

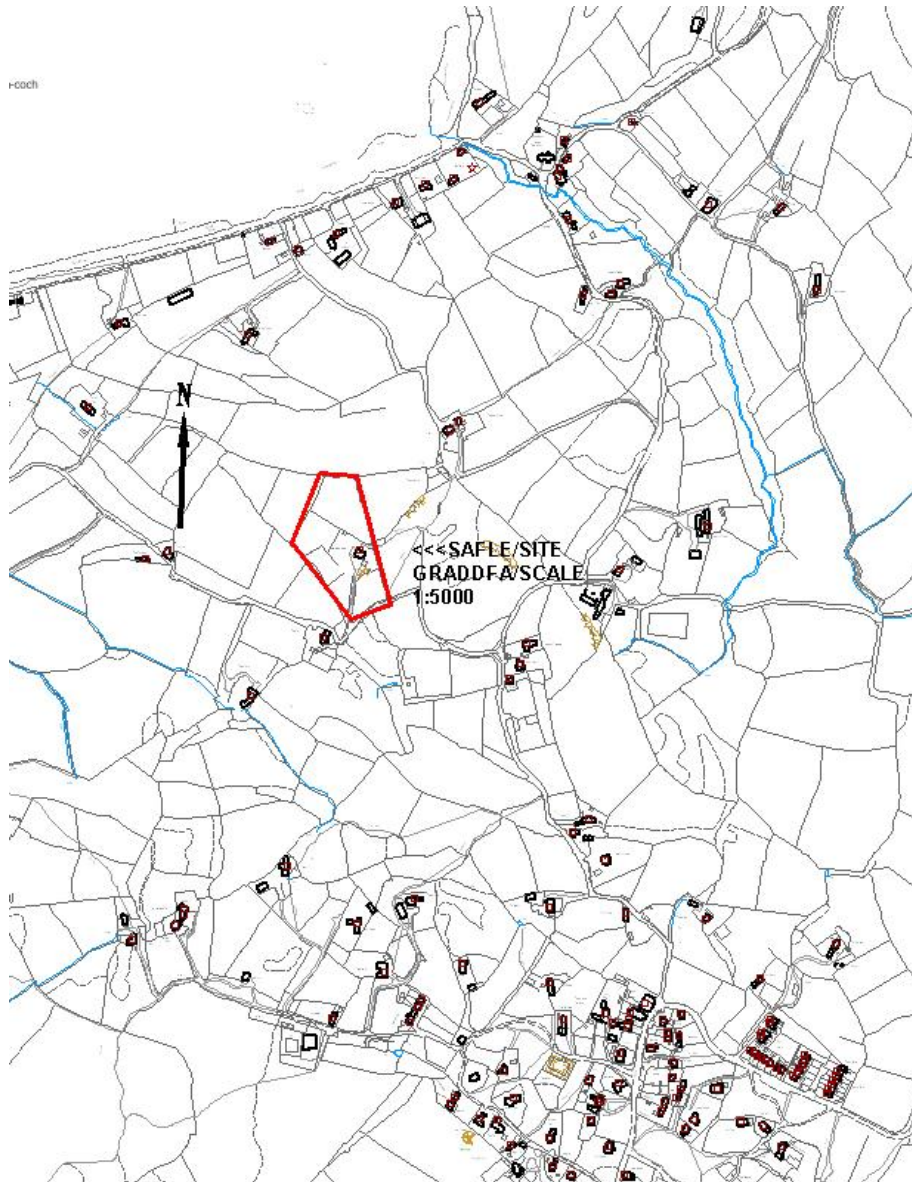
Rhif y Cais: 22C40A Application Number

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: 02/07/2014

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 21st May, 2014. The Councillors are now aware of the site and its settings.

At the June committee members recommended refusing the application because of the impact on the Area of Outstanding Natural Beauty because of its size, design and that it would look out of place in the landscape.

In response to the reason for refusal:-

- We respect and acknowledge that the members have concerns over the possible impact of the development on the Area of Outstanding Natural Beauty due to its size and design. It is also acknowledged and we respect the concern made by the members that the size of the replacement dwelling is considerably larger than the existing dwelling.
- The original dwelling has little architectural merit and it is our considered opinion that the proposed new dwelling whilst acknowledging is much larger than the original dwelling is of high quality and design which will fit in with its surroundings. During the site visit which took place on the 21st May, 2014 the members looked up at the site from the beach. Other dwellings could be seen dotted around which in our considered opinion would be seen much more than the application site.
- 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.

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 31st

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 1st 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 11th 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 11th 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 11th 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 12th 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 1st March or 30th 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 (6th 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.

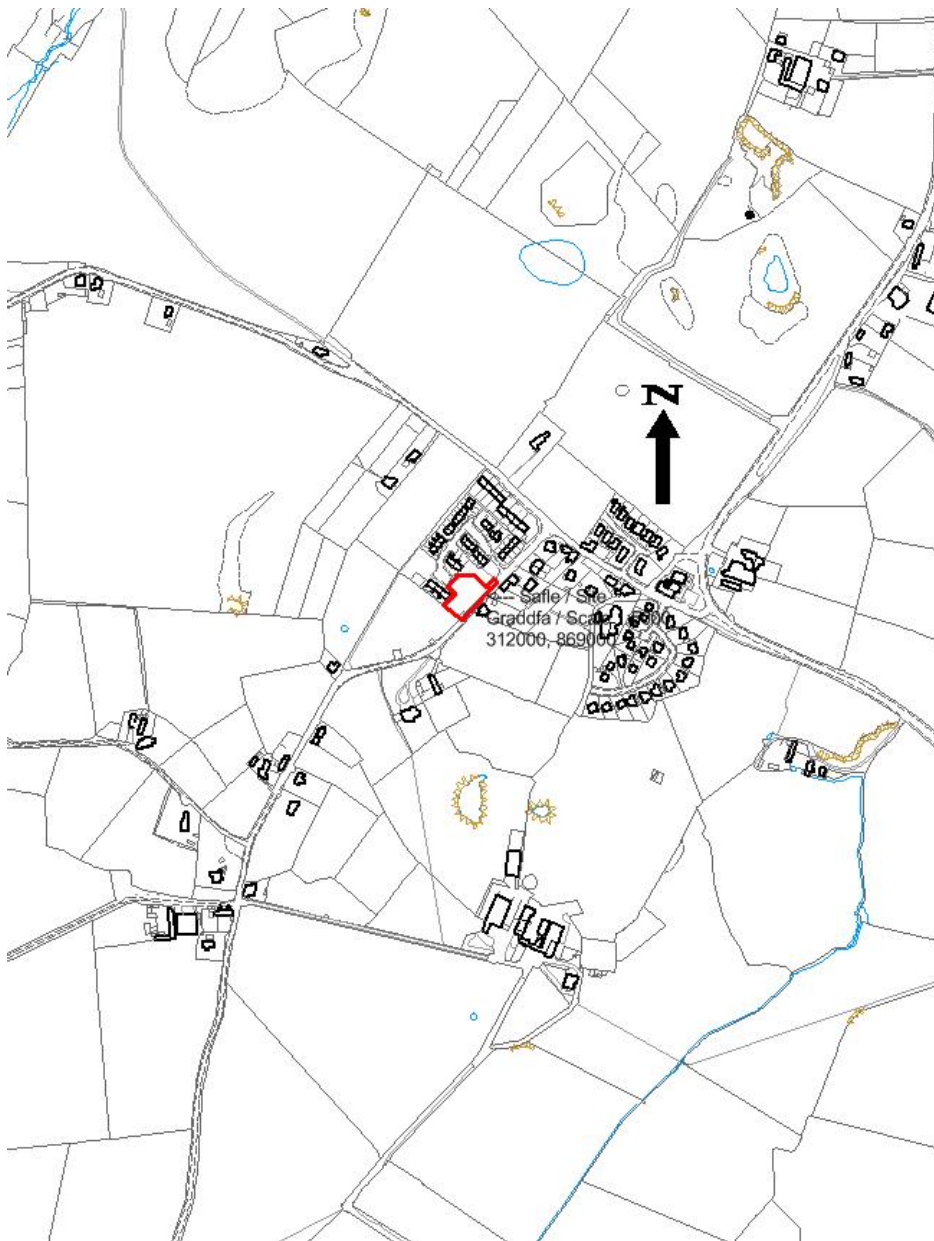
Rhif y Cais: 29LPA996/CC Application Number

Ymgeisydd Applicant

Head of Service - Environment and Technical

Cais amlinellol ar gyfer codi 5 annedd newydd ar dir yn / Outline application for the erection of 5 dwellings on land at

Maes Maethlu, Llanfaethlu



Planning Committee: 02/07/2014

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is submitted by the Council on Council-owned land. At its meeting held on 4th June 2014 the Members resolved to undertake a site visit before making a determination. The site was visited on 18th June.

1. Proposal and Site

The application is an outline application with scale and access reserved for the erection of 5 dwellings on vacant land forming part of the housing estate at Maes Maethlu, Llanfaethlu.

2. Key Issue(s)

Compliance with exception site policies and landscape impacts

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 30 - AONB

Policy 48 - Housing Development Criteria

Policy 50 - Listed Settlements

Gwynedd Structure Plan

Policy A2 – Housing Land

Policy A3 – Scale and Phasing of New Housing Development

Policy A9 – Affordable Housing

Policy D1 – AONB

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN2 – AONB

Policy HP4 – Villages

Policy HP7 – Affordable Housing

Planning Policy Wales (Edition 6)

TAN 2 – Affordable Housing

SPG – Design Guide for the Urban and Rural Environment

SPG – Affordable Housing

4. Response to Consultation and Publicity

Local Members - no reply to consultation

Community Council – no reply to consultation

Highways – suggested conditions

Drainage – details are satisfactory in principle

Housing – demand for affordable housing in the locality and the application will contribute to meeting the need

Dwr Cymru Welsh Water – standard comments

Response to Publicity

A letter of objection together with a 59 name petition against the proposed development has been received. Objections are based on the appearance and layout of the site being unsympathetic to the surroundings together with concerns regarding parking arrangements. An alternative layout plan is submitted in support of the objections.

In response, it is noted that the proposal as submitted provides road frontage development to reflect nos 9 to 12 Maes Maethlu, providing continuity of streetscape. It retains the traditional stone wall boundary and encloses the space in traditional form. Car parking space is provided to the rear. This contrasts with the layout submitted by residents which has development sited gable on to the road, at odds with other road frontage development in the vicinity, and which has on-plot car parking space which would lead to manoeuvring movements close to the proposed new road junction; the junction itself would allow traffic to make a circuit of the estate rather than it being a cul-de sac as proposed; the traditional stone wall would be breached to provide access and the layout takes no account of the levels of the site.

The form and design of the proposed buildings reflects the design of the Maes Maethlu estate.

5. Relevant Planning History

None

6. Main Planning Considerations

Principle of the Development: Llanfaethlu is a listed settlement under Policy 50 of the Local Plan which normally allows the development of single plots within or on the edge of the settlement. Llanfaethlu is a village under the stopped UDP which allows residential development unrestricted as to the number of plots. The proposal relates to a vacant grassed area fronting a minor road and forming an undeveloped parcel of land at the Maes Maethlu housing estate. The principle of the erection of 5 dwellings on the site is acceptable.

Technical consultees are satisfied with the proposals. The site is slightly elevated above the minor road but will form a frontage development to reflect existing street patterns. The roadside boundary is defined by a stone wall and it is considered in the interests of local amenities to retain this feature.

Access to the plots is through the existing housing estate and parking will be provided. An informal pedestrian path crosses a corner of the site opposite which a community playing field is situated. The applicant has been requested to clarify what measures are proposed to retain this link to ensure no detriment to existing users.

The proposed dwellings are well separated from existing housing and reflect the layout and pattern of the existing estate. It is not anticipated that any unacceptable level of overlooking or loss of privacy will arise as a result of the proposals. The development will have a neutral effect on the designated AONB, making use of an underutilised parcel of land fronting the highway on an existing housing estate. The development proposes to supply 2 dwellings as affordable housing units to meet local needs.

7. Conclusion

The scheme proposes a housing development on a vacant and underutilised parcel of land fronting the highway and forming part of an existing housing estate. The proposal will reflect existing development and will contribute to affordable housing requirements. The development will have a neutral effect on the designated AONB.

8. Recommendation

To **permit** the development subject to the following conditions:

(01) Approval of the details of the scale of the building and the means of access thereto (hereafter called ‘the reserved matters’) shall be obtained in writing from the Local Planning Authority before the development is commenced.

Reason: The application is for outline planning permission.

(02) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: The application is for outline planning permission.

(03) The development to which this permission relates shall be begun not later than whichever is the later of the following dates namely: - i) the expiration of five years from the date of this permission or ii) the expiration of two years from the final approval of the said reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: The application is for outline planning permission.

(04) No development shall take place until samples of the materials proposed to be used on the external walls of the development have been submitted to, and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure a satisfactory appearance to the development.

(05) The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (01) above shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The

building(s) shall be constructed with slabs at levels that have been approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

(06) The stone boundary wall located between the site and the county highway shall be retained and nothing exceeding 1m in height shall be erected or permitted within 2m of the said wall.

Reason: To ensure a satisfactory appearance to the development and to provide satisfactory visibility for users of the site.

(07) Before any development commences, plans shall be submitted and approved by the Planning Authority in consultation with the Highway Authority, showing details of the following reserved matters:

(a) Longitudinal and cross sections through the service road showing proposed road level relative to the existing ground level;

(b) The location and type of street lighting furniture.

Reason: To ensure a satisfactory means of development.

(08) The estate road shall be completed to a base course finish with the surface water drainage system complete and operational before any work is commenced on the dwellings which it serves.

Reason In the interests of amenity.

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

Reason: in the interests of amenity.

(10) No development shall commence until details of a crossing point between the site and the playing field opposite have been submitted to and approved in writing by the local planning authority. No occupation of the dwellings shall take place until the crossing point is completed in accordance with the approved details and made available for use.

Reason: In the interests of amenity and pedestrian safety.

(11) The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 6 credits under category Ene 1 - 'Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11 November 2010. (or any subsequent equivalent and/or standard or as may be approved in writing with the Local Planning Authority). 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 predicted future climate changes.

(12) 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 6 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 November 2010 (or any subsequent equivalent and/or standard or as may be approved in writing with the Local Planning Authority).

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

(13) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to an approved in writing by the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 6 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 November 2010 (or any subsequent equivalent and/or standard or as may be approved in writing with the Local Planning Authority).

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

(14) The development shall not begin until details of the arrangements for the provision of 30% of the dwellings on the site as affordable housing have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved details. Such details shall include:

iv) The type and location on the site of the affordable housing provision to be made;

v) The timing of the construction of the affordable housing;

vi) The arrangement to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and

vii) The occupancy criteria to be used in determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

Reason To ensure that the development provides an element of affordable housing to meet local needs in compliance with current policies.

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: 02/07/2014

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

At its meeting held on 4th June 2014 the Planning and Orders Committee resolved to refuse planning permission, contrary to officer recommendation, for the following reasons:

1. That the risk of flooding remains as the site is located in a vulnerable location on a flood plain;
2. The flooding of the car park will lead to a loss of parking space availability leading to displaced vehicles being parked in other areas in Trearddur and on the highway.

This report is submitted in response to those reasons for refusal in accordance with the Council's protocol.

1. Response to Reasons for Refusal

That the risk of flooding remains as the site is located in a vulnerable location on a flood plain:

It is an accepted fact that the development site is located in a C2 flood plain. TAN 15 defines C2 areas as areas of the floodplain without significant flood defence infrastructure.

In line with the precautionary framework set out in the TAN, the policy expectation is that only less vulnerable development should be considered in C2 flood risk areas subject to the application of justification tests, including acceptability of consequences.

Highly vulnerable development is defined in the TAN as all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites.

The development proposed is for a café development including an academy. TAN 15 defines less vulnerable development as general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. The use proposed falls into this category of development rather than the category defining highly vulnerable development.

As explained in the officer's previous reports, and reiterated above, less vulnerable development can be considered in C2 flood risk areas subject to satisfying the justification tests. Paragraph 6.2 of the TAN sets out the tests as follows:

- 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 1; **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 application meets the justification tests. As previously advised, the site is a brownfield site - it has historic planning consent for a dwelling. The statutory consultee on flood risk issues does not object to the development. It is an acknowledged fact that in conditions of flood, the car park will be inundated in accordance with its designed purpose. Despite this, the statutory agency has no concerns that locating this development on this site will increase flood risk to other sites or development.

National planning policy allows less vulnerable development in such areas. Without evidence of harm and contrary to the advice of the statutory consultee, it is not considered that this reason for refusal could be sustained on appeal.

The flooding of the car park will lead to a loss of parking space availability leading to displaced vehicles being parked in other areas in Trearddur and on the highway: During the Committee site visit the Members will have observed some pooling of water on part of the car park, the majority of which remained dry and serviceable. The pooling occurred as a result of several days of very heavy rains during prolonged thunder storms. Earlier in the year, when the entire country was subject to severe weather conditions and flooding occurred in a number of regions and the coastal defence at Trearddur itself sustained physical damage, the car park performed its function of containing flood water. Although these events occur, and are predicted to occur more frequently over coming years due to climate change, these are not daily or monthly occurrences. There may be an event perhaps less than a handful of times annually when the car park is wholly inundated and unusable. It may be suspected that only a stalwart few would wish to venture to the beach in such conditions so pressure on the use of the car park is likely to be less than at high season for example. There is space available opposite the car park for limited stay parking and a separate public car park has been created on Lon Isallt as part of the coastal defence scheme. Parking restrictions are in place in the vicinity so vehicles are unlikely to be parked en masse in the locality regardless of the availability for use of the main car park. The development is geared towards those using the beach and adjoining coastline and albeit other use by customers not using the beach cannot be discounted, it may be considered likely that those using the facility in the main will already be parking in the car park to visit the beach. The Highway Authority does not object to the application. As seen on the site visit, the scheme is predominantly located on the dunes and in the curtilage of the adjoining dwelling, not on the car park itself. It is not considered that this reason for refusal could be sustained on appeal.

2. 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. Should an appeal against non-determination or refusal of permission be lodged, it is not considered that the reasons advanced by the Members are supported by evidence and cannot be sustained on appeal. The Members are respectfully reminded that in accordance with the advice contained within Circular 23/93 (Awards of Costs incurred in Planning and Other (including Compulsory Purchase Order) Proceedings, that costs are likely to be awarded against an authority for unreasonable refusal of planning permission where a planning authority should not prevent, inhibit or delay development which should reasonably be permitted in the light of the development plan and of any other material

considerations; where reasons for refusal are given, the authority will be expected to produce evidence to substantiate each reason for refusal, by reference to the development plan and all other material considerations – each reason for refusal will be examined for evidence that the provisions of the development plan and relevant planning guidance and circulars were properly taken into account. The development in this case complies with TAN 15 guidance in terms of flood risk and the statutory consultee raises no objection. The members are respectfully urged to reconsider their recommendation of refusal.

3. 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.