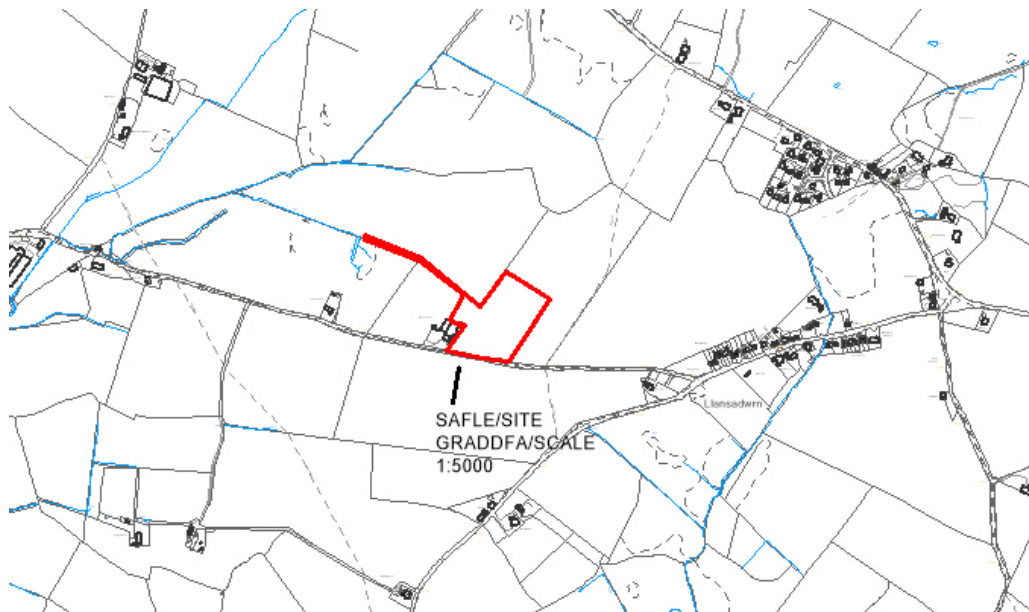


Rhif y Cais: **17C181C** Application Number

Ymgeisydd Applicant

C Jones & Son

Cais llawn ar gyfer codi sied anifeiliaid, codi clamp silwair, gosod llecyn caled ynghyd â gwaith tirlunio cysylltiedig, creu mynedfa gan gynnwys bwnd tirlunio yn / Full application for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding, creation of an access together with associated landscaping to include formation of a landscaping bund at

Fferam Uchaf, Llansadwrn

Planning Committee: 03/10/2018

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

Recommendation:

Permit

Reason for Reporting to Committee:

Local Member – Alun Roberts has requested that the application be referred to the planning committee for determination.

1. Proposal and Site

The application is for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding, creation of an access together with associated landscaping to include formation of a landscaping bund at Fferam Uchaf, Llansadwrn.

The application site located in the open countryside approximately 0.5km from the village of Llansadwrn. The site will be accessible from a highway immediately south of the site. Sporadic residential dwellings are located in the vicinity of the application site.

2. Key Issue(s)

The key issues of the application are:

- i) whether or not the proposal complies with national and local planning policy;
- ii) whether or not the proposed scheme is acceptable in this location;
- iii) whether the proposal will have an adverse effect on the surrounding landscape;
- iv) whether the proposal will have an adverse effect on the neighbouring properties;
- v) whether the proposal will have an adverse effect upon highway safety;
- vi) whether the proposal will have an adverse effect upon nearby Ancient Monuments and;
- vii) whether the proposal will have an adverse impact upon the drainage system.

3. Main Policies

Joint Local Development Plan

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PCYFF5 – Carbon Management

PCYFF 6 –Water Conservation

PS13 – Providing opportunity for a Flourishing Economy

PS 19: Conserving and where appropriate enhancing the Natural Environment

AMG3 – Protecting and enhancing features and qualities that are distinctive to the local landscape character.

Planning Policy Wales (9th Edition)

Technical Advice Notes 12: Design

Technical Advice Note 6 – Planning for Sustainable Rural Communities

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

4. Response to Consultation and Publicity

Councillor Carwyn Elias Jones – Support locally for farming and local young families in farming. However, concerns raised with respect to highways, solar energy network capacity and drainage to protect nearby residential dwellings.

Councillor Alun Roberts – Request that the application be referred to the Planning Committee for determination. Concerns regarding highway safety, increased traffic from the proposed development and increased risk of flooding to nearby dwellinghouses as a result of the proposal.

Councillor Lewis Davies – No response

Community Council – No major objections to the proposed development. However, concerns raised with respect to drainage and highway matters.

Environmental Health – Approval subject to conditions protecting the amenities of nearby properties.

Drainage – The proposed drainage details appears acceptable in principle. Conditional approval recommended relating to the design detail of the surface water drainage system.

Gwynedd Archaeological Planning Service – Conditional approval subject to an appropriate archaeological mitigation.

CADW – Awaiting Consultation Response

Natural Resources for Wales – No Objection

Ecology – No Objection / Informative comments

Welsh Water – No comments with respect to the proposed development scheme.

Landscape / Tree Officer – Conditional Approval

Local Highways Authority – Concerns raised with respect to the construction phase and road surface, however are satisfied subjected to conditions.

Response to publicity:

A statutory public consultation process was carried out the response to which is summarised in the Pre - Application Consultation (PAC) report which was submitted as part of the application.

The application was afforded two means of publicity; these were by the posting of a notice near the site and the serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was 29/06/2018. At the time of writing the report eight representations had been received at the department.

In summary they state:

- i) Proposed agricultural shed will impact upon the amenity of residential properties and nearby playground.
- ii) Concerns regarding ecology, geology and landscaping.
- iii) Concerns regarding highway safety.
- iv) Concerns regarding drainage including an increased risk of flooding to nearby dwellinghouses.
- v) Need and justification for the proposed development.

In response to the above points raised above, the Authority comments as follows:

- i) The amenity of the nearby dwelling and other public amenity space are assessed later within the report.
- ii) The Authority's ecologist and landscape officer has raised no objection to the proposal.
- iii) The Local Highways Authority are satisfied with the proposed subject to conditions.

- iv) Drainage matters are assessed later within the report.
- v) The justification for the proposed development is assessed later within the report.

5. Relevant Planning History

17C181/SCR – Erection of a livestock shed, erection of silage clamps, laying of hardstanding together with associated landscaping to include formation of a landscaping bund for screening – EIA Not Required

17C181B/SCR - Screening opinion for the erection of a livestock shed, erection of a silage clamp, laying of hardstanding together with associated landscaping to include formation of a landscaping bund at Fferam Uchaf, Llansadwrn – EIA Not Required

6. Main Planning Considerations

Setting: The proposed agricultural shed will be located outside the listed settlement of Llansadwrn and is therefore considered to be within the open countryside.

The proposed development mainly comprises of two elements which are:

- i) The construction of an agricultural building (73.15m length x 30.4m width x 7m height) to accommodate approximately 200 cattle between October and April. An internal Farm Yard Manure store (measuring 9m x 390m) provided within the proposed shed.
- ii) Erection of a silage clamp (18.50m width x 23.20m length x 4m height).

Other associated works including a new hardstanding area and engineering operations including a 2.5m high landscaped bund at the north and east of the proposed shed in an effort to screen the development from nearby viewpoints including public rights of way.

Location: The applicant has identified the proposed site as the most appropriate and best location for the proposed development. Several other locations were assessed prior to the submission of the application.

The new agricultural building will be located to the east of the existing agricultural buildings.

The application site is surrounded by agricultural land. Land immediately adjoining the site to the north is land owned by the applicant. Land to the south and opposite side of the highway is not within the applicant's ownership. The site will be accessible from the highway to the south of the site.

Design: The design and materials of the cattle shed would be entirely typical of a modern agricultural building. The proposed agricultural building will be finished with a combination of precast concrete panels, box profile sheeting, timber boarding and light grey fibre cement roof. The colours of the materials will be conditioned as part of any approved in order to ensure that the proposed development integrates into its surroundings.

The proposed silage clamp will be surrounded by 4 metre high concrete walls and located within an existing small enclosure surrounded by trees to the north of the existing buildings which will be retained as part of the Arboriculture Impact Assessment.

Policy Considerations: National planning policy included within Planning Policy Wales and Technical Advice Note and Technical Advice Note 6 – Planning for Sustainable Rural Communities supports agricultural related activities within the open countryside if they are well integrated into their surroundings and will not have a detrimental impact upon the amenities of the area and neighbouring properties. Policy PS19 of the Joint Local Development Plan encourages economic growth.

Policy PCYFF4 and AMG 3 of the JLDP requires that all proposals should integrate into their surroundings and protect the landscape. Furthermore, policy PCYFF3 requires, amongst other matters that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environment context.

On balance, it is considered that the proposal is of high quality design which integrates into its surroundings and will not have a detrimental impact upon the landscape or neighbouring properties. These matters are assessed later within the report.

Justification: The agricultural business comprises of 872 acres of mainly grade three agricultural land which is split into five individual farmsteads. On the 872 acres of land which form the agricultural holding, 380 acres are owned by the applicant and 492 acres are leased on a lifetime tenancy.

Farm production includes the finishing of 700 beef cattle on an annual basis in two lots, along with a flock of 1,500 lowland ewes, providing in excess of 2,000 lambs for slaughter annually.

Since cattle are currently housed across five farmsteads including Treffos, Plas Llandegfan, Gadlys, Tyn Llan and Fferam Uchaf. The applicant wish to reduce it to three, housing cattle at Fferam Uchaf, releasing Treffos and Tyn Llan for the storage of implements, fodder and produce from arable operation. The current proposal would improve logistics and improve the welfare of the livestock.

The applicant's intention is to accommodate more cattle at the proposed site. This would thereafter release the remaining sheds to the storage of implements, fodder and produce from arable operations.

The erection of silage clamp at Fferam Uchaf will significantly improve efficiency relating to feeding time, due to less haulage and reduced on going costs from the existing need to produce wrapped big bales. This would improve efficiency as well as improving environmental sustainability.

Effect upon nearby Scheduled Monument: Hendrefor burial chamber (scheduled monument AN025) is located within 2km north west of the application site. In addition to the Hendrefor burial chamber, there are further burial chambers and a series of standing stones (including scheduled monument AN074) also in the vicinity.

Gwynedd Archaeological Planning Service (GAPS) have been consulted regarding the application and are of the opinion that since the shed is located east of existing agricultural buildings the proposal is substantially screened from the monument. In areas where the shed may be visible, vegetation will be used to screen the structure which will not have a material harm of the monument's significant.

The proposed development is not considered to significantly affect the possible interrelationships between any of these sites and discoveries.

GAPS have recommended that appropriate archaeological mitigation is undertaken as part of any planning approval with respect to a programme of archaeological works. The Local Planning Authority are also awaiting a response from CADW regarding the proposed development. However, in respect to the statutory Pre Application consultation, it is noted that CADW raised no objection in principle to the development.

Effect on neighbouring properties: The nearest dwelling to the application site is located at Fferam Isaf, which is approximately 240 m west, 1 and 2 Pencraig are located 350m east and Arcady is located approximately 325m south east.

Concerns were raised as part of the publicity consultation process with respect to noise, odour and general disturbance the proposed development would have upon neighbouring properties.

Environmental Health were consulted regarding the application and have raised no objection subject to a condition limiting the hours of construction works together with the management of manure. Details of lighting should also be conditioned as part of any approval.

Due to the distances between the application site and neighbouring properties together with existing and proposed screening and the topography of the land it is considered that the proposed

development would not give rise to harmful impacts including noise, odour or general disturbance sufficient to warrant refusal.

In addition, since the proposed development has also included a 2.5 meter high landscaped bund and lowering ground level of the proposed livestock shed by 1 meter, it is considered the proposal would not conflict with Policy PCYFF2 which seeks to protect the amenity of occupiers of nearby properties or public open spaces including a playgrounds.

Landscape and Mitigation Measures: Agricultural sheds are currently located towards the east of the site. The proposal entails expansion of agricultural features, the removal of an area of trees and the creation of a bund all within agricultural land. The bund would enclose the southern and most of the eastern elevation generally joining up retained tree cover through new planting.

The application site is not within the Area of Outstanding Natural Beauty (AONB) or Special Landscape Area (SLA).

The site is identified as being of Moderate Value in LANDMAP. Occupying a locally elevated position partially enclosed to trees the site is sensitive to changes that would alter these features. Mitigation in the form of bunds and planting is proposed to address prominent views of the site and integrate it into its surroundings as required in PCYFF 4.

Some removal of traditional features (young woodland) will occur as identified in AMG 3, other features (older woodland) have been incorporated into the design and it is not considered that there would significant effects on unique features in Visual and Sensory terms.

The building's proposed colour is important and therefore would be conditioned as part of any approval in order that it integrates into its surroundings. In addition, a planting condition will be imposed in order that adequate landscaping is provided.

Highway: As a result of the consultation and publicity process concerns have been raised with respect to highway safety and an increase in traffic as a result of the proposed development. The Local Highways Authority have assessed the application and not objected to the proposal subject to conditions requesting that a satisfactory Construction and Operational Phase Traffic Management Plan are submitted prior commencement of the proposed development.

Drainage: As a result of the consultation and publicity process concerns were raised with respect to the current drainage system and the impact the proposal may have upon nearby residential properties at Maes Hafoty in terms of flooding.

Surface water drainage from both the agricultural shed and hardstanding area will be disposed to a nearby watercourse, located to the north west of the proposed silage clamp.

The drainage department have assessed the application together with supporting document and have concluded that the surface water run-off from the development site drains to a separate catchment than Maes Hafoty and will therefore not add any additional loading onto the land drainage networks in the vicinity of Maes Hafoty. The department are therefore satisfied with the proposal subject to a condition relating to surface water design details

7. Conclusion

The principle of development for agricultural purposes is accepted within planning policy. The proposal under consideration due to mitigation provided will not create unacceptable changes to the landscape, have an unacceptable effect on residential amenity of neighbouring properties, highway safety or nearby ancient monuments. It is recommended that the application be approved subject to conditions and satisfactory consultation response from CADW.

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 WCFG Act.

8. Recommendation

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

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

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

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

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

(03) a) No development (including trial pitting, topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.

b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and TAN24: The Historic Environment.

2) 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).

(04) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing number EA/5343-200-01 Rev C received on the 27/06/2018 before the use hereby approved in commenced. The said trees and shrubs shall be maintained for a period of ten years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity.

(05) No development shall commence until details of internal and external lighting is submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the use hereby approved is commenced.

Reason: In the interests of visual amenity.

(06) No development shall commence until full details of the colour to be used for the proposed fiber cement and box profile sheeting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with approved details before the use hereby approved is commenced.

Reason: In the interests of visual amenity.

(07) The development shall follow the sequence of operations listed in Steps 1 – 3 of page 13 of the Tree Solutions Arboriculture Impact Assessment/Method Statement (Reference number 18/AIA/Anglesey/14 (Rev A) received on the 23/05/2018) as informed by the main body and schedules of the same report. The approved tree pruning works shall be carried out in accordance with BS3998:2010.

Reason: To integrate the development into its surrounding locality.

(08) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of use of the building, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: To integrate the development into its surroundings

(09) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: To integrate the development into its surroundings

(10) No development shall commence until details for the stripping and stockpiling of topsoil and subsoil during the development, and its reuse in the planting bund is submitted and approved in writing by the Local Planning Authority.

Details shall include:

- Timing of extraction and reuse
- Separation
- Location of storage
- Bund construction

Reason: To ensure that soils are carefully extracted, separated, stored and reused to prevent their damage and facilitate the approved landscaping scheme.

(11) All landscaping will be appropriately protected by stock-proof fencing before the use hereby approved is commenced.

Reason: To ensure that the approved landscaping scheme is protected from livestock damage.

(12) Construction works shall be carried out between the hours of 08:00 - 18:00 Monday to Friday and 08:00 – 13:00 on Saturday. No works shall be carried out on Sunday or Bank Holidays.

Reason: To safeguard residential amenity

(13) No development shall commence until design details for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the use hereby approved is commenced.

Reason: To ensure that the site can be adequately drained.

(14) No development shall commence until a Construction Traffic Management Plan (CTMP) is submitted and agreed in writing by the Local Planning Authority. The CTMP shall include:

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**

(ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;

(iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;

(iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;

(v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;

(vi) The arrangements for loading and unloading and the storage of plant and materials;

(vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;

The construction of the Development shall be completed in accordance with the approved Plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(15) No development shall commence until a Operational Phase Traffic Management Plan (OTMP) is submitted and approved in writing by the Local Planning Authority. The OTMP shall include;

(i) The routing to and from the site of service and operational vehicles, plant and deliveries, including Traffic Management Measures necessary to facilitate safe operation, including any subsequent demolition or decommissioning of the development

(ii) The type size and weight of service and delivery vehicles to be used in connection with the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;

(iii) The timing and frequency of service and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and access routes to the site including regard for sensitive receptors e.g. schools and network constraints;

(iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;

(v) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;

The operation of the Development shall be carried out in accordance with the approved Plan.

Reason: To ensure reasonable and proper control is exercised over traffic associated with the operation of the development in the interests of highway safety.

(16) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 17C181C.

Drawing/ Document Number	Date Received	Plan Description
17_206/01	23/05/2018	Topography Survey

EA/5343-200-01 Rev C	23/05/2018	General Arrangement and Planting Plan
01	23/05/2018	Elevations
02	23/05/2018	Floor Plans
SE36.0 Sales Rev 1	23/05/2018	Silage Effluent
	23/05/2018	Silage and Slurry Storage Requirements
	23/05/2018	Conder Underground Tanks: Granular Surround
18/AIA/Anglesey/14 (Rev A)	23/05/2018	Arboriculture Impact Assessment / Method Statement
5343 D01 – Rev A	23/05/2018	Landscape Statement

(17) No development shall commence until a Manure Management Plan prepared in accordance with the Code of Good Agricultural Practice for the Protection of Water, Soil and Air for Wales (2011 No.20) is submitted to an approved in writing by the Local Planning Authority. The plan shall have regard to the maximum field application rates of 250Kg total nitrogen / hectare / year, specified in the code. Where slurry is intended to be spread on land outside the applicant's control, they shall make all reasonable enquiries before releasing the material, to ensure that overall amount of material spread on that land (including the material intended to be supplied by the applicant) will not exceed this application rate".

Reason: To safeguard residential amenity and 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.

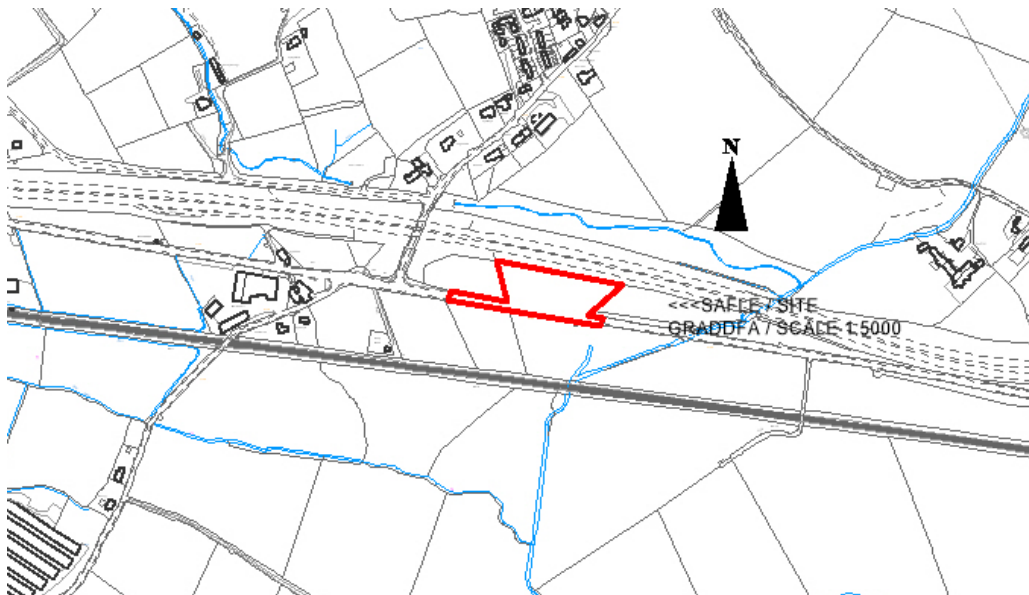
Rhif y Cais: **41LPA1041/FR/TR/CC** Application Number

Ymgeisydd Applicant

Cyngor Sir Ynys Môn

Cais llawn ar gyfer newid defnydd tir amaethyddol i'w ddefnyddio fel man stopio dros dro (10 llecyn) ar gyfer Sipsiwn a Theithwyr, creu mynedfa gerbydau newydd, ffurfio mynedfa newydd i gerddwyr a phafin ynghyd â datblygiadau cysylltiedig ar dir i'r Dwyrain o / Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of

Star Crossroad, Star



Planning Committee: 03/10/2018

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

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been submitted by the Isle of Anglesey County Council (Housing Services).

Under the Council's present scheme of delegation it is required that the matter of this application be referred for determination to the Planning and Orders Committee, based on the following 3 grounds:

1. The applicant is a department within the Isle of Anglesey County Council, in this case Housing Services;
2. Councillors Robin Wyn Williams, R. Meirion Jones and Alun Mummery, in their consultation responses, have requested that the application be heard and determined by the Planning and Orders Committee; and
3. As a result of the number of 3rd party representations stating objection to the proposed development.

At its meeting held on the 5th September 2018 the Committee resolved to refuse the application contrary to officer recommendation.

The recorded reasons being as follows:

'The proposal conflicts with Policy TAI 19, criterion 4 in respect of noise levels'.

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."

Furthermore, 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:

Detailed Considerations under Policy TAI 19: New Permanent or Transit Pitches or Temporary Stopping Places for Gypsies and Travellers

Based on the aforementioned reason for refusal by the Planning and Orders Committee, further consideration is given below to the Committee's concerns that the proposal represents a departure from policy TAI 19 and that it is not sufficient to allow for a departure from the adopted policy.

As advised within the report to Committee on 05/09/2017, Policy TAI 19 supports the release of land to provide pitches for Gypsies and Travellers in locations that wouldn't be normally released for residential development. To wit, such sites must follow the policy's detailed criteria. Of this criteria, point 4 states:

"That environmental factors, including ground stability, contaminated land, and proximity to hazardous locations, do not make the site inappropriate for residential development unless mitigation is possible and proportionate..."

Based on the views expressed by members during the Committee meeting, it is understood that the position taken was that the proposal would give rise to noise levels which exceeded World Health Organisation (WHO) guidance for noise and that this in of itself would constitute an *environmental factor* which was at a level *inappropriate for residential development* and furthermore that the proposed mitigation; namely acoustic barriers did not provide sufficient or *proportionate mitigation*.

In considering the recommendation, it is noted that the impact of noise on the development – from the perspective of amenity for its users – is a material planning consideration which is of relevance to the assessment of this application. Furthermore, it is also noted that Criterion 4 of Policy TAI 19 – while not specifically referencing noise within its text – is appropriate as a relevant consideration in determining the acceptability, or otherwise of noise impact(s).

Given this, in considering the impact of noise on the site, the following key issues must be reviewed:

1. The potential impact of noise and any suitable mitigation measures proposed which may be proportionate to the development;
2. The weight attributed to policy TAI 19 within the context of the wider planning assessment;
3. The weight attributed to WHO guidance in the assessment of noise impacts; and
4. Any other material considerations.

In respect of 1, the applicant has submitted a Noise Impact Assessment (NIA) in support of the application; for the avoidance of doubt this assessment was provided in advance of the recommendation made to the Committee and was subject to review by consultees; the most pertinent of which is the Council's Environmental Health section.

Contained within the submitted NIA, the principal sources of noise affecting the site are deemed to be: road traffic noise from the A55 and the A5, and occasional train noise. The methodology of the NIA is considered to follow the requirements of TAN 11 'Noise' and also further considers the WHO guidance.

The NIA finds that without noise measurements taken at the site were between 60 – 65 dB during the daytime and 54 – 59 dB at night time. With mitigation (i.e. a 3m high acoustic fence to the north, east and western site boundaries), internal noise levels within the site are predicted to be reduced to between 32 – 37 dB during the daytime and 26 – 31 dB at night time. These predicted measurements are considered to fall within the thresholds set within the WHO guidance. In addition, external noise levels with mitigation are predicted remain in excess of the levels recommended by WHO guidance.

In addition, consideration is given within the NIA to BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings). BS 8233 is recognised as the British Standard for guidance for the control of noise in and around buildings for use by planning and other regulatory authorities. In this regard, the NIA advises that while external noise levels within the site (post-mitigation) are predicted to marginally exceed WHO guidance, BS 8233 advises that where WHO aspirational targets cannot be achieved, that a balance between other planning considerations must be taken.

With specific regards to the discussions of the Committee when reaching their decision on this application, it is also noted that reference was made to the submitted NIA and that noise levels had been recorded at 76 dBA (weighted decibel) – which would fall within Noise Exposure Category (NEC) D of TAN 11 (that states that planning permission should normally be refused). It should however be advised that the figure of 76 dB has been misquoted within this discussion and in terms

of the NIA it is quoted as an LA_{max} (maximum recorded) noise level. This practically means that the 76 dB is not a dBA measurement and it is therefore incorrect to treat this as a measure under which TAN 11 establishes the NEC. In actuality, the NIA states that the relevant unmitigated LA_{eq} noise levels recorded within the site range from 64 – 66dB during the daytime and 55 – 56dB at night. These values therefore correspond to NEC C during the daytime and NEC category B at night. Furthermore, with proposed mitigation the levels are predicted to fall wholly within NEC category B at all times. For the avoidance of doubt, below is an extract from TAN 11 in respect of NEC category B:

“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.”

In respect of 2, it is advised that policy TAI 19 is a central policy in the assessment of a development of this nature, and that within the report to the Committee on 05/09/2018 that it stated *“Policy TAI 19 is considered to provide the fundamental criteria when considering the suitability of a site for the proposed development and as such is given due weight in the decision making process, particularly concerning the suitability of the location of the site”*.

In respect of 3, it is considered that the JLDP represents the primary material consideration in determination of this application and that other considerations – while relevant – are of lesser weight and therefore would not outweigh the provisions of the adopted plan. In respect of the WHO guidance, it is considered that this should be considered within the context of supporting the policies of the adopted plan and alongside TAN 11 must be considered within the context of its non-statutory status as a guidance document only.

In respect of 4, other material considerations relevant to this application and the Committee’s reason for refusal include, the need to weigh the suitability of the site against the wider national policy context in respect of the provision of Gypsy and Traveller sites as identified within the report to Committee of 05/09/2018, consideration of the responses from statutory and non-statutory consultees in respect of noise and comments and objections from 3rd parties in respect of noise.

Conclusions:

Based on the foregoing considerations, the following conclusions can be drawn:

- The applicant’s submitted NIA is considered sufficient in its scope and methodology to provide an accurate assessment of potential noise impacts at this site.
- The conclusions of the NIA demonstrate that in order to reduce potential noise impacts within the site, mitigation is required.
- The proposed mitigation measures, namely the inclusion of 3m high acoustic barriers to the north, east and west site boundaries are considered *possible* (i.e. these can be practically provided on site) and *proportionate* to the proposed development.
- As per the recommendations of the Committee Report (05/09.2018), the proposed acoustic fencing, would not give rise to significant detrimental visual impacts, or other environmental impacts, in of itself.
- The mitigation proposed is predicted to reduce internal noise levels within WHO guidance, but has the potential to remain in excess of said guidance with regard to external noise levels at their peak.
- The mitigated noise level as established by the NIA would fall within NEC B of TAN 11, meaning that noise must be considered during determination and that appropriate conditions imposed to ensure an adequate level of protection.
- No objections from statutory or non-statutory consultees have been made on the grounds of noise impact which would outweigh the provisions of the JLDP.

Fundamental to the conclusions provided above, it is considered that noise is only one of multiple factors which require to be considered in respect of a development of this type – with all other environmental factors considered satisfactorily addressed.

The adopted national guidance contained within TAN 11 should therefore be considered as the recognised and established primary guidance available to planning authorities in the assessment of potential noise impacts.

In addition, it is recognised that the WHO guidance provided relates to *aspirational* noise limits and does not set statutory targets which must be adhered to. This is underlined by the recommendation of BS 8233 which advises planning authorities that where these targets cannot be achieved that a balance of all planning considerations must be taken. Based on this, it is considered that the need for such a provision has already been established with no objection from the Committee during its determination; that the development is of a scale which would not give rise to significant environmental or amenity impacts external to the site; that other environmental matters are also considered to be addressed; and that there are not deemed to be any further policy conflicts which have not already been satisfactorily addressed either through mitigation or the recommended conditions and informatives.

As such, the issue of noise in respect of this application can be distilled down to a need to balance the potential impacts against the other material planning considerations. Given this, it is considered that the merits of this development in respect of its overriding need; its compliance with the JLDP in other policy areas; and its acceptable visual, environmental and amenity impacts have been previously established within the assessment contained within the Committee Report (05/09/2018). It is therefore considered that the predicted external only noise impact which may exceed (at their upper limits) the aspirational thresholds set by the non-statutory WHO guidance does not outweigh the merits of the proposal or present a significant impact which would support the refusal of the application on these grounds.

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 5th September 2018.

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

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

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

AGS-CAP-ELS-01-DR- L-1001 Revision P01;
AGS-CAP-ELS-01-DR- L-1003 Revision P01;
AGS-CAP-HSC-01-DR-C-0201 Revision P01;
AGS-CAP-HFE-01-DR- C-0301 Revision P01;
AGS-CAP-HFE-01-DR- C-0302 Revision P01;
AGS-CAP-HDG-01-DR- C-0501 Revision P03;
AGS-CAP-HGT-01-DR-C-0601 Revision P01;
AGS-CAP-HLG- 01-DR-C- 1301 Revision P01; and
AGS-CAP-HML-01-DR-C-0001 Revision P01

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

Reason: For the avoidance of doubt.

(03) Notwithstanding the submitted information, hereby approved, no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and that it should be discharged to the Afon Braint, unless otherwise agreed in writing with the planning authority, in consultation with Welsh Water.

Reason: To ensure the proper drainage of the site and to protect the integrity of the public sewerage network.

(04) Notwithstanding the submitted information, hereby approved, the applicant shall provide a statement and accompanying plan which demonstrates a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates. This statement and plan shall be submitted to the planning authority and receive approval, prior to the commencement of development on site.

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

(05) The proposed pedestrian link, hereby approved, shall be constructed and in place prior to the occupation of the site and shall remain in place at all times thereafter.

Reason: In the interests of pedestrian and vehicular safety.

(06) The access shall be laid out and constructed strictly in accordance with the submitted plan, drawing No "AGS-CAP-HDG-01-DR-C0501 rev. P03" before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

(07) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 meters back from the nearside edge of the adjoining carriageway.

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

(08) The access shall be constructed with 2.4 metre by 215 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

(09) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and in perfect working order before the use hereby permitted is commenced.

Reason: To prevent surface water shedding onto the carriageway.

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

Reason: In the interests of the residential amenity for occupants and internal site safety.

(11) The applicant shall submit a full comprehensive and robust Construction Phase 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**
- VI. Management and operation of construction and delivery vehicles.**

This Construction Phase Traffic Management Scheme shall be approved in writing by the planning authority, in consultation with the Highways Authority prior to the commencement of development works on site.

Reason: In the interests of pedestrian and vehicular safety and in the interests of the proper traffic management of the site during construction.

(12) The applicant shall submit supporting design calculations for the attenuated surface water drainage system. This information shall be approved in writing by the planning authority prior to the commencement of development works on site.

Reason: In the interests of the proper drainage of the site.

(13) Notwithstanding the approved information, any trees, plants or hedgerows, which are included within the development for the express purpose of providing visual screening, which die shall be replaced on a like for like basis, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual and residential amenity.

(14) The applicant shall submit a method statement setting out that all recommendations described in section 7 of the submitted Ecological Assessment report are adhered to and adopted. This method statement shall be approved in writing by the planning authority prior to the commencement of development on site.

Reason: In order to preserve and protect the ecological interests of the development site.

(15) Notwithstanding the submitted information hereby approved, the applicant shall provide updated plans which indicate firmly defined area(s) of new planting for both hedges and grassland. Furthermore the areas of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations. This plan shall be approved in writing by the planning authority, prior to any development works on site relating to the implementation of the planting scheme.

Reason: In order to enhance the ecological interests of the site and safeguard visual and residential amenity.

(16) No development (including topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the planning authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.

Reason: In order to safeguard local archaeological interests.

(17) A detailed report on the archaeological work, as required by condition (16), shall be submitted to and approved in writing by the planning authority within six months of the completion of the archaeological fieldwork.

Reason: In order to safeguard local archaeological interests.

Informatives:

(01) The applicant is advised that consideration should be given at construction stage to facilitate the retro-fitting of CCTV, should future site issues emerge.

(02) The applicant is recommended to engage with North Wales Police on the preparation of any future amendments or further detail to the Site Management Plan.

(03) The applicant is advised that any development that would contravene the protection afforded to bats of Great Crested Newts under the Conservation of Habitats and Species Regulations 2010 (as amended) would require a derogation licence from Natural Resource Wales. Furthermore, a licence may only be authorised if:

- a) There is no satisfactory alternative.
- b) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range; and
- c) The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(04) The applicant is recommended to contact Natural Resource Wales about how the guidance contained within Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2 and 3), March 2010 can be adopted in relation to this development.

(05) The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.

(06) Any adjustments, re-siting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

(07) The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

(08) The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

(09) If he/she chooses to carry out the work himself/, the Applicant should be advised to apply in writing to the Corporate Director of Highways, Transportation and Property for the necessary consent, as required under Section 171 of the Highways Act, 1980 to carry out work within the highway for the formation of the footway and/or verge crossing.

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

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

(12) The culverting of the land drainage ditch to provide for the vehicular access, will require a consent from this Authority under Section 23 of the Land Drainage Act 1991.

(13) The applicant is advised that in order to achieve surface water discharge to the Afon Braint, a Flood Risk Activity Permit may be required from Natural Resource Wales.

(14) Construction waste should only be disposed of to sites which can prove that they are registered as exempt, or licensed under the Environmental Permitting Regulations. There is a legal requirement (Duty of Care requirements of Section 34 the Environmental Protection Act 1990) on the site owner, contractor etc. to ensure that the re-use or disposal of this waste is appropriate and complies with the Environmental Permitting Regulations. Under the Duty of Care requirements, appropriate Waste Transfer Notes must be produced and kept. Any waste which is imported as part of the construction is also subject to Environmental Permitting Regulations 2010. The applicant should ensure they have appropriate exemptions/permits in place for the waste activities.

(15) Pollution prevention methods should be in place for any work taking place at the eastern side of the site within close proximity to the Afon Braint. The applicant should be aware of the contents of the latest Pollution Prevention Guideline with regards to working near water i.e. GPP5 via the NetRegs website.

(16) Care should be taken with all work involving concrete so as not to pollute watercourses. Any water that meets wet concrete must be treated as contaminated and must not be allowed to discharge into any watercourse. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000.

(17) All fuel, oil and chemicals used on site should be stored away in a locked store which is bunded to 110% capacity of the total volume stored. Oil spill kits should be available at key locations on site for dealing with any oil spill. All staff on site should be aware of their location and trained in their use.

(18) The applicant is advised that scrub removal should be carried out either outside March-end August, or following checks by a qualified ecologist.

(19) The applicant is advised that Excavations to be covered overnight, or bunded with sloping sides.

(20) The applicant is advised that the development should cause no nuisance by dust, fumes, noise, odour or artificial light.

(21) Any construction works should be carried out between the following times:

0800 – 1800 (Monday to Friday);

0800 – 1300 (Saturday) and no working on Sundays or Bank Holidays.

(22) It is recommended that the applicant undertake construction works in accordance with CIRIA document – C650 C741, 2015 – Environmental Good Practice On Site (Fourth Edition).

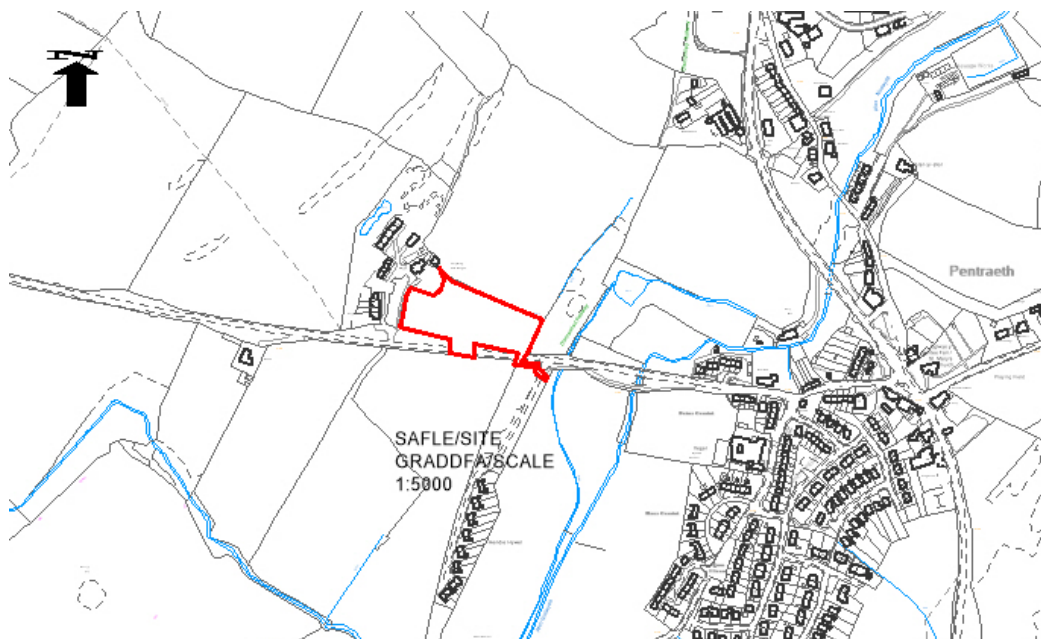
(23) The applicant is advised that there should be an Information board provided on site to display details such as site rules, emergency contact information, fire safety, general info on GPs etc.

Rhif y Cais: **42C6N** Application Number

Ymgeisydd Applicant

Mr T Cusack

Cais llawn ar gyfer lleoli 15 sialet gwyliau, chreu mynedfa newydd i gerbydau a llwybr cerdded ynghyd a gwaith cysylltiedig yn / Full application for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at

Tan y Graig, Pentraeth

Planning Committee: 03/10/2018

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

Recommendation:

Permit

Reason for Reporting to Committee:

Local Member – Councillor Margaret Murley Roberts has requested that the application be referred to the planning committee for determination.

At the committee meeting held on the 5th September, 2018, it was resolved that a site visit was required. The site visit took place on the 19th September, the Members are now aware of the site and its settings.

1. Proposal and Site

The application is for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at Tan y Graig, Pentraeth.

The application site is a parcel of land located to the north of the B5109 highway. The site is accessible from the south by an existing access.

There are dwelling houses located to the west of the application site, agricultural fields are located to the north whilst a disused railway line is located to the east.

2. Key Issue(s)

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

3. Main Policies

Joint Local Development Plan

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PS4 - Sustainable Transport, Development and Accessibility

PS20 – Preserving and Where Appropriate Enhancing Heritage Assets

TWR3 – Static Caravan and Chalet Sites and Permanent Alternative Camping Accommodation

ISA 1 – Infrastructure Provision

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

Planning Policy Wales (9th Edition)

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 6: Planning for Sustainable Rural Communities

Technical Advice Notes 12: Design

Technical Advice Note 13: Tourism

Technical Advice Note 18: Transport

Technical Advice Note 23: Economic Development

4. Response to Consultation and Publicity

Councillor Margaret Murley Roberts – Request that the application be referred to the Planning Committee for determination.

Councillor Vaughn Williams – No Response

Councillor Ieuan Williams – No response

Community Council – Objection on several grounds including:

- Concerns regarding highway safety
- Proposal does not respect the surrounding environment
- Proposal will be visible from the village
- Effect upon the amenity of nearby residential properties
- Proposal would increase pressure upon the exiting sewage system
- No demand for such a proposal within the area

Environmental Health – Proposal complies with required distances within Ste Licence. Conditional approval recommended.

Drainage – Proposed foul drainage is acceptable in principle. Condition should be attached with respect to surface water.

Welsh Water – Conditional Approval

Policy – The main JLDP policy relevant to the proposed development is TWR3. The acceptability of the development in question will depend on whether it accords with the listed criteria, specifically the impact of the development on the local landscape.

Built Environment – The amended layout and reduction in the number of units have address the section's initial concerns.

Landscape / Tree Officer – Subject to a condition relating to a landscaping scheme, the officer is satisfied that the proposal complies with the relevant development plan policies.

Ecology – No objection. However have recommended a condition with respect to the Ecological Assessment.

Local Highways Authority – Conditional Approval

Natural Resources for Wales – No Objection

Response to publicity:

A statutory public consultation process was carried out and a Pre-Application Consultation (PAC) report which was submitted as part of the application.

The proposal was advertised with the posting of notifications to adjacent properties and within the local press. Site notices have also been displayed near the application site. The latest expiration of the publicly period was the 30th July, 2018

Seventeen letters of representation were received as a result of the publicity afforded to the application. The main points raised are summarised below:

- Cottages at Tan Y Graig are not being used for holiday purposes but rather as permanent place of residence.
- Proposed development will have an effect upon neighbouring properties in terms of light pollution, noise, loss of privacy and general disturbance.
- High density of units in comparison to the size of application site.
- Concerns regarding highway and pedestrian safety.

- Large number of holiday lodges / caravan sites within the area therefore no demand for such a development.
- Concerns regarding loss of wildlife and effect upon nearby nature designations.
- Concerns with respect to flooding. The application site has poor drainage. Concerns additional drainage and sewage generated from the proposed development will impact upon the existing infrastructure.
- Concerns regarding anti-social behaviour
- Concern that the proposal would have an effect upon the character and landscape of the area.

In response the points raised, the Authority comments as follows:

- A Certificate of Lawful Use was approved on the 18/03/2008 for the use of 13 units at Tan Y Graig as C3 dwellings.
- The effect that the proposed development will have upon the residential amenity of neighbouring properties and the locality is assessed later within the report.
- The number of units have been reduced from 21 to 15. The density is discussed later within the report.
- The Local Highway Authority have assessed the application and raised no objection subject to conditions
- The intensification and need of such a development within the locality have been discussed later within the report.
- The Authority's ecologist has assessed the application and raised no objection to the application subject to conditions.
- The land is not located within a Flood Zone. The Authority's drainage department and Welsh Water have assessed the application and raised no objection to the application subject to conditions.
- Matters relating to anti-social behaviour is a police matter.
- The effect the development will have upon the character of the area and landscape is discussed later within the report.

5. Relevant Planning History

42C6 – Conversion of obsolete domestic and agricultural building to self catering accommodation – Approved 01/01/1990

42C6A – Conversion of obsolete domestic and agricultural buildings to self – catering holiday accommodation – Approved 01/01/1990

42C6B – Erection of a private double garage – Approved 01/01/1990

42C6C Erection of 7 holiday units together with tea and multi purpose rooms - Approved 02/02/90

42C6D Proposed development for the erection of 6 additional holiday units -Approved 04/04/96

42C6E Erection of a leisure complex - Approved 10/04/96

42C6F Discharge of Section 106 Agreement attached to planning permission 42/C/6D which states that "there shall be no further development of the property except as permitted by earlier consents and by the planning permission referred to in Clause 6 above" - Approved 13/01/99

42C6G Demolition of existing buildings together with the erection of a new building to be used as a games room/ changing room/store on land - Withdrawn 09/08/00

42C6H Removal of condition (03) and (04) from application 42C6A 'The holiday accommodation hereby approved shall be maintained as one complex and shall at no time be sold as separate units' and (04) 'The total period of occupation of the units hereby approved for the purpose of holiday accommodation shall not exceed 28 consecutive days' and modification of condition (05) to read 'The occupation of the holiday units hereby approved shall be limited to 11 months duration beginning on the 4th February in any one year and ending on the 5th January in the following year - Withdrawn 03/11/04

42C6J Removal of condition (07) on application number 42C6C 'the total period of occupation of the units hereby approved for the purpose of holiday accommodation shall not exceed 28 consecutive days' and modification of condition (09) to read 'The occupation of holiday units hereby approved shall be limited to 11 month duration beginning on the 4th February in one year and ending 5th January in the following year' – Withdrawn 03/11/04

42C6K Application for a certificate of lawfulness for the continuation of use of the 13 chalets as holiday accommodation - Lawful 27/05/05

42C6L Application for the certificate of lawfulness for the use of 13 units as Class C3 dwellings as defined in the Town and Country Planning (Use classes) Orders 1987 (as amended) (or any Order re-voking) or re-enacting that Order), and as identified on the attached plan - Approved 18/03/08

42C6M/SCR Screening Opinion for the erection of a dwelling at Tan y Graig Farm Pentraeth – Returned to applicant 16/10/14

42C6M/ENF Application for retention of a porch at 4 Tan y Graig, Pentraeth – Approved 11/06/2015

6. Main Planning Considerations

The application was initially submitted for 21 holiday chalets. The application was subsequently amended and the number of units was reduced to 15 units. The proposed development comprised of four number of 1 bed units, eight number of 2 bed units and three number of 3 bed units, all of which fall within the definition of a twin unit static caravan as defined within the Caravan Sites and Control of Development Act 1968.

Policy Considerations

The application site is located in the open countryside and outside any defined development boundary. The site is also located outside the Area of Outstanding Natural Beauty (AONB) and the Special Landscape Area (SLA).

When considering the principle of the development reference is made to Policy TWR3 of the Joint Local Development Plan.

Policy TWR3 states that proposals for the development of new static caravan (i.e. single or twin caravan), holiday chalet sites or permanent alternative camping accommodation will be refused within the Anglesey Coast Area of Outstanding Natural Beauty and the Special Landscape Areas. In other locations proposals for new static caravan or holiday chalet sites and permanent alternative camping accommodation will only be granted where it complies with all of the following three criteria:

i. It can be demonstrated that it doesn't lead to a significant intensification in the provision of static caravan or chalet or permanent alternative camping sites in the locality

In order to determine if the proposal would lead to an intensification in the provision of static caravan, chalets or permanent camping accommodation reference is made to the Anglesey Landscape Sensitivity and Capacity Study (March 2014). Within the study each Landscape Character Area (LCA) has been assessed to provide guidance in relation to the sensitivity of the landscape and assess the capacity for further caravan/chalet park developments; the proposed site is located within LCA A09 (*Red Wharf Bay*).

In respect of this LCA, the Study states that “there may be some capacity for well sited small and very small scale developments.” Table 2.11 (Static Caravan/Chalet Park Development Typologies) of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity Study (March 2014) defines ‘Very Small’ as “Up to 10 Units (typically below 1 hectare in area) and Small as 11 – 25 units (typically below 2 hectares in area).

The department considered that the density (21 units) initially proposed as part of the application was not acceptable at the application site. However, although table 2.11 (Static Caravan/Chalet Park Development Typologies) of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity Study (March 2014) indicates that a scheme of about 10 holiday units would be more acceptable on a 1 hectare size site, this is only an approximation.

Following assessing the context of the site, the layout, reduced density together with the observations of the Built Environment section who raise no objection to the proposal, it considered that 15 units is acceptable.

ii. That the proposed development is of a high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features and/or where the units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape.

The site is an agricultural enclosure surrounded by medium to tall uncut hedges of mixed species with a number of trees. It slopes gently downwards towards the disused railway and its wooded setting and set back from the realigned B5109 road.

The site located approximately 320 metres from the AONB boundary and not within a SLA. It does not appear to be readily visible from the AONB nor SLAs and therefore considered it would not affect the setting of these designated areas.

The site is well screened by existing trees and hedges which will be prominently retained as part of the proposed development. In addition, a landscaping scheme is proposed as part of the application which further mitigates the development.

The landscape officer has raised no objection to the proposal and considered that the development complies with the requirements of PCYFF4, TWR3 and AMG3 of the JLDP.

iii. That the site is close to the main highway network and that adequate access can be provided without significantly harming landscape characteristics and features.

The site is located immediately adjacent to the B5109 highway. A new access to the site is proposed at the south part of the site, leading from the highway. A pedestrian crossing and footway is also proposed to east of the site which will allow pedestrians to commute approximately 0.5 km to Pentraeth. Although hedgerows will be removed as part of these works, it is not considered that the extent of these works will significantly harm the existing landscape characteristics and features.

The Local Highway Authority have assessed the application and are satisfied with the proposal subject to conditions. The site is considered to be in a sustainable location, located within close proximity to the National Cycle Network and existing public transport links.

Effect upon Amenities of Neighbouring Properties:

The impact of the proposal, especially upon the amenity of nearby land users should be considered in accordance with the criteria as set out in policy PCYFF 2 (Development Criteria). Specific consideration is given to criteria 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupiers of local residences or other land and property users.

The nearest dwelling houses are Tan y Graig along with the residential units to the west of the site which have previously been granted a Certificate of Lawful Use to use the units as permanent

residential dwellings. The nearest residential dwelling is located approximately 18 meters away from the proposed units.

Given due consideration to these distances together with the existing hedgerow and vegetation outside the application site it is considered that the proposed development would not affect the amenities of neighbouring residential amenity to such a degree to warrant refusal of the application.

7. Conclusion

It is considered that the application can be supported by local and national planning policy, in particular TWR3 of the JLDP. It is considered that there will not be a significant intensification in the provision of such sites within the areas and that the proposal is of high quality, located in a unobtrusive location providing adequate access onto a main highway network.

The amenities of the area and neighbouring properties have been taken into account, however it is not considered that the proposed development will harm the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

Various material considerations have been considered and assessed by the specialist Officers of the Authority who have not raised any objection to the scheme subject to conditions. It is recommended that the application be approved.

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

To **permit** the application subject to the following conditions:

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

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

(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 42C6N except as required to be approved under the conditions imposed:

Drawing/ Document Number	Date Received	Plan Description
2283:15:1g	13/03/2018	Location Plan
17/02/LP/01A	18/07/2018	Soft Landscape Proposal
2283:15:3M	13/07/2018	Proposed Site Plan
2283:15:9	13/07/2018	2Bed Floor Plan & Elevations
2283:15:10	13/07/2018	1Bed Floor Plan & Elevations
2283:15:11	13/07/2018	3Bed Floor Plan & Elevations
2283:15:12	27/06/2018	Proposed Site Plan – Hardstanding Areas
2283:15:13	27/06/2018	Proposed Bin & Recycling Stores Floor Plan and Elevations

2283:15:4d	04/05/2018	Proposed Drainage Plan & Long Section
2283:15:D1a	13/03/2018	Pedestrian Crossing Details
2283:15:D2	13/03/2018	Pedestrian Footway & Crossing Details
2283:15:D1	13/03/2018	Pedestrian Footway & Crossing Details
	13/03/2018	Drainage Report
	13/03/2018	Ecology Report

Reason: For the avoidance of doubt.

(03) No surface water and/or land drainage shall be allowed to connect directly or indirectly with 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 pollution of or detriment to the environment.

(04) The access shall be laid out and constructed strictly in accordance with the submitted plan (reference number 2283:15:3M) before the 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 Local Highway Authority.

(05) The access shall be constructed with 2.4 metre by 215 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.

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

(06) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and operational before the use hereby permitted is commenced.

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

(07) 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 Local Highway Authority.

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

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

(09) The footway and crossing point shall be completed as per the approved plans (reference number 2283:15:D1a & 2283:15:D2 & 2283:15:D1) before the use hereby approved commences.

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

(10) No development shall commence until plans are submitted and approved by the Planning Authority showing details of the following:

- the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.
- the location and the type of street lighting furniture.

Development shall thereafter be carried out in accordance with the approved details before the use hereby permitted is commenced.

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

(11) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- 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.

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.

(12) Construction works shall only be carried out between the hours of 08:00 - 18:00 Monday to Friday and 08:00 – 13:00 on Saturday. No works shall be carried out on Sunday or Bank Holidays.

Reason: In the interest of amenity

(13) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing reference number 17/02/LP/01A. The planting and landscaping works shall be carried out in full to the satisfaction of the Local Planning Authority before any units are placed on the site. The said trees and shrubs shall be retained for the lifetime of the development. Any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason: In the interest of amenity of the locality.

(14) Full details of all external lighting proposed to be used on the development shall be submitted to and approved in writing by the Local Planning Authority before building or other operations start. Such details shall include the following:

- That all lights shall be directed onto the application site only and not onto any surrounding land or properties.
- Full details of all lights including luminaire, lamp, beam widths and any anti-glare hoods to be used.
- A report on any light spillage (including lux levels) onto any surrounding land or properties arising from the external lighting proposed.

No external lighting other than that approved under this condition shall be used on the development. The external lighting approved shall be installed in strict accordance with the details approved in writing by the Local Planning Authority.

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

(15) The units shall only be used for holiday accommodation and shall not at any time be used as permanent residential premises.

Reason: To define the scope of this approval.

(16) The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual units on the site and of their main home addresses and shall make this information available to the Local Planning Authority.

Reason: To ensure the approved holiday accommodation is not used for unauthorized permanent residential use.

(17) The development hereby approved shall be constructed strictly in accordance with the reasonable avoidance measures for reptiles contained in the report of Cwydian Ecology received on the 13/03/2018

Reason: To safeguard any protected species present.

(18) No development shall commence until a management and maintenance plan for the drainage system shall be submitted and approved in writing by the Local Planning Authority. The management and maintenance plan shall demonstrate how its operation is secured for the lifetime of the development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is adequately drained

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

9. Other Relevant Policies

Planning Policy Wales (Edition 9)

SPG: Design Guide for the Urban and Rural Environment

7.4

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **42C188E/ENF** Application Number

Ymgeisydd Applicant

Mr & Mrs Maldwyn and Menai Jones

Cais ôl-weithredol ar gyfer codi uned llety gwyliau newydd yn / Retrospective application for the erection of a new build holiday letting unit at

4 Tai Hirion, Rhoscefnhir



Planning Committee: 03/10/2018

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

Recommendation:

Refuse

Reason for Reporting to Committee:

At the request of the Local Member Cllr Ieuan Williams.

At the committee meeting held on the 5th September, 2018, it was resolved that a site visit was required. The site visit took place on the 19th September, the Members are now aware of the site and its settings.

1. Proposal and Site

The application is a retrospective application for the erection of a new build holiday accommodation.

The site is located outside the settlement of Rhoscefnhir. The building is located on a complex of former outbuildings that have been converted into residential units under planning application reference 42C188 which was approved on 31/08/2006.

2. Key Issue(s)

The applications main issues are whether the proposal complies with current policies..

3. Main Policies

Joint Local Development Plan

Policy PCYFF1 – Development Boundaries
Policy PCYFF2 – Development Criteria
Policy PCYFF4 – Design and Landscaping
Policy PS14 – The Visitor Economy
Policy TWR2 – Holiday Accommodation

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 13 – Tourism

Supplementary Planning Guidance – Holiday Accommodation (2007)

4. Response to Consultation and Publicity

Community Council – No response to date

Local Member, Councillor M Roberts – No response to date

Local Member, Councillor V Hughes – No response to date

Local Member, Councillor I Williams – Call-in due to the need for consistency with recent similar applications

Drainage Section – Awaiting further information in regards to the proposed drainage scheme

Highway Authority – No recommendation

Natural Resource Wales – No objection

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 property. The latest date for the receipt of representations was the 10th May, 2018 and at the time of writing this report one letter of support had been received from Gorau Mon supporting the applicants application to run cheese-making courses on the farm.

5. Relevant Planning History

42C188 – Conversion of outbuildings into 5 residential units with 3 passing places on the highway, installation of a new septic tank and alterations to the existing access at Tai Hirion, Rhoscefnhir – Approved 31/08/2006

42C188D – Full application for the conversion of outbuilding into a dwelling at Tai Hirion, Rhoscefnhir – Approved 05/09/2014

Site history of adjoining land

42C188A – Full application for the creation of a touring caravan and camping site, erection of a shower block, creation of an internal access road, landscaping and associated development on land at Tai Hirion, Rhoscefnhir – Approved 28/10/2013

42C188B/SCR – Screening opinion for the creation of a touring caravan and camping site, erection of a shower block, creation of an internal access road, landscaping and associated development on land at Tai Hirion, Rhoscefnhir – EIA not required 28/10/2013

42C188C/DIS – Discharge of conditions (04) (passing bays) and (08) (traffic management plan) on application reference 42C188A on land at Tai Hirion, Rhoscefnhir – Condition discharged 02/04/2014

6. Main Planning Considerations

Policy Context – Policy TWR2 of the Joint Local Development Plan states that proposals for:

1. The development of new permanent serviced or self-serviced holiday accommodation, or...

Will be permitted, provided they are of a high quality in terms of design layout and appearance and that all the following criteria can be met:

- i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;
- ii. That the proposed development is appropriate in scale considering the site, location and/or settlement in question;
- iii. That the proposal will not result in a loss of permanent housing stock;
- iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area;
- v. That the development does not lead to an over-concentration of such accommodation within the area

The proposal is contrary to criteria (i) of Policy TWR2 as the site is located in an open countryside location and does not make use of a previously developed site.

The applicant states that the proposal makes use of a previously developed site and is set amongst other built form and goes on to reiterate that what is stated in paragraph 4.9.1 of Planning Policy Wales that previously developed (or Brownfield) land should, wherever possible, be used in preference to Greenfield Site this includes sites in and around existing settlements where this is vacant or under used land or commercial properties. The applicant also states that previously developed land (Brownfield) is defined by PPW as 'land is that which is or was occupied by a

permanent structureand associated fixed surface infrastructure. The curtilage of the development is included'.

Figure 4.4 of Planning Policy Wales defines previously developed land as that which is or was occupied by a permanent structure (**excluding agricultural or forestry buildings**) and associated fixed structures. The building was a former agricultural building and therefore cannot be considered to be previously developed land.

It is not the policy's intention to allow for the demolition of an existing structurally sound building in order to engineer new brownfield land.

New build holiday accommodation can also be permitted if it is an extension of an existing holiday accommodation business. Any application for extensions to existing permanent holiday accommodation developments must prove that there is an established link between the proposed and current development ie will form part of the same planning unit, must be the same business and will remain as so and the application to extend the holiday accommodation business is part of a wider scheme to improve the business and tourist offer in the Plan area.

There is no evidence of this in the application. The scale and design of the proposed development should be commensurate with the existing business. The business plan states that there is an existing B&B business in the farmhouse however an existing B&B establishment does not justify a new build holiday unit on the site as B&Bs do not usually require planning permission as they are incidental to the main use of the building as a dwelling. An additional Business Plan (Rhydydelyn Cheese Courses) was received on the 13th August, together with a letter from the applicants employer confirming their retirement in the Summer of 2018 and a letter of support (dated 26th July, 2018) supporting the applicants application to run cheese-making courses on the farm.

The applicant states that the site forms part of a high quality complex of holiday let cottages and next to an existing touring caravan park. During the course of determining the application the applicant has been asked to submit financial evidence for the existing holiday use of the site. To date the applicant has only submitted financial details in regards to the existing Bed and Breakfast business.

Confirmation has been received that Council Tax is being paid on the four neighbouring properties which are owned by the applicant (1, 2, 3, and 5 Tai Hirion) are being paid by third parties which confirms that the properties are long leased and not holiday units.

Paragraph 6.3.67 of the Joint Local Development Plan (Managing Growth and Development – Economy and Regeneration) states that in order to judge whether the proposed development will not lead to an over-concentration of this type of holiday accommodation within a particular location, applicants will be required to submit a detailed business plan, which demonstrates the robustness of the proposed scheme. This would enable the Council to assess whether the scheme is has a realistic chance of being viable, is not speculative in nature, and would help to make sure that there is no loophole to allow the redevelopment of existing buildings in the countryside for holiday use, and then allow them to convert to residential use if shown to be unviable in holiday use. As stated above the existing neighbouring cottages are not holiday lets but long lease lets and therefore the proposal does not form part of an existing holiday accommodation.

In his recent appeal decision of a similar scheme in the settlement of Trearddur Bay (APP/L6805/A/18/3195709) the Planning Inspector stated *"the policy explanation requires the submission of a business plan to establish viability and to understand whether there is saturation of this type of accommodation in the area. Whilst the appellants and interested party provides the numbers of holiday accommodation units in the area, and the appellants emphasise that only a few are directly comparable to the proposal, the purpose of the business plan is to establish that such a development can be sustained in the context of the area... the absence of a business plan makes it difficult to determine compliance with Policy TWR2, and for this and in relation to the first issue, the appeal cannot succeed"*

The applicant has submitted a business plan however this lacks detail of what holiday accommodation is located in the locality and contains incorrect details in regards to the use of the

buildings within the planning unit. The applicant also states that cheese making courses are run from the site however Policy TWR2 states that new build holiday accommodation can be permitted if it is an extension to an existing holiday accommodation business and therefore the cheese making business does not support the applicants case..

In regards to the existing touring caravan park the site does not form the same planning unit as the caravan park as the applicant's son is the owner of the caravan park.

The proposal is therefore contrary to Policy TWR 2 of the Joint Local Development Plan.

The design of the proposed scheme is considered acceptable in this location and the development will not harm the amenities currently enjoyed by the occupants of the surrounding properties.

7. Conclusion

The retention of the new build holiday accommodation cannot be supported as the development conflicts with the criteria listed in Policy TWR2 of the Joint Local Development Plan as the proposal is not situated on previously developed land and does not form part of an existing holiday accommodation.

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

Refuse

(01) The local planning authority considers that the proposal fails to comply with Policy TWR2 of the Joint Local Development Plan and the guidance contained within Planning Policy Wales.

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.