

## 7.1

### Gweddill y Ceisiadau

### Remainder Applications

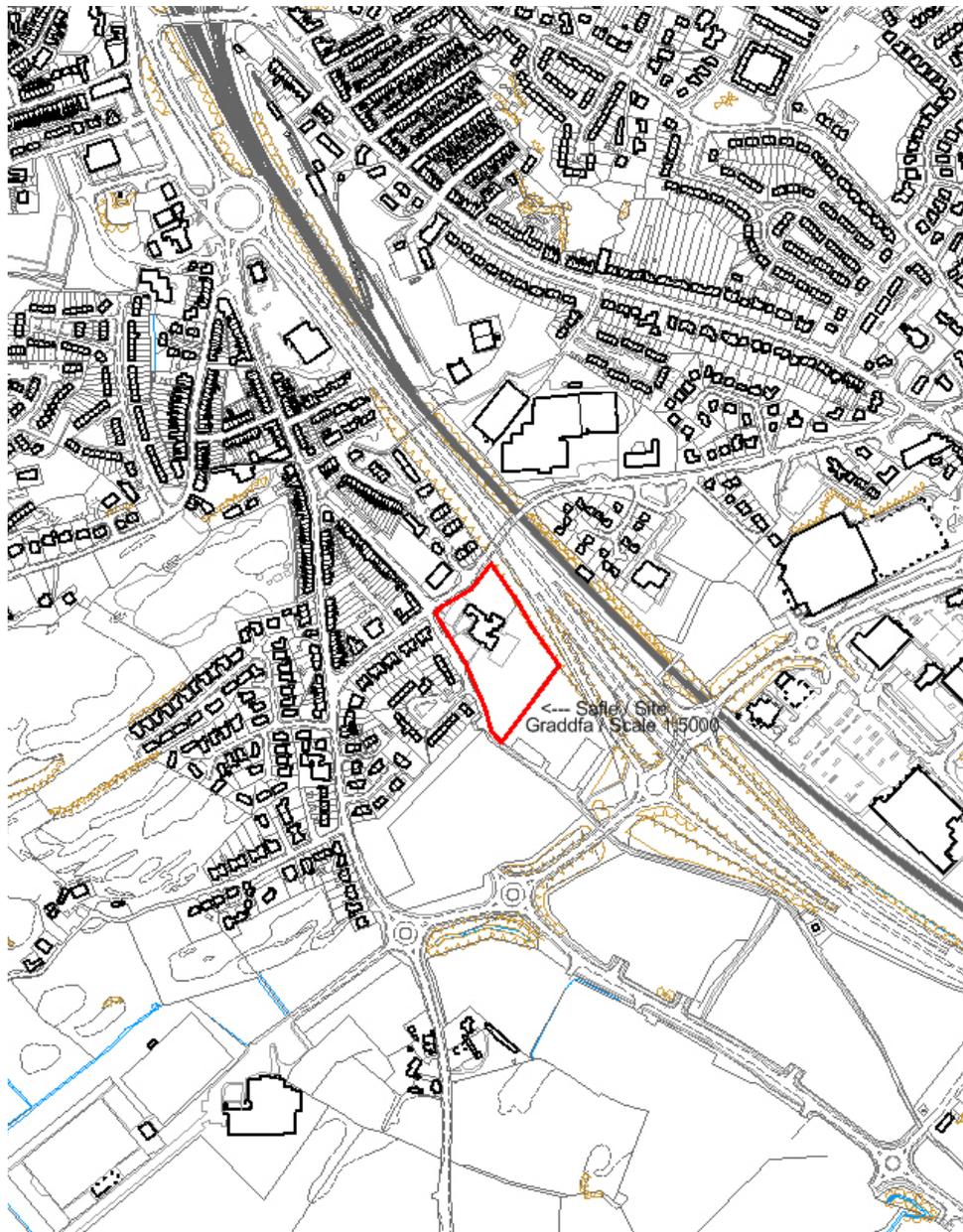
Rhif y Cais: 19C1136 Application Number

Ymgeisydd Applicant

**Caban Kingsland Ltd**

**Cais llawn ar gyfer lleoli adeilad symudol i ddarparu meithrinfa yn / Full application for the siting of a mobile building to provide a nursery at**

**Ysgol Gynradd Kingsland, Kingsland, Holyhead**



**Planning Committee: 04/06/2014**

**Report of Head of Planning Service (AMH)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application was deferred at the last planning committee 7<sup>th</sup> May 2014 due to Highways issues these issues have now been overcome with a supporting letter from Caban Kingsland confirming parking arrangements since receiving the supporting letter Highways have now confirmed no objection to the proposal.

### **1. Proposal and Site**

The site forms part of the Kingsland Primary School is located off Cyttir Road in Holyhead,

The proposal entails the siting of a new mobile class room to accommodate a Pre/School Nursery.

### **2. Key Issue(s)**

The key issues to consider are policy context, effect on the locality and effect on the amenities of the surrounding properties.

### **3. Main Policies**

#### **Ynys Mon Local Plan**

1 – General Policy

17 – Recreation and Communities Facilities

42 – Design

#### **Gwynedd Structure Plan**

D4 – Location, Siting and Design

D29 – Ensure new developments or alterations to existing buildings are to high standard

F7 – Community Use of School

#### **Stopped Unitary Development Plan**

GP1 – Development Control Guidance

GP2 – Landscape

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

**Local Member (Trefor Lloyed Hughes) – No Objection.**

**Holyhead Town Council - No Objection.**

**Fire and Rescue Service – No observations**

**Drainage** – Standard Comments

**Highways** – No objections

The application was afforded three means of publicity. These were by the posting of a site notice near the site and the publication of a notice in the local press. The latest date for the receipt of representations is the 29<sup>th</sup> April 2014. At the time of writing this report no representations had been received at the department.

## **5. Relevant Planning History**

None

## **6. Main Planning Considerations**

### **Affect on amenity**

Policy context – Planning policy encourages the provision of community facilities within or on the edge of other settlements and the community use of schools.

Effect on the locality – The proposal will have a minimal visual impact, sited within the boundaries of the site adjacent to the school building. Therefore I do not consider that the proposal have a detrimental effect on the locality.

Effect on the amenities of the surrounding properties – I do not consider that the proposal will have an additional detrimental effect on the amenities of the neighbouring properties as the proposal will be located within the existing school grounds adjacent to the school building.

## **7. Conclusion**

The site can comfortably accommodate the proposal without appearing cramped or over developing the site to the detriment of the character of the locality or the amenities of the occupants of the nearby properties. The proposal in my considered opinion conforms to both national and local plan policies and should be approved in line with the following conditions.

## **8. Recommendation**

### **Permit**

**(01) The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.**

Reason: For the avoidance of doubt.

**(02) The mobile classroom hereby permitted shall be removed on the land by 07/05/2019 and the land reinstated to its former condition by 07/08/2019 unless otherwise agreed in writing by the Local Planning Authority.**

Reason: Permission would not normally be granted but regard has been given to the particular circumstances of the applicant.

**(03) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 15/03/14 under planning application reference 19LPA1136.**

Reason: For the avoidance of doubt.

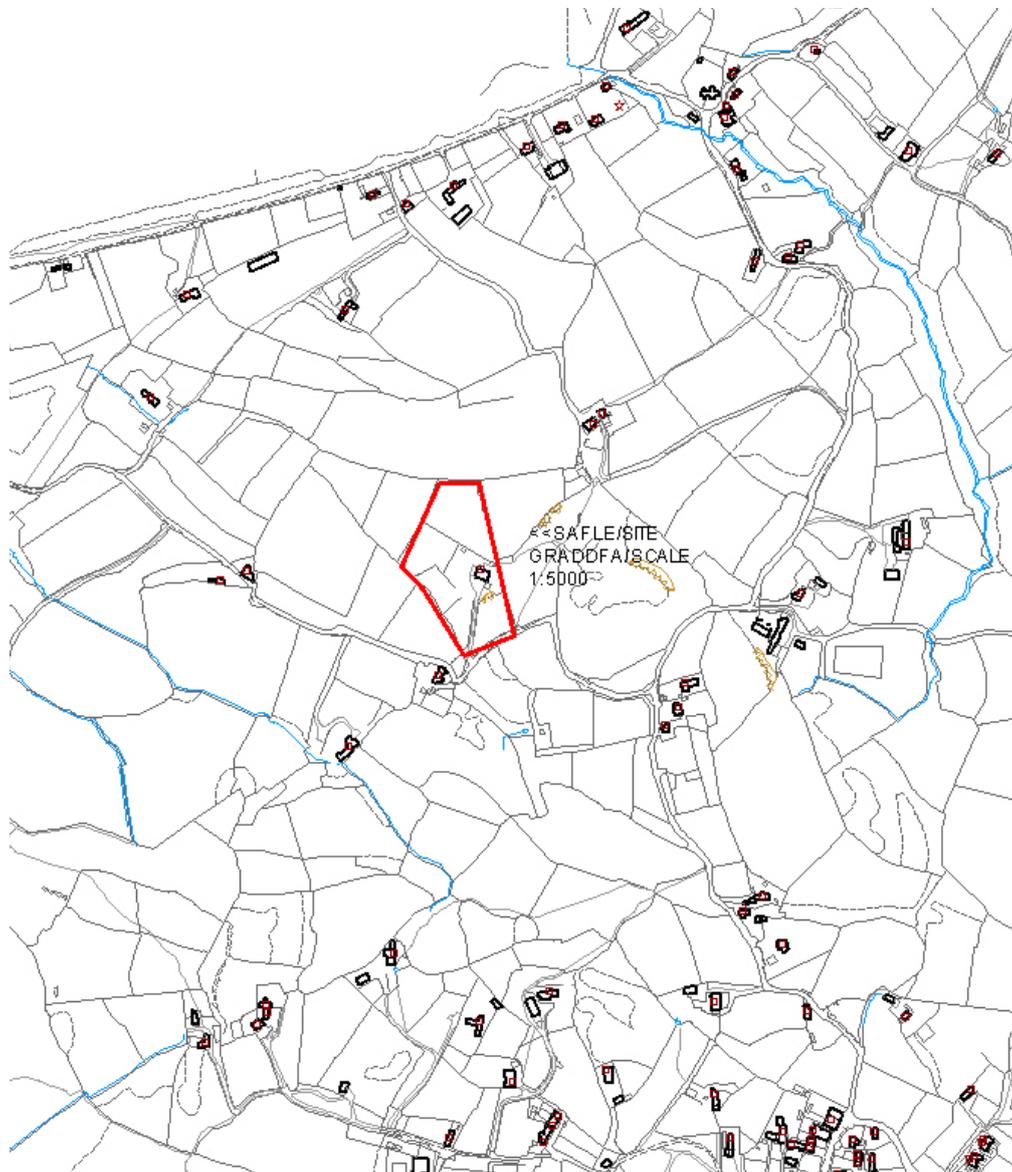
Rhif y Cais: 22C40A Application Number

Ymgeisydd Applicant

**Mr Brian Jardine**

**Cais llawn ar gyfer dymchwel yr annedd presennol a modurdy a chodi annedd a modurdy newydd, codi stablau, gosod system trin carthffosiaeth a addasu'r fynedfa presennol yn/Full application for the demolition of existing dwelling and garage, together with the erection of a replacement dwelling and garage, stables, installation of a package treatment plant and alterations to the vehicular access at**

**Cae Maes Mawr, Llanddona**



**Planning Committee: 04/06/2014**

**Report of Head of Planning Service (GJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application has been called in to the planning committee by 2 of the Local Members.

The application was presented to the April committee and it was recommended that the application was deferred until May in order that comments made by the Countryside and Area of Outstanding Natural Beauty Officer are taken into account.

The application was presented to the May Planning Committee where the Councillors recommended that a site visit should take place. The site visit has taken place on the 21<sup>st</sup> May, 2014. The Councillors are now aware of the site and its settings.

### **1. Proposal and Site**

The application is a full application for the demolition of existing dwelling together with the erection of a replacement dwelling, garage, associated treatment plant, alterations to the access road track and the erection of stables.

The application site is situated within a parcel of land and accessed by an unclassified highway leading from the village of Llanddona towards the beach.

### **2. Key Issue(s)**

The key issue is whether the proposal complies with the relevant planning policies and the effect upon the Area of Outstanding Natural Beauty

### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 30 – Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 54 – Replacement Dwellings

#### **Gwynedd Structure Plan**

Policy D1 – Environment

Policy D3 – Environment

Policy D4 – Environment

Policy D28 – Roofing Material

Policy D29 – Design

#### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design  
Policy EN2 – Area of Outstanding Natural Beauty  
Policy HP9 – Replacement Dwellings  
Policy SG5 – Private Sewage Treatment Facilities

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

**Community Council** – Recommend Refusal due to impact on Area of Outstanding Natural Beauty

**Local Member (Cllr Lewis Davies)** – Request that the application be presented to the Planning Committee for consideration

**Local Member (Cllr Carwyn Jones)** – Request that the application be presented to the Planning Committee for consideration

**Local Member (Cllr Alwyn Rowlands)** – No response

**Welsh Water** – Comments

**Natural Resources Wales** – Comments

**Highways** – Comments

**Footpath Officer** – Comments advising a public footpath is nearby.

**Drainage** – Comments

The application has been advertised by means of a site notice near the site and nearby properties have been notified. The application has also been advertised in the local newspaper as a public footpath is in close proximity of the site. The expiry date to receive representations was the 31<sup>st</sup> January, 2014.

At the time of writing the report 1 letter of support and 2 letters of objection was received.

Their main objections as follows:-

- Impact on Area of Outstanding Natural Beauty
- Public Footpath in close proximity of the application site
- Two storey dwelling will look out of place in the area
- Land slippage

Response to objections received:-

- It is not considered that the development will have a negative impact on the Area of Outstanding Natural Beauty
- The public footpath is not affected by the development
- It is not considered that a two storey dwelling will look out of place in the area due to the topography and location of the dwelling.

#### **5. Relevant Planning History**

22C40 – Erection of a private garage at Cae Maes Mawr, Llanddona – Granted 09/12/87

## **6. Main Planning Considerations**

### **Policy Context**

Having regard to the provisions of section 38(6) of the 2004 act, determination must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the approved Gwynedd Structure Plan (approved November 1993) and the adopted Ynys Mon Local Plan (December 1996).

On the 1<sup>st</sup> December 2005 the County Council voted to implement the transitional arrangements set out in the LDP Wales regulations and to 'stop work' on the Ynys Mon Unitary Development Plan (UDP). The deposit plan of 2001, as amended by the Inspector's report, remains a material planning consideration carrying weight commensurate to the stage it reached.

Policy 54 of the Ynys Mon Local Plan permits the replacement of existing dwellings in the countryside subject to the listed criteria being met that the proposed dwelling is on the same site and reflects the size, scale and massing of the existing dwelling. Policy HP9 of the Stopped Ynys Mon Unitary Development Plan contains similar provisions whilst allowing greater flexibility on the scale of the resultant dwelling.

Policy 1 and 42 of the Ynys Mon Local Plan, D4 and D29 of the Gwynedd Structure Plan, Planning Policy Wales, Technical Advice Note 12 (Wales): Design, GP1 and GP2 of the Stopped Ynys Mon Unitary Development Plan are material in respect of design and the external appearance of the development

Policy 30 of the Ynys Mon Local Plan, Policy D1 and D3 of the Gwynedd Structure Plan, and Policy EN2 of the Stopped Ynys Mon Unitary Development Plan are material in respect of the Area of Outstanding Natural Beauty.

### **Area of Outstanding Natural Beauty.**

The application site is located within an Area of Outstanding Natural Beauty under the provisions of Policy 30 of the Ynys Mon Local Plan and D1 of the Gwynedd Structure Plan and Policies EN1 and EN2 of the Stopped Ynys Mon Unitary Development Plan. It is not considered that the proposal would unacceptably affect the character and appearance of this landscape designation for the following reasons:

The proposed dwelling has a slate roof and the front elevation and parts of the North and East elevation are clad in natural stonework. The glazing on the North elevation has been reduced to allow more stone to be seen. The original dwelling has little architectural merit and it is our considered opinion that the proposed new dwelling is of high quality and design which will fit in with its surroundings.

Furthermore there is very little to be seen of the property when descending or ascending the narrow steep lane. When traversing the road that runs parallel to the beach there are only glimpses of the property. However, when on the long and wide expanse of the beach the existing and proposed development becomes more visible. There is also the consideration of the views from the coastal path which forms part of the national all Wales Coast Path.

In this respect it is acknowledged that when viewing the proposed development from the coastal path/beach there is very little backdrop screening (majority scrub and gorse) whereas the neighbouring properties have mature trees as a backdrop which minimises their presence prominence and dominance and thus a potential visual impact to the AONB setting compared to the established and neighbouring properties which are nestled into the hillside setting is possible.

It is also of relevance to note that the Area of Outstanding Natural Beauty Management Plan (2009-2014) state the following:-

Policy CCC 3.1 – all development proposals within the AONB are subject to rigorous assessment to minimise inappropriate development which will damage the special qualities and character of the AONB or the integrity of the European sites.

Policy CCC 3.2 – all development within the AONB should adopt the highest standard of design, materials and landscaping to ensure that they complement the special qualities of the AONB. Proposals that are based upon the principles of sustainable development and that are of an appropriate scale and nature to the special qualities of the AONB will be supported.

Likewise paragraphs 5.3.5, 5.3.6 and 5.5.5 of the Planning Policy Wales 'Edition 6' February 2014 states that the primary objective in designating AONB's is the conservation and enhancement of their natural beauty. AONB's must be afforded the highest status of protection from inappropriate developments and great weight given to conserving and enhancing the natural beauty of the areas. Statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.

Whilst acknowledging that in this instance a finely balanced judgement is required, it is considered that the proposed replacement dwelling is of high quality and design which will fit in with its surroundings without harming the natural beauty of the area.

#### **Effect on Amenities**

Policy 1 of the Ynys Mon Local Plan, GP1 of the Stopped Ynys Mon Unitary Development Plan and Planning Policy Wales relate to the effect on residential amenities, pollution and nuisance problems will be assessed in determining planning applications. It is not considered that the development will materially affect the amenities of any adjacent properties.

#### **Landscape/Trees**

The trees on site are not subject to a Tree Preservation Order. The existing trees provide some additional screening from the roadside but are not individually significant, and less prominent than those on the site boundary. Recent work has taken place and trees have been felled prior to the submission of the application.

The application involves altering the existing track, Originally more trees were affected by the proposal, however the track has been amended so that less trees are being affected. It is now proposed that 2 trees will need to be felled as part of the proposal. A condition will be placed on the permission that an inspection of the trees is undertaken prior to the commencement of any works to check the presence of bats. The likelihood of there being bats in the trees is low because the trees involves are neither large nor particularly old.

No further landscaping is proposed as part of the application. The site is already screened by trees and hedges.

The Biodiversity Officer has commented on the proposal and the preference would be for a specialist to inspect the 2 trees that are proposed for felling for the presence of bats prior to the determination of the application. Notwithstanding this preference it is considered in this instance a suitably worded condition will act as a satisfactory safeguard in respect of the protected species.

### **Species Survey**

A bat survey has been carried out on the existing dwelling. The conclusion of the survey revealed that a bat was observed exiting the building and there is evidence of bats in the roof space a development licence will be required from Natural Resources Wales in order to undertake works which will damage or destroy a bat roost. The licence application can only be made once planning permission has been obtained. A specialist will be present on site prior to the commencement of any works. A condition will also be placed on the permission in order that the 2 trees that are proposed for felling will also be inspected prior to the commencement of any works on site.

### **Footpath**

Public Footpath Number 11 goes through the curtilage of the applicant and is adjacent to the proposed development.

The applicant has confirmed that the footpath and existing gate will not be disturbed.

### **Drainage**

Surface water will be disposed of via an existing watercourse. Foul drainage will be disposed via a Package Treatment Plant. No objections have been raised by the Natural Resources Wales or Drainage Section to these proposals and it is considered that they can be assessed under the Building Regulations.

### **Justification**

The application has been accompanied by a Structural Survey which explains the defects that have been found on the property.

- Roof Structure
- Internal ground floor
- External masonry walls
- Inadequate foundations

It is not considered that the existing dwelling has any significant architectural value.

The proposal is located upon the footprint of the existing dwelling. The proposed dwelling footprint size is approximately 30% increase to that of the original.

## **7. Conclusion**

The development complies with all policies listed above and it is not considered that the proposal will have an unacceptable impact on the character or appearance of the Area of Outstanding Natural Beauty.

## **8. Recommendation**

### **Permit**

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

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

**(02) The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credits under category 'Ene 1 – Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable**

**Homes: Technical Guide 11<sup>th</sup> November 2010 (Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.**

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

**(03) Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene 1 – Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11<sup>th</sup> November 2010 (Version 3).**

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

**(04) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene 1 – Dwelling Emission Rate', has been achieved for the dwelling in accordance with requirements of the Code for Sustainable Homes: Technical Guide 11<sup>th</sup> November 2010 (Version 3).**

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

**(05) No other part of the development hereby approved shall commence until the existing dwelling has been completely demolished.**

Reason: For the avoidance of doubt and because the Local Planning Authority would not accept an additional dwelling on this site due to the open countryside location.

**(06) The provisions of Schedule 2, Part 1, Classes A, B, C, E and F and Schedule 2, Part 2 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order re-voking or re-enacting that Order) are hereby excluded.**

Reason: In the interests of the amenities of the locality

**(07) Natural slates of uniform colour shall be used as the roofing material of the proposed building(s).**

Reason: To ensure that the development is in the interests of amenity.

**(08) The development hereby approved shall be faced with a local natural stone of equivalent colour texture and weathering characteristics as indicated on drawing number IPR-2/13/04B Rev B received on the 12<sup>th</sup> March, 2014.**

Reason: To ensure a satisfactory appearance of the development

**(09) The garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the adjoining dwelling known as Cae Maes Mawr, Llanddona and for no commercial or business use whatsoever.**

Reason: For the avoidance of doubt.

**(10) The stable hereby permitted shall only be used as a private stable incidental to the enjoyment of the adjoining dwelling known as Cae Maes Mawr, Llanddona and for no commercial or business use whatsoever.**

Reason: For the avoidance of doubt.

**(11) No demolition of the existing building shall take place between 1<sup>st</sup> March or 30<sup>th</sup> September in any year unless the site has been checked for the presence of nesting birds by a suitably qualified ecologist and certified as being free of nesting birds. Should nesting birds be found to be present, no development shall take place until the chicks have fledged.**

Reason: To safeguard any nesting birds which may be present on the site.

**(12) No development shall take place until full details of the bat roosting area within the new roof void of the garage and the means of access to it, together with a timetable for its provision, has been submitted to and approved in writing by the local planning authority. The works shall thereafter proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation. The bat roosting area and access points shall be maintained in perpetuity after installation.**

Reason: To mitigate the loss of bat roosting opportunities present in the existing building.

**(13) The two trees that are proposed for felling will be inspected by an ecologist for the presence of bats. The report shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site.**

Reason: To ensure that any remaining risks to bats/nesting birds are minimised.

**(14) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 19/12/13, 07/02/14, 12/03/14 under planning application reference 22C40A.**

Reason: For the avoidance of doubt.

## **9. Other Relevant Policies**

### **Supplementary Planning Guidance**

- Parking Standards
- Housing Design Guide

### **Technical Advice Note 12: Design**

**Planning Policy Wales (6<sup>th</sup> Edition) 'February 2014' – Paragraphs 5.3.5, 5.3.6 and 5.5.5**

**AONB Management Plan (2009-2014) – Policy CCC 3.1 and CCC 3.2.**

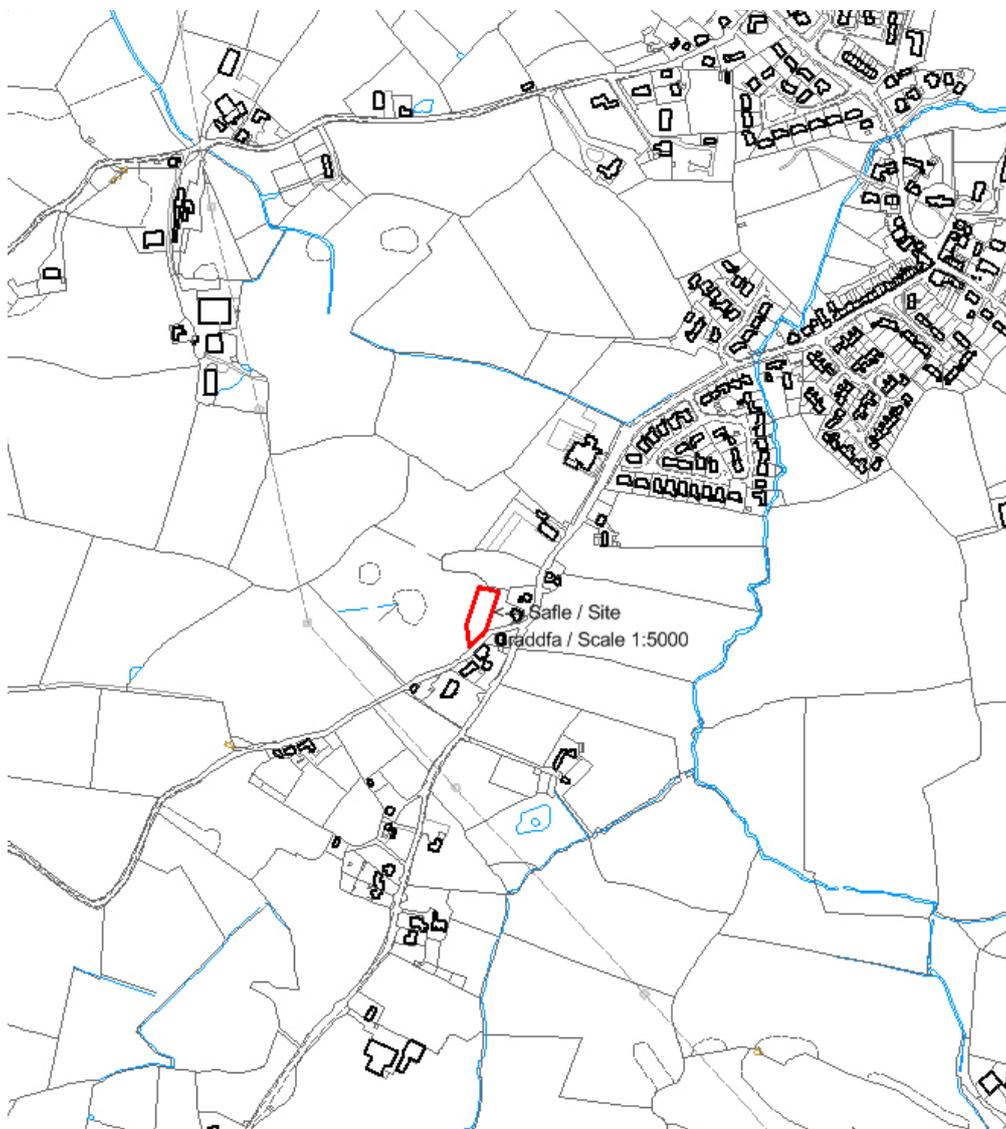
Rhif y Cais: 38C237B Application Number

Ymgeisydd Applicant

**Mr Huw Eurig Jones**

**Cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa i geir ar dir ger / Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjoining**

**Careg y Daren, Llanfechell**



**Planning Committee: 04/06/14**

**Report of Head of Planning Service (MTD)**

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

Originally on request of Local Member. Members will recall resolving to approve this application at the last Committee meeting contrary to Officers recommendation.

This report is produced following the required one month period and responding to the resolution made.

Members considered that the proposal "Constituted a small and reasonable extension to the village"

In response to this and in support of the reason for refusal, it is submitted that given the distance of the site from the existing development and as undeveloped land will be extended into, the proposal constitutes sporadic development harming the character and appearance of the locality. As such the contention that this is a "Small and reasonable extension" cannot be supported.

**Recommendation**

**Refuse**

(01) The proposal would constitute an unacceptable extension into the existing form of development constituting sporadic development in an open rural location detrimentally affecting the visual amenity and character of the area and as such would be contrary to policies 31,48 and 50 of the Ynys Mon Local Plan, policies HP4 and EN1 of the Ynys Mon Stopped Unitary Development Plan policies A2 and D4 of the Gwynedd Structure Plan and the provisions of Planning policy Wales (Feb 2014)

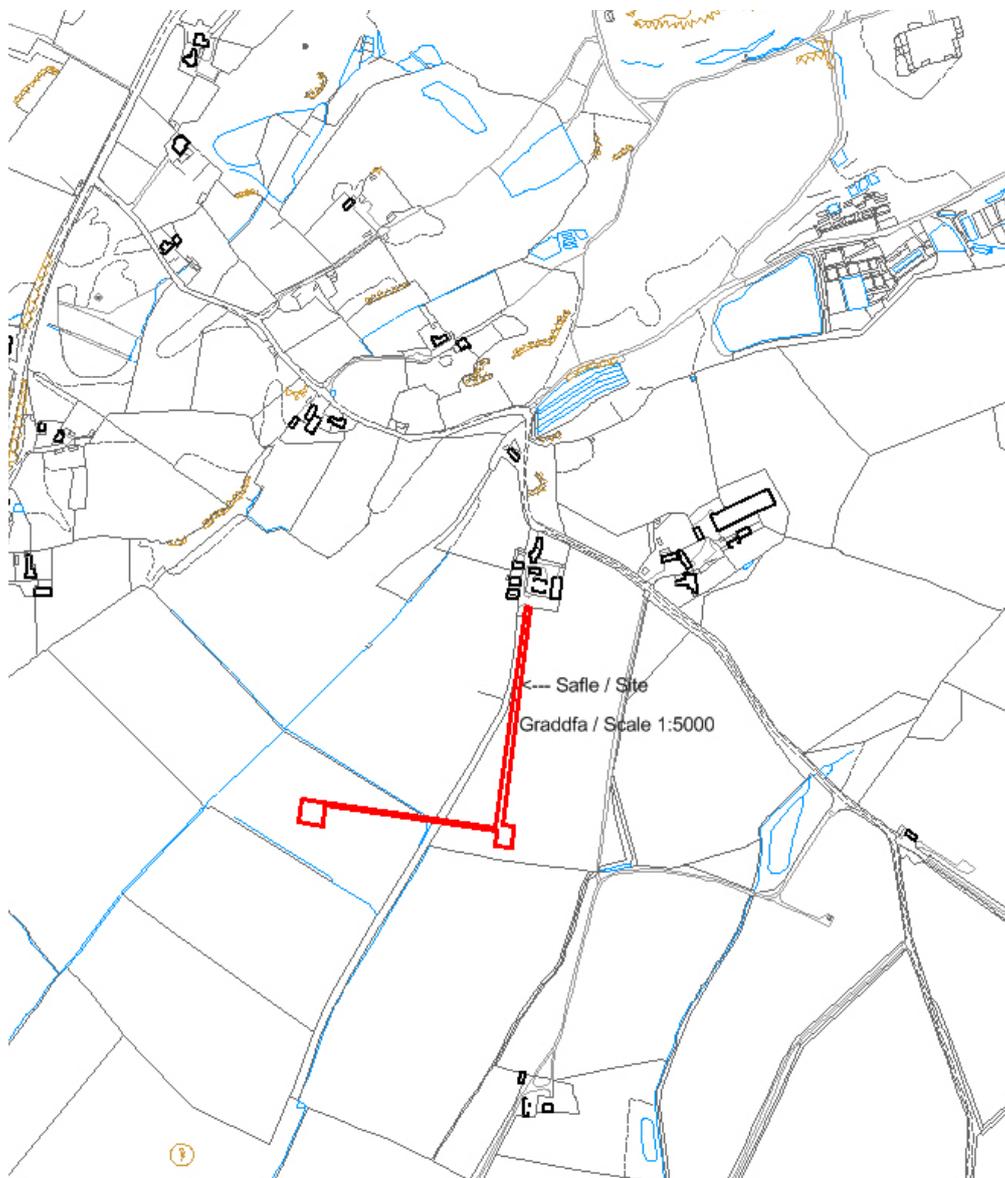
Rhif y Cais: 44C294B Application Number

Ymgeisydd Applicant

**Mrs Hilda Owen**

**Cais llawn i godi twrbîn gwynt 20kW gyda uchder hwb hyd at 20.5m, diamedr rotor hyd at 13.1m ac uchder blaen unionsyth fertigol hyd at uchafswm o 27.1m ar dir yn / Full application for the erection of a 20kW wind turbine with a maximum hub height of 20.5m, a rotor diameter of 13.1m and a maximum vertical upright height of 27.1m on land at**

**Plas Newydd, Rhosybol**



**Planning Committee: 04/06/2014**

**Report of Head of Planning Service (MTD)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

Originally reported as the proposal is for a wind turbine and it has been agreed that all such applications are reported to the Planning Committee for determination. Members will recall resolving to refuse this application at the last Committee meeting contrary to Officers recommendation.

This report is produced following the required one month period and responding to the resolution made.

Members resolved to refuse the application on the following grounds;

“Detrimental cumulative impact on the landscape”

“Proximity and detrimental impact on the AONB”

“Detrimental impact on views from Mynydd Parys”

In respect of these matters it is considered that the proposed turbine would not have a significant cumulative impact given its relationship with the existing windfarm which is a dominant and significant feature. This holds true for the views from Mynydd Parys.

In respect of the AONB which is 3Km away. Whilst there may be views from the edge of the AONB at Mynydd Bodafon there would be a low magnitude of change to the landscape from the AONB and this would not be significant.

As initially reported GAPS previously objected to the scheme as two turbines were being proposed, following the deletion of one this objection has been withdrawn and a condition suggested. CADW have also commented on the proposal for 2 turbines. They comment that the cumulative effect of developments around Parys mountain should be taken into account to prevent a sense of enclosure and disconnect from the wider landscape. They also consider that the development does not appear to have a significant impact on the setting of 2 nearby monuments other than the potential impact that the turbines may have as a disruptive backdrop.

These concerns were made in respect of the original 2 turbines proposed and have been taken into account in the formulation of a recommendation.

For the reasons given above it is not considered that the reasons to refuse the application which were given at the last Planning Committee meeting can be supported.

**Recommendation**

**Permit**

**(01) The development hereby approved shall commence not later than five years from the date of this approval.**

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

**(02) The planning permission is for a period not exceeding 25 years (“the 25 year period”) from the date that the development is first connected to the electricity grid (“the grid”). The dates of (a) first connection to the grid and (b) of the full operation of the turbine “the commissioning” shall be notified in writing to the local planning authority within 28 days of each of these 2 events occurring.**

Reason: To enable the Local Planning Authority to review the position in the light of circumstances prevailing at the end of the period.

**(03) The turbine hereby approved shall not exceed:**

<b>27.1 metres</b>	<b>maximum tip height *(to the upright vertical tip of an attached blade)</b>
<b>20.5 metres</b>	<b>maximum hub height</b>
<b>13.1 metres</b>	<b>maximum rotor diameter</b>

**No wind turbine shall be installed on site until details of the make, model, design, size, transformer location, power rating, sound levels, external finish and colour of the proposed turbine has been submitted in writing to, and approved in writing by, the local planning authority.**

Reason: To define the scope of the permission having regard to the assessed impact of the development.

**(04) At the end of the 25 year period, the turbine shall be decommissioned and all related above ground structures shall be removed from the site. Twelve months before the decommissioning of the turbine, a written scheme for the restoration of the site (“the decommissioning scheme”) shall be submitted to the local planning authority for approval in writing. The decommissioning scheme shall make provision for the removal of the wind turbine and its associated ancillary equipment to a depth of at least 1m below ground. All decommissioning and restoration works shall be carried out in accordance with the decommissioning scheme as approved and in accord with the timetable therein.**

Reason: To ensure a satisfactory appearance upon cessation of the development.

**(05) If the wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 months the wind turbine and its associated ancillary equipment shall be removed to a depth of at least 1m below ground and removed from the site and the land shall be reinstated within a period of 6 months from the end of that 12 month period in accordance with a scheme (“the removal scheme”) submitted to and approved in writing by the local planning authority prior to the commencement of the development. The developer**

**shall provide written operational data for the turbine to the local planning authority on reasonable written request.**

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

**(06) Within 6 months of the “the commissioning” and on the written request of the local planning authority including any timescales set out therein; a written mitigation scheme including a timetable (“the mitigation scheme”) setting out the details of work necessary to mitigate any adverse effects to domestic television and radio signals in the area caused by the development shall be submitted to and approved in writing by the local planning authority. The mitigation scheme shall include provision for investigating and dealing with any claim by any person for domestic loss or interference at their household, and any mitigation works must be carried out in accordance with the approved mitigation scheme.**

Reason: To safeguard the amenity of the area.

**(07) Within 12 months of the “the commissioning” and on the written request of the local planning authority including any timescales set out therein; a written scheme to mitigate any incidence of shadow flicker at any affected property including a timetable (“the alleviation scheme”) shall be submitted to and approved in writing by the local planning authority. The operation of the development shall thereafter be carried out in accordance with “the alleviation scheme”.**

Reason: To safeguard the amenities of the occupants of the adjacent dwelling.

**(08) All cabling on the site between the wind turbine and the site sub-station shall be installed underground.**

Reason: In the interests of amenity.

**(09) The development shall not commence until the following has been submitted to and approved in writing by the local planning authority.**

- **The date construction starts and ends.**
- **The maximum extension height of any construction equipment.**
- **The latitude and longitude of the turbine.**

**The development shall thereafter be undertaken strictly in accord with the details approved under the provisions of this condition.**

Reason: To ensure that military aircraft avoid the area and avoid the danger of collision.

**(10) No wind turbine shall be installed on site until confirmation of the following has been submitted to and approved in writing by the local planning authority:**

**1) The turbine shall only be installed by a suitably qualified person, in accordance with the manufactures instructions and the site survey and written confirmation of compliance shall be submitted to the local planning authority within 14 days of the completion of the installation of the turbine.**

**2) The wind turbine shall be serviced in accordance with the manufacturer’s recommendations and the local planning authority may request written confirmation of compliance with such**

servicing on reasonable request.

**3) The level of noise emissions from the turbines hereby permitted when measured 3.5m from the façade of any dwelling which lawfully existis or has planning permission for construction at the date of this planning permission shall not exceed 33dB LA90, 10min or 5dB(A) above prevailing LA90, 10 min background noise levels (inclusive of any tonal penalty agreed in writing by the local planning authority) up to wind speeds of 10 m/s derived at height of 10m above ground level at a location near to the turbine. All instrumentation and methodology, for evaluating compliance with this condition and the positions of all measurements of noise and wind speed, shall have been approved in writing by the local planning authority prior to the commencement of the development.**

**4) The wind turbine shall not be tonal in character.**

**The development shall thereafter be implemented and retained strictly in accordance with the details approved under the provision of this condition.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

**(11) No development (including any groundworks or site clearance) shall take place until an archaeological specification has been submitted and approved in writing by the archaeological advisors to the Local Planning Authority. The development and all archaeological work shall be carried out and completed in accordance with the approved specification, unless otherwise agreed in writing by the archaeological advisors to the Local Planning Authority.**

Reason: To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2012 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

**(12) No development shall commence until a scheme of landscaping / screening is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 1 month of the erection of the turbine unless otherwise agreed with the Local Planning Authority.**

#### **Informatives.**

The applicant is advised to seek the written approval of the Highway Authority regarding site compound location, traffic management scheme, vehicle wheel washing facilities (if appropriate), hours and days of operation and the management and operation of construction vehicles.

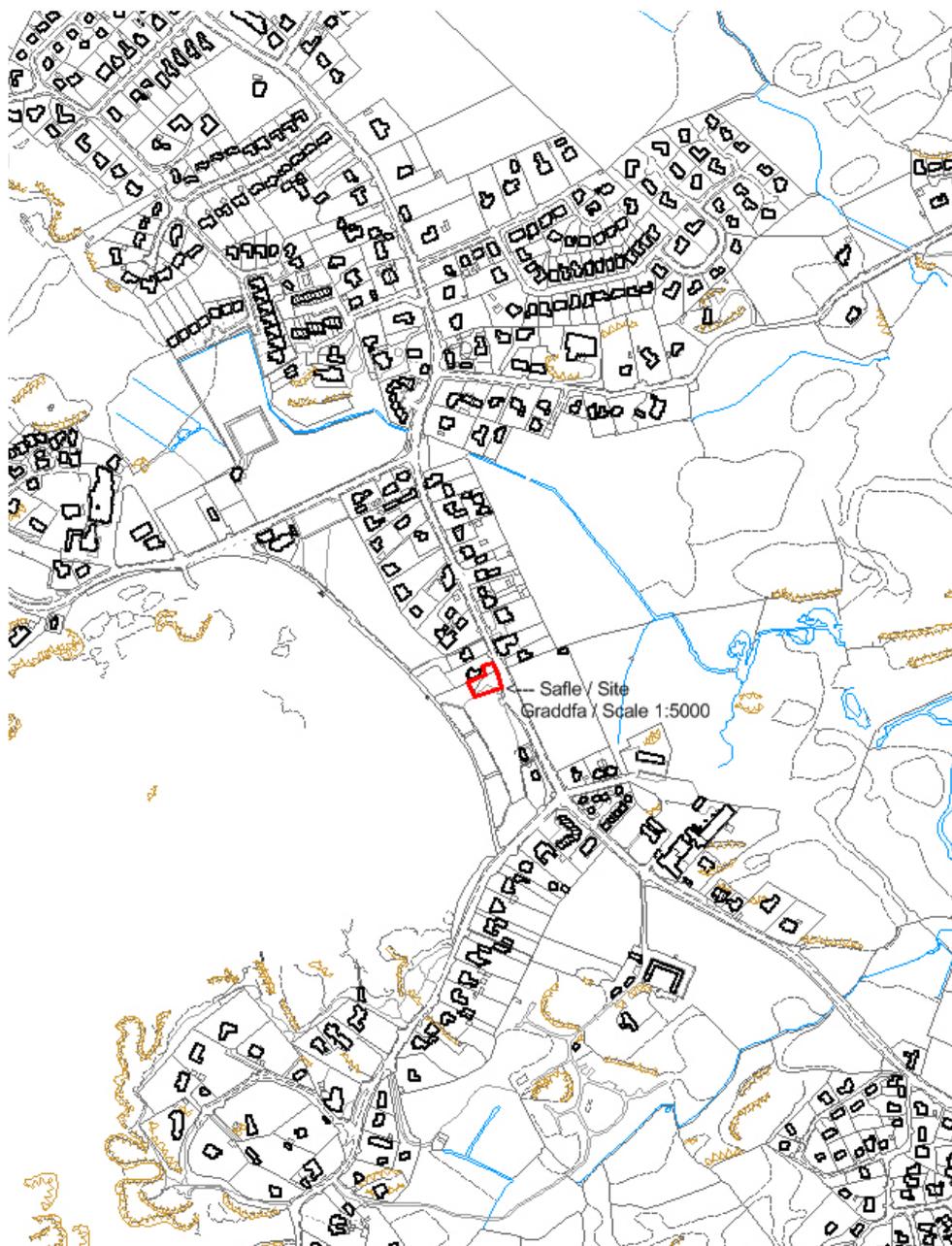
Rhif y Cais: 46C38S/ECON Application Number

Ymgeisydd Applicant

**Mr Phil Brown**

**Cais llawn ar gyfer codi bwyty ar dir ger / Full application for the erection of a restaurant on land adjacent to**

**Sea Shanty House,Lôn St. Ffraid,Trearddur Bay**



## **Planning Committee: 04/06/2014**

### **Report of Head of Planning Service (NJ)**

#### **Recommendation:**

Permit

#### **Reason for Reporting to Committee:**

Part of the application site is located on land in the ownership of the Council. The application was also called in by the Local Member (Cllr Trefor Lloyd Hughes).

At its meeting held on 7<sup>th</sup> May the Committee resolved to undertake a site visit prior to making its determination. The site was visited on 21 May.

#### **1. Proposal and Site**

The site is located adjoining Lon St Ffraid in Trearddur Bay. The proposal entails the erection of a café / restaurant with an area of external decking facing the existing car park. The external surface is partially rendered and partially timber clad. Car parking facilities within the existing public car park are available for use and will not be affected by the proposal. The development is located on part of the boundary dune system.

The application is supported by an ecology report.

#### **2. Key Issue(s)**

Effects on visual and residential amenity and highway, ecology, archaeology and flood risk issues.

#### **3. Main Policies**

##### **Gwynedd Structure Plan**

Policy B1: Employment Generating Developments

Policy CH1: Recreation and Tourist Development

Policy D4: Location, Siting and Design

Policy D9: Environmentally Sensitive Areas

Policy D29: Standard of Design

Policy D31: Open Spaces

Policy D32: Landscaping

Policy FF12: Car Parking Standards

##### **Ynys Mon Local Plan**

Policy 1: General Policy

Policy 5: Design

Policy 16: Recreation and Community Facilities

Policy 26: Car Parking

Policy 28: Tidal Inundation and River Flooding

Policy 34: Nature Conservation

Policy 41: Conservation of Buildings

Policy 42: Design

### **Stopped Unitary Development Plan**

Policy GP1: General Policy

Policy GP2: Design

Policy TR10; Parking Standards

Policy TO1: New Attractions and Extensions to Existing Attractions

Policy EN1: Landscape Character

Policy EN4: Biodiversity

Policy SG2: Development and Flooding

### **Supplementary Planning Guidance**

Design Guide

### **Relevant National or Local Policy**

Planning Policy Wales (Edition 6)

TAN 5: Nature Conservation

TAN 12: Design

TAN 13: Tourism

TAN 15: Flood Risk

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

**Local Member – Cllr Trefor Lloyd Hughes:** Requests Committee determination due to flood risk and problems of the landowner

**Local Member – Cllr Dafydd Rhys Thomas:** No reply to date

**Local Member – Cllr J M Evans:** no reply to date

**Community Council:** objection as the scale of the development is considered too dominant for the centre of the village, it will overburden the infrastructure and is disproportionate to the existing built environment; the area is subject to regular flooding. In addition, the Community Council raises non-planning matters in relation to covenants, correspondence with the Head of Service (Property) and consultation.

**Highways Section:** Comments in relation to legal / ownership matters. Scheme agreed in principle but advised that development should be higher than the flood bund/ entry ramp into the car park. Those details have since been submitted.

**Drainage Section:** Details are acceptable in principle.

**Dwr Cymru-Welsh Water –** Standard conditions

**Natural Resources Wales –** As the Environment Agency, confirmed that it was satisfied that the finished floor level is set above the design flood event with a suitable allowance for climate change with regard to flood risk. The natural dune system to the west of the proposed building affords protection to the area as a whole from tidal inundation and as such there should be no excavations in the dunes beyond 3m from the edge of the proposed building without the prior agreement of the local planning authority.

As the Countryside Council for Wales confirmed that development is located 170m from the designated AONB and considered not to cause significant effects. Local biodiversity interests should be considered.

Natural Resources Wales requested a flood assessment for the proposal as a result of which the raising of the finished floor level to a minimum of 4.6m AOD. Revised drawings have been received from the agent showing FFL of 4.65M AOD.

**Gwynedd Archaeological Planning Service** - Additional details requested regarding construction method.

**Ecological and Environmental Advisor** – lizards are likely to be present and reasonable avoidance measures should be proposed. The application has been modified to include an area of dunes to the west as translocation habitat.

**Public Response to Consultation:** 29 letters of objection and 36 letters of support had been received at the time of writing. Objections are based on:

Competition;

Covenant to secure the land as public open space and the Council cannot therefore sell the land to a private individual for a commercial venture;

Size and scale out of keeping with the locality;

Loss of car parking space;

Creation of and adding to parking congestion;

site is part of a sacred and historic site;

Several such facilities exist already;

No need for another training academy;

Flood risk raised after recent storms.

Matters of market competition and legal covenants are not matters which carry significant weight in the planning decision making process.

Letters of support indicate:

Inward investment to be welcomed;

Employment opportunities will be created;

Although other local establishments exist, they do not necessarily cater for all requirements;

The proposal will increase local amenities.

## **5. Relevant Planning History**

46C38 - Demolition of existing café and the erection of a new public house and restaurant together with provision for owners separate living accommodation at Sea Shanty, Trearddur Bay. REFUSED 15/05/1985

46C38A - Demolition of existing café and the erection of a new restaurant and café together with owners bungalow on land at Sea Shanty, Trearddur Bay. APPROVED 14/10/1985

46C38B - Demolition of existing building and erection of a restaurant/cafe with owners' accommodation on the site of Sea Shanty, Trearddur Bay. WITHDRAWN 18/02/1988

46C38C - Detailed plans for the demolition of existing cafe and erection of a restaurant/cafe with owner's accommodation at The Sea Shanty, Trearddur Bay. APPROVED 01/08/1988

46C38D - Retention of car park as constructed which is not in accordance with the plans approved under reference number 46/C/38C at Sea Shanty Café, Trearddur Bay. APPROVED 21/04/1998

46C38E - Erection of an extension to re-locate the kitchen at Sea Shanty Café, Trearddur Bay. APPROVED 13/01/1999

46C38H - Change of use of existing cafe on the ground floor into a dwelling at Sea Shanty, Trearddur Bay. APPROVED 26/02/2002

46C38J - Outline application for the demolition of the existing cafe together with the erection of two dwellings and the construction of a new access at Sea Shanty, Trearddur Bay. APPROVED 30/01/2003

46C38Q - Erection of a single storey cafe with an attached two storey dwellinghouse at Sea Shanty, Trearddur Bay APPROVED 19/08/2010

## **6. Main Planning Considerations**

**Principle of the Development:** The site is located centrally in Trearddur and on the edge of the development boundary under the Local Plan (part of the proposal is within the curtilage of the adjoining dwelling and within the boundary). Policy 14 of the Local Plan supports the development of recreation and community facilities on allocated sites and on other sites where they:

Increase the quality and range of facilities for local residents and visitors;  
Relieve pressure on more environmentally sensitive areas;  
Increase public access to open areas which have recreational value.

Under the Local Plan the car park area and beachfront is designated as an open space or amenity area to be safeguarded under Policy 16 which states:

Development proposals which would lead to the loss of public or private open space will be refused where the open space has significant recreational, amenity or wildlife value.

The open space / amenity area designation was not transferred to the stopped Unitary Development Plan and the car park site is included therein within the development boundary.

The application is for a commercial restaurant / café facility together with a kitchen academy offering courses in basic catering and associated hospitality skills and management.

The application accords with the recreation and community facilities policy in that it provides and additional amenity within the village which will increase the facilities available for both local residents and the tourist population being centrally placed and accessible and well-located to the promenade and other local amenities.

Users of the site arriving by car are able to use the adjoining public pay and display car park or other parking areas within the village. The site occupies a corner of the car park area

**Highway Impacts:** Concerns are expressed that Trearddur is highly congested, in particular during the height of the tourist season. Objections are raised in relation to developing on the public car park as the proposal will increase visitors but decrease the space available for them to park. The development is proposed in the dune area to the corner of the car park and part of the curtilage of the adjoining dwelling and it is not considered that any loss of parking space will occur. Users of the site

arriving by car are able to use the adjoining public pay and display car park or other parking areas within the village. The Highway Authority raises no objection.

**Landscape & Amenity Impact:** Concerns are expressed by some that the proposal is out of scale and character with the village. Others writing in support welcome the facility. The site is located some 170m from the edge of the designated Area of Outstanding Natural Beauty and it is considered, when read in context with existing buildings and consented development, that the proposal will have a neutral effect. The proposal includes timber cladding and white render which are appropriate for this coastal edge. The roof material is blue painted corrugated steel which has a coastal theme inappropriate in terms of the local vernacular for anything other than this type of wholly commercial development.

**Ecological Impacts:** Concern was raised that part of the site is a dune feature and that lizards may be present on the site and would be affected by the proposed development. The proposal is located on a corner of the car park on previously disturbed ground. Dunes lie to the rear of the promenade and are unaffected by the development. The application has been modified to include dunes to the west and a strategy has been presented in order that should any lizards be encountered during construction works, they can be captured and translocated in accordance with an agreed standard methodology to the adjoining appropriate dune habitat.

**Archaeology:** The area has been the focus of religious and funerary activity for several centuries. This long association led to the selection of an area of the dunes adjoining the site and fronting the promenade as the location for the village Millennium Cross. The Gwynedd Archaeological Trust carried out extensive excavation of the Towyn Capel site and it is understood that little remains of the site although the adjoining area could at depth reveal associated information. The Gwynedd Archaeological Planning Service has requested details of foundations for the building in order to complete its assessment of whether any watching brief may be required. The dunes themselves have been disturbed over time and are not considered a significant resource.

**Flood Risk:** The site is within zone C2 as defined by Technical Advice Note 15. TAN advice is not to locate highly vulnerable development such as residential or holiday units within such areas. TAN 15 states that:

All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement<sup>1</sup>; **or**,
  - ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,**
- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
  - iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The development is justified as being part of the Authority's development strategy (the land has been brought into the development boundary under the stopped UDP) and it will contribute to employment

generation; it is part of the car park complex and curtilage of the adjoining dwelling and is previously developed land; the Environment Agency as it existed at the time was satisfied with the flood risk associated with the development.

## **7. Conclusion**

The proposal will add to the variety of amenities in the locality. There is no objection from the Highway Authority and it is considered that ecological and any archaeological impacts can be mitigated through conditions. The flood risk associated with the development is acceptable. Natural Resources Wales requested a flood consequences assessment and upon consideration of its content requested that the finished floor level be raised. Amended plans have been received to address that request.

## **8. Recommendation**

To **permit** the development subject to the conditions set out below:

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

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

**(02) No external lighting shall be installed until a scheme of illumination has been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the agreed details unless the local planning authority gives its prior written consent to any variation.**

Reason In the interests of residential amenity.

**(03) The development of the site shall take place in accordance with Clwydian Ecology Reptile Reasonable Avoidance Scheme dated 21st March 2014 and submitted under planning reference number 46C38S/ECON unless the local planning authority gives its prior written consent to any variation.**

Reason; in order to safeguard any protected species which may be present on the site.

**(04) No development shall commence until samples of the external finishing material have been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation.**

Reason in the interests of amenity.