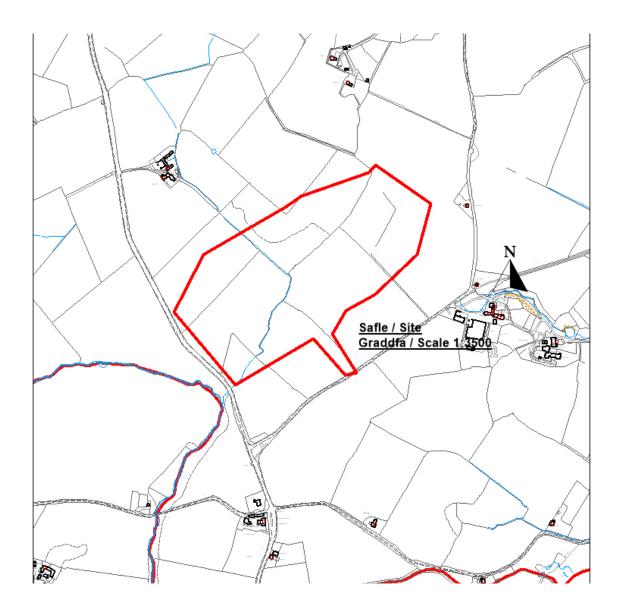
Rhif y Cais: 24C300A/ECON Application Number

Ymgeisydd Applicant

Llys Dulas Estate Co

Creu llynoedd ar gyfer defnydd pysgota a hamdden, codi siop/caffi a adeilad storfa ategol ynghyd a ffyrdd mynedfa a mannau parcio cysylltiedig a gosod tanc septig newydd ar dir yn ffurfio rhan o / Formation of lakes for fishing and recreation use, erection of an ancillary shop/cafe and a storage building together with associated access roads and parking areas and the installation of a new septic tank on land forming part of

Tyn Rhos Fawr, Dulas



8.1

Planning Committee: 06/07/2016

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

Recommendation:

Permit

Reason for Reporting to Committee:

The planning application's context and scale requires consideration by the Planning Committee.

Members of the Planning and Orders Committee previously convened a site visit in July 2015.

1. Proposal and Site

The application site comprises agricultural land amounting to around 25.69 hectares in area. Topographically the application site generally slopes down to the south and towards Traeth Dulas. To the south west there is junction of the Class 3 road and the A5025 which also bounds boundary of the application site in this direction.

There is a Public Right of Way (43 Llaneilian) approximately 150 meters to the east of the application site.

The nearest residential property is located to the north west and elevated above the application site at "Gwlybycoed".

In planning policy terms the application site is located in the countryside and within an area which is designated a Special Landscape Area ("SLA") in planning policy terms. The land of the opposite side of the road comprises part of the Area of Outstanding Natural Beauty ("AONB").

The proposal entails the phased construction of a series of 6 lakes amounting to around 8 hectares in area and holding a total volume of 120,299m³ of water. Approximately 87,838m³ of this volume will be retained in one lake which would comprise a reservoir because it will be constructed using an earthwork retaining structure to hold the water. Similarly lakes 4 and 5 will also comprise reservoirs having a capacity of 4,545m³ and 4,381m³ respectively. Lakes 1, 2 and 3 are primarily below ground and do not have retaining embankments, the water is stored below natural ground level. Their volumes are as follows:

Lake 1 – 5,755 m³ Lake 2 – 5,836 m³ Lake 3 – 7,321 m³

The lakes would be used for recreational boating and angling purposes by the general public. The largest lake would be filled and topped with water from an existing watercourse which traverses the application site and thereafter runs through a culvert under the A5025. The smaller lakes would be manually topped up with water from largest lake when necessary.

The proposal would require substantial earthworks in order to form water retaining structures, of around 5-7 meters above the level of the A5025 with bank gradients of between 1:3 and 1:2. The areas subject to the earthworks and other surrounding areas amounting to 7.8 hectares within the red

line plan would following the development still be used for agricultural purposes as sheep grazing areas. None of the materials excavated in the course of these earthworks would be removed from the application site.

In terms of built development a spillway for excess water would extend above ground from the largest lake to the culvert under the A5025. A new vehicular access would be created from the Class 3 highway which bounds the site to the south. The Class 3 highway has been widened to the point of the proposed vehicular access as part of highway improvements undertaken to the junction with the A5025. Stone tracks incorporating cattle grids would extend around the main lake to car parking areas which will accommodate around a 100 cars and restaurant /shop building. Substantial areas of landscaping areas are illustrated on the submitted plans.

2. Key Issue(s)

The acceptability of the principle of the development having regard to development plan and other material planning policies. Landscape and Visual impact. Flooding and safety considerations. Highway Safety & Sustainability Considerations Residential Amenity. Ecology Public Rights of Way Loss of Agricultural Land

3. Main Policies

Gwynedd Structure Plan

CH1 Recreation and Tourism Development D1 AONB D3 Special Landscape Area D4 Location, Siting and Design D7 Agricultural Land D15 Archaeology D28 Natural Mineral Slate D29 High Standard of Design D32 Landscaping Scheme FF12 Parking Standards

Ynys Mon Local Plan

General Policy
Car Parking
Landscape
Loss of Traditional Agricultural Features
Nature Conservation
Archaeological Sites
Design

Stopped UDP

GP1 Development Control GuidanceGP2 DesignTR10 Parking StandardsTO1 New Attractions and Extensions to Existing Attractions

TO8 Water or Boating Facilities EN1 Landscape Character EN2 Areas of Outstanding Natural Beauty. EN4 Biodiversity EN9 Water Conservation EN12 Archaeological Sites and the Historic Environment EN14 Tree Preservation Orders and Hedgerows EN16 Landscape Features of Major Importance for Flora and Fauna. SG2 Development and Flooding. SG3 Controlled Waters SG4 Foul Sewage Disposal SG5 Private Sewage Treatment Facilities SG6 Surface Water Run Off

Planning Policy Wales, 8th Edition

Technical Advice Note 5 - Nature Conservation and Planning Technical Advice Note 6 – Planning for Sustainable Rural Communities Technical Advice Note 12 - Design Technical Advice Note 13 - Tourism

Supplementary Planning Guidance Parking Standards Supplementary Planning Guidance Design in the Urban and Rural Built Environment Anglesey AONB Management Plan 2015 - 2020

4. Response to Consultation and Publicity

Councillor Aled Morris Jones - No objections.

Llaneilian Community Council – State that flooding problems have occurred at the bottom of GwlybyCoed Hill but that it does not occur any more as a result of works undertaken; they hope that the project will not result in further problems.

Highways - It is noted that the embankment adjacent the main A5025 highway has been amended with the severity of the slope gradient slightly reduced and the edge of the lake now being further away from the carriageway. The proposed scheme has also been discussed with our Head of Service and as a consequence of the above amendments and subject to the provision of the detailed breach analysis as recommended by the All Reservoirs Panel Engineer, the Highway Authority has no further objection in principle. It is also confirmed that the submitted Traffic Assessment and Sustainability Assessment has been assessed as acceptable and conditions are recommended to be attached to any planning permission granted.

In summary no objection subject to the obligations and planning conditions recommended the details of which are being finalised at the time of writing the report.

Drainage Officer – All drainage issues concerns previously raised had been considered in the latest assessment report and land drainage proposals seem satisfactory in principle.

Landscape Officer – It was not considered that there would be significant effects on the AONB or the Landscape Character Area as a result of the proposed development and that the visual effects of the construction can be regulated and mitigated by appropriate measures such as phasing and landscaping.

The proposed development may affect the setting of the AONB in the short term during the construction phase which will be mitigated by the use of appropriate screen planting. Long range views of the application site are limited and it is not considered that the proposed development will result in significant effects on the sensitive receptor of the AONB or its setting. Further it is considered that the proposed development will in time help preserve and enhance the AONB by changing the species poor grazing land to a more diverse natural landscape.

Ecological Officer – The proposal should bring some overall wildlife gain to the site, much of which is at present improved grassland. Also confirmed that there are no protected species or NERC issues.

Environmental Services - Have recommended stipulations in relation to the operating hours for construction/rock breaking, and have confirmed that there are separate legislative provisions which include the control noise, alcohol and entertainment.

Welsh Language Impact Officer – Satisfied with the submitted Welsh language statement and the mitigation proposed therein which requires the use of a Bi-lingual place/business name for the development, signage, leaflets and a website.

British Gas Transco - Observations awaited at the time of writing.

National Grid Plant Protection - Observations awaited at the time of writing.

Natural Resources Wales – The works will require that the Panel Engineer overseeing the design and construction of the dams should notify us of his appointment as per the requirements of the Reservoirs Act 1975.

The proposal is located adjacent the Anglesey Area of Outstanding Natural Beauty (AONB) where the primary objective is the conservation and enhancement of natural beauty. Providing detailed design aspect of the project are completed to the satisfaction of the planning authority, it is considered unlikely that this project will have a significant impact upon this protected landscape. We also advise that the landscape planting should use native species only, including species that suit the natural features of the area (e.g. gorse).

NRW have confirmed that they do not consider that there will be any adverse effect on the Gell y Coed Site of Special Scientific Interest.

Openreach - No observations received.

Scottish Power Energy Networks – There are high voltage (11KV) and extra high voltage (33KV) electricity distribution lines crossing the site which would require diverting should the proposal go ahead.

Welsh Government Agriculture – Whilst it does not hold any detailed survey work for the site, having reviewed the available desk top information that they would expect the application site to comprise Agricultural Land Quality Grade 3b or 4.

Welsh Water - No observations received.

7 letters objecting to the planning application on the following grounds were received:

Development will be to the detriment of local residents.

Development will be to the detriment of wildlife, including Curlew and Plover.

Noise from power boats as well as sailing.

Impacts on residential amenity by virtue of motorised boats, late opening hours of the café as a licensed premises, night time fishing, the height of the development/landscaping, special events held at the development, amplified sound or music. There should be controls on motorised craft, amplified sound, opening hours, and lighting.

One writer states that the proposed development would be situated a field away from the front of their property. The closest neighbours are currently two fields way which gives some indication of the impact that the proposal will have.

Mention is made of special events but no specific description of these is provided. These need to be listed in and controlled in any approval, for example, fishing competitions only since events could be anything.

Opening hours are given as 8am to 8pm but mention is also made to 24 hour fishing.

Impacts on the stream and water abstraction more generally in terms of filling the proposed lakes with water.

Poor visibility at the junction of the A5025 and the Class 3 road proposed to be used to access the site.

Impact of the development on the electricity poles crossing the application site and which serve the writers property.

How will the remaining fields around Gwlybycoed be accessed as the entrance is from the entrance which will form the access to the proposed development.

Have the applicant's supplied a long term maintenance plan to ensure that if the development fails due to economic circumstances and the lake banks were not inspected/maintained there could be the possibility of a breach with the resultant consequences. Any maintenance plan should also require the removal of buildings on the application site.

The impact of the development on the amenities of the rural area and the AONB.

If the planning permission is granted then there should be screen planting with appropriate species around the car parks and along the boundary with the A5025.

Has there been any expert advice obtained as to whether diverting a large volume of water from reaching Dulas Estuary will cause the already very narrow gap to the sea to slit up and cause the area to be landlocked marsh?

A writer contends that this is expected to be the first part of the development with applications to follow for camping, caravans, chalets, marquis as per the applicant's Chester Lakes Development.

5. Relevant Planning History

24C300: Formation of lakes for fishing and recreation use, erection of a shop and café including a storage building together with associated access roads and parking areas together with a new septic

tank. Returned to applicant 26.03.12.

24C300B/SCR: Screening opinion for the formation of lakes for fishing and recreation use, erection of a shop and café and a storage building together with associated access roads and parking areas and the installation of a new septic tank. Withdrawn no screening opinion issued.

24C300C/SCR: Screening opinion for the formation of lakes for fishing and recreation use, erection of a shop and café and a storage building together with associated access roads and parking areas and the installation of a new septic tank. To be advised.

6. Main Planning Considerations

Principle of Development - Policy CH1 of the Gwynedd Structure Plan states that proposals for recreation and tourist development will be permitted where they accord with the policy framework of the plan which is aimed at the creation of employment, and the safeguarding of the environment and the local community.

Policy 2 (New Jobs) of the Ynys Môn Local Plan states that on sites outside existing settlements, the council will permit employment developments only in exceptional circumstances where the applicant has been able to demonstrate specific locational requirements and economic benefits which would justify allowing the proposal. The written justification at paragraph 3.18 states that the Council will only allow new employment development sites away from existing settlements in exceptional circumstances, normally relating to recreation and tourism proposals.

Policy EP4 (Other Employment Opportunities and Rural Diversification) whilst not explicitly referring to tourism states that proposals which increase or diversify the range of employment opportunities, including rural diversification, will be permitted where they are of a scale and type compatible with the surrounding area or do not cause significant harm. The policy indicates that sites will not be permitted where there are suitable brownfield or allocated land available.

Policy TO1 of the Stopped UDP states proposals to further develop existing or create new, tourist attractions will be permitted providing they do not cause significant harm to the environment. The reasoned justification of the policy explains that the policy introduces a positive approach to visitor attractions and facilities, to secure employment and increase the range of facilities open to local people.

Policy TO8 of Stopped UDP in relation to water and boating facilities indicates that the small scale development of boating and water sports facilities to expand the provision for local residents and visitors is acceptable providing they cause no unacceptable harm to other interests.

National planning policies in PPW and TAN 23 have in recent years been revised to give greater emphasis on facilitating on employment uses. TAN 23 indicates that sustainable development is essential to building strong rural economies and vibrant communities. A sequential approach is advocated towards employment developments. Similar to the policy 2 of the Ynys Môn Local Plan the TAN indicates that development not allocated in the development plan should only be permitted in exceptional circumstances and must be fully justified.

In planning policy terms the application site is located in the countryside. The proposal aims to introduce a scheme of significant scale into this rural location. Although the policies listed above permit and encourage tourism / boating attractions of the type proposed this is subject to environmental and other considerations being acceptable. Policy EP4 of the Stopped UDP indicates scale and harm are material considerations, and indicates a preference towards brownfield and

allocated sites.

In addition Policy 2 of the Ynys Môn Local Plan states employment developments will only be permitted in exceptional circumstances where the applicant has been able to demonstrate specific locational requirements and economic benefits. The policy is very reflective of recent national planning policy in TAN 23.

In terms of demonstrating a specific location requirement in the countryside the planning application is supported by the following information:

The applicant has confirmed that the purpose of the development is to provide facilities such as fishing, sailing, canoeing, wind surfing and nature trail walks. The applicant has also explained that they operate a 101 bed holiday letting business nearby and that the leisure facilities at the development being applied for will be available to occupants of these holiday let units. They also confirm that the reception facilities for the holiday letting will be operating from the development being applied for.

The planning application is supported by a number of technical reports in connection with the development of the lakes which detail ground conditions, hydrology issues and flood considerations. The reports detail the design and construction consideration for the lakes, including the abstraction rates from the watercourse that flows through the application site

Given the scale and nature of the development being applied for it clear that this is not the type of development which can be accommodated in an urban location.

The development being applied comprising substantially of recreation lakes is of the type of development that is generally associated with requiring a rural location. Additionally the type of recreational pursuits being proposed is of the type that can be reasonably regarded as requiring a rural location. The planning policies listed also support such proposals which are available to local residents as well as tourists. The planning policies listed generally permit development in the countryside in exceptional circumstances, normally relating to recreation and tourism proposals such as that being applied for.

In terms of economic benefits the applicants have provided a breakdown of economic benefits. In the development of the proposals the applicant has indicated that the 3 year build will require 30 full and part time staff and a budgeted expenditure of £2.35 million. Once the development is operational 4 full time staff will be employed in the development with a seasonal staffing requirement of up to 12 people, including tuition staff and water sports experts. The applicant's explain that the Llys Dulas Estate currently operates 15 holiday cottages and a Bed Breakfast totalling 101 beds, and that the development subject to this report will be available in connection with this existing holiday use on their estate.

It can also be surmised from the technical reports submitted in connection with the development of the lakes that there are specific site requirements for the development being applied for which are present on the application site.

Given the policy considerations above it is considered that in principle the development being applied is acceptable in this countryside location subject to the impacts of the scale of the development on the environment and other interests which are considered further in the report below.

Landscape and Visual impact - The Proposed Development is located within a Special Landscape Area "SLA" as defined by the development plan (Gwynedd Structure Plan (November 1993) and the

Ynys Mon Local Plan (December 1996) and other material planning policies in the Stopped Ynys Mon Unitary Development Plan (December 2005). The land to the south of the application site on the opposite side of the Class 3 road forms part of the Area of Outstanding Natural Beauty "AONB".

Objections received and listed in the relevant section of this report are made on the grounds of the impact of the development on the amenities of this rural area and on the "AONB". Other objections received state if planning permission is granted screen planting with appropriate species should be planted around the car parks and along the boundary with the A5025.

In relation to the "AONB" NRW state that section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to the purposes of conserving and enhancing the natural beauty of the "AONB". They also indicate that providing the detailed design aspect of the project are completed to the satisfaction of the local planning authority, it is considered unlikely that this project will have significant impacts upon this protected landscape.

The Council's Built Environment Section considers that the proposed development may affect the setting of the "AONB" in the short term during the construction phase. This will be mitigated by requiring the phasing of these construction works such that each phase is completed including landscaping implemented prior to the commencement of the next phase. Further it is advised that long range views of the application site are limited and it is not considered that the proposed development will result in significant effects on the "AONB" or its setting, as such they are content with the detailed design of the project subject to the planning conditions recommended in relation to external materials, lighting, phasing of construction and landscaping. It is further advised that the proposed development will in time help in conserving and enhancing the natural beauty of the "AONB" by changing the species poor grazing land to a more diverse natural landscape. Similar wildlife gain or biodiversity are also pointed to by the council's Ecological and Environmental Adviser which having regard to the provisions of the Anglesey AONB Management Plan 2015-2020 will also contribute towards preserving and enhancing the "AONB".

With regard to the wider landscape comprising the "SLA" in which the application is located the landscape principles described above are also applicable and the local planning authority satisfied that the proposed development will fit to its surroundings and in time enhance the general landscape character.

Flooding & Safety Considerations - There are a number of legislative provisions separate to the planning act which will apply to the development.

An Abstraction Licence will also be required from Natural Resources to fill the main lake with water. The licence will stipulate a sustainable abstraction rate and have a low flow cessation clause which will restrict abstraction. The abstraction licence is designed to protect downstream beneficiaries of the water course. In addition an impoundment licence will likely be required to permit the impounding the on-site watercourse with the large lake.

Under the Land Drainage Act 1991 a Flood Defence Consent will be required from the council will be required to allow works to take place that affect the on-site watercourse.

Due to the bunded storage capacity of the largest lake (Lake 6) being greater than 10,000m³ this lake will be classed as a large raised reservoir and will fall under the remit of the Flood and Water Management Act 2010 which amends the Reservoirs Act 1975 "the act". The applicant has also confirmed that lakes 4 and 5 although below the 10,000m³ of the act will also be subject to "the act" as they are located within the earthworks for the retaining structure of Lake 6. As explained in the introduction of this report lakes 1, 2 and 3 are below ground and do not have any retaining structures

so that the water is stored below the natural ground level, these lakes are not subject to "the act".

NRW have confirmed that under "the act" a Construction Engineer will need to be appointed and then registration will be required with NRW's Reservoir Safety Team who will consider the risk of the reservoir to human life, categorised as high or low risk. If NRW deem that the reservoir is high risk an additional Supervisory Engineer will need to be appointed. The applicant has confirmed that this development has proceeded on the basis that reservoir will be designated as high risk within the context of these criteria.

One of the representations received states that a long term maintenance plan should be required in the event that due to economic circumstances the banks of the dam were not inspected and maintained. As explained development will be subject to "the act which is a specific piece of legislation to protect the public against the uncontrolled release of water from large raised reservoirs, with reserve and emergency powers provided to NRW to secure this compliance. It is not therefore considered necessary to attach a planning condition duplicating these provisions.

It is not considered reasonable to that any maintenance plan also removes existing buildings forming part of the proposed development as contended objections received as the principle of the development is considered acceptable in principle.

One of the objections received expresses concern regarding the possibility of silting downstream from the development. The objection has been referred to NRW who state that there are unlikely to be significant impacts but that this will be dealt with the permit for the abstraction/impoundment licence process.

Highway Safety & Sustainability Considerations - As explained in the introduction to this report the western boundary of the application site is bounded by the A5025. In the course of determining the planning application amended plans were submitted which reduced the severity of the gradient adjacent to the main lake and moved the development away from the A5025, it was also confirmed that a Construction Engineer and Supervisory Engineer would be appointed in connection with the developments as explained above in the preceding section. On this basis the Highway Authority confirmed that there were no objections in principle to the proposed development given the proximity of the A5025. A bond will, however, be required by the highway authority sufficient to cover the cost of repairing the A5025 in the event that there is a breach of the dam, and this is included as planning obligation in the recommendation.

The planning application is accompanied by a Transport Assessment and Transportation Sustainability Assessment (May 2013) which indicates that the proposed development will not have a detrimental effect on the highway network and that the creation of vehicular access to the development will not result in any significant impacts on highway users. In relation to the construction or development phase the applicant has confirmed that there will be no export of materials such as for instance topsoil, clay or aggregate from the application. The Council's Highways Section has recommended that they are content with the planning application subject to the planning conditions recommended which include requirements for a detailed Construction Environmental Plan (CEMP), Transport Management Plan and a Travel Plan in the operation of the development. In addition a pedestrian footpath link will be required from the entrance to the proposed development to the bus stops adjacent on the A5025.

One of the objections received states that there is poor visibility at the junction of the Class 3 road to the south of the application site with the A5025. This junction has been improved in recent years and the Class 3 road widened up to the proposed access to the application site. No objections are raised on this basis by the council's Highways Section on the grounds contended in the objection.

Residential Amenity - There is a residential property located to the north west and elevated above the application site at "Gwlybycoed". The owner/occupier of this property has objected on the basis of the proximity and the position of the proposed development in front of their property. Objections have also been received from other residential properties in the vicinity; grounds of objection include the amenities of local residents, noise, opening hours, lighting and fact that the applicant indicates that special events will be held at the proposed development without explaining what these comprise of.

"Gwlybycoed" is located approximately 200 meters away to the north the application site. It is also elevated around 10 meters above the application site at its nearest point and the principal elevation faces the direction of the application site.

The applicants have indicated that they intend to complete the development within 3 years and as explained previously major earthworks are required to complete the development. A framework Construction Environmental Management Plan (CEMP) accompanies the planning application amongst other matters this deals with aspects of the construction which could affect residential amenity including working hours, delivery hours and compound locations. In addition conditions have been recommended requiring the phasing of these construction works such that each phase is completed including landscaping implemented prior to the commencement of the next phase. Given the distance from the proposed development, elevation above the proposed development and the mitigation proposed it is considered that the construction of the development will affect the residential amenities of "Gwlybycoed" or other residential properties in the vicinity.

Similarly given the low key recreational nature of the development being applied, the distance from and elevation above the resultant development it is not considered that that the residential visual amenities of "Gwlybycoed" will be unacceptably affected.

In relation to the general residential amenities of the area the applicant has confirmed that the proposed development will be open from 08.00 to 20.00 and a condition has been recommended to be attached on this basis. The applicant has clarified that special events will comprise fishing competitions, sailing and wind surfing festivals, and that they understand it will be subject to the restriction between the aforementioned hours. A planning condition has also been recommended removing permitted development rights for temporary uses. The Council's Environmental Services have also confirmed that there are separate legislative provisions to control noise, alcohol and entertainment.

A condition has also been recommended to control the impacts of any lighting proposed in connection with the proposed development.

Given the above considerations and the comments of the Council's Environmental Services it is not considered that the proposed development will unacceptably affect the residential amenities of "Gwlybycoed" or other residential properties in the vicinity.

The owner/occupier of "Gwlybycoed" has also objected in terms of the impacts of the proposed development on the electricity apparatus which cross the application site. The applicant will need to obtain separate consent from the statutory provider to re-route these apparatus if required in connection with the proposed development, and informative has been attached on this basis. The relevant statutory providers have also been consulted and no objections raised.

The owner/occupier of "Gwlybycoed" has also queried the applicant's will access their agricultural land surrounding their residential property if the current access is to be utilised in connection with the proposed development. The applicant has responded to this point and confirmed that the agricultural

land within the Llys Dulas Estate ownership referred to by the writer can be accessed from a number of different directions.

Ecology - NRW the Council's Ecological and Environmental Adviser have confirmed that there no issues in relation to protected sites and species.

The Council's Ecological and Environmental Adviser indicates that there will be a wildlife biodiversity gain as a result of the development.

The Council's Ecological and Environmental Adviser has considered the objection in respect of the loss of winter resting and feeding habitat for Curlew and Plover and given the area of 7.8ha to be retained for sheep grazing, the proposed islands and biodiversity gain it is not considered that there will be an adverse effect on these species.

Welsh Language - The planning application is supported by a Welsh Language Statement which has been assessed as acceptable by the Council's Welsh Language Impact Officer. The mitigation proposed in the Welsh language statement in relation to a bi-lingual business/place name, signage, leaflets and a website has been recommended as a planning obligation.

Public Rights of Way - There is a Public Right of Way (43 Llaneilian) approximately 150 meters to the east of the application site. The Council's Public Rights of Way Officer has confirmed that the proposed development will not impair this public right of way.

Loss of Agricultural Land - In relation to the loss of agricultural land Welsh Government agriculture in their consultation response indicate that the application site will likely comprise moderate to poor quality agricultural land in classification. A consultant for the applicant has also confirmed that the application site comprises grade 3 agricultural land. It is also material that 7.8 hectares of the open areas proposed as part of the proposed development would be retained for agricultural purposes. It is therefore not considered that the proposed will result in the unacceptable loss of quality agricultural land.

Other Material Considerations - Gwynedd Archaeological Planning Service have indicated that on the basis of the studies undertaken to date which includes trial trenching that the application site appears to be of low archaeological potential. There are two areas of the application site where further investigation in form of recording of boundary and ditch features from the post medieval period is justified and a planning condition has been recommended on this basis.

One writer states that they expect that this will be the first phase of the developments with other planning applications to follow for camping, caravans, chalets and marquis as per the applicant's Chester Lakes development. The applicants have responded to this point and confirmed that no further developments are envisaged at this point in relation to this project. A condition has been recommended removing the applicant's permitted development rights in relation to camping and caravanning. Planning permission will therefore be required for the developments listed by the objector which will then need to be determined on their merits at the appropriate time.

7. Conclusion

Given the policy considerations described in the report it is considered that in principle the development is acceptable in this countryside location subject to the impacts of the scale of the development on the environment and other interests which are considered further in the report below.

The application site is within a Special Landscape "SLA" and the land to the south on the opposite

side of the road forms part of the "AONB". It is considered that the proposed development will affect the setting of the AONB in the short term but this can be mitigated with planning conditions. In time it is considered that the development will conserve and enhance the AONB in landscape and ecological terms. For similar reasons it is considered that the proposed development accords with planning policy provisions in relation to the "SLA".

It was explained in the report that there are a number of separate legislative provisions in relation to abstraction and safety and that a Panel Engineer will need to be appointed. In terms of overall risk this has been assessed as low.

The Council's Highway Authority are also content with the proposal on the basis that a Panel Engineer will need to be appointed and the planning conditions recommended which include requirements for a detailed Construction Environmental Plan (CEMP), Transport Management Plan and a Travel Plan in the operation of the development.

The impacts of the construction and operation of the development on the residential amenities of adjacent properties have been assessed and it is considered that subject to the planning conditions described that there will be unacceptable impact of the amenities of occupants of these dwellings.

To conclude the report explains that there are objections on the grounds of ecology, public rights of way, loss of agricultural land, archaeology or in terms of any future proposals not subject to the current proposals.

8. Recommendation

That planning permission is granted subject to the completion of a legal agreement containing the following obligations:

- No motorised or powered water craft to be used in the proposed development except for a safety purposes.

- Travel Plan / Transport Implementation Strategy including monitoring and remedial measures should targets not be attained to be submitted to and approved in writing by the local planning authority and thereafter adhered to in connection with the use hereby approved.

- Appropriate bond shall be put in place by the developer to fund any remedial works necessary to the repair the A5025 in the event that there is a breach of the dam. The value of the bond shall be calculated by the developer and approved in writing prior to the commencement of the development hereby approved.

- Has been calculated in monetary terms and approved in writing by the highway authority as sufficient to cover any repair works necessary to the A5025 in the event that there is breach of the dam's hereby approved.

- Development to have a bilingual business/place name and signage; a Welsh version of all leaflets and the website shall also be provided in the duration of the use hereby approved.

Thereafter that planning permission is granted 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 strictly in accordance with the following approved plans :

Drawing Title:	Drawing Number or Date Received	Revisions:
	Received	
Ordnance Survey OS Landplan	10.03.15	
Existing Sections 3184_XS_EW_SHT1	1000/02	
Existing Sections – 3184 XS EW SHT2	1000/03	
Existing Sections –	1000/04	
3184_XS_NS_SHT1		
Existing Sections –	1000/05	
3184_XS_NS_SHT2		
Existing Site Plan	1000/10	
New Junction Layout & Visibility Splay	12209/0001/a	
Landscape Phasing Plan	16251 – PL – 206	Α
Higher Level Construction	16251 – PL - 207	Α
Management Plan		
Landscape Mitigation Planting Plan	11106 – PL - 204	Α
Landscape Masterplan	16251 – PL - 208	Α
Landscape Mitigation Planting Plan	11106 – PL - 205	
Proposed Site Plan	1000/101	D
Proposed Sections –	1000/102	Α
3184_XS_EW_SHT1		
Proposed Sections –	1000/103	Α
3184_XS_EW_SHT2		
Proposed Sections – 3184_XS_NS _SHT1	1000/104	A
Proposed Sections –	1000/105	Α
3184_XS_NS_SHT2		
Proposed Section X-X	1000/106	Α

Reason: To ensure a satisfactory form of development.

(03) The development hereby approved shall be carried out in accord with the Landscape Phasing Plan (drawing number 16251 - PL - 206 revision A) ("the phasing plan") hereby approved. The development hereby approved shall occur in a sequential manner strictly in accord with "the phasing plan" and for the avoidance of doubt; Phase 1 shall be completed and landscaped in accord with planning condition (04) before development commences on Phase 2, Phase 2 shall be completed and landscaped in accord with planning condition (04) before development commences on Phase 3.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(04) The landscaping scheme as shown on the Landscape Mitigation Planting Plan(s) (drawing numbers 11106 - PL - 204 revision A and 11106 - PL - 205) shall be implemented not later than the first planting season following the completion of the phase (being Phase 1, Phase 2 or Phase 3) to which it relates as denoted in "the phasing plan".

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(05) No material(s) excavated in the development hereby approved shall be removed or transported from the application site outlined in red on the location plan received 10.03.15.

Reason To define the scope of the planning permission herby approved.

(06) No development shall commence until full construction specification drawings and calculations of the cut and fill volumes of earthworks proposed in connection with the development hereby approved, including the volume of material(s) to be imported as part of the earthworks has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

(07) Notwithstanding the plans hereby approved no development shall commence until detailed construction level topographical drawings which include full details of the proposed slab levels of the building(s) hereby approved and ground modelling in relation to the existing and proposed levels and the surrounding land (including the A5025, Class 3 public highway) has been submitted to the Local Planning Authority for its written approval. The details approved under this condition shall be implemented in full and adhered to.

Reason: To ensure a satisfactory form of development.

(08) No development shall commence until evidence is submitted demonstrating that all necessary statutory consents required in connection with the development hereby approved have been permitted has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development which accords with all relevant statutory requirements.

(09) No development shall commence until full details of all external materials, finishes and colours (which shall include such details for all building(s), internal roads, car parking area(s) and all other engineered structures and works associated with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(10) No development shall take place until full details of the proposed means of enclosure (including walls and fencing around and within the application site have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure approved under the provisions of this condition shall be erected prior to the occupation of the development hereby approved.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

(11) No development shall take place until full specifications of all external lighting required in connection with the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted under the provisions of this condition shall include detailed report(s) on any light spillage (lux levels) onto any surrounding land and properties, times of operation and measures to reduce energy consumption. The details approved under this condition shall be implemented in full and adhered to and there shall be no other lighting in connection with the development hereby approved.

Reason: To safeguard the amenities of the area and of occupants of neighbouring dwellings and to

conserve the Area of Outstanding Natural Beauty, dark skies and to ensure a sustainable form of development.

(12) No development shall commence until full construction specifications and drawings for the lakes hereby approved, and a report on the adequacy and safety thereof by the appointed Panel Engineer has been submitted to and approved in writing by the local planning authority. The details approved under this condition shall be implemented in full and adhered to.

Reason: To ensure that the development is undertaken in a safe manner and to ensure a satisfactory appearance of the development.

(13) Notwithstanding the Technical Note regarding Anglesey Lakes – Failure Risk Assessment – Tier 1 (06.01.2015) Envireau Water submitted with the planning application hereby approved a Tier 2 or detailed design stage assessment breach analysis, flood extent and hazard mapping report (this shall include flow paths and the impact on the A5025, Class 3 road including structural elements thereof such as culverts) by the appointed Panel Engineer shall be submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to.

Reason: To ensure that the development is undertaken in a safe manner and to protect third party flooding.

(14) No development shall commence until full construction specifications and drawings, and a report by the appointed Panel Engineer on the adequacy and safety of all engineered structures and works associated with the development (including inlets, culverts, spillways, retaining walls, batters and embankments) taking into account the surrounding land (including the A5025, Class 3 public highway) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to.

Reason: To ensure that the development is undertaken in a safe manner and to ensure a satisfactory appearance of the development.

(15) No development shall take place within the site until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the provision of an archaeological excavation and recording of remains.

(16) No development shall commence until a comprehensive and integrated drainage scheme for the development hereby approved demonstrating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The details approved under the provisions of this condition shall be completed prior to the occupation of the development hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or adjacent properties.

(17) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

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.

(18) No development shall commence until a scheme detailing all cycle storage areas and facilities (which shall include cycle stands, cycle shelters and secure cycle hub/compounds) has been submitted to and approved in writing by the Local Planning Authority. The details approved under the provisions of this condition shall be completed prior to the occupation of the development hereby approved.

Reason To ensure that provision is made for safe and secure cycle storage is made to encourage users of the development to travel by cycle.

(19) The vehicular access shall be competed with a bitumen surface for the first 30 metres from the nearside edge of the highway.

Reason: To minimise danger and inconvenience to highway users.

(20) No surface water from the development hereby approved shall discharge onto the highway.

Reason: To minimise danger and inconvenience to highway users.

(21) No development shall commence until full construction specifications and drawings for the proposed footpath and crossing illustrated on the New Junction Layout and Visibility drawing number 12209/0001/a have been submitted to and approved in writing by the Local Planning Authority. The details approved under the provisions of this condition shall be completed prior to the occupation of the development hereby approved.

Reason To facilitate safe pedestrian access between the development and the bus stops on the A5025.

(22) Notwithstanding the means of vehicular access shown on the New Junction Layout and Visibility drawing number 12209/0001/a no development shall commence until full construction specifications and drawings of this vehicular access, which shall include full details of the surface water drainage arrangements has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The details approved under this condition shall be implemented in full to prior to the commencement of any other part of the development hereby approved and thereafter adhered to.

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

(23) No development shall commence until a Waste Management Plan ("WMP") detailing construction waste handling, storage and disposal has been submitted to and approved in writing by the Local Planning Authority. The WMP shall identify strategies for waste minimisation, recycling and pollution prevention during construction. The WMP shall be implemented and adhered to strictly in accordance with the details approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To safeguard the environment, local ecology and local amenity and to ensure the effective waste minimisation and management arrangements are implemented in the interests of sustainable development.

(24) Notwithstanding the "Llys Dulas Higher Level Construction Management Plan" (March 2016) Ryder Landscape Consultants Ltd submitted with the planning application hereby approved, no development shall commence until a Detailed Construction Environmental Management Plan ("DCEMP") has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include general environmental provisions relating to the construction of the development and, as a minimum, shall include detail of:

- the sustainability of the construction methods to be employed;
- working hours during the construction;
- provisions for safeguarding the residential amenity;
- parking arrangements associated with construction including loading/unloading requirements;
- location of storage areas;
- dirt and dust control measures and mitigation which shall include measures to prevent

damage to retained vegetation;

- noise, vibration and pollution control impacts and mitigation;
- water quality and drainage impacts and mitigation;
- bio-security relating to protected and other species;
- monitoring and compliance measures including corrective/preventative actions with targets in the DCEMP which shall accord where relevant with British Standards (BS);

The DCEMP shall be implemented and adhered to strictly in accordance with the details approved under the provisions of this condition for the duration of the construction period.

Reason: To safeguard against any impact the construction of the development may have on the environment, landscape, local ecology and local amenity.

(25) No development shall commence until a "Detailed Construction Traffic Environmental Management Plan" "DCTEMP" has been submitted to and approved in writing by the Local Planning Authority. The "DCTEMP" shall include general environmental provisions relating to the construction of the development and, as a minimum, shall include detail on :

- the means of transportation and locations for the storage of plant, equipment and materials associated with the construction of the development including the access to and egress from the site from / to the highway;
- specification of vehicular access point(s) and haulage route(s) and of any temporary signage to be provided to identify the route for construction traffic and measures to promote its safe use;
- identification of the routing strategy and procedures for the notification and conveyance of any indivisible "out of gauge" loads. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal and subsequent replacement of street furniture;
- description of the arrangements to be made for on-site parking for personnel working on the site and for visitors; and
- proposals for communicating information relating to the DCTEMP to the Local Planning Authority in the duration of the construction of the development hereby approved.

The DCTEMP shall thereafter be implemented and adhered to strictly in accordance with the details approved under the provisions of this condition for the duration of the construction period of the development.

Reason: To minimise danger, obstruction and inconvenience to users of the highway for the duration of the construction Phase(s) of the development and to promote highway safety.

(26) No development shall commence until a Soil Management Plan ("SMP") detailing the soil excavation, handling and storage shall be submitted to the Local Planning Authority for its written approval. The SMP should identify strategies for waste minimisation, pollution prevention and restoring areas disturbed during construction. The SMP shall thereafter be implemented and adhered to strictly in accordance with the details approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To safeguard the soil structure on the application site.

(27) The shop/café and storage building hereby permitted shall not be used for any other purpose other than ancillary to the recreation use hereby approved and for no other purpose.

Reason: For the avoidance of doubt as the Local Planning Authority would not otherwise permit these buildings.

(28) The provisions of Schedule 2, Part 4 (Temporary Buildings and Uses) Class B and Part 5 Class (Caravan Sites) A of the Town and Country Planning (General Permitted Development)

Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.

Reason: In the interests of the amenities of the locality and to define the scope of this permission.

Informatives

The decision notice must be read in conjunction with the terms of the legal agreement of the (Insert Date). You are advised to satisfy yourself that you have all relevant documentation.

A separate consent from the Isle of Anglesey Council as the Highway Authority will be required for the approval of the vehicular access and the off-site footpath before any work is carried out to the public highway.

The development hereby approved will be subject to the Water Management Act 2010.

There are a number of licenses and permits required by NRW in relation to abstraction / impoundment, fish stocking and the control of discharges into watercourses / groundwater.

In accord with the Flood and Water Management Act 2010, any new structure constructed or any diversion to an existing watercourse required as a result of the development will require approval of the Isle of Anglesey Council under Section 23 of the Land Drainage Act 1991.

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. (Notably Highways)

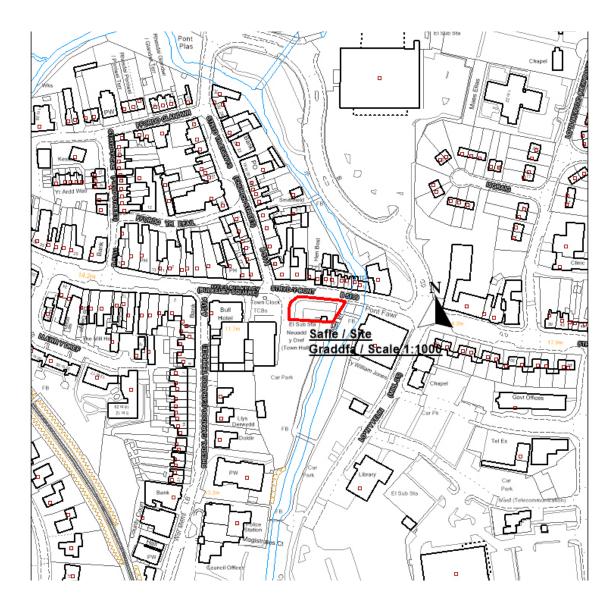
Rhif y Cais: 34C326D/VAR/ECON Application Number

Ymgeisydd Applicant

Medrwn Môn

Cais o dan Adran 73 i ddiwygio amod (01) o caniatâd cynllunio rhif 34C326C/ECON (codi canolfan adnoddau) er mwyn rhoi 5 mlynedd pellach i gychwyn y gwaith yn / Application under Section 73 for the variation of condition (01) from planning permission reference 34C326C/ECON (erection of a resource centre) so as to allow a further 5 years to commence work at

Hen Safle Cross Keys / Former Cross Keys Site, Sgwar Bulkeley Square, Llangefni



8.2

Planning Committee: 06/07/2016

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

Recommendation:

Permit.

Reason for Reporting to Committee:

Part of the site is within Council ownership.

1. Proposal and Site

The site is centrally located in Llangefni between the Town Hall (Listed) and Iceland building. The site is within a conservation area.

2. Key Issue(s)

The key issue is whether the proposal complies with current policies, whether it has a negative impact on the conservation area and the effect on neighbouring properties.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy Policy 26 – Car Parking Policy 28 – Flooding Policy 42 – Design Policy 40 – Conservation Area Policy 41 – Conservation of buildings

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design Policy D25 – Conservation Area Policy D28 – Roofing Materials Policy D29 – Design Policy D32 - Landscaping

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance Policy GP2 – Design Policy EN1 – Special Landscape Area Policy EN13 – Conservation of Buildings Policy TR10 - Parking **4. Response to Consultation and Publicity**

Town Council – No response at the time of writing the report.

Local Member (Cllr Bob Parry) - No response at the time of writing the report.

Local Member (Nicola Roberts) - No response at the time of writing the report.

Local Member (Dylan Rees) - No response at the time of writing the report.

Drainage – Standard comments.

Welsh Water - No response at the time of writing the report.

Scottish Power - No response at the time of writing the report.

Environmental Health - No response at the time of writing the report.

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 application was also advertised in the local newspaper as the development is within the Conservation Area. The latest date for the receipt of representations was the 9th June, 2016. At the time of writing the report no letters had been received objecting to the proposal.

5. Relevant Planning History

34C326: Erection of an electrical substation on land adjacent to former Cross Keys Site, Llangefni. Withdrawn – 05/04/95

34C326A: Conservation Area Consent for the erection of a new electrical sub-station on land adjacent to the former Cross Keys Site, Llangefni. Allowed – 08/06/95

34C326B: Erection of a resource centre on Old Cross keys Site, Bulkeley Square, Llangefni. Refused – 15/11/05

34C326C/ECON: Erection of a resource centre on Old Cross keys Site, Bulkeley Square, Llangefni. Approved – 26/05/11

6. Main Planning Considerations

A previous application was approved 26/05/11 under reference 34C326C/ECON for the erection of a resource centre. The current application is for the variation of condition (01) from planning permission reference 34C326C/ECON to allow a further 5 years to commence work at the former Cross Keys Site, Llangefni.

Since the previous approval there has been no policy change, therefore allowing a further 5 years to commence work is acceptable.

It is considered that the proposal fall within the necessary policy framework and no objections have been raised in respect of highway/parking requirements.

7. Conclusion

The site is considered suited to the development. No policy change has taken place since the original approval and it is considered acceptable to extend the permission for a further 5 years.

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) The development hereby permitted shall be carried out in strict conformity with the details shown on the submitted plans and contained in the form of application and in any other documents accompanying such application unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

(04) The vehicle loading and unloading area shall be completed in full accordance with the details as shown in green on the enclosed plan 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.

(05) No surface water from within the curtilage of the site to discharge onto the County Highway. The drainage of the highway at the access along the frontage to be carried out to the requirements of the Highway Authority before any work on the remainder of the development is commenced.

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

(06) The access shall be completed with a bitumen surface 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 dwelling is occupied.

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

(07) The proposed development site is crossed by a public sewer / rising main / disposal main with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has right of access to its apparatus as all times. No part of the building will be permitted within 3 meters of the line of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

(08) No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

(09) 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 detriment to the environment.

(10) Finished Floor Levels should be set at a minimum of 9.81m AOD.

Reason: To minimum flood risk.

(11) Current best practice with regards to flood proof construction techniques must be incorporated into the design of the building.

Reason: To minimise the impact of any inundation event.

(12) Safe access and egress must be functional for the site during the inundation event.

Reason: To minimise risk to future users of the site.

(13) All additional mitigation measures recommended within the Flood Consequence Assessment should be incorporated into the development.

Reason: To minimum flood risk.

(14) Warning signs and evacuation route signage should be posted on site to inform future users of the potential flood risk

Reason: To minimum flood risk.

(15) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such scheme implemented prior to the construction of any impermeable surfaces unless otherwise agreed in writing by the local planning authority. Surface water generated from new impermeable surfaces must be limited to equivalent Greenfield rate for the site, the level of which to be agreed with the agency.

Reason: To prevent the increased risk of flooding on and off-site.

(16) The building hereby approved shall be used only as a resource centre as described in the information submitted, no other use or process shall take place unless otherwise agreed in writing with the Local Planning Authority.

Reason: To define the scope of this permission.

(17) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 34C326D/VAR.

Proposed Ground Floor and	1118:03:6	
First Floor Plans		
Proposed Second Floor and	1118:03:7	
Roof Pla		
Proposed Elevation A	1118:03:8	
Proposed Elevation C	1118:03:10	

Proposed Elevation D	1118:03:11	
Proposed Elevation B	1118:03:9	
Proposed Front Elevation	1118:08:4	
Location Plan	1118:03:1	
Proposed Site Plan	1118:03:D	

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.

9. Other Relevant Policies

Technical Advice Note 12: Design