

To: Chair and Members of the Planning Committee

Date: 8 October 2015

Direct Dial: 01824 712568

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 14 OCTOBER 2015** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST (Pages 7 - 8)**

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

### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

### **4 MINUTES (Pages 9 - 18)**

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 16 September 2015 (copy attached).

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 6) -**

### **5 APPLICATION NO. 23/2015/0463/PFT - LAND AT CEFN YFED, CYFFYLLIOG, RUTHIN (Pages 19 - 48)**

To consider an application for installation of one 500 kw wind turbine with hub height of 48m and a rotor diameter of 45m and associated works at Land at Cefn Yfed, Cyffylliog, Ruthin (copy attached).

**6 APPLICATION NO. 47/2015/0741/PS - WHITE HOUSE HOTEL, HOLYWELL ROAD, RHUALLT, ST. ASAPH (Pages 49 - 62)**

To consider an application for 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 at White House Hotel, Holywell Road, Rhualt, St. Asaph (copy attached).

**MEMBERSHIP**

**Councillors**

Raymond Bartley (Chair)

Win Mullen-James (Vice-Chair)

Ian Armstrong  
Brian Blakeley  
Joan Butterfield  
Jeanette Chamberlain-Jones  
Bill Cowie  
Meirick Davies  
Richard Davies  
Stuart Davies  
Peter 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

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## **WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE**

### **HOW THE MEETING WILL BE CONDUCTED**

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

#### **General introduction**

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items which will be subject to public speaking, requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information circulated in the Council Chamber prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications, to take account of public speaking requests.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee consists of 30 elected Members. In accordance with protocol, 15 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

### **CONSIDERING PLANNING APPLICATIONS**

#### **The sequence to be followed**

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

If there are public speakers on an item, the Chair will invite them to address the Committee. Where there are speakers against and for a proposal, the speaker against will be asked to go first. The Chair will remind speakers they have a maximum of 3 minutes to address the Committee. Public speaking is subject to a separate protocol.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

There are display screens in the Council Chamber which are used to show photographs, or plans submitted with applications. The photographs are taken by Officers to give Members a general impression of a site and its surroundings, and are not intended to present a case for or against a proposal.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, he/she should not speak again unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason (s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

## **The voting procedure**

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

If any Member requests a Recorded Vote, this must be dealt with first in accordance with Standing Orders. The Chair and Officers will clarify the procedure to be followed. The names of each voting Member will be called out and each Member will announce whether their vote is to grant, to refuse, or to abstain. Officers will announce the outcome of the vote on the item.

If a vote is to proceed in the normal manner via the electronic voting system, the Chair will ask Officers to set up the voting screen(s) in the Chamber, and when requested, Members must record their votes by pressing the appropriate button (see following sheet).

Members have 10 seconds to record their votes once the voting screen is displayed, unless advised otherwise by Officers.

On failure of the electronic voting system, the vote may be conducted by a show of hands. The Chair and Officers will clarify the procedure to be followed.

On conclusion of the vote, the Chair will announce the decision on the item.

Where the formal resolution of the Committee is contrary to Officer recommendation, the Chair will request Members to agree the process through which planning conditions or reasons for refusal are to be drafted, in order to release the Decision Certificate (e.g. delegating authority to the Planning Officer, to the Planning Officer in liaison with Local Members, or by referral back to Planning Committee for ratification).

# PLANNING COMMITTEE

## VOTING PROCEDURE

Members are reminded of the procedure when casting their vote. The Chair or Officers will clarify the procedure to be followed as necessary.

Once the display screens in the Chamber have been cleared in preparation for the vote and the voting screen appears, Councillors have 10 seconds to record their vote as follows:

On the voting keyboard press the

<b>+</b>	To <b>GRANT</b> Planning Permission
<b>-</b>	To <b>REFUSE</b> Planning Permission
<b>0</b>	to <b>ABSTAIN</b> from voting

Or in the case of Enforcement items:

<b>+</b>	To <b>AUTHORISE</b> Enforcement Action
<b>-</b>	To <b>REFUSE TO AUTHORISE</b> Enforcement Action
<b>0</b>	to <b>ABSTAIN</b> from voting

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## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of  
*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a \***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 16 September 2015 at 9.30 am.

### PRESENT

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

Local Members – Martyn Holland and Huw Jones attended for particular agenda items relating to their wards

Councillor David Smith, Lead Member for Public Realm attended for agenda items 5 – 9.

### ALSO PRESENT

Head of Planning and Public Protection (GB); Principal Solicitor – Planning and Highways (SC); Development Manager (PM); Planning Officer (DS); Strategic Planning and Housing Manager (AL); Senior Engineer, Traffic and Transportation (MP) and Committee Administrator (KEJ)

#### 1 APOLOGIES

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

#### 2 DECLARATIONS OF INTEREST

No declarations of personal or prejudicial interest had been raised.

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

#### 4 MINUTES

The minutes of the Planning Committee's meeting held on 15 July 2015 were submitted.

Page 16 – Application No. 05/2015/0040/PF Land Off Green Lane, Corwen – In response to a question from Councillor Meirick Davies, the Planning Officer advised that further detail was awaited on the flood mitigation measures before liaison with local members regarding the planning conditions to be imposed.

***RESOLVED** that the minutes of the meeting held on 15 July 2015 be approved as a correct record.*

## **APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 9) -**

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

### **5 APPLICATION NO. 05/2015/0353/PF - PEN Y GRAIG (SOUTH WEST OF PLAS TIRION) GLYNDYFRDWY, CORWEN**

An application was submitted for resumption of residential use of dwelling for local needs occupation and erection of extension at Pen y Graig (South West of Plas Tirion), Glyndyfrdwy, Corwen.

#### **Public Speakers –**

Mr. B. Dewey (**For**) – explained the family's links with the area, their eligibility for affordable housing, lack of affordable housing in the area and details of the building's proposed restoration. He referred to attempts to market the premises in line with policy highlighting its unsuitability for commercial use.

**General Debate –** The Planning Officer (PM) summarised the report and relevant policy issues leading to the recommendation to refuse the application. Officers had considered residential use of the property to have been abandoned and contrary to the tests of Policy PSE 4 of the Local Development Plan there had been no evidence the property had been marketed for commercial use and no financial information had been provided to assess whether the dwelling would be affordable for local need. Members had heard from the Public Speaker that some attempt had been made to market the property and given its location it was accepted it would probably be difficult to reuse the building for commercial purposes. However the main basis for refusal had been the issue of affordable local housing need. If members were minded to grant the application consideration should be given to how the property could be controlled in the future for local affordable housing need as opposed to being sold on the open market to someone outside the area. Officers confirmed there were no particular concerns around the extension and design elements.

Councillor Huw Jones (Local Member) spoke in favour of the application and provided assurances that the Applicant was happy to accept a condition to secure future affordability of the property for local need. He referred to the family's circumstances and links to the area, highlighting the lack of current affordable housing and the merits of restoring the dilapidated building for residential use.

During debate members were sympathetic to the application highlighting the importance of affordable housing to meet local needs. The benefits of restoring the

property in terms of aesthetics and visual impact and for worthwhile use rather than leaving it to fall further into disrepair were also highlighted. Reference was made to previous applications when considering similar planning issues and the need to apply a consistent, common sense approach. Much discussion focused on the affordable housing element and officers clarified particular issues as follows –

- the application was for local needs occupation and planning permission could not be granted with the removal of that element
- referred to the eligibility and assessment process for local affordable housing together with the local connections policy and guidance
- confirmed that in the absence of a condition to secure the future of the property to meet local affordable housing need the property could be sold on the open market to a buyer from outside the area
- if the application was granted with an affordable housing clause it would not stop the applicant applying to have that condition removed in future if it was demonstrated there was no longer a need for local affordable housing.

Councillor Meirick Davies referred to the late representations received from the AONB Joint Committee and proposed that, if granted, a condition be imposed in line with their recommendations regarding the staircase which he believed would be more in keeping with the surroundings. There was no seconder for that proposition.

**Proposal** – Councillor Cefyn Williams proposed, seconded by Councillor Arwel Roberts that the application be granted subject to a condition to secure the future of the property for affordable local housing need.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 1

**RESOLVED** that permission be **GRANTED**, contrary to officer recommendation, subject to a condition to secure the future of the property for affordable local housing need for the reason it will meet local affordable housing need.

**6 APPLICATION NO. 18/2014/1164/PS - HIGHFIELD PARK, LLANGWYFAN, DENBIGH**

An application was submitted for variation of condition no. 12 of planning permission code no. 18/2012/1595 to allow 2 no. access points (named Access C D) to remain open at Highfield Park, Llangwyfan, Denbigh.

**Public Speakers –**

Ms. G. Butler (**Against**) – spoke on behalf of local residents advising their road safety fears over the use of the temporary entrances had been justified and reported upon the dangers posed by traffic movements at both access points.

Mr. A. Armstrong (**For**) – reported upon the road layout and reasoning for retaining the two minor access points which only accounted for approximately 3 – 4 % of

traffic movement with a maximum of eight car parking spaces in order to serve two buildings and allow emergency access.

**General Debate** – In the absence of Councillor Merfyn Parry (Local Member), Councillor Joe Welch spoke on his behalf and referred to an email sent to committee members detailing his concerns. Whilst the work and investment provided by the Applicant was acknowledged, the safety fears expressed at the time of the original application had been realised and the two temporary entrances had been misused during the construction works. Regular meetings had been held with Highfield Park managers but the situation had not improved. The Applicant had indicated that Access D should be retained because it was land locked – this could have been avoided in development – and the site could operate well without retaining the temporary entrances. Consequently Joe Welch proposed, seconded by Councillor Dewi Owens that the application be refused.

The position of accesses A, B, C and D were pointed out on the plans provided and the Senior Engineer, Traffic and Transportation explained how the traffic flow was managed throughout the site. He reported that Access C was to be used for the sole use of Pine Cottage and Rose House with improved visibility, appropriate signage and traffic management in place. There was a link through to the main site from Access C and although he had suggested installation of a retractable barrier for greater control this had not been accepted by the Applicant. However it was not considered sufficient grounds for refusal given the other traffic management measures. Access D would be used for the sole use of maintenance vehicles with no direct link into the main site for staff. Officers considered those accesses acceptable in relation to relevant policies and guidance.

Members considered the road safety concerns together with the control measures in place to address those concerns. Reservations were expressed over the effectiveness of the control measures and their enforcement, particularly given that the temporary entrances were already being misused, apparently without sanction, and having heard that the initial concerns raised by local residents had been realised, despite assurances to the contrary. The Senior Engineer advised traffic had been particularly busy during the construction phase and confirmed there had been no recorded accidents. He highlighted the lack of evidence to justify refusal in this case given the mitigation measures and traffic management plan.

**Proposal** – Councillor Joe Welch proposed, seconded by Dewi Owens, that the application be refused on grounds of road safety and urbanisation of country land.

**VOTE:**

GRANT – 6

REFUSE – 12

ABSTAIN – 0

**RESOLVED** that permission be **REFUSED**, contrary to officer recommendation, on the grounds of road safety and urbanisation of country lane.

**7 APPLICATION NO. 40/2014/1445/PF - LAND AT TY FRY INN, TY FRY LANE, BODELWYDDAN**

An application was submitted for erection of class A1 convenience store with ATM machine, associated parking, access arrangements and landscaping at land at Ty Fry Inn, Ty Fry Lane, Bodelwyddan.

Mr. T. Hallet (**For**) – highlighted the economic and community benefits of the development and cooperation with Planning and Highway Officers to amend the scheme in order to address issues raised.

**General Debate** – In the absence of Councillor Alice Jones (Local Member), Councillor Arwel Roberts spoke on her behalf and referred to an email sent to committee members detailing her concern over the use of the Ronaldsway road by delivery vehicles. Councillor Jones was happy to support the development subject to an additional condition restricting delivery vehicles from entering Ronaldsway from Borth Cross Roads in favour of a safer route from the direction of Abergele Road. On exiting the site delivery vehicles should turn right back onto Abergele Road. Members were supportive of the proposal in order to ensure the safety of road users on Ronaldsway and officers agreed the direction of traffic in this manner could be reasonably controlled via condition; the onus would be on the Applicant to advise how he would ensure compliance. Officers provided assurances that there were appropriate controls in place to enforce such conditions.

The Senior Engineer, Traffic and Transportation reported upon the involvement of the Highways Department. The plans had been amended following an independent Road Safety Audit and officers were satisfied that the proposed access arrangements were acceptable and there was adequate on site space for deliveries, parking and turning. Concerns raised by Bodelwyddan Town Council were noted but officers considered the proposals would not have an unacceptable impact on the local highway network. It was clarified that, despite the weight restriction, any commercial vehicle could legally access the road to any premises.

**Proposal** – Councillor Arwel Roberts proposed, seconded by Councillor Meirick Davies, that the application be granted in accordance with officer recommendations subject to an additional condition restricting traffic movement of delivery vehicles entering and exiting the site via Ronaldsway to ensure the safety of road users.

**VOTE:**

GRANT – 18

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report subject to an additional condition restricting traffic movement of delivery vehicles entering and exiting the site via Ronaldsway to ensure the safety of road users.

**8 APPLICATION NO. 15/2015/0629/PF - GLAN LLYN, ERYRYS, MOLD**

An application had been submitted for erection of replacement detached garage at Glan Llyn, Eryrys, Mold.

**General Debate** – Councillor Martyn Holland (Local Member) had no objection to the application but referred to Llanarmon yn Ial Community Council’s concerns regarding the size of the garage and its potential to be converted into a dwelling in future. The Clwydian Range and Dee Valley AONB Partnership had recommended the natural stone frontage boundary wall should be restored as part of the development. In responding to questions the Planning Officer advised that any change to the future use of the garage would be subject to another planning application and therefore it would not be appropriate to condition its use. The use of stone suggested by the AONB Partnership was already indicated on the plans.

**Proposal** – Councillor Huw Hilditch-Roberts proposed, seconded by Meirick Davies, that the application be granted in accordance with officer recommendation.

**VOTE:**

GRANT – 17

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

**9 APPLICATION NO. 43/2015/0112/PF - HIGHCROFT RESIDENTIAL CARE HOME, 49 HIGHBURY AVENUE, PRESTATYN**

An application was submitted for change of use of former Nursing/Residential Care Home into 5 self-contained dwellings at Highcroft Residential Care Home, 49 Highbury Avenue, Prestatyn.

**General Debate** – Councillor Anton Sampson (Local Member) reported upon his visit to the site and raised no objection to the application. Councillor Julian Thompson-Hill (Local Member) reported that parking was the residents’ main objection but he did not consider the parking situation would be any worse than when the site was in use as a Nursing Home. In response to questions Planning Officers provided clarification on the affordable housing policy for development of less than 10 residential units by way of a commuted sum payment. It was accepted that there was a need for the type of housing as proposed in Prestatyn and officers were keen to ensure that residential space standards were met.

**Proposal** – Councillor Julian Thompson-Hill proposed the officer recommendation to grant the application, seconded by Councillor Barry Mellor.

**VOTE:**

GRANT – 17

REFUSE – 0

ABSTAIN – 0

**RESOLVED** that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

At this juncture (11.10 a.m.) the meeting adjourned for a refreshment break.

**10 SITE DEVELOPMENT BRIEF: TY NANT, PRESTATYN - ADOPTION OF FINAL DOCUMENT**

Councillor David Smith, Lead Member for Public Realm and the Strategic Planning and Housing Manager submitted a report presenting the proposed Site Development Brief for Ty Nant, Prestatyn for adoption following the public consultation exercise. Councillor Smith provided some context to the report and explained the different stages in the process before adoption of Supplementary Planning Guidance documents by Planning Committee.

A summary of the public consultation and representations received together with the Council's response had been included as an appendix to the report. In responding to those representations a number of amendments had been proposed which had been highlighted in the final document. Members were pleased to note the good response to the wide ranging consultation and thanked officers for their hard work in that regard. In response to questions it was clarified that the brief was flexible regarding 6 – 8 Nant Hall Road which allowed for demolition or retention with the proviso that the frontage should be retained and the Council Chamber if possible. In terms of access from Glyn Avenue a landscape buffer had been suggested to the rear of those properties which would allow for the retention of those rear accesses – Property Officers were looking further into the matter.

**Proposal** – Councillor Julian Thompson-Hill referred to the comprehensive study undertaken and considered the report fairly reflected the representations received. Consequently he proposed the officer recommendation to adopt the document, seconded by Councillor Bob Murray.

**VOTE:**

FOR – 18

AGAINST – 0

ABSTAIN – 0

**RESOLVED** that members adopt the draft Site Development Brief for Ty Nant, Prestatyn, attached as Appendix 1 to the report, with recommended changes, for the determination of planning applications and planning appeals.

**11 RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDANCE - CONSULTATION DRAFT**

Councillor David Smith, Lead Member for Public Realm submitted a report presenting the draft Supplementary Planning Guidance (SPG) document on renewable energy as a basis for public consultation. The draft SPG outlined the national and local policy context for renewable energy technologies, landscape protection and agricultural land protection.

**Proposal** – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Julian Thompson-Hill.

**VOTE:**

FOR – 17

AGAINST – 1

ABSTAIN – 0

***RESOLVED** that members agree the draft Supplementary Planning Guidance on renewable energy as a basis for public consultation.*

**12 CONSULTATION DRAFT: SITE DEVELOPMENT BRIEF - LAND ADJOINING FORMER HM STANLEY HOSPITAL, ST. ASAPH**

Councillor David Smith, Lead Member for Public Realm and the Strategic Planning and Housing Manager submitted a report recommending approval of the draft Site Development Brief for the allocated housing site adjoining the former HM Stanley Hospital in St. Asaph and the accompanying Strategic Environmental Assessment screening document for public consultation.

During debate the development site was clarified as the land to the south and rear of the old hospital site and attention was drawn to the site plan. Officers responded to members' questions and comments as follows –

- confirmed there was a listed building close to the site and the brief specified that any proposals would need to take that into account
- the brief also advised that development proposals should seek to use locally relevant Welsh names for streets and the development as a whole and a Community and Linguistic Impact Assessment would be required alongside any planning application
- it had been made clear in the brief that the site was not in a flood risk area.

As a separate issue local members raised concerns regarding the name 'Livingstone Place' given by developers to another site in St. Asaph and discussion took place around the legalities of the process. Planning Officers agreed to draw the matter to the attention of the relevant department to take up with the developer.

**Proposal** – Councillor Meirick Davies proposed the officer recommendation, seconded by Councillor Rhys Hughes.

**VOTE:**

FOR – 18

AGAINST – 0

ABSTAIN – 0

***RESOLVED** that members agree the draft Site Development Brief for the allocated housing site adjoining the former HM Stanley Hospital, St. Asaph and the accompanying Strategic Environmental Assessment screening document (as attached to the report) for public consultation.*

**13 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN (LDP) 2006 - 2021: DRAFT ANNUAL MONITORING REPORT 2015**



Councillor David Smith, Lead Member for Public Realm presented the first LDP Annual Monitoring Report (AMR) assessing policy performance for the period 1 April 2014 – 31 March 2015. The Council was required to produce an annual AMR for submission to Welsh Government by 31 October each year and publication on its website. Approval of the AMR for submission to Welsh Government would be sought from Cabinet.

Members were pleased to note the increase in Denbighshire residents speaking Welsh since 2006 and in response to questions officers referred to the policy in the LDP relating to Welsh Language and requirement for new developments to produce a Community and Linguistic Impact Assessment. Officers also advised there was reference to the Welsh Language in the new Planning Act for Wales and agreed to provide members with a timely update on legislative developments.

***RESOLVED** that the contents of the report be noted.*

### **INFORMATION REPORT - CHANGES TO NATIONAL PLANNING FEES REGULATIONS AND INTRODUCTION OF PRE-APPLICATION ADVICE CHANGES**

An information report by the Head of Planning and Public Protection was submitted providing members with a brief note in relation to the impending changes to the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015. The recent introduction of pre-application charges specific to Denbighshire's Planning Service had also been included.

Officers elaborated on the contents of the report and answered questions thereon.

The meeting concluded at 12.20 p.m.

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# Agenda Item 5

**WARD :** Llanrhaeadr Yng Nghinmeirch

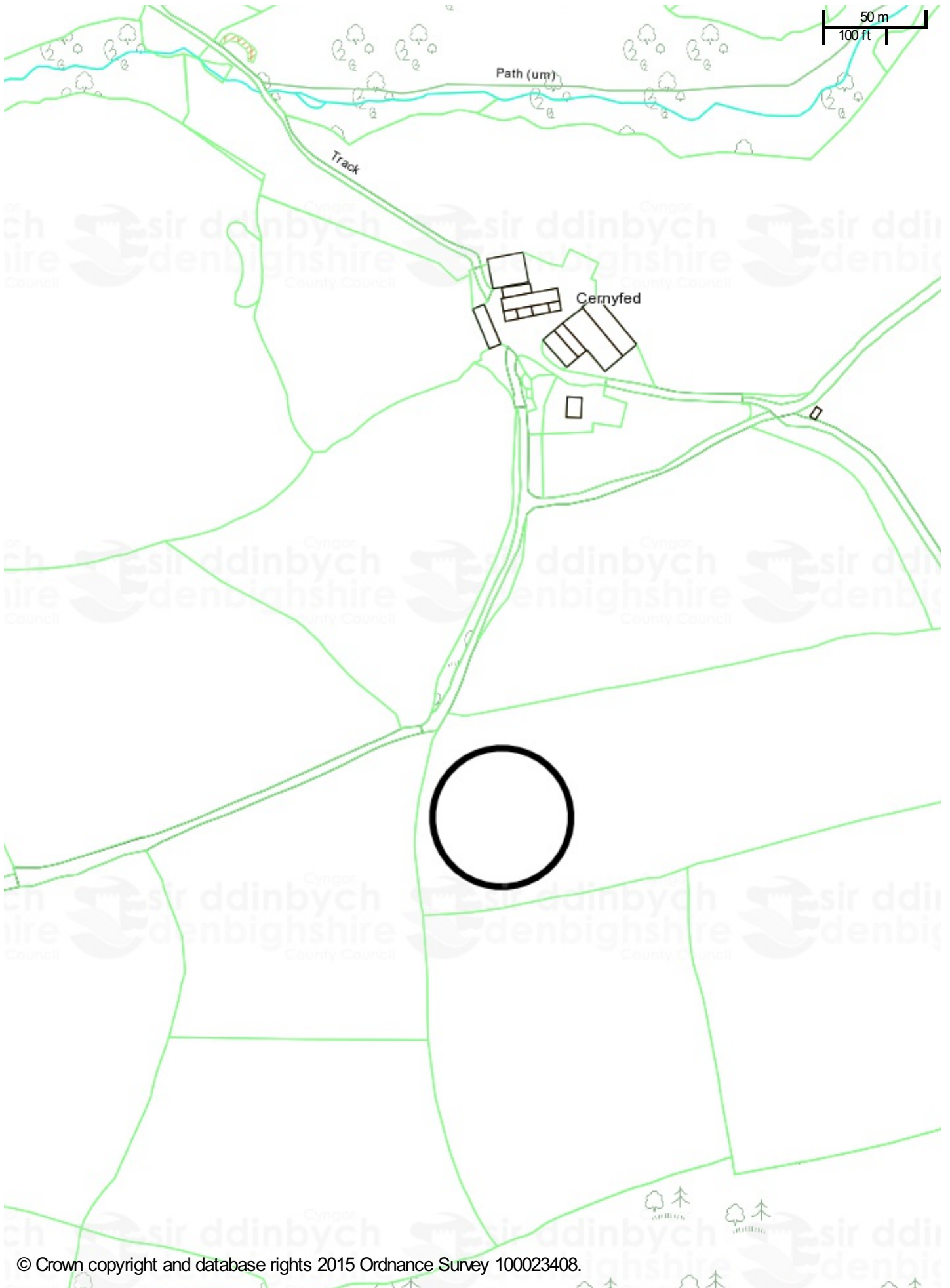
**WARD MEMBERS:** Councillor Joseph Welch (c)

**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 Cefn Yfed Cyffylliog Ruthin

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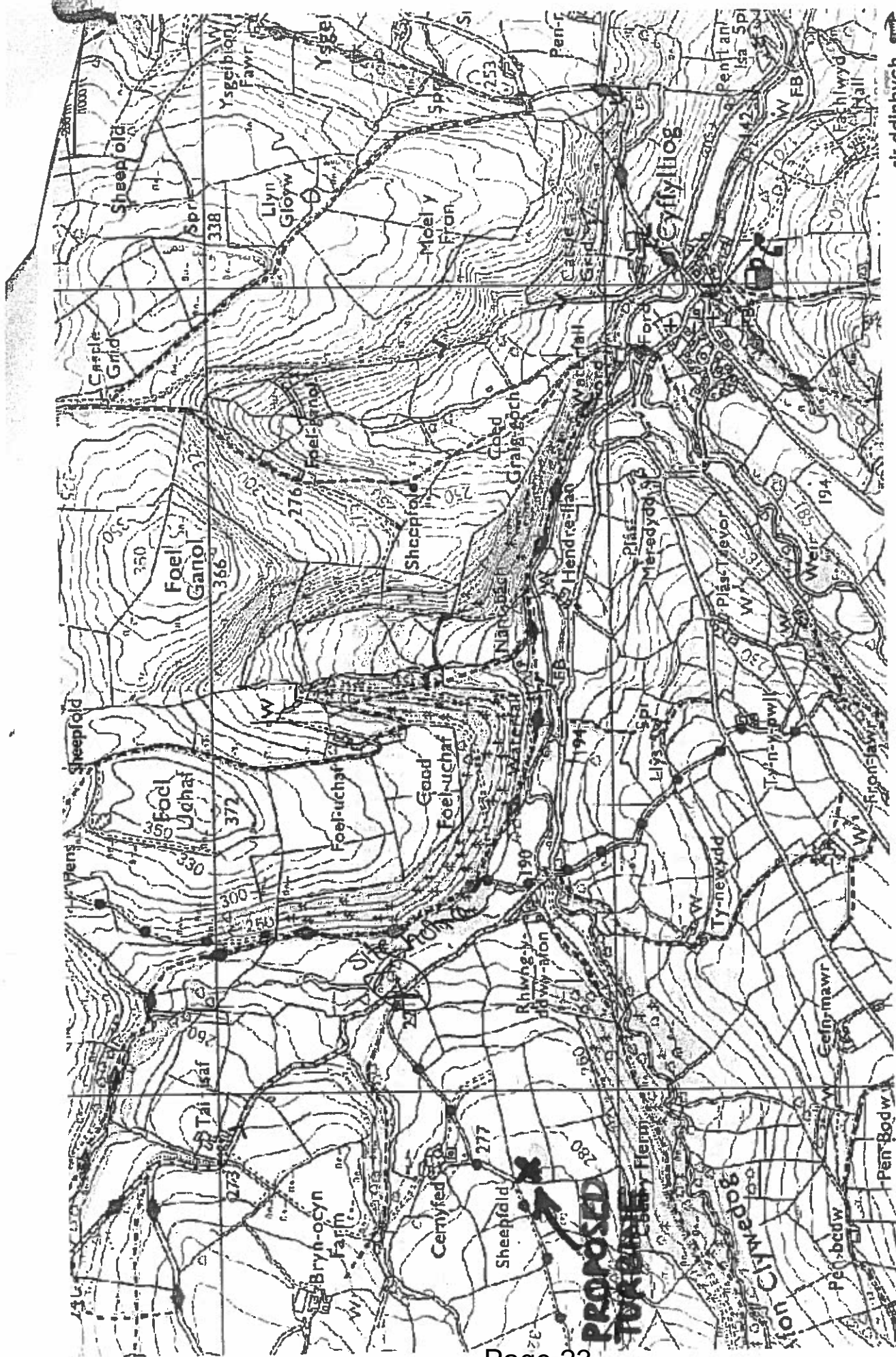
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# LOCATION



  
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denbighshire  
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**PROPOSED  
TOWN**

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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))

**RECEIVED**  
**PARS DONWICH**  
**PINE COUNTY COUNCIL**  
**5 MAY 2015**  
**L 10:11:21**  
**PLANNING SERVICES**

NO.	DESCRIPTION	DATE	BY
1	APPROVED	05 May 2015	
2	APPROVED	05 May 2015	
3	APPROVED	05 May 2015	

**Mr J. Jones**  
 Proposed Single Wood Turbine Development  
 Cyllog  
 Cyllog  
 Ruben  
 Denbighshire  
 Planning Application

**Local Area Plan**

**Grontmij**  
 Tel: 0131 550 6300  
 Fax: 0131 550 6498  
 Web: www.grontmij.co.uk



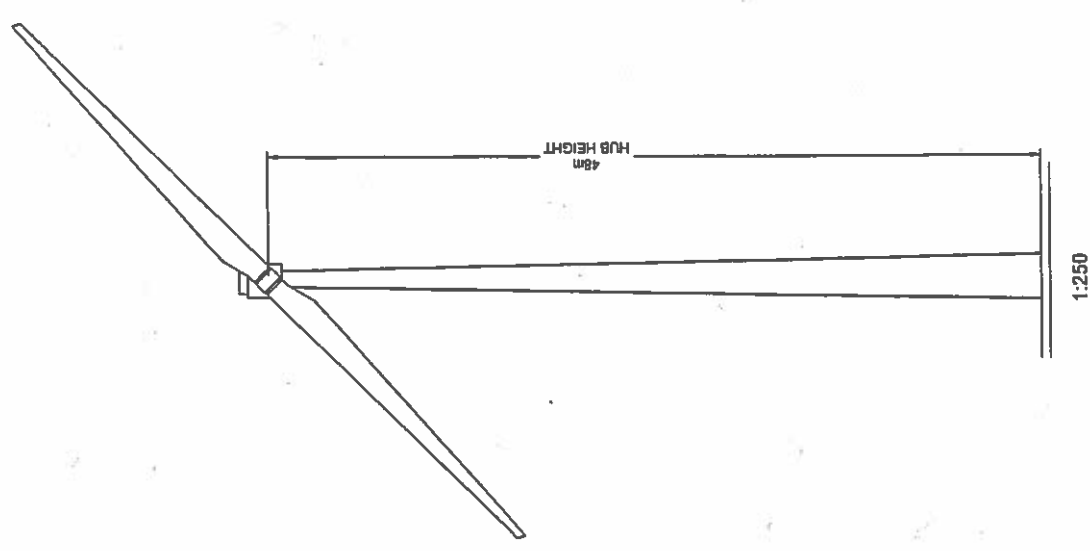
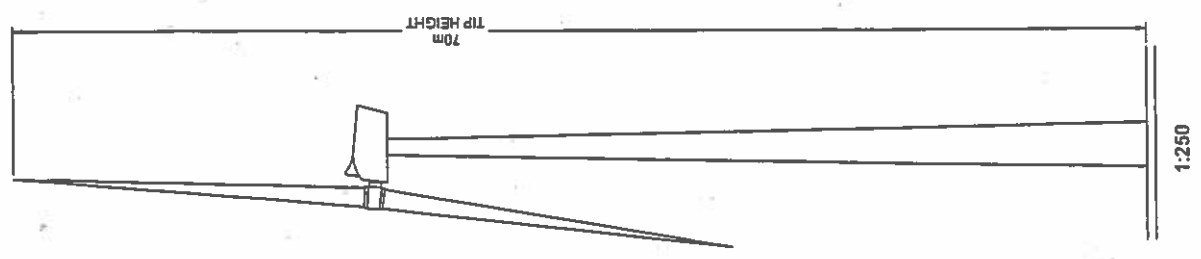


# TURBINE DETAIL

**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 RESENDER	APPROVED:	DRAWING TITLE: WF500-45 Elevations	SHEET TITLE: 48m Tower Option	REVISION
REVISION	DRN	CHK	REV	DATE	AS SHOWN					0.2
WADELOW LK LTD 8 Sutton Drive, Cosham Bares, SL9 8QJ www.wadelow.co.uk										DRAWING NO: 01-001 SHEET: 10F1 ORIGINAL SIZE: A3





237015/0463/PE

# TURBINES IN VICINITY

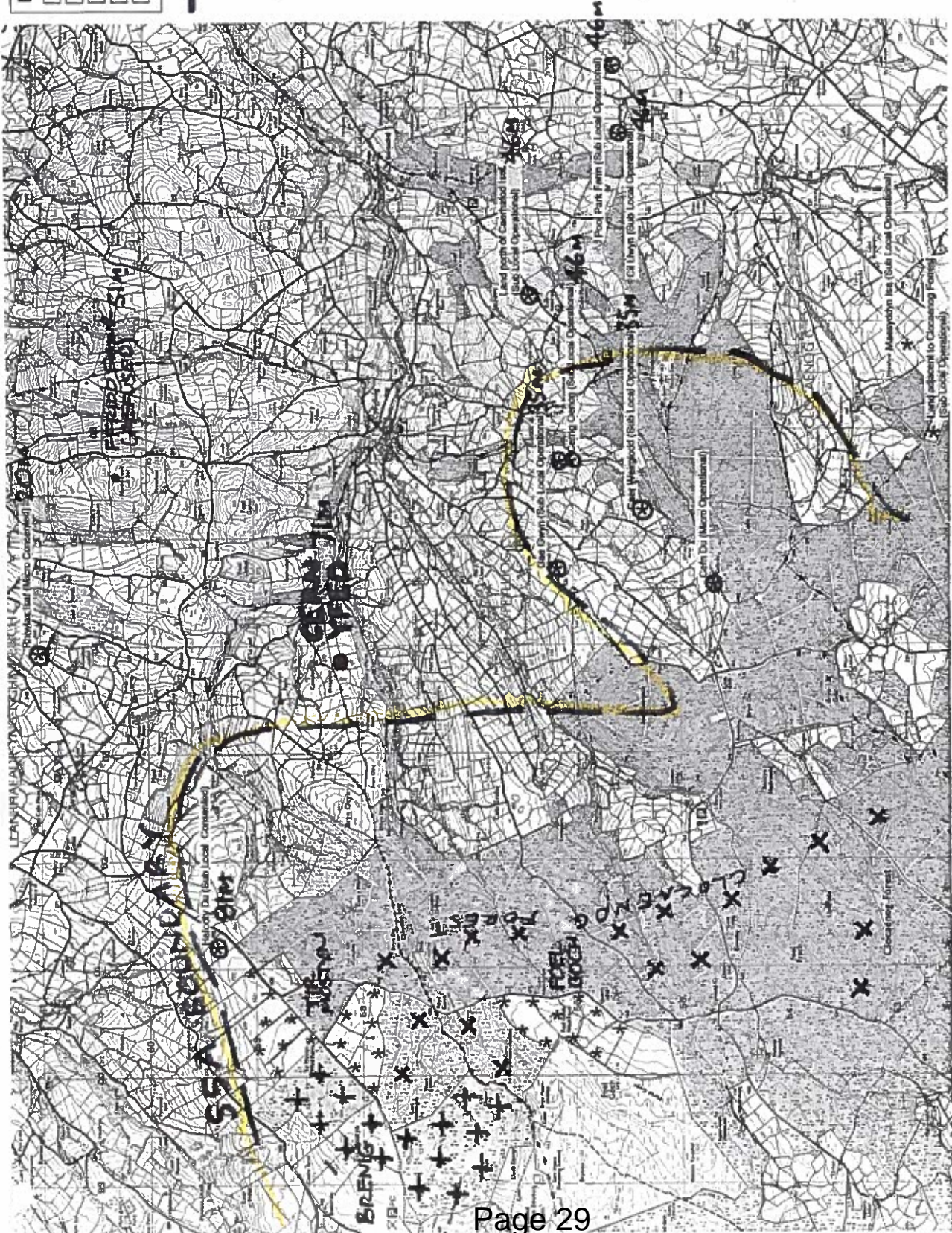
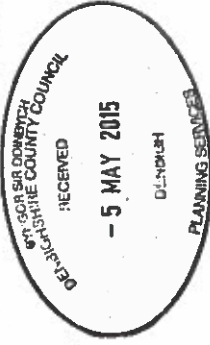
SSA BOUNDARY

TIP HEIGHTS

KEY	CHANGING FOREST (CONTRACT)	TIP HEIGHTS
X	145 M	
*	75 M	
+	100 M	
(5)	71 M	

Map and Sub Local Authority (SEE PLAN)  
Proposed Turbine at Complete

**CLOCAENOG FOREST STRATEGIC SEARCH AREA (SSA) BOUNDARY**



Cemyfed. Single Wind Turbine Landscape and Visual Impact Assessment  
Figure 1.2: Existing Wind Turbine Locations



**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
- Boked - 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 24<sup>th</sup> 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 4<sup>th</sup> 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

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# Agenda Item 6

**WARD :** Tremeirchion

**WARD MEMBER:** Councillor Barbara Smith

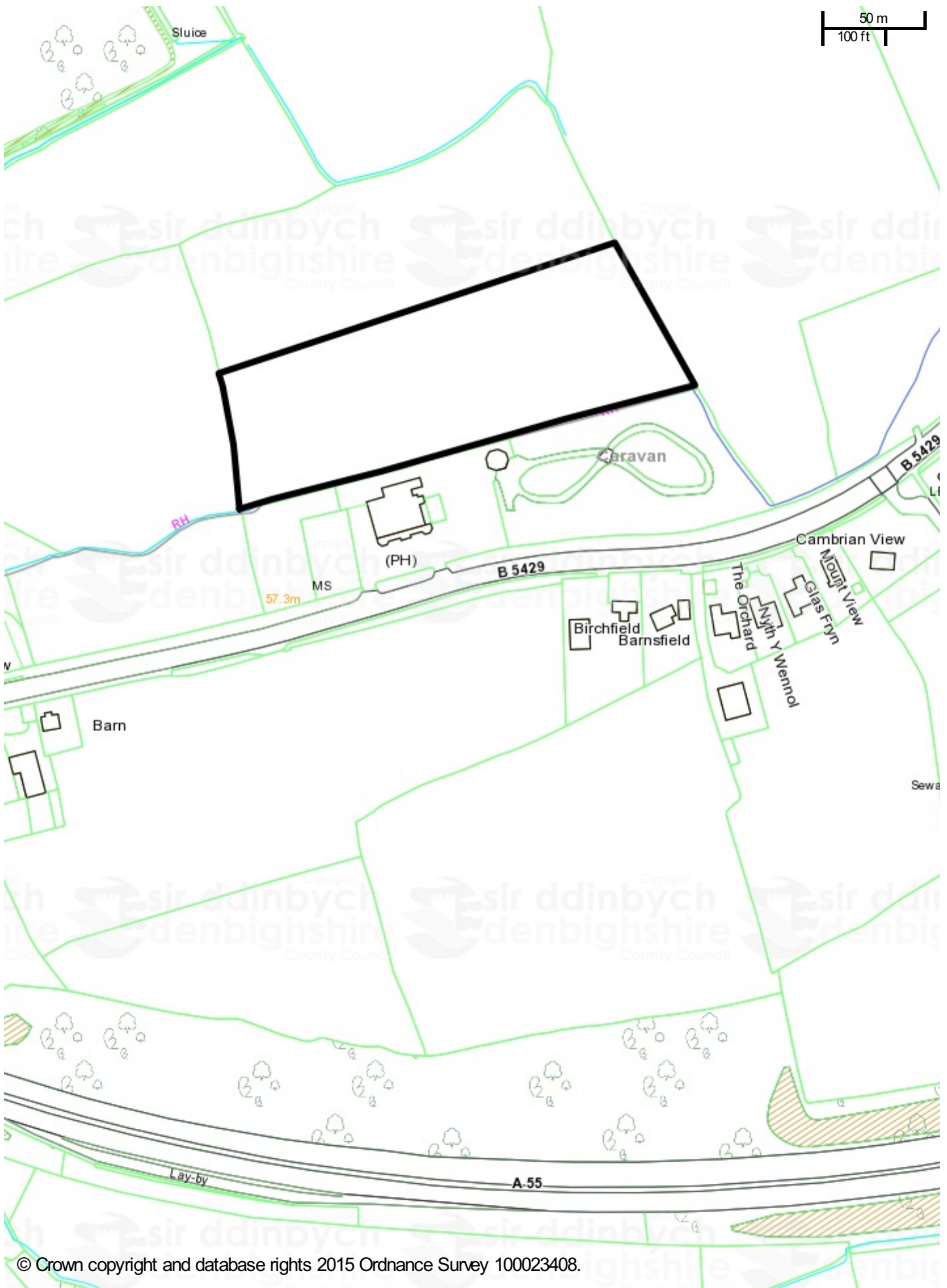
**APPLICATION NO:** 47/2015/0741/PS

**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

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50 m  
100 ft



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REFERENCE NO. 47/2015/0741/PS

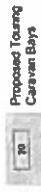
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# SITE LAYOUT 47/ 2011/0527

## KEY



Proposed Touring Caravan Bays



Proposed Static Caravan Bays (Single / Twin)



Proposed Car Bays



Proposed Tree/Shrub Planting



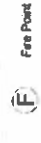
Existing Trees/Shrubs



Proposed Track



Water Point



Fire Point



Fire Hydrant

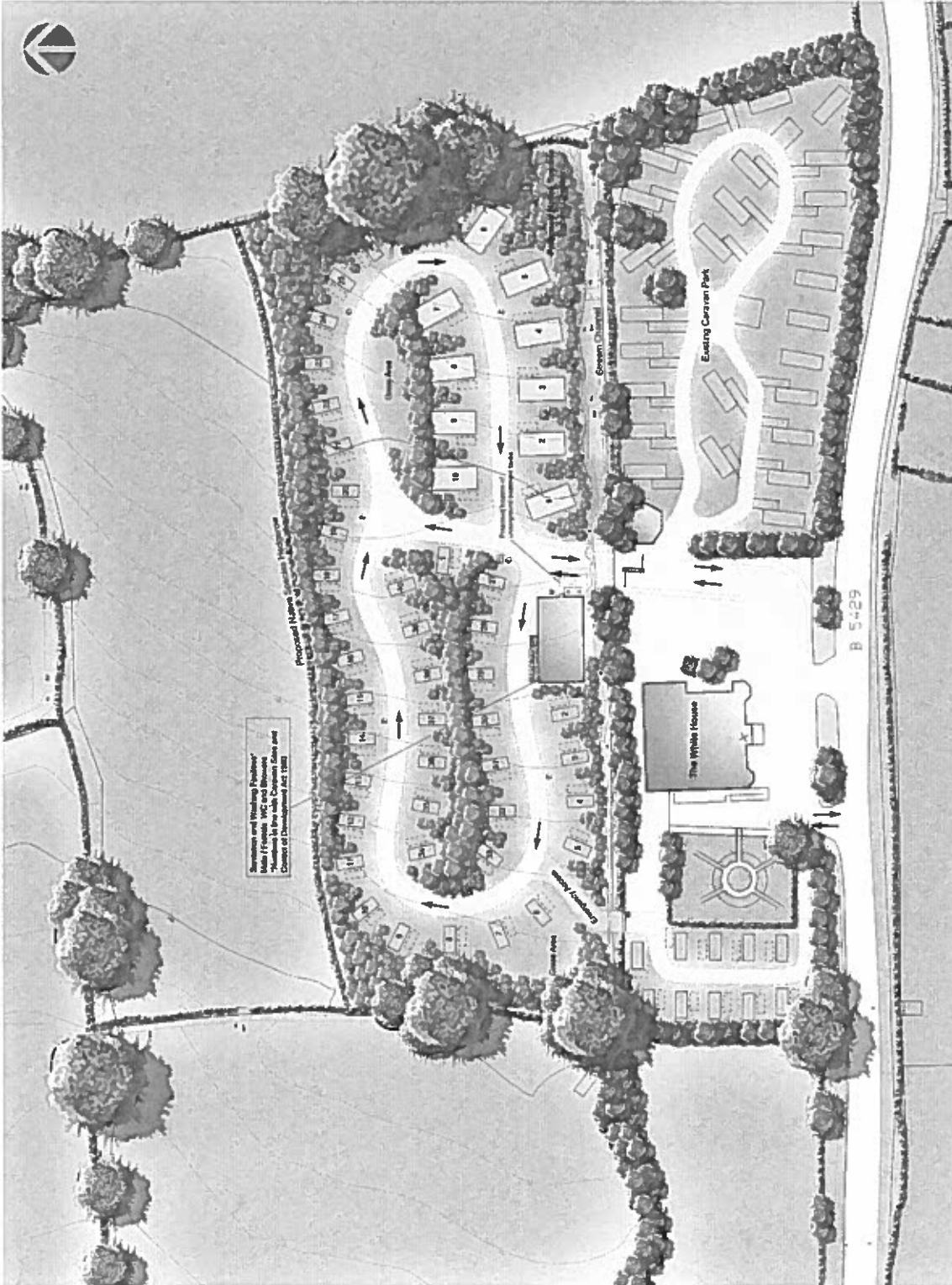
### Technical Notes:

All spacing, numbers and safety requirements in accordance with The Caravan Sites and Control of Development Act 1960, Model Standard 1985: Holiday Caravan Sites

Fire Points no further than 30 metres away from any one unit

6metre minimum spacing between caravan plots

1 car parking space per caravan



Project:	Llwyn Derw, Rhualit
Name:	Landscape Masterplan
Client:	Mr M Parry Jones
Date:	DEC 2010
Scale:	DJS
Version:	1:500 @ A1
Drawn:	DJS
Checked:	1251109
Approved:	
Company:	
Author:	
Client:	
Scale:	
Date:	
Version:	
Drawn:	
Checked:	
Approved:	
Company:	
Author:	
Client:	
Scale:	
Date:	
Version:	
Drawn:	
Checked:	
Approved:	
Company:	

## Llwyn Derw, Rhualit Landscape Masterplan



**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 4<sup>th</sup> 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 31<sup>st</sup> October and 1<sup>st</sup> 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

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