

7.1

Gweddill y Ceisiadau

Remainder Applications

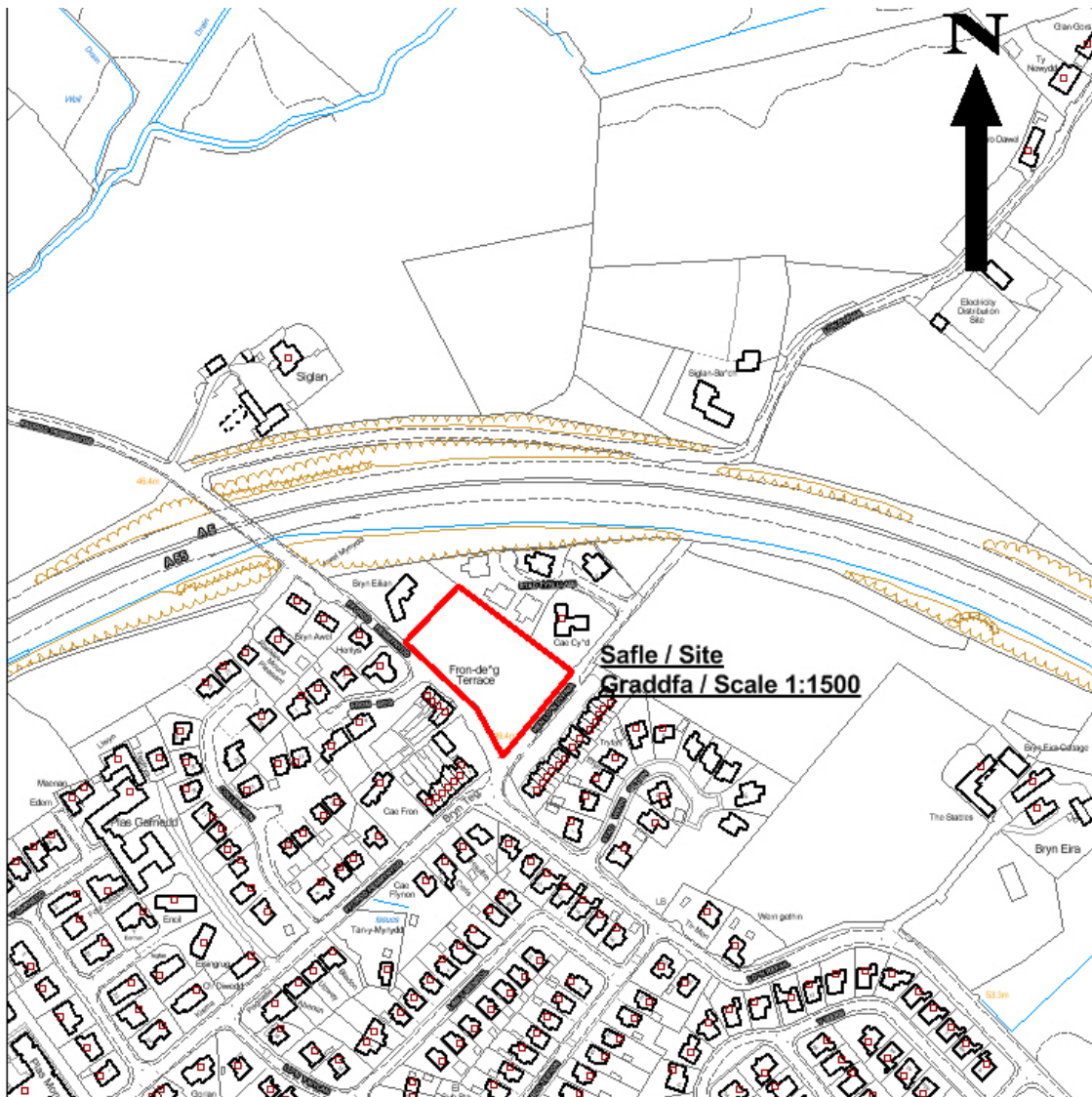
Rhif y Cais: **31C170D** Application Number

Ymgeisydd Applicant

Rectory Developments Anglesey Ltd

Cais llawn i godi 17 annedd (12 gyda 2 ystafell wely, 4 gyda 3 ystafell wely a 1 byngalo gyda 3 ystafell wely) ynghyd a chreu mynedfa newydd i gerbydau ac i gerddwyr ar dir ger / Full application for the erection of 17 dwellings (12 with 2 bedrooms, 4 with 3 bedrooms and 1 bungalow with 3 bedrooms) together with the construction of a new vehicular and pedestrian access on land adjacent to

Hen Lon Dyfnia, Llanfairpwll



Planning Committee: 11/05/2016

Report of Head of Regulation and Economic Development Service (NJ)

Recommendation:

Permit.

Reason for Reporting to Committee:

The application site is located outside, albeit adjoining the Local Plan development boundary for Llanfair and the application has been advertised as a departure from the Local Plan.

Cllr Meirion Jones and Alun Mummery have also requested that the Committee determine the application.

At its meeting held on 11th May 2016 the Committee resolved to undertake a site visit prior to determining the application and the site was visited on 18th May.

Members are advised that on 12th May an appeal against non-determination of the application was made by the applicant. A public inquiry procedure has been requested in order to allow cross-examination of witnesses in relation to highways, drainage and planning matters. In accordance with recent legislative changes, a dual jurisdiction procedure applies for a period of 4 weeks for appeals made against non-determination during which time the local planning authority may still determine the application. If the application is refused, the appeal proceeds against the refusal. If the application is approved, the applicant can either withdraw the appeal or continue with an appeal against any of the conditions imposed.

1. Proposal and Site

The site is located on the junction of Hen Lôn Dyfnia with Ffordd Penmynydd and comprises a field enclosure. It is located outside but adjoining the development boundary of the village under the Ynys Mon Local Plan but within the boundary under the stopped UDP.

The application as submitted is a full application for the erection of 17 dwellings arranged around a central estate road off Lôn Dyfnia. The scheme comprises 12 2-bedroom dwellings, 4 3-bedroom dwellings and 1 3-bedroom bungalow and includes creation of a vehicular and pedestrian access (an access has been opened onto the site and some hardcore has been laid but works have since ceased). The scheme has been amended from that originally submitted to provide an external to the site footway – the plan as originally submitted provided a footway on Ffordd Penmynydd, part of which led into the estate. A footway is provided within the estate and which is linked to the external footway.

2. Key Issue(s)

The principle of developing the site has been accepted in the issuing of outline planning consent for 11 dwellings under reference 31C170A. The main issue is the acceptability of the proposed layout for 17 dwellings and highways and drainage issues.

3. Main Policies

Gwynedd Structure Plan

Policy D4: Location, Siting and Design
Policy D28: Natural Slate
Policy D29: Standard of Design
Policy D32: Landscaping
Policy FF12: Car Parking Standards

Ynys Môn Local Plan

Policy 26: Car Parking
Policy 32: Landscape
Policy 42: Design
Policy 48: Housing Development Criteria

Stopped Unitary Development Plan

Policy GP2: Design
Policy TR10; Parking Standards
Policy HP2: Housing Density
Policy HP3: Main and Secondary Centres

Planning Policy Wales Edition 8

TAN 12: Design

TAN 17: Transport

SPG Affordable Housing

SPG Design Guide for the Urban and Rural Environment

4. Response to Consultation and Publicity

Councillor Meirion Jones: Requests that the matter be determined by the Planning and Orders Committee due to residents' concerns, road safety implications, drainage concerns and the density and number of dwellings proposed. A site visit will be requested.

Councillor Alun Mummery: Concerns expressed by the Community Council and local residents regarding connection to Lôn Penmynydd and a site visit will be requested.

Councillor Jim Evans: No response at the time of writing

Community Council: In relation to the originally submitted scheme, concern was expressed regarding the effect the application will have on the traffic levels on the corner of the site on Ffordd Penmynydd which is already a hazard due to its layout and configuration and on-street parking- the proposed number of new dwellings will exaggerate the problem. This should be taken into account in deciding the application and in terms to be included in any decision – it is believed a previous application was allowed on condition that improvement works were carried out to the corner. There is also concern regarding the width of Lôn Dyfnia and whether it is sufficient for the proposed traffic levels of the new development.

In relation to the amended drawings received in late 2015, the Community Council accept the improvements to the scheme but concerns remain regarding drainage for the site and the need to ensure that there is no risk of flooding. No response received at the time of writing in relation to drawings amended on 30th March 2016.

Highways: The original scheme is deficient in terms of visibility and provides no improvements as

agreed in dealing with the previous application and, for a greater number of dwellings, the scheme as submitted is unacceptable. As a result of discussions, an amended layout has been received and the scheme is now considered acceptable subject to conditions.

Drainage: Requested greater detail of surface water disposal in response to the original scheme. Additional details have also been requested in relation to the amended scheme and are confirmed as being acceptable subject to conditions.

Welsh Water: Standard conditions in relation to surface water disposal.

Housing Service: There is a high demand for affordable housing in Llanfairpwll and the provision of 30% of the development as affordable units is requested,

Joint Planning Policy Unit: Material weight afforded to the UDP – the site is part of land recommended by the UDP Inspector to be included within the development boundary for the village. The application should be considered against policy guidance notes; affordable housing as part of the development is required.

Education Service: The impact of the development is as follows:

Ysgol Llanfairpwll Nursery – would lead to 1 pupil but the nursery is full so a contribution to 1 additional space would be required;

Ysgol Llanfairpwll Years 4 -11 – would lead to 3 pupils but there is space for 21;

Ysgol David Hughes Years 7-11 – would lead to 3 pupils but there is space for 185;

Ysgol David Hughes Years 12 and 13 – would lead to 1 pupil but there is space for 10.

Public response:

18 letters of objection have been received in response to the publicity undertaken.–Objections are based on:

Increased traffic and highway safety impacts;

Proposed road improvements do not address the concerns raised;

Visibility requirements under TAN 18 are not met;

A footpath up to the A55 bridge, as required under a previous application, is not now provided despite the increase in numbers;

Insufficient parking provided where on-street parking is already an issue;

Highway improvements should be required as soon as possible;

Forward thinking and forward planning is required in relation to highway improvements as other land in the area is allocated for additional housing development;

Privacy issues;

Unauthorised access to dwelling already built;

Amended plans on the same application is misleading and should not be allowed;

Drainage and flooding concerns;

Insufficient school places to deal with additional children;

The scheme is an overdevelopment of the site and contrary to adopted guidance;

Affordable housing provision should be prioritised;

Policies regulating affordable housing do not work.

The scheme has been considered by the statutory consultees in relation to highway impacts and is considered acceptable. Albeit additional housing allocations may follow in the locality under plans currently under consideration, no obligation can be placed on the applicant of this site to provide or fund any works other than what are required to serve the development under consideration in this application. Technical consultees are satisfied with the proposals.

The scheme is considered acceptable on balance in terms of layout and design as well as the density of the development.

Policies require the provision of affordable housing which is regulated by a standard legal agreement used for most relevant sites. The Education Service has confirmed that the development would lead to the need for 1 additional nursery place. The dwelling which has already been built has the benefit of a stand-alone planning permission. Issues in relation to an alleged access have been investigated previously.

The submission of amended drawings under a single application is standard practice and one which has recently been formalised by the Welsh Government in legislative changes which came into effect in March 2016.

Correspondence in support of the application has been received from the agent.

5. Relevant Planning History

31C170: Application for residential development consisting of the erection of 24 affordable dwellings on part of OS 1426 Frondeg Terrace, Penmynydd Road, Llanfairpwll: Appeal against non-determination - Dismissed 01/11/94.

31C170A: Outline application for residential development on OS 1426 Ffordd Penmynydd, Llanfairpwll. Approved 05/02/07

31C170B/DA: Detailed application for the erection of 11 dwellings. Approved 09/02/10

31C170C: Erection of a dwelling on OS 1429. Approved 30/11/10.

6. Main Planning Considerations

Principle of the Development: The site is out-with but adjoins the development boundary of the village under the Ynys Môn Local Plan but is within the defined boundary of the stopped Unitary Development Plan. The principle of development has been accepted in the outline and reserved matters approvals for 11 dwellings on the enclosure. Other housing units have since been built further outside the development boundary as defined by the Local Plan, but within the UDP. In addition, Ynys Môn does not at present achieve a 5 year housing land supply. In terms of meeting this obligation, the development of housing, including much needed affordable housing, in a sustainable location on the edge of one of the largest villages on the Island and which is defined as a secondary centre under Policy HP3, in accordance with UDP policies which carry significant weight, will contribute to the housing supply.

Layout, Density and Design: The previously approved scheme was for 11 units whereas the scheme as presented seeks permission for 17 units. Concerns have been expressed regarding the density, layout and non-compliance with supplementary planning guidance documents in relation to the submitted scheme. Policy HP2 of the UDP advocates an average figure of 30 dwelling per

hectare. The average is a figure that takes into account towns like Holyhead and Llangefni for example where very dense developments occur through to rural villages which are more spacious in layout and design. At 0.4 hectares, the site would expect to accommodate 12 units as an average figure whereas the scheme seeks to deliver 17 units. Although concerns are expressed that the scheme does not meet supplementary planning guidance in relation to garden sizes, proximity and density, the scheme is not dissimilar to other developments in the locality. Given the pressing need for affordable housing units and the need for housing units in general to meet the 5 year land supply requirement, it is considered that on balance, the scheme is acceptable.

Highways Impacts: As originally submitted, the scheme was considered unacceptable by the Highway Authority. The proposal now under consideration is for a 2m wide footway within the site fronting plots 3 to 7 inclusive adjoining a 5m wide estate road. The footway will continue along the frontage of the site on Hen Lôn Dyfnia and Ffordd Penmynydd along the site's boundary. Hen Lôn Dyfnia will retain a carriageway width of 5m. The junctions are proposed to be realigned to give priority to traffic on Hen Lôn Dyfnia with a junction on the corner of Lôn Penmynydd. A pedestrian tactile crossing point is proposed to the south of the vehicular access to properties on Hen Lôn Dyfnia. Objectors raise concerns regarding the possibility of increased on street parking and the width and length of the proposed footway and in relation to visibility splay requirements. The scheme is however considered acceptable in its context. The Highway Authority has suggested conditions.

Drainage Impacts: The scheme as originally submitted has been amended to provide on-site emergency storage in the event of flooding with connection being provided to a soakaway system of nearby land (also serving the Cae Gethin site nearby) with an overflow to an existing land drain. The Drainage Section has confirmed that the scheme is acceptable in principle and porosity test details as requested have been received and are acceptable. The Drainage Section has suggested conditions.

Affordable Housing and School Places: The development as submitted triggers the need for affordable housing and 5 units are sought as 30% of the development in accordance with current policies. A Section 106 agreement is proposed to secure the provision. Concern has been expressed at the increased number of children likely to require schools places as a result of the development and the Education Department has confirmed that the development will give rise to the need for one additional nursery space at Llanfairpwll Primary School. A contribution towards this additional place will be secured as part of a legal agreement.

Amenity Impacts: The scheme of 17 dwellings is higher than the average density for development referred to under Policy HP2 of the UDP but given the site context, the promotion in national planning policy of locating developments in sustainable locations and maximising the use of land and given a shortfall in housing supply and affordable housing provision, the scheme is considered acceptable in terms of wider amenity. There is a distance of 20m between houses on the site and the adjoining property at Cae Cyd. The occupier of that dwelling had requested that the existing hedge be retained for privacy but to deal with drainage issues, fencing is proposed. A condition is included to ensure the height of any fence preserves privacy. There is a distance of 20m between the first plots on entering the site and dwellings at Hen Lôn Dyfnia on the opposite side of the road. Some 13m separate the bungalow proposed on the site from Frondeg Terrace but given the single storey nature of the dwelling, the provision of fencing and the intervening public road, it is not considered that unacceptable impacts will occur. There is just short of 20m between plots 10 and 11 as proposed with the recently constructed dwelling on Ffordd Penmynydd; at closest, plot 9 is within 13m of the closest corner (garage) of this dwelling but again it is not considered that unacceptable overlooking or loss of privacy will occur such as to warrant refusal. Plot to plot distances across the estate road itself are between 13 to 15m.

Welsh Language Impact: The scheme is supported by a report. On the impact of the development

on the Welsh Language. Part of the development will be set aside as affordable housing for local needs. It is not considered that the development will have any detrimental effect on the linguistic character of the area.

7. Conclusion

The principle of residential development has been accepted in the granting of outline consent. The originally submitted layout has been revised in order to address the concerns raised by the Highway Authority. Subject to conditions the proposed design, layout and highways improvements are considered acceptable.

8. Recommendation

To **permit** the scheme subject to the following conditions and subject to a Section 106 agreement to deliver 5 units of affordable housing and a contribution towards on additional nursery space in Llanfairpwll Primary School:

(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) No other part of the development hereby approved shall commence until the highway works shown on Richard Broun Associates drawings 4035 03 revision B and 4035 05 have been completed and made available for use.

Reason: In the interests of highway safety

(03) The access shall be laid out and constructed strictly in accordance with the submitted plan before any other part of the development is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In the interests of highway safety

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

Reason: In the interests of amenity and to ensure adequate visibility.

(05) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall/hedge/fence or any new boundary.

Reason: To ensure adequate visibility.

(06) 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 operational before the use hereby permitted is commenced.

Reason: in the interests of amenity.

(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: in the interests of amenity

(08) The approved surface water drainage scheme shown on Richard Broun Associates drawing 4035 03 revision B shall be completed before any of the dwellings are occupied.

Reason: To ensure that the site is adequately drained.

(09) Notwithstanding condition 08 above, no development shall commence until detailed designs and construction details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Reason To ensure a satisfactory drainage scheme for the site.

(10) No development shall commence until a management and maintenance plan for the surface water drainage system and the estate road have been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity

(11) No development shall commence until a scheme for the provision of street lighting has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the dwellings are occupied.

Reason: In the interests of the amenity of the area and highway safety.

(12) No development shall commence until details of boundary fencing for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include fencing to ensure the privacy on neighbouring occupiers to the rear of plots 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

Reason: To ensure a satisfactory form of development and in the interests of neighbouring privacy.

(13) The development shall take place in accordance with the following drawings except as required to be approved under the condition imposed:

WM Design SH1326 AL.0.2 Site Location Plan

WM Design SH1326 AL.0.1 Proposed Site Layout

WM Design SH1326 AL.1.1 3 Bed House Layout

WM Design SH1326 AL.2.1 2 Bed House

WM Design SH1326 AL.3.1 Bungalow

Broun Associates 4035 03 revision B Proposed Highway and Drainage Layout

Broun Associates 4035 05 Proposed Highway Layout and as required to be approved under the conditions imposed.

Reason: To define the scope of this permission

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

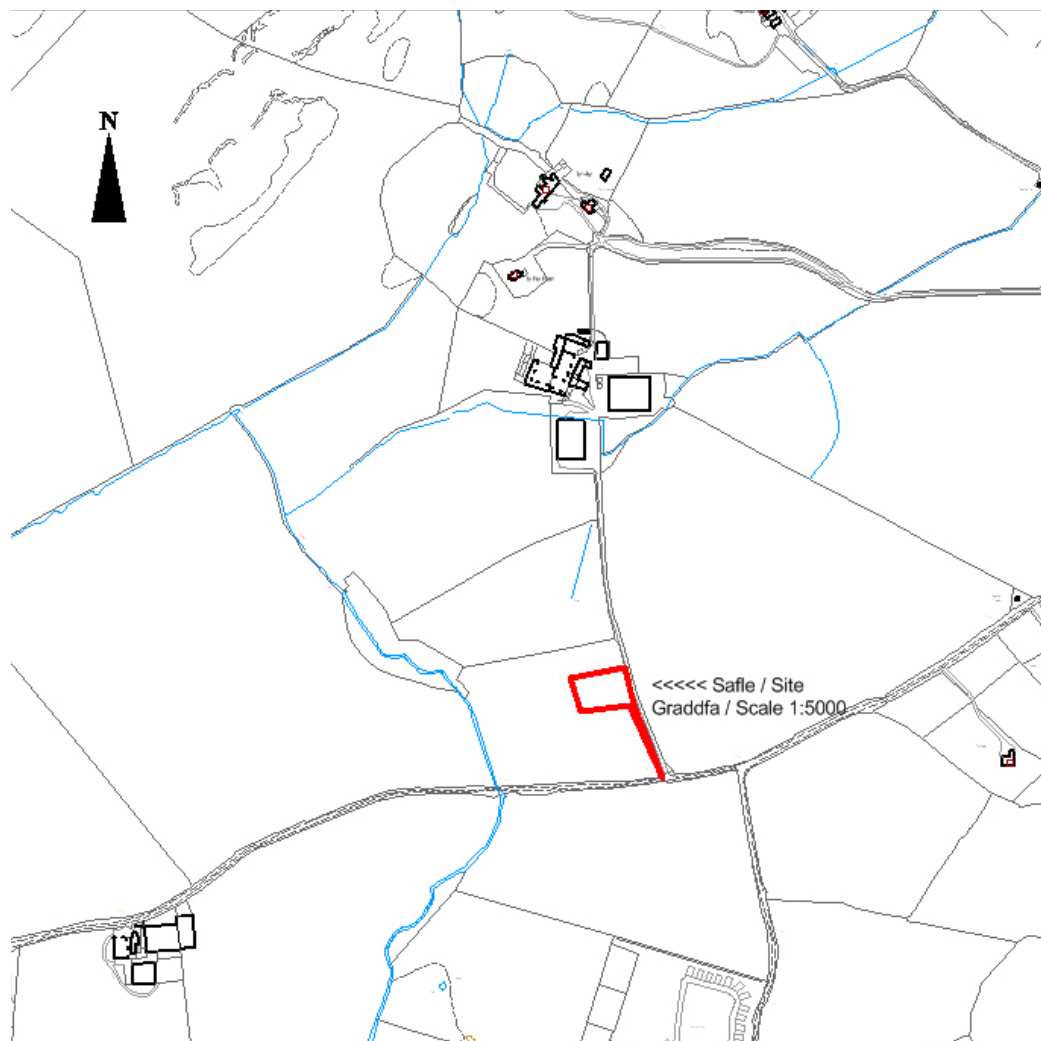
Rhif y Cais: **42C127B/RUR** Application Number

Ymgeisydd Applicant

Mr G Jones

Cais llawn ar gyfer codi annedd amaethyddol ynghyd a gosod system trin carthffosiaeth ar dir yn / Full application for the erection of an agricultural dwelling together with the installation of a private treatment plant on land at

Fferm Ty Fry/Ty Fry Farm, Rhoscefnhir



Planning Committee: 01/06/2016

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

Recommendation:

Permit.

Reason for Reporting to Committee:

The application is being referred to the Committee because upon the date of submission a person with close connections to the applicant was a close relative of a 'relevant officer' as set out in paragraph 4.6.10.2 of the Council's Constitution. The 'relevant officer' is no longer employed by the Council.

The application has been scrutinized by the Monitoring Officer as required under paragraph 4.6.10.4 of the said Constitution.

At its meeting held on the 29.07.15 the committee resolved to defer the application in order to visit the site. The site visit was visited on the 19th August 2015 but consideration of the application was subsequently deferred in order to receive and consider further submissions.

1. Proposal and Site

The application is for a rural enterprise dwelling located in the countryside and forming part of a large and open field enclosure. The land slopes gently away from the public highway towards the main farm complex and the dwelling is sited alongside a farm track serving the farm.

Access to the dwelling is taken directly from this farm track and the appearance is that of a single storey building albeit with some accommodation provided in the roof space. The following accommodation is proposed:

Ground floor: Garage, hall and toilet, wash room, office, combined kitchen/diner, sun room, lounge, bathroom and two bedrooms.

Roof space: Store, landing, bathroom and bedroom.

A natural slate roof is proposed (with roof lights), external walls are to be rendered and external windows and doors finished in PVCu.

Site boundaries are to be stock proof fencing with the northern boundary supplemented by earth bunding and planting.

2. Key Issue(s)

Inevitably an application of this kind raises a wide and diverse range of issues that need to be taken into account. All of these issues have been assessed in preparing this report but I have distilled what I consider to be the key issues as follows:

- Whether the rural enterprise justifies the residential accommodation proposed, having regard to the aims of national and local planning policies and guidance which seek to restrict new development in the countryside;
- If such a justification is made out whether the proposed development would harm the setting

- of the Listed Building and Historic Park and Gardens; and
- What are the other material considerations that need to be considered in this case.

3. Main Policies

The statutory development plan consists of the Local Plan and the Structure Plan. There is a statutory duty to determine the application in accordance with the statutory development plan unless material considerations indicate otherwise.

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 31 – Landscape

Policy 41 – Conservation of Buildings.

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 53 – Housing in the Countryside

Gwynedd Structure Plan

Policy A6 - Housing in the Countryside

Policy D3 – Landscape Conservation Area

Policy D4 –Location, siting and design

Policy 22 – Listed Buildings

Policy 29 – Design & Siting

Stopped Unitary Development Plan

Policy GP1 –Development Control Guidance

Policy GP2 – Design

Policy EN1 – Landscape Character

Policy EN 10 – Landscapes, Parks & Gardens

Policy EN13 – Conservation of Buildings.

Policy HP 6 – Dwellings in the open Countryside

Planning Policy Wales (Edition 8, July 2016)

Technical Advice Note 6: Planning for Sustainable Rural Communities

Circular 60/96 Planning & the Historic Environment: Archaeology

Circular 61/96 Planning & the Historic Environment: Historic Buildings and Conservation Areas.

4. Response to Consultation and Publicity

The original consultation responses can be viewed on the planning file. Responses can be summarised as follows:

Councillor Vaughan Hughes – No response to consultation.

Councillor Ieuan Williams – No response to consultation.

Councillor Derlwyn R Hughes – Supports the application.

Community Council – No comments are made provided the application is acceptable to the planning department.

Highway Authority – Recommend that car parking accommodation be completed before the use as a dwelling commences and is retained thereafter. It is also pointed out that the development is situated near a public footpath and that the granting of planning permission does not entitle the applicant to interfere with this public right of way.

Council's Drainage section – Confirms that the proposal is outside the area served by a public sewer and that the treatment plant and surface water soakaways are to be designed and constructed to recognised standards. It is noted that consent may be required from Natural Resources Wales for the discharge from the treatment plant.

Welsh Water – In respect of sewerage; note that a private treatment plant is proposed and advise contact with Natural Resources Wales who have an input into the regulation of this method of drainage disposal. With respect to water supply; confirm that no objections are raised. It is noted that a distribution water-main crosses land in the applicant's ownership and conditions relating to development near such water-mains are enclosed for information.

Natural Resources Wales – State that the application has been assessed as having a low environmental risk and enclose a standard advice note for developers in respect of pollution control measures. The Authority are reminded of its duties under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to conserving biodiversity and suggest that advice is sought from the authority's ecological advisor.

Council's Ecological Advisor – Advises that no NERC species records are held for the site and that as the application site comprises of improved grazing land does not consider that there are any biodiversity issues of concern.

Gwynedd Archaeological Planning Service - No response to consultation.

Council's Built Environment and Landscape Section – Confirm that Ty Fry is a Grade II* listed building and that the gardens also benefit from this grade.

CADW – Confirm that their role is to neither oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. The proposed development lies approximately 460m south of the grade II* registered historic park and garden at Ty Fry. CADW state that Ty Fry is an important 17th century house and garden of great significance and historic interest. The well preserved garden is laid out with raised walks, rock-cut steps and viewing platforms in a landscape of abrupt rocky outcrops and springs. The way in which the layout makes use of the natural, irregular landforms is unusual for the late seventeenth century.

In this instance Cadw's opinion is that the development has the potential to have a detrimental visual impact on significant views across the surrounding landscape from the gardens and that this impact (including cumulative impact) needs to be given adequate consideration in the determination of the planning application.

The Gardens Trust - No response to consultation.

Publicity - Multiple representations from a single property objecting to the proposal have been

received. The main points can be summarised as being:

Questions regarding the accuracy of submitted plans and drawings.

Concerns regarding alleged misinformation and inaccuracies supplied by the applicant.

Contests that the proposal satisfies the requirements of TAN6.

The availability of other options e.g. existing dwellings in Rhoscefnhir, use of existing buildings or alternative locations on the farm.

No proven agricultural need.

Detrimental cumulative impact on historic setting of Ty Fry listed house and gardens.

Impact upon amenity and privacy.

Intrusion and damaging impact of proposed dwelling on 'one of the last remaining pieces of original view' when viewed from 'the most important of the viewing platforms' at Ty Fry gardens.

Impact on 'buffer strip' of open farmland at the village of Rhoscefnhir.

Prominent location in open countryside.

Inappropriate scale and building materials proposed.

5. Relevant Planning History

A/1436 – Erection of a farm dwelling with car port on part of OS enclosure no.636 at Ty Fry, Pentraeth. Approved 7th September 1970.

42C127 – Erection of an agricultural shed along with alterations to the existing vehicular access at Ty Fry, Rhoscefnhir. Approved 6th June 1996.

42C148 – Demolition of existing dwelling together with the erection of a new dwelling on the site at Ty Fry Farm, Rhoscefnhir. Approved 14th July 1999.

42C148A – Amended detailed plans for demolition of existing dwelling together with the erection of a new dwelling and private double garage on the site at Ty Fry Farm, Rhoscefnhir. Approved 4th April 2001.

42C148B – Erection of a conservatory at Ty Fry, Rhoscefnhir. Approved 4th November 2002.

42C127A – Erection of an agricultural building at Ty Fry, Rhoscefnhir. Approved 20th September 2006.

41C124 – Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 71m together with the erection of a transformer station, utility housing and new access track and hardstanding on land at Ty Fry, Rhoscefnhir. Withdrawn 26th January 2012.

41C124A/SCR – Screening application for the erection of one wind turbine with a maximum hub

height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 71m together with the erection of a transformer station, utility housing and new access track and hardstanding on land at Ty Fry, Rhoscefnhir. Withdrawn 26th January 2012.

41C124B - Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 72m together with the erection of a transformer station and new access track and hardstanding on land at Ty Fry Farm, Rhoscefnhir. File closed without decision.

6. Main Planning Considerations

Is the proposed residential accommodation justified?

Local policy in respect of development in the open countryside is contained in policy 53 of the Ynys Mon Local Plan and policy HP6 of the stopped Ynys Mon Unitary Development, Planning Policy Wales (PPW) 8th Edition (2016) and supported by guidance contained in Technical Advice Note 6 (TAN 6): Planning for Sustainable Rural Communities (2010).

TAN 6 is an important material consideration of considerable weight in the determination of applications such as that proposed in this case. TAN 6 indicates that an exception can be made to the general presumption against residential development in the countryside for the development of a second dwelling on established farms that are financially secure and where: there are legally binding arrangements in place to demonstrate that management of the farm business has been transferred (or will be with consent) to a person younger than the original worker; or where there is an existing functional need for an additional 0.5 or more of a full time worker. In the case of succession, TAN 6 requires that proposals demonstrate that the successor worker is critical to the continued success of the business and that the need cannot be met in any other reasonable way. In addition, where one or more of the exceptions have been met, TAN 6 allows for proposals to be considered favourably provided: the enterprise has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is financially sound and has a clear prospect of remaining so; that the functional need could not be met by another dwelling or the conversion of an existing building on the land holding, or other existing suitable accommodation in the locality which; and other normal planning requirements are satisfied.

The rural enterprise in this case is Ty Fry Farm, a livestock farm (sheep/beef cattle) farm of approximately 130 hectares run in partnership by the applicant and his parents. The farm holding includes a farmhouse which is currently occupied by the family, substantial modern steel framed and some traditional agricultural buildings.

Following advice from the Council's independent agricultural consultant it is accepted that arrangements for transferring management responsibility for the enterprise is in place; that the identified successor worker, Mr. Gwilym Jones, is critical to the continued success of the enterprise; and that the exception criteria set out in TAN 6 has been met. It is also accepted that the proposal meets the financial and other normal planning tests set out in TAN 6 and that the enterprise is financially sound and that the access arrangements, siting and design of the proposed enterprise dwelling would be acceptable.

As a consequence it has been concluded that the proposal has been justified and the approval, in principle, would be consistent with the policy approach set out above.

Whether the proposed development would harm the setting of Ty Fry and Ty Fry Gardens

Impact on Ty Fry listed building and historic garden - The existing Farm and Farm House is located adjacent to Ty Fry and gardens included in the statutory register of listed buildings on Anglesey and in Wales as being grade II* and respectively the Register of Historic Parks and Gardens grade II*. The grade importance means that it is a particularly important building of more than special interest. The percentage of Grade II* LBs in Wales is approximately 6%. The garden is also given the Grade II* status.

The analysis contained in this report follows detailed site visits. Members will recall that a site visit was organized on the 19.08.2015.

The application site lies approximately 460m south of the grade II* registered historic park and garden at Ty Fry. Whilst the site lies outside the 'essential setting' (an area directly outside of the 'Park or Garden' where "inappropriate development" would damage either the visual or the historic setting of the site) it does fall within an area over which there are 'significant views' from a 'principal viewpoint' in the gardens that provides panoramic and distant views over the surrounding farmland towards Snowdonia.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a General duty as respects listed buildings in exercise of planning functions;

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Judicial authority requires that "considerable importance and weight" should be given by the decision maker to the duty to "have special regard to the desirability of preserving the building or its setting" and, having regard to that duty, this issue has been carefully assessed.

In this respect it is considered that the proposed dwelling is sufficiently distanced and physically separated from the listed building so as to ensure that the building and its setting is preserved. It is noteworthy that the existing farmhouse and large agricultural buildings in the farm complex lie between and help screen the listed building and proposed dwelling from each other.

The same duty however does not extend to Parks and Gardens of Special Interest. The term 'essential setting' is not commonly used for proposed developments which may affect the setting of listed buildings but it is commonly used and physically identified in the Registers of Landscapes, Parks and Gardens of Special Interest in Wales and for World Heritage Sites (WHS's) and their respective Management Plans. The term is a concept devised for the Registers of Landscapes, Parks and Gardens of Special Interest and it refers to an area directly outside of the 'Park or Garden' where "inappropriate development" would damage either the visual or the historic setting of the site. The question of what is "inappropriate development" will very much depend on what are the special qualities and characteristics of each site but as a rule three general types can be identified, they are;

- Buildings or structures that because of their size, materials or design, detract from the visual attraction of the site.
- Other types of development which by their very nature would be incongruous and may interfere with the visual attraction of the site.
- Any other type of development that makes it more difficult for the public presently or in the future to

appreciate the special history of the site.

When considering the impact of development on 'significant views', which like 'essential setting' is devised for WHS's and Parks and Gardens the meaning is self-explanatory. They are views (that could be inward, outward, constrained or distant) that are the most important and significant historic views associated with that particular site. 'Inappropriate development' in this context would be development that would either obstruct or interfere with these views.

As described above the proposed dwelling will be visible from the registered garden. Inevitably the addition of dwelling within this landscape will introduce some change however it is not considered that on balance the quantum of change would be inappropriate or unacceptably impact on the importance or value of the gardens.

The 'significant views' 'outwards' are distant ones across and over the surrounding farmland towards Snowdonia and the built form of the village of Rhoscefnhir together with the existing farmhouse and farm complex already feature prominently. In contrast the proposed dwelling is domestic in scale, over 400m distance from registered gardens, constructed of suitable materials, and sympathetically located in the topography. The 'outward' views from the historic garden are expansive and the application site would occupy only a small portion of this panorama and it is not considered that it would, in combination with pre-existing development materially obstruct or interfere with these views to such an extent as to appear inappropriate or incongruous.

In light of this analysis and that which follows it is not considered that there is any justification to consider alternative means of providing the required accommodation such as by conversion or to consider alternative locations within the wider landholding to site the proposed dwelling.

In conclusion the proposed development accords with the legal and policy tests and is acceptable.

Other key material considerations

Landscape and visual impact - The application site lies in open countryside and will to an extent be read as an isolated feature in the landscape. However, as TAN 6 confirms that; *'One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural workers to live at, or close to, their place of work'*. As outlined above it is accepted that these circumstances exist in this case and so whilst a limited degree of landscape harm will be occasioned this is clearly outweighed by the need for accommodation to support the farming enterprise consistent with the analysis set out above.

Notwithstanding the fact that isolated development can be supported in principle TAN 6 does advise that *'Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape'* the landscape impact of constructing a dwelling on this particular site has been assessed with this in mind.

The development will be visible from a stretch of the adjoining public highway and very clearly from the public footpath that runs down the farm track and through the farm complex. The immediate character is of a gently undulating landscape interspersed with areas of mature tree planting and established hedgerows. Whilst there are long distance views of the site the greater impacts will be from the immediate locality e.g. the public footpath, stretches of adjoining public highways and some nearby properties. It is noteworthy that the existing farmhouse and farm complex is already a prominent and dominant feature within this local landscape and also that existing isolated development as an inevitable consequence of centuries of agricultural activity forms a characteristic pattern of development in the area. It is considered therefore that proposal can by reason of its domestic scale, location, siting and design be assimilated into this landscape context without

appearing incongruous or a prominent feature causing unacceptable harm. The proposal also includes landscaping proposals that as they mature over time will provide additional mitigation further integrating the development into its surroundings.

In landscape terms it is considered that the development proposal would not be prominent and that overall the impact is acceptable.

Amenity of Local Residents – careful consideration has been given to the issues raised and that are set out above. It is not considered that there would be any significant or material harm caused by the development to local amenity or the privacy of nearby properties. The proposal is for a building for residential occupation to support the existing operations. It will be located some distance from any nearby property outside of the landholding. Of itself or in association with other activities the proposal is unlikely to give rise to any legitimate concerns in respect of these issues

7. Conclusion

It is considered that the needs of the rural enterprise justifies the residential accommodation proposed and that the proposal as submitted is acceptable in terms of its impact on Ty Fry listed building and historic garden and on the wider local landscape.

In order to protect the countryside against the risk of pressure for new houses an occupancy condition is proposed to ensure that the proposed dwelling is kept available to meet the identified need (see condition 04 below). Whilst the existing farmhouse at Ty Fry farm is already subject to an occupancy condition, it is also proposed to replace this condition with a more updated condition similar to the 'model' condition currently advocated by TAN6.

Similarly it is also considered appropriate in this instance to use a planning obligation to tie the proposed and existing dwellings at the Ty Fry Farm rural enterprise to the adjacent buildings and land.

In reaching my decision I have had regard to all other material matters raised in correspondence however, none of these factors are sufficient to alter my overall conclusions.

8. Recommendation

To authorise the Head of Regulation and Economic Development Service to **permit** the application subject to the execution of an obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) containing the following provisions :

That the dwelling shall not be sold, leased or in any way disposed of other than with the property.

That the property shall not be sold, leased or in any way disposed of other than with the dwelling.

The property shall not be sold, leased or in any other way disposed of except in one indivisible lot.

(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) No development shall commence until details of the external finishing materials are submitted to and agreed in writing with the local planning authority. The scheme shall thereafter proceed in accordance with the agreed details unless the local planning authority

gives its prior written consent to any variation.

Reason: To ensure a satisfactory appearance of the development.

(03) The site shall be landscaped and trees and shrubs shall be planted in accordance with a scheme to be agreed in writing with the local planning authority before any development work is commenced on the site. This planting and landscaping work shall be carried out in full to the satisfaction of the local planning authority during the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner. The said trees and shrubs shall be retained and maintained throughout the lifetime of the development and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance of the development.

(04) The occupancy of the new dwelling hereby approved and that of the dwelling known as Ty Fry Farm shall be restricted to:

a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,

b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: To define the scope of this permission and to ensure that inappropriate uses do not take place.

(05) 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 in the interests of road safety.

(06) The provisions of Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any Order re-voking or re-enacting that Order) are hereby excluded and notwithstanding the provision of the Town and Country Planning Act 1990, no part of the attached garage hereby approved shall be used as habitable rooms.

Reason: The site is within an area where permission for a dwelling unconnected with or not required in the essential interests of agriculture or forestry would not normally be permitted but permission is granted having regard to the special circumstances of the case.

(07) The living accommodation hereby approved shall be restricted to that shown on drawing numbers (20) 01 Rev C and (20) 02 Rev C and no use of the garage space shall be made for living accommodation.

Reason: The site is within an area where permission for a dwelling unconnected with or not required in the essential interests of agriculture or forestry would not normally be permitted but permission is granted having regard to the special circumstances of the case.

(08) The development permitted by this consent shall be carried out strictly in accordance with the plans submitted below under planning application reference 42C127B/RUR:

| Drawing/ Document Number | Date Received. | Plan Description. | |
|--------------------------|----------------|----------------------------|----------------|
| Job number : 5073 | | | |
| (20) 01 Rev C | 09.12.15 | Proposed floor plan. | |
| (20) 02 Rev C | | Proposed attic plan. | |
| (20) 03 Rev C | | Proposed roof plan. | |
| (20) 04 Rev E | | Proposed elevations. | |
| (20) 05 Rev D | | Proposed elevations. | |
| (20) 06 Rev A | | Proposed cross section A-a | |
| (91) 01 Rev D | | Proposed site plan. | |
| (91) 02 Rev D | | Proposed cross section. | |
| (91) 03 Rev D | | Proposed cross section. | |
| (91) 04 Rev A | | Proposed site plan. | |
| (9-) 1001 Rev A | | 11.09.2015. | Location plan. |

Reason: For the avoidance of doubt.

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

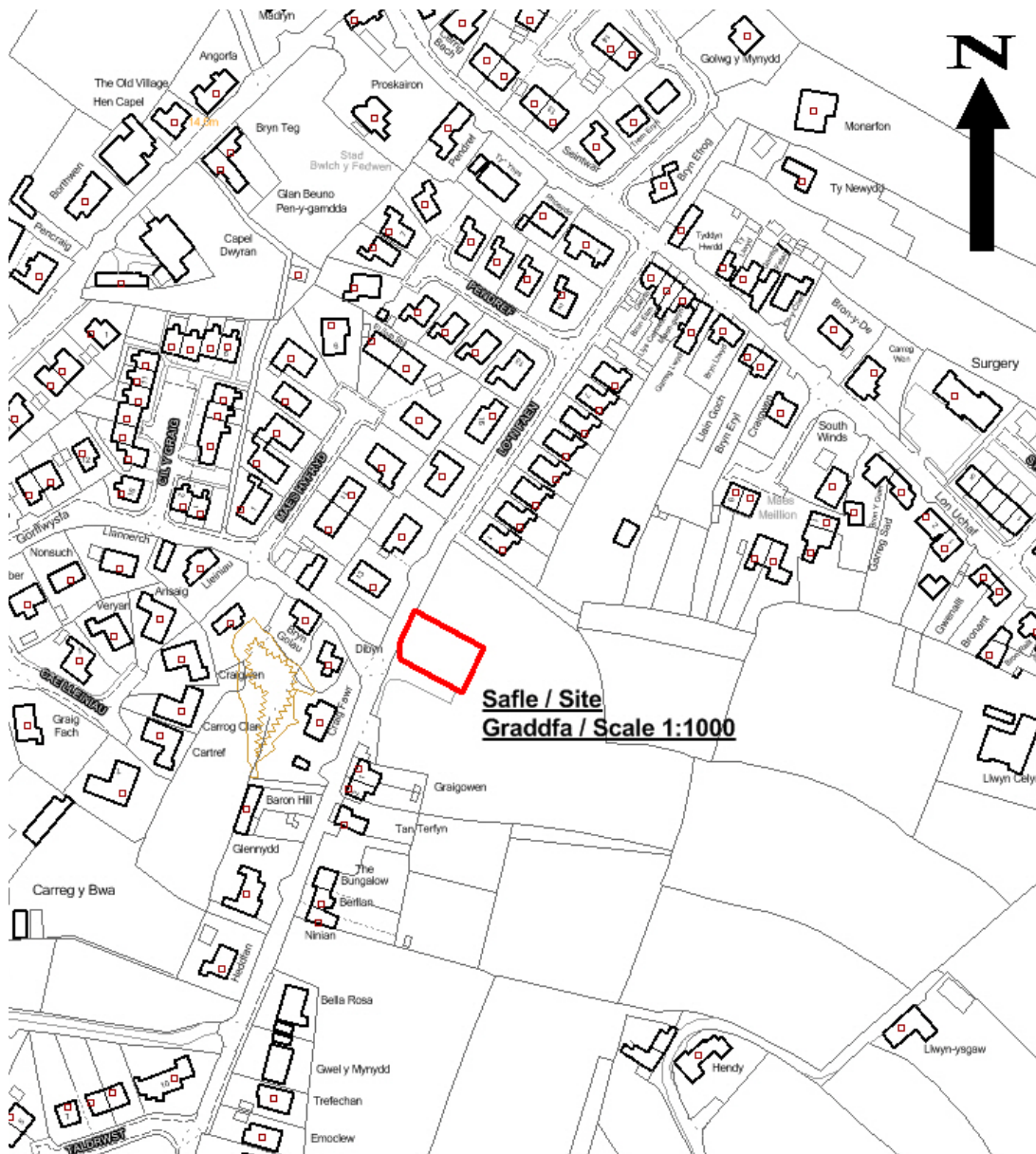
Rhif y Cais: 45C432C Application Number

Ymgeisydd Applicant

John Kelly Construction Ltd

Cais llawn ar gyfer codi dau annedd ynghyd a creu mynedfa i gerbydau ar dir yn / Full application for the erection of two dwellings together with the construction of a vehicular access on land at

Graig Fawr, Dwyran



Planning Committee: 01/06/2016

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

Recommendation:

Permit.

Reason for Reporting to Committee:

At the request of the Vice-Chairperson.

At its meeting held on 11th May, 2016 the Members resolved to undertake a site visit prior to the determination of the application.

The site was visited on 18th May and Members are now aware of the site and its setting.

1. Proposal and Site

The parcel of land is currently used for agricultural/grazing purposes and lies within the settlement of Dwyran. The site lies next to two dwellings which are currently under construction which were granted planning permission in September 2013. The site lies fronting the road known as Lon Fain. There is a mixture of single storey, dormer bungalows and two storey properties in the locality.

The application is a full application for the erection of two number two storey, semi-detached dwellings.

2. Key Issue(s)

The applications main issues are whether the development complies with current policies, the effect of the development on neighbouring properties and surrounding area and whether the development will affect highway safety.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

Gwynedd Structure Plan

D4 – Location, Siting and Design

D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP4 – Villages

Planning Policy Wales, 2016, 8th Edition

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment

Technical Advice Note 12 – Design

4. Response to Consultation and Publicity

Community Council – No objection.

Local Member, Cllr A Griffith – Call-in due to the development being out of character with the area and highway safety.

Highways Authority – Recommended conditional approval.

Drainage Section – Details are acceptable.

Welsh Water – Recommended conditional approval.

Response from members of the public:

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 7th April, 2016 and at the time of writing this report six letters of objection and a petition containing 36 names had been received at the department, The main issue raised can be summarised as follows:

- i) Highway Safety
- ii) Site has formed part of a flood plain and the raising of the levels of the land will exacerbate the situation and result in flooding to neighbouring properties.
- iii) Out of character with the surrounding area
- iv) Conflicts with current policies
- v) No need for dwellings in the locality as a number of new properties are not selling in the village

In response to the issues raised I would respond as follows;

- i) The Highway Authority has been consulted and raised no objection to the development subject to the inclusion of standard highway condition on the permission.
- ii) The site is not situated within a flood zone. The levels of the land have been raised on the adjoining site and for the proposed development as the site slopes downwards from the highway to the rear of the agricultural field. At the time of writing this report we are awaiting further drainage information and upon their receipt the information will be forwarded to the Drainage Section for consideration.
- iii) As stated above the site is located fronting Lon Fain. There is a mixture of house types located along Lon Fain with two storey cottages, bungalows, dormer bungalows and the new two storey semi-detached units which are nearly completed. Due to the above and as the bungalow to the north of the site are more than 30 metres away from the application site and therefore the proposal is considered

acceptable and will not be out of character with the existing pattern of development to the detriment of the surrounding area.

iv) See policy context paragraph of the main planning considerations section 6 below.

v) The site lies within the village of Dwyran and is situated on land that is located between the developed part of the village and can be considered as an 'infill' plot. Although Policy 50 of the Ynys Môn Local Plan states that 'usually single plots' can be supported on infill sites as the proposal involves the erection of a pair of semi-detached dwellings – in order to encourage more 'affordable by design' dwellings within settlements a semi-detached unit can also be supported and therefore the proposal as submitted is considered acceptable. The village has a local primary school and doctor's surgery and is located on the public transport network route.

5. Relevant Planning History

45C432 – Full application for the erection of two new dwellings together with the formation of a vehicular access on land opposite Graig Fawr, Dwyran – Approved 06/09/13

45C432A/VAR – Application to vary condition (11) on planning permission reference 45C432 so as to complete the estate road prior to occupation of the dwellings on land opposite Graig Fawr, Dwyran – Approved 09/01/14

45C432B/DEL - Application under Section 73 for the removal of conditions (05), (06) and (07) (code for sustainable homes) from planning permission reference 45C432A/VAR (erection of two dwellings and the creation of a vehicular access) on land opposite Graig Fawr, Dwyran – Approved 28/10/15

6. Main Planning Considerations

Policy Context - Dwyran is defined as a Listed Settlement under policy 50 of the Ynys Môn Local Plan and as a Village under Policy HP4 of the stopped Unitary Development Plan. As the application is for semi-detached dwellings the proposal is considered acceptable and in compliance with Policy 50 as it provides two dwellings that are affordable by design.

The application site is located immediately next to residential dwellings and lies opposite residential properties and is therefore considered acceptable as an 'infill' application which is acceptable under Policy 50 of the Ynys Môn Local Plan.

Effect on neighbouring properties – There are no windows proposed in the side elevation of the proposed units. The proposed dwellings will be located more than 30 metres away from the boundary of the adjoining property to the north of the site (1 Lôn Fain). The proposed dwellings will be situated 11 metres away from the gable of the units that are currently under construction and 22 metres away from the front of Penhenlli which lies on the opposite side of the road. Due to these distances the proposal is considered acceptable and complies with the requirements of Supplementary Planning Guidance in terms of distances between developments.

Effect on surrounding area – Concern has been raised by the Local Member and members of the public that the development will be out of character with the surrounding area. There is a mixture of house types situated along Lôn Fain and the design of the proposed dwellings is the same as the dwellings currently under construction and therefore the scheme will not harm the surrounding area.

Effect on highway safety – The proposed dwellings will be served by the existing vehicular access that was approved under planning application reference 45C432 when dealing with the residential

development of the adjoining land. The Highway Authority have confirmed that the scheme is acceptable subject to the inclusion of standard highway conditions.

7. Conclusion

The erection of two semi-detached dwellings is considered acceptable in this location as the site lies within the settlement of Dwyran and located next to residential properties. The proposal will not harm the amenities currently enjoyed by the occupants of neighbouring properties or have a detrimental impact on the surrounding area or on highway safety.

Due to the above my recommendation is one of approval subject to the receipt of satisfactory drainage details in regards to the proposed soakaway.

8. Recommendation

To **permit** the development subject to conditions.

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

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

(02) 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 detriment to the environment.

(03) 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 operation and the management and operation of construction and delivery vehicles.**

The works shall be carried out strictly in accordance with the approved details.

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

(04) 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.

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

| Drawing / Document number | Date Received | Plan Description |
|---------------------------|---------------|------------------|
|---------------------------|---------------|------------------|

| | | |
|------------------------------------|-------------------|---|
| 2083:16:2 | 25/02/2016 | Existing site plan |
| 2083:16:1 | 25/02/2016 | Location Plan |
| Design and Access Statement | 25/02/2016 | Design and Access Statement |
| 2083:16:3 | 25/02/2016 | Proposed site plan |
| 2083:16:4 | 25/02/2016 | Proposed elevation, floor plans and sections |

under planning application reference 45C432C.

Reason: For the avoidance of doubt.

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