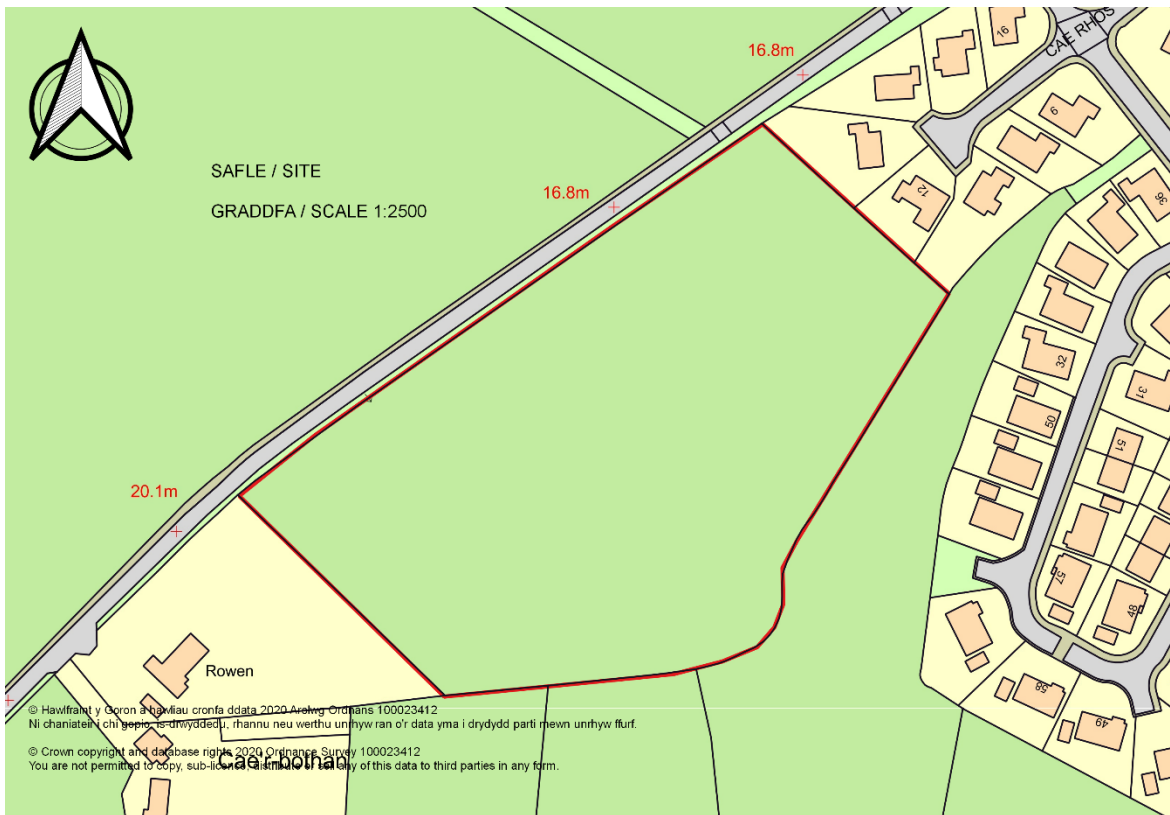


Application Reference: 19C1231

Applicant: Mr David & Mr Tom Nevin & Mrs Barbara Earnshaw

Description: Cais amlinellol ar gyfer codi 32 annedd marchnad a 4 annedd fforddiadwy, adeiladu mynedfa newydd i gerbydau a cherddwyr, darparu man chwarae a mannau agored ynghyd â manylion llawn y fynedfa a'r gosodiad ar dir ger / Outline application for the erection of 32 market dwellings and 4 affordable dwellings, construction of new vehicular and pedestrian access, provision of play area and open spaces together with full details of access and layout on land adjacent to

Site Address: Cae Rhos Estate, Ffordd Porthdafach Road, Caergybi/Holyhead



Report of Head of Regulation and Economic Development Service (David Pryce Jones)

Recommendation: Gwrthod / Refuse

Reason for Reporting to Committee

The planning application has been called to the Planning Committee by Local Members.

Proposal and Site

The application site comprises 1.76 hectares of agricultural land located on the south western approach to Holyhead. The application site is situated along Porthdafarch Road which leads via Henddu Terrace and Mountain View to Kingsland Road (B4545) in proximity to junction 2 of the A55 expressway. There is

an existing dry stone wall and hedgerow present along the frontage with the public highway. The south western boundary of the application site abuts the Area of Outstanding Natural Beauty "AONB". The application site is abutted to the north east by the Cae Rhos residential estate and to the south west by a residential property (Rowen). There is a public footpaths on the opposite side of Porthdafarch Road and to the south east leading from the Cae Rhos estate.

This is an outline planning application with access and layout included for determination. The proposal is made for 36 dwellings including 4 affordable dwellings. The layout plan illustrates a T junction access with Porthdafarch Road and an internal circular access road. As part of the proposal a pavement will be provided at the frontage of the application site either side of the vehicular access with the public highway which will extend to the existing pavement footpath at the entrance to the Cae Rhos Estate.

There is an equipped play area and playing field provided in the south western corner of the development adjacent to the boundary of the AONB and the residential property (Rowen).

In terms of external materials the submitted details indicate the use of natural slate roofs and white painted render walls with white UPVC detail.

No detailed drainage plans are submitted with the planning application but the submission states that foul drainage from the development would be discharged into the public sewer which runs along Porthdafarch Road. Surface water run-off would be discharged into an existing watercourse within the application site which runs along the south eastern boundary.

This is a major planning application which has been subject to statutory pre-application discussions. In the course of determining the planning application amended plans which reduced the total number of dwellings by 2 (from 38 to 36) and also increasing the distances from the rear elevations to the rear boundaries on a number of plots. Additional highway and ecological information were also submitted as described in the main body of the report.

Key Issues

- Principle of Residential Development
- Highway Considerations and Sustainability
- Relationship with the Surroundings and the AONB
- Relationship with Adjacent Properties
- Ecology and Biodiversity Considerations

Policies

Joint Local Development Plan

Joint Local Development Plan

PS 1: Welsh Language and Culture

ISA 1: Infrastructure Provision

ISA 5: Provision of Open Space in New Housing Developments

PS 4: Sustainable Transport, Development and Accessibility

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

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

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PCYFF 6: Water Conservation

TAI 1: Housing in Sub Regional Centre & Urban Service Centres
TAI 8: Appropriate Housing Mix
TAI 15: Affordable Housing Threshold & Distribution
AMG 1: AONB Management Plans
AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character
AMG 5: Local Biodiversity Conservation
PS 19: Conserving and where appropriate Enhancing the Natural Environment
PS 20: Preserving and Where Appropriate Enhancing Heritage Assets
AT 4: Protection of Non Designated Archaeological Sites and their Setting

Planning Policy Wales (Edition 10 December 2018)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)
Technical Advice Note Wales TAN 11 Noise (1997)
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 15: Development and Flood Risk (2004)
Technical Advice Note (TAN) 18: Transport (2007)
Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)
Technical Advice Note (TAN) 24: The Historic Environment (2017)

Supplementary Planning Guidance Affordable Housing (2004)
Supplementary Planning Guidance IOCC Design Guide for the urban and Rural Environment (2008) "SPG Design Guide"
Supplementary Planning Guidance Parking Standards (2008)
Supplementary Planning Guidance Planning Obligations (Section 106 Agreements) (2008)
Supplementary Planning Guidance Housing Mix (October 2018)

Anglesey AONB Management Plan 2015-2020 "AONB Management Plan"

Response to Consultation and Publicity

Cynghorydd Glyn Haynes: No observations received.

Cynghorydd Dafydd Rhys Thomas: Concern expressed as regards the traffic situation.

Cynghorydd John Arwel Roberts: No observations received.

Cynghorydd Robert Llewelyn Jones: No observations received.

Cynghorydd Trefor Lloyd Hughes: Requested that the planning application is called to the planning committee because the creation of such a large estate would have a serious effect on highway issues.

Cyngor Tref Caergybi / Holyhead Town Council: No observations received.

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit: Conclusions as follows:

- The site is within the development boundary and forms site T11 in the JLDP which is designated as a housing allocation. Policy PCYFF 1 and Policy TAI 1 support residential development on allocated sites within development boundaries.
- Consideration needs to be given to any justification provided by the applicant for any local circumstances or site constraints that justifies a lower density otherwise the proposal is not in line with policy PCYFF 2 of the JLDP.
- The Housing Service will be able to advise you to enable you to reach a conclusion about Policy TAI 8 and whether the proposal provides an appropriate housing mix.

- Provided the proposal aligns with Policy TAI 8, a formal assessment of its impact on the Welsh language and culture is not required.
- You will need to be satisfied that the proposal complies with more generic policies that relate, e.g. to landscaping, vehicular access.

Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer: No observations received at the time of writing.

Dwr Cymru/Welsh Water: Conditional permission requiring the submission of a scheme for foul and surface water drainage and these comments have been confirmed as valid in relation to the amended proposals subject to the re-consultation.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: Following the initial consultation further ecological information was requested including consideration of reptiles and ecological enhancements. Following the submission of a revised ecological report it was confirmed that generally that there were no objections subject to planning obligations and conditions recommended including: amphibian friendly drainage features, retention of existing boundary features and a method statement being provided by way of a planning condition to rebuild/repair existing walls, boundary features to be separated from gardens by fencing and modification made on plans and management notes in the Biodiversity Conservation Management Plan & topsoil turf translocated to an area in the centre of the application site, table provided listing which bird boxes are to be installed on which houses, ecological report amended to identify that existing scrub will be retained include scrub management in the Conservation Management Plan, Biodiversity Conservation Management Plan required by way of a planning condition and managed in the lifetime of the development by way of a legal agreement, amendment required to include the fill species list in Appendix c, ecological report amended to require no vegetation clearance between March to August.

Prior to the last planning committee the existence of the sett was brought the Local Planning Authority's attention by NRW and North Wales Police and on the basis of this new information it was indicated that a further survey should be undertaken to inform the case, in view of the protections in law which relate to badgers and badger setts, and of WG policy (TAN 5) for ensuring that there is a thorough ecological understanding of the site. It has now been confirmed that ecological information submitted with the planning application which included the additional information in relation to a badger set adjacent to the application site is acceptable subject to planning condition.

Gwasanaeth Addysg / Education Service: Taking into account comments from the applicants which points to educational capacity being available in the locality the council's Education Service have now confirmed that a reduced amount of £73, 542 will now be required towards education provision at Ysgol Kingsland.

Iechyd yr Amgylchedd / Environmental Health: Considerations are described in relation to working hours, the use of pneumatic rock machinery, contaminated land and noise. A Construction Environmental Management Plan "CEMP" is required by way of a planning condition.

Llwybray Cyhoeddus / Public Rights of Way: No comments.

Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service: Given the archaeology and the investigations undertaken in the vicinity the application site must be regarded as having the potential for as yet unidentified buried deposits. A staged archaeological evaluation prior to determination is not considered effective for a development of this scale and having regard to planning guidance a condition is recommended requiring an archaeological strip, map and record in advance of the development.

Ymgynghorydd Treftadaeth / Heritage Adviser: The proposed development would be some 500m to W of the grade II* listed Kingsland Windmill. In my opinion, although possibly visible from the listed building,

the proposed development site does not make a significant contribution to the heritage asset and consequently the proposals would not impact on the setting of the lb.

Strategol Tai / Housing Strategy: The need for affordable housing based on the council housing waiting list and the Tai Teg register is confirmed. To achieve the Local Development Plan the aim is to achieve 10% of affordable units. We are therefore satisfied that 4 out of the 36 dwellings will be developed as affordable units. We are satisfied with the housing mix, although properties suitable for older persons have not been considered.

Priffyrdd a Trafnidiaeth / Highways and Transportation: Initially confirmed that the design within the development was acceptable in principle subject to standard conditions. Also that insufficient information on what effect the additional traffic produced would have on the local highway network leading to the site especially at the bottom of Porthdafarch Road in the reia of Henddu Terrace and Mountain View where there are presently restrictions on traffic. It was considered that a transport statement was necessary in accord with policy TRA 1 since this is a sensitive area locally and additional traffic could have an adverse impact on existing problems.

The Highways Authority previously acknowledged that a Transport Assessment has been provided as part of the application but they have significant concerns with regards to the existing substandard situation on the public highway leading up to the site due to vehicles being parked along this highway constantly, reducing the road to a single carriageway for a significant length, that this part of the highway has become saturated and has reached its capacity. If the road has reached its capacity then they suggest no additional traffic. A Transport assessment has been commissioned by the highway authority to consider these concerns which should take up to 4 weeks to complete and then will need to be analysed before comments are provided. If the report confirms stated concerns the highway authority will be recommending refusal unless the applicant can provide an improvement. If the report suggests that the capacity has not been reached then they will be recommending conditional approval. Since the planning application was last considered by the planning committee in February the Highways Section have confirmed that a video survey was undertaken on the 4th February 2020 between the junction of Kingsland Road and the Tan yr Efail Estate to record any traffic problems on this section of the road including any queuing of vehicles. Further if queuing occurred it was recorded how many cars were involved and the duration of time taken in queuing, it was also recorded whether it was necessary for vehicles to mount the pavement to pass each other. Further that analysis of this video survey should occur by the week ending the 21.02.20 and that a recommendation should be available by the end of February 2020.

Highways also require that a pedestrian footway be provided along the whole frontage of the site and that it connects into the existing footway network leading into Holyhead. This is outside the red line plan submitted within this application. However, this land is Highway Land and not private 3rd party land therefore there should be no issues.

The Highway Authority commissioned a traffic and parking survey along Porthdafarch Road, from its commencement at the B4545/Kingsland Road Junction to the Tan yr Efail Estate junction. The survey was conducted on Tuesday 4 February 2020 and was for a duration of 24 hours and incorporated traffic queue analysis, vehicle parking occupancy and duration of stay and instances of vehicle movement conflict (reversing, pavement mounting, pulling in behind parked cars). On the basis of the aforementioned survey and having provided the applicant and opportunity to comment and submit their own assessment of the survey results the council's Highways Section have come to the conclusion that the increase in traffic from the development is significant on a highway where there is existing danger and is unacceptable without an improvement that would reduce this danger.

Following further discussions with the applicant's the Highway Authority have confirmed that they are unable to support the application unless a suitable Traffic Regulation Order "TRO" can be made and implemented. Without a TRO the Highway Authority object on the basis of the detrimental effect of the additional traffic generated by the proposal. The applicant's Consultants (SCP) have confirmed that the applicant has agreed to fund the consultation process for a TRO and to implement any measures that are approved. They are also of the view that if the Council were to decide that the TRO were not to be

approved following the consultation process, then it is a clear acceptance that the existing situation is tolerable and the development can proceed without further works. However, the highway authority does not agree with this view. It is likely that if there is local opposition to a TRO, this would more than likely be on the grounds that the affected residents would not want to lose the existing parking from in front of their properties, rather than a sign that they are content with the proposed development and the additional traffic generated thereby. In order to gauge the likelihood of a TRO being achievable, it is the highway authority's intention to seek to confer with the Local Members for the area and the Town Council when a mutually convenient date and time for an online meeting can be convened in the next week or so. In conclusion therefore, if a suitable TRO cannot be implemented, the highway authority's position remains one of objection.

Adain Dechnegol (Draenio) / Technical Section (Drainage): Further to your consultation regarding the outline application for the above residential development, I can confirm that the foul and surface water drainage systems as detailed appear to be satisfactory in principle. However, it would be advisable to request the applicant to provide a Flood Risk and Hydrological Assessment for this site, to demonstrate the effects of an obstruction/structural failure of the culverted watercourse downstream and confirm any mitigation which may be necessary. In addition, should any subsequent application be submitted which amends the drainage scheme or site layout, then this would require an equivalent application to the Authority's SuDS Approval Body (SAB), incorporating a surface water drainage scheme which complies with new SuDS Statutory Guidance.

Following the submission of amended plans it has been confirmed that surface water drainage can be dealt with by way of a planning condition. Further that unless that there are local flooding issues surrounding the site of which I wouldn't be aware I agree that a flood risk assessment isn't necessary for the development.

Ymgynghorydd Tirwedd / Landscape Advisor: Following the initial consultation it was recommended that house types were re-considered in relation to their position relative to the site's topography, boundaries affected by visibility splays will require mitigation and that planning conditions should also include landscaping and its maintenance and boundary treatments. In relation to the amended plans it was confirmed that the layout had removed housing from the more elevated part of the site closest to the AONB. House types A and B (single storey) are located on the site boundaries with house type D (two storey) on the centre of the site. With regard to effects on the AONB and integration into the site, the layout now proposed addresses previous comments (layout is part of the Outline Planning application). The appearance of the buildings (materials and design) and landscaping will be subject to a Reserved Matters application. Further that the plan proposes native hedgerow and tree planting along the site's boundaries and in the open space area. The species proposed and mix are suitable. Final details of numbers will be required as a pre-commencement condition. The landscape strategy is broadly suitable (suitable to confirmation of the access and visibility splay) and no more information is required at this time.

Cyfoeth Naturiol Cymru / Natural Resources Wales: Does not object but the following comments are made in relation to the appropriateness of the landscaping and boundary treatment. No issues were raised in relation to protected species and it was not considered that the proposal was likely to have a significant effect on the Special Area of Conservation "SAC" or the Special Protection Area "SPA" at Glannau Ynys Cybi (because the application site is not under suitable management for choughs and is adjacent to existing developments).

NRW have also confirmed that they are content with the ecological information submitted with the planning application which included the additional information in relation to a badger set adjacent to the application site.

Following detailed comments on the landscaping scheme it has now been confirmed that NRW are content with the proposal subject to the requirement for a detailed landscaping scheme and management plan. Further that they are satisfied that the proposed development has taken into account the Anglesey AONB and rural context.

Llywodraeth Cymru (Prifffyrdd) / Welsh Government (Highways): No direction.

Bwrdd Iechyd Prifysgol Betsi Cadwaladr/ Betsi Cadwaladr University Health Board: No observations received.

The planning application has been advertised as a major planning application on three occasions as follows:

Following the initial publicity in November 2018 eight objections were received on the following grounds:

- Increase in construction and operational traffic and resultant highway dangers (including access by emergency vehicles) specifically along Arthur Street and Mountain View where there are already issues due to the width of the road and visibility available due to parked cars along the street. Also the impact of traffic on the environment. No improvements are proposed as part of the planning application.
- Porthdafarch Road is already in a poor condition and additional traffic will exacerbate this.
- There should be a mechanism for preventing the houses being sold as rental or holiday homes so that they are affordable to local families.
- Unfair that letters are only sent to properties adjacent to the application site.
- Need for the development given the housing development in Llaingoch which it is understood are not being sold.
- Redevelopment should be preferred to the development of a greenfield site.
- The proposed development does not include access to the writer's land such that it will become landlocked and unavailable for further residential development.
- Concerns are raised and assurances requested as regards the drainage ditch along the existing Cae Rhos boundary.

In December 2019 amended plans were submitted which reduced the total number of dwellings by 2 (from 38 to 36) increased the distances from the rear elevations to the rear boundaries on a number of plots and changed one of the house types. A Transport Assessment was also provided. This information was advertised in November 2019 and (number) objections received on the following grounds:

- Issues are raised in relation to existing problems, the volume of traffic likely to result from the development, damage to parked vehicles, congestion, speed, emergency vehicle access along Porthdafarch Road having regard to the transport assessment submitted in support of the planning application.
- Loss of light on the adjacent bungalows at Cae Rhos.
- Ecology including bats present on the application site.
- Need for additional housing on this greenfield sites given other residential developments which are occurring in the vicinity.
- Morlais scheme has selected Porthdafarch – Mill Road route for onshore cabling, cable trenching will result in additional traffic problems.

In May 2020 additional information comprising an update of the ecology report and the applicant's response to the Arup Report produced by the Highway Authority were received. The advertising of this information was delayed by the Covid situation but the publicity period has now expired on the 01.07.20. Three objections have been received on the following grounds:

- Development would impact on wildlife notably badgers.
- Impacts generally on the AONB which would impact on tourism.
- There is previously developed land available within the settlement boundary.
- Extra traffic resulting from the development. Issues in relation to existing problems along Lon Porthdafarch are reiterated and it is stated that the construction and operation of this development will exacerbate these problems.
- Perceived inaccuracies and differences of opinion are expressed in relation to the highway information submitted by the applicant's is listed including that Arthur Street is one way, that there are no passing places available when residents are at home in Arthur Street and Hendy Terrace.

- 36 residential units is excessive.
Houses would be out of place adjacent to bungalows at Cae Rhos.

Relevant Planning History

No material planning history.

Main Planning Considerations

Background Following the submission of the amended plans and additional information in December 2019 it was recommended that a site visit was convened at the Planning Committee in January 2020 and this was convened on the 22.02.20.

At the February Planning Committee the planning application was deferred due to outstanding matters in relation to: Highway concerns, the provision of upper and lower limits in relation to the amended house types in the Design and Access Statement and clarification of NRW's position in relation landscaping/along the south eastern boundary of the application site.

At the March planning committee it was explained that additional ecological information on badgers would be required as NRW.

The planning application was scheduled to be considered at the April 2020 Planning Committee but this meeting was cancelled due to the Covid 19 situation.

The next planning committee where planning application were being considered took place in July 2020 and in accord with the applicant's request the planning application was deferred to enable further discussions to take place with the Highway Authority.

The planning application has been deferred at planning committee since February for a variety of reasons. The highway and ecological reasons for the deferral are considered in more detail in the relevant sections of the committee report below. The applicant have now instructed that the wish the Local Planning Authority to determine the planning application at this planning committee.

Principle of Residential Development Holyhead is identified as an urban service centre with the JLDP which is the highest level of settlement on the island. Because of the sustainability credentials of these settlements a higher proportion (53%) of new development will be expected to take place in them.

The application site is located on an allocated site (T11) within the settlement boundary of Holyhead under the provisions of PCYFF 1 and the principle of residential development is therefore acceptable and aligns with policy TAI 1, further the JPPU have confirmed that at present capacity exists in the settlement and that no Welsh Language Statement is required with the planning application. A satisfactory record of how the Welsh language was considered in drawing up the planning application has been provided with the Design and Access Statement submitted with the planning application.

The proposal is made for 36 units (which equates to a density of 0.26 units per hectare) whereas it is estimated in the JLDP that the enquiry site could accommodate 53 units (based on 30 a hectare). As per the comments of the JPPU Consideration needs to be given to any justification provided by the applicant for any local circumstances or site constraints that justifies a lower density otherwise the proposal is not in line with policy PCYFF 2 of the JLDP. The Design and Access Statement submitted with the planning application explains that the development has been designed to be in keeping with surrounding sites in a semi-rural setting adjacent to the AONB that it has also not been possible to achieve the density sought in the JLDP due to onsite provision of open space requirements, spacing requirements for dwellings and road adoption standards. Added to these considerations are the ecological and landscaping considerations described in the relevant sections of the report below.

Policy TAI 8 of the JLDP requires that the mix of housing in a development are appropriate and align with the need of the area. The mix of dwellings comprises eight 3 bed two storey semi-detached (type a), twenty 2 bed one and a half storey semi-detached (type b) and eight 2 bedroom two storey terrace dwellings (type c). The Design and Access Statement explains how the mix was derived having regard to the SPG Housing Mix and concludes that the scheme meets the need 2 and 3 bedroom dwellings in Holyhead. The council's Housing Service confirm that they are satisfied with the housing mix proposed in the development, although the comments note that properties suitable for older persons have not been considered as part of the assessment.

Policy TAI 15 requires that part of the proposed development is provided for affordable housing purposes and in Holyhead this equates to 10% of the overall number of units which equates to 3.6 units. The council's Housing Service has confirmed that there is a need for affordable housing based on the council housing waiting list and the Tai Teg register is confirmed and have also confirmed that they are satisfied for 4

Highway Considerations and Sustainability. The planning application has been called to the planning committee by a local member who considers that the scale of the development would result in significant highway issues. As detailed in the consultation section of this report principal objections received relates to the adequacy of the highway network at the bottom of Porthdafarch Road at Henddu Terrace and Mountain View. The primary concern is that the additional traffic produced by the proposed development would exacerbate existing congestion and a lack of visibility of oncoming vehicles which is tantamount to a single carriageway along these streets due to cars owned by occupants of the terraced houses being parked along one side of the highway.

It is material that the application site is allocated for residential purposes in the JLDP and that at part of this process the adequacy of the highway network serving the development would have been assessed in preparing the plan. It is also material that the number of dwellings proposed at 36 is 17 units (approximately 30%) less than that forecast in the JLDP.

At the Planning Committee in February 2020 it was reported that the Highway Authority had significant concerns that the public highway leading to the application site along Henddu Terrace and Mountain View was substandard due to parked vehicles reducing the carriageway width for a significant length such that it may be saturated and at capacity. A transport assessment was commissioned by the Highway Authority which concluded that the increase in traffic from the development is significant on a highway where there is existing danger and is unacceptable without an improvement that would reduce this danger. The applicant's were provided with a copy of the transport assessment in April and thereafter submitted a rebuttal in May which was further considered by the Highway Authority who confirmed that they maintained their objection. At the last planning committee the planning application was deferred at the applicant's request as they only recently received confirmation of the Highway Authority's position and required additional time to facilitate further discussions.

The current position of the council's Highways Section is that is that they are unable to support the planning application unless a suitable Traffic Regulation Order "TRO" can be made and implemented. A TRO is a legal document which can only be prepared by the Highway Authority that restricts or prohibits the use of the highway network with the aim of improving road safety and access. In this instance the TRO would restrict on street car parking on sections of the northerly end of Porthdafarch Road so as to create passing places between the parked vehicles such that cars can give way to oncoming vehicles.

The applicant's position is that the scheme is acceptable given its allocation for residential purposes in the JLDP and based on the work of both highway consultants there are no existing queues or delays along Porthdafarch Road and that there have been no accidents in the last 5 year period further that the proposed development will not cause any material detriment to the highway network and that planning permission should be approved. The applicant's has agreed to fund the consultation process for a TRO and to implement any measures that are approved. They are also of the view that if the Council were to decide that the TRO were not to be approved following the consultation process, then it is a clear acceptance that the existing situation is tolerable and the development can proceed without further works.

The applicant's have also indicated their willingness to discuss any alternative form of mitigation if appropriate but have instructed that the planning application is considered by the August Planning Committee and their intention to appeal and recover their costs if a recommendation of approval including any requirements for a legal agreement (to fund the TRO) is not made.

The highway authority take a different position and consider that if a suitable TRO cannot be implemented, the highway authority's position remains one of objection. It appears from their consultation response that they are unsure of the likelihood of a TRO being achievable, it is the highway authority's intention to seek to confer with the local Members for the area and the Holyhead Town Council to pursue this matter. Taking into account the advice of Highway Authority an objection is therefore raised to the proposal on the basis that the proposed development would add to the existing delays and congestion at the northerly end of Porthdafarch Road between the Tan yr Efail junction and Kingsland Road to the detriment of the free flow of traffic and road safety at this location.

Relationship with the Surroundings and the AONB: The south western boundary of the application site abuts the AONB. Policy AMG 1 states that proposals must where appropriate have regard to the relevant AONB Management Plan and there are also statutory requirements in this regard. The AONB Management Plan requires assessment of proposals within 2km of the AONB. The amended plans received address the comments of the council's Landscape Adviser in removing two storey developments from the elevated part of the application. Since the last committee report in February NRW have confirmed that they are content with the proposals subject to a requirement for a detailed landscaping and management plan the requirements of which can be drafted into a planning condition by the Local Planning Authority.

Relationship with Adjacent Properties. The council's SPG Design Guide provides guidance on the proximity of development to other properties and boundaries to prevent overlooking and other unacceptable impacts. Amended plans were received in the course of determining the planning application which increased the distances from the rear elevations of the dwellings to the boundaries at the bottom of their rear gardens. The distances are now acceptable such that there will not be any unacceptable impacts on the residential amenities of the existing residential property to the south west at Rowen or to the north east at Cae Rhos. The distances from the rear elevations of the dwellings on plots 9 and 10 to the boundary with the agricultural land to the rear is around 6.7 metres whereas the guidance prescribes 7.5 metres. Given that the distance deficit is less than 1 metre and that the dwellings back on to agricultural land this is considered acceptable in this instance.

In terms of the impact of the proposed development on the residential amenities of adjacent residential and other properties it is considered that this can be satisfactorily regulated by the use of a Construction Environmental Management Plan which will regulate working times and other construction activities as recommended in the comments of the council's Environmental Health Section.

Ecology and Biodiversity: At the March planning committee it was reported that it had been brought to the Local Planning Authority's attention by NRW that following a report from a member of the public that there is a badger sett in close proximity to the application which has not been identified in the ecological survey submitted with the planning application. Additional ecological information was provided by the applicant in May 2020 to address this matter and both NRW and the council's Ecological and Environmental Adviser are content subject to conditions that the development is undertaken strictly in accord with this information including necessary mitigation measures.

No issues were raised by NRW in relation to protected species and it was not considered that the proposal was likely to have a significant effect on the Special Area of Conservation "SAC" or the Special Protection Area "SPA" at Glannau Ynys Cybi.

The retention of scrub areas, proposed indigenous landscaping and the provision of bird nesting boxes on the dwellings would provide an enhancement of the type required under the Environment (Wales) Act 2016.

Other Matters: Policy ISA 5: of the JLDP requires that new housing proposals for 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed development, will be expected to provide suitable open space provision in accord with the policy. As part of the proposed development 972m² of equipped play space is to be provided and 1450m² of open space and the JPPU have confirmed that this meets the requirements of the policy.

The application site comprises agricultural land and PPW states Grade 1, 2 and 3a agricultural land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. In this instance the application site is allocated such that the aforementioned considerations would have been systematically assessed as part of the overall process of preparing the JLDP.

The council's Education Section have confirmed that a financial contribution will be required towards providing additional year 12 and 13 pupil capacity at Holyhead High School and on this basis a planning obligation has been recommended requiring a financial contribution of £73, 542 as part of the development.

Surface water from the development will need to be disposed of via a SuDS system and approval will be required from the Suds Approving Body which is an arm of the council. Based on the information provided by the agent the council's Drainage Advisor is content to deal with this by way of a planning condition. Similarly Welsh Water are content with the proposal on surface water drainage grounds subject to a requirements for a planning conditions requiring that full details of the scheme are provided.

Conclusion

The application site is allocated for residential purposes in the JLDP and all matters remain resolved but there is a difference of opinion between the Highway Authority and the applicant's in relation to the impacts of development on existing delays and congestion at the northerly end of Porthdafarch Road in relation to the form of mitigation required. Discussions are ongoing in relation to these matters as explained in the committee report the Highway Authority will be instigating discussions locally and the applicant's have indicated their willingness to continue discussion on mitigation measures. The applicants have, however, instructed that the planning application is reported to the Planning Committee and taking into account the advice of the Highway Authority in the interests of the free flow of traffic and road safety at this location it is necessary to recommend refusal. As explained previously the applicant's indicted that they intend to appeal on this basis as seek to recoup their costs as part of the appeal process.

Recommendation

That the planning application is **Refused** for the following reason:

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.

(01) The additional traffic generated by the proposed development would add to the existing delays and congestion at the northerly end of Porthdafarch Road between the Tan yr Efail junction and Kingsland Road to the detriment of the free flow of traffic and road safety at this location and would be contrary to the provisions of Planning Policy Wales (Edition 10 December 2018) and Technical Advice Note 18 Transport (March 2007).

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/2019/223

Applicant: Mrs J Usher

Description: Cais llawn ar gyfer newid defnydd tir amaethyddol i fod yn faes gweryslla pebyll tymhorol ar dir ger / Full application for change of use of agricultural land into a seasonal tent camping site on land adjacent to

Site Address: Pen-Wal Bach, Pen Lon, Niwbwrch / Newborough



Report of Head of Regulation and Economic Development Service (David Pryce Jones)

Recommendation: Gwrthod / Refuse

Reason for Reporting to Committee

The planning application has been called to the planning committee by local members.

Proposal and Site

The planning application relates is made for the change of use of land to a campsite for the use of tents only between Easter and October in any calendar year. The land is currently in agricultural use and the application form states that the land will be used for grazing in the winter months. It appears from the location plan supplied with the planning application that two existing buildings within this area will be used in connection with the development.

To the west of the application site there is a road which leads south from the roundabout with the A4080 and serves a number of residential properties and a car park which affords access to publically accessible land. There are a number of residential properties in proximity which have their front elevation facing the application site.

In the course of determining the planning application the plans were amended and a one way system with vehicles entering the site from an existing vehicular access from the A4080 through land within the applicant's control to the agricultural field and thereafter exiting the site via the road to the west. Additional information was also provided in the form of a Traffic /Travel Statement and Campsite Rules to mitigate highway and residential amenity considerations respectively.

Key Issues

- Proposal and General Considerations
- Principle of the Development.
- Impact on the Area of Outstanding Natural Beauty.
- Amenity of adjacent properties
- Highways Considerations
- Sustainability Credentials
- Ecology

Policies

Joint Local Development Plan

Joint Local Development Plan

- PS5 : Sustainable development
- PCYFF2: Development Criteria
- PCYFF3 : Design and place shaping
- PCYFF4: Design and landscaping
- PS 5: Sustainable Development
- PCYFF 6: Water Conservation
- PS14: The Visitors' Economy
- PS4: Sustainable Transport, Development and Accessibility
- TWR5: Touring, camping and temporary alternative Camping Accommodation
- TAI 6: Housing in Cluster
- PS19: Conserving and where appropriate enhancing the natural environment
- AMG1: Area of Outstanding natural Beauty Management Plans
- AMG3: Protecting and enhancing features and qualities that are distinctive to the local landscape character
- AMG5: Local Biodiversity Conservation

Planning Policy Wales Edition 10 December 2018

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

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 13: Tourism (1997)

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

Supplementary Planning Guidance – Holiday Accommodation (Sept 2007)

Draft Supplementary Planning Guidance – Tourism Facilities and Accommodation (May 2018).

Response to Consultation and Publicity

Cyngor Cymuned Rhosyr Community Council: No observations received at the time of writing.

Iechyd yr Amgylchedd / Environmental Health: Health and Safety requirements should be complied with.

Cyfoeth Naturiol Cymru / Natural Resources Wales: No objections.

AONB officer: No observations received at the time of writing.

Dwr Cymru Welsh Water: The proposed development is crossed by a 150mm gravity and 300mm foul rising main sewer and as such Welsh Water a 3 metres protection zone either side of the centreline to be maintained throughout the lifetime of the development. Should any new buildings/associated structures be located within the protection zone there would be requirement to divert the public sewer. Welsh Water subsequently confirmed that providing that the planning application is made solely for tents and that there are no structures/buildings or fences then there should not be any problem regarding the access to and future maintenance to the public sewer crossing the application site but that an informative on asset protection should be attached to any planning permission granted.

GCAG / GAPS: Whilst the application site does have the potential to prove archaeologically sensitive given the use being applied for i.e. camping it would not have an impact on the land worthy of mitigating and the applicant should be made aware of this. No mitigation recommended in this instance.

Uned Datblygu Economaidd / Economic Development Unit: No observations received at the time of writing.

YGC (Ymgynhoriaeth Gwynedd Consultancy): **INFORMATIVE:** The site lies within zone A (Development advice maps accompanying TAN15: Development and Flood Risk) which is usually considered to be at little or no risk of flooding. However, the site is shown to be at risk of flood risk in the latest flood map for surface water. As such, we consider that flooding is a material consideration in accordance with section 11.1 of TAN15. An informative is also recommended as regards the requirement for Suds approval from the Suds Approval Body (SAB).

The proposal has been 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 any representation was the 26.02.2020. At the time of writing this report 30 objections have been received on the following grounds:

- Negative impacts on & degradation of the AONB further that the proposal needs to have regard to the AONB management plan.
- Scale of the development excessive in the countryside.
- Existing camp sites in the vicinity.
- Disposal of foul drainage, contended that there is no connection to the mains sewer.
- Vehicular access is onto a 60mph road with poor site lines/double yellows present.
- Loss of agricultural land.
- Single track land (to the west of application site) has become increasingly busy with visitors to the area the development would have a detrimental impact on highway safety.
- Noise and cooking smells from the campsite would impact on residential amenity and wildlife.
- Inaccuracies in the planning application forms are detailed.
- It is contended that the application was used in excess of the 28 day rule in 2019 which resulted in traffic problems, noise, car headlights shining, camp fires/cooking smells, rubbish, unsocial behaviour and hours of activity, dogs barking/fouling which had a detrimental/overbearing impact on the residential amenities of the area. A sign was also erected adverting the camp site. Queries why not action was taken by the council. Also that the site was used by camper vans.

- Pen Lon is a quiet rural cluster consisting mainly of residential properties.
- Contended that the proposed development does not comply with a number of policy provisions including TWR 5, PCYFF 2, PS5, AMG 1, PPW, TAN 6, SPG Holiday Accommodation on a number of grounds.
- Contended that the proposal does not comprise sustainable development being greenfield land not located in a sustainable location.
- One job will not result in employment opportunities/income generated from campers will be limited,
- Future precedent for extending the application site.
- Impact on dark skies.
- Contrary to what is stated in the application there was no consultation with the local community.
- No indication on the plans how campers will be fenced off from the remainder of the field.
- There is an area of land behind Pen y Wal which could be used to site a further 5-10 tents.
- Alleged that there has been little agricultural use of the application site.
- Stated that a local member has a close relationship with the applicants and should not therefore be allowed to speak on the application.
- As the applicant's late father served on the local council this could result in the planning application being supported by the council.
- Previous application to the Camping and Caravanning Club was rejected.
- Impact on protected ecological species.
- Number of points of disagreement raised in terms of the ecological survey.
- The application does not enhance biodiversity.
- Matters raised in relation to this being a retrospective planning application.
- The development would impact on the writer's intention to develop their apiary adjacent to the site because of noise and smoke.
- Screen planting not addressed.
- Contended that planning permission is being sought as a basis for selling the site.
- There is a petition with 46 signatures objecting to the planning application on the grounds listed.
- The camp site is advertised as having 56 pitches but it is contended that the ablution facilities available do not satisfy the requirements for a camp site of this size.
- Community council indicated that they have not been consulted on the planning application.
- Contended that the unauthorised works have been undertaken to the vehicular access onto the A4080.

The amended plans and additional information described in the introduction of this report were re-advertised and the publicity period expires on the 30.07.20. At the time of writing 3 objections have been received on the following grounds:

- Concerns expressed regarding vehicles using the road to west to exit the site in terms of regulation, parking problems, pedestrian safety and the increase in traffic volume on this single track lane.
- Hedgerow will need to be removed/reduced to provide the visibility splays and the slate fence.
- The proposed entrance will have a detrimental impact on the residential properties by removing the hedgerow which screens the site in terms of noise, loss of privacy and general activity from headlights etc.
- The location plan does not show the visibility splay.
- The removal of the hedgerow will result in the development in the development being prominent/obtrusive from the public highway to the west contrary to policy requirements.
- Queries whether the application site exceeds 1 hectare as it would then be a major planning application.
- Concerns raised in relation to noise levels in previous years and compliance time conditions set out in the planning application.
- It is considered that the amendments result in a greater impact on the adjacent residential properties.
- Impacts generally of the development on the AONB including the removal of the hedgerow.
- Scale of the development and its consequent impact on the surrounding area.
- Contended that it will be difficult for the council to enforce the extent of the field which is used for camping purposes.
- Impacts of the SSSI.

Relevant Planning History

ADV/2019/13 - Application for the siting of a non-illuminated sign on land adjacent to Rushmead, Pen Lon, Newborough - Withdrawn 28/11/2019.

SCR/2019/52 - Screening opinion for change of use of agricultural land into a seasonal tent camping site on land adjacent to - Rushmead, Pen Lon, Niwbwrch/Newborough EIA Not Required 07/10/19.

45C225 Siting of a caravan for a temporary period of 3 years Refused 05/08/1996

45C159 Retention of works of alterations and extensions Approved 11/12/90.

Main Planning Considerations

Proposal & General Considerations As a context the application site is comprised predominantly agricultural land within the Area of Outstanding Natural Beauty "AONB". The application site is in Penlon which is identified as a Housing Cluster in the JLDP. The application site is close to a Special Area of Conservation "SAC" and Site of Special Scientific Interest "SSSI" (Newborough Warren – Ynys Llanddwyn).

The application site in red amounts to an area of around 0.9 hectares identified on a location plan in red but this is considered further in relation to highway requirements on the proposed visibility splays below. A proposed block plan of the vehicular access onto the highway to the west is provided but this does not illustrate boundary fencing/walls, hedging and trees which would need to be removed to provide the visibility splays. Requests have been made for plans illustrating these features accurately plotted but none have been received at the time of writing, assessments made in the report below have therefore had to be made based on judgements on these matters. There is no block plan providing an indication of the number of units to be sited on the application site, refuse storage nor details of fencing/landscaping.

Principle of Development Policy TWR 5 permits touring and caravan, camping and temporary alternative camping accommodation subject to the listed criteria though there are also other more generic policies such as PCYFF 2, PCYFF 3 and PCYFF 4 which are considered material in considering the relationship of the proposal with their surroundings.

These policies and notably criterion 1 of TWR 5 require that the proposed development is high quality in terms of design, layout and appearance and is sited in an unobtrusive location, well screened which can be readily assimilated into the landscape in a way that does not significantly harm the visual quality of the landscape. The supporting text of policy TWR 5 at paragraph 6.3.82 states that landscape setting, site layout and screening will be important considerations in assessing proposals and that in all cases the applicant will need to submit a landscaping plan.

The planning application does not provide an indication of numbers and layout of the development and on this basis it can only be assumed that informal random arrangements are proposed. On this basis the council's Landscape Adviser considers that the proposed development would be intrusive in views available from the single track road to the west of the application site. Further on the basis that no boundary details such as fencing and Landscape Adviser considers that the present openness of the agricultural fields would be lost by the siting of tents and parked vehicles in the open season. Given these considerations the Landscape Adviser considers that the proposal would affect the sense of openness locally with local effects on expansive views and peace and tranquillity and there would consequently be localised seasonal effects on natural beauty with seasonal obtrusiveness. The provision of visibility splays either side of the new vehicular access would likely require the removal of the existing hedgerow either side of the access which it is considered would exacerbate these impacts. Any replacement fencing would take a number of years to establish to mitigate these impacts.

Having regard to the above it is not considered that the proposed development meets the policy planning policy requirements described above; considerations in relation to the AONB are assessed below.

It is also material that that as no physical boundaries or screening are proposed to delineate the edges of the proposed development. It is considered that this would likely result in the remainder of the field within the applicant's control being used for camping purposes which would exacerbate the landscape and other impacts identified in this report below.

Impact on the Area of Outstanding Natural Beauty Paragraph 5.3.5 of PPW states that the primary objective of designating AONB'S is the conservation and enhancement of their natural beauty and that development management decisions should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. There is also a statutory requirement to have regard to the provisions of the AONB Management Plan. The Countryside and Rights of Way Act 2000 requires that the council have regard to the purpose of conserving and enhancing the natural beauty of AONBs when performing their functions. The Isle of Anglesey Council AONB Management Plan includes policy CCC 3.2 which states that new developments will be expected to adopt the highest standard of design, materials and landscaping in order to enhance the special qualities and features of the AONB. Given the comments of the council's Landscape Officer and the considerations described in the preceding paragraph it is not considered that the proposal will comply with these policy requirement because the development would in fact harm natural beauty and the special qualities of the AONB. The provision of visibility splays either side of the new vehicular access would likely require the removal of more than a short section of the existing hedgerow either side of the access which it is considered would exacerbate these impacts. Any replacement fencing would take a number of years to establish to mitigate these impacts.

There are also policies in the AONB Management Plan (Management Objective 4: Peace and Tranquillity) which seek to safeguard and improve the tranquil atmosphere of the AONB. Policy CCC 4.1 states that the council will work to maintain the solitude and natural beauty of the AONB. Policy CCC 4.3 states that the council will ensure noise intrusion into the AONB is within acceptable limits. Objections received indicate that the use being applied for has previously resulted in noise and disturbance at unsocial hours as described in the relevant section of this report. Tourism developments of the type being applied do result in the type of disturbances reported by residents. Taking these material considerations into account also leads to a conclusion that the development would harm the special qualities of the AONB.

Amenity of adjacent properties. There are a number of residential properties which are located in close proximity to the application site along the single track road to the west. These properties have their principal elevations facing the applications site and the nearest dwelling is less than 30 metres away from the proposed development. It was also explained previously that having no physical boundaries for the proposed development would likely result in the remainder of the field within the applicant's control being used for camping purposes thus bring the development closer to these residential properties. Objections received provide direct evidence based on the previous use of the site for the purposes being applied in 2019 that the proposal would have an unacceptable impact on the residential amenities of occupants of these dwellings by way of activities such as traffic, noise, car headlights shining, camp fires/cooking smells, rubbish and general activity which could likely occur on a regular basis in the summer months into the early hours of the morning. Given these considerations it is not considered that the proposal complies with criteria (7) of PCYFF2 as the creation of a touring pitch caravan site will harm this quiet rural setting to the detriment of the settlement and in particular the residential properties to the west. The provision of visibility splays either side of the new vehicular access would likely require the removal of the existing boundary features and hedgerows either side of the access which it is considered would exacerbate these impacts. Any replacement fencing would take a number of years to establish to mitigate these impacts.

Highway Considerations Criterion 5 of TWR 5 requires that the site is close to the main highway network and that adequate access can be provided without harming the landscape characteristics and features. Landscape consideration have been described previously. As has already been explained no indication

has been provided of the number of pitches proposed nor of the any detailed plans of the proposed access with the public highway.

In the course of determining the planning application the plans were amended and a one way system with vehicles entering the site from an existing vehicular access from the A4080 through land within the applicant's control to the agricultural field and thereafter exiting the site via the road to the west. As explained in the consultation response of the Highway Section whilst the visibility splays shown on the submitted plans are not correct they are prepared to recommend conditional permission based on a requirement for visibility splays of 2.4 metres by 70 metres in both directions either side of the proposed vehicular access. To enable the Local Planning Authority to attach this planning condition the applicant will need to include the visibility splays in red either side of the access and a request has been made at the time of writing. As explained in the introduction of this report requests have also been made for a plan illustrating the boundary fencing/walls, hedging and trees which would need to be removed to provide these visibility but these details have not been provided and judgments have had to be made on these matters.

Sustainability Credentials This fundamental planning policy requirement described above is underpinned by requirements in PPW and TAN 8 in terms of sustainability which are embodied in Strategic Policy PS4 of the JLDP which requires development to be located so as to minimise the need to travel, further Strategic Policy PS5 states it is also important to ensure that the location, scale and type of development follows sustainable development principles and promote sustainable patterns of development and be accessible by a variety of sustainable means of travel, particularly walking, cycling and public transport. The planning application does not provide any indication of the scale of the development in terms of the number of pitches, nor is it supported by any supporting information in relation to access other than by private motor vehicle.

Given the limited public transport connectivity available in the vicinity of the application site it is likely that users of the development would likely arrive by private car. Penlon is identified as a cluster under the provisions of TAI 6 of the JLDP. The supporting text of this policy explains that clusters are characterised by an extremely sensitive social character and environment as well as a limited level of services and facilities. There are, however, facilities available in the Penlon such as a restaurant and a model village, informal recreational facilities are also available using the footpaths in the vicinity of the proposed development. There are also retailing and other facilities available in Newborough which is less than 1 km away and there is a footpath present along the public highway to enable pedestrian access. On the balance of the information submitted it is, however, concluded that the majority of visitors would travel to and from the proposed development for their holiday by car which would be contrary to the policy provisions described.

Ecology The planning application is accompanied by an ecological assessment which indicates that the proposed development will not impact on the Special Area of Conservation "SAC" and Site of Special Scientific Interest "SSSI" (Newborough Warren – Ynys Llanddwyn nor on any protected species. Though objections have been received indicating that there will be impacts on these matters no objections are raised by NRW or the council's EEA on this basis.

Conclusion

In summary conclusion the proposal is considered unacceptable on the basis that the development is not considered high quality development in the terms expected under material planning policies, because of the unacceptable impacts in terms of the AONB, residential amenity and on sustainability grounds described in the report.

Whilst the Highway Authority are content with the development subject to a planning condition requiring visibility splays but an amended red line plan will be required encompassing these splays will need to be submitted for such a condition to be attached.

The decision 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 decision 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.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that whilst the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic improvements being proposed as part of the development but this is outweighed by considerations in relation to global responsibility, cohesive communities.

Recommendation

That planning permission is **REFUSED** on the following grounds:

(01) The proposal not considered to comprise high quality development and it would also be harmful to the character and appearance of the area which forms part of an Area of Outstanding Natural Beauty. This would be contrary to the provisions of policies TWR 5, PCYFF 3, PCYFF 4, AMG 1 and AMG 3 of the Anglesey and Gwynedd Joint Local Development Plan (2017), Planning Policy Wales (Edition 10) (2018), Supplementary Planning Guidance – Holiday Accommodation (Sept 2007) and Draft Supplementary Planning Guidance – Tourism Facilities and Accommodation (May 2018).

(02) It is considered that the proposed development would by virtue of noise and general disturbance have an unacceptable impact on the residential properties facing and in close proximity to the west. This would contravene the provisions of policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 and Planning Policy Wales (Edition 10) (2018).

(03) The location, scale and type of development being applied for means that it is likely that the majority of visitors would travel to and from the proposed development for their holiday by car which would be contrary to the provisions of PS4 and PS5 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 and Planning Policy Wales (Edition 10) (2018) and Technical Advice Note 18: Transport (2007).

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.