

12.1

Gweddill y Ceisiadau

Remainder Applications

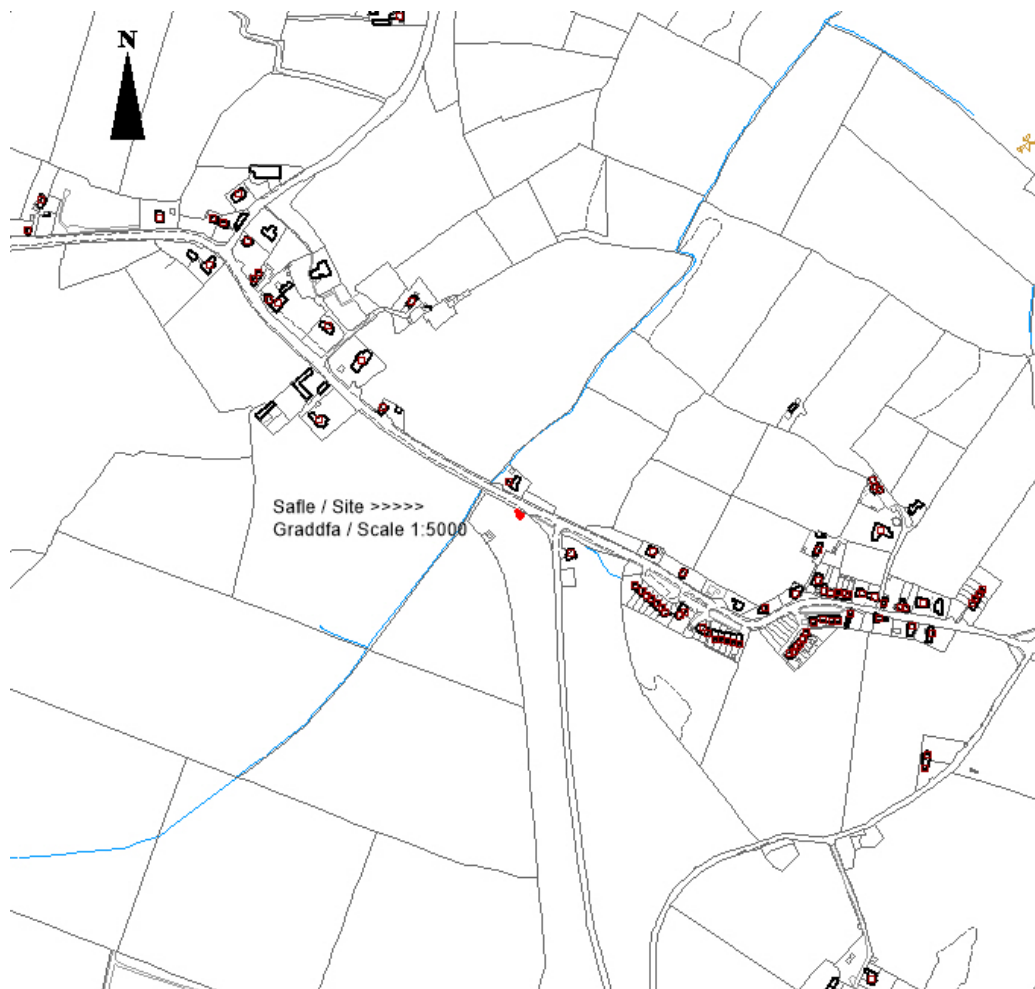
Rhif y Cais: **15C224/AD** Application Number

Ymgeisydd Applicant

**Bodorgan Community Council**

**Cais i lleoli arwydd heb ei oleuo ar dir tu cefn i gilfaen yn / Application for the siting of a non-illuminated sign to the rear of the lay-by at**

**Hermon**



**Planning Committee: 05/07/2017**

**Report of Head of Planning Service (OWH)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The proposed community display board is within the land which is owned by the Council to which notice has been served.

**1. Proposal and Site**

The application lies south of Hermon village towards Llangadwaladr.

The proposed community display board will be located behind the existing lay-by.

**2. Key Issue(s)**

The key issue is whether the proposed scheme is acceptable.

**3. Main Policies**

**Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 22 – Advertisement

**Gwynedd Structure Plan**

Policy D4 – Location, Siting and Design

Policy D29 - Design

**Stopped Unitary Development Plan**

Policy GP1 – General Control Guidance

Policy GP2 – Design

**Anglesey and Gwynedd Joint Local Development Plan**

Policy PCYFF 2 – Design and Place Shaping

**Planning Policy Wales (9<sup>th</sup> Edition), November 2016**

**Technical Advice Note 12 – Design**

**4. Response to Consultation and Publicity**

**Councillor Bryan Owen** – No response received at the time of writing this report.

**Councillor Peter Rogers** - No response received at the time of writing this report

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

**Highways** - No response received at the time of writing this report

**Public Consultation** – The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 07/07/2017. At the time of writing this report, the department have not received any representations.

## 5. Relevant Planning History

No site history

## 6. Main Planning Considerations

The proposal is for the siting of a non-illuminated display board which will display art produced by the local community as part of a wider community project. The proposed board measures 2.4 metre high and 1.65 metres wide. The board will be bi-lingual being both Welsh and English. The proposed materials are acceptable being wooden. Given the scale of the proposal and its location, it is not considered that the proposal would impact the surrounding amenities or any neighbouring properties to such a degree to warrant a refusal.

The proposed materials are acceptable.

It is not considered that the proposed display board would form an adverse impact on the surrounding amenities to such a degree to warrant a refusal.

## 7. Conclusion

The proposed development is considered acceptable to the Local Planning Authority. Consequently, it is my opinion that the proposal should be permitted subject to conditions.

## 8. Recommendation

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

**(01) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**

Reason: In the interests of visual amenity.

**(02) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**

Reason: In the interests of amenity.

**(03) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.**

Reason: In the interests of amenity.

**(04) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

Reason: In the interests of amenity.

**(05) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).**

Reason: To ensure that the siting and design of the sign will be satisfactory from an amenity point of view and to comply with the requirements of the Highway Authority in the interests of the safety of vehicular and pedestrian traffic

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

<b>Drawing number</b>	<b>Date Received</b>	<b>Plan Description</b>
<b>5-6</b>	<b>05/06/2017</b>	<b>Location Plan and Proposed Site Plan</b>
<b>4</b>	<b>05/06/2017</b>	<b>Proposed Sign Details</b>
<b>8</b>	<b>05/06/2017</b>	<b>Proposed Sign Details</b>
<b>2</b>	<b>05/06/2017</b>	<b>Additional Information</b>

**under planning application reference 15C224/AD.**

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.

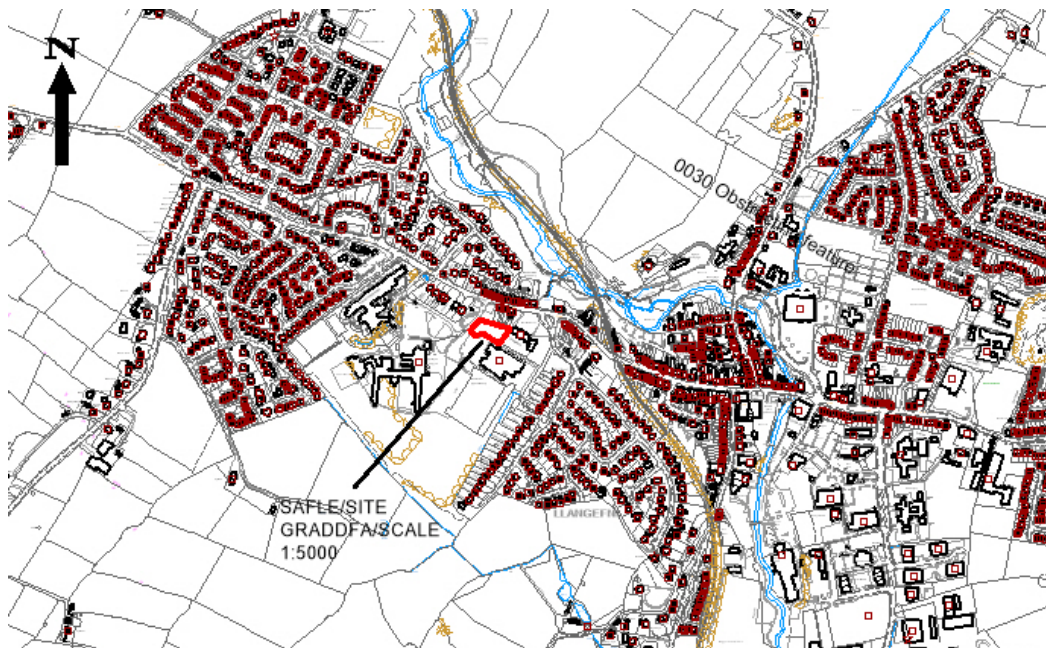
Rhif y Cais: **34C694B** Application Number

Ymgeisydd Applicant

**Mr Peter Davies**

**Cais llawn i greu parc chwaraeon trefol ar dir ger / Full application for the creation of an urban sports park on land adjoining**

**Canolfan Hamdden Plas Arthur Leisure Centre, Llangefni**



**Planning Committee: 05/07/2017**

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

**Recommendation:**

Permit.

**Reason for Reporting to Committee:**

The application is being presented to the Committee as the application is owned by the Council.

### **1. Proposal and Site**

The site is located near Plas Arthur Leisure Centre. The land is currently vacant; however, the last use of the site was as a skatepark.

The application is a full application for the creation of an urban sports park on land near Plas Arthur, Llangefni.

### **2. Key Issue(s)**

The key issue is whether the proposal is acceptable in terms of policy together with the effect on the amenities of neighbouring properties.

### **3. Main Policies**

#### **Gwynedd Structure Plan**

Policy D3 – Environment

Policy CH1 – Recreation and tourism development

#### **Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 14 – Recreation and Leisure Facilities

Policy 31 – Landscape

Policy 42 - Design

#### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 – Landscape Character

Policy CC1 – Community Facilities

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

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

**Local Member Cllr Dylan Rees** – No response at the time of writing the report.

**Local Member Cllr Nicola Roberts** – No response at the time of writing the report

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

**Highways Department** – No response at the time of writing the report.

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

Site notices was placed near the site and neighbouring residential properties were notified by individual letters. The expiry date for receiving representations is the 10<sup>th</sup> July 2017. At the time of writing the report no letters had been received.

## **5. Relevant Planning History**

34LPA471/CC – Provision of a skateboard park at Plas Arthur Leisure Centre, Llangefni – Approved 6/3/03

34C694 - Full application for the creation of an urban sports park on land adjoining Plas Arthur, Llangefni – 12/5/16 - Granted

34C694A/DIS – Discharge of condition (02) (lighting) of application reference 34C694 – Condition Discharged 28/7/16

## **6. Main Planning Considerations**

The principle of a skatepark on the application site has already been established with the approval of application reference 34C694 approved on the 06/03/03. The current application is an amended application and consists of the following amendments:-

- Re-location of the Basketball Hoop
- Some amendments to the type of equipment on the site and their re-location within the site
- Erection of 5 light poles instead of 3 light poles previously approved.

### **Basketball Hoop**

The basketball hoop will be re-located to the North East of the site. A 3 metre black powder coated fence will be erected around the basket ball area.

### **Lighting poles**

There are 5 lighting poles proposed at a height of 8 metres high. Supporting details provided with the application provides further details on light spillage within and adjacent to the site. The lux levels of the lights has been reduced considerably since the previous planning application, however a further 2 lighting poles are required in order to distribute the light evenly on the site. The light spillage from the current application will have less of an impact on the adjoining area than that previously approved on the site.

### **Policy Considerations**

Policy CH1 of the Gwynedd Structure Plan and Policy 14 and 17 of the Ynys Mon Local Plan and Policy CC1 of the Stopped Unitary Development Plan supports development of recreational and leisure facilities within development boundaries or within or on the edge of other settlements.

Policy 42 of the Ynys Mon Local Plan and GP1 and GP2 of the Stopped Unitary Development Plan promotes high quality of design and confirms that the appearance of the proposed development and its relationship to its surroundings are material considerations.

### **Impact on the surrounding area**

The proposal is located within an area designated as a Special Landscape Area under the provisions of Policy 31 of the Ynys Mon Local Plan, D3 of the Gwynedd Structure Plan and EN1 of the Stopped Unitary Development Plan. It is not considered that the proposal would harm the character or appearance of the special landscape area.

### **Effect on surrounding properties**

The skatepark will be located approx. 4 metres from the boundary of the properties to the rear and approx. 15-25metres from the nearest properties known as Dingle View, Morslwyn and Lluest

located on Cildwrn Road. The principle of a skatepark has already been granted as part of a previous application reference 34C694. It is not considered that the amendments part of this application will have any further impact upon the amenities of adjoining residential properties.

## **7. Conclusion**

It is considered that the amendments proposed to the application site are acceptable and comply with all policies listed above. There will be no further impact upon residential properties or the special landscape area.

## **8. Recommendation**

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

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

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

**(02) The external lighting hereby approved shall not be illuminated between 21.30pm and 9.00am the following day.**

Reason: To protect the amenities of nearby residential occupiers.

**(03) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 34C694B.**

<b>Location Plan</b>		<b>7/6/17</b>
<b>Proposed Site Plan</b>	<b>LUSP-PSP01 Rev H</b>	<b>7/6/17</b>
<b>Fence (Basketball Area)</b>	<b>DUO 6 Sports</b>	<b>19/6/17</b>
<b>Lighting Scheme</b>	<b>PO3</b>	<b>7/6/17</b>

Reason: For the avoidance of doubt.

## **9. Other Relevant Policies**

Technical Advice Note 12 – Design

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



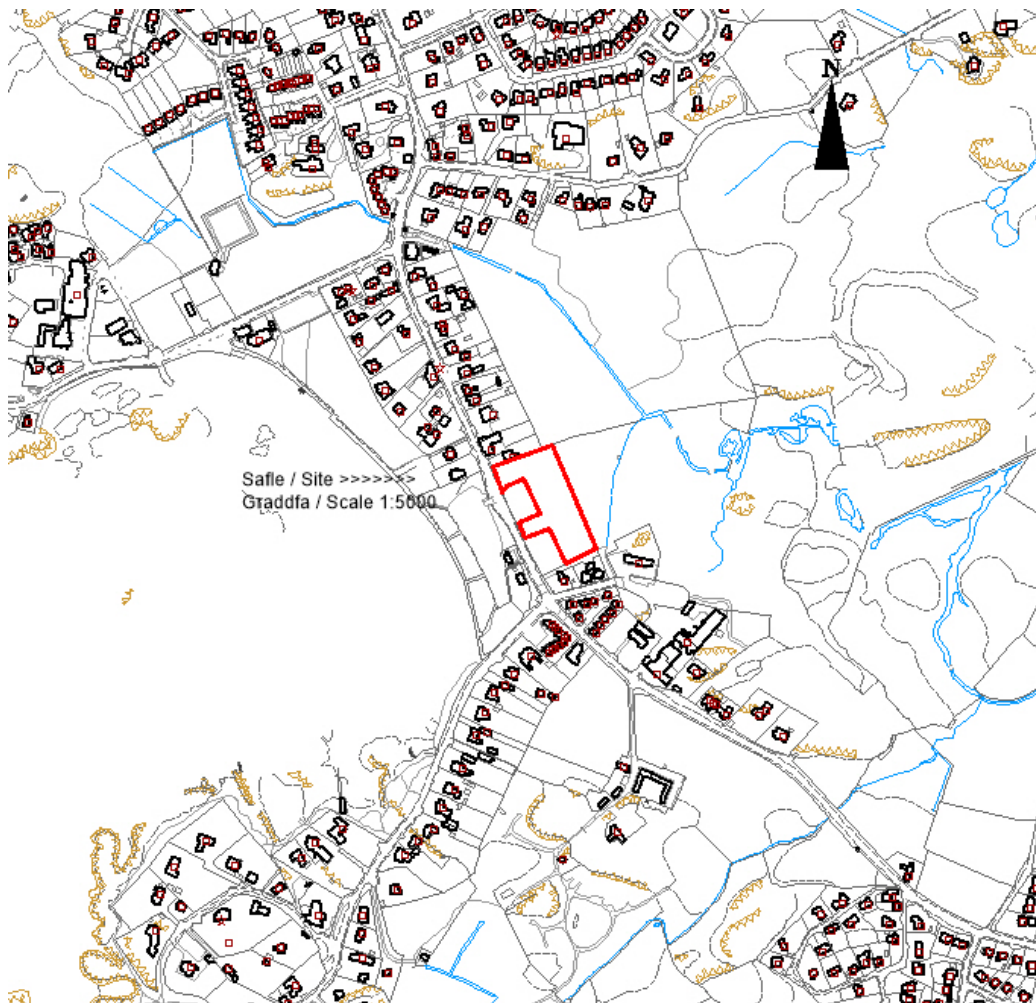
Rhif y Cais: **46C137F** Application Number

Ymgeisydd Applicant

**S V Owen & Son Ltd**

Cais amlinellol gyda rhai materion wedi eu cadw yn ôl ar gyfer codi 18 o anheddau ynghyd â ffurfio mynedfa newydd i gerbydau yn / Outline application with some matters reserved for the erection of 18 dwellings together with the formation of a new vehicular access at

**The Old Cricket Ground, Lon St Ffraid, Bae Trearddur Bay**



**Planning Committee: 05/07/2017**

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

**Recommendation:**

Refuse.

**Reason for Reporting to Committee:**

The planning application is reported to the planning committee at the request of a local member.

**1. Proposal and Site**

The site is located opposite the car park and promenade in Trearddur Bay, off Lon Isallt, and backs onto a golf course built in association with the Beach Hotel, located between the site and the Inland Sea to the east. It measures some 0.85ha in total.

This is an outline planning application for the erection of 18 dwellings together with the creation of a vehicular access. The approval of the access and the layout of the development is being sought as part of this outline planning permission.

The application is made for 18 dwellings at the rear or the east of the site and a new vehicular access in a different position to the existing vehicular access to the site.

The plans indicate the existing dwellings at the frontage of the site and subject to planning permission 46C137E re-sited, but this is not subject to this planning application.

As explained in the applicant's Pre Application Consultation the design of the proposed dwelling shown on the submitted plans is not included as a reserved matter. The indicative height parameters submitted with the planning application indicate that any dwellings approved under this outline will be up to three storeys in height.

The levels of the site have been raised in accord with planning permission 46137F. This is an outline planning permission but it appears that the proposed levels indicate that the east part of the site will again be raised. The existing and proposed levels of the site are being clarified with the agent at the time of writing.

**2. Key Issue(s)**

- The acceptability of the proposed outline planning permission layout for 18 dwellings having regard to development plan and other material planning considerations.
- Acceptability of proposed development in relation to flood risk.
- Relationship of the proposed development with extant full planning permission 46C137E.

**3. Main Policies**

**Gwynedd Structure Plan**

Policy A1: Housing Land Availability  
Policy A2: Housing Location  
Policy A3: Scale and Phasing of Housing  
Policy A6: Dwellings in the Countryside  
Policy A7: 5 Year Supply  
Policy A9: Affordable Housing  
Policy D4: Location, Siting and Design  
Policy D28: Natural Slate  
Policy D29: Standard of Design  
Policy D32: Landscaping  
Policy FF12: Car Parking Standards

**Ynys Mon Local Plan**

Policy 1: General  
Policy 26: Car Parking  
Policy 28 : Tidal Inundation and River Flooding  
Policy 31: Special Landscape Area  
Policy 32: Landscape  
Policy 42: Design  
Policy 48: Housing Development Criteria  
Policy 49: Defined Settlements, Proposal T41 The Cricket Field.

**Stopped Unitary Development Plan**

Policy GP1: Development Control Guidance.  
Policy GP2: Design  
Policy EN1: Landscape Character  
Policy TR3: Highway Design  
Policy TR10: Parking Standards  
Policy HP1: 5 Year Supply  
Policy HP2: Housing Density  
Policy HP3: Main and Secondary Centres

Policy HP7: Affordable Housing – Housing Need  
Policy SG2: Development and Flood Risk  
Policy SG6: Surface Water Run Off

**Emerging Joint Local Development Plan Anglesey and Gwynedd (2011 – 2026)**

PS1: Welsh Language & Culture  
PS2: Infrastructure and Developer Contributions  
ISA1: Infrastructure Provision  
ISA5: Provision of Open Spaces within New Housing Developments  
TRA2: Parking Standards  
TRA4: Managing Transport Impacts  
PS5: Sustainable Development  
PCYFF1: Development Criteria  
PCYFF2: Design and Place Shaping  
PCYFF3: Design and Landscaping  
PCYFF5: Water Conservation  
PS13: Housing Provision  
TA11: Appropriate Housing Mix  
TA19: Affordable Housing Thresholds & Distribution  
TA15: Housing in Local Service Centres Proposal T37 Land near Penmynydd Road  
PS16: Conserving and Enhancing the Natural Environment

**Supplementary Planning Guidance “SPG”**

Design in the Urban and Rural Built Environment

SPG Affordable Housing  
SPG Parking Standards  
SPG Planning and the Welsh Language  
SPG Planning Obligations

**Planning Policy Wales Edition 9 “PPW”****Technical Advice Note “TAN” 2: Planning and Affordable Housing**

**TAN 12: Design**  
**TAN 15: Development and Flood Risk**  
**TAN18: Transport**  
**TAN 20: Planning and the Welsh Language**

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

**Councillor Trefor Lloyd Hughes** – Requested that the planning application was referred to the planning committee on the grounds of flooding, highways and density.

**Councillor Dafydd Rhys Thomas** – Called to the planning committee on the grounds of overdevelopment, over-loading of sewage infrastructure, traffic issues, quality of life of residents, need for this type of housing for local people, the site is in a flood plain, serious concerns about water displacement. Request a site visit.

**Trearddur Community Council** – oppose the development and wish to make the following observations:

Local Housing Needs – does not meet housing needs of the community, no affordable units are included and there are already a large number of sites where planning permission has been granted but they are yet to be built.

Overdevelopment – an additional 18 dwellings will give a total of 34 3-storey dwellings. The ground level has been raised approximately 2 meters and the whole development will stand substantially higher than the planning permission originally given for 17 dwellings in a prominent position in the village, dominate the landscape and have a negative impact on the area/residents. Insufficient parking for the number and types of cars/boats likely to be present in the development.

Increased risk of flooding – The site provides a natural flood route between Trearddur Bay and the Inland Sea. The site has been raised to ensure a flood free development. As already demonstrated work done on the sea defences and the provision of a gulley down the side of the site does not capture the volume of water flowing downhill towards Ravenspoint Road junction, raising the ground level results in diverting the natural flow direction of flood waters down Lon St Ffraid towards other properties.

There would be times when the access road, cul-de-sac and gardens would be flooded and this is why it is considered that the entrance to the site nearer to the post office. This entrance is substantially raised to ensure that any flood water is diverted further down Lon St Ffraid to more existing properties.

Inadequate Infrastructure – Trearddur Bay has major traffic and parking issues and moving the estate entrance to an area already congested will compound problems and increase risk of injury convenience to pedestrians using facilities adjacent, and therefore adversely affect the quality of life of residents.

The closure of Lon Ffraid for whatever reason will have a major impact on the wider community.

The development will not benefit the local economy or enhance the environment. It will have a visual impact from the Inland Sea. Consideration should be given to the fact that the inland sea is a SSSI.

The properties are not affordable to local people and the development will not safeguard and strength the Welsh language/culture or promote its use as an essential part of community life.

A site visit and discussion with local residents is required before coming to any decision.

**Highways** – Conditional permission.

**Drainage Section** – Although the surface water drainage system appear acceptable, it would be advisable to arrange a meeting to discuss the detail prior to the submission of any reserved matters applications.

The improvements previously carried out to the adjacent coastal structure, which are referred to in the Flood Consequences Assessment, were undertaken by this Authority using its permissive powers in relation to coastal protection and that the wall is therefore not designated as a flood

defence structure. As a consequence, written confirmation should be provided to demonstrate that there are satisfactory arrangements in place for the long term management and maintenance of all flood defence features identified in this report.

The previously approved flood route, shown adjacent to the proposed site, should be kept clean and unobstructed. It is therefore suggested that no works be commenced on the development site, until sufficient details have been submitted to the Local Planning Service, to demonstrate that the channel is fully functional. In addition, a management and maintenance plan should be provided for the open channel, which confirms its ownership and indicates how its future operation is to be secured for the lifetime of the development.

N.R.W.'s suggestion that the matters raised in the e-mail from an objector should be forwarded to the applicants, so that they have the opportunity to respond directly and address the specific points relating to a perceived increased flood risk to neighbouring properties.

### **Joint Planning Policy Unit "JPPU"**

Existing Development Plan - In a comprehensive consultation response it is explained that the policy A2 of the Gwynedd Structure Plan (1993) "GSP" permits housing on the edge of settlements subject to the listed considerations and the site is allocated as housing site T41 in the adopted Ynys Mon Local Plan (1996) "YMLP" for an anticipated 14 units and that part of this allocation has the benefit of planning permission for 17 dwellings. In the Stopped UDP (2005) "UDP" the site lies outside the Trearddur settlement boundary, whilst it is not adopted due to the advanced stage reached in its preparation it is given weight as a material planning consideration in considering planning application. The GSP was intended to cover the period 1991 -2006, and the YMLP 1991-20011, and the UDP is intended to cover the period 2001-2016. In considering this type of development, the age of the development plan and UDP must be considered as well as national planning policy.

Emerging Joint Local Development Plan "JLDP" - Relevant planning policies are quoted and it is indicated that the JLDP is now a material planning consideration for development management purposes. Relevant planning policies from the JLDP are listed in the relevant section of this report below and it is explained that the JLDP will supersede current plans upon adoption which is expected to occur in June or July 2017. Due to outstanding objections to the Matters Arising Change "MAC's" in relation to policies TAI 5 and TAI 17 only limited weight can be attached to the Local Market Housing element within these policies. However, this specific site has been subject to consideration for inclusion with the JLDP and the Council has not been instructed by the Inspector to include it within the Trearddur Settlement boundary. The approval of the site would be contrary to the strategy of the emerging plan and impact upon the growth level anticipated from settlements identified under policy TAI5.

Five year Land Supply – Due to changes introduced to TAN 1 (2015) the Council is unable to demonstrate a 5 year housing land supply. The site has been offered for inclusion in the JLDP but was not included. Also adoption of the JLDP in June July will provide a 5.4 year land supply.

**Built Environment and Landscape Section** – The boundary of the site is approximately 65 meters from the Area of Outstanding Natural Beauty "AONB" and the development should accord with the relevant policies in the Isle of Anglesey AONB Management Plan 2015 – 2020. No objections are raised to the overall development but would recommend the following to satisfy the policies:

1. All surface treatments/cladding should be conditioned for approval of the LPA.
2. There are no planting / biodiversity / landscape enhancements shown on the plans or DAS. Further work is required of the applicant to fully explore the possibilities of integrating these within the overall design layout.
3. There are no details of the hard landscape treatments including boundary walls / fencing materials or design. These should be conditioned for approval.

**Ecological and Environmental Adviser** – An ecological report should accompany the planning application, which includes reference to Cofnod local records.

**Head of Environmental Services** – Conditional permission restricting nuisance, working hours and contaminated land in the event that contamination is found.

**Housing:** There is a high demand for affordable housing in the area which is not currently being met. As this is a development of 18 units, we would suggest that 6 properties are offered as affordable units, either as;

- Affordable first time buyer properties,
- In partnership with a registered social landlord as intermediate rentals or
- In partnership with the Council or a registered social landlord as social housing units.

**Emergency Planning** – No comments received at the time of writing.

**Education Service** – No comments received at the time of writing.

**Welsh Water** – The submitted plans reflect pre-application discussions and the easement distance agreed along the public sewer crossing the site. No objections are raised subject to a planning condition requiring that the development is undertaken in accord with submitted drainage details.

**Natural Resources Wales “NRW”** – In a letter dated NRW state that they do not object to the planning application but make the following comments:

**Flood Risk:** Based on the submitted Flood Consequences Assessment and Breach Analysis submitted in support of the planning application. Further the proposals position the vehicular entrance to the site to the north (of that proposed previously) and it is expected that the depths and velocities of flood water at this position will fall within guidelines as set out in A1.15 of TAN 15: Development and Flood Risk “TAN15”. It is recommended that the Council consult with its emergency planning officers on these matters.

**Pollution Prevention:** Given the proximity to waterbodies all works on the site must be carried out in accordance with Guidance for Pollution Prevention GPP5: “Works and Maintenance In or Near Water”.

**Construction Waste:** The importation of waste such as builders rubble for use in the construction should be registered with NRW as an exempt activity under the Environmental Permitting Regulations.

**Protected Sites:** The proposal is located within 100 meters of the Anglesey Terns/Morwenoliad Ynys Mon Special Protection Area (SPA) and approximately 200 meters from the North Anglesey Marine/Gogledd Mon Special Area of Conservation (SAC) which are protected by statute

**Protected Landscape:** The proposal is located approximately 65 meters from the Ynys Mon/Anglesey Area of Outstanding Natural Beauty “AONB”. NRW remind the Council of their duty under Section 85 of the Countryside and Rights of Way Act 2000 which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.

NRW has separately responded in detail to a number of matters in relation to flood risk raised in an objection and this response is referred to where relevant in the main body of the report below.

In a further letter dated 21.06.17 it is advised that there has been a successful flood map challenge and that the application site is no longer in a C2 flood zone. The site is instead in Zone B which are areas known to have flooded in the past.

**CADW** – No comments received at the time of writing.

**Gwynedd Archaeological Planning Service “GAPS”** – Previous watching briefs at this site have found no archaeological evidence, and established that parts of the site have had considerable modern disturbance. Whilst peat and sand deposits present could yield archaeological evidence as the site levels have been raised there is no need for a mitigation condition. Conventional trenched foundations and service trenches will be substantially or wholly in this made up ground, and piled

foundations that would go deeper (a) have a small potential for impact at this site and (b) can't be mitigated by a watching brief, and the scale of risk wouldn't merit anything more than that.

Public Response – 33 letters of objection have been received as a result of the publicity undertaken. Objections are based on:

- A proposal for 34 dwellings has been rejected by the Planning Inspectorate and the grounds of objection were made to the principle of the development and any further residential development, quite apart from other considerations attributable to the size, scale and impact of the number of units. Any collateral grounds of rejection and the expressed reasoning in the Inspector's decision are also of strong persuasive value.
- As a matter of principle any subsequent changes to the original permission on the site in law require the Council to give effect only to the earlier permission but not to enable that permission to be used as a springboard for a greater development which, had the law as it now stands been applicable to the original permission would not now be granted. By way of corollary a planning permission for a limited development cannot be used to justify a subsequent application for a much greater development where neither the criteria applicable to the original development nor those put forward in relation to the greater development would justify permission as it now stands.
- Compliance development plan.
- Development does not integrate the proposal into and enhance its surroundings and the landscape in accordance with planning policies.
- 34 3-storey dwellings will be out of character, density out of character with the village and its surroundings.
- Base level of the development has been raised by 2 meters and the proposal entails a development of 3 storeys.
- As this is an infill site there must be a building line set between the properties on either side.
- Loss of water courses and topographical features, adjoining properties and the village is also being flooded as a result of the dams effect of the development, drainage channel created along the side of the development is ineffectual.
- 2014 Flooding demonstrated that The Flood Alleviation scheme implemented in Trearddur Bay was ineffectual without a suitable relief route throughout the site.
- One writer who owns adjacent dwellings indicates that they are already affected by the previous approval of increasing ground levels which has caused their properties to be affected from flooding.
- The height of the site has been raised and once developed how will excess surface water be dealt with?.
- Questions are raised in terms of the flood consequences proposals/arrangements and the raising of the site approved as part of the previously approved planning application (46C137E) on the site.
- The development result in the loss of a natural flood plain and is contrary to policy.
- Site is in a C2 flood zone the agents for the application have ticked that it is not on the application form. It has also been ticked on the form that the proposed development will not increase the risk of flooding elsewhere. Government policy directs development away from such areas.
- NRW's position in relation to the flood risk assessment is queried.
- Reassurances are requested that eventualities have been considered and would the Council be held responsible if existing dwellings were put in any danger.
- Notwithstanding the extant permission for limited residential development the requirements of TAN 15 must be carried through so far as it is lawful and practical.
- The coastal defence works undertaken in Trearddur Bay provide a limited temporary defence only they do not address flood risks identified in TAN15 and cannot reasonably be regarded as capable of being adopted.
- The Planning Inspectorate's decision indicated that residential development of the site was unacceptable in principle. This was statement of policy which remains a material consideration which cannot be circumvented. Nothing has changed to justify any departure from the position then adopted, to do so would be unreasonable.
- The position of the proposed re-located vehicular access to the development was under 150mm of water in January 2014 and it is contended that on this basis this will not provide

a betterment in terms of flood risk. Another writer suggests that if the new access at this point allowed water to drain through to the inland sea it could be beneficial.

- Flood plain drainage in the inland sea has been curtailed by unregulated tipping and infill at the rear of the proposed development.
- Development should respect local and strategic views.
- There will not be 30% affordable housing provided on site.
- The houses will likely comprise in second homes which will result in a deterioration of services for local people.
- Policy ISA5 of the JLDP requires provision of open spaces in new developments for new housing proposals over 10, where is this requirement being met.
- JLDP does not permit market housing in coastal villages.
- Permitted development rights should be removed.
- Loss of sunlight on adjoining properties.
- Loss of privacy on adjoining properties.
- Specific reference is made to the effect of plot 1 on "Coed Llai" in terms of proximity, effect on light and privacy by virtue of overlooking.
- Construction of the proposals would block an access path from the applicant's house to recreational fields and views.
- Effect of parking, traffic and road safety.
- Noise and general disturbance on adjoining properties and in connection with construction.
- Negative effect on tourism.
- Extra pollution.
- Discharge to the inland sea should be considered particularly at the construction phase.
- The planning application should be called in again.

## **5. Relevant Planning History**

46C137- Residential development of land at the Old Cricket Ground, Trearddur Bay – Refused 18/01/89

46C137A – Residential development of land at the Old Cricket Ground, Trearddur Bay – Refused 12/04/89 Allowed on Appeal 09/08/89

46C137B/DA – Detailed plans for the erection of 17 dwellings on land at the Old Cricket Ground, Trearddur Bay – Approved 20/08/91

46C137D – Full application for the erection of 34 3-storey dwellings at the Old Cricket Ground, Trearddur Bay – Section 77 Call-in Refusal 22/03/07

46C137E - Full plans for the erection of 17 no. three storey dwellings together with the construction of a new vehicular and pedestrian access Conditionally approved 24/09/09

## **6. Main Planning Considerations**

### **Introduction**

A number of objections have been received in relation to the planning application as detailed in the relevant section of this report above. Many of the matters raised in the objections relate to and have been considered in previous planning applications and as a context to the consideration of this application an assessment of the planning history is provided below.

### **Planning History**

Outline planning consent was granted on appeal in 1989 for the residential development of the site. Detailed plans for 17 dwellings were approved under planning reference 46C137B/DA in 1991. It is apparent from correspondence on the planning files that works commenced on site and were inspected by the Building Regulations Section at the time which were sufficient works to safeguard the planning consent.



Planning application 46C137D was called in by the Welsh Assembly Government in 2006. This planning application was made for 34 3-storey dwellings in a terrace of 3 or 4 units. The appeal was dismissed on the grounds that the site was in a C2 zone in the Development Advice Map of TAN 15, where residential development is unacceptable. Of relevance this planning application the Inspector deemed that the proposal would accord development plan policies in relation to settlements boundaries, affordable housing and also considered 3-storey dwelling in blocks of 3 or 4 to be acceptable in this coastal setting.

Planning permission 46C137E was a full planning application for the erection of 17 dwellings on the site with a different design and configuration to the safeguarded consent under planning reference 46C137B/DA which comprised the “fallback” position. The application also proposes flood mitigation measures and a flood route through the site to deal with the consequences of flooding through wave overtopping of the promenade. The site was still located within an area of flood risk classified as Zone C2 in TAN 15.

The applicant indicated at the time that the application as submitted represented a ‘significant planning gain’ over the extant consent 46C137B/DA. The proposal reverted to the 17 number units which could be implemented without flood mitigation measures – effectively maintaining the status quo instead of increasing the number of residents at risk, which was found objectionable by the Inquiry Inspector. Its advantage over the extant consent includes the fact that it is supported by a satisfactory FCS, the site levels were raised in order that flooding of the access road should not occur and an open channel took diverted flood water off Lon St Ffraid. A legal agreement under Section 106 of the Planning Act was completed to ensure regular maintenance of this overland flood route, access road levels were raised to prevent water entering the estate road from Lon St Ffraid and finished floor levels were raised to 4.65m AOD, above the 1 in 1000 still water level of 4.34m AOD.

The scheme sought to address the concerns raised by the Inspector in relation to flooding. The County Council, as Coast Protection Authority, had been engaged in works to the promenade and Ravenspoint Road at Trearddur to alleviate (albeit not eliminate) flood risks. These works also included improved channeling of flood waters towards the Inland Sea. The measures were proposed by the applicant complement and maintain overland flood routes. The NRW (being the Environment Agency at the time) confirmed that the scheme satisfactorily dealt with flood risk on the understanding that the proposal relates to 17 units in accordance with the safeguarded consent. NRW further considered the scheme as a betterment but indicated that it would not be acceptable to increase the number of dwellings over and above this safeguarded consent, and that the proposal should not be taken as setting a precedent for other development proposals.

Since the approval of this planning permission in 2009 the development has commenced and a vehicular access road has been constructed centrally, the site has been raised and the open channel has been constructed along the southern boundary of the site.

As explained in the introduction to this report this planning application is made for 18 additional units to the east or the rear of the application, giving a total of 35 units on the site. In any approval granted it is considered that a restriction would need to be included to prevent the implementation of planning permission 46C137E as both schemes are incompatible in their present form.

### **Policy Considerations:**

Policy A2 of the Gwynedd Structure states that housing will be located within or on the edge of existing settlements at a scale which reflects the settlements existing population

The site is located within the development boundary of Trearddur under the Ynys Mon Local Plan and is allocated for housing development (allocation T41 on the Proposals Map).

The Local Plan, along with the Gwynedd Structure Plan currently comprise the development plan in accordance with the Planning Acts.

In the UDP the site lies wholly outside the settlement boundary. Whilst the UDP was not formally adopted due to the advanced stage reached in its preparation it is given weight as a material planning consideration in dealing with planning applications.

It is material that the Gwynedd Structure Plan was intended to cover the period 1991 to 2006 whilst the Ynys Mon Local Plan was intended to cover the period 1991 to 2001. The UDP was intended to cover the period 2001 to 2016. Advice in paragraph 2.14.4 of PPW indicates that the decision maker should weight the age of the development plan through monitoring and review as well as other material considerations such as the UDP and more recent national planning policies.

As indicated in the response from the JPPU the JLDP is now a material planning consideration for development management purposes. The JLDP will supersede all the current plans upon adoption which is expected to occur in June or July 2017.

This site has been subject to consideration for inclusion with the JLDP and the Council has not been instructed by the Inspector to include it within the Trearddur Settlement boundary. The approval of the site would therefore be contrary to the strategy of the JLDP and impact upon the growth level anticipated from settlements identified under the settlement strategy under policy PS15 of the JLDP.

Having regard to the provisions of section 38(6) of the 2004 Act, if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The age of the development plan and the existence of more up to date provisions in the UDP means that the principle of the development is not considered acceptable in this instance. Further the JLDP is now a material consideration and the site is located outside the settlement boundary of this plan and in the countryside. The approval of the site would be contrary to the strategy of the JLDP and impact upon the growth level anticipated from settlements identified under policy TA15 as well as the type of housing supported by policies in the JLDP.

### **Five year Land Supply**

Due to changes introduced to TAN 1 (2015) the Council is currently unable to demonstrate a 5-year housing land supply and this does weigh in favour of the development currently. As explained above the site was offered for inclusion in the JLDP but it was not included. The adoption of the JLDP in June or July will not only mean the current development plan is superseded but it will also provide a 5.4 year land supply in the very near future. As explained in the preceding section approval of the site would be contrary to the strategy of the JLDP and impact upon the growth level anticipated from settlements. Given how near we are to the adoption of the JLDP it is not considered that the lack of a 5 year land supply is an overriding material consideration, such that the application should be approved on this basis and to then prejudice the growth levels and strategy of the JLDP which will likely be adopted imminently.

### **Flood Risk**

As explained in relation to the planning history planning permission 46C137E for 17 dwellings on the site was located within an area of flood risk classified as Zone C2 in TAN 15. Assessment of the acceptability of the proposal was partly based on there being a fallback position of an extant planning permission for 17 dwellings and a betterment being offered in relation to flood consequences as described.

The proposal subject to this report is made for an additional 18 dwellings. Though as previously explained it is not considered possible to implement the previous planning permission 46C137E in conjunction with the application subject to this report the total number of dwellings on the site would amount to 35.

NRW have advised that there has been a successful flood map challenge such that the site is no longer in a C2 flood zone but instead in Zone B. TAN 15 indicates that new developments such as housing should be directed away from zone C and towards suitable land in zone A, otherwise to zone B where river or coastal flooding will be less of an issue. The principle of the development on flooding grounds is therefore considered acceptable.

In terms of the potential flood risk to adjacent properties it can be seen from the consultation section of the report that NRW and the council's Drainage section have considered objections made in detail. Comments are awaited from the Emergency Planning Service and the applicant in relation to management arrangements for the long term maintenance of flood defence measures referred to in the FCS and the operation and maintenance of the previously approved flood route through the site. Any update will be provided at the planning committee.

### **Design & Landscape Considerations**

This is an outline planning application and the plans submitted with the application are indicative only, nevertheless proposal is made for three storey dwellings. It is also material that the planning application only relates to the 18 dwellings at the rear of the site and not those shown on the frontage of the site.

It is material that the Inspector in relation to the previous application 46C137D indicated that "the design, layout and external appearance of the houses would be appropriate to this coastal setting close to the seafront at Trearddur Bay". The dwelling subject to the appeal were of three storey as were those subsequently approved under the provisions of planning application 46C137E.

As indicated in the comments of the council's Built Environment and Landscape Section the boundary of the site is approximately 65 meters from the Area of Outstanding Natural Beauty "AONB". In accord planning policies development management decisions should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well being of the areas. There is also a statutory duty to have regard to the AONB purposes. These provisions apply irrespective of the fact that the site is outside the AONB. Conditions have been recommended requiring details of the listed matters such as surface and boundary treatments. Further work has been requested from the applicant in terms planting and bio diversity and integrating these elements into the development.

### **Affordable housing**

The Council's Housing services have indicated that there is a high demand for affordable housing in the area which is not currently being met. As this is a development of 18 units it is suggested that 6 affordable housing units are provided. The applicant's formal response on this matter is awaited at the time of writing.

### **Ecology**

The Council's Ecological and Environmental Adviser has indicated that an ecological report should accompany the planning application, which includes reference to Cofnod local records. The applicant's formal response on this matter is awaited at the time of writing.

### **Highways**

The highways section are content with the proposed development subject to conditions recommended.

### **Other Material Considerations**

A Welsh language statement has been requested at the time of writing and the applicant's formal response on this matter is awaited at the time of writing.

## **7. Conclusion**

The age of the development plan and the existence of more up to date provisions in the UDP means that the principle of the development is not considered acceptable in this instance. Further the JLDP is now a material consideration and the site is located outside the settlement boundary of this plan and in the countryside. The approval of the site would be contrary to the strategy of the JLDP and impact upon the growth level anticipated from settlements identified under policy TAI5.

There are other outstanding consultation responses awaited notably from the Council's education department in addition to matters which have been brought to the applicant's attention in relation to existing and proposed levels, conclusion of the consideration of flood risk in relation to adjacent properties, further work potentially required in relation to the AONB and a requirement for the submission of an Ecological Report and a Welsh Language Statement. Any update will be reported at the planning committee.

## **8. Recommendation**

That the planning application is **refused** for the following reasons:

(01) The residential part of this development is located outside the settlement boundaries of Trearddur under the provisions of policy HP3 of the Stopped Anglesey Unitary Development Plan and the JLDP. Accordingly, the site lies in the countryside where there is a general presumption against new housing development in the absence of any overriding considerations, and none has been demonstrated in this instance.

(02) This site has been subject to consideration for inclusion with the JLDP and the Council has not been instructed by the Inspector to include it within the Trearddur Settlement boundary. The approval of the site would therefore be contrary to the strategy of the JLDP and impact upon the growth level anticipated from settlements identified under the settlement strategy under policy PS15 of the JLDP.