedd ganddo unrhyw wrthwynebiad i'r cais. Adroddodd y Cynghorydd Julian Thompson-Hill (Aelod Lleol) mai parcio oedd prif wrthwynebiad y trigolion, ond nid oedd yn ystyried y byddai'r sefyllfa barcio'n waeth nag oedd pan oedd y safle'n cael ei ddefnyddio fel cartref nyrsio. Mewn ymateb i gwestiynau darparodd swyddogion cynllunio eglurhad ar y polisi tai fforddiadwy ar gyfer datblygiad o lai na 10 o uned breswyl drwy daliad swm gohiriedig. Derbyniwyd bod angen am y math o dai a gynigwyd ym Mhrestatyn ac roedd swyddogion yn awyddus i sicrhau bod safonau mannau preswyl yn cael eu bodloni.

Cynnig – Cynigodd y Cynghorydd Julian Thompson-Hill argymhelliad y swyddog i gymeradwyo'r cais, ac fe'i eiliwyd gan y Cynghorydd Barry Mellor.

PLEIDLAIS:

CYMERADWYO - 17

GWRTHOD - 0

YMATAL - 0

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

Ar y pwynt hwn (11.10 am) cafwyd egwyl ar gyfer lluniaeth.

10 BRIFF DATBLYGU SAFLE: TŶ NANT, PRESTATYN - MABWYSIADU DOGFEN DERFYNOL

Cyflwynodd y Cynghorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus a'r Rheolwr Cynllunio Strategol a Thai, adroddiad yn cyflwyno'r Briff Datblygu Safle arfaethedig ar gyfer Tŷ Nant, Prestatyn i'w fabwysiadu yn dilyn ymgynghoriad cyhoeddus. Rhoddodd y Cynghorydd Smith rywfaint o gyd-destun i'r adroddiad ac esboniodd y gwahanol gamau yn y broses cyn mabwysiadu dogfennau Canllawiau Cynllunio Atodol yn derfynol gan y Pwyllgor Cynllunio.

Roedd crynodeb o'r ymgynghoriad cyhoeddus a'r sylwadau a dderbyniwyd ynghyd ag ymateb y Cyngor wedi'u cynnwys fel atodiad i'r adroddiad. Wrth ymateb i'r sylwadau hynny cynigiwyd nifer o newidiadau a amlygwyd yn y ddogfen derfynol. Roedd yr Aelodau yn falch o nodi ymateb da i'r ymgynghoriad eang a diolchwyd i'r swyddogion am eu gwaith caled yn hynny o beth. Mewn ymateb i gwestiynau, eglurwyd bod y briff yn hyblyg ynglŷn â 6 – 8 Ffordd Plas Nant a oedd yn caniatáu dymchwel neu gadw ar yr amod y dylid cadw'r ffryntiad a Siambr y Cyngor os oes modd. O ran mynediad o Rodfa'r Glyn roedd byffer tirwedd wedi'i awgrymu yng nghefn yr eiddo hynny a fyddai'n caniatáu ar gyfer cadw'r mynedfeydd cefn hynny – roedd swyddogion eiddo edrych ymhellach ar y mater.

Cynnig – Cyfeiriodd y Cynghorydd Julian Thompson-Hill at astudiaeth gynhwysfawr a wnaed ac roedd yn ystyried bod yr adroddiad yn adlewyrchu'r sylwadau a dderbyniwyd yn deg. O ganlyniad, cynigiodd y dylid mynd ag argymhelliad y swyddog i fabwysiadu'r ddogfen, ac eiliwyd hyn gan y Cynghorydd Bob Murray.

PLEIDLAIS:

O BLAID - 18

YN ERBYN - 0

YMATAL - 0

PENDERFYNWYD bod yr Aelodau'n mabwysiadu'r Briff Datblygu Drafft ar gyfer Tŷ Nant, Prestatyn, ynghlwm fel Atodiad 1 i'r adroddiad, gyda newidiadau a argymhellwyd, i benderfynu ar geisiadau cynllunio ac apeliadau cynllunio.

11 CANLLAW CYNLLUNIO ATODOL YNNI ADNEWYDDADWY – DRAFFT YMGYNGHORI

Cyflwynodd y Cynghorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus adroddiad yn cyflwyno dogfen ddrafft Canllaw Cynllunio Atodol (CCA) ar ynni adnewyddadwy fel sail ar gyfer ymgynghoriad cyhoeddus. Roedd y drafft CCA yn amlinellu'r cyd-destun polisi cenedlaethol a lleol ar gyfer technolegau ynni adnewyddadwy, gwarchod tirwedd a gwarchod tir amaethyddol.

Cynnig – Cynigodd y Cynghorydd Meirick Davies i fynd ag argymhelliad y swyddog, ac fe'i eiliwyd gan y Cynghorydd Julian Thompson-Hill.

PLEIDLAIS:

O BLAID - 17

YN ERBYN - 1

YMATAL - 0

PENDERFYNWYD bod yr Aelodau yn cytuno ar y Canllaw Cynllunio Atodol drafft ar ynni adnewyddadwy fel sail ar gyfer ymgynghoriad cyhoeddus.

12 DRAFFT YMGYNGHORI: BRÏFF DATBLYGU SAFLE - TIR GER HEN YSBYTY HM STANLEY, LLANELWY

Cyflwynodd y Cynghorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus a'r Rheolwr Cynllunio a Thai Strategol adroddiad yn argymhell cymeradwyo'r Briff Datblygu Safle drafft ar gyfer y safle tai a ddyrannwyd gerllaw'r hen Ysbyty HM Stanley yn Llanelwy a'r ddogfen sgrinio Asesiad Amgylcheddol Strategol ar gyfer ymgynghoriad cyhoeddus.

Yn ystod y drafodaeth cafodd y safle datblygu ei egluro fel y tir i'r de a'r tu cefn i'r hen safle ysbyty a thynnwyd sylw at y cynllun safle. Roedd ymateb Swyddogion i ymholiadau'r Aelodau fel a ganlyn:-

- Cadarnhawyd bod adeilad rhestredig yn agos at y safle a nododd y briff y byddai angen i unrhyw gynigion i gymryd hynny i ystyriaeth
- Mae'r briff hefyd yn cynghori y dylai cynigion datblygu geisio defnyddio enwau Cymraeg lleol perthnasol ar gyfer strydoedd a'r datblygiad yn gyffredinol a byddai angen Asesiad Effaith Cymunedol ac Ieithyddol ynghyd ag unrhyw gais cynllunio
- Amlinellwyd yn y briff nad oedd y safle mewn ardal perygl llifogydd.

Fel mater ar wahân, mynegodd aelodau lleol bryderon ynghylch yr enw 'Livingstone Place' a roddwyd gan ddatblygwyr i safle arall yn Llanelwy a chafwyd trafodaeth ynghylch cyfreithlondeb y broses. Cytunodd swyddogion cynllunio i ddwyn y mater i sylw'r adran berthnasol i'w drafod gyda'r datblygwr.

Cynnig – Cynigodd y Cynghorydd Meirick Davies y dylid mynd ag argymhelliad y swyddog, ac fe'i eiliwyd gan y Cynghorydd Rhys Hughes.

PLEIDLAIS:

O BLAID - 18

YN ERBYN - 0

YMATAL - 0

PENDERFYNWYD bod yr aelodau'n cytuno ar y Briff Datblygu Safle ar gyfer y safle a ddyrannwyd ar gyfer tai gerllaw hen Ysbyty HM Stanley, Llanelwy a'r ddogfen sgrinio Asesiad Amgylcheddol Strategol cysylltiedig (fel ynghlwm wrth yr adroddiad) ar gyfer ymgynghoriad cyhoeddus.

13 CYNLLUN DATBLYGU LLEOL SIR DDINBYCH (CDLL) 2006-2021: DRAFFT ADRODDIAD MONITRO BLYNYDDOL 2015

Cyflwynodd y Cynghorydd David Smith, Aelod Arweiniol ar gyfer Parth y Cyhoedd yr Adroddiad Monitro Blynyddol CDLI cyntaf yn asesu'r perfformiad polisi am y cyfnod 1 Ebrill 2014 – 31 Mawrth 2015. Roedd angen i'r Cyngor lunio AMB i'w gyflwyno i Lywodraeth Cymru erbyn 31 Hydref bob blwyddyn a'i gyhoeddi ar ei wefan. Byddai angen i'r Cabinet gymeradwyo'r AMB i'w cyflwyno i Lywodraeth Cymru.

Roedd yr Aelodau'n falch o nodi cynnydd ymysg y trigolion yn Sir Ddinbych sy'n siarad Cymraeg ers 2006 ac mewn ymateb i gwestiynau cyfeiriodd y swyddogion at y polisi yn y CDLI sy'n ymwneud â'r iaith Gymraeg a'r angen i ddatblygiadau newydd lunio Asesiad Effaith Cymunedol ac Ieithyddol. Dywedodd y Swyddogion hefyd bod cyfeiriad at y Gymraeg yn y Ddeddf Cynllunio newydd ar gyfer Cymru a chytunwyd i ddarparu diweddariad amserol ar ddatblygiadau deddfwriaethol i'r Aelodau.

PENDERFYNWYD nodi cynnwys yr adroddiad.

ADRODDIAD GWYBODAETH – NEWIDIADAU I REOLIADAU FFIOEDD CENEDLAETHOL A CHYFLWYNO NEWIDIADAU CYNGOR CYN-YMGEISIO

Cyflwynwyd adroddiad gwybodaeth gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd yn darparu aelodau gyda nodyn byr mewn perthynas â newidiadau sydd ar fin digwydd i Reoliadau Cynllunio Gwlad a Thref (Ffioedd ar gyfer Ceisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015. Roedd cyflwyniad diweddar ffioedd cyn-ymgeisio sy'n benodol i Wasanaeth Cynllunio Sir Ddinbych hefyd wedi cael ei gynnwys.

Ymhelaethodd swyddogion ar gynnwys yr adroddiad, ac atebwyd cwestiynau arnynt.

Daeth y cyfarfod i ben am 12.20pm.

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 5

WARD: Llanrhaeadr Yng Nghinmeirch

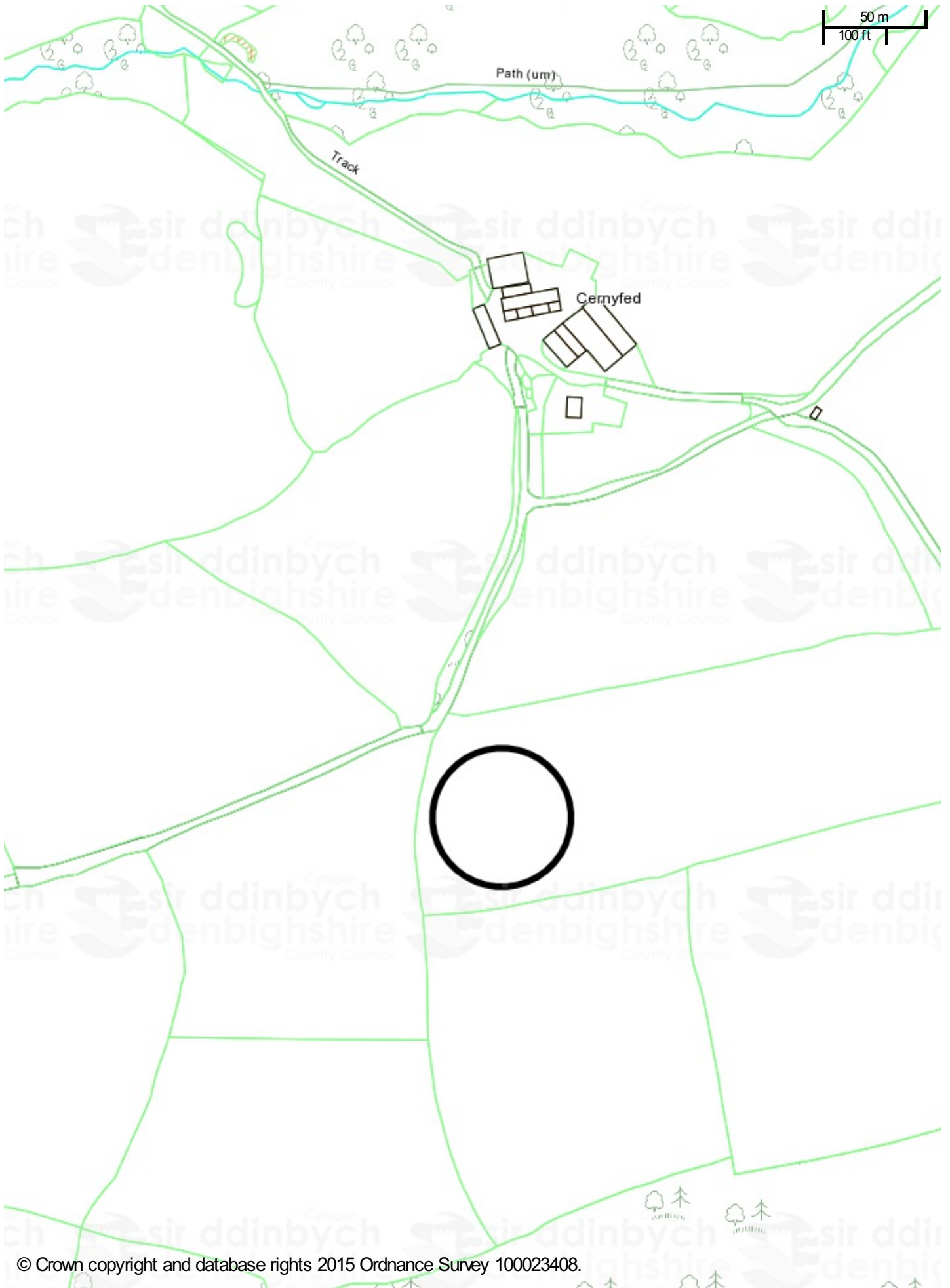
AELODAU WARD: Y Cynghorydd Joseph Welch (c)

RHIF CAIS: 23/2015/0463/ PFT

CYNNIG: Gosod un tyrbîn gwynt 500kw gydag uchder y both yn 48m a diamedr rotor o 45m a gwaith cysylltiedig

LLEOLIAD: Tir yng Nghern Yfed Cyffylliog Rhuthun

Mae tudalen hwn yn fwriadol wag



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Scale: 1:2500

Printed on: 30/9/2015 at 10:48 AM

Tudalen 23

SITE PLAN

232015/0463/PF

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Legend

- Planning Boundary
- Ownership Boundary
- Planning Area
- 50m, 250m and 500m Contour Lines
- Single Wood (Open Location (SOW))

PLANNING SERVICES

5 MAY 2015

PLANNING SERVICES

Mr J. Jones

Proposed Single Wood Turbine Development
 Cyllog
 Cyllog
 Ruben
 Denbighshire
 Planning Application

Local Area Plan

Site No: 11322007/2/10

Site: D

Grontmij

Spectrum House
 2 Penarth Road
 Gborough DT11 4DB
 Tel: 0131 550 6300
 Fax: 0131 550 6498
 Web: www.grontmij.co.uk

Form: C-001 (Planning, Ownership, Lease, Licence, Management)
 Standard Version: 10/11 (For Planning, Ownership, Lease)

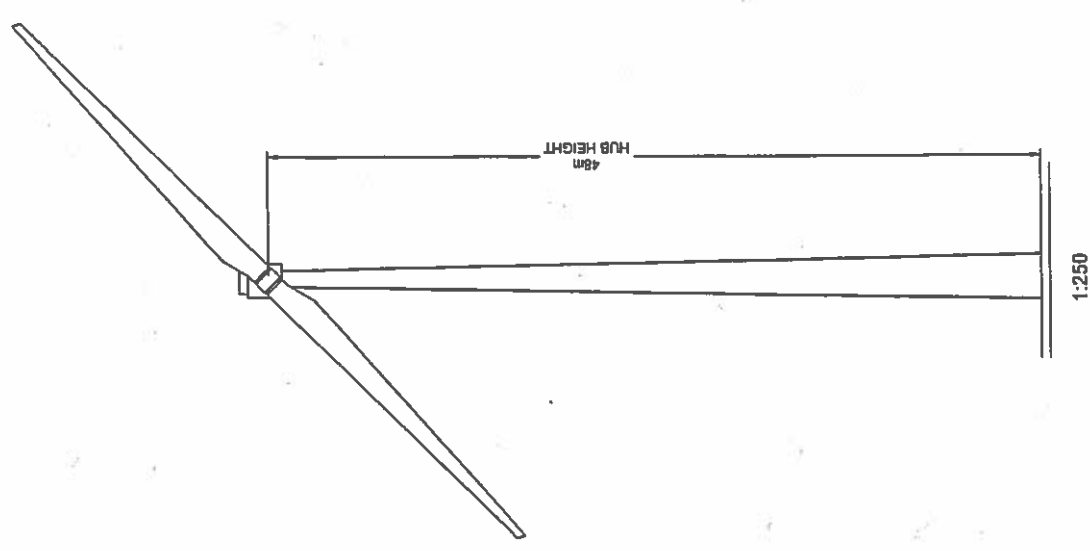
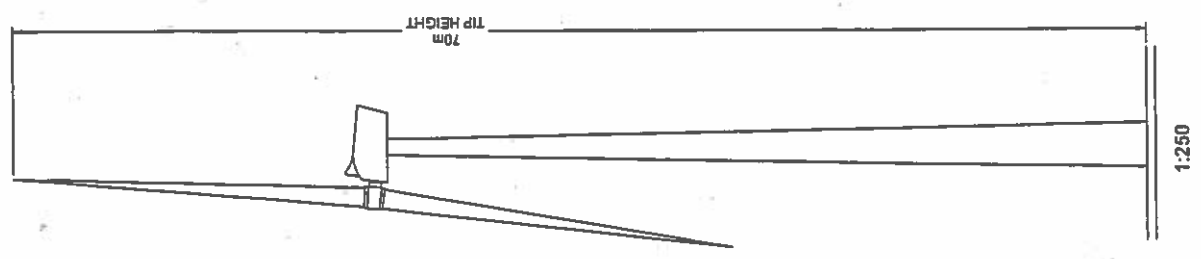


TURBINE DETAIL

DRAWING NOTES:

1. ALL DIMENSIONS ARE IN METRES.
2. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.

ORIGINAL ISSUE	DRAW	CR	REV NO	DATE	SCALE	CHECKED: COLM REBROUWER	APPROVED:	DRAWING TITLE: WF500-45 Elevations	SHEET TITLE: 48m Tower Option	REVISION
REVISION	DRN	CHK	REV	NO	AS SHOWN					0.2
WADELOW LK LTD 8 Station Close, Coatham Barrow, SJ8 8QJ www.wadelow.co.uk										
DRAWING NO: 01-001									SHEET: 10F1	
									ORIGINAL SIZE: A3	



WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBERS: Councillor Joseph Welch (c)

APPLICATION NO: 23/2015/0463/ PFT

PROPOSAL: Installation of one 500 kw wind turbine with hub height of 48m and a rotor diameter of 45m and associated works

LOCATION: Land At Cern Yfed Cyffylliog Ruthin

APPLICANT: MrJohn Jones

CONSTRAINTS: None

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL

“ Objects to the above planning application for the following reasons:-

1. Visual impact to the local properties
2. Too close to the local properties
3. Noise impact on local properties.
4. Fully supportive of the attached objectors.”
(letters from J.A. and N. Williamson; R. and E. Davies

LLANRHAEADR Y.C. COMMUNITY COUNCIL

“ Object...for the following reasons:-

1. Most importantly, the visual location photo-montages are very misleading and do not show the true impact of the proposed wind turbine.
The viewpoint photomontages are in locations where the visual impacts are not at their greatest.
Out of 20 locations, only one photo-montage (fig 3.12 viewpoint 16) was taken in the areas where the turbine would be seen in its entirety and shown in red on the Landscape and Visual Impact Assessment map (fig. 1.3 Zone of Theoretical Visibility)
Considering the large area shown in red (fig. 1.3) and most affected, this is very misleading.
2. No cumulative effects regarding noise have been considered. This is a significant oversight considering all proposed, consented, and operational windfarms and single turbines.
The cumulative impact both regarding noise and visually are significant. They include Tir Mostyn and Foel Goch Wind Farms its substation and overhead line connection, the proposed Pant y Maen wind farm and other single wind turbines.
3. The landscape is classified as high sensitivity. We disagree with the applicants assessment of magnitude of change as ‘minor’.
4. The 4km study area excludes villages such as Saron, Prion, and Peniel which would be greatly affected and the cumulative impact for these areas are already significant.”

NATURAL RESOURCES WALES
Response awaited

AIRBUS
Response awaited

NATS / NERL
No safeguarding objection to the proposal.

MOD
Response awaited

CPRW Clwyd Branch

Strongly object. In conclusion state that the proposal would create an unacceptable impact on the area by failing to enhance the nature and distinctive qualities of the local landscape. No justification can be put forward that would outweigh the harm caused by the proposed development. Refer to specific concerns over landscape impact, vehicular access, and question the need for a 500kW turbine

RAMBLERS ASSOCIATION NORTH WALES AREA

Object strongly to the application. Will add to the proliferation of wind turbines in the vicinity of Cyfylliog and the Clywedog Valley, will be visible from the Hiraethog Trail, Brenig Way and Clwydian Way, will affect Footpath 43, and does not take into account other Wind Turbine Developments within the area that are either already operational or in development (Operational Carreg Oerion, Cae Gwyn, Cil Llwyn, Pool Park; Consented Caerhafod Isaf, Hafodty Ddu; Pending Tyn Ffynnon, Nantglyn Foel Uchaf).

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

The Case officer has indicated there are no objections subject to a condition requiring details of the site compound, traffic management, etc.

- Pollution Control Officer

On the basis of the limited information provided in relation to noise from the turbine, I am of the opinion that **we cannot support this application.**

The noise assessments show that the noise level from the turbine is too loud not only from the individual assessment but also cumulatively.

I am unclear how the tables in the cumulative assessment spreadsheet have been populated with levels from the existing schemes, as there is no breakdown of them. Furthermore, the noise levels that have been used make no allowance for uncertainty and are not derived from consented levels, as recommended in the Institute of Acoustics Good Practice Guide. Therefore the levels stated will be an underestimation.

Even though the applicant has informed me that the turbine can be turned off automatically at certain wind speeds and certain wind directions, I am of the opinion that it would still be difficult to set a reasonable noise condition that would be enforceable, whilst still having confidence that it could actually be achieved.

- Landscape Consultant

Recommends refusal of the application. Concludes the turbine could reduce the sensitivity of the Aled Hiraethog Hills landscape unit to wind energy development, and a further proliferation would have a consequence on the landscape units and the AONB further afield which have high sensitivity to wind energy development. The 4km radius ZTV and study area does not extend far enough (35km is suggested in Denbighshire guidance for this size turbine). A number of locations are predicted to suffer a significant detrimental effect on their visual amenity. The development would have an undesirable impact on an area of

high scenic value and could set a precedent for future development of medium to large sized wind turbines within the area. The scale of turbine is not appropriate to the scale of the landscape and the dwellings in close proximity.

RESPONSE TO PUBLICITY:

In support

S. Faulkner, Corvert Place, Hob Lane, Frodsham
E. Graham, Ysgubor Bryn Rossa, Prion
G. Jones, Clwydfa, Cyffylliog
Nerys Jones, Glan y Wern Isaf, Llandyrnog
J Ceiriog Jones, Cilgoed, Derwen
Angharad Jones Ffynnon Ddu
R B Anerbach, 5 Lilac Grove, Prestwich
B Blackshaw, Walnut Lodge, Lowert Stretton, Warrington
A Watsonlee, 45 Marion Street, Bingley
Linda M Cooper, 21 Greenacre, Oakfield Lane, Dartford, Kent
Mrs Anna Ford, 20 Adelaide Road, Blacon, Chester
Mrs S Brown, 3 Winstanley Road, Little Neston
Brian Dykes, 82 Clifton Road, Runcorn
Mrs Cheryl Clifton, 12 Poplar Avenue, Moulton
Miss S J Gilpin, 62 Sycamore Road, Gt Cornard, Sudbury
Angela Thompson Yates, 25 Silverdale Road, Erdington
Mrs P Dobson, 23 Greenfield Road, Little Sutton, Cheshire
Mrs Patricia Mary Williams, 33 Eagle Lane, Little Sutton
David Jones MP/AS
Mark Jones, Wern Sied, Bontuchel
Sarah M Faulkner, Covert Place, Frodsham
Elin Haf Graham - Ysgubor Bryn Rossa
Gruffydd Dafydd Jones - Clwydfa, Cyffylliog
Christine R Ellis, 656 Felbrigge Road, Ilford
Gillian McCutcheon, 93 Benmore Drive, Finaghy, Belfast
Gareth Williams, Ysgeibion Fawr, Cyffylliog
R. Firth, Llys, Cyffylliog, Ruthin
D. Wilkins, Garth, Cyffylliog
Sam Rex-Edwards, Mulberry House
Warren Davies, Haylaur, Regent Street
Mr W S I Morris, Pen Y Bont, Cyffylliog
Rheon & Enyd Davies, Fferm Bryn Ocyn, Saron
Sam Rex-Edwards, Mulberry House, Llangollen
G Vaughan, Tai Isa, Saron
I W Davies, Tai isaf, Saron
CBP de Winton, CLA Cymru
R. M. Jameson - 2 Denbigh Close, Helsby, Frodsham, Cheshire
G Williams, Tyddyn Uchaf Farm, Moel Y Crio, Halkyn
E Lloyd Jones Wern Gadfa
O S Williams Plas Coch
R Davies Ty'n Ffynnon Nantglyn
Graham Edwards 1 Bro Cloiion Clawddnewydd
G A ??? Llety Farm Llangynhafal
G Simpson Plant Glas Isa Rhewl
J Malcom Springfield Marford, Incomplete address
Owner/Occupier Prion Isa Denbigh
Owner/Occupier Glasdir View Pente Halkyn
Owner / Occupier Court Farm, Llanfwrog
E O Edwards, Trawsant, Cyffylliog
M O Jones Gop Farm, Rhuddlan
T J Faire, Plas Bedw, Pentrecelyn
J B Griffiths, 13 Bryn Awelon, Mold
Waen Agricultural Sales, Llanbedr DC

D Roberts, Lon Parcwr, Ruthin
 J W Davies, Trelan Fawr, Cilcain
 Andrew Hession, 6 Rhos y Wern, Ruthin
 J Bradbourne Price & Co, 14/16 Chester St, Mold
 M Jones, Ty y Ffynnon, Nantglyn
 G Jones, Pen y Ffordd, Clawddnewydd
 Karen Mellor 13 Freemantle Street
 Huw B Davies Bwlch, Prion
 G W Jones 3 Bronant Groes
 G O Richards Lluest Denbigh Road
 Owner/Occupier 75 Haulfren Ruthin
 E E Jones Cerrig Ruthin
 Dave Mellor Accident Repair Centre
 D W Wilkinson Pant Glas Ganol
 Jones Rhiwbebyll Bella LLandyrnog
 Owner/Occupier, Awelfryn, Llanrhaeadr
 Philip Robinson, Walgoch, Nannerch
 R G Jones, Hafodty Ddu, Saron
 E W Jones Hafodty Ddu, Saron
 Owner /Occupier 46 Rew Goch
 G Edwards, Blaenau, Nantglyn
 Sian Wyn Jones, Bryn Tirion, Gwyddelwern
 R O Davies, Y Fron, Prion
 G Thomas, Bodhyfryd, Rhewl
 T W Evans, Ty Celyn, Llansannan
 B L Edwards, Bodlywydd Uchaf, Pentre Celyn
 Dylan Jones, Clywedog, Rhewl
 Owner / Occupier, Tyn Ffridd, Sarnau
 Owner / Occupier, Cil Llwyn, Bontuchel
 P W Johnson, Caeau Gwynion Mawr, Denbigh
 Owner/Occupier Tyn Rhos, Bryneglwys
 Huw Aled Jones, Ffrainc, Rhydtalog
 Emyr Williams, Bodynlliw, Betws G G
 T Rhys Jones, Ysgubor Uchaf, Corwen
 G W Pierce, Plas Dolben, Llangynhafal
 E Evans, Tyn y Ffrith, Saron
 G Lloyd, Pen y Bryn, Prion
 Hugh Ellis, Gellifor Farm, Ruthin
 Owner/Occupier, Ffrith Fedw, Prion
 Tyn y Caeau, Rhewl
 C Hughes, Telpyn, Llanfwrog
 Evans, Drws y Buddel, Saron
 John Lewis, Meini Llwydion, Llanrhaeadr
 T E Edwards, Gwrych Bedw, Llanelidan
 John Williams, Llys Aled, Llansannan
 T Edwards, Bryn Alaw, Betws GG
 David Malcolm Jones, Cern Yfed, Cyffylliog

Summary of planning based representations in support:

Principle

Already many turbines in the area / diversification benefits for the farm business, sustaining farming family and powering the wood chip and pelleting enterprise / farm turbines preferable to big wind farms / contribution to green energy in preference to using coal and gas / turbine is in the right area near TAN 8 / few objectors, and most have been proactive against all wind turbines in Denbighshire

Landscape / visual impact

Turbine would be seen in context of much bigger ones at Clocaenog Forest / site is set in a bowl, surrounded by Clocaenog Forest and mountains, not visible / out of sight of most of the Clwydian Range

Noise

Should be no impact given location

In objection

David & Tessa Chew, Hafotty Bach, Cyffylliog

Osian & Llinos Davies, Y Boced, Saron

Michael Williams, Isgaerwen, Pentrellyncymer

J.A. & N. Williamson, Hendre Llan, Cyffylliog

S. Harman, Corner Cottage, Ford Heath, Shropshire

JoAnne Williamson, Hendre Llan, Cyffylliog

Michael Skuse, Caenant, Llangynhafal

Angela Thompson Yates, 25 Silverdale Road, Erdington

C. & A. Jones, Capel Penrhos, Saron

M.W. Moriarty - YDCW / CPRW - 7 St Michael's Drive, Caerwys

Darren Millar AM has written in to record objections on behalf of constituents on grounds of impacts in relation to noise, landscape, vibration, access, and concerns over inadequate provision for decommissioning and potential for further turbines in the locality, leading to adverse cumulative impact.

Summary of planning based representations in objection:

Principle

Precedent / would add to proliferation of turbines / application does not take account of operational or in development wind turbine development in the area / application is for an industrial structure erected simply to make a profit, is not to do with farming / savings of CO2 minimal / site not within TAN 8 area / farming activity does not justify this size of turbine / no community benefit – just an industrial enterprise

Landscape and visual impact

Unacceptable impacts, including cumulative impacts / significant impacts on nearby properties / it does not follow that if the site is near the TAN 8 area that such development is acceptable or suitable, as the area does not have the characteristics of the TAN8 area / properties are being surrounded by turbines / Landscaping proposals should be considered to mitigate impacts to nearby property / no information on grid connection / would further degrade views from the AONB / LVIA contains photographs which are incorrectly labelled/ turbine visible from Hiraethog Trail, Brenig Way and Clwydian Way

Impact on tourism

Cumulative impact on visual amenity of the area reducing beauty and attraction to tourists / turbine would be visible from local footpaths Hiraethog Trail, Brenig Way and Clwydian Way

Ecological impacts

Area is a haven for wildlife / ecological assessment refers to a 59.9m turbine when a 70m one is proposed.

Residential amenity impacts

Noise impact of existing turbines already audible, and would be greater from this closer turbine / concerns in relation to Noise Assessment (includes no correction for uncertainty, no consideration of cumulative impacts with other turbines in the area, no background noise surveys, assessment model uses data from a different model from that proposed) / no

reference in noise Assessment to local property within 750m of site / site is in a bowl, which will amplify the impact / noise levels seem to be at the upper limit of acceptability / potential for glare and flicker from turbine / concerns over infrasound

Highways impact

Narrow and poor surfaced approach roads, impossible for large vehicles to travel along / local upheaval and inconvenience

Other matters

Questions over publicity given to application, potentially denying individuals the opportunity to comment

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

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

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 The application is for the erection of a 500kW wind turbine, a sub -station building, site access tracks, a hardstanding for the crane in connection with construction, and on site cabling linking the turbine to the grid connection.
- 1.2 The turbine proposed is a Windflow 45/500 2A machine with 2 blades. This would have a hub height of 48 metres and a rotor diameter of 45 metres, making a ground to blade tip height of approximately 71 metres.
- 1.3 The application is accompanied by a range of supporting documents including a Landscape and Visual Assessment, Noise Assessment, Preliminary Ecological Appraisal, Construction Management Plan, and related plans, photomontages and drawings. The Planning Application Supporting Statement provides detailed commentary on the background to the application and sets out the case for the grant of permission. It indicates the applicant is the landowner at Cern Yfed Farm, and that the turbine is intended for the generation of renewable energy which can be used on site for domestic and commercial use (farming) and for export to the national grid.
- 1.4 Description of site and surroundings
 - 1.4.1 The turbine would be sited in an agricultural field in an open location some 120 metres to the south of the Cern Yfed farm complex.
 - 1.4.2 The ground level is approximately 288 metres AOD in the proposed position of the turbine.
 - 1.4.3 The site is outside the Clocaenog Forest Strategic Search Area (SSA), the boundary of which is approximately 1km to the west. The nearest turbine of the Wern Ddu windfarm is some 3km to the north west.
 - 1.4.4 Residential properties in the vicinity include the following, with approximate distances from the proposed turbine :
 - Hafotty Bach - 600m to the south west

- Rhwng y ddwy afon -. 600m to the east
- Bryn Ocyn farm – 600m to the north west
- Boced - 900m to the west
- Penrhos– 900m to the west

1.4.5 The plans at the front of the report show the location of the site relative to the Clocaenog Forest Strategic Search Area and to other turbines in the area, including respective sizes.

1.4.6 The Clwydian Way path runs some 700m to the east around the flanks of Foel Uchaf.

1.5 Relevant planning constraints/considerations

1.5.1 The site is in open countryside outside any development boundaries approved in the Local Development Plan.

1.5.2 The site lies to the east of, and outside the boundary of the Clocaenog Forest Strategic Search Area identified in Technical Advice Note 8 (TAN 8), i.e. the area deemed suitable for large scale wind turbine development.

1.5.3 The site is not within an area with a statutory landscape designation, The western boundary of the Clwydian Range AONB is some 10km to the east.

1.6 Relevant planning history

1.6.1 A Screening Opinion was issued in relation to the erection of two 71 metre high turbines at Cern Yfed in March 2015, confirming no Environmental Impact Assessment was required with a planning application.

1.7 Developments/changes since the original submission

1.7.1 There has been dialogue with the applicant's agent in relation to the landscape and visual assessment and the noise assessment.

1.7.2 The agent is aware of the responses from the Community Councils and the Landscape Consultant and has reaffirmed his view that landscape and visual issues have been properly assessed, and states that the information in the LVIA is accurate, detailed, and clearly addresses what is required.

1.7.3 The agent has been in contact with the Public Protection Officer in response to concerns over the adequacy and interpretation of the noise assessment. He has advised in emails that based on the number of turbines operational, consented, and pending, a cumulative assessment is difficult to complete, and that stringent levels to be adhered to as suggested by the Council would prevent any further development in the wider area and is considered unfair (the noise assessment undertaken concluding that there would be no adverse noise impact from the proposed turbine alone at the neighbouring properties assessed). The agent has stated that assessment of all other wind turbines - including those not operational or consented – in a cumulative assessment concludes that noise levels are already exceeded and therefore it is impossible to show there would be no cumulative impact for any new development ; hence it is considered that this request precludes any further development in the area and needs to be re-evaluated.

1.7.4 Immediately prior to the deadline for completion of this report, the agent provided additional noise screening data for consideration by the Pollution Control Officer. This included tables with predicted noise levels at agreed properties with stated other developments in the area; and explanatory notes to confirm these were standard figures and have not been calibrated to take account of any mitigation or consented levels for the other developments unless otherwise stated. The agent confirmed that the applicant and turbine manufactures would be agreeable to halting the operation of the turbine during times when its impact would be at its greatest for those properties where the impact would be too great (through automatic controls related to monitoring

under pre-determined prevailing wind scenarios), and proposed that a noise mitigation plan be submitted to the Council before the turbine becomes operational, offering comfort for all parties that the turbine would be acceptable during its operation.

- 1.7.5 The applicant's agent has confirmed that the client has asked for the application to be processed with the information in front of the Council (at 24th September 2015).

1.8 Other relevant background information

- 1.8.1 The application has generated a high volume of correspondence with a number of representations in support and in objection. The report attempts to set out the main land use planning comments so Members have an idea of the basis of opinions expressed of relevance to the determination of the application.
- 1.8.2 The applicants have provided additional information in support of the application, including the need in order to make the farm viable; commentary on attempts made to engage with local residents and on representations including those of the Community Councils; distances from other turbines and the location relative to Clocaenog Forest and surrounding hills; and material countering objections to the turbine and the principle of turbine development. The applicants have also submitted comments challenging the assessment of the Council's Landscape Consultant, and drawing attention to conclusions on landscape and visual impact in the Examining Authority's report and The Department of Energy and Climate Change decision letter on the Clocaenog Forest Windfarm application.

2. **DETAILS OF PLANNING HISTORY:**

2.1 23/2015/0083

Screening Opinion for 2 turbines at Cern Yfed. No Environmental Impact Assessment required.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE5 – Conservation of natural resources

Policy VOE9 – On-shore wind energy

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance

N/A

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

TAN 8 Planning for Renewable Energy (2005)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

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

3.4 Other material considerations

Denbighshire Landscape Strategy (2003) / LANDMAP

ESTU R 97 and 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Context for the development
- 4.1.3 Landscape and visual impact
- 4.1.4 Noise
- 4.1.5 Shadow flicker
- 4.1.6 Ecology
- 4.1.7 Highways
- 4.1.8 Aviation and Radar
- 4.1.9 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. The principle that wind energy development is an acceptable means of securing generation of renewable energy is therefore established in national planning policy.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects; TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identifies 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para.2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes.

The site is outside the boundary of the Clocaenog Forest SSA, where national planning policy supports the principle of large scale wind energy development.

Denbighshire Local Development Plan (LDP) Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. The turbine would fall within the sub-local authority scale development category as outlined in the

policy (schemes with a generating capacity of between 50kW and 5MW), which VOE 9 indicates will only be permitted within the Clocaenog Forest Strategic Search Area where they do not prejudice the development of strategic / large schemes; and, outside the Area of Outstanding Natural Beauty, Conservation Areas, World Heritage Site and Buffer Zone, and other sites designated for ecological, historic, landscape, or other value, and where they do not adversely affect the setting of these areas.

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Policy VOE 9 and 10 therefore provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, which is set out in the remainder of this report.

4.2.2 Context for the development

TAN 6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification. It states that “*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*”. It goes on to state that “*many economic activities can be sustainably located on farms. Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*”. Therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

Local Development Plan policy PSE 5 relating to the Rural Economy supports development which helps to sustain that economy, tourism, commercial development, including agricultural diversification throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the AONB and AOB. The detailed criteria include assessment of appropriateness of scale and nature to the location.

The Supporting Statement submitted with the application states the proposal is intended for the generation of renewable energy which can be used on site for domestic and commercial use (farming) and for export to the national grid. Whilst no financial information has been provided to demonstrate the business case for the turbine proposal as a farm diversification, and the annual electricity need and consumption is not specified, the agent has advised that it is not anticipated the proposed turbine would be the main income generating activity on the farm, the applicants being keen to secure a compatible income stream to help support the overall activities of the farm.

TAN 6 does not quantify what is meant by a ‘small on-farm renewable energy operation’, however the Council has previously given weight to the farm diversification merits of turbines with a tip height of less than 50m which are proposed on farmland in connection with an existing agricultural enterprise. The turbine proposed here at Cern Yfed would have a tip height of some 71 metres, so is considerably higher than those where support has been offered on farm diversification arguments.

4.2.3 Landscape and visual impact

LDP policies relevant to the visual and landscape impact associated with wind energy development are VOE 9 and VOE 10. These policies require due consideration of the localised effects of development, including cumulative impacts on the surrounding area and community, which involves assessment of landscape and visual impact. With regards to sub-local authority scale developments, VOE 9 specifically requires consideration of the potential impact on the setting of an Area of Outstanding Natural Beauty (AONB) and other designated sites. Policy VOE 1 requires development

proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire, including local areas designated or identified because of their natural landscape or biodiversity value.

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN8 Annex D states that within SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development. However, given the increasing number of consented wind turbine developments within and on the periphery of the SSA, it is imperative that cumulative effects are fully considered when planning applications are assessed.

It is evident from the earlier sections of the report that there are a mixture of representations in relation to the landscape and visual impact of the proposals. Those in support suggest the turbine would be seen in context of much bigger ones at Clocaenog Forest, and that the site is set in a bowl and not visible. Those in objection, including two Community Councils, raise a range of concerns over the adequacy of the landscape and visual assessment, and at the potentially unacceptable impacts, including cumulative impacts, impacts on nearby properties, the AONB, and there are comments that the area is being surrounded by turbines, and that it does not follow that if the site is near the TAN 8 area that such development is acceptable or suitable, as the area does not have the characteristics of the TAN8 area.

The application is accompanied by a Supporting Statement and a Landscape and Visual Assessment, which review and provide commentary on the potential landscape and visual impacts of the turbine. The Assessment accepts that a turbine would be visible from many surrounding areas and that there will be some significant visual and landscape impacts ; large / very large significance of visual effect at Hafotty Bach, and moderate / large at another 7 locations, and in terms of landscapes, moderate / large effects on the immediate local landscape, and moderate on the D17 Aled Hiraethog Hills (East) landscape unit. Effects from Moel Ytta are concluded to be moderate. Overall, the submission concludes that a single turbine will have a slight landscape impact and a slight / moderate visual impact. The Supporting Statement refers to the main points in the Assessment and to the conclusion that cumulative impact is considered to be negligible, and where other turbines are partially visible, they are mitigated by distance, woodland / forestry planting and topography.

The Council's Landscape Consultant has reviewed the application and recommends refusal of the application. He suggests the turbine could reduce the sensitivity of the Aled Hiraethog Hills landscape unit to wind energy development, and that further proliferation would have a consequence on the landscape units and the AONB further afield which have high sensitivity to wind energy development. He believes the 4km radius ZTV and study area does not extend far enough, noting that 35km is suggested in Denbighshire guidance for this size of turbine. He states a number of locations are predicted to suffer a significant detrimental effect on their visual amenity, and that the development would have an undesirable impact on an area of high scenic value and could set a precedent for future development of medium to large sized wind turbines within the area. He concludes the scale of turbine is not appropriate to the scale of the landscape and the dwellings in close proximity.

In terms of material considerations, due regard needs to be had to the location of the site outside the boundary of the Clocaenog Forest SSA, and its relationship to that area, as this is relevant to assessment of landscape and visual impact.

Also relevant is the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development. It reviews and analyses information in the LANDMAP layers, which have been a useful reference for assessment purposes previously. Within the Sensitivity and Capacity Study, the proposed turbine is within

landscape unit D17 (Aled Hiraethog Hills (East), which is referred to as an extensive upland landscape, rising immediately to the west of the Vale of Clwyd. The summary of sensitivity to wind Energy developments in D17 is 'high', and the characteristics noted are 'The sensitivity of this strongly undulating upland landscape with its mosaic of pastoral farmland, woodlands and historic settlements is further enhanced by its strong association and intervisibility with the AONB and views to and from important landscapes and cultural heritage features, including the historic town of Denbigh. This, combined with the presence of other sensitive visual receptors imparts a high degree of sensitivity'.

There are inevitably differing opinions on the issue of landscape and visual impact and clearly strongly held views on the matter. Questions are raised over the adequacy of the submitted information to properly assess impacts, and in turn over the accuracy of comments in the assessment by the Council's Landscape Consultant.

In concluding on this matter, Members will be familiar with Officers' previously expressed concerns in relation to proposals for additional turbines outside the Strategic Search Area, in terms of the spread of the 'windfarm landscape' and the need for new development to be compatible with existing development which it is located near to, if integration and balance within the landscape is to be achieved. Whilst Officers are fully respectful of a level of Member support at previous Committee meetings for farm based turbines of up to 50 metres height, it is to be noted in this instance that the turbine proposed is 71 metres high and would represent a significant increase in the size of wind turbines beyond the edges of the Strategic Search Area, within a landscape area assessed as having a 'high' sensitivity to wind energy development in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment. This is considered to be a significant negative factor in the weighing of the merits of the application.

4.2.4 Noise

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity.

TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is the industry standard for the Assessment and Rating of Noise from Wind Farms, and is cited in TAN 8 as the relevant guidance on good practice. In May 2013, the Institute of Acoustics published 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG) which Officers consider is also material.

For single turbines, ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to $35\text{dB}_{\text{LA90, 10min}}(\text{A})$ up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary. For properties where the occupant has a financial interest in the development, ESTU-R-97 allows a higher level of 45dB limit.

It is to be noted that there are representations expressing objections to the application in respect of the potential noise impacts, questioning the adequacy of the assessment and its conclusions, and concerns over the impact of the turbine in addition to existing and proposed turbines in the locality.

In relation to the above context, in handling proposals where a proposed turbine is

near to existing and proposed wind turbine development, the Council has taken the view that application of the simplified noise condition alone would be inappropriate, as cumulative noise effects need to be taken into account. In this case, the original application documents contained a short Noise Assessment, concluding that all other properties (excepting Cynr Yfed itself) are expected to receive less than the 35dB level, and that under these calculation parameters, it was stated that no baseline noise surveys appear necessary and it is anticipated that there will be no impact to potential receptors which would require further consideration. Officers advised the applicant's agents of the need for a cumulative noise assessment, and as noted in Section 1.5 of the report, the agent submitted additional cumulative noise screening data for the consideration of the Public Protection Officer in late September 2015. The agent has also stated the applicant and turbine manufactures would be agreeable to halting the operation of the turbine during times when its impact would be at its greatest for those properties where the impact would be too great (through automatic controls related to monitoring under pre-determined prevailing wind scenarios), and proposes that a noise mitigation plan be submitted to the Council before the turbine becomes operational, offering comfort for all parties that the turbine would be acceptable during its operation.

It is of considerable significance in this case that the Pollution Control Officer has reviewed the material and has confirmed on the basis of the limited information provided that the application cannot be supported. He concludes that the noise assessments show the noise level from the turbine is too loud not only from the individual assessment but also cumulatively. He has advised he is unclear how the tables in the cumulative assessment spreadsheet have been populated with levels from the existing schemes, as there is no breakdown of them, and notes the noise levels that have been used make no allowance for uncertainty and are not derived from consented levels, as recommended in the Institute of Acoustics Good Practice Guide, hence the levels stated will be an underestimation. In response to the suggestion that the turbine can be turned off automatically at certain wind speeds and certain wind directions, the Pollution Control Officer is of the opinion that it would still be difficult to set a reasonable noise condition that would be enforceable, whilst still having confidence that it could actually be achieved.

In conclusion, it is Officers' opinion that the application does not demonstrate acceptable noise levels can be achieved, and with respect to the suggested mechanism for mitigating impacts through turning off the turbine in certain conditions, this is not an appropriate approach to adopt as it is considered essential to set a reasonable and enforceable noise level condition that has a demonstrable chance of being achieved.

4.2.5 Shadow flicker

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity.

The incidence of shadow flicker depends on the position of the sun in the sky. Technical studies indicate it only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The proposed rotor diameter in this instance is 45m, therefore the potential impacts should only be experienced up to 450m from the turbine location, and only then within 130 degrees either side of north. The nearest residential property is approximately 600 metres from the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property.

Notwithstanding the above, as shadow flicker analysis is not an exact science, in the event that permission is granted, and as a precautionary measure Officers would advise inclusion of a standard planning condition requiring mitigation measures to be applied should the incidence of shadow flicker be experienced by any nearby unrelated properties. On this basis, it is reasonable to conclude that the proposal would comply with policy VOE 9 and VOE10 with respect to shadow flicker.

4.2.6 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5.

VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals.

A preliminary Ecological Appraisal and Bird Reconnaissance survey was submitted as part of the application. This concluded that in relation to bats that the turbine should be located so that the rotor tips are a minimum of 50m from hedgerows and woodland; and that as the turbine is located within a large improved grassland field with negligible foraging / commuting value to bats, no specific bat surveys are considered appropriate. In relation to birds, surveys have confirmed that the site supports a range of species but the proposals are not anticipated to result in any reduction in conservation value of passerines. No further surveys or mitigation are considered necessary, and standard conditions can be attached to avoid disturbance with nesting birds.

The ecological assessment does not identify any ecological interests which would prevent the development progressing. The applicants have however indicated that any vegetation clearance required to facilitate the development should take place outside the bird nesting season. In relation to the impact tests required under Policy VOE 9 most have been addressed by the applicant in the supporting information. Officers conclude the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with VOE 5 and VOE 9.

4.2.7 Highways

LDP Policy VOE 9 requires due consideration of the effect of wind energy development on the surrounding area and community, including transport impacts.

No specific comments have been raised in relation to the highway implications of the development. It would be normal in relation to single turbine developments to suggest the imposition of a planning condition in the event of permission being granted, requiring a construction method statement to address issues relating to the development stage of the scheme. Officers conclude there would no unacceptable highways impacts from the proposal.

4.2.8 Aviation and Radar

The impact on aviation and radar equipment is material to the determination of wind turbine applications.

No objections have been received from any aviation authority at the time of drafting this report.

In the absence of objections, it is considered reasonable to conclude that proposed turbine would not have any adverse effects on aviation and radar interests in the area.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application, and as with all wind energy developments, inevitably confirms that there are factors that weigh in favour and against the grant of planning permission. There are strong representations in support and in objection to the application.
- 5.2 Planning policy at national and local level offer in principle support for suitable wind energy development including on the basis of contributions to green energy generation and farm diversification benefits. The supporting documents, the applicant's submissions, and a number of representations make considerable play on these considerations, and these are relevant matters to weigh in support of the application. The policies also caution support for developments with the need to have due regard to local impacts when determining their acceptability, and these are matters which have given rise to expressions of concern from local community councils, some consultees and private individuals – which also have to be given due weight in the balancing exercise in determining the application.
- 5.3 Landscape and visual impact considerations are considered to be of some significance in this instance. In terms of basic principle, Members will be aware of Officers previously expressed concerns over the spread of 'one-off' medium / sub-local authority scale wind turbine developments outside the Clocaenog Forest Strategic Search Area, on grounds that this has strategic implications on the ability of the Council to conserve the integrity of wider Denbighshire landscapes in the longer term. The proposal here is for a 71 metre high turbine in a location approximately 1km outside the Strategic Search Area, and raises the same concerns for Officers.
- 5.4 To help inform the assessment of wind turbine developments, Denbighshire County Council and Conwy County Council commissioned the 'Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development' (final report May 2013). The aim of the study was to inform the development of Supplementary Planning Guidance (SPG) and assist the task of assessing the landscape and visual effects of wind energy development for development control purposes. The Sensitivity and Capacity Assessment is therefore a material consideration.
- 5.5 The aforementioned Assessment identifies the sensitivity of the landscape in the area of the turbine to wind Energy developments as 'high'. The Council's Landscape Consultant concludes the scale of turbine is not appropriate to the scale of the landscape and the dwellings in close proximity, and recommends refusal of the application, a view taken by two of the local community councils. There are widely contrasting opinions in individual representations on the question of landscape and visual impact, including those who suggest the effects would be limited, and those who believe they would be wholly unacceptable. Ultimately, Officers believe there are potentially significant implications on the basis of adverse landscape and visual impacts from a 71m high turbine outside the Strategic Search Area and consider the overall conclusions of the Landscape Consultant are to be respected, and that these are legitimate grounds for resisting the grant of permission.
- 5.6 There are serious concerns over the noise implications of the proposed turbine. The Pollution Control Officer has been in dialogue with the applicant's agent, following the agent's response to a request for additional information to clarify cumulative impacts. Significantly, the conclusion is that the application does not demonstrate acceptable noise levels can be achieved, and with respect to the suggested mechanism for mitigating impacts through turning off the turbine in certain conditions, this is not an appropriate approach to adopt as it is considered essential to set a reasonable and enforceable noise level condition that has a demonstrable chance of being achieved.
- 5.7 In concluding, in the light of the assessments and consultation responses, it is suggested :

A. In respect of landscape and visual impact that in the absence of a clear policy framework which would enable the Council to take a more strategic approach to the determination of sub-local authority scale wind turbine proposals outside the SSA, that the Council should take a precautionary approach where adverse impacts have been identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development, and to ensure a satisfactory level of amenity is maintained for the residents of the area. The Landscape Consultant's conclusions confirm there are adverse impacts anticipated. Whilst Members have considered smaller turbines (up to 50 metres height) to be acceptable as farm diversification projects in support of green energy, it is not considered farm diversification merits should outweigh the concerns in respect of the impact on the landscape and visual amenity of a 71m high turbine outside the SSA.

B. In respect of noise impacts, the application does not show acceptable noise levels can be achieved, and with respect to the agent's suggestions, it is not considered appropriate to grant permission without being able to set a reasonable and enforceable noise level condition that has a demonstrable chance of being achieved. The implications of the development are that unreasonable noise impacts may arise for occupiers of private property in the vicinity. Officers do not believe it would be responsible on the Council's part to override the technical concerns over noise impact.

Having due regard to the above, and with every respect to the merits of the case, Officers do not consider it appropriate to lend support to the application.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons are:-

1. It is the opinion of the Local Planning Authority that the erection of a 71 metre high 500kW turbine would have unacceptable adverse landscape and visual impacts affecting the sensitivity of the Aled Hiraethog Hills (East) landscape unit, and could set an undesirable precedent for similar medium to large size turbine development outside the Clocaenog Forest Strategic Search Area, with adverse consequences on the aforementioned landscape unit and the AONB further afield, which have high sensitivity to wind energy development. The scale of the turbine is not considered appropriate to the scale of the landscape and the dwellings in close proximity, where it is considered there would be significant adverse impact on visual amenity. The proposal is conflict with national and local policy objectives which seek to protect the local landscape and visual impact, and would further contribute to the spread of wind turbine development in this part of the County's attractive open countryside, giving rise to additional cumulative landscape impacts. The farm diversification merits of the proposal and the potential benefits of increased renewable energy generation are not considered to outweigh these concerns, and the proposal is therefore considered contrary to tests in Denbighshire Local Development Plan policies VOE 9, VOE 10, and the principles set out in TAN 8 (para. 2.11 - 2.13) and PPW Edition 7, Section 12 (2014).
2. It is the opinion of the Local Planning Authority that the noise assessment information shows the noise level from the turbine is too loud not only from the individual assessment, but also cumulatively. It is unclear how the tables in the cumulative assessment spreadsheet have been populated with levels from the existing schemes, as there is no breakdown of them, and the noise levels that have been used make no allowance for uncertainty and are not derived from consented levels, as recommended in the Institute of Acoustics Good Practice Guide, hence the levels stated will be an underestimation. It is considered therefore that the application does not demonstrate the noise impacts arising from the development in combination with that from other turbines in the area, would be acceptable to occupiers of property in the locality, and it would be difficult to set a reasonable noise condition that would be enforceable, whilst still having confidence that it could actually be achieved. The proposals are considered to be contrary to tests in Denbighshire Local Development Plan policies VOE

9, VOE 10, and the principles set out in TAN 8 (para. 2.11 - 2.13) and PPW Edition 7, Section 12 (2014).

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 6

WARD: Tremeirchion

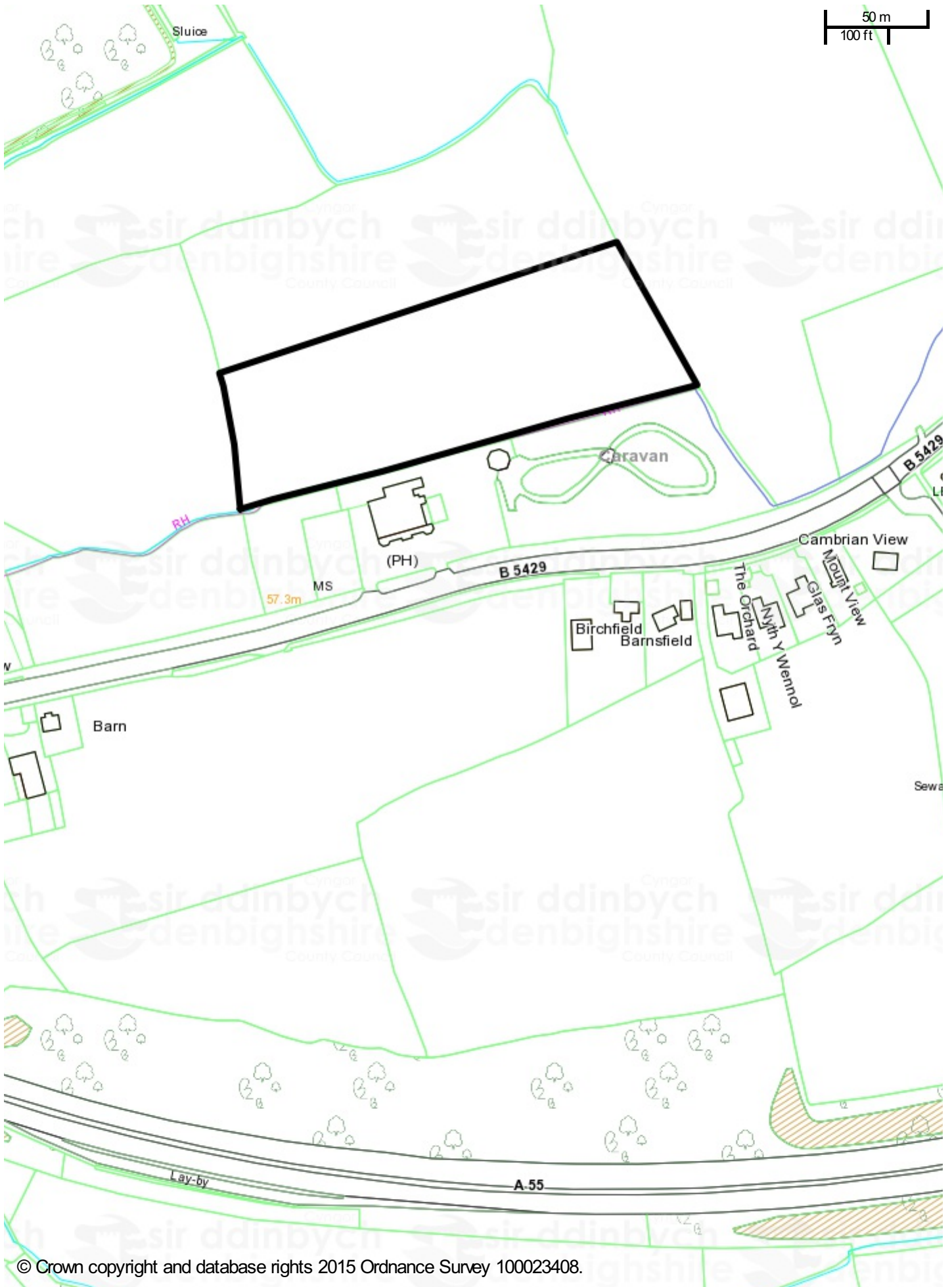
AELOD WARD: Y Cynghorydd Barbara Smith

RHIF CAIS: 47/2015/0741/PS

CYNNIG: Dileu Amod rhif 3 caniatâd cynllunio Cod Rhif 47/2011/0527 sy'n ymwneud ag amod defnydd tymhorol sy'n cyfyngu defnydd y safle ar gyfer carafannau teithiol rhwng 31 Hydref a 1 Mawrth.

LLEOLIAD: Gwesty'r White House, Ffordd Treffynnon, Rhualt, Llanelwy

Mae tudalen hwn yn fwriadol wag



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REFERENCE NO. 47/2015/0741/PS

Scale: 1:2500

Printed on: 30/9/2015 at 10:03 AM

Tudalen 53

WARD : Tremeirchion

WARD MEMBER: Councillor Barbara Smith

APPLICATION NO: 47/2015/0741/PS

PROPOSAL: Removal of Condition No. 3 of planning permission Code No. 47/2011/0527 relating to seasonal use condition restricting the use of the site for touring caravans between 31st October and 1st March

LOCATION: White House Hotel Holywell Road Rhualt St. Asaph

APPLICANT: Mr Mervyn Parry-Jones Fifth Wheel Company Ltd

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

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

- Recommendation to grant – Community Council objection.

CONSULTATION RESPONSES:

COMMUNITY COUNCIL FOR TREMEIRCHION, CWM AND WAEN –
"OBJECTION - There is NOT a proven need.

We add the following:

- a. WE WOULD APPRECIATE A KNOWLEDGE OF DCC POLICY ON TOURING CARAVANS: ESPECIALLY:
- b. We need to know for certain what the defining regulations that Denbighshire County Council adhere to between static and touring usage
- c. There appears to be no known standards in licensing
- d. We need to know what supervision takes place to monitor occupancy in a calendar year
- e. We need to know how often the above is actioned"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Environmental Health Officer –

Has reservations about:

- the car parking spaces, internal roadways and general infrastructure on site as at present the touring vans are sited on grass with no hard standings or roadway to the vans, hence has concerns about access during the "winter" months when the ground will be wet.
- current occupation of a number of the units on the static site
- potential impact on local residents, i.e. noise and light implications, also increased traffic.
- need for another year round site in Denbighshire

RESPONSE TO PUBLICITY:

In objection

Representations received from:

- (i) Emyr George, Gorwel, Cwm Road, Rhualt
- (ii) Peter Cook, Hendre Sian, Cwm Road, Rhualt

Summary of planning based representations in objection:

- (i) The land can be seen from many points on Cwm Road;
- (ii) The screening in place is not sufficient along the eastern boundary;
- (iii) Many touring caravans remain on site for much of the season and will do so in winter;
- (iv) Increased light pollution;

EXPIRY DATE OF APPLICATION: 23/09/2015

REASONS FOR DELAY IN DECISION (where applicable):

Need for committee decision due to Community Council objection.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks to remove a condition which was attached to planning consent reference 47/2011/0527, granted on 16 November 2011. The permission was for extensions and alterations to the existing public house/hotel and use of 1.6 hectares of land to the north to form a 40 pitch touring caravan and 10 pitch chalet/static caravan park, with associated works including landscaping, access tracks, sanitation and washing building, and installation of package treatment plant.

1.1.2 Condition 3 relates to the touring caravan element of the 2011 development and reads as follows:

"No touring caravans shall be permitted to remain on the site between 31st October in any one year and 1st March in the following year."

The reason for the Condition was –

"To ensure the use of the touring caravans is seasonal and to be consistent with the restrictions on touring caravans on the existing site adjacent to The White House."

1.1.3 The application is accompanied by a Design and Access Statement which puts forward the case for the removal of the condition. It is contended that the reason for the condition is not a sound basis for the restriction imposed and that the removal of the condition will bring tourism and economic benefits by catering for visitors for an additional four months of the year. The suggestion is made that this is currently a significant loss of income for a third of the year, and that there are already occupancy restrictions imposed by other conditions of the 2011 consent which allow the Council to ensure that there is no permanent residential use.

1.2 Description of site and surroundings

1.2.1 The area of land involving the touring caravans lies immediately to the north of the main White House hotel building and the facilities building serving the caravan site, as can be seen from the site layout plan at the front of the report.

1.2.2 The area used by touring and static caravans is illustrated on the site plan. The western, northern, and eastern boundaries border onto open land.

1.2.3 There is a long established static caravan site within the grounds of the White House to the east of the main car park serving the Hotel. There are residential properties on the southern side of the B road serving the White House and Rhualt village, immediately opposite the aforementioned static caravan park. The properties of the objectors on Cwm Road are over 300 metres away to the east.

1.3 Relevant planning constraints/considerations

1.3.1 The site is outside of any development boundary in an area without any specific designation in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 The site has an extensive history relating to tourism, hotel and caravan facilities. There are long established touring caravan and static caravan sites on the east and west sides of the Hotel / car park, which are not the subject of the current application. The main permission of relevance to the application is the one granted at Committee in 2011, for the touring and static caravan site to the north of the White House, detailed in section 2 of the report.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 As background, one of the considerations relevant to the seasonal condition being attached to the 2011 consent was to ensure consistency with the restriction on the existing touring caravan site adjacent to the White House. It is relevant to note that the reason for Condition 3 makes no reference to any perceived detriment to visual amenity or residential amenity from the presence of caravans on the site outside the permitted season of use.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 47/2011/0527 - Extensions and alterations to existing public house/hotel and use of 1.6 hectares of land to rear to form a 40 pitch touring caravan and 10 pitch chalet/static caravan park, with associated works including landscaping, access tracks, sanitation and washing building, and installation of package treatment plant : Granted 16/11/2011.
- 2.2 47/2012/0147 - Erection of extensions and alterations to existing public house/hotel: Granted 03/04/2012
- 2.3 Series of approval of conditions applications relating to 47/2011/0527 and 47/2012/0147 approved during 2012 and 2013 – including :
- 47/2012/1130 - Details of landscaping submitted in accordance with condition no. 6 of planning permission code no. 47/2011/0527: Granted 20/03/2013.
- 47/2012/1131 - Details of landscape maintenance submitted in accordance with condition no. 8 of planning permission code no. 47/2011/0527: Grated 27/03/2013.
- 47/2012/1132 - Details of landscaping submitted in accordance with condition no. 2 of planning permission code no. 47/2012/0147: Granted 27/03/2013.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy PSE5 - Rural economy
Policy PSE12 - Chalet, static and touring caravan and camping sites

3.1 Supplementary Planning Guidance

SPG 25 - Static caravan and chalet development

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014
Technical Advice Note 13 Tourism

4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning

applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Controls over year round caravan use
- 4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no Local Development Plan Policies of specific relevance to applications which seek to extend the season of occupation of existing touring caravans. There is general reference in policy PSE 12 which covers Chalet, Static and touring caravan and camping sites to occupancy restrictions and ensuring holiday uses on new or improved sites.

Policy PSE 5 Rural Economy recognises the importance of the tourist industry to the local economy subject to tests of detailed impacts. Planning Policy Wales offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards.

TAN 13 Tourism (1997) predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism without compromising policies to safeguard the countryside, through the use of holiday occupancy conditions to reconcile these two objectives. There is general support in national policy for all year tourism subject to safeguarding the environment.

This is an established caravan site. The planning permission was granted in 2011 and recognised the Council's acceptance that the site was suitable for the use having regard to principle, and following assessment of detailed impacts such as landscape, amenity, highway, ecology and drainage.

Officers consider therefore that the key issues to address here are whether there would be any 'additional' localised impacts from the potential use of the site by touring caravans between 31st October and 1st March, and whether there are adequate controls to ensure the 12 months use is for holiday purposes and would not in effect allow potential to create a residential site. The latter 'problem' is one Members have recognised as significant when considering similar applications in the County, and is referred to in section 4.2.6 following.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in

Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

There are concerns expressed over the impact of 12 month use by touring caravans on visual amenity. To be considered in respect of this concern is the fact that static caravans can remain on the site year round. Touring caravans can currently be sited in the approved locations for eight months of the year, from 1 March to 31 October. The period touring caravans can use the site presently is during the spring, summer and autumn months where units may be visible at distance from higher ground to the east and are likely to be present for longer periods as these months have the most daylight. Planting along the eastern and northern sides of the site is establishing and will provide an improved level of screening as it matures, helping to limit the visibility of caravans from properties to the east and north. With respect, the use of the site for the additional four months as proposed is not considered likely to give rise to additional detrimental adverse visual impact to a degree that would justify a recommendation of refusal.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

It is recognised that the use of caravan sites in close proximity to residential properties can have an adverse impact on residential amenity. The Council has recently successfully defended a decision at the New Pines caravan park in Rhyl which proposed to use a parcel of land immediately adjacent to dwellings for additional caravans, where it was considered the impact of static caravans / lodges in close proximity would be unacceptable on the level of residential amenity of occupiers.

However, it is to be noted that the subject site is some distance from the nearest residential properties, with the objectors dwellings being in excess of 300 metres from the eastern boundary of the caravan site. As referred to previously, landscaping has been undertaken to improve the screening of the site especially along the eastern boundary, and will become more effective with the passage of time. It is not adjudged that the removal of the condition would lead to any unacceptable additional adverse impact on the amenities of nearby occupiers, which could now justify refusing the application.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The access to the site and the location / detailing of the parking bays adjacent to each plot was approved as part of the 2011 permission. The access is used to service the

Hotel / restaurant facility. In noting comments on access and parking matters, it is not considered that the additional use by touring caravans over four months of the year, as sought, would give rise to any significant issues in respect of access to the highway or on site parking, having regard to the previous approval for these arrangements.

4.2.5 Controls over holiday use

The application does not propose any variation to Condition 5 of the 2011 permission which governs the occupation of the static and touring caravans on the White House site irrespective of the determination on the application to allow year round presence of touring caravans. The condition is worded as follows:

5. The caravan units shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The site operator shall maintain an up-to-date register of the names of the owners and occupier of each caravan on the site, their main home addresses, the dates each caravan has been occupied, and by whom. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.

Officers suggest the comfort offered by Condition 5 is adequate to address the concerns of the consultees over residential use of caravans, including a mechanism for investigating any suspected breaches, where complaints may be made or there may be concerns over uses. Such investigations would be undertaken by the Development Management and / or Public Protection Sections as appropriate, but this is respectfully not material to the consideration of the merits of the current application to allow touring vans to use the site throughout the year.

4.2.6 Other matters

There is no planning policy test requiring an applicant to establish the need for all year round use of a touring caravan site.

The Community Council's comments seek clarification of Local Development Plan policies in relation to touring caravans. The Officer report refers to policies and guidance in the Development Plan and Welsh Government documents which appear of relevance to the consideration of an application to remove a condition relating to seasonal use of a touring caravan site. There is limited policy and guidance specific to this type of application, obliging reference to general principles to assist the determination.

With regards to the Community Council reference to Site Licencing matters, these are separate controls administered by the Public Protection section dealing with specific detailing of facilities within sites, geared at ensuring suitable standards are met in the interests of public health. Licencing controls apply irrespective of planning controls and are of limited relevance to the land use planning considerations to be applied to the acceptability of the application for the removal of Condition 3.

It is recognised that the issue of caravans on sites within the County being used as people's main homes is under increasing scrutiny due to alleged breaches of planning control which precludes such use. However, it is important to appreciate that the application before the Council is solely in relation to Condition 3 of the 2011 permission concerning the length of the season touring vans can use the site, and does not relate to the occupation of the caravans, as this is controlled by Condition 5, which remains applicable to the whole caravan site.

5. SUMMARY AND CONCLUSION:

5.1 In relation to the principle of year round use of sites by touring caravans, and with respect to the comments of the Community Council, Officers consider it would be reasonable to consent to the removal of the seasonal condition. The Council has accepted the principle of 12 month

holiday use in granting permission elsewhere, including in February 2010 for a new 10 unit static caravan park at The Thatched Cottage at Trefnant; and has had an appeal allowed by the Planning Inspectorate for 12 month occupancy at the static caravan park at Llwyn Afon, Llanrhaeadr. In these cases it was accepted that the use of the same type of condition as applied in Condition 5 of the 2011 permission at the White House (obliging site operators to keep documentary evidence, available for inspection, of length of stays and places of primary residence) is sufficient to allay fears over residential use as it offers a clear and enforceable means of control over the occupation of holiday caravans.

5.2 The touring caravan site at the White House is well established with an 8 month occupancy season relating to the presence of touring caravans. The proposal to allow touring caravans to use the site throughout the year is not considered likely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts.

5.3 Officers believe there is general policy encouragement for year round tourism use in appropriate locations, and the existence of condition no. 5 of the 2011 permission prohibiting residential use provides the Council with relevant control to ensure there are no conflicts with rural restraints policies.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Location Plan received 30 July 2015.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.

NOTES TO APPLICANT:

None

Mae tudalen hwn yn fwriadol wag