

7.1

Gweddill y Ceisiadau

Remainder Applications

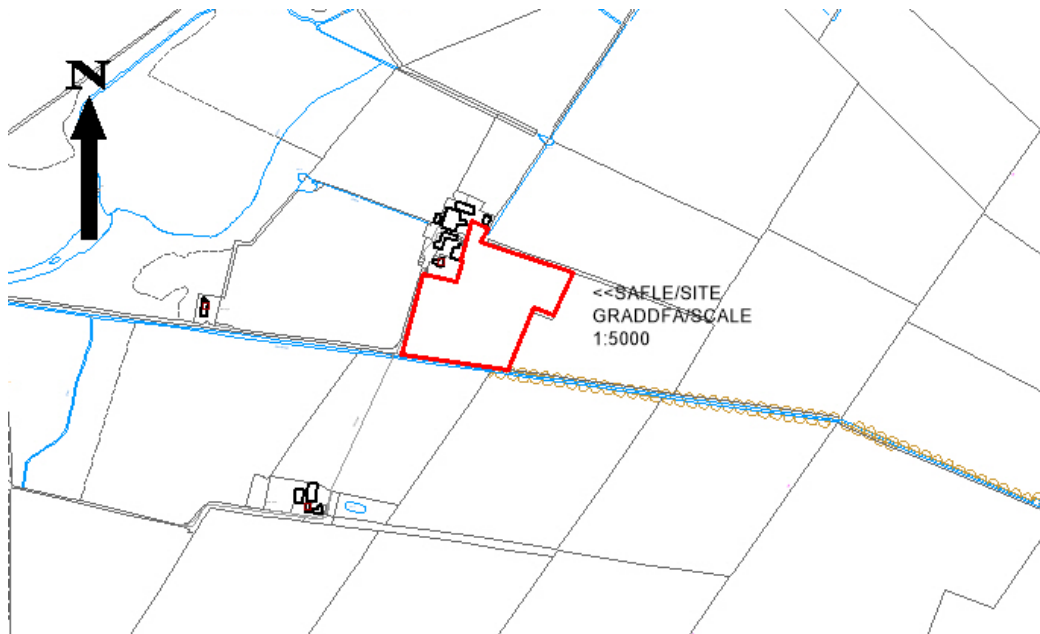
Rhif y Cais: **15C30H/FR** Application Number

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: 05/04/2017**

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

#### **Recommendation:**

Refuse.

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

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

At its meeting held on the 2<sup>nd</sup> November, 2016 the committee members recommended that a site visit should take place. The site visit took place on the 16<sup>th</sup> November, 2016 and the members are now aware of the site and its settings.

At its meeting held on the 7<sup>th</sup> December, 2016 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- i) Do not consider that there is a flood risk of a level that the proposal cannot be supported, and
- ii) The proposal will not have a detrimental impact on the ecology of Malltraeth Marsh.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:  
"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

- j) Do not consider that there is a flood risk of a level that the proposal cannot be supported

The site is situated within a C1 Flood Zone as defined by the Development Advice Map (DAM). The details received from Natural Resource Wales, during the consultation process, that the flood maps are updated on a quarterly basis and confirms that the site lies within the extreme flood outline.

Technical Advice Note 15: Development and Flood Risk states that development should be directed away from the areas which are within zone C and towards land in zone A. Figure 2, Section 5 of TAN 15 states that touring caravans are categorised as a highly vulnerable development.

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.

Where developments are proposed in zone C, and comply with the tests outlined in Section 6 of TAN 15 a planning application should be supported by a Flood Consequence Assessment. Paragraph 7.2 of TAN 15 states that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development. It would certainly not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access/egress cannot be achieved

Therefore, before deciding whether a development can take place a flood consequence assessment, which examines the likely mechanisms that cause the flooding, and the consequences on the development of those floods, must be undertaken, which is appropriate to the size and scale of the proposed development.

During the course of determining the application the applicant was requested to submit a Flood Consequence Assessment however refused to carry out an assessment due to the costs.

Due to the above the proposal cannot be supported as the site lies within a C1 flood zone and does not comply with the requirements of TAN 15.

- ii) The proposal will not have a detrimental impact on the ecology of Malltraeth Marsh.

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 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.

At its meeting that was held on the 4<sup>th</sup> January, 2017, Members were advised that the Welsh Government had issued a holding direction on the application whilst the Welsh Government considered the application and whether they would 'Call-in' the application to determine. The Members were therefore informed that the Planning and Orders Committee had two options, these were;

- i) Defer the application, or,
- ii) Refuse the application

Members resolved to defer the application until the Welsh Government determined whether they would 'Call-in' the application.

## **1. Recommendation**

### **Refuse**

(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 (9<sup>th</sup> 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 Mon Local Plan and Policy TO6 and EN6 of the sopped Unitary Development Plan and the advice contained within Planning Policy Wales (9<sup>th</sup> Edition).

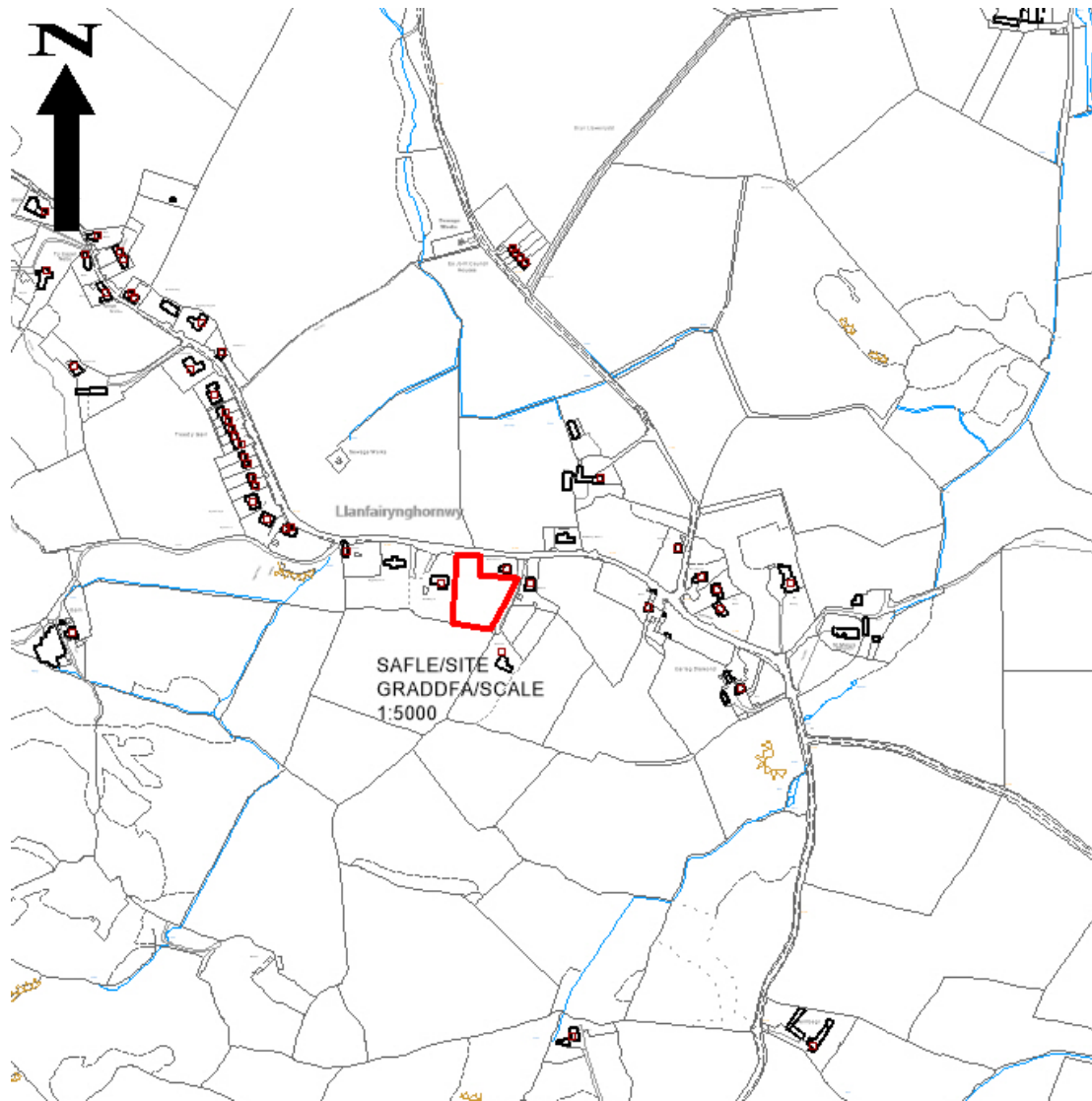
Rhif y Cais: **18C225B** Application Number

Ymgeisydd Applicant

**B & E Pritchard**

**Cais llawn i godi annedd newydd, chreu mynedfa ynghyd a gosod paced trin carthffosiaeth ar dir ger / Full application for the erection of a dwelling, the creation of an access together with the installation of a package treatment plant on land adjacent to**

**Bron Castell, Llanfairynghornwy**



**Planning Committee: 05/04/2017**

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

At the request of the Local Member.

At its meeting held on the 1st March, 2017 committee members recommended that a site visit should take place.

The site visit took place on the 15th March and the members are now aware of the site and its settings.

**1. Proposal and Site**

The application site is situated in an elevated position on the outskirts of the settlement of Llanfairynghornwy and lies within the designated Area of Outstanding Natural Beauty. A public footpath runs along the eastern and southern boundaries of the site. The site is afforded access off the Class III highway.

The application is a full application for the erection of a two storey dwelling and detached garage together with the construction of a new vehicular access and the installation of a package treatment plant.

**2. Key Issue(s)**

The applications main issues are whether the development complies with current policies, the affect of the development on neighbouring properties and on the locality which is designated as an Area of Outstanding Natural Beauty and whether the development will affect road safety.

**3. Main Policies**

**Gwynedd Structure Plan**

Policy D1 - Landscape

Policy D4 – Location, Siting and Design

Policy D29 – Design

**Ynys Môn Local Plan**

Policy 1 – General Policy

Policy 30 – Landscape

Policy 32 - Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

**Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP5 – Countryside Hamlets and Clusters

Policy EN2 – Area of Outstanding Natural Beauty

Policy EN14 – Tree Preservation Orders and Hedgerows

Policy EN16 – Landscape features of major importance for flora and fauna

**Deposit Joint Local Development Plan**

Policy TAI18 – Housing in Clusters

Strategic Policy PS15 – Settlement Strategy

**Planning Policy Wales, 2016, 9th Edition**

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

## **Technical Advice Note 12 – Design**

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

**Community Council** – No objection

**Local Member Cllr LI M Huws** – Call-in and requested a site visit

**Local Member Cllr J Griffith** – No response to date

**Local Member Cllr K P Hughes** – No response to date

**Highway Authority** – Recommended conditional approval

**Drainage Section** – Details are acceptable.

**Natural Resource Wales** – Comments

**Welsh Water** – No comments

#### **Response from members of the public**

The proposal was advertised through the posting of a notice on site and the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 8<sup>th</sup> March 2017 and at the time of writing this report one letter of objection had been received at the department. The main issues can be summarised as follows;

- i) Highway Safety
- ii) Visual Impact on Area of Outstanding Natural Beauty

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

18C225 - Full application for the erection of a dwelling, the creation of an access together with the installation of a package treatment plant on land adjacent to Bron Castell, Llanfairynghornwy – Refused 07/10/2016

18C215A/SCR – Screening opinion application for the erection of a dwelling, the creation of an access together with the installation of a package treatment plant on land adjacent to Bron Castell, Llanfairynghornwy - EIA not required 30/09/2016

18C225C/SCR - Screening opinion for the erection of a dwelling, the creation of an access together with the installation of a package treatment plan on land adjacent to Bron Castell, Llanfairynghornwy. – EIA not required 06/01/2017

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

**Policy Context** – Llanfairynghornwy is defined as a Listed Settlement under policy 50 of the Ynys Mon Local Plan and as a Countryside Hamlets and Cluster under Policy HP5 of the stopped Unitary Development Plan. Policy 50 supports residential developments that lie within or form a reasonable minor extension to the existing developed part of the settlement and would not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality.

Policy HP5 of the stopped Unitary Development Plan is a similar criteria based policy. In order to assist with the determining of planning applications an indicative frame has been created in order to identify the location of the settlement. However, this frame is not a development boundary and any application will have to satisfy the criteria listed within the policy. Policy HP5 supports applications for single dwellings on infill sites, or other acceptable sites that are immediately adjacent to the developed part of the rural hamlets and clusters, provided that the development will not cause undue harm to the character of the group or any harmful visual intrusion into the surrounding landscape.

The built up form of the village lies to the west of the application site and therefore this site is not considered as an acceptable infill development or an acceptable extension to the village.

Llanfairynghornwy had been identified as a Cluster under Policy TAI18 of the draft JLDP. The Council has recently published a Matters Arising Changes Notice which includes a change to Policy TAI18 and the removal of certain clusters, including Llanfairynghornwy from those identified under the Policy as well as removing a limit on numbers during the plan period (Action point S3 / PG6). The proposed changes is now subject to further public consultation and examination before the Plan is adopted. Although material, given the changes proposed and further public consultation, little weight can be placed on Policy TAI18 at this juncture.

**Effect on neighbouring properties** – There is a distance of 30 metres between the proposed dwelling and neighbouring property known as Bron Castell and 16.5 metres between the proposed garage and Bron Castell. Due to the distances between the existing and proposed dwellings it is not considered that the proposal will have a detrimental impact on the amenities currently enjoyed by the occupants of the neighbouring property.

There is a distance of 13.5 metres between the side elevation of the proposed unit and the existing property known as Cae Gwyrdd. Cae Gwyrdd has openings within the side elevation and the proposed dwelling has openings in the staircase, wc and utility room. Due to the distances between the existing and proposed dwelling and the proposed use of the rooms where the openings are located it is not considered that the erection of a dwelling in this location will harm the amenities currently enjoyed by the occupants of the neighbouring property.

**Effect on surrounding area** - The application site is located within a prominent and elevated position within the Area of Outstanding Natural Beauty (AONB). It is a statutory designation that recognizes its importance in landscape quality and nature conservation terms.

The primary objective for an AONB designation is the conservation and enhancement of their natural beauty. Local authorities have a statutory duty to have regard to AONB purposes and development control decisions affecting AONB's should in the first instance favour conservation of natural beauty.

Policy 30 of the Ynys Mon Local Plan states that within the Area of Outstanding Natural Beauty, the Council will give priority to the protection and enhancement of the landscape when considering planning applications. Policy EN2 of the stopped Unitary Development Plan states that within the Area of Outstanding Natural Beauty, the Council will give priority to the conservation and enhancement of the landscape. The acceptability of development proposals will be evaluated in terms of

- i) Intrusive impact on the landscape character and visual qualities of designated areas and,
- ii) The effectiveness of any mitigation measures that are proposed and,
- iii) The necessity of the development and the availability of alternative locations outside the designated area.

The proposal is a full application for the erection of a large two storey dwelling with a ridge height of 9.1 metres, and a length of 16.7 metres and width of 13.6 metres. The ridge height of the proposed dwelling will be 13.8 metres above the level of the adjoining highway. Therefore the erection of a dwelling of this scale and in this location will have a detrimental visual impact on the surrounding landscape.

The boundary of the site with the adjoining highway is formed of a stone wall and hedge and in order to provide the necessary visibility splay the planting and wall height will need to be reduced to 1 metre high. At present, due to the landscaping on both sides of the highway the site is similar to what is found down country lanes and the removal of the stone wall and hedge will have an urbanising effect on the surrounding area.

Both sides of the hedge's location have been removed as part of neighbouring developments with poor boundary treatment a feature of both sides. The removal of this section of hedging in order to provide a 2.4 x 43 m visibility splay will have further adverse visual effect.

Policy 32 of the Ynys Mon Local Plan states that the Council will refuse application which result I the loss of trees, hedgerows, stone walls, 'cloddiau' and other traditional features unless acceptable proposals are included for their replacement. Policy EN14 of the stopped Unitary Development Plan states that hedgerows will be protected from inappropriate developments.



It is considered that the removal of the stone wall and hedgerow along the front boundary of the site, adjoining the highway, will have a detrimental impact on the character of the landscape and of the designated Area of Outstanding Natural Beauty.

Whilst it is acknowledged that there are properties located on both sides of the application site these differ to the current application by way of the dwelling to the east of the application site (Bron Castell) which is a two storey dwelling lies immediately fronting the highway. The dwelling to the west of the application (Cae Gwyrdd) is situated along the same building line as the proposed dwelling and lies in an elevated position similar to the proposed dwelling however the existing dwelling is of a single storey construction.

Due to the position, scale and loss of boundary treatment I conclude that the proposal would be harmful to the character and appearance of the area and would not be in accord with the relevant Policy 1, 30, 32 and 50 of the Ynys Mon Local Plan.

**Highway Safety** – The Highway Authority have raised no objection to the proposal subject to the inclusion of standard highway conditions.

## **7. Conclusion**

The proposal cannot be supported as the development would extend beyond the built form of the settlement and is not an acceptable infill or edge of settlement development. Due to the scale of the proposal and its elevated position the erection of a dwelling in this location would constitute a harmful visual intrusion into the landscape which is designated as an Area of Outstanding Natural Beauty under Policy 30 of the Ynys Mon Local Plan and policy EN2 of the stopped Unitary Development Plan. The proposal would result in the extension of the built form into the countryside and is contrary to both Local and Structure Plan Policy and the advice contained in Planning Policy Wales.

## **8. Recommendation**

### **Refuse**

(01) The Local Planning Authority considers that the proposal would extend the built form into the open countryside and due to its scale and position would result in a harmful visual intrusion into the landscape which is designated as an Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policy A2, A3, D1, D4 and D29 of the Gwynedd Structure Plan, Policies 1, 30, 32, 42, 48 and 50 of the Ynys Môn Local Plan, Policies GP1, GP2, EN2, EN14, EN16 and HP5 of the Stopped Unitary Development Plan and the guidance contained within Planning Policy Wales (9<sup>th</sup> Edition).

7.3

Gweddill y Ceisiadau

Remainder Applications

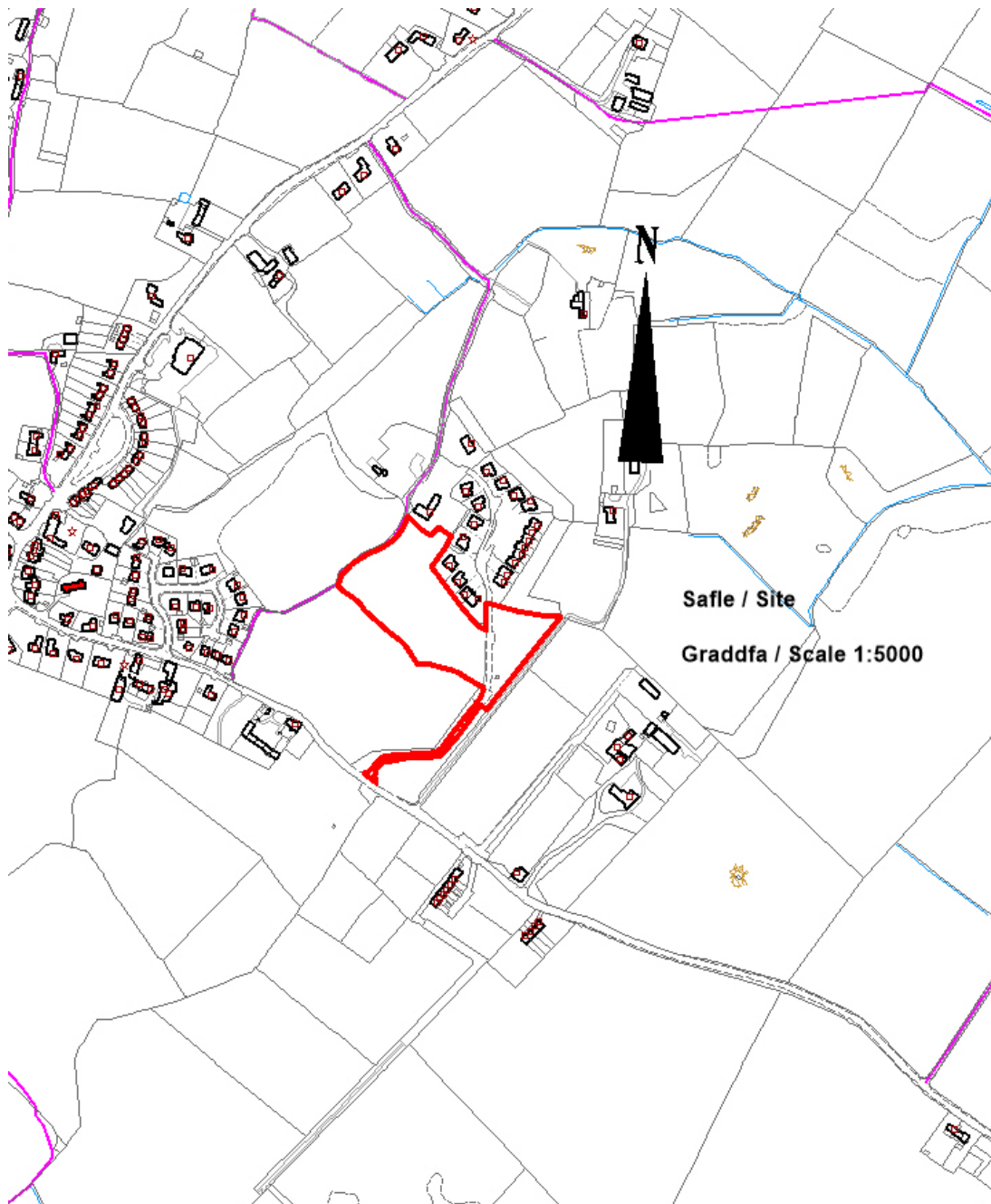
Rhif y Cais: **21C58H** Application Number

Ymgeisydd Applicant

**Mr. Geoff Green**

**Cais llawn ar gyfer codi 10 unedau gwyliau ychwanegol yn / Full application for the erection of 10 additional holiday units at**

**Parc Eurach, Llanddaniel Fab**



**Planning Committee: 05/04/2017**

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

**Recommendation:**

Permit.

**Reason for Reporting to Committee:**

Originally on request of Local Member H Jones. Following the meeting of the 1st February Members resolved to defer the application to allow a site visit to take place and a traffic count/survey to be carried out.

Members visited the site on the 15th February.

At the meeting of the 1st March, 2017 members resolved to refuse the application.

The Community Councils last comments have been produced below for the sake of clarity;

Letter from: Llanddaniel Fab Community Council

A meeting of the Llanddaniel Community Council was held on Monday evening 20 February 2017 and one of the matters discussed in the meeting was the application for the erection of 10 additional dwellings at Parc Eurach, which is in the village. We have received complaints from members of the public regarding this application. It was explained that this application had been submitted in 2008 and that the Community Council had objected at that time. It was assumed that the application had been refused since we heard nothing about the matter after that. Another application was submitted in 2014 and the Community Council objected to that as well. Now, in 2017, we hear that this application is back on the agenda and is being discussed, some years after the original application and following objections by a number of people. This is not satisfactory and several years delay makes the matter even more unsatisfactory.

Therefore, Llanddaniel Community Council is once again objecting to this application. We are asking you to read this letter in the meeting on 1 March 2017 since we are eager for our opinion, which is representative of the local community, to be heard.

We have several reasons for objecting to this application:

- The required infrastructure and internal network is not in place to support this application to erect more houses in Parc Eurach. There have already been complaints regarding the sewerage problems on the site. Building more houses on the site would add to this problem and it is not something that would be ideal for the current residents or the wider community. People living locally are very concerned about the surface water problem which would be exacerbated should more houses be approved.
- There are transport problems in the area. Tyddyn Llywarch, which is opposite this development, has now been developed; and Bryn Celli Ddu Farm which is down the road, has also been developed. Traffic is already very heavy in the area, particularly at certain times, e.g. in the mornings, school run. 10 additional houses in Parc Eurach will make this problem much worse.
- The development is supposed to be sustainable but there is no public transport close to Parc Eurach. There is no bus stop and buses do not go past the site. There is no pavement on the highway, therefore it is not possible to walk or cycle from the site. In view of the traffic problems in the vicinity of the site and the additional problems which would be caused by the approval of this development, it could lead to terrible problems.
- The development would have a very negative effect on the community of Llanddaniel. No efforts have been made by the current Parc Eurach to blend into the local community. The signs to the Parc are in English only and local people are not permitted on the site – there

are several (English) signs prohibiting access and marking the site as private. The Community Council has complained in the past regarding this aspect but nothing has changed. In addition, an undertaking was made that resources would be provided for the local community but nothing has materialised and even if the resources were available, there is no permission to enter the site anyway.

- People are living on the site permanently. This was not the original agreement, but even so, the County Council has not done anything to prevent this and it is contrary to the original agreement. Promises by the owners are not enough to convince the Community Council that Parc Eurach would not become another housing estate in the village (which would be contrary to the regulations and would have been refused had the original intention been stated). This is not a holiday village, but a permanent development. This would be at the expense of local resources and would happen through the back door.

Therefore, as a Community Council, we are speaking on behalf of the local community and urge you to refuse this application. It would be of no benefit to the local community or to us as a Community Council and indeed, the current development in Parc Eurach proves that the rules have not been adhered to and that it is possible to disregard legislation and regulations, whatever is agreed with the County Council. We urge you to give our comments your serious consideration.

The recorded reasons to refuse include;

- 1) Overdevelopment in the countryside
- 2) Insufficient capacity for sewerage in event of breakdown
- 3) No footway to village

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

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter.

The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified.

A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

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

In accordance with the above each given reason for refusal shall be dealt with here;

### **1) Overdevelopment in the countryside**

Development Plan policies allow the creation of holiday accommodation and the enhancement of tourism facilities. Development Plan policies also seek to protect the landscape and local amenities. The proposal must be weighed against all relevant planning policies in order to consider whether it is acceptable and a balanced view must be struck in determining the application.

Whilst the site lies in a countryside location it is immediately adjoining, an existing holiday complex and will be screened in such a way as to ensure that the development does not harm the appearance of the location. The addition of this development to that existing is not considered here to unduly harm the appearance or character of the location.

The proposed development will have a density of approx. 11 units per hectare which is well below the 30 as suggested in plan policy.

It is not a prerequisite that such holiday accommodation is located within settlement boundaries.

What must be ascertained however is whether the development is within a sustainable location. The site is located approximately 80m from the settlement of Llanddaniel and there is a public footpath providing direct off road access.

Llanddaniel itself is well connected to the public transport networks with buses available to other locations such as Bangor, Llangefni and further afield. Furthermore, it is a short journey by bus to Llanfair PG where trains can be accessed onto the North Wales train network and beyond.

The site is also in close proximity to an official cycle route.

Clearly the users of the holiday units will not be totally reliant on the private car. Public transport is easily accessed by foot and given the level of public transport on offer the site is considered to be sustainable in transport terms.

It is considered that the proposed units comply with Development Plan policies and it is further considered that the proposals are compliant with the recommendations and reasoning given in recent appeal decisions for holiday developments elsewhere.

With the above in mind it is not considered that a refusal on the grounds of overdevelopment in the countryside could be sustained.

## **2) Insufficient storage capacity for sewerage in the event of a breakdown.**

It should be noted that the Councils Drainage Engineers do not object to the scheme nor do Natural Resources Wales.

Following the last Committee meeting the applicant has responded in respect of this matter;

“The requirement for sewage storage tanks that are part of a pumped system is that there is sufficient spare capacity to cater for a 24 hour breakdown. Our application includes the fitting of a new and separate sewage treatment plant which has a capacity to contain noxious waste for two weeks in the event of a breakdown. Our plans significantly exceed the requirements”

Furthermore, it should be noted, that if it is considered that the scheme for drainage is not acceptable a condition could be attached to any permission requiring details of a more robust scheme to be incorporated are submitted for the LPA's written approval. Such a scheme could be completed prior to any other development taking place.

## **3) No footway along highway to village**

Whilst it is acknowledged that there is no footway along the highway, there is a public footpath directly from the site to the village and this leads onto a footpath along the road. This provides easy safe access to Llanddaniel.

However, the applicant has indicated that if this is a contentious point then he would be willing to provide a footpath and as such a condition could be added to any permission requiring this.

## **2. Conclusions and analysis**

The reasons for refusal given by Members at the last committee are considered to be material considerations. However, what must be determined is how much weight can be given to those considerations when formulating a recommendation and determining the application.

It has been shown above that the three reasons for refusal given by members are not clear cut and cannot be weighted to such an extent that a refusal of this application could be soundly defended at an appeal. The reasons in outline being;

### **1) Land use/overdevelopment in countryside**

The development of the site for the use proposed can be supported in policy terms and there will not be undue harm to visual amenity.

### **2) Drainage**

Whereas the existing arrangements are acceptable if considered not then a suitable condition could be added to any consent notice requiring a different arrangement.

### **3) Footpath along highway**

A public footpath exists which could be used by visitors to the site to gain safe and easy access to the village. If this is not considered acceptable then a condition could again require that a footpath is provided along the highway.

On this basis it is considered that the reasons for refusal proposed are not based on solid planning grounds and would not stand up to further scrutiny.

## **3. 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 units hereby approved shall be occupied for holiday purposes only; the holiday units shall not be occupied as a persons sole, or main residence; the owners/operators shall maintain an up to date register of the names of all occupiers of individual units on the site and of their main addresses and shall make this information available at all reasonable times to the Local Planning Authority.**

Reason: To define the scope of this permission and ensure the units are occupied as holiday accommodation.

**(03) A landscape plan shall be agreed in writing with the Local Planning Authority prior to the commencement of development on the site. The plan shall include a 15 year maintenance programme for the planting, including plant replacement, stake and guard removal, weed control, formative pruning and thinning for a period of 15 years. The scheme shall be implemented in full prior to occupation of any of the units and the Local Planning Authority notified in writing of its completion and thereby commencement of the maintenance programme.**

Reason: In the interests of amenity.

**(04) Foul water and surface water discharges must be drained separately from the site.**

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

**(05) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.**

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.

**(06) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.**

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

**(07) No structure is to be sited within a minimum distance of 3 meters from the centre line of the water main pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the developer.**

Reason:

**(08) No development shall commence until the written approval of the local planning authority has been obtained in relation to a full comprehensive traffic management scheme including:**

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

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

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

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

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

**(09) The access shall be constructed with 2.4 metre by 90 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.**

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

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

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

**(11) Full details of the method of foul and surface water drainage shall be approved in writing with the Local Planning Authority prior to the commencement of any works.**

Reason: To ensure the site is adequately drained.

**(12) Details of a suitable management and maintenance plan which secures the operation of the foul and surface water drainage systems for the lifetime of the development shall be agreed in writing with the Local Planning Authority prior to the commencement of works.**

Reason: To ensure the site is adequately drained.

**(13) The development hereby approved shall be carried out in accordance with plans:**

**D117/04/c site plan  
D117/07 Elevations**

Reason: For the avoidance of doubt.

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



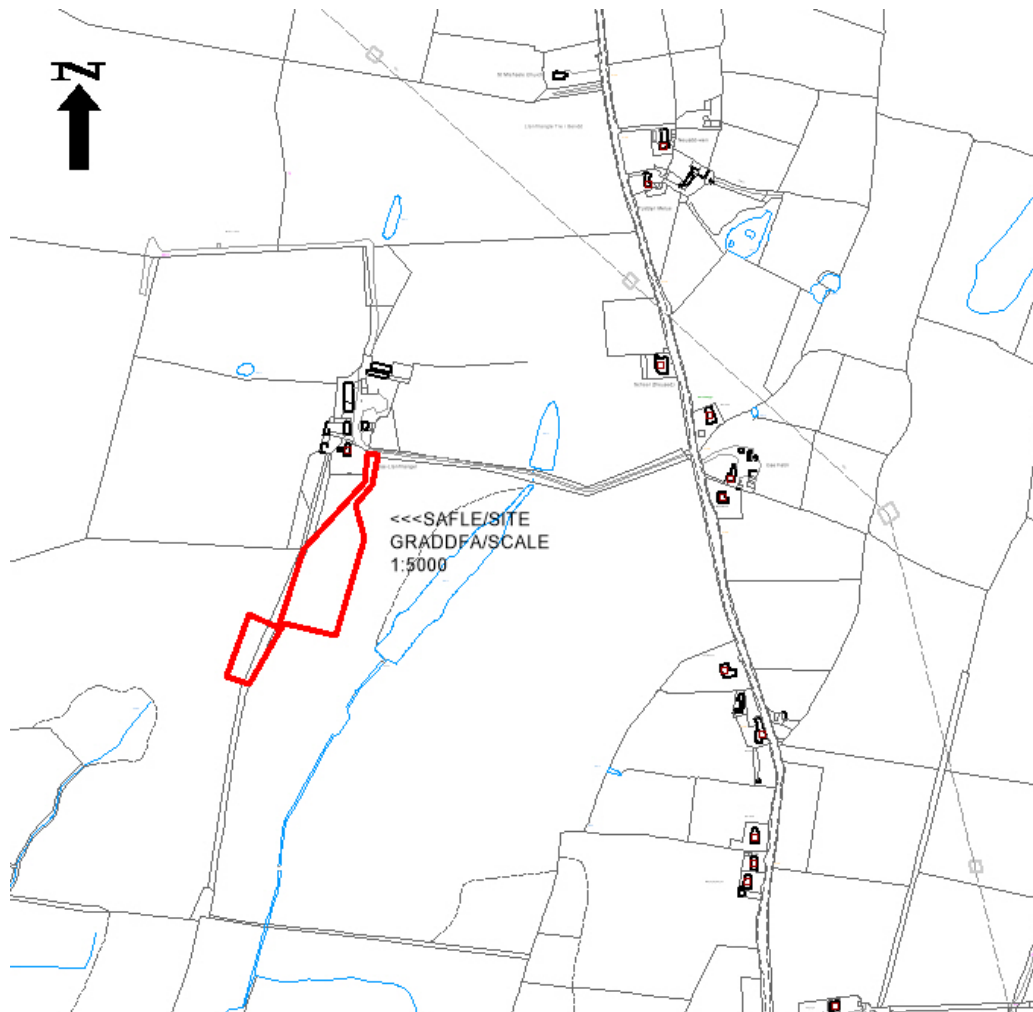
Rhif y Cais: **23C280F** Application Number

Ymgeisydd Applicant

**Mr Eurig Jones & Mr Owen Rowlands**

**Cais ol weithredol ar gyfer sied amaethyddol a parlwr godro ynghyd a chreu pwll slyri, dau silo a gwaith cysylltiedig yn / Retrospective application for an agricultural shed and milking parlour together with the construction of a slurry pit, two silos and associated development at**

**Plas Llanfihangel, Capel Coch**



**Planning Committee: 05/04/2017**

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

**Recommendation:**

Permit.

**Reason for Reporting to Committee:**

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

At its meeting held on the 1<sup>st</sup> March 2017 the Committee resolved to refuse the application contrary to officer recommendation. The recorded reasons being as follows:

- Detrimental impact on local residents.
- Pollution: artificial light and waste water.
- Detrimental landscape impacts.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:  
"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

**Detrimental impact on local residents.**

The site has been visited and the impact of the building on nearby dwellings assessed. The nearest dwelling is approx.. 420m away and given the orientation of the dwelling and intervening planting it is considered that the impact is not unduly harmful to amenity

The unit is visible at a significant distance but restricted to some aspects/directions from some properties, the views of the building are not over dominant and do not totally occupy the outlook from those properties nearby.

Such an impact is not in itself considered to be so detrimental to local residential occupiers so as to detract from the current standard of living they enjoy in their home.

Additionally, in terms of the use and potential harm from the activity the Councils Environmental health section who consider statutory nuisances have commented that they do not object to the scheme provided there is compliance with CIRIA Document - C650 – Environmental Good Practice On Site (2nd Edition).

If a complaint is received from a local resident then there is separate legislation to enforce against a statutory nuisance.

Members must identify the specific harm the building causes and to what properties if a refusal on this ground is to be substantiated.

### **Pollution: artificial light and waste water.**

#### **Pollution and waste water**

The details received with the application satisfies the requirements of Natural Resources Wales with regards to pollution and waste water. Whilst previously quoted in the initial report to committee their comments below clarify the situation;

‘Further to our earlier response to this application dated 29th November 2016 we have now received additional details regarding the proposed method of slurry storage (information received 30th November and 7th December 2016). The information received includes details of the location of the proposed pit included on plan reference (02 BP 991514 A3L REV E) and slurry pit calculations. We are satisfied that the information provided has addressed the concerns previously raised in our letter dated 29th November 2016 and has confirmed that the proposed development will meet the requirements set out within the silage, slurry and agricultural fuel oil storage Regulations.’

Given that the regulatory body has commented in detail in respect of these matters it is considered that a refusal on these grounds would be difficult to substantiate.

Furthermore if this ground for refusal were to remain members should be firm that there is evidence to the contrary showing that the required conditions could not be achieved.

#### **Artificial light pollution**

There is no control over what lighting can take place within the building. However, externally it is reasonable for the LPA to determine what type and level of lighting would be suitable and acceptable.

The Authority has produced Supplementary Planning Guidance on external lighting. This takes into account light pollution and types of lighting systems which can reduce harm and which can be acceptable in certain circumstances.

It is acknowledged that if the external lighting is not controlled then the building’s impact at night could be significant and dominated the landscape from certain viewpoints.

With this in mind a condition will be placed on the permission in order to provide details of proposed lighting to ensure that no light from the site spills over its boundaries or into the night sky so as to ensure any impacts in this respect are within parameters which are considered acceptable in terms of harm to local amenities and also ensuring that the building will not be lit in such a way as to be visible at night from a wide area.

The development shall thereafter proceed in accordance with the approved details.

If this consideration were to remain as a reason for refusal then members should be clear that this cannot be achieved and have evidence to support this.

#### **Detrimental landscape impacts**

It is not disputed that the building is visible. This in itself is not a justifiable reason for refusal.

The planning system upholds the principle that the countryside should be preserved for its own sake, but acknowledges that agricultural uses and buildings can in certain circumstances be located in such locations.

It is the considered opinion of Officers that the appearance of the barn in this location will not have such an impact as to warrant a refusal, Whilst the building is large it will only be seen from certain views and not from a wide area. The inclusion of this building into the rural landscape is not considered to be an unacceptable intrusion but a form of development which is commonplace in countryside areas as its function necessitates such a location.

Furthermore, the addition of landscaping will, with the passage of time, assist in blending the building into the landscape reducing its impact further.

If a refused on this ground Members must be clear that the impact is significantly and unduly detrimental to the appearance of the location. The harm must be identified and its significance in terms of unacceptable impact articulated if this is to be a justifiable reason for refusal.

## 1. Conclusions

The reasons for refusal given by Members at the last committee are considered to be material planning considerations. However, what must be determined is how much weight can be given to those considerations when formulating a recommendation and determining the application.

It has been shown above that the reasons for refusal given my members are not clear cut and cannot be weighted to such an extent that a refusal of this application could be soundly defended at an appeal.

## 2. Recommendation

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

**(01) 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

**(02) (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 on the area of the slurry pit.**

**(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.

**(03) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing numbers 991514/02 Rev I, 991514/04 Rev H and 991514/01 Rev I received on the 31/01/17. 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.

**(04) Details of external lighting shall be submitted to and approved in writing by the local planning authority within 1 month of the date of this permission. The development shall thereafter proceed in accordance with the approved details.**

Reason: In the interests of amenity.

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

<b>Location Plan</b>	<b>991514/01 Rev I</b>	<b>31/01/17</b>
<b>Elevations</b>	<b>991514/04 Rev H</b>	<b>31/01/17</b>
<b>Floor Plan</b>	<b>991514/03 Rev F</b>	<b>31/01/17</b>
<b>Block Plan</b>	<b>991514/02 Rev I</b>	<b>31/01/17</b>
<b>Section B-B Slurry Pit</b>	<b>991514/05 Rev A</b>	<b>31/01/17</b>

Reason: For the avoidance of doubt.

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

7.5

Gweddill y Ceisiadau

Remainder Applications

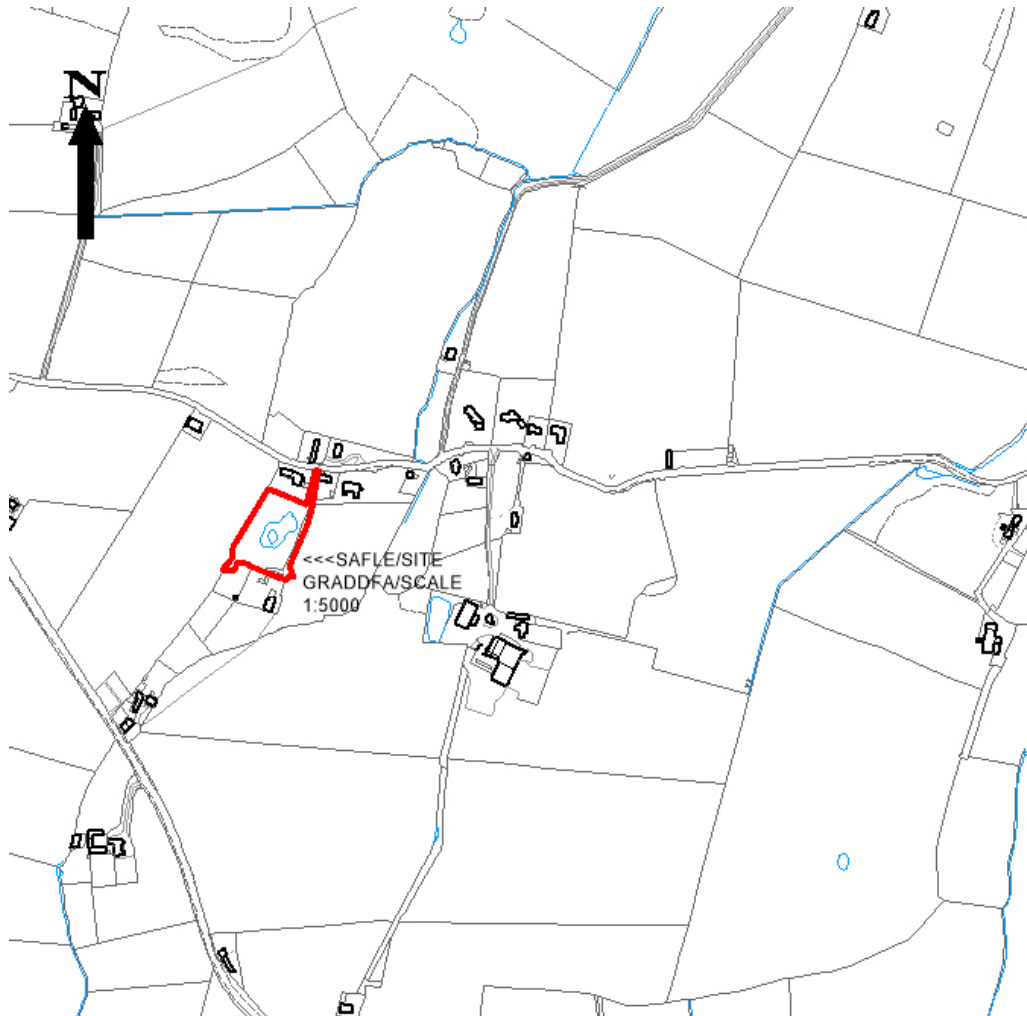
Rhif y Cais: **25C242** Application Number

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: 05/04/2017**

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

**Recommendation:**

Permit.

**Reason for Reporting to Committee:**

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

At its meeting held on the 2<sup>nd</sup> November, 2016 the Members resolved to undertake a site visit prior determining the application. The site was visited on the 16<sup>th</sup> November, 2016 and the Members will now be familiar with the site and its setting.

As Members are aware, the application has since been deferred at the subsequent Planning and Orders Committee meetings to await further supporting details. A hydrogeological has now been submitted as part of the application.

**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** – Object 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** – Further to the initial consultation responses, the department raised concerns regarding the flow of groundwater in the area and whether or not the proposal is adversely affecting the water levels beneath the site and having a detrimental effect upon the operation of the septic tanks in the area.

The applicant was therefore requested to submit a hydrogeological assessment which was received by the department on the 22<sup>nd</sup> February, 2017.

The hydrogeological report concluded that there is no significant water flow from the pond. Following assessing the hydrogeological report, Environmental Health have subsequently raised no further concerns. It is considered that the proposal is not having a significant impact on the hydrogeology in the surrounding area.

**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**

The proposal was advertised with the posting of notifications to adjacent properties. A site notice was also displayed near the application site together with an advert within the local newspaper. The publicity process was undertaken on several occasions following the submission of amended plans / further information.

Several letters of representations were received as a result of the publicity afforded to the application. The most recent notification period will expire on the 29th March, 2017.

During the time of writing the report, the main points raised following each notification period 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.
- The proposal is not a natural but rather than a manmade pond / lake.
- The pond is at a higher level than nearby residential properties.
- Since the construction of the pond, nearby land has become much more saturated for longer periods of time. In addition, water takes longer to drain.
- Concerns if drains become blocked or the manmade banks surrounding the pond collapses.

## **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 dwellinghouse 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'.

A hydrogeological report was submitted to the Local Planning Authority on the 22<sup>nd</sup> February, 2017. The assessment included a site walkover and supervision of the excavation of an observation hole down – gradient of the pond. This undertaking provided information regarding the geological and hydrogeology regimes and was used to develop an outline hydrogeological conceptual model of the proposed pond, identifying potential pathways for water migration to neighbouring properties.

The conclusion and recommendations of the report states:

*A site walkover, supervision during excavation of an observation hole and subsequent check of the hole after 24 hours were conducted to create a conceptual model of the pond at Ty'n Cae and the surrounding area.*

*The observation hole intercepted dry clay to below the greatest demonstrated depth of the pond, which remained dry after 24 hours confirming that no significant lateral pathways of water flow were encountered downgradient of the pond.*

*The observations were consistent with there being no significant leakage through the base of the pond as there was no discernible drop in the levels of the pond below the inlet level of the overflow channel.*

Following assessing the hydrogeological report, Environmental Health have subsequently raised no further concerns. It is therefore considered that the proposal is not having a significant impact on the hydrogeology in the area surrounding the site.

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 affected 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 Note 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 be asked 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 within 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.

Following assessing the hydrogeological report, Environmental Health have subsequently raised no further concerns. It is considered that the proposal is not having a significant impact on the hydrogeology in the surrounding area.

Having regard to planning policy, all material facts and planning considerations; subject to the receipt of additional comments received from members of the public it is my recommendation that the application be approved.

### **8. Recommendation**

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

**(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**

<b>Drawing/ Document Number</b>	<b>Date Received</b>	<b>Plan Description</b>
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
2992-CAU-XX-XX-RP-V-0300	29/03/2017	Hydrogeological Report

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 9)**

**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**

7.6

Gweddill y Ceisiadau

Remainder Applications

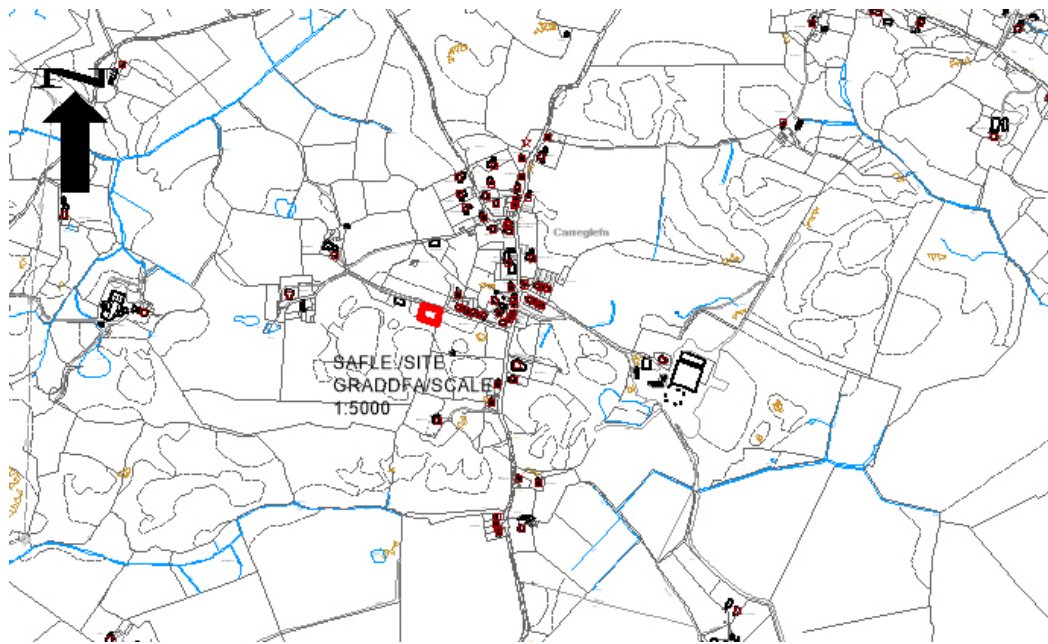
Rhif y Cais: **38C324** Application Number

Ymgeisydd Applicant

**Mr Sion Jones**

**Cais amlinellol ar gyfer codi annedd gyda'r holl materion wedi'u gadw'n ôl ar dir yn / Outline application for the erection of a dwelling with all matters reserved on land at**

**Alma Hall, Carreglefn**



**Planning Committee: 05/04/2017**

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

**Recommendation:**

Refuse.

**Reason for Reporting to Committee:**

The application is presented to the Planning Committee on the request of the local member.

At its meeting held on the 1<sup>st</sup> March, 2017 committee members recommended that a site visit should take place. The site visit took place on the 15<sup>th</sup> March and the members are now familiar with the site and its settings.

**1. Proposal and Site**

The proposal is for outline planning for the erection of a dwelling with all matters reserved on land at Alma Hall, Carreglefn.

**2. Key Issue(s)**

The key issue is whether the proposal complies with current policies and the emerging Local Development Plan, and whether the proposal will affect the amenities of the surrounding properties.

**3. Main Policies**

**Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 31 - Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

Policy 53 – Housing in the open countryside

**Gwynedd Structure Plan**

Policy A2 – Housing

Policy A3 - Housing

Policy D4 – Location, Siting and Design

Policy D29 - Design

**Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP5 – Countryside Hamlet and Cluster

Policy HP6 – Dwelling in the Open Countryside

Policy EN1 – Landscape

**Deposit Joint Local Development Plan**

Policy TAI 17 – Housing in Local, Rural and Coastal Villages

Strategic Policy PS15 - Settlement Strategy

**4. Response to Consultation and Publicity**

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

**Local Member (Cllr Ken Hughes)** – Requested that the application be presented to the Planning and Orders Committee for consideration.

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

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

**Highways Authority** – Conditional approval

**Drainage Section** – Standard comments

**Welsh Water** – 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 17<sup>th</sup> February, 2017. At the time of writing the report 1 letter had been received expressing concern. The main concerns being as follows:-

- The access track should not be blocked
- Sharing of cost of access track maintenance
- Create a precedent for further development

## **5. Relevant Planning History**

None.

## **6. Main Planning Considerations**

### **Policy**

Carreglefn is identified as a Listed Settlement under Policy 50 of the Ynys Mon Local Plan and as a Hamlet and Cluster area under Policy HP5 of the stopped Unitary Development Plan.

Single plot applications within or on the edge of a settlement are considered acceptable under Policy 50 of the Ynys Mon Local Plan.

Policy HP5 of the Stopped Unitary Development Plan states that single dwellings will be permitted on 'infill' sites, or other acceptable sites that are immediately adjacent to the developed part of the rural hamlet and clusters, provided that the development will not cause undue harm to the character of the group or any harmful visual intrusion into the surrounding landscape.

Policy A2 of the Gwynedd Structure Plan states that new housing should be located within or on the edge of settlements at a scale which reflects the settlements existing population at a proportion of the total population of the relevant district.

Paragraph 9.3.3 states that insensitive infilling, or cumulative effects of development or redevelopment, should not be allowed to damage an area's character or amenity

Paragraph 9.3.4 states that in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity.

Policy TAI 17 of the Local Development plan identifies Carreglefn as a coastal Rural Village. The policy states that housing in Carreglefn should only be approved for community need and affordable housing.

### **Main planning considerations**

The application site is not considered to be immediately on the edge of the settlement of Carreglefn. The application site consists of uneven land that would require substantial removal of land. The dwelling will be located on agricultural land with no properties on either side of the proposed plot.

The proposal would be harmful to the character and appearance of the area and would not accord with Policy 50 of the Ynys Mon Local Plan. The erection of a dwelling on this site could also possibly result in future residential development on the land.

The application does not comply with Policy 50 by virtue of the fact that it would extend the built form further into the landscape which would harm the character and amenities of the locality.

The JLDP is a material consideration that can be afforded weight in the determination process at present. The Council will shortly be publishing a Minor Matters Arising Changes Notice which includes a change to Policy TAI17. This will be subject to further public consultation and examination before the Plan is adopted.

### **Effect on the amenities of adjacent residential properties**

It is not considered that the dwelling would have an adverse effect on the amenities currently enjoyed by the occupants of the neighbouring properties due to the distance from existing residential properties.

### **Highways**

The Highways Department has confirmed they are satisfied with the appropriate worded conditions.

## **7. Conclusion**

It is not considered that the erection of a dwelling in this location would be acceptable, and it would result in development into the open countryside contrary to Policy 53 of the Ynys Mon Local Plan and Policy HP6 of the Stopped Unitary Development Plan.

## **8. Recommendation**

### **Refuse**

(01) The Local Planning Authority consider that the proposal would amount to the erection of a new dwelling in the countryside for which no long term need is known to exist for the purposes of a rural enterprise; the development would therefore be contrary to the approved Policy A6 of the Gwynedd Structure Plan, Policy 53 of the Ynys Mon Local Plan, Policy HP6 of the Unitary Development Plan (Stopped 2005) and the advice contained within Planning Policy Wales.

(02) The Local Planning Authority considers that the proposal would be harmful to the character and appearance of the area bringing about the unacceptable erosion of an attractive rural field in this Special Landscape Area and would therefore be contrary to Policy A2, A3 and D4 of the Gwynedd Structure Plan, policies 1, 31, 42, 48 and 50 of the Ynys Môn Local Plan, policies GP1, GP2, EN1 and HP5 of the stopped Unitary Development Plan and the provisions of Planning Policy Wales (Edition 9, 2017).

## **9. Other Relevant Policies**

Technical Advice Note 12 – Design

SPG – Urban and Rural Environment

Planning Policy Wales 9<sup>th</sup> Edition



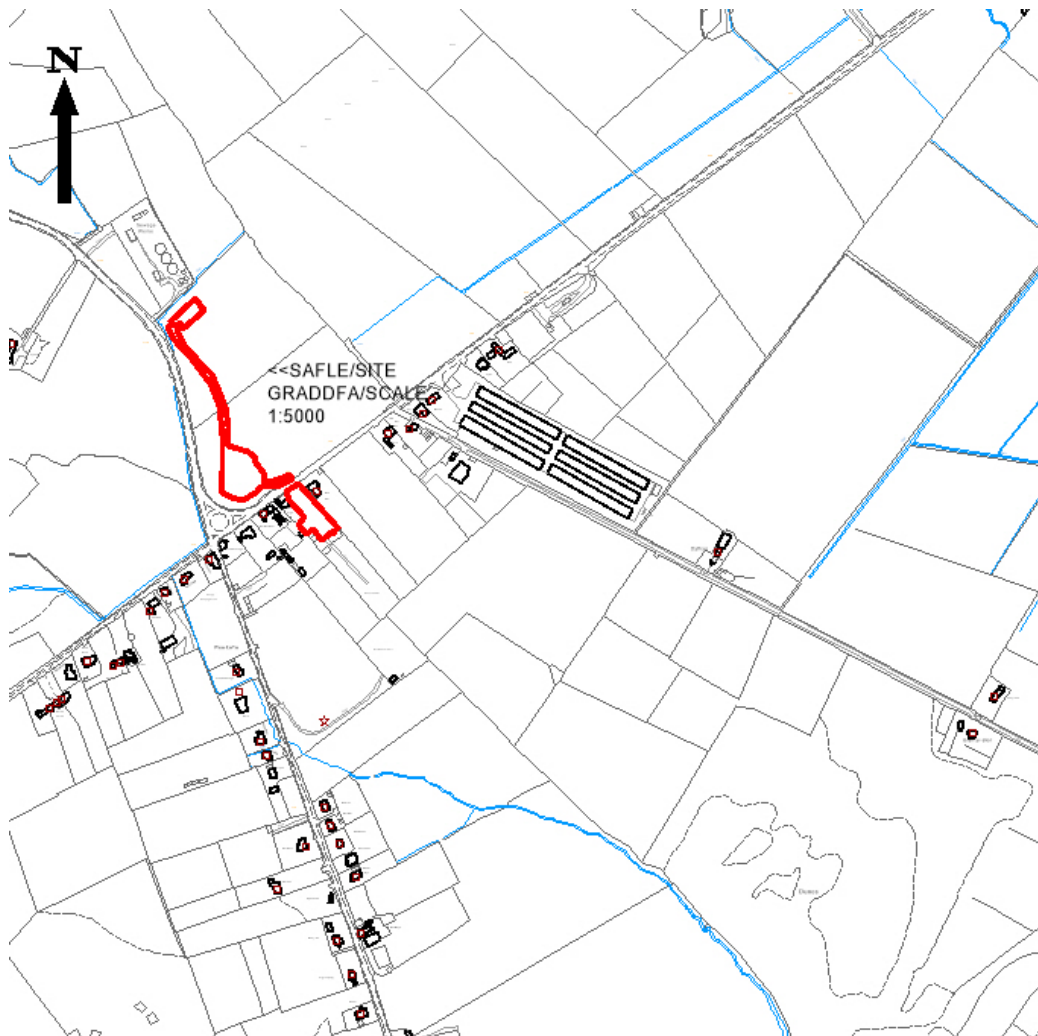
Rhif y Cais: **45C84R/ECON** Application Number

Ymgeisydd Applicant

**Mr Liam Barrie**

Cais llawn ar gyfer codi adeilad oergell, adeilad achlysur, ac adeilad seminar ynghyd a chreu mynedfa i gerbydau gyda maes parcio i gwsmeriaid, maes parcio cymunedol ac ardal hamdden a dymchwel adeilad allanol ar dir yn a gyferbyn a / Full application for the erection of a fridge building, function building and seminar building together with the construction of a vehicular access with customer parking, community parking, recreational space and demolition of outbuilding on land at and adjacent to

**The Marram Grass Cafe, White Lodge, Niwbwrch/Newborough**



**Planning Committee: 05/04/2017**

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

**Recommendation:**

Permit.

**Reason for Reporting to Committee:**

At the request of the Local Member, Cllr A Griffith

At its meeting held on the 1st March, 2017 committee members recommended that a site visit should take place.

The site visit took place on the 15th March and the members will now be familiar with the site and its settings.

**1. Proposal and Site**

The proposal involves the erection of three new buildings on the site comprising of a detached function building, seminar/demonstration building and external fridge store, re-configuration within the site to improve the parking facilities within the existing site together with the provision of a new car park on land opposite the Marram Grass which will be located close to the roundabout.

The site lies fronting the A4080, along the road known as Lon Filltir, in the settlement of Penlon. The existing café/restaurant building is of a single storey construction clad in timber. The Marram Grass is located within the designated Area of Outstanding Natural Beauty and lies on land to the front of the White Lodge touring caravan site. The properties that lie immediately next to the application site are single storey residential units.

The land where the proposed new car park is located lies outside the Area of Outstanding Natural Beauty however lies within the Special Landscape Area. The vehicular access which was approved under the planning application reference 45C84M/ENF for the retention of the playing fields will serve the new car park. A new track will be laid to connect the car park in the playing field and the proposed new car park.

The parking that lies within the playing field will be available to the local community and tourists.

**2. Key Issue(s)**

The applications main issues are whether the proposal complies with current policies, whether the proposal will harm the amenities of the neighbouring properties or have a detrimental impact on the surrounding area which is designated as an Area of Outstanding Natural Beauty and whether the proposal will detrimentally affect highway safety.

**3. Main Policies**

**Gwynedd Structure Plan**

- Policy B1 - Employment generating developments
- Policy B7 - Locational requirements
- Policy B9 - Expanding employment opportunities in the rural economy
- Policy CH1 - Recreation and tourist development
- Policy D1 - Landscape
- Policy D4 - Location, siting and design
- Policy D7 - Agricultural land
- Policy D29 - Standard of design
- Policy D32 - Site configuration and landscaping
- Policy FF12 - Parking standards

### **Ynys Mon Local Plan**

Policy 1 - General Policy

Policy 2 - New jobs

Policy 5 - Design

Policy 26 - Parking standards

Policy 30 – Landscape

Policy 31 - Landscape

### **Stopped Unitary Development Plan**

Policy EP4 - Other employment opportunities and rural diversification

Policy EN1 – Special Landscape Character

Policy EN2 – Area Of Outstanding Natural Beauty

Policy SG7 - Noise

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

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

**Technical Advice Note 11 – Noise**

**Technical Advice Note 12 – Design**

### **Joint Local Development Plan**

Policy PCYFF1 – Development Criteria

Policy PCYFF2- Design and Shaping

Policy CYFF3 – Design and Landscaping

Strategic Policy PS10 – Providing opportunity for a flourishing economy

Policy ISA2 – Community Facilities

Policy TRA2 – Parking Standards

Policy TRA4 – Management Transport Impacts

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

**Community Council** – Object due to possible overdevelopment of the site, increase in traffic problems, site lies within the AONB and privacy problems to neighbours due to increase in activity and noise

**Local Member, Cllr A Griffith** – Call-in due to impact on the landscape, highways safety, effect on amenities of neighbouring properties, objection from Community Council and scale of concern from the residents of Penlon

**Local Member, Cllr P Rogers** – No response at the time of writing this report

**Highway Authority** – Recommend conditional approval

**Drainage Section** – Requested further information

**Natural Resource Wales** – No objection

**Environmental Health** – Requested a noise assessment – at the time of writing this report the additional details have not been received

### **Response from members of the public**

The proposal was advertised through the posting of a notice on site, publication of a notice in the local press together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations is the 3rd March, 2017 and at the time of writing this report 53 letters of objection, 4 letters of support together with a petition containing 1170 names and 488 comments in support of the application had been received.

The main issues raised can be summarised as follows;

i) Out of character, large development for a small site and visual impact in surrounding area which is designated Area of Outstanding Natural Beauty. Previous application for the car park was refused due to landscape impact. Proposal proposes parking facilities for 69 vehicles on agricultural land.

ii) Noise and light pollution – will lighting be required within the site

iii) Parking should be provided within the site

iv) Highway Safety - Is track which connects the playing field car park and proposed new car park safe, is it safe for pedestrians to walk between the car parking area and restaurant? . Is the proposed parking facilities adequate for the development

v) Flood risk – has a Flood assessment been carried out and has an Environmental Impact Assessment been submitted as part of the application.

vi) The applicant stated during the course of determining the application for the playing field that the proposal was not linked to the Marram Grass. Playing field has not been used since planning permission was granted.

vii) Planning has not been granted for the change of use of the land from agricultural to horticultural use.

viii) Proposal involves the change of use of the touring site into function/bar/seminar.

ix) Applicants states that the proposal involves the creation of a butchery – this will create another business and generate additional traffic.

x) Loss of light and privacy

xi) Impact on wildlife

xii) Football field should not be included as part of the current application as objectors were not allowed to discuss the café during the course of determining the application for the football field

xiii) A stone which is considered to be Ancient Monument is located within the application site

Other issues were also raised in regards to the naming of the site as Gardd Rhosyr which gives the impression that another business will be run from the site.

In response to these comments I would comment as follows;

i) There is ample space within the site to accommodate the proposed buildings and due to the site being an existing commercial enterprise with the café/restaurant at the front of the site and touring caravan site at the rear it is considered that the proposal is acceptable in this location and will not have a detrimental impact on the Area of Outstanding Natural Beauty. The comments in regards to the car park has been addressed in the Main Planning Considerations section below.

ii) Further information has been requested in regards to the noise generated by the proposed external fridge building and at the time of writing this report we are still awaiting receipt of the assessment.

During the course of determining the previous application for the function building and demo/seminar building the Environmental Health Section confirmed that the erection of a 3m high acoustic fence along the boundary between the proposed buildings and Glan Aber and the amended design which included the removal of the openings in the proposed buildings their original concerns had been addressed and raised no objection to the erection the buildings on the site.

iii) During the course of determining the previous application the applicant was advised that a scheme for the provision of additional car parking within the existing site was considered to be the

best solution. The applicant has confirmed that the land that lies to the rear of the site (touring caravan site) is not within their ownership and there is not enough space within the café/restaurant curtilage to provide the necessary parking spaces thus the need for the proposed parking to be located on land opposite the Marram Grass.

iv) The proposal for additional parking spaces will ensure that no parking take place on the public highway. The Highway Authority have raised no objection to the proposal and have recommended a conditional approval.

v) The site does not lie within a Flood Zone and therefore a flood risk assessment is not necessary as part of the application. As part of the application site lies within the designated Area of Outstanding Natural Beauty a screening application was registered. Due to the scale of the development it was determined that an Environmental Impact Assessment was not required.

vi) I am unable to comment on what was stated during the course of determining the previous application. The application as submitted involves land within the approved playing field and will provide additional parking for Marram Grass customers and members of the local community and visitors to the area which will reduce the on street parking that currently takes place in Newborough.

vii) The Enforcement Officer has confirmed that complaints have previously been received at the department in regards to the possible change of use of the land and the matter was investigated. The activities that had taken place on the site i.e. keeping of pigs, tree planting and vegetable growing are agricultural activities and do not therefore constitute development requiring planning permission.

viii) The proposal does not involves the change of use of the touring caravan site at the rear of the site. The proposal involves the front of the site only where the Marram Grass is located.

ix) Agent has confirmed in an e-mail dated 24<sup>th</sup> February, 2017 that the fridge building will be used to support the kitchen at The Marram Grass Café and that there is no intention for the refrigerator to be used as a butcher.

x) There is a distance of 25 metres between the proposed car park and adjoining properties. Screening is proposed as part of the development along the boundary of the proposed car park. Due to the proposed screening, distances between the car park and adjoining properties it is not considered that the proposal will have a detrimental impact on the amenities of the surrounding properties to such a degree as to warrant the refusal of the application.

xi) A Great Crested Newt Habitat Assessment has been received which stated that the ponds were a poor suitability for GCN. A letter of the objection and the Habitat Assessment has been forwarded to Natural Resource Wales and they have confirmed that they have no objection to the scheme.

xii) The current application as submitted includes the football field parking area.

xiii) A copy of the letter and site plan has been forwarded to CADW and GAPS and the response received from GAPS is that this is not considered to be a prehistoric monument due to its scale and most likely to be a rubbing stone for livestock.

The fact that the applicant refers to the site as Gardd Rhosyr is not a land use planning matter. If another venture is proposed from the site which would require planning permission this will be dealt with at that time.

## **5. Relevant Planning History**

45C84 - Change of use of outbuilding into a tearoom at White Lodge, Penlon, Newborough. – REFUSED 14/06/1988

45C84A/AD - Erection of two non-illuminated signs at White Lodge, Penlon, Newborough. REFUSED 19/09/1988

45C84B - Improvements to the access at White Lodge, Penlon, Newborough. APPROVED 18/04/1989

45C84C/AD - Erection of a non-illuminated sign at White Lodge, Penlon, Newborough. APPROVED 21/04/1989

45C84D - Extension to existing garage for storage purposes at White Lodge Nursery, Penlon, Newborough. - APPROVED 14/11/1995

45C84E - Certificate of lawfulness for the existing use of land as a caravan and camping site and café at White Lodge, Penlon, Newborough. LAWFUL USE APPROVED 29/01/2010

45C84F - Full application to increase the number of touring caravans from 10 up to 30, together with extend the opening system from Easter-September to all year round (12 month) at White Lodge, Penlon - RETURNED TO APPLICANT 24/06/2014

45C84G - Full application for alterations and extensions at White Lodge, Penlon GRANTED 24/02/2015

45C84H - Full application for demolition of the existing outbuildings together with the erection of a new building to accommodate a function space including bar, toilet facilities and office at white Lodge, Pen Lon APPLCIATION WITHDRAWN 07/04/2015

45C84I - Full application for the construction of a vehicular access and car park on land adjacent to White Lodge, Penlon Refused 03/12/2015

This application was refused as it proposed a parking area for 49 vehicles on land immediately opposite the Marram Grass and involved the laying of an approximately 100 metre access track and it was considered that this would have a detrimental impact on the surrounding landscape

45C84J - Full application for demolition of the existing outbuilding together with the erection of a new barn comprising of function room, bar, demonstration/seminar room, toilets and office at The Marram Grass Cafe, White Lodge, Penlon, Newborough Refused 03/12/2015

This application was refused due to the lack of parking on the site to cater for the additional traffic generated by the proposal

45C84K/SCR Screening Opinion for demolition of the existing outbuilding together with the erection of a new barn comprising of function room, bar, demonstration\seminar room, toilets and office at The Marram Grass, White Lodge, Penlon, Newborough EIA Not Required 27/10/2015

45C84M/ENF Retrospective application for the change of use of land into a playing field together with the construction of a new access at Pendref, Penlon, Niwbwrch / Newborough – Approved 02/11/2015

45C84N – Full application for extending the number of caravans from 10 to 30 with extension of opening season to all year round. White Lodge, Pen Lon, Niwbwrch – Returned to Applicant 24/10/2016

45C84P/ENF – / Application for retention of a pond on land adjacent to White Lodge, Penlon – Approved 17/08/2016

45C84Q/AD/ENF – Retrospective application for two illuminated signs. Granted 25/08/2016

## **6. Main Planning Considerations**

**Policy Context** – Policy B1 of the Gwynedd Structure Plan states that employment generating developments which increase employment opportunities, which do not create unacceptable changes to the environment, and are acceptable to the local planning authority in terms of location, siting, scale, design, access and landscaping will be permitted. Policy 2 of the Ynys Mon Local Plan states that the Council will support job creating projects on allocated sites and sites within or on the edge of existing settlements. 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.

Policy 2 of the Ynys Mon Local Plan states that ....Employment creating development on other sites within or on the edge of existing recognised settlements will be permitted where they are of a scale and type compatible with the surrounding area and accord with other policies of this plan.

On sites outside existing settlements, the Council will permit employment developments only in exceptional circumstances whether the applicant has been able to demonstrate specific locations requirements and economic benefits which would justify allowing the proposal.

Policy EP4 of the stopped Unitary Development Plan states that proposal 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 applicant anticipates that the development of the site will increase the current team of 14 employees to 35 and the existing number of full time employees will rise from 4 to 29.

The Joint Local Development Plan has now reached a stage in its preparation where it can now be given consideration as a material planning consideration.

Policy PS10 of the Joint Local Development Plan states that whilst seeking to protect and enhance the natural and built environment, the Council will facilitate economic growth in accordance with the spatial strategy....

Policy CYFF3 of the Joint Local Development Plan states that all proposals should integrate into their surroundings. Proposal that fail to show (in a manner to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design should be refused....

Policy ISA2 of the Joint Local Development Plan states that the plan will help sustain and enhance community facilities by granting the development of new community facilities, provided that; and lists the criteria which must be met.

The JLDP is now subject to further public consultation and examination before the Plan is adopted. Although material, given the changes proposed and further public consultation, little weight can be placed on Policy CYFF3 and PS10 at this juncture.

As the site lies within an established commercial site the proposal is considered acceptable in principle.

**Effect on surrounding properties** – During the course of determining the previous application 45C84H for the erection of the function room the scheme was considered unacceptable due to the number of openings in both sections of the building and the proposed use of the intervening section as an open courtyard area for customer use. Noise nuisance to the detriment of the amenities currently enjoyed by the occupants of the neighbouring property was likely to occur. The current scheme has been amended and there are no openable windows or doors located on three of the four facades of the building. The boundary between both sections of the building is shown as being screened by a 3m high acoustic fence. Therefore the concerns raised during the course of determining the previous application have been addressed and 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.

As part of the current scheme a new external fridge is proposed between the existing building and neighbouring property known as Glan Aber. The Environmental Health Section have requested that a noise assessment be submitted in support of the application to assess whether the development would cause a nuisance to the surrounding properties. At the time of writing this report we are still awaiting receipt of the noise assessment.

The proposed car park will be located opposite the residential properties known as Lantern House and Pen Wal Bach. These properties are single storey properties and Lantern House has an earth bund within their curtilage which separated the dwelling and the highway. Pen Wal Bach is situated on a lower ground level than the highway and proposed car park. There is a distance of 25 metres between the proposed car park and adjoining properties. Screening is proposed as part of the development along the boundary of the proposed car park. Due to the proposed screening, distances between the car park and adjoining properties and due to the properties being located on a busy road network it is not considered that the proposal will have a detrimental impact on the amenities of the surrounding properties to such a degree as to warrant the refusal of the application.

**Effect on surrounding landscape** - The application site is partly located within an Area of Outstanding Natural Beauty (AONB). It is a statutory designation that recognizes its importance in landscape quality and nature conservation terms.

The primary objective for an AONB designation is the conservation and enhancement of their natural beauty. Local authorities have a statutory duty to have regard to AONB purposes and development control decisions affecting AONB's should in the first instance favour conservation of natural beauty.

The site is situated within an existing commercial site, set amongst existing built development and given this, and the scale and design of the proposed buildings, the scheme is not considered to have a detrimental impact on the surrounding landscape.

The proposal also includes the provision of a new car park for 39 vehicles on land located opposite the Marram Grass and lies close to the roundabout and next to the playing field. Landscaping has been proposed as part of the development and whilst the proposed landscaping outlined as part of the application will assist in reducing the impact of the development on the surrounding area it is not considered adequate and further landscaping of the site has been requested and agreed. The provision of further landscaping along the boundary of the site will mitigate against the visual impact of the proposed car park.

**Highway Safety** – The Highway Authority have raised no objection to the proposal and have recommended a conditional approval. The Highway Authority have also confirmed that there would be no objection to additional screening being planted along the boundary of the site.

## **7. Conclusion**

The previous application for the creation of a car park for 49 vehicles on land immediately opposite the Marram Grass with an access track running along the whole of the site for approximately 100 metres was refused due to its impact on the surrounding area and on balance it was considered that the landscape impact outweighed the economic benefits of the proposal.

The car park has now been re-located and is situated on the neighbouring field to the west of the previous application site. Screening has previously been planted along the boundary of the current application site which will screen the site from the public vista. The number of parking spaces has been reduced from 49 to 39 on this parcel of land, however additional parking spaces are also proposed at the rear of the playing field where parking was granted under planning application 49C84M/ENF for the retention of the playing field.

The additional parking within the playing field area will be available to the local community and visitors to the area.



Further landscaping than that shown on the proposed plan will be necessary as part of the proposal and a condition requesting further landscaping details together with a timetable for their planting will be imposed on the permission. This will build in further mitigation and ensure that the development will not have a detrimental impact on the surrounding landscape.

Due to the above it is considered that on balance that the economic benefits carry significant weight and although not being decisive in their own right help tip the balance in favour of the development.

Consequently, having considered the above it is considered that the development complies with current policy, will not detrimentally affect the amenities of the neighbouring properties or surrounding landscape and will not have a detrimental impact on highway safety.

Subject to the receipt of a satisfactory noise assessment and drainage details it is my recommendation that the application be approved.

## **8. Recommendation**

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

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

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

**(02) No development shall commence until full details for the pedestrian access and crossing point has been submitted to and agreed in writing by the local planning authority. The pedestrian access and crossing point must be completed in accordance with the approved plans before the use hereby approved is commenced.**

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

**(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.

**(04) The premises shall only be open for business between the hours of 8.00am and 12.00 midnight Monday to Saturday and 8.00 and 11.00pm Sunday and Bank Holidays.**

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

**(05) No customers shall be permitted to make use of the outside dining and seating area as shown on drawing AL.1.2 between the hours of 10.00pm and 8.00am.**

Reason: To protect the amenities of nearby residential occupiers.

**(06) Notwithstanding the details contained on drawing number AL.0.3 (proposed site plan that was received on the 24/02/2017), details of the proposed landscaping, (including a timetable for their planting) shall be submitted to and approved in writing by the local planning authority prior to the use of the car park hereby approved being commenced. The said trees and shrubs shall be maintained for a period of five 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 interest of visual and residential amenity.

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

<b>Drawing / Document number</b>	<b>Date Received</b>	<b>Plan Description</b>
<b>AL.0.1</b>	<b>13/01/2017</b>	<b>Location plan</b>
<b>AL.1.1</b>	<b>13/01/2017</b>	<b>Existing Site Plan</b>
<b>AL.0.2</b>	<b>13/01/2017</b>	<b>Site Topographical Survey</b>
<b>AL.2.3</b>	<b>13/01/2017</b>	<b>Proposed Plans and Elevations</b>
<b>AL.1.5</b>	<b>13/01/2017</b>	<b>Site Plan and Fridge Building</b>
<b>AL.1.2</b>	<b>13/01/2017</b>	<b>Site Plan</b>
<b>AL.0.5</b>	<b>13/01/2017</b>	<b>Revised Overall Site Layout</b>
<b>AL.0.4</b>	<b>13/01/2017</b>	<b>Access Road Detail</b>
<b>Planning Statement</b>	<b>03/02/2017</b>	<b>Planning Statement</b>

**under planning application reference 45C84R/ECON.**

Reason: For the avoidance of doubt.

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

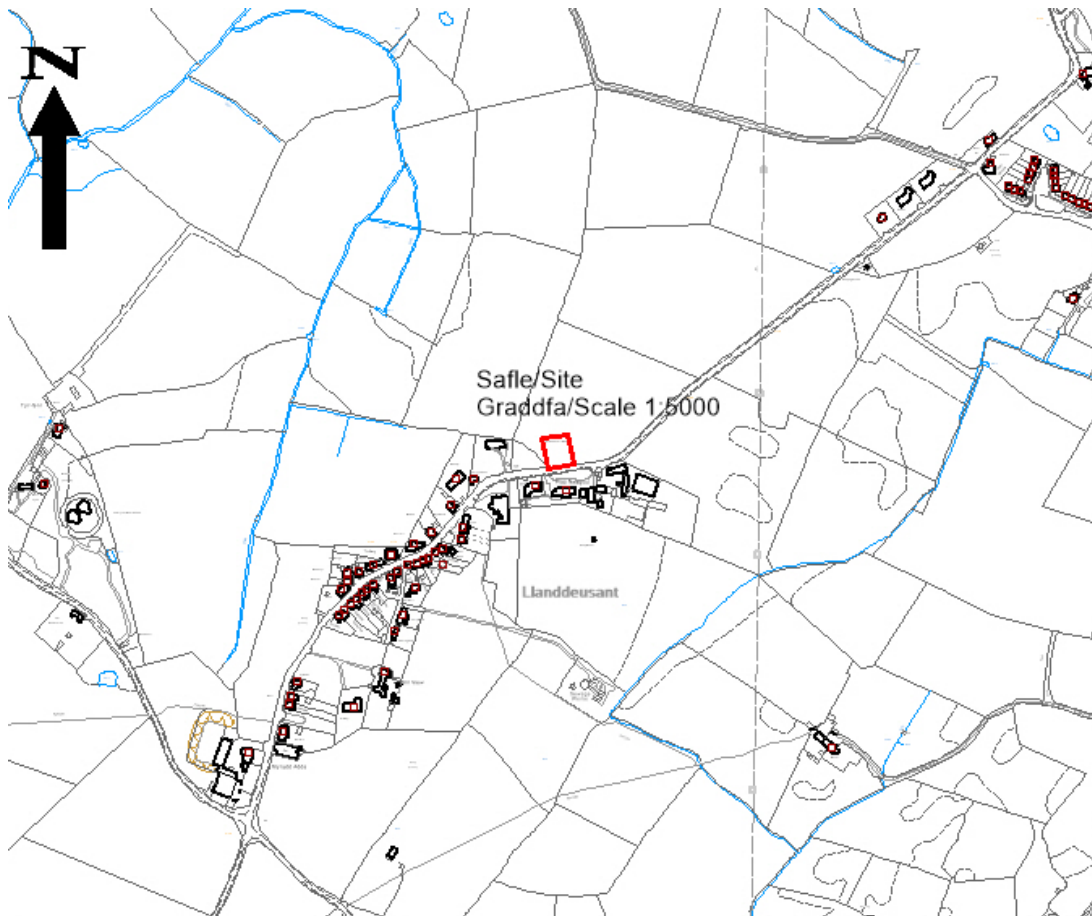
Rhif y Cais: **47C153** Application Number

Ymgeisydd Applicant

**Mr Owain Samuel Owen**

**Cais amlinellol ar gyfer codi annedd sydd yn cynnwys manylion llawn am yr fynedfa ynghyd a chreu estyniad i'r fynwent presennol ar dir gyferbyn a / Outline application for the erection of a dwelling with full details of the vehicular access together with the extension of the existing cemetery on land opposite**

**Plas Newydd, Llanddeusant**



**Planning Committee: 05/04/2017**

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

**Recommendation:**

Refusal

**Reason for Reporting to Committee:**

The application has been call-in by Cllr Llinos Medi for a Committee decision.

At the meeting Members resolved to visit the site.

The site visit took place on the 15/03/2017 and Members will now be familiar with the site.

**1. Proposal and Site**

The application is in outline form for the erection of a dwelling with all matters reserved apart from access to the site. As part of the application the applicant offers land to be used for the extension of the adjoining cemetery.

The site lies on the Northern side of Llanddeusant village, to the North of the church and its cemetery. The site comprises a corner plot of a large agricultural field which is within the applicants' family ownership.

**2. Key Issue(s)**

Compliance with Policy 50 of the Ynys Môn Local Plan, and landscape and visual impact.

**3. Main Policies**

**Ynys Môn Local Plan**

Policy 1 – General Design

Policy 31 – Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

**Gwynedd Structure Plan**

Policy A2 – Housing

Policy A3 – Housing

Policy D4 – Location, Siting and Design

**Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP4 – Villages

Policy EN1 – Landscape Character

**Anglesey and Gwynedd Joint Local Development Plan**

Policy TAI 18 – Housing in Clusters

Policy PS15 – Settlement Strategy

**Planning Policy Wales – 9<sup>th</sup> Edition, 2016**

**Technical Advice Note 12 – Design**

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

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

**Local Member (Cllr Llinos Medi)** – Call in

**Local Member (John Griffith)** – No response to date

**Local Member (Kenneth Hughes)** – No response to date

**Community Council** – No response to date

**Highways** – Recommended conditional approval

**Drainage** – Comments

**Welsh Water** – Standard comments

**GAPS** – No comments

**Response to publicity** – the application has been publicised by personal notification and site notice with an expiry date for receipt of representations of 15/02/2017. At the time of writing, no letters of representations had been received.

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

None

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

**Principle of the Development:** Llanddeusant is defined as a Listed Settlement under Policy 50 of the Ynys Môn Local Plan and as a village under Policy HP4 of the stopped Unitary Development Plan. The proposed plot is located outside the defined UDP boundary.

Llanddeusant is noted as a cluster identified on inset map 137 in the Deposit Joint Local Development Plan and under Policy TAI18 which supports new affordable housing proposals on infill sites or sites immediately adjoining the cluster, subject to criteria.

The Council has published a Matters Arising Changes Note which includes certain changes to Policy TAI18 and the removal of certain clusters, including Llanddeusant, from those identified under Policy as well as removing a limit on numbers during the plan period. This will be subject to further public consultation and examination before the Plan is adopted. Although material, given the changes proposed and further public consultation, little weight can be placed on Policy TAI18 at this juncture.

Notwithstanding the above, single plot applications within or on the edge of a settlement can be considered acceptable under Policy 50 of the Ynys Môn Local Plan. However the application currently under consideration does not comply with Policy 50 by virtue of the fact that it would extend the built form further into the countryside thus creating an undesirable intrusion into the landscape which would harm the character and amenities of the locality.

The proposed plot is located in an open agricultural field and is physically and visually separated from the existing built form by the cemetery and its boundary which is made up of mature trees and walling.

The application site is separated from the adjacent properties by a row of trees. These represent a strong physical boundary and serve to provide a distinctive break between the built-up area of the village and the agricultural field beyond. This boundary feature corresponds with the development boundary for Llanddeusant, as defined in the UDP.

The importance of this physical boundary, coupled with the open nature of the agricultural field beyond, leads one to believe that the application site has a greater affinity with the agricultural field than the existing built form of the village. This development site would disrupt the general open and unspoilt character of the field and would therefore represent an undesirable intrusion into the wider landscape. Furthermore, the fact that the application site represent a corner of a field, with no physical boundary to

mark the end of the settlement, means there would be an inevitable increase in pressure for the whole of the field to be realised for development – as seen under planning reference 47C154.

It is noted that there are properties on the opposite side of the road – these however lie within the settlement boundary and in any event, do not materially affect the character of the field within which the proposal would be sited.

Whilst Policy 50 of the Ynys Môn Local Plan allows for infill development within or on the edge of settlements, it is considered that the residential development on this site would result in the loss of an open rural field. This field contributes significantly to the open character of the locality. The erection of a dwelling on this site could possibly result in future development within the field as clearly shown in the other application submitted.

Non-compliance with Policy 50 (together with non-compliance with Policy HP4 of the Stopped UDP) renders this proposal an application for a new dwelling in a countryside location for which no long term need is known to exist to support a rural enterprise.

## **7. Conclusion**

The proposal does not constitute development which can reasonably be described as being within or adjoining the existing developed part of the settlement. The test for 'adjoining the existing developed part of the settlement' is more complex than merely sharing a contiguous boundary with an existing dwelling on the opposite side. The proposal is physically and visually removed from the settlement and would constitute an undesirable new dwelling in a countryside location.

## **8. Recommendation**

### **Refuse**

(01) The Local Planning Authority does not consider that the proposed development is within or forms a reasonable minor extension to the existing developed part of the settlement of Llanddeusant which is included as a Listed Settlement under Policy 50 of the Ynys Môn Local Plan. The proposal in this form would prejudice the implementation of Policy 50 of the Ynys Môn Local Plan by creating a set of circumstances which would make it difficult to resist further development on this field which would purport to be a logical extension of the settlement. The proposal is physically and visually removed from the settlement and would amount to the erection of a new dwelling in the countryside. The proposal is therefore contrary to Policies A2, A3 and D4 of the Gwynedd Structure Plan, Policies a, 31, 42, 48 and 50 of the Ynys Môn Local Plan, Policies GP1, GP2, EN1 and HP4 of the stopped Unitary Development Plan and the provision of Planning Policy Wales (9<sup>th</sup> Edition, 2016)

7.9

Gweddill y Ceisiadau

Remainder Applications

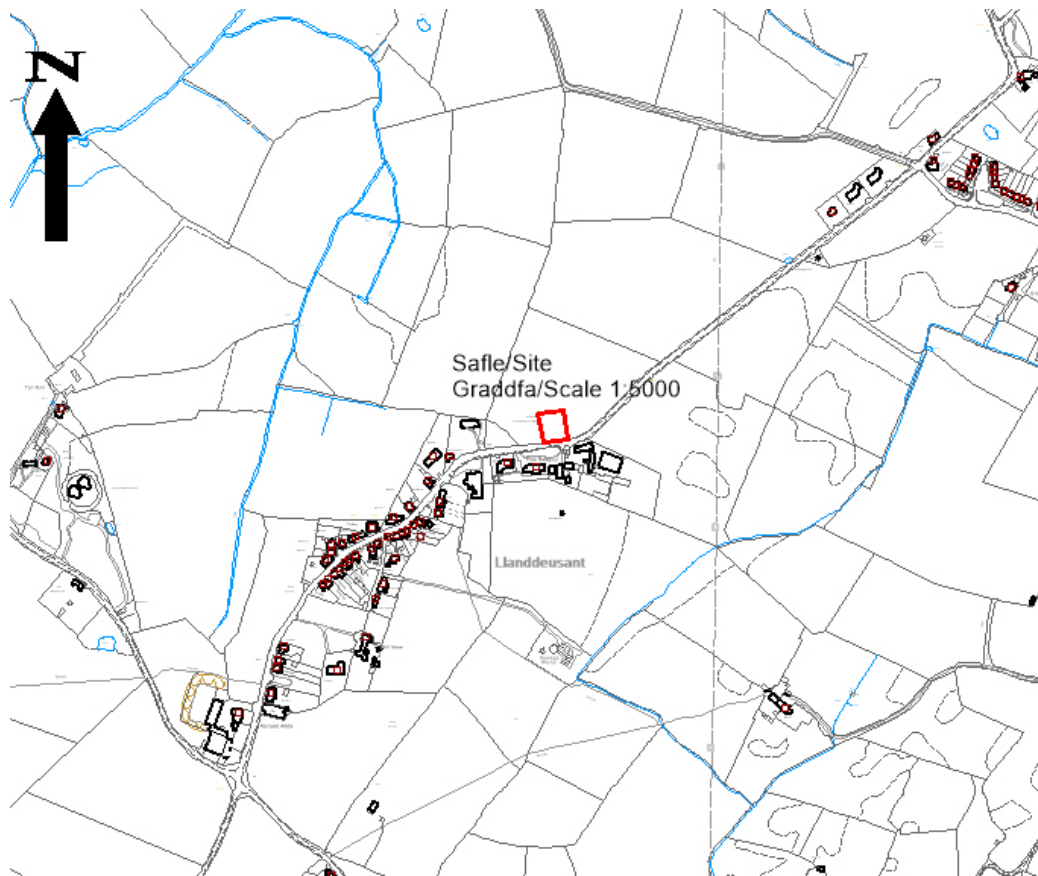
Rhif y Cais: **47C154** Application Number

Ymgeisydd Applicant

**Miss Llio Samiwel Owen**

**Cais amlinellol ar gyfer codi annedd sydd yn cynnwys manylion llawn am yr fynedfa newydd ar dir gyferbyn a / Outline application for the erection of a dwelling together with full details of the new vehicular access on land opposite**

**Plas Newydd, Llanddeusant**



**Planning Committee: 05/04/2107**

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

The application has been call-in by Cllr Llinos Medi for a Committee decision.

At the meeting Members resolved to visit the site.

The site visit took place on the 15/03/2017 and Members will now be familiar with the site.

**1. Proposal and Site**

The application is in outline form for the erection of a dwelling with all matters reserved apart from access to the site.

The site lies on the northern side of Llanddeusant village, to the north of the church and its cemetery. The site comprises a corner plot of a large agricultural field which is within the applicants' family ownership.

**2. Key Issue(s)**

Compliance with Policy 50 of the Ynys Môn Local Plan and landscape and visual impact.

**3. Main Policies**

**Ynys Môn Local Plan**

Policy 1 – General Design

Policy 31 – Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

**Gwynedd Structure Plan**

Policy A2 – Housing

Policy A3 – Housing

Policy D4 – Location, Siting and Design

**Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP4 – Villages

Policy EN1 – Landscape Character

**Anglesey and Gwynedd Joint Local Development Plan**

Policy TAI 18 – Housing in Clusters

Policy PS15 – Settlement Strategy

**Planning Policy Wales – 9<sup>th</sup> Edition, 2016**

**Technical Advice Note 12 – Design**

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



## **Circular 10/99**

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

**Local Member (Cllr Llinos Medi)** – Call in

**Local Member (John Griffith)** – No response to date

**Local Member (Kenneth Hughes)** – No response to date

**Community Council** – No response to date

**Highways** – Recommended conditional approval

**Drainage** – Comments

**Welsh Water** – Standard comments

**Response to publicity** – the application has been publicised by personal notification and site notice with an expiry date for receipt of representations of 15/02/2017. At the time of writing, no letters of representations had been received.

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

None

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

**Principle of the Development:** Llanddeusant is identified as a Listed Settlement under Policy 50 of the Ynys Môn Local Plan and as a village under Policy HP4 of the stopped Unitary Development Plan. The site is located outside the UDP boundary.

Llanddeusant is noted as a cluster identified on inset map 137 in the Deposit Joint Local Development Plan and under Policy TAI18 which supports new affordable housing proposals on infill sites or sites immediately adjoining the cluster, subject to criteria.

The Council has published Matters Arising Changes Notes which includes changes to Policy TAI18 and the removal of certain clusters, including Llanddeusant, from those identified under Policy as well as removing a limit on numbers during the plan period. This will be subject to further public consultation and examination before the Plan is adopted. Although material, given the changes proposed and further public consultation, little weight can be placed on Policy TAI18 at this juncture.

Notwithstanding the above, single plot applications within or on the edge of a settlement can be considered acceptable under Policy 50 of the Ynys Môn Local Plan. However the application currently under consideration does not comply with Policy 50 by virtue of the fact that it would extend the built form further into the countryside thus creating an undesirable intrusion into the landscape which would harm the character and amenities of the locality.

The cemetery which currently defines the edge of the village is separated from the proposed plot by a strong physical and visual boundary made up of trees and stone walling. These create a firm edge to the village, separating it from the agricultural field into which it is proposed to place the plot. The plot as proposed in this application is further removed from the edge of the village by intervening application (being considered concurrently by this Committee under reference 47C153). These trees represent a strong physical boundary and serve to provide a distinctive break between the built-up area of the village and the agricultural field beyond. This boundary feature correspond with the development boundary for Llanddeusant, as defined in the UDP.

This development site would disrupt the general open and unspoilt character of the field and would therefore represent an undesirable intrusion into the wider landscape.

It is noted that there are properties on the opposite side of the road – these however lie within the settlement boundary and in any event, do not materially affect the character of the field within which the proposal would be sited.

Whilst Policy 50 of the Ynys Môn Local Plan allows for infill development within on the edge of settlements, it is considered that the residential development on this site would result in the loss of an open rural field. This field contributes significantly to the open character of the locality. The erection of a dwelling on this site could possibly result in future development within the field as clearly shown in the other application submitted. Approval of this application in isolation would lead a dwelling isolated from the remainder of the village. Approving this and the interviewing plot would lead to unacceptable erosion of the land edge of the settlement.

Non-compliance with Policy 50 (together with non-compliance with Policy HP4 of the Stopped UDP) renders this proposal an application for a new dwelling in a countryside location for which no long term need is known to exist to support a rural enterprise.

## **7. Conclusion**

The proposal does not constitute development which can reasonably be described as being within or adjoining the existing developed part of the settlement. The test for 'adjoining the existing developed part of the settlement' is more complex than merely sharing a contiguous boundary with an existing dwelling on the opposite side. The proposal is physically and visually removed from the settlement and would constitute an undesirable new dwelling in a countryside location.

## **8. Recommendation**

### **Refuse**

(01) The Local Planning Authority does not consider that the proposed development is within or forms a reasonable minor extension to the existing developed part of the settlement of Llanddeusant which is included as a Listed Settlement under Policy 50 of the Ynys Môn Local Plan. The proposal in this form would prejudice the implementation of Policy 50 of the Ynys Môn Local Plan by creating a set of circumstances which would make it difficult to resist further development on this field would purport to be a logical extension of the settlement. The proposal is physically and visually removed from the settlement and would amount to the erection of a new dwelling in the countryside. The proposal is therefore contrary to Policies A2, A3 and D4 of the Gwynedd Structure Plan, Policies a, 31, 42, 48 and 50 of the Ynys Môn Local Plan, Policies GP1, GP2, EN1 and HP4 of the stopped Unitary Development Plan and the provision of Planning Policy Wales (9<sup>th</sup> Edition, 2016)