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

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RHYBUDD O GYFARFOD	NOTICE OF MEETING
PWYLLGOR CYNLLUNIO A GORCHMYNION	PLANNING AND ORDERS COMMITTEE
DYDD MERCHER, 1 MEDI, 2021 am 1:00 y. p.	WEDNESDAY, 1 SEPTEMBER 2021 at 1.00 pm
CYFARFOD RHITHIOL WEDI'I FFRYDIO'N FYW	VIRTUAL LIVE STREAMED MEETING
Swyddog Pwyllgor	Mrs Mairwen Hughes 01248 752516 Committee Officer

AELODAU / MEMBERS

Cynghorwyr / Councillors:

**John Griffith
Glyn Haynes
T LI Hughes MBE
K P Hughes
Vaughan Hughes
Richard O Jones (Vice-Chair)
Eric Wyn Jones
Dafydd Roberts
Nicola Roberts (Chair)
Ieuan Williams
Robin Williams**

Please note that meetings of the Committee are streamed 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 live stream will be retained in accordance with the Authority's published policy

A g e n d a

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.

MEMBERS OF THE COMMITTEE

Councillors:-

**John Griffith
Glyn Haynes
T LI Hughes MBE
K P Hughes
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Richard O Jones (Vice-Chair)
Eric Wyn Jones
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Nicola Roberts (Chair)
Ieuan Williams
Robin Williams**

INDEX the link to the Public Register is given for each individual application as shown

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 MEETING_(Pages 1 - 12)

To present the minutes of the previous meeting of the Planning and Orders Committee held on 28 July, 2021.

4 SITE VISITS_(Pages 13 - 16)

To present the minutes of the virtual site visits held on 18 August, 2021.

5 PUBLIC SPEAKING

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6 APPLICATIONS THAT WILL BE DEFERRED

None to be considered by this meeting.

7 APPLICATIONS ARISING_(Pages 17 - 66)

7.1 FPL/2019/251/EIA – Cae Mawr, Llanerchymedd

https://ioacc.force.com/s/papplication/a1G4H00000Jt7imUAB/fpl2019251eia?language=en_GB

7.2 FPL/2019/338 – Cerrig, Penmon

https://ioacc.force.com/s/papplication/a1G4H00000lxyHqUAJ/fpl2019338?language=en_GB

7.3 VAR/2021/27 – Christ Church, Rhosybol

https://ioacc.force.com/s/papplication/a1G4H00000l28EkUAJ/var202127?language=en_GB

7.4 FPL/2020/215 – Lôn Lwyd, Pentraeth

https://ioacc.force.com/s/papplication/a1G4H00000NACNJUA5/fpl2020215?language=en_GB

7.5 FPL/2021/111 – Penmynydd Farm, Caergeiliog

https://ioacc.force.com/s/papplication/a1G4H00000OKKzQUAX/fpl2021111?language=en_GB

8 ECONOMIC APPLICATIONS_(Pages 67 - 74)

8.1 FPL/2021/100 – Tregarnedd Industrial Park, Llangefni

https://ioacc.force.com/s/papplication/a1G4H00000OKACzUAP/fpl2021100?language=en_GB

9 AFFORDABLE HOUSING APPLICATIONS

None to be considered by this meeting.

10 DEPARTURE APPLICATIONS_(Pages 75 - 90)

10.1 VAR/2021/48 – Brynteg, Llansadwrn

https://ioacc.force.com/s/papplication/a1G4H00000OKdzkUAD/var202148?language=en_GB

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10.2 VAR/2021/51 – Bodafon, Llangristiolus

https://ioacc.force.com/s/papplication/a1G4H00000OKoJXUA1/var202151?language=en_GB

10.3 VAR/2021/22 - Cleifiog Fawr, Gorad Road, Valley

https://ioacc.force.com/s/papplication/a1G4H00000I22WYUAZ/var202122?language=en_GB

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

None to be considered by this meeting.

12 REMAINDER OF APPLICATIONS_ (Pages 91 - 108)

12.1 FPL/2021/144 - Llys Y Gwynt, Llanfawr Close, Holyhead

https://ioacc.force.com/s/papplication/a1G4H00000OKiIUUAL/fpl2021144?language=en_GB

12.2 FPL/2021/145 – Rhosydd, Brynteg

https://ioacc.force.com/s/papplication/a1G4H00000OKjboUAD/fpl2021145?language=en_GB

12.3 HHP/2021/183 – Dirion Dir, Llangejni

https://ioacc.force.com/s/papplication/a1G4H00000OKYIXUA5/hhp2021183?language=en_GB

12.4 HHP/2021/157 – The Old Smithy, Marianglas

https://ioacc.force.com/s/papplication/a1G4H00000OKleLUAX/hhp2021157?language=en_GB

13 OTHER MATTERS_ (Pages 109 - 112)

13.1 FPL/2021/198 – Bryn Gollen Newydd, Llanerchymedd

https://ioacc.force.com/s/papplication/a1G4H00000OLKeRUAX/fpl2021198?language=en_GB

PLANNING AND ORDERS COMMITTEE

Minutes of the virtual meeting held on 28 July, 2021

- PRESENT:** Councillor Nicola Roberts (Chair)
- Councillors John Griffith, Trefor Lloyd Hughes MBE, Kenneth Hughes, Eric Wyn Jones, Ieuan Williams, Robin Williams.
- Local Members: Councillors Alun Roberts and Gary Pritchard (application 7.2), Aled M. Jones (applications 7.3 and 12.10), Margaret M. Roberts (application 12.4)
- IN ATTENDANCE:** Chief Planning Officer (DFJ)
Planning Enforcement Manager (SO)
Planning Built and Natural Environment Manager (JIW)
Senior Engineer (Traffic and Parking) (AR)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillors Glyn Haynes, Richard O. Jones, Dafydd Roberts
- ALSO PRESENT:** Councillor Richard Dew (Portfolio Member for Planning and Public Protection), Senior Planning Officer (JBR), Senior Planning Officer (CR), Business Systems Manager (EWW), Development Management Engineer (Highways) (WIH)
-

Prior to the commencing the business of the meeting, the Chair speaking on behalf of the Committee's members, thanked Mrs Nia Jones, formerly the Development Management Manager who was leaving the Council to take up a post with Planning Inspectorate Wales, for her work throughout her time in the Manager's role including the support and guidance she had provided to the Committee which was greatly appreciated. She extended her and the Committee's best wishes to Mrs Jones both personally and professionally in her new post.

1. APOLOGIES

The apologies for absence were presented and were noted as listed above.

2. DECLARATION OF INTEREST

Councillor Kenneth Hughes declared a personal and prejudicial interest in application 12.8 on the agenda as a member of the Governing Body of Bodedern Secondary School.

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous virtual meeting of the Planning and Orders Committee held on 7 July, 2021 were presented and were confirmed as correct.

4. SITE VISITS

The minutes of the virtual site visit held on 21 July, 2021 were presented and were confirmed as correct.

5. PUBLIC SPEAKING

There were eight Public Speakers registered to speak in connection with applications 7.2, 7.3, 12.4, 12.6, 12.9 and 12.10.

6. APPLICATIONS THAT WILL BE DEFERRED

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

7. APPLICATIONS ARISING

7.1 FPL/2019/338 – Full application for the part removal of the existing concrete sea defence and the erection of a replacement sea defence wall in its place on the boundary of Cerrig, Penmon

The application was reported to the Planning and Orders Committee at the request of the Local Members. At the Committee's 7 July, 2021 meeting it was resolved that a site visit was required. A virtual site visit was subsequently carried out on 21 July, 2021.

The Chief Planning Officer reported that during the virtual site visit it was confirmed by the Planning Case Officer that amended plans had been received in connection with the application. It is therefore recommended that determination of the application be deferred to allow the amended plans to be considered and further consultation to take place.

It was resolved to defer determination of the application in accordance with the Officer's recommendation for the reason given.

7.2 FPL/2020/165 – Full application for the conversion of outbuilding into holiday let together with the felling of 3 trees protected by a tree preservation order and replacement planting in lieu at Outbuilding 1, Lleiniog, Penmon

The application was reported to the Planning and Orders Committee at the request of a Local Member. Determination of the application was deferred at the Planning and Order's 7 July, 2021 meeting pending the receipt of amended plans to demonstrate the compensatory planning required consequent on the proposed removal of 3 trees which are currently protected by a tree preservation order. The amended plans were received on 7 July, 2021 following which amended consultations and neighbourhood notifications were issued with the latest date for representations to be made being 29 July, 2021.

Public Speaker

Mr Rhys Davies, Cadnant Planning spoke in support of the application highlighting that Listed Building Consent for the conversion of the outbuilding into a holiday unit has already been granted and that the Officer's report confirms that the principle of the conversion of outbuildings into holiday accommodation is established under policy TWR2 of the Joint Local Development Plan (JLDP). The proposal complies with the criteria presented under Policy TWR 2 in that it makes use of a suitable previously developed site; it is appropriate in scale and does not significantly harm the residential character of the area. The proposal is also in a sustainable location being within walking distance of a bus stop and the village of Llangoed via foot or bicycle. The access from off the highway leading to Penmon is considered acceptable with minor improvements as are the plans from a heritage perspective. Questions have arisen regarding what might be the economic benefits to the locality from such a development especially as the developer is not local. The applicant has confirmed in a response to the Head of Service that Amos Leisure has to date invested £4m across three sites in Anglesey and that it directly employs four local members of staff

Additionally the company employs eight local sub-contractors on a full time basis and deploys a further thirteen local contractors to undertake various aspects of building work. Materials are also sourced locally. While the proposal's contribution to tourism is noted in the report, the wider economic benefits which the proposal will generate locally are even greater. Approving the application will ensure jobs and an additional contract for local businesses. It is hoped that after a meeting on site the Community Council and Local Members are clear about what elements of the work have been going on and that there are no enforcement issues. The work on site is being completed to a very high standard.

Councillor Alun Roberts a Local Member, spoke to confirm that following a concerted effort by all involved to address the local concerns regarding the proposed development he was pleased to be able to say that those concerns had now been allayed including the matter of the access which had been a particular source of concern to him. Through extensive dialogue and co-operation amendments have been made which have resolved what he felt could have been a potential problem and he was therefore no longer opposed to the development. Councillor Gary Pritchard, also a Local Member said that he was in full agreement with Councillor Alun Roberts and that he had appreciated being able to visit the site which had done much to put local worries to rest.

The Planning Built and Natural Environment Manager reported that no representations have hitherto been received with regard to the amended plans in connection with the removal of the protected trees and consequent compensatory planting although the publicity period does not end until the 29 July. Listed building consent for the conversion of the outbuilding into a holiday unit was granted last month under delegated powers. In terms of design the modern nature of the flat roof extension to the rear of the subject building allows for differentiation between the historic and contemporary elements of the building and the re-introduction of a pitched slate roof for the stone shed to the side of the building is a reflection of the historic forms. Additionally all fenestration to the principal elevation of the building will be retained. It is the Officer's view that the alterations and extension comply with the policy requirements in terms of the criteria for the conversion of outbuildings into holiday units with regard to design and in preserving the character of the listed building within the curtilage of Lleiniog. Neither will the adaptations affect the special character or location of the main listed building of Lleiniog itself; rather the adaptations will ensure the long-term future of the subject building. Referring to the proposed planning conditions, the Officer highlighted that as conditions (05) and (06) are almost identical, it is recommended that condition (06) be deleted and that the two plans listed therein be added to the list of plans in condition (05).

Councillor Robin Williams proposed, seconded by Councillor Trefor Lloyd Hughes, MBE that the application be approved in accordance with the Officer's recommendation with the deletion of condition (06) as outlined.

It was resolved to delegate approval of the application to Officers at the end of the consultation period in accordance with the recommendation and report subject to the conditions listed therein and the deletion of condition 6 as outlined.

7.3 VAR/2021/27 – Application under Section 73 for the variation of condition (02) (Approved plans) and (03) (Access and parking accommodation) of planning permission reference FPL/2019/322 (Conversion of church into dwelling together with construction of a new vehicular access) so as to amend the parking accommodation to omit the provision of a turntable at Christ Church, Rhosybol, Amlwch

The application was reported to the Planning and Orders Committee having been called in by the Local Member due to highway issues and impact on the landscape surrounding the church. At the Committee's 2 June, 2021 meeting, members resolved to visit the site. A virtual site visit took place on 16 June, 2021.

The Legal Services Manager read out a statement to the Committee by the applicant, Mr William Morris which set out the applicant's view that a turn circle is not required in order to be able to turn a vehicle within the property and that this had been demonstrated in a video taken on site by the Planning Case Officer at the request of the Local Member which showed the applicant manoeuvring his vehicle within the property with ease and sufficient space. The manoeuvre has been demonstrated to the satisfaction of the Council's Highways Service. The applicant goes on to say that he has surveyed the houses in close proximity to the church in Rhosybol at least 10 of which have driveways where turning a vehicle is impossible. He reiterates that turning a vehicle within his own driveway is fine and that a turn circle is not needed to do so. If a turn circle has to be installed on the property as a requirement of the Committee, then it will be the first time the Planning and Orders Committee of Anglesey Council has set this requirement, possibly the first time a Welsh Planning Authority has set such a requirement. Mr Morris points out that the Local Member does not agree that the conversion of the church should ever have been granted planning permission and he refers to the complaint made to the Planning Service by the Local Member which was unsubstantiated with no breach of planning permission having been found to have taken place. It should also be noted that the church building is in the process of being developed into a home for the applicant and his family on which has been spent a considerable amount of money. During the works the feedback from visitors to the graveyard has been nothing but positive. Most have commented that it is great that someone is making the effort to restore the building for future generations which would otherwise have collapsed sooner rather than later. The applicant asks the Committee to grant the planning permission changes.

Councillor Aled Morris Jones, a Local Member said that the original application incorporated a turn circle because it was acknowledged that there was insufficient space within the site in which to turn a vehicle. In the video showing this manoeuvre, the lower body of the applicant's car (a Vauxhall Astra) is shown to scrape against the boundary stones; he therefore put it to the Committee that this is not a suitable place in which to create a parking area because there is not enough space available within the curtilage of the church in which to turn a vehicle as proved by the video. Also there are gravestones in close proximity to the area in which the turning manoeuvre is proposed to be made.

The Chief Planning Officer reported that determination of the application was deferred at the Committee's 7 July, 2021 meeting due to the receipt of an amended plan and because the neighbour notification period had not expired. To allow sufficient time for neighbours to make comments it was agreed that the application be presented to this meeting of the Committee. At the time of the report's writing 8 letters of objection had been received raising the points documented within the report. The key issue with regard to the application is whether there is a need for the applicant to provide a turn circle as part of the planning application in the interests of highway safety, the principle of the change of use of the church into a residential dwelling having already been established by the extant planning permission. The application is to omit the provision of a turn circle after it became apparent on clearing the overgrowth on the site that there is no need for a turn circle to be able to turn a vehicle within the site. The Highways Authority has confirmed that it is satisfied with the amended access plan. The recommendation is therefore one of approval.

The Senior Engineer (Traffic and Parking) confirmed that the Highways Authority was in receipt of the amended plan which showed what is termed a swept path analysis i.e. the path a vehicle takes when it is not moving in a straight line such as when it has to turn which demonstrated that it is possible to undertake a turning manoeuvre within the site. The Highways Authority is satisfied with the evidence and information provided and that a turn circle is not required.

The video of the applicant manoeuvring the vehicle within the application site was then shown to the Committee.

Councillor Ieuan Williams thought that the evidence showed how difficult it is to make the manoeuvre within the space available as well as how close the turning area is to the nearest gravestones; the video does show the applicant's vehicle coming into contact with the stones alongside the boundary when turning. He highlighted a further consideration in that the applicant states he is developing the church as a family home which makes it likely that the property will be accommodating more than one vehicle meaning that they will have to reverse onto the highway. It was his view that the site is not a suitable area for parking and that a turn circle should be re-incorporated within the access plan; he proposed that the application be therefore refused contrary to the Officer's recommendation. The proposal was seconded by Councillor Trefor Lloyd Hughes, MBE.

Councillor John Griffith referred to the video as showing vehicles parked along the pavement next door to the church building thereby posing an obstruction to pedestrians, prams and wheelchair users. He thought that should the application be approved there needed to be a traffic regulation provision to prohibit parking on the pavement. He proposed that the application be approved in accordance with the Officer's recommendation; in seconding the proposal Councillor Robin Williams said that he found it a difficult matter to determine having initially approved the application with a turn circle and now being asked to approve dispensing with the turn circle. He referred to there being many instances whereby cars reverse out onto the highway from their properties and therefore on balance he accepted that there is no need for a turn circle.

Councillor Ieuan Williams sought the professional opinion of the Senior Engineer (Traffic and Parking) on reversing onto the busy highway between Amlwch and Llanerchymedd; the Officer confirmed that he would not recommend the manoeuvre.

In the subsequent vote the proposal to refuse the application contrary to the Officer's recommendation was carried by 4 votes to 2.

It was resolved to refuse the application contrary to the Officer's recommendation as it was deemed a turn circle is required in the interests of highway safety.

(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 in respect of the reason given for refusing the application)

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

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

11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 LUP/2021/1 – Application for a Certificate of Lawfulness for the proposed use of existing workshop as dwellings (C3) at Workshop, Tre Wen, Pen Lôn, Newborough

The application was reported to the Planning and Orders Committee as the applicant is related to a relevant officer. The application has been scrutinised by the Council's Monitoring Officer.

The Planning Enforcement Manager reported that planning permission to convert the workshop into three dwellings has been granted following which an application to vary the permission (VAR/2020/74) to include two porches was approved. The foundations of the porches have now been constructed under this permission the issue being whether the planning permission VAR/2020/74 has lawfully commenced. It should be noted that planning policies do not apply to the determination of an application for a Certificate of Lawfulness of Proposed Use or Development (CLPUD); the Local Planning Authority's considerations in relation to such applications are based solely on an assessment of the evidence submitted by the applicant to determine whether the development subject to the application is lawful under the planning act. In accordance with the legal advice provided as outlined in the report, the Officer's view is that the burden of proof has been discharged on the burden of probabilities and the recommendation is therefore to approve the application.

Councillor Eric Jones proposed, seconded by Councillor Kenneth Hughes that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation.

12. REMAINDER OF APPLICATIONS

12.1 FPL/2021/92 – Full application for the erection of a new agricultural building for storage and lambing on land near Graianbwll, Llanddaniel

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

The Chair informed the Committee that the Local Member had been in touch with her to confirm that although he had called in the application due to local concerns, he thought the Officer's report was fair and that with the addition of the two landscaping conditions as outlined, the application is now acceptable.

The Chief Planning Officer reported that it is the Officer's view that the site is suitable for the agricultural shed as proposed being in a low-lying location with hills coming up/down from both directions. Given the location, the current screening and the additional screening to be conditioned in line with the request made by the Landscape Advisor and Ecological Advisor for additional mitigation, the visual impacts are perceived to be minimal. The design and colour of the proposed shed are also considered acceptable and the recommendation is therefore one of approval.

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

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

12.2 FPL/2021/147 – Full application for the removal of the existing mobile teaching classroom building, siting new mobile classroom building, erection of fencing together with hard landscaping at Ysgol Henblas, Henblas

The application was reported to the Planning and Orders Committee as the Isle of Anglesey County Council is the applicant and landowner.

The Planning Enforcement Manager reported that the proposed new classroom will be located in the same location as the existing classroom but will be of a slightly larger footprint. The height will remain at approximately 3.6m such that the new classroom should integrate into its surroundings. Privacy concerns raised by the owner of the neighbouring property will be addressed via a 2m high welded mesh fence along the west boundary of the school playground which will protect the privacy of both the school grounds and the neighbouring properties. Welsh Water has now confirmed conditional approval and Gwynedd Consultancy has confirmed that it has no comments on the application. The recommendation is therefore to approve the application subject to no new issues being raised before the expiry of the consultation and publicity period on 29 July, 2021.

Councillor Robin Williams proposed, seconded by Councillor Kenneth Hughes that the application be approved in accordance with the Officer's recommendation.

It was resolved to delegate approval of the application to Officers at the end of the consultation period in accordance with the recommendation and report subject to the planning conditions contained therein and subject also to no new issues being raised before the expiry of the publicity period.

12.3 FPL/2021/86 – Retrospective application for alterations to the existing vehicular access, re-building of a stone boundary wall together with the erection of associated gate at The Old Abbey & Abbey Lodge, Ravenspoint Road, Trearddur Bay

The application was reported to the Planning and Orders Committee as the applicant has served notice on the Isle of Anglesey Council as the landowner.

The Planning Enforcement Manager reported that the application seeks retrospective permission for a widened vehicular access; no representations have been received as a result of the publicity afforded the application. The Highways Authority has no objection to the proposal and in terms of design it is considered the proposal reflects the characteristics of the locality and enhances the character and appearance of the site in line with the requirements of Policy CYFF 2 and Policy CYFF 3. A recommendation of approval is therefore made.

Councillor Ieuan Williams proposed, seconded by Councillor Robin Williams that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the planning condition set out therein.

12.4 FPL/2020/215 – Full application for the erection of 23 dwellings (including 4 apartments) together with the creation of two new access and associated development on land adjacent to Lôn Lwyd, Pentraeth

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

Councillor Margaret Roberts, a Local Member asked the Committee to conduct a virtual site visit so that members can better appreciate the proposal within its context and in fairness to local concerns.

Councillor Kenneth Hughes proposed, seconded by Councillor Robin Williams, that a virtual site inspection be undertaken.

It was resolved that a virtual site visit be carried out in accordance with the Local Member's request for the reason given.

12.5 HHP/2021/166 – Retrospective application for the re-siting and retention of the annex on land to the rear of 21 Ravenspoint Estate, Trearddur Bay

The application was reported to the Planning and Orders Committee at the request of a Local Member amid concerns of over-development.

The Planning Enforcement Manager reported that prior to the submission of the current planning application which was prompted by an enforcement investigation, the applicant had been in discussion with neighbours and had agreed to re-site the annexe building closer to the to the main dwelling and further away from the rear boundary with the neighbouring properties. The applicant has also confirmed that vegetation along the rear boundary of the site will be retained and will be supplemented by additional planting, fencing and a trellis. The report addresses the objections raised as regards over-development, impact on privacy and on amenity and on balance, it is considered that the proposal is acceptable providing no new issues are raised before the expiry of the publicity period on 30 July, 2021.

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

It was resolved to delegate approval of the application to Officers on expiry of the consultation period in accordance with the recommendation and report subject to the planning conditions contained therein and subject also to no new issues being raised before the end of the publicity period.

12.6 FPL/2021/111 – Full application for change of use of agricultural land into holiday chalet site, siting 30 holiday chalet buildings, erection of reception building, engineering works to create lake, construction of private roads, construction of parking areas, soft and hard landscaping together with associated works on land at Penmynydd Farm, Caergeiliog

The application was reported to the Planning and Orders Committee as it has been called in by a Local Member.

Public Speakers

Mr Neil Oldham, the applicant spoke in support of the application saying that it was his aim to provide a high quality development and one that looks as if it has always been on site. The planting of over 5,000 shrubs and trees will ensure that the proposed development will have a low visual and environmental impact on the surrounding area. Mr Oldham emphasised that it was important to him as a long-time resident of Anglesey who is passionate about the Island that the development compliments the countryside and does not resemble other development with endless rows of white caravans. He was keen that the site should provide employment both directly and by encouraging visitors to use and enjoy the facilities in nearby villages and the wider area. This type of scheme should balance the desire for people to visit the area whilst also ensuring benefits for the local community and avoiding impact from second homes. He acknowledged that there had been an appeal on site and that the Planning Inspector was entirely satisfied on all grounds except for sustainability and the availability of non-car modes of transport.

Mr Jamie Bradshaw also speaking in support of the application said that he and Mr Oldham felt that there are significant factors and new information that weigh in favour of approval. While the application site is in a rural position, it is located between Caergeiliog, Bodedern and Llanfihangel yn Nhowyn which are all within walking distance. For cycling, a number of settlements as well as attractions and facilities are within easy cycling distance, including Valley, Holyhead as well as there being access to longer range cycle routes including three national cycle network routes. The proposal includes on-site cycle hire.

The A5 which passes the site is already well used as a cycle route and is shown on the Authority's Active Travel Plan as a planned designated combined walking and cycling route. The applicant is happy to contribute to improvements if needed. The site is also within easy walking distance of the number 4 bus route linking Holyhead and Llangefni and to railway stations thereby allowing onward trips across the Island. An on-site mini bus is proposed to allow for the collection and return of visitors to railway stations and local attractions and facilities. Robust and detailed information on the above is provided as part of the submission which is not examined in detail in the Officer's report. This includes a detailed Travel Plan which could be imposed and controlled by condition.

Mr Bradshaw referred to the planned inclusion of onsite facilities to include a small shop and café which are proposed in response to comments by the Inspector that the site could be more self-contained. Whilst the Inspector was not convinced that the site is accessible, it is clear that this did not account for the true accessibility of the site and did not benefit from the new information that is presented today. Many new sites in a similarly rural position have been approved by the Authority for example Cartio Môn, Bryn Ednyfed near Caergeiliog and Dronwy, Llanfachraeth. The Committee is therefore respectfully asked to support the application.

Councillor Kenneth Hughes, a member of the Committee and a Local Member wanted to know why the applicant thought the site is sustainable and what has changed from when the appeal was determined; the rationale for having a shop and café on site if the aim is to encourage users of the site to enjoy the benefits and facilities provided by nearby villages and the wider area, and the relevance of the Authority's Active Travel Map to the application.

Mr Jamie Bradshaw clarified that new information has been made available to the Planning Authority in the form of a detailed Travel Plan that focuses specifically on the issue of sustainability and shows the site to be sustainable. Mr Bradshaw said that he and Mr Oldham felt that at the time of the inspection, the Inspector did not have a proper grasp of the site's circumstances and the area – the site visit was brief and did not benefit from the same local knowledge as that held by people who are on the Island regularly. It is felt that the proposal is within walking and cycling distance of shops and facilities and will benefit from the no.4 bus route past the site which might not necessarily have been in the Inspector's mind when making her decision. Mr Oldham added that the site is on the boundary between Bodedern and Caergeiliog and that the Planning Inspector when undertaking her site visit went to Caergeiliog which has fewer facilities than Bodedern or further afield in Valley.

The inclusion of an on-site shop and café is in response to the Inspector's comment that the site could be more-self-contained the idea being that users of the site would be able to pick up sundries without having to use a car to leave the site for a pint of milk for example. Although the preference would be not to have an on-site shop and café they have been incorporated to enhance the site's sustainability and they will employ local people. Mr Oldham emphasised that he did not want to be a café owner or a shop keeper but these facilities answer the Inspector's comments about keeping people on site. It was important to him personally that the proposal should support local businesses and the wider community which is generally supportive of the proposal including the Community Council.

Mr Bradshaw clarified that under the Active Travel Wales Act, the Authority like other local authorities, is looking to improve the links through the area; the A5 which passes the

application site is one of the proposed active travel routes which ideally - although it is already used as such - will be upgraded to a recognised combined walking and cycling route. The route map was not available to the Inspector at the time of the appeal as it had not been produced – the applicant would be happy to contribute to the route by way of making improvements between the application site and the route. Mr Oldham confirmed that he thought it would be a great asset to the site which will add to the footpath that goes into Bodedern.

Councillor Trefor Lloyd Hughes, MBE voiced concerns about pedestrian safety citing a fatal accident on the road from Dalar to Bodedern and sought clarity on the availability of footpaths from Caergeiliog to the application site and therefrom to Bodedern and RAF Valley.

Mr Jamie Bradshaw clarified that the only route where there is no footpath is at the bus stop at Junction 4 near Caergeiliog where there is a gap in footway provision but in all other directions there are footpaths from the application site through the A55 junction north to Bodedern and further on to RAF Valley and Valley airport.

The Chief Planning Officer reported that the application site lies to the rear of the Botha site and has its own access onto the road that leads from the A55 towards Bodedern. With regard to consultees, the MOD has now provided a response to the effect that conditions are required to manage birds on the site; likewise the Joint Planning Policy Unit has responded to confirm that there is no risk that the proposed development will have a significant detrimental impact on the Welsh language. To date no formal response had been received from the Community Council. An application for a similar proposal was refused by the Council under application reference FPL/2018/2 and the subsequent appeal was dismissed in February, 2020 on the basis that the proposed development was not deemed to be in a sustainable location as it is not so well served by local services or public transport for it to be described as accessible by means of active travel and public transport being instead overly dependent on private car use. Some amendments to the proposal have been made with the introduction of a reception building and an on-site café and shop as well as a cycle hire facility. However, the inclusion of these retail elements to make the development more self-contained reinforces the Council's view that the proposed development is located in an unsustainable location. Additionally, since the appeal on planning application FPL/2018/2 was dismissed, the SPG on Tourism Facilities and Accommodation has been formally adopted by the Council and this lists factors that will be assessed in determining whether a development is high quality or not and includes as a consideration sites being in a sustainable location which serves to lend further weight to the objections on sustainability grounds. The Officer said that notwithstanding the amendments made to the proposal, the position in planning terms has not materially changed and the proposed development is therefore still deemed to be situated in an unsustainable location making it reliant on private car use. Consequently, the recommendation is to refuse the application.

Councillor Kenneth Hughes said that he took a different view to that of the Officer on the basis of policy. National policy guidelines recognise the importance of tourism development to the rural economy as long as developments are in a suitable location. Councillor Hughes said that he thought the proposal is suitable as he felt it is in a sustainable area. The JLDP notes that new development should be in a location that is unobtrusive which means that it is well screened by existing landscape features without too many features that are not natural. The application site lends itself to this type of development; the Planning Inspector had no concerns on this point and disagreed with the Officer's standpoint at the time concluding instead that the development was appropriate in its location and would not have a harmful impact on the character or appearance of the surrounding countryside. Councillor Hughes thought that the Officers had missed an opportunity to support a proposal knowing how important tourism is to the countryside economy; put simply this comes down to a difference of opinion since a few months ago the Committee was unanimously of the opinion that this area is a sustainable location; to say otherwise now would make a mockery of everyone, this

being so it is everyone's duty to support the application. He proposed that the application be approved and was seconded by Councillor Eric Jones.

Councillor John Griffith proposed that the Committee undertake a virtual site visit given the potential visual impact of the development especially from the A55 and the resulting effects on the surrounding countryside. The proposal for a site visit was seconded by Councillor Trefor Lloyd Hughes, MBE. In the ensuing vote, the proposal that a virtual site visit be undertaken was carried.

It was resolved that a virtual site visit be carried out for the reason given.

12.7 MAO/2021/21 – Minor amendments to scheme previously approved under planning permission FPL/2018/4 so as to allow surface water to connect to public sewer at Sŵn y Gwynt, Holyhead

The application was presented to the Planning and Orders Committee as the Isle of Anglesey County Council is the applicant and landowner.

The Chief Planning Officer reported that planning permission for the erection of 4 single person dwellings has been granted on the site and the application now submitted seeks to amend condition (08) of the consent so that both the site's surface water and foul water are allowed to discharge in to the public sewer system. Welsh Water has confirmed that it has no objection to the proposed amendment of condition (08); the recommendation is therefore to approve the application.

Councillor Trefor Lloyd Hughes, MBE queried whether the correct name for the site was Llys y Gwynt rather than Sŵn y Gwynt. The Chief Planning Officer said that should the application be approved, details of the name would be confirmed ahead of the release of consent.

Councillor Eric Jones proposed, seconded by Councillor John Griffith that the application be approved in accordance with the Officer's recommendation.

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

12.8 FPL/2021/112 – Full application for the erection of safety fences at Bodedern Secondary School, Bodedern

The application was reported to the Planning and Orders Committee as the Isle of Anglesey County Council is the applicant and the landowner.

Having declared a prejudicial interest in the application, Councillor Kenneth Hughes withdrew from the meeting for the discussion and determination thereof.

The Planning Built and Natural Environment Manager reported that the application is for the erection of 2.15 metre high safety fences located at the front and sides of the school grounds with access gates. The proposal is considered acceptable in terms of scale, design and appearance and thus will not have a negative impact on the existing building's character and appearance nor on nearby properties; the recommendation is to approve the proposal.

Councillor Robin Williams proposed, seconded by Councillor John Griffith that the application be approved in accordance with the Officer's recommendation.

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

12.9 FPL/2020/234 – Full application for the erection of food production warehouse, extension to existing building to create brining areas, erection of Effluent Treatment Plant (ETP) tank, associated balance tank and structures (part retrospective in relation to foundations), creation of attenuation ponds, erection of building to accommodate DAF units, alterations to existing access points along with

amendments to existing parking, de-adoption of part of existing adopted highway with landscaping and associated works at 8 Mona Industrial Estate, Mona

The application was reported to the Planning and Orders Committee as it encompasses Council owned land.

Public Speaker

Sioned Edwards, Cadnant Planning spoke in support of the application stating that the proposed development represents the second phase of the dairy and cheese plant development following the granting of permission for the first phase in 2019. Once operational, this will be the most modern and sustainable cheese production plant in Europe with the second phase enabling cheese production to be increased from 2,500 tonnes per annum to 7,800 tonnes per annum. Once completed the plant will use 80 million litres of milk from 35 Welsh farms to create 7,800 tonnes of premium cheese of the highest quality. Expansion of the plant formed part of the initial proposal and indicative plans for the second phase were presented as part of the original application. The plant's turnover will rise to £25m by 2022 and it will establish new standards for the industry. When cheese production commences in September, 2021, there will be initial capacity for 22 million litres of milk per annum with initial investment of £15m and a further £12m for the second phase. The first phase will create up to 30 full time jobs and a further 34 full-time jobs will follow with the second phase. By the end of 2021, the business is expected to have grown to provide over 100 jobs. The enterprise also seeks to develop young people's skills and to become a key local employer on Anglesey. The company is keen to develop all parts of the workforce and is working closely with Coleg Menai's Food Technology Centre; the latter will use the plant as a location for education, training and development opportunities for some of its students and courses. Since the publication of the Officer's report, the MOD has confirmed acceptance of the proposal subject to the submission of an amended bird strike report. Extensive discussions have been held with Natural Resources Wales regarding site permits and discussions are also ongoing with the Council's Ecology Advisor regarding biodiversity improvements in connection both with the application and also to enable further steps in the development of the site. The Committee is asked to approve the application as a significant investment on the Island providing benefits in the form of employment for local people, educational and training opportunities for young people and a fair price for milk for Welsh farmers.

The Chief Planning Officer reported with regard to the consultee response that the MOD is satisfied with the proposal and has recommended a condition; the Council's Landscape Advisor is also supportive subject to a condition to protect trees on site and Bodffordd Community Council has confirmed it has no objections to the application. The proposal represents the second phase of the enterprise that will enable increased cheese production; the principle of the development is acceptable on the industrial estate location and is supported in terms of the investment in jobs that is proposed. Further information in relation to ecology and biodiversity matters is awaited and subject to the receipt of this information, the recommendation is to approve the application.

Councillor Kenneth Hughes proposed, seconded by Councillor Robin Williams that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions contained therein and subject also to the receipt of outstanding consultation responses and any additional planning conditions following therefrom.

12.10 FPL/2019/251/EIA – Full application for the erection of a free range poultry unit (egg production) together with a manure store, feeding bins and associated works at Cae Mawr, Llanerchymedd

The application was reported to the Planning and Orders Committee as it is accompanied by an Environment Impact Assessment and has also been called in to the Committee by a Local Member.

Councillor John Griffith, also a Local Member proposed that given the scale of the proposed development, its location in the open countryside and local concerns regarding potential noise, odour and traffic impacts the Committee should conduct a virtual site visit. The proposal was seconded by Councillor Robin Williams.

It was resolved that a virtual site visit be conducted for the reasons given.

13. OTHER MATTERS

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

**Councillor Nicola Roberts
Chair**

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PLANNING SITE VISITS

Minutes of the virtual meeting held on 18 August, 2021

PRESENT:	Councillor Nicola Roberts (Chair) Councillors John Griffith, Glyn Haynes, Kenneth Hughes, Vaughan Hughes, Eric Jones, Dafydd Roberts, Ieuan Williams, Robin Williams.
IN ATTENDANCE:	Team Leader and Case Officer for application 2 (DPJ) Lead Case Officer Major Projects and Case Officer for applications 1 and 3 (IWJ) Senior Engineer (Traffic and Parking) (AR) Committee Officer (ATH)
APOLOGIES:	None
ALSO PRESENT:	Local Members: Councillors Margaret Roberts (for application 1), Llinos Medi (for application 2), Aled Morris Jones (for application 3), Development Management Engineer (Highways) (IWH)

1. FPL/2020/215 – Full application for the erection of 23 dwellings (including 4 apartments) together with the creation of two new accesses and associated development on land adjacent to Lôn Lwyd, Pentraeth

Members were shown the site plan and the nature of the application was outlined. That part of the site subject to development was highlighted as were the development boundary to the village of Pentraeth, the main A5025 highway and the Area of Outstanding Natural Beauty. The detailed site layout was shown including accesses, proposed landscaping in the form of a new native hedgerow, proposed open space areas to include a children's equipped play area and a communal orchard. The mix of units was explained. A video of the application site was shown taking in the view from the opposite side of the A5025 and the proposed access to the site was pointed out along with the proposed agricultural access enabling access to a field to the rear of the site. The on-site view was shown and it was explained that the proposal would take up approximately half of the application site.

Questions were asked about highway and pedestrian safety. Members were informed that improvements to pedestrian access is proposed as part of the application.

2. FPL/2021/111 – Full application for change of use of agricultural land into holiday chalet site, siting 30 holiday chalet buildings, erection of reception building, engineering works to create lake, construction of private roads, construction of parking areas, soft and hard landscaping together with associated works on land at Penmynydd Farm, Caergeiliog

Members were shown a map which set the application site within its wider context and the A55, Caergeiliog and Bodedern were highlighted relative to the site. Background

information about the nature of the application was provided. The site plan was shown which provided a context for the 3 subsequent videos. Also shown was the detailed site layout illustrating the positioning of the chalets, reception area, shop and café as well as the proposed leisure lake. Video 1 was of the view across the application site to the north-west; Video 2 showed the view from the private access track to the public highway and Video 3 showed the walk from the end of the access track across Junction 4 to the nearest bus stop. The final picture showed the application site relative to the two nearest bus stops.

Questions were asked about pedestrian safety and it was confirmed that the walk from the site access across Junction 4 entails crossing two slip roads. The presence of tactile paving to denote safe crossing points was noted.

Councillor Llinos Medi, a Local Member highlighted additional points of information based on local knowledge.

3. FPL/2019/251/EIA – Full application for the erection of a free range poultry unit (egg production) together with a manure store, feeding bins and associated works at Cae Mawr, Llanerchymedd

Members were shown a Google map which set the application site in its wider context. The site plan was shown and the location of the proposed poultry unit and manure store and their dimensions were highlighted. Members were briefed about the nature of the proposal. The access to the application site from the main highway was pointed out along with areas of proposed landscaping. A stretch of hedge would be removed to accommodate the poultry unit. The Coed Cae Mawr wildlife site was also highlighted part of which includes an ancient woodland. A plan of the free range grazing area was also shown and the nearest dwellings to the application site were highlighted.

Members were shown a video of the access to the farm from the main B5111 highway; a new track to the proposed poultry unit would be required. The siting of the poultry unit, free range grazing area, manure shed and areas of proposed landscaping were highlighted. The view towards Llyn Alaw was shown.

**Councillor Nicola Roberts
Chair**

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Planning Committee: 01/09/2021

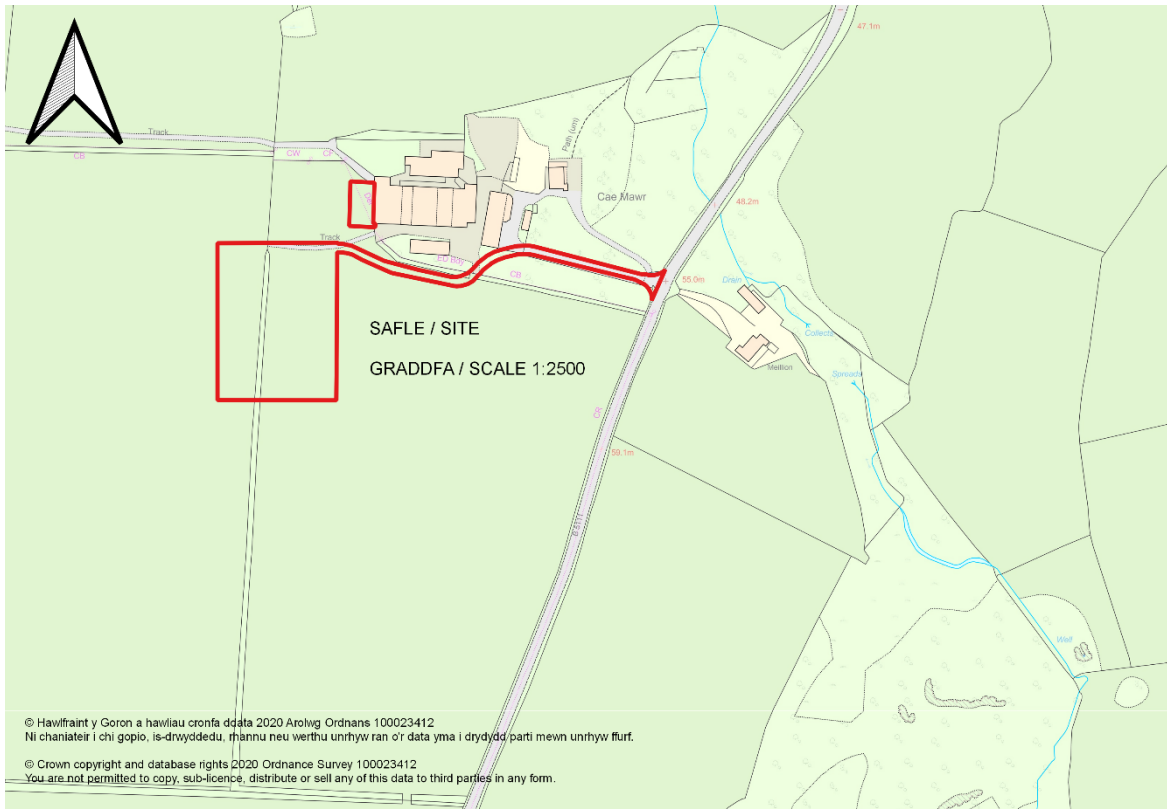
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Application Reference: FPL/2019/251/EIA

Applicant: Mr Robot Evans

Description: Full application for the erection of a free range poultry unit (egg production) together with a manure store, feeding bins and associated works at

Site Address: Cae Mawr, Llanerchymedd



Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation: Permit

Reason for Reporting to Committee

As the application is accompanied by an Environmental Impact Assessment it shall be referred to the Planning and Orders Committee for determination in accordance with paragraph 3.5.3.10 of the Constitution.

The application has also been called into the Planning and Orders Committee by Local Member Aled Morris Jones.

At the committee meeting held on the 28th July, 2021, it was resolved that a site visit was required. A virtual site visit has been undertaken, therefore Members are now aware of the site and its settings.

Proposal and Site

The application is submitted for the erection of a free range poultry unit (egg production) together with a manure store, feeding bins and associated works. The development is included within an existing farm enterprise. The holding extends to some 126 hectares and supports a beef and sheep enterprise. As part of the proposal, beef and sheep will be reduced to facilitate the poultry enterprise.

The application is accessed to the east from an existing track from the B511 main highway. Improvements to the existing access is proposed as part of the application.

The proposed free range poultry unit will accommodate 32,000 Chickens for egg production. The unit is being proposed to the south west of the existing farm buildings. A total of eight feeding bins are proposed each side of the proposed shed. The proposed building is approximately 68 metres (length) by 46 metres (width) and a height of 6.3 metres. The total footprint is 3,204 square metres allowing for a maximum stocking density of 9 birds per square metre and the grazing range of 16 hectares allowing 2000 birds per hectare. The main material being proposed is juniper green box profile steel sheeting.

The proposed manure store is being proposed immediately to the west of the existing farm buildings. The shed is measured at approximately 24.4 metres (length) with a width of approximately 12.2 metres. The shed will be approximately 8.2 metres in height. Similar to the free range poultry unit, the predominant material will be juniper green box profile steel sheeting.

The application site is located within the open countryside as defined by Joint Local Development Plan (JLDP) and is predominately surrounded by agricultural land. Residential properties are also located near the application site.

The application is accompanied by several documents including an Environmental Statement, Odour Management Plan, Dust and Bioaerosol Management, Detailed Management Plan, Pest Management Plan, Noise Impact Assessment, Water Statement, Method Statement Pollution Prevention, Energy Report, Habitat Survey, Woodland and Landscape Report, Archaeological Management Plan, Welsh Language Statement, and Transport Statement.

Key Issues

Whether or not the proposal is justified in this location, complies with local and national policies and whether the proposal will have a detrimental impact upon any nearby designated sites, neighbouring residential properties, surrounding landscape and highway.

Policies

Joint Local Development Plan

Policy ISA 1: Infrastructure Provision

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

Policy TRA 1: Transport Network Developments

Policy TRA 4: Managing Transport Impacts

Strategic Policy PS 5: Sustainable Development

Policy PCYFF 2: Development Criteria

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 6: Water Conservation

Policy PCYFF 5: Carbon Management

Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy

Policy CYF 6: Reuse and Conversion of Rural Buildings, Use of Residential Properties or New Build Units for Business/Industrial Use

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character
 Policy AMG 5: Local Biodiversity Conservation
 Planning Policy Wales (Edition 11, February 2021)
 Technical Advice Note 18: Transport (2007)
 Technical Advice Note 23: Economic Development (2014)
 Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditional Approval
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional Approval
Cynghorydd John Griffith	No Response
Cynghorydd Richard Griffiths	No Response
Cynghorydd Aled Morris Jones	Referred the application to the Planning and Orders Committee on the grounds of design
Cynghorydd Richard Owain Jones	No Response
Cynghorydd Kenneth P. Hughes	No Response
Cynghorydd Llinos Medi Huws	Concerns raised regarding an increase in traffic from the proposed development
Cyngor Cymuned Llanerchymedd Community Council	Concerns regarding the impact upon the environment, increase in traffic and highways safety.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Conditional Approval
Ymgynghorydd Tirwedd / Landscape Advisor	Conditional Approval
Iechyd yr Amgylchedd / Environmental Health	Conditional Approval
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	General comments made with respect to polices contained within the Joint Local Development Plan (JLDP).
GCAG / GAPS	Conditional Approval
Ymgynghorydd Treftadaeth / Heritage Advisor	No Objection
Dwr Cymru/Welsh Water	Conditional Approval
Ymgynghoriadau Cynllunio YGC	Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work.
Cyngor Cymuned Rhosybol Community Council	No Response

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties, together with a site notice. A notice was also placed within the local

newspaper. The latest date for the receipt of any representation was the 20/07/2020. At the time of writing this report, 31 representations had been received at the department including a petition. The main points are summarised below:

- Concerns that the proposed development would have a detrimental impact upon the environment. These include the impact upon the nearby Llyn Alaw SSSI and Ancient Woodland.
- Concerns the proposed development would have an impact upon the drinking water provided by Llyn Alaw.
- Concerns regarding drainage and foul water.
- Concerns that the proposed development would have a detrimental impact upon the human health and an unacceptable impact upon the area in general.
- Concerns regarding an increase in traffic and highway safety.
- Proposed development would have a detrimental impact upon the landscape.
- Concerns regarding animal welfare and that together with health concerns created by such a development.
- Concerns the proposed development would have an impact upon the tourism industry.
- Concerns that properties within the area will be de valued.

Relevant Planning History

25C210B/SCR - Screening Opinion - Barn sgrinio i godi sied ar gyfer dofednod buarth ynghyd â gosod biniau gwydo a gwaith cysylltiedig yn / Screening opinion for the erection of a free range poultry shed together with the erection of feed bins and associated works at - Cae Mawr, Llanerchymedd
25C210A - Full Planning - Cais llawn i godi uned dofednod (ieir) rhydd (cynhyrchu wyau) yn cynnwys codi sied, gosod biniau bwydo a gwaith cysylltiedig yn / Full application for the erection of a free range poultry unit (egg production) to include the erection of a shed, feeding b - Cae Mawr, Llanerchymedd

Main Planning Considerations

Principle of development and Planning Policy:

The salient consideration of the approach of Welsh Government towards the rural economy and agricultural development is set out within Planning Policy Wales (PPW). The emphasis is that the rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. PPW also underlines that Local Planning Authorities should support the development of a broad range of employment opportunity within rural areas to increase economic prosperity and to address the effect of rural decline. Planning Authorities should adopt a constructive approach towards agricultural development proposals.

However, PPW also notes that care should be exercised when considering intensive livestock development when these are proposed in close proximity to sensitive land uses.

The technical guidance in Technical Advice Note (TAN) 6 'Sustainable Rural Communities', to which PPW cross refers in respect of agricultural development, also contains the imperative that the planning system play a part in supporting the future of sustainable agriculture. However a balance must occur which ensures that significant consideration is given to environmental protected as well as the well – being of people and the impact on natural and cultural resources.

There is no specific policy within the Anglesey and Gwynedd Joint Local Development Plan (JLDP) which relates to the proposed development. Nevertheless general policies will be considered as part of assessing the application.

Whilst it can be considered that Policy CYF6 of the JLDP is relevant to the determination of the application, this policy specifically relates to business / industrial units. The breeding of hens for the production is considered as agricultural in accordance with the interpretation described under section 336 of the Town and Country Planning Act 1990 (as amended).

It states; "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.

Although an aspect of the process will entail the packing of the eggs so that they are removed from the application site, it is considered that this aspect would be ancillary to the existing agricultural enterprise.

Although there is no specific policy within the JLDP which relates to the proposed development, one of the key issues the JLDP notes in the requirement to Respond to the needs of the farming industry and other rural industries, including diversification in farming and the use of redundant farm buildings.

The JLDP also notes that within the open countryside developments will be controlled and restricted to those which require a countryside location, meet a local rural need, support rural diversification or sustainability of the countryside. It is indicated that reliance will be placed on the policies of the plan in general and on national policy and guidance to ensure that development will not threaten or harm the attributes of the countryside.

Consideration is also given to the proposals compliance with Policy PS1 (Welsh Language and Culture). Policy PS1 is a criteria based policy which sets thresholds for when a Welsh Language Statement / Assessment is required. Since it is considered that the proposed use is agricultural a Welsh Language Statement is not required as part of the application.

Due to the size of the proposed development (which exceeds 1,000m²) consideration is given to the proposals compliance with Policy PCYFF 5 (Carbon Management) and Policy PCYFF 6 (Water Conservation). Policy PCYFF 5 requires the submission of as part of the application an Energy Assessment has been submitted in accordance with Policy PCYFF 5 whilst a Water Conservation Statement has been submitted in accordance with PCYFF 6.

The proposed development falls within the scope of developments listed in Schedule 2 of the 2017 Environmental Impact Regulations being an intensive agricultural livestock installation exceeding 500 sq m in floorspace and having a scale and nature likely to have significant environmental effects in accordance with the criteria in Schedule 3. An assessment of the environmental effects of the proposed development has been submitted as part of the planning application and is considered in the context of relevant planning policies and guidance.

Key Operational Considerations:

There are several operational aspects of the proposed development which requires consideration. These include the environment of the housing, the grazing range, the management of manures and waste water and vehicle movements.

The proposed housing is subject to recognised standards of construction and bird welfare. In particular, the flooring facilitates effective cleaning to maintain bio-secure conditions and the internal environment is regulated through the use of ventilator extractor fans.

Management of the grazing range will allow birds access on a rotational system to conserve its quality and prevent the introduction of problems for animal welfare.

Manure generated in the building is proposed to be removed every four days and spread to land within the farm holding, unless conditions preclude this, when it will be stored within the proposed manure facility. Not all the land within the holding is available for spreading due to the need to safeguard water

resources from polluting runoff. Should the area of spreadable area be insufficient at any time contingency arrangements are proposed for the disposal of manure to a local Anaerobic Digestion Plant.

About 200 additional vehicle movements on the highway network are anticipated to directly to arise from the operation of the poultry unit.

The potential environmental sensitivities in relation to the proposed development have been described in terms of ecological, water quality and residential amenity considerations and the proximity of receptors at varying distance from the proposed building. The latter are summarised as being six Sites of Special Scientific Interest (SSSIs) with 5 kms, five remnant Ancient Woodland sites within 2 kms, three dwellings within 400m, and surface and ground water generally.

Potential Pollutants from the Proposed Development:

The potential sources of pollution associated with such a development are from the buildings which house the birds, structures used for the storage of organic wastes, land used for grazing purposes and land uses for the spreading of manures.

Pollutants may be airborne, or water born, and receptors which are particularly sensitive to these pathways include natural habitats and associated species, water bodies and the amenities and health of humans.

Gaseous emissions from poultry housing and organic wastes can be a source of odour nuisance, but the greater potential hazard is their interaction with the wider environment, especially natural habitats and freshwater resources. Ammonia is generated within poultry housing and in the handling, storage and land spreading of manures. When re-deposited, it has an acidification effect which can adversely affect water quality and biodiversity. Agricultural activity is a significant source of ammonia emissions.

Organic wastes and wastewater from poultry units also present a hazard when coming into contact with water resources either directly or indirectly via surface runoff or passage into the groundwater. Nitrogen (nitrates) and phosphorous (phosphates) are of particular concern.

The ES submitted with the planning application contains the main sources of information with regards to potential emissions arising from the proposed development. Natural Resources for Wales (NRW) have assessed the air quality impact a unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

Ammonia:

An ammonia report is also submitted which provides detailed data on the modelled emissions predicted to arise from the proposed development. The modelling report is consistent in its scope and accuracy with the accepted methodology. It finds that, with mitigation, the maximum annual ammonia concentration/nitrogen deposition rate at nearby sensitive ecological receptors would be below the relevant 1% critical level/critical load screening thresholds as dictated by Natural Resources for Wales.

The submitted evidence on ammonia emissions concludes that, with the designed mitigation, they would have no significant adverse effects on air quality or nearby sensitive ecological receptors. These mitigation measures include ammonia scrubbing equipment for the lifetime of the development and that all air exhausted from the ventilation system passes through the scrubbing equipment. That is dependent on the equipment being maintained in a fully working condition or replaced expeditiously in the event of an irreparable failure.

In addition, to avoid damage from ammonia to nearby receptors including the SSSI, the relevant 1% critical level/critical load screening thresholds must be reached and therefore existing stock numbers must be reduced to accommodate the new development. The applicant has suggested the removal of existing

stock to reduce the overall aerial emissions from the farm, which would bring the development within the required threshold. These mitigation measures will be conditioned as part of any permission.

Nitrogen:

The Environmental Statement covers the scale of issues relating to the dispersal of organic waste and wash water to land. This is currently arising from the livestock present at Cae Mawr, specifically a flock of 600 breeding ewes and a herd of 50 suckler cows. These animals are housed for 2 months and 6 months of the year respectively.

The 32,000 birds proposed to be housed at Cae Mawr will add to the amount of animal feed imported to the unit and thus the existing materials to be applied to land or otherwise disposed of. A Manure Management Plan has been submitted with the application which provides details regarding the level of nitrogen in organic manure.

The volume of organic waste to be generated by the poultry unit is to be dispersed to land within the farm holding. The Manure Management Plan uses the prescribed methodology for assessing the availability of suitable land and identifies a sufficiency of the appropriate land. The security of the mitigation approach is contingent upon the availability of an off farm disposal option rather than putting manure to beneficial use on the farm.

The mitigation of risks associated with the emission of ammonia from the poultry housing is achieved by means of the installation of appropriate treatment equipment, and those associated with the spreading of organic waste to land by the application of mitigation measures in the Manure Management Plan.

The Manure kept within the proposed manure store will be removed every four days and spread to land within the farm holding, unless conditions preclude this, when it will be stored within the proposed manure facility which has the capacity for six months storage. Not all the land within the holding is available for spreading due to the need to safeguard water resources from polluting runoff. Should the area of spreadable area be insufficient at any time contingency arrangements are proposed for the disposal of manure to a local Anaerobic Digestion (AD) Plant. A pre commencement condition will be attached to any approval which will require evidence of a firm contractual arrangement between an approved AD Plant and the applicant. Other mitigation measures include monitoring of soil nutrient levels and storing wash water in containers separate from other manures being disposed of by specialist contractors licensed to deal with such wastes.

Given due consideration to the submitted calculations it is considered there is a spare spreading capability of about 40 hectares of available spreading land. The 40ha included the 16.25 hectare of land in the grazing range of the poultry unit.

Natural Resources for Wales have assessed the application and are of the opinion there is adequate buffering shown on the majority of the manure spreading maps. It is recommended that a condition will be attached to the permission ensuring that no manure will be spread during winter months (1st of October until the 1st of April). Furthermore, NRW have advised that any spreading should be carried out in accordance with the Welsh Government's Code of Good Agricultural Practices (CoGAP) and the Water Resources (Control of Agricultural Pollution) Regulations 2021 (CoAP).

It is also noted within the manure management plan that a contingency plan for the storage of manure when spreading to land is not possible, and states that contaminated wash water will be stored in containers separate from other manures and will be disposed of off farm by a specialist contractor licensed to deal with such wastes. The Manure Management Plan is compliant with regard to its scope with relevant guidance and indicates an ability to appropriately disperse organic waste to land.

Phosphate:

Manures and artificial fertilisers are a source of phosphates, but not exclusively so, and of growing concern in terms of the pollution of water courses.

A soil Management Report has been submitted with the application together with supporting laboratory results. The correspondence indicate there is a need for nutrients on the farm, the majority of the field for phosphate are level 0 or 1 which is below the required level 2. This therefore indicates there is an agriculture benefit for the utilisation of poultry manure in a controlled manner on the farm.

As previously noted, manure will not be stored in heaps nor on a hard standing area but within a purpose built covered manure store that forms part of the application.

Natural Resources for Wales and Welsh Water have assessed the information and confirmed they are satisfied with the submitted documentation.

Llyn Alaw Drinking Water:

Apart from being a SSSI, Llyn Alaw also suffers with blue green algae issues and is the Welsh Water drinking water source for northern Anglesey. The application site falls within the Llyn Alaw drinking water catchment which has been designated a safeguard zone for nutrients.

The Llyn Alaw catchment has been designated as a safeguard zone as excess nutrients entering the raw water are leading to the production of taste and odour compounds. For example, ammonia and nitrate deposition within the catchment area has the potential to be transported into the reservoir body through land run off and direct deposition into a watercourse.

As the Llyn Alaw catchment has already been identified as a source at risk of elevated nutrient inputs Welsh Water raised concerns over the addition of nutrients from this development which would be through deposition as well as run off from spreading land.

However, given due consideration to the mitigation measures and the control of matters arising from the proposed development, Welsh Water share the same recommendation as Natural Resources for Wales which will safeguard both the SSSI and drinking water at Llyn Alaw.

Drainage:

As part of the application a Drainage Strategy report has been submitted confirming that clean and dirty water will be drained separately. The dirty water will be drained to an underground tank whilst the surface water will be piped to an underground tank which will ultimately discharge to a watercourse.

Natural Resources for Wales have assessed the application and are satisfied that the proposed development can be acceptably drained without having an impact upon nearby designated sensitive areas including the nearby SSSI, Llyn Alaw.

The proposed development will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Although the drainage strategy provided with the application indicates that the applicant has considered the use of a soakaway as sustainable drainage within the site, and includes discussion regarding proposed run-off destination and rate. Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work.

With respect to foul drainage, an on-site toilet for workers is being proposed. An infiltration test has been carried out which confirms that a septic tank is not viable. A Biodisc Treatment plant is being proposed

which purifies the waste and discharging clean water into a partial soakaway before reaching a nearby watercourse.

Ecology:

The application is located partly within the Coed Cae Mawr Wildlife Site. Part of the site is also a designated Ancient Woodland. The area of the application site which is located within the site is around the access together with the track leading toward the farm and proposed buildings.

The Wildlife Site has a broad leaved woodland with smaller areas of dry and marshy grassland. The woodland is composed of mature ash, beech, wych elm, sycamore and horse chestnut. Hawthorn, blackthorn, rhododendron and alder are present in the shrub layer. Bird cherry, a rarity on Anglesey, also occurs here. The dry grassland has locally abundant sneezewort, devil's bit scabious and yellow rattle.

As part of the application, an extended phase one habitat survey was submitted (Extended Phase One Habitat Survey. Land at Cae Mawr, Anglesey. August 2018. Arbor Vitae Environment Ltd). The survey identified that European protected species were not using the application site.

An assessment was carried out for bats, great crested newts, and otters. The survey concluded that no habitat of potential value for great crested newts or otters would be lost. A condition will be attached to any permission to ensure that appropriate exterior lighting is installed to safeguard bats.

A Woodland and Landscape Report has also been submitted with the application. The report includes an assessment of the potential impact of ammonia would have on the woodland. The report suggested that landscape enhancement is provided as part of the proposed development. This would include new hedgerows, hedgerows restoration planting and planting for new woodland areas. The report also suggests that a woodland management plan should be agreed with the Local Authority in order to protect and enhance the woodland and mitigate the effects of Ammonia.

The Authority's Ecologist and Natural Resources for Wales are satisfied with proposed development subject to conditions to ensure the lighting limitations, new planting and Woodland Management Plan as referred to above will be agreed.

Character of the area and Landscape:

At its core, one of the most fundamental consideration is whether the proposed development is acceptable in respect of its design and layout is whether it can comply with the provisions of the JLDP and whether there are any other material considerations which must be taken into account. Policy PCYFF2, PCYFF3 and PCYFF4 are the primary consideration in assisting the proposal from this aspect.

The development lies within the open countryside. The site is not within a protected landscape (Area of Outstanding Natural Beauty (AONB) or Special Landscape Area (SLA). It is at the edge of Landscape Character Area (LCA) 5 – North West Anglesey where the drumlin landscape of the northwest merges into the more gentle undulating topography of LCA 17 West Central Anglesey . The LCA description does not note issues of particular relevance to this proposal and relevant landscape issues are addressed through JLDP policies.

The LANDMAP Overall Evaluation is Moderate as a 'Generally quiet pleasant rural landscape but no distinct landmarks'.

The site is within large agricultural enclosures (located between two) approached via the farm access through an area of woodland protected by a Tree Preservation Order. It is adjacent to Cae Mawr buildings which are more enclosed from the south (by trees) but more open to the north.

The proposed building is proposed to be of a simple form in juniper green with timber cladding and attached silos. Hardstanding and glazing is located to the north closest to the access road and the existing farm buildings.

Public views would be available from a 250 metre stretch of the B5111 to the southeast/east on the approach to Rhosybol. From this approach, it would be seen to the left of the partially screened farm complex with the effectiveness of roadside screening varying seasonally. From the north it would be slightly removed from the existing farm complex) and set at a higher level on the sloping ridge. It would be a skyline feature on these brief views. On all viewpoints there are some views of the existing buildings and although the scale of the proposed shed is significant in relation to the existing buildings, it is not without context and there would appear to be potential through landscaping to better integrate the building into the site.

A 95 metres stretch of hedge is to be removed to accommodate the building. It is not an ancient boundary (not present on the tithe map) and has gaps in parts. Since visibility splay would need to be 215metres existing vegetation will be removed and require replacing.

Planting is proposed as part of the proposal not only to mitigate against the effects of ammonia but in an effort to integrate the development into the site or lively views into the site. Although the principle of the landscaping plan is considered acceptable and will assist in integrating the proposed development within the landscape, further details is required and therefore a landscaping plan shall be conditioned. Conditions will also be included to control external lighting to mitigate the proposed buildings at night time.

Within its context, achieving the correct design and appearance is important and it is noted that a mixture of development are located within the vicinity. Although it is acknowledged that the proposed structure will be more prominent during the first years of completion, as the structure become weathered the structures will become less intrusive. The proposed structures are considered acceptable in terms of their impact on the countryside which has a typical rural design. It is considered that proposed materials are appropriate and will not harm the character of the area and reflect the relatively rural nature of development within the immediate locality.

Effect upon the amenities of neighbouring properties:

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to subsection 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 occupier of local residence or other land and property users.

With exception to the farmhouse, the nearest residential property is Meillion which is located approximately 285 metres to the east of the proposed dwellinghouse. The nearest dwelling to the south is Graig at approximately 460 metres whilst Tyn Frwd and Isfron Ceidio are located approximately 710 metres to the north and west respectively.

Notwithstanding the ES and Manure Management Plan, a Noise Management Plan, Odour Management Plan, Pest Management Plan has also been submitted as part of the application and assessed by Environmental Health. The section recommends that these adopted as best practice to mitigate against the impacts from the proposed development. Conditions will be attached to the permission to ensure that mitigation measures are implemented including appropriate external lighting.

With respect to ammonia, it is considered that the details within the ammonia report provides sufficient evidence as to the rates of ammonia emissions from the proposed development with regards to their potential impact on human health.

It is considered there is ample distance from the proposed units to nearby residential properties. In addition, there is a change in the topography on the land and a number of existing hedgerows and trees which will act as a buffer from sound. Given due consideration to the location, surrounding environment and mitigation measures, it is not considered that the proposed development will have a detrimental impact upon the nearby dwellinghouses.

Local Highways Authority:

The application site will be accessed from the main B5111 highway. A Transport Assessment together with an Associated Construction Phase Traffic Management Plan has also been submitted as part of the application.

The proposed development will include a new track which will lead to the proposed Poultry Units. Due to the increased vehicular movement inducing the movement of HGV's, the proposed development will also entail variations to the existing access onto the public highway.

The Local Highways Authority have assessed the application and commissioned a traffic survey in order to establish the required and acceptable vision splay as part of the proposed development. The results of the survey show that 85% speeds towards Llanerchymedd was 50.4mph and that the speeds in the opposite direction was 52.8mph. The Local Highways Authority are therefore satisfied that the minimum vision splay required is 2.4m x 160m. The application has been amended to meet these requirements and therefore the Local Highways Authority are satisfied with the proposed access subject to conditions.

The Local Highways Authority also raised concerns with respect to the proposed increase in traffic would generate a significant increase in traffic along the public highway to the detriment of highway safety and convenience. However the traffic survey recorded 18,770 vehicle movements travelling in both directions over a 7 day period. With an increase proposed of 32 vehicle movements per month, it is considered that the proposed development will not generate a significant increase in vehicular movement and is therefore not a mitigating factor when assessing this application.

Conclusion

National and Local planning policies note the need to carefully balance by encouraging economy developments within the open countryside and protecting the environment and other sensitive receptors.

The Environmental Statement, associated appendices together with other submitted reports provide adequate evidence with which to assess the impact of the proposed development on sensitive receptors. Mitigation measures are essential in order that the proposed development does not have a harmful impact upon these receptors and the operational margins for error are narrow.

On balance it is considered that the proposed development respect the main thrust of planning policy by providing an economic opportunity within the open countryside by also protecting the environment. The proposed development also proposes ecology and landscape enhancements.

Careful consideration has been given to the impact upon neighbouring properties, however it is not considered that the proposed development will have an impact upon these residential properties. Alterations to the access are essential in order that the development does not have a detrimental impact upon highway safety.

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Recommendation

Approval subject to conditions

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan – GEL-MZ298-03
- Block Plan – GEL-MZ298-04
- Proposed Elevations and Floor Plan – Manure Store – GEL-MZ298-10
- Foul Drainage 28/08/2019
- Highway Plan – GEL-MZ298-05 Scale 1:200
- Highway Plan – GEL-MZ298-05 Scale 1:500
- Landscape Plan – GEL-MZ298-06
- Lighting Plan – GEL-MZ298-13
- Proposed Elevations and Floor Plan – GEL-MZ298-02
- Proposed Elevations and Floor Plan GEL-MZ298-09
- Construction Traffic Management Plan – sk02_P1
- Transport Statement, Roger Parry & Partners
- Cae Mawr Range Plan – July 18
- Drainage Plan - 12008-SK01
- Archaeological Management Plan, Roger Parry & Partners
- Detailed Management Plan, Roger Parry & Partners
- Drainage Strategy – July 2019
- Dust and Bioaerosol Management Plan, Roger Parry & Partners
- Noise Impact Assessment – Matrix Acoustic Design Consultants – M1951/R01
- Noise Management Plan, Roger Parry & Partners
- Odour Management Plan, Roger Parry & Partners
- Pest Management Plan, Roger Parry & Partners
- Environmental Statement, Roger Parry & Partners
- Range Area Plan ref: Cae Mawr Range Plan Jul-18 ND
- Lighting Assessment - Roger Parry & Partners – December 2019
- Lighting Details – 22/10/2019
- Soil Management Plan - AGRI SCI
- Manure Management Plan, Roger Parry & Partners and plan Rev C 07 06 2021
- Manure Management Plans - MMP
- Method Statement Pollution Prevention, Roger Parry & Partners
- Extended Phase One Habitat Survey - Revision A September 2019. Arbor Vitae Environment Ltd
- Woodland and Landscape Report – Revision A – September 2019

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

(03) The ammonia scrubbing equipment shall be fully operational prior to the use hereby approved being commenced. The equipment shall be maintained, repaired or replaced in accordance with the manufacturer's specifications for the lifetime of the development. In the event that a breakdown of equipment lasts for more than one week, destocking of the poultry unit shall be implemented within two weeks from the start of the breakdown and not restocked until the equipment is fully operational.

Reason: To safeguard the Llyn Alaw SSSI and drinking water.

(04) The use hereby approved shall not commence until all of the proposed mitigation measures as outlined within either the Manure Management Plan prepared by Roger Parry & Partners ('the Manure Management Plan') Rev C 07 06 2021 and drawing numbers MMP and the Ammonia Modelling Report prepared by Steve Smith AS Modelling & Data Ltd (26/02/2020) shall be in place and functional. The mitigation measures shall include (but not be limited to) the ammonia scrubber equipment, the manure store and the dirty water tank. All mitigation measures shall be in place and functioning for as long as the use hereby approved is extant.

Reason: To safeguard the Llyn Alaw SSSI and drinking water.

(05) Notwithstanding the contingency measures relating to the disposal of organic wastes as outlined within the Manure Management Plan, the use hereby approved shall not commence until evidence has been submitted to and approved in writing by the Local Planning Authority of a binding contract between the developer and an Anaerobic Digestion Plan The development shall thereafter be carried out in accordance with the approved details and measures set out within the Manure Management Plan.

Reason: To safeguard the Llyn Alaw SSSI and drinking water.

(06) No spreading of manure is to be carried out anywhere on the farm enterprise as outlined in drawing numbers MMP between 1st October and the following 1st April.

Reason: To safeguard the Llyn Alaw SSSI and drinking water.

(07) From the commencement of the use hereby authorised the numbers of other animals kept on the farm enterprise shall not be greater than:

- 150 calves , of which 50 shall weigh up to 50kgs each; another 50 shall weigh up to 250kgs each, and the remaining 50 shall weigh no more than 450kgs each; and
- 50 sheep.

Should the number of animals kept on the farm enterprise (irrespective of whether all of the land comprised in the farm enterprise is within the ownership or control of the developer) exceed the number of 150 individuals as specified in this condition then the use hereby permitted shall cease and not recommence until the number of animals kept comes back to or below 150 individuals.

Reason: To safeguard the Llyn Alaw SSSI and drinking water.

(08) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping based on Landscape Plan GEL-MZ298-06 30/01/20. The scheme shall include details of plant numbers and spacing and replacement of any hedge affected by the visibility splay. All planting in the approved details of landscaping shall be carried out in the first planting seasons following the use of the site or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The planting shall be retained for the life of the development hereby approved.

Reason: In the interest of visual amenity

(09) No development or site clearance shall take place, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees within the Tree Preservation Order.

The approved scheme shall be carried out throughout the course of the development and shall include:

- a plan, at an appropriate scale showing the position of trees that could be affected by the development, indicating which trees are to be pruning or felled.
- all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).

Reason: To ensure the protection trees

(10) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping based on Landscape Plan GEL-MZ298-06 30/01/20. The scheme shall include details of plant numbers and spacing and replacement of any hedge affected by the visibility splay. All planting in the approved details of landscaping shall be carried out in the first planting seasons following the use of the site or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The planting shall be retained for the life of the development hereby approved.

Reason: In the interest of visual amenity

(11) No development shall commence until a Woodland Management Plan is submitted and approved in writing by the Local Planning Authority. The Woodland Management Plan shall outline the way Coed Cae Mawr woodland is to be managed covering matters such as *aims*, list of *operations* to be performed, *timetable*, and provision for *review*. Operations may include thinning of planted trees, removal of guards and ties, removal of dead/ diseased limbs, actions to encourage particular wildlife species, and provision of control of invasive species and other actions, as appropriate. The Plan should also include the integration of the mitigation planting area as a protecting buffer to the existing wooded area, along with detail of various actions listed in 2.4 of the Woodland and Landscape Report. The plan shall thereafter be implemented in full throughout the lifetime of the development.

Reason: To ensure that the Coed Cae Mawr woodland is adequately managed

(12) Prior to the commencement of any works a Construction Environmental Management Plan (including a Construction Travel Plan) (“the Plan”) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following matters and the times and duration for when such steps shall be operative:

- Biodiversity Scheme
- Protective measures to trees and shrubs
- Signage for the construction traffic, pedestrians and other users of the site,
- Controls on the arrival and departure times for the construction vehicles;
- Piling methods (if employed)
- Earthworks;
- Hoardings to the site,
- Hours of working,
- Details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated
- Waste management and disposal and material re use,
- Prevention of mud / debris being deposited on public highway;
- Protection of the amenities of nearby residential occupiers
- Materials storage; and hazardous material storage and removal.
- Emergency Containment Procedures
- The routing to and from the site of construction vehicles, plant and deliveries
- The parking of vehicles for site operatives and visitors
- Loading and unloading of plant and materials

- Storage of plant and materials
- Wheel washing facilities where appropriate
- A system for the management of complaints from local residents

The developer shall ensure that the requirements of the approved plan shall be adhered to throughout the construction of the development.

Reason: To ensure the construction environment is not harmful to the amenities or wildlife of the locality.

(13) 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 residential amenity

(14) The access 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: In the interest of highway safety

(15) The access shall be constructed with 2.4 metre by 160 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: In the interest of highway safety

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

Reason: In the interest of highway safety

- (17) 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 2018 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).

(18) Notwithstanding the submitted information, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, 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) 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.

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.

The proposal is to repair and reinforce the retaining boundary sea wall between the property known as 'Cerrig', Penmon and the Menai Straits.

Amended plans have been received which change the design of the proposed sea wall from a sheet pile installation to a rock armour revetment solution.

The previous design comprised of the removal and replacement of the entire existing low level concrete plinth, which forms part of the boundary sea wall retaining structure and its replacement by a new steel reinforced concrete plinth.

The new design will see selective removal of any loose elements or pieces of the existing concrete plinth and the use of hessian sand bags filled with dry mix concrete to stabilise the existing concrete plinth and to fill any voids left by the selective removal of any loose pieces of the concrete plinth. The same process (hessian sandbags filled with concrete) will be used to fill a number of 'washout' voids behind the sea wall structure.

The existing plinth at the base of the sea wall is currently protected by "rock armour" at a low level located on its seaward side. This will have to be removed during the construction works to allow repair of the concrete plinth and it will then be replaced in a similar position once the plinth remedial works are completed. There will then be additional rock armour overlain over the existing layer to provide additional wave protection and support to the sea wall structure.

The works will be undertaken in a single phase. On completion, the rock armour will be approximately 7 metres wide along approximately 90 metres of the coast. The developer proposes to use half of the nearby public car park as a compound during the construction works.

The application site is located within the designated Special Area of Conservation (SAC), the Anglesey Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI) and within a Scheduled Monument Boundary. The site also lies within the Anglesey Coastal Management Area and the C2 Flood Zone. The Wales Coastal Path adjoins the application site.

Key Issues

The key issues are whether or not the development is acceptable in terms of its impact on the character and appearance of the designated AONB and whether it will have an adverse impact upon the SAC, SSSI and Scheduled Ancient Monument.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy ARNA 1: Coastal Change Management Area
Strategic Policy PS 1: Welsh Language and Culture
Strategic Policy PS 3: Information and Communications Technology
Policy TRA 4: Managing Transport Impacts
Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans
Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character
Policy AMG 4: Coastal Protection
Policy AMG 5: Local Biodiversity Conservation

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	No Objection
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional Approval
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No Objection
Priffyrdd a Trafnidiaeth / Highways and Transportation	No Objection
Ymgynghorydd Treftadaeth / Heritage Advisor	No Objection
Iechyd yr Amgylchedd / Environmental Health	Conditional Approval
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No Objection
Crown Marine Estate	No Objection. The land in which the proposed sea wall will constructed upon will be sold to the applicant.
Cadw Scheduled Monuments	No Objection
Cynghorydd Carwyn Jones	Referred the application to the Planning and Orders Committee. Concerns whether the works will have a negative impact upon the sensitive area. Queries whether the proposed structure could be located within the applicants property.
Cynghorydd Alun Roberts	Referred the application to the Planning and Orders Committee. Concerns regarding the use of the car park as a compound and whether the works will have a negative impact upon the sensitive areas.
Cyngor Cymuned Llangoed Community Council	Concerns regarding the environment and the use of the car park as a compound. In addition, queries whether the compound can be placed elsewhere and whether a Marine License and permission from the Crown Estate is required. Concerns regarding the impact of flooding.
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	No Objection
Cynghorydd Gary Pritchard	No Response

Since amended plans have been received, the proposal has been advertised on separate occasions through the posting of notifications to adjacent properties, displaying a site notice on land adjoining the site and placing an advert in the local press. The expiration date in order to make representations was the 19/08/2021.

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

- Concerns that the proposed sea defence would lead to the development of further sea defences along the coast.
 - The works would have an impact upon the use of the public car park.
 - Essential that the public footpath is maintained and remains open.
 - Concerns regarding the impact upon the AONB, SAC and SSSI
- Rocks have previously been deposited at the application site.

Relevant Planning History

FPL/2019/196 - Cais llawn ar gyfer tynnu rhan o'r morglawdd concriid presennol a chodi morglawdd newydd yn ei le ar y ffin yn / Full application for the part removal of the existing concrete sea defence wall and the erection of a replacement sea defence wall in its place on the boundary of - Cerrig, Penmon Tynnwyd yn ôl / Withdrawn

SCR/2019/44 - Barn sgrinio ar gyfer tynnu rhan o'r morglawdd concriid presennol a chodi morglawdd newydd yn ei le ar y ffin yn / Screening opinion for the part removal of the existing concrete sea defence wall and the erection of a replacement sea defence wall in its place on the boundary of - Cerrig, Penmon - Dim Angen AEA / EIA Not Required

Main Planning Considerations

Principle of the Proposed Development:

When considering such coastal developments specific reference should be made to the guidance provided in Policy AMG 4: Coastal protection. Due to the nature of the proposed development the proposal would satisfy the first criterion of the policy. Consideration should therefore be given to the second part of the policy which specifies that the development should not have an unacceptable impact on:-

i. water quality

ii. public access consideration

iii. the built environment, or the landscape or seascape character

iv. The area's biodiversity interest (including European protected Areas such as marine Special Areas of Conservation and Special Protection Areas) due to their location, scale, form, appearance, materials, noise, or emissions or due to an unacceptable increase in traffic."

Further criterion 5 of the policy requires the proposal to be consistent with other policies contained within the plan, specifically policy ARNA 1.

In reference to Policy ARNA 1, the site lies within Coastal Area F (Menai Strait and Conwy), Policy Development Zone 16 of the West of Wales Shoreline Management Plan 2 (November 2011). The overarching policy for the Beaumaris to Black Point section of PDZ16 is to 'Selectively Hold The Line', but the specific Policy Plan for the site (PU16.25) is for 'No Active Intervention' (NAI) for all three epochs (2025, 2055 and 2105).

Due to the proposed development's location within the Coastal Change Management Area, careful consideration will have to be given to the guidance provided within Policy ARNA 1 (Coastal Change Management Areas) of the Joint Local Development Plan. Policy ARNA 1 under the heading 'New or Replacement Coastal Defence Scheme' states:-

"Proposals for new or replacement coastal defence schemes will only be permitted where it can be demonstrated that the works are consistent with the management approach for the frontage presented in the Shoreline Management Plan, and there will be no material adverse impact on the environment."

Due to the policy approach for the area being No Active Intervention, the proposed development would not accord with the management approach as set out within the Shoreline Management Plan.

Natural Resources for Wales (NRW) have recommended that the applicant discusses the scheme with the Local Authority in terms of seeking a sponsor to change the plan level policy for the stretch of coast

under consideration. The applicant may need to apply for a policy change by informing the Local Authority and discussing a change from NAI to Hold The Line (HTL).

The paragraph below is included in the NAI policy description for the coastline to the east of Penmon in the Shoreline Management Plan (PDZ 16, page 44):

From where the road cuts in land, along the coast running to the east to Penmon, the policy would be for No Active Intervention, supporting the important natural values of the coastline. There are local private defences and there is some protection locally to the road. These defences might be maintained and there might be local management subject to normal approvals and subject to no significant impact on the natural development of the shoreline.

In view of this, it is considered that the plan does not conflict with the intention of the policy and that there is no need for the developer to seek to change the policy. The developer has demonstrated that there are no unacceptable environmental impacts associated with the plan throughout its lifetime, and so there is an obvious link with the environmental assessment submitted as part of the current application. The proposed development will also be privately funded and does not form part of the public or national defence works.

Landscape and Visual Effects:

The application site is located within the designated AONB. The site is on the coastal edge and adjoins the Wales Coastal Path.

The existing sea defence is a mix of concrete and stone wall with a damaged concrete haunch/apron, and rock armour as further protection. To the south-west there is an eroded cliff and to the north east rock gabions. Public views are from the Wales Coast Path and an inharmonious mix of concrete steps, walling and fencing which have weathered / discoloured. There is access to the foreshore when the tide is out but this is not part of the Wales Coast Path.

There are several defence works location within the immediate vicinity together with areas eroded through no intervention; all have varying degrees of adverse visual effects. It is considered that the rock armour as sea defence is part of the changing character of this location. The appearance of these will have some localised adverse visual effect as does the erosion, piecemeal repairs and damage to the existing structures.

There is already some imported rock at Cerrig which contrasts with the colour of the sea wall and older seaweed clad stone on the foreshore.

The closest defence works to the proposal is located at the nearby car park (proposed to be used as a works compound) that uses large boulders which are considered prominent and have an adverse visual effect. This is derived to some extent from the size and colour of the boulders as well as the immediate transition from boulders to sand.

It is inevitable that there would be some localised adverse visual impact from the proposed works, and this is part of the changing character of the AONB's coast. However, there is scope to reduce the visual effect through colour, and detailing to ensure that the proposal conforms to the aspects of design and materials expected in the AONB. A condition requesting full details including a sample of the materials to be used in the construction of the sea defence will be imposed as part of any approval.

Biodiversity & Ecology:

The application site is part of the Fenai a Bae Conwy / Menai Strait and Conwy Bay Special Area of Conservation (SAC) and the Glannau Penmon – Biwmares Site of Special Scientific Interest (SSSI)

A Statement to Inform Habitat Regulations Appropriate Assessment and Construction Environmental Management Plan has been submitted as part of the application. These documents have outlined the impact the proposed development would have upon the local environment including mitigation measures being proposed as part of the development. These measures include measures to control dust, air pollution, noise and vibration, waste and spillages.

A Habitat Regulations Assessment has been undertaken by Natural Resources for Wales who have concluded that it is not likely that the proposed development will have significant effects upon the nearby designated areas. Conditions will be attached to any permission to safeguard the SAC and SSSI.

Scheduled Ancient Monument:

The application area is immediately adjacent to the boundary of Scheduled Monument AN142 Aberlleiniog Fish Weir I. The monument consists of the well-preserved remains of a post-medieval fish weir. It is rectilinear and defined by spread banks of stone. The inner wall runs at 90 degrees to the shore and is some 300m long. It comprises a stone bank some 8.0m wide and 0.2 m high with a well-defined line of stones along the top standing up to 0.4m in height. The outer wall runs to the south-west at a right angle and is some 220m in length.

CADW together with Gwynedd Archaeology Planning Service (GAPS) have been consulted as part of the application. CADW initially raised concerns that accidental damage may be caused to the Scheduled Monument during the proposed works by the movement of vehicles along the beach and also the possibility that rock armour could be stockpiled on the scheduled monument.

Although construction vehicular movement together with temporary stockpiling of rock armour will be within the Scheduled Monument boundary, the extent of the works does not cross the Scheduled Monument structure. Following receipt of further details including a Construction Environmental Protection Plan (CEMP) which details mitigation measures being proposed to safeguard the Scheduled Monument, CADW together with GAPS are satisfied that the proposed development will not have a detrimental impact upon the historic asset.

Amenity:

The impact the development might have upon the residential amenity of the surrounding properties and area is a key issue in the determination of the current proposal.

Other than Cerrig, the nearest residential properties are located to the north of the application site at the Pines. Other residential properties are located to the west across the main highway. Given the scale, location and distance from the development to these properties, it is not considered that the proposal will have any adverse impact upon residential amenity. A condition will be attached to any permission mitigating the impacts during the construction phase.

Flood Risk:

As previously noted the site lies within the C2 flood zone, therefore consideration needs to be given to the proposals conformity with Technical Advice Note 15: Development and Flood Risk. Due to the nature of the proposed development and its unavoidable coastal location, the proposed development is considered an exception to the first part of the justification test in section 6 of TAN 15, however consideration should be given to the acceptability of consequences of the test as outlined in section 7.

In accordance with section 7 of the TAN, whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development.

NRW has assessed the application and raised no objection, but has advised that the contractor should ensure that a suitable flood / environmental action plan is prepared. Reasonable avoidance measures should be prepared detailing how the construction works are to be managed to safeguard both contractors and plant along with the environmental risks should high spring tides occur during storm conditions and flood the working area.

Highways, Footpath and Site Compound:

Access for the proposed works will be from the Lleiniog Beach Picnic Site, located some 200m southwest of the application area. The Local Authority owned car park will be used as a compound during the construction works. The area of land upon which the structure will be located is within the ownership of the Crown Estate and as such a Certificate B has been submitted with the application. However, the applicant is in the process of purchasing the land from the Crown Estate.

The applicant claims it is not possible to locate the compound within the curtilage of Cerrig due to the difference in levels between the property and the foreshore. The existing sea defence wall is also in a poor condition. Siting a site compound within the property would therefore be logistically difficult and dangerous to the health and safety of workers and members the public.

A Construction Traffic Management Plan has been submitted with the application which contains mitigation measures which will enable the safe and regulated use of the compound during the construction phase. These measures include ensuring that the compound is secured from members of the public, erection of signage, controlling the loading and unloading of materials and management of the junction from the car park onto the public highway.

The Local Highways Authority have assessed the application and have not raised any concerns with respect to highway safety.

As part of any permission a Grampian condition will be imposed in order that the compound will be operational prior any works being commenced on the proposed development. In addition, a condition will also be imposed requiring the submission and agreement of a restoration plan (including timescales for its implementation after the completion of the development) in respect of the car park proposed to be used as a compound.

There is no official public footpath located on the beach where the works are being proposed. However, the Wales Coastal Path is located to the north of the application site. The path cuts inland immediately before the application site and therefore will not cross the site. As such, there will be no need to secure a diversion of the Path.

Conclusion

The consultation and publicity processes have been repeated in light of the amended scheme. Detailed consideration of the professional consultees' comments has been given. It is not considered that the proposed development would have a negative impact upon the sensitive designations.

Recommendation

Permit

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan - 9317-SK-04A**
- **Proposed Site Plan Showing Section Location – CSD-EWP-XX-ZZ-DR-Y-002**
- **Site Sections – Existing and Proposed – CSD-EWP-XX-ZZ-DR-Y-0003**
- **Detailed Plan Showing Footprint of Permanent Works in Relation to SAC Boundary – EWP.7294.D12.001**
- **Outline Method Statement - CSD-EWP-XX-ZZ-MS-Y-001**
- **Water Framework Directive Assessment**
- **Construction Environment Management Plan - EEL.76.R03.003**
- **Construction Traffic Management Plan – EWP**
- **Statement to Inform Habitat Regulations Appropriate Assessment - EEL.7612.R03.001**
- **Assessment of Coastal Squeeze - EEL.76.R03.002**

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

(03) 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 residential amenity

(04) No development shall commence until a compound as detailed within the Construction Traffic Management Plan and Construction Environmental Management Plan is made available for use.

Reason: In the interest of highway safety and to safeguard the environment

(05) No development shall commence until a restoration plan (including timescales for its implementation after the completion of the development) in respect of the car park used as a compound is submitted to and approved by the Local Planning Authority. After the development is completed, the car park shall be restored in accordance with the approved restoration plan and on the timescales provided in that plan.

Reason: In the interest of highway safety

(06) Notwithstanding the submitted drawings (reference numbers CSD-EWP-XX-ZZ-DR-Y-002 and CSD-EWP-XX-ZZ-DR-Y-0003) no development shall commence until full details including a sample of the materials to be used in the construction of the sea defence have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development

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.

Application Reference: VAR/2021/27

Applicant: Mr. William Morris

Description: Application under Section 73 for the variation of condition (02) (Approved plans) and (03) (Access and parking accommodation) of planning permission reference FPL/2019/322 (conversion of a church into a dwelling together with a construction of a new vehicular access) so as to amend the parking accommodation to omit the provision of a turntable at

Site Address: Christ Church, Rhosybol, Amlwch



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is presented to the Planning and Orders Committee at the request of the Local Member.

At its meeting held on the 28th July, 2021 the Committee resolved to refuse the application contrary to officer recommendation. The recorded reasons being as follows:

- It was considered that a turntable is required to ensure cars leave the site in a forward gear.

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.” 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.”

This report will therefore give consideration to these matters;

- Amended Plans have been received by the applicant showing that manoeuvring a car within the application site is possible and this has been clearly shown on the proposed swept plan.
- Comments were made by the local member that the car had difficulty manoeuvring from within the site and that the car scraped a wall; however, this wall will be removed as part of the proposal which will ensure that there will be more room on site to manoeuvre than what was available at the time of the site visit.
- There is already consent for the conversion of the church with a parking space. What is also important to note is that the previous use of this building was that of a church where cars would have parked along the road. The current proposal is an improvement to the previous use, the applicant has confirmed that they only own 1 car and that manoeuvring is possible from within the site without the need to reverse onto the highway.

Recommendation

Permit

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan – Submitted with planning application FPL/2019/322**
- **Cross Section - fccrioa/002 - Submitted with planning application FPL/2019/322**
- **Floor Plans and Elevations - fccrioa/001 - Submitted with planning application FPL/2019/322**
- **Access Plan submitted with planning application VAR/2021/27**
- **Proposed Drainage Plan - Submitted with planning application FPL/2019/322**
- **Cambrian Ecology LTD - Bat & Protected Species Survey - Submitted with planning application FPL/2019/322**

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

(03) No other part of the development hereby approved by this permission shall begin until the access is laid out and constructed together with the car parking accommodation completed in full accordance with the details hereby approved. The car parking accommodation shall thereafter be retained solely for those purposes and the access retained and kept free from permanent obstruction and used only for access purposes.

Reason: 1. 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. 2. In order to minimise danger, obstruction and inconvenience to users of the highway and of the access

(04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

(05) Construction works shall not take place outside the hours of 8:30 to 17:30 Mondays to Fridays and 9:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To protect the amenities of nearby residential occupiers.

(06) No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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.

(07) Prior to the occupation of the residential unit hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is commenced.

Reason: To ensure a satisfactory appearance of the development.

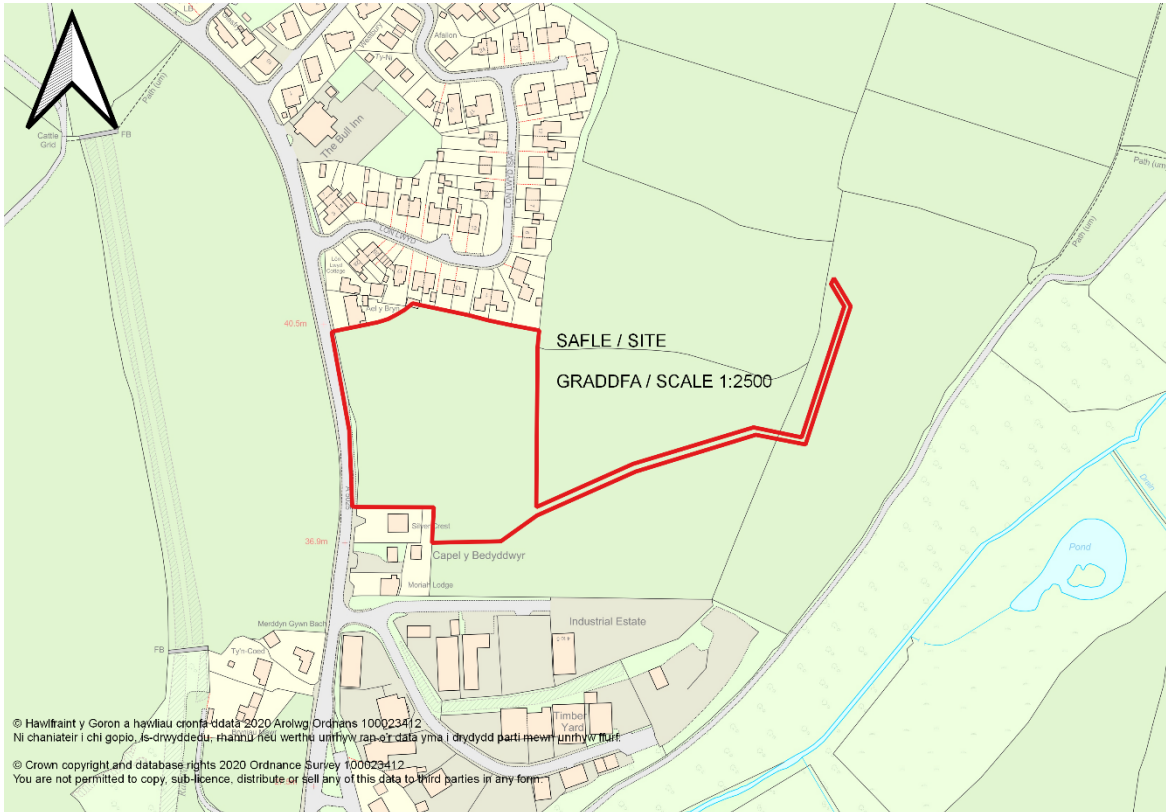
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2020/215

Applicant: Clwyd Alyn Housing Association

Description: Full application for the erection of 23 dwellings (including 4 apartments) together with the creation of two new access and associated development on land adjacent to

Site Address: Lon Lwyd, Pentraeth



Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Member – Margaret M Roberts

At the committee meeting held on the 28th July, 2021, it was resolved that a site visit was required. A virtual site visit has been undertaken, therefore Members are now aware of the site and its settings.

Proposal and Site

The application is submitted for the construction of 23 affordable dwellings together with creation of two new access and associated developments. The application site will be accessed from the A5025 main highway which is to the west of the site. A single track for agricultural purposes is also located at the southern part of the site. The application site comprises of an area of undeveloped land and is bounded

by residential properties to the north and a mixture of both residential properties and industrial units to the south.

The land is within the Area of Outstanding Natural Beauty (AONB) and lies immediately adjacent to the settlement boundary of Pentraeth as identified within the Joint Local Development Plan (JLDP).

The proposed development will include new estate roads to serve the proposed dwellinghouses and apartments. The proposed two storey dwellinghouses will be located across the site which has various number of bedrooms. The single bedroom apartments will be located towards the southern part of the site. The majority to the dwellinghouses are semi-detached properties together with a detached unit. All units are provided with designated parking and private amenity spaces. As part of the proposed development amenity land will located to the south west.

Key Issues

Whether or not the proposal is justified in this location, complies with local and national polices and whether the proposal will have an impact upon the neighbouring properties, character and amenity of the area, Area of Outstanding Natural Beauty (AONB) and highway safety.

Policies

Joint Local Development Plan

- Policy TAI 15: Affordable Housing Threshold & Distribution
- Policy TAI 16: Exception Sites
- Policy TAI 4: Housing in Local, Rural & Coastal Villages
- Policy PCYFF 2: Development Criteria
- Policy PCYFF 4: Design and Landscaping
- Policy PCYFF 3: Design and Place Shaping
- Policy PCYFF 1: Development Boundaries
- Policy PCYFF 6: Water Conservation
- Policy PCYFF 5: Carbon Management
- Policy ISA 2: Community Facilities
- Policy ISA 5: Provision of Open Spaces in New Housing Developments
- Strategic Policy PS 2: Infrastructure and Developer Contributions
- Policy ISA 1: Infrastructure Provision
- Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
- Policy TRA 2: Parking Standards
- Policy TRA 4: Managing Transport Impacts
- Strategic Policy PS 5: Sustainable Development
- Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
- Policy AMG 1: Area of Outstanding Natural Beauty Management Plans
- Policy AMG 5: Local Biodiversity Conservation

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditional Approval
Cynghorydd Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	No Response
Cynghorydd Margaret Murley Roberts	Application is referred to the Planning and Orders Committee. Concerns that the site is located

	outside the development boundary, impact upon the AONB and ecology, flooding and sewage system.
Cyngor Cymuned Pentraeth Community Council	No Objection subject to the open space being open for the village residents.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments within the main core of the report
Priffyrdd a Trafnidiaeth / Highways and Transportation	Conditional Approval
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No Response
Ymgynghorydd Treftadaeth / Heritage Advisor	No Comments
Ymgynghorydd Tirwedd / Landscape Advisor	Comments within the main core of the report
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional Approval
Iechyd yr Amgylchedd / Environmental Health	Conditional Approval
Ymgynghoriadau Cynllunio YGC	SAB Approval Required
Gwasanaeth Addysg / Education Service	No contribution required
Uned Datblygu Economaidd / Economic Development Unit	No Response
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	No Objection
Dwr Cymru Welsh Water	No Objection - advisory notes
Strategol Tai / Housing Strategy	Comments contained within the main core of the report
YGC (Ymgynghoriaeth Gwynedd Consultancy)	SAB approval required

The proposal has been advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The publicity process has been undertaken on two occasions. The latest date for the receipt of any representation was the 30/06/2021. At the time of writing this report, 40 representations had been received at the department. The key points are summarised below:

- Concerns regarding the adequacy of the drainage and sewage systems
- Concerns regarding highway safety and the increase of traffic as a result of the proposed development.
- The proposed development will have negative impact upon the designated Area of Outstanding Natural Beauty.
- Concerns regarding loss of ecology and protected species.
- Application site is located outside the development boundary and contrary to policy. Question whether or not there is a need for the dwellinghouses.
- Concerns regarding infrastructure including the capacity within the local school.
- The proposed development will harm the amenity enjoyed by nearby residents.
- Concerns regarding the impact upon the Welsh Language

Relevant Planning History

SCR/2020/66 - Screening opinion for the erection of 23 dwellings together with the creation of a new access and associated development on land adjacent to– EIA Not Required 12/01/2021

Main Planning Considerations

Principle of Development:

The site is located immediately adjacent to the development boundary of Pentraeth. In terms of the principle of housing development, the link with the development boundary is considered under policy TAI 16 of the Joint Local Development Plan (JLDP). In accordance with this Policy all units would have to be affordable housing that meets a defined local need. The policy states:

“Where it is demonstrated that there is a proven local need for affordable housing (as defined in the Glossary of Terms) that cannot reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing schemes on sites immediately adjacent to development boundaries that form a reasonable extension to the settlement will be granted. Proposals must be for a small scale development, which are proportionate to the size of the settlement, unless it can be clearly demonstrated that there is a demonstrable requirement for a larger site, with priority, where it is appropriate, given to suitable previously developed land.”

The Pentraeth development boundary is divided into two parts. The larger part being towards the south. The application site is positioned between the two parts of the of the development boundary. The application site is considered a reasonable extension to the settlement which would effectively link the development boundary. It is considered that the site will not unacceptable intrude and encroach further into the countryside than the general existing form of development. The application site is considered proportionate to size of the settlement of Pentraeth, which is classed as a Local Service Centre within the JLDP.

Policy TAI 16 also states that, if local need has been proven, as an exception to the usual housing policies, schemes for a 100% affordable housing could be suitable on such a site as long as the units cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing. It has to be ensured that all the units are affordable and that there is a local need for them.

The indicative provision for Pentraeth over the Plan period is 57 units (which includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc.). In the period 2011 to 2021 a total of 31 units have been completed in Pentraeth. The total land bank i.e. sites with extant planning permission, in April 2021, was 19 units.

This proposal would mean that Pentraeth would exceed its indicative supply figure. The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is achieving the housing requirement. Annual monitoring will also allow the Councils to determine what type of sites will supply housing i.e. allocation or windfall sites. The focus will be on the units completed rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. A review of the situation in terms of windfall provision within all Local Service Centres in April 2020 shows that 785 units out of the total of 1754 units anticipated on windfall sites in Local Service Centres (without the 10% slippage allowance) have been completed and that a further 476 units are in the land bank (and expected to be completed) with a further 404 potential units on allocated housing sites without planning permission. This therefore means a that there is a deficit of 89 units.

In terms of meeting a 'local need', Definition of who can live in these units is very specific. Whilst it is noted in the information submitted with the planning application that all the units will be managed by Clwyd Alun Housing Association, it has been confirmed by the Housing Service there is a need for the units being proposed. The assessment includes a Housing Need Survey which was completed in July 2020. The Housing Service have also confirmed that there is a need for the proposed units, in addition to other recently approved exception sites in Benllech.

The proposal is therefore appropriate in terms of the fact that all the units proposed on the part of the site outside the boundary are affordable. It is also necessary to establish there is a genuine need for these units and that this cannot be met within the boundary of Pentraeth as noted in Policy TAI 16. If the need for these units have not been suitably justified, the proposal, in terms of the units located outside the development boundary, would be contrary to JLDP as it would provide new houses in the countryside without the relevant justification.

As such, Policy TAI 16 states the requirement to demonstrate that affordable housing to meet a proven local need cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing.

The applicant together with the policy, housing and property section have provided comments with respect to whether or not affordable housing cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary.

There are no allocated housing sites within Pentraeth. In April 2021 (in relation to the annual housing survey) it is noted that there were extant planning permissions for 4 affordable housing units in Pentraeth. In April 2021 all of these units were yet to start construction.

Consideration is also given to houses that are available within the development boundary of Pentraeth which are of a type and price that could meet the recognised need in terms of the provision within the boundary. Based upon the findings of the housing Section, it is concluded there is a need for the affordable units.

It is considered there are only limited opportunities to meet any identified need in the settlement within a reasonable timescale. In light of this evidence and the lack of previous affordable units being delivered within the settlement the housing section are of the opinion that the exception site will help to meet an identified need.

Viability

With respect to the viability and deliverability of the site, it is considered that the site is on the main programme Development Plan (PDP) to receive Social Housing Grant by the Authority during 2021/22. It is therefore considered there is a high element of certainty that this site will be brought forward within a reasonable timescale and consideration has been given towards its viability.

Policy TAI 8 – Appropriate Housing Mix

The proposed development offers a mixture of two storey dwellinghouses (detached, semi-detached and terraced) which can accommodate various number of bedrooms and occupants. Policy TAI 8 'Appropriate Housing Mix' seeks to ensure that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community.

The mixture include four 1 bedroom apartments, ten 2 bedroom houses, eight 3 bedroom houses and one 4 bedroom house

Regard is given to the Local Housing Market Assessment (LHMA), Council Housing Register and Tai Teg Register to assess the suitability of the mix of housing in terms of both type and tenure proposed on

development sites to redress an identified imbalance in a local housing market. The Housing Service have confirmed that the housing mix being proposed is acceptable.

Policy PS 1 – Welsh Language and Culture

Given that the application is a large scale housing development (defined as 5 or more units within Local Service Centres in the Maintaining and Creating Distinctive and Sustainable Communities' SPG) on an unexpected windfall site then a Welsh Language Impact Assessment is required in line with policy PS1 of the JLDP. It is noted that such an assessment has been submitted with the application which concludes that the impact upon the Welsh Language will be comparatively low.

Policy ISA 5 – Provision of Open Spaces in New Housing Developments

As this is a development of 23 dwelling houses it triggers Policy ISA 5, which states that: "New housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Fields in Trust (FiT) benchmark standards of 2.4 hectares per 1000 population."

The Open Spaces in New Residential Developments Supplementary Planning Guidance (SPG) (March 2019) states that the benchmark standard proposed by the FiT consists of a minimum 2.4 hectares per 1000 population.

The applicant is providing 220 square metres of informal play area and 110 square meters of equipped place space as part of the proposed development. The Policy Section have assessed the proposed development in line with the relevant guidance and have concluded that the application meets the recreation requirements. A section 106 will ensure that the informal play area and equipped place space is carried out accordingly.

Infrastructure Policy

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration is given to the capacity within local schools to accommodate the anticipated number of children on the site. It is also important to consider the effect of the proposed development on the capacity of local schools. The cumulative impact of other developments in the schools' catchment areas is also taken into account when assessing whether an education contribution should be made. The Lifelong Learning Department of Anglesey Council have confirmed that no commuted sum is required in this instance.

Agricultural Land

The application site is located on what has been identified as best and most versatile agricultural land – Grade 3a. Criterion 6 of Strategic Policy PS6 (Alleviating and adapting to the effects of climate change) of the JLDP states that proposals have to fully take account of safeguarding the best and most versatile agricultural land.

Planning Policy Wales states that considerable weight should be given to protecting such land from development, because of its special importance. The best and most versatile land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

It is also noted that if best and most versatile land does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

As such, there is a need to consider the proposal against these factors and whether there is an overriding need for the development when considered against safeguarding the land. To this extent it is noted that an Agricultural Land Classification Report (ALCR) has been submitted with the planning application.

The ALCR concludes that the land is only used for periodic grazing and has only moderate value in terms of the agricultural land classification of growing crops for food production. The report underlines that the land in question is Grade 3b, the soil type is Flint, with restricted use with impeded drainage, with soil conditions that may limit safe groundwork and grazing.

As previously noted, criterion 6 of Strategic Policy PS6 (Alleviating and Adapting to the Effects of Climate Change) notes that proposals must give full consideration to protecting the best and most versatile agricultural land. Best and most versatile (BMV) agricultural land is defined in Planning Policy Wales as Grades 1, 2 and 3a, this is excellent to good quality land which is able to best deliver the food and non-food crops. Since the ALCR has undertaken a detailed survey of the site and concluded that the quality of the land reflects Grade 3b land, it is not considered that the proposed development would lead to the loss of best and most versatile agricultural land.

Character of the area:

At its core, one of the most fundamental consideration is whether this residential development is acceptable in respect of its design and layout is whether it can comply with the provisions of the JLDP and whether there are any other material considerations which must be taken into account. Policy PCYFF2, PCYFF3 and PCYFF4 are the primary consideration in assisting the proposal from this aspect.

The development is located adjoining the settlement of Pentraeth. Within this context, achieving the correct design and appearance is important and it is noted that a mixture of development are located within the vicinity. These include a mixture of single and two storey dwelling of various designs. An industrial estate is also located nearby.

The design and appearance (a mixture of render, timber and stone external finishes) of the proposed units are considered acceptable in terms of their impact on the townscape which will acceptably integrate into the surrounding area. The proposed development includes a mixture of detached, semi-detached dwellinghouses together with a block of two storey apartments. It is considered that the proposed development will not harm the character of the area and reflect the relatively dense residential pattern of development within the immediate locality.

Effect upon the amenities of neighbouring properties:

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to subsection 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 occupier of local residence or other land and property users.

Regard has been given in terms of overlooking / loss of privacy and the effect on the outlook of adjacent residential properties. As previously noted, the application will be served from the main highway to west of the application site. Existing dwellinghouses are located along the northern and southern boundary of the application site.

Plots 1 – 10 all adjoin the northern boundary and therefore careful consideration is given to the amenities of the dwellinghouses located towards the north. Some of these dwellinghouses form part of the Lon Lwyd estate whilst others are dwellinghouses (Ael y Bryn and Lon Lwyd Cottage) situated within their own curtilages towards the north west. These dwellinghouses includes a mixture of single and two storey dwellinghouses.

Plots 1 – 10 are two storey semi-detached dwellinghouses. The dwellinghouses are predominately set within the centre of their curtilages whilst parking spaces are located at the front (south) and garden are extending towards the rear (north).

The Supplementary Planning Guidance (Design for the Urban and Rural Environment) requires a distance of 2.5 meters between dwellinghouses and boundaries. All of these dwellinghouses exceeds this distance, the shortest distance to northern boundary being approximately 16 meters.

The Supplementary Planning Guidance (Design for the Urban and Rural Environment) SPG also requires a distance of 15 meters between secondary windows. The nearest proposed secondary window to an existing secondary window is at a distance of approximately 21 meters. This exceeds the guidance distance. In addition, a hazel hurdle fence together with scrub planting is being proposed along the northern boundary which will further aid against the impact upon the amenity of neighbouring properties. The existing boundary vegetation will also be retained along the boundary.

A dwelling house known as Silver Crest adjoins the southern boundary and therefore careful consideration is given to its amenity. There is a distance of approximately 38 meters between the closest proposed units and Silver Crest.

As previously noted above a distance of 2.5 meters between dwellinghouses and boundaries together with a distance of 15 meters is required between secondary windows. The distance to the nearby residential units far exceeds these distances.

An area of retained existing boundary vegetation together with a grassed area will surround its residential curtilage. A proposed green access lane will also be located between the exiting dwelling houses and the areas available for public use i.e. communal orchard, area of outdoor sport informal and equipped play areas.

It is not considered that the proposed development will have a detrimental impact upon the nearby dwellinghouses or future occupants of the proposed affordable units. Conditions will be attached to any permission to including measures to mitigate against the impact during the construction phase.

Local Highways Authority:

The residential aspect of the development will be accessed from the main public highway (A5025) to the north west of the site. Improvements to pedestrian access is also being proposed along with an estate road serving the proposed dwellinghouses. A separate access is also being proposed towards the south west of the site. This will serve as single track lane allowing access to the agriculture filed to the rear of the site.

The Local Highways Authority have assessed the application and are satisfied with the proposed development subject to a conditions.

Drainage:

Indicative detailed drainage plans and a drainage strategy has been submitted as part of the application.

The application site is not located within a Flood Zone. Nevertheless, the proposed development will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. The proposal entails the inclusion of grass verge filter strips, permeable paving, swales and a bioretention pond to manage the surface water network. Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work.

The foul water from the site will discharge into the onsite Welsh Water gravity foul sewer. Welsh Water have been consulted regarding the application and not raised any object to this method of disposing of foul water.

Ecology:

A Preliminary Ecological Appraisal and an Ecological Impact Assessment has been submitted with the application. As part of the appraisal a number of recommendation have been made, including the retention of hedgerows, new planting and bird / bat boxes.

The Authority's ecologist together with Natural Resources for Wales have assessed the application and are satisfied that the proposal will offer ecological enhancements. Conditions will be imposed accordingly to secure the proposed mitigates measures.

Area Of Outstanding Natural Beauty (AONB):

The application site is located within the open countryside and positioned between two parts of the of the development boundary which are to the south and north. The A5025 main highway is located to the west whist open countryside is located to the east.

The application is also located within the designated Area of Outstanding Natural Beauty (AONB). Policy AMG 1 of the JLDP ensures that proposal within or affecting the setting and / or significant views into and out of the AONB must, whether appropriate, have regard to the AONB Management Plan.

The primary objective for designating AONBs is to conserve and enhance the natural beauty of the landscape. It is crucial that any development schemes that affect the AONB or its setting favours the safeguarding of an area's natural beauty.

Policy PS 19 states that the Council will manage development so as to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question.

The application is accompanied by a Landscape and Visual Appraisal (LVA): RML September 2020, produced in accordance with the Guidelines for Landscape and Visual Impact Assessment. The submission will assists the Authority in determining the impact of the proposed development upon the AONB, landscape character and the effect on local and LANDMAP qualities.

The LVA addresses design issues which were raised by the Local Planning Authority in an effort to reach an improved layout with indicative landscaping to improve integration. It aims to preserve qualities related to views across the site.

It is considered that the proposed development would have an effect on the open view from the A5025. It is however considered that the proposed development would not affect natural beauty, AONB features or special qualities related to landscape as considered under policy AMG 1.

The proposal offers several mitigation measures. The principal being a landscape mitigation scheme which includes a new boundary along the eastern boundary which will create a clear definitive edge around the new development which will make it tougher to encroach further into the AONB. Other mitigation measures include landscaping and orchard together with open spaces.

On balance, although the proposal seeks to develop onto open countryside and designated AONB, given the proposed mitigation measures and the need for the affordable units at the site, it is considered that the proposed development would not have such a detrimental impact upon the surrounding landscape so as to make it unacceptable.

Other matters:

Consultees including Gwynedd Archaeological, Drainage / Welsh Water, Natural Resources for Wales, Environmental Health have all provided comments with respect to the proposed development. Conditions will be attached to the permission accordingly.

Conclusion

The application is acceptable in overall policy terms and will provide much needed affordable housing within Pentraeth. Although within the Area of Outstanding Natural Beauty, on balance and given due consideration to the mitigation and enhancement measures being proposed it is considered that the proposed development is acceptable and will deliver an identified need of affordable dwellings in Pentraeth which cannot be delivered on other sites within the development boundary.

The details with respect to highway matters have been assessed and considered acceptable. Given due consideration to distances between existing properties and the character of the area, the proposal is considered acceptable subject to conditions and will not detrimental harm the amenities currently enjoyed by the occupants of the surrounding properties or future occupiers to such a degree as to warrant refusal of the application.

Recommendation

Permit the application subject to conditions and a section 106 agreement securing affordable housing and open space provision.

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan – 3127-001 Rev A**
- **Landscape Masterplan – 3127-01 Rev G**
- **Street Lighting Services – P1685/E101 Rev P3**
- **Adoptable Road Layout – 19116/S38-1 Rev E**
- **Adoption Layout – 19116/S104-1 Rev D**
- **Adoptable Surface Water Layout – 19116/SAB-1 Rev E**
- **Kerbing Layout and Construction Details – 19116/403 Rev C**
- **Surfacing Layout – 19116/404 Rev D**
- **Surface Construction Details – 19116/405 Rev A**
- **Drainage Layout – 19116/501 Rev F**
- **Street Scenes 1-5 – 1119-JPH-ZZ-XX-DR-A-030**
- **Drainage Details Sheet 3 – 19116/504 Rev A**
- **Surface Water Long section Sheet 1 – 19116/506 Rev C**
- **Foul Water Long section – 19116/508 Rev A**
- **GA Plans - 2B4P Semi Detached Type A -1119-JPH-ZZ-XX-DR-A-101**
- **Elevations 2B4P Semi Detached Type A - 1119-JPH-ZZ-XX-DR-A-102**

- Elevations 2B4P Semi Detached Type B - 1119-JPH-ZZ-XX-DR-A-202
- GA Plans 2B4P Semi Detached Type B - 1119-JPH-ZZ-XX-DR-A-201
- GA Plans 2B4P Semi Detached Type C – 1119-JPH-ZZ-XX-DR-A-301
- Elevations - 2B4P Semi Detached Type C – 1119-JPH-ZZ-XX-DR-A-302
- GA Plans and Elevations 3B5P Semi Detached Type A – 1119-JPH-ZZ-DR-A-401
- General Arrangement – 19116/401 Rev B
- Elevations 3B5P Semi Detached Type A – 1119-JPH-ZZ-DR-DR-A-402
- GA Plans and Elevations 3B5P Semi Detached Type B – 119-JPH-ZZ-DR-A-501
- Elevations 3B5P Semi Detached Type B – 1119-JPH-ZZ-DR-DR-A-502
- GA Plans and Elevations 3B5P Semi Detached Type C – 1119-JPH-ZZ-DR-A-601
- Elevations 3B5P Semi Detached Type C – 1119-JPH-ZZ-DR-DR-A-602
- GA Plans and Elevations 4B7P Detached – 0118-JPH-ZZ-XX-DR-A-701
- GA Plans and Elevations 1B2P Apartments – 119-JPH-ZZ-DR-A-801
- Elevations 1B2P Apartments – 1119-JPH-ZZ-DRA-802
- Ecological Impact Assessment – 3127/11
- Preliminary Ecological Appraisal – 3115/11
- Construction Management Plan – Williams Homes (Bala)
- Construction Traffic Management Plan – Williams Homes (Bala) – 8.1.2
- Archeology Desk Bases Assessment – B1906.DBA.01.1
- Archeology Report on Evaluation Trenching – B1906.REP.EVAL.01
- Archeology Addendum to Evaluation Trenching Report – B1906.REP.VAL.01
- Landscape and Visual Appraisal - 3127/11
- Geotechnical Investigation Report, Rev A – August 2019

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

(03) No development shall commence until a scheme detailing all external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that there is no light spillage onto any surrounding land or properties and shall include full details of all light including luminaire, lamp, beam widths and any anti-glare hoods to be used. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of the amenity of the locality and to safeguard protected species and the Anglesey Area of Outstanding Natural Beauty.

(04) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping based on Landscape Masterplan 3127-01 Rev G. The scheme shall include details of plant numbers and spacing and replacement of any hedge affected by the visibility splay. All planting in the approved details of landscaping shall be carried out in the first planting seasons following the use of the site or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The planting shall be retained for the life of the development hereby approved.

Reason: To enhance biodiversity and to safeguard the Anglesey Area of Outstanding Natural Beauty.

(05) The reasonable avoidance measures for various protected species as outlined with the Ecological Impact Assessment reference 3127/11 is carried out in accordance with the approved detail.

Reason: In the interest of protected species.

(06) 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 residential amenity

(07) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution to the water environment.

(08) The proposed 1.8 meter-high timber hit and miss fence and the 1.8 meter-high hazel hurdle fence as and as delineated on the submitted plan (dawning reference – Landscape Masterplan – 3127-01 Rev G) shall be erected before the units hereby approved are occupied. The fencing shall not be removed at any time. If the fencing needs to be replaced/changed for whatever reason the replacement shall be of the same height and type and in the same position.

Reason: In the interest of residential amenity

(09) The access shall be laid out and constructed strictly in accordance with the submitted plan before any of the dwellings are occupied and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(10)The estate road(s) and its access shall be designed and constructed in accordance with 'Technical Requirements for Estate Roads in Anglesey' (copies of this document are available free on request from the local planning authority).

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(11) The estate road(s) shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the work on the application site whichever is the sooner.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(12) 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 order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(13) No development shall commence until measures are in place to secure the future maintenance of the access and estate roads in accordance with details previously submitted and approved in writing by the local planning authority. The management and maintenance plan for the lifetime of the development shall include the arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(14) 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 dwelling shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(15) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, 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.

(16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of amenity

(17) No development shall commence until a plan for the management and maintenance of the play area hereby approved has been submitted to and approved by the Local Planning Authority. The development hereby approved shall not be used until the play area has been built, laid out and is ready for use. Thereafter the play area shall be managed and maintained in accordance with the approved plan for as long as the development is in use.

Reason: To ensure compliance with policy ISA5 of the JLDP

(18) A 2 metre wide footway shall be provided along the whole length of the application site adjacent to the County Highway as illustrated on submitted drawings before any of the approved dwellings are occupied.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

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.

Application Reference: FPL/2021/111

Applicant: Mr Neil Oldham

Description: Full application for change of use of agricultural land into holiday chalet site, siting of 30 holiday chalets buildings, erection of reception building, engineering works to create lake, construction of private roads, construction of parking areas, soft and hard landscaping together with associated works on land at

Site Address: Penmynydd Farm, Caergeiliog



Report of Head of Regulation and Economic Development Service (David Pryce Jones)

Recommendation: Refuse

Reason for Reporting to Committee

The planning application has been called to the planning committee by the local member.

The planning application was reported to the planning committee on the 28.07.2021 and members resolved to convene a site visit.

Proposal and Site

The application site is located in rural location abutting the north of the A55 trunk road. Vehicular access would be via junction 4 of the A55.

The main elements of the proposals being applied for are as follows:

- 30 holiday chalets, decking and parking. It has been confirmed that these holiday chalets would be buildings as opposed to caravans. It has further been confirmed that the holiday chalets would share the characteristics of a dwelling but that they can only be occupied for holiday purposes.
- Reception, café and shop building.
- Circulation road and car parking facilities.
- Lake.
- Surface water drainage system via a Suds system into a watercourse. Foul drainage will be disposed of via a package treatment plant and a soakaway system.

Since the application was last considered by the committee information has been submitted by the applicant's to respond to questions raised by members and is available in the members pack. The applicant's have also indicated that they are supportive and would make a financial contribution should the walking route come to fruition. Further that a walking cycling route could be provided at the access to the development with the cattle grid left in position.

Key Issues

- Planning History and Context
- Principle of Development
- Location and Relationship of the Development with Its Surroundings
- Highway Network Considerations

Policies

Joint Local Development Plan

Anglesey & Gwynedd Joint Local Development Plan (2017) "JLDP"

PS4 Sustainable Transport Development & Accessibility

PS 5 Sustainable Development

TRA 2 Parking Standards

TRA1 Transport Network Developments

TRA4 Managing Transport Impacts

Strategic Policy PS5 Sustainable Development

Strategic Policy PS6 Alleviating and Adapting to the Effects of Climate Change

PCYFF 2 Development Criteria

PCYFF 3 Design and Place Shaping

PCYFF 4 Design and Landscaping

MAN 6 Retailing in the Countryside

Strategic Policy PS14 The Visitor Economy

PS14 The Visitor Economy

TWR 3 Static Caravan and Chalet Sites and Permanent Alternative Camping Accommodation

TWR 4 Holiday Accommodation

PS 19 Conserving and Where Appropriate Enhancing the Natural Environment

AMG 3 Protecting and Enhancing Features and Qualities That are Distinctive to the Local Landscape Character

AMG 5 Local Biodiversity Conservation

Planning Policy Wales Edition 11 "PPW11"

Technical advice note (TAN) 5: nature conservation and planning “TAN 5”
Technical advice note (TAN) 13: tourism
Technical advice note (TAN) 15: development and flood risk
Technical advice note (TAN) 18: transport
Technical advice note (TAN) 23: economic development

Welsh Government’s Building Better Places: Placemaking and the Covid-19 Recovery (July 2020)

Planning Circular 01/03: Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas

Supplementary Planning Guidance Tourism Facilities and Accommodation (May 2021) “SPG Tourism Facilities and Accommodation”

Response to Consultation and Publicity

Welsh Government Agricultural Division: The Department recommends that the site is likely to compromise land of no better than Subgrade 3b, with Grade 4 on the rocky outcrops with limited soil depth. Best and Most Versatile (BMV) Agricultural Land planning policy (PPW 11, paragraphs 3.58 & 3.59) does not apply in this case and a detailed Agricultural Land Classification (ALC) survey will not be required.

Cynghorydd Llinos Medi Huws: No observations received at the time of writing.

Uned Datblygu Economaidd / Economic Development Unit: No observations received at the time of writing.

Llywodraeth Cymru (Priffyrdd/Highways): As the highway authority for the A55 trunk road directs that any permission granted includes a planning condition requiring that the specified design detail improvements within the traffic assessment (including passing places, traffic calming and bi-lingual signage) are completed prior to the development being brought into use. The following matters are also brought to the attention of the applicant:

- 1) The width of the vehicular access with the public highway is limited WG Highways would support a standard/wider open access arrangement given the scale of the development.
- 2) The developer must take into account the Llwybr Newydd and Active Travel Wales Act. Provisions for non-motorised users could be improved significantly at the vehicular access where non-motorised user provision does not align with said documents. Cycling over a cattle grid is a dangerous proposal which could be designed out. As these matters are linked to the county council highway network the council’s Highway Department have been asked to consider the point.

Ymgynghorydd Tirwedd / Landscape Advisor: The application was dismissed in an appeal following the refusal of application FPL/2018/2. The Council’s decision notice noted that the proposal would be harmful to the character and appearance of the area and would not accord with policies PCYFF2, PCYFF3, PCYFF 4 and TWR 3. Effects on the character and appearance of the area were primarily experienced from the A55 (its southern boundary), in particular the eastern bound carriageway. The appeal decision considered the effect on the character and appearance of the area, and determined that the landscaping scheme and analysis submitted by the applicant demonstrated clearly and the development would integrate into its surroundings and would comply with PCYFF 4 and not harm the character and appearance of the area. The development as noted by the inspector would be partly visible in the summer months where there are gaps in the roadside vegetation. It was noted that the proposed landscaping would be particularly effective on the margins of the site closest to the trunk road. While respecting the Inspector’s judgement, I would note the following points that influenced the Council’s previous opinion. There are short duration views over a minor section of the A55 to different parts of the site. Due to the undeveloped, wilder nature of the site at present, the nature of the change to these views would be marked and the development, while not wholly visible from any one of these views is of a scale that we

considered obtrusive in this context. Landscaping on the boundary with the A55 was limited to land below the embankment and would not in the short or medium reduce views over the site. Vegetation on the embankment was not within the control of the applicant. The units (para 6 of the appeal decision) were noted to potentially have a curved grass roof, which appears to have been taken into consideration in the assessment of effects. I would advise that you seek confirmation of the appearance of the units. Should you be minded to recommend the application for approval, planning conditions on the protection of retained vegetation, storage and/or use of the pond arisings, and the timing of landscaping would be required. Landscaping should take place early on in the development particularly if the caravan units are not installed and in use within a short period. A phased approach to landscaping may be acceptable.

Cynghorydd John Griffith: No observations received at the time of writing.

Prifffyrdd a Trafnidiaeth / Highways and Transportation: After consulting the below application with my colleagues, all highways issues relating to access, passing bays etc. have been addressed as part of the plan. However I would like to raise the following points:

- I would like a Construction Traffic Management Plan
- Confirmation that the passing bays and access improvements will be made at the commencement of construction. Reason – To ensure highway safety.

In further comments having regard to WG Highways comments it is stated that whilst noting that the previous application was refused on sustainability grounds Highways have indicated:

- Active Travel has more of a status within the National Transport Strategy (New paths), so a new path up to the required specification that connects the development to the A5 should be provided.
- Request that the access to the development with the public highway is widened.

Following discussion with the applicant it is noted that the applicant is supportive of a new path and understand that any financial contribution would be in keeping with the scale of the development. Further that, if a safe walking/cycle path can be provided without the need to eliminate the cattle grid and allows sufficient passing places for vehicles to enter and exit the site safely, I will have no objections.

Cynghorydd Kenneth P. Hughes: Would like the application referred to the planning committee for a decision.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: No objections raised and confirmed that that appropriate assessment under the Habitat Regulations will not be required (given the proximity to Llyn Dinam SAC) subject to a planning condition being attached requiring a Construction Environmental Management Plan.

Iechyd yr Amgylchedd / Environmental Health: Requirements in relation to working hours, nuisance and other regulatory requirements are listed.

Cyngor Cymuned Bodedern Community Council: No observations received at the time of writing.

Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service: Whilst the proposed site falls within an area of archaeological potential, there is no recommendation for mitigation in this instance. Some preliminary work was conducted on this site and it was confirmed that a great deal of groundworks had already disturbed much of the area, likely destroying any archaeological deposits that could have survived below the surface.

Ymgynghoriadau Cynllunio YGC: No observations received at the time of writing.

Cyfoeth Naturiol Cymru / Natural Resources Wales: The submitted ecological report should be included in the list of approved plans and a planning condition is recommended to mitigate impacts on Great Crested Newts which are present on the application site. The proposed development is located 970 metres (and

upstream) from the SAC. We advise that a condition requiring the submission of a Construction Environmental Management Plan (CEMP) should be attached to any planning permission to demonstrate that there will be no adverse effects on protected sites. NRW consider the proposals have the potential to impact upon the Valley Lakes SSSI. Providing the impact pathways (via a planning condition) referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding: Conditional permission requiring a bird management plan (To mitigate the potential of bird strikes on aircraft) & a construction management strategy (provides details of cranes and other tall structures in the construction).

Dwr Cymru Welsh Water: No objections.

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit: Comments on the following planning policy considerations:

- National Planning Policy guidance recognises the importance of tourism development to the rural economy but also recognises that development should be located in suitable locations. It recognises that new developments in the open countryside away from existing settlements must continue to be strictly controlled PPW states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation and in rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes. PPW also states that all new development should respect the character of the surrounding area and should be of appropriate scale and design.
- The proposed development is a large scale development consisting of 30 chalets and lake. It is located some distance outside the built up areas of neighbouring settlements and is not served by public transport (bus stops are located in Bodedern, Caergeiliog and Llanfihangel yn Nhowyn).
- The proposed development falls into LCA5. The Landscape Sensitivity and Capacity study states that the indicative overall capacity in LCA5 “Outside the AONB and SLA it is considered there may be some capacity for sensitively sited and well-designed very small to small scale developments, which should relate well to the existing built environment/urban landcover”. The study defines very small developments as up to 10 units and small developments as 11-25 units. It is considered that, due to its open countryside location, the proposed development does not relate well to the existing built environment/urban land cover therefore fails to conform to criteria 1i) of policy TWR3. Further the scale of the development is considered too large in respect of the guidance as set out within the Landscape Sensitivity and Capacity Study.
- Criteria 1ii) of policy TWR 3 refers to the quality, design, layout and appearance of the proposed new development. National planning policy guidance states that the effect of a development proposal on wildlife or landscape can be a material planning consideration. Section 3.1 of the Tourism Facilities and Accommodation SPG (March 2021) gives guidance on what is meant by high quality developments with paragraph 3.1.1 “This refers to the quality of the development in terms of land-use considerations and not to any recognised grading scheme operated by the tourism industry. In addition to local policy requirements, national policy guidance states that development in rural areas should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas (TAN13: Transport, para 3.11)”. Paragraph 3.1.3 aims to identify criteria which help define high quality development in terms of land use planning, which includes: sites located in sustainable location.
- The JLDP policies state that new developments should be located in an unobtrusive location. An unobtrusive location is defined in the plan as one which is well screened by existing landscape features and/or where units can be readily assimilated into the landscape without the need for excessive man made features. Policy AMG3: Protecting and Enhancing features that are Distinctive to the Local Landscape Character, states that proposals must demonstrate that they do not have a significant impact upon features and qualities which are unique to the local landscape in terms of visual, historic, geological ecological or cultural aspects. The proposed site

falls into Landscape Character Area 5 which states that any proposals for development or landscape management should reflect: The development pattern of the area, seek to use landform, vegetation patterns to mitigate impacts, Ensure scale, form and materials respect the local vernacular and utilise and retain local field boundary patterns – cloddiau, fences, hedgerows. The proposed development is not in keeping with its natural surroundings as it urbanises a rural location and does not integrate with the landscape. The views of the Built Environment section should be sought whether the proposed development is located in an unobtrusive location or not.

- The main policy to deal with the Shop and the café forming part of the proposal is MAN 6: Retailing in the Countryside. Paragraph 6.3.113 of the JLDP states that normally the most suitable location for shops is within the settlement boundaries of towns and villages. However, small scale shops that are run in conjunction with an existing business on the site, for example, a farm shop, a garden centre or a petrol station can provide a useful service to rural communities by offering a new source of services and employment close to rural homes. However, it is important that the shops should be 'subservient' to the existing business as this would ensure that the shop serves the existing business (rather than merely being sited on the same site) even where the extent of the retail activity is such that it represents a material change in use of the planning use. No information has been submitted in relation to the above criteria.
- Policy PS 5 (Sustainable Development) supports development which is consistent with sustainable development principle and this principle is further emphasised by bullet point 4 of PS 14 (The Visitor Economy) which states: "Supporting appropriately scaled new tourist provision and initiatives in sustainable locations in the countryside through the reuse of existing buildings, where appropriate, or as part of farm diversification, particularly where these would also benefit local communities and support the local economy and where they are in accordance with sustainable development objectives;" This is consistent with national policy guidance in PPW and TAN 18. The principle of siting new developments in sustainable locations is reiterated in the Welsh Government's Building Better Places: Placemaking and the Covid-19 Recovery (July 2020) which states that: Careful consideration should be given to the principle of the development having taken into consideration the guidance which is provided in PS5, PS14, PPW and TAN 18.

Having assessed the Welsh language Statement submitted with the application have confirmed that the risk that the development would have a significant negative impact on the character and language balance of the community is very low.

Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer: No observations received at the time of writing.

The major planning application has been publicised and the notification period expired on the 01.07.21. Two objections have been received on the following grounds:

- Worry with regards to the excess water that will inevitably flow from the soakaway situated on the North Western side of the site. We have previously provided photographic evidence of flooding that already takes place to the watercourse during the wetter months of the year. Our worry is that even more water flowing from this proposed site, especially from the soakaway, will further effect the condition of the land of the farms noted here, as well as further land along the same watercourse to the Caergeiliog / Valley side of the A55 road.
- We have also previously mentioned the site's close proximity to the A55 dual carriageway. The applicant is obviously attempting to change the use of land that has little more use than for pasture. The proposed site is situated in a bowl below the level of the road and has very limited views. It will take years to establish enough vegetation growth (if it ever will) surrounding the site to achieve the desired look and privacy the applicant desires.
- We question if the targeted customers, who will be expected to pay a premium price to stay at such a proposed high end holiday location, will be attracted to a bare / open area that is subject to the constant noise created by such a busy road that looks down upon it. This location is by no means a peaceful rural location. The site's potential failure to meet customers' high expectations

will effect demand. This will subsequently endanger the long term future of this proposal as a long term employer and indeed its existence as a business entity within the locality.

Relevant Planning History

13C198/TR Full Planning - Full application for the siting of 30 chalets, erection of a reception building, creation of a fishing lake and the formation of an access road and parking areas together with associated landscaping and other works at Withdrawn 27.07.18.

13C198A/TR/SCR - Screening Opinion - Full application for the siting of 30 chalets, erection of a reception building, creation of a fishing lake and the formation of an access road and parking areas together with associated landscaping and other works. Environmental Impact Assessment Required 27.02.18.

13C198B/TR/SCR - Screening opinion for the siting of 30 chalets, erection of a reception building, creation. Environmental Impact Assessment Not Required 19.09.18.

FPL/2018/2 -Full application for the siting of 30 chalets, reception building, and creation of lake together with the formation of associated access road & parking areas, landscaping, and other associated works on land - Refused Appeal Dismissed,26/02/2020.

SCR/2021/37 Screening opinion for: Full application for change of use of agricultural land into holiday chalet site, siting of 30 holiday chalets, erection of reception building, engineering works to create lake, construction of private roads, construction of parking areas, soft and hard landscaping together with associated works on land Environmental Impact Assessment Not Required 15/07/2021.

Main Planning Considerations

Planning History and Context An application for a similar proposal was refused by the council under reference number FPL/2018/2 and the subsequent appeal was dismissed on the 26/02/2020. Whilst the Inspector did not accept all the council's arguments in terms of why the appeal should be refused it was concluded that the appeal should be dismissed because the proposal is not in a sustainable location because it was not well served by local services or public transport for it to be described as accessible by means of active travel and public transport. Further that it would lead to a significant increase in the number of trips by private car. The planning application thus follows a very recent appeal decision in respect of a very similar development which the Planning Inspectorate decided was unacceptable on the aforementioned grounds in contravention of PPW objectives.

There are provisions in section 70 of the town and country planning act which allows the council to decline to determine an application for a similar development within two years of appeal for a similar development being refused. It has been confirmed that the scheme subject to the current application differs from that subject to the aforementioned planning appeal in the following respects:

- The reception building will increase the self-containment and sustainability of the development by the including a shop selling essentials and a café so that visitors can eat on site.
- Cycle hire facilities including electric bikes will be available.
- Facilities to hire canoes and paddle boards to encourage visitors to use the lake on the development and again increase self-containment.
- Revised Transport Statement and Interim Travel Plan which provide greater information and changes to the nature of the proposal.

Given the changes above the Local Planning Authority have erred on the side of caution and chose not exercise the provisions of section 70a of the planning act and an assessment of the proposal having regard to the Inspectors' decision which is a significant material consideration is undertaken in the report below.

Member will also note from the planning history section that a screening opinion has been issued under the Town and Country Planning (Environmental Impact Assessment “EIA”) (Wales) Regulations 2017 “EIA Regulations” and that it was decided that this was not EIA development (where an Environmental Statement and other requirements under the EIA Regulations would apply).

Principle of Development In accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004) it is necessary to ensure that planning applications conform to the adopted development plan unless material planning considerations indicate otherwise. The development plan comprises the JLDP and other material planning considerations will include PPW11 and the TAN's listed previously in this report. It is material that since the planning appeal on planning application FPL/2018/2 was dismissed that the SPG Tourism Facilities and Accommodation has been adopted by the council and is thus a material consideration in determining this planning application which should be attributed substantial weight given that it is consistent with the development plan, has been subject to public consultation and formally adopted by the council.

The application site is located in the countryside under the provisions of policy PCYFF 1 of the JLDP and the policy states that outside development boundaries development will be resisted unless it is in accordance with specific policies in the plan or national planning policies and other material planning considerations. The policy is reflective of national planning policies which are described in the comments of the JPPU and essentially that new developments in the open countryside should be strictly controlled, and should be located within or adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation and that in rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes.

TAN 18 at paragraph 3.2 similarly states that where a development proposal is assessed as having relatively poor accessibility this may be sufficient grounds to refuse planning permission where this does not support the accessibility objectives in the development plan.

Policy TWR 3 permits chalet developments of the type being applied for in this location subject to criteria i, ii and iii being met.

Criteria ii of policy TWR 3 requires 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 the units can readily be assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape. The SPG Tourism Facilities and Accommodation lists factors which will be assessed in determining whether a development is high quality. One of the considerations includes sites being in a sustainable location i.e. within or close to existing settlements and not lying in open countryside unless there is robust justification for this. The Inspector in the decision on planning application FPL/2018/2 attributed little weight to this guidance previously as it was not formally adopted but its adoption is a material change in circumstances which gives additional weight to the objection to the development on sustainability grounds.

In terms of the sustainability credentials of the proposed development having regard to the policy considerations described above the following are considered material considerations. It is the LPA's view that the proposal is not well relates to the nearest settlements or the public transport network. In terms of distances from the nearest settlement the distance from the proposed development to Bodedern is approximately 2400m. The distance from the proposed development to the nearest bus stop (located on the A5 near Caergeiliog) is 1040m. The distance to Caergeiliog itself is 2100m. The proposed development would therefore not be readily accessible by foot to the nearest settlements and the public transport system.

The assessment above is consistent with the conclusion of the Planning Inspector who dismissed appeal on planning application FPL/2018/2 on 26/02/2020. In addition it is the council's view that the notwithstanding the changes that the applicants state has been made to this planning application (and described above) it still remains a very similar development to that which the Planning Inspectorate

decided was unacceptable. It is also material that the Planning Inspectorate decision stated that the provision of a Travel Plan (which is one of changes made to this application) would not assist to any significant extent.

It has been confirmed that the reception building will increase the self-containment and sustainability of the development by the including a shop selling essentials and a café so that visitors can eat on site. Policy MAN 6 of the JLDP is material in determining proposals for retail developments in the countryside and permits small scale shops subject to the listed criteria. It is considered that the proposal run contrary to several provisions of this policy in that (1) the facilities are not subservient to an element of an existing business (3) priority has not been given to using an existing building and that the development (5) is not accessible via sustainable means of transport. As the retail use here are a subservient element of the holiday development and an objection is not raised on these grounds based on MAN 6. The inclusion of these retail elements to make the development more self-contained however reinforces the council's view that the proposed development is located in an unsustainable location. It also contravenes the thrust of PPW guidance which indicates that holiday developments of this type should be located within or adjoining those settlements where it can best be accommodated.

Criteria i. of policy TWR 3 requires it can be demonstrated that the proposed development doesn't lead to a significant intensification in the provision of static caravan, chalet or permanent alternative camping sites in the locality. As explained in the JPPU comments the proposed development falls into LCA5 where it is considered there may be some capacity for sensitively sited and well-designed very small (up to 10 units) to small scale (11-25) developments, which should relate well to the existing built environment/urban land cover. Further the scale of the development is considered too large in respect of the guidance as set out within the Landscape Sensitivity and Capacity Study. This was formerly part of the council's reason for refusal on planning application FPL/2018/2 but this reason was not accepted by the Inspector in dismissing the appeal on planning application FPL/2018/2, and no objection is therefore raised on this basis to the current application and the Inspector's decision is a significant material consideration.

Location and Relationship of the Development with Its Surroundings As well as the requirements in policy TWR 3 that the development is of a high quality in terms of design, layout and appearance there are also more generic policies which are material considerations in determining whether the proposal can be regarded as high quality development. PCYFF 3 (Design and Place Shaping) requires that all proposals are expected to demonstrate high quality design taking into account the natural environmental context. The policy states that proposals will only be permitted where the proposal conforms to all relevant criterion. The first criterion requires that the proposal complements and enhances the character and appearance of the site in terms of amongst other considerations scale and appearance. The second criterion requires that the proposal respects the context of the site and its place within the local landscape including its impact on principal gateways into Anglesey. Policy PCYFF 4 (Design and Landscaping) requires that all proposals should integrate into their surroundings and that proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused. The SPG Tourism Facilities and Accommodation lists factors which will be assessed in determining whether a development is high quality.

The council previously refused planning permission FPL/2018/2 on the grounds that the development would be harmful to the character and appearance of the area. The Inspector, however concluded that although the development is located in the countryside it was appropriate in this location and would not have a harmful impact on the character or appearance of the surrounding countryside. Whilst Officers still have concerns in relation to these matters some of which are described in the comments of the JPPU and the Landscape Officer the Inspector's decision is a significant material consideration and no objection is now raised on these grounds.

Highway Network Considerations Criteria 1 iii. of policy TWR 3 requires 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 proposed development is essentially served by an existing private track

which already serves the applicant's property with access to the public highway near junction 4 of the A55 around 0.35 miles to the east. Given that the track is essentially existing it is considered that adequate access can be provided without significantly harming landscape characteristics and features. The access is also on the main highway network and no objections are raised by either Welsh Government Highways or the council's Highways Section. Weight has been attributed by the local planning authority to the applicant's latest submissions which were described earlier in the report but it is not considered that these overcome the fundamental objections to the application on sustainability grounds.

Other Considerations The development subject to this application is upstream of Llyn Dinam Special Area of Conservation "SAC" and Valley Lakes Site of Special Scientific Interest "SSSI". Under the Conservation (Natural Habitats etc.) Regulations 2017 (as amended) Appropriate Assessment (Regulation 63) Appropriate Assessment of the relevant hazards of the proposed development and their likely consequences for the European site (being the SAC) has been undertaken by the Local Planning Authority and it has been concluded that there would not be a significant effect on the European site.

In terms of protected species notably Greater Crested Newts Natural Resources Wales and the council's Ecological and Environmental Adviser are satisfied with the proposed development subject to adherence with the submitted ecological survey. As per NRW comments a separate European Protected Species "EPS" licence would be required for the works that would impact on Great Crested Newts and they are content subject to a planning condition being attached to any planning permission granted.

Objections have been received on surface water flooding grounds. A Sustainable Urban Drainage System "Suds" approval will be required separately to the Suds Approving Body "SAB" and as such recent planning appeal decisions have indicated that given the need for a separate consent that the adequacy of these arrangements can be considered separate to the planning process.

Conclusion

Notwithstanding the changes made to the proposal subject to this planning application they are very similar to those which were recently dismissed at appeal on a fundamental matter of principle in relation to the sustainability of the location. It is also considered that there have been no material change in circumstances since this planning appeal was dismissed other than the adoption of PPW 11 and the SPG Tourism Facilities and Accommodation, which now adds greater weight to the local planning authority's previous objections to the development given that this guidance makes it clear that the definition of high quality includes consideration of sustainability of the location.

The decision 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 decision 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.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that whilst the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic improvements being proposed as part of the development this is outweighed by considerations in relation to global responsibility, cohesive communities.

Recommendation

That the planning application is REFUSED for the following reason:

(01) The proposal is not in a sustainable location and well served by local services or public transport and would lead to a significant increase in the number of trips by private car. This would contravene the provisions of policy TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan (2017),

Supplementary Planning Guidance Tourism Facilities and Accommodation (May 2021), Planning Policy Wales Edition 11 (February 2021) and Technical advice note (TAN) 18: Transport (2007).

Planning Committee: 01/09/2021

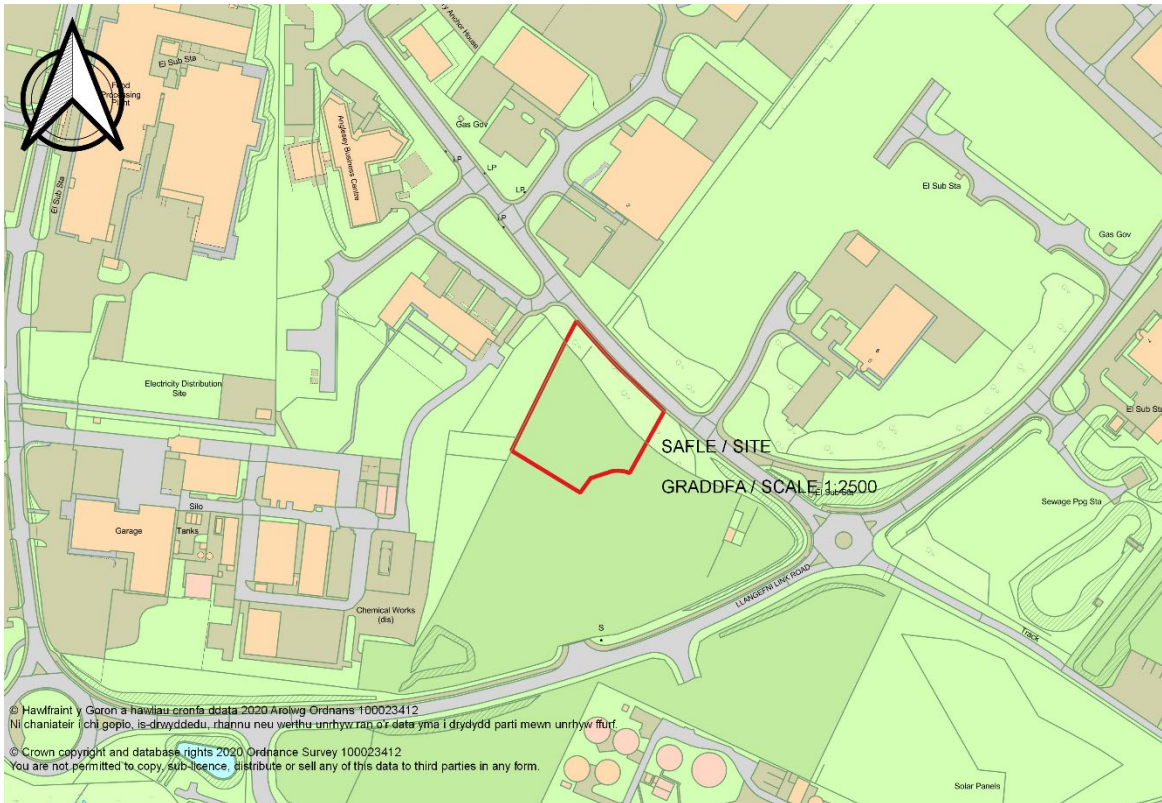
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Application Reference: FPL/2021/100

Applicant: Highways, Waste and Property Pennaeth Gwasanaeth/Head of Service (Highways, Waste & Property)

Description: Full application for the erection of 6 business units (Use Class B1, B2 and B8) together with associated development on Plot 1

Site Address: Tregarnedd Industrial Park, Llangefni



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

The application is submitted by the County Council.

Proposal and Site

The application is submitted for the erection for 6 business units for B1, B2 and B8 uses together with associated development on Plot 1 Tregarnedd Industrial Park, Llangefni.

The application site is located to the South of the existing industrial estate adjacent to the former Peboch Chemical Works. The site is a designated employment site under policy CYF 1 of the Anglesey & Gwynedd Joint Local Development Plan.

Key Issues

The key issues are whether the proposal accords with relevant local and national policies and is acceptable in terms of siting, design and impacts upon the character and appearance of the area.

Policies

Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Strategic Policy PS 2: Infrastructure and Developer Contributions
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 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy ISA 1: Infrastructure Provision
Policy TRA 2: Parking Standards
Policy TRA 4: Managing Transport Impacts
Policy PCYFF 2: Development Criteria
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Policy CYF 1: safeguarding, Allocating and Reserving Land and Uses for Employment Use
Policy AMG 5: Local Biodiversity Conservation
Planning Policy Wales (Edition 11, February 2021)
Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 11: Noise (1997)
Technical Advice Note 12: Design (2016)
Technical Advice Note 18: Transport (2007)
Technical Advice Note 20: Planning and the Welsh Language (2017)
Technical Advice Note 23: Economic Development (2014)
Supplementary Planning Guidance - Planning and the Welsh Language (2007)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Nicola Roberts	No response at the time of writing the report.
Cynghorydd Dylan Rees	No response at the time of writing the report.
Cynghorydd Bob Parry	No response at the time of writing the report.
Cyngor Tref Llangefni Town Council	No objection.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection.
Iechyd yr Amgylchedd / Environmental Health	Comment / conditions.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments.
Ymgynghorydd Tirwedd / Landscape Advisor	Comments / conditions.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments / conditions.
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	Comments / conditions.
Dwr Cymru Welsh Water	Comments / conditions.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Comments / conditions.
Uned Datblygu Economaidd / Economic Development Unit	No response at the time of writing the report.
Ymgynghoriadau Cynllunio YGC	Comments.
HSE Consultations Major Hazard Sites	Advise against.

The application was afforded statutory publicity.. This was by the posting of personal notification letter to the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 22/07/2021.

At the time of writing the report no representations had been received.

Relevant Planning History

RM/2019/11 - Cais am faterion a gadwyd yn ôl ar gyfer codi 7 uned busnes ynghyd a creu mynedfa i gerbydau a ddatblygiadau cysylltiedig ar dir yn / Application for reserved matters for the erection of 7 business units together with the construction of a vehicular access and associated development on land at - Ystad Ddiwydiannol Bryn Cefni Industrial Park, Llangefni - Caniatáu / Permit - 08.01.20

DIS/2019/114 - Cais i ryddhau amodau (06) (Gwaith archeolegol) (08) (Manylion goleuadau) (10) (Manylion traenio) o ganiatâd cynllunio 34LPA1034/CC/ECON ar dir yn / Application to discharge conditions (06) (Archaeological work) (08) (Lighting details) (10) (Drainage details) of planning permission 34LPA1034/CC/ECON on land at - Stad Diwydiannol Bryn Cefni Industrial Park, Llangefni - Amod Wedi'i Ryddhau yn Rhannol / Condition Partially Discharged - 11.02.20

34LPA1034/CC/ECON - Cais amlinellol gyda'r holl faterion wedi eu cadw'n ôl ar gyfer dau blot, sef defnydd busnes (Dosbarth B1), defnydd diwydiannol cyffredinol (Dosbarth B2) ac i'w defnyddio fel warws ac i ddosbarthu (Dosbarth B8) fel estyniad i'r parc busnes ar dir / Outline application with all matters reserved for two plots for business use (Class B1), general industrial use (Class B2) and warehousing and distribution use (Class B8) as an extension to the existing business park on land at - Stad Diwydiannol Bryn Cefni Industrial Park, Llangefni - Caniatáu / Permit 19.06.17

Main Planning Considerations

The application is submitted for the erection for 6 business units for B1, B2 and B8 uses together with associated development on Plot 1 Tregarnedd Industrial Park, Llangefni.

The application site is located within the development boundary of the Urban Service Centre of Llangefni in accordance with policy PCYFF 1. The site is allocated for employment use (C11) under policy CYF 1 of the JLDP.

Outline planning permission was granted in June 2017 for the development of the site and adjacent land for 7 business units under planning permission reference 34LPA1034/CC/ECON and reserved matters approval was subsequently granted for the development in January 2020 under planning permission reference RM/2019/11.

The principle of the development has therefore been established and the permission remains extant. The current application is for full planning permission in relation to plot 1.

Policy CYF 1 of the JLDP relates to safeguarding, allocating and reserving land and units for employment use and states that land and units on existing employment sites listed are safeguarded for employment/business enterprises and are shown on the proposals map. The application site is allocated for B1, B2 and B8 uses under site ref C11.

Policy PCYFF 3 relates to design and place shaping and requires that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Proposals, including extensions and alterations to existing buildings and structures will only be permitted provided they conform, where relevant to the policy criteria.

Criterion 1 requires that it complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Criterion 2 requires that it respects the context of the site and its place within the local landscape, including its impact on important principle gateways into Gwynedd or into Anglesey, its effects on townscape and the local historic and cultural heritage and it takes into account of the site topography and prominent skylines or ridges.

Criterion 3 requires that it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate, in line with policy PCYFF 4.

The proposal is considered to be acceptable in terms of design and appearance, is in keeping with existing nearby buildings on the industrial Park and is of a high quality. It is therefore considered that the proposal accords with policy PCYFF 3.

Policy PCYFF 4 of the JLDP relates to Design and Landscaping and states that all proposals should integrate into their surroundings. Proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused.

Policy AMG 5 of the JLDP relates to Local Biodiversity Conservation and states that proposals must protect and, where appropriate, enhance biodiversity that has been identified as being important to the local area by:

- a. avoiding harmful impacts through the sensitive location of development;
- b. considering opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses.

A proposal affecting sites of local biodiversity importance will be refused unless they can conform with all the following criteria:

1. that there are no other satisfactory alternative sites available for the development
2. the need for the development outweighs the importance of the site for local nature conservation
3. that appropriate mitigation or compensation measures are included as part of the proposal.

Landscaping is being proposed as part of the development. The existing mature landscaping across the northern and eastern boundary is being retrained as part of the proposed development.

The proposed landscaping design is a mixture of grassland cover to most of the site with areas of meadow mixture around the wetland areas. The landscape officer has assessed the application and is satisfied with the proposal subject to a condition ensuring that the landscaping scheme is carried out and maintained for the lifetime of the development.

The application is also accompanied by a Construction Environmental Management Plan (CEMP) in relation to ecological resources and including long term/ongoing landscape and ecology maintenance actions (which covers the wider site subject to previous applications). The Ecological Adviser has reviewed the CEMP and is satisfied with the submitted details and that it will lead to biodiversity enhancement subject to conditions/agreements that they be carried out, managed and maintained in accordance with the CEMP.

The proposed landscaping and CEMP therefore accord with the provisions of policies PCYFF 4 and AMG 5.

Natural Resources Wales have been consulted in relation to the proposal. Concerns have been raised in relation to the potential impact of the development upon protected species (Great Crested Newts) and invasive species but NRW consider that these concerns can be overcome through the imposition of appropriate conditions.

Gwynedd Archaeological Planning Service have also been consulted on the proposals. They have confirmed that archaeological mitigation is already being implemented in relation to the conditions of the earlier consents and that the fieldwork in relation to Plot 1 has been completed. They further confirm that there are no archaeological implications in relation to the revised proposals. The permission will however be subject to a condition requiring the submission of the report on the archaeological fieldwork.

The application site is located adjacent to the former Peboc Chemical Works and continues to be within the HSE consultation zone despite the fact that the factory is no longer in operation. Consultation with the HSE is undertaken via their Planning Advice Web app and a standard response is generated based on the application details inputted. In this case the automatic HSE response was to 'advise against' the development. However, in light of the fact that the hazardous installation is no longer operational, it is considered that the advice in this case holds little weight and that refusal of the application on this basis could not be justified.

Conclusion

The proposed development is therefore considered to be acceptable and conforms with the above mentioned policies and it is not considered that the development will give rise to an unacceptable impact upon the character and appearance of the area subject to conditions.

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) All planting in the approved details of landscaping contained in 42493-WOOD-XX-P1-DR-L-0003_S1_P03 Soft Landscape Plan Sheet 1 and Sheet 2 shall be carried out in the first planting season following the use of the site or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The planting shall be retained for the life of the development hereby approved.

Reason: In order that the proposal integrates into its surroundings as per requirements of policies PCYFF 3 and PCYFF 4.

(03) Full details of all external lighting proposed to be used on the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. 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 including the nearby Cefni River.
- 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 avoid / minimise wildlife impacts.

(04) In the event of any contamination being found, no further development shall be carried out until a suitable Remediation Strategy is submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of public health.

(05) The buildings hereby approved shall be used for the purposes identified in use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Orders 1987.

Reason: To define the scope of this permission.

(06) The car parking accommodation shall be completed in full accordance with the details as submitted under drawing reference 42493-WOOD-XX-P1-DR-L-0001_S1_P01 S1 before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: In the interest of highway safety.

(07) No development shall commence until an amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to the following:

i. Build upon the principles outlined in the ecological submissions (references: Field, S. (2021). Land to the South-East of Bryn Cefni Industrial Estate, Llangefni: Construction and Environmental Management plan in respect of Ecological Resources (including Long-term/Ongoing landscape and ecology maintenance actions). Wood. Unpublished.

- Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to:
 - fence design, specifications and locations;
 - considerations of access;
 - monitoring and maintenance requirements; and
 - supervised removal (submission to include proposed timescales and reporting requirements).

ii. Submission of further details concerning on-site and off-site compensatory proposals including plans, extent, access, current and proposed tenure. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced and created. Submission to include timescales and reporting requirements.

- **Submission of a long-term site management (not less than 25 years) that includes:**
- **defined aims and objectives;**
- **habitat management prescriptions;**
- **contingency measures if fish or invasive non-native species (INNS) are detected;**
- **proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions;**
- **site liaison and wardening;**
- **licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; and**
- **persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.**

iii. **Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational (and decommissioning) phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features).**

iv. **Details of timing, phasing and duration of construction activities and conservation measures.**

v. **Timetable for implementation together with demonstrating that works are aligned with the proposed development.**

vi. **Ecological Compliance Audit, including key performance indicators.**

vii. **Persons responsible for implementing the works.**

The Conservation Plan shall be carried out in accordance with the approved details.

Reason: To ensure that an approved amphibian Conservation Plan is implemented, which protects species affected by the development.

(08) A Landscape & Biodiversity Management Plan (“the Plan”) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the use hereby approved. Thereafter the approved Plan shall be both implemented and strictly adhered to for the lifetime of the development hereby approved in accordance with the timetable provided in the approved Plan. The submitted Plan shall include management responsibilities and maintenance schedules for all landscaped areas and biodiversity features as detailed in the submitted Construction and Environmental Management Plan in Respect of Ecological Resources, Wood Group UK Ltd, Nov 2020, Document Revision 5 and the Landscape and Ecological Management & Monitoring Plan, Middlemarch Environmental, Report No: RT-MME-155120-02, Rev A, July 2021 (as far as it relates to Plot 1) together with a timetable both for implementation and subsequent management.

Reason: In the interests of safeguarding landscape and biodiversity.

(09) No development or phase of development, with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

(10) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- **Plot 1 Site Location Plan: 42493-WOOD-XX-P1-DR-A-0002 S2**
- **Drainage Layout: 20125/501 P3**
- **Drainage Details Sheet 1: 20125/502 P2**
- **Drainage Details Sheet 2: 20125/503 P2**
- **Elevations: 42493-WOOD-XX-P1-DR-A-0005 P02**
- **General Arrangement: 20125/401 P3**
- **Permeable vs Impermeable: 2015/510 P2**
- **Plot 1 External Hardworks Plan: 42493-WOOD-XX-P1-DR-L-0001_S1_P01 S1**
- **General Arrangement Plan: 42493-WOOD-XX-P1-DR-A-0001 P01**
- **Site Plan: 42493-WOOD-XX-P1-DR-A-0003_S2_P02.1 S2**
- **Soft Landscape Plan Sheet 1: 42493-WOOD-XX-P1-DR-L-0003_S1_P03 S1**
- **Soft Landscape Plan Sheet 2: 42493-WOOD-XX-P1-DR-L-0003_S1_P03 S1**
- **Surfacing Layout: 20125/403 P3**
- **Construction and Environmental Management Plan in Respect of Ecological Resources, Wood Group UK Ltd, Nov 2020, Document Revision 5.**
- **Landscape and Ecological Management and Monitoring Plan, Report No: RT-MME-155120-02, Rev A, Middlemarch Environmental, July 2021**
- **Great Crested Newt Method Statement, Report No: RT-MME-155120-01, Middlemarch Environmental, August 2021**
- **Drainage Strategy, Doc No: 20125/E01, Revision A, February 2021**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS1, PS2, PS4, PS5, PS6, PS13, PS19, ISA1, TRA2, TRA4, PCYFF1, PCYFF2, PCYFF3, PCYFF4, CYF1, AMG5.

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.

Planning Committee: 01/09/2021

10.1

Application Reference: VAR/2021/48

Applicant: Steven Smith

Description: Application under Section 73A for the variation of condition (06) (Approved Plans) of planning permission reference VAR/2020/76 (Erection of a dwelling) so as to amend the design on land adj

Site Address: Brynteg, Llansadwrn



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Planning and Orders Committee as the proposal is contrary to policies of the Joint Local Development Plan which the Local Planning Authority is minded to approve.

Proposal and Site

The application site is located on the outskirts of the Cluster of Llansadwrn along the road between Pentraeth & Beaumaris.

The application is submitted to vary conditions of previous permissions so as to allow amendments to the design of the dwelling.

Key Issues

The key issue is whether or not the proposed amendments are acceptable.

A fallback position exists (extant consent) however, the subsequent change in policy following the adoption of the Joint Local Development Plan (JLDP) is a material factor which must now be taken into account.

Policies

Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

Strategic Policy PS 17: Settlement Strategy

Policy TRA 2: Parking Standards

Policy TRA 4: Managing Transport Impacts

Policy PCYFF 2: Development Criteria

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy TAI 6: Housing in Clusters

Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Carwyn Jones	No response at the time of writing the report.
Cynghorydd Alun Roberts	No response at the time of writing the report.
Cyngor Cymuned Cwm Cadnant Community Council	No objection.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection.
Dwr Cymru Welsh Water	Comments/condition
Ymgynghoriadau Cynllunio YGC	No response at the time of writing the report.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments/advice.
Cynghorydd Gary Pritchard	No response at the time of writing the report.

Response to Publicity

The application was afforded three means of publicity; these were by the posting of a notice near the site, the serving of personal notifications on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representations was 22/07/2021.

At the time of writing the report, no representations had been received at the Department following the publicity period.

Relevant Planning History

17C351 - Cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd yn / Outline application for the erection of a dwelling together with the construction of a new vehicular access at plot adjacent to Brynteg, Llansadwrn - Caniatau/Granted 22.09.2004

17C351A - Cais llawn ar gyfer codi annedd ynghyd a creu mynedfa newydd yn / Full application for the erection of a dwelling together with the construction of a new vehicular access at plot adjacent to Brynteg, Llansadwrn - Caniatau/Granted 31/07/2008

17C351C - Cais llawn ar gyfer codi annedd sydd yn cynnwys balconi ar dir ger / Full application for the erection of a dwelling which include a balcony on land adjacent to - Brynteg, Llansadwrn
Gwrthod/Refused 26/07/2016 Apel wedi ei ganiatau/Appeal Allowed 11/05/2017

VAR/2020/76 - Cais o dan Adran 73 i ddiwygio amod (02) o penderfyniad apêl rhif APP/L6805/A/17/3167404 (Codi annedd) er mwyn diwygio lleoliad yr annedd a'r mynedfa i gerbydau ar dir ger / Application under Section 73 for the variation of condition (02) of appeal decision ref APP/L6805/A/17/3167404 (Erection of a dwelling) so as to amend the location of the dwelling and vehicular access on land adjacent to - Brynteg, Llansadwrn - Caniatáu / Permit - 05/05/2021

Main Planning Considerations

The principle of a dwelling has already been established in this location under appeal decision reference APP/L6805/A/17/3167404 on the 11th May 2017.

On the 5th May 2021 under application ref VAR/2020/76 permission was granted under Section 73 for the variation of condition (02) of appeal decision ref APP/L6805/A/17/3167404 (Erection of a dwelling) so as to amend the location of the dwelling and vehicular access. The permission remains extant.

However, since the adoption of the Joint Local Development Plan, Llansadwrn is now identified as a Cluster under policy TAI 6 of the JLDP where any new dwelling must be for affordable local need on an infill site.

The application is made under Section 73A and relates to an approved open market dwelling house and is therefore contrary to development plan policies.

However, as the application has extant consent, the following must be considered:

- Is there a likelihood that the existing planning permission can be implemented.
- Are the amendments to the permission an improvement to that previously approved.

The original planning permission was granted on appeal on the 11th May 2017 and subsequent amendments were granted on 5th May 2021 under reference VAR/2020/76. The permission remains extant and is capable of being implemented.

The proposed amendments sought as part of this application are to the design of the dwelling in order that the proposed dwelling be more eco friendly. The approved dwelling is a 4 bedroom dormer bungalow measuring 13.6m x 6.8m x 6m. The proposal amendments is for a 2 storey 4 bedroom dwelling measuring 15.5m x 6.8m x 7.8m with a single storey lean-to addition to the Eastern elevation measuring 10.6m x 3.3m. The proposal also includes the provision of solar panels.

The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

Conclusion

The application is contrary to Policy TAI 6 of the JLDP; nevertheless a fallback position exists as the site benefits from an extant permission which is capable of being implemented.

The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

Recommendation

Permit

(01) The development shall begin not later than 11/05/2022.

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

(02) The access shall be constructed with 2.4 metres by 120 metres visibility splays in both directions. The visibility splays shall be maintained free of any obstruction exceeding 1 metre in height above the level of the adjoining carriageway in perpetuity.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(03) Foul and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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) Natural roofing slates of uniform colour shall be used as the roofing material on the dwelling hereby permitted.

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

(05) The developer shall write to the Local Planning Authority within 7 days of the commencement of the development (as defined by Section 56 of the Town and Country Planning Act 1990 (as amended)) to advise it of the fact. At no time thereafter shall the developer commence development or undertake any further work amounting to development in relation to the permission granted pursuant to appeal decision reference APP/L6805/A/17/3167404 [Full application for the erection of a dwelling which includes a balcony on land adjacent to Brynteg, Llansadwrn].

Reason: To prevent the implementation of separate planning permissions concurrently which would be objectionable to the Local Planning Authority.

(06) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- Proposed Location Plan: Drg 1
- Proposed Site Plan: Drg 3
- Proposed Floor Plans & Section: Drg 5
- Proposed Elevations: Drg 6

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS4, PS5, PS17, TRA2, TRA4, PCYFF1, PCYFF2, PCYFF3, PCYFF4, TAI6.

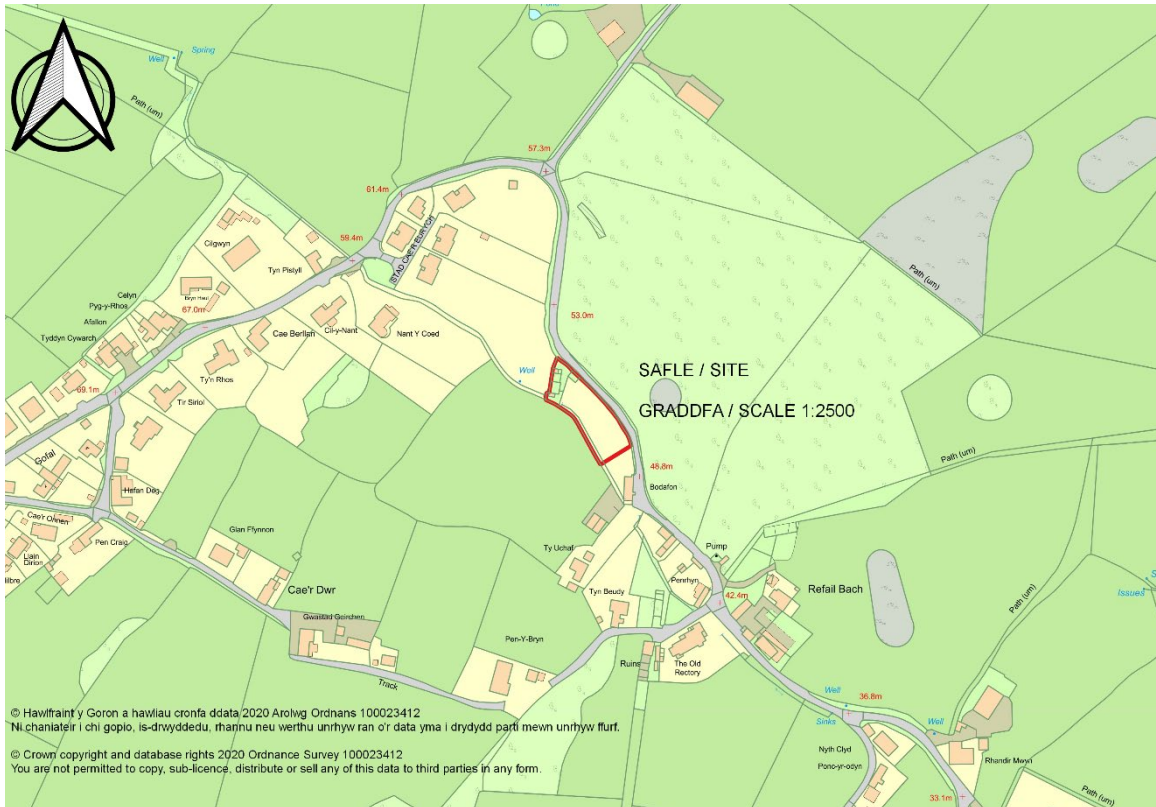
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2021/51

Applicant: Mr & Mrs P Jones

Description: Application under Section 73 for the variation of condition (13) (approved plans) of planning permission reference 36C328B (erection of dwelling and garage) so as to allow amended garage plans on land adjacent to

Site Address: Bodafon, Llangristiolus



Report of Head of Regulation and Economic Development Service (Owain Rowlands)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Planning and Orders Committee as the proposal is contrary to policies of the Joint Local Development Plan and the Local Planning Authority are minded to approve the application.

Proposal and Site

The application site is located in a cluster of dwellings to the south of Llangristiolus which are located in the countryside in planning policy terms.

The application is submitted to vary a condition on the previous permission 36C328B, so as to allow an amended design for the proposed garage, to slightly increase the footprint, to incorporate a second floor for a home office and studio/gym.

The development is currently under construction but the following planning conditions of planning permission 36C328B have not been discharged in writing by the Local Planning Authority:

(06) No surface water from 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 dwelling shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.

(08) No development shall commence until the written approval of the local planning authority has been obtained in relation to a full comprehensive 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 operations and the management and operation of construction and delivery vehicles

(11) Full details of the proposed surface water scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The scheme shall be carried out strictly in accordance with the approved scheme.

Key Issues

The key issue is whether or not the proposed amendments are acceptable.

- A fallback position exists due to the extant consent, however the subsequent change in policy following the adoption of the Joint Local Development Plan (JLDP) is a material factor which must be taken into account.
- Acceptability of the proposed changes.

Policies

Joint Local Development Plan

Joint Local Development Plan

- Policy PCYFF 1: Development Boundaries
- Policy PCYFF 2: Development Criteria
- Policy PCYFF 3: Design and Place Shaping

- Planning Policy Wales (Edition 11)
- Technical Advice Notes 12: Design
- Supplementary Planning Guidance: Design in the Urban and Rural Built Environment

Response to Consultation and Publicity

Consultee	Response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	Stated that there is a public footpath going through the site. Would be happy for this footpath to be extinguished and requested that the applicant made a S257 application.

Cynghorydd Eric Wyn Jones	No response at the time of writing the report.
Cynghorydd Dafydd Roberts	No response at the time of writing the report.
Cyngor Cymuned Llangristiolus Community Council	No response at the time of writing the report.
Dwr Cymru/Welsh Water	No comment on the application. Requested that drainage related conditions are maintained on any new consent.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No comments / objections from a highways perspective.
Draenio Gwynedd / Gwynedd Drainage	Awaiting response at the time of writing the report.
Ymgynghoriadau Cynllunio YGC	No observations in terms of land drainage or local flood risk.

Response to Consultation

Two consultations periods have been undertaken as part of this application.

First consultation period: This period lasted 3 weeks ending on the 21/07/2021. The PROW officer, the local councillors and the community council were consulted. Their responses can be seen below.

Second consultation period: After the discovery that 3 conditions had not been discharged on the original permission additional consultations were sent out to seek information regarding these. These consultations were sent to Welsh Water, Gwynedd Drainage, YGC and the Highways Department. They will have 3 weeks to respond, until the 01/09/2021.

Response to Publicity

The application was afforded three means of publicity; these were by posting of a notice near the site, the serving of personal notifications on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representation was 22/07/2021.

At the time of writing the report, no representation had been received at the department following the publicity period.

Relevant Planning History

36C328 - Outline application with some matters reserved for the erection of a dwelling and the creation of a new vehicular access together with demolition of the existing garage on land adjacent to Bodafon, Llangristiolus. Refused 25/07/2013.

36C328A - Outline application with some matters reserved for the erection of a dwelling and the creation of a new vehicular access together with demolition of the existing garage on land adjacent to Bodafon, Llangristiolus. Permitted 04/09/2014.

36C328B - Full application for the erection of a dwelling, a detached garage with store together with the construction of a vehicular access on land adjacent to Bodafon, Llangristiolus. Permitted 17/10/2016.

MAO/2021/4 - Minor amendments to scheme previously approved under planning permission 36C328B so as to amend design of rear elevation on land near Bodafon, Llangristiolus. Permitted 29/06/2021.

Main Planning Considerations

Lawfulness of the development implemented - The dwelling and garage was originally granted planning permission under reference 36C328B on the 17th October 2016 under the former development plan which has now been superseded by the Joint Local Development Plan. This permission remains extant until October 2021, and the development has commenced. Excavation works have been done, the foundations have been set, and the block work on the dwelling is in progress.

Work on site has commenced within the statutory five year period of planning permission 36C328B, but it is currently in breach of planning conditions (06), (08) and (11). To determine whether the development implemented is lawful requires consideration of various planning case law from which the following points can be derived and applied sequentially:

1. Is it a pre-condition to lawful development and if so, has it been complied with;
2. If it has not been complied with, can the developer bring himself within one of the recognised exceptions in case law such as if the breached condition is not central to the development non-compliance does not render the development unlawful.
3. Would a decision to initiate enforcement be judicially reviewable e.g. because it would be irrational or an abuse of power.

In terms of the first criterion, planning conditions (06) and (08) are conditions precedent which have not been dealt with. Condition (11) is not a condition precedent, and the lack of discharge will not have an impact on the lawfulness of the permission.

In terms of the second criterion, none of the conditions precedent breached are central to the development approved such that non-compliance would render the development unlawful and planning permission 36C328B is therefore considered lawful. Given these conclusions it appears that planning permission 36C328B has been lawfully implemented.

Acceptability of the proposed changes - Since the adoption of the Joint Local Development Plan, the site is now located outside the Llangristiolus development boundary, in an area designated as open countryside. An open market residential dwelling in this location is now contrary to the provisions of policy PCYFF 1 which generally restricts development in countryside locations to those that require a rural location. The application has been advertised as a departure for this reason but there remains a fallback position in that planning permission 36C328B has been lawfully implemented and it is necessary to consider the acceptability of the proposed changes to the proposal below

- Are the amendments an improvement to that previously approved
- Will the amendments have a greater impact on the privacy and amenity of neighbouring properties

The proposal is to amend the design of the previously approved garage to incorporate a second floor to accommodate a home office and a studio/gym. The site was subject to a minor amendment application MAO/2021/4 earlier this year to change the design of the rear elevation. The garage amendment was originally part of that application, but was deemed too great a change for a minor amendment application, and a Variation of Condition application was advised.

The previously approved garage was 8.1m x 7.2m with a height of 5.1m. The proposed garage amendment will remain in the same location to the north of the site, but will have a slightly larger footprint. It is proposed to measure 10.8m x 7.2m, and be 7m in height.

Despite the proposed garage being slightly larger than that previously approved, it is well screened by the trees surrounding the site, and it is not considered that the slight increase in size will have a discernible impact on neighbouring properties or on the surrounding environment to such a degree that it should warrant the refusal of the application. On this basis it is considered that the proposal complies with policies PCYFF 2 and PCYFF 3.

Other Matters - Information has been submitted to regularise conditions (06) and (11). The approved site plan SPD/02 includes details of the foul water drainage and the surface water drainage. The foul water will connect to existing public sewer, which was approved by Welsh Water in 2016, who issued condition (10) of this new permission. The surface water drainage will either connect to an existing water course or to a soakaway 5m away from the dwelling. No objections have been received in regards to this. A planning condition has also been recommended requiring the submission of a Construction Traffic Management Plan within three months of any planning permission granted.

Conclusion

It appears that planning permission 36C328B has been lawfully implemented and as there remains a “fall-back position” the proposal is considered acceptable. The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

Subject to the comments of the outstanding consultees in relation to the acceptability of the information submitted to regularise planning conditions (06), (08) and (11) this application is considered acceptable.

Recommendation

Permit

(01) Once the development hereby approved has been commenced no works for the commencement (or continuation) of the development authorised under planning permission reference 36C328B shall be undertaken.

Reason: To ensure that there are not two planning permissions on the site.

(02) The access 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 comply with the requirements of the Highway Authority in the interests of road safety.

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

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(04) The access shall be constructed with 2.0 metre by 22 metres 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 Highway Authority in the interests of road safety.

(05) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in working order before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

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

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(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 Highway Authority.

(08) Within 3 months of the date of this decision, the written approval of the local planning authority must be obtained in relation to a full comprehensive 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 the management and operation of construction and delivery vehicles.**

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(09) No changes in ground levels shall take place within the Recommended Protection Areas as specified in drawing number: DW/RD/CP/TS/LS/A-r2.

Reason: In the interest of amenity.

(10) No surface water and/or land drainage shall be allowed to connect either directly or indirectly to 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.

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

- WD/H/03 – Proposed Floor Plans (Dwelling) – January 2021**
- WD/H/04 – Proposed Elevations (Dwelling) – January 2021**
- WD/G/04 – Proposed Floor Plans & Elevations (Garage) – January 2021**
- SPG/02 – Proposed Site Plan – January 2021**
- Enfys Ecology Report – Protect Species Survey – 18/08/2016**
- Arboricultural Impact Assessment – 17/06/2016**
- DW/RD/CP/TS/LS/A-r2 – Tree Survey Plan – 17/06/2016.**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, PCYFF 2, PCYFF 3

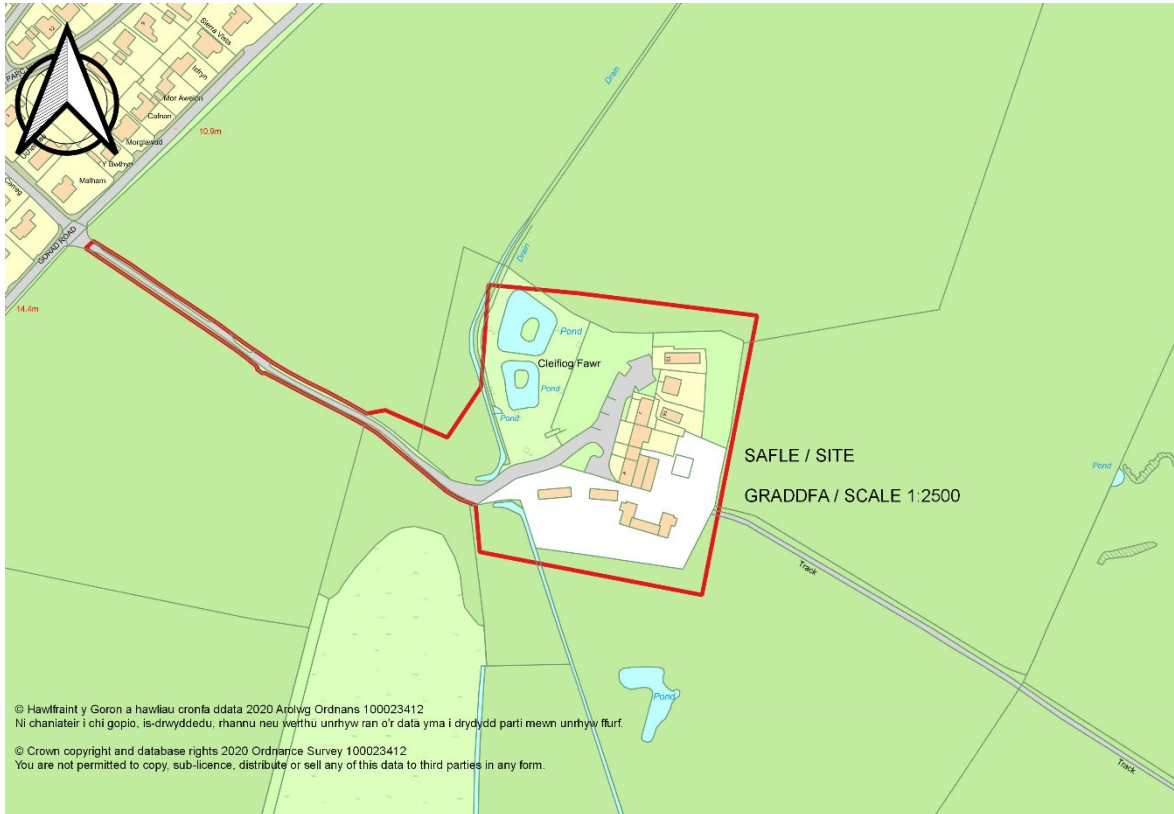
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2021/22

Applicant: Cleifiog Fawr Ltd

Description: Application under Section 73 for the removal of condition (02) (flood defence structure) of planning permission reference 49C289K/VAR at

Site Address: Cleifiog Fawr, Gorad Road, Valley



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

Proposal and Site

This is an application under Section 73 for the removal of condition (02) (flood defence structure) of planning permission reference 49C289K/VAR at Cleifiog Fawr, Gorad Road, Valley.

Key Issues

The key issue is whether Natural Resources Wales are satisfied with the deletion of the condition relating to the requirement to provide a flood defence structure.

Policies

Joint Local Development Plan

PCYFF2 - Development Criteria

PCYFF3 - Design and Place Shaping

TAI7 - Conversion of Traditional Buildings in the Open Countryside to Residential Use.

Technical Advice Note 15: Development and Flood Risk

Response to Consultation and Publicity

Consultee	Response
Dwr Cymru/Welsh Water	Comments
Cynghorydd Gwilym O Jones	No response at the time of writing the report.
Cyngor Cymuned Y Fali / Valley Community Council	No response at the time of writing the report.
Cynghorydd Richard Dew	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response at the time of writing the report.
Swyddog Llwybrau Troed / Footpaths Officer	No comments.
Iechyd yr Amgylchedd / Environmental Health	No observations
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	No response at the time of writing the report.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Satisfied to delete the condition.

The proposal has been advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The latest date for the receipt of any representation was the 01/07/2021. At the time of writing this report, 2 letters of representation had been received at the department. The main comments as follows:-

- Given global warming and the impact this has on the UK coast line, it is irresponsible to remove any flood defence.
- Would degrade the flood resilience of the site

In response to the comments made:-

Natural Resources Wales has confirmed as all the units have a FFL above 3.82 AOD they have no objection to the removal of condition (02).

Relevant Planning History

There is a lengthy planning history to the site. These applications are the most relevant to this planning application:-

49C289 – Change of use of the existing dwelling and outbuildings into 12 residential units together with the installation of a treatment plant at Cleifiog Fawr, Valley – Granted 5/10/16

49C289K/VAR – Application under Section 73A for the variation of conditions (02) so as to amend the site layout and the design of units 2,3,4,5,6,7,8,9 and 12, (06) so as to allow for the submission and discharge of the programme of archaeological works post commencement, (09) so as to amend the car parking provision together with the deletion of condition (11) (finished floor levels) of planning permission reference 49C289 (conversion of outbuilding into 12 dwellings) at Cleifiog Fawr, Valley – Granted 4/7/18

Main Planning Considerations

Background.

Planning application 49C289 was approved for converting the outbuildings into 12 residential units at Cleifiog Fawr, Valley. An application under Section 73A was approved under 49C289K/VAR for amendments to the previously approved scheme.

History of the site in relation to Flood Defences.

The original permission included conditions requiring that finished floor levels be set no lower than 4.5m above Ordnance Datum to reduce the risk of flooding along with a separate condition requiring the construction of a formal flood defence structure with a minimum crest level of 5.0m above Ordnance Datum to safeguard the development from flooding.

As part of planning application 49C289K/VAR the applicant requested that condition (11) of the previous permission relating to Finished Floor levels be deleted. NRW confirmed that as the bund was to remain there was no issue arising from the deletion of the finished floor level condition.

The Proposal

This is an application under Section 73 for the removal of condition (02) (flood defence structure) of planning permission reference 49C289K/VAR at Cleifiog Fawr, Gorad Road, Valley.

The application is now supported by an addendum Flood Consequence Assessment (Brian Killingworth, December 2020) which is a revision of the previously compiled report from 2016. The Addendum FCA has correlated the findings of a recent Tidal Breach Analysis of the Valley Tidal Doors structure with the proposed Finished Floor Levels (FFL) recommended in the Revised FCA.

The update has used information from a hydraulic modelling exercise carried out as part of the Development Consent Order application in respect of the associated development. This work considered 2 breach lengths (of 20m and 50m) in the Tyddyn y Cob flood embankment and is deemed acceptable to be used in support of this application.

The FCA concludes that the previously agreed finished floor levels for the units and other flood defence works to address the flood risk may be revisited. The recommendations of the previous FCA have been superseded by the Tidal Breach Analysis carried out, in association with the Wylfa Newydd project, which predicted a flood level for a 0.5% AEP breach event of 3.32m AOD. This means that the FFL can be reduced to 3.82m Above Ordnance Datum; this would then negate the need to provide the flood defence bund within the application site boundary.

Natural Resources Wales have confirmed that they are satisfied with the findings of the Addendum FCA and have confirmed that they are satisfied with the Finished Floor level being set at 3.82m above AOD. NRW have also confirmed that they have no objection to the removal of the flood defence bund.

Conclusion

Due to the FFL of units being above 3.82m AOD NRW have no objection to the removal of condition (02) from planning application 49C289K/VAR.

Recommendation

Permit

(01) Natural slates of uniform colour shall be used as the roofing material of the proposed dwellings.

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

(02) All stonework proposed to be used in the construction of the dwellings shall be natural local stone of uniform colour.

Reason: In the interests of amenity.

(03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

(04) The access shall be laid out and constructed strictly in accordance with the submitted plans before any of the dwellings are occupied and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(05) The car parking accommodation shall be completed in full accordance with the details as submitted before any of the dwellings are occupied and thereafter retained and kept free from permanent obstruction and used only for access 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.

(06) The access shall be constructed with 2.4 metre by 70.0 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 provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(07) The minimum track level shall be 3.75m above Ordnance Datum. The access track culvert shall be replaced with a 750mm diameter pipe before the dwellings are occupied and the overflow channel opening shall be maintained for the lifetime of the development.

Reason: To protect the access and egress from flooding.

(08) The pedestrian access across the flood defence structure shall be constructed in accordance with the submitted details before any of the dwellings are occupied.

Reason: In order to maintain the public right of way which traverses the site.

(09) The development permitted by this consent shall be carried out strictly in accordance with the plans submitted under planning application reference 49C289K/VAR and VAR/2021/22 and listed below:-

- **SYL-703 - Sylfaen Associates Ltd - Structural Survey submitted with planning application 49C289K/VAR**
- **Flood Consequence Assessment - Brian Killingworth September 2016 submitted with planning application 49C289K/VAR**
- **Flood Consequences Assessment Addendum December 2020**
- **SYL717/APP/B/PR - Design and Access Statement & Historical Assessment and Listed Building Justification June 2017 submitted with planning application 49C289K/VAR**
- **SYL717.01B - Location Plan and Existing Site Plan submitted with planning application 49C289K/VAR**
- **SYL717/01B - Location Plan and Existing Site Plan submitted with planning application 49C289K/VAR**
- **SYL717.02B - Proposed Site Plan submitted with planning application 49C289K/VAR**
- **SYL717.05C - Proposed Floor Plans and Elevations (Units 1-4) submitted with planning application 49C289K/VAR**
- **SYL717.06C - Proposed Floor Plans and Elevations (Unit 5) submitted with planning application 49C289K/VAR**
- **SYL717.08B - Proposed Floor Plans and Elevations (Units 6-7) submitted with planning application 49C289K/VAR**
- **SYL717.11A - Proposed Floor Plans and Elevations (Unit 12) submitted with planning application 49C289K/VAR**
- **SYL717.12B - Proposed Floor Plans and Elevations (Unit 8) submitted with planning application 49C289K/VAR**
- **SYL717.13A - Proposed Floor Plans and Elevations (Unit 9) submitted with planning application 49C289K/VAR**
- **SYL717.15C - Contours and Pond submitted with planning application 49C289K/VAR**
- **SYL717.16A - Proposed Site Plan and Access Route submitted with planning application 49C289K/VAR**
- **SYL717.PR.17B - Public Footpath submitted with planning application 49C289K/VAR**

Reason: For the avoidance of doubt.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application:

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.

Planning Committee: 01/09/2021

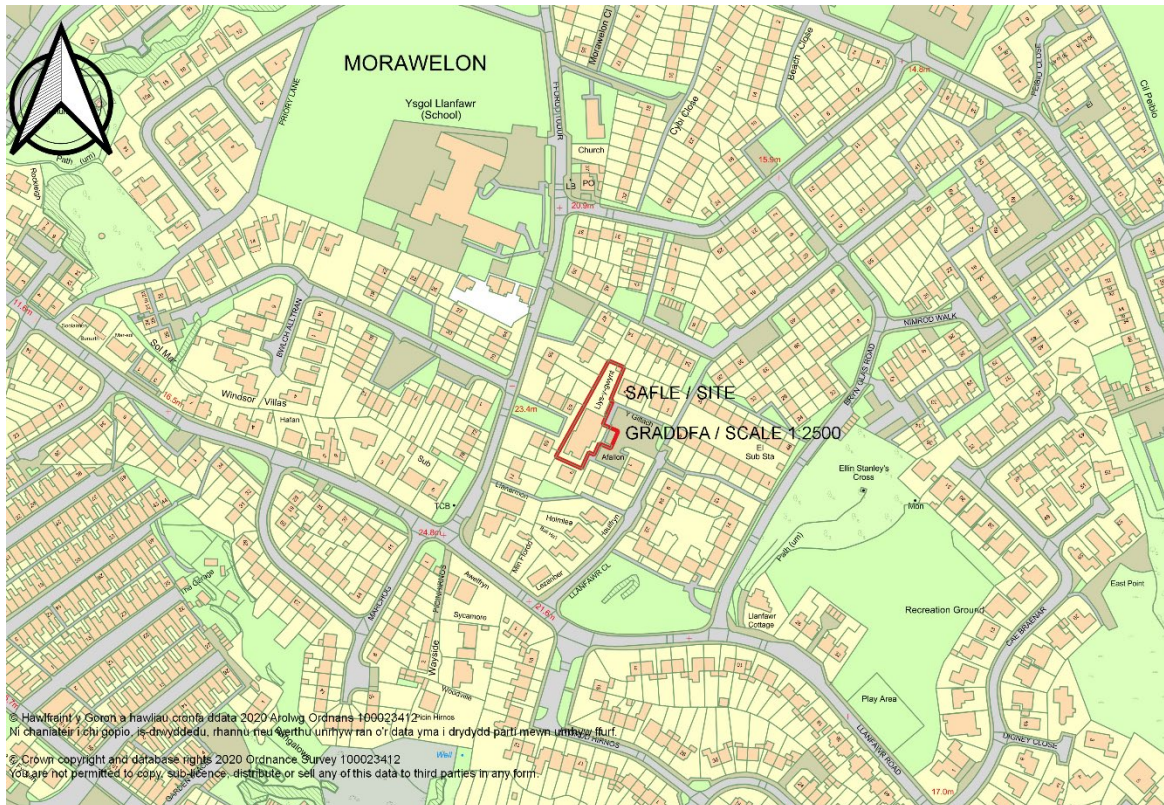
12.1

Application Reference: FPL/2021/144

Applicant: Mr Gwyndaf Williams

Description: Full application for part demolition works together with alterations and extensions to create additional units at

Site Address: Llys Y Gwynt, Llanfawr Close, Holyhead



Report of Head of Regulation and Economic Development Service (David Pryce Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application has been called to the planning committee by the local member.

Proposal and Site

The building subject to this planning application is used as a hostel operated by a housing association and provides accommodation and support for young people having 9 bedrooms with occupants sharing a kitchen and communal areas.

The proposal subject to this report entails the reconfiguration of the existing building and the provision of a two storey flat roof extension within an amenity area associated with the hostel. As part of this proposal

the existing units within the building would be adapted so that they have their own cooking facilities as well as other miscellaneous facilities for staff resulting in the loss of 3 units. The proposed two storey flat roof extension would accommodate 6 new units.

Key Issues

Principle of the Development
External Appearance
Proximity of the Proposal to Existing Properties

Policies

Joint Local Development Plan

Joint Local Development Plan

PS 1: Welsh Language and Culture
ISA 1: Infrastructure Provision
ISA 2: Community Facilities
PS 4: Sustainable Transport, Development and Accessibility
TRA 2: Parking Standards
TRA 4: Managing Transport Impacts
PS 5: Sustainable Development
PS 6: Alleviating and Adapting to the Effects of Climate Change
PCYFF 1: Development Boundaries
PCYFF 2: Development Criteria
PCYFF 3: Design and Place Shaping
PCYFF 4: Design and Landscaping
TAI 11 Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the Elderly
AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character
AMG 5: Local Biodiversity Conservation
PS 19: Conserving and where appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 11)

Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Supplementary Planning Guidance IOCC Design Guide for the urban and Rural Environment (2008) "SPG Design Guide"
Planning and Welsh Language (2007)
Supplementary Planning Guidance Parking Standards (2008)

Response to Consultation and Publicity

Cynghorydd Jeff M. Evans: No observations at the time of writing.
Cynghorydd Glyn Haynes: Called the application to the planning committee because of concerns that have been raised by residents in the immediate vicinity and the Town Councillor for that ward. The concerns raised are the proximity of the proposed extension in relation to existing homes nearby, whether a consultation with nearby residents relating to the proposed development will take place as has been seen to be good practice in the past, also the possible increase of traffic by the increase of residents and the impact it may have on the locality.
Cynghorydd Robert Llewelyn Jones: No observations at the time of writing.

Cyngor Tref Caergybi / Holyhead Town Council: No objection.

Dwr Cymru Welsh Water: A planning condition restricting the discharge of surface water into the public sewer is recommended.

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit:

- In the JLDP Holyhead is identified as an Urban Service Centre under policy TAI 1 (Housing in Sub-regional Centre and Urban Service Centres). This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary and provided that the size, scale type and design of the development corresponds with the settlements character.
- This site lies within the Holyhead development boundary as identified in the JLDP. The proposal can therefore be considered against Policy TAI 1. The site is not allocated in the Plan for any specific land use.
- At present there is capacity within the indicative supply for the settlement of Holyhead. In light of the above mentioned figures under criterion (1b) of Policy PS 1 currently there is no need for a Welsh language statement to support the application.
- In line with Policy TAI 8 consideration will need to be given to whether the proposed development addresses evidence of need and demand for housing recorded in a Housing Market Assessment and other relevant local sources of evidence. In light of the content of the Design and Access statement consideration should be given towards the views of the Strategic Housing unit in relation to the need for the proposal.
- Policy TAI 15 seeks an appropriate provision of affordable housing. It has a threshold figure of 2 or more units within Urban Service centres such as Holyhead. It is unclear whether the proposed additional 3 units would be affordable dwellings consideration needs to be given towards this in relation to the requirement of Policy TAI 15.

Iechyd yr Amgylchedd / Environmental Health: No observations at the time of writing.

Ymgynghoriadau Cynllunio YGC: Requirements for separate consents in respect of surface water drainage arrangements are described.

Prifffyrdd a Trafnidiaeth / Highways and Transportation: Content with the application subject to a planning condition requiring a Construction Traffic Management Plan.

Gwasanaeth Addysg / Education Service: No financial contribution required in connection with the development.

GCAG / GAPS: No comments.

Strategol Tai / Housing Strategy: Housing Services are very supportive of this planning application, as there is a large demand for this type of units in Holyhead.

Ymgynghorydd Tirwedd / Landscape Advisor: Four trees are within the site, they are not subject to statutory protection. They have been assessed according to BS: 5837. T1 sycamore and T2 ash are lower 'C' category trees. T3 and T4 (both sycamore) are assessed as 'B' category. All are indicted for retention on the A3 - proposed site plan. All require future monitoring/resurveying for reasons of good practice and plant disease (ash dieback); however no specific work is proposed at this time. Protective fencing has been specified on the plan and a planning condition is recommended.

Ymgynghorydd Treftadaeth / Heritage Advisor: The existing building is of some local historic interest. However, it has been much altered over time and as a result it is not deemed worthy of statutory protection given under listing. Consequently, from a built heritage perspective, I have no comments on the proposals.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: The methodology points in sections 6.1 and 6.2 for bats and birds should be conditioned to be followed during works. Any outdoor lighting plan should be conditioned. In view of the Council's duty under the Environment Wales Act (2016) to seek to maintain and enhance biodiversity whilst carrying out its functions, and instructions from the Chief Planner to Heads of Planning (Oct 2019) on application of this duty in planning cases, I advise the Section 7 enhancements should be followed and the following amendments made:

- the loft roof roost detailed here will need to be included on a diagram of the roof area which will be part of case documentation.
- proposed site plan should show all bird boxes.
- Tree species should be shown on the proposed site plan.

Amended plans addressing these matters have been agreed to be submitted by the applicant.

Cyfoeth Naturiol Cymru / Natural Resources Wales: No observations.

The publicity period for the planning application expired on the 21.07.21. One representation has been received on the following grounds:

- Please make sure that no trees are cut down as there are so few in the area.

Relevant Planning History

19C1085 - Change of use of day centre to a temporary night shelter for a period for a period of 6 months Approved 04.11.2011.

19C1085A - Full Planning - Full application for the demolition of the existing centre together with the erection of 4 semi-detached bungalows and 1 detached bungalow Conditionally approved 06.02.2015.

19C1085B/MIN - Minor amendments to scheme previously approved under planning permission 19C1085A so as to change the external m

19C707 Erection of 4 dwellings part demolition, alterations and extensions to existing building Granted 11.12.1998.

19C707A - Alterations and extensions at Llys y Gwynt, Holyhead Withdrawn 28.11.2006.

19C707B - Alterations and extensions at Llys y Gwynt, Holyhead Conditionally approved 08.02.2007

Main Planning Considerations

Introduction Based on the planning history and the information provided as part of this enquiry it would appear that the existing use comprises a residential institution (C2 of the Use Classes Order) being the provision of residential accommodation where care is also being provided for residents.

Principle of the Development Given that the proposal relates to a local authority residential accommodation where care is provided for residents then the proposal would fall within the definition of a community facility under the provisions of ISA 2 of the JLDP. Having regard ISA 2 it is confirmed that the application site is located within the settlement boundary of Holyhead in what can be regarded as a sustainable location. Policy TAI 11 relates to care homes and seeks to encourage facilities in accord with the spatial strategy of the plan and to prevent over provision compared to the needs of the locality. Housing Services are very supportive of this planning application, as there is a large demand for this type of units in Holyhead. Criterion iv requires that the proposal is of an appropriate scale and type compared to the character and function of the settlement. The proposal relates to an existing facility in Holyhead which is the largest settlement on Anglesey and on this basis it is considered that the scale and type of facility being proposed is appropriate.

External Appearance The proposal is of a contemporary two storey flat roof design and given the variety of building types etc. in the area this is not considered inappropriate and complies with the requirements of policies PCYFF 2 and PCYFF 3 which require a high quality design.

A representation has been received requesting that no trees are felled as part of the development. As explained in the comments of the council's Landscape Adviser there are four trees on the application site and they will be retained as part of the development and protected in the course of the construction of the development.

Relationship with Existing Properties Adjacent There are existing residential bungalows which have their gable ends in close proximity to the proposed extension to the east at Y Gilfach and to the north west off Ffordd Tudur. The front elevation of the proposed extension faces a parking and turning area of Y Gilfach and a small front garden of the bungalow at Y Gilfach. It is not considered that this relationship is unacceptable on residential amenity grounds. The rear part of the proposed extension faces the rear

garden of the property off Ffordd Tudur; windows at first floor level are for stairwells and will be obscurely glazed so there will be no overlooking. At the nearest point the proposed extension is some 2.7 metres with the boundary of this property, taking into account that the proposal faces the side of the bungalow this relationship is considered acceptable.

Conclusion

The principle of development and all other matters are acceptable and the application is recommended for approval.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contributes towards a more prosperous and resilient Wales in terms of the economic and biodiversity improvements being proposed as part of the development.

Recommendation

That planning permission is approved subject to the following planning conditions:

(01) The development hereby permitted shall be begun before the expiration of (five) years from 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:

Planning - Location Plan C1041 010 B
Boundary Plan C1041 019 B
Existing Elevations C1041 018
Planning – Existing Building Plan C1041 012 B
Proposed Elevations C1041 016 F
First Floor Demolitions Plan C1041 021 A
Proposed First Floor PLAN C1041 015 F
Ground Floor Demolitions Plan C1041 020 A
Proposed Ground Floor Plan C1041 014 E
A3 – Proposed Site Plan C1041 SK13
Proposed Site Plan C1041 013 F
DAS info Llys y Gwynt
Drainage Strategy Report (February 2021) Grwp Cynefin
Preliminary Bat Roost Assessment and Nesting Bird Survey (04/06/2021) Enfys Ecology

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

(03) No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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) Trees T1, T2, T3 and T4 shown on drawing A3 - Proposed Site Plan C1041 SK13 shall be protected by fencing in accordance with Appendix 5.2 of the Tree Impact Assessment 26/01/21 for the duration of the construction of the development hereby approved. The fencing shall be erected prior to any equipment, machinery or materials being brought onto the application site for the purposes of the development, and shall be retained until all equipment, machinery and surplus materials have been

removed from the application site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall there be any excavation.

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

(05) The windows at first floor level in the west elevation of the development hereby permitted shall not be glazed or re-glazed other than with obscure or frosted glass.

Reason: In the interests of the amenities of occupants of the residential property adjacent.

(06) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, 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.

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.

Application Reference: FPL/2021/145

Applicant: Mrs Roberts

Description: Full application for the siting of 2 shepherd huts at

Site Address: Rhosydd, Brynteg



Report of Head of Regulation and Economic Development Service (Sion Hughes)

Recommendation: Permit

Reason for Reporting to Committee

The application was called in to be determined at the Planning Committee at the request of local member Margaret Murley Roberts.

Proposal and Site

The site is located in the rural fringes of the settlement of Brynteg with access to the site being afforded by a private track. Sporadically located dwellings define the area along with other holiday accommodation developments such as the caravan sites to the west and north east. The application site itself currently forms part of the residential curtilage of the dwelling known as 'Rhosydd' and is a maintained lawn area which includes mature hedging to the west boundary.

The proposal is made for the permanent sitting of 2 shepherd huts which will be used as holiday accommodation

Key Issues

The key issues of the scheme are its compliance with the relevant policies of the adopted development plan along with other material considerations such as highway safety.

Policies

Joint Local Development Plan

PCYFF1 (Development Boundaries)
 PCYFF2 (Development Criteria)
 PCYFF3 (Design and Place Shaping)
 PCYFF4 (Design and Landscaping)
 TWR5 (Touring Caravan, Camping and Temporary Alternative Camping Accommodation)
 PS4 - Sustainable Transport, Development and Accessibility
 PS5 (Sustainable Development)
 PS14 (The visitor Economy)
 TRA2 (Parking Standards)
 TRA4 (Managing Transport Impacts)
 PS19 (Conserving and Where Appropriate Enhancing the Natural Environment)
 AMG3 (Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character)
 AMG5 (Local Biodiversity Conservation)

Planning Policy Wales Edition 11

SPG Design Guide for the Urban and Rural Environment

Supplementary Planning Guidance – Holiday Accommodation (Sept 2007) “SPG Holiday Accommodation”

Supplementary Planning Guidance – Tourism Facilities and Accommodation (October 2018).

TAN18 – Transport
 TAN 12 – Design
 TAN5 – Nature Conservation and Planning
 TAN6 – Sustainable Rural Communities
 TAN13 – Tourism
 TAN 23 - Economic

Response to Consultation and Publicity

Consultee	Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No Objection
Uned Datblygu Economaidd / Economic Development Unit	No Response
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	No Response
Cynghorydd Margaret Murley Roberts	Referred Application to Committee

Cynghorydd Ieuan Williams	No Response
Cynghorydd Vaughan Hughes	No Response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No Objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	Dim Ymateb

Relevant Planning History

FPL/2020/259 - Cais llawn ar gyfer dau cwt Bugail yn / Full application for siting of two shepherds huts - Rhosydd, Brynteg - Withdrawn

Main Planning Considerations

The scheme is for the siting of 2 permanent shepherd huts in the open countryside and therefore policy TWR 3 of the Joint Local Development plan is applicable. One of the principal aims of this policy is to ensure the delivery of holiday accommodation in a manner which is acceptable in terms of visual amenity and also ensuring that there is need for such development. Policy TWR 3 permits new permanent holiday accommodation providing they can conform with the following criteria:

1. 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, Llŷn 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:

- 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; and
- 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; and
- 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 Joint Planning Policy Unit were consulted in regards to the scheme and stated that the Landscape Character Area of Red Wharf Bay (09) is considered to have capacity for small to very small scale developments. 2 units would be considered as very small scale development. It is anticipated that the scheme could be accommodated within the landscape as it would be seen within the context of the existing holiday accommodation developments and no additional access provisions would need to be made.

The need for development to be of high quality is also supported by policy PCYFF 3 and by the SPG on Tourism Accommodation and Facilities. It is not however considered that a proposal of 2 units could be considered as high quality and this is supported by paragraph 5.2.1 of the SPG which states that standalone developments within residential curtilages are not considered as high quality developments.

The general thrust of paragraph 5.2.1 is to ensure that holiday accommodation developments are of a type that enhances the type and quality of tourist offer in the plan area therefore despite only single units being referred to, it is not considered that a development of 2 units would align with the aims of the SPG.

Whilst it is acknowledged that the SPG on Tourism Facilities and Accommodation is intended as Guidance, the document nevertheless carries significant weight following public consultation and adoption. Moreover, the document provides localised guidance on interpretations of high quality. In light of the proposal's failure to align with the definition of high quality, the proposal results in non-compliance with policies PCYFF 3 and TWR 3 of the adopted joint local development plan.

Policy PS 5 (Sustainable Development) supports development which is consistent with sustainable development principle, where appropriate, development should:

“Reduce the need to travel by private transport and encourage opportunities for all user travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport in accordance with Strategic policy PS 4;” (Bullet point 12, Policy PS 5)”

This principle is further emphasised by bullet point 4 of PS 14 (The Visitor Economy) which states:

“Supporting appropriately scaled new tourist provision and initiatives in sustainable locations in the countryside through the reuse of existing buildings, where appropriate, or as part of farm diversification, particularly where these would also benefit local communities and support the local economy and where they are in accordance with sustainable development objectives;”

It is considered that the policies contained within the JLDP are consistent with national planning policy in terms of its approach to sustainable development principles. Paragraph 3.35 of PPW (edition 11, December 2018) states,

“In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable place making outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.”

This is supported by paragraph 3.11 of Technical Advice Note 18: Transport, which states:

“Development in rural locations should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas. Most development should be located in places accessible by a range of travel modes.”

The principle of siting new developments in sustainable locations is reiterated the Welsh Government's Building Better Places: Placemaking and the Covid-19 Recovery (July 2020) which states that:

“The planning system needs to support developments which are sited in the right locations, where they can be easily accessed by active and sustainable travel modes without the need for a car. The planning system must ensure the chosen locations and resulting design of new developments support sustainable travel modes and maximise accessibility by walking and cycling. New development should improve the quality of place and create safe, social, attractive neighbourhoods where people want to walk, cycle and enjoy. We should not be promoting sites which are unlikely to be well served by walking, cycling and public transport.”

Paragraph 3.15 of TAN 18 states that tourism proposals, particularly in rural areas, should demonstrate access by choice of modes in order to avoid the necessity to travel by car. In rural areas the lack of public transport access needs to be balanced against the contribution tourism makes to the rural economy of the specific area.

The development is located in a substandard location in terms of its accessibility by active and sustainable travel modes without the need for a private car. The settlement of Brynteg lies a distance of 1.56Km from the application site along a busy highway which is predominantly single track with no pedestrian footpath or street lighting along the majority of its length. It is acknowledged that a footpath runs through the site and provides an alternative 0.96km route to Brynteg, However the village offers minimal provision in terms of services itself and public transport links to local service centres such as Llangefni and Brynteg.

In light of the above it is considered that the development is likely to be heavily dependent on private transport which conflicts with the objectives of the above mentioned sustainability policies.

Conclusion

The proposal does not align with the definitions of a high quality development and as such does not accord with the provisions of the adopted development plan or other material considerations. The relatively rural location of the site will also mean that private transport will be a primary form of movement once guests have arrived at the site.

Recommendation

Refuse

(01) The proposal by virtue of its limited number of units is not considered to be of high quality design and as such is in contravention to policies PCYFF 3 and TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan.

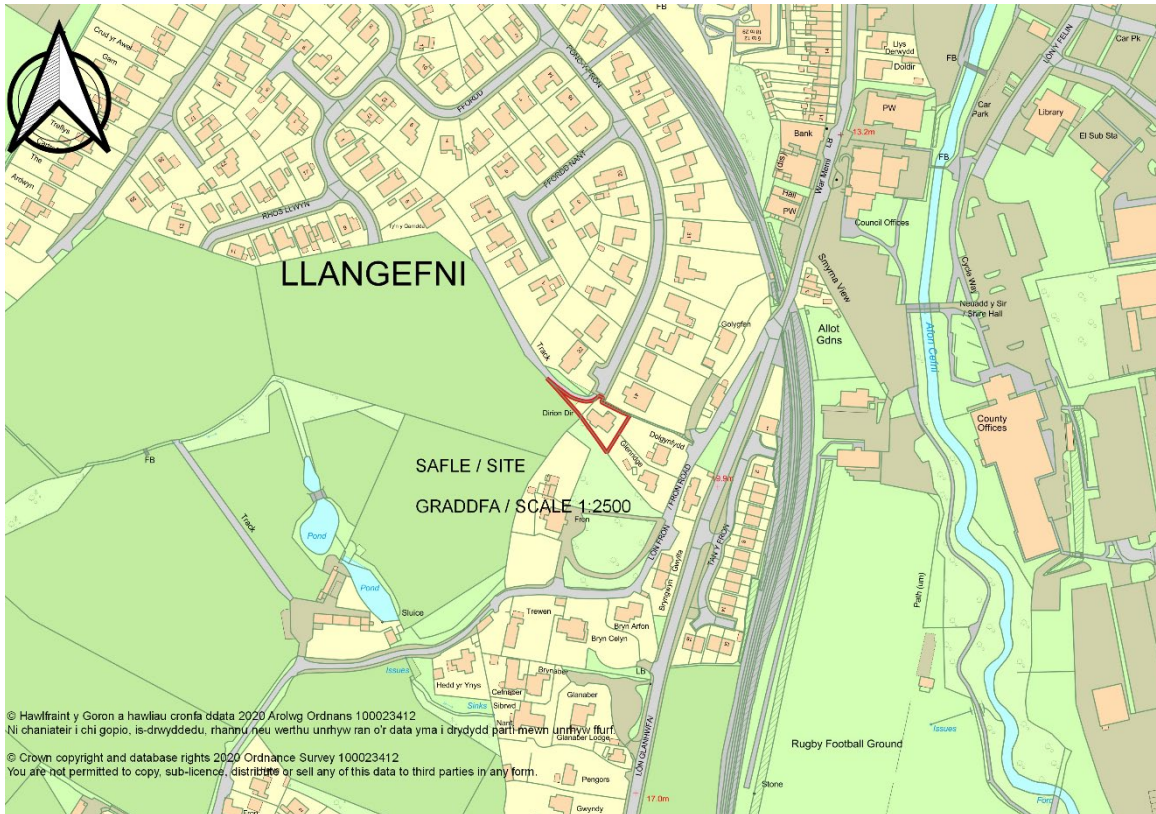
(02) The proposal is located in an unsustainable location in the open countryside and would not accord with policies TWR 3, PS,4 and PS5 of the Anglesey and Gwynedd Joint Local Development Plan (2017), Planning Policy Wales (Edition 11), Technical Advice Note 18: Transport (2007) and Supplementary Planning Guidance Tourism Facilities and Accommodation.

Application Reference: HHP/2021/183

Applicant: Gethin & Non Gibson

Description: Full application for alterations and extensions together with the erection of a garden room at

Site Address: Dirion Dir, Llangefni



Report of Head of Regulation and Economic Development Service (Huw Rowlands)

Recommendation: Permit

Reason for Reporting to Committee

The application was called in to be determined at the Planning Committee at the request of local member Dylan Rees.

Proposal and Site

The proposal is for alterations and extensions including new garden room/store and 1st floor decking area with glass balustrading to the property of Dirion Dir, Llangefni. The property is a modern detached dwelling situated at an end of a Cul de Sac of a residential estate in Llangefni. The property is on a sloping elevation. No immediate neighbours are towards the rear elevation of the property whilst neighbouring properties are at the front and side elevations of the Dirion Dir property. The nearest property is approx. 11.34m away from the existing dwelling.

Key Issues

- Loss of privacy to neighbouring properties
- Size of the new proposal at the site
- Overdevelopment of the site.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3 – Design and Place Shaping

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)
Llangefni Conservation Area Character Appraisal.

Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	Comments
Cyngor Tref Llangefni Town Council	No Objection
Cynghorydd Bob Parry	No response
Cynghorydd Dylan Rees	Referred to Committee
Cynghorydd Nicola Roberts	No Response
Ymgynghorydd Treftadaeth / Heritage Advisor	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice Given

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 15/07/2021. At the time of writing this report, 2 letters of representation from the general public had been received at the department.

The main points of objection raised can be summarised as follows;

- Proposal will lead to an overdevelopment of the site
- The increase in scale and massing will cause a significant increase in the visual impact when viewed from nearby properties
- The proposal will result in significant overlooking issues
- A reduction in the size of the existing garden will mean that the 'amenity space' will be insufficient
- The proposed deck above the car port will also impact the residents in the vicinity of the house

In response to these objections I would comment as follows

- It is not considered that the proposal will lead to the overdevelopment of the site. The proposed extensions and garden room have been designed sympathetically to be in character with the

existing dwelling and are accommodated within the site without appearing cramped or over developing the site.

- The proposed sun room extension is comparatively modest in terms of its size, scale and massing in relation to the dwelling it serves. Its position at the rear of the dwelling also limits any visual impact when viewed from nearby properties.
- Issues of overlooking are expanded upon within the 'main planning considerations' section of the report. In summary however, the proposal complies with the guidance provided in terms of proximity and distances with the Authority's own Supplementary Planning Guidance Note- Design Guide for the Urban and Rural Environment.
- The reduction in the size of the garden is nominal and off-set by the increase in the decking area which forms part of the proposal. Notwithstanding the above, it is not considered that the remaining 'garden area' is insufficient in itself to reasonably warrant the refusal of the proposal.
- No further points of objections have been received from residents who are claimed to be affected by the proposal at the end of Ponc Y Fron Road. Notwithstanding the above, it is not considered that the raised decking area, given its proximity to properties in the locality would have such an adverse effect upon their amenities that it should warrant its refusal.

Relevant Planning History

34C179H - Amended detailed plans for the erection of a dwelling previously approved under planning permission 34C179F\DA on land adjoining - Tyn y Gamfa,Ponc y Fron,Llangefni. Permitted 03/07/2009

34C179F\DA - Detailed plans for the erection of a dwelling on land - Land adj Tyn y Gamfa,Ponc y Fron,Llangefni. Permitted 10/05/2007

34C179G - Cynlluniau diwygiedig manwl ar gyfer codi un annedd wedi ei ganiatau gynt o dan ganiatad cynllunio 34C179F\DA ar dir ger - Tyn y Gamfa,Ponc y Fron,Llangefni. Refused 06/11/2008

34C179J\CA - Felling of one Ash Tree within a Conservation Area - Fron,Lon Fron,Llangefni. Permitted 29/10/2009

34C179E - Renewal of planning consent 34C159D (dwelling) - Permitted 05/07/2004

34C/179/A - Renewal of permission 34C179 for the erection of a dwelling on land at - Tyn Y Gamdda, Llangefni. Permitted 14/02/1992

34C/179/D - Renewal of planning permission ref 34/C/179C on -Land adj Ty'n Y Gamdda, Llangefni. Permitted 05/07/2004

34C/179 - Erection of a dwelling on land at - Tyn Y Gamdda, Llangefni. Permitted 06/01/1989

34C/179/B - Renewal of permission 34/C/179A for the erection of a dwelling on land at - Ty'n Y Gamdda, Llangefni. Permitted 13/01/1995

34C/179/C - Renewal of planning permission 34/C/179B for the erection of a dwelling on land at - Ty'n Gamdda, Llangefni. Permitted 09/01/1998

Main Planning Considerations

The main planning consideration to be taken in to account is the effect on local amenities to neighbouring properties/area as a whole in regards of the proposed alterations to the property.

Concerns have been raised in regards of the design of the proposal and questioning if the alterations are considered an overdevelopment of the site.

Additional glazing is proposed as part of the alterations with two sets of patio doors on both levels of new two storey garden room. New patio doors are proposed on the ground floor of Side Elevation 1 and the erection of a Juliet balcony at the first floor of this side elevation.

The glazing of the new garden room is considered acceptable as facing the main dwelling with no immediate overlooking aspects created.

The proximity of the new Juliet balcony is approx. 30m away from nearest neighbouring property facing this side. This distance is greater than the distances noted in SPG Guidance Note 8: Proximity of

Development Indicative minimum distances of new developments to neighbouring properties, Ground Floor Main Aspect of Dwelling to neighbouring Secondary Aspect of dwelling = Indicative minimum distance of 18m. It is considered the new glazing is acceptable on this side following the above guidelines along with existing mature hedges/trees on the boundary of the properties providing additional screening. The proposed new decking area is approx. 25m away from neighbouring properties, also within the indicative minimum distances.

The proposed design compliments and enhances the character of the existing property in line with Policy PCYFF3 of the Anglesey and Gwynedd Joint Local Development Plan.

The form and proportion of the development also respect the character of the surrounding built environment and landscape in accordance with the guidance provided in the following Supplementary Planning Guidance Notes:

- Design Guide for the Urban and Rural Environment.
- Llangefni Conservation Area Character Appraisal.

Conclusion

On balance it is considered that the proposal is acceptable in land use planning terms. Whilst detailed consideration has been given to the objections raised to the proposal it is not considered that the development will be detrimental to the character of the area and to neighbouring properties as to warrant a refusal.

Recommendation

Approval

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **2878:21:6 – Proposed Elevations**
- **2878:21:6 – Proposed Floor Plans**
- **2878:21:3 – Proposed Site Plan**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF 3

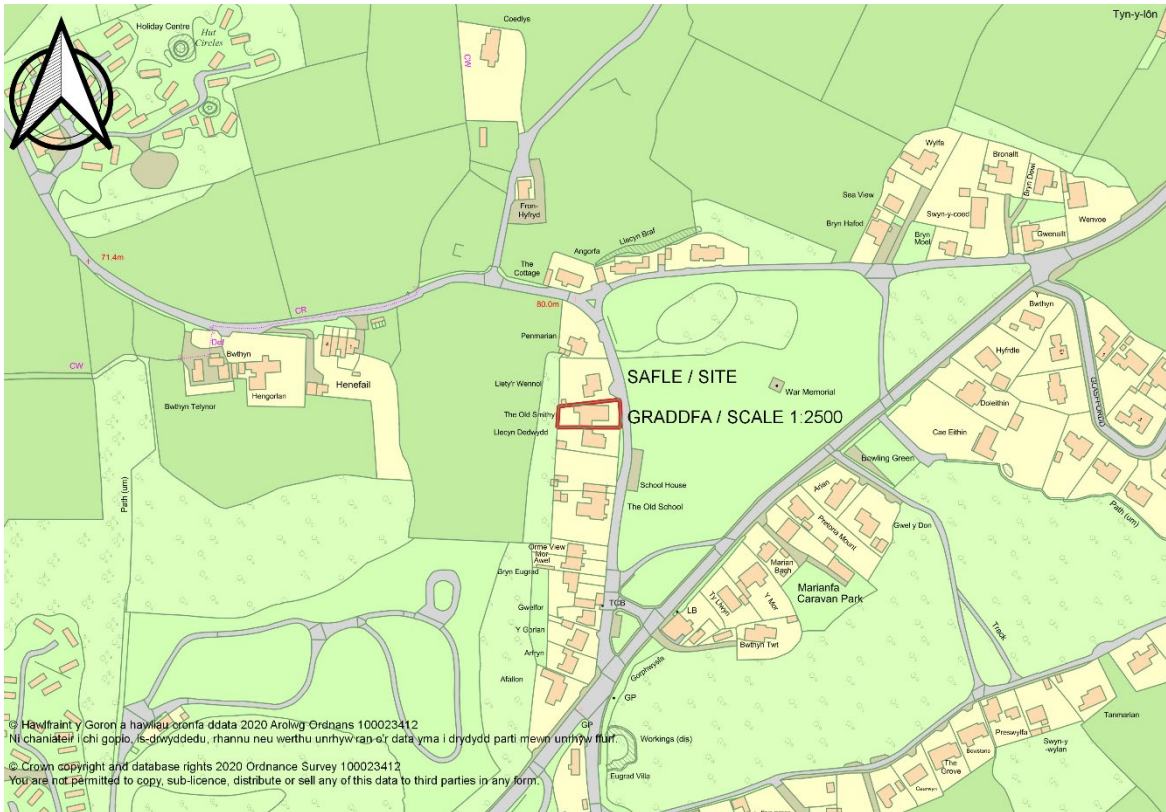
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: HHP/2021/157

Applicant: Mr + Mrs Booth

Description: Full application for alterations and extensions at

Site Address: The Old Smithy, Marianglas



Report of Head of Regulation and Economic Development Service (Huw Rowlands)

Recommendation: Permit

Reason for Reporting to Committee

Local Member Call-In by Councillor Margaret Murley Roberts on behalf of local community council

Proposal and Site

The proposal is for alterations and extensions including raised roof extension to the single storey detached property of The Old Smithy, Marianglas. The property is situated on a residential street at the centre of Marianglas with The War Memorial common Green land towards the front of the property and neighbouring single storey properties towards its north and south elevation. No immediate neighbours are towards the rear elevation of the property

Key Issues

- Suitability of the character/design of the new proposal
- Overdevelopment of the site.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3 – Design and Place Shaping

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Llaneugrad Cyngor Cymuned	Objection
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice Given
Cynghorydd Margaret Murley Roberts	Referred application to Committee
Cynghorydd Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	No response

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 27/02/2021. At the time of writing this report, no letter of representation had been received from the general public although the Community Council objected to the proposal.

The main points of objections raised by the Community Council are as follows:

- Concern expressed by the Councillors with respect to the size of the extension which does not fit with the dwellings on either side
- The raised ridge height will be discordant when viewed against other properties in the locality which are similar in height
- It is felt that it is an overdevelopment of the site

In response to the above, I would comment as follows:

- The area is characterised by a mix of property types. It is not considered that the proposal would be out of character with the general mix of property types in the area.
- As above, the area consists of a mix of property types, both single and two storey construction
- The site can accommodate the proposal without appearing cramped and causing detriment to the character of the area

Relevant Planning History

26C57A/DA - Cynlluniau manwl ar gyfer codi byngalo ar dir ger/ Detailed plans for the erection of a bungalow on land adjacent to - Llety'r Wennol, Marianglas.

26C57B - Cynlluniau manwl diwygiedig ar gyfer codi byngalo ar dir ger / Amended detailed plans for the erection of a bungalow on land adjacent to - Llety'r Wennol, Marianglas. Caniatau/Permitted 04/12/1997

26C57 - Codi byngalo ar dir ger / Erection of a bungalow on land adjacent to - Llety'r Wennol, Marianglas. Caniatau/Permitted 06/10/1997

Main Planning Considerations

The main planning consideration to be taken in to account is the effect on local amenities to neighbouring properties/area as a whole in regards of the proposed alterations to the property. Concerns have been raised in regards of the design of the proposal and questioning if the alterations are considered an overdevelopment of the site. The original proposal consisted of a single storey sun room rear extension to replace the existing conservatory which is to be demolished together with a single storey extension on the north side elevation and a proposed garage roof extension to include a dormer window on the front elevation. The original proposed plan of a rear dormer window of the new 1st floor living space has been amended to incorporate roof lights in the sloping roof in place of the dormer windows originally proposed. As the proposed 1st floor extension is to be a main seating / living area, the amendment was considered necessary so as to safeguard the privacy of neighbouring properties. It is acknowledged that the proposed roof extension will increase the ridge height of the property, however it is considered that the increase in ridge height is acceptable given the various styles of single and two storey properties on the street.

Conclusion

On balance, the proposal is not considered to be detrimental to the character of the area and to neighbouring properties as to warrant a refusal.

Recommendation

Permit

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- A.01.02 A – Proposed Plans + Elevations
- A.02.02 A – Section + Sketch Images
- A.02.03 – Street Scape
- A.BLOCK – Site Block Plan

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF 3

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.

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Planning Committee: 01/09/2021

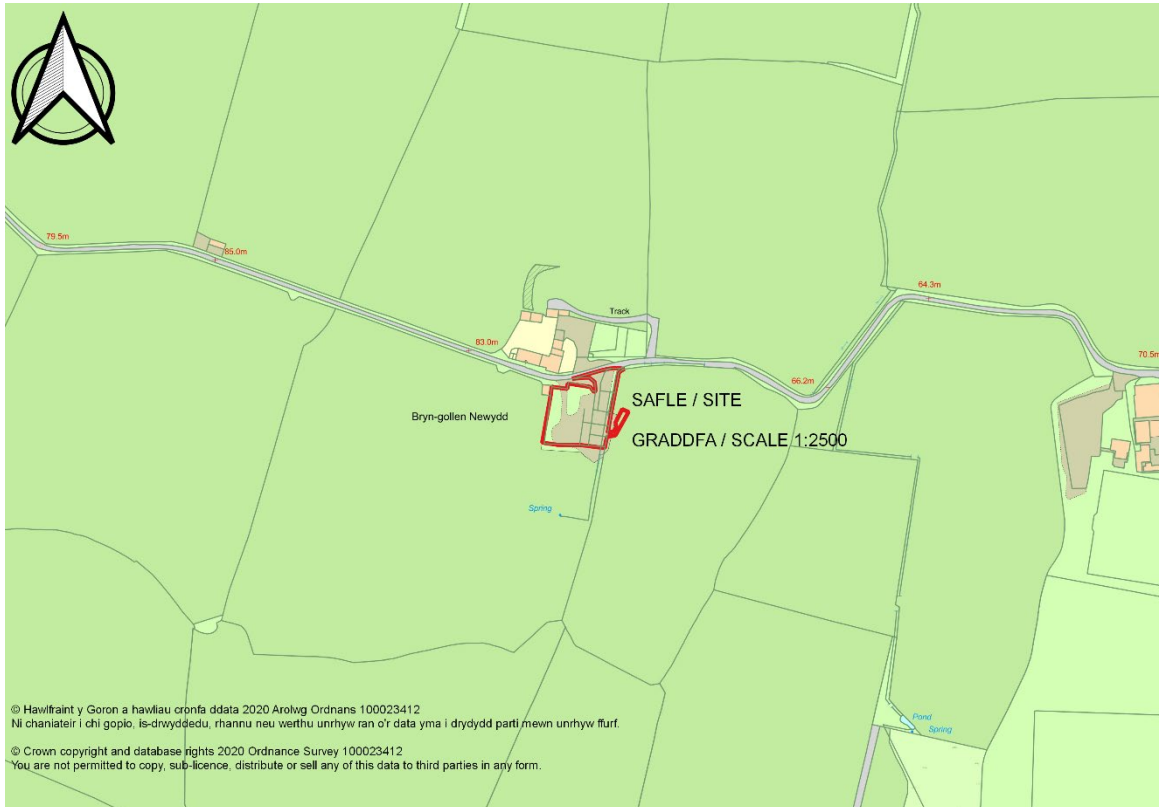
13.1

Application Reference: FPL/2021/198

Applicant: Mr Alun Lewis

Description: Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at

Site Address: Bryn Gollen Newydd, Llanerchymedd



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Declined to Determine

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site

The application is a repeat application of the one refused by the Committee at its meeting on 7 July this year (application FPL/2021/71 at item 7.2 of that Agenda) and for the retention of the existing structure that has been built without planning permission and the continuation of the works for the erection of a new holiday unit together with associated works.

The application site is located in the open countryside to the West of the settlement of Llanerchymedd. The application site lies approximately 0.64 km (as the crow flies) away from the settlement boundary of the village as defined under Policy TAI 3 of the Anglesey and Gwynedd Joint Local Development Plan.

Relevant Planning History

25C259 - Full application for conversion of outbuilding into a dwelling, erection of a private garage together with the installation of a package treatment plant on land opposite to Bryn Gollen Newydd, Llanerchymedd – Approved 17/08/2016

25C259A/MIN - Minor amendments to scheme previously approved under planning permission 25C259 so as to amend height of wall and additional windows at Bryn Gollen Newydd, Llanerchymedd – Refused 15/06/2017

25C259B/VAR - Application under Section 73 for the variation of condition (11) of planning permission reference 25C259 (conversion of outbuilding into a dwelling) so as to amend the design of the dwelling on land opposite Bryn Gollen Newydd, Llanerchymedd – Approved 10/01/2018

FPL/2020/189 - Full application for the retention of the existing structure and continuation of works for the erection of a new dwelling together with the installation of a new private treatment plant and associated works on land opposite - Bryn Gollen Newydd, Llanerchymedd – Refused 23/12/2020

ENF/2019/53 – Without planning permission, operational development consisting of the part erection of a building intended for use as a dwelling on the land at Bryn Gollen Newydd, Llanerchymedd – Enforcement Notice issued 29/01/2020 – Appeal allowed under ground (g). Enforcement Notice varied by substituting '6 calendar months' for '9 calendar months' as the time for compliance set out in section 6 of the Enforcement Notice. Subject to this variation, the appeal dismissed and the Enforcement Notice upheld.

FPL/2021/71 - Cais llawn ar gyfer cadw y strwythur presennol a pharhau a'r gwaith o godi uned gwyliau ynghyd a gwaith cysylltiedig ar dir yn / Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at Bryn Gollen Newydd, Llanerchymedd - Refused 09/07/2021

Main Planning Considerations

Background – The full background may be found in the report at item 7.2 of the Committee's agenda for the 7 July meeting. In summary:

- Planning permission reference 25C259B/VAR was granted for conversion of a building into a dwelling on the site;
- Following a complaint and investigation, a planning enforcement notice was issued in January 2020 alleging that the building to be converted had been demolished and that a new building was being erected;
- The enforcement notice was appealed and, save for extending the compliance period, the appeal was dismissed by the Planning Inspector. The Inspector concluded that the permission was for a conversion with minimal new-build, but that the structure on site was a completely new-build which had not been given permission;

Members will recall that planning application reference FPL/2021/71 (Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at Bryn Gollen Newydd, Llanerchymedd) was refused at the Planning and Orders Committee that was held on the 7th July, 2021. This application is a repeat application to the one refused by the Committee on 7 July. No new material planning considerations arise from those dealt with in the refused application.

Section 70B(4)(b) of the Town and Country Planning Act 1990 gives local planning authorities the right to decline to determine planning applications that have been refused by them and the time within which an appeal in respect of a similar application can be made to the Welsh ministers under section 78 has not expired.

The current application is a repeat/duplicate application to planning application reference FPL/2021/71. The current application proposes no amendments to the previously refused scheme. It should also be noted that there have been no material changes in either local or national planning policies since the refusal of the application by the Planning and Orders Committee on the 7th July, 2021.

Following the refusal of planning application reference FPL/2021/71 the applicant has the right to appeal until 8th January, 2022.

Had the case officer not been on leave when this application was received and processed, then officers would have exercised the right to decline to determine this application in accordance with the recommendation. However, and unfortunately, as the application was unwittingly processed and publicised and called-in by a local member, the officers lost their right to refuse to determine the application.

Conclusion

The period available for the applicant to appeal the refusal of planning application reference FPL/2021/71 as not expired and the applicant therefore has the opportunity to appeal to the Planning Inspectorate under section 78.

I therefore recommend that the local planning authority decline to determine the application under Section 70B(4)(b) of the Town and Country Planning Act.

Recommendation

The local planning authority decline to determine the application under Section 70B(4)(b) of the Town and Country Planning Act.

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