

**Application Reference:** VAR/2019/14

**Applicant:** Mr & Mrs Ashworth

**Description:** Cais o dan Adran 73A ar gyfer dileu amod (08) (lefel llawr gorffenedig) ac amrywio amod (11) (cynlluniau a ganiatwyd dan cais am y materion a gadwyd yn ôl rhif 15C48J/FR/DA) o ganiatad cynllunio amlinellol rhif 15C48H (cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd i gerbydau) er mwyn galluogi diwygio gosodiad a dyluniad yr annedd a'r modurdy a ganiatwyd gynt ynghyd a codi wal amddiffyn llifogydd perimedr newydd yn / Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at

**Site Address:** Cae Eithin, Malltraeth



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

At the request of the Local Members due to concerns regarding access and land ownership issues.

## Proposal and Site

The application is submitted under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall.

The application site is located within the development boundary of Malltraeth which is identified as a Coastal Village in the Joint Local Development Plan.

## Key Issues

The key issues are whether the development is in compliance with local and national planning policies, and whether it is acceptable in terms of siting, design, impact upon flood risk, the character and appearance of the area and amenities of neighbouring properties.

## Policies

### Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Strategic Policy PS 17: Settlement Strategy  
Policy TAI 4: Housing in Local, Rural & Coastal Villages  
Policy TAI 15: Affordable Housing Threshold & Distribution  
Policy AMG 2: Special Landscape Areas  
Planning Policy Wales (Edition 10, December 2018)  
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)  
Technical Advice Note 15: Development and Flood Risk (2004)

## Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	No comments.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	As the application site is within a C2 flood zone we shall allow NRW to comment upon the flood risk aspect of the application.
Pennaeth y Gwasanaeth - Priffyrdd / Head of Service - Highways	No objection.
Cyngor Cymuned Bodorgan Community Council	No Response
Cynghorydd Bryan Owen	Request that the application be referred to the Planning Committee due to access and land ownership issues.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Awdurdod Glo / Coal Authority	The application site does not fall within a Development High Risk Area.

Cynghorydd Peter Rogers

Request that the application be referred to the Planning Committee on the grounds that there is a dispute over ownership of the land and there are further claims that the development has breached the original planning decision.

The application was afforded two means of publicity. These were by the posting of notices near the site and serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 07/05/2019. At the time of writing this report, three letters had been received, the main points raised are summarised below:

- i. The development will increase the visual impact of the development.
- ii. The dwelling is 250mm wider, 250mm longer and 25% higher than approved.
- iii. The erection of a new flood defence wall will exacerbate the problem of visual impact still further.
- iv. The height of the dwelling impacts upon the amenities of the neighbouring property particularly as it has been built higher than the proposed plans previously approved.
- v. The proposed flood defence wall would potentially cause more problems with water to drain into the adjoining field which will make it wet for livestock unless they have adequate drainage in place.
- vi. The application relates only to the changes to the dwelling and does not relate to the issues of the access to the property. This is vital as there are land ownership issues with the access and they cannot comply with highways requirements. This should be resolved first as it stand there is no right of way for vehicles.

Points i - vi above are addressed in the main body of this report and in response to points v & vi I would comment as follows:

- vii. The dwelling is located on higher ground than the paddock to the front, therefore should a flood event occur the paddock would be affected, it is not anticipated that any flooding of the paddock, or the surrounding area would be exacerbated further as a result of the flood defence wall due to the fact that the proposed wall is to be constructed close to the dwelling.
- viii. The LPA are aware of issues relating to the access as regards a breach of condition and an ongoing land ownership dispute. Proposals have been drawn up in an effort to resolve the planning issues and a further application will be submitted pending determination of the current application. The access and driveway to Cae Eithin was approved as a separate and stand-alone permission following the grant of the original outline and reserved matters permissions in which the original access to the proposed dwelling was via the shared access drive serving Pen Parc. The development of the dwelling has been undertaken and is served by its own private access and driveway subsequently approved, but in relating to this an ongoing enforcement investigation is proceeding. However, given that the amendments to the dwelling potentially render it unauthorised, it was deemed prudent to deal with these matters first to regularise matters relating to the dwelling.

### **Relevant Planning History**

15C48 – Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 08/01/1990

15C48A - Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 20/08/1990

15C48F - Outline application for the erection of 24 dwellings, comprising of 13 detached dwellings and 11 affordable dwellings together with construction and alterations to the vehicular access and the construction of a new pedestrian access on land between David St and Viaduct Road, Malltraeth – Refused 06/07/2005

15C48G – Outline application for residential development on land at Pen Parc, Malltraeth – Refused 18/06/2007

15C48H – Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjacent to Pen Parc, Malltraeth – Granted 07/02/2012

15C48J/FR/DA - Application for reserved matters for the erection of a dwelling together with the construction of a vehicular access on land adjacent to - Pen Parc, Malltraeth – Granted 17/03/2015

15C48K/FR - Full application for the construction of a new vehicular access and drive at - Pen Parc, Malltraeth - Granted 25/06/2015

15C48L/MIN - Minor amendments to scheme previously approved under planning permission  
15C48J/FR\DA so as to install solar - Pen Parc, Malltraeth - Granted 23/12/2015

### **Main Planning Considerations**

The principle of a dwelling in this location has already been established under outline planning permission reference 15C48H and subsequent approval of the reserved matters under planning permission reference 15C48J/FR/DA and has since been completed and occupied.

As part of the initial outline and reserved matters permissions, it was originally intended that access to the property would be shared with Pen Parc with an access and driveway constructed from the existing driveway to Pen Parc into the plot, however planning permission was subsequently granted in June 2015 for a separate private access and driveway to Cae Eithin under planning permission reference 15C48K/FR.

The application has been submitted following an enforcement investigation relating to a breach of conditions of the above mentioned separate and stand alone planning permission for the access (ref 15C48K/FR) during which anomalies relating to the dwelling itself were identified.

The identified issues in relation to this application are:

- i. The finished floor level (FFL) of the dwelling is 170mm below the minimum level of 4.42m Above Ordnance Datum (AOD) stipulated in condition (08) of the outline permission;
- ii. The dwelling is sited some 2m further North East than approved;
- iii. The dwelling is 250mm longer and 250mm wider than approved;
- iv. Amendment to the orientation of the garage.

In addition to the above, breaches were also identified in relation to an extension to the curtilage and conditions of the planning permission for the access. Separate applications will be submitted in an effort to regularise these matters pending determination of the current application.

The current application has been called-in by the Local Members on the grounds of issues relating to the access and land ownership. The LPA acknowledge issues relating to access and land ownership, however they have little bearing in relation to this application which relates specifically to the dwelling. The private access and driveway to Cae Eithin was approved as part of a later, separate and stand-alone application and pending determination of this application, a further application will be submitted in an effort to regularise outstanding planning issues relating to the access. Whilst land ownership disputes are generally private legal matters, it is anticipated that any issues there may be in this regard will be resolved as part of the forthcoming application.

Notwithstanding that development plan policies have changed since planning permission was originally granted through the adoption of the Anglesey and Gwynedd Joint Local Development Plan, the site is nevertheless located within the development boundary of Malltraeth and Policy TAI 4: Housing in Local, Rural & Coastal Villages states that subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, proposals for open market housing will be granted provided they conform to all the following criteria:

- i. That the size, scale, type and design of the development corresponds with the settlement's character,
- ii. The site is within the settlement's development boundary.

As the application relates to a single dwelling, there is no requirement to provide an element of affordable housing in this instance.

The principle of the development is therefore considered to be acceptable and in accordance with the provisions of policy TAI 4.

In relation to the specific issues that this application is seeking to regularise:

### **Finished Floor Level (FFL)**

Condition (08) of the outline permission ref 15C48H required that the finished floor level (FFL) of the dwelling be set at a minimum of 4.42m AOD to safeguard the development and future occupants from flooding for the lifetime of the development, however the actual finished floor level of the dwelling is 4.25m AOD, therefore 170mm lower than the level specified in the condition.

Prior to the submission of the application the applicant employed the services of a Flood Management Consultant and liaised with Natural Resources Wales to explore the options available to address the identified flood risk as a result of the reduced FFL.

It is proposed to construct a new perimeter flood defence wall around the property with the top of the flood defence wall set at 4.7m AOD to reflect the fact that the flood zone for the area has been reclassified from a C1 zone to a C2 zone since the initial permissions were granted. This level represents the 0.5% Annual Exceedence Probability (AEP) sea level with allowances for 100 years of climate change. From average height of the wall will be 600mm +/- approx. 200mm dependant on ground levels.

The proposed flood defence wall will be constructed close to and around the entire dwelling with a small gap in the Northern corner fitted with a flood defence guard to allow for access and egress. The wall will be finished to match the existing dwelling.

The dwelling is located approximately 118m from the highway, separated therefrom by a paddock. The lower parts of the dwelling are largely screened by existing landscape features and consequently it is not considered that the proposed flood defence wall which will be finished to match the existing dwelling will give rise to an unacceptable visual impact.

Natural Resources Wales have been consulted as part of the application and have raised no objection, indeed in light of the fact that the flood risk of the area has since been reclassified from a C1 zone to a C2 zone and that the height of the flood defence wall takes account of this, the dwelling will in fact be better protected from flooding events than would have been the case had the dwelling been constructed in accordance with the original details. In addition, given the proposed walls close proximity to the dwelling, coupled with the fact that the dwelling is located on slightly higher ground than the neighbouring property, it is not anticipated that the neighbouring property would be impacted to a significantly greater extent should a flooding event occur.

In light of the above it is therefore considered that the deletion of condition (08) is acceptable in lieu of the construction of the flood defence wall and a condition will be imposed requiring that the flood defence wall be constructed within 6 months of the date of the permission and that the dwelling shall not be occupied until it is completed and operational.

### **Siting**

The dwelling has been constructed some 2m North East of the approved position (further away from Pen Parc). It was noted during the enforcement investigation that there has been an alteration in the position of the boundary between Pen Parc and Cae Eithin such that the boundary now lies some 2m closer to

Cae Eithin than was shown on the plans submitted as part of the initial planning applications and which may account for the slight adjustment in the position of the dwelling.

It is not considered that this slight variation, results in a development which is materially different to that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

### **Scale**

It was also found during the enforcement investigation that the dwelling measures 250mm longer and 250mm wider than approved.

Again, it is not considered that this slight variation, results in a development which is materially different to that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

### **Garage**

As access to the property was initially via the existing access and driveway serving Pen Parc, the approved garage was orientated with the front gable facing Pen Parc. A separate private access and driveway was subsequently granted and as a result the orientation of the garage has been altered such that the front gable of the garage now faces the new driveway. This is considered to be an acceptable and reasonable adjustment which does not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

### **Height**

Concerns have been raised that the height of the dwelling is in breach of condition (10) of outline planning permission ref 15C48H which states that the building proposed to be erected on the site shall be of a single storey or of a dormer construction and the ridge height shall not exceed 6 metres.

It was clear from the outset, as part of the original outline application (15C48H), that as the site was located within a flood risk area, that it would be necessary to raise the original ground level in order to achieve minimum finished floor level to mitigate the risk of flooding and in accordance with NRW's requirements a condition was imposed stipulating the minimum finished floor level.

Information contained within the Design and Access Statement submitted as part of the outline application clearly stated that, in terms of the scale of the dwelling, the ridge height would be no higher than 6m from the finished floor level – not original ground level and the outline planning permission subsequently issued included a condition stipulating the minimum finished floor level together with a condition that the ridge height shall not exceed 6m.

It is therefore evident that in both the outline and reserved matters applications, that the maximum ridge height was determined from the proposed finished floor level, having regard to the necessity to increase the ground level to mitigate the flood risk and not the original ground level and it is on this basis that both applications were assessed and determined.

The original ground level has been increased by approximately 1m and the height from the new ground level to the floor is 300mm, the height to ridge from the floor level is 5.85m giving an overall height from the original ground level to ridge of approx. 7.15m.

It is noted however, that whilst condition (10) of the outline permission stipulates that the ridge height shall not exceed 6 metres, it does not however specify from where measurements ought to be taken, consequently it is not considered that the condition meets the Circular tests for conditions as regards precision and would therefore likely be unenforceable.

It is clear, based upon the plans that were submitted and subsequently approved under the reserved matters application that the overall height to ridge from the original ground level would in fact exceed 6m. Therefore, had the original intention of the condition been to limit the height of the dwelling from the original ground level, then not only should the condition have been clearer in this regard but the plans would need to have been amended to reduce its height to take account of this.

In light of the above, and notwithstanding the potential unenforceability of the condition, it is not considered that any breach of the condition has occurred.

Notwithstanding this, in terms of the impacts on the amenity of the locality and nearby residential occupiers, it is not considered that the height of the dwelling as built has an unacceptable impact such that refusal of the application could be warranted.

## **Conclusion**

The proposed flood defence wall will mitigate the flood risk to the property consequently the deletion of condition (08) of the outline planning permission is considered to be acceptable subject to a new condition requiring the wall to be constructed within 6 months and that the dwelling shall not be occupied until it is completed and operational.

The variation to the siting and scale of the dwelling and amendment to the orientation of the garage does not, in the opinion of the Local Planning Authority, lead to a development which is materially different to that which was originally granted. The amendments are considered to be acceptable and do not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

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

## **Recommendation**

### **(01) Foul water and surface water discharges must be drained separately from the site.**

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

### **(02) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.**

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

### **(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 car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.**

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.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS5, PCYFF1, PCYFF2, PCYFF3, PS17, TAI4, TAI15, AMG2.

**(05) Within 6 calendar months of the date of this permission, the flood defence wall and gate shall be constructed in accordance with the details contained in the Flood Mitigation Assessment (Phil Jones Consultancy, August 2018) and details shown on drawing number 2250:19:3: Proposed Site Plan and Section. The dwelling shall not be occupied until the flood defence wall and gate have been completed and are operational.**

Reason: To safeguard the development and future occupants from flooding for the lifetime of the development.

**(06) The development hereby permitted shall be carried out in strict conformity with shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:**

- **2250:19:3: Proposed Site Plan & Section**
- **2250:19:4a: Proposed Elevations**
- **Flood Mitigation Assessment, Phil Jones Consultancy, August 2018**

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

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.



**Application Reference:** FPL/2019/98

**Applicant:** Cyngor Sir Ynys Môn

**Description:** Cais llawn ar gyfer newid defnydd yr Ystafell gymunedol bresennol yn eiddo arfforddiadwy preswyl yn / Full application for the change of use of the existing community room into an affordable residential property at

**Site Address:** Warden House, Awel Y Mor, Rhosneigr



**Report of Head of Regulation and Economic Development Service (Owain Hughes)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is submitted by the Council

## Proposal and Site

The application is situated within Awel y Môr cul-de-sac in Rhosneigr village. The building is currently being used as a community room.

This application is submitted to change the use of the building to be used as a 1 bedroom residential property. The proposed unit will also be an affordable unit.

## Key Issues

The key issues is whether the proposed development complies with the relevant planning policies and whether the proposed development may affect the neighbouring properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy TRA 2: Parking Standards

Policy TAI 5: Local Market Housing

Policy TAI 15: Affordable Housing Threshold & Distribution

Technical Advice Note 12: Design (2016)

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

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Planning Policy Wales (Edition 10, December 2018)

## Response to Consultation and Publicity

Consultee	Response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observation or recommendation
Dwr Cymru Welsh Water	Comments - condition
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Bats Leaflet to be sent out.
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfaelog Community Council	No response

The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 21/06/2019. At the time of writing this report, the department has not received any representations.

## Relevant Planning History

No site history

## Main Planning Considerations

The proposal entails the change of use of the existing community room into a 1 bedroom local market dwelling.

The proposed new property will have a large lounge, utility room, one bedroom and a bathroom. No external works are to be undertaken to the property and no new extension are to be created. The communal laundry area will remain and will not be converted into part of the property. The proposed property will have a gross internal area of 67.93 metre square. The proposed property will also have its own amenity space.

The policy requirement for Rhosneigr is that the dwelling should be a local market dwelling only. Under the Anglesey and Gwynedd Joint Local Development Plan, the trigger for requiring an affordable dwelling is where two units or more are created. As the Council submitted this planning application, a condition will be imposed on the decision notice to ensure that the dwelling will be let / sold as a local market occupancy only. It is acknowledge that the intention that it should also be an affordable dwelling, however this is not a planning requirement under the current local planning policies.

It is not considered that the proposed scheme will impact the surrounding amenities to such a degree to warrant a refusal. Policy Section, Highway Authority, Drainage Department and Welsh Water raises no concerns to the proposed development. The site is within Rhosneigr village and it is within walking distances to local amenities.

It is not considered that the proposed scheme will impact any neighbouring properties. At the time of writing this report, no letters of representations have been received at this department.

## Conclusion

The proposed development is considered acceptable to the Local Planning Authority, subject to conditions.

## Recommendation

**(01) The development shall begin not later than five years from the date of this decision.**

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

**(02) No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

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

**(03) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.**

- Location Plan - AL.00.01
- Proposed Site Plan - AL.00.02
- Proposed Floor Plan - AL.01.02
- Proposed Elevation Plan - AL.02.02

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

**(04) The dwelling hereby approved shall only be occupied as a local market dwelling in accordance with Policy TAI 5 of the Anglesey and Gwynedd Joint Local Development Plan and the Glossary of terms.**

Reason: To ensure that the development provides an element of local market house in the locality on accord with development plan policy

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, PCYFF 2, PCYFF 3, TRA 2, TAI 5, TAI 15

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.

**Application Reference:** HHP/2019/129

**Applicant:** Mr. Dilwyn Owen

**Description:** Cais llawn i godi garej newydd ar wahan yn/Full application for the erection of a detached garage

**Site Address:** Ty Arfon, Lon Refail, Llanfairpwll



**Report of Head of Regulation and Economic Development Service (Gwenda Baynham)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is called in by a local member.

**Proposal and Site**

The site is located in the village of Llanfairpwll. The dwelling is a detached property which includes a garden area to the rear and front.

The proposal is for the erection of a garage which will be sited to the side elevation in front of the dwelling.

### **Key Issues**

The main issues of the application relate to the appropriateness of the design and scale of the garage in the general context of the village together with any effects upon residential amenity.

### **Policies**

#### **Joint Local Development Plan**

Policy PCYFF 3: Design and Place Shaping

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

### **Response to Consultation and Publicity**

**Cynghorydd Alun Wyn Mummery:** Call -in

**Cynghorydd Meirion Jones:** Declaration of Interest :

**Cynghorydd Robin Wyn Williams:** No response at the time of writing this report

**Cyngor Cymuned Llanfairpwll Community Council:** No response at the time of writing this report.

**Highways:** Condition

**Welsh Water:** Condition

**Drainage:** No objection

The application was afforded publicity by the delivery of personal letters to the occupiers of the surrounding properties together with the placing of a site notice immediately adjacent the location of the proposal. The latest date for representations to be received is the 08/06/2019, at the time of writing this report one letter have been received at this department. The letter received raised the following issues:

-height of garage

-visibility

-Electric poles.

In response to the issues raised i would like to make the following comments:

-The garage is typical in height and construction and does not raise any concern. The garage will not overbear any neighbouring properties.

-The Authority Highways department had no concern with the positioning of the garage in regards to visibility therefore it is deemed that there is no issue.

-The electricity poles are property of Scottish power therefore the ownus is upon the applicant to ensure that the development will not affect the electricity apparatus of SP.

### **Relevant Planning History**

31C386 - Full application for the erection of a two-storey dwelling together with the construction of a vehicular access on land adjacent to Min y Cae, Llanfairpwll Permitted 09/09/2011

### **Main Planning Considerations**

**Effect upon character of the area** - The scale of the garage is considered acceptable as it will not overdevelop the site or overbear upon any of the neighbouring properties. The height of the garage will not exceed that of the main body of the dwelling, thus ensuring the garage appears subservient in nature to the existing buildings on site.

**Effect upon residential amenity** - The boundary of the site is defined by a mature hedge which provides effective screening between the relevant neighbouring property. The height of the garage is significantly

less than that of the main dwelling therefore it is deemed that the proposal would not overbear the neighbouring property to an extent that would exacerbate any existing overbearing.

## **Conclusion**

Upon assessing the application against relevant policies of the Anglesey and Gwynedd Joint local development alongside Authority Supplementary Planning Guidance, the scheme is considered acceptable and therefore recommended for approval.

## **Recommendation**

**(01) The development shall begin not later than five years from the date of this decision.**

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

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.**

- **Location Plan - 09/05/2019**
- **Proposed Plan - 09/05/2019**
- **Site Plan - 09/05/2019**

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

**(03) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, 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;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for loading and unloading and the storage of plant and materials;**
- (viii) 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.

**(04) The garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the adjoining dwelling known as Ty Arfon, Llanfairpwll and for no commercial or business use whatsoever.**

Reason: In the interest of amenities and highway safety

**(05) 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.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application:

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.



**Application Reference:** FPL/2019/146

**Applicant:** Cyngor Sir Ynys Môn

**Description:** Cais llawn ar gyfer newid defnydd tir gwag i fod yn le chwarae sy'n cynnwys gosod offer chwarae yn yn / Full application for change of use of vacant land to play area which includes the installation of play equipment at

**Site Address:** Parc Peibio, Morawelon, Caergybi/Holyhead



**Report of Head of Regulation and Economic Development Service (Owain Hughes)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is submitted by the Council.

## Proposal and Site

The site lies east of Parc Peibio estate in Holyhead town. The proposed development is for the creation of a new park on the existing large open area. The site overlooks towards the sea.

## Key Issues

The key issue is whether the proposed scheme is acceptable and whether the proposed development will impact any neighbouring properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Planning Policy Wales (Edition 10, December 2018)

### Response to Consultation and Publicity

Consultee	Response
Iechyd yr Amgylchedd / Environmental Health	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Cynghorydd Glyn Haynes	No response
Cynghorydd Robert Llewelyn Jones	No response
Cynghorydd Shaun James Redmond	No response
Cyngor Tref Caergybi / Holyhead Town Council	No response
Priffyrdd a Trafnidiaeth / Highways and Transportation	Supportive to the details submitted within the Construction Traffic Management Plan.
Ymgynghorydd Tirwedd / Landscape Advisor	No response
Swyddog Llwybrau / Footpaths Officer	No objection

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representation was 27/06/2018. At the time of writing this report, one letter of representations had been received at the department.

Their concerns were:

- Overlooking
- Anti-social behaviour
- Valuation of property

With respect to the above comments, I would like to comment as below:

- The site is over 20 metres from the nearest property curtilage boundary. It is considered that a distance of 20 metres is acceptable and would not form an adverse impact of overlooking.

- This application is for the creation of a new park around 23 metres to the North of the existing park. The existing park would thereafter be removed. It is not considered that this would form an adverse impact of anti-social behaviour.
- Valuation of property is not a planning consideration.

### **Relevant Planning History**

No planning history.

### **Main Planning Considerations**

The proposal entails the creation of a new play area. The existing play area on the site is to be removed. The proposed new park measures 15.18 metres by 15.62 metres.

The current play area is not within the Council owned land. The current play area equipment has reached the ends of its life. Therefore instead of renewing the existing park which is not within Council owned land, it is proposed to move this onto Council owned land. The proposed new park will have 5 new play area equipment.

It is not considered that the creation of a play area at this location would impact the surrounding amenities to such a degree to warrant a refusal. The park will be enclosed by a 1.2 metre high fence panels and post that will be removed from the existing site.

It is not considered that the proposed play area would impact any neighbouring properties. The site will be over 20 metres to the nearest dwelling. At the time of writing this report, one letter of representations had been received at this department where their concerns have been taken into consideration when making this report.

The proposed scheme can be supported by relevant planning policies.

### **Conclusion**

The proposed development is considered acceptable to the Local Planning Authority and is recommended for approval subject to conditions.

### **Recommendation**

**(01) The development shall begin not later than five years from the date of this decision.**

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

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.**

- **Location Plan**
- **Proposed Site Plan**
- **Proposed Play Park Equipment**
- **Construction Traffic Management Plan**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 3

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.