

12.1

Gweddill y Ceisiadau

Remainder Applications

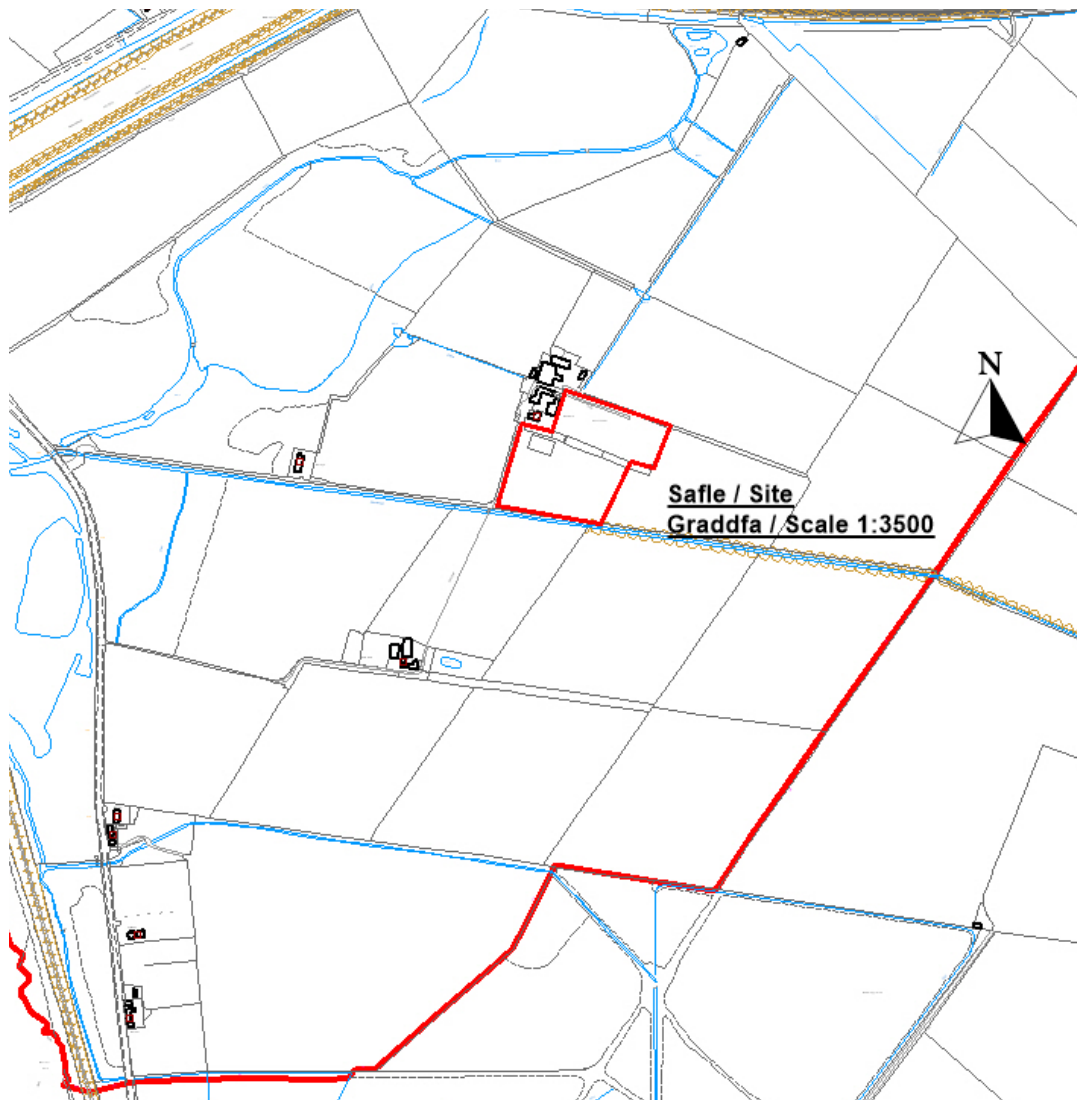
Rhif y Cais: **15C30H/FR** Application Number

Ymgeisydd Applicant

Mr Jeff Hughes

Cais llawn i newid defnydd tir amaethyddol er mwyn ymestyn y maes carafannau presennol i lleoli 14 o garafannau symudol ychwanegol ynghyd a gosod tanc septig ar dir yn / Full application for change of use of agricultural land to extend the existing caravan park to site a further 14 touring caravans together with the installation of a septic tank on land at

Pen y Bont Farm Touring & Camping, Malltraeth



Planning Committee: 02/11/2016

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

Recommendation:

Refuse

Reason for Reporting to Committee:

At the request of the Local Member - Councillor P Rogers

1. Proposal and Site

The site is located 500 metres east of the A4080 and lies on the outskirts of the settlement of Malltraeth and consists of agricultural land and existing caravan site in an open setting. The site lies to the south of the existing fields which are used by caravans. The site lies within the boundary of the Malltraeth Marsh Site of Scientific Interest and lies entirely within a Zone C1 Flood Zone.

The proposal is a full application for the change of use of the agricultural land in order to extend the existing caravan park to site an additional 14 caravan pitches.

2. Key Issue(s)

The applications main issues are whether the proposal complies with current policies and Technical Advice Note 15 and whether the development will have a detrimental impact on the protected Malltraeth March Site of Scientific Interest.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy
Policy 12 – New Touring Sites
Policy 13 – Touring Sites
Policy 28: Flooding
Policy 31 – Landscape
Policy 33 – Nature Conservation
Policy 42 - Design

Gwynedd Structure Plan

Policy CH1 – Tourism
Policy CH5 – Touring Caravan Sites
Policy D3 - Landscape
D4 – Location, Siting and Design
D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance
Policy GP2 – Design
Policy EN1 – Landscape Character
Policy EN6 – National Sites

Policy TO6 – Touring Caravans
Policy SG2 – Development and Flooding

Planning Policy Wales, 2016, 8th Edition

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

Technical Advice Note 12 – Design

Technical Advice Note 15: Development and Flood Risk
4. Response to Consultation and Publicity

Local Member, Cllr. P Rogers – Call-in due to community concerns

Local Member, Cllr A Griffith – No response to date

Community Council – No response to date

Highway Authority – No response to date

Drainage Section – Insufficient drainage facilities

Welsh Water – Standard comments

Natural Resource Wales – Object

Environmental Health – Standard comments

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 9th September, 2016 and at the time of writing this report no letter of representations had been received at the department.

5. Relevant Planning History

15C30 - Formation of a touring caravan site at Bont Farm, Malltraeth. Granted 12:02:88

15C30A - Change of use of outbuilding into toilet block together with the installation of a new septic tank at Bont Farm, Malltraeth. Granted 04:08:88

15C30B - Conversion of outbuildings into riding, trekking and livery stables at Bont Farm, Malltraeth. Granted 09:03:89

15C30C - Change of use of existing agricultural land to accommodate an extra 8 caravan pitches together with the extension of the existing caravan site to accommodate 10 extra pitches at Pen y Bont, Malltraeth – Refused 14/11/01

15C30D – Siting of 10 additional touring caravan pitches within existing site boundary together with the change of use of adjoining agricultural land to accommodate a further 8 pitches for seasonal use (1 April to 30 September each year) and alterations to the existing vehicular access at Pen y Bont,

Malltraeth – Approved 16/12/02

15C30E – Change of use of land for the storage of 12 caravans between 30th September to 1st April each year at Pen y Bont, Malltraeth – Approved 27/05/03

15C30F – Application to determine whether prior approval is required for the erection of an agricultural shed for the storage of machinery at Pen y Bont, Malltraeth – Permitted Development 25/10/10

15C30G - Full application for the change of use of agricultural land to extend the existing caravan park to include the siting of 14 touring caravans together with the installation of a new septic tank on land at Pen y Bont, Malltraeth – Withdrawn 30/06/16

6. Main Planning Considerations

Policy Context – The application site lies within the boundary of the Malltraeth Marsh Special Site of Scientific Interest. The SSSI is noted for its breeding bird community of lowland damp, grassland, as a threatened habitat of wet meadows, and for the botanical interest of its ditches and watercourses.

Policy 12 of the Ynys Mon Local Plan states that extensions to existing sites, or additional pitches for touring caravans or tents on existing sites will only be permitted subject that the proposal complies with the listed criteria. One of the criteria (v) is that the proposal will not harm a site or area of ecological, scientific or archaeological interest. In their consultation response Natural Resource Wales have objected to the proposal due to the likely impacts on Malltraeth Marsh SSSI and they do not consider that the proposal could be adapted in any way that would remove their concerns.

Policy 33 of the Local Plan states that the Council "will refuse to permit any development that will unacceptably affect either directly or indirectly, any notified SSSI..."

Policy TO6 of the stopped Unitary Development Plan states that new touring caravans or tent sites, extension to existing sites or additional pitches for touring caravans or tents will only be permitted where they do not cause unacceptable harm to the environment.

Policy EN6 of the stopped Unitary Development Plan states that development that is likely to result in danger or have a detrimental effect on a Site of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless the reasons for the development clearly outweigh the value of the site itself.

Fields close to the proposed development are suitable for breeding birds of lowland damp grassland, which require an open landscape without disturbance. Any development into the SSSI including any screening planting more than 1.5 m tall will impact on the suitability of the area for breeding birds with a potential loss of biodiversity. The caravan site will be open during the spring and summer bird breeding season which coincides with the breeding season for the species notified as features of the site. The proposed development would not only reduce the land area off the SSSI but potentially increase disturbance effects in neighbouring fields within the SSSI and therefore jeopardise site integrity.

The proposal therefore conflicts with Policy 12 and Policy 33 of the Ynys Mon Local Plan and Policy TO6 and EN6 of the stopped Unitary Development Plan.

Flooding – The proposal is situated within a zone C1, as defined by the development advice map (dam). Natural Resource Wales have stated in their response that their flood map information, which

is updated on a quarterly basis, confirms the site to be within the extreme flood outline.

Policy 28 of the Local Plan states that applications for development "in areas liable to tidal inundations or river flooding" or "which would involve the loss of natural flood plain" will be refused.

The aim of TAN 15: Development and Flood Risk, is to:

- Direct new development away from those areas which are at high risk of flooding
- Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in Section 6 and 7 are located within such areas.

Paragraph 6.2 of TAN 15 states that new development should be directed away from areas which are within zone C and towards land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue...Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i) its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii) its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

- iii) it concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2); and
- iv) the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The proposal meets criteria (ii) of the tests listed in paragraph 6.2 as it will contribute to employment and tourism facilities in the locality by way of additional visitors to the area. However the proposal does not meet criteria (iii) or (iv) of the test as the application site is agricultural land which has not previously been developed and the agent has confirmed that they are not willing to spend the monies on submitting a Flood Consequence Assessment.

In accordance with Figure 2, Section 5, of TAN 15 a touring caravans site is categorised as a highly vulnerable development.

Therefore the proposal cannot be supported as it does not comply with the requirements of TAN 15.

7. Conclusion

The proposal due to its nature and location will have a detrimental impact on the Malltraeth Marsh Site of Special Scientific Interest. The proposal does not comply with the requirements of Technical Advice Note 15: Development and Flood Risk and therefore my recommendation is one of refusal.

8. Recommendation

Gwrthod

(01) The application site is located within zone C1, as defined by the Development Advice Maps referred to under Technical Advice Note 15 'Development and Flood Risk' (July 2004). The proposal is therefore contrary to Policies 1 and 28 of the Ynys Môn Local Plan and Policies GP1 and SG2 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (8th Edition) and Technical Advice Note 15 – Development and Flood Risk (July 2004).

(02) The proposal will impact upon the openness of the area, which is designated as a Site of Special Scientific Interest potentially affecting its ornithological interest. The proposal is therefore contrary to Policy 12 and 33 of the Ynys Môn Local Plan and Policy TO6 and EN6 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (8th Edition).

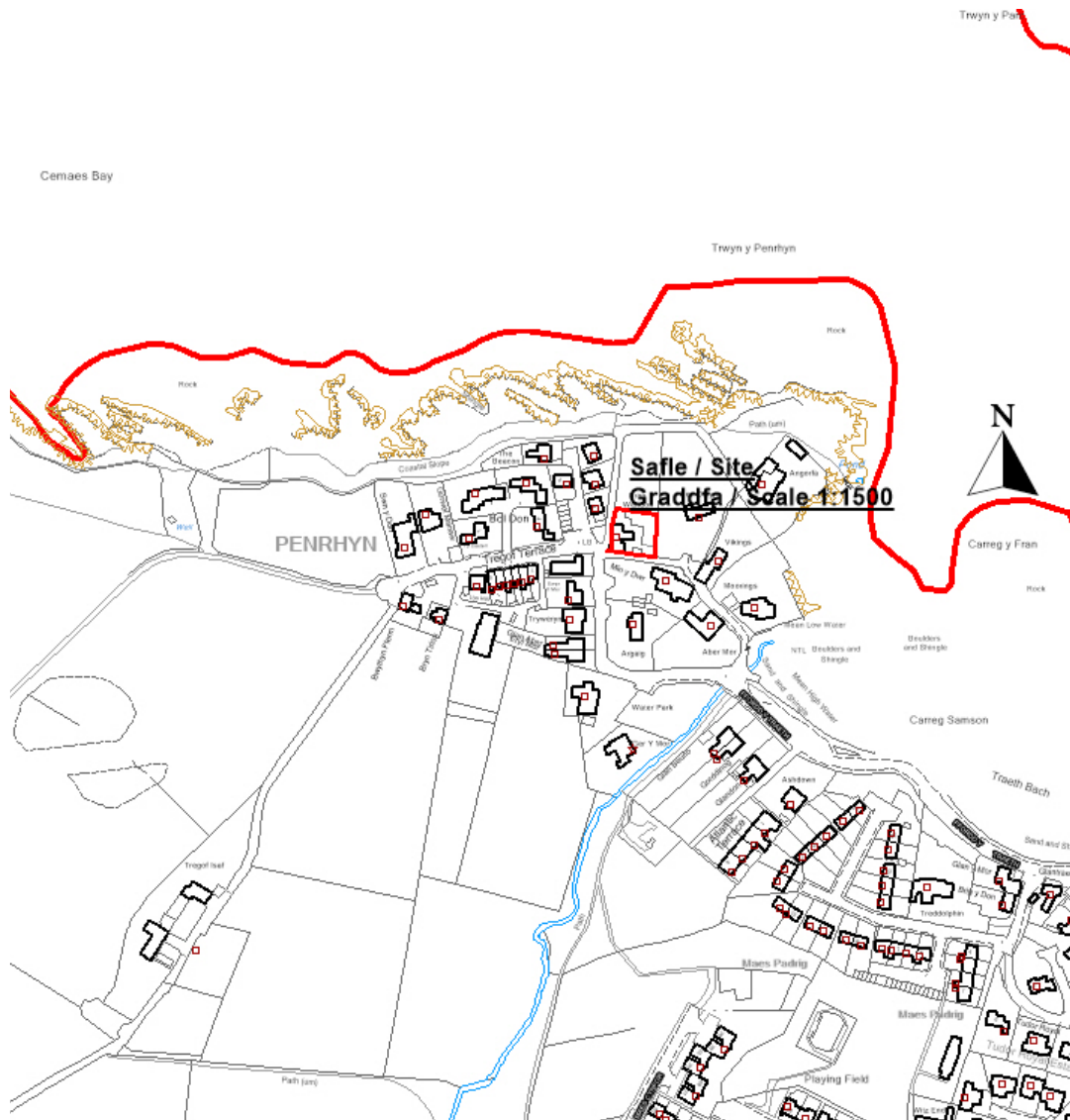
Rhif y Cais: **20C304A** Application Number

Ymgeisydd Applicant

Mr P & Mrs M Layton

Cais llawn i newid defnydd rhan o annedd i siop Dosbarth A3 (gwerthu prydau poeth – ‘takeaway’) ynghyd a chreu mynedfa i'r cyhoedd yn / Full application for change of use of part of the dwelling into Class A3 (hot food take-away) together with the creation of a pedestrian access at

Bron Wendon, Bae Cemaes Bay



Planning Committee: 02/11/2016

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

Recommendation:

Refuse

Reason for Reporting to Committee:

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

1. Proposal and Site

The application is a full application for the change of use of part of the dwelling into an A3 takeaway outlet at Bron Wendon, Cemaes.

2. Key Issue(s)

The key issue is whether the proposed scheme complies with policy and the impact on neighbouring residential properties

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 19 - Shopping

Policy 31 – Landscape

Policy 42 – Design

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1 – General Control Guidance

Policy GP2 – Design

Policy EN1 – Landscape

Policy EP8 – Vibrant Town Centres

Policy EP9 – Retailing Outside Existing Centres

Planning Policy Wales (8th Edition), January 2016

Technical Advice Note 12 – Design

Technical Advice Note 4 – Retailing and Town Centres

Supplementary Planning Guidance – Hot Food Takeaway

4. Response to Consultation and Publicity

Local Member Councillor Aled Morris Jones – Call In to the Planning and Orders Committee

Local Member Councillor Richard O Jones - Call In to the Planning and Orders Committee

Local Member Councillor William Hughes – No response received at the time of writing this report

Community Council – Approval Recommended

Highways – Comments

Environmental Health – Standard Comments

Footpath Officer – Comments

Fire Service – Comments

Drainage Section – No comments

Public Consultation – The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 29/06/2016. At the time of writing this report 8 letters of objection was received.

The main reasons for objecting as follows:-

- A3 takeaway will be located in an exclusively residential area with no commercial ventures in the area
- Disturbance and noise
- Smell/Litter
- Invasion of privacy
- No parking facility
- Impact on existing cafes/takeaways on the high street in Cemaes
- Future uses
- Impact on AONB

5. Relevant Planning History

20C304 – Full application for alterations and extensions – 19/12/14 - Granted

6. Main Planning Considerations

The key issues which need to be considered is the effect on neighbouring properties, highways and whether the proposal is acceptable from a policy point of view.

The proposal entails the change of use of part of the dwelling into a takeaway outlet (A3 use class). There are no parking facilities available and all traffic will be directed to the nearby Harry Furlong car park.

Policy Considerations

Planning Policy Wales (Edition 8) paragraph 10.3 states that when determining planning applications for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or variation of conditions, local planning authorities should take into account:

- compatibility with any community strategy or up-to-date development plan strategy;
- need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

Paragraph 10.3.2 notes that “This approach reinforces the role of centres as the best location for most retail/leisure activities. In contrast to the way in which locations outside existing centres are dealt with, consideration of the need for additional provision is not a matter that should be taken into account when proposals for uses best located in centres come forward.”

PPW establishes the principle of a sequential test in relation to town centre uses which have direct relevance to economic land uses.

Paragraph 10.3.4 of PPW states that “Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this assessment has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers.”

Policy 19 of the Ynys Môn Local Plan states that:

Applications for retailing outside existing shopping centres will be permitted where they:

- i. Are incapable, due to the scale and nature of their activities, of being built on land within existing centres.
- ii. Do not harm the vitality or viability of existing centres as a whole.
- iii. Are in locations convenient for public transport, delivery vehicles and private cars.
- iv. Are within or adjoining existing settlements.

Paragraph 11.43 of the Stopped Ynys Mon UDP, states that the focus will be on “protecting, maintaining and enhancing the existing centres in order to ensure that all sections of the community as well as tourists are provided with a wide range of shops, services and other activities accessible by a choice of means of transport.”

Consequently Policy EP8 of the Stopped Ynys Mon UDP aims to maintain the vitality, viability and attractiveness of the centres identified within the plan will be maintained and enhanced by ensuring that established centres remain the primary focus for a wide range of retail (A1, A2 and A3), commercial and public offices (B1), community facilities and institutions (D1) and entertainment and leisure (D2).

Of specific relevance to the application in question is Policy EP 9 (Retailing Outside Existing Centres) which states that:

“Permission for retail units outside the established centres will only be permitted where:

- The development cannot reasonably be located within established centres and;
- The scale and nature of the development would not affect the vitality and viability of the established centres and;

- The applicant has demonstrated realistic flexibility in considering sequential alternatives and;
- There would be no adverse impact upon the future vitality and viability of established centres identified in the plan and;
- The development complies with the sequential test and is justified by a quantitative or qualitative need.”

Highways:- The highways department have confirmed that they are satisfied as the traffic will be directed to the nearby Harry Furlong car park.

Effect on Neighbouring units:- It is considered that a takeaway outlet in this location could lead to a negative impact on residential properties surrounding the application site. The area in question is a residential area with no businesses or shops in close proximity. A takeaway business would be unneighbourly to existing residential properties.

7. Conclusion

From the above policy context it is evident that the proposed A3 use is a type which is best suited to a central village location where commercial uses dominate rather than a residential area. Consequently there is a possibility that the proposed development is likely to have an impact on the viability and vitality of Cemaes village. A sequential test has not been undertaken in accordance with Planning Policy Wales and Technical Advice Note 4.

The development would be totally removed from a central village location. The development would harm the amenity of the residential area and would harm the vitality and viability of the Village of Cemaes and lead to unneighbourly development which would have a negative impact upon adjacent residential properties.

8. Recommendation

Refused

(01) The site is located within a residential area with dwellings in close proximity. Its use as a take away would be likely to generate noise and disturbance harming the amenities of those residential occupiers nearby and as such would be contrary to Policy 1 of the Ynys Mon Local Plan and Policy GP1 of the Stopped Unitary Development Plan.

(02) The siting of the takeaway outside a central village location could lead to conditions harmful to the continued commercial vibrancy and attractiveness of the village and hence would be contrary to Policy 19 of the Ynys Mon Local Plan and EP8 of the Stopped Unitary Development Plan

(03) The location of the takeaway outside Cemaes village could create additional traffic generation which would be contrary to the principles of sustainability contrary to Policy 19 of the Ynys Mon Local Plan and EP8 of the Stopped Unitary Development Plan.

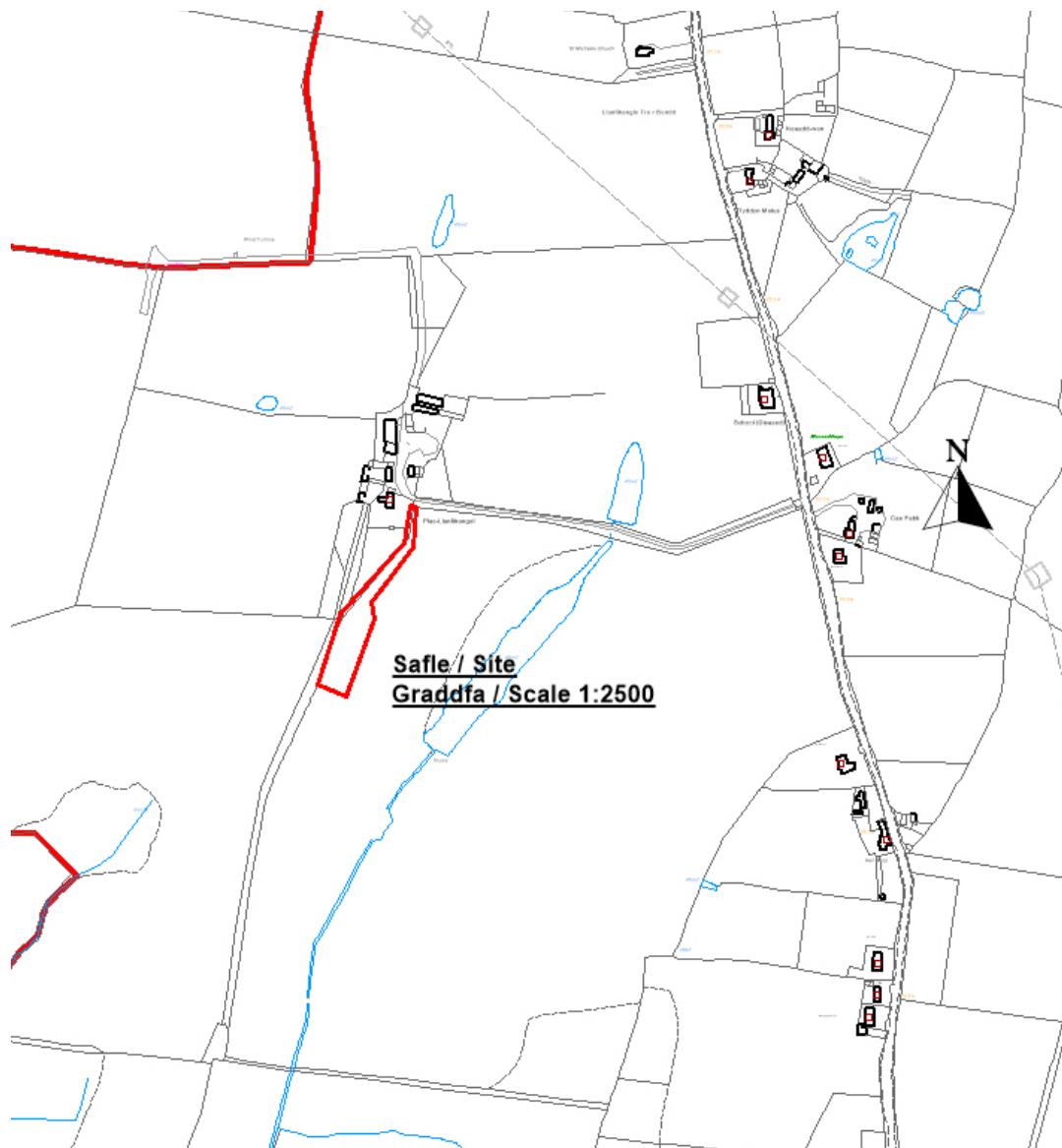
Rhif y Cais: **23C280F** Application Number

Ymgeisydd Applicant

Mr Eurig Jones & Mr Owen Rowlands

Cais llawn ar gyfer codi sied amaethyddol a parlwr godro yn / Full application for the erection of an agricultural shed and milking parlour at

Plas Llanfihangel, Capel Coch



Planning Committee: 02/11/2016

Report of Head of Planning Service (GJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is presented to the Committee on the request of the Local Member

1. Proposal and Site

The application is a full application for the erection of an agricultural shed and milking parlour at Plas Llanfihangel, Capel Coch.

2. Key Issue(s)

The key issue is whether the proposal complies with current policies, whether or not the proposed scheme is acceptable in this location and whether the proposal will have an adverse effect on the surrounding landscape, and the effect on neighbouring properties.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 31 - Landscaping

Policy 42 – Design

Gwynedd Structure Plan

Policy D1 - Environment

Policy D4 – Location, Siting and Design

Policy D29 – Design

Policy D32 - Landscaping

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 – Special Landscape Area

4. Response to Consultation and Publicity

Community Council – Concerns that the development will give rise to smell. It will be seen from the highway. It should be re-located in the existing farm yard.

Local Member (Cllr Ieuan Williams) – Requested that the application be presented to the Planning Committee for consideration.

Local Member (Vaughan Hughes) - No response at the time of writing the report.

Local Member (Derlwyn Hughes) – Refusal. Impact on local people and the landscape.

Highways – No recommendation

Drainage – Standard comments

Gwynedd Archaeological Planning Service -

Welsh Water – Standard comments

Environmental Health – Standard comments

Natural Resources Wales – No objection raised.

Footpath – The development will not affect the public footpath nearby.

Cadw – Confirmation that the development will be visible from the scheduled monuments but this does not constitute an impact on the settings of the monuments.

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 4th November, 2016. At the time of writing the report 19 letters had been received objecting to the proposal, 2 petitions one containing 8 names and one containing 80 names objecting to the proposal and 1 letter of support was received.

The main reasons for objecting as follows:-

The existing outbuildings should be demolished to make way for the new agricultural shed

Impact on traffic

Smell

Not enough people notified of the application

Against policy

Not enough has been submitted to assess the impact on the landscape

Noise

Visual impact from neighbouring properties and highway

Screened bunding will not solve the problem

Unacceptable scale

Potential impact on biodiversity

Shed should be re-located behind backdrop of trees

Overdevelopment of the site

Further development of slurry pits etc

1 support letter was received the main comments as follows:-

The farm has not been maintained for a number of years and the proposal would benefit both owners and the staff.

The proposal will create jobs for local people

Without this development the farm will be left to go to ruins

The impact will only be for a short time

In response to the main reasons for objecting:-

We must deal with the application as submitted. There is a separate application for the conversion of outbuildings.

The highways department have confirmed that they have no observations to make on the application. The Environmental Health section have confirmed that they are satisfied with the development provide they comply with their standard requirements.

Policy considerations will be dealt with under the main considerations

The information submitted with the application enables us to make a recommendation.

Visual impact has been dealt with by the Built Environment Section

NRW have made comments on biodiversity issues and the applicant will require to comply with their standard requirements.

Re-location behind the trees has been investigated, however this is not an option.

It is not considered that the shed will cause overdevelopment of the site

Slurry pits is not part of this permission.

5. Relevant Planning History

23C280/SCO -Scoping Opinion for a windfarm development on land at Capel Coch – Screening Opinion 01/06/09

23C280A -Erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch - Approved 14/12/2010

23C280B/SCR - Screening opinion for the erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch -EIA Not Required 10/11/2010

23C280C/DIS - Application to discharge conditions (04) (details of wind turbines), (05) (colour), (07) (Construction Method Statement) and (08) (Vehicular Access detail) from planning permission 23C280A at Plas Llanfihangel Capel Coch Conditions Discharged 09/03/2015

23C280D- Application to determine whether prior approval is required for the erection of a milking parlour on land at Plas Llanfihangel Capel Coch - Withdrawn 17/05/2016

23C280E -Application to determine whether prior approval is required for an agricultural track on land at Plas Llanfihangel Capel Coch Planning not required 03/06/2016

6. Main Planning Considerations

Setting: The proposed milking parlour and agricultural shed will be located to the South of the existing backdrop of trees. The site lies outside the listed settlement of Capel Coch and is therefore considered to be an open countryside location.

There are no immediate neighbouring properties and the nearest properties are located approx 220 metres away from the proposed shed and milking parlour and therefore it is not considered that the development will have a detrimental impact on the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

Location: The applicant has identified the proposed site as the most appropriate and best location for the animals and the sheds cannot be located to the rear of the farm due to the location of the existing two wind turbines. The proposal entails the erection of a new agricultural shed and milking parlour. The buildings will be located in an agricultural field to the South of the main farm. The shed is for the use of the dairy herd.

Design – The proposed building is a typical modern agricultural propped portal frame building consisting of walls and green profile sheeting. The shed is designed to provide the cows with adequate space, comfort, and ventilation to meet with international standards of welfare.

Justification: Plas Llanfihangel is a farm holding with approx. 275 acres of land. The application consists of shed number 1 which will measure 21m x 9m and will house 40 milking cows, shed number 2 will house 200 cows over the winter months. The applicant has confirmed that ‘there are currently 240 heifers that have been running with a group of bulls since early May. Hopefully most are in calf due to start calving late January 2017. The plan is to have 200 milking next year (some of the 240 won't be in calf, or may have complications at or post calving). They are always kept at Plas Llanfihangel, they are grazed rotationally, which means they are all kept in one big group in the same field for a few days, and then moved on to the next field when they have finished grazing the field they are in.’

Our assessment on the landscape and visual effects of the development and is as follows:-
The proposed building is located away from the existing farm building in an unenclosed location. It would not benefit from the existing tree backdrop, except from views to the South - relevant only to private views from the south of Capel Coch. It would initially be a clear feature on this low ridge. We understand that it cannot be placed closer to the existing buildings due to 300metre requisite buffer from the wind turbines. The shed would therefore be somewhat isolated from the existing farm complex (should they remain in agricultural use).

The building would be most visible on a 200m stretch of road to the South East from a distance between 350 and 450metres, where there is currently no intermittent screening. Views from the northeast would be interrupted primarily by the trees on the approach to Plas Llanfihangel. More distant views would feature the pylons and turbines and it is not considered that there is any cumulative visual effect with these.

Mitigation

Mitigation from existing tree cover as a backdrop or screening is limited to views from directly south. A low bund and planting is proposed along the eastern, southern and western boundaries and would in the long-term substantially enclose the area. With the faster growing native species proposed, the screen would begin to take some effect from 7-10 years. Screening effects would be limited in the winter months until the evergreen species and the overall mass of planting take fuller effect.

Due to the medium sensitivity of the area, it is considered that the nature of the change resultant from the construction of a large farm building would be moderate adverse at construction. Associated landscaping to help fit the building into its surroundings would reduce effects to moderate/minor at 7-10 years with minor effects from 15-20 years.

Gwynedd Archaeological Planning Service has provided comments as follows:

The screening barrier will naturally take some time to become established, resulting in the temporary visibility of the new buildings, and will create a new backdrop to views from Llech Golman standing stone. However, as an extension of the adjacent copse (i.e. an existing natural landscape feature), this ‘softer’ change to the monument’s setting is considered to be more sympathetic than the conspicuously modern utilitarian sheds. I am therefore able to confirm that the proposed screening planting would be adequate and appropriate mitigation of the potential visual impact on the setting of Llech Golman.

As set out in my previous letter (0915je01/D3021, 15th September 2016), the archaeological evaluation established a potential for prehistoric archaeological remains to be encountered at the site, albeit likely to have been substantially disturbed or truncated. The recommendation

made in the evaluation report for an archaeological watching brief is considered to be an appropriate and proportionate response to this potential.

CADW confirmed that there will be visual impact on scheduled monuments AN069 and AN070, there will be no impact on the setting of either scheduled monument.

Effect on surrounding landscape – The shed is located in an agricultural field to the South of the main farm. The applicant has agreed to screen the development to the East, South and West with a 900mm bund and planted with 3 various species of trees at 2 metre spacing. To the North of the sheds are mature trees.

7. Conclusion

The principle of development for agricultural purposes is accepted within local and national planning policies. The proposal under consideration due to the mitigation provided will not create unacceptable changes to the landscape, have an unacceptable effect on the residential amenities of the neighbouring properties. The proposed development is considered acceptable to the Local Planning Authority. Consequently, it is my opinion that the proposal should be permitted subject to conditions.

8. Recommendation

Permit

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

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

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

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

(03) (a) No development (including groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out and all archaeological work completed in strict accordance with the details submitted and approved under part (a). This shall include the production of a detailed report on the archaeological work, which shall be submitted to and approved in writing by the Local Planning Authority within six months of completion of the development.

Reasons: To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

(04) No development (including groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

(05) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing numbers 991514/02 Rev E, 991514/04 Rev E and 991514/01 Rev E received on the 6/10/16. The said trees and shrubs shall be maintained for a period of ten years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity.

(06) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 23C280F.

Location Plan	991514/01 Rev E	6/10/16
Elevations	991514/04 Rev E	6/10/16
Floor Plan	991514/03 Rev B	17/5/16
Block Plan	991514/02 Rev E	6/10/16
Planting detail of bund		23/6/16

In addition the Head of Service be authorised to add to, remove or amend 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 6 – Planning for Sustainable Rural Communities

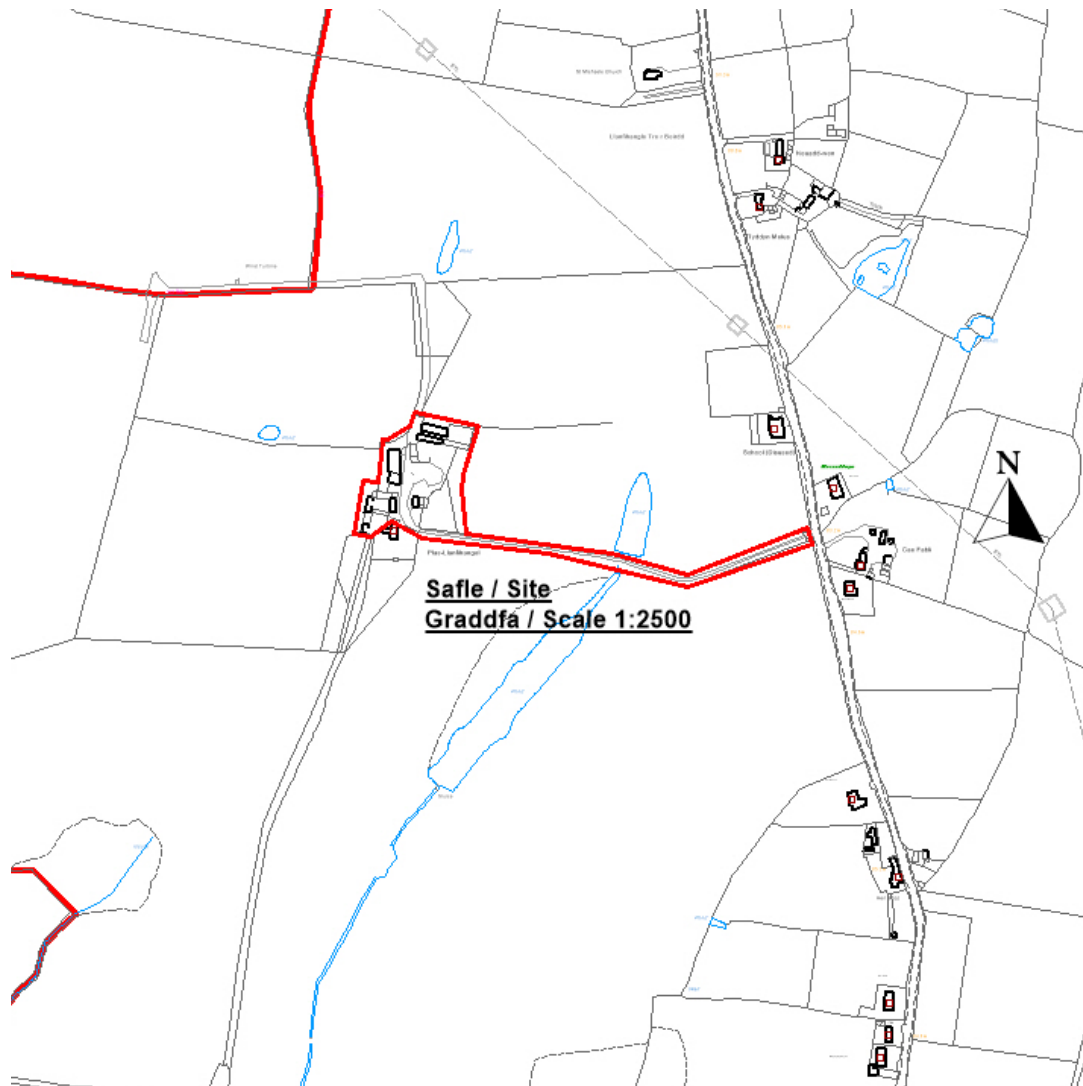
Rhif y Cais: **23C280G** Application Number

Ymgeisydd Applicant

Plas Llanfihangel Cyf

Cais llawn i newid defnydd adeiliadau allanol i 10 annedd, gosod paced trin carthffosiaeth ynghyd a gwelliannau i'r mynedfa presennol yn / Full application for conversion of the outbuildings into 10 dwellings, installation of a package treatment plant together with improvements to the existing access at

Plas Llanfihangel, Capel Coch



Planning Committee: 02/11/2016

Report of Head of Planning Service (GJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application is presented to the Committee on the request of the Local Member

1. Proposal and Site

The application is a full application for the conversion of outbuildings into 10 dwellings, installation of a package treatment plans together with improvements to the existing access at Plas Llanfihangel, Capel Coch.

2. Key Issue(s)

The key issue is whether the proposal complies with local and national policies, whether or not the proposed scheme is acceptable in this location and whether the proposal will have an adverse effect on the surrounding landscape, and the effect on neighbouring properties.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy
Policy 31 - Landscaping
Policy 42 – Design
Policy 55 - Conversion

Gwynedd Structure Plan

Policy D1 - Environment
Policy D4 – Location, Siting and Design
Policy D29 – Design
Policy D32 - Landscaping

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance
Policy GP2 – Design
Policy EN1 – Special Landscape Area
Policy HP8 – Rural Conversions

4. Response to Consultation and Publicity

Town Council – Object, highway concern and concerns on potential of 10 new residential units.

Local Member (Cllr Ieuan Williams) – Requested that the application be presented to the Planning Committee for consideration due to local concern.

Local Member (Vaughan Hughes) – No response at the time of writing the report.

Local Member (Derlwyn Hughes) – Local concern and impact on the landscape.

Highways – Conditional Approval

Drainage – Standard Comments

Gwynedd Archaeological Planning Service – Conditional Approval

Welsh Water – No objection

Environmental Health – Standard Comments

Natural Resources Wales – Conditional Approval

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 19/09/2016. At the time of writing the report 19 letters had been received objecting to the proposal, 2 petitions one containing 8 names and one containing 80 names objecting to the proposal and 1 letter of support was received.

5. Relevant Planning History

23C280/SCO -Scoping Opinion for a windfarm development on land at Capel Coch – Screening Opinion 01/06/09

23C280A -Erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch - Approved 14/12/2010

23C280B/SCR - Screening opinion for the erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch -EIA Not Required 10/11/2010

23C280C/DIS - Application to discharge conditions (04) (details of wind turbines), (05) (colour), (07) (Construction Method Statement) and (08) (Vehicular Access detail) from planning permission 23C280A at Plas Llanfihangel Capel Coch Conditions Discharged 09/03/2015

23C280D- Application to determine whether prior approval is required for the erection of a milking parlour on land at Plas Llanfihangel Capel Coch - Withdrawn 17/05/2016

23C280E -Application to determine whether prior approval is required for an agricultural track on land at Plas Llanfihangel Capel Coch Planning not required 03/06/2016

6. Main Planning Considerations

Plas Llanfihangel is located in the open countryside and therefore the application must be considered against Policy 55 of the Local Plan and Policy HP8 in the stopped UDP on Rural Conversions.

These policies list a number of criteria to be satisfied regarding the structure of buildings, retaining the desirable features of buildings etc.

Paragraph 5.39 in the clarification on policy 55 notes that converting buildings into holiday

accommodation can contribute to the rural economy and may be acceptable in cases where conversion to permanent residential dwellings would be unacceptable.

Other relevant planning matters must also be taken into account, including National Policy.

Paragraph 2.8.4 of PPW states:

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted Local Development Plan (LDP) are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

While paragraph 2.8.4 refers to the LDP, the same principle applies for plans that existed before the LDP regime. One must therefore consider the fact that the Local Plan was adopted in 1996 to be a development plan for the period 1991 to 2001. Whereas the UDP was not adopted it does carry some weight as a material consideration, but the period of the UDP was 2001 to 2016. As a result, the age of the Local Plan and the stopped UDP must be taken into account and the national planning policy must be considered when evaluating this type of development.

Chapter 4 of Planning Policy Wales (PPW) refers to Planning for Sustainability. Part 4.4 outlines the sustainability objectives for the planning system which reflect the Welsh Government's vision for sustainable development and the results they are seeking to achieve across Wales. With regard to this proposal it should be specifically noted:

The 'Prosperous Wales' objective promotes resource-efficient settlement patterns, that are resistant to climate change and that take up as little land as possible.

The 'Wales of Cohesive Communities' objective states that developments should be located so as to minimize the need for travel, particularly by private car (Section 4.7 and Chapter 8).

Paragraph 4.6.3 of PPW outlines priorities for rural areas and one of these is to create sustainable rural communities able to access affordable and high-quality public services.

Paragraph 4.7.4 outlines the consideration that should be given to how new developments will reduce the need to travel:

4.7.4 Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling. Preparing accessibility profiles for public transport, walking, cycling and freight may assist local authorities in plan preparation and assessing possible development sites. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

For the location of developments in a rural area paragraphs 4.7.7 and 4.7.8 state:

4.7.7 For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Paragraph 9.2.22 of PPW refers to housing in rural areas by saying:

9.2.22 In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

Paragraph 9.3.6 sets out strict control over the construction of houses in the open countryside:

9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm/business complex or access. Local planning authorities should follow the guidance in TAN 6 with regard to the requirements for rural enterprise dwelling appraisals.

In referring to supporting and prioritizing the conversion of buildings in paragraphs 9.2.6 and 9.2.10, PPW states that the suitability of sites should be considered against the criteria within paragraph 9.2.9. One criterion within paragraph 9.2.9 is the location of potential development sites and their accessibility in terms of jobs, shops and services by means other than by car, and the potential for improving such accessibility

Further guidance is contained in TAN 6 - Planning for Sustainable Rural Communities (2010). For the conversion of buildings for residential purposes it states:

3.5.1 The conversion of buildings which are currently in industrial or commercial use to dwellings may have an adverse impact on the local economy.

Where residential conversion is part of a scheme for the re-use of a building or complex of buildings for employment purposes, planning authorities should consider whether to impose a condition requiring the works necessary for the establishment of the enterprise to have been completed before the dwelling is occupied, so as to ensure that the scheme materialises. This may be particularly appropriate in the open countryside. They may also wish to consider whether to impose a condition to tie occupation of the dwelling to the operation of the enterprise, in order to prevent it being sold separately without further application to the authority. Alternatively, they may seek a planning obligation to tie the dwelling to the rest of the building re-use.

Furthermore, TAN6 states when referring to rural enterprise dwellings:

4.3.1 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 enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

Effect on surrounding landscape. It is not considered that the proposal will have a negative impact upon the special landscape area as the proposed outbuildings would respect the character, scale and setting of the existing buildings. The conversions only involve minor external alterations with satisfactory access, parking, amenity space and sewerage arrangements.

Effect on surrounding properties. The outbuildings are located approx. 150 metres away from the closest neighbour. It is not considered that the proposal will have a negative impact upon the amenity of adjacent residential properties.

7. Conclusion

In considering the application against policy 55 of the Ynys Mon Local Plan and policy HP8 of the Stopped Unitary Development Plan, the age of these Plans must be taken into account and consequently other material considerations such as Planning Policy Wales (PPW) must be considered.

As outlined above, great emphasis is placed on sustainable development in PPW and the aim of reducing the need to travel, especially by car.

While no weight can be given to the joint LDP at this time it should be noted that Housing Policy 19, namely a policy for 'Converting Rural Buildings in Open Countryside to Residential Use' only supports change of use for an affordable unit for local community need for an affordable dwelling or that the residential use is an incidental element in connection with a broader development for associated employment use. It is seen therefore that this emerging policy reflects PPW for developments in the open countryside.

8. Recommendation

Refuse

The proposal is located in the open countryside away from any recognized settlement and would generate significant traffic movement largely dependent on private car use. Consequently it is considered that the proposal does not constitute sustainable development by reason of its location. The proposal therefore conflicts with local and national guidance which aims to minimize the need to travel by private car.

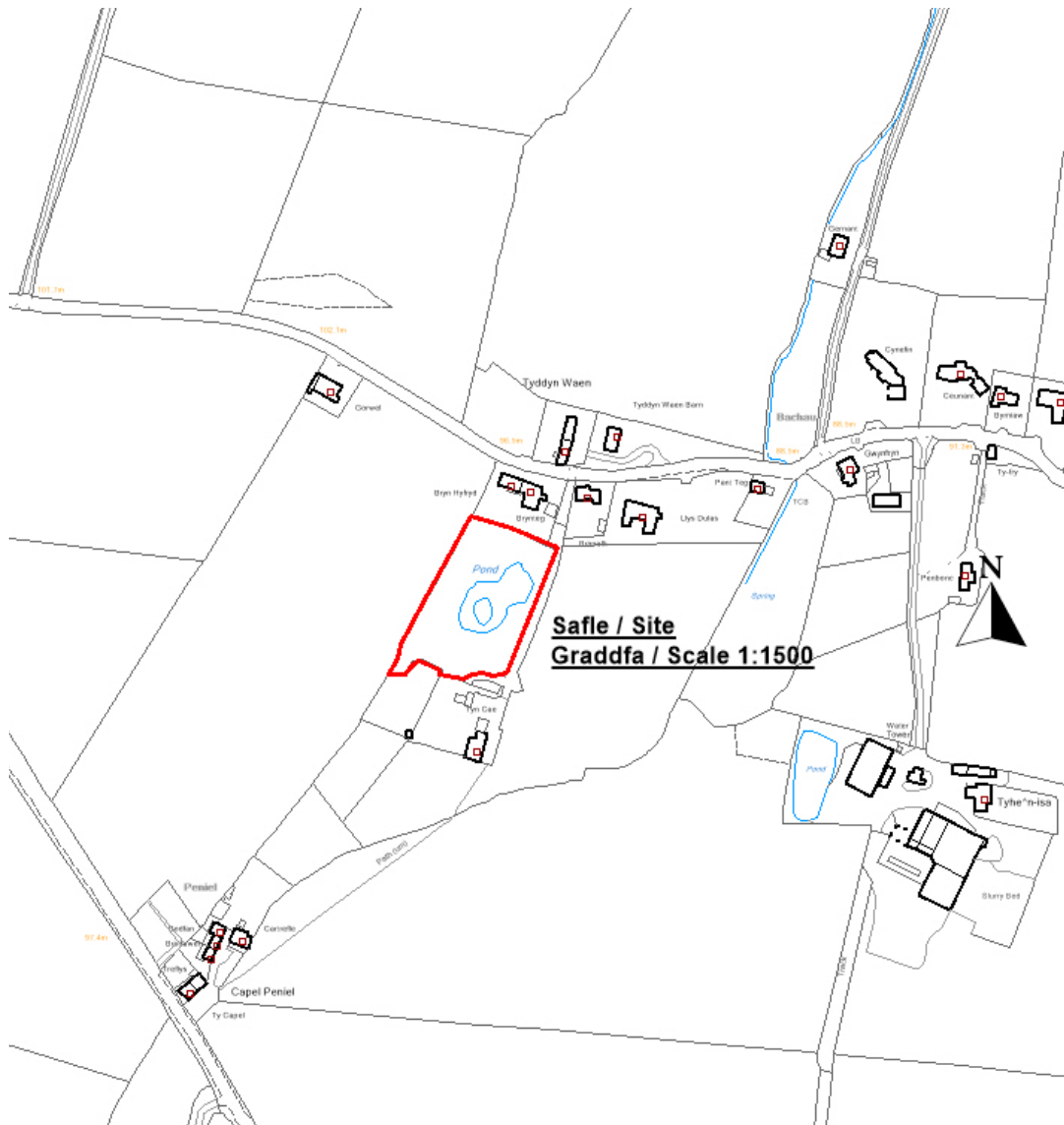
Rhif y Cais: **25C242** Application Number

Ymgeisydd Applicant

Mr Gordon Sutherland

Cadw pwll ynghyd a gwaith draenio yn /Retention of pond together with drainage works at

Tyn Cae, Coedana, Llanerchymedd



Planning Committee: 02/11/2016

Report of Head of Planning Service (IWJ)

Recommendation:

Permit

Reason for Reporting to Committee:

At the request of the Local Member – Councillor Kenneth P Hughes

1. Proposal and Site

The proposal is for the retention of a pond and associated drainage works. Since work has been carried out at the site the application is submitted as a retrospective application.

The application site is situated in a rural location at Coedana, Llanerchymedd. The development has been carried out on agricultural land, outside the curtilage of Tyn Cae, Llanerchymedd. The site is bounded by hedgerows together with a timber fence erected at the northern boundary.

The pond is a man-made feature which is approximately 46 metres in length, 24 metres wide, has a surface area of approximately 760 square metres and a maximum depth of approximately 0.45 metres.

2. Key Issue(s)

The key issues are whether or not the development is acceptable in terms of its impact upon the amenities of the area, neighbouring properties and upon the character and appearance of the area.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 31 – Landscape

Policy 42 – Design

Gwynedd Structure Plan

Policy D4 - Environment

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 - Landscape

4. Response to Consultation and Publicity

Councillor Kenneth P Hughes – Request that the application be referred to the Planning Committee for determination. Concerns regarding the risk of flooding to neighbouring properties.

Councillor John Griffith - No response at time of writing report.

Councillor Llinos Medi Huws - No response at time of writing report.

Community Council –Objection to the application for the following reasons:

- i. Development is carried out prior obtaining planning permission.
- ii. Pond is large in scale.
- iii. Concerns that the pond will overflow and flood neighbouring properties.
- iv. Pond omits bad odour.

Ecological and Environmental Advisor – Concerns regarding protected species and the presence of crested newts. However, the development will have wildlife and local ecological diversity benefits.

Environmental Health – The department have confirmed that no complaints have been received relating to nuisance, public health issues or issues that may have affected the operation of any neighbouring septic tank drainage systems which may have arisen as a result of the development. It is advised that the Local Planning Authority consulted Natural Resources for Wales regarding the development.

Natural Resources for Wales – No concerns raised regarding flooding. No response following the Local Planning Authority providing further details concerning protected species.

Drainage – Proposal appears satisfactory in principle. Pond is constructed below finished ground level with no evidence of inlets from existing watercourses or land drainage ditches. The water level in the pond seemingly indicative of the current ground water table level, with the only external inflow being overland pluvial run off from the adjacent high ground; which is managed via filter drains and the pond and subsequently directed to a suitable discharge point.

Footpath Officer – No observations

Local Highways Authority – No comments to make as there is no additional use proposed from the site onto the public highway.

Response to publicity.

Several letters received, the main points raised are summarised below:

- Pond large in scale and is having an adverse effect on nearby cess pits and septic tanks.
- Development could have an impact upon insurance premiums of nearby properties.
- The need for such a large pond has not been demonstrated.
- Nearby dwellinghouses are at risk of flooding due to the pond.
- Land levels have been raised.
- Pond overflows into the local drainage system which is unable to manage with the excess water. The increase flow of water flows down the main road down towards residential properties, causing danger to motorists and pedestrians.
- Fence is large in scale.
- Pond is not a natural feature in the land and serves no purpose. Furthermore, the pond neither conserve nor enhances the character, amenity or wildlife of the local land and watercourse.
- Concerns that the pond could pose a health and safety risk to local residents and walkers on a nearby public footpath.
- The area of land in which the pond is situated was previously a field.
- The pond has been constructed over a period of years.
- No issues of surface water prior to the construction of the pond.

- Other alternatives available to deal with surface water other than construction of a pond.
- Drawings do not specify any method of reducing / stopping the flow of water into the pond raising concerns of flooding.
- No dimensions or calculations are submitted with the drawings which demonstrate that the water surface water system can handle the excess water.
- Pond omits bad odour.
- Concerns that the pond will be used for commercial purposes.

5. Relevant Planning History

None

6. Main Planning Considerations

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

In addition, it is necessary to consider whether or not the development would have an unacceptable effect upon the landscape.

The details as originally submitted were not considered acceptable. Further plans and details have been received and it is considered they are adequate to determine the application. These details relating to drainage specifications have been the subject of re-consultation which has subsequently delayed the determination of the application.

The applicant claims that the pond was not created as a water feature but acts as an attenuation pond which contains water discharging onto the land. Water will then dissipate through the process of evaporation and infiltration.

It is considered that the site can comfortably accommodate the development. Its siting, design and scale are considered acceptable and will not impinge upon the amenities of the area or residential properties in the locality.

The screening provided between the development and the nearest dwellingshouses provides means of mitigation. The screening includes existing hedgerows together with an existing timber fence. Although this fence does not form part of the application, details of its construction have been provided as part the application and therefore an assessment of its impact and siting has been made as part of the determination process.

It is considered that the approximately 2 metre high fence does not have a detrimental impact upon the area or the amenity of neighbouring properties. In fact as previously stated, the fence acts as a mitigation measure between the development and neighbouring properties.

In addition, hedge improvements to the northern boundary have been proposed as part the application.

It is not considered that the pond, by virtue of its size and countryside location has a detrimental impact upon the landscape.

Due to its method of construction being below ground level, it is considered the pond is not visible in the landscape and therefore does not have a detrimental effect upon the character and appearance of Special Landscape Area.

It is noted from the content of the correspondence received from the publicity afforded to the application that significant concerns have been raised with respect to flooding.

As part of determination process, Natural Resources for Wales together with the Authority's drainage section have been consulted throughout the application and made aware of the objectors concerns.

During the time of heavy rainfall and an increase in water level, an overflow filter drain allows water to discharge from the point into the existing watercourse towards the north east part of the pond. The existing watercourse thereafter discharged into the exiting main surface water drain.

Bunds have been constructed in order to re-direct the surface water into the existing watercourse. Furthermore, the applicant has also stated that he intends on constructing a bund at the northern boundary between the pond and the neighbouring property to ensure that any excess water will be directed into the existing watercourse.

Natural Resources for Wales have confirmed that they do not wish to comment and have raised no concerns with respect to flooding. Furthermore, the drainage department have concluded that the 'proposal appears satisfactory in principle. Pond is constructed below finished ground level with no evident of inlets from existing watercourses or land drainage ditches. The water level in the pond seemingly indicative of the current ground water table level, with the only external inflow being overland pluvial run off from the adjacent high ground; which is managed via filter drains and the pond and subsequently directed to a suitable discharge point'.

It must be highlighted that issues relating to property damage is a civil matter detached from the planning regime. In addition, whether or not septic tanks and cess pits are affect by the development is again a matter outside the regime.

The Local Highways Authority have stated that they do not wish to comment upon the application as there is no additional use proposed from the site onto the public highway. In addition, the footpath officer has also confirmed he has no observations regarding the application.

It is noted that no protected species survey has been submitted as part of the application. Nevertheless, the Council's Ecological and Environmental Advisor has stated the development 'will have wildlife and local ecological diversity benefits'. It is considered that the development will therefore encourage biodiversity and provide enhanced wildlife benefits. Any harm to protected species shall be pursued under the relevant legislation.

The application is submitted at the request of the Local Planning Authority and in accordance with Welsh Government advice contained in Technical Advice Noted 9: Enforcement of Planning Control following an enforcement investigation into the matter.

The advice provided under paragraph 9 within Technical Advice Note (Wales) 9: Enforcement of Planning Control on such matters states

'Where the Local Planning Authority's assessment is that it is likely that unconditional planning permission would be granted for development which has already taken place, the correct approach is to suggest to the person responsible for the unauthorized development that they should promptly submit a retrospective application for planning permission.'

Whether or not the unauthorised development was carried out intentionally or not is a moot point. In any event it is not a criminal offence to carry out development without first obtaining any necessary

planning permission. There are provisions within the Act to allow for permission to be applied for retrospectively.

It is not considered expedient nor in the wider public interest for the Local Planning Authority to take formal planning enforcement action in this case irrespective of the motive, whether intentional or otherwise.

Whilst any development could be argued to have a potential impact upon the amenities of neighboring properties or the character of the locality, the question which needs to ask is whether or not the impact is so adverse that it warrants refusing the application. On balance however it is not considered the unauthorised development is so adverse that it should warrant refusing the application. Moreover, it is not considered that any refusal issued could be substantiated on appeal.

The application presently under consideration has been considered in light of the advice provided within Technical Advice Note (Wales) 9: Enforcement of Planning Control together with all other material planning considerations. In accordance with the advice contained with the aforementioned document

'Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effect of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought, but otherwise acceptable'

7. Conclusion

The application site is within a countryside location where such development is considered acceptable. The amenities of nearby residential occupiers have been taken into account, however it is not considered that the application could be refused and an appeal sustained. Drainage and flooding considerations have been assessed by Natural Resources for Wales together with the Drainage department who have not raised any objection to the scheme.

Having regard to planning policy, all material facts and planning considerations it is considered that proposal shall be approved.

8. Recommendation

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

(01) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 25C242

Drawing/ Document Number	Date Received	Plan Description
2204:14:3a	01/02/2016	Proposed Site Plan
2204:1:3	01/02/2016	Proposed Site Plan

2204:14:1	01/02/2016	Location Plan
2204:14:2	01/02/2016	Site Plan Prior Construction
2204:14:2	01/02/2016	Flood Path Route Prior Construction 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 decision, providing that such changes do not affect the nature or go to the heart of the permission/ development.

9. Other Relevant Policies

Planning Policy Wales (Edition 8)

Technical Advice Note 5:Nature, Conservation and Planning

Technical Advice Note 9: Enforcement of Planning Control

SPG: Design Guide for the Urban and Rural Environment

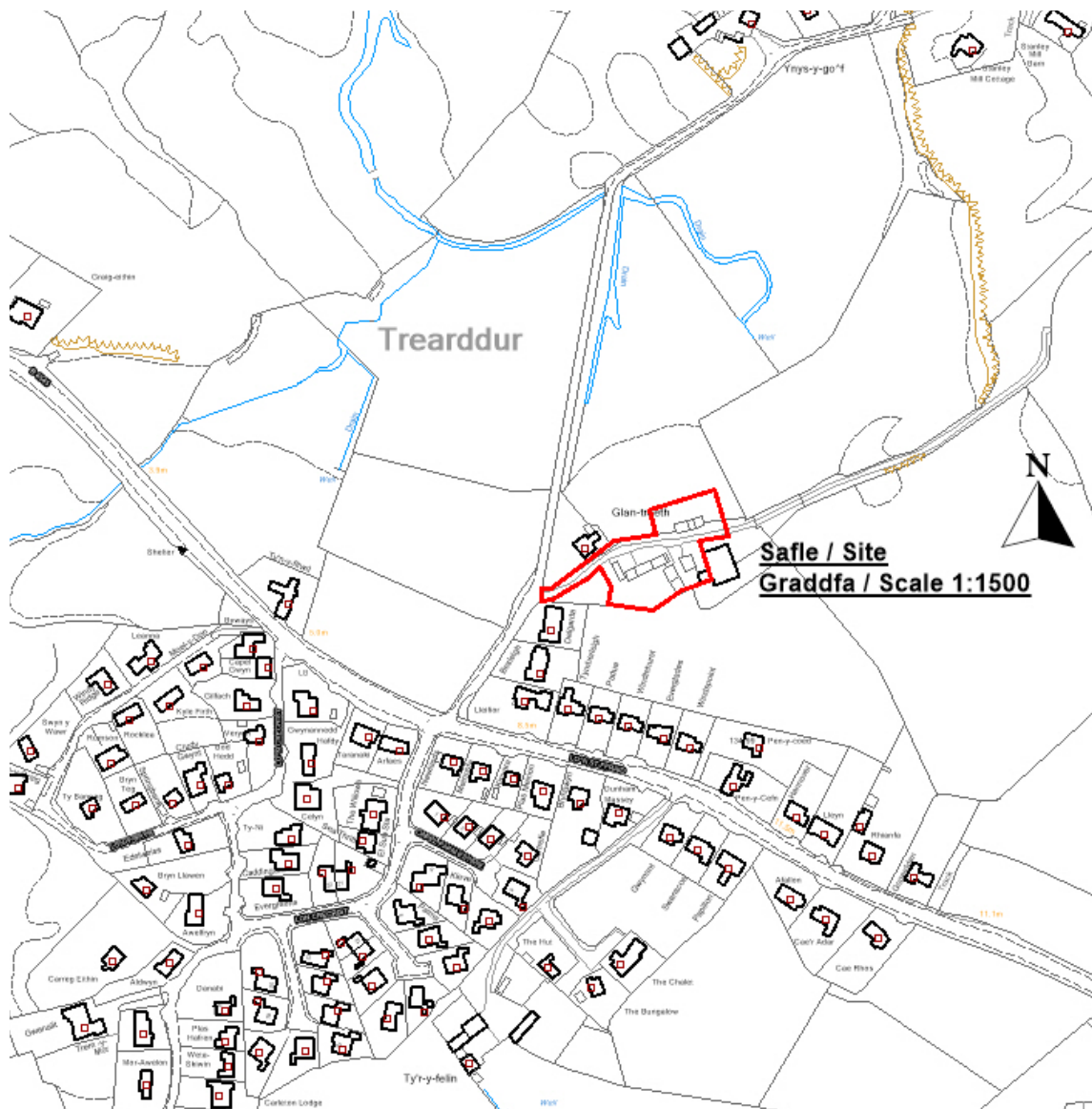
Rhif y Cais: **46C572** Application Number

Ymgeisydd Applicant

Mr Michael Cuddy

Cais llawn i newid adeiladau allanol i dri annedd, gosod paced trin carthffosiaeth ynghyd a gwellianau i'r fynedfa yn / Full application for conversion of outbuildings into three dwellings, the installation of a package treatment plant together with improvements to the access at

Glan Traeth, Bae Trearddur Bay



Planning Committee: 02/11/2016

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

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called in to Committee by Cllr Trefor Lloyd Hughes due to concerns regarding flooding.

1. Proposal and Site

The site is located in the designated AONB and comprises a range of traditional buildings adjoining an existing dwelling. The site is set in a large yard between the original farmhouse and dwellings fronting Lon St Ffraid to the south. Access is taken off Stanley Mill Lane. The proposal is to convert buildings to create three dwellings and to undertake improvement works to increase visibility on the junction of Stanley Mill Lane and Lon St Ffraid. Drainage is specified as a treatment plant although discussions were ongoing at the time of writing regarding connection to the public sewerage system.

2. Key Issue(s)

Principle of the development and its impacts on residential and local amenities including impacts on the AONB.

3. Main Policies

Ynys Mon Local Plan

Policy 1 General Policy

Policy 30 Landscape

Policy 35 Nature Conservation

Policy 55 Conversions

Gwynedd Structure Plan

Policy D1 AONB

Policy D4 Location Siting and Design

Policy D9 Environmentally Sensitive Areas

Policy D10 Flora and Fauna

Ynys Mon Stopped Unitary Development Plan

Policy GP1 Development Control Guidance

Policy GP2 Design

Policy EN1 Landscape Character

Policy EN2 AONB

Policy EN4 Biodiversity

Policy HP8 Rural Conversions

Policy SG4 Sewerage

Policy SG5 Private Sewage Treatment Facilities, Policy SG6 Surface Water Run-Off

Supplementary Planning Guidance- Design in the Urban and Rural Built Environment

Planning Policy Wales – Edition 8

TAN 5 – Nature Conservation and Planning

TAN 6 – Planning for Sustainable Rural Communities

TAN 12 – Design

TAN 18 – Transport

Circular 10/99: Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development.

4. Response to Consultation and Publicity

Community Council – no response at the time of writing

Cllr T LI Hughes– requests that the application be determined by the Planning and Orders Committee as there is already flooding where the new type of septic tank is to be located. With the field sloping down to the houses, the development will make the area at risk of flooding.

Cllr D R Thomas – no response at the time of writing

Cllr J Evans – no response at the time of writing

Highways – a 2.4m by 73m visibility splay is shown on the submitted drawings and a response was awaited from the Highway Authority at the time of writing.

Natural Resources Wales – significant concerns as the site is within 30m of a public sewerage system but proposals indicate the use of a private package treatment plant. Protected species report is acceptable.

Drainage – details are satisfactory in principle

Built Environment and Landscape Section – compliant with Policy 55

Ecological and Environmental Advisor – recommendations in protected species report should be followed

Dwr Cymru – Welsh Water- comments

Gwynedd Archaeological Planning Service – condition requiring photographic record of the building suggested

The application was publicised by site notice and neighbour notification. No representations were received as a result of the publicity undertaken.

5. Relevant Planning History

46C572A/SCR: Screening opinion for the conversion of the existing outbuildings into three dwellings – EIA not required 19-9-16.

6. Main Planning Considerations

Principle of the Development – policies contained in the development plan and in the stopped UDP support conversion schemes for rural buildings subject to criteria. The proposal seeks the conversion of a range of outbuildings in order to create 3 residential units. The application is supported by a report on the structural integrity of the buildings to support the works. The proposal creates a sympathetic conversion.

AONB: The application site is located within an Area of Outstanding Natural Beauty (AONB). It is a statutory designation that recognises its importance in landscape quality and nature conservation terms. The primary objective for an AONB designation is the conservation and enhancement of its natural beauty. Local authorities have a statutory duty to have regard to AONB purposes and development control decisions affecting AONBs should in the first instance favour conservation of natural beauty. PPW advice is that

“Development plan policies and development control decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas.”

The scheme in design terms reflects existing built development. The site is an enclosed farmyard and its redevelopment will not have significant landscape impacts. PPW advises that

“Statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect”

And further that

“The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities.”

Traffic Impacts: Access to the site is taken off Stanley Mill Lane which serves a scattering of dwellings between Lon St Ffraid and the Inland Sea. Improvements are proposed to the junction of the lane with Lon St Ffraid in order to improve visibility.

Ecology: The application is supported by appropriate reports and surveys which are considered acceptable.

Residential and Amenity Impacts: The scheme sits behind existing dwellings on Stanley Mill Lane and Lon St Ffraid but is well separated from those dwellings such that it is not considered that adverse amenity impacts will occur though loss of privacy or overlooking.

Drainage: The application details include provision of a private treatment plant to serve the development and the scheme is supported by a drainage report prepared by consulting engineers. Circular 10/99 and Policy SG4 of the stopped UDP advise that where mains sewerage is available, connection should be made to it where possible. An objection to the application was received from NRW on the basis that a treatment plant is proposed rather than foul sewer connection. The agent has responded to the effect that the drainage report submitted in support of the application concluded that, given the distance involved, and the difference in level, the cost of pumping the discharge to the sewer was significant and justified the use of a treatment plant. Further justification has been sought.

In relation to flood risk, none of the consultees raise concerns. The proposals as submitted show an outlet from the proposed treatment plant to an existing drainage ditch which runs in a northerly direction away from the site and surrounding housing. It is not considered that the scheme would lead to flooding to adjoining properties.

7. Conclusion

Planning policy allows the conversion of existing rural buildings to residential use. It is not considered that the ecological impacts of the scheme are such that they cannot be mitigated. It is not considered that the scheme would impact the AONB to such an extent as to warrant refusal. Consultees raise no concerns regarding flooding issues. Foul sewerage proposals are in discussion and can be conditioned.

8. Recommendation

To **permit** the development subject to the following 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 requirement of the Town and Country Planning Act 1990

(02) The development shall take place in accordance with the recommendations contained within the Alison Johnston Ecological Consultant Protected Species Survey Report September 2014 submitted under planning reference number 46C572. No development shall commence until those recommendations are included in a Method Statement to be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the method statement as approved.

Reason: To safeguard any protected species which may be present on the site.

(03) Prior to development (including any demolition, site clearance or stripping-out) taking place, a full photographic record of the building must be undertaken. The record must be approved by the Local Planning Authority before being deposited with the regional Historic Environment Record.

Reason: To ensure that an adequate record is made of all structures affected by the proposals and that the record is held within the public domain for future reference and research.

(04) The access shall be laid out with 2.4m by 73.0m visibility splays in accordance with Drawing 1621/03 Visibility Splays at Stanley Mill Lane/ Lon St Ffraid Junction submitted under planning reference 46C572 before the use hereby permitted is commenced and shall thereafter be maintained for the lifetime of the development.

Reason: in the interests of highway safety.

(05) The development shall proceed in accordance with the following documents and plans:

**Alison Johnston Ecological Consultant Protected Species Survey Report September 2014
Cadarn Structural Condition Survey September 2014
Datrys Drainage Report December 2015**

Drawing 1621/03 Visibility Splays at Stanley Mill Lane/ Lon St Ffraid Junction
Drawing 1621/41 Ground Floor Plan
Drawing 1621/42 First Floor Plan
Drawing 1621/43 Elevations Farm Building A and B
Drawing 1621/44 Elevations Farm Building C
Drawing 1621/45 Sections
Drawing 1521/46 Block Plan

Reason: To define the scope of this permission and in the interests of amenity.

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.