

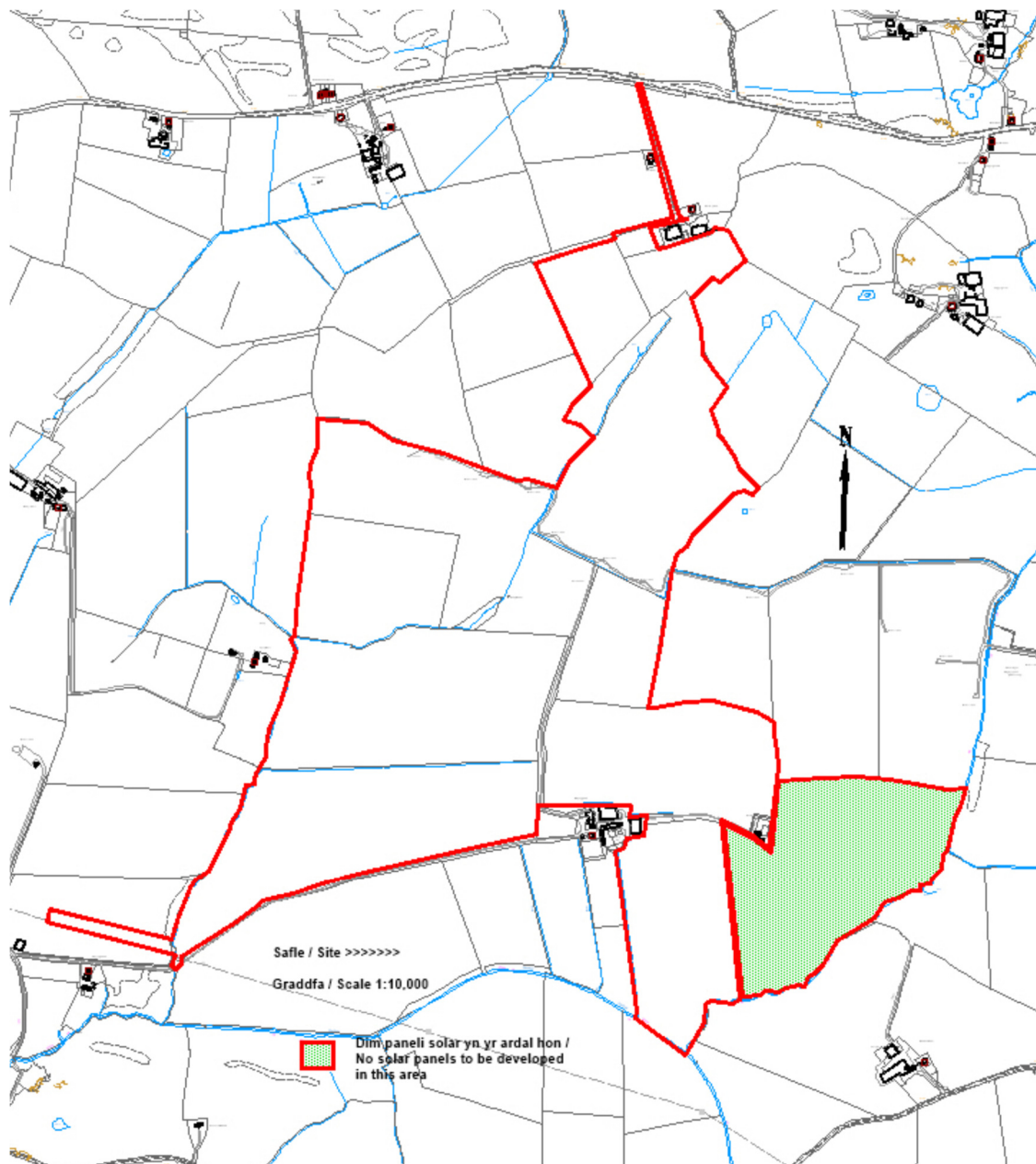
Rhif y Cais: 20C310B/EIA/RE Application Number

Ymgeisydd Applicant

Countryside Renewables (North Anglesey) Ltd

Cais llawn ar gyfer adeiladu fferm arae solar 49.99MW ynghyd ag offer a isadeiledd cysylltiedig a gwaith ategol ar dir ger / Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to

Rhyd y Groes, Rhosgoch



Planning Committee: 06/12/2017

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

Recommendation:

Permit Subject to Conditions

Reason for Reporting to Committee:

At its meeting held on the 8th November, 2017 the Committee resolved to refuse the application contrary to officer recommendation on the basis that the proposal does not constitute an exception sufficient to allow departure from policy ADN 2 of the Joint Local Development Plan (Anglesey and Gwynedd), July 2017.

Given the above, this report specifically addresses the Committee's concerns that the proposal represents a departure from policy ADN 2 and that it is not sufficient to allow for a departure from the adopted policy.

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."

Conclusions:

Site Selection

As advised within the report to Committee on 08/11/2017, Policy ADN 2 (PV Solar Energy) aims to ensure that proposals for Solar PV Farms of 5MW or more should be directed to the potential search areas shown on the Proposals Map. Proposals of this scale will only be permitted in other locations in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances.

In assessing the proposed development against policy ADN 2, Officer's consulted with the Joint Planning Policy Unit (JPPU) for Anglesey and Gwynedd. Within their comments, the JPPU provided comments on the potential search area and the specific locational circumstances in regard to how the application site was selected; which followed from the applicant's submission of two reports:

- a) Assessment of Potential of JLDP Opportunity Areas; and
- b) Overview of Site Selection Process.

In respect of a), this document shows the current level of constraint various potential opportunity areas face. Of the 10 potential opportunity areas identified 9 were discounted for a variety of

environmental reasons (proximity to residential properties, tree felling, local impacts), or for grid connection constraints (where it was either unlikely that a grid connection could be ensured or it was identified as cost-prohibitive to secure the connection owing to the distances involved), or for an unwillingness of landowners, or a combination of all of the above. Notably the proposed application site is identified within the table where the constraints negatively affecting the other sites do not apply. Here it is outlined that a grid connection on the site is secured, the landowner is willing of the development and the site is located within a more remote rural location free of built-up areas where environmental impacts could be deemed to be more significant.

Paragraph 6.2.35 of the JLDP provides explanation of the Plan's assessment of the potential for solar PV farms and the identification of potential areas of search. It goes on to state:

"As search areas, the identified areas provide an indication of solar energy resources within the Plan area as opposed to specific safeguarded areas. The search areas have been identified by mapping solar energy resources...and by removing significant constraints to solar energy development. The Study identified 11 possible areas. Due to landscape sensitivity and capacity issues some of these potential areas may only be able to achieve 5MW or more through 2 or more separate schemes subject to consideration of any potential cumulative impact."

In this statement, the JLDP acknowledges that within the identified areas, there is not a certainty for delivery and within Paragraph 6.2.36 goes on to advise that applicants will require to undertake further refinement to identify specific opportunities for detailed development proposals. Based on this explanation, the applicant's assessment of opportunity areas does consider the identified areas where it is found that 8 of them (S1, S3, S4, S4, S6, S7, S9 and S11) have factors which would prohibit a viable direct grid connection. The remainder (S2, S8 and S10) have factors which would prohibit a viable local grid connection.

Notably, the applicant's statement also highlights an area which the JLDP was unable to take into account in the production of the Potential Opportunity Areas and this is the willingness of landowners. This is important as it does have a crucial impact on viability.

In considering the applicant's Assessment of Potential of JLDP Opportunity Areas, the JPPU advises that the applicant has shown that at present there are infrastructure constraints affecting the potential opportunity areas and this, along with ownership issues, could affect the availability and viability of these opportunity areas.

In respect of b), this provides an overview of the systematic site selection process used to identify the application site as suitable for the development of large scale solar PV. This process included a grid review, a designation review, an agricultural land classification review, a review of scale, consideration of distance from built up and residential areas, and landowner agreement. Through this selection process, the proposed application site was the only site on Anglesey which:

- optimised renewable energy generation;
- had a viable grid connection
- was in a remote rural location; and
- had a willing landowner.

The JPPU advise that this document provides evidence to support the specific locational circumstances which have led to the identification of the site as a solar PV farm site.

It should be noted that the issue of need is addressed within the previous report to Committee where it has been considered by Officers that the toolkit identified within Planning Policy Wales (PPW) should not be misconstrued as a limit, nor a definition of local need and that it would not be appropriate to assess an application for renewable energy in this regard.

The critical matter in the assessment of this application against policy AND 2 is that the policy does not prevent development outside of search areas but sets out that exceptional circumstances must exist when the needs for the scheme can be justified and there are specific locational circumstances. In this case, it is considered that exceptional circumstances have been presented

to the planning authority which allows for development outwith the Potential Opportunity Areas and as such that the scheme is considered compatible with the first part of Policy ADN 2.

Detailed Considerations

Following on from site selection, policy ADN 2 requires that proposals for Solar PV Farms of 5MW or more and other solar schemes of up to 5MW will be permitted provided that the proposal conforms to the following criteria:

1. All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;
2. The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety;
3. The proposal will not result in significant harm to the residential visual amenities of nearby residents;
4. The proposal will not have unacceptable cumulative impacts in relation to existing solar PV farms and those which have permission and other prominent landscape features;
5. The panels and associated infrastructure will, at the end of the operational life of the facility, be removed in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority.
6. That a Construction Environmental Management Plan (CEMP) is provided to demonstrate that any potential negative effects arising during construction and decommissioning phases are avoided.

With regard to the second part of the policy, and based on the information provided above, the content of the submitted ES and its supporting reports and the comments from the consultees it is considered that the site meets the requirements of criteria 1 – 6 of the policy and will not give rise to significant impacts on landscape character, heritage assets and natural resources. Nor will development proposal result in significant harm to amenity of sensitive receptors or nearby residents.

Additionally, there are no existing solar PV farms within the locale which would result in a cumulative impact and the applicant has confirmed that the panels and infrastructure will be removed following the end of the operational life of the solar farm.

In respect of the requirements of a CEMP it is appropriate to condition this element.

Legal Opinion

Following the Committee's resolve to refuse the application contrary to officer recommendation, the applicant has sought an independent legal opinion on this decision, and specifically on whether the proposal complies with policy ADN 2. This legal opinion has been provided by the solicitors at Gately Plc and finds that the planning application is in accordance with the policy and "the reason for refusal is not justified and would not be sustainable on appeal". The opinion specifically states:

"...Policy ADN2 is clearly a policy which is supportive of the principle of photo-voltaic solar energy generation in the round. Its starting point is to identify potential search areas which have been illustrated on the proposals map. It is important to note that these are areas of search and they are not allocations. In particular they are subject to the six development control criteria in the latter half of the policy in the same way as is an application which is not within any of those potential search areas. The policy states that planning proposals "should be directed" to those potential areas of search; it does not state that proposals "must be directed" to those potential areas of search, nor does it establish any form of sequential test whereby those potential search areas have to be assessed and discounted before any other site can be looked at.

The important distinction between proposals which are within the potential search areas and proposals which are outwith those search areas is that the former do not have to be tested in

accordance with the second sentence of Policy ADN2. Policy ADN2 applies only to those proposals which are brought forward in other locations than the potential search areas. Both types of proposal have to satisfy the criteria 1-6 in the latter half of the policy.

The second sentence of the first paragraph of Policy ADN2 establishes a permissive policy in respect of proposals for PV solar energy in locations outside the potential search area. Those proposals will be permitted in the exceptional circumstances set out within the sentence. There is no need to seek to define what exceptional circumstances means because the policy defines the exceptional circumstances by way of establishing two tests:

need for the scheme can be justified; and
that there are specific locational circumstances

A proper objective reading of the policy is that if both of those tests are satisfied then that element of the policy is satisfied and a proposal outside of those search areas then moves on to be assessed against the detailed development control criteria 1-6 in the second half of the policy.”

The opinion then goes on to conclude:

“The correct approach to the interpretation of Policy ADN2 is that if need and locational requirements are satisfied on a site which is outside of the proposed areas of search then exceptional circumstances exist and there is positive support for development on the site provided that it satisfies the detailed development control criteria 1-6 in the second half of Policy ADN2.

In this instance the need and locational requirements are satisfied as are the detailed development control criteria 1-6 and therefore the development accords with Policy ADN2.

It is not suggested that there is any other element of non-compliance with the Development Plan and therefore, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Here the Development Plan indicates that planning permission should be granted and all other material considerations, particularly the weighty support given for renewable energy generation at a national policy level, support the granting of consent on a site which is sustainable and deliverable.

It follows that there is no basis to refuse the application and the reason for refusal is not defensible on appeal.”

On review of the applicant’s submitted legal opinion by Officers, it is considered that this underlines the recommendation of the previous report to Committee and members are advised to give due consideration to this opinion alongside the more detailed outline of policy ADN 2 in reaching their final decision on this application.

8. Recommendation

Based on the foregoing information, it is recommended that the Committee respectfully reconsider their previous position and resolve to **permit** the application as per the findings within this report and within the Officer’s original report to Committee of 08 November 2017.

Permit, subject to conditions listed below with authority delegated to the Head of Planning to add, amend or delete conditions as necessary.

(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) This permission shall expire no later than 30 years from the Operational Date. Within 12 months of the expiration of the permission, all elements of the development at and above

ground level shall be removed and the land restored in accordance with a written scheme and timetable for restoration which shall be submitted to and approved in writing by the local planning authority prior to these works being carried out. The restoration of the site shall be completed in accordance with the agreed details.

Reason: To define the scope of the permission and to ensure a satisfactory appearance upon cessation of the development.

(03) The development hereby permitted shall be carried out in accordance with the following approved plans:

North Anglesey Solar Project – RL2 (090217) Application Site Boundary (Ref: BGVA/CRC/NASP/RL3)

‘Indicative Layout Plan (14 Feb 17)’;

‘Landscape & Mitigation Strategy’ (Ref: 15035.101 Rev.H);

Ecological Enhancement Management Plan (Adonis Ecology 23 February 2016) as amended by condition 04;

‘Ref: FRAMES 01’ (17.11.15);

‘Ref: TRACK 1’ (17.11.15)

unless otherwise required to be approved under the terms of this permission and as thence permitted.

Reason: For the avoidance of doubt.

(04) Notwithstanding the requirements of condition (02), prior to the commencement of the development final details of the layout of the site, including

panel details;

CCTV cameras and their supporting structures;

Lighting and their supporting structures;

Fencing;

The location, construction and reinstatement of site / storage compounds;

shall be submitted to and approved in writing by the Local Planning Authority. The layout of the site shall be informed by the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23rd February 2016). Notwithstanding the said Ecological Enhancement Management Plan, no development shall be located within 10m of any watercourse and any fencing shall be placed a minimum of 30cm above ground level for 5m lengths at field corners. The development shall be carried out in accordance with the details approved under this condition and the site shall be managed in accordance with the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23rd February 2016) for the lifetime of the development.

Reason: To define scope of permission and to safeguard protected species and mitigate the impacts of the development.

(05) During operation, the site shall not be illuminated by artificial lighting during hours of darkness.

Reason: To ensure that the development does not have a detrimental impact on the character of the locality and to safeguard protected species.

(06) No development shall take place until details of the materials to be used in the construction of the external surfaces of the structures comprising the primary substation, inverter stations and battery storage units hereby permitted have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

(07) Prior to the commencement of any works a site-wide Construction Environmental Management Plan (including a full Construction Traffic Management Plan based on the principles established in the draft Construction Traffic Management Statement (Ref: 16028/Rev B) dated February 2017) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters:
a full signage schedule for the construction traffic, pedestrians and other users of the site,
hours and days of operation during construction and the management and operation of construction and delivery vehicles
the parking of vehicles for site operative and visitors
the loading and unloading of plant and materials
the routes means of access for construction traffic
details of the location, design and implementation of two additional passing bays for construction traffic
Piling methods (if employed)
Earthworks;
Hoardings to the site,
details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated
Waste management and disposal and material re use,
Prevention of mud / debris being deposited on public highway / wheel washing facilities;
Protection of the amenities of nearby residential occupiers
the storage of plant and materials used in constructing the development and hazardous material storage and removal.
A system for the management of complaints from local residents
Emergency Containment Procedures;
Reasonable Avoidance Measures for Water Voles.

The approved Construction Environmental Management Plan (and Construction Traffic Management Plan) shall be implemented accordingly and adhered to for the duration of the construction of the development.

Reason: In the interests of traffic and road safety.

(08) No development shall commence until full details of the location, height, length and breadth of the proposed landscaping bund, including cross section drawings and full details of proposed planting works, timing of works and management and maintenance proposals for the lifetime of the development to mitigate visual impacts on the property known as Buarth Y Foel have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter proceed in accordance with the approved details.

Reason: in the interests of residential amenity

(09) The solar panels hereby approved shall at no time exceed 3m in height.

Reason: To define the scope of this permission.

(10) No development shall commence until a scheme for the alleviation of glint and/ or glare from the development at any affected residential property or highway is submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures taken to investigate complaints; the assessment methodology to be used to assess incidence of glint and/or glare at the receptor point; the mitigation timetable and reporting mechanism to demonstrate effective alleviation and adherence to the said scheme. The development shall proceed in accordance with the details as approved.

Reason: In the interests of the amenities of the locality.

(11A) No development shall commence until the programme of archaeological work set out in the Written Scheme of Investigation dated 4th October 2016 (Document Ref: NAS16 v.1.5) has been implemented and completed.

(11B) A detailed report on the archaeological work set out in the Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority within twelve months of the completion of the archaeological fieldwork or the completion of the development, whichever is the sooner.

Reasons:

(11A) To ensure the implementation of an appropriate programme of archaeological investigation in accordance with the requirements of Planning Policy Wales 2016 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

(11B) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

(12) No structures shall be included on the fields identified as “No solar panels to be developed in this area” on the approved site boundary plan ‘North Anglesey Solar Project - Application Site Boundary (Ref: BGVA/CRC/NASP/RL3)’; ‘Indicative Layout Plan (14 Feb 17).

Reason: To define the scope of this permission

(13) The date when electricity from the development is first exported to the local electricity grid network, hereafter known as the "Operational Date", shall be notified in writing to the Local Planning Authority within 28 days after its occurrence.

Reason: To define the scope of the permission and establish the commencement date for the 30 year operational life of the solar farm.

(14) If, as a result of events or conditions within its control, and after the operational date, the solar farm hereby permitted fails for a continuous period of 12 months to produce electricity for supply to the local electricity grid network, then, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.

Reason: To ensure removal of redundant equipment in the interests of amenity and protection of the local environment.

(15) Notwithstanding the submitted information, the Applicant shall submit in writing a site-wide drainage scheme which has been designed to ensure that no surface water drainage shall be allowed to connect to the public sewerage network. This drainage scheme shall be submitted to, and approved in writing, by the planning authority prior to the commencement of construction works on site.

Reason: To ensure that the drainage layout is sufficient to support the development hereby approved and in the interests of protecting the assets of Welsh Water.

(16) Prior to the commencement of any works which break ground within the site, the applicant shall submit for the written approval of the planning authority a Written Scheme of Investigation in relation to archaeological ground investigation works. This Written Scheme of Investigation shall provide a methodology, a timetable in relation to construction and phasing of the development and any mitigation proposed.

Reason: In the interests of archaeological preservation and to ensure the appropriate construction of the development in relation to archaeological receptors.

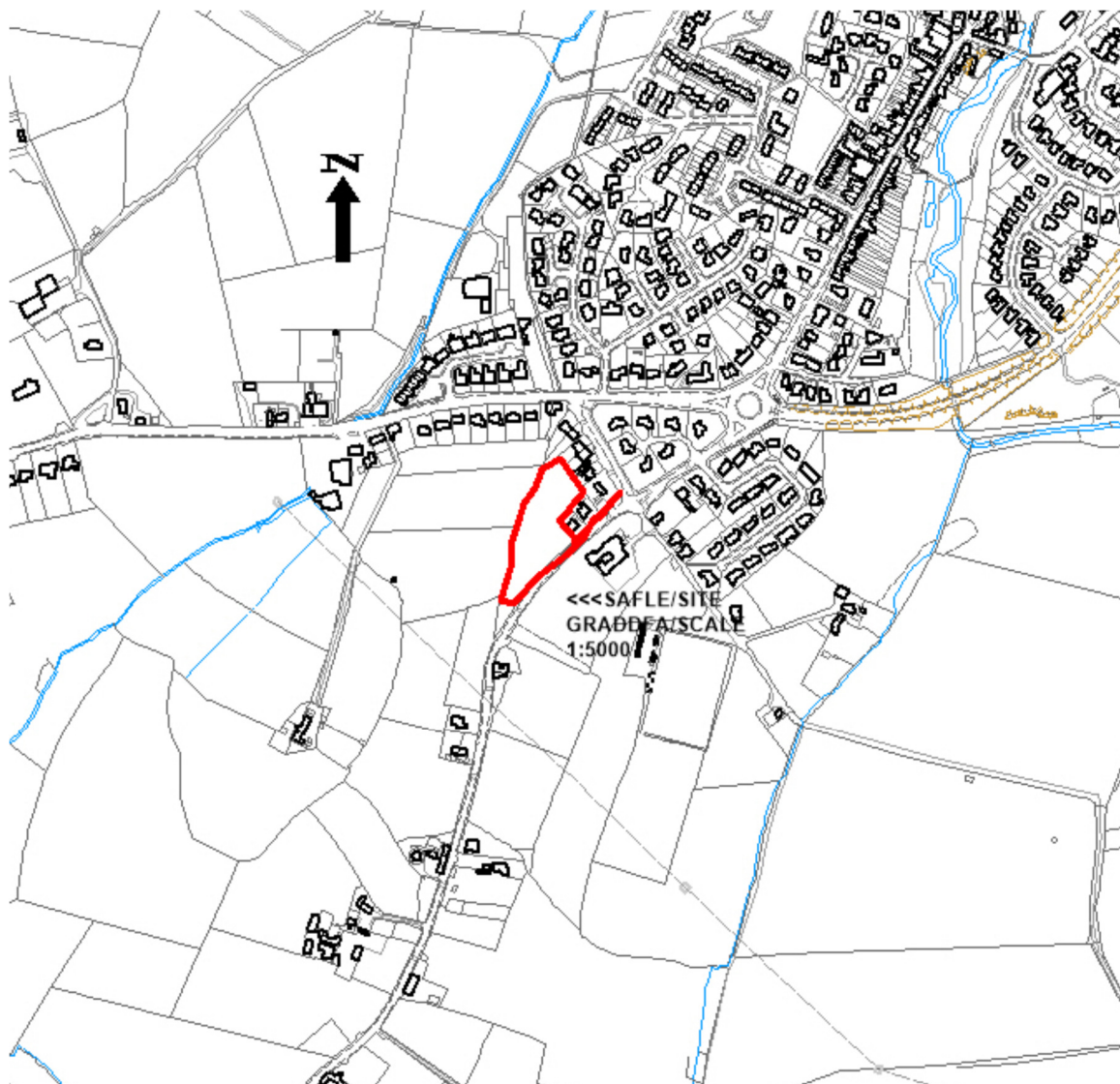
Rhif y Cais: 20C313A Application Number

Ymgeisydd Applicant

DU Construction Ltd

Cais ol weithredol ar gyfer codi 14 o dai fforddiadwy, creu mynedfa newydd a ffordd mewnol ynghyd a gosod gorsaf bwmpio carthffosiaeth ar dir oddiar / Retrospective application for the erection of 14 affordable dwellings, construction of a new access and internal road together with the installation of a sewerage pumping station on land off

Ffordd y Felin, Cemaes



Planning Committee: 06/12/2017

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

Recommendation:

Permit.

Reason for Reporting to Committee:

The application has been referred to committee in light of the adopted Anglesey and Gwynedd Joint Local Development Plan.

The Planning and Orders Committee approved the application on the 1st March, 2017 in accordance with the department's recommendation, subject to conditions and a section 106 agreement under the 1990 Act.

The application was initially determined under the development plans' policies in place at the time of determination. Following the adoption of the Joint Local Development Plan (JLDP), the application has been re-assessed under the policies contained within the current development plan.

1. Proposal and Site

This site is located along Ffordd y Felin adjoining the settlement boundary of Cemaes. Immediately on its boundary are several residential properties. Works have commenced at the site which includes the opening of an access, ground works and the erection of hoarding. The application is therefore now partly retrospective.

It is proposed to construct 14 residential dwellings these will be of an affordable type. A footpath will be provided within the existing highway verge

2. Key Issue(s)

Whether or not the application can be supported under the Anglesey and Gwynedd Joint Local Development Plan.

The effect upon neighbouring residential amenities, highway / drainage considerations and the Welsh language are also key issues.

3. Main Policies

Anglesey and Gwynedd Joint Local Development plan (JLDP)

Policy TAI 2 Housing in Local Service Centres
Policy TAI 8 Appropriate Housing Mix
Policy TAI 15 Affordable Housing Threshold & Distribution
Policy ISA1 Infrastructure Provision
Policy ISA 5 Provision of Open Spaces in New Housing Developments

PS 1 Welsh Language and Culture
PS 4 Sustainable transport, development and accessibility
TRA 2 Parking standards
TRA 4 Managing transport impacts
PS 5 Sustainable development
PS 6 Alleviating and adapting to the effects of climate change
PCYFF 1 Development boundaries
PCYFF 2 Development criteria
PCYFF 3 Design and place shaping
PCYFF 4 Design and Landscaping
PCYFF 6 Water conservation

SPG: Design Guide for The Urban and Rural Environment
Topic Paper 14 on Open Space Assessment

TAN 1 - Joint Housing and Land Availability Studies
TAN 2 - Affordable Housing
TAN 12 - Design
TAN 18 - Transport

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4. Response to Consultation and Publicity

Local Member Aled Morris Jones has referred the application to committee stating traffic, sewage and drainage issues.

Community Council Members strongly object the application. Concerns included:

- The new access to the main road is directly opposite the primary school on a busy stretch of road with no pavement for pedestrian use;
- The main road is already deemed dangerous and there are already traffic calming measures including 20mph and speed bumps in an attempt to safeguard children; in addition, the school times have had to be changed in an attempt to alleviate parking issues.
- Members were very concerned what effect an increase in cars (both residents and visitors) would have on the area (as well as where resident themselves would park their vehicles)
- Questions were raised regarding the affordability of the housing - for purchase or rent, and the need for housing by local people.
- The site is a green field site outside the development boundary
- There were concerns that development in the one field would lead to further development in adjoining fields.
- There is no mention of affordable housing for the elderly or disabled
- Although it was recognised that there may be a need for such housing, the proposed site location is unsuitable.

Highways – Conditions

Drainage – conditions

NRW - No objection

Housing - Supportive

Councils Ecological Officer - no objection but comments.

9 letters have been received points raised include;

Over 140 pages have been received from one objector and these are included within the planning file for members attention as the below is an outline of the information/comments contained therein.

Will devalue property
This is a narrow lane
Concerns over safety of children
Could doctors cope
This is speculation
Other affordable homes have been sold as holiday homes
Village will end up like Rhosneigr
Cause problems for shops if second homes
If holiday homes Welsh language will be harmed
The Council should release land
Hedges will be removed
Soakaways will not cope

Questions over Welsh language will this be harmed with more people
There is no demand
Will there be more development
There will be more cars and highway hazards
Will there be enough school places
There will be a loss of privacy
Other sites more suitable
The wrong OS map has been used
No surveys of flora or fauna or EIA
Red squirrel spotted nearby
Concerns over properties being too close together too dense and congested
Where are the LPG tanks to be
No lighting indicated
Plot 12 will cause overshadowing and overlooking

Welsh Water have not insisted on the pumping station
Representations were made at the early stages of the JLDP
This is contrary to original County Council planning zones
There are problems with foul sewerage in Cemaes
No need for road to end where it does as this would be in anticipation of site T35 in the JLDP.
Questions have been answered incorrectly on the application forms
There is regular flooding here
The developer is aware of flooding at this reaches 2 feet in depth
This would open up the remainder of T35 for development
Concerns over accuracy of porosity tests and calculations for foul
House names have changed
There is a planning overage charge on the land and this will result in too much being paid for the land for the units to be affordable
Loss of grazing land
T35 is not sustainable there are not enough services nearby
Pumping station not required
Limited capacity for sewerage.

5. Relevant Planning History

20C313: Full application for the erection of 12 affordable dwellings. Returned to applicant.

6. Main Planning Considerations

1. Can the proposals be supported in policy terms?

The Joint Planning Policy Unit (JPPU) have reviewed the application in light of the recently adopted JLDP and felt that the change in policy constitutes a major change in circumstances since the original decision made by the Council (approved at committee March 2017 subject to signing of a 106 agreement).

The scheme has therefore been reassessed against the JLDP which was adopted on 31st July 2017.

The main policies identified by the JPPU of having specific relevance to the scheme have been assessed in detail below:

Policy TAI 2 Housing in Local Service Centres Cemaes is identified as a Local Service Centre which supports housing to meet the Plan's Strategy needs. The application site is identified as an allocated site under this policy:

- Cemaes (T34 - Land to rear of Holyhead Road) for an estimated 60 residential units.

Assessment: The policy is supportive of the scheme as it's allocated for housing within the JLDP.

Policy TAI 8 Appropriate Housing Mix

New housing development should include an appropriate balance and mix of house types and sizes, including where applicable affordable houses, to reflect identified demographic needs of the settlement or, in the case of Service Centres, the area they serve as well.

Assessment: the proposed development is for 14 affordable dwellings which will help meet the housing need in Cemaes (confirmed as acceptable by the Council's Housing Service Department via email on 13/10/2017).

Policy TAI 15: Affordable Housing Threshold & Distribution *seeks an affordable housing contribution on schemes of 2 or more housing units in Cemaes with the percentage of affordable housing provision (based on social rent tenure) being 30% for the Rural North West Housing Price Area.*

Assessment: This proposal is for a 100% affordable housing scheme which in principle exceeds the 30% requirement stipulated in the Policy. JPPU have however caveated this in their response confirming that the 100% affordable housing provision can be supported subject to their being evidence that the need for this scale of affordable provision is required within the area. The Council's Housing Service Department have subsequently accepted that they are happy that 100% of the development will be affordable units and confirmed that the site has been included within Anglesey's Programme Development Plan.

Policy ISA1: Infrastructure Provision

Proposals will only be granted where adequate infrastructure capacity exists.

Where proposals generate a directly related need for new or improved infrastructure and this is not provided by a service or infrastructure company, this must be funded by the proposal.

Assessment: The Lifelong Learning Department of the Isle of Anglesey County Council has confirmed via formal response (received 25.10.2017) that they are not seeking a contribution from the developer for educational facilities as the capacities at Ysgol Cemaes and Ysgol Syr Thomas Jones are not currently oversubscribed.

Policy ISA 5: Provision of Open Spaces in New Housing Developments

Housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Fields in Trust benchmark standards of 2.4 hectares per 1000 population.

In exceptional circumstances, where it is not possible to provide outdoor playing spaces as an integral part of a new housing development, the developer will be required to:

- 1. Provide suitable off site provision which is close to and accessible to the development in terms of walking and cycling, or, where this is not feasible/practical*
- 2. Contribute financially towards new facilities including equipment, improving existing facilities on readily accessible sites or improving accessibility to existing open spaces.*

Assessment: The JPPU has confirmed via formal response (received 20.10.2017) that as there is no scope to provide on-site outdoor provision the developer must contribute towards new facilities financially as part of a Section 106 Agreement.

The amount has been calculated using (i) FiT standards (which identify a level of provision per 1,000 population), and (ii) likely basic costs for the provision of open space provision currently applied by Conwy County Borough Council.

Using this calculation method a provision of 480m² outdoor space was identified which equates to a financial contribution of £5611.20 which should be reflected in the Section 106 Agreement.

It is accepted that the proposals accord with the additional generic policies considered relevant by the JPPU outlined below. It is felt that the principles of the policies will have been deemed acceptable when the application was originally approved at committee in March 2017. The main issues of relevance to the scheme are also covered and assessed in points 2-5 below.

PS 1 Welsh Language and Culture
PS 4 Sustainable transport, development and accessibility
TRA 2 Parking standards
TRA 4 Managing transport impacts
PS 5 Sustainable development
PS 6 Alleviating and adapting to the effects of climate change
PCYFF 1 Development boundaries
PCYFF 2 Development criteria
PCYFF 3 Design and place shaping
PCYFF 4 Design and Landscaping
PCYFF 6 Water conservation

2. Will there be harm to residential amenity?

The site has been arranged to allow for adequate distances to be achieved between the proposed and existing dwellings. Bungalows are proposed for plots 10 and 11 and also 13 and 14, this will ensure that there is no overlooking of the existing dwellings adjacent. Unit 10 and 11 bungalows will be located between 9m and 10m from the boundary and as single storey this is considered acceptable. Units 13 and 14 will be 10/11 metres from the boundary again this is considered acceptable. Unit 12 which is a house will be 11m from the boundary and the nearest existing dwelling will be 28m distant, this again is acceptable.

With these matters in mind it is considered that the proposals will not create a set of circumstances harmful to the amenities of existing occupiers.

3. Highways Considerations

Following comments from the Highways Authority the scheme has been amended and the below comments relate to the amended plans.

The proposed access and visibility splays has been designed in accordance with guidance in TAN18. The site is adjacent to the existing development boundary and Ffordd y Felin where the proposed access joins the highway, is within a 30mph speed limit area where there are existing traffic calming features to reduce vehicle speeds. The proposed parking spaces at the plots nearest the junction have now been amended to avoid the previous clash with the proposed dropped kerb pedestrian crossing points. The proposed fence at the side of Plot 13 has been reduced in height to provide inter-visibility between vehicles using the parking spaces and pedestrians using the adjacent crossing point.

This arrangement is considered acceptable

The proposed off-site footway, to be constructed within the existing highway verge, will provide pedestrian access to the village centre and the school. It is therefore acceptable in principle, subject to an Agreement under Section 278 of the Highways Act 1980 to facilitate the works, at the developer's expense.

Whilst there is existing lighting on this section of Ffordd y Felin, it is to a lesser standard that would normally be expected in a built up area. Consequently, as part of the off-site Section 278 works, it will be necessary to review and upgrade the level of lighting, to provide adequate lighting levels at the proposed junction and new footway.

With the above in mind it is considered that the access arrangements and impact on the road network is acceptable.

4. Drainage considerations

The drainage strategy includes collection of rain water run-off from all hard standing areas, including access roads, drives, roofs, paths and patio's and dispersal of the collected run off volume via infiltration systems; soakaways. The soakaways have been designed to accommodate the required 1 in 100 year rainfall event including an allowance of 30% in accordance with DEFRA

guidance. The use of infiltration systems accords with the first requirement of the SUDS hierarchy as specified within the SUDS Manual and CIRIA C753 being an effective attempt at mimicking the current hydrological arrangement.

Assessment of the extreme event, which is an event over and above the design requirements of TAN 15, demonstrates that above ground flood routing will continue and leave the proposal site in the same manner as the undeveloped site.

A Sewerage Pumping station, which will be adopted under the mandatory adoption requirements of the Water Industries Act and Sewers For Adoption 7th Edition, is required due to the topography of the existing site. Levels as illustrated on the topographic survey ensure that a gravity feed from the development site to the public sewer network located in the Highway fronting the site is not possible.

The submitted details have been assessed by statutory undertakers and the Council's drainage engineers. No objection has been raised by these consultees in respect of the proposals and the scheme is considered acceptable in principle.

5. Welsh Language

The application is accompanied by a language Impact Assessment which concludes that the proposals will have a positive impact on the Welsh Language by providing affordable housing to people with local connections for instance those who cannot afford open market housing in the local community.

7. Conclusion

The proposals can be supported in policy terms and it is considered that access and drainage arrangements are acceptable. The layout as shown will not cause undue harm to the amenities of nearby residential occupiers and as such it is considered that the application should be conditionally approved subject to the signing of a S106 Agreement.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

8. Recommendation

Permit subject to the signing of a S106 Agreement securing the proposed units to be of an affordable type and the financial contribution relating to open space provision.

(01) Units 10,11,13 and 14 shall be single storey bungalow type dwellings.

Reason: In the interest of amenity

(02) The access shall be laid out and constructed strictly in accordance with the submitted plan before the residential use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

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

(03) The estate road shall be paved to a completed binder course finish and the pedestrian footways shall be finally surfaced, before any of the dwellings hereby approved are occupied.

Reason: In the interests of safety and amenity to ensure there is safe and convenient access to occupied properties.

(04) No further development shall be carried out until full design details for the lighting of the estate road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.

Reason: In the interests of safety and security to ensure there is safe and convenient access to occupied properties.

(05) The car parking accommodation shall be completed to the satisfaction of the Local Planning Authority before the residential 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 safety.

(06) No surface water from within the curtilage of the site shall discharge onto the county highway. No further development shall be carried out until full design details for the drainage of the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.

Reason: To ensure the site is adequately drained.

(07) No further development shall be carried out until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include as a minimum, but not limited to:

- i. The parking of vehicles for site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials
- iv. Wheel washing facilities (where appropriate)

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

Reason: To comply with the requirements of the Highway Authority to ensure reasonable and proper control is exercised over construction activities in the interests of road safety.

(08) No further development shall be carried out until measures are in place to secure the future maintenance of the estate road in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To comply with the requirements of the Highway Authority, in the interests of safety and amenity to ensure there is safe and convenient access to occupied properties.

(09) No dwelling shall be occupied until the off-site Section 278 Works have been implemented in full and to the written satisfaction of the Local Planning Authority.

Reason: To comply with the requirements of the Highway Authority, in the interests of highway safety to ensure there is safe and convenient access to the development.

(10) No further development shall be carried out until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

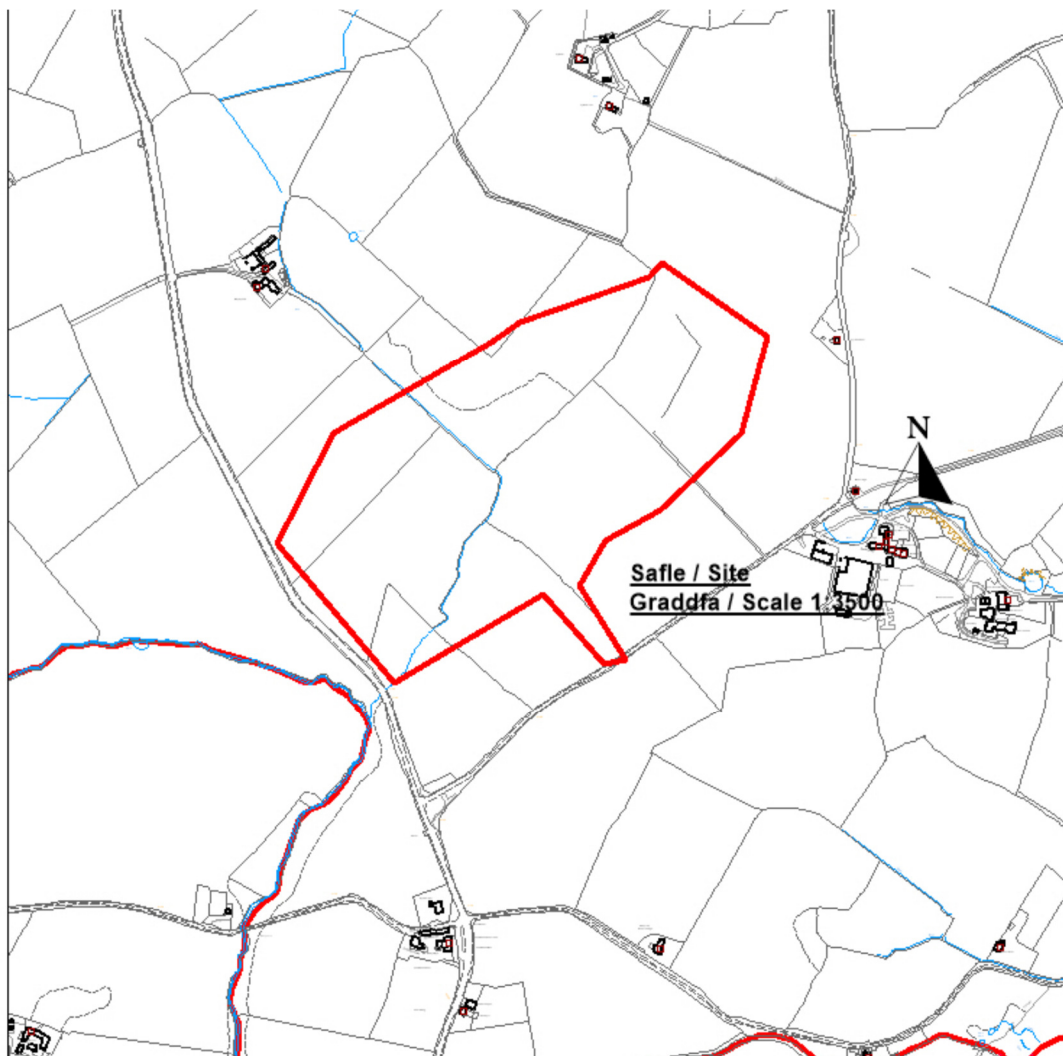
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Rhif y Cais: **24C300A/ECON** Application Number

Ymgeisydd Applicant

Llys Dulas Estate Co

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

Tyn Rhos Fawr, Dulas

Planning Committee: 06/12/2017

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

Recommendation:

Permit

Reason for Reporting to Committee:

The Planning and Orders Committee previously resolved to approve this planning application in July 2016 subject to a legal agreement containing provisions restricting the use of motorised water craft, submission of a travel plan, bonding requirements to fund repair works to repair the A5025 adjacent as a result of any damage from for instance breaches as a result of the development and a requirement for bi-lingual business/place names and signage. It is understood that a draft of the legal agreement is now ready to be sent to the applicant. Since the committee resolution in 2016 the former development plan has been superseded by the Anglesey and Gwynedd Joint Local Development Plan (2017) on 31.07.17 and it is necessary to review the recommendation in relation to the JLDP and any other changes in material considerations.

1. Proposal and Site

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

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

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

When the planning application was last considered by the planning committee in July 2016 in planning policy terms the application site was located in the countryside and within an area which is designated a Special Landscape Area ("SLA"). Following the adoption of the JLDP the application site is no longer located within a SLA and this material consideration is considered further in the report below.

The land on the opposite side of the road comprises part of the Area of Outstanding Natural Beauty ("AONB").

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

Lake 1 – 5,755 m³

Lake 2 – 5,836 m³

Lake 3 – 7,321 m³

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

The proposal would require substantial earthworks in order to form water retaining structures, of around 5-7 meters above the level of the A5025 with bank gradients of between 1:3 and 1:2. The areas subject to the earthworks and other surrounding areas amounting to 7.8 hectares within the red line plan would following the development still be used for agricultural purposes as sheep grazing areas. None of the materials excavated in the course of these earthworks would be removed from the application site.

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

The proposed development includes a shop, café incorporating toilets, which comprises a single storey building with a height to the pitch of some 7 metres finished with a slated roof and a cedar weather-boarding exterior on the exterior walls. The floor area of the shop amounts to 45.24 square metres (A1). The floor area of the café including the kitchen and bar area amounts to an area of 215.81 square metres (A3).

In addition, the proposals include a boat storage building, which comprises a steel portal framed building, clad in grey. This would have a height of 5.7 meters and a floor area of 139.59 square metres.

2. Key Issue(s)

The acceptability of the principle of the development having regard to development plan and other material planning policies.

Landscape and Visual impact.

Flooding and safety considerations.

Highway Safety & Sustainability Considerations

Residential Amenity.

Ecology

Public Rights of Way

Loss of Agricultural Land

3. Main Policies

Anglesey and Gwynedd Joint Local Development Plan (2017)

PS 1: Welsh Language and Culture

PS 4: Sustainable Transport, Development and Accessibility

TRA 2: Parking Standards

TRA4: Managing Transport Impacts

PS 5: Sustainable Development

PS 6: Alleviating and Adapting to the Effects of Climate Change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PCYFF 6: Water Conservation

PS 13: Providing Opportunity for a Flourishing Economy

PS 14: The Visitor Economy

TWR 1: Visitor Attractions and Facilities

MAN6: Retailing in the Countryside

PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

AMG 1: Area of Outstanding Natural Beauty Management Plans

AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character

AMG 5: Local Biodiversity Conservation
AT 4: Protection of Non-Designated Archaeological Sites and their Setting

Planning Policy Wales, 9th Edition (2016)

Technical Advice Note 5 - Nature Conservation and Planning (2009)
Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
Technical Advice Note 11 – Noise (1997)
Technical Advice Note 12 - Design (2016)
Technical Advice Note 13 - Tourism (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)
Technical Advice Note 18 - Transport (2007)
Technical Advice Note 20 – Planning and the Welsh Language (2013)
Technical Advice Note 23 – Economic Development (2014)

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

4. Response to Consultation and Publicity

Councillor Aled Morris Jones – No objections.

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

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

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

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

Anglesey and Gwynedd Joint Planning Policy – In a memo dated 17.07.17 main changes to the development plan are described. Policy TWR 1 (Visitor Attractions and Facilities) states that proposals to develop new visitor attractions and facilities will be encouraged to locate to sites within the development boundary. Where there are no suitable opportunities within the development boundary, only proposals that involve the following will be granted:

1. The re-use of an existing building(s) or a suitable previously used site; or
2. The re-use of an existing building(s) or a site closely related to other existing buildings that forms part of an existing tourist facility; or
3. An activity restricted to a specific location due to its appropriate use of a historical or natural resource or its proximity to the attraction which it relates.

In addition all proposals will be required to comply with all the following criteria:

- i. The scale, type and character of the proposed development is appropriate for its urban/rural setting;
- ii. The proposed development is of high quality in terms of design, layout and appearance;

- iii. The proposed development will support and extend the range of facilities within the Plan area;
- iv. The proposal is supported by evidence to demonstrate that there would be local employment opportunities.

In terms of access the development should be able to be accessed by various modes of transport, especially sustainable modes of transport, such as walking, cycling and public transport.

The proposal also entails a small scale shop and the provisions of MAN 6 in relation to new shops outside development boundaries as follows will need to be complied with:

1. The shop is a subservient element of an existing business on the site;
2. The shop will not significantly harm nearby village shops;
3. Priority has been given to using an appropriate existing building;
4. The new use will not significantly harm the amenities of neighbouring residents or the character of the area;
5. The development is accessible via sustainable means of transport;
6. Access and parking arrangements are satisfactory and the development will not significantly harm highway safety.

It is confirmed that the application site is no longer in a SLA in planning policy terms.

As mentioned in previous comments due to the rural location the majority of the attractions users will arrive by private car. The provisions of TRA 4 will need to be complied with to. Proposals which cause unacceptable harm to the safe and efficient operation of the public highway, public transport and so on should be refused.

In conclusion, consideration needs to be given to the aforementioned issues prior to granting planning permission.

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

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

In updated comments dated 19.09.17 it is confirmed that JPPU comments identify policies relevant from the JLDP to landscape these being:

PCYFF 4: Design and Landscaping. In relation to this policy the proposal includes a landscaping scheme which has been developed to integrate the proposal into the local landscape. The implementation of the proposal is conditioned in Conditions (03) and (04).

AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the Local Landscape Character. Having regard to the provisions of this policy it is not considered that the development will cause significant adverse harm to landscape character. The landscape scheme is proposed in order to allow the proposal harmonise with the surrounding landform and landscape and incorporates retained hedgerows into the landscaping layout.

Further it is confirmed that the site is no longer within an SLA, as indicated previously the site abuts the AONB and Policy AMG 1: AONB Management Plans is also relevant, considerations in relation to the AONB have been considered in the previous comments made as detailed above.

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

In an updated response dated 19.09.17 it is explained as per the previous comments above the proposal will lead to overall gains in terms of habitat diversity and have overall positive effects on wildlife. Further that such gains/enhancements are relevant in terms of:

1. The Environment Act (2016) duty section 6 for the council to seek to maintain and enhance biodiversity whilst carrying out its functions.
2. In complying with the provisions of the JLDP, PS 19 refers to consideration in planning cases for enhancing biodiversity within the plan area.

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

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

Gwynedd Archaeological Planning Service – An archaeological assessment, geophysical survey and trial trenching have been undertaken. The evaluation results confirm that the majority of features identified relate to post-medieval and modern drainage. The majority of the site appears to be of low archaeological potential. There are two areas of the site where archaeological mitigation will be necessary should planning permission be granted to the south and north-eastern corner of the application site and a planning condition is recommended requiring a programme of archaeological work.

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

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

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

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

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

In an update to their consultation response dated 26.07.17 NRW confirm no objections subject to planning conditions 8, 12, 13, 14, 16 and 24 to address significant concerns NRW have identified

In terms of the Water Framework Directive “WFD”, NRW now takes a more precautionary approach following recent case law but as the planning application was resolved to be approved prior to this change it is considered that screening, scoping and detailed compliance assessment under WFD Regulations may be considered at the permit to discharge, water abstraction licence and impoundment licence pre—application stage of the proposals. The response then provides links and indicates that pre-application discussions are required with the applicants on these matters.

Openreach – No observations received.

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

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

Welsh Water - No observations received.

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

Development will be to the detriment of local residents.

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

Noise from power boats as well as sailing.

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

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

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

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

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

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

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

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

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

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

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

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

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

Two representations received from existing retailers in the vicinity of the development supporting the planning application on the following grounds:

- Significant investment in the locality.
- Need to increase capacity and infrastructure to meet the needs of tourists.
- Existing business will benefit from the proposed development.

5. Relevant Planning History

24C300: Formation of lakes for fishing and recreation use, erection of a shop and café including a storage building together with associated access roads and parking areas together with a new septic tank. Returned to applicant 26.03.12.

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

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

6. Main Planning Considerations

Principle of Development – The principle of the proposed development was considered acceptable previously having regard to the previous development; the assessment below considers the principle again in relation to the JLDP.

Policy TWR 1 states that proposals to develop new visitor attractions will be encouraged to locate to sites within the development boundary. Where there are no suitable sites within the development boundary the policy only permits proposals which entail either development of a previously developed site, re-use of existing buildings or an activity restricted to a specific location due to its appropriate use of historical or natural resources or its proximity

Policy PS 4 of the JLDP states development will be located so as to minimise the need to travel. The policy is reflective of national guidance in TAN 18 which states at paragraph 3.2 that where a development proposal is assessed as having relatively poor accessibility this may be sufficient grounds to refuse planning permission.

National planning policies in PPW and TAN 23 have in recent years been revised to give greater emphasis on facilitating employment uses. TAN 23 indicates that sustainable development is essential to building strong rural economies and vibrant communities. A sequential approach is advocated towards employment developments which is reflective of policy TWR 1 in encouraging developments within settlement boundaries in the first instance.

In planning policy terms the application site is located in the countryside. The proposal aims to introduce a scheme of significant scale in terms of area into this rural location outside settlement boundaries.

Given the scale and nature of the development being applied for it is clear that this is not the type of development which can be accommodated in an urban location so having regard to the provision of TWR 1 it is appropriate to consider the 3 exceptions which permit development outside the settlement boundaries.

The application site does not comprise previously developed land and the proposal does not entail the conversion of existing buildings so the first two criteria do not apply. The third criterion permits visitor attractions where the activity is restricted to a specific location due to natural resources or its proximity to the attraction which it relates

The planning application is also supported by a number of technical reports in connection with the development of the lakes, which detail ground conditions, hydrology issues and flood considerations. The reports detail the design and construction consideration for the lakes, including the abstraction rates from the watercourse that flows through the application site. It can also be surmised from these technical reports that there is a specific site-specific requirement for the development being applied for which are present on the application site in compliance with criterion 3. of TWR 1.

The applicant has confirmed that the purpose of the development is to provide facilities such as fishing, sailing, canoeing, wind surfing and nature trail walks.

The applicant's explain that the Llys Dulas Estate currently operates 15 holiday cottages and a Bed Breakfast totalling 101 beds, and that the development subject to this report will be available in connection with this existing holiday use on their estate. They also confirm that the reception facilities for the holiday letting will be operating from the development being applied for. Again this can be considered to comply with the requirements of criterion 3. of TWR 1.

In terms of economic benefits the applicants have provided a breakdown of economic benefits to demonstrate economic benefits in accord with TAN 23. In the development of the proposals the applicant has indicated that the 3 year build will require 30 full and part time staff and a budgeted expenditure of £2.35 million. Once the development is operational 4 full time staff will be employed in the development with a seasonal staffing requirement of up to 12 people, including tuition staff and water sports experts.

In terms of the accessibility or sustainability of the location of the development it is material that it was concluded above that the scale and type of development cannot reasonably be located within an urban area or one of the smaller settlements listed. The application site can also be regarded as being located on the periphery of Dulas though this is not identified as a settlement in the JLDP and it has limited facilities available. Nevertheless, as indicated in the JPPU response due to the rural location the majority of the attractions users will likely arrive by private car. Whilst this does not weigh in favour of the development the planning application is accompanied by a Traffic Assessment and Sustainability Statement, which states that the development will generate on average 30 cars per day and 2-3 buses visiting the site each week or at peak if an event were held this could equate to 100 cars. These figures indicate relatively low numbers of vehicular movements and the proposed development is not therefore a major travel generator, which should be located in a highly accessible location in accord with TAN 18. In relation tourism developments in rural areas Tan 18 at paragraph 3.15 states that proposals should demonstrate access by choice of modes to avoid locking in the requirement for travel by car. Even small scale tourist facilities that rely on car based travel can offer public transport information or arrange pick-ups from rail stations or coach/bus/stops. In terms of accessibility by public transport, there is a bus stop in proximity on the A5025, which is one of the main bus routes on Anglesey and has regular services between Amlwch and Bangor. The proposals include provision for a footpath link to this bus stop. Further as part of the legal agreement, to be completed as part of any planning permission granted there is a requirement for a Travel Plan / Transport Implementation Strategy which will require the applicant to provide connections with public transport of the type advocated by TAN18, including targets with remedial measures should these not be met. TAN 18 at paragraph 3.15 also states that a lack of accessibility and links to public transport needs to be balanced against the contribution tourism makes to the rural economy in the specific area.

Given the policy considerations above it is considered that in principle the development being applied remains acceptable in this countryside location. Whilst the majority of users will travel to the development by car the number of vehicle movements are low, connectivity to public transport is available as described. Further weight need to be attributed to the economic contribution that the proposal will make to this rural area. As explained the proposal introduces a scheme of significant scale in terms of area into this rural location and the impacts on the environment and other interests are considered further in the report below.

The updated JPPU comments also state that the proposal ancillary shop and café will need to comply with the provisions of policy MAN 6 which applies to shops outside settlement boundaries. As explained in the introduction to this report the shop has a floor area of 45.24 square metres and

the café (including bar and kitchen) amounts to an area of 215.81 square metres. The floor area of the café including the kitchen and bar area amounts to an area of 215.81 square metres (A3). Given these considerations, the proposal is considered small scale in accord with MAN 6. Both these facilities would be housed in a single building, which also provides toilet facilities. These facilities are therefore considered to provide subservient retail and café facilities in accord with criterion 1. of MAN 6. In addition because the shop and café are small in scale and subservient to the overall development it is not considered that they will harm nearby shops, conditions have been recommended to regulate this. Further it is understood that these facilities will also serve the existing holiday units nearby within the applicant's control, on this basis these elements of the proposal are considered to comply with criterion 1 of policy MAN 6.

Landscape and Visual impact - The land to the south of the application site on the opposite side of the Class 3 road forms part of the Area of Outstanding Natural Beauty "AONB".

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

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

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

As described earlier in the report the proposal is no longer in the SLA. The proposal has also been assessed in relation to new policies AMG 1, PCYFF 4 and AMG 1 of the JLDP and the proposal is considered to be compliant subject to the planning conditions recommended.

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

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

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

Due to the bunded storage capacity of the largest lake (Lake 6) being greater than 10,000m³ this lake will be classed as a large raised reservoir and will fall under the remit of the Flood and Water Management Act 2010 which amends the Reservoirs Act 1975 "the act". The applicant has also confirmed that lakes 4 and 5 although below the 10,000m³ of the act will also be subject to "the act" as they are located within the earthworks for the retaining structure of Lake 6. As explained in the

introduction of this report lakes 1, 2 and 3 are below ground and do not have any retaining structures so that the water is stored below the natural ground level, these lakes are not subject to "the act".

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

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

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

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

NRW in their updated policy response have confirmed that they have no objections to the proposed development subject to the planning conditions recommended in this report which will address significant concerns that they have identified. They have also confirmed that they have considered the proposal in relation to the WFD and again raise no objections for the reasons detailed in the consultation section of this report.

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

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

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

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

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

The applicants have indicated that they intend to complete the development within 3 years and as explained previously major earthworks are required to complete the development. A framework Construction Environmental Management Plan (CEMP) accompanies the planning application amongst other matters this deals with aspects of the construction which could affect residential amenity including working hours, delivery hours and compound locations. In addition conditions have been recommended requiring the phasing of these construction works such that each phase is completed including landscaping implemented prior to the commencement of the next phase. elevated around 10 meters above the application. Given these mitigation measures and the distance and elevation below the nearest residential property it is not considered that the construction phase of the development will have an unacceptable effect on residential amenity.

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

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

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

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

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

The owner/occupier of "Gwlybycoed" has also queried the applicant's will access their agricultural land surrounding their residential property if the current access is to be utilised in connection with the proposed development. The applicant has responded to this point and confirmed that the agricultural land within the Llys Dulas Estate ownership referred to by the writer can be accessed from a number of different directions.

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

The Council's Ecological and Environmental Adviser indicates that there will be a wildlife biodiversity gain as a result of the development. These comments have been reiterated in the latest

consultation response, further that this aligns with the provisions of policy PS 19 in enhancing biodiversity within the plan area. Further the wildlife biodiversity gain resulting from the development will accord with the council's duty under section 6 of the Environment Act (2016) to seek to maintain and enhance biodiversity whilst carrying out its functions.

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

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

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

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

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

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

7. Conclusion

Given the policy considerations described in the report it is considered that in principle the development is still acceptable in this countryside location for the reasons described notably that the proposal cannot be located within a settlement, site specific requirements for the development, economic benefits and the fact that it will not generate significant vehicle movements, there is a connection to the bus route and Travel Plan/Transport Implementation Strategy will be required in connection with the development.

In landscape terms it is considered that the proposed development will affect the setting of the AONB in the short term but this can be mitigated with planning conditions. In time it is considered that the development will conserve and enhance the AONB in landscape and ecological terms. As explained the application site is no longer within the SLA and the proposal considered to be in compliance with the landscape policies in the JLDP.

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

raised no objections subject to the planning conditions recommended in this report. Further they have confirmed that they have had regard to the WFD in making their recommendation.

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

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

To conclude the report explains that there remain no objections on the grounds of ecology, public rights of way, loss of agricultural land, archaeology or in terms of any future proposals not subject to the current proposals. Further that having regard to the provisions of the JLDP that the proposal is considered acceptable.

It is considered that the decision is in accordance with the Well Being of Future Generations (Wales) Act 2015 sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting a resilient, vibrant culture and thriving Welsh Language and globally responsible Wales.

The Well-Being of Future Generations Act 2015

The Well-Being of Future Generations Act 2015 requires that local authorities think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. As a result, public bodies when making decision must take into account the impact they could have on people living their lives in Wales in the future. In this respect, the Act requires public bodies to:

work together better

involve people reflecting the diversity of our communities

look to the long term as well as focusing on now

take action to try and stop problems getting worse - or even stop them happening in the first place.

Sustainable development is central to the aims of this Act and in this context the term 'sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. In doing this, the Act places a well-being duty on public bodies, which states:

*"Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include:
setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and
taking all reasonable steps (in exercising its functions) to meet those objectives."*

The seven well-being goals ('the goals') show the kind of Wales we want to see. Together they provide a shared vision for the public bodies listed in the Act to work towards. The goals are:

A prosperous Wales;

A resilient Wales;

A healthier Wales;

A more equal Wales;

A Wales of cohesive communities;

A Wales of vibrant culture and thriving Welsh language; and

A globally responsible Wales.

In terms of the determination of planning applications and of making planning decision, the Act has been aligned with PPW, which states:

"The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development."

In February 2017, the Council published its well-being statement and objectives for 2017-18 which will be linked to the Corporate Plan priorities and draws on the Public Services Board's well-being assessment.

Consideration of how this application can contribute to the well-being principles outlined above are provided within the conclusion at the end of this report.

In addition, consideration has been given to this application in respect of the Well-being of Future Generations Act 2015. In assessing the proposals, it has been found that it – to a lesser or greater degree - meets and does not conflict with the aims of the seven well-being goals as follows:

A prosperous Wales

A resilient Wales

A healthier Wales

A more equal Wales

A Wales of cohesive communities

A Wales of vibrant culture and thriving Welsh language

A globally responsible Wales

8. Recommendation

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

- No motorised or powered water craft to be used in the proposed development except for a safety purposes.
- Travel Plan / Transport Implementation Strategy including monitoring and remedial measures should targets not be attained to be submitted to and approved in writing by the local planning authority and thereafter adhered to in connection with the use hereby approved.
- Appropriate bond shall be put in place by the developer to fund any remedial works necessary to the repair the A5025 in the event that there is a breach of the dam. The value of the bond shall be calculated by the developer and approved in writing prior to the commencement of the development hereby approved.
- Has been calculated in monetary terms and approved in writing by the highway authority as sufficient to cover any repair works necessary to the A5025 in the event that there is breach of the dam's hereby approved.
- Development to have a bilingual business/place name and signage; a Welsh version of all leaflets and the website shall also be provided in the duration of the use hereby approved.

Thereafter that planning permission is granted subject to the following planning conditions:

(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990.

(02) The development hereby permitted shall be carried out strictly in accordance with the following approved plans unless specified otherwise in any conditions of this planning permission:

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

Reason: To ensure a satisfactory form of development.

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory form of development.

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

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

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

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

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

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

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

Reason: To safeguard the amenities of the area and of occupants of neighbouring dwellings and to conserve the Area of Outstanding Natural Beauty, dark skies and to ensure a sustainable form of development.

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

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

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

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

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

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

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

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

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

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

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

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

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

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

Reason: To minimise danger and inconvenience to highway users.

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

Reason: To minimise danger and inconvenience to highway users.

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

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

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

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

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

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

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

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

water quality and drainage impacts and mitigation;
bio-security relating to protected and other species;

monitoring and compliance measures including corrective/preventative actions with targets in the DCEMP which shall accord where relevant with British Standards (BS);

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

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

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

the means of transportation and locations for the storage of plant, equipment and materials associated with the construction of the development including the access to and egress from the site from / to the highway;

specification of vehicular access point(s) and haulage route(s) and of any temporary signage to be provided to identify the route for construction traffic and measures to promote its safe use; identification of the routing strategy and procedures for the notification and conveyance of any indivisible "out of gauge" loads. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal and subsequent replacement of street furniture;

description of the arrangements to be made for on-site parking for personnel working on the site and for visitors; and

proposals for communicating information relating to the DCTEMP to the Local Planning Authority in the duration of the construction of the development hereby approved.

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

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

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

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

(27) The shop, café and storage building(s) hereby permitted shall not be used for any other purpose other than ancillary to the recreation use hereby approved.

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

(28) Notwithstanding drawing number *122/03 (Proposed Floor Plan) the area denoted as a restaurant shall only be used as a café. The café (including the bar and kitchen areas) hereby approved shall only be used for this purpose and for no other purpose(s) within

Class A3 (Food and Drink) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended) (or any Order re-voking or re-enacting that Order).

Reason: To define the scope of this planning permission and ensure that inappropriate uses do not take place from the development hereby approved.

(29) The provisions of Schedule 2, Part 4 (Temporary Buildings and Uses) Class B and Part 5 Class (Caravan Sites) A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.

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

Informatives

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

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

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

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

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

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

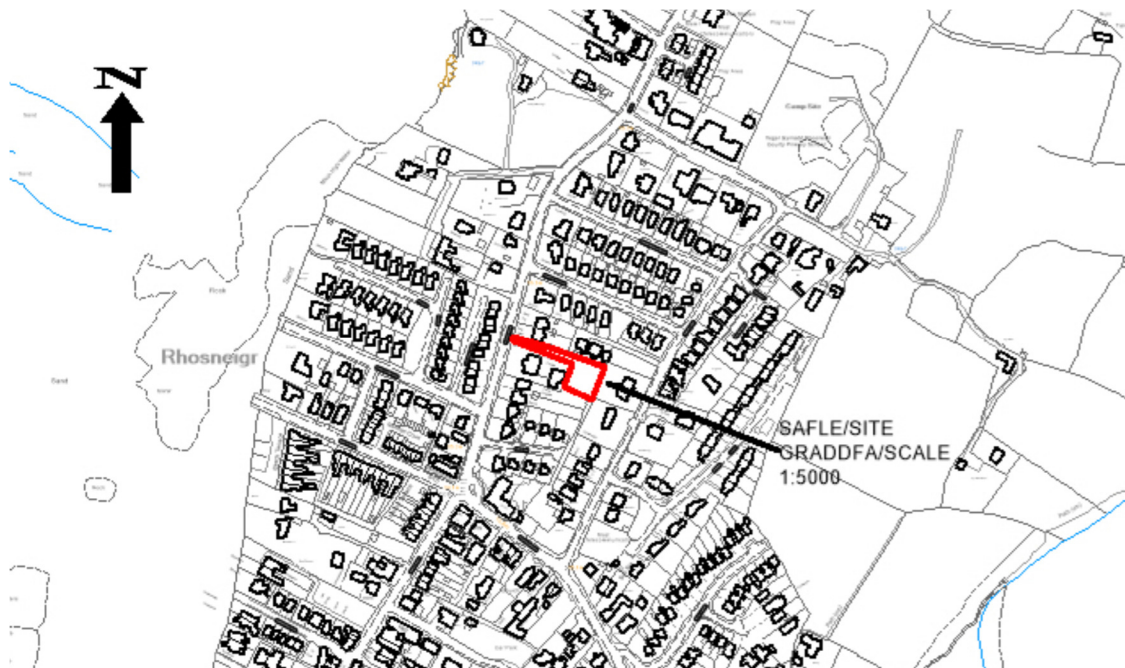
Rhif y Cais: **28C472E** Application Number

Ymgeisydd Applicant

Mr Terry O Connor

Cais llawn ar gyfer codi 2 annedd (un sydd yn cynnwys balconi) ar dir ger / Full application for the erection of 2 dwellings (one which will include a balcony) on land adjacent to

Cartref, Ffordd Station Road, Rhosneigr



Planning Committee: 06/12/2017

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

Recommendation:

Permit

Reason for Reporting to Committee:

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve

1. Proposal and Site

The application is a full application for the erection of two detached dwellings. The proposal is an amended design to the scheme previously approved under planning application reference 28C472B.

The site previously formed part of the curtilage of the dwelling known as Cartref, however the site has been divided and the parcel of land which forms the current application site and the dwelling itself have been sold to different parties. The site is flanked on all sides by residential properties. There is no distinct character to the pattern of development in the locality as there is a mixture of dormer bungalows, two storey detached dwellings and three storey terraces in the immediate vicinity. The access to the site will be via the track that leads from Station Road and leads to Sandy Lane. The track serves the four neighbouring properties and is within the applicant's ownership.

The site lies within the development boundary of Rhosneigr

2. Key Issue(s)

The applications key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

3. Main Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI5 – Local Market Housing

TAI 15 – Affordable Housing Threshold and Distribution

4. Response to Consultation and Publicity

Community Council – No response to date

Cllr. G O Jones – No response to date

Cllr R Dew – No response to date

Highway Authority – Recommended conditional approval

Drainage Section – Drainage details acceptable

MOD Safeguarding – No objection

Response to Publicity

The application was afforded two means of publicity. These were by the posting of a notice near the site and the serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 4th October 2017 and at the time of writing this report, 5 letters of objection had been received at the department. The main issues raised can be summarised as follows;

i) Loss of light, privacy and noise nuisance

ii) Overdevelopment of the site

iii) No need for additional dwellings in Rhosneigr and the dwellings will be used for holiday purposes

iv) Cartref has been granted permission to extend the dwelling and the owner intends to implement the permission and Block B has been moved closer to Cartref

v) Notification not sent to Cartref.

vi) Proposed dwelling will be dominant and overbearing and will result in the loss of daylight. The large gable end brings the bulk/vertical wall of the property closer to Cartref. The ridge height of the proposed dwelling will be 8 metres closer to Cartref than the previously approved dwelling.

vii) The dwelling is of a three storey height

viii) Future extensions could be added to the dwellings

ix) No details of the proposed finished floor levels

x) Proposal is close to neighbouring properties gas tank
In response to these issues I would respond as follows;

i) The site has the benefit of planning permission for the erection of two dwellings on the site. The proposed dwellings will be located 1.4 and 0.6 metres closer to the immediate neighbouring properties known as Ty Brenin and Crud y Don Cottage which are located to the west and east of the proposed units respectively.

The guidance contained within Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment (SPG) recommends that the distances between secondary aspects is 15 metres and the distances between the side of the proposed dwelling (plot b) and the rear of Ty Brenin is 16.6 and the distances comply with the guidance.

There is a distance of 4.1 metres between the gable of the proposed unit and the side of the dwelling known as Crud y Don Cottage. There are no windows in the existing side elevation of Crud y Don Cottage, also there is a 1.4 m high stone wall situated along the boundary between Crud y Don Cottage and the proposed dwelling (plot A). One window is proposed in the side elevation being a bathroom window. The recommended distances between side elevations is 3.5 metres and the proposal as submitted complies with these distances. Due to the existing screening on the site the proposal will not harm the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

The erection of two dwellings will not generate a noise nuisance to the neighbouring properties.

ii) and iii) As stated above the site has the benefit of planning permission. The scale of the approved dwellings were 9.7 x 10.6 x 8.35 at highest. The proposed dwellings measure 9.3 x 10.5 x 7.1 (plot A) and 9.2 x 11.9 x 7.1 (plot B) at their highest. The volume of the previously approved and proposed dwellings are therefore similar in scale.

iv) Whilst dealing with the original planning applications the site was within the ownership of the owner of Cartref. Since the granting of the previous planning permissions Cartref and the plot of land which forms the current application have been sold separately. Whilst plot B has been moved closer to the rear of by Cartref 700mm the proposed unit has no openings in the front elevation and therefore the proposal will have less of an impact by way of overlooking than the scheme previously approved.

v) Cartref should have received notification of the proposal as part of the statutory publicity of the application and once this was brought to our attention a notification was sent to the owner of Cartref via post and e-mail.

vi) The proposed dwelling (Plot B) is situated 700 mm closer to the rear of Cartref than the dwelling previously approved under planning application reference 28C472B. The height of the proposed dwellings are 1.25 metres lower than that previously approved and the gable closest to Cartref will have no openings. However the design of the proposed dwelling has a vertical gable whereas the previously approved dwelling had a roof which sloped downwards towards Cartref. Although the amended scheme has more of a built form closer to Cartref there is a distance of 12.3 metres between the corner of the proposed dwelling and the rear conservatory of Cartref. It is not considered that the proposed dwellings will harm the amenities currently enjoyed to such a degree as to warrant the refusal of the application.

vii) The height of the proposed dwellings is 7.1 metre which is the average height of a two storey dwelling

viii) A permitted development restriction condition will be included on the decision to ensure that any further extensions to the properties will be subject to a planning application

ix) The application was accompanied with a cross-section drawing through the site and the two neighbouring properties (Ty Brenin and Crud y Don Cottage).

x) Should the proposal not comply with Building Requirements in terms of distances between development/structures and gas tanks the scheme will need to be amended and would be subject to a new application.

5. Relevant Planning History

28C472 - Full application for the erection of a dwelling on land at Cartref, Station Road, Rhosneigr - Approved 31/05/2012.

28C472A/DIS - Application to discharge conditions (08) and (09) of planning permission reference 28C472 on land at Cartref, Station Road, Rhosneigr – Condition Discharged 08/10/2013

28C472B - Full application for the erection of two dwellings on land at Cartref, Station Road, Rhosneigr - Approved 10/09/2015.

28C472C - Full application for alterations and extensions at Cartref, Station Road, Rhosneigr - Approved 19/01/2016.

28C472D - Full application for conversion of the existing garage into an office \ annexe ancillary to the main dwelling at Cartref, Station Road, Rhosneigr - Returned to applicant 13/01/2016.

6. Main Planning Considerations

Policy Context - The principle of the erection of two dwellings on the site has been established under planning application 28C472B. Full permission was approved on the 10/09/2015 for the erection of two dwellings.

Joint Local Development Plan - Rhosneigr is identified as a Local Service Centre where only Local Market Housing can be supported under Policy TAI 5. In order to control the value of market

unit the size of the proposed units are controlled. By managing the maximum size of local market units, the value of these units will be more compatible with the policy objective of sustaining the defined communities.

Developments for the erection of two or more houses trigger the need for affordable housing and in the settlement of Rhosneigr the percentage of affordable units required would be 30%.

The application currently under consideration does not comply with Policy TAI 5 or TAI 15 of the Joint Local Development Plan; however, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission better than that previously approved.

Application reference 28C472E was approved on the 10/09/15 and the likelihood of it being implemented is very likely, as the permission will not expire until 09/09/2020.

The application currently under consideration involves the erection of two detached dwellings the height of the previously approved was 8.35 m and the height of the proposed dwellings are 7m, being 1.3 metres lower than the two dwellings previously approved. There are no openings proposed in the front elevations which directly look onto the rear of Cartref. The materials proposed to be used in the construction of the dwellings are similar to what can be found in the locality.

As stated above there is a distance of 4.1 metres between the gable of the proposed unit and the side of the dwelling known as Crud y Don Cottage. Whilst the gable of the approved dwelling had a sloping roof the proposal currently under consideration has the roof pitch on its side elevation. Due to the screening along the boundary of the site and the fact that no openings are proposed in the first floor side elevations it is not considered that the proposal will harm the amenities currently enjoyed by the occupants of Crud y Don Cottage.

Although the gable of plot B will be located 1.4 metres closer to the rear of the property known as Ty Brenin than that previously approved the dwelling will be situated 16.6 metres away from the rear of Ty Brenin. As stated previously the SPG recommends a distance of 15 m between secondary aspects. Whilst the height of the building has been reduced by 1.3 metres the gable of the proposed dwelling is a full gable wall and not a sloping roof gable. However the proposal lies 16.4 metres away from the rear of Ty Brenin and due to these distances the proposal will not harm the amenities currently enjoyed by the occupants of Ty Brenin.

As stated above Plot B will be located 700 mm closer to the rear of Cartref than that previously approved and the design has a full gable wall in lieu of the sloping roof previously approved. Although the proposal has more of a built form than that previously approved it is not considered that the development would lead to unacceptable harm to such an extent that permission should be withheld.

The height of the proposed dwellings are similar to that of Ty Brenin and will only be 1.2 metres higher than Crud y Don Cottage. Although the proposed dwellings are situated 0.6 and 1.3 metres closer to the neighbouring properties and the elevations that front these properties are now full gable walls and not of a sloping nature (as that approved under 28C472B) it is considered that the reduction in the height of the proposed units will have an overall lesser impact than the approved scheme.

As the current application reduces the height of the dwellings by 1.3 metres and as there will be no windows in the front elevation which look onto the rear of Cartref and no first floor windows proposed in the side elevations which look onto the side of Crud y Don Cottage and rear of Ty Brenin will reduce the impact of the development on the amenities currently enjoyed by the occupants of the neighbouring properties.

Affect on neighbouring properties – The concerns raised by members of the public have been addressed in the 'Response to Consultation and Publicity' Section above. The site is currently

screened from the neighbouring properties with trees and shrubs that are located along the boundary of the site. As the proposed dwellings are to be located close to the boundary and works may damage the existing trees / shrubs a condition will be imposed on the permission requesting full details of the proposed screening along the whole boundary of the site.

The scale of the dwellings approved under reference 28C472B were 9.7 x 10.6 x 8.35 at highest. The proposed dwellings measure 9.3 x 10.5 x 7.1 (plot A) and 9.2 x 11.9 x 7.1 (plot B) at their highest. The volume of the previously approved and proposed dwellings are therefore similar in scale. The amendments proposed as part of the proposal will not harm the amenities currently enjoyed by the occupants of the neighbouring

The scheme includes the erection of a first floor balcony within plot B however as the balcony is recessed within the building the use of the balcony will not cause any overlooking to the immediate neighbouring properties.

There is a distance of between 7.7 and 8.1 metres between the rear of the proposed units and the boundary of the site with the rear garden area of the property known as Gwynfa. The rear garden of Gwynfa stretches along the rear of the whole application site. Guidance contained within the SPG states that the distances between ground floor secondary to the boundary should be 7.5 metres and when the proposal involves unconventional house designs such as flats, houses of more than two storey or houses with main living accommodation at first floor level this distances recommended should be increased by 3 metres. At its shortest point the proposal falls 2.8 metres short of the recommended distances however due to the existing screening along the rear of the site will obscure the garden area from the proposed dwellings and ensure that the proposal will not harm the amenities currently enjoyed by the occupants of the property.

The existing screening along the rear of the site will screen the garden area from the proposed dwellings and ensure that the proposal will not harm the amenities currently enjoyed by the occupants of the property.

7. Conclusion

The application is contrary to Policy TAI 5 and TAI 15 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for a dwelling.

It is considered that the previous application 28C472B is likely to be implemented and the amendments are an improvement to that originally approved. A section 106 agreement will be required in order to precludes the implementation of the previous permission.

8. Recommendation

Permit

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

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

(02) No surface water and / or land drainage shall be allowed to connect either directly or indirectly to the public sewerage network.

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.

(03) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall/hedge/fence or any new boundary.

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

(04) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in working order before the use hereby permitted is commenced.

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

(05) 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.

(06) 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.

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

(07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of amenity.

(08) Notwithstanding the details contained on drawing number 1242-102 (proposed site plan that was received on the 18/07/2017), screening shall be provided along the boundary of the site with the adjoining properties (known as Ty Brenin, Crud y Don Cottage and Cartref) from point A to B, C to D and E to F as outlined in green on the attached plan (drawing ref 1242-102). Details of the proposed screening (including a timetable for their planting / erection) shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The approved screening shall be erected / planted prior to the occupation of the dwellings hereby approved. If the screening requires to be changed for whatever reason the replacement shall be of the same height and in the same position as the approved scheme.

Reason: In the interests of residential amenity.

(09) The existing screenig along the boundary of the site and adjoining property known as Gwynfa, as outlined in pink on the attached drawing number 1242-102 shall be retained.

Reason: In the interests of residential amenity.

(10) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below and as amended under the conditions imposed:

Drawing / Document number	Date Received	Plan Description
1242 – 101	18/07/2017	Existing site plan
1242 - 100	18/07/2017	Location plan
1242 - 102	18/07/2017	Proposed site plan
1242 - 104	18/07/2017	Sections
1242 - 106	18/07/2017	Proposed elevations – plot A
1242 - 108	18/07/2017	Proposed elevations – plot B
1242 – 103	18/07/2017	Previously approved and proposed streetscene
1242 - 105	09/10/2017	Proposed floor plans – plot A
1242 - 107	09/10/2017	Proposed floor plans – plot B
Drainage details	14/09/2017	Drainage details
Drainage details	31/08/2017	Drainage details
Design and Access Statement	18/07/2017	Design and Access Statement

under planning application reference 28C472E.

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.

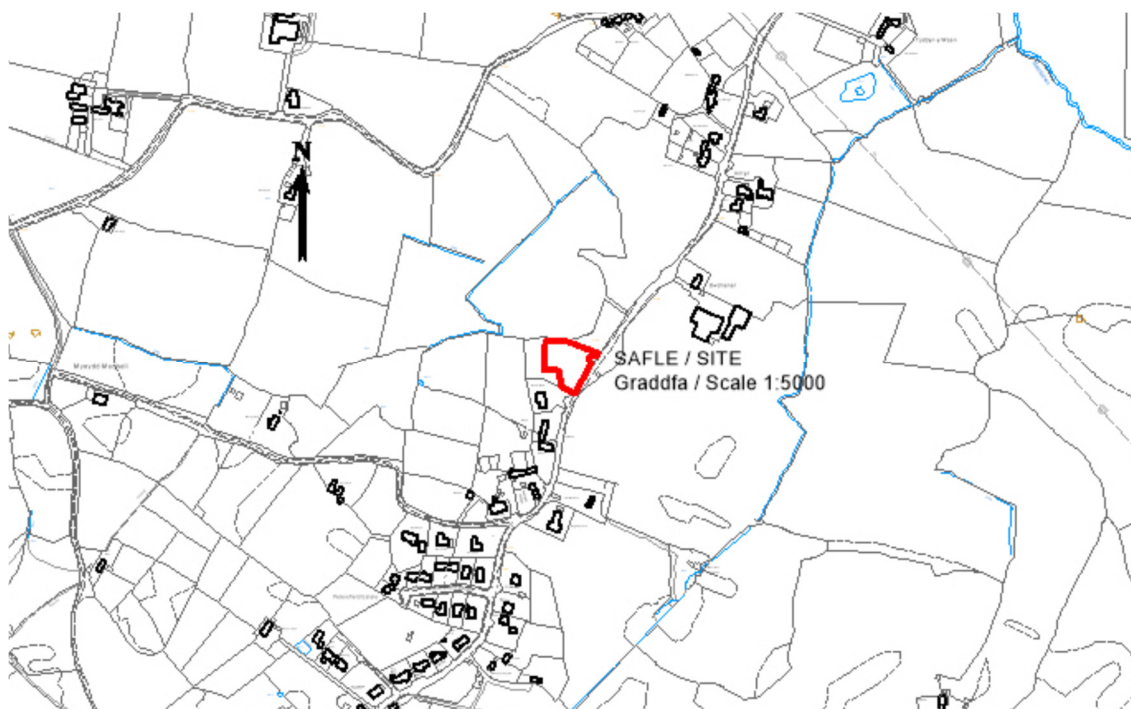
Rhif y Cais: **38C180F/VAR** Application Number

Ymgeisydd Applicant

Mr Thomas Roberts

Cais o dan Adran 73 i ddiwygio amod (02) o ganiatâd cynllunio rhif 38C180D (cais amlinellol ar gyfer codi annedd a chreu mynedfa newydd) er mwyn caniatáu ymestyn yr amser i gyflwyno cais materion a gadwyd yn ôl yn / Application under Section 73 for the variation of condition (02) of planning permission reference 38C180D (outline application for the erection of a dwelling and vehicular access) so as to allow an extension of time to submit a reserved matters application at

Gilfach Glyd, Mynydd Mechell



Planning Committee: 06/12/2017

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

Recommendation:

Refuse

Reason for Reporting to Committee:

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

At its meeting held on the 8th November, 2017 the Committee resolved to approve the application contrary to officer recommendation.

The recorded reasons being as follows:

Other material considerations outweigh the development plan because:

There is an extant planning permission on the site until 2018.

Acknowledgment that there was permission and a strong possibility that the site would be developed during the preparation of the development plan

Extend the period in order to submit a reserved matters application until 22nd December, 2017 with the condition that development commences within 1 year of the reserved matters application.

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 response to the response given for a contrary decision it is noted that the period for submission of reserved matters on the outline consent has expired. The housing figures used in preparation of the JLDP acknowledges that not all sites will be built and that applications for renewal of some of those consents included in the housing figures would be likely to be refused as a result of the changed policy context. This is one of those sites where a renewal application is contrary to the development plan policies and national planning policies on the location of housing in the open countryside. The speed of developing the site does not overcome the clear policy objection.

Conclusions

The application site is located in an open countryside location, no supporting evidence has been provided with the application in relation to the requirements of TAN 6. The application is therefore contrary to Policy PCYFF1, PCYFF2 or Policy PS17.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it

is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

8. Recommendation

Refused

(01) The Local Planning Authority considers 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 Policy PCYFF1 of the Joint Local Development Plan and the advice contained within Planning Policy Wales, 2016 (9th Edition) and Technical Advice Note Planning for Sustainable Rural Communities.

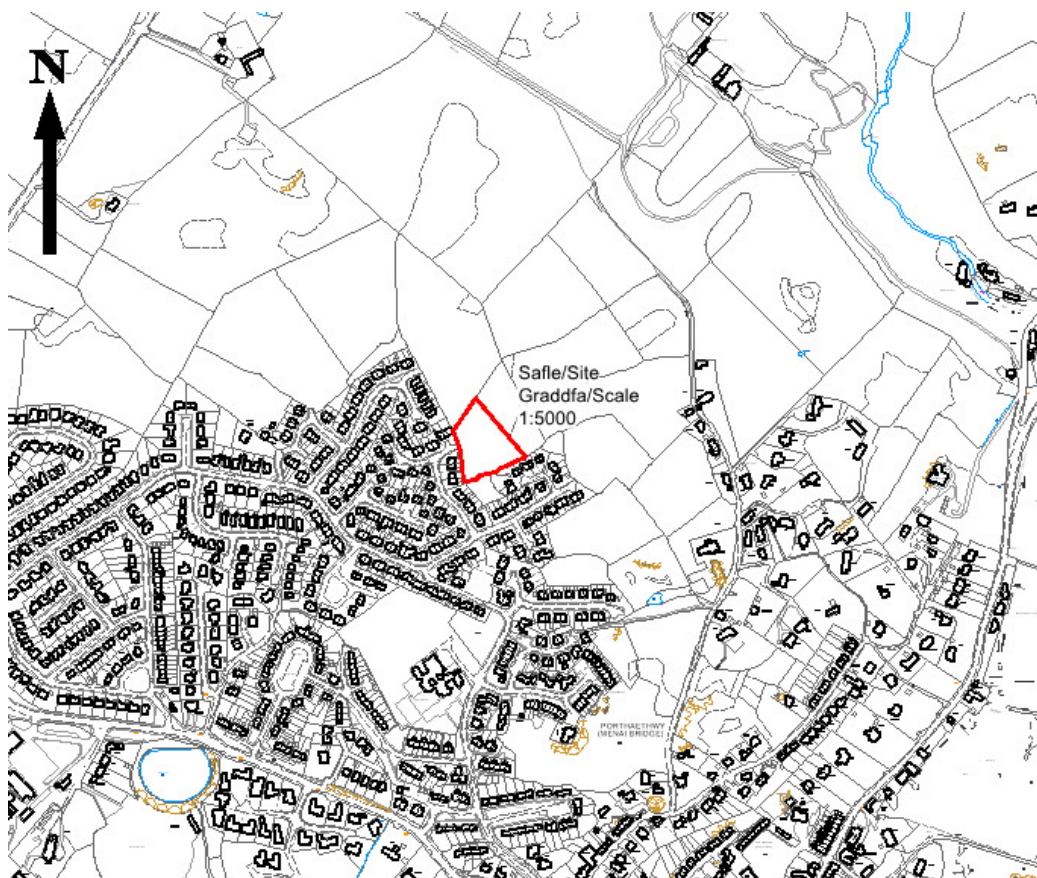
Rhif y Cais: **39C285D** Application Number

Ymgeisydd Applicant

R E Ellerby A.R.I.C.S

Cais llawn ar gyfer codi 17 o dai ar dir yn / Full application for the erection of 17 dwellings on land at

Lon Gamfa, Menai Bridge



Planning Committee: 06/12/2017

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

Recommendation

Permit, subject to completion of a legal agreement and condition(s) and informative(s).

Reason for Reporting to Committee:

The planning application is being reported to the planning committee as it previously comprised a departure from the Ynys Môn Local Plan. However the site is now identified as a residential development site within the adopted Joint Local Development Plan (JLDP). Given the prior history, and the recommendation of officers who are minded to approve the proposed development, this application is again being presented to the planning committee.

There have been site visits by the previous members of the Planning Committee in January and October 2013. Since these visits and the prior report and recommendation the Gwynedd Structure Plan, Ynys Môn Local Plan and Stopped Anglesey Unitary Development Plan have been superseded by the JLDP and the proposals have required reassessment against current policy.

1. Proposal and Site

The planning application is made for 17 two storey, three bedroom dwellings and associated highway and drainage works. The associated highway works include a proposal for a chicane priority system at the entrance to the development, with priority for traffic entering the proposed development.

As indicated within the proposed layout plan, the development has a mixture of open market and Affordable Housing with 1x detached 3 bed dwelling and 16x semi-detached 3 bed dwellings proposed.

In the JLDP Menai Bridge is identified as a Local Service Centre under policy TAI 2. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based upon the indicative provision shown within the Policy.

This site lies within the development boundary and is allocated as a housing site under T39 for an estimated 14 residential units. The estimated housing figure included within the Plan's allocated sites is based upon a density level of 30 dwellings per hectare. Should a proposal be able to accommodate a higher level without having a detrimental impact upon the amenity of adjacent uses then this can be supported under the JLDP.

2. Key Issue(s)

- The acceptability of the proposed development in principle and compliance with the JLDP; and
- Any other material considerations.

3. Main Policies

Joint Local Development Plan (Anglesey and Gwynedd), July 2017.

Strategic Policies:

- PS 1 – Welsh Language and Culture.
- PS 2 – Infrastructure and Developer Contributions.
- PS 4 – Sustainable Transport, Development and Accessibility.
- PS 5 – Sustainable Development.
- PS 6 – Alleviating and Adapting to the Effects of Climate Change.

- PS 16 – Housing Provision.
- PS 17 – Settlement Strategy.
- PS 18 – Affordable Housing.
- PS 19 – Conserving and Where Appropriate Enhancing the Natural Environment.

Detailed Policies:

- ISA 1 – Infrastructure and Developer Contributions.
- ISA 5 – Provision of Open Spaces in New Housing Developments.
- TRA 2 – Parking Standards.
- TRA 4 – Managing Transport Impacts.
- PCYFF 1 – Development Boundaries.
- PCYFF 2 – Development Criteria.
- PCYFF 3 – Design and Place Shaping.
- PCYFF 4 – Design and Landscaping.
- PCYFF 6 – Water Conservation.
- TAI 2 – Housing in Local Service Centres.
- TAI 8 – Appropriate Housing Mix.
- TAI 15 – Affordable Housing Threshold and Distribution.
- AMG 5 – Local Biodiversity Conservation.
- AMG 6 – Protecting Sites of Regional or Local Significance.

SPG Affordable Housing, 2004

SPG Parking Standards, 2008

SPG Design in the Urban and Rural Built Environment, 2008

Housing Land Monitoring Statement 2017

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

4. Response to Consultation and Publicity

Consultations:

Town Council – Object on the following grounds:

- Density and over development together with land locking which could result in this Council and the County Council being in breach of Section 17 of the Crime and Disorder Act.
- Road Access and Highways to the existing estates are dangerous, narrow nonstandard width roads.
- "Rat run" sub-standard road with an increased risk, particularly to children, whilst gaining access to the adjacent school and public playing field.
- The increase in the existing density of traffic for cars and commercial lorries.
- High voltage power lines - danger to inhabitants and particularly children - advice required from Power Company due to health and safety grounds.
- Flooding and natural springs - This used to be the first main water supply to Menai Bridge due to natural springs. The area is subject to flooding and known to flood regularly.
- The residents of the area have great concerns regarding surface water etc. and can provide photographic evidence.

- As local Council we recommend that this land development is not fit for any development whatsoever due to natural springs.
- Culvert overflow.
- Sewerage - The only difference between the previous plan and the new plan – it has been highlighted that the actual pipework is substantial. Route of existing pipework goes through private properties.
- Connecting the 18 houses to the existing private sewer will increase the problems and risk to private land and property and existing householders before it reaches the public sewer which is already overloaded.
- This will cause flooding within the main town of Menai Bridge due to Dwr Cymru not updating the pipes. Other developers in the area have been forced to install a pump. Dwr Cymru met Representatives of Menai Bridge Town Council regarding the Ty Mawr Development, Llanfairpwll, when it was pointed out to the Water Authority that the existing pipe work from Four Crosses down to Britannia Garage has not been ungraded and it was stated that no further development within the top end of Menai Bridge should be allowed due to this inadequacy in the Tysilio Ward.

Local Members – No observations received.

Former Local Member – The following observations were submitted:

- This application has been within the Planning Department for many years & has been subject to many changes since the local member was in office. There are 26 residents in proximity who have grave concerns and have written in with their observations.
- The whole of Penlon has been built over many decades with narrow highway widths, residents park their vehicles on the sides of roads; this is a natural convenience for out of office hours and weekends.
- There are three highway accesses from this vast housing area from Pentraeth Road (Four Crosses, from Pentraeth Road, Siop Newydd and Cil y Graig. Cil y Graig is sub-standard and narrow due to on-street parking. This application will create 50 vehicle movements together with associated deliveries.
- The proposed “Chicane” priority system will likely result in accidents, as the design is dependent on the good nature of those entering/leaving the estate.

In a further letter, the former member states concerns regarding:

- As the highway access throughout the whole Penlon area is at a critical stage with on street parking, narrow width roads, with only 3 access or returns for traffic, i.e. Cil y Graig, Penlon onto Pentraeth Road and Cae Tros Lon Estate. The Menai Mon Travel to work traffic use this part of Menai Bridge as rat runs, to either pass by pass the David Hughes School snarl ups or to access the Ysgol y Bont in Tyddyn Mostyn daily.
- The development site has a long history of flooding from boggy land; many years ago the landowner filled in the land with dumped material and raised the ground level. Instead of lessening the outfall of water from the site this has made it even worse than before.
- The houses will tower over the existing bungalows surrounding the development site in Lon y Gamfa, encouraging viewing into the private area of existing gardens.
- I have grave concerns about the surface water drainage from the development site – there is historical evidence of flooding from the site to adjoining properties. No 18 Lon y Gamfa’s properties and gardens are continuously feeling the effect of flooding, and so are neighbouring properties opposite and adjoining no 18. The gardens surrounding the property are continuously feeling the effect of flooding, and so are neighbouring properties opposite and adjoining no 18. The gardens surrounding the property are continuously being flooded; the surface water cannot be removed or drained as the ground has 6 inches of mud under it. This property was built by the applicant developers so they are very much aware of the damage done to this property.
- The revised planning directions for the surface water (letter from the architect to Head of Planning 25.10.12 does not give much confidence to people living in the vicinity.
- The attenuation tank, storm cells and rainwater butts have been raised to a 30 year flood warning, these will not be able to cope with the massive strength of surface water coming down from the fields of the surrounding area. The development site is a “Boggy Sink” where all the surface water travels down to the site. When these tanks are full will the existing surface water

drainage cope with the outflow, if these are damaged how often will the developers come and check/repair the equipment? Will the blockage be monitored regularly?

- The local member wishes the Planning Committee members to walk the development site and advise them to bring their wellingtons.

- Most of the surrounding properties have un-adopted sewage facilities – are they up to lawful standards? There is a land locked area between the development land and Gilfach Goch, in the past youngsters have been building bonfires there, will the developers be using this for building plots in the future?

- Will the newly built properties be Affordable Housing and what percentage of the new build will be?

- There is a great danger for traffic moving off the site will cause speeding and accidents to existing property owners, will there be sleeping policemen installed in the future, and appropriate highway signage.

- Should the present developer sell off the land to another developer, can we make sure that any conditions on the planning application are strongly enforced?

- The development site with 17 new houses may have as many as 50 owner vehicles, plus delivery vans, lorries to the site – the present road structure will not cope with this massive increase in volume of traffic in this part of Penlon.

- In a meeting with Welsh Water and Menai Bridge Town Council many years ago, water board managers indicated that the volume of surface water and sewerage passing through Menai Bridge from the housing estates down to the Britannia roundabout would mean that the system would not be able to cope with any extra volume, and that serious investment should be looked at in the future.

In a separate letter it was indicated the local member wished the application to be reported to the planning committee on highway grounds.

Highways – No objection subject to conditions and informatives. Condition recommended requiring road layout details to be provided and approved by the LPA, specifically in relation to the proposed priority system. Also standard safeguarding conditions recommended regarding driveway gradients as well as car parking to be complete and made available prior to occupation.

Drainage – No objection. The surface water drainage system and supporting calculations are generally satisfactory subject to a suitably worded planning condition to cover outstanding aspects. In addition the applicant should be advised that culverting of the existing ditches will require the express approval of this authority under section 23 of the Land Drainage Act 1991.

Ecological Advisor – No objection. Satisfied with the ecological information submitted as part of the planning application. Subsequently also recommended that the buffer for the site could be achieved as part of the provisions of a landscaping scheme along the boundaries which retains mature trees noted in the ecological report.

The Ecological Adviser has also responded to one of the objections below and explained why requesting a bat survey in connection with the development could not be justified on this site. In this case, the Ecological Advisor stated:

“There was no bat survey at this site because the case did not trigger one of the high risk categories such as demolition/ conversion of agricultural outbuildings (with possibility of roost present) or suchlike. Bats do of course hunt around many field areas - and gardens - and are likely to use such habitats in many parts of Anglesey. The modification in habitat from field to houses with gardens which such applications lead to has generally not been considered to justify requiring bat surveys because of the relatively low risks these are seen to hold - there is often a lack of detailed data for sites, but without some evidence which would suggest a potentially significant problem, planning authorities cannot really justify requiring bat surveys for all new building on greenfield sites. As well as factors of cost and seasonal-related time to the developer, the potential benefits of survey in such cases in terms of mitigation options will normally be rather limited compared to the practical steps which can be taken with, for example, barn conversions.”

Affordable Housing Advisor – No objection. Originally recommended that 6 affordable homes at 85% of the market value are provided, with a detailed review of income and costs after completion.

The Planning Committee originally resolved to approve the planning application in November 2013 subject to this requirement.

Following discussion with Officers it was agreed that the number of Affordable Housing units required in connection with the development was reduced 3. The reduction in the number of Affordable Housing units was based on the economic viability of the development and a development appraisal process was used in agreeing the number and sales value of the affordable homes to be provided. The approach was based on council policy contained in the council's Affordable Housing Delivery Statement (2009). This amendment was then reported to the Planning Committee in May 2014 where the decision to reduce the Affordable Housing provision was refused.

The Council's Affordable Housing Adviser was consulted following members decision to refuse the reduction and has advised given the estimated sales value of the completed dwelling at £116,000 and the estimated profit, securing 3 affordable dwellings at 85% market value is considered a successful outcome.

Should the matter be pursued further it will involve costs in preparing an independent viability assessment and a likely appeal, which could result in a reduced number of affordable dwellings.

Members are again requested to consider the Affordable Housing requirement and, for the reasons outlined above, agree to 3 Affordable Housing Units at 85% of the market value being provided in connection with the development.

This Affordable Housing requirement will be secured by means of a legal agreement.

Natural Resource Wales (NRW) – No objection in principle, subject to condition.

The surface water proposals are acceptable subject to surface water being attenuated and stored on site as per the condition recommended, then the discharge rates should remain unchanged and flood/drainage risk should not be increased. Have also investigated leachate originating from the application site and decided not to instigate any proceedings in this regard.

No objections are raised to the development on nature conservation grounds but they have made a number of observations as regarding the ecological report which have been included as conditions or informatives, as appropriate.

Environmental Services – No objection. Conditions and informatives are recommended as regards construction activities and contaminated land.

Welsh Water (WW) – No objection subject to conditions. Condition required to have confirmed the detail of foul drainage arrangements, to the agreement of WW and the LPA.

WW have also confirmed that the public sewerage system in the vicinity of the development can accommodate foul drainage flows from the development and have commented on specific instances of blockage in the objections received. In this instance, WW state:

“The objection...relates to a flooding instance which occurred due to a maintenance issue. I have been informed that our operations department visited the property on the day of the flooding and cleared a blockage. The blockage occurred due to an accumulation of rags. We do not object to developments on the grounds of maintenance issues. Additionally, I have been informed that the proposed development will not be connecting into the same network as the network which serves the property which was affected by the flooding.”

Fire Service – No objection as regards water supplies or access to the development by fire appliances.

Scottish Power – No response received.

North Wales Wildlife Trust (NWWT) – The proposed development lies immediately adjacent to the Caeau Pen y Clip Nature Reserve along its southwest boundary. This area of the reserve is marshy with areas of standing water at various times of the year. NWWT would welcome an indication of how surface run-off from the development will be prevented from entering the reserve as they are of the opinion that this run-off could be contaminated in various ways.

The nature reserve is grazed for 5-6 months of the year and NWWT stress that the boundary must remain intact at all times. One of the key features of the nature reserve is its species rich hedgerows. The Landscaping Plan appears to indicate that a 2m wide hedge of various non-native species will be created around the development. NWWT strongly recommend that these are replaced with native species, especially on the south-western boundary.

Representations:

43 letters received. Objections raised which are material planning considerations may be summarised as follows:

Access & traffic considerations, during and following construction.

Penlon is already congested. Writers point to a danger spot at the corner of Penlon/Cilgraig.

Emergency services refuse vehicles and commercial vehicles currently have difficulty accessing properties in this part of the estate.

Concern regarding ingress and access at 55 Lon y Gamfa and the narrowness of the access to the development. The normal road width in the estate is 8.5 meters whereas outside 55 it is reduced to 4.150. The writer states that there should also be a pavement in front of their property but that this would reduce the width further to 2.650 meters. The lack of a footpath in front of the writers' property means that people will leave the estate on the writers' side.

One writer states that the drawing are deceptive regarding the chicane and it is noteworthy that the footpath ends at the garden wall with no pedestrian access immediately outside the entrance to the property.

Unsafe access for cyclists and pedestrians.

Parking implications.

Sewerage - One writer states that they had the main sewer backing up and releasing its contents all over their property a further 17 homes linking into the sewer this would again put severe pressure on a system that is already at its limits and not large enough to cope with the houses there at present

Invasion of privacy & overlooking of bedrooms.

Flooding. Noted that the stream that runs to a culvert in Lon y Gamfa floods into gardens and the road. Other writers refer to there being springs on the site.

Effect on the flow characteristics of the stream.

Density of the development.

No change since last planning application applications.

Development will be detrimental to wildlife & flora using the green area.

Effect on the amenities of existing properties in the locality by virtue of overlooking, traffic, noise, pollution, inconvenience.

Affordable Housing element questioned and queried.

The site is outside the boundary in the Ynys Mon Local Plan. The more recent LDP showed a line around the site but this was never approved.

Design of the submitted drainage system is unacceptable and would not be maintained by the developers.

The development is on a conservation area/green belt for the Menai Bridge area.

Increase in litter and waste disposal.

The estate is already big enough.

Queried whether a bat survey has been undertaken and the writer states that they have seen bats in the area.

Adequacy of the surface water regulation arrangements queried.

A letter has been received from the former Assembly Member requesting that full consideration is provided to views of constituents in determining the planning application. In a further letter the

objections of a constituent are enclosed and it is requested that they are considered in determining the planning application.

One letter has also been received from the Member of Parliament describing the concerns of one of his constituents, grounds of which are contained in those listed above.

5. Relevant Planning History

39C285: Residential Development. Withdrawn - 09.08.2000.

39C285A: Modification of Section 106 Agreement attached to planning permission 39C83 so as to discharge the section relating to the formation of a play area. Approved - 04.02.1999.

39C285B: Residential development. Refused on the 10.11.1999 on the grounds that the site would be in the countryside and in contravention of policy, also on the grounds that the existing surface water and land drainage systems are not suitable to take additional surface water development.

39C285C: Outline application for residential development and construction of a new access. Withdrawn - 17.04.2008.

39C285E/SCR: Screening Opinion. No EIA required - 15.08.2007.

6. Main Planning Considerations

The acceptability of the proposed development in principle and compliance with the Joint Local Development Plan (JLDP):

Having regard to the provisions of the principle Act, and as amended section 38(6) the 2004 Act and the 2015 Wales 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 plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the adopted Joint Local Development Plan (Anglesey and Gwynedd), July 2017.

The application site is located within the development boundary of the Menai Bridge Local Service Centre within the JLDP. Previously, the site was outside but adjoining the settlement boundary within the adopted Ynys Mon Local Plan (December 1996). As such, the application is no longer considered to represent a departure from the adopted Development Plan as it previously did under the Ynys Mon Local Plan.

Furthermore, strategic policy PS 17: Settlement Strategy indicates that 22% of the Plan's growth should occur within Local Service Centres, and policy TAI 2: Housing in Local Service Centres identifies the site as a housing land allocation with an approximated scale of 14 units. By virtue of the site's location within the Local Service Centre and its allocation as housing land, the proposal in its principle complies with the provisions of the JLDP as well as Planning Policy Wales which seeks to promote development within identified sites contained within Local Development Plans. This supports the requirement of policy PCYFF 1 which directs development within development boundaries.

As the principle of the development is acceptable, suitability of the proposals are subject to the detailed considerations listed below.

Highway, Parking and Safety Considerations:

The development would be accessed from the public highway with a priority system connecting the development from Lon y Gamfa and this has been the subject of a Safety Audit report by Engineers in connection with this part of the development which is accepted by the Council's Highways section. Some of the objections received point to difficulties faced by emergency vehicles notably the Fire Service in reaching the site via "Cil y Graig" where parked vehicles reduce the width of the carriageway and via the proposed chicane by virtue of its width.

Originally, the proposed chicane width was 3.1m however this has been increased to 3.7m following comments from North Wales Fire Service. On this basis, no objection has been raised by North Wales Fire Service in terms of the width of either of these means of access. The council's Building Control Section has also confirmed that 3.7 m width of the proposed chicane is acceptable in terms of emergency vehicle access.

Many of the objections received relate to the adequacy of the surrounding highway network and in particular parts of "Penlon" & "Cil y Graig". However, no objections are raised to this application on these grounds by the Highways Section as they consider that the highway network can adequately cater for the scale of development subject to this report.

The above notwithstanding, it is understood that in a separate non-statutory process, the developer has agreed to make a payment of £10,000 towards improvements and traffic calming which will be ring fenced in connection with this development. The Highways Section will then monitor the development for a 12 month period following the occupation of the dwellings in order to assess any traffic impacts and contribution will then be used for any necessary works arising. If no attributable impacts found within this period the developer's monies will be returned. This requirement has been raised by the Highways Section within its consultation response and is considered to be satisfactorily addressed from a planning perspective prior to the determination of the application.

In respect of parking provision and layout, the proposed development meets the requirements of policies TRA 2 and TRA 4 of the JLDP as well as SPG Parking Standards, 2008, subject to the conditions recommended below.

Drainage:

Foul drainage from the development will be connected to the public sewer. The connection point will be to a manhole on "Lon Gamfa". When the application was submitted it is understood that this was a private sewer but in 2011 Welsh Water became responsible for all sewers serving two or more properties and since this time it has been a public sewer and for which they are the responsible statutory undertaker. Welsh Water has confirmed that they have no objections to the foul drainage arrangements subject to the conditions recommended.

Surface water from the development will be discharged into an adjacent watercourse which leads to a private surface water sewer which outfalls directly into the Menai Straits. Objections have been received that this watercourse floods & that this development will exacerbate the issue. It is not considered that this will be the case as the surface water drainage system proposed in connection with the development flows will be limited to 3 litres a second. The system is also designed to store surface water from events beyond the 1 in 30 and up to the 1 in 100 year event in individual tanks below ground. These proposals are acceptable to Natural Resource Wales, Welsh Water and the council's Drainage Officer.

Nature Conservation:

The application is supported by an ecological assessment which has also been updated given the length of time that the planning application has been under consideration by the local planning authority.

The south-western boundary of the application site is located adjacent to the Caeau Pen y Clip Nature Reserve which is managed by North Wales Wildlife Trust (NWWT); which has made detailed observations on the application.

Both the above material consideration have been considered by Natural Resources Wales and the council's Ecological Adviser and no objections are raised, conditions are recommended where appropriate below.

Design and Appearance:

At its core, the most fundamental consideration is whether this residential development is acceptable in respect of its design and layout is whether it can comply with the provisions of the

JLDP and whether there are any other material considerations which must be taken into account. Policy PCYFF 2: Development Criteria and PCYFF 3: Design and Place Shaping, and PCYFF 4: Design and Landscaping are the primary considerations in assessing the proposal from this aspect.

The development is located in a part of Menai Bridge which has been developed with relatively modern housing developments since the 1970's. Within this context, the character, appearance and density of the development will accord with that of the surroundings.

Of note in respect of density, policy PCYFF 2 of the JLDP advises that a minimum density of 30 dwellings per hectare (DPH) be provided. The proposed development is equivalent to 34 dwellings per hectare (DPH) based on 17 units within a site measuring 0.5 hectares. This is considered to meet the requirements of policy. Further consideration is given to policy TAI 2 which identifies the site as generally supporting 14 units. While this is outlined in policy it is considered that a higher density may be achieved where it complies with other aspects of the plan.

It is considered that the proposed development also generally complies with the requirements of policy PCYFF 4. In this regard, the proposed dwellings, their design and the site's overall layout compliments and does not detract from the character and appearance of the surrounding locale; which is typified by similarly scale detached and semi-detached dwellings built over a number of years. Furthermore, due to the location and orientation of the site, the proposed development would not be incongruous within the street scene or to the overall detriment of visual amenity and would preserve local townscape.

Policy PCYFF 3: Design and Place Shaping is the fundamental policy within the JLDP which requires that all proposals fully take into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Innovative and energy efficient design will be particularly encouraged. The policy itself outlines set criteria which all development must comply with and applications which do not comply with the criteria will not be supported unless material considerations dictate otherwise. In respect of this application, the first two criterion are of particular importance. These are:

- *"It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;*
- *It respects the context of the site and its place within the local landscape, including its impact on important principal gateways into Gwynedd or into Anglesey, its effects on townscape and the local historic and cultural heritage and it takes account of the site."*

As per the findings noted above, the proposal meets these criteria and it is considered that the proposed development will compliment and/or enhance the character and appearance of the site and the wider locale.

Other criteria within policy PCYFF 3 are either deemed not relevant (safe and secure public spaces) or are considered to have been met within the proposals (materials, barrier free housing).

Layout:

Under policies ISA 1 and ISA 5 of the JLDP, there is a requirement that infrastructure to support new development must be met within a development proposal. Specifically, in relation to this housing development, there is a requirement to provide open space based on the calculation of 2.4 hectares per 1000 population. Using this calculation, and assuming a population of between 51 and 68 persons (3/4 persons per 3 bed dwelling) the expected level of open space to be provided would be between 1,224 sq. m. (0.12Ha) and 1,632sq. m. (0.16Ha), with a median level of 1,428sq. m. (0.14Ha).

Upon review of the submitted layout, the development fails to meet this requirement on site, however it is accepted that in this instance the requirement may be met by means of an equivalent financial contribution. The level of contribution remains at present to be determined, however it is considered that approval of this application would be contingent on a legal agreement which secures this developer contribution.

Residential and Local Amenity:

Regard has been given in terms of overlooking/loss of privacy and the effect on the outlook of adjacent residential properties at Lon y Gamfa and Gilfach Goch. The proposed development is not considered to present a significant detrimental impact in this regard and is therefore considered to be acceptable in terms of its impact on local residential amenity.

Any other material considerations:

Other material considerations have been considered in the assessment of this application, namely the content of the letters of objection and the responses from consultees. In respect of the letters of objection, it is considered that these matters are either deemed to have been addressed or clarified or the points raised are not considered to outweigh the proposal's compliance with the JLDP and adopted National policy and guidance.

With regard to the consultation responses, these have been considered and where appropriate conditions and informatives have been included within the recommendation. Where comments raised in a consultation are not supported, namely the response in objection from the Town Council, it is considered that the points raised are either non-material or have been satisfactorily addressed, or the comments do not outweigh the proposal's compliance with the JLDP.

7. Conclusion

Based on the foregoing assessment, it is considered that the proposed development subject of this application generally complies with the provisions of the JLDP and other associated National policy and guidance. Weight has been given to material considerations, namely the content of the letters of objection and the consultee comments. Where comments object and seek refusal of the proposed development, weight has been given to the issues raised and in this instance the proposal's compliance with the JLDP is not outweighed by the points made. This notwithstanding, where matters have been pointed out that require further detail or clarification, such as drainage impact, safeguarding conditions have been recommended, as appropriate.

Furthermore, it is noted that previously, this application was considered to represent a departure from the (now superseded) Ynys Môn Local Plan (1996). This is no longer considered to be the case, as subsequent to the prior committee recommendation, the adopted JLDP has come into place and this site has been identified as a housing site within policy TAI 2.

Detailed considerations notably potential highway, natural environment and drainage impacts have been assessed in the report above and are considered acceptable subject to the conditions listed below.

8. Recommendation

To authorise the Head of Planning Service to **permit** the application subject to the completion of a legal agreement containing the following obligations:

Three (03) Affordable Housing units to be provided in connection with the development at 85% of the market value; and

The developer shall contribute, by means of a financial payment to be agreed, towards new or to the improvement of existing (off-site amenity) facilities close to and accessible to the development.

Thereafter that planning permission is issued subject to the following conditions:

(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans tabled below and contained in the form of application, and in any other documents accompanying such application.

Drawing Number	Drawing Name
1D	Site Layout
3	Foul Drainage
5	Elevations
6	Foul Drainage Sections
8B	Plan of Proposed Chicane
9A	Untitled Plan & Section
10A	Location Map
13	Surface Water Sections
14	Untitled Topographic Plan
15	Location Plan

Unless otherwise approved in writing by the Local Planning Authority or included within any provision of the conditions of this planning permission.

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

(03) No development shall take place until trade descriptions of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure a satisfactory appearance to the development.

(04) No development shall take place until a scheme of landscaping and tree planting for the site which provides for the retention of existing trees has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density and distinguish those trees to be retained showing their species, spread and maturity together with measures for their protection in the course of development. The approved new planting shall be implemented no later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. The approved protection measures shall be implemented prior to the commencement of development.

Reason: In the interests of the amenities of the locality.

(05) Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of the amenities of the locality.

(06) No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall be constructed with the approved slab levels.

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

(07) No development shall take place until full details of a scheme indicating all of the proposed means of enclosure around and within the site whether by means of walls, fences or hedges has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed, erected or planted prior to the occupation of the development.

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

(08) The details to be submitted for the approval in writing of the Local Planning Authority shall include a scheme of landscaping and tree planting for the site which provides for the retention of the existing trees. The landscaping scheme shall show the proposed planting including species, size and density and distinguish the trees to be retained showing their species spread and maturity together with measures for their protection in the course of development in accord with BS 5837:2005 Trees in Relation to Construction. The approved new planting shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. The approved protection measures shall be implemented prior to the commencement of development.

Reason: In the interests of the amenities of the locality.

(09) Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of the amenities of the locality.

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

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

(11) 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.

(12) 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.

(13) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

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

(14) Notwithstanding the drainage details submitted no development approved by this permission shall be commenced until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:

1. Full design and specification for all foul, surface water regulation system and land drains serving the development (including all parking areas and the estate road(s)).

2. The surface water regulation system to be submitted under the provisions of this condition shall limit surface water run-off to 3 litres a second shall be designed to store surface water up to 1 in a 100 year event.

3. Limiting the surface water run-off generated by the 1 in 100 year critical storm (allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

4. The details approved under the provisions of this condition shall be completed and fully operational prior to the occupation of the development hereby approved.

Reason: To ensure that the development is adequately drained prevent the increased risk of flooding on and off the site.

(15) Notwithstanding the plans hereby approved no development shall commence until detailed specifications and plans of the proposed priority system illustrated on drawing number (8B) and received (24.10.2013) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling on the development hereby approved shall be occupied until the priority system duly approved under this condition has been fully completed.

Reason: To minimise danger and inconvenience to highway users.

(16) The vehicle driveways shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining footway.

Reason: To minimise danger and inconvenience to highway users.

(17) 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 enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(18) All walls, hedges, fences (includes any means of enclosure) erected or planted within 2 meters of the estate road(s) hereby approved and /or the public highway shall not exceed 0.6 meters above the level of the road carriageway.

Reason: To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(19) The estate road(s) hereby approved shall be completed to a base course finish and with the surface water drainage system complete and fully operational prior to the development of any of the dwellings hereby approved.

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

(20) The estate road(s) hereby approved shall be kerbed and the carriageway and footways surfaced prior to the occupation of the last dwelling on the development hereby approved or within 2 years of the commencement of this development whichever is the sooner.

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

(21) No development shall commence until measures are in place for the management and maintenance of the access and estate roads in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The access and estate roads shall be maintained according to the approved details for as long as the use hereby approved continues.

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

(22) No development shall be commence until the application site has been subject to a Phase One Desk Top Study and a Phase Two Intrusive Investigation "the investigations" which has been submitted to and approved in writing by the local planning authority.

a) Any detailed proposals contained in "the investigation" in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") shall also be submitted to and approved in writing by the local planning authority.

b) For each part of the development "Contamination Proposals" relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate.

c) If during development any contamination should be encountered which was not previously identified in "the investigations" and is derived from a different source and/or of a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to and approved in writing by the local planning authority.

d) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals."

Reason: To ensure that contamination present is satisfactorily remedied.

(23) Notwithstanding the plans and supporting information submitted the development hereby approved shall commence until a scheme for the comprehensive and integrated drainage of the site demonstrating how foul water, surface water and land drainage will dealt with has been submitted to and approved in writing by the Local Planning Authority. The details approved under the provisions of this condition shall be completed prior to the occupation of the development or any other date as may be approved in writing by the Local Planning Authority. Surface water run-off generated by the development shall be limited to the 1 in 100 year critical storm (allowance for climate change)

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or adjacent properties and to ensure satisfactory storage of/disposal of surface water from the development.

Informatives:

Drainage memo 03.04.13

Welsh Water letter 12.12.12 & plans

Environmental Services memo 19.10.11, 23.11.12

Environment Agency letter 19.03.13

Highway memo 29.11.12

The applicant is advised to contact the council's Highways Section and agree the site compound location, traffic management scheme, any vehicle wheel washing facilities, hours and days of operation and the management and operation of construction vehicles, including staff and contractor parking facilities.

Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent from us under the terms of the

Land Drainage Act 1991/Water Resources Act 1991. We seek to avoid culverting, and its consent for such works will not normally be granted except for access crossings.

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: **46C168D/DA** Application Number

Ymgeisydd Applicant

Cais am faterion a gadwyd yn ôl ar gyfer codi annedd sydd yn cynnwys balconi ar dir yn /
Application for reserved matters for the erection of a dwelling which includes a balcony on
land at

Trearddur House, Bae Trearddur Bay



Planning Committee: 06/12/2017

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

Recommendation:

Permit

Reason for Reporting to Committee:

At its meeting held on 1st November, 2017 committee members recommended that a site visit should take place. The site visit took place on 15th November and the members will now be familiar with the site and its settings.

1. Proposal and Site

The application is a detailed application for the erection of one dwelling on land which previously formed the curtilage of Trearddur House. Outline permission, with all matters reserved, was granted for the erection of a dwelling in 2014.

The site is accessed along a residential road from Lôn St Ffraid. The site is elevated above the playing field located on the junction of Lôn Isallt and Lôn St Ffraid.

2. Key Issue(s)

The key issue is whether the proposal will have a detrimental impact on the amenities of the neighbouring properties, surrounding area or on highway safety or whether the proposal will harm the Listed Building which lies within the application site.

3. Main Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI5 – Local Market Housing

PS 20 – Preserving and where appropriate enhancing heritage assets

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 24: The Historic Environment

4. Response to Consultation and Publicity

Community Council – No response to date

Cllr. J A Roberts – No response to date

Cllr T L Hughes – No response to date

Cllr D R Thomas – Call-in due to concerns of overdevelopment of Trearddur, water run-off, privacy and the proposal is situated close to a Listed Building.

Highway Authority – Recommended conditional approval

Drainage Section – Drainage details acceptable

Gwynedd Archaeological Planning Service – No objection and comments

Welsh Water – No objection

Natural Resource Wales – Recommended conditional approval

CADW – No response to date

Response to Publicity

The application was afforded two means of publicity. These were by the posting of a notice near the site and the serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 28th July, 2017 and at the time of writing this report, 7 letters of representation had been received at the department with 5 of the letters objecting to the scheme and 2 letters of support. The main issues raised objecting to the scheme can be summarised as follows;

- i) Flooding concerns from surface water
- ii) Loss of privacy
- iii) Noise levels and traffic
- iv) Overdevelopment, out of character and extends the building line and will harm the surrounding landscape
- v) Listed Building
- vi) Part of the land not within applicant's ownership

In response to these issues I would respond as follows;

i) The proposal has been forwarded to Welsh Water, Natural Resource Wales and the Drainage Section of the Authority. The Drainage Section requested further information and following the receipt of the additional details the Drainage Section have confirmed that the drainage scheme is acceptable. All paths, terraces and vehicular access areas are to be finished with permeable surfaces.

ii) There is a distance of between 16 metres and 14 metres between the proposed dwelling and immediate neighbouring properties. The guidance contained in the document titled Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment recommends a distance of 15 metres between secondary aspects. Whilst the distance between the proposed dwelling and the rear of Wellington Court is only 14 metres the proposal is considered acceptable.

Due to these distances it is not considered that the proposal will harm the amenities currently enjoyed by the occupants of the surrounding properties.

The protection of private views is not a consideration of sufficient weight to influence the recommendation made. It is not considered that the development would lead to any overlooking or loss of light to such an extent that permission should be withheld.

iii) It is not considered that the erection of one additional dwelling in a residential area within the settlement of Trearddur will generate noise and traffic nuisance that would detrimentally harm the amenities of the neighbouring properties.

iv) The site has the benefit of an extant planning permission. There is ample space within the site to accommodate the proposal. There is no distinct pattern of development in the locality. Whilst it is acknowledged that the dwelling will protrude closer towards Lon Isallt than Trearddur House by 11 metres. However the block of houses known as Wellington Court, which lie along Lon St Ffraid and immediately next to the application site, extend towards the junction of Lon St Ffraid with Lon Isallt it is not considered that the siting of the dwelling in this location will harm the surrounding landscape.

v) The proposal is situated 7 metres away from the Listed Building and therefore will not harm the setting of the structure. A permitted development restriction will ensure that no future extensions will have a detrimental impact on the structure.

vi) Not all of the land that is outlined in red is within the applicant's ownership and therefore the applicant has served the requisite notice on the landowner.

The main reasons for supporting the application were;

- i) The applicant is a local person
- ii) The proposal respects the character of the locality

5. Relevant Planning History

46C168 - Erection of a dwelling on land at Trearddur House, Trearddur Bay – Approved 31/07/1995

46C168A/FR - Outline application with all matters reserved for the erection of a dwelling on land at Trearddur House, Lon St Ffraid, Trearddur Bay - Approved 03/07/2014.

46C168B - Full application for the creation of a balcony at Trearddur House, Trearddur Bay – Approved 03/10/2016

46C168C/FR - Full application for the erection of 3 dwellings which includes balconies on land adjacent to Trearddur House, Lon St Ffraid, Trearddur Bay. Withdrawn 04/10/2017

6. Main Planning Considerations

Policy Context - The principle of the residential development of the site has been established by the granting of outline planning permission on 7th July, 2014. The proposal is a reserved matters application in order to consider the matters that were reserved for future consideration.

Joint Local Development Plan - Trearddur is identified as a Local, Rural / Coastal Village where only Local Market Housing can be supported under Policy TAI 5. In order to control the value of market unit the size of the proposed units are controlled. By managing the maximum size of local market units, the value of these units will be more compatible with the policy objective of sustaining the defined communities.

The application currently under consideration does not comply with Policy TAI 5 of the Joint Local Development Plan; however, as the site benefits from outline planning permission and the proposal currently under consideration is a detailed application to consider the matters that were reserved for further consideration the proposal does not need to comply with current policies.

Affect on neighbouring properties – The concerns raised by members of the public have been addressed in the 'Response to Consultation and Publicity' Section above.

There is a distance of 16 metres between the side of the proposed dwelling and Trearddur House. There is a distance of between 14 metres between the side of the proposed dwelling and the rear of the properties located at Wellington Court. A first floor balcony is proposed off the first floor master bedroom and a condition will be imposed on the permission that a screen is erected along the side of the balcony in order to ensure the amenities of the neighbouring properties on Wellington Court.

The distances between the proposed dwelling and Trearddur House exceeds the distances recommended within Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment (SPG). Although the distances between the proposed dwelling and properties on Wellington Court is 1 metre less than the guidance contained within the SPG it is not considered that the proposal will harm the amenities currently enjoyed by the occupants of the dwelling.

Due to the distances between the proposal and neighbouring properties, it is not considered that the development would lead to any overlooking or loss of light to such an extent that permission should be withheld.

Effect on Wider Amenities: The site is elevated above the playing field at the junction between Lôn Isallt and Lôn St Ffraid. Properties are clearly visible on this ridge and Wellington Court occupies a prominent position in the street-scene to the east of the proposed site. The proposal will

in-fill an existing gap without detriment to the visual character of the area. The site already has the benefit of planning consent and this fall-back position must be weighted.

The scale of the proposed dwelling is similar to that approved under planning application 46C168. The scale of the dwelling approved under planning application reference measured 19.5 x 19.5 (at its longest point) and was 7.5 metres high. The proposal currently under consideration measures 16.9 x 17.7 (at its longest point) and measure 8.0 metres high. Whilst the height of the proposed dwelling is higher by 500 mm the overall scale of the proposal is smaller than that previously approved and therefore the proposal will not have an adverse effect on the locality.

The site can comfortably accommodate the proposal.

Listed Building: Planning permission for the erection of a dwelling was granted on the plot in 1995. A stone turret structure on the eastern boundary of the site is a Second World War pillbox fortification forming part of the defences for Trearddur and was listed as a grade II listed building in 1998. It was listed because it represents an unusual fortification type following a design believed only to have been used on Anglesey.

Paragraph 5.13 of Technical Advice Note 24 states that when determining listed building consents planning application local planning authorities should consider ...

The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.

The impact of the proposed works on the significance of the building....

The site has the benefit of an extent planning permission for the erection of a dwelling. The pillbox is located within the existing garden area of Trearddur House and it is not readily discernible from public views e.g. on Lôn Isallt, as it is ivy-covered and partially screened by a belt of trees on lower ground. Nevertheless, the pillbox will remain unobscured from public views due to the siting of the proposed dwelling being further back into the site.

Highway Safety – The Highway Authority have confirmed that they have no objection to the proposal subject to the inclusion of standard highway conditions in regards to the submission of and approval of a Traffic Management Plan and that the parking provision is in accordance with the submitted plan.

Flood Risk – Due to the elevated nature of the proposed dwelling Natural Resource Wales have raised no concern regarding the risk of flooding.

7. Conclusion

The site has the benefit of an extant permission and outline planning permission. The proposal is a reserved matters application and not an application for planning permission and therefore the proposal does not need to comply with the recently adopted Gwynedd and Anglesey Joint Local Development Plan.

The design will not have a detrimental impact on the amenities of the surrounding properties, surrounding area, highway safety or harm the setting of the neighbouring Listed Building.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

8. Recommendation

Permit

(01) No surface water and / or land drainage shall be allowed to connect either directly or indirectly to the public sewerage network.

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.

(02) The development shall take place in accordance with the reasonable avoidance measures for bats, birds and Herptiles (reptiles and amphibians) outlined in Section 3 of the P J Ecological Solutions Protected Species Survey report submitted under planning reference 46C168D/DA.

Reason: To ensure that any protected species which may be present are safeguarded

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

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

(04) 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.

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

(05) No development shall commence until full details of the external lighting shall be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity.

(06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of amenity.

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

Drawing / Document number	Date Received	Plan Description
PA3027/02	30/06/2017	Existing site plan
PA3027/01B	30/06/2017	Location plan
PA3027/03	30/06/2017	Proposed site plan
PA3027/08	30/06/2017	Sections
PA3027/05	30/06/2017	Proposed first floor plans

PA3027/04	30/06/2017	Proposed ground floor plans
PA3027/06 - A	09/10/2017	Proposed elevations
PA3027/07/B	09/10/2017	Proposed elevations
Bat and bird position	09/10/2017	Bat and bird position
P J Ecological Solutions Report	28/09/2017	Protected Species Survey
Percolation Test Results	26/09/2017	Drainage details
PA3027/DA	30/06/2017	Design Analysis

under planning application reference 46C168D/DA and the details which may be required to be considered under the above condition(s).

Reason: For the avoidance of doubt.

Note – To be read in conjunction with outline permission 46C168A/FR and conditions contained therein

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.