

Rhif y Cais: **19LPA1043A/CC** Application Number

Ymgeisydd Applicant

**Isle of Anglesey County Council**

**Cais llawn ar gyfer codi 6 annedd fforddiadwy, creu mynedfa i gerddwyr, creu 8 llecyn parcio ynghyd a dymchwel ac adleoli postiau giat ar dir ger / Full application for the erection of 6 affordable dwellings, construction of a pedestrian access, creation of 8 parking spaces together with demolition and relocation of gate posts on land adjacent to**

**Vulcan Street, Caergybi/Holyhead**

**Planning Committee: 07/11/2018**

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

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The planning application is being reported to the planning committee because the Isle of Anglesey Council is the applicant and the landowner.

The planning application was reported to the Planning Committee on October 2018 and it was resolved to convene a site visit.

**1. Proposal and Site**

The application site is located on the intersection of Seiriol Street and Vulcan Street. To the west the application site is abutted by the Ysgol Cybi Primary School, which has a service road which dissects the application site. There is a former snooker hall building and a residential property "Craigwen" on the application site which would be demolished as part of the proposals. The northern gable of the former snooker hall abuts and forms a boundary with a residential property at Gwynant. There are residential properties opposite at Seiriol Street and to the south on Vulcan Street. The residential properties are predominantly substantially two storey terraced blocks finished with rendered external walls and slated roofs.

The planning application is submitted for 6 affordable dwellings in two proposed blocks which would be intersected by the existing service road to Ysgol Cybi. The proposed block on Seiriol Street would include 4 1 bedroom flats. To the south on Vulcan Street the proposed block is made for a pair of two bedroom semi-detached dwellings. Externally the proposed development would be finished with self-coloured render, have natural slated roofs and UPVC doors, windows and some cladding. Eight off-road car parking spaces are proposed in connection the proposed development. Foul and surface water drainage would be connected to the public sewer.

The proposal also makes provision for the re-alignment of the gate post on the service road to Ysgol Cybi school.

**2. Key Issue(s)**

- Principle of the Development.
- Character and Appearance of the Locality.
- Highways & Parking considerations.
- Impact on the Amenities of Adjacent Properties

**3. Main Policies**

**Anglesey and Gwynedd Joint Local Development Plan (2017)**

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

ISA5: Provision of Open Spaces in New Housing Developments

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PS 17: Settlement Strategy

TAI 1: Housing in Sub-Regional Centres & Urban Service Centres

AMG 5: Local Biodiversity Conservation

PS 20: Preserving and Where Appropriate Enhancing Heritage Assets

AT 3: Locally or Regionally Significant Non-Designated Heritage Assets

Planning Policy Wales Edition 9 2016 “PPW”

TAN 12: Design

Technical Advice Note (TAN) 24: The Historic Environment (2017)

Supplementary Planning Guidance SPG Design in the Urban and Rural Built Environment (2008)  
“SPG Design”

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

Holyhead Town Council – No observations received at the time of writing.

Councillor Trefor Lloyd Hughes – Called the application to the planning committee due to problems with car parking adjacent to the two schools.

Highway Authority – Conditional permission.

Drainage Section – No observations received at the time of writing.

Environmental Services – The proposed development should not cause nuisance by way of dust, fumes, noise or artificial light and it is recommended that working hours and any rock breaking should be regulated.

Ecological and Environmental Adviser – Was previously satisfied with the proposals subject to planning application 19LPA1043/CC subject to mitigation and enhancements secured by planning conditions. Sought further clarification as to whether any invasive species are present on the application site and is now satisfied subject to mitigation measures being conditioned.

Heritage Adviser – Has previously confirmed that the buildings to be demolished as part of the proposals do not appear to be of any significant historic or architectural interest although the corner property of “Craigwen” is shown on the 1889 O.S. Map. It is recommended that a photographic record of the existing buildings be undertaken prior to the proposed demolition.

The nearest heritage assets are the grade II listed Cybi Building, Holyhead High School (Cadw Ref. 87587) situated directly to W and Ucheldre Centre (Cadw Ref. 5741) located some 50m to SE. It was not considered that the proposed development would be harmful to the setting of the nearby listed building and the proposal satisfies the relevant policies and criteria.

In relation to gate pillars which are to be re-aligned as part of the proposals a condition requiring a photographic survey and regulation of the re-building is recommended.

Housing Services - This is an application submitted by Housing Services for 6 affordable units. I confirm that there is a strong demand for 1 bed flats and 2 bed houses in the Holyhead area, and this development seeks to meet some of that demand.

Gwynedd Archaeological Trust “GAPS” – No observations.

Joint Planning Policy Unit “JPPU” – The site is within the development boundary but not allocated for a specific use in the JLDP. Policy PCYFF 1 and Policy TAI 1 support residential development on windfall sites within development boundaries. Policy TAI 15 requires an affordable housing contribution on sites of 2 or more units in Holyhead. Evidence over the need for the affordable units proposed should be provided. Policy TAI 8 requires an appropriate housing mix to improve the balance of housing in the community.

Lifelong Learning – The development is too small to have an effect on local schools.

Natural Resources Wales “NRW” –

Protected Species – Was previously satisfied with the proposals subject to planning application 19LPA1043/CC subject to mitigation in respect of protected species but their observations are awaited at the time of writing in respect of the proposal subject to this report.

Property Services – No observations received at the time of writing.

Welsh Water - The proposed development site is crossed by a 229mm diameter combined public sewer and this will need to be diverted as part of the proposals. Welsh Water have also accepted that surface water can be discharged into the public sewer at an attenuated rate.

Public response to notification:

The planning application was advertised by way letters to adjacent properties, site notices and a press notice was published. In addition the amended plans described in the introduction of this report were re-advertised. The publicity period for the amended plans expired on 03.09.18 and at the time of writing the following observations have been received from one local resident:

- Parking congestion (a photograph is submitted to evidence) which is exacerbated by the construction of the new school.
- Community parking area is required in the area and the area currently being used for residents should be formalised.
- Access is required to the rear lane which it is contended is poorly maintained by the council.
- The refuse lorry is currently being obstructed as would any emergency vehicles.
- Houses are not needed there is no room for further residents.
- There are plenty of other areas to build houses or to renovate empty houses in the town.
- The council should listen to residents.

## 5. Relevant Planning History

19C964 Full plans for the erection of four residential flats together with alterations to the existing pedestrian and vehicular access, conditionally approved 07.06.07.

19LPA1043/CC Full application for the erection of 6 affordable dwellings together with the creation of pedestrian access and 8 parking spaces Withdrawn 01.05.18.

19LPA1043B/LB/CC Listed building consent for the erection of 6 affordable dwellings together with the creation of a pedestrian access, 8 parking spaces and the demolition and relocation of gate posts – Consent not Required

## 6. Main Planning Considerations

**Background:** Members may recall that a planning application 19LPA1043/CC for a similar development was included on the agenda of the planning committee in May 2018 but was withdrawn prior to being considered. The application subject to this report differs from that previously submitted in that the proposals include improvements to the access of the service road serving Ysgol Cybi. In addition the design and layout has been amended to provide additional room along the rear boundary 4 1 bedroom flats and Ysgol Cybi to the rear (west). This results in the northern gable of these flats being closer to the boundary with existing property to the north (Gwynant) and the front elevation being moved forward so that it directly abuts Seiriol Street. The proposed car parking areas in connection with these flats is also re-configured.

**Principle of the Development:** The site is located within the development boundary of Holyhead under the provision of PCYFF 1 of the JLDP. Holyhead is classified as an Urban Service Centre under the provisions of policy TAI 1 of the JLDP and this policy permits housing proposals on suitable windfall sites within the settlement boundary. Policy PS 17 of the JLDP states that housing will be distributed based on the settlements strategy with a higher proportion of developments required to take place in Urban Service Centres such as Holyhead based on the settlement's level of service provision but subject to environmental, social and infrastructure capacity to accommodate the development.

Policy TAI 8 (Appropriate Housing Mix) states that proposals should contribute towards meeting the identified needs of the community through meeting the listed criteria which include maximizing the delivery of affordable housing and ensuring the sustainable use of land through an efficient density of development compatible with local amenity. In terms of need for the development the council's Housing Services have stated that there is a high demand for affordable 1 bed flats and 2 bed houses in Holyhead. Though it is understood that the application will be developed for 100% affordable housing in conjunction with the council, it would normally be necessary to complete a legal agreement requiring that 10% of the units are developed for affordable housing requirements in accord with policy TAI 15 (Affordable Housing Threshold & Distribution) as the planning permission could still be developed for general market purposes. In this case it is not possible for the council to complete a legal agreement with itself and a planning condition has been recommended which requires one of the units to be affordable.

The application site also comprises previously developed land and it is government policy in section 4.9 of PPW on the grounds of sustainability to re-use such sites in existing settlements where there is vacant or under-used land for suitable uses such as that being applied for. Additionally the application site is located in a highly sustainable location within walking distance of the town centre and other retail, community and travel facilities and on a main bus route.

**Character and Appearance of the Locality:** Policy PCYFF 2 (Development Criteria) of the JLDP states that to make the most efficient use of land there should be a minimum of 30 housing units per hectare unless there are local circumstances or site constraints which dictate a lower density. The density of the proposed development is around 60 units per hectare. Whilst this may appear high it is material that 4 of the units are 1 bedroom flats which have two units in one building which contributes towards a higher density; as explained in the preceding section there is a housing need in Holyhead for this type of development. The 30 units per hectare is also a minimum figure and in appropriate location PPW seeks well designed living environments and where appropriate at increased density subject to the proposals not damaging the area's character or amenity, including the impact on neighbouring dwellings in terms of privacy and overshadowing.

In terms of the area's character policies PCYFF 3 (Design and Place Shaping) and PCYFF 4 (Design and Landscaping) of the JLDP require that new developments demonstrate a high quality design and that they integrate into their surroundings. The proposed developments is made for two storey units which would be rendered and have slate roofs. The layout and design of the proposals are considered to be reflective of the varied housing types which can be seen in the area and on this basis-are acceptable having regard to the impact on the character and appearance of the area.

#### **Impact on the Residential Amenities of Adjacent Properties & Occupants of the Proposed Development:**

The council's Environmental Services have recommended that the construction of the development should not result in amenity problems as described in their consultation. A condition has been recommended regulating working hours in the construction of the development given the proximity of existing properties abutting and in proximity.

The impact of the development in terms of potential overlooking and overshadowing on the existing properties adjoining and in proximity to the application site is material. The council's SPG Design provides guidance in relation to minimum distances from existing and proposed dwellings and their boundaries. The proposal is in general conformity with this guidance as regards distances from existing residential properties abutting and in proximity to the proposed development.

The rear elevation of the proposed flats on Seiriol Street are, however, closer to the rear boundary with Ysgol Cybi than would generally be permissible. The guidance generally requires around 10 metres but the proposed flats are ground 3 meters away. No objections are raised in this instance as the proposal abuts a playground forming part of the Ysgol Cybi grounds, as opposed to a residential property. This means that there is no impact on residential amenity considerations in terms of overlooking, loss of light and so on which the guidance on distances in the SPG is primarily intended to regulate.

**Historic Environment** – The residential property on the application site “Craigwen” is of some local architectural and historic interest, which would be demolished as part of the proposals. No objections are raised to this aspect of the proposal subject to the requirement for a photographic survey being undertaken for recording purpose.

There is a grade II listed Cybi School to the west. In planning policy terms PPW explains that there is a general presumption in favour of the preservation of a listed building and its setting further for any development affecting a listed buildings or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special or architectural or historic interest which it possesses. The council's Heritage Adviser does not consider that the proposal would be harmful to the setting of this listed building and that the proposal satisfies the relevant policies and criteria.

As part of the proposal the gate pillars on the service road to Ysgol Cybi are to be re-aligned. It has been confirmed that these gate pillars are not listed and there are no objections to this part of the proposal from the council's Heritage Adviser subject to the condition recommended requiring a photographic survey and regulation of the their re-building as described in the comments.

### **Highways & Parking Considerations:**

Part of the application site to the south on Vulcan Street where the pair of two bedroom semi-detached dwellings are proposed is currently used on an informal basis for car parking by residents and others. The area in question is land within the council's ownership and there is no lawful right to park here or requirement that the area be retained as a parking area.

Detailed objections have been received on the grounds of parking as detailed in the relevant section of this report. These objections have been assessed by the highway authority who are recommending conditional permission.

The realignment of the gate pillars on the service road to Ysgol Cybi will also facilitate access by Large Goods Vehicles from Vulcan Street into the school.

**Other Matters:** The objections received state that access is required to their rear lane. It is understood that these objections apply to the footway at the rear of properties on north west side of Vulcan Street. The development will restrict access to the northern side of the footway at the rear of 47 Vulcan Street but access will still be available from the southern side of the footway. This is therefore considered a civil matter which is given little weight in this assessment.

The proposed development is within 3 meters of the existing public sewer and the applicant has confirmed that this will be diverted as part of the proposed development. Welsh Water have no objections to surface water being discharged into the public sewer in this instance.

In terms of ecology the council's Ecological and Environmental Advise is satisfied subject to mitigation measures which are being regulated by way of the conditions recommended on protected and invasive species. NRW's comments are still awaited at the time of writing. Having regard to the Environment Act (Wales) ecological enhancements are being secured by way of the landscaping condition recommended.

## **7. Conclusion**

The proposed development is made on previously developed land in a highly sustainable location in the largest settlement on Anglesey. The high density development is considered acceptable in the context described. As explained in the report the Highway Authority are content with the proposal in all regards including car parking and the realignment of the gate pillars on the service road to Ysgol Cybi will also facilitate access by Large Goods Vehicles from Vulcan Street into the school.

The rear elevation of the proposed flats on Seiriol Street is closer to the rear boundary with Ysgol Cybi Primary School than prescribed in guidance but given that there are no impacts on residential

amenity this is considered acceptable. The proposal is therefore considered acceptable subject to the receipt of comments from outstanding consultees.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic improvements that would accrue as part of the development and being for affordable housing a more equal Wales.

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**

That planning permission is granted subject to the receipt of any comments from the council's Lifelong Learning Service and subject to the following planning 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 Section 91(1) of the Town and Country Planning Act 1990.

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:**

<b>Drawing/ Document</b>	<b>Reference</b>	<b>Dated</b>
Site OS Plan	A-00-01	
Topo Survey	A-00-2	
Existing Gate Pillars	A-00-4	
Proposed Site Layout	A-00-3	
Proposed Gate Pillares	A-00-5	
Proposed Gate Pillars	A-00-6	
421 Houses	A-01-01	
212 Flats Plans	A-02-01	
212 Flats Elevations	A-02-02	
Protected Species Survey (Sam Dyer Ecology)		24.08.17
Japanese Knotweed Survey (Sam Dyer Ecology)		17.09.18
Drainage Strategy (Cadarn)		October 2017

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

**(03) The construction of the development hereby approved shall not take place outside the hours of 0800 - 1800 hours - Monday to Friday; 0800 - 1300 hours - Saturday's and there shall be no working on Sunday's or Bank Holidays.**

Reason To protect the residential amenities of adjacent residential properties.

**(04) The approved means of enclosure shall be constructed or erected prior to the occupation of the dwelling(s) or flat(s) to which it relates and it shall thereafter be retained in the lifetime of the development hereby approved and any replacement wall or fencing shall be to an equivalent specification.**

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to protect the amenities of adjacent residential properties.

**(05) No development shall take place until a scheme of landscaping and tree planting for the application site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density. The approved new planting shall not be implemented later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.**

Reason: In the interest of the visual amenities of the locality and to secure ecological enhancements.

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

Reason: In the interest of the visual amenities of the locality and to secure ecological enhancements.

**(07) The application site shall be developed strictly and entirely in accord with the Protected Species Survey (Sam Dyer Ecology) 24.08.17.**

Reason: In the interests of ecology.

**(08) Notwithstanding the plans hereby approved no development shall commence until full details of all external materials and finishes (which shall include such details for all building(s)), hard landscaped areas, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved.**

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

**(09) The existing gate pillars shown on drawing number A-00-4 shall be accurately recorded (including dimensions and component building parts) and photographed and the results submitted to and approved in writing by the Local Planning Authority prior the their dismantling. The pillars shall thereafter be reconstructed using the original component building parts in so far as reasonably possible in accord with the details to be approved in writing under the provisions of this condition and drawing numbers A-00-5 and A-00-6.**

Reason: To ensure that the development preserves the setting of the grade II listed Cybi School.

**(10) The accesses shall be laid out and constructed strictly in accordance with the submitted plan 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 ensure a safe and convenient access to/from the highway in the interests of highway safety.



**(11) The accesses 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 ensure a safe and convenient access to/from the highway in the interests of highway safety.

**(12) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the public highway.**

Reason: To ensure a safe and convenient access to/from the highway in the interests of highway safety.

**(13) The highway boundary wall, hedge, fence or any new boundary erected fronting the highway shall at no time be higher than 1 meter above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2 metres of the said wall hedge, fence or any new boundary erected fronting the highway.**

Reason: To provide adequate inter-visibility between the existing service road and proposed access(es) and the existing public highway for the safety and convenience of users of the highway and the access.

**(14) The car parking accommodation shall be completed in full accordance with the details as submitted before the dwelling(s) or flat(s) to which it relates is occupied and shall thereafter retained solely for those purposes.**

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

**(15) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the LPA, a Construction Traffic Management Plan (CTMP). 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.

**(16) No surface water from the within the curtilage of the site to discharge onto the highway.**

Reason: To ensure no direct adverse effect on the adjoining highway in the interests of amenity and highway safety.

**(17) The foul and surface water drainage scheme illustrated on the plans hereby approved shall be implemented and be fully operational prior to the occupation of the dwelling(s) or flat(s) to which it relates is occupied.**

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.

**(18) The 229mm diameter combined public sewer crossing the application site (from SH24822404 to SH24822402) shall be diverted in accord with drawing reference EL (95) 01 (Proposed Section 104 Drainage Layout) prior to the commencement of the building denoted as Plot 3.**

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

**(19) Surface water flows from the development shall only communicate with the public combined sewer at manhole chamber through an attenuation device that discharges at a rate not exceeding 5 l/s.**

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.

**(20) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Technical Advice Note 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The scheme shall include:**

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason To ensure that the development provides an element of affordable housing in accord with development plan policy.

**(21) All construction, maintenance, repair work(s) in connection with the development hereby approved shall proceed strictly and entirely in accord with the Protected Species Survey (Sam Dyer Ecology) 24.08.17.**

Reason: To safeguard any protected species present.

**(22) No development shall commence until a plan to eradicate Japanese Knotweed which shall include a timetable for the implementation thereof "JK Plan" has been submitted to and approved in writing by the Local Planning Authority. The JK Plan to be approved in writing under the provision of this shall be adhered to in the construction and the use of the development hereby approved.**

Reason: To prevent the spread of invasive species present.

**Please inform the Applicant that:-**

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

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.

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.

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.

7.2

**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: 07/11/2018**

### **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 5<sup>th</sup> September 2018, it was resolved that a site visit was required. The site visit took place on the 19<sup>th</sup> September, the Members are now aware of the site and its settings.

At its meeting held on the 3<sup>rd</sup> November, 2018 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

The proposal complies with Policy TWR 2

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

Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

Brownfield site

The Members resolved to approve the application as they considered the site to be a brownfield site (previously developed land).

Figure 4.4 'Definition of Previously developed Land' of Planning Policy Wales defines 'brownfield/previously developed land' as that which is or was occupied by permanent structure and associated structures **however** this excludes agricultural and forestry buildings. The application site is situated on part of the footprint of a former redundant agricultural building and therefore cannot be supported as the proposal is contrary to Planning Policy Wales (9<sup>th</sup> Edition) and Policy TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan.

Since the Planning and Orders Committee that was held on the 3<sup>rd</sup> October further investigations have taken place in regards to the cheese making operation and cheese making courses that are run from the neighbouring farm as there is no record of any planning permission being granted for the development. At the time of writing this report, further information is awaited from the applicant.

During a recent site inspection, it was observed that 31 touring caravans and vacant pitches were located within the caravan site. Condition (05) of planning permission 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) states that no more than 20 caravans shall be located on the site at any one time and those shall be located in the positions shown on the plans. The shower block and internal access road approved as part of the application have also been constructed in the incorrect position. The agent has been advised of these breaches and requested to rectify the matter.

The Committee considered that the holiday unit as proposed was already part of a family business and did not accept a proposal for a Section 106 to tie the businesses together.

At the time of writing this report further information is awaited from the applicant in regards to these breaches.

## **7. Conclusion**

The proposal is for a new build holiday unit, on land, which cannot be considered as previously developed land/brownfield site, as the building, which previously occupied the site, was a redundant agricultural building. Part of the justification given is that the unit will be occupied in relation to the cheese making business for which there is no planning history. The proposal is therefore contrary Policy TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan and the guidance contained within Planning Policy Wales (9<sup>th</sup> Edition).

The applicant needs to address these outstanding breaches and submit an application that combines the holiday / tourist elements together. This would enable the applicant to submit an application under policy TWR 2 to extend the existing holiday accommodation establishments.

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.