

# Public Document Pack



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Dr Gwynne Jones  
Prif Weithredwr – Chief Executive  
CYNGOR SIR YNYS MÔN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfeydd y Cyngor - Council Offices  
LLANGEFNI  
Ynys Môn - Anglesey  
LL77 7TW

Ffôn / tel (01248) 752500  
Ffacs / fax (01248) 750839

<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR CYNLLUNIO A GORCHMYNION</b>	<b>PLANNING AND ORDERS COMMITTEE</b>
<b>DYDD MERCHER, 3 HYDREF, 2018 am 1:00 y. p.</b>	<b>WEDNESDAY, 3 OCTOBER 2018 at 1.00 pm.</b>
<b>SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGEFNI</b>	<b>COUNCIL CHAMBER, COUNCIL OFFICES, LLANGEFNI</b>
<b>Swyddog Pwyllgor</b>	<b>Mrs Mairwen Hughes 01248 752516</b>
	<b>Committee Officer</b>

## **AELODAU / MEMBERS**

Cynghorwyr / Councillors:

**John Griffith**  
**Glyn Haynes**  
**T LI Hughes MBE**  
**K P Hughes**  
**Vaughan Hughes**  
**Richard O Jones (Is-Gadeirydd/Vice-Chair)**  
**Eric Wyn Jones**  
**Bryan Owen**  
**Dafydd Roberts**  
**Nicola Roberts (Cadeirydd/Chair)**  
**Robin Williams**

**Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy**

## **A g e n d a**

Members are reminded that background papers referred to within committee reports are available for inspection in electronic format on the day of the meeting at the Council Chamber from 12.30 p.m. onwards; alternatively these may be inspected at the Development Management during normal office hours. Documents referred to in reports may also be viewed in full on the electronic application files.

Any additional information to hand following publication of reports will be verbally reported upon to the meeting.

Before a decision notice is released conditions of approval or reasons for refusal given in written reports may be subject to minor amendments to account for typographical errors.

### **Index**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTEREST**

To receive any declaration of interest by any Member or Officer in respect of any item of business.

#### **3 MINUTES OF THE PREVIOUS MEETINGS\_(Pages 1 - 28)**

To submit, for confirmation, the minutes of the Planning and Orders Committee as follows :-

- Minutes of the special meeting held on 5 September, 2018 (a.m.)
- Minutes of the meeting held on 5 September, 2018 (p.m.)

#### **4 SITE VISITS\_(Pages 29 - 30)**

To submit, for confirmation, the minutes of the Site Visits held on 19 September, 2018.

#### **5 PUBLIC SPEAKING**

#### **6 APPLICATIONS THAT WILL BE DEFERRED**

None to be considered by this meeting.

#### **7 APPLICATIONS ARISING\_(Pages 31 - 64)**

7.1 17C181C – Fferam Uchaf, Llansadwrn

7.2 41LPA1041/FR/TR/CC – Star Crossroad, Star

**Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy**

7.3 42C6N – Tan y Graig, Pentraeth

7.4 42C188E/ENF – 4 Tai Hirion, Rhoscefnhir

## **8 ECONOMIC APPLICATIONS**

None to be considered by this meeting.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None to be considered by this meeting.

## **10 DEPARTURE APPLICATIONS**

None to be considered by this meeting.

## **11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS\_ (Pages 65 - 74)**

11.1 13C183G/RUR – Bodlas, Bodedern

## **12 REMAINDER OF APPLICATIONS\_ (Pages 75 - 90)**

12.1 19LPA1043A/CC – Vulcan Street, Holyhead

12.2 34LPA791F/CC – Anglesey Business Centre, Llangefni

## **13 OTHER MATTERS**

None to be considered by this meeting.

This page is intentionally left blank

## Planning and Orders Committee

### Minutes of the special meeting held on 5 September 2018

**PRESENT:** Councillor Nicola Roberts (Chair)  
Councillor Richard O Jones (Vice-Chair)

Councillors John Griffith, Glyn Haynes, T LI Hughes MBE,  
K P Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen,  
Dafydd Roberts and Robin Williams.

Councillor R A Dew – Portfolio Holder – Planning.

**IN ATTENDANCE:** Planning Development Manager (NJ),  
Planning Manager (Major Consents) (SO),  
Solicitor (PM) (for application 7.6),  
Senior Engineer (GWG),  
Planning Assistants,  
Legal Services Manager (RJ),  
Committee Officer (MEH).

**APOLOGIES:** None

**ALSO PRESENT:** Local Members : Councillors Richard Griffiths, Aled M Jones.

Councillors Lewis Davies, Llinos M Huws, R LI Jones, R Meirion  
Jones.

---

#### 1 APOLOGIES

None received.

#### 2 DECLARATION OF INTEREST

Councillor John Griffith declared a personal interest in application 7.6 but following legal advice he was able to take part during discussion and voting thereon.

Councillor K P Hughes declared a personal interest in application 7.6 but following legal advice he was able to take part during discussion and voting thereon.

Councillor R O Jones declared a personal interest in application 7.6 but following legal advice he was able to take part during discussion and voting thereon.

### 3 APPLICATION ARISING - WYLFA NEWYDD, CEMAES

**7.6 38C310F/EIA/ECON – Site preparation and clearance works for development of the Wylfa Newydd power station comprising the following activities : site clearance (including vegetation clearance and management, removal of fencing, walls, gates, filed boundaries, existing structures (including buildings), scrub, trees, and other above ground features); site establishment works (including installation of a new crossing of the existing Magnox power station access road, formalisation of existing vehicular crossing points across Cemlyn Road, formalisation of vehicular routing, installation of construction fencing around the perimeter of the site, establishment of laydown areas, material storage compounds, construction compounds and associated temporary office/welfare buildings, car parks, associated footpath link from between main site compound to the former Wylfa Sports and Social Club car park, fuel store, security fencing, drainage and security features); ground improvement works (including establishment of a remediation processing compound and associated fencing, storage of treated/processed material, establishment of associated access tracks, drainage, excavation and treatment of soils likely to be contaminated, and treatment and removal of invasive non-native species); diversion and/or closure of Cemlyn Road with controlled access to Ty Croes (Fisherman’s Car Park); other associated works; and a scheme of restoration to return the site to an acceptable condition in the event the Wylfa Newydd power station development does not proceed at Wylfa Newydd, Cemaes**

The application was presented to the Planning and Orders Committee as the application is accompanied by an Environmental Impact Assessment and is therefore referred to the Committee for determination in accordance with paragraph 3.5.3.10 of the Constitution.

Mr Roger Dobson (an objector to the application) said that he was not opposing the proposed Wylfa Newydd project but was against this application for site preparation and clearance. He said that the Wylfa Newydd development area bounds three sides of his property; he is a Community Councillor and represents the Llanbadrig area on the North Anglesey Partnership. Whilst having a personal and prejudicial interest in the application he has received a dispensation by the Standards Committee to speak on Wylfa matters.

He further said that the proposal is substantial and is larger than any development seen on Anglesey since the construction of the A55. He noted that there will be 50 large items of diesel plant and there will be 80 workers on site. 740 acres of coastline will become a wasteland in the area. The developer has removed the ‘off-line’ highway improvements from the application; this would have been a permanent benefit for the community. Mr Dobson further said that he had spoken to the developer as regard to the hours their employees will be working on site; he said that they are incapable of a straight answer. He considered that Horizon intends to work employees for excessive hours which would be probably more than 60 hours per week which is considered unsafe; it increases the risk of accidents and fatalities. He noted that ROSPA says that 20% of road traffic accidents occur due to fatigue and are 50% more likely to result in fatalities or serious injuries.

Mr Dobson said that Horizon wants the Council to agree to destroy a beautiful landscape that has evolved over millennia along with buildings and houses as it is considered that it might shorten the time to build the power station by a year. However, if this work is integrated within the main build, as originally planned, any delay could be reduced to a lot less than a year. Several years have already been lost because of Horizon's management and ownership changes; other delays will occur in the future i.e. Hinckley C and HS2. There is a real risk that the project could be derailed or delayed by the DCO outcome and it may not proceed because of funding, especially in the current political climate. Destroying the landscape will have been for nothing.

Mr Dylan Morgan (an objector to the application) in the first instance questioned if the Committee had received a copy of a letter by Harrison Grant Solicitors who are acting on behalf of Greenpeace. The Chair responded that the Committee had the letter and this would be covered in the Officer's update. The Council Solicitor said that the letter by the Harrison Grant Solicitor has been received and has been dealt in the usual procedure when dealing with planning applications.

Mr Morgan said the PAWB is asking the Planning Committee and the Council to refuse the application for the site preparation and clearance of the development of Wylfa Newydd. He said that the application needs to be referred to the Planning Inspectorate under the regulations made under the Town and Country Planning Act 1990 and a report to be made to the Welsh Ministers on the findings of an independent public local planning inquiry into Horizon's proposal to destroy land of around 300 hectares (738 acres) at Wylfa. He said that the public should not be denied their traditional, democratic and devolved rights to question and examine all aspects of the proposed application at a local public inquiry. He further said that the site preparation and clearance for the development of Wylfa Newydd needs to be opposed as the landscape will be destroyed with nearly 750 acres being cleared; he compared the scale of the site to the whole area of Holyhead. He noted that the site is on the boundary of an Area of Outstanding Natural Beauty, North Anglesey Special Landscape Area, Gerddi Cestyll and a Site of Special Scientific Interest (SSSI) at Cae Gwyn and Tre'r Gof. He considered that there is a threat to environmentally protected sites and species; there is a threat to the breeding site of Terns at Cemlyn Bay which again a SSSI site. Mr Morgan said that the proposed development will diminish the Area of Outstanding Natural Beauty (AONB) on Anglesey completely to the west of Afon Cafnan (the part which the applicant has proposed as a seasonal restricted area). It would also destroy the habitat of birds, animal and certain types of fungi and also ground water drainage; areas of important landscape and historical importance will be lost.

Mr Morgan further said that if Hitachi was to withdraw from the Wylfa Newydd project for any reasons, it would be foolish to approve this application. He noted that a resident of Tregel had contacted him expressing that Horizon have not satisfied the local residents as regards to questions as regards to their intent to address noise levels, dust, traffic disturbance etc. Horizon has promised the local residents i.e. to install triple glazing but to no avail. Large cracks have appeared on nearby properties due to deep drilling in the area.

Mr Ifer Gwyn and Mr Will Ryan were present as representatives from Horizon.

Mr Ifer Gwyn said that this proposed application before the Committee by Horizon denotes the start of the substantive project of Wylfa Newydd and this is acknowledged within the Supplementary Planning Guidance (SPG) of this Council on Wylfa Newydd as adopted recently and within National Policies. He noted that Horizon has been working on the Wylfa Newydd project for a number of years and the proposal before this Committee has been brought forward effectively for site preparation works but without the main engineering operations originally proposed. If the Wylfa Newydd proceeds, this proposed site clearance will save time within the program for the building works on the site. However, if Wylfa Newydd does not proceed the site can be restored either for ecological benefit or for agriculture. The Company wishes to make sure that the site can be restored through a financial agreement if planning permission is given for the development. It is accepted that the works will change the appearance of the site and will entail having to demolish six dwellings, this is an essential part of the preparation of the land for the Wylfa Newydd project and other infrastructure plans. However the design includes a provision for the storage of stones which may be restored and used in future and tree trunks and hedges are to be also stored so as to safeguard ancient trees before a decision is made on the Development Consent Order (DCO) for the construction of Wylfa Newydd. He noted that the Officer's report before the Committee and its conclusions are robust and reflects the challenging discussions which have been undertaken between Horizon and Officers of the Council.

Mr Gwyn further said that Horizon acknowledges the local concerns in respect of the plans i.e. the number of workers who will be working on the site along with traffic issue. Safety is a paramount consideration by Horizon towards its workers and the public. The operational hours are noted within the Officer's report which are usual within the regulations and the building industry. Horizon will work with the contractors, who will carry out the work on the site clearance, on the site preparation and clearance conditions and where practical the number of vehicle movements will be reduced in order to reduce traffic and the potential for the fatigue of workers on site. A condition has been prepared ensuring that details are presented to the Planning Authority before approval. This will ensure that Horizon and its contractor's works within robust systems and gives appropriate consideration to health and safety and best possible practises are applied. A detailed S106 legal agreement will be produced in order to ensure that there are commitments to reduce the effects of the proposed development. He further said that the Company has several plans that are part of the DCO which have been provided as initial stages or trials which include a jobs and skills strategy and a strategy on a survey on local homes to ensure that the Company are able to insulate them against noise nuisance in the future. Also restorative works will be secured through a legal agreement which confirms that Horizon realises the significance of this application in the wider context of the Wylfa Newydd project.

Members asked whether the application before the Committee is premature as there is not yet any permission in place for the development of Wylfa Newydd project. Mr Ifer Gwyn responded that the site preparation and clearance will give the Company a start of 12 months ahead of the timetable to build the power station itself.



Councillor Robin Williams questioned whether the window of 12 months for the site preparation and clearance was to benefit the works on the Wylfa Newydd site when other material issues might interfere with the process i.e. funding for the Wylfa Newydd project and the DCO. Mr Wil Ryan responded that if the application before the Committee is approved it would result in the site preparation and clearance taking place in the New Year. He further said the DCO has been submitted and the Company has a phasing strategy and Horizon believes that the Wylfa Newydd project is deliverable and will be determined in due course by the appropriate authority. The 12 months site preparation and clearance is paramount to delivering the project at Wylfa Newydd.

Councillor John Griffith questioned as to why the 'off-line' works on the A5025 are not included within the application before the Committee. Mr Will Ryan said that the decision to separate the planning application from the 'off-line' works was to ensure that any impact on the site preparation and clearance works is less on the community; the current highway network can accommodate the traffic needed to carry out these works on site. Councillor John Griffith said that within the report to this Committee it is stated that up to 80 workers are to be employed to undertake the site clearance and preparation works on the Wylfa Newydd site. He questioned as to how many workers will be from the Island. Mr Will Ryan responded that as reported within the report to the Committee it is anticipated that up to 70% to 80% will be from the Island and the immediate mainland. Councillor Griffith said that 30 buildings and 6 dwellings are to be demolished, he questioned for what reason. Mr Will Ryan responded that the planning application is for the removal of 35 building with 8 residential dwellings having been demolished or to be demolished. He said that most of the buildings are barns and outbuildings where bats roost; the company are in the process of constructing bat barns and wildlife towers to ensure that protected species are able to move to the new structures. Councillor Griffith further questioned whether the company would consider placing the historical names of the buildings that are to be demolished on buildings on the Wylfa Newydd site. Mr Will Ryan responded that the placing the names of historical building will be a matter for consideration by the Company.

Councillor Bryan Owen questioned whether the legal S106 agreement was now a public document. The Planning Manager (Major Consents) responded that discussions are still taking place with the developer as regard to this planning application and the full S106 agreement not finalised. Councillor Owen also referred that during the archaeological dig a number of graves dating back 2,000 years have been unearthed. Mr Will Ryan responded that procedures and processes are in place to deal with the graves and recover them as appropriate. He further said that the area concerned will have minimal construction of fencing and digging of contaminated land on the site. A condition has been imposed to any approval of the application that a scheme for archaeological recording on site, recording of historic buildings, surveys etc., is required by the developer and approved in writing by the Local Planning Authority.

Councillor Dafydd Roberts said that one of the objectors to the proposed application has referred to concerns that the workers on site will have to work excessive hours. Councillor Roberts questioned as to the hours the workers are to

be working on site. Mr Will Ryan responded that conditions are attached to the proposed proposal that impose limitation on the hours of operation on site. He said that employers are required to ensure that the hours the employees work on site does not exceed the national 48 hours average weekly limit and Horizon and its contractors have a duty of care to each individual worker due to health and safety issues.

Councillor R O Jones said that local residents are concerned that the landscape of the area will be destroyed if this application was approved. Mr Wil Ryan responded that it is accepted that the landscape will change but the company will ensure that there is minimal impact and ancient woodland will be protected and there will be no impact on the SSSI. He noted that the significant blasting and drainage works previously consulted on have been removed from the application.

Councillor John Griffith said that it is noted within the report to the Committee that the cost to remediate the site is around £6m to £7m. He questioned whether a Bond is to be put in place to make sure that the money is secured if the development at Wylfa Newydd does not take place. Mr Will Ryan said that the S106 legal agreement, when signed, will provide for the area to be restored if any company involved in the Wylfa Newydd project goes into liquidation.

Councillor Richard Griffith, a Local Member said that the residents of Tregelwe have endured works taking place on the highway and investigation works for over 2 years on the proposed Wylfa Newydd site. He considered that local residents should be compensated and this should be assured through the S106 legal agreement. He expressed that he is not objecting to the site preparation and clearance as delaying the works would not be viable as the residents have already endured noise nuisance and works on site already but he expressed that the residents needs to be addressed.

Councillor Aled M Jones, a Local Member said that he fully supported the Wylfa Newydd project. He noted that a S106 legal agreement has been mentioned during discussions on this application and he hoped that all the elected members and the local Community Councils of Llanbadrig and Mechell be afforded a copy of the agreement as a matter of urgency. He noted that questions have been raised that the site preparation and clearance application before the Committee is premature and he has some concerns but he was in agreement that the site preparation needs to be approved. He further considered that the highways works needed to be included within the application. Councillor Jones questioned Officers as to the number of years the developer would be afforded to carry out works on the site if the application was approved at today's meeting. The Planning Manager (Major Consents) responded that a condition has been attached to any approval of the application which stipulated that the applicant will be afforded 2 years to commence the works on site. Councillor A M Jones considered that any approval of the application should afford 5 years to commence the works on site as is normal with any other planning application. However, he expressed that stringent conditions needs to be in place to make sure that the local communities are protected from the proposed development; this needs to be attached to the S106 agreement and the working conditions of workers on site be put in place. He further said that a condition needs to be imposed to safeguard the Cestyll Gardens near Cemaes.

The Planning Manager (Major Consents) said that the application before members is for Site preparation and Clearance Works for development of the Wylfa Newydd power station and a full description of those works is given in the papers, In summary the proposed works are site clearance, site establishment, ground improvement including remediation of contamination, the erection of construction fencing and the creation of accesses, laydown areas and site compounds. These works will include the removal of fencing, walls, gates, field boundaries, existing structures, scrub and tree. The Application Site extends to approximately 299 hectares of land the majority of which is in agricultural use for grazing. The northern boundary of the SPC Application Site broadly follows the Anglesey coastline but excludes the Existing Power Station as well as land at the Wylfa Head peninsula and Trwyn Pencarreg. The boundary is separated from Cemaes to the east by an area of agricultural land. The A5025 road adjoins the south-eastern boundary. Cestyll Garden, is situated to the west.

He noted that the scope of the works has been reduced from that consulted on at pre-application, to take into account responses to those consultations. The current scope has removed some elements such as the realignment of watercourses, rock blasting and closure of PRowS. This application is the start of the Wylfa Newydd project and would consent the first major works on a site which will be developed over a period in excess of ten years in total. While this is the start of the project as a whole, Members are reminded that this application is sought to facilitate the delivery of a new nuclear power station; it is not for the power station itself.

The proposed development constitutes EIA development in terms of the regulations and an environmental statement has been produced to accompany it. Officers and consultation responses raised some concerns regarding the sufficiency of some elements of that in that statement and further environmental information was submitted by the applicant, advertised and consulted upon as required. The environmental impacts of the proposal are set out in the report before along with officer's conclusion that, having regard to the planning balance and subject to conditions, these are acceptable.

The Planning Manager (Major Consents) said that the proposed development has the potential to impact on the conservation objectives of European protected sites. As members will be aware, the Isle Anglesey County Council as the competent authority under the Habitats Regulations must determine whether an appropriate assessment is required, and if it is, undertake it. No planning permission can be granted unless the habitats assessment reaches an outcome that the development can proceed and this consideration is therefore a pre-requisite to the decision before today's meeting.

The applicant submitted information as part of the application setting out its position that the development would not have an adverse effect on such sites and could be screened out from requiring this assessment. Officers, having regard to the advice of NRW and the Council's specialist consultants and legal advisors, and having considered various representations made concerning the habitats information submitted by the applicant in response to consultation, determined that this application could not be screened out from requiring an assessment. The Council's

consultants have therefore carried out an appropriate assessment. The conclusion of that assessment is that, with suitable mitigation measures in place, the development will not have an adverse effect and a planning decision on the merits can be made. Officers have recommended conditions to secure the required habitats mitigation which includes measures such as preventing working near to nesting sites during the breeding season for terns to ensure that birds are not disturbed. The Officer therefore advised members that subject to the imposition of conditions, in habitats terms the development is acceptable and you can proceed to consider the planning merits of the application.

To date the Local Planning Authority (LPA) has received in the region of 95 letters of objection and 1 letter of support to the application. This includes 4 objections which have been received since publication of the Officer's report together with a number of objections brought to the LPA's attention from Councillors which raise no new or additional issues that have not already been raised as part of the Case Officer's assessment. A further late representation was received yesterday from lawyers acting on behalf of Greenpeace. That representation objects to the application on the grounds that Greenpeace consider that National Policy Statement EN6 which concerns new nuclear energy cannot be relied upon or given any weight in this determination because it concerns the delivery of new nuclear power by 2025 and Wylfa is now anticipated by the applicant not to commence generation until 2027. The representation continues to set out objections to nuclear power in principle and submits that the need for nuclear power cannot be demonstrated and the application therefore cannot be shown to be necessary. The decision before members today is not on a nuclear power station and its impacts the details of that proposal will be considered through the DCO process not this application.

In principle, the allocation of weight to National Policy Statements by local planning authorities in considering works designed to support or facilitate NSIPs is supported by a letter from the Chief Planner of DCLG in March 2010 entitled 'Preliminary Works; Planning Act 2008 – Guidance for Local Authorities'. This states that NPSs may be a material consideration for local authorities when determining planning applications for preliminary works. The report before you and the government guidance *Planning System: General Principles published by DCLG reiterate the general law that "In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances"*.

The objectors are entirely correct that EN6 was intended to guide nuclear development which would be deployed by 2025. However, in December 2017 the Government stated that, subject to the outcome of the consultation on the review and replacement of EN6, the Government propose to carry forward the sites listed in EN6 (including the application site) into the new NPS. The Ministerial Statement on Energy Infrastructure which was also made in December 2017 advises that the Government continues to in principle support to project proposals at those sites listed in EN6. The General Principles guidance states that the Governmental statements of planning policy are material considerations that must be taken into account, where relevant, in decisions on planning applications. Accordingly, while

national policy on nuclear sites is being reviewed and updated, the statements made regarding the Government's intention to carry this site forward can be given weight by this committee if considered to be relevant in the circumstances. It is also noted that the national need for new (and particularly low carbon) energy is identified in NPS EN-1 as well as EN6 and the need for new nuclear power is explicitly stated in that policy; NPS EN1 has not expired.

The Planning Manager (Major Consents) further said that many objectors have submitted that the application before members today is premature as there is not yet any permission in place for the development these works are designed to facilitate. The Committee is referred to the consideration of this point in the report and it is noted in particular, that the JLDP policy PS9 deals specifically with proposals for early works.

It is proposed that should the power station development not proceed the application site would be restored to an acceptable condition. It is clear that the site cannot be returned to precisely the condition it is currently and that like for like restoration is practically impossible given the loss of vegetation and trees. However, it is possible for the site to be returned to a condition which does not result in permanent damage to the landscape, which encourages and supports biodiversity and which reinstates features such as field boundaries and vegetation patterns. Officers have recommended that any conditions are attached to any permission requiring that an outline restoration scheme setting out the principles and standards of restoration must be approved by the LPA before any works are undertaken and that a financial security is sought through a section 106 to guarantee delivery of restoration works. The details of the restoration would be controlled by the LPA through the conditions in consultation with NRW and having regard to the current standards for such works at the time the details were approved in line with the principles agreed before commencement. Officers recommend that this level of control is sufficient to provide members with certainty that the landscape will not be left in an unacceptable condition to the detriment of local communities should the DCO not be granted or implemented.

The proposed development constitutes EIA development in terms of the regulations and an environmental statement has been produced to accompany it. Officers and consultation responses raised some concerns regarding the sufficiency of some elements of that in that statement and further environmental information was submitted by the applicant, advertised and consulted upon as required.

The Planning Manager (Major Consents) said that the Authority has considered carefully what is necessary to make the site preparation and clearance works application acceptable in planning terms in the context of the overall project, taking into account the context and basis of the application, particularly that the works mark the start of the wider Wylfa project and therefore not only is mitigation required to address the direct effects of the proposals, but it is also necessary to ensure that some of the requirements needed to address the impacts from the wider development are put in place now.

What the Council is looking to secure has been informed by the application together with the consultation responses received and it is considered to meet the appropriate legal thresholds required for planning obligations.

The key topic areas suggested by officers for the planning obligations to be secured in the s.106 agreement (which have been agreed with the applicant) if planning permission is granted are:

- 1 Local Facilities Contribution
- 2 Tourism
- 3 Heritage and Archaeology
- 4 Welsh Language
- 5 Employment, Education and Skills
- 6 Local Purchasing and Supply Chain Development
- 7 Worker Accommodation
- 8 Environment, Heritage and Community Resilience Contribution
- 9 Implementation and Monitoring
- 10 Landscape Restoration
- 11 Wylfa Head Management Plan
- 12 Noise, Air Quality and Vibration
- 13 Public Rights of Way

The total value of payments provisionally agreed between the developer and Local Planning Authority Officers last week is £2,058,000. This represents a mixture of contributions and measures, all of which are considered as being required to make the development acceptable in planning terms. In addition, the proposed s106 will ensure that the site is restored to an acceptable condition if the new nuclear power station DCO is not granted and/or implemented. The costs for landscape restoration (which includes site management and aftercare for a period of 10 years) has been calculated by an appropriately qualified consultant at approximately £7.0 - 7.5 million based on the worst case point of the works where maximum restoration would be required. If the applicant/owner is in default of requirements for restoration, aftercare and management, the Council will be able to call on an appropriate financial security to ensure that the works are carried out to the required standards.

The Planning Manager (Major Consents) further said that Welsh Government has received a request to 'call-in' the application for determination but confirmation that it has been 'called-in' has not been received by this Authority. However, this does not prevent this Committee for determining the application at this meeting.

Councillor Dafydd Roberts said that the proposed application is dependent on a S106 legal agreement between the applicant and the Local Planning Authority being concluded; he considered that the development will have an effect on the whole Island. Councillor Roberts ascertained whether the application should be determined by the full Council. The Legal Services Manager responded that the Council's Constitution prevents the full Council from dealing with planning applications.

Councillor Bryan Owen questioned if the extent of site preparation and clearance as regards to the proposed application is adequate to deal with any expansion of the

site at Wylfa Newydd. The Planning Manager (Major Consents) responded that only the planning application before the Committee must be dealt with.

Councillor K P Hughes said that numerous conditions had been attached to any approval of the application but one of the main condition as regard to the 'Bond' has been omitted. The Planning Manager (Major Consents) responded that no planning approval would be released before the legal agreement was signed by the developer. Councillor Hughes ascertain whether an additional condition needs to attached to any approval of the application that the 'Bond' needs to be in place before any development on site. The Solicitor responded that condition should not be sought for financial guarantees and that this would be secured through the S106 as a pre-requisite to the issue of any consent.

Councillor John Griffith requested clarification as to who will be monitoring the stringent conditions imposed on this application. The Planning Manager (Major Consents) responded that this Authority will be responsible for monitoring the conditions imposed; a section within S106 legal agreement which requires funding towards the costs of such monitoring has also been agreed in principle. Members questioned whether the Authority has the capacity and staff to monitor such a large application. The Planning Manager (Major Consents) responded that extensive negotiations have taken place as regard to this proposed application for the Site Clearance and Preparation Works at Wylfa Newydd and funding towards the monitoring of the works to be carried out has been secured within the Heads of Terms' for the agreement.

The Chair confirmed that other Elected Members of the County Council had also requested to speak at the meeting. She said that she was unable to allow the Members to speak as per the County Council's Constitution. The Legal Services Manager said that the Constitution allow Members of the Committee, Local Members whose ward the proposed development is located or members who represent the electorate that have received notice of a development under the Town and County Planning Act 1990 may speak at Planning and Orders Committees. He considered that there is no basis to extend the category further.

Councillor K P Hughes proposed that the application be approved in accordance with the Officer's recommendation. Councillor John Griffith seconded the proposal of approval.

**It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and subject to completion of a S106 Agreement of the Town and Country Planning Act 1990 (as amended).**

**COUNCILLOR NICOLA ROBERTS  
CHAIR**

This page is intentionally left blank



# PLANNING AND ORDERS COMMITTEE

## Minutes of the meeting held on 5 September, 2018

**PRESENT:** Councillor Nicola Roberts (Chair)  
Councillor Richard Owain Jones (Vice-Chair)

Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams

**IN ATTENDANCE:** Planning Development Manager (NJ)  
Planning Officer (GJ)  
Planning Officer (CP) (for application 7.5)  
Administrative Assistant (WT)  
Administrative Assistant (EW)  
Development Control Engineer (JAPR)  
Legal Services Manager (RJ)  
Committee Officer (ATH)

**APOLOGIES:** None

**ALSO PRESENT:** Local Members: Councillor Shaun Redmond (application 7.1), Councillor R.G.Parry, OBE, FRAGS (application 7.2), Councillors R. Meirion Jones and Alun Mummery (application 7.5), Councillor Richard Dew (Portfolio Member for Planning) (application 10.2), Councillor Margaret M. Roberts (application 12.2), Councillor Ieuan Williams (application 12.3)

---

### 1. APOLOGIES

None received.

### 2. DECLARATION OF INTEREST

Declarations of interest were received as follows –

Councillor Bryan Owen with regard to application 7.3

Mr. John R.P.Rowlands, Development Control Engineer with regard to application 6.1

Mrs Nia Jones, Planning Development Manager with regard to application 7.5

### 3. MINUTES OF THE PREVIOUS MEETINGS

The minutes of the previous meeting of the Planning and Orders Committee held on 25 July, 2018 were presented and were confirmed as correct.

### 4. SITE VISITS

The minutes of the planning site visits held on 22 August, 2018 were presented and were confirmed as correct.

## 5. PUBLIC SPEAKING

There were Public Speakers with respect to applications 7.1, 7.2, 7.3, and 7.5.

## 6. APPLICATIONS THAT WILL BE DEFERRED

### **6.1 17C181C – Full application for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding, creation of an access together with associated landscaping to include formation of a landscaping bund at Fferam Uchaf, Llansadwrn**

*Having declared an interest in the application, the Development Control Engineer was not present during the consideration and determination thereof.*

The Planning Development Manager reported that that the Planning Department had been awaiting the receipt of information from the applicant regarding landscaping details. This has by now been received and it is recommended that consideration of the application be deferred to allow the Officers to consider the information and enable a full assessment of the case with a view to presenting a report to the next meeting.

**It was resolved that consideration of the application be deferred in accordance with the Officer's recommendation for the reason given.**

## 7. APPLICATIONS ARISING

### **7.1 19C232E/FR – Full application for the demolition of the existing shop together with the erection of a hotel and a commercial unit (Class A3) in its place at 55 Market Street, Holyhead**

The application was reported to the Planning and Orders Committee at the request of a Local Member. The Committee at its meeting held on 25 July, resolved to undertake a site visit and this subsequently took place on 22 August, 2018.

#### *Public Speaker*

Mr Damian McGann (*for the proposal*) said that the proposed building would be of high quality, great design and would have a leading brand name supporting it. It will transform Market Street and the view from the Port. In terms of specifications, each room will have a flat screen TV, an air conditioning heating system and ensuite facilities. Some of the more fanciful claims made that this is to be a DHSS supported establishment could not be further from the truth. The lack of windows in some rooms is a function of the depth of the building and is quite a standard feature of budget hotel space. Customers have a choice and can decide which type of room they prefer to pay for. The developer is keen to support the local community both in the build phase and beyond as well as supporting local organisations. Mr McGann went on to say that on hearing some of the rumours about the proposed development, he and his co-director arranged a public meeting to clarify the proposal and should it be approved, it was their intention to keep the local community updated as the development progresses. The developer has taken a long time to consider the best use for this space and, after taking significant professional advice believes that what is proposed is the only viable use for the space.

The Committee questioned Mr McGann on the proposed parking arrangements there being no off street parking intended as part of the proposal. The Committee also sought further clarification of the windowless rooms. Mr McGann said that parking provision will be via pay and display car parks in the vicinity and down along the rear of Market Street which the developer believes have the capacity to accommodate visitor vehicles. With regard to rooms having no windows, whilst this is in part due to the depth of the building, it also maximises space and is standard in budget hotel accommodation.

Councillor Shaun Redmond, a Local Member expressed concerns about the application on the basis that Holyhead High Street as the town's retail core is under threat of losing its Class A1 retail units. He pointed out that the town's Class A1 shops are now down to only 36% having deteriorated in recent years for a number of reasons. Councillor Redmond said that there are 128 retail outlets in Holyhead of which 46 are Class A1 usage; 39 of those outlets are food outlets. The proposal under consideration would not only contribute to the deterioration in Class A1 usage but would also put pressure on existing retail and hospitality businesses. Currently, there are 36 privately owned hospitality premises within 1.5 miles of the proposed development – these provide in the region of 360 beds on a daily basis; the Travelodge provides a further 54 beds and an additional 80 beds are in the offing by Premier Inn. Planning consent has also been given to 80 beds via the Conica Waterfront development meaning that the local market will be trying to fill over 600 beds daily. In the summer season over July to September the take-up of the available accommodation within the existing provision is almost 100%; otherwise for the remainder of the year it is less than 50%. Councillor Redmond said that those businesses in the form of B & Bs and guest houses which local people have put a great deal of energy into developing will now be faced with additional competition which of itself is no bad thing but which is happening in a market that with this proposal, is approaching saturation point. This could result in a price bidding war which local guest houses will not be able to sustain meaning some could go out of business. In order to alleviate the situation, Councillor Redmond listed conditions which he asked the Committee to consider applying to the proposal if consented to – these were in relation to the retention of the Market Street frontage of the building for Class A1 usage; confining the sale of rooms/beds to leisure/business customers only; restrictions on how the demolition and building works are conducted so as to minimise disruption to normal and business traffic and the discouragement of grant assistance on the grounds that it would give the developer unfair advantage over local hospitality businesses.

The Planning Development Manager reported that since the closure of the Woolworths store in 2010, the subject building has been empty apart from temporary uses. The building has elevations facing both Victoria Road and Market Street and, due to the difference in levels, the proposed building will also have different floor levels – onto Market Street the building will be of 3 storeys entirely whilst a structure of 6 storeys is proposed on Victoria Road. The scheme has been amended to comply with the requirements of the Heritage Adviser and to reflect its location within a conservation area. The building is also partially located within a C2 Flood Risk Zone, but due to the different floor levels and the fact that the basement/floor level off Victoria Street does not form part of the proposal, Natural Resources Wales offers no objections. The building falls within a designated sub-regional retail centre which current planning policies seek to protect. In accordance with Policy MAN 2 which only permits the change of use of A1 ground floor shops to other uses where it has been shown that the A1 use is unviable and that it has been marketed for this purpose for a period of 6 months, the developer has provided supporting information regarding the marketing process as well as a viability assessment which concludes that the retention of the retail unit as part of a mixed retail/residential use is not viable. The Local Planning Authority is satisfied that the proposal meets the relevant policy criteria. The Officer referred to an additional e-mail received from Môn CF – a charity which is involved with the Empty Shops Initiative working with landlords of empty commercial premises – which confirms that the level of empty shops in Holyhead in 2009 was 39%. Although this has since reduced to 15% the interest over the period has predominantly been in smaller retail units as opposed to larger units such as that which is the subject of the application. As the proposal is for A3 use at ground floor level it could be converted back to A1 retail use at any time without requiring planning consent. As regards the concerns raised about the impact of the proposed development on local businesses, competition issues are not a matter for the Planning Committee. The Council's Economic Development Unit supports the proposal

on the basis of its suitability for the site; the contribution it will make towards the regeneration of Holyhead town centre and because it will create employment. Likewise the Highways Department is satisfied with the proposal in being in a town centre location and accessible by foot, cycle and public transport with bus, rail and ferry interchanges as well as pay and display car parks in close proximity, but conditional upon the submission of an Operational Phase Traffic Management Plan to safeguard movement of goods, vehicles and people during the demolition/construction phase. With reference to the conditions suggested by the Local Member, the Officer clarified that there are specific tests that must be satisfied in imposing planning conditions on consent and this applies even if the applicant agrees to the terms proposed. For example, making consent conditional upon A1 use would materially change the nature of the application (it being for A3 use) and is not a reasonable requirement given that it has been shown that Class A1 use of the building is not viable. She therefore recommended that the Local Member's proposed conditions be not adopted. In light of the reasons given above, the Officer's recommendation is to approve the application.

The Committee sought clarification of the parking position and particularly whether utilisation of Victoria Road and Hill Street by the hotel's guests is likely to affect local residents' parking.

The Development Control Engineer said that as part of the application, the applicant commissioned a specialist company to undertake a traffic assessment which confirms that there is sufficient capacity in nearby car parks within walking distance of the proposed development to absorb the additional requirements taking into account also that use of the hotel will not be wholly car based with guests also expected to access the hotel by public transport, rail and ferry.

The Committee indicated that it was in favour of the application given that the existing building is largely redundant with only intermittent use since the closure of the Woolworths store and is at risk of further deterioration and decline. It was recognised that the proposal will lead to the re-development of the site, and that in the Officer's opinion, will increase the attractiveness of the centre and conserve and enhance this statutorily protected area. The view was expressed that as this is the "only show in town" with regard to developing the application site and that it is policy compliant, the proposal should be embraced.

Councillor Vaughan Hughes proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor John Griffith.

**It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.**

## **7.2 23C301C – Full application for the conversion of an outbuilding into an annex as carers' accommodation at Pen y Garreg, Talwrn**

The application was reported to the Planning and Orders Committee at the request of a Local Member. At the meeting of the Planning and Orders Committee held on 25 July, 2018 it was resolved to visit the site prior to determining the application. The site visit subsequently took place on 22 August, 2018.

### *Public Speaker*

Mrs Boulderstone (*for the proposal*) spoke to explain the reasons why the proposed conversion of the outbuilding into a carer's annex was necessary in order to provide assistance and support for herself and her husband who suffers with MS and whose sole carer she had been for many years. She said that their son had moved back home after the breakdown of a relationship and was currently occupying the storage room. His help had been invaluable after a period of hospitalisation as her husband is not able to drive

and she was also unable to drive after surgery. Without his support both she and her husband could have ended in care. Mrs Boulderstone said that she foresaw that she could not cope for much longer and that converting the outbuilding into carers' accommodation for her son would enable him to continue to provide support for her husband and her whilst at the same time allowing his two small children to stay with him without unduly tiring her husband whose health was not strong.

Councillor R.G.Parry, OBE, FRAGS, a Local Member referred to the description of a residential annexe set out in the report as "accommodation ancillary to a main dwelling within the residential curtilage of the main residence and may be used for this purpose. It is acknowledged that an extension of a house or conversion of an outbuilding may provide an opportunity to accommodate a person with clearly associated with occupants of the principal dwelling e.g. dependent relative or staff working for the residents of the principal dwelling." He emphasised that the family is in need of help and support but the very long road to the residence which is in the countryside makes it impractical for a carers to live in village of Talwrn for reasons of accessibility in an emergency for example. He asked the Committee to consider approving the application contrary to the Officer's recommendation conditional upon linking the proposed annexe to the main dwelling and prohibiting its sale as a separate unit.

The Planning Development Manager reported that the proposal to convert an outbuilding into an annexe for use as carers' accommodation involves extensive rebuilding work putting it at odds with the requirements of Policy TAI 7 of the JLDP which stipulates that no extensive alterations should be required to enable a development. The Officer said that a previous application for the same development was refused under delegated arrangements. Whilst acknowledging the difficult situation of the family, the issue under consideration is the use of land. The proposal does not comply with Policy TAN 7 which states that in the open countryside conversion of traditional buildings for residential use will be permitted only when specific criteria have been met – these are in relation to providing evidence that employment use of the building is not viable; the development provides an affordable dwelling or the residential use is a subordinate element associated with a wider scheme for business re-use; the structure is sound, the structure does not require extensive alterations to enable the development, as well as the retention of any architectural characteristics of merit and the preservation of the original structure's character. The Officer said that although the unit proposed as part of the scheme is small, it has no link to the main house as would be expected of an annexe and it is considered that the family's need could be met in another way perhaps by extending what they have currently rather than by creating a detached unit. The recommendation is therefore one of refusal

The Committee sought clarification of whether an annexe necessarily has to be joined to the main house and cited as an example the additional separate accommodation which hotels sometime provide within their grounds as being ordinarily described as annexes.

The Planning Development Manager clarified that although there are situations wherein annexes that are located apart from the main building may fulfil an ancillary use, annexes that are detached from the main residence can be considered self-contained dwellings capable of being sold separately from the main dwelling. Although in this case the Local Member proposes a condition to prevent this happening, in light of the tests for attaching conditions to consent it might not be considered reasonable to apply such a condition especially if at any time it becomes possible to share the main building resulting in an application to discharge the condition which in the circumstances the Planning Authority would find difficult to refuse.

Councillor Vaughan Hughes proposed that the application be approved contrary to the Officer's recommendation with the conditions suggested by the Local Member on the

basis that he believed it complies with Policy TAI 7. The proposal was seconded by Councillor Nicola Roberts.

Councillor Robin Williams although sympathetic to the family's situation, proposed that the application be refused in accordance with the Officer's recommendation because of the risk that approval would provide a precedent for future applications to convert outbuildings into annexes in open countryside locations. Councillor John Griffith seconded the proposal because he believed the proposed development is in effect an application for a new dwelling in the countryside.

In the ensuing vote, the proposal to refuse the application was carried.

**It was resolved to refuse the application in accordance with the Officer's recommendation for the reasons outlined in the written report.**

### **7.3 36C193P/ENF – Full application for the retention of two storage containers together with the siting of 10 additional storage containers on land at Cefn Uchaf, Rhostrehwfa**

The application was reported to the Planning and Orders Committee at the request of a Local Member. At the meeting of the Planning and Orders Committee held on 25<sup>th</sup> July, 2018, it was resolved that a site visit be undertaken prior to determining the application. The site was subsequently visited on 22 August, 2018.

*Having declared an interest in relation to the application, Councillor Bryan Owen was not present during the consideration and determination thereof.*

#### *Public Speaker*

Mr Nick Billing (***against the proposal***) said that the scope and size of the development is not in keeping with a rural, residential area. The site has been subject to 9 planning applications in the last two years all of which have been objected to with the support of the Community Council and the Assembly Member and which have affected the amenities of local residents in the way of increased noise and traffic. Should the application be approved it will mean there are 90 storage units for rent on the site which if the landowner had applied for this number originally, would have likely been refused. But in applying for the units 10-15 at a time the site has been allowed to grow out of all proportion almost unnoticed begging the question of when will it stop. Mr Billing went on to say that as the site is near to a Public House and as the owner has now closed the car park for public use, there has been an increase in the number of cars parked on the road most nights causing inconvenience to local residents and increasing the risk of a traffic accident on what is a narrow road especially at those times when the containers need to be accessed. Mr Billing said that although he supported local businesses especially if jobs are created, not a single person will be employed through this scheme.

The Planning Development Manager reported that the application is part retrospective and that according to the scheme submitted to the Planning Department the proposal would bring the total number of containers on site to 73. There is local opposition to the proposal and the Community Council is also opposed to the development because of its close proximity to neighbouring properties. The Officer said that the additional containers will be located more than 46 metres away from the boundary of the car park with the adjoining highway at its shortest point. As the proposed containers will be located on a lower ground level than the adjoining properties and set further back into the site towards the agricultural field, the proposal will not have a detrimental visual impact on the surrounding properties or the surrounding area. The two storage containers which the applicant is seeking permission to keep as part of the retrospective proposal are located on top of two rows of existing containers. Having considered the location of the proposed containers within the existing site, Planning Officers are agreeable to the application subject to conditions including a condition to regulate operating hours which was applied

to previous permissions. The Officer said that fencing and landscaping works were also required as part of a previous permission and it is proposed that further landscaping works are carried out via condition (02) which will be amended to require that those works take place before the additional containers are installed on site.

Councillor Dafydd Roberts raised objections to the proposal on grounds of policy saying that it falls outside the development boundary and does not comply with Policy CYF 1 which requires that proposals thus located have to be justified, Councillor Roberts also pointed out that Policy CYF 6 which the report cites as supportive of proposals for business/industrial use in rural areas refers to the reuse and conversion of rural buildings, use of residential properties or new build units for business/industrial units whereas the proposal is for storage units and provides no employment or economic opportunities. He could therefore see no justification for the proposal on the basis of Policy CYF 6.

The Planning Development Manager clarified that notwithstanding the policy requires justification for new business use, the application under consideration is to extend an existing business the principle being similar to that for an application for an extension to a dwelling which requires no justification for the dwelling in order to be able to extend it. The issues for consideration relate to the proposal's impact on amenities in terms of noise, traffic etc. and not whether the business can be justified. If the Committee believes there are grounds for objections due to the effects on amenities which the proposed extension would have over and above the existing commercial use of the site, then that is matter for the Committee to consider.

The Committee sought further clarification of specific issues in relation to the traffic situation in and around the application site and whether it would be affected by the proposed additional containers, and also the cumulative effect of the piecemeal development of the site as a result of storage containers being added to bit by bit with the possibility that this may go on indefinitely.

The Development Control Engineer said that as with most applications a traffic survey had been undertaken. The Officer said that objecting to the application on the basis of traffic is problematic because as an existing business the traffic situation already exists, there have been no reports of an accident and the proposal as presented is for a minor extension which will not materially affect the situation. Nevertheless, the Highways Department has commented on the overall situation brought about by the gradual expansion of the site through a series of occasional applications, but it is not in a position to object on the basis of the individual applications presented because what they propose each time is a minor expansion. Although the Department takes the view that an independent traffic survey would be useful to establish the extent of the traffic which the site has created, this is difficult to justify on the basis of an individual application such as that submitted.

The Planning Development Manager said the development was approved under previous planning policies and that current policies cannot be applied retrospectively to prohibit development. The Officer said that Members of the Committee will have seen from the site visit that future development is likely to be curtailed by the physical confines of the site itself with further expansion being limited without encroaching on adjacent fields which do not form part of the original application site.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation. The proposal was seconded by Councillor Eric Jones who agreed with the Officer's view that the development is in keeping with policy and that the site visit had shown that the site is appropriately managed having no undue effects on amenities.

Councillor Dafydd Roberts proposed that the application be refused because it is outside the development boundary. The proposal was not seconded.

**It was resolved to approve the application in accordance with the Officer's recommendation and written report subject to the conditions contained therein and subject also to amending condition (02) in relation to landscaping in the way outlined.**

#### **7.4 39LPA1046/CC – Full application for the formation of a Park and Ride facility together with the construction of a new vehicular access and associated development at Four Crosses Public House, Menai Bridge**

The application was reported to the Planning and Orders Committee as it is made by the Council.

The Planning Development Manager reported that the application which is for 109 parking spaces as part of a park and ride facility, forms part of the Local Authority's response to the likely increase in traffic serving the Wylfa Newydd development. The proposal seeks to reduce workers' travelling time as well as mitigating the potential risk of fly parking during the construction of the Wylfa Newydd Nuclear Power Station by providing centrally located parking provision. The proposal is independent of the Integrated Traffic and Transport Strategy which is Horizon's own transport strategy for the construction of Wylfa Newydd setting out how Horizon proposes to transport all goods/materials and workforce to the site during the construction period. The proposed parking facility would be operational 24 hours a day and will be available for use by the public as part of a legacy use once its specific use by workers associated with the Wylfa Newydd build comes to an end. The Officer said that an additional letter of objection to the proposal has been received but that it does not raise any issues not already addressed by the written report. Many of the objections to the application question the need for such a facility in this area; however the proposal will mitigate against the potential risk of fly parking during the construction of Wylfa Newydd to the benefit of residents in the close vicinity by minimising the risk of fly parking and the impact on highway safety. Additionally, it is proposed that the application if consented to is subject to a Section 106 agreement which will ensure that the permission is not implemented if the Wylfa Newydd development does not go ahead. A Noise Impact Assessment has been submitted with the application which confirms that the proposal will not have a detrimental adverse noise impact on the locality. The Officer said that there are no objections on the part of consultees. The Local Highways Authority proposes conditional approval and ecology mitigating conditions as well as a condition to ensure the maintenance of an attenuation pond will be required in line with comments made by the Ecology and Environmental Advisor. The recommendation is therefore to approve the application.

The Committee sought clarification of whether the proposal should be dependent on there being a demonstrable need for such a provision in this area in the event that there is evidence of anti-social parking.

The Planning Development Manager confirmed that the proposal will not be implemented in the event that the Wylfa Newydd development does not go ahead. An assessment of the increase in traffic anticipated as a consequence of the construction of Wylfa Newydd has been made with the intention being to ensure that the facility proposed by the application will have been developed in time to accommodate and mitigate the growth in traffic. It may be possible to include a provision for a further assessment of need in this locality as part of the terms of the proposed Section 106 agreement. In response to a point of clarification raised by the Legal Services Manager the Planning Development Manager confirmed that for the purpose of the Section 106 agreement, the development land is in third party ownership.



Councillor Bryan Owen proposed that the application be approved in accordance with the Officer's recommendation. The proposal was seconded by Councillor Vaughan Hughes.

**It was resolved to approve the application in accordance with the Officer's recommendation and written report subject to the conditions contained therein and additional conditions in relation to ecological mitigation and the maintenance of the attenuation pond, and subject also to a Section 106 agreement.**

**7.5 41LPA1041/FR/TR/CC – Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers. Formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star**

The application was reported to the Planning and Orders Committee as it is made by the Council; because the three Local Members have requested that it be heard and determined by the Committee, and also because of the number of third party representations citing objections to the proposed development.

*Having declared an interest in the application, the Planning Development Manager was not present during the consideration and determination thereof.*

*Public Speakers*

Mr Mark Inwood speaking on behalf of Billy Cooney (**against the proposal**) a prominent member of the North Wales Gypsy and Traveller community and Leader of the Bangor Back Lane Residents' Association said that he would be reading key points from a verbal statement which Mr Cooney had made a few days previously. Those points were that Mr Cooney thought that the site was a bad idea; that young children would be run over at the site; that there would be too much pollution at the site, that it would be too loud at over 55 decibels and that these issues give people bad health – heart and lung disease – being stuck along the A55; that he hoped and prayed that the application would not be passed and that the gypsy and traveller community would not be using the site anyway.

Mr Dewi Gwyn (**against the proposal**) speaking on behalf of the residents of Star and the Penmnydd Community Council which had presented a petition of over 1,500 signatories against the application said that they were agreed that the gypsy and traveller community needs a site on the Island but that they deserve better than the very unsuitable and dangerous site at Star. The residents of Star as well as the gypsy and traveller community and North Wales Police worry that a fatal accident will occur either as a family walk along the busy A5 road to Llanfair or when gypsy vehicles arrive on site in convoy – the Highways Department has commented that the application should be refused if it means vehicles having to stop on the A5. Noise levels on the site are also unacceptably high and according to Capita's report will remain so even after the erection of an acoustic barrier. High noise levels will affect the gypsies' health and even more so the health of their children, and if they want to play safely outside then Capita's answer is that they should leave the site. The site is regularly under water – Welsh Government guidelines clearly note that local authorities should not create sites close to river hazards where there are particular risks to children and adults, and should consider carefully in siting them close to busy roads. The same guidelines state that every site should be located in a pleasant situation at a reasonable cost without making the residents feel that they are imprisoned. The gypsies themselves have described the scheme as a noisy prison. It is the Council that is responsible for funding temporary stopping places with this having to be done at a time of severe financial constraints – it has already found the answer in creating a temporary stopping place on the Council's car park which is safer, drier, quieter and more economical than the site at Star. The option favoured by the gypsies themselves is a transit site funded wholly by Welsh Government which has none

of the hazards of the site at Star. Mr Gwyn pointed out that one of the Council's six major themes is to become customer, citizen and community focused – all three oppose this application and he urged the Committee to do so too.

The Committee questioned Mr Dewi Gwyn on the range of amenities which Star is able to offer. Mr Gwyn said that apart from the Post Office most amenities can be found in Llanfairpwll which is accessed by foot along an unlit road or by paying to go by bus.

Mr John Stoddard, Associate Director of Capita Real Estate (**for the proposal**) said that Capita had been appointed by the Council's Housing Services. He referred to the Council's legal obligations to assess and meet the accommodation needs of the gypsy and traveller population within their area and said that the application is a direct response by the Council in addressing its statutory legal requirement to comply with the Housing Act. It is the duty of local authorities in Wales to provide authorised sites including the temporary stopping place for the Romany Gypsy community at Star. Mr Stoddard said that the application is specifically for a temporary stopping place for the Romany Gypsy community to stay when visiting Anglesey thereby providing them with an authorised site to be used on a temporary basis whilst staying on the Island. The Gypsy community are frequent visitors to the Island and in the past have occupied unauthorised sites at Mona Industrial Estate usually staying for 2 to 3 weeks. Mr Stoddard listed the technical reports which had been prepared by suitably qualified professionals to accompany the application; these comprise of a Rapid Health Impact Assessment; a Phase 1 Geo-Environmental Report; An Air Quality Assessment; Ecological Impact Assessment; a Flood Consequences Assessment; a Noise Impact Assessment; a Landscape and Visual Appraisal; a Road Risk Assessment process and a Site Management Plan including an Operational Phase Management Plan. The application is the culmination of extensive dialogue and collaborative working with the Housing Department, Environmental Health and North Wales Police. Additionally the design proposals have considered the selected site in detail and have involved extensive consultation with numerous services within the Council, statutory bodies and key stakeholders. The Romany Gypsy community who visit Mona have also been consulted on several occasions and are supportive of the proposals with their views having been taken into account in the site's design. During a recent unauthorised encampment at Mona, North Wales Police stated that had the Star site been available, then the travellers would have used the facility. Mr Stoddard said that the Council is also in receipt of a signed declaration from the gypsy families who stay at Mona which he read out and which confirms their involvement in the consultations and their support for the proposal at Star. The Local Planning Authority supports the application and is recommending it for approval.

The Committee sought further clarification of Mr Stoddard as regards when and by whom the declaration was signed. Mr Stoddard said that the declaration had been signed by the gypsy and traveller families visiting Mona. Dr Caroline Turner, Assistant Chief Executive, Isle of Anglesey County Council (**for the proposal**) confirmed that the declaration was signed on 19 July, 2018. She said that the Authority has developed a good working relationship with this community – a cluster of families which have been visiting Anglesey for many years – and has come to know them well so as to be able to establish their travelling pattern. Housing Officers have visited them regularly during their visits and also during the site design process as well as at other times in other parts of Wales in order to obtain their views. They are an industrious people who visit Anglesey to work and to see friends and family.

Councillor Robin Williams, also a Local Member, referred to the Welsh Government's 2015 guidance on designing gypsy and travellers' sites wherein it is stated that temporary stopping places should not be considered as long-term alternatives to residential or transit sites. He questioned whether the proposal for the campus at Star

with its provision for an acoustic barrier and fencing creates the impression of a long-term rather than temporary stopping place.

Dr Caroline Turner said that the proposal and its design have been developed on the basis of the Gypsy and Travellers' Accommodation Needs Assessment undertaken by the Council during the winter of 2015/16. Currently there is no temporary stopping place and very few transit sites in Wales so the guidance prepared by Welsh Government in 2015 has not been tested to any great extent. The Council has established the travelling patterns of the gypsy and travellers' community over the past few years, has talked to the community which has been regularly visiting Anglesey annually and the Council has subsequently based the design on need. Therefore, the application site if approved, will exist for years with the "temporary" element referring to the length of time the travellers will be staying at the site which will be for 2 to 3 weeks at a time in accordance with the pattern which the Council has observed. The facilities at the site have been prepared in line with need and conform to the Welsh Government guidance. The Council's Gypsy and Travellers' Accommodation Needs Assessment has been approved by Welsh Government; the Council has also provided testimony to the Planning Inspectorate which found the submissions acceptable and confirmed that it did not have to be included as a site in the JLDP.

The Committee tendered further questions about the nature and characteristics of the application site including noise levels and the acceptability of 3m high screening which the Legal Services Manager advised would be more appropriately addressed to the Planning Officer.

Councillor Alun Mummery and R. Meirion Jones both spoke strongly against the application in their capacity as Local Members, citing health and safety concerns arising from the site's proximity to the A55 and A5 highways bringing with it a very real potential for accidents, noise and air quality effects potentially detrimental to health and well-being as well as the overall visual impact of the proposal as providing robust grounds for rejecting the site location as highly unsuitable for the purpose intended. They referred to the need for a 3m high acoustic barrier and lockable security fence around the site as evidence of its unsuitability making it in effect a restricted access compound. In addition they pointed out that the site at Star was the lowest scoring of the three sites originally considered and that it will only be able to accommodate 10 pitches whereas the travelling community making use of Mona comprises of 14 pitches. The Local Members urged the Committee to refuse the application.

The Planning Officer reported that the proposal includes the creation of a hardstanding capable of accommodating 10 caravans and associated towing vehicles within a series of demarcated pitches along the northern span of the site. Further ancillary development will consist of an informal enclosed amenity area to the east of the site, LED lighting columns, toilet and shower facilities and drainage and fire safety apparatus. Right of access to and from the site is proposed via a crossover to the southern site boundary on the eastbound carriageway of the A55. Pedestrian access is proposed via a gate on the southern boundary of the site along with a section of footway linking the existing footway towards the Star junction at the west. The site will be enclosed by means of a security fence, an acoustic fence, site access gates and pedestrian access gates both of which will be key pad controlled. In addition there is a natural screening device which in this case is a hedgerow. The closest settlement to the development site is Star at 17m to the north beyond the A55 with Llanfair situated 1.8km to the east. The Officer acknowledged that the matter has proved contentious and has raised a number of issues including but not confined to noise, highways and access, site management, visual impact and capacity and has generated a significant level of public objection as well as call-ins from Local Members which are all summarised in the written report. The key issues for the Committee to consider are the acceptability of the proposed development and the use of the land; its suitability as a temporary stopping place for gypsies and travellers and the

acceptability of the development from the perspective of the amenities of the users as well as public amenities. In respect of the consultations undertaken in relation to the application, the range of consultees is set out in the written report and whilst they have provided comments and recommendations on specific issues or specialist advice in their given fields no objections have been made on the basis of site drainage, traffic and pedestrian safety, landscaping impact, noise or other environmental impact, ecological impact, economic nor tourism impact. The Officer said that he was now able to confirm that Welsh Government has provided a response and offers no objections to the proposal subject to the inclusion of the 3m noise barriers in accordance with the submitted plan, that any existing environmental mitigation must not be disturbed and that no drainage from the site should be connected to or allowed to discharge onto the trunk road nor to its drainage system. Based on the information presented the recommendation is to approve the application.

The Committee sought clarification of the Officer whether the proposed development site would be considered suitable for residential dwellings. The Planning Officer said that the proposal under consideration is not for housing but a temporary stopping place for gypsies and travellers.

The Committee noted also that on the site visit, Members had not been able to get close to the site because it was considered too hazardous to access it by foot. The Committee further noted that the Gypsy and Travellers community using Mona is composed of 15 caravans and many dogs which in itself poses a risk in terms of highway safety and also which calls into question the capacity of the proposed site in Star which is designed to take 10 caravans.

The Development Control Engineer said that accessing the site by foot from the layby during the site visit was not possible because there is currently no footway, although the creation of a footway does form part of the proposal. As regards highway safety, the Officer confirmed that the access to the site has been designed in accordance with national standards and is acceptable. The Highways Department's main concern regarding the application was on account of vehicles stopping on the A5 highway to access the site and the implications for other traffic on the road. Following discussions with the applicant's agent and the submission of an amended Site Management Plan whereby travellers en route to the site will telephone ahead to ensure that the gates are opened prior to their arrival so as to avoid any obstruction on the highway from vehicles waiting to enter the site, the Highways Department is satisfied with the proposal subject to conditions. The Officer said that it is difficult to oppose the application from a highways perspective given that a plan to mitigate the concerns has been presented.

In relation to site capacity, the Planning Officer referred to the site layout and said that as well as the concrete hardstanding to the back of the site with 10 demarked areas for the individual pitches, there is a reinforced grass area to the fore which according to the Site Management Plan whilst not allocated for any overspill parking or additional pitches, could take some additional vehicles strictly at the discretion of the Housing Department as manager of the site. Although not a planning consideration, the Officer also confirmed that it is the intention to charge a rent for each pitch.

Having heard all the representations made, Councillor Robin Williams proposed that the application be refused contrary to the Officer's recommendation because he believed the proposal to be contrary to Policy TAI 19 which states that a set of criteria have to be met for planning consent to be granted. Criterion 4 stipulates that environmental factors, including ground stability, contaminated land, and proximity to hazardous locations should not make the site inappropriate for residential development unless mitigation is possible and proportionate. Councillor Williams said that the report prepared by Capita states that noise levels reaching 76 decibels have been recorded at the proposed site. The same report also refers to Noise Exposure Category D where planning permission

should be normally refused when the noise range is above 72 decibels. Councillor Williams said he believed the application to be non-compliant with policy for this reason. Councillor Eric Jones seconded the proposal.

Councillor John Griffith proposed that the application be approved in accordance with the Officer's recommendation based on professional and specialist opinions. The proposal was seconded by Councillor Kenneth Hughes.

In the ensuing vote, Councillors John Griffith and Kenneth Hughes voted in favour of the application whilst Councillors Bryan Owen, Eric Jones, Vaughan Hughes, Trefor Lloyd Hughes Dafydd Roberts and Robin Williams voted against. The vote to refuse the application was therefore carried.

**It was resolved to refuse the application contrary to the Officer's recommendation on the grounds that the proposal conflicts with Policy TAI 19, criterion 4 in respect of noise levels.**

***In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report on the reason given for refusing the application.***

#### **7.6 38C310F/EIA/ECON – Wylfa Newydd Cemaes**

This application was considered by the Planning and Orders Committee at the earlier morning meeting of the Committee.

### **8. ECONOMIC APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

### **9. AFFORDABLE HOUSING APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

### **10. DEPARTURE APPLICATIONS**

#### **10.1 21C38H/VAR – Application under Section 73A for the variation of conditions (10) (foul and surface water) and (11) (Management and Maintenance Plan) of planning permission reference 21C38G/VAR (erection of 4 dwellings) so as to allow the submission of information within 3 months instead of 2 months at the former Daniel Business Centre, Llanddaniel**

The application was presented to the Planning and Orders Committee as the proposal is contrary to the policies of the Joint Local Development Plan (JLDP) but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that full planning permission has been granted on the site under a previous application which was approved in 2010. Since then a footway has been partly completed and two of the four dwellings are currently under construction. An application to vary a condition in relation to the approved plans in order to amend the design of the four dwellings was approved in February, 2018. As part of the conditions placed on consent at the time the developer was required to submit within 2 months of the permission, details of the design and construction of the proposed foul and surface water drainage systems and how these would be managed and maintained. The developer is now applying to extend the timescale to 3 months but also to present the required details at the same time as the application. Those details have been submitted and have been assessed as acceptable by the relevant agencies.

The Officer clarified that the report is presented to the Committee because as a Section 73 application it is in effect a new application, and the proposal for the erection of a dwelling in this location being partly outside the development boundary, is contrary to

current planning policies. But due to the fall-back position provided by the extant planning permission which is in the process of being effected, the recommendation is to approve the application.

Councillor Dafydd Roberts proposed that the application be approved in accordance with the Officer's recommendation. The proposal was seconded by Councillor Vaughan Hughes.

**It was resolved to approve the application in accordance with the Officer's recommendation and written report subject to the conditions contained therein.**

**10.2 28C257D/VAR – Application under Section 73 for the variation of condition (11) (approved plans) of planning permission reference 28C257C (demolition of existing building together with the erection of a new dwelling) so as to amend the design of the dwelling together with variation of conditions (02) (surface water soakaway system), (09) (no surface water to drain onto the highway) and (10) (Traffic Management Plan) so as to provide the necessary details as part of the current application on land adjacent to Bryn Maelog, Llanfaelog**

The application was presented to the Planning and Orders Committee as the proposal is contrary to the policies of the Joint Local Development Plan (JLDP) but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that full planning permission has been granted on the site under a previous application to demolish the existing building and erect a new dwelling approved in July, 2017. The application under consideration is to vary the conditions as described. The proposed design amendments include a single garage with a slate pitched roof to be located to the North West of the site instead of a flat roof double car port to the East of the site; a small increase in the size of the ground floor utility; minor changes to windows and the re-location of the main dwelling to incorporate the new location of the garage. Overall the changes made to the dwelling are deemed minor in nature and will not affect adjacent residential properties any more than the previously approved planning permission. Details of drainage and traffic management plans have been submitted with the application under consideration and are acceptable. Although the proposal is contrary to current planning policies, the Officer's recommendation is to approve the application since the extant planning permission for a dwelling provides a fall-back position and the amended design is an improvement on the previously approved scheme.

Councillor Richard Dew, a Local Member spoke to confirm that he supported the proposal.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Bryan Owen.

**It was resolved to approve the application in accordance with the Officer's recommendation and written report subject to the conditions contained therein.**

## **11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

None were considered by this meeting of the Planning and Orders Committee.

## 12. REMAINDER OF APPLICATIONS

### **12.1 12LPA1003F/FR/CC – Full application for the installation of two pipes in connection with the Beaumaris flood alleviation works at the Bowling Green, Beaumaris**

The application was reported to the Planning and Orders Committee as it is made by the Council and is on Council owned land.

The Planning Development Manager reported that the application is for the installation of two pipes in connection with the flood alleviation works in Beaumaris. The total length of the culverts is approximately 380 metres and they will be buried at a depth of between 2 and 3 metres below the existing ground level. The majority of the works will be underground and therefore not visible; this being so it is not considered the proposal will affect the conservation of the AONB's natural beauty, features or special qualities related to visual effects. The revised scheme is considered to be a considerable improvement on a previously approved proposal for flood alleviation works in Beaumaris. Specialist internal and external consultees have assessed the proposed development in relation to the Special Area of Conservation, Site of Special Scientific Interest and Special Protection Area and raise no objections subject to conditions. The application is therefore recommended for approval.

Councillor Vaughan Hughes proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor John Griffith.

**It was resolved to approve the application in accordance with the Officer's recommendation and written report subject to the conditions contained therein.**

### **12.2 42C6N – Full application for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at Tan y Graig, Pentraeth**

The application was reported to the Planning and Orders Committee at the request of a Local Member.

The Chair reported that Local Member Councillor Margaret M. Roberts is requesting that the application site be visited because of the potential effects of the proposed development on the locality, on language and also on traffic.

Councillor Vaughan Hughes proposed that a site visit be undertaken; Councillor Trefor Lloyd Hughes seconded the proposal.

**It was resolved that the application site be visited in accordance with the Local Member's request for the reasons given.**

### **12.3 42C188E/ENF – Retrospective application for the erection of a new build holiday letting unit at 4 Tai Hirion, Rhoscefnir**

The application was reported to the Planning and Orders Committee at the request of a Local Member.

The Chair reported that Local Member Councillor Ieuan Williams is requesting that the application site be visited on the basis that although recommended for refusal, the report states that the scheme is considered acceptable in its location resulting in no harm to the amenities currently enjoyed by occupants of the surrounding properties.

Councillor Eric Jones proposed that a site visit be undertaken; Councillor Robin Williams seconded the proposal.

**It was resolved to that the application site be visited in accordance with the Local Member's request for the reason given.**

**12.4 45C489/LB – Listed Building Consent for internal and external works to the cottages at Llanddwyn Island, Newborough**

The application was reported to the Planning and Orders Committee as it for works to a listed building in the ownership of the County Council.

The Planning Development Manager reported that the proposed works are minor in nature and are in preparation for a documentary which seeks to recreate living conditions in the cottages at the turn of the century. The proposal is considered acceptable in the context of the listed buildings and the works are capable of being reversed thereby restoring the cottages to their present day condition.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Eric Jones.

**It was resolved to approve the application in accordance with the Officer's recommendation and written report.**

**13. OTHER MATTERS**

None were considered by this meeting of the Planning and Orders Committee.

**Councillor Nicola Roberts  
Chair**



## PLANNING SITE VISITS

### Minutes of the meeting held on 19 September, 2018

- PRESENT:** Councillor R O Jones – Vice-Chair  
Councillors John Griffith, Glyn Haynes, K P Hughes, T LI Hughes MBE,  
Eric Wyn Jones, Bryan Owen.
- IN ATTENDANCE:** Development Management Team Leader (IWJ),  
Development Control Engineer (JAR).
- APOLOGIES:** Councillors Vaughan Hughes, Dafydd Roberts, Nicola Roberts, Robin Williams.
- ALSO PRESENT:** Local Members : Councillor Margaret M Roberts (application 1 only)
- 

**1. 42C6N – Full application for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at Tan y Graig, Pentraeth**

The Planning Officer presented the application to the members. The application site was viewed from within the site, public highway and highway leading from the Hendre Hywel Estate.

**2. 42C188E/ENF – Retrospective application for the erection of a new build holiday letting unit at 4 Tai Hirion, Rhoscefnhir**

The Planning Officer presented the application to the members. The application site was viewed from within the application site.

**COUNCILLOR NICOLA ROBERTS  
CHAIR**

This page is intentionally left blank

7.1

**Gweddill y Ceisiadau**

**Remainder Applications**

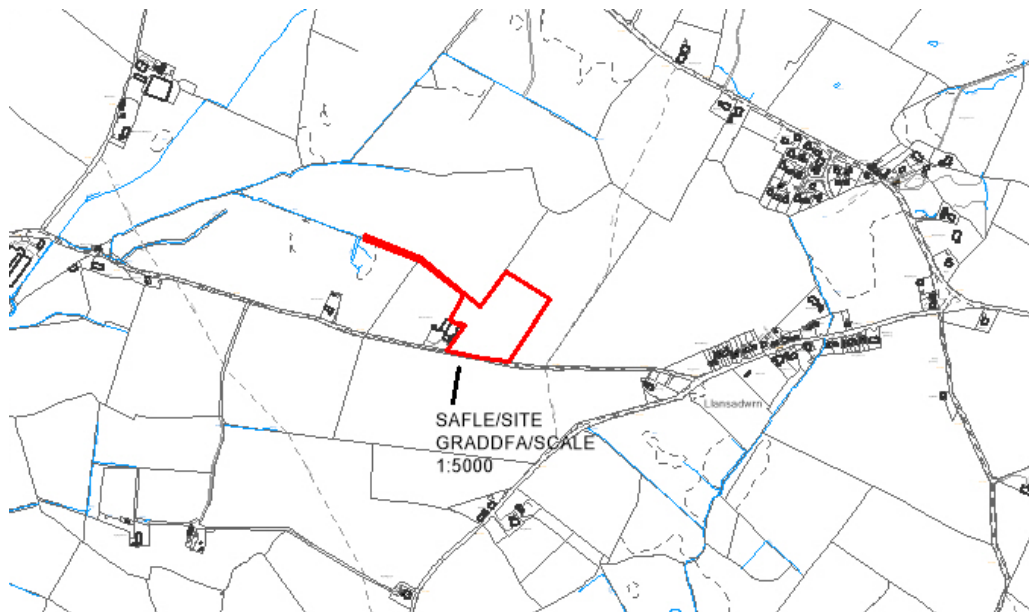
Rhif y Cais: **17C181C** Application Number

Ymgeisydd Applicant

**C Jones & Son**

**Cais llawn ar gyfer codi sied anifeiliaid, codi clamp silwair, gosod llecyn caled ynghyd â gwaith tirlunio cysylltiedig, creu mynedfa gan gynnwys bwnd tirlunio yn / Full application for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding, creation of an access together with associated landscaping to include formation of a landscaping bund at**

**Fferam Uchaf, Llansadwrn**



## **Planning Committee: 03/10/2018**

### **Report of Head of Regulation and Economic Development Service (MTD)**

#### **Recommendation:**

Permit

#### **Reason for Reporting to Committee:**

Local Member – Alun Roberts has requested that the application be referred to the planning committee for determination.

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

The application is for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding, creation of an access together with associated landscaping to include formation of a landscaping bund at Fferam Uchaf, Llansadwrn.

The application site located in the open countryside approximately 0.5km for the village of Llansadwrn. The site will be accessible from a highway immediately south of the site. Sporadic residential dwellings are located in the vicinity of the application site.

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

The key issues of the application are:

- i) whether or not the proposal complies with national and local planning policy;
- ii) whether or not the proposed scheme is acceptable in this location;
- iii) whether the proposal will have an adverse effect on the surrounding landscape;
- iv) whether the proposal will have an adverse effect on the neighbouring properties;
- v) whether the proposal will have an adverse effect upon highway safety;
- vi) whether the proposal will have an adverse effect upon nearby Ancient Monuments and;
- vii) whether the proposal will have an adverse impact upon the drainage system.

#### **3. Main Policies**

##### **Joint Local Development Plan**

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PCYFF5 – Carbon Management

PCYFF 6 –Water Conservation

PS13 – Providing opportunity for a Flourishing Economy

PS 19: Conserving and where appropriate enhancing the Natural Environment

AMG3 – Protecting and enhancing features and qualities that are distinctive to the local landscape character.

##### **Planning Policy Wales (9<sup>th</sup> Edition)**

##### **Technical Advice Notes 12: Design**

##### **Technical Advice Note 6 – Planning for Sustainable Rural Communities**

##### **Supplementary Planning Guidance: Design Guide for the Urban and Rural Environment**

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

**Councillor Carwyn Elias Jones** – Support locally for farming and local young families in farming. However, concerns raised with respect to highways, solar energy network capacity and drainage to protect nearby residential dwellings.

**Councillor Alun Roberts** – Request that the application be referred to the Planning Committee for determination. Concerns regarding highway safety, increased traffic from the proposed development and increased risk of flooding to nearby dwellinghouses as a result of the proposal.

**Councillor Lewis Davies** – No response

**Community Council** – No major objections to the proposed development. However, concerns raised with respect to drainage and highway matters.

**Environmental Health** – Approval subject to conditions protecting the amenities of nearby properties.

**Drainage** – The proposed drainage details appears acceptable in principle. Conditional approval recommended relating to the design detail of the surface water drainage system.

**Gwynedd Archaeological Planning Service** – Conditional approval subject to an appropriate archaeological mitigation.

**CADW** – Awaiting Consultation Response

**Natural Resources for Wales** – No Objection

**Ecology** – No Objection / Informative comments

**Welsh Water** – No comments with respect to the proposed development scheme.

**Landscape / Tree Officer** – Conditional Approval

**Local Highways Authority** – Concerns raised with respect to the construction phase and road surface, however are satisfied subjected to conditions.

#### **Response to publicity:**

A statutory public consultation process was carried out the response to which is summarised in the Pre - Application Consultation (PAC) report which was submitted as part of the application.

The application was afforded two means of publicity; these were by the posting of a notice near the site and the serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was 29/06/2018. At the time of writing the report eight representations had been received at the department.

In summary they state:

- i) Proposed agricultural shed will impact upon the amenity of residential properties and nearby playground.
- ii) Concerns regarding ecology, geology and landscaping.
- iii) Concerns regarding highway safety.
- iv) Concerns regarding drainage including an increased risk of flooding to nearby dwellinghouses.
- v) Need and justification for the proposed development.

In response to the above points raised above, the Authority comments as follows:

- i) The amenity of the nearby dwelling and other public amenity space are assessed later within the report.
- ii) The Authority's ecologist and landscape officer has raised no objection to the proposal.
- iii) The Local Highways Authority are satisfied with the proposed subject to conditions.

- iv) Drainage matters are assessed later within the report.
- v) The justification for the proposed development is assessed later within the report.

## 5. Relevant Planning History

17C181/SCR – Erection of a livestock shed, erection of silage clamps, laying of hardstanding together with associated landscaping to include formation of a landscaping bund for screening – EIA Not Required

17C181B/SCR - Screening opinion for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding together with associated landscaping to include formation of a landscaping bund at Fferam Uchaf, Llansadwrn – EIA Not Required

## 6. Main Planning Considerations

**Setting:** The proposed agricultural shed will be located outside the listed settlement of Llansadwrn and is therefore considered to be within the open countryside.

The proposed development mainly comprises of two elements which are:

- i) The construction of an agricultural building (73.15m length x 30.4m width x 7m height) to accommodate approximately 200 cattle between October and April. An internal Farm Yard Manure store (measuring 9m x 390m) provided within the proposed shed.
- ii) Erection of a silage clamp (18.50m width x 23.20m length x 4m height).

Other associated works including a new hardstanding area and engineering operations including a 2.5m high landscaped bund at the north and east of the proposed shed in an effort to screen the development from nearby viewpoints including public rights of way.

**Location:** The applicant has identified the proposed site as the most appropriate and best location for the proposed development. Several other locations were assessed prior to the submission of the application.

The new agricultural building will be located to the east of the existing agricultural buildings.

The application site is surrounded by agricultural land. Land immediately adjoining the site to the north is land owned by the applicant. Land to the south and opposite side of the highway is not within the applicant's ownership. The site will be accessible from the highway to the south of the site.

**Design:** The design and materials of the cattle shed would be entirely typical of a modern agricultural building. The proposed agricultural building will be finished with a combination of precast concrete panels, box profile sheeting, timber boarding and light grey fibre cement roof. The colours of the materials will be conditioned as part of any approved in order to ensure that the proposed development integrates into its surroundings.

The proposed silage clamp will be surrounded by 4 metre high concrete walls and located within an existing small enclosure surrounded by trees to the north of the existing buildings which will be retained as part of the Arboriculture Impact Assessment.

**Policy Considerations:** National planning policy included within Planning Policy Wales and Technical Advice Note and Technical Advice Note 6 – Planning for Sustainable Rural Communities supports agricultural related activities within the open countryside if they are well integrated into their surroundings and will not have a detrimental impact upon the amenities of the area and neighbouring properties. Policy PS19 of the Joint Local Development Plan encourages economic growth.

Policy PCYFF4 and AMG 3 of the JLDP requires that all proposals should integrate into their surroundings and protect the landscape. Furthermore, policy PCYFF3 requires, amongst other matters that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environment context.

On balance, it is considered that the proposal is of high quality design which integrates into its surroundings and will not have a detrimental impact upon the landscape or neighbouring properties. These matters are assessed later within the report.

**Justification:** The agricultural business comprises of 872 acres of mainly grade three agricultural land which is split into five individual farmsteads. On the 872 acres of land which form the agricultural holding, 380 acres are owned by the applicant and 492 acres are leased on a lifetime tenancy.

Farm production includes the finishing of 700 beef cattle on an annual basis in two lots, along with a flock of 1,500 lowland ewes, providing in excess of 2,000 lambs for slaughter annually.

Since cattle are currently housed across five farmsteads including Treffos, Plas Llandegfan, Gadlys, Tyn Llan and Fferam Uchaf. The applicant wish to reduce it to three, housing cattle at Fferam Uchaf, releasing Treffos and Tyn Llan for the storage of implements, fodder and produce from arable operation. The current proposal would improve logistics and improve the welfare of the livestock.

The applicant's intention is to accommodate more cattle at the proposed site. This would thereafter release the remaining sheds to the storage of implements, fodder and produce from arable operations.

The erection of silage clamp at Fferam Uchaf will significantly improve efficiency relating to feeding time, due to less haulage and reduced on going costs from the existing need to produce wrapped big bales. This would improve efficiency as well as improving environmental sustainability.

**Effect upon nearby Scheduled Monument:** Hendrefor burial chamber (scheduled monument AN025) is located within 2km north west of the application site. In addition to the Hendrefor burial chamber, there are further burial chambers and a series of standing stones (including scheduled monument AN074) also in the vicinity.

Gwynedd Archaeological Planning Service (GAPS) have been consulted regarding the application and are of the opinion that since the shed is located east of existing agricultural buildings the proposal is substantially screened from the monument. In areas where the shed may be visible, vegetation will be used to screen the structure which will not have a material harm of the monument's significant.

The proposed development is not considered to significantly affect the possible interrelationships between any of these sites and discoveries.

GAPS have recommended that appropriate archaeological mitigation is undertaken as part of any planning approval with respect to a programme of archaeological works. The Local Planning Authority are also awaiting a response from CADW regarding the proposed development. However, in respect to the statutory Pre Application consultation, it is noted that CADW raised no objection in principle to the development.

**Effect on neighbouring properties:** The nearest dwelling to the application site is located at Fferam Isaf, which is approximately 240 m west, 1 and 2 Pencraig are located 350m east and Arcady is located approximately 325m south east.

Concerns were raised as part of the publicity consultation process with respect to noise, odour and general disturbance the proposed development would have upon neighbouring properties.

Environmental Health were consulted regarding the application and have raised no objection subject to a condition limiting the hours of construction works together with the management of manure. Details of lighting should also be conditioned as part of any approval.

Due to the distances between the application site and neighbouring properties together with existing and proposed screening and the topography of the land it is considered that the proposed

development would not give rise to harmful impacts including noise, odour or general disturbance sufficient to warrant refusal.

In addition, since the proposed development has also included a 2.5 meter high landscaped bund and lowering ground level of the proposed livestock shed by 1 meter, it is considered the proposal would not conflict with Policy PCYFF2 which seeks to protect the amenity of occupiers of nearby properties or public open spaces including a playgrounds.

**Landscape and Mitigation Measures:** Agricultural sheds are currently located towards the east of the site. The proposal entails expansion of agricultural features, the removal of an area of trees and the creation of a bund all within agricultural land. The bund would enclose the southern and most of the eastern elevation generally joining up retained tree cover through new planting.

The application site is not within the Area of Outstanding Natural Beauty (AONB) or Special Landscape Area (SLA).

The site is identified as being of Moderate Value in LANDMAP. Occupying a locally elevated position partially enclosed to trees the site is sensitive to changes that would alter these features. Mitigation in the form of bunds and planting is proposed to address prominent views of the site and integrate it into its surroundings as required in PCYFF 4.

Some removal of traditional features (young woodland) will occur as identified in AMG 3, other features (older woodland) have been incorporated into the design and it is not considered that there would significant effects on unique features in Visual and Sensory terms.

The building's proposed colour is important and therefore would be conditioned as part of any approval in order that it integrates into its surroundings. In addition, a planting condition will be imposed in order that adequate landscaping is provided.

**Highway:** As a result of the consultation and publicity process concerns have been raised with respect to highway safety and an increase in traffic as a result of the proposed development. The Local Highways Authority have assessed the application and not objected to the proposal subject to conditions requesting that a satisfactory Construction and Operational Phase Traffic Management Plan are submitted prior commencement of the proposed development.

**Drainage:** As a result of the consultation and publicity process concerns were raised with respect to the current drainage system and the impact the proposal may have upon nearby residential properties at Maes Hafoty in terms of flooding.

Surface water drainage from both the agricultural shed and hardstanding area will be disposed to a nearby watercourse, located to the north west of the proposed silage clamp.

The drainage department have assessed the application together with supporting document and have concluded that the surface water run-off from the development site drains to a separate catchment than Maes Hafoty and will therefore not add any additional loading onto the land drainage networks in the vicinity of Maes Hafoty. The department are therefore satisfied with the proposal subject to a condition relating to surface water design details

## 7. Conclusion

The principle of development for agricultural purposes is accepted within planning policy. The proposal under consideration due to mitigation provided will not create unacceptable changes to the landscape, have an unacceptable effect on residential amenity of neighbouring properties, highway safety or nearby ancient monuments. It is recommended that the application be approved subject to conditions and satisfactory consultation response from CADW.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it



is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

## **8. Recommendation**

To **permit** the application for the reasons below:

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

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

**(02) The building hereby approved shall be used solely for the purposes of Agriculture, as defined by Section 336(1) of the Town and Country Planning Act 1990 and for no other commercial or business use whatsoever.**

Reason: To ensure that the development will always be in the best interests of the agricultural industry

**(03) a) No development (including trial pitting, topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.**

**b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.**

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and TAN24: The Historic Environment.

2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

**(04) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing number EA/5343-200-01 Rev C received on the 27/06/2018 before the use hereby approved in commenced. The said trees and shrubs shall be maintained for a period of ten years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.**

Reason: In the interests of visual amenity.

**(05) No development shall commence until details of internal and external lighting is submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the use hereby approved is commenced.**

Reason: In the interests of visual amenity.

**(06) No development shall commence until full details of the colour to be used for the proposed fiber cement and box profile sheeting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with approved details before the use hereby approved is commenced.**

Reason: In the interests of visual amenity.

**(07) The development shall follow the sequence of operations listed in Steps 1 – 3 of page 13 of the Tree Solutions Arboriculture Impact Assessment/Method Statement (Reference number 18/AIA/Anglesey/14 (Rev A) received on the 23/05/2018) as informed by the main body and schedules of the same report. The approved tree pruning works shall be carried out in accordance with BS3998:2010.**

Reason: To integrate the development into its surrounding locality.

**(08) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of use of the building, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.**

Reason: To integrate the development into its surroundings

**(09) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).**

Reason: To integrate the development into its surroundings

**(10) No development shall commence until details for the stripping and stockpiling of topsoil and subsoil during the development, and its reuse in the planting bund is submitted and approved in writing by the Local Planning Authority.**

**Details shall include:**

- **Timing of extraction and reuse**
- **Separation**
- **Location of storage**
- **Bund construction**

Reason: To ensure that soils are carefully extracted, separated, stored and reused to prevent their damage and facilitate the approved landscaping scheme.

**(11) All landscaping will be appropriately protected by stock-proof fencing before the use hereby approved in commenced.**

Reason: To ensure that the approved landscaping scheme is protected from livestock damage.

**(12) Construction works shall be carried out between the hours of 08:00 - 18:00 Monday to Friday and 08:00 – 13:00 on Saturday. No works shall be carried out on Sunday or Bank Holidays.**

Reason: To safeguard residential amenity

**(13) No development shall commence until design details for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the use hereby approved is commenced.**

Reason: To ensure that the site can be adequately drained.

**(14) No development shall commence until a Construction Traffic Management Plan (CTMP) is submitted and agreed in writing by the Local Planning Authority. The CTMP shall include:**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**

**(ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**

**(iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**

**(iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**

**(v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**

**(vi) The arrangements for loading and unloading and the storage of plant and materials;**

**(vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The construction of the Development shall be completed in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(15) No development shall commence until a Operational Phase Traffic Management Plan (OTMP) is submitted and approved in writing by the Local Planning Authority. The OTMP shall include;**

**(i) The routing to and from the site of service and operational vehicles, plant and deliveries, including Traffic Management Measures necessary to facilitate safe operation, including any subsequent demolition or decommissioning of the development**

**(ii) The type size and weight of service and delivery vehicles to be used in connection with the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**

**(iii) The timing and frequency of service and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and access routes to the site including regard for sensitive receptors e.g. schools and network constraints;**

**(iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**

**(v) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The operation of the Development shall be carried out in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over traffic associated with the operation of the development in the interests of highway safety.

**(16) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 17C181C.**

<b>Drawing/ Document Number</b>	<b>Date Received</b>	<b>Plan Description</b>
<b>17_206/01</b>	<b>23/05/2018</b>	<b>Topography Survey</b>

<b>EA/5343-200-01 Rev C</b>	<b>23/05/2018</b>	<b>General Arrangement and Planting Plan</b>
<b>01</b>	<b>23/05/2018</b>	<b>Elevations</b>
<b>02</b>	<b>23/05/2018</b>	<b>Floor Plans</b>
<b>SE36.0 Sales Rev 1</b>	<b>23/05/2018</b>	<b>Silage Effluent</b>
	<b>23/05/2018</b>	<b>Silage and Slurry Storage Requirements</b>
	<b>23/05/2018</b>	<b>Conder Underground Tanks: Granular Surround</b>
<b>18/AIA/Anglesey/14 (Rev A)</b>	<b>23/05/2018</b>	<b>Arboriculture Impact Assessment / Method Statement</b>
<b>5343 D01 – Rev A</b>	<b>23/05/2018</b>	<b>Landscape Statement</b>

**(17) No development shall commence until a Manure Management Plan prepared in accordance with the Code of Good Agricultural Practice for the Protection of Water, Soil and Air for Wales (2011 No.20) is submitted to an approved in writing by the Local Planning Authority. The plan shall have regard to the maximum field application rates of 250Kg total nitrogen / hectare / year, specified in the code. Where slurry is intended to be spread on land outside the applicant's control, they shall make all reasonable enquiries before releasing the material, to ensure that overall amount of material spread on that land (including the material intended to be supplied by the applicant) will not exceed this application rate".**

Reason: To safeguard residential amenity and the environment.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

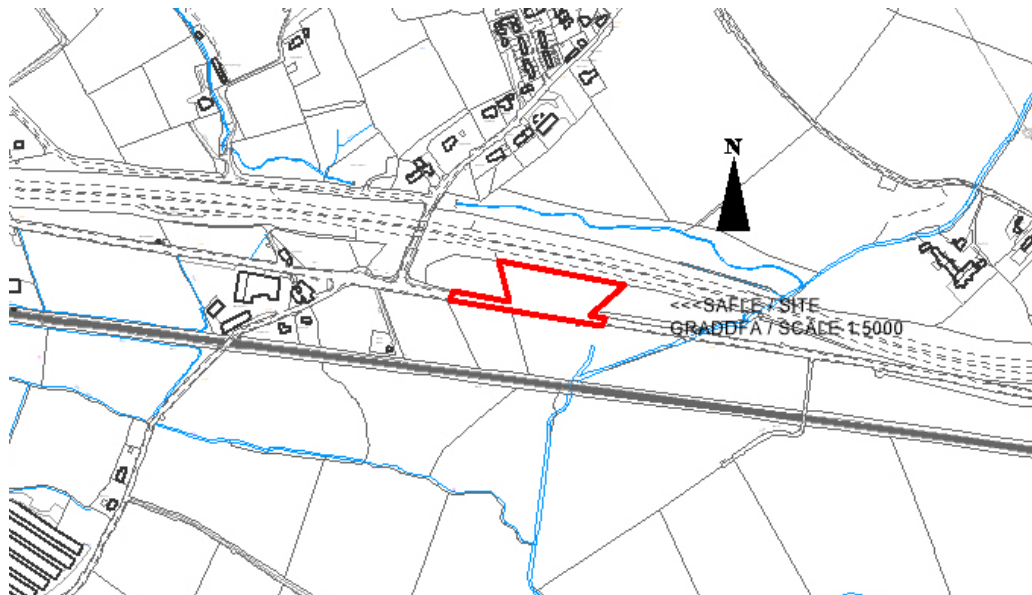
Rhif y Cais: **41LPA1041/FR/TR/CC** Application Number

Ymgeisydd Applicant

Cyngor Sir Ynys Môn

Cais llawn ar gyfer newid defnydd tir amaethyddol i'w ddefnyddio fel man stopio dros dro (10 llecyn) ar gyfer Sipsiwn a Theithwyr, creu mynedfa gerbydau newydd, ffurfio mynedfa newydd i gerddwyr a phafin ynghyd â datblygiadau cysylltiedig ar dir i'r Dwyrain o / Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of

Star Crossroad, Star



**Planning Committee: 03/10/2018**

**Report of Head of Regulation and Economic Development Service (DFJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application has been submitted by the Isle of Anglesey County Council (Housing Services).

Under the Council's present scheme of delegation it is required that the matter of this application be referred for determination to the Planning and Orders Committee, based on the following 3 grounds:

1. The applicant is a department within the Isle of Anglesey County Council, in this case Housing Services;
2. Councillors Robin Wyn Williams, R. Meirion Jones and Alun Mummery, in their consultation responses, have requested that the application be heard and determined by the Planning and Orders Committee; and
3. As a result of the number of 3rd party representations stating objection to the proposed development.

At its meeting held on the 5<sup>th</sup> September 2018 the Committee resolved to refuse the application contrary to officer recommendation.

The recorded reasons being as follows:

*'The proposal conflicts with Policy TAI 19, criterion 4 in respect of noise levels'.*

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

*"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."*

Furthermore, paragraph 4.6.12.2 requires that;

*"The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."*

**Conclusions:**

**Detailed Considerations under Policy TAI 19: New Permanent or Transit Pitches or Temporary Stopping Places for Gypsies and Travellers**

Based on the aforementioned reason for refusal by the Planning and Orders Committee, further consideration is given below to the Committee's concerns that the proposal represents a departure from policy TAI 19 and that it is not sufficient to allow for a departure from the adopted policy.

As advised within the report to Committee on 05/09/2017, Policy TAI 19 supports the release of land to provide pitches for Gypsies and Travellers in locations that wouldn't be normally released for residential development. To wit, such sites must follow the policy's detailed criteria. Of this criteria, point 4 states:

*"That environmental factors, including ground stability, contaminated land, and proximity to hazardous locations, do not make the site inappropriate for residential development unless mitigation is possible and proportionate..."*

Based on the views expressed by members during the Committee meeting, it is understood that the position taken was that the proposal would give rise to noise levels which exceeded World Health Organisation (WHO) guidance for noise and that this in of itself would constitute an *environmental factor* which was at a level *inappropriate for residential development* and furthermore that the proposed mitigation; namely acoustic barriers did not provide sufficient or *proportionate mitigation*.

In considering the recommendation, it is noted that the impact of noise on the development – from the perspective of amenity for its users – is a material planning consideration which is of relevance to the assessment of this application. Furthermore, it is also noted that Criterion 4 of Policy TAI 19 – while not specifically referencing noise within its text – is appropriate as a relevant consideration in determining the acceptability, or otherwise of noise impact(s).

Given this, in considering the impact of noise on the site, the following key issues must be reviewed:

1. The potential impact of noise and any suitable mitigation measures proposed which may be proportionate to the development;
2. The weight attributed to policy TAI 19 within the context of the wider planning assessment;
3. The weight attributed to WHO guidance in the assessment of noise impacts; and
4. Any other material considerations.

In respect of 1, the applicant has submitted a Noise Impact Assessment (NIA) in support of the application; for the avoidance of doubt this assessment was provided in advance of the recommendation made to the Committee and was subject to review by consultees; the most pertinent of which is the Council's Environmental Health section.

Contained within the submitted NIA, the principal sources of noise affecting the site are deemed to be: road traffic noise from the A55 and the A5, and occasional train noise. The methodology of the NIA is considered to follow the requirements of TAN 11 'Noise' and also further considers the WHO guidance.

The NIA finds that without noise measurements taken at the site were between 60 – 65 dB during the daytime and 54 – 59 dB at night time. With mitigation (i.e. a 3m high acoustic fence to the north, east and western site boundaries), internal noise levels within the site are predicted to be reduced to between 32 – 37 dB during the daytime and 26 – 31 dB at night time. These predicted measurements are considered to fall within the thresholds set within the WHO guidance. In addition, external noise levels with mitigation are predicted remain in excess of the levels recommended by WHO guidance.

In addition, consideration is given within the NIA to BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings). BS 8233 is recognised as the British Standard for guidance for the control of noise in and around buildings for use by planning and other regulatory authorities. In this regard, the NIA advises that while external noise levels within the site (post-mitigation) are predicted to marginally exceed WHO guidance, BS 8233 advises that where WHO aspirational targets cannot be achieved, that a balance between other planning considerations must be taken.

With specific regards to the discussions of the Committee when reaching their decision on this application, it is also noted that reference was made to the submitted NIA and that noise levels had been recorded at 76 dBA (weighted decibel) – which would fall within Noise Exposure Category (NEC) D of TAN 11 (that states that planning permission should normally be refused). It should however be advised that the figure of 76 dB has been misquoted within this discussion and in terms

of the NIA it is quoted as an LA<sub>max</sub> (maximum recorded) noise level. This practically means that the 76 dB is not a dBA measurement and it is therefore incorrect to treat this as a measure under which TAN 11 establishes the NEC. In actuality, the NIA states that the relevant unmitigated LA<sub>eq</sub> noise levels recorded within the site range from 64 – 66dB during the daytime and 55 – 56dB at night. These values therefore correspond to NEC C during the daytime and NEC category B at night. Furthermore, with proposed mitigation the levels are predicted to fall wholly within NEC category B at all times. For the avoidance of doubt, below is an extract from TAN 11 in respect of NEC category B:

*“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.”*

In respect of 2, it is advised that policy TAI 19 is a central policy in the assessment of a development of this nature, and that within the report to the Committee on 05/09/2018 that it stated *“Policy TAI 19 is considered to provide the fundamental criteria when considering the suitability of a site for the proposed development and as such is given due weight in the decision making process, particularly concerning the suitability of the location of the site”*.

In respect of 3, it is considered that the JLDP represents the primary material consideration in determination of this application and that other considerations – while relevant – are of lesser weight and therefore would not outweigh the provisions of the adopted plan. In respect of the WHO guidance, it is considered that this should be considered within the context of supporting the policies of the adopted plan and alongside TAN 11 must be considered within the context of its non-statutory status as a guidance document only.

In respect of 4, other material considerations relevant to this application and the Committee’s reason for refusal include, the need to weigh the suitability of the site against the wider national policy context in respect of the provision of Gypsy and Traveller sites as identified within the report to Committee of 05/09/2018, consideration of the responses from statutory and non-statutory consultees in respect of noise and comments and objections from 3<sup>rd</sup> parties in respect of noise.

### **Conclusions:**

Based on the foregoing considerations, the following conclusions can be drawn:

- The applicant’s submitted NIA is considered sufficient in its scope and methodology to provide an accurate assessment of potential noise impacts at this site.
- The conclusions of the NIA demonstrate that in order to reduce potential noise impacts within the site, mitigation is required.
- The proposed mitigation measures, namely the inclusion of 3m high acoustic barriers to the north, east and west site boundaries are considered *possible* (i.e. these can be practically provided on site) and *proportionate* to the proposed development.
- As per the recommendations of the Committee Report (05/09.2018), the proposed acoustic fencing, would not give rise to significant detrimental visual impacts, or other environmental impacts, in of itself.
- The mitigation proposed is predicted to reduce internal noise levels within WHO guidance, but has the potential to remain in excess of said guidance with regard to external noise levels at their peak.
- The mitigated noise level as established by the NIA would fall within NEC B of TAN 11, meaning that noise must be considered during determination and that appropriate conditions imposed to ensure an adequate level of protection.
- No objections from statutory or non-statutory consultees have been made on the grounds of noise impact which would outweigh the provisions of the JLDP.

Fundamental to the conclusions provided above, it is considered that noise is only one of multiple factors which require to be considered in respect of a development of this type – with all other environmental factors considered satisfactorily addressed.



The adopted national guidance contained within TAN 11 should therefore be considered as the recognised and established primary guidance available to planning authorities in the assessment of potential noise impacts.

In addition, it is recognised that the WHO guidance provided relates to *aspirational* noise limits and does not set statutory targets which must be adhered to. This is underlined by the recommendation of BS 8233 which advises planning authorities that where these targets cannot be achieved that a balance of all planning considerations must be taken. Based on this, it is considered that the need for such a provision has already been established with no objection from the Committee during its determination; that the development is of a scale which would not give rise to significant environmental or amenity impacts external to the site; that other environmental matters are also considered to be addressed; and that there are not deemed to be any further policy conflicts which have not already been satisfactorily addressed either through mitigation or the recommended conditions and informatives.

As such, the issue of noise in respect of this application can be distilled down to a need to balance the potential impacts against the other material planning considerations. Given this, it is considered that the merits of this development in respect of its overriding need; its compliance with the JLDP in other policy areas; and its acceptable visual, environmental and amenity impacts have been previously established within the assessment contained within the Committee Report (05/09/2018). It is therefore considered that the predicted external only noise impact which may exceed (at their upper limits) the aspirational thresholds set by the non-statutory WHO guidance does not outweigh the merits of the proposal or present a significant impact which would support the refusal of the application on these grounds.

## **8. Recommendation**

Based on the foregoing information, it is recommended that the Committee respectfully reconsider their previous position and resolve to **permit** the application as per the findings within this report and within the Officer's original report to Committee of 5<sup>th</sup> September 2018.

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

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

**(02) The development hereby permitted shall be carried out in accordance with the following approved plans:**

**AGS-CAP-ELS-01-DR- L-1001 Revision P01;  
AGS-CAP-ELS-01-DR- L-1003 Revision P01;  
AGS-CAP-HSC-01-DR-C-0201 Revision P01;  
AGS-CAP-HFE-01-DR- C-0301 Revision P01;  
AGS-CAP-HFE-01-DR- C-0302 Revision P01;  
AGS-CAP-HDG-01-DR- C-0501 Revision P03;  
AGS-CAP-HGT-01-DR-C-0601 Revision P01;  
AGS-CAP-HLG- 01-DR-C- 1301 Revision P01; and  
AGS-CAP-HML-01-DR-C-0001 Revision P01**

**unless otherwise required to be approved under the terms of this permission and as thence permitted.**

Reason: For the avoidance of doubt.

**(03) Notwithstanding the submitted information, hereby approved, no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and that it should be discharged to the Afon Braint, unless otherwise agreed in writing with the planning authority, in consultation with Welsh Water.**

Reason: To ensure the proper drainage of the site and to protect the integrity of the public sewerage network.

**(04) Notwithstanding the submitted information, hereby approved, the applicant shall provide a statement and accompanying plan which demonstrates a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates. This statement and plan shall be submitted to the planning authority and receive approval, prior to the commencement of development on site.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(05) The proposed pedestrian link, hereby approved, shall be constructed and in place prior to the occupation of the site and shall remain in place at all times thereafter.**

Reason: In the interests of pedestrian and vehicular safety.

**(06) The access shall be laid out and constructed strictly in accordance with the submitted plan, drawing No "AGS-CAP-HDG-01-DR-C0501 rev. P03" before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(07) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 meters back from the nearside edge of the adjoining carriageway.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(08) The access shall be constructed with 2.4 metre by 215 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(09) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and in perfect working order before the use hereby permitted is commenced.**

Reason: To prevent surface water shedding onto the carriageway.

**(10) The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced and thereafter retained solely for those purposes.**

Reason: In the interests of the residential amenity for occupants and internal site safety.

**(11) The applicant shall submit a full comprehensive and robust Construction Phase Traffic Management Scheme including:-**

- I. The parking of vehicles for site operatives and visitors
- II. Loading and unloading of plant and materials
- III. Storage of plant and materials used in constructing the development
- IV. Wheel washing facilities (if appropriate)
- V. Hours and days of operation; and
- VI. Management and operation of construction and delivery vehicles.

**This Construction Phase Traffic Management Scheme shall be approved in writing by the planning authority, in consultation with the Highways Authority prior to the commencement of development works on site.**

Reason: In the interests of pedestrian and vehicular safety and in the interests of the proper traffic management of the site during construction.

**(12) The applicant shall submit supporting design calculations for the attenuated surface water drainage system. This information shall be approved in writing by the planning authority prior to the commencement of development works on site.**

Reason: In the interests of the proper drainage of the site.

**(13) Notwithstanding the approved information, any trees, plants or hedgerows, which are included within the development for the express purpose of providing visual screening, which die shall be replaced on a like for like basis, unless otherwise agreed in writing with the planning authority.**

Reason: In the interests of visual and residential amenity.

**(14) The applicant shall submit a method statement setting out that all recommendations described in section 7 of the submitted Ecological Assessment report are adhered to and adopted. This method statement shall be approved in writing by the planning authority prior to the commencement of development on site.**

Reason: In order to preserve and protect the ecological interests of the development site.

**(15) Notwithstanding the submitted information hereby approved, the applicant shall provide updated plans which indicate firmly defined area(s) of new planting for both hedges and grassland. Furthermore the areas of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations. This plan shall be approved in writing by the planning authority, prior to any development works on site relating to the implementation of the planting scheme.**

Reason: In order to enhance the ecological interests of the site and safeguard visual and residential amenity.

**(16) No development (including topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the planning authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.**

Reason: In order to safeguard local archaeological interests.

**(17) A detailed report on the archaeological work, as required by condition (16), shall be submitted to and approved in writing by the planning authority within six months of the completion of the archaeological fieldwork.**

Reason: In order to safeguard local archaeological interests.

Informatives:

(01) The applicant is advised that consideration should be given at construction stage to facilitate the retro-fitting of CCTV, should future site issues emerge.

(02) The applicant is recommended to engage with North Wales Police on the preparation of any future amendments or further detail to the Site Management Plan.

(03) The applicant is advised that any development that would contravene the protection afforded to bats of Great Crested Newts under the Conservation of Habitats and Species Regulations 2010 (as amended) would require a derogation licence from Natural Resource Wales. Furthermore, a licence may only be authorised if:

- a) There is no satisfactory alternative.
- b) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range; and
- c) The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(04) The applicant is recommended to contact Natural Resource Wales about how the guidance contained within Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2 and 3), March 2010 can be adopted in relation to this development.

(05) The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.

(06) Any adjustments, re-siting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

(07) The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

(08) The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

(09) If he/she chooses to carry out the work himself/, the Applicant should be advised to apply in writing to the Corporate Director of Highways, Transportation and Property for the necessary consent, as required under Section 171 of the Highways Act, 1980 to carry out work within the highway for the formation of the footway and/or verge crossing.

(10) It is a requirement under law to serve an abnormal load notice to the police and to Highway and Bridges Authorities under "The Motor Vehicle (Authorisation of Special Types) General Order 2003".

(11) The Highways Authority will be utilising Section 59 of the Highways Act 1980 "Recovery of expenses due to extraordinary traffic", to recover compensation for any damage done to the public highway as a result of this development.

(12) The culverting of the land drainage ditch to provide for the vehicular access, will require a consent from this Authority under Section 23 of the Land Drainage Act 1991.

(13) The applicant is advised that in order to achieve surface water discharge to the Afon Braint, a Flood Risk Activity Permit may be required from Natural Resource Wales.

(14) Construction waste should only be disposed of to sites which can prove that they are registered as exempt, or licensed under the Environmental Permitting Regulations. There is a legal requirement (Duty of Care requirements of Section 34 the Environmental Protection Act 1990) on the site owner, contractor etc. to ensure that the re-use or disposal of this waste is appropriate and complies with the Environmental Permitting Regulations. Under the Duty of Care requirements, appropriate Waste Transfer Notes must be produced and kept. Any waste which is imported as part of the construction is also subject to Environmental Permitting Regulations 2010. The applicant should ensure they have appropriate exemptions/permits in place for the waste activities.

(15) Pollution prevention methods should be in place for any work taking place at the eastern side of the site within close proximity to the Afon Braint. The applicant should be aware of the contents of the latest Pollution Prevention Guideline with regards to working near water i.e. GPP5 via the NetRegs website.

(16) Care should be taken with all work involving concrete so as not to pollute watercourses. Any water that meets wet concrete must be treated as contaminated and must not be allowed to discharge into any watercourse. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000.

(17) All fuel, oil and chemicals used on site should be stored away in a locked store which is bunded to 110% capacity of the total volume stored. Oil spill kits should be available at key locations on site for dealing with any oil spill. All staff on site should be aware of their location and trained in their use.

(18) The applicant is advised that scrub removal should be carried out either outside March-end August, or following checks by a qualified ecologist.

(19) The applicant is advised that Excavations to be covered overnight, or bunded with sloping sides.

(20) The applicant is advised that the development should cause no nuisance by dust, fumes, noise, odour or artificial light.

(21) Any construction works should be carried out between the following times:

0800 – 1800 (Monday to Friday);

0800 – 1300 (Saturday) and no working on Sundays or Bank Holidays.

(22) It is recommended that the applicant undertake construction works in accordance with CIRIA document – C650 C741, 2015 – Environmental Good Practice On Site (Fourth Edition).

(23) The applicant is advised that there should be an Information board provided on site to display details such as site rules, emergency contact information, fire safety, general info on GPs etc.

7.3

Gweddill y Ceisiadau

Remainder Applications

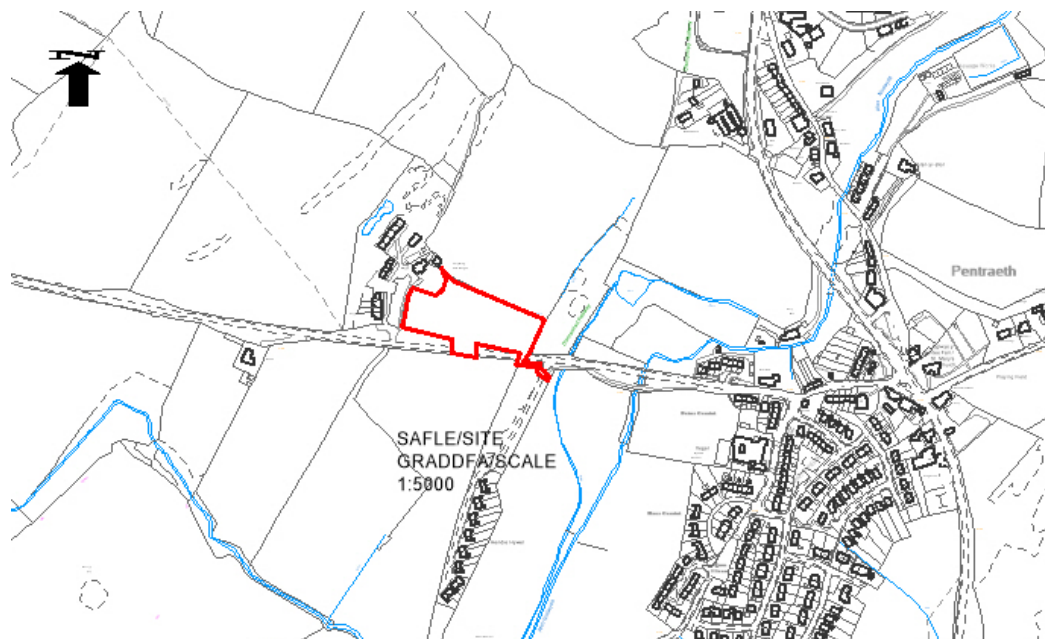
Rhif y Cais: **42C6N** Application Number

Ymgeisydd Applicant

**Mr T Cusack**

**Cais llawn ar gyfer lleoli 15 sialet gwyliau, chreu mynedfa newydd i gerbydau a llwybr cerdded ynghyd a gwaith cysylltiedig yn / Full application for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at**

**Tan y Graig, Pentraeth**



**Planning Committee: 03/10/2018**

**Report of Head of Regulation and Economic Development Service (IWJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

Local Member – Councillor Margaret Murley Roberts has requested that the application be referred to the planning committee for determination.

At the committee meeting held on the 5<sup>th</sup> September, 2018, it was resolved that a site visit was required. The site visit took place on the 19<sup>th</sup> September, the Members are now aware of the site and its settings.

**1. Proposal and Site**

The application is for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at Tan y Graig, Pentraeth.

The application site is a parcel of land located to the north of the B5109 highway. The site is accessible from the south by an existing access.

There are dwelling houses located to the west of the application site, agricultural fields are located to the north whilst a disused railway line is located to the east.

**2. Key Issue(s)**

Whether or not the proposal is justified in this location, complies with local and national policies and whether the proposal will have an impact upon the neighbouring properties, amenity of the area and highway safety.

**3. Main Policies**

**Joint Local Development Plan**

PCYFF1 – Development Boundaries  
PCYFF 2 – Development Criteria  
PCYFF3 – Design and Place Shaping  
PCYFF 4 – Design and Landscaping  
PS4 - Sustainable Transport, Development and Accessibility  
PS20 – Preserving and Where Appropriate Enhancing Heritage Assets  
TWR3 – Static Caravan and Chalet Sites and Permanent Alternative Camping Accommodation  
ISA 1 – Infrastructure Provision  
AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to Local Landscape Character

**Planning Policy Wales (9<sup>th</sup> Edition)**

**Technical Advice Note 5: Nature Conservation and Planning**

**Technical Advice Note 6: Planning for Sustainable Rural Communities**

**Technical Advice Notes 12: Design**

**Technical Advice Note 13: Tourism**

**Technical Advice Note 18: Transport**

## **Technical Advice Note 23: Economic Development**

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

**Councillor Margaret Murley Roberts** – Request that the application be referred to the Planning Committee for determination.

**Councillor Vaughn Williams** – No Response

**Councillor Ieuan Williams** – No response

**Community Council** – Objection on several grounds including:

- Concerns regarding highway safety
- Proposal does not respect the surrounding environment
- Proposal will be visible from the village
- Effect upon the amenity of nearby residential properties
- Proposal would increase pressure upon the existing sewage system
- No demand for such a proposal within the area

**Environmental Health** – Proposal complies with required distances within Ste Licence. Conditional approval recommended.

**Drainage** – Proposed foul drainage is acceptable in principle. Condition should be attached with respect to surface water.

**Welsh Water** – Conditional Approval

**Policy** – The main JLDP policy relevant to the proposed development is TWR3. The acceptability of the development in question will depend on whether it accords with the listed criteria, specifically the impact of the development on the local landscape.

**Built Environment** – The amended layout and reduction in the number of units have address the section's initial concerns.

**Landscape / Tree Officer** – Subject to a condition relating to a landscaping scheme, the officer is satisfied that the proposal complies with the relevant development plan policies.

**Ecology** – No objection. However have recommended a condition with respect to the Ecological Assessment.

**Local Highways Authority** – Conditional Approval

**Natural Resources for Wales** – No Objection

### **Response to publicity:**

A statutory public consultation process was carried out and a Pre-Application Consultation (PAC) report which was submitted as part of the application.

The proposal was advertised with the posting of notifications to adjacent properties and within the local press. Site notices have also been displayed near the application site. The latest expiration of the publicly period was the 30<sup>th</sup> July, 2018

Seventeen letters of representation were received as a result of the publicity afforded to the application. The main points raised are summarised below:

- Cottages at Tan Y Graig are not being used for holiday purposes but rather as permanent place of residence.
- Proposed development will have an effect upon neighbouring properties in terms of light pollution, noise, loss of privacy and general disturbance.
- High density of units in comparison to the size of application site.
- Concerns regarding highway and pedestrian safety.



- Large number of holiday lodges / caravan sites within the area therefore no demand for such a development.
- Concerns regarding loss of wildlife and effect upon nearby nature designations.
- Concerns with respect to flooding. The application site has poor drainage. Concerns additional drainage and sewage generated from the proposed development will impact upon the existing infrastructure.
- Concerns regarding anti-social behaviour
- Concern that the proposal would have an effect upon the character and landscape of the area.

In response the points raised, the Authority comments as follows:

- A Certificate of Lawful Use was approved on the 18/03/2008 for the use of 13 units at Tan Y Graig as C3 dwellings.
- The effect that the proposed development will have upon the residential amenity of neighbouring properties and the locality is assessed later within the report.
- The number of units have been reduced from 21 to 15. The density is discussed later within the report.
- The Local Highway Authority have assessed the application and raised no objection subject to conditions
- The intensification and need of such a development within the locality have been discussed later within the report.
- The Authority's ecologist has assessed the application and raised no objection to the application subject to conditions.
- The land is not located within a Flood Zone. The Authority's drainage department and Welsh Water have assessed the application and raised no objection to the application subject to conditions.
- Matters relating to anti-social behaviour is a police matter.
- The effect the development will have upon the character of the area and landscape is discussed later within the report.

## **5. Relevant Planning History**

42C6 – Conversion of obsolete domestic and agricultural building to self catering accommodation – Approved 01/01/1990

42C6A – Conversion of obsolete domestic and agricultural buildings to self – catering holiday accommodation – Approved 01/01/1990

42C6B – Erection of a private double garage – Approved 01/01/1990

42C6C Erection of 7 holiday units together with tea and multi purpose rooms - Approved 02/02/90

42C6D Proposed development for the erection of 6 additional holiday units -Approved 04/04/96

42C6E Erection of a leisure complex - Approved 10/04/96

42C6F Discharge of Section 106 Agreement attached to planning permission 42/C/6D which states that "there shall be no further development of the property except as permitted by earlier consents and by the planning permission referred to in Clause 6 above" - Approved 13/01/99

42C6G Demolition of existing buildings together with the erection of a new building to be used as a games room/ changing room/store on land - Withdrawn 09/08/00

42C6H Removal of condition (03) and (04) from application 42C6A 'The holiday accommodation hereby approved shall be maintained as one complex and shall at no time be sold as separate units' and (04) 'The total period of occupation of the units hereby approved for the purpose of holiday accommodation shall not exceed 28 consecutive days' and modification of condition (05) to read 'The occupation of the holiday units hereby approved shall be limited to 11 months duration beginning on the 4th February in any one year and ending on the 5th January in the following year - Withdrawn 03/11/04

42C6J Removal of condition (07) on application number 42C6C 'the total period of occupation of the units hereby approved for the purpose of holiday accommodation shall not exceed 28 consecutive days' and modification of condition (09) to read 'The occupation of holiday units hereby approved shall be limited to 11 month duration beginning on the 4th February in one year and ending 5th January in the following year' – Withdrawn 03/11/04

42C6K Application for a certificate of lawfulness for the continuation of use of the 13 chalets as holiday accommodation - Lawful 27/05/05

42C6L Application for the certificate of lawfulness for the use of 13 units as Class C3 dwellings as defined in the Town and Country Planning (Use classes) Orders 1987 (as amended) (or any Order re-voking) or re-enacting that Order), and as identified on the attached plan - Approved 18/03/08

42C6M/SCR Screening Opinion for the erection of a dwelling at Tan y Graig Farm Pentraeth – Returned to applicant 16/10/14

42C6M/ENF Application for retention of a porch at 4 Tan y Graig, Pentraeth – Approved 11/06/2015

## **6. Main Planning Considerations**

The application was initially submitted for 21 holiday chalets. The application was subsequently amended and the number of units was reduced to 15 units. The proposed development comprised of four number of 1 bed units, eight number of 2 bed units and three number of 3 bed units, all of which fall within the definition of a twin unit static caravan as defined within the Caravan Sites and Control of Development Act 1968.

### **Policy Considerations**

The application site is located in the open countryside and outside any defined development boundary. The site is also located outside the Area of Outstanding Natural Beauty (AONB) and the Special Landscape Area (SLA).

When considering the principle of the development reference is made to Policy TWR3 of the Joint Local Development Plan.

Policy TWR3 states that proposals for the development of new static caravan (i.e. single or twin caravan), holiday chalet sites or permanent alternative camping accommodation will be refused within the Anglesey Coast Area of Outstanding Natural Beauty and the Special Landscape Areas. In other locations proposals for new static caravan or holiday chalet sites and permanent alternative camping accommodation will only be granted where it complies with all of the following three criteria:

*i. It can be demonstrated that it doesn't lead to a significant intensification in the provision of static caravan or chalet or permanent alternative camping sites in the locality*

In order to determine if the proposal would lead to an intensification in the provision of static caravan, chalets or permanent camping accommodation reference is made to the Anglesey Landscape Sensitivity and Capacity Study (March 2014). Within the study each Landscape Character Area (LCA) has been assessed to provide guidance in relation to the sensitivity of the landscape and assess the capacity for further caravan/chalet park developments; the proposed site is located within LCA A09 (*Red Wharf Bay*).

In respect of this LCA, the Study states that “there may be some capacity for well sited small and very small scale developments.” Table 2.11 (Static Caravan/Chalet Park Development Typologies) of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity Study (March 2014) defines ‘Very Small’ as “Up to 10 Units (typically below 1 hectare in area) and Small as 11 – 25 units (typically below 2 hectares in area).

The department considered that the density (21 units) initially proposed as part of the application was not acceptable at the application site. However, although table 2.11 (Static Caravan/Chalet Park Development Typologies) of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity Study (March 2014) indicates that a scheme of about 10 holiday units would be more acceptable on a 1 hectare size site, this is only an approximation.

Following assessing the context of the site, the layout, reduced density together with the observations of the Built Environment section who raise no objection to the proposal, it considered that 15 units is acceptable.

*ii. That the proposed development is of a high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features and/or where the units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape.*

The site is an agricultural enclosure surrounded by medium to tall uncut hedges of mixed species with a number of trees. It slopes gently downwards towards the disused railway and its wooded setting and set back from the realigned B5109 road.

The site located approximately 320 metres from the AONB boundary and not within a SLA. It does not appear to be readily visible from the AONB nor SLAs and therefore considered it would not affect the setting of these designated areas.

The site is well screened by existing trees and hedges which will be prominently retained as part of the proposed development. In addition, a landscaping scheme is proposed as part of the application which further mitigates the development.

The landscape officer has raised no objection to the proposal and considered that the development complies with the requirements of PCYFF4, TWR3 and AMG3 of the JLDP.

*iii. That the site is close to the main highway network and that adequate access can be provided without significantly harming landscape characteristics and features.*

The site is located immediately adjacent to the B5109 highway. A new access to the site is proposed at the south part of the site, leading from the highway. A pedestrian crossing and footway is also proposed to east of the site which will allow pedestrians to commute approximately 0.5 km to Pentraeth. Although hedgerows will be removed as part of these works, it is not considered that the extent of these works will significantly harm the existing landscape characteristics and features.

The Local Highway Authority have assessed the application and are satisfied with the proposal subject to conditions. The site is considered to be in a sustainable location, located within close proximity to the National Cycle Network and existing public transport links.

#### **Effect upon Amenities of Neighbouring Properties:**

The impact of the proposal, especially upon the amenity of nearby land users should be considered in accordance with the criteria as set out in policy PCYFF 2 (Development Criteria). Specific consideration is given to criteria 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupiers of local residences or other land and property users.

The nearest dwelling houses are Tan y Graig along with the residential units to the west of the site which have previously been granted a Certificate of Lawful Use to use the units as permanent

residential dwellings. The nearest residential dwelling is located approximately 18 meters away from the proposed units.

Given due consideration to these distances together with the existing hedgerow and vegetation outside the application site it is considered that the proposed development would not affect the amenities of neighbouring residential amenity to such a degree to warrant refusal of the application.

## 7. Conclusion

It is considered that the application can be supported by local and national planning policy, in particular TWR3 of the JLDP. It is considered that there will not be a significant intensification in the provision of such sites within the areas and that the proposal is of high quality, located in a unobtrusive location providing adequate access onto a main highway network.

The amenities of the area and neighbouring properties have been taken into account, however it is not considered that the proposed development will harm the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

Various material considerations have been considered and assessed by the specialist Officers of the Authority who have not raised any objection to the scheme subject to conditions. It is recommended that the application be approved.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 8. Recommendation

To **permit** the application subject to the following conditions:

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

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

**(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 42C6N except as required to be approved under the conditions imposed:**

Drawing/ Document Number	Date Received	Plan Description
2283:15:1g	13/03/2018	Location Plan
17/02/LP/01A	18/07/2018	Soft Landscape Proposal
2283:15:3M	13/07/2018	Proposed Site Plan
2283:15:9	13/07/2018	2Bed Floor Plan & Elevations
2283:15:10	13/07/2018	1Bed Floor Plan & Elevations
2283:15:11	13/07/2018	3Bed Floor Plan & Elevations
2283:15:12	27/06/2018	Proposed Site Plan – Hardstanding Areas
2283:15:13	27/06/2018	Proposed Bin & Recycling Stores Floor Plan and Elevations

2283:15:4d	04/05/2018	Proposed Drainage Plan & Long Section
2283:15:D1a	13/03/2018	Pedestrian Crossing Details
2283:15:D2	13/03/2018	Pedestrian Footway & Crossing Details
2283:15:D1	13/03/2018	Pedestrian Footway & Crossing Details
	13/03/2018	Drainage Report
	13/03/2018	Ecology Report

Reason: For the avoidance of doubt.

**(03) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

**(04) The access shall be laid out and constructed strictly in accordance with the submitted plan (reference number 2283:15:3M) before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.**

Reason: To comply with the requirements of the Local Highway Authority.

**(05) The access shall be constructed with 2.4 metre by 215 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.**

Reason: To comply with the requirements of the Local Highway Authority.

**(06) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and operational before the use hereby permitted is commenced.**

Reason: To comply with the requirements of the Local Highway Authority.

**(07) The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced and thereafter retained solely for those purposes.**

Reason: To comply with the requirements of the Local Highway Authority.

**(08) No surface water from the within the curtilage of the site to discharge onto the county highway. No development shall commence until full design details for the drainage of the site have been submitted to and approved by the Local Planning Authority. No unit shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.**

Reason: To comply with the requirements of the Local Highway Authority.

**(09) The footway and crossing point shall be completed as per the approved plans (reference number 2283:15:D1a & 2283:15:D2 & 2283:15:D1) before the use hereby approved commences.**

Reason: To comply with the requirements of the Local Highway Authority.

**(10) No development shall commence until plans are submitted and approved by the Planning Authority showing details of the following:**

- the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.
- the location and the type of street lighting furniture.

Development shall thereafter be carried out in accordance with the approved details before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Local Highway Authority.

**(11) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:**

- i. The parking of vehicles for site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities (if appropriate)
- v. Hours and days of operation and the management and operation of construction and delivery vehicles.

Reason: To comply with the requirements of the Highway Authority to ensure reasonable and proper control is exercised over construction activities in the interests of road safety.

**(12) Construction works shall only be carried out between the hours of 08:00 - 18:00 Monday to Friday and 08:00 – 13:00 on Saturday. No works shall be carried out on Sunday or Bank Holidays.**

Reason: In the interest of amenity

**(13) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing reference number 17/02/LP/01A. The planting and landscaping works shall be carried out in full to the satisfaction of the Local Planning Authority before any units are placed on the site. The said trees and shrubs shall be retained for the lifetime of the development. Any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.**

Reason: In the interest of amenity of the locality.

**(14) Full details of all external lighting proposed to be used on the development shall be submitted to an approved in writing by the Local Planning Authority before building or other operations start. Such details shall include the following:**

- That all lights shall be directed onto the application site only and not onto any surrounding land or properties.
- Full details of all lights including luminaire, lamp, beam widths and any anti-glare hoods to be used.
- A report on any light spillage (including lux levels) onto any surrounding land or properties arising from the external lighting proposed.

**No external lighting other than that approved under this condition shall be used on the development. The external lighting approved shall be installed in strict accordance with the details approved in writing by the Local Planning Authority.**

Reason To safeguard the amenities of occupants of the surrounding properties.

**(15) The units shall only be used for holiday accommodation and shall not at any time be used as permanent residential premises.**

Reason: To define the scope of this approval.

**(16) The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual units on the site and of their main home addresses and shall make this information available to the Local Planning Authority.**

Reason: To ensure the approved holiday accommodation is not used for unauthorized permanent residential use.

**(17) The development hereby approved shall be constructed strictly in accordance with the reasonable avoidance measures for reptiles contained in the report of Cwydian Ecology received on the 13/03/2018**

Reason: To safeguard any protected species present.

**(18) No development shall commence until a management and maintenance plan for the drainage system shall be submitted and approved in writing by the Local Planning Authority. The management and maintenance plan shall demonstrate how its operation is secured for the lifetime of the development. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To ensure the site is adequately drained

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the decision, providing that such changes do not affect the nature or go to the heart of the permission/ development.

## **9. Other Relevant Policies**

### **Planning Policy Wales (Edition 9)**

#### **SPG: Design Guide for the Urban and Rural Environment**

7.4

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **42C188E/ENF** Application Number

Ymgeisydd Applicant

**Mr & Mrs Maldwyn and Menai Jones**

**Cais ôl-weithredol ar gyfer codi uned llety gwyliau newydd yn / Retrospective application for the erection of a new build holiday letting unit at**

**4 Tai Hirion, Rhoscefnhir**





## **Planning Committee: 03/10/2018**

### **Report of Head of Regulation and Economic Development Service (SCR)**

#### **Recommendation:**

Refuse

#### **Reason for Reporting to Committee:**

At the request of the Local Member Cllr Ieuan Williams.

At the committee meeting held on the 5<sup>th</sup> September, 2018, it was resolved that a site visit was required. The site visit took place on the 19<sup>th</sup> September, the Members are now aware of the site and its settings.

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

The application is a retrospective application for the erection of a new build holiday accommodation.

The site is located outside the settlement of Rhoscefnhir. The building is located on a complex of former outbuildings that have been converted into residential units under planning application reference 42C188 which was approved on 31/08/2006.

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

The applications main issues are whether the proposal complies with current policies..

#### **3. Main Policies**

##### **Joint Local Development Plan**

Policy PCYFF1 – Development Boundaries  
Policy PCYFF2 – Development Criteria  
Policy PCYFF4 – Design and Landscaping  
Policy PS14 – The Visitor Economy  
Policy TWR2 – Holiday Accommodation

##### **Planning Policy Wales (Edition 9, 2016)**

##### **Technical Advice Note 13 – Tourism**

##### **Supplementary Planning Guidance – Holiday Accommodation (2007)**

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

**Community Council** – No response to date

**Local Member, Councillor M Roberts** – No response to date

**Local Member, Councillor V Hughes** – No response to date

**Local Member, Councillor I Williams** – Call-in due to the need for consistency with recent similar applications

**Drainage Section** – Awaiting further information in regards to the proposed drainage scheme

**Highway Authority** – No recommendation

## Natural Resource Wales – No objection

The application was afforded two means of publicity. These were by the posting of a notice near the site and the serving of personal notification letters on the occupiers of the neighbouring property. The latest date for the receipt of representations was the 10<sup>th</sup> May, 2018 and at the time of writing this report one letter of support had been received from Gorau Mon supporting the applicants application to run cheese-making courses on the farm.

### 5. Relevant Planning History

42C188 – Conversion of outbuildings into 5 residential units with 3 passing places on the highway, installation of a new septic tank and alterations to the existing access at Tai Hirion, Rhoscefnhir – Approved 31/08/2006

42C188D – Full application for the conversion of outbuilding into a dwelling at Tai Hirion, Rhoscefnhir – Approved 05/09/2014

Site history of adjoining land

42C188A – Full application for the creation of a touring caravan and camping site, erection of a shower block, creation of an internal access road, landscaping and associated development on land at Tai Hirion, Rhoscefnhir – Approved 28/10/2013

42C188B/SCR – Screening opinion for the creation of a touring caravan and camping site, erection of a shower block, creation of an internal access road, landscaping and associated development on land at Tai Hirion, Rhoscefnhir – EIA not required 28/10/2013

42C188C/DIS – Discharge of conditions (04) (passing bays) and (08) (traffic management plan) on application reference 42C188A on land at Tai Hirion, Rhoscefnhir – Condition discharged 02/04/2014

### 6. Main Planning Considerations

**Policy Context** – Policy TWR2 of the Joint Local Development Plan states that proposals for:

1. The development of new permanent serviced or self-serviced holiday accommodation, or...

Will be permitted, provided they are of a high quality in terms of design layout and appearance and that all the following criteria can be met:

- i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;
- ii. That the proposed development is appropriate in scale considering the site, location and/or settlement in question;
- iii. That the proposal will not result in a loss of permanent housing stock;
- iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area;
- v. That the development does not lead to an over-concentration of such accommodation within the area

The proposal is contrary to criteria (i) of Policy TWR2 as the site is located in an open countryside location and does not make use of a previously developed site.

The applicant states that the proposal makes use of a previously developed site and is set amongst other built form and goes on to reiterate that what is stated in paragraph 4.9.1 of Planning Policy Wales that previously developed (or Brownfield) land should, wherever possible, be used in preference to Greenfield Site this includes sites in and around existing settlements where this is vacant or under used land or commercial properties. The applicant also states that previously developed land (Brownfield) is defined by PPW as 'land is that which is or was occupied by a

permanent structure ....and associated fixed surface infrastructure. The curtilage of the development is included’.

Figure 4.4 of Planning Policy Wales defines previously developed land as that which is or was occupied by a permanent structure (**excluding agricultural or forestry buildings**) and associated fixed structures. The building was a former agricultural building and therefore cannot be considered to be previously developed land.

It is not the policy’s intention to allow for the demolition of an existing structurally sound building in order to engineer new brownfield land.

New build holiday accommodation can also be permitted if it is an extension of an existing holiday accommodation business. Any application for extensions to existing permanent holiday accommodation developments must prove that there is an established link between the proposed and current development ie will form part of the same planning unit, must be the same business and will remain as so and the application to extend the holiday accommodation business is part of a wider scheme to improve the business and tourist offer in the Plan area.

There is no evidence of this in the application. The scale and design of the proposed development should be commensurate with the existing business. The business plan states that there is an existing B&B business in the farmhouse however an existing B&B establishment does not justify a new build holiday unit on the site as B&Bs do not usually require planning permission as they are incidental to the main use of the building as a dwelling. An additional Business Plan (Rhydydelyn Cheese Courses) was received on the 13<sup>th</sup> August, together with a letter from the applicants employer confirming their retirement in the Summer of 2018 and a letter of support (dated 26<sup>th</sup> July, 2018) supporting the applicants application to run cheese-making courses on the farm.

The applicant states that the site forms part of a high quality complex of holiday let cottages and next to an existing touring caravan park. During the course of determining the application the applicant has been asked to submit financial evidence for the existing holiday use of the site. To date the applicant has only submitted financial details in regards to the existing Bed and Breakfast business.

Confirmation has been received that Council Tax is being paid on the four neighbouring properties which are owned by the applicant (1, 2, 3, and 5 Tai Hirion) are being paid by third parties which confirms that the properties are long leased and not holiday units.

Paragraph 6.3.67 of the Joint Local Development Plan (Managing Growth and Development – Economy and Regeneration) states that in order to judge whether the proposed development will not lead to an over-concentration of this type of holiday accommodation within a particular location, applicants will be required to submit a detailed business plan, which demonstrates the robustness of the proposed scheme. This would enable the Council to assess whether the scheme is has a realistic chance of being viable, is not speculative in nature, and would help to make sure that there is no loophole to allow the redevelopment of existing buildings in the countryside for holiday use, and then allow them to convert to residential use if shown to be unviable in holiday use. As stated above the existing neighbouring cottages are not holiday lets but long lease lets and therefore the proposal does not form part of an existing holiday accommodation.

In his recent appeal decision of a similar scheme in the settlement of Trearddur Bay (APP/L6805/A/18/3195709) the Planning Inspector stated *“the policy explanation requires the submission of a business plan to establish viability and to understand whether there is saturation of this type of accommodation in the area. Whilst the appellants and interested party provides the numbers of holiday accommodation units in the area, and the appellants emphasise that only a few are directly comparable to the proposal, the purpose of the business plan is to establish that such a development can be sustained in the context of the area... the absence of a business plan makes it difficult to determine compliance with Policy TWR2, and for this and in relation to the first issue, the appeal cannot succeed”*

The applicant has submitted a business plan however this lacks detail of what holiday accommodation is located in the locality and contains incorrect details in regards to the use of the

buildings within the planning unit. The applicant also states that cheese making courses are run from the site however Policy TWR2 states that new build holiday accommodation can be permitted if it is an extension to an existing holiday accommodation business and therefore the cheese making business does not support the applicants case..

In regards to the existing touring caravan park the site does not form the same planning unit as the caravan park as the applicant's son is the owner of the caravan park.

The proposal is therefore contrary to Policy TWR 2 of the Joint Local Development Plan.

The design of the proposed scheme is considered acceptable in this location and the development will not harm the amenities currently enjoyed by the occupants of the surrounding properties.

## **7. Conclusion**

The retention of the new build holiday accommodation cannot be supported as the development conflicts with the criteria listed in Policy TWR2 of the Joint Local Development Plan as the proposal is not situated on previously developed land and does not form part of an existing holiday accommodation.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **8. Recommendation**

### **Refuse**

(01) The local planning authority considers that the proposal fails to comply with Policy TWR2 of the Joint Local Development Plan and the guidance contained within Planning Policy Wales.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

11.1

Gweddill y Ceisiadau

Remainder Applications

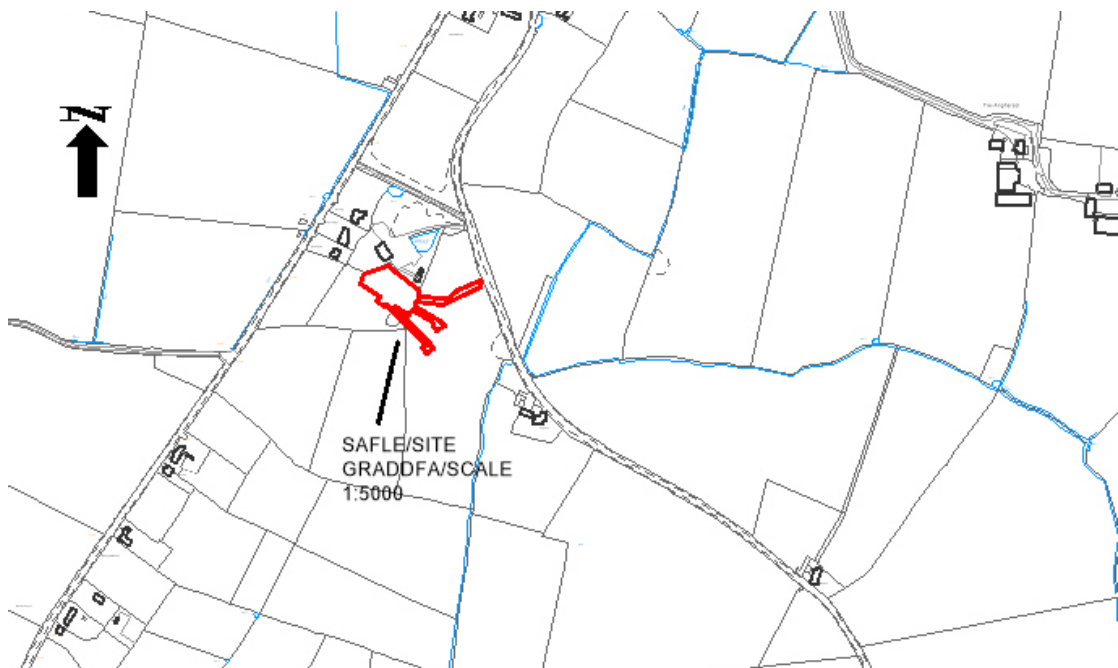
Rhif y Cais: **13C183G/RUR** Application Number

Ymgeisydd Applicant

**Mr & Mrs John Alwyn P. Rowlands**

**Cais llawn ar gyfer codi annedd amaethyddol yn / Full application for the erection of an agricultural dwelling at**

**Bodlas, Bodedern**



**Planning Committee: 03/10/2018**

**Report of Head of Regulation and Economic Development Service (GJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The applicant is a relevant officer. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

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

The application is a full planning application for the erection of a detached two storey dwelling. The site lies approximately 350 metres away, as the crow flies, from the development boundary of the village of Bodedern.

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

The application's main issues are whether a dwelling in this location would comply with current planning policy and whether the proposal will affect the amenities of neighbouring properties.

### **3. Main Policies**

#### **Joint Local Development Plan**

**Strategic Policy PS 6** – Alleviating and Adapting to the Effects of Climate Change;  
**Strategic Policy PS 13** – Providing Opportunity for a Flourishing Economy;  
**Strategic Policy PS 17** – Settlement Strategy;  
**Strategic Policy PS 20** – Preserving and where appropriate Enhancing Heritage Assets;  
**Strategic Policy PS19** – Conserving and Where Appropriate Enhancing the Natural Environment.  
**Policy PCYFF 1** – Development Boundaries;  
**Policy TRA 2** – Parking Standards;

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

Planning Policy Wales (Edition 9 November, 2016)

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

**Local Member (Cllr Llinos Medi Huws)** – No response at the time of writing the report.

**Local Member (Cllr John Griffith)** – No response at the time of writing the report.

**Local Member (Cllr Kenneth Hughes)** – No response at the time of writing the report.

**Community Council** – No response at the time of writing the report.

**Drainage** – Comments

**Welsh Water** – Standard Comments

**Natural Resources Wales** – Comments

**Footpath Officer** – Confirmation Public Footpath 13/013/1 is adjacent but should be unaffected by the proposed development.

## Highways – Conditional Approval

### Response to Publicity

The application was afforded three means of publicity. These were by the posting of a notice near the site, serving of personal notification letters on the occupiers of the neighbouring properties together with an advertisement in the local newspaper as the development was close to a public footpath. The latest date for the receipt of representations was the 6<sup>th</sup> August, 2018 and at the time of writing this report no letters had been received.

### 5. Relevant Planning History

13C183 - Application to determine whether prior notification is required for the erection of an agricultural shed for storage of animal feed and machinery – 19/11/13 – Permitted Development

13C183A - Outline application with access included for the erection of a dwelling together with alterations to the existing access and the installation of a package treatment plant – 8/1/14 – Refused

13C183B/RUR - Full application for the erection of a rural enterprise dwelling, installation of a package treatment plant together with the construction of a vehicular access – 2/7/15 – Refused

13C183C - Application to determine whether prior approval is required for the erection of a polytunnel – 20/4/15 – Permitted Development

13C183D/RUR - Full application for the erection of an agricultural dwelling – 20/11/17 – Withdrawn

13C183E/ENF - Full application for the retention of the use of a static caravan for residential purposes by a rural enterprise worker for a temporary period of 3 years – 4/4/18 – Granted

13C183F - Application to determine whether prior approval is required for the erection of an agricultural shed – 25/4/18 – Withdrawn

### 6. Main Planning Considerations

#### Background

The existing holding extends to 6.8 ha of owned land, (namely that associated with the application site) and 70.9 ha of land rented from Mr Rowlands' father. It is stated that additional land from the latter source is available as and if required.

About 30% of the holding is in the vicinity of Bodedern and 70% at Llanfugail. The operational buildings are on the owned land at Bodlas.

#### Business Plan

The applicants are engaged in livestock production. The stocking of the existing enterprise is described in detail in the submitted Business Plan and comprises:

40 calves to be reared to stores at 6 months 4 in-calf suckler cows

51 commercial and pedigree breeding ewes – lamb production includes direct sales of pedigree rams

200 breeding hill ewes

35 weaner pigs finished to 80kg – direct sales of pork to customers.

The holding is grassland based which, in addition to providing grazing and fodder production for internal consumption, produces haylage bales for sale. There is also a diversified activity involving the rearing and training of sheepdogs.

The assessed labour requirement for the current enterprise is 1.4 workers and it is contended that 2 workers are required for the proper functioning of the enterprise.

The principal labour input is provided by Mr and Mrs Rowlands, who have off-farm employment, supplemented by part-time additional labour and use of contractors.

The Business Plan does not indicate any substantive change in the scale and nature of the enterprise or its labour requirement. The calf rearing does, however, extend to two batches of 40 animals each year.

The applicants reside on-farm at Bodlas in a static caravan for which there is a temporary planning approval. It is contended that the scale and nature of livestock husbandry activity require the ready availability of key workers which can only be delivered by on-site residence, even if suitable alternative housing was available, which the applicants consider not to be the case. The application is for a 4-bedroomed dwelling of 188 sq m, inclusive of a study (office) space and ground floor utility/washroom area with external access.

### **Policy Consideration**

The framework for the appraisal of Agricultural dwellings is set out in Planning Policy Wales and Technical Advice Note 6 '*Planning for Sustainable Rural Communities*' (2010). Also relevant is the Practice Guidance issued on Rural Enterprise Dwellings (2011) in support of TAN6.

TAN6 provides the criteria whereby this scrutiny should be undertaken in relation to a number of agricultural circumstances:

- (i) a new dwelling on an established enterprise;
- (ii) a second dwelling on an established farm to enable the handover of management to a younger farmer;
- (iii) a second dwelling on an established farm where there is a functional need for at least 50% of an additional worker; and
- (iv) a new dwelling on a new enterprise.

The Agricultural Appraisal supporting the planning application promotes the case that the applicants' proposal meets the requirements of both the first and the last of these circumstances. As the farm

enterprise has been in existence for over three years, has an extant labour requirement for more than a full-time worker and is therefore a new dwelling on an established enterprise. The following criteria set out in paragraph 4.4.1 of TAN 6 need to be satisfied;

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



## **The Appraisal**

The requirement for a dwelling at Bodlas has been appraised with regard to the above tests.

- The enterprise concerned has been established for at least three years, and profitable for at least one of them;
- The enterprise has a labour requirement in excess of a single full-time worker;
- There are no existing dwellings associated with the Bodlas holding and no buildings available for conversion. At the time of writing, no suitable alternative dwellings were identified as available in Bodedern, which might be considered for meeting the need.

The principle issues to be addressed are:

- The presence of an existing functional need for the ready availability of a worker;
- The soundness and sustainability of the enterprise; and
- The appropriateness of the proposed dwelling

## **Functional Need**

The so-called 'Functional Test' set out in the planning policy guidance seeks to test whether it is essential for the proper functioning of the relevant agricultural enterprise(s) for one or more workers to be readily available at most times. This is not an absolute test but one which reflects the scale and nature of the enterprise(s) and the existing management arrangements.

What constitutes an essential functional need for the presence of a worker is described in Section 4 of the Practice Guidance. It is primarily concerned with the management of risk within the operations of an enterprise such that, without the ready attention of a worker, any particular event or combination of events could prejudice the proper functioning and economic stability of the enterprise. This might apply where events could lead to adverse animal welfare consequences.

In the case of the enterprise at Bodlas, the relevant risks requiring management all relate to issues of animal welfare and to the extent to which risks can be reasonably be expected to arise outside normal working hours. The Business Plan submitted with the planning application identifies that the existing sheep and cattle rearing activities involve lambing and calving, the housing of calves and young pigs, and the housing of livestock overwinter. These all involve circumstances of heightened supervisory demands in order that animal welfare (for which there are statutory obligations on livestock farmers) is not compromised. However, while every individual animal has welfare rights, the scale and nature of the risks to those rights is pertinent in considering whether there is a need for the permanent presence of a worker.

The husbandry functions directly related to the livestock presence have a labour requirement which slightly exceeds that for a single worker, although it is accepted that on occasion necessity or safe working practice will require the presence of a second worker. The applicants have been residing on-site enabling them to meet this functional requirement and their animal welfare obligations. In the event that a continued on-site presence was not permitted, and in the absence of any apparent alternative accommodation in close proximity, the proper functioning of the enterprise and its continued development would necessarily be prejudiced.

## **Financial Sustainability**

Applications for permanent workers' dwellings are required to demonstrate that the associated agricultural enterprise is financially sustainable in terms of it having been established for at least three years, profitable for at least one of them and both the enterprise and the business need, is currently financially sound, and has a clear prospect of remaining so. As indicated earlier, the first two elements of the test are met.

A critical aspect of the test is that an enterprise must have a reasonable prospect of providing a market return for the labour inputs made by its principals and reflect their skills. For the period 2015

to 2017, the enterprise at Bodlas has been unable to appropriately remunerate the unpaid labour of the applicants, both of whom have retained external non-agricultural employment. However, in the past two years (2017-18), there has been a marked uplift in the financial performance of the enterprise reflecting increased livestock purchases and sales. The latest level of profit is able to meet the appropriate remuneration requirement.

The soundness of the enterprise is shown in terms of the significant positive balance between assets and liabilities, and a level of financial performance which enables the enterprise to meet its long-term borrowing demands.

The actual financial performance in 2018 is consistent with that predicted in the Business Plan.

### **Scale and design of the dwelling**

The test in relation to size is, therefore, the need of the enterprise. The current proposal is for a generous dwelling inclusive of office space and changing and separate toilet facilities which are legitimate provision in modern farm dwellings. The generality of agricultural dwellings nationally fall within the size range 140-200 sq m, which remain generous in relation to general housing standards. The proposal consists of a 2 storey and single storey dwelling with a floor area of 188 square metres.

It is considered that the materials of the proposed dwelling are of high quality (K-rend and natural stone and slate roof) and complies with the requirements of policy PCYFF3.

### **Affect on neighbouring properties –**

It is not considered that the proposal will have a negative impact upon adjacent residential properties. The new dwelling will be located approximately 70 metres away from the nearest dwelling known as Seren Las. Mature trees and hedges are also located on the boundary between the application site and the neighbouring residential dwellings.

**Highway considerations –** A new access and track will be constructed for the development. The highways authority has confirmed that the proposal is acceptable with appropriate worded conditions.

### **Footpath**

A public footpath is adjacent to the application site and runs along the boundary of the application site. A new track is proposed which would cross the public footpath. The applicant has confirmed that a non-locked gate would be placed on both sides of the access track in order to allow pedestrians to continue to use the footpath. The footpath officer has confirmed that the development would not affect the footpath.

## **7. Conclusion**

In relation to the TAN 6 test for new dwellings on existing enterprises.

- there is a clearly established existing functional need;
- the need relates to a full-time worker, and does not relate to a part time requirement;
- the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise is currently financially sound, and has a prospect of remaining so;
- the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and currently available for occupation by the worker concerned.

A condition will be placed on the permission restricting the occupancy of the dwelling and a Section 106 agreement will tie in all the land and the new agricultural dwelling to one unit in order to ensure that the development will always remain in the best interests of the rural enterprise.

## 8. Recommendation

### Permit

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

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

**(02) The provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.**

Reason: In the interests of amenity.

**(03) The occupancy of the dwelling hereby approved shall be restricted to those:**

**(a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;**

**(b) who would be eligible for consideration for affordable housing under the local authority's housing policies; or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);**

**(c) widows, widowers or civil partners of the above and any resident dependants.**

Reason: To ensure that the development will always remain in the best interests of the agricultural industry.

**(04) It must be ensured that the layout of the access and its method of construction fully complies with the plans submitted before the dwelling is occupied for residential purposes and thereafter, the access must be kept clear of any permanent barrier and used for access purposes only.**

Reason: In the interests of road safety.

**(05) No current boundary wall/hedge/fence or any new boundary fronting the highway may be higher than 1 metre above the level of the carriageway of the adjoining county highway from one end of the visibility splay to the other and nothing exceeding that height may be erected within 2m of the said boundary.**

Reason: In the interests of road safety.

**(06) It must be ensured that any gate erected across the access is set back at least 6m from the edge of the highway and opens inwards towards the property only.**

Reason: In the interests of road safety.

**(07) Surface water is not permitted to discharge from the curtilage of the site onto the County Highway.**

Reason: In the interests of road safety.

**(08) The parking facility must be completed in accordance with the submitted plans before the approved use commences and it will thereafter be retained for that purpose only.**

Reason: In the interests of road safety.

**(09)The commencement of the Development shall not take place until there has been submitted to and approved in writing by the LPA, a Construction Traffic Management Plan (CTMP). The CTMP shall include:**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
  - (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
  - (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
  - (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
  - (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
  - (vii) The arrangements for loading and unloading and the storage of plant and materials;**
  - (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**
- The construction of the Development shall be completed in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(10) Before the building is occupied, ecological mitigation (hibernacula, scrape, hedge planting) shall be carried out in accordance with details submitted on drawing number 18/02 Rev D received on the 10/09/18 and ecology details received by email received on the 10/09/18. On completion, the ecological mitigation is to be confirmed by a brief report (with photos) by a qualified ecologist, to be agreed in writing by Planning.**

Reason: In the interest of ecology

**(11) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:**

<b>Drawing / Document number</b>	<b>Date Received</b>	<b>Plan Description</b>
<b>BOD/18/01 Rev A</b>	<b>26/6/18</b>	<b>Location Plan</b>
<b>BOD/18/02 Rev D</b>	<b>10/9/18</b>	<b>Block Plan</b>
<b>Ecology email</b>	<b>10/9/18</b>	<b>Ecology information</b>
<b>BOD/18/05 Rev A</b>	<b>26/6/18</b>	<b>Access and Boundary elevation</b>
<b>BOD/18/06 Rev A</b>	<b>26/6/18</b>	<b>Access Plan</b>
<b>BOD/18/03 Rev A</b>	<b>26/6/18</b>	<b>Proposed Elevations</b>
<b>BOD/18/04 Rev A</b>	<b>26/6/18</b>	<b>Proposed Floorplans</b>
<b>Ecological Assessment Eco-Scope Commercial Ecological Solutions</b>	<b>26/6/18</b>	<b>Dated October 2017 Updated May 2018</b>

**under planning application reference 13C183G/RUR.**

Reason: For the avoidance of doubt.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

12.1

Gweddill y Ceisiadau

Remainder Applications

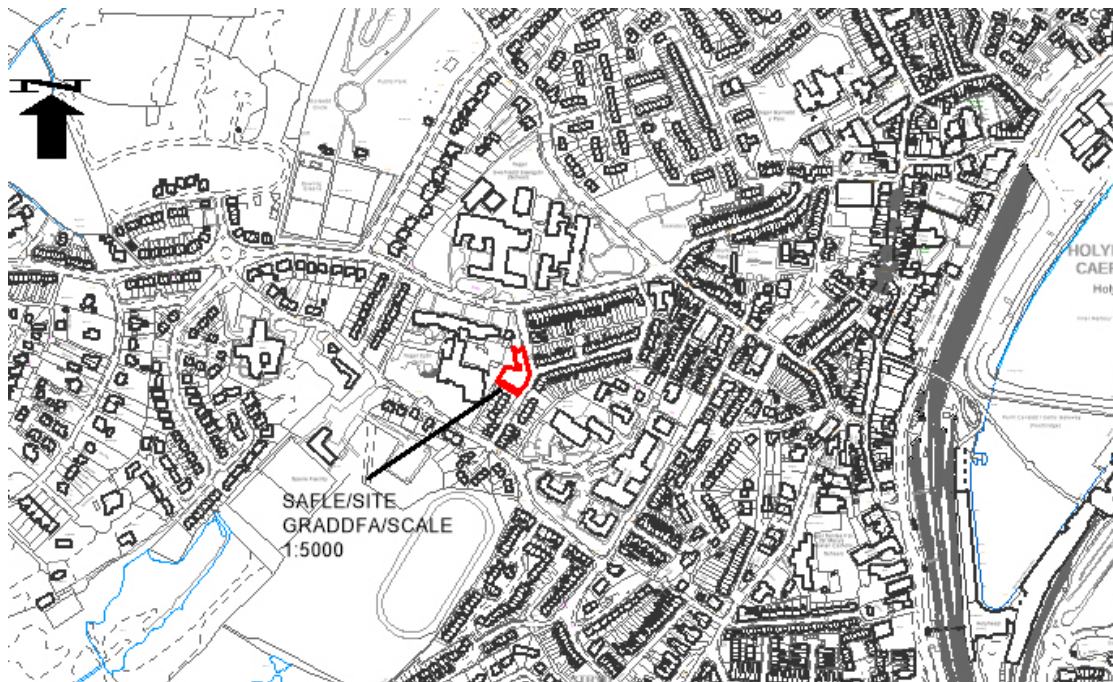
Rhif y Cais: **19LPA1043A/CC** Application Number

Ymgeisydd Applicant

**Isle of Anglesey County Council**

**Cais llawn ar gyfer codi 6 annedd fforddiadwy, creu mynedfa i gerddwyr, creu 8 llecyn parcio ynghyd a dymchwel ac adleoli postiau giat ar dir ger / Full application for the erection of 6 affordable dwellings, construction of a pedestrian access, creation of 8 parking spaces together with demolition and relocation of gate posts on land adjacent to**

**Vulcan Street, Caergybi/Holyhead**



**Planning Committee: 03/10/2018**

**Report of Head of Regulation and Economic Development Service (DPJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The planning application is being reported to the planning committee because the Isle of Anglesey Council is the applicant and the landowner.

**1. Proposal and Site**

The application site is located on the intersection of Seiriol Street and Vulcan Street. To the west the application site is abutted by the Ysgol Cybi Primary School, which has a service road which dissects the application site. There is a former snooker hall building and a residential property "Craigwen" on the application site which would be demolished as part of the proposals. The northern gable of the former snooker hall abuts and forms a boundary with a residential property at Gwynant. There are residential properties opposite at Seiriol Street and to the south on Vulcan Street. The residential properties are predominantly substantially two storey terraced blocks finished with rendered external walls and slated roofs.

The planning application is submitted for 6 affordable dwellings in two proposed blocks which would be intersected by the existing service road to Ysgol Cybi. The proposed block on Seiriol Street would include 4 1 bedroom flats. To the south on Vulcan Street the proposed block is made for a pair of two bedroom semi-detached dwellings. Externally the proposed development would be finished with self-coloured render, have natural slated roofs and UPVC doors, windows and some cladding. Eight off-road car parking spaces are proposed in connection the proposed development. Foul and surface water drainage would be connected to the public sewer.

The proposal also makes provision for the re-alignment of the gate post on the service road to Ysgol Cybi school.

**2. Key Issue(s)**

- Principle of the Development.
- Character and Appearance of the Locality.
- Highways & Parking considerations.
- Impact on the Amenities of Adjacent Properties

**3. Main Policies**

**Anglesey and Gwynedd Joint Local Development Plan (2017)**

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

ISA5: Provision of Open Spaces in New Housing Developments

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PS 17: Settlement Strategy

TAI 1: Housing in Sub-Regional Centres & Urban Service Centres

AMG 5: Local Biodiversity Conservation

PS 20: Preserving and Where Appropriate Enhancing Heritage Assets

AT 3: Locally or Regionally Significant Non-Designated Heritage Assets

**Planning Policy Wales Edition 9 2016 “PPW”**

**TAN 12: Design**

**Technical Advice Note (TAN) 24: The Historic Environment (2017)**

**Supplementary Planning Guidance SPG Design in the Urban and Rural Built Environment (2008) “SPG Design”**

**4. Response to Consultation and Publicity**

**Holyhead Town Council** – No observations received at the time of writing.

**Councillor Trefor Lloyd Hughes** – Called the application to the planning committee due to problems with car parking adjacent to the two schools.

**Highway Authority** – Conditional permission.

**Drainage Section** – No observations received at the time of writing.

**Environmental Services** – The proposed development should not cause nuisance by way of dust, fumes, noise or artificial light and it is recommended that working hours and any rock breaking should be regulated.

**Ecological and Environmental Adviser** – Was previously satisfied with the proposals subject to planning application 19LPA1043/CC subject to mitigation and enhancements secured by planning conditions. At the time of writing has sought clarification as to whether any invasive species are present on the application site.

**Heritage Adviser** – Has previously confirmed that the buildings to be demolished as part of the proposals do not appear to be of any significant historic or architectural interest although the corner property of “Craigwen” is shown on the 1889 O.S. Map. It is recommended that a photographic record of the existing buildings be undertaken prior to the proposed demolition.

The nearest heritage assets are the grade II listed Cybi Building, Holyhead High School (Cadw Ref. 87587) situated directly to W and Ucheldre Centre (Cadw Ref. 5741) located some 50m to SE. It was not considered that the proposed development would be harmful to the setting of the nearby listed building and the proposal satisfies the relevant policies and criteria.

In relation to gate pillars which are to be re-aligned as part of the proposals a condition requiring a photographic survey and regulation of the re-building is recommended.

**Housing Services** - This is an application submitted by Housing Services for 6 affordable units. I confirm that there is a strong demand for 1 bed flats and 2 bed houses in the Holyhead area, and this development seeks to meet some of that demand.

**Gwynedd Archaeological Trust “GAPS”** – No observations.

**Joint Planning Policy Unit “JPPU”** – No observations received at the time of writing.

**Lifelong Learning** – No observations received at the time of writing.

**Natural Resources Wales “NRW” – Protected Species** – Was previously satisfied with the proposals subject to planning application 19LPA1043/CC subject to mitigation in respect of protected species but their observations are awaited at the time of writing in respect of the proposal subject to this report.

**Property Services** – No observations received at the time of writing.

**Welsh Water** - The proposed development site is crossed by a 229mm diameter combined public sewer and this will need to be diverted as part of the proposals. Welsh Water have also accepted that surface water can be discharged into the public sewer at an attenuated rate.

#### **Public response to notification:**

The planning application was advertised by way letters to adjacent properties, site notices and a press notice was published. In addition the amended plans described in the introduction of this report were re-advertised. The publicity period for the amended plans expired on 03.09.18 and at the time of writing the following observations have been received from one local resident:

- Parking congestion (a photograph is submitted to evidence) which is exacerbated by the construction of the new school.
- Community parking area is required in the area and the area currently being used for residents should be formalised.
- Access is required to the rear lane which it is contended is poorly maintained by the council.
- The refuse lorry is currently being obstructed as would any emergency vehicles.
- Houses are not needed there is no room for further residents.
- There are plenty of other areas to build houses or to renovate empty houses in the town.
- The council should listen to residents.

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

19C964 Full plans for the erection of four residential flats together with alterations to the existing pedestrian and vehicular access, conditionally approved 07.06.07.

19LPA1043/CC Full application for the erection of 6 affordable dwellings together with the creation of pedestrian access and 8 parking spaces Withdrawn 01.05.18.

19LPA1043B/LB/CC Listed building consent for the erection of 6 affordable dwellings together with the creation of a pedestrian access, 8 parking spaces and the demolition and relocation of gate posts – Consent not Required

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

**Background:** Members may recall that a planning application 19LPA1043/CC for a similar development was included on the agenda of the planning committee in May 2018 but was withdrawn prior to being considered. The application subject to this report differs from that previously submitted in that the proposals include improvements to the access of the service road serving Ysgol Cybi. In addition the design and layout has been amended to provide additional room along the rear boundary 4 1 bedroom flats and Ysgol Cybi to the rear (west). This results in the northern gable of these flats being closer to the boundary with existing property to the north (Gwynant) and the front elevation being moved forward so that it directly abuts Seiriol Street. The proposed car parking areas in connection with these flats is also re-configured.

**Principle of the Development:** The site is located within the development boundary of Holyhead under the provision of PCYFF 1 of the JLDP. Holyhead is classified as an Urban Service Centre under the provisions of policy TAI 1 of the JLDP and this policy permits housing proposals on suitable windfall sites within the settlement boundary. Policy PS 17 of the JLDP states that housing will be distributed based on the settlements strategy with a higher proportion of developments required to take place in Urban Service Centres such as Holyhead based on the settlement's level of service provision but subject to environmental, social and infrastructure capacity to accommodate the development.

Policy TAI 8 (Appropriate Housing Mix) states that proposals should contribute towards meeting the identified needs of the community through meeting the listed criteria which include maximizing the delivery of affordable housing and ensuring the sustainable use of land through an efficient density of development compatible with local amenity. In terms of need for the development the council's Housing Services have stated that there is a high demand for affordable 1 bed flats and 2 bed



houses in Holyhead. Though it is understood that the application will be developed for 100% affordable housing in conjunction with the council, it would normally be necessary to complete a legal agreement requiring that 10% of the units are developed for affordable housing requirements in accord with policy TAI 15 (Affordable Housing Threshold & Distribution) as the planning permission could still be developed for general market purposes. In this case it is not possible for the council to complete a legal agreement with itself and a planning condition has been recommended which requires one of the units to be affordable.

The application site also comprises previously developed land and it is government policy in section 4.9 of PPW on the grounds of sustainability to re-use such sites in existing settlements where there is vacant or under-used land for suitable uses such as that being applied for. Additionally the application site is located in a highly sustainable location within walking distance of the town centre and other retail, community and travel facilities and on a main bus route.

**Character and Appearance of the Locality:** Policy PCYFF 2 (Development Criteria) of the JLDP states that to make the most efficient use of land there should be a minimum of 30 housing units per hectare unless there are local circumstances or site constraints which dictate a lower density. The density of the proposed development is around 60 units per hectare. Whilst this may appear high it is material that 4 of the units are 1 bedroom flats which have two units in one building which contributes towards a higher density; as explained in the preceding section there is a housing need in Holyhead for this type of development. The 30 units per hectare is also a minimum figure and in appropriate location PPW seeks well designed living environments and where appropriate at increased density subject to the proposals not damaging the area's character or amenity, including the impact on neighbouring dwellings in terms of privacy and overshadowing.

In terms of the area's character policies PCYFF 3 (Design and Place Shaping) and PCYFF 4 (Design and Landscaping) of the JLDP require that new developments demonstrate a high quality design and that they integrate into their surroundings. The proposed developments is made for two storey units which would be rendered and have slate roofs. The layout and design of the proposals are considered to be reflective of the varied housing types which can be seen in the area and on this basis-are acceptable having regard to the impact on the character and appearance of the area.

**Impact on the Residential Amenities of Adjacent Properties & Occupants of the Proposed Development:**

The council's Environmental Services have recommended that the construction of the development should not result in amenity problems as described in their consultation. A condition has been recommended regulating working hours in the construction of the development given the proximity of existing properties abutting and in proximity.

The impact of the development in terms of potential overlooking and overshadowing on the existing properties adjoining and in proximity to the application site is material. The council's SPG Design provides guidance in relation to minimum distances from existing and proposed dwellings and their boundaries. The proposal is in general conformity with this guidance as regards distances from existing residential properties abutting and in proximity to the proposed development.

The rear elevation of the proposed flats on Seiriol Street are, however, closer to the rear boundary with Ysgol Cybi than would generally be permissible. The guidance generally requires around 10 metres but the proposed flats are ground 3 meters away. No objections are raised in this instance as the proposal abuts a playground forming part of the Ysgol Cybi grounds, as opposed to a residential property. This means that there is no impact on residential amenity considerations in terms of overlooking, loss of light and so on which the guidance on distances in the SPG is primarily intended to regulate.

**Historic Environment** – The residential property on the application site "Craigwen" is of some local architectural and historic interest, which would be demolished as part of the proposals. No objections are raised to this aspect of the proposal subject to the requirement for a photographic survey being undertaken for recording purpose.

There is a grade II listed Cybi School to the west. In planning policy terms PPW explains that there is a general presumption in favour of the preservation of a listed building and its setting further for any development affecting a listed buildings or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special or architectural or historic interest which it possesses. The council's Heritage Adviser does not consider that the proposal would be harmful to the setting of this listed building and that the proposal satisfies the relevant policies and criteria.

As part of the proposal the gate pillars on the service road to Ysgol Cybi are to be re-aligned. It has been confirmed that these gate pillars are not listed and there are no objections to this part of the proposal from the council's Heritage Adviser subject to the condition recommended requiring a photographic survey and regulation of the their re-building as described in the comments.

### **Highways & Parking Considerations:**

Part of the application site to the south on Vulcan Street where the pair of two bedroom semi-detached dwellings are proposed is currently used on an informal basis for car parking by residents and others. The area in question is land within the council's ownership and there is no lawful right to park here or requirement that the area be retained as a parking area.

Detailed objections have been received on the grounds of parking as detailed in the relevant section of this report. These objections have been assessed by the highway authority who are recommending conditional permission.

The realignment of the gate pillars on the service road to Ysgol Cybi will also facilitate access by Large Goods Vehicles from Vulcan Street into the school.

**Other Matters:** The objections received state that access is required to their rear lane. It is understood that these objections apply to the footway at the rear of properties on north west side of Vulcan Street. The development will restrict access to the northern side of the footway at the rear of 47 Vulcan Street but access will still be available from the southern side of the footway. This is therefore considered a civil matter which is given little weight in this assessment.

The proposed development is within 3 meters of the existing public sewer and the applicant has confirmed that this will be diverted as part of the proposed development. Welsh Water have no objections to surface water being discharged into the public sewer in this instance.

In terms of ecology NRW and the council's Ecological and Environment Officer were previously satisfied that the proposal will not have an unacceptable impact on protected species subject to compliance with ecological mitigation measures submitted with the planning application. NRW's comments on this application are awaited at the time of writing and further clarification has now been requested by the Ecological and Environmental Adviser in terms of whether any invasive species are present on the application site. It is anticipated that these matters can be regulated by the planning conditions recommended.

Comments are awaited from the council's Lifelong Learning Service in relation to any educational contribution required in connection with the proposed development at the time of writing and these will be reported verbally at the committee.

## **7. Conclusion**

The proposed development is made on previously developed land in a highly sustainable location in the largest settlement on Anglesey. The high density development is considered acceptable in the context described. As explained in the report the Highway Authority are content with the proposal in all regards including car parking and the realignment of the gate pillars on the service road to Ysgol Cybi will also facilitate access by Large Goods Vehicles from Vulcan Street into the school.

The rear elevation of the proposed flats on Seiriol Street is closer to the rear boundary with Ysgol Cybi Primary School than prescribed in guidance but given that there are no impacts on residential

amenity this is considered acceptable. The proposal is therefore considered acceptable subject to the receipt of comments from outstanding consultees.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic improvements that would accrue as part of the development and being for affordable housing a more equal Wales.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### 8. Recommendation

That planning permission is granted subject to the receipt of any comments from the council's Lifelong Learning Service and subject to the following planning conditions:

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

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

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:**

Drawing/ Document	Reference	Dated
Site OS Plan	A-00-01	
Topo Survey	A-00-2	
Existing Gate Pillars	A-00-4	
Proposed Site Layout	A-00-3	
Proposed Gate Pillars	A-00-5	
Proposed Gate Pillars	A-00-6	
421 Houses	A-01-01	
212 Flats Plans	A-02-01	
212 Flats Elevations	A-02-02	
Protected Species Survey (Sam Dyer Ecology)		24.08.17
Drainage Strategy (Cadarn)		October 2017

Reason: To ensure that the development is implemented in accord with the approved details.

**(03) The construction of the development hereby approved shall not take place outside the hours of 0800 - 1800 hours - Monday to Friday; 0800 - 1300 hours - Saturday's and there shall be no working on Sunday's or Bank Holidays.**

Reason To protect the residential amenities of adjacent residential properties.

**(04) The approved means of enclosure shall be constructed or erected prior to the occupation of the dwelling(s) or flat(s) to which it relates and it shall thereafter be retained in the lifetime of the development hereby approved and any replacement wall or fencing shall be to an equivalent specification.**

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to protect the amenities of adjacent residential properties.

**(05) No development shall take place until a scheme of landscaping and tree planting for the application site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density. The approved new planting shall not be implemented later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.**

Reason: In the interest of the visual amenities of the locality and to secure ecological enhancements.

**(06) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.**

Reason: In the interest of the visual amenities of the locality and to secure ecological enhancements.

**(07) The application site shall be developed strictly and entirely in accord with the Protected Species Survey (Sam Dyer Ecology) 24.08.17.**

Reason: In the interests of ecology.

**(08) Notwithstanding the plans hereby approved no development shall commence until full details of all external materials and finishes (which shall include such details for all building(s)), hard landscaped areas, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved.**

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

**(09) The existing gate pillars shown on drawing number A-00-4 shall be accurately recorded (including dimensions and component building parts) and photographed and the results submitted to and approved in writing by the Local Planning Authority prior their dismantling. The pillars shall thereafter be reconstructed using the original component building parts in so far as reasonably possible in accord with the details to be approved in writing under the provisions of this condition and drawing numbers A-00-5 and A-00-6.**

Reason: To ensure that the development preserves the setting of the grade II listed Cybi School.

**(10) The accesses shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.**

Reason: To ensure a safe and convenient access to/from the highway in the interests of highway safety.

**(11) The accesses shall be constructed with its gradient not exceeding 1 in 20 for the first 5 meters back from the nearside edge of the adjoining carriageway.**

Reason: To ensure a safe and convenient access to/from the highway in the interests of highway safety.

**(12) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the public highway.**

Reason: To ensure a safe and convenient access to/from the highway in the interests of highway safety.

**(13) The highway boundary wall, hedge, fence or any new boundary erected fronting the highway shall at no time be higher than 1 meter above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2 metres of the said wall hedge, fence or any new boundary erected fronting the highway.**

Reason: To provide adequate inter-visibility between the existing service road and proposed access(es) and the existing public highway for the safety and convenience of users of the highway and the access.

**(14) The car parking accommodation shall be completed in full accordance with the details as submitted before the dwelling(s) or flat(s) to which it relates is occupied and shall thereafter retained solely for those purposes.**

Reason To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

**(15) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the LPA, a Construction Traffic Management Plan (CTMP). The CTMP shall include;**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vi) The arrangements for loading and unloading and the storage of plant and materials;**
- (vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The construction of the Development shall be completed in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(16) No surface water from the within the curtilage of the site to discharge onto the highway.**

Reason: To ensure no direct adverse effect on the adjoining highway in the interests of amenity and highway safety.

**(17) The foul and surface water drainage scheme illustrated on the plans hereby approved shall be implemented and be fully operational prior to the occupation of the dwelling(s) or flat(s) to which it relates is occupied.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

**(18) The 229mm diameter combined public sewer crossing the application site (from SH24822404 to SH24822402) shall be diverted in accord with drawing reference EL (95) 01 (Proposed Section 104 Drainage Layout) prior to the commencement of the building denoted as Plot 3.**

Reason: To protect the integrity of the public sewerage system.

**(19) Surface water flows from the development shall only communicate with the public combined sewer at manhole chamber through an attenuation device that discharges at a rate not exceeding 5 l/s.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

**(20) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Technical Advice Note 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The scheme shall include:**

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;**
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;**
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);**
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

Reason To ensure that the development provides an element of affordable housing in accord with development plan policy.

**Please inform the Applicant that:-**

The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.

Any adjustments, re-siting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

If he/she chooses to carry out the work himself/, the Applicant should be advised to apply in writing to the Corporate Director of Highways, Transportation and Property for the necessary consent, as

required under Section 171 of the Highways Act, 1980 to carry out work within the highway for the formation of the footway and/or verge crossing.

This page is intentionally left blank



12.2

Gweddill y Ceisiadau

Remainder Applications

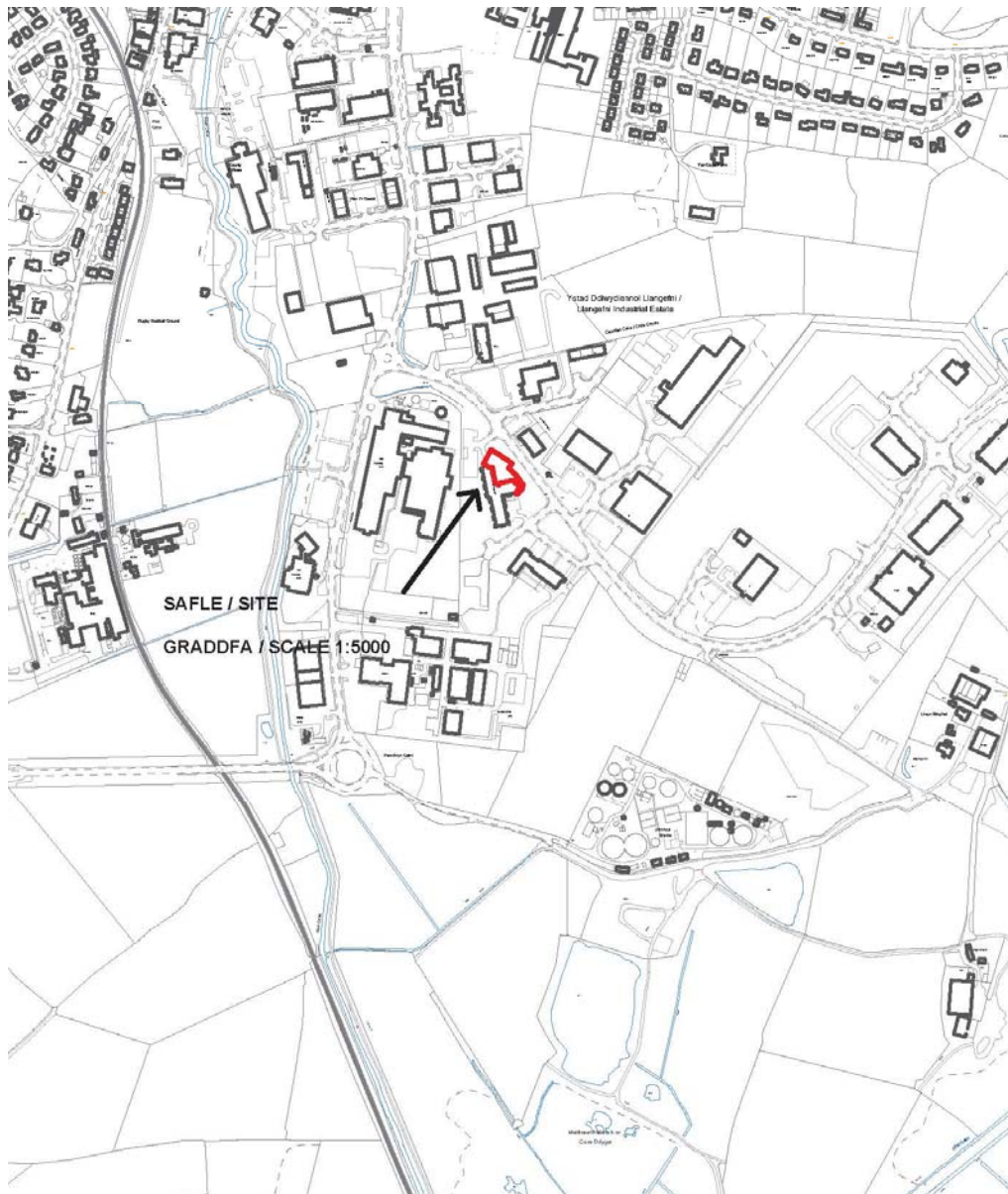
Rhif y Cais: **34LPA791F/CC** Application Number

Ymgeisydd Applicant

Head of Service - Property Services

Cais llawn ar gyfer gwaith tirlunio ynghyd a chreu 4 llecyn parcio ychwanegol yn / Full application for landscaping works together with the creation of 4 additional parking spaces at

Canolfan Busnes Ynys Môn / Anglesey Business Centre, Llangefni



**Planning Committee: 03/10/2018**

**Report of Head of Regulation and Economic Development Service (SOH)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

Application made by County Council on County Council owned land.

**1. Proposal and Site**

The site is located within the Bryn Cefni industrial estate away from the main through-road and gently slopes upwards towards the back of the site. The business center is surrounded by industrial type buildings, the closest of which is a food processing unit.

The application is for the creation of 4 additional parking spaces together with landscaping works and general re arrangement of the site.

**2. Key Issue(s)**

The applications key issues are whether the proposal will affect the character of the local area and its highway safety.

**3. Main Policies**

**PCYFF3** – Design and Place Shaping

**PCYFF 4** – Design and Landscaping

**4. Response to Consultation and Publicity**

**Highways** – Suggested Condition that car parking shall be completed in accordance with approved plans.

**Landscape Advisor** – No Objection

**Environmental Health** – Informative regarding nuisance during construction

**Town Council** – No Response

**Councillor Dylan Rees** – No Response

**Councillor Nicola Roberts** – No Response

**Councillor Bob Parry** - No Response

**5. Relevant Planning History**

34LPA791/CC –Erection of a business centre on Plots 16 & 17, Bryn Cefni Industrial Estate, Llangefni. Approved 23/12/1999

34LPA791A/CC - Alterations and Extensions together with the construction of a new vehicular and pedestrian access at Anglesey Business Centre/Llys Goferydd, Bryn Cefni Industrial Estate, Llangefni. Approved 26/5/2004.

34LPA791B/CC - Installation of an 8kw solar PV system on the roof of Anglesey Business Centre, Bryn Cefni Industrial Estate, Llangefni. Approved 21/8/2012.

34LPA791C/CC/ECON - Full application for alterations and extensions for office space (Use Class B1) together with the construction of a bike storage area, car park and electric vehicle charging point at Anglesey Business Centre, Llangefni. Approved 9/2/2015.

34LPA791D/VAR/CC - Application under Section 73 for the variation of condition(s) (02)(The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced and thereafter retained solely for those purpose) and (04)(The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 18/12/2014, under planning application reference 34LPA791C/CC/ECON) of planning permission reference 34LPA791C/CC/ECON (alterations and extension, creation of a bike storage area and creation of a car park) so as to amend the approved scheme at Canolfan Busnes Ynys Môn / Anglesey Business Centre, Llangefni. Approved 19/3/2018.

34LPA791E/DIS/CC - Application to discharge condition (02) (drainage scheme) of planning permission 34LPA791D/VAR/CC at Canolfan Busnes Ynys Môn/Anglesey Business Centre, Llangefni. Discharged 10/5/2018.

## 6. Main Planning Considerations

**Affect Upon Character Of The Area** – The application consists of general re arrangement of the site which will allow the creation of 4 additional car parking spaces. The works proposed are modest and will not drastically alter the character of the area to a degree that would warrant a refusal. The scheme will also include installation of electric car charging ports, solar bollard lighting and a planting scheme. Along with the above the proposal includes signage, seating areas and new paved surfaces which will connect the car parking facilities to the main building. Considering all the above elements of the scheme, it is deemed the proposal will be in keeping with the surrounding area and its character.

**Highway Safety** – The highways department had no objection to the scheme and suggested a condition was imposed in order to ensure the car parking accommodation will be completed as the details submitted in the proposal.

## 7. Conclusion

The proposal will modernize the site and provide additional car parking accommodation in a manner respectful of the surrounding area and its character. It is considered the scheme will not have any negative effects, subsequently the department are mindful to recommend approval.

## 8. Recommendation

That planning permission is granted subject to the following planning conditions:

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

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

**(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below except as otherwise required to be approved under the conditions imposed:**

Drawing Number	Date Received	Plan Description
39696-LEA-XX-DR-6009	14/08/2018	Proposed Location Plan
39696-LEA-XX-DR-6010	14/08/2018	General Arrangement Hard and Soft Landscape Plan
39696-LEA-XX-DR-6010	14/08/2018	General Arrangement Hard and Soft Landscape Plan
39696-LEA-XX-DR-6010	14/08/2018	Front Entrance Landscape Design

**Under planning application reference 34LPA791F/CC.**

Reason: For the avoidance of doubt

**(03) The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced and thereafter retained solely for those purposes.**

Reason: In The Interest of Highways Safety.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.