

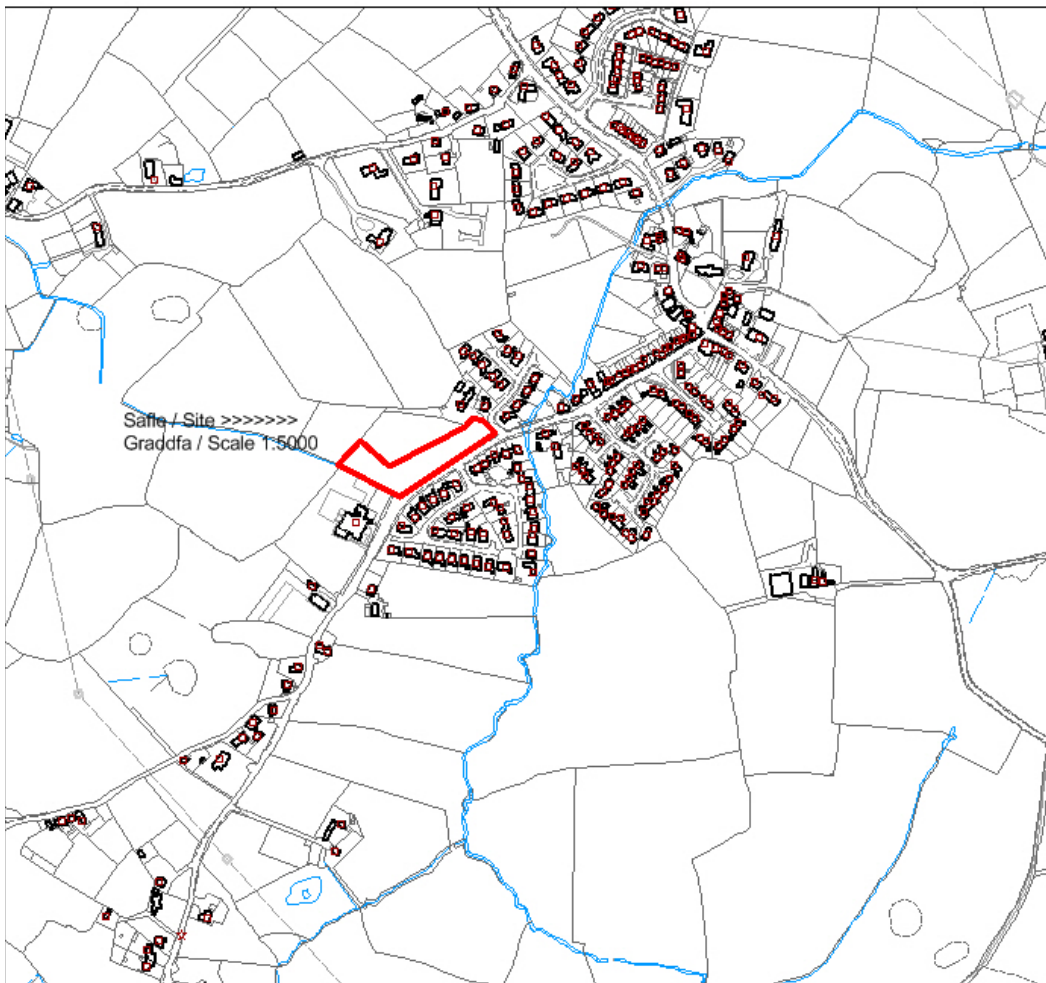
Rhif y Cais: **38C223A** Application Number

Ymgeisydd Applicant

Hughes Bros Development (Anglesey) Ltd

Cais llawn i godi 21 annedd ar dir ger / Full application for the erection of 21 dwellings on land adjacent to

Pen Y Bont, Ffordd Y Mynydd, Llanfechell



Planning Committee: 02/03/2016

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is a departure which the Local Planning Authority is minded to approve and is also submitted to the Committee at the request of the Local Member.

1. Proposal and Site

The application relates to an agricultural field within the settlement of Llanfechell. There is a public footpath in proximity to the north eastern boundary and thereafter the Pen y Bont residential estate. The public highway leading south abuts the southern western boundary of the application site, and thereafter the primary school abuts the southern boundary of the application site.

The application is made for a residential estate of 21 dwellings, 7 of which would be affordable. The applicants have offered to provide off road parking and a pavement adjacent to the public highway in proximity to the school.

The site forms part of the field that was previously granted planning permission for 19 dwellings. The remaining part of the field will be developed for 7 dwellings as previously approved. The current application site for 21 units will be on land granted planning permission and which would have accommodated 12 units as part of the previous scheme.

With 28 units on the whole site a provision 9 affordable units will be required. In addition a parking area for 5 cars will be provided along the highways to help congestion at the school and a foot path will be constructed in accordance with the condition below.

2. Key Issue(s)

Principle of development
Siting and Appearance
Amenities
Highway safety
Drainage
Affordable Housing and Education

3. Main Policies

Gwynedd Structure Plan

Policy A2 (Housing Land)
Policy D4 (Environmental Impact of Development)
Policy D20 (Drainage)
Policy D29 (Design)
Policy FF11 (Traffic Generation)
Policy FF12 (Parking Provision)

Policy FF15 (Pedestrian Access)

Ynys Môn Local Plan

Policy 1 (General Policy)

Policy 26 (Car Parking)

Policy 42 (Design)

Policy 48 (Housing Development Criteria)

Policy 50 (Listed Settlements)

Stopped Ynys Môn Unitary Development Plan

Policy GP1 (Development Control Guidance)

Policy GP2 (Design)

Policy HP4 (Villages)

Policy TR9 (Walking, Cycling and Horse Riding)

Policy TR10 (Parking Standards)

Policy SG4 (Foul Drainage Disposal)

Policy SG6 (Surface Water Run Off)

Planning Policy Wales (Edition 8 January 2016)

Technical Advice Note 2 (Wales) Affordable Housing

Technical Advice Note 12 (Wales) Design

Isle of Anglesey Parking Standards (10/1994)

SPG Design Guide for the Urban and Rural Environment.

4. Response to Consultation and Publicity

Local Member Llinos Medi Huws: Has referred the application to Committee

Community Council:

- A huge impact on the community with so many houses being built at once
- Language impact
- The effect on the school where a number of houses would be overlooking the school and close to the yard
- The location of the access opposite another housing estate where there are over 35 houses
- It requests permission to build 21 dwellings but the question was asked, what about the remainder of the land where there appear to be houses there already, will there be another application in the future for 15 dwellings on this plot?
- The effect on the sewerage system, we question whether the system would cope with the increase?
- According to the Development Plan document there is no mention of the need for more housing the in Llanfechell area. Organic growth would be accepted but not an enormous housing estate.
- There is no mention of a pavement along the road to Mynydd Mechell and with the volume of traffic that this will generate; it will cause problems for children walking to school.
- They propose three parking spaces by the school, but with such a large estate and a shortage of parking space there will not be much room for people to park and more and more cars will be parked overnight perhaps on the road to Mynydd Mechell.

Highways - Conditions

Welsh Water - Conditions

Education - Contribution required of £70,672

Ecological Officer - Comments in relation to surveys.

Fire Service - No observation to make

Drainage - Comments in respect of surface water

5. Relevant Planning History

38C223: Application for a residential development to erect 19 dwellings (including 6 affordable dwellings) on land adjacent to Pen y Bont, Ffordd y Mynydd, Llanfechell. Approved – 25/03/2008

This permission has been implemented by way of a material start (access) and is hence extant.

6. Main Planning Considerations

Principle of Residential Development: Llanfechell is identified as a listed settlement under the provisions of policy 50 of the Ynys Mon Local Plan and policy HP4 of the Stopped Ynys Mon Unitary Development Plan. The application was advertised as a departure because policy 50 of the Ynys Mon local Plan states that only single dwellings will normally be permitted in listed settlements. Part of the application site was allocated for residential development under proposal T36 of the Stopped Ynys Mon Unitary Development Plan with an indicative number of five units. The Inspector's Report on the Stopped Ynys Mon Unitary Development Plan recommended that this allocation was extended to encompass the entire field with an indicative figure of 20 residential units. The Inspector's recommendation was to be included as a Proposed Modification to the Plan and in view of the advanced stage reached in the Unitary Development Plan adoption process significant weight can be attached to its provisions so as to outweigh the provisions of the current development plan.

Siting, External Appearance and materials: The dwellings attain the standards of design sought by the aforementioned national and local planning policies. The layout is not considered inappropriate in this location with other instances of terraces and detached and semi-detached properties and will not detract from the visual appearance of the locality.

Effect on Amenities: It is not considered that the proposal will unacceptably affect the amenities of occupiers of properties in the locality due to the distances from them. It is also not considered that the dwellings adjacent to the school nearby will pose a problem to either the school itself or the new residential occupiers.

Highways, Parking and Pedestrian Safety: The Highways section is satisfied with the development in all technical respects.

Drainage: Subject to conditions the drainage scheme is acceptable to internal and statutory consultees.

Affordable Housing and Education: In total 9 affordable units will be provided for this and the remaining part of the site which will be developed as part of the previous permission. This amounts to just under 30% of the total of 28. It is also considered that the new units fronting the highway will be of a lower cost by virtue of their size and design.

In respect of the contribution required from the Education Department it should be noted that there is an extant permission for 19 units on the site. This could be built without further referral to the Local

Planning Authority. When this permission was given there was no requirement for a contribution to be made.

The Education Department has based their calculations on there being 21 new units.

In light of this, I consider it reasonable that the Education Departments requirements should be based on the 9 additional units proposed and as such a proportion of the £70,672 should be requested. This figure will be negotiated for inclusion in a S106 agreement.

Response to Community Council

Answers to the points raised and listed in consultation responses.

Planning permission has already been given for 21 units and it is not considered that the additional 9 will place undue burden on the area. Indeed the development as a whole will assist the Council in its endeavors to meet its housing targets.

A Linguistic and Community Impact Assessment has been submitted with the application which finds that there will be no injurious impacts.

The overlooking of the school is not considered harmful.

Access is considered acceptable to the Highways Authority.

In respect of the land on the remainder of the site, this has been dealt with elsewhere in this report.

Welsh Water do not object in respect of sewerage increase.

Paving will be provided along the sites frontage

In respect of parking the Highways authority do not object to the scheme.

8. Recommendation

Further to authorise the Head of Planning Service to **permit** the application subject to the execution of an agreement under section 106 of The Town and Country Planning Act 1990 (as amended) containing the following provision: Provision of 9 affordable houses, parking provisions for 5 cars, a pavement to form part of the public highway and contribution to the Education Department (figure to be agreed)

(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 Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the submitted plans and contained in the form of application, and in any other documents accompanying such application as amended by the revised plans (dates to be inserted on receipt).

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

(03) No part of the development hereby approved shall commence until a scheme for the comprehensive and integrated drainage of the site demonstrating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by

the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

(04) The access shall be laid out and constructed strictly in accordance with the submitted plan before the dwelling is occupied and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(05) A pedestrian footway shall be provided shown red on enclosed plan along the whole length of the site boundary adjacent to the County Highway and to be completed before any dwellings are occupied.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(06) The estate road(s) shall be completed to a base course finish with the surface water drainage system complete and in perfect working order before any works is commenced on the dwellings which it serves.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(07) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2m. of the said wall.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(08) The estate road(s) shall be kerbed and the carriageway and footways finally surfaces and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the work on the site or such any other period as may be agreed in writing with the Local Planning Authority whichever is the sooner.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(09) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces drainage to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

(10) No development shall take place until a scheme of landscaping and tree planting for the site which provides for the retention of existing trees has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density and distinguish those trees to be retained showing their species, spread and maturity together with measures for their protection in the course of development. The approved new planting shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. The approved protection measures shall be implemented prior to the commencement of the development.

Reason: In the interest of the visual amenities of the locality.

(11) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a

tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interest of visual amenities.

(12) Notwithstanding the submitted plans details of the materials to be incorporated in the scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of any works.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

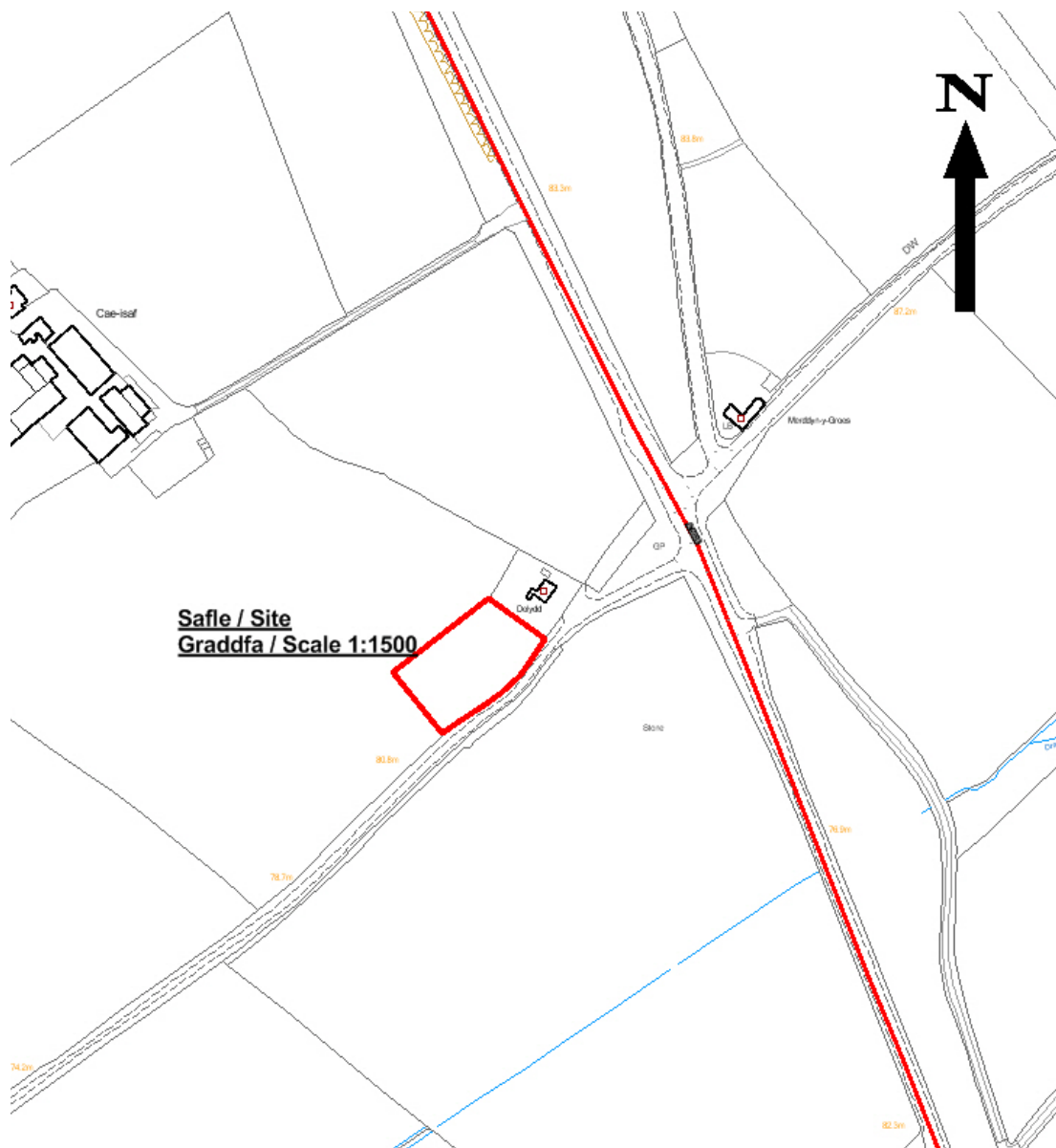
Rhif y Cais: **41C132/RUR** Application Number

Ymgeisydd Applicant

R W Jones (Sons)

Cais llawn ar gyfer codi dau annedd amaethyddol, gosod system trin carthffosiaeth ynghyd a chreu mynedfa i gerbydau ar dir yn / Full application for the erection of two agricultural dwellings, the installation of a package treatment plant together with the construction of a vehicular access on land at

Cae Isaf, Pentraeth



Planning Committee: 02/03/2016

Report of Head of Planning Service (NJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application has been called in for determination by the Planning and Orders Committee by Councillor Jim Evans.

1. Proposal and Site

The application is a full application for the erection of two detached two-storey dwellings each measuring 16m by 10m (at the widest point) on plan and of some 7m to ridge. Each will be situated within a plot of 25m width, located side by side with a distance of some 12m between each dwelling. The drawings indicate that the dwellings will be set approximately 1m below existing ground levels.

An existing bungalow at Dolydd is located to the east of the site, separated from it by a line of conifers within its garden.

The application is supported by an assessment of the need for the dwellings for rural enterprise workers at Cae Isaf Farm.

2. Key Issue(s)

The applications main issues are whether dwellings in this location would comply with current planning policy and whether the proposal will affect the amenities of the neighbouring property and landscape considerations.

3. Main Policies

Ynys Môn Local Plan

Policy 1 - General

Policy 53 - Housing in the Countryside

Gwynedd Structure Plan

Policy A2 - Housing

Policy A6 - New Dwellings in the Countryside

Stopped Unitary Development Plan

Policy HP6 - Dwellings in the Open Countryside

Planning Policy Wales (8th Edition) Technical Advice Note 6 - Planning for Sustainable Rural Communities

4. Response to Consultation and Publicity

Councillor J Evans- Requests that the Committee determine the application and that a site visit should take place to assess the impact of the proposals on landscape

Councillor R M Jones - No response to date

Councillor A Mummery – No response to date

Community Council - No response to date

Welsh Water – Standard comments in relation to the use of private drainage facilities

Highways - No response to date

Drainage - No response to date

Response to Publicity: At the time of writing this report one letter of objection have been received from the owners / occupiers of the adjoining dwelling at Dolydd, based on:

Alteration of current peaceful and secluded location by the building of two dwellings;
Narrow road which already struggles to accommodate existing vehicles; there would be added disruption during construction phase;
Difficulty of access for repairs and maintenance to boundaries; concerns regarding safety of existing conifer trees, especially during storms, and the risk of damage to property;
The properties will overlook Dolydd from their upstairs windows, invading privacy; not clear why they want to build so close to the current property – they have sufficient land elsewhere to which there would be no objection;
Concerns regarding dust etc. during construction affecting family members' health.

5. Relevant Planning History

No previous site history

6. Main Planning Considerations

Policy Context - Development Plan policies and national planning policies supported by technical advice allow the development of dwellings where they are required to support rural enterprises (homes for farm workers are proposed) and where the strict policy tests are met.

Policy 53 of the Ynys Môn Local Plan and Policy HP6 of the stopped Unitary Development Plan states that on land in the open countryside the council will refuse permission except where the listed criteria are satisfied. Policy A6 of the Gwynedd Structure Plan, Policy 53 of the Ynys Môn Local Plan and Policy HP6 of the Stopped Unitary Development Plan allow the development of housing in the countryside in exceptional circumstances, for example, which an agricultural or forestry need for a dwelling in that particular location is shown to exist.

This is re-affirmed in Planning Policy Wales and the advice contained within Technical Advice Note 6: Agricultural and Rural Development.

Need for the two dwellings: The application is made for two dwellings to house the sons of the applicant who are stated to farm in partnership with him. It is unclear whether they both reside with their parents at Cae Isaf currently but it is stated that they are both intending to set up their own households. The dwellings are stated to be positioned close to the farm hub at Cae Isaf. The farm owns 206ha, but with other land rented extends to 336ha. The application is supported by an appraisal prepared by ADAS and farm accounts.

The Design and Access statement submitted misquotes paragraph 4.5.1 of TAN 6 by stating that 'the Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow *additional dwellings* on established farms that are financially sustainable where the criteria set

out in paragraph 4.4.1 cannot be fully satisfied". The paragraph actually states that it may be appropriate to allow a *second* dwelling, not multiple dwellings. The DAS does refer to the qualifying criteria that there are secure and legally binding arrangements in place to demonstrate that the management of the farm business has been transferred to a person younger than the person currently responsible for management or that such transfer is conditional on the grant of planning consent. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business. There is also a functional test for the need for the second dwelling.

The policy allows a second dwelling on a farm, not multiple dwellings as in this particular application. Although the applicant's two sons are stated to be partners in the business, no evidence in support has been provided to demonstrate this relationship.

It is considered therefore that the application should be assessed against paragraph 4.4.1 of TAN 6 which states that:

"New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. There is a clearly established existing functional need;
- b. The need relates to a full-time worker, and does not relate to a part-time requirement;
- c. The enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- d. The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and
- e. Other normal planning requirements, for example siting and access, are satisfied".

In assessing the application the Council's agricultural consultants accept that the farming enterprise centred at Cae Isaf is an established farming enterprise of more than three years standing and which has been profitable for each of the past three years. The critical aspects of the appraisal are considered to be:

- a. whether the scale and nature of the existing enterprise are such that "it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times" (TAN 6 paragraph 4.8.1); and
- b. whether the economic performance of the enterprise "has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs", and the size of dwelling is one which is appropriate to the enterprises and capable of being afforded and sustained by it (TAN 6 paragraph 4.10.2).

In the event of there being a clear essential functional need for the on-site presence of 3 workers, only if the financial test is met would an additional two permanent dwellings be permissible.

The agricultural consultants has assessed the farm business based on stocking details etc. as considers that 5 to 6 workers would be required (the applicant's assessment states 3.9 workers are required). It should be noted that the need for workers based on stocking levels and farming practices does not equate to a need for all those workers to be living on site. Paragraph 5.5 of TAN 6 states that

"The profit available to an enterprise will be tested in terms of its ability to provide a realistic return to unpaid labour, and to fund/support the proposed dwelling."

It is not clear from the latest accounts whether the sons are included in wage payments accounted for, as the final profit is insufficient to fully remunerate their labour. The accounts show a profit over the last 4 years but also a pattern of steep decline over the last two years. The current position is that the farm business does not generate a profit sufficient to meet the realistic labour costs in accordance with TAN 6 requirements and has not done so since 2012, unless family labour is partially accounted for as a fixed wage cost. The applicant's assessment explains the decline in the economic standing of

the enterprise by the applicant's ill-health which has affected his contribution to the farm business. Where a farm business can meet all the demands on profit, exclusive of depreciation, standard advice on farm accounts is that it would be deemed to be viable. However, although considered to meet TAN 6 tests, there is a concern regarding the recent trend. The size of the dwellings is also large – at 200 sq m each they are at the upper threshold of farm dwellings (usually between 140-200sq m). They are not principal dwellings on the holding and no justification is provided for their size. TAN 6 requires that dwellings permitted to meet rural enterprise needs should be available as affordable housing with the guidance stating that:

“The size of a dwelling should reflect the needs of the relevant rural enterprise, but have regard to their potential future use as affordable dwellings”.

Against the declining financial performance of the enterprise, two substantial dwellings are sought.

The functional need for the dwellings is based on animal welfare but the submitted assessment in support on the one hand states that at least 3 full-time key workers are necessary, but during lambing it states that ‘it is important that there are two workers based in site, with 24 hour a day cover during these critical periods’.

The Council's assessment agrees that two workers are essential due to the scale of livestock activity. It is less clear whether a third worker *on site* is essential. It is not clear where the two sons reside at present but a caravan is stated to be used during lambing suggesting that some labour (whether family or otherwise) usually resides off-site. The indication that the business has suffered due to the applicant's ill-health also suggests that one or other or both of his sons have not been readily available. If the sons do reside at Cae Isaf, then one of the two propositions made in the supporting case would have been met and the business should not have suffered substantially. Only if the business has developed to its current scale and nature with the benefit of 3 on-site workers and the applicant is unable to deliver the capacity of a full-time worker due to his ill-health would the farming enterprise be materially prejudiced by the absence of the two sons from the holding. The requirement for on-site workers derives from animal welfare issues and it is acknowledged that due to the scale of activities the presence of two workers is required. On occasion, the assistance of a third worker may be required who would need to be reasonably readily available to respond, but not necessarily resident on site.

There is no supporting information provided in relation to the applicant's long term capabilities; there is no supporting information to demonstrate why the current dwelling can't provide for two households by conversion or extension; other than a statement that all buildings are in agricultural use, there is no supporting information on the lack of any building for conversion; the supporting information on houses for sale in the area is based on a search for detached dwellings and they have a price range well beyond a standard farm worker's income but there are more modest properties available in the locality and situated where a third worker would reasonably be available.

Although requested 4 months ago to provide additional supporting information, no response has been received.

In conclusion, in relation to the TAN 6 tests for a dwelling associated with an established enterprise, Cae Isaf is accepted to be an established enterprise profitable in each of the past three years and which has a labour requirement for at least three full-time workers. However, there are some uncertainties relating to the business remunerating the labour costs at realistic levels and being able to sustain the cost of the proposed two dwellings without some manipulation of the accounts details.

The dwellings are both at the upper scale of agricultural dwellings and no justification has been provided for their size. No assessment of the existing dwelling has been provided.

In terms of the functional requirement, a need for the presence of two-full time workers on site is shown, which need could be met by a single new dwelling (subject to not being able to adapt the existing dwelling or convert existing buildings) unless the applicant is permanently incapacitated. The current living arrangement of the family labour units is unknown as is the potential of the existing farmhouse to provide the sought accommodation whilst more modest existing dwellings in the locality cannot be discounted for a third worker.

Landscape Impact: Policy 53 of the Local Plan (with similar wording in the Structure Plan, UDP and TAN 6) requires any such dwellings to be acceptable in their own right if a need is proven. Paragraph 4.12 of TAN 6 states that:

“... the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape”.

Concern has been expressed that the siting is in a prominent position on a ridge and highly visible in the surrounding landscape. The site is stated to have been chosen as it is part of owned land on the farm and is a field's width away from the farming hub as well as being accessible by road. The holding has other less prominent potential locations which would be equally convenient but there has been no engagement to the requests made to re-site the proposals. It is considered that, despite the lowering of ground levels indicated, the siting proposed is unacceptable in terms of landscape impacts regardless of any case made for the need for the dwellings.

Amenity Impacts: Concern has been expressed by a neighbouring occupier in relation to potential impacts to his property and amenity from the proposed development. The issues raised in relation to construction phase impacts would be short term and would not justify refusal of permission; concern regarding dwellings being located beside his which was chosen for its isolated position would again not of itself justify refusal; at closets the nearest dwelling is 21m distant from the bungalow at Dolydd and 8m from the shared boundary which is planted on the Dolydd side with some mature conifers. Although patio-type windows are proposed on the facing elevation to living accommodation on the ground floor together with first floor velux windows (one each for two bedrooms and three to light a passageway), it is not considered that the impacts arising would be such as to justify refusal of planning permission on loss of privacy.

7. Conclusion

Planning policy supports in principle new housing to meet established rural enterprise needs. The need for one additional dwelling to serve the farming unit has been demonstrated in the application. The need for a second dwelling is less clear. The opportunity to adapt the existing dwelling has not been fully explored. Both proposed new plots are located in a highly conspicuous location and would led to unacceptable landscape impacts.

8. Recommendation

Refuse

(01) The local planning authority consider that the proposal would amount to the erection of a new dwelling in the countryside for which no long term need is known to exist for the purposes of agriculture or forestry; the development would therefore be contrary to the approved Policy A6 of the Gwynedd Structure Plan, Policy 53 of the Ynys Môn Local Plan, Policy HP6 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (5th Edition, 2012) and Technical Advice Note 6: Planning for Sustainable Rural Communities.

(02) The development proposed would constitute a prominent feature in this rural landscape and is contrary to the provisions of Policy 1 and 53 of the Ynys Mon Local Plan and Policy HP6 of the Stopped Unitary Development Plan and the advice contained within Technical Advice Note 6: Planning for Sustainable Rural Communities.