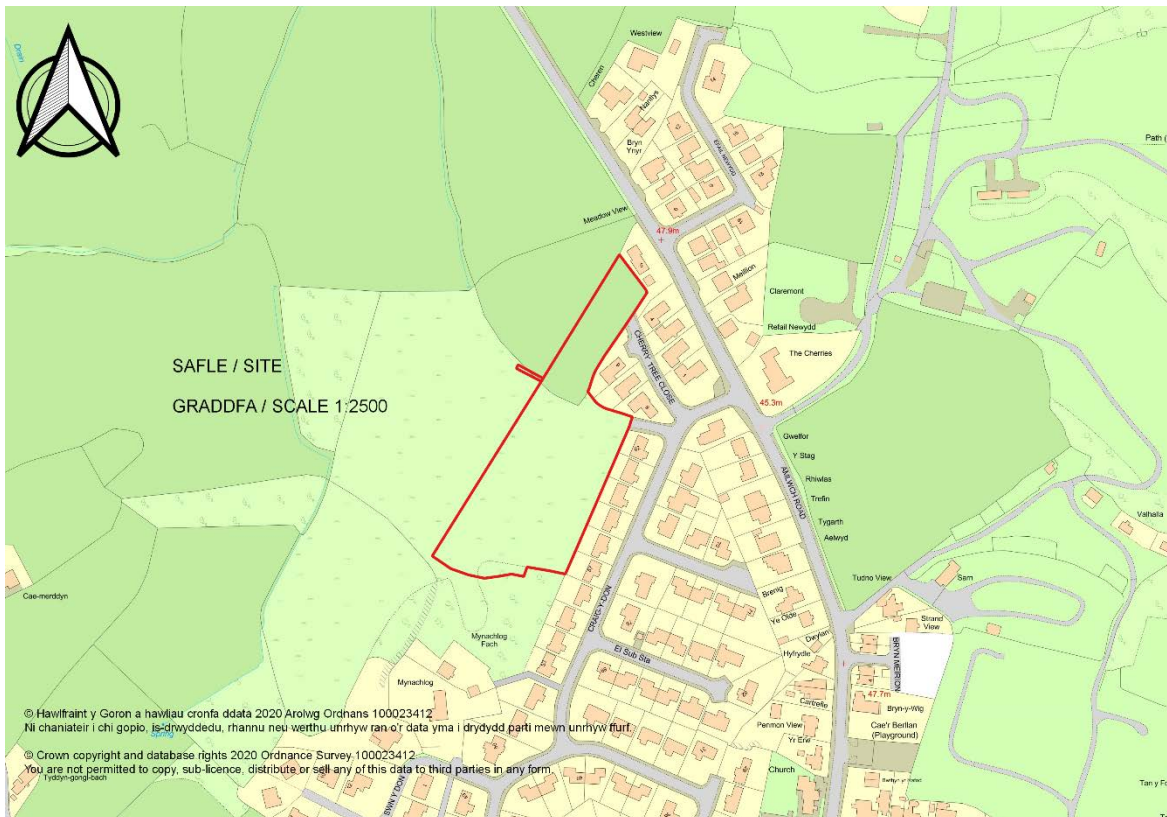


**Application Reference:** FPL/2019/217

**Applicant:** Mr Dylan Davies

**Description:** Full planning application for the erection of 17 affordable dwellings, construction of two new vehicular and 3 new agricultural accesses, installation of a pumping station together with soft and hard landscaping on land adjacent to

**Site Address:** Craig y Don Estate & Cherry Tree Close, Benllech



**Report of Head of Regulation and Economic Development Service (Iwan Jones)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application has been called into the Planning and Orders Committee for determination by Local Members Ieuan Williams and Margaret Roberts.

It was noted that the Welsh Ministers have received a request to call-in the application for their own determination and the application was deferred pending their decision. The Welsh Ministers have now reviewed the application and decided not to call in the planning application.

## **Proposal and Site**

The application is submitted for the construction of 17 affordable dwellings together associated developments. The application site will be accessed from two new separate vehicular accesses from Cherry Tree Close and Craig y Don Estates. The application also entails 3 number of agricultural accesses and the construction of a pumping station. The application has been amended on several occasions. The main amendment was the reduction of the number of units from 29 to 17 dwellings. The latest amendments include additional landscaping at the boundary and reduction of agricultural accesses.

The application site is approximately 1.08 hectares with a Local Wildlife Site. The land is within the Area of Outstanding Natural Beauty (AONB) and lies immediately adjacent to the settlement boundary of Benllech as identified within the Joint Local Development Plan (JLDP).

The access from the Craig y Don Estate will serve 16 dwellings whilst the access from Cherry Tree Close will serve the remaining dwelling. The proposed development will include new estate roads to serve the proposed dwellinghouses. The proposed dwellinghouses will be located across the site varying from 2, 3 and 4 bedroom single and two storey units. The majority to the dwellinghouses are semi-detached properties whilst some are detached units. The proposed development also includes a mixture of single and two storey dwellinghouses. All dwellings are provided with designated parking and private amenity spaces. As part of the proposed development amenity land will be allocated across two separate areas. The pumping station is located to the western part of the site.

The application site is surrounded by residential properties to the north, east and south. Grassland is located to the west and south. The topography of the land is generally level with a slight depression in the centre of the site. The application site is predominately surrounded by hedgerows.

## **Key Issues**

Whether or not the proposal is justified in this location, complies with local and national policies and whether the proposal will have an impact upon the neighbouring properties, character and amenity of the area, Area of Outstanding Natural Beauty (AONB), Designated Wildlife site and highway safety.

## **Policies**

### **Joint Local Development Plan**

Policy TAI 15: Affordable Housing Threshold & Distribution  
Policy TAI 16: Exception Sites  
Policy TAI 4: Housing in Local, Rural & Coastal Villages  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy PCYFF 6: Water Conservation  
Policy PCYFF 5: Carbon Management  
Policy ISA 2: Community Facilities  
Policy ISA 5: Provision of Open Spaces in New Housing Developments  
Strategic Policy PS 2: Infrastructure and Developer Contributions  
Policy ISA 1: Infrastructure Provision  
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans  
Policy AMG 5: Local Biodiversity Conservation

## Response to Consultation and Publicity

Consultee	Response
Gwasanaeth Addysg / Education Service	The Lifelong Learning Department of Anglesey Council have confirmed that no commuted sum is required in this instance.
Iechyd yr Amgylchedd / Environmental Health	Conditional Approval
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	General comments made with respect to policies contained within the Joint Local Development Plan (JLDP).
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	Conditional Approval
Cynghorydd Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	Referred the application to the Planning and Orders Committee. The Local Member considered the proposed development does not comply with national or local planning policies. The proposed development would put an increased pressure upon local schools and existing highway network. The Local Member also considers that the proposed development should be subject to an EIA and as such raises concerns that the proposed development will have a negative impact upon the AONB and Local Wildlife Site.
Cynghorydd Margaret Murley Roberts	Referred the application to the Planning and Orders Committee. Concerns that the application site is located outside the development boundary and an increased pressure upon schools, parking etc
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Concerns regarding over development, number of units being proposed and inadequate access and substantial traffic within the area.
Dwr Cymru/Welsh Water	Conditional Approval
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Legal Agreement required to accommodate the mitigation and enhancement measures proposed to the designated Wildlife Site.
Ymgynghorydd Tirwedd / Landscape Advisor	Conditions proposed to mitigate the impact upon the AONB
Priffyrdd a Trafnidiaeth / Highways and Transportation	Conditional approval recommended.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional Approval
Draenio Gwynedd / Gwynedd Drainage	No Objection

Strategol Tai / Housing Strategy	There is a demand for the affordable units being proposed which has been confirmed within a housing needs survey.
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	Application should be considered in line with AONB Management Plan and Policy AMG 1 of the JLDP. Questioned whether other sites have been considered for the proposed development. Concern that further encroachment is made into the AONB if the application is approved.

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. A notice was also placed within the local newspaper. The publicity process has been undertaken on three occasions. The latest date for the receipt of any representation was the 24/09/2020. At the time of writing this report, 23 representations had been received at the department. The points are summarised below:

- Concerns with respect to planning policy and the land is situated outside the development boundary.
- Concerns regarding school capacity and local infrastructure.
- Concerns regarding highways safety, access, parking places and increased traffic.
- Concerns regarding disruption during the construction phase.
- Concerns regarding flooding.
- Concerns regarding ecology.
- Concerns regarding Area of Outstanding Natural Beauty (AONB).
- Concerns regarding impact upon amenity of existing nearby residents.
- Concerns regarding Welsh Language.

In response to the points raised the Local Planning Authority responds as follows:

- An assessment with respect to the location of the site and planning policy is outlined within the main core of the report.
- The impact upon the existing infrastructure including the local school has been assessed as part of the application. This is elaborated upon within main core of the report.
- The Local Highways Authority have assessed the application and raised no object to the application.
- Conditions will be attached as part of the application to mitigate and minimise nuisance to nearby properties and road users during the construction phase.
- Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work. Until an application is made to the SAB there remains some uncertainty whether the proposed site layout would enable full compliance with the suite of national SuDS standards. Welsh Water and Natural Resources for Wales have assessed the application and raised no objection.
- An Ecology Appraisal has been submitted as part of the application. The Authority's ecologist together with Natural Resources for Wales have assessed the application and are satisfied with the proposed development subject to conditions and legal agreement.
- The impact upon the AONB is assessed within the main core of the report
- The impact upon the amenities of nearby residential properties have been assessed as part of the application. This is elaborated upon within the main core of the report.
- A Welsh Language Impact Assessment has been submitted as part of the application. It is considered the impact upon the Welsh Language will be comparatively low.

### Relevant Planning History

SCR/2019/46 - Screening opinion for the erection of 29 affordable dwellings, construction of two new vehicular and 4 new agricultural accesses, installation of a pumping station together with soft and hard landscaping on land – EIA Not Required 23/08/2019

## Main Planning Considerations

The site is located immediately adjacent to the development boundary of Benllech. In terms of the principle of housing development, the development boundary is considered under policy TAI 16 of the Joint Local Development Plan (JLDP). In accordance with this Policy all units would have to be affordable housing that meets a defined local need. The policy states:

*“Where it is demonstrated that there is a proven local need for affordable housing (as defined in the Glossary of Terms) that cannot reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing schemes on sites immediately adjacent to development boundaries that form a reasonable extension to the settlement will be granted. Proposals must be for a small scale development, which are proportionate to the size of the settlement, unless it can be clearly demonstrated that there is a demonstrable requirement for a larger site, with priority, where it is appropriate, given to suitable previously developed land.”*

The application site is located towards the northern part of the Benllech. The north west part of the development boundary is staggered with no distinctive pattern to the boundary. The application site is considered a reasonable extension to the settlement since the site would only extend the built form towards the current extent of the development boundary around the property of Mynachlog Bach which lies to the South West of the application site. It is considered that the site will not unacceptably intrude and encroach further into the countryside than the general existing form of development. The application site is considered proportionate to size of the settlement of Benllech, which is classed as a Local Service Centre with the JLDP, the second highest tier settlement category of Anglesey.

Policy TAI 16 also states that, if local need has been proven, as an exception to the usual housing policies, schemes for a 100% affordable housing could be suitable on such a site as long as the units cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing. It has to be ensured that all the units are affordable and that there is a local need for them.

The indicative supply for Benllech (including a slippage allowance of 10%) was for 90 units over the plan period. In the period 2011 to 2020 a total of 109 units have been completed within Benllech with a further 36 units in the landbank at April 2020 all of these units are on windfall sites (this 36 units includes the recently approved application (FPL/2019/204) to build 27 affordable dwellings at Ponc y Rhedyn in Benllech). This means that Benllech has achieved its windfall provision.

The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is achieving the housing requirement. Annual monitoring will also allow the Councils to determine what type of sites will supply housing i.e designation or windfall sites. The focus will be on the units completed rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. The indicative growth level (including 10% slippage) for Local Service Centres is 1754 units. 665 units were completed between 2011 and 2019 in all Local Service Centres and that 518 were in the land bank. This means that there is a current shortfall of 571 units. Currently, therefore, the approval of this site can be supported by the expected provision within the Local Service Centres category.

In terms of meeting a 'local need', the same definition applies as what is stipulated for the proposed affordable unit located within the boundary. The definition of who can live in these units are therefore very specific. Whilst it is noted in the information submitted with the planning application that all the units will be managed by Clwyd Alun Housing Association, it has been confirmed by the Housing Service there is a need for the units being proposed. The assessment includes a Housing Needs Survey and the consideration of other planning applications, including the proposal for the erection of 27 affordable

dwellings at Ponc Y Rhedyn, Benllech. The Housing Service have confirmed there is a need for the affordable units being proposed at both application sites. The Housing Service has also confirmed, outside Benllech there is a large demand for social and affordable housing in the Lligwy Electoral Ward.

The proposal is therefore appropriate in terms of the fact that all the units proposed on the part of the site outside the boundary are affordable. It is also necessary to establish there is a genuine need for these units and that this cannot be met within the boundary of Benllech as noted in Policy TAI 16. If the need for these units have not been suitably justified, the proposal, in terms of the units located outside the development boundary, would be contrary to JLDP as it would provide new houses in the countryside without the relevant justification.

As such, Policy TAI 16 states the requirement to demonstrate that affordable housing to meet a proven local need cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing.

The applicant together with the policy, housing and property section have provided comments with respect to whether or not affordable housing cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary.

The allocated housing site (T32) within Benllech would provide 12 residential units and would provide 4 number of affordable units. The site is owned by the Local Authority and there are no immediate plans to develop the site within the immediate future. It is therefore considered that the allocated housing site will not be delivered in a reasonable timescale. In addition, it considered that Topic Paper 6: Urban Capacity Study (February 2015) has not identified significant development opportunities with the settlement boundary of Benllech. The agent has also provided information confirming that there are no dwellinghouses within Benllech that could be considered as being at an affordable price. The Housing Section have confirmed this point.

It is considered there are only limited opportunities to meet any identified need in the settlement within a reasonable timescale. An application for 6 residential apartments has recently been refused which would have provided 2 affordable units. In light of this evidence and the lack of previous affordable units being delivered within the settlement the policy and housing section are of the opinion that the exception site will help to meet an identified need.

With respect to the viability and deliverability of the site, it is considered that the site is on the 'Reserve and Potential' list of the Council's Program Delivery Plan (PDP). The Housing Service also proposed to fund the proposed development through a Social Housing Grant within the next 5 years. It is therefore considered there is a high element of certainty that this site will be brought forward within a reasonable timescale and consideration has been given towards its viability.

#### Candidate Site

The application site was offered as a candidate site under the Anglesey and Gwynedd Joint Local Development Plan for residential development (reference number SP146). The purpose of the candidate sites was to identify suitable site as housing allocations within the Plan. The comments made by the planning policy unit relating to the site (included within Topic Paper 1B: Assessing the Candidate Sites (March 2016)) raised issues with respect to highway safety, surface water issues, that the site is located within the AONB and is situated on Grade 3 Agricultural Land. All these issues will be assessed later within the report.

The topic paper also suggest that since the land is located within the AONB, other sites were available as a housing allocation. Policy TAI 16 does not require consideration of other potential exception sites on locations immediately adjacent to the settlement boundary only for possible alternative sites within the boundary. As previously noted, it not considered that the allocated site will be delivered in a reasonable timescale.

### Policy TAI 8 – Appropriate Housing Mix

The proposed development offers a mixture of single and two storey dwellinghouses which can accommodate various number of bedrooms and occupants. Policy TAI 8 'Appropriate Housing Mix' seeks to ensure that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community.

Regard is given to the Local Housing Market Assessment (LHMA), Council Housing Register and Tai Teg Register to assess the suitability of the mix of housing in terms of both type and tenure proposed on development sites to redress an identified imbalance in a local housing market. The Housing Service have confirmed that the housing mix being proposed is acceptable.

### Policy PS 1 – Welsh Language and Culture

Given that the application is a large scale housing development (defined as 5 or more units within Local Service Centres in the Maintaining and Creating Distinctive and Sustainable Communities' SPG) on an unexpected windfall site then a Welsh Language Impact Assessment is required in line with policy PS1 of the JLDP. It is noted that such an assessment has been submitted with the application which concludes that the impact upon the Welsh Language will be comparatively low.

### Policy ISA 5 – Provision of Open Spaces in New Housing Developments

As this is a development of 17 dwelling houses it triggers Policy ISA 5, which states that: *"New housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Fields in Trust (FiT) benchmark standards of 2.4 hectares per 1000 population."*

The Open Spaces in New Residential Developments Supplementary Planning Guidance (SPG) (March 2019) states that the benchmark standard proposed by the FiT consists of a minimum 2.4 hectares per 1000 population.

The Open Space Assessment undertaken by the Joint Planning Policy Service identified a shortfall of open space in all of the above categories. As part of the application the applicant is providing 645m<sup>2</sup> public open space which more than meets the informal play space element of the FiT categories but does not propose to place any play equipment on the site.

Policy ISA5 does acknowledge that in some circumstances on site provision may not be feasible. In such cases, the Council will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. This obligation enables developers to make a contribution towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space.

The calculation of costs is based on (i) FiT standards (which identify a level of provision per 1,000 population), and (ii) likely basic costs for the provision of open space provision.

New Provision from new development:

- Outdoor Sport = 564.16m<sup>2</sup>
- Children's Informal Play Space = no financial contribution required as this is being provided on site
- Children's Equipped Play Space = 88.16m<sup>2</sup>

Therefore, based on costs for provision the commuted sum required are highlighted:

- Outdoor Sport = £6595.03
- Children Equipped Play Space = £3349.20
- Total Contribution = £9944.23

### Infrastructure Policy

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration is given to the capacity within local schools to accommodate the anticipated number of children on the site. It is also important to consider the effect of the proposed development on the capacity of local schools. The cumulative impact of other developments in the schools' catchment areas is also taken into account when assessing whether an education contribution should be made. The Lifelong Learning Department of Anglesey Council have confirmed that no commuted sum is required in this instance.

### Agricultural Land

The proposed site lies on Grade 3b Agricultural Land which is classified as moderate quality'. Criterion 6 of Strategic Policy PS6 (Alleviating and Adapting to the Effects of Climate Change) notes that proposals must give full consideration to protecting the best and most versatile agricultural land. Best and most versatile (BMV) agricultural land is defined in Planning Policy Wales as Grades 1, 2 and 3a, this is excellent to good quality land which is able to best deliver the food and non-food crops. Since this site lies on Grade 3b land criterion 6 of Policy PS 6 is not applicable with this application.

### **Character of the area:**

At its core, one of the most fundamental consideration is whether this residential development is acceptable in respect of its design and layout is whether it can comply with the provisions of the JLDP and whether there are any other material considerations which must be taken into account. Policy PCYFF2, PCYFF3 and PCYFF4 are the primary consideration in assisting the proposal from this aspect.

The development is located adjoining the settlement of Benllech. Within this context, achieving the correct design and appearance is important and it is noted that a mixture of development are located within the vicinity. These include a mixture of single and two storey dwelling of various designs.

The proposed dwellings are considered acceptable in terms of their impact on the townscape which will acceptably integrate into the surrounding area. The proposed development includes a mixture of detached and semi-detached properties includes single and two storey dwellinghouses. It is considered that the proposed development will not harm the character of the area and reflect the relatively dense residential pattern of development within the immediate locality.

### **Effect upon the amenities of neighbouring properties:**

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to subsection 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupier of local residence or other land and property users.

Regard has been given in terms of overlooking / loss of privacy and the effect on the outlook of adjacent residential properties. As previously noted, the application will be served from the Craig y Don and Cherry Tree Close residential estates. Existing dwellinghouses are located along the northern and eastern boundary. Dwellinghouses are also located to the south, however agricultural land is located between these existing units and the application site. No significant difference in level is proposed as part of the development.

Plots 11, 12 , 13, 14, 15, 16 and 17 all adjoin the eastern boundary and therefore careful consideration is given to the amenities of the dwellinghouses located at Craig Y Don.



The Supplementary Planning Guidance (Design for the Urban and Rural Environment) requires a distance of 2.5 meters between dwellinghouses and boundaries. All of these dwellinghouses exceeds this distance, the shortest distance between plot 17 and the nearest existing dwellinghouse being approximately 11 meters.

The Supplementary Planning Guidance (Design for the Urban and Rural Environment) SPG also requires a distance of 15 meters between secondary windows. The nearest proposed secondary window to an existing secondary window is at a distance of approximately 22 meters. This exceeds the guidance distance. In addition, a 1.8 high fence is proposed along the eastern boundary which will further aid against the impact upon the amenity of neighbouring properties.

Plot 1 also adjoins the eastern boundary and therefore careful consideration is given to the amenities of the dwellinghouses located at the Cherry Tree Close Estate. There is a distance of approximately 19 meters between the closest existing dwelling at Cherry Tree Close and the dwellinghouse at Plot 1.

A bedroom window is located on the eastern elevation of Plot 1 which is approximately 23 meters from the nearest dwelling house. A maximum distance of 15 meters is required within the SPG between secondary windows. The dwelling house is in compliance with guidance distances within the SPG. In addition, a 1.8 meter high green screen fence will be located along the eastern boundary.

Dwellinghouses are also located to the north and south part of the application. However, given the ample distance between the proposed units and the existing dwellinghouses together with position of an open space and agricultural land between the units, it is not considered the proposed development will have an unacceptable impact upon the amenities of those properties.

It is not considered that the proposed development will have a detrimental impact upon the nearby dwellinghouses or future occupants of the proposed affordable units. Conditions will be attached to any permission to including measures to mitigate against the impact during the construction phase.

#### **Local Highways Authority:**

The application site will be accessed the application from the both the Craig y Don and Cherry Tree Close residential estates. Estate roads will be constructed at the application site to serve the proposed dwellinghouses.

The Local Highways Authority have assessed the application and are satisfied with the proposed development subject to conditions which are proposed as part of their recommendation.

#### **Drainage:**

Indicative drainage plans and a drainage strategy has been submitted as part of the application.

The proposed development will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work. Notwithstanding the SAB approval, a condition will also be attached to any planning permission to ensure that the proposed development will be made satisfactory in term of drainage and its impact upon the Wildlife Site.

#### **Ecology:**

The application site is located within a designated Local Wildfie Site, Cors Efail Newydd. The Cors Efail Newydd Wildlife Site was identified by North Wales Wildlife Trust and later formally designated as a local

designation as part of the JLDP being classes as a '*naturalness*'. A preliminary Ecological Appraisal has been submitted with the application.

Policy AMG 6 of the JLDP ensures that proposals that are likely to cause direct or indirect significant harm to Wildlife Sites will be refused, unless it can be proven that there is an overriding social, environmental and/or economic need for the development, and that there is no other suitable site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance. If a development is granted, it will be necessary to ensure that there are appropriate mitigation measures in place.

The Wildlife Site is approximately 57,959 square meters. The part of the application site which is located within the Wildlife Site is 7,847 metres square, approximately 13.5%.

The wildlife site is not currently being managed, and as such losing quality. Following undertaking surveys of the land, some areas of the Local Wildlife Site which will be lost to the proposed development were found of being lesser ecological interest and the likelihood of any rare species in this area is certainly low. The remaining part of the Wildlife Site is more of a marshy grassland with more potential than the area of land subject to the application.

The Local Authority have no power available to enforce any retention or management of the site and as such the Wildlife Site may continue to deteriorate without any intervention. Although a relatively small proportion of the wildlife Site will be lost as part of the residential development, significant mitigation and enhancement measures in terms of management action and prescriptions for the lifetime of the development are being proposed which are suitable to form the basis of long term Conservation Plan. These measures include managing willows, conservation grazing and effective monitoring by vegetation surveys and reports.

As previously noted there is an identified need in Benllech for affordable dwellinghouses with no alternative sites within the development boundary which can be delivered in a reasonable timescale to address the need. Given due weight to this fact together with the mitigation and enhancement measures being proposed which will improve the un managed Wildlife Site, on balance it is considered there is an overriding social need for the proposed development. In addition, surface water from the proposed development will be directed in a controlled rate to an existing watercourse within the Wildlife Site. This will increase the wetness of the Wildlife Site which would be favourable to the ecological status of the site. There are currently no other sites for similar development therefore it is considered there is no other suitable available site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance.

Although outline management measures have been submitted, a full and comprehensive management plan to ensure appropriate mitigation and enhancement measures will be secured through a legal agreement to ensure that the works are carried out throughout the lifetime of the development.

#### **Area of Outstanding Natural Beauty (AONB):**

The application is located within the designated AONB. Policy AMG 1 of the JLDP ensures that proposal within or affecting the setting and / or significant views into and out of the AONB must, whether appropriate, have regard to the AONB Management Plan.

The primary objective for designating AONBs is to conserve and enhance the natural beauty of the landscape. It is crucial that any development schemes that affect the AONB or its setting favours the safeguarding of an area's natural beauty.

Policy PS 19 states that the Council will manage development so as to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the

development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question.

As the site lies adjacent to the settlement with limited views from public viewpoints and where views are available, the proposed development would be seen in the context of existing dwellings. Consequently it is considered that there would be a neutral effect on natural beauty as perceived from the main highway and Public Rights of Way (PRoW), conserving this characteristic of the AONB in relation to these views. A short portion of low hedgerow will be removed and although it provides limited screening, it will be replaced in a suitable landscaping scheme.

It is considered there would be neutral effects on natural beauty from the proposal due to the lower sensitivity of the inward views - screening off-site would be unaffected. It is considered that appropriate details of the externally visible elevations and landscaping on the boundary (secured through conditions) would ensure greater conformity with AONB requirements.

The AONB is currently bounded by residential curtilages. The existing dwellings are predominantly white in colour, whilst the proposed dwellings are a darker colour. It is considered that the darker colour of brick, windows and door included within the new proposed dwelling could provide a better and more sympathetic edge of the settlement in comparison to the existing form of development. It is also considered that adequate landscaping of the boundary will aid mitigate against the proposed development and provide an improved and enhance new defined boundary between the built form of development and the open countryside. It is considered that the new boundary will create a clear definitive edge around the new development which will make it tougher to encroach further into the AONB.

#### **Other matters:**

Consultees including Gwynedd Archaeological, Drainage / Welsh Water, Natural Resources for Wales, Environmental Health have all provided comments with respect to the proposed development. Conditions will be attached to the permission accordingly.

#### **Conclusion**

The application is acceptable in policy terms and will provide affordable housing within Benllech. Although the application is located within a Wildlife Site and the Area of Outstanding Natural Beauty, on balance and given due consideration to the mitigation and enhancement measures being proposed it is considered that the proposed development is acceptable and will deliver an identified need of affordable dwellinghouses in Benllech which cannot be delivered on other sites within the development boundary.

The details with respect to highway matters have been assessed and considered acceptable. Given due consideration to distances between existing properties and the character of the area, the proposal is considered acceptable subject to conditions and will not detrimental harm the amenities currently enjoyed by the occupants of the surrounding properties or future occupiers to such a degree as to warrant refusal of the application.

#### **Recommendation**

Permit the application subject to conditions and a section 106 agreement to include the affordable housing, ecological enhancement measures and contribution towards open space.

**(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 18-226-SP-01 Rev B
- Gable Elevation – 4B6P-404 Rev C
- Gable Elevation – 4B6P-403 Rev B
- Rear Elevation – 4B6P-402 Rev B
- Front Elevation – 4B6P-401 Rev C
- First Floor Plan – 4B6P-202 Rev B
- Ground Floor Plan – 4b6p-201 Rev B
- Roof Plan – 4B6P-203 Rev C
- First Floor Plan – 4B6P-102 Rev B
- Ground Floor Plan – 4B6P-101 Rev B
- Gable Elevation 2 – 3B5P-404 Rev C
- Gable Elevation 3B5P-403 Rev C
- Rear Elevation – 3B5P-402 Rev C
- Front Elevation – 3B5P-401 Rev C
- First Floor – 3B5P-202 Rev C
- Ground Floor – 3B5P-201 Rev C
- Roof Plan – 3B5P-203 Rev C
- First Floor – 3B5P-102 Rev C
- Ground Floor – 3b5p-101 Rev C
- Gable Elevation 2 – 3B5PDC-404 Rev B
- Gable Elevation – 3B5PDC-403 Rev A
- Rear Elevation – 3B5PDC-402 Rev B
- Front Elevation – 3B5PDC-401 Rev A
- First Floor Plan– 3B5PDC-202 – Rev B
- Ground Floor Plan – 3B5PDC-201 – Rev B
- Roof Plan – 3B5DC-103 Rev B
- First Floor Plan - 3B5PDC-102 Rev B
- Ground Floor Plan 3B5PDC-101 Rev B
- Side Elevation – 3B5PB-404 Rev B
- Rear Elevation – 3B5PB-403 – Rev B
- Side Elevation – 3B5PB-402 Rev A
- Front Elevation – 3B5PB-401 Rev B
- Ground Floor Plan – 3B5PB-201 Rev A
- Roof Plan – 3B5PB-102 Rev B
- Ground Floor Plan – 3B5PB-101 Reb B
- Gable Elevation – 2B4P-404 Rev C
- Gable Elevation – 2B4P-403 Rev C
- Rear Elevation – 2B4P-402 Reb B
- Front Elevation – 2B4P-401 Rev B
- First Floor Plan – 2B4P-202 Rev C
- Ground Floor Plan – 2B4P-201 Rev C
- Roof Plan – 2B4P-103 Rev C
- First Floor Plan – 2B4P-102 Rev C
- Ground Floor Plan – 2B4P-101 Rev C
- Proposed Site Layout Overall Masterplan – 18C226-SP03-1 Rev F
- Proposed Site Layout – 18-226-SP03-2 Rev F
- Proposed Site Layout (Sheet 2) – 18-226-SP03-3 – Rev F
- Proposed Site Layout Landscape and External Works – Sheet 1 – 18-226-SP04-1 Rev E
- Proposed Site Layout Landscape and External Works – Sheet 2 – 18-226-SP03-3 Rev E

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

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

Reason: In the interest of residential amenity

**(04) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.**

Reason: To prevent pollution to the water environment.

**(05) Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: to ensure better integration of the proposal on the AONB boundary as required in PCYFF 3, PCYFF 4 and AMG 1

**(06) All planting in the approved details of landscaping (contained in Landscape and External Works plans 18-226-SP03-3 Revision E and 18-226-SP04-1 Revision E) shall be carried out in the first planting seasons following the use of the site or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

Reason: to ensure establishment of planting proposed on the AONB boundary as required in PCYFF 4 and AMG 1

**(07) No development shall commence until full details for reasonable avoidance measures (RAMS) for various protected species as outlined with the Preliminary Ecological Appraisal (Etive Ecology Ltd) is submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be completed in accordance with the approved detail.**

Reason: In the interest of protected species.

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

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

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2018 and TAN24: The Historic Environment.

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

**(09) The proposed 1.8 meter-high fence as and as delineated on the submitted plan (dawning reference – Proposed Site Layout 18-226-SP03-2 Rev F & 18-226-SP03-3 – Rev F) shall be erected before the units hereby approved are occupied. The fencing shall not be removed at any time. If the fencing needs to be replaced/changed for whatever reason the replacement shall be of the same height and type and in the same position.**

Reason: In the interest of residential amenity

**(10) The access shall be laid out and constructed strictly in accordance with the submitted plan before any of the dwellings are occupied and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.**

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

**(11) The estate road(s) and its access shall be designed and constructed in accordance with 'Technical Requirements for Estate Roads in Anglesey' (copies of this document are available free on request from the local planning authority).**

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

**(12) The estate road(s) shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the work on the application site whichever is the sooner.**

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

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

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

**(14) No development shall commence until measures are in place to secure the future maintenance of the access and estate roads in accordance with details previously submitted and approved in writing by the local planning authority. The management and maintenance plan for the lifetime of the development shall include the arrangements to secure the operation of the scheme throughout its lifetime.**

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

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

- o longitudinal and cross sections through the estate roads showing the proposed road levels relative to the existing ground levels and proposed garage floor levels.
- o the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.
- o the location and the type of street lighting furniture.

**The development shall thereafter be carried out in accordance with the approved detail.**

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

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

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

**(17) 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.

**(18) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, include an assessment of the potential to dispose of surface and land water by sustainable means and a maintenance and management plan for the sustainable drainage scheme and its impact upon the Cors Efail Newydd, Local Wildlife Site. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

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

Reason: In the interests of amenity

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/2019/322

Applicant: Mr. William Morris

Description: Full application for conversion of a church into a dwelling together with a construction of a new vehicular access at

Site Address: Christ Church, Rhosybol



### Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation: Permit

### Reason for Reporting to Committee

Local Member Aled Morris Jones has referred the application the Planning and Orders Committee for determination.

At the committee meeting held on the 2nd December, 2020, it was resolved that a site visit was required. A virtual site visit has been undertaken, therefore Members are now aware of the site and its settings.



## Proposal and Site

The application is for the conversion of a church into a dwelling together with a construction of a new vehicular access. The application site is located within the rural village of Rhosybol and situated within the development boundary as defined within the Joint Local Development Plan (JLDP). The site is accessible from the main highway to the west of the site. Residential properties are located to the north, south and west.

## Key Issues

Whether or not the proposal complies with local and national policies, whether the proposal will have an impact upon the neighbouring properties and highway safety.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy PCYFF 5: Carbon Management  
Policy TAI 15: Affordable Housing Threshold & Distribution  
Policy TAI 4: Housing in Local, Rural & Coastal Villages  
Policy ISA 2: Community Facilities  
Policy ISA 1: Infrastructure Provision  
Strategic Policy PS 2: Infrastructure and Developer Contributions  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change

## Response to Consultation and Publicity

Consultee	Response
Cynghorydd Richard Griffiths	Concerns regarding parking and the location of gravestones.
Cynghorydd Aled Morris Jones	Concerns regarding parking and that the site is unsuitable for the proposed development,
Cynghorydd Richard Owain Jones	No Response
Cyngor Cymuned Rhosybol Community Council	Concerns regarding existing gravestones and availability of parking area.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No objection
Ymgynghorydd Treftadaeth / Heritage Advisor	No Objection
Iechyd yr Amgylchedd / Environmental Health	No Objection
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional Approval
YGC (Ymgynhoriaeth Gwynedd Consultancy)	No Response
Strategol Tai / Housing Strategy	No Response

Dwr Cymru Welsh Water	Conditional Approval
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	No Objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments are included within the main core of the response
Corff Cynrychiolwyr yr Eglwys The Representative Body of the Church in Wales	No Comments

The proposal was advertised with the posting of notifications to adjacent properties. Following receiving amended plans the publicly process has been undertaken on two separate occasions. The expiration of the latest publicly period was the 19/11/2020. At the time of writing this report six correspondence had been received by the Local Planning Authority. The main points raised are summarised below:

- Concerns regarding highway safety and parking availability.
- Concerns regarding the loss of trees.
- Concerns regarding wildlife
- Concerns proposal would impact upon amenity of nearby residential properties.
- A number of gravestones are scattered around the site.

### Relevant Planning History

44C325 - Full Planning - Cais llawn i newid defnydd o hen eglwys i annedd yn / Full application for conversion of the former church into a dwelling at Christ Church, Rhosybol - Withdrawn 31/10/2016

### Main Planning Considerations

The main chapel can be viewed from the main highway and is accessible from the west. The building is currently in a state of disrepair following being disused since 1996 and declared redundant in 2005. The church was built in 1875 to designs of Henry Kennedy, architect, of Bangor. It featured a divided nave and chancel, north porch and south vestry, bell-cote above west gable, and an east window with plate tracery. Although the church has a historic architectural value, it does not form part of Listing under the Planning (Listed Building and Conservation Areas) Act 1990.

A turntable parking area is proposed at the front of the chapel. Detailed drawings of the turntable have been submitted which include a cross section showing that the structure will be 100mm under ground level. It is not considered that this will have a detrimental impact upon the existing graves. The proposal entails converting the chapel into two storeys with the inclusion of Velux windows. This will enable the building to include a lounge, dining / kitchen area, bathroom, two bedrooms and a first floor games room.

Since the initial submission, amendments have been made to the proposal which included a turntable and mitigation measures in terms obscured glazed windows.

### Policy Considerations:

In the JLDP Rhosybol is identified as a Local Village under Policy TAI 4 (Housing in Local, Rural and Coastal Villages). This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based upon the indicative provision shown within the Policy.

In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals within development boundaries are approved if they comply with other policies and proposals in the Plan, National policies and other relevant planning considerations. As the site lies within the Rhosybol development boundary as identified in the JLDP the proposal can therefore be considered against Policy TAI 4. The application site

is located in a sustainable location within the development boundary of Rhosybol and is in close proximity to nearby public amenity areas.

### **Community Facility:**

As the application is the proposed conversion of a Church, consideration should be given to Policy ISA 2 ('Community Facilities'). This Policy aims to protect existing community facilities and encourage the development of new facilities where appropriate. The Policy aims to resist the loss or change of use of an existing community unless a suitable replacement facility can be provided or it can be demonstrated that the facility is inappropriate or surplus to requirements.

The applicant has submitted a correspondence from the Representative Body of the Church in Wales stating that the church was closed in 1996 and declared redundant in 2005. The church is therefore considered surplus to requirements and as such satisfying with criterion 2 ii of Policy ISA 2.

### **Welsh Language:**

The indicative provision for Rhosybol over the Plan period is 24 units (which, includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc.). In the period 2011 to 2018 a total of 5 units have been completed in Rhosybol. The windfall land bank, i.e. sites with existing planning consent, at April 2018 stood at 5 (with all of these being likely to be developed). This means that at present there is capacity within the indicative supply for the settlement of Rhosybol. However 15 dwellings at the former Marquis Inn in Rhosybol has been approved and as such the indicative capacity of the settlement has been exceeded. In accordance with criterion 1(b) of Policy PS1 'The Welsh Language and Culture', as this development, would subsequently, collectively provide more than the total indicative housing provision for Rhosybol, a Welsh Language statement is submitted with the application which concludes that the impact upon the Welsh Language will be comparatively low.

### **Character of the Building:**

As previously noted the church is not listed, however does hold some architectural historic value. The proposed development does retain the character of the building. Concerns were initially raised by the Built Environment section with respect to the number of roof openings being proposed. However, following amended plans being received reducing the size of the proposed roof windows and replacing them with a more conservation style windows, the section was supportive of the proposed development.

### **Existing Gravestones:**

Numerous gravestones are located around the Church. Members of the public have raised concerns that granting permission for the proposed use would prevent the public from visiting the gravestones. The applicant has stated the proposed development would not hinder the visitors from accessing the gravestones and that improvements to the access would allow easier and safer access.

The matter is considered a civil matter outside the planning remit. Nevertheless, consultation has been undertaken with The Representative Body of the Church in Wales regarding the proposed development who do not wish to comment regarding the proposed development.

Impact upon amenity of nearby properties:

The application site adjoins residential properties to the north and south. Residential properties are also located to west, opposite the public highway.

The chapel is rectangular shaped running west from west to east across the site. Windows are being proposed on the northern, eastern and southern elevations. These include the introduction of first floor Velux windows on the northern and southern elevations.

A dwelling house known as the Old Rectory is located towards the north elevation of the site whilst a dwelling house known as Heddfryn is located to the south.

Windows are located on the northern elevation of the chapel which will overlook the neighbouring property. A distance of approximately 7 meters is between these windows and the boundary of the Old Rectory. The Supplementary Planning Guidance (SPG) Design Guide for the Urban and Rural Environment recommends a distance of 10.5 meters. However, since some of these windows are obscured and that existing vegetation is located along the boundary, it is considered that the proposed development will not significantly harm the amenity of the Old Rectory to warrant refusal of the application.

The Supplementary Planning Guidance (Design for the Urban and Rural Environment) SPG also requires a distance of 15 meters between secondary windows. As previously noted, a number of windows located at the northern elevation is obscured. Following receiving amended plans which obscured two of the first floor windows located closest to the Old Rectory, the nearest clear glazed secondary window to a secondary window is at a distance of approximately 15.5 meters.

As previously noted, a dwelling (Heddfryn) is also located to the south of the application site. The distance between the church and the boundary together with habitable windows exceeds the distances noted above. The distances to the residential properties located across the public highway to west also exceeds these distances.

Policy PCYFF 2 of JLDP requires that appropriate amenity spaces should be provided. Since graves are scattered around the site, the applicant has not included the entire site within the proposed curtilage area. As such a perimeter around the church together with an area of land covering approximately 140 square metres to the south east is proposed as amenity land. In order to provide a definitive boundary from the curtilage area to the remaining part of the site which includes numerous graves, a condition will be attached to the permission which will ensure that a reasonable and sympathetic boundary treatment will be included as part of the development.

Although it is acknowledged that the proposed development may generate an increase in nuisance such as noise and light in comparison to the existing vacant site, due to the fact that the site is located in a relatively dense residential area and that mitigation measures are being proposed, it is not considered that this would result in an unacceptable harm to its residential amenity of nearby properties.

#### **Local Highway Authority:**

The application site is accessible from the main public highways to the west. As part of the application, the existing vehicular access will be widened and a turntable installed at the site. Concerns were initially raised by the highway section that any vehicle entering the site would have limited room to manoeuvre to the detriment of both highway and pedestrian safety. However, following receiving amended plan which included a turntable, the Local Highways Authority are satisfied with the proposed development subject to conditions.

#### **Other Matters:**

Gwynedd Archaeological Planning Service has been consulted regarding the application. Since there will relatively small amount of groundworks proposed, it is not considered that the works warrants mitigation.

A Bat Survey has been submitted as part of the application. The Local Planning Authority's Ecologist has assessed the application and is satisfied with the proposed development following the inclusion of bat roosts. Natural Resources for Wales have raised no objection to the application.

## Conclusion

The application is acceptable in policy terms. Following receiving amended plan which included a turntable the highway matters has been assessed and considered acceptable.

Given due consideration to design together with distances between existing properties the proposal is considered acceptable subject to conditions.

## Recommendation

Approve the proposed development subject to conditions

### **(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
- Cross Section - fccrioa/002
- Floor Plans and Elevations - fccrioa/001
- Access Plan
- Car Parking Plan
- Proposed Drainage Plan
- External Area Plan
- Cambrian Ecology LTD - Bat & Protected Species Survey

Reason: To ensure that the development is implemented in accord with the approved details.02

### **(03) No other part of the development hereby approved by this permission shall begin until the access is laid out and constructed together with the car parking accommodation completed in full accordance with the details hereby approved. The car parking accommodation shall thereafter be retained solely for those purposes and the access retained and kept free from permanent obstruction and used only for access purposes.**

Reason: 1. 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. 2. In order to minimise danger, obstruction and inconvenience to users of the highway and of the access

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

Reason: In the interests of residential and visual amenity.

### **(05) Construction works shall not take place outside the hours of 8:30 to 17:30 Mondays to Fridays and 9:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.**

Reason: To protect the amenities of nearby residential occupiers.

**(06) 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.

**(07) Prior to the occupation of the residential unit hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is commenced.**

Reason: To ensure a satisfactory appearance of the development.

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/2020/166

Applicant: Mr and Mrs Jones

Description: Full application for the conversion of the outbuildings into 4 Holiday Units at

Site Address: Cymunod, Bryngwran, Holyhead



### Report of Head of Regulation and Economic Development Service (Gwen Jones)

**Recommendation:** Refuse

#### Reason for Reporting to Committee

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

At its meeting held on the 2nd December, 2021 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- The application site is in a sustainable location.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

“Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers

to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution." Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

### **Sustainability.**

It is not considered that the application site is located in a sustainable location. The proposal would be highly dependent on private car use and would lead to a significantly increased number of trips by private car to this location. The proposal is not entirely accessible via non-car modes of transport. The proposed development would be car dependent and would not minimise the need to travel contrary to local and national policies and guidance.

It is considered that the proposal is contrary to Policy PS4, PS5 of the Joint Local Development Plan, advice contained within TAN 18 and Planning Policy Wales.

### **Recommendation**

**(01)The local planning authority considers that the development undermines the Welsh Governments commitment to sustainability in terms of its location. The proposal would thus result in isolated and unsustainable development of holiday accommodation in the countryside which would conflict with Strategic Policy PS4 and PS5 of the Joint Local Development Plan, Planning Policy Wales (Edition 10) (2018), Technical Advice Note 18: Transport and Welsh Government's Building Better Places: Placemaking and the Covid-19 Recovery (July 2020)**

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.