

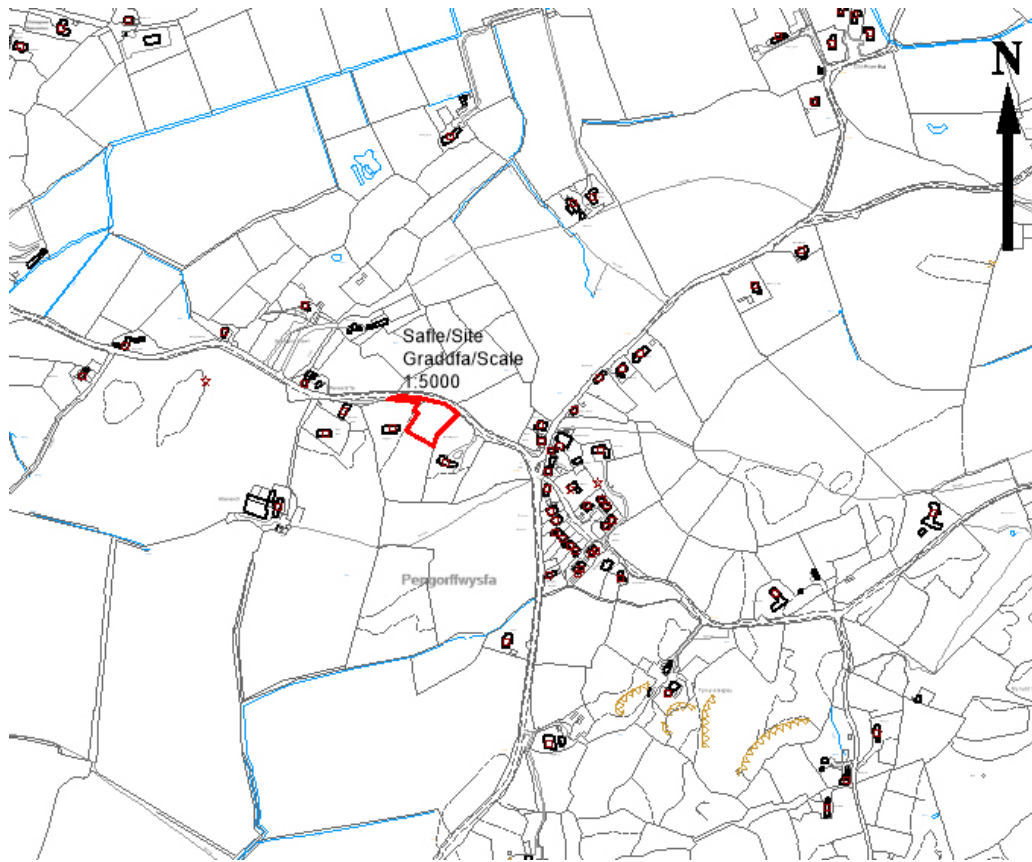
Rhif y Cais: **24C345** Application Number

Ymgeisydd Applicant

**Mrs Beverly Jolleys**

**Cais amlinellol ar gyfer codi annedd gyda'r holl faterion wedi'u cadw'n ôl ar dir ger / Outline application for the erection of a dwelling with all matters reserved on land adjacent to**

**Tregarth, Llanelian, Amlwch**



**Planning Committee: 06/09/2017**

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

**Recommendation:**

Refuse.

**Reason for Reporting to Committee:**

At the request of Local Member Councillor Aled Morris Jones.

The application was deferred at the last Planning and Orders Committee on the 26<sup>th</sup> July 2017 in order to establish whether or not the Council has adopted the Anglesey and Gwynedd Joint Local Development Plan (JLDP) which will supersede the existing development plans.

**1. Proposal and Site**

The proposal is an outline application for the erection of a dwelling with all matters reserved on land adjacent to Tregarth, Pengorffwysfa.

The application site is positioned south of an adopted highway running west from Pengorffwysfa. The site is positioned on a parcel of land between the properties known as Tregarth to the west and Mor a Mynydd to the east.

The application site is in an elevated position to the adjoining highway which is predominately a rocky outcrop with dense overgrown vegetation.

The site is located within the Special Landscape Area as designated within the Joint Local Development Plan (JLDP). The designated Area of Outstanding Natural Beauty is located on the opposite of the highway, north of the application site.

**2. Key Issue(s)**

Whether or not the proposal is justified in this location, complies with local and national policies and whether the proposal will have an impact upon the neighbouring properties, amenity of the area and highway safety.

**3. Main Policies**

**Joint Local Development Plan**

Policy CYFF1 – Development Criteria

Policy CYFF2 - Design and Place Shaping

Policy PCYFF 3 – Design and Landscaping

Policy AMG2 – Special Landscape Areas

**Supplementary Planning Guidance “Design Guide for the Urban & Rural Environment”**

**National Policy**

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

Technical Advice Note 6 (Planning for Sustainable Rural Communities) (TAN6)

**4. Response to Consultation and Publicity**

**Councillor Aled Morris Jones** – Refer to the Planning and Orders Committee for determination

**Councillor Richard Griffiths** – No Response

**Councillor Richard Owain Jones** – No Response

**Local Highway Authority** – Following receiving further information the highways department are satisfied that the access will be significantly improved and therefore acceptable.

**Community Council** – No Observations

**Joint Planning Policy Unit** – Comments regarding the relevant policies within the Ynys Mon Local Plan and Stopped Unitary Development Plan and Joint Local Development Plan.

**Welsh Water** – Conditions Recommended

**Ecology and Environmental Adviser** – Concerns that the vegetation located at the application site supports protected Species. Ecological Report request.

**Drainage** – Following receiving further information the drainage section is satisfied that the surface water drainage scheme appears to be satisfactory in principle.

**Built Environment and Landscape** – Proposal is likely to harm the designated Special Landscape Area.

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.

Five letters of representations were received as a result of the publicity afforded to the application.

The most recent notification period expired on the 29th June, 2017.

The main points raised in response to the publicity period are summarised below:

- Concerns regarding the validity of the application.
- The application is contrary to planning policy.
- Proposal would result in an increase traffic and have a detrimental impact upon highway safety.
- Concerns regarding social housing and future use made at the site.
- Application site is not used for grazing and never previously developed.
- Concerns regarding the construction of the proposed development.
- The proposed development will be visually intrusive within an environmental sensitive area.
- Community Council have not been consulted regarding the application.
- Applicant has not consulted the Local Planning Authority or the local resident's prior submitting the application.
- Concerns regarding the applicant / landowner and Certificate B submitted within the application form.
- Misleading information submitted as part of the application
- Insufficient publicity has been afforded to the application.
- The application site supports protected and priority habitats and species.
- Comments regarding the relationship between the applicant and the landowner.
- Concerns regarding the lack of highways and drainage details submitted as part of the application.
- Concerns regarding surface water run-off.
- Application site is located within close proximity to the AONB. The development would have and harm upon the designated area.
- Concerns regarding geological rocks.

- Proposed plan illustrates a second structure.
- Concerns whether or not all matters have been reserved as part of the application.
- No footpaths located within the area.
- Concerns regarding the information provided within the application form.
- Proposed dwelling will appear out of scale in comparison to the nearby dwelling houses.
- The nearby dwelling known as Tregarth is illustrated on the submitted drawing is inaccurate.
- Concerns regarding the planning history of the dwelling house known as Tregarth.
- Approving such an application would set a precedent.
- Concerns that the development would have a detrimental impact upon the amenities of adjoining properties in terms of loss of privacy and noise.
- Application site is subject to a legal dispute.
- It would cost a significant amount to develop the application site.
- Concerns raised with respect to security of the area.
- Concerns that the proposal will result in a commercial venture.
- The proposal would reduce the value of adjoining properties.

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

No planning history.

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

The application is made in outline form with all matters reserved. The application is accompanied by a plan illustrating a section through the site and proposed new access.

The proposal is for the erection of a dwelling of between 8-10 metres x 10-12 meters on plan. Eaves height of between 3.6 meters and 3.8 meters and a ridge height between 7.2 meters and 7.5 meters.

#### **Ecology and Environmental Considerations**

The Ecology and Environmental Adviser was consulted regarding the application. Concerns were raised by the adviser that the vegetation located at the site may support Protected Species. As a result, an ecological report has been requested by the Local Planning Authority. No such report has been received at the time of writing this report.

#### **Welsh Water**

Welsh Water were consulted as part of the determination process. Welsh Water confirmed they were satisfied subject to conditions.

#### **Local Highways Authority & Drainage**

Further to the previous Planning and Orders Committee on the 26<sup>th</sup> July 2017 in which the application was deferred, further details with respect to both the highway and drainage matters have been received. Following assessing the proposed plan, the highways and drainage departments are satisfied with the proposal.

## **Built Environment and Landscape**

The application site is located within the Special Landscape Area within the Joint Local Development Plan and is adjacent to the Area of Outstanding Natural Beauty.

The Built Environment and Landscape section were consulted regarding the application and concluded that the proposal is likely to harm the Special Landscape Area and not be compatible with Policy AMG 2; Special Landscape Areas of the JLDP. The aim of the policy is to maintain, enhance or restore the recognised character and qualities of the SLA'.

## **Policy Considerations**

On the 31<sup>st</sup> July 2017 the Council adopted the Anglesey and Gwynedd Joint Local Development Plan (JLDP) which supersedes the previous development plans.

Policy TAI 6 'Housing in Clusters' does not identify Pengorffwysfa as a Cluster this area would therefore be identified as falling into the open countryside within the JLDP.

Paragraph 4.15 within the Inspectors Report in relation to Clusters within the Plan states .... *To reflect the generally dispersed pattern of development through the Plan area, and to seek to sustain rural communities, the Plan introduces the concepts of clusters (Policy TAI 18). Clusters are small groups of buildings which will have facilities or services that qualify them for that status<sup>35</sup>. As drafted in the submitted Plan, the policy imposes a limit of 2 new houses per cluster over the lifespan of the Plan. In many of the clusters, especially on Anglesey, the level of growth has already been exceeded. Rather than impose a potentially inflexible approach of limiting the number of new dwellings per cluster, a proposed change identifies an overall indicative number of dwellings arising from clusters within 4 sub-areas which include existing commitments. As the policy permits only affordable housing, it offers opportunities similar to the exception sites in policy TAI 10. Although experience of similar policies in the existing development plan and Interim Planning Policies suggests that take-up rates in the Plan area will not be particularly high, it has the potential to make a locally valuable contribution to that supply.*"

Paragraph 4.16 states .... *Following discussion at a hearing session the Councils have re-considered the qualifying criteria that justify designating a cluster. The Councils have subsequently applied a higher qualifying standard in respect of the frequency of local bus services within clusters to a level where it is sufficient to provide a realistic alternative to the car for day to day journeys. Such an approach is consistent with the principles of sustainable transport and better reflects the Councils' justification for designating clusters in terms of the identified important linkages between clusters and higher tier settlements. The consequence of this change in approach is to remove 24 of the original clusters outside that designation. It is noted that this change has the effect of removing from the cluster category some of the larger collection of houses, such as Pencaenewydd. However, the availability of sufficiently frequent bus service is an important component in justifying the cluster approach. Mindful of national policy we consider that this change is sufficiently significant to tip the balance in favour of retaining policy TAI 18.*

Policy PCYFF 1 'Development Boundaries' states that development outside development boundaries will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

For residential development in the open countryside the JLDP refers to relevant national planning policy and TAN 6 in relation to new rural enterprise dwelling or one planet development.

## **7. Conclusion**

Within the JLDP the site lies in the open countryside where development would have to satisfy national planning policy and TAN 6.

TAN6 states that one of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry works to live at or close to their workplace. No evidence has been submitted to the Local Planning Authority demonstrating a demonstrable agricultural need to meet any of the expectations stated in local or national policy.

It is also considered that the proposal would not conform with the requirement of Policy PCYFF 1 'Development Boundaries' for development outside development boundaries.

The primary aim of the Special Landscape Areas is to maintain, enhance or restore the recognized character and qualities of the Special Landscape Area. It is considered that the proposal will have a will have a detrimental harm upon this designated area.

In addition, the Ecological and Environmental Adviser has requested that the Ecological Report of the site, by a qualified person be undertaken and submitted as part of the application in order to establish whether or not the site holds wildlife interest, in particular in relation to protected species.

## **8. Recommendation**

### **Refuse**

(01) The proposed development is considered contrary to policy PCYFF 1 of the Joint Local Development Plan and Technical Advice Note 6 (Planning for Sustainable Rural Communities) and Planning Policy Wales (9<sup>th</sup> Edition)

(02) The proposal would have a detrimental effect upon the Special Landscape Area and considered contrary to Policy AMG 2 of the Joint Local Development Plan.

(03) The Local Planning Authority considers that there is insufficient evidence submitted as part of the application to demonstrate whether the development will have a detrimental impact upon ecological matters.

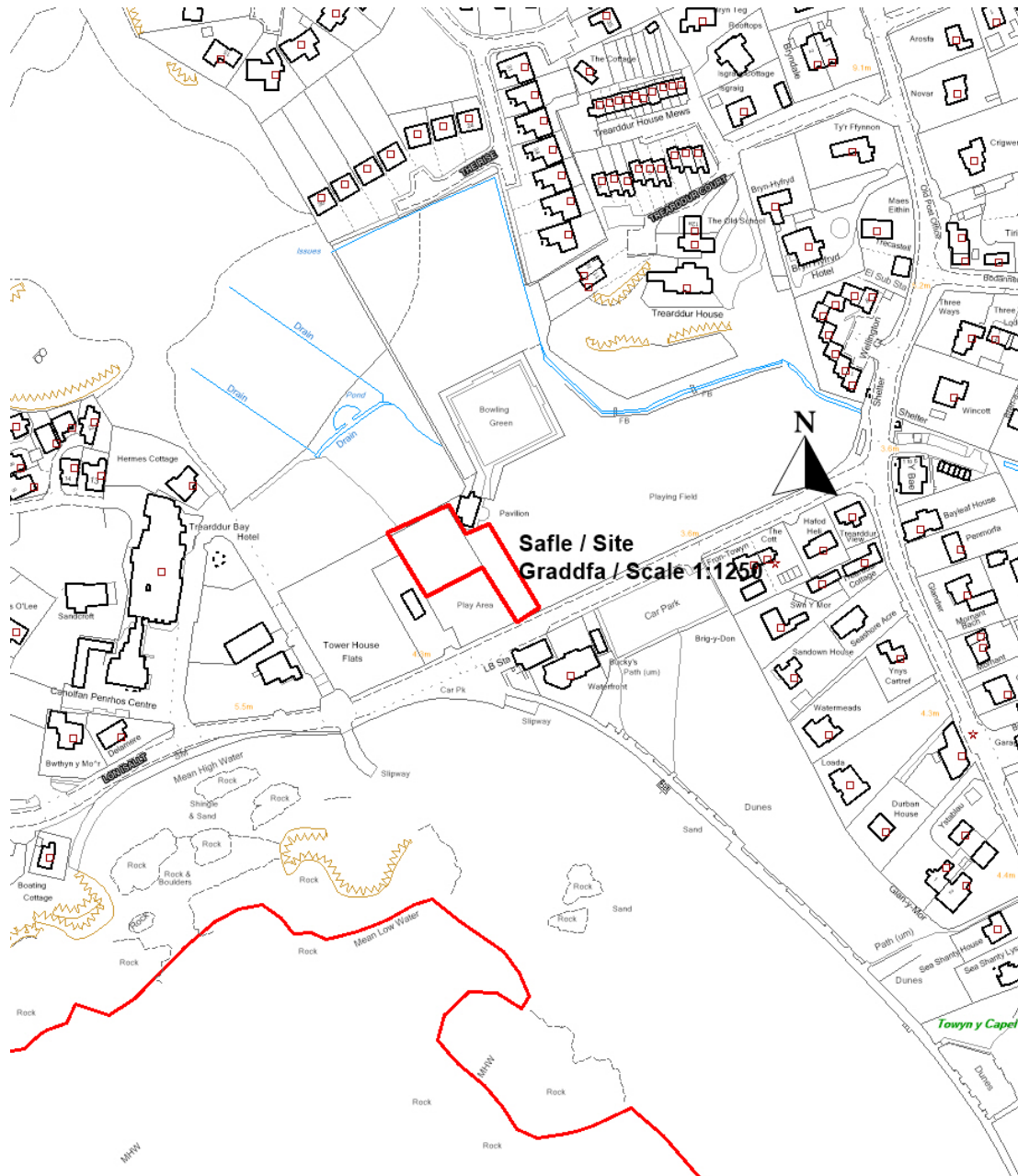
Rhif y Cais: **46C578** Application Number

Ymgeisydd Applicant

**Trearddur Bay FC**

**Cais llawn i addasu ac ehangu yn / Full application for alterations and extensions to**

**The Pavillion, Lôn Isallt, Bae Trearddur Bay**



**Planning Committee: 06/09/2017**

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

**Recommendation:**

Permit and Refuse

**Reason for Reporting to Committee:**

At its meeting held on 26<sup>th</sup> July 2017 the Committee resolved to defer determination of the application in order to give the applicant a further opportunity to address flood risk concerns with Natural Resources Wales. Additional submissions have been made on behalf of the applicant and NRW's formal response has been received.

**1. Proposal and Site**

The site is located opposite the car park and promenade in Trearddur Bay, off Lon Isallt, and adjoins the football pitch.

The application is for alterations and extensions to the pavilion building in order to create additional changing facilities. In addition, an access and car park are proposed.

**2. Key Issue(s)**

Acceptability of proposed development in relation to flood risk.

**3. Main Policies**

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

STRATEGIC POLICY PS 6: ALLEVIATING AND ADAPTING TO THE EFFECTS OF CLIMATE CHANGE

TRA2: Parking Standards

PS5: Sustainable Development

ISA 2: Community Facilities

PCYFF5: Water Conservation

**Supplementary Planning Guidance "SPG"  
Design in the Urban and Rural Built Environment**

**Planning Policy Wales Edition 9 "PPW"**

**TAN 12: Design**

**TAN 15: Development and Flood Risk**

**TAN18: Transport**

**4. Response to Consultation and Publicity**

**Councillor Trefor Lloyd Hughes** – delegated to officers

**Councillor Dafydd Rhys Thomas** – no reply to consultation

**Councillor Jeff Evans** – no reply to consultation, which was completed prior to local elections.

**Trearddur Community Council** – no reply to consultation

**Highways** – Conditional permission.



## Welsh Water – Comments

**Natural Resources Wales “NRW”** – “In accordance with A3.10 of TAN15, we object to the proposed development as submitted and consider that the Flood Consequence Assessment (FCA) is insufficient, as it has failed to demonstrate that the consequences of flooding can be acceptably managed in accordance with TAN15. We therefore recommend that the application be refused”.

At the request of the Committee, the applicant was given a further opportunity to address NRW's concerns. A statement of behalf of the applicant has been received and NRW's comments on its content have also been received. NRW suggests that the extension to the pavilion should incorporate flood mitigation measures but continues to object to the creation of a vehicular access and car park.

Public Response – No representations were received as a result of the publicity undertaken.

### 5. Relevant Planning History

None

### 6. Main Planning Considerations

The Pavilion building subject of the application exists and is used as changing facilities by the local football team. The proposal to extend and alter the building to enhance changing facilities is acceptable in design terms and compliant with policies which seek to provide recreation and community facilities.

NRW suggests the extension to the building should increase resilience to flood events by incorporating flood mitigation measures as part of the build. The applicant however contends this is impractical, not only in cost terms to the club, but also in flood prevention terms since the existing building does not currently incorporate flood mitigation measures.

Incorporation of flood mitigation measures through the entire building is a matter for the club to consider. The advice from NRW is that the extension should be designed appropriately in order to prevent longer- term liabilities to the club but there is no insistence that this is the case.

However the site is located partially within flood risk Zone C2 and NRW requested that a flood consequences assessment be prepared to demonstrate how the development would deal with the consequences of flooding. Whilst a document was prepared, NRW consider its content insufficient to demonstrate that the pavilion extension adequately deals with the risks.

The creation of a parking area introduces a new vulnerable use to the site and increases flood risks. Whilst the Highway Authority raises no technical objection, again, the flood consequences assessment fails to demonstrate that the risks can be acceptably managed.

The applicant has been given the opportunity to address outstanding concerns but the repose received remains insufficient to remove NRW's objection. The submitted Flood Consequences Assessment confirms that the car park could be affected by tidal flood risk.

### 7. Conclusion

The design of the extensions to the pavilion building are acceptable and NRW's advice will be made available to the applicant. Whilst no objections in highway or amenity terms exist to the creation of a car park and access, the flood consequences assessment has failed to demonstrate that the risks of flooding can be adequately managed and the statutory consultee recommends refusal in line with national planning policy.

### 8. Recommendation

That the application in relation to the extensions to the pavilion building is **permitted** subject to the following conditions:

**(01) The development in the extension of the existing pavilion building hereby approved shall be begun not later than the expiration of 5 years from the date of this permission.**

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

**(02) The development shall be undertaken in accordance with the following drawings and plans:**

**WM Design Project number SH1578 Planning Proposals Plans drawing number A.02.02;  
WM Design Project number SH1578 Planning Proposals Elevations drawing number A.02.03.**

Reason: To define the scope of this permission.

That the planning application in relation to the creation of a new access and car parking area shown on WM Design Project number SH1578 Site Proposals drawing number A.01.03 is **refused** for the following reason:

(01) The site is located within zone C2 but the flood consequences assessment has not demonstrated that the risks of flooding can be adequately managed within the site. The proposal is therefore contrary to Policy 28 of the Ynys Mon Local Plan, Policy SG2 of the Stopped Unitary Development Plan, emerging Strategic Policy PS6 of the Joint Local Development Plan and the advice contained within Technical Advice Note 15: Development and Flood Risk.

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.