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Gweddill y Ceisiadau

Remainder Applications

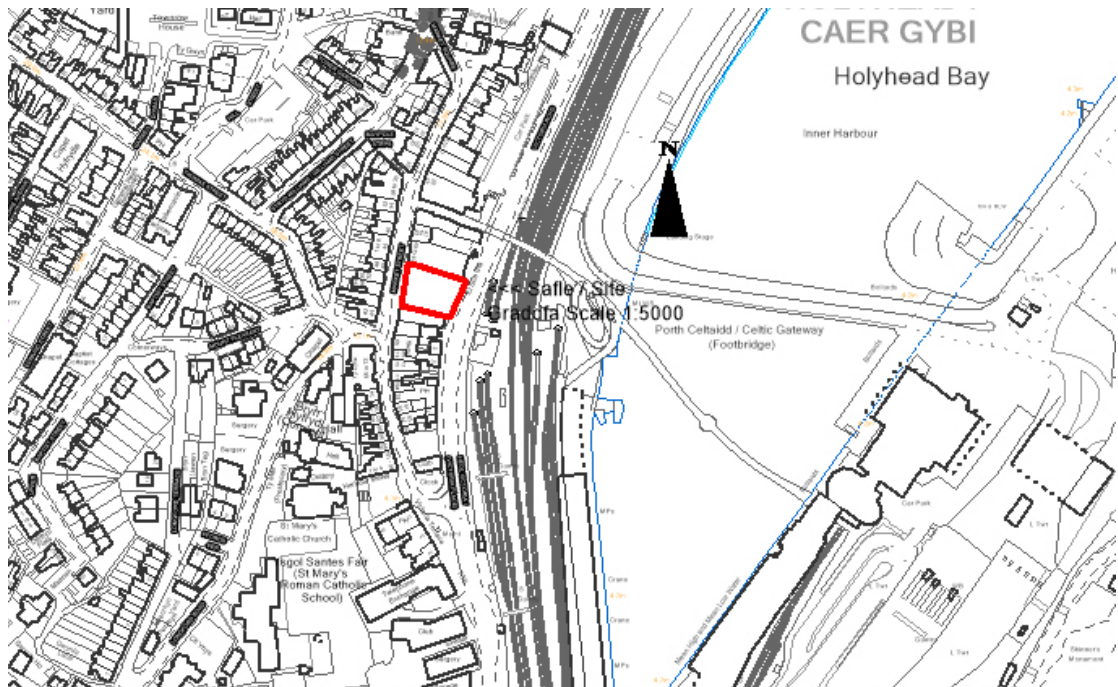
Rhif y Cais: **19C232E/FR** Application Number

Ymgeisydd Applicant

**RVDL Developments Ltd**

**Cais llawn ar gyfer dymchwel yr adeilad presennol ynghyd a chodi gwesty ag uned defnydd masnachol (Dosbarth A3) newydd yn ei le yn / Full application for demolition of the existing shop together with the erection of a hotel and a commercial unit (Class A3) in its place at**

**55 Market Street, Caergybi/Holyhead**



**Planning Committee: 05/09/2018**

**Report of Head of Regulation and Economic Development Service (DPJ)  
Recommendation:**

Permit

**Reason for Reporting to Committee:**

At the request of the Local Member Cllr Shaun Redmond

**1. Proposal and Site:**

The building subject to this planning application is located centrally in Holyhead town centre in close proximity to the Celtic Gateway bridge and cotemporary developments on this approach to the town centre. The building has elevations facing both Victoria Road and Market Street. Its use currently falls within Use Class A1 (Shop) and the building was previously occupied by "Woolworths". The ground floor shop onto Market Street has been used for retailing periodically and in recent months, the lower and upper floors of the building remain largely underutilised, formerly having been used as a goods loading areas and staff facilities.

The building has 6-storeys in total and the rear extends down to a sub-basement level at Victoria Road, externally the elevation visible on this northern elevation is of a functional flat roof type appearance comparable with properties either side. The ground floor level above facing onto Market Street has a shopfront of some 24 metres designed characteristic of the former "Woolworths" brand. The upper floors of the building facing Market Street currently has a 3-storey and a 2-storey section and the external walls have a traditional rendered finish, sash type windows and a slated roof, all of which would have been provided in more recent years as part of the refurbishment of the building, most likely as part of a public sector regeneration scheme. Externally this part of the building visible from Market Street is of similar appearance to other properties in the street which are also within the conservation area.

The proposals entails the complete demolition of the existing building in its entirety and it's redevelopment for a 119 bedroom hotel development on the basement to second floor levels with a café or restaurant (A3 Use) also incorporated on the ground floor onto Market Street. Whilst there are 6 storeys in total in the proposed development the sub-basement is shown on the submitted plans as a void (with a potential future SuDs storage area) and this level does not form part of the proposed use being applied for. No car parking is proposed in connection with the proposed development.

Onto Market Street the proposed building will be of 3-storeys entirely. The plans have been amended recently so that original traditional sash type windows from the existing building are retained on those parts of the building which are currently 2 storeys, with more contemporary windows introduced on that part of the new building which is being raised from 2 to 3 storeys.

A contemporary design of 6 storeys with extensive glazing is proposed onto Victoria Road. In terms of external materials render will be used on the elevation facing Market Street with standing seam profile zinc proposed to the pitched roof and the vertical cladding down to the third floor at the rear facing Victoria Road. A powder coated aluminium finish is proposed for the shopfront onto Market Street. A cast stone type cladding is proposed on the vertical structural elements onto Victoria Road.

**2. Key Issue(s)**

The application's key issues are:

- Acceptability of the Proposal in a Town Centre Location.
- The Acceptability of the Development in a C2 Flood Risk Zone
- Does the Proposal Preserve or Enhance the Conservation Area

- Highway and Sustainable Transport Considerations.

### **3. Main Policies**

#### **Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026**

PS 1: Welsh Language and Culture  
 ISA 1: Infrastructure Provision  
 PS 4: Sustainable Transport, Development and Accessibility  
 TRA 2: Parking Standards  
 TRA 4: Managing Transport Impacts  
 PS 5: Sustainable Development  
 PS 6: Alleviating and Adapting to the Effects of Climate Change  
 PCYFF 1: Development Boundaries  
 PCYFF 2: Development Criteria  
 PCYFF 3: Design and Place Shaping  
 PCYFF 4: Design and Landscaping  
 PCYFF 6: Water Conservation  
 AMG 5: Local Biodiversity Conservation  
 PS 19: Conserving and where appropriate Enhancing the Natural Environment  
 PS 20: Preserving and where appropriate Enhancing Heritage Assets  
 AT 1 Conservation areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.  
 PS 15: Town Centres and Retail  
 MAN 1: Proposed Town Centre Developments  
 MAN 2: Primary Retail Areas (Retail Core)

- Policy PS 20: Preserving and where appropriate enhancing heritage assets, and the protection of non-designated buildings of architectural/ historic/ cultural merit in line with Policy AT 1: Conservation areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.
- Policy PCYFF 3: Design and Place Shaping.
- Policy MAN 1: Proposed Town Centre Developments.

#### **Planning Policy Wales (Edition 9, November 2016)**

**Technical Advice Note (TAN) 4: Retail and Commercial Development (2016)**

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

**Technical Advice Note (TAN) 12: Design (2016)**

**Technical Advice Note (TAN) 15: Development and Flood Risk (2004)**

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

**Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)**

**Technical Advice Note (TAN) 23: Economic Development (2014)**

**Technical Advice Note (TAN) 24: The Historic Environment (2017)**

**IOCC Deign Guide for the urban and Rural Environment (2008) “SPG Design Guide”**

**Holyhead Central Character Appraisal SPG was adopted in 2005**

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

**Councillor Shaun James Redmond** – Requested that the application be referred to the Planning and Orders Committee because:

1. Over 50% of the rooms have no window.
2. Capacity of existing car parks.
3. If grants are being sought there is an issue of displacement.
4. Effect on existing local business in the B&B and catering industry.
5. Need for a condition of tourist/business guests only. No DSS or housing need guests.
6. Further change of use to commercial is contrary to raising the retail potential of Holyhead town centre.

**Town Council** – Councillors stated that they were aware of objections from other bed and breakfast establishments in the town which could have an impact on their business and that as the site was in a prominent part of the retail sector of the town and there should be minimum disruption to Market Street and other businesses in the vicinity.

**Highways** – Conditional permission.

**Heritage Adviser** – Supportive of the amended scheme subject to the conditions recommended. Satisfied that the proposal conserves and enhances the conservation area. Does not consider that the proposal will have a material impact on the setting of the railway station building which is a grade II listed building (Cadw Ref. 14739).

**Drainage** – Comments awaited at the time of writing.

**Ecological and Environmental Adviser** - The emergence survey indicates that bats are not present in the building but the mitigation measures in respect of bats and birds in the report should be followed.

**Economic Development Unit** – The former Woolworths closed in 2010 and apart from temporary uses the building has been empty since then. The prospect of a permanent employment use on this important site in the middle of the town is welcomed.

The nature of the existing building with a large and unattractive extension added in the 20<sup>th</sup> century means that the building is not suitable for a lot of uses and that its redevelopment is necessary. Despite this there are parts of the original building which continue to make an important contribution to the character and appearance of the town centre which is being promoted on the basis of its history and it is important that the new building fits in with its surroundings.

Our opinion on the proposal subject to the development is:

- The use is suitable on the site and will bring activity and jobs to an empty site.
- It will contribute positively to the regeneration of Holyhead town centre.
- Will create temporary construction jobs.

There have been local concerns about the high number of bedrooms in the development and that these will be used for residential purposes which would create social problems, planning conditions need to ensure that this does not occur.

Having considered all material considerations I consider that the application should be supported and the developer should be asked to:

1. Agree the detailed external design of the building.
2. To reflect the character and culture in the new hotel including the use of Welsh in signage, historical names and so on.
3. Employ local people and to discuss this with local agencies such as Mon CF.
4. To attempt to ensure a local supply chain in relation to the construction of the development and the supply of the hotel.

**Empty Homes Officer** – No observations.

**Environmental Services** Environmental considerations in relation to construction times, demolition, rock breaking, ventilation and extraction are listed.

**Gwynedd Archaeological Planning Service “GAPS”** - Comments awaited at the time of writing.

**Joint Planning Policy Unit “JPPU”** - Comments awaited at the time of writing.

#### **Natural Resources Wales**

**Flooding** - The planning application proposes highly vulnerable development which is partially located in Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note 15

Development and Flood Risk (TAN15). As your Authority is aware, planning policy set out in paragraph 6.2 of TAN15 advises that "highly vulnerable development and emergency services should not be permitted". A planning decision to permit development would therefore be contrary to planning policy advice.

The documentation submitted with the planning application, including the Flood Consequence Assessment was reviewed by NRW as part of the pre-application consultation process. Based on the information submitted, we have no objection to the proposed development this is based on a number of technical considerations and NRW note that the basement/floor level off Victoria Street does not form part of this proposal.

European Protected Species – The mitigation measures in the ecological report submitted with the planning application should be followed.

Waste – Informatives in relation to separate legislative consents required for controlled waste is described.

**Network Rail** No objection but given the proximity of the railway conditions are recommended.

**North Wales Fire Service** – Observations awaited at the time of writing.

**Policy and Strategy Manager** – No observations.

**Welsh Water** – The discharge of foul sewerage into a combined public sewer and surface water drainage into the Holyhead Outfall Surface Water Pumping station at an attenuated rate of 5l/s is acceptable in principle.

#### **Public response to notification:**

The planning application was advertised by way letters to adjacent properties, site notices and a press notice was published. In addition the amended plans described in the introduction of this report were re-advertised. The publicity period will expire on 03.09.18 and at the time of writing the following observations have been received:

- Inward investment in Holyhead town centre is welcomed.
- The building subject to the planning application located next to the writer's property and it is requested that measures are put in place to ensure that retail trading is still possible during the redevelopment of the building.

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

19C232A Erection of an internally and externally illuminated fascia sign Conditionally approved 16.09.93.

19C232B Installation of a 1.2m satellite dish Conditionally approved 13.12.94.

19C232C Erection of a roller shutter Conditionally approved 07.01.02.

19C232D/AD Erection of an illuminated sign Conditionally approved 18.04.2007.

#### **6. Main Planning Considerations**

**Introduction** – The report relates to major planning application which has been subject to pre-application consultation in accord with statutory requirements.

**Acceptability of the Proposal in a Town Centre Location** The building subject to the planning application is located within the settlement boundary of Holyhead under the provisions of PCYFF 1, it is also within the Town Centre under the provisions of policy MAN 1 and the Primary Retail Area defined under policy MAN 2 of the JLDP and these policy considerations are considered further below.

Policy PS 15 of the JLDP states that the Council will promote the vitality and viability of town centres shown on the proposals maps by means of the listed criteria. These criteria include encouraging a diverse mix of suitable uses (as defined in PPW and TAN 4) and ensuring investment consistent with scale/function of the centre and maximising the re-use of existing buildings. Policies in PPW also seek to re-use redundant buildings such as the application site & ensure that major commercial developments such as that being applied for are located in sustainable locations such as Holyhead town centre clearly.

Policy MAN 1 states new retail and commercial developments such as the proposed development will be directed towards allocated Town Centre locations in the first instance provided that they are of a scale and type appropriate to the size, character and function in the retail hierarchy set out in policy PS 15. Holyhead is identified as a Sub-regional Retail Centre which is the highest retail category on Anglesey and the siting of a major hotel development here aligns with the policy subject to the four criteria listed in the policy. In terms of these criteria it is considered that the development of a hotel in this central location close to the Celtic Gateway Bridge will enhance the attractiveness of the centre by having a positive effect in diversifying the range of facilities available in the town centre. In addition the proposal will contribute towards increased vitality of the town centre by attracting customers which will make the town centre busier. In terms of viability the investment in the development is an indication of the increased ability of the centre to attract private investment, in an area which has been largely dependent on public sector funding. This will not only comprise an enhancement as the building which is in many respects in disrepair but will also improve the attractiveness of this part of the town centre.

There are retail uses either side of the proposed development with other units in proximity being a mix of financial/professional and café type uses. It is considered that the proposal is in keeping with these adjacent uses and will enhance the attractiveness of this part of the town centre in diversifying the mix of uses present. Policy MAN 1 also requires that the proposal does not individually or cumulatively undermine the retail role of the centre nor lead to an excessive amount of dead frontages. These considerations are assessed below in association to policy requirements in MAN 2 which is more restrictive in relation to the loss of retailing in Primary Retail Areas.

At ground floor level the existing shop and frontage onto Market Street extends to around 24 metres in length and this makes it an important shopfront in the town centre, larger than the majority of other present in the vicinity. The aforementioned frontage does have A1 retail uses either side and the Coop adjacent also has a similarly large shopfront. The proposal at ground floor level onto Market Street entails providing a hotel lobby area of around 5 metres and the remainder of this frontage along Market Street would comprise a self-contained A3 café / restaurant.

Policy MAN 2 only permits the change of use of A1 ground floor shops to other uses where it has been shown that the A1 use is unviable and also that it has been marketed for these purposes for a period of 6 months.

The applicant has provided supporting information in relation to the marketing process which have been undertaken in respect of the building. Further a statement has also been provided by Môn CF detailing the lack of interest within the current market for such a large retail unit within Holyhead town centre. Môn CF explain that they have also been involved with the Empty Shops initiatives, working with landlords of empty commercial premises. As a result of this initiative the building has been occupied by charity shop/pop up units for short periods of time. These comments reflect those of the EDU which state that the building has substantially been empty since the closure of Woolworths in 2010. In addition a viability assessment has been submitted as supporting information which concludes that the retention of the retail unit as part of a mixed retail/residential use is not viable. On the basis of this evidence it is acknowledged by the Local Planning Authority that these type of uses are not a financially viable use for the building. Further the Local Planning Authority consider that the information provided satisfies the criteria as listed within the policy MAN 2.

Further policy MAN 2 requires that the proposed change of use does not have an unacceptable impact on the retail function or character, vitality attractiveness or viability of the primary retail area.

Whilst this is an important shopfront historically having been occupied by “Woolworths” which would have been a cornerstone of the town centre for the reasoning provided in relation to policy PS 15 above it is not considered that the proposal contravenes this criterion.

The representations received from the adjoining property owner requests that measures are put in place to ensure that retail trading is still possible during the redevelopment of the building. To mitigate the impacts of construction on adjacent properties and indeed the town centre as whole a Construction Environmental Management Plan “CEMP” has been recommended by way of a planning condition. The condition will require that mitigation measures to ensure that retail function of the area is not unacceptably affected in the course of construction, a similar condition as regards transport aspects of the construction is considered further below.

**The Acceptability of the Development in a Flood Risk Zone** The application site is located substantially but not wholly within a C2 Flood Risk Zone of the Development Advice Map (DAM) “Flood Zone” contained in Technical Advice Note 15 Development and Flood Risk (TAN15) when viewed on an Ordnance Survey plan “C2 Flood Risk Zone”. In reality it is the sub-basement onto Victoria Road which is in the C2 Flood Risk Zone and this sub-basement is shown on the submitted plans as a void and as such it does not form part of proposed uses being applied for, the upper floors in the development comprising the hotel and A3 café restaurant are above the C2 Flood Risk Zone. The hotel part of the development is classed as highly vulnerable development under TAN 15, whereas the A3 café restaurant is classed as less vulnerable development.

The aim of Technical Advice Note 15 is to

- i) Direct new development away from those areas which are at high risk of flooding
- ii) Where development has to be considered in high risk areas (zone C) only less vulnerable developments such as the A3 café restaurant which can be justified on the basis of the tests outlined in Section 6 and 7 should be located within such areas. The guidance makes clear that these tests should not be applied to highly vulnerable development such as hotel which comprises the main part of the proposed development.

NRW comments reflect the above guidance and state that “highly vulnerable development and emergency services should not be permitted’ and that a planning decision to permit development would therefore be contrary to TAN 15. As explained previously the A3 café restaurant is classed as less vulnerable development and the NRW comments do not apply to this part of the development. As explained it is only the sub-basement level of the proposed building on Victoria Road which is in the C2 Flood Risk Zone and this is shown as a void which would not be used as part of the uses being applied for. The hotel development does comprise highly vulnerable development but is proposed in the 5 upper floors above the sub-basement level which as explained in reality it is above the C2 Flood Risk Zone. Given these considerations it is not considered that the guidance in TAN 15 should be applied rigidly in these circumstances. The Local Planning Authority therefore consider it appropriate to apply the tests in 6.2 of TAN 15 even though the proposal for the most part comprises highly vulnerable development substantially (but not wholly) within a C2 Flood Risk Zone.

The first part of the tests requires that either the location in the flood risk zone is required as part of a local authority strategy required to sustain an existing settlement or secondly to contribute to a key employment objective supported by the local authority. The EDU comments indicate that that the proposal will comply with both of these policy requirements. The development will contribute positively to the regeneration of Holyhead town centre which has been historically formed part of local authority indicatives to sustain the settlement. Further the town centre is currently being promoted on the basis of its history and subject to the development appearance having regard to its context within the conservation area it can be concluded that the proposal will complement this initiative. The EDU also confirm that the development will bring activity and jobs to an empty site which is supported by the local authority. The submitted application states that there will be 5 full time and 5 part time people employed in the completed development.

The third criterion is mandatory and requires that the development is made on previously developed land and the proposal complies with this requirement as it entails the redevelopment of an existing building.

The fourth criterion requires that the potential consequences of a flooding event have been considered in accord with TAN 15. NRW confirm in their consultation response that they have reviewed this requirement and they raise no objections on this basis; the policy requirement is therefore met.

The proposed development therefore complies with the tests in section 6.2 of TAN 15. As the A3 café restaurant is classed as less vulnerable development it is wholly policy compliant with TAN 15. The hotel element is classed as highly vulnerable development and though the Local Planning Authority consider it appropriate to apply the tests in section 6.2 for that part of the hotel development within the C2 Flood Risk Zone for the reasons described, this aspect, which comprises the majority of the proposal is not compliant with guidance in TAN 15 because it comprises vulnerable development which should not generally be permitted in a C2 Flood Risk Zone.

In summary conclusion the substantial part of the hotel proposal which is within the C2 Flood Risk Zone is not compliant with TAN 15 but it is considered acceptable because in practical terms the use would occur in the 5 upper floors with access onto Market Street which is above the C2 Flood Risk Zone.

It is clarified that this proposal does not need to be referred to the Welsh Government under statutory requirements for such developments located within C2 Flood Risk Zone because the development is not wholly within a C2 Flood Risk Zone and this view has been confirmed with NRW.

### **The Acceptability of the Development having regard to Heritage Assets**

The proposal subject to the planning is located within the Holyhead Conservation Area. Because the proposal entails the demolition of a building in a Conservation Area a separate application for Conservation Area Consent will be required.

The conservation area encompasses the elevation onto Market Street and Victoria Road. In determining planning applications there is a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation or its setting in statutory and policy terms.

The proposal entails the complete redevelopment of a building within a Conservation Area. The existing building has a large functional flat roof type extension at the rear onto Victoria Road which it is understood was added in the twentieth century.

From the comments of the Heritage Adviser it can be gleaned that the redevelopment of that part facing Victoria Road in the contemporary form proposed, which would be akin to other contemporary developments present would enhance the Conservation Area.

The Heritage Adviser considered that on the Market Street elevation that the fenestration on the existing building, particularly on the upper floors makes a positive contribution to the character and appearance of the Conservation Area, and these would have been lost as part of the originally submitted proposals. The Heritage Adviser indicated that consideration should be given to the retention of the front elevation of the existing building onto Market Street but following the submission of information on the condition and viability it was accepted that this was not practical in this instance. Amended plans were instead submitted so that original traditional sash type windows from the existing building are retained on those parts of the new building which are currently at 2 storeys, with more contemporary windows introduced on that part of the new building which is being raised from 2 to 3 storeys. On the basis of these amended plans the Heritage Adviser was satisfied that the replacement building would retain the most notable characteristic of the building onto Market Street and supported the total demolition. Samples of the external cladding to be used on the external surfaces of the development have also been supplied and the council's Heritage Adviser considered that these materials were appropriate in the Conservation Area. On this basis it is considered that the proposed development would conserve the Conservation Area. On this basis the amended plans will also complement EDU initiatives which promote the town centre on the basis of its history.



To the south east of the application site and on the other side of the railway and inner harbour the railway station building is a grade II listed building (Cadw Ref. 14739). In planning policy terms PPW explains that there is a general presumption in favour of the preservation of a listed building and its setting further for any development affecting a listed buildings or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special or architectural or historic interest which it possesses. Given the distance from this listed building the Heritage Adviser does not consider that the development will have an adverse material impact on the setting of this listed building.

### **Highway and Sustainable Transport Considerations**

The application site is located in a highly sustainable location in the centre of Holyhead and is accessible by foot, cycle and public transport, with bus, rail and ferry interchanges located in close proximity. The location of the development aligns with guidance in PPW and TAN 18 which advocates that major travel generating developments are located in such locations.

No off street car parking is proposed in connection with the proposed development and this has been referred to as one of the reasons why the Local Member has called the application to the planning committee. In this regard it is material to acknowledge that in essence there is a “fall back” position in that there is no off street car parking currently in connection with the lawful retail use of the existing building. Being in a town centre location there are a number of pay and display car parks in proximity to the development and it is understood from the council’s Highways Section that capacity exists in these. On street short stay car parking is also present on Market Street and Victoria Road.

A framework Travel Plan has been submitted with the planning application and the council’s Highway Section are content with the proposals subject the requirement for a detailed travel plan being submitted in respect of the operation of the development which utilises drop off/pick up of occupants of the development from Victoria Road and this matter has been included as a planning condition.

Given the location of the development in the town centre the demolition of the existing building and redevelopment will be challenging from a highway safety perspective but also given that Market Street in one way and comprises the main thoroughfare for the town centre. A detailed Construction Transport Management Plan “CTMP” will be required by way of a planning condition and the construction of the development will then need to be undertaken in accordance with any CTMP approved.

**Other Matters** – A number of reasons have been put forward by the local member for calling the planning application to the committee, some of which have been addressed in the main body of the report above. The applicant has responded to these reasons as follows:

- There is no intention to temporarily accommodate guests in housing need in the hotel. The franchise would be an international hotel chain and there would be certain obligations to meet.
- Having rooms with no windows is typical of a budget hotel chain and makes the most efficient use of the site.
- It cannot be confirmed at the moment whether the proposed development will be the subject of grant aid.

In addition to the above the local member expresses concern that the proposal will impact on local business in the B&B and catering industry. It is a general premise in planning that such competition is generally not a material consideration and little weight can be attributed to this aspect.

The planning application is accompanied by a Protected Species Survey and no protected species were found, the council’s Ecological and Environmental Advisor and NRW recommend that the mitigation measures are followed. The provision of artificial nest boxes on the building would be wildlife friendly and good practice and this would also accord with the council’s duty under the Environment Act and planning condition has been attached requiring a scheme of such measures.

Policy PS 1 of the JLDP requires that a Welsh Language Statement will be required in respect of the proposed development since it has an area of more than 1000m2. A Welsh Language Statement was submitted and mitigation measures recommended by way of a planning condition which are reflective of the comments of the EDU, and these matters have been regulated by way of planning conditions.

Policy PCYFF 5 of the JLDP requires that proposals for 1000m2 or more should be accompanied by a comprehensive Energy Assessment Statement. PCYFF 6 of the JLDP requires that proposals for 1000m2 or more should be accompanied by a Water Conservation. Both these requirements have been satisfied and planning conditions have been attached to ensure that the measures therein are incorporated in the development hereby approved.

## 7. Conclusion

Policies in PPW also seek to re-use redundant buildings such as the application site and ensure that major commercial developments such as that being applied for are located in sustainable locations such as Holyhead town centre. The proposal entails the loss of the existing A1 shop to a mixed use as hotel and A3 café restaurant but this is deemed acceptable in this instance on grounds that satisfactory efforts have been made to secure an A1 retail use, viability and due to the fact that the proposal will not harm the vitality of Holyhead town centre, indeed the evidence from consultees is that the proposal will increase the attractiveness of the centre and should be supported.

The hotel development is classed as highly vulnerable under TAN 15 and a substantial part of it is within the C2 Flood Risk Zone and this is not compliant with TAN 15. This departure from policy is considered acceptable in this instance because in practical terms the hotel use would be on the 5 upper floors with access onto Market Street which is above the C2 Flood Risk Zone.

Finally the applications is located within the Holyhead Conservation Area and it is considered that the proposed development would conserve and enhance this statutorily protected area and complement local authority regeneration initiatives in the town Centre.

## 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.

**2. The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:**

<b>Drawing / Document</b>	<b>Reference (Date)</b>
Location Plan	100 Rev. A
Existing Floor Plans – Sub Basement and Basement	101
Existing Floor Plan – Ground Floor and First Floor	102
Existing Plans – Second Floor and Roof	103
Existing Site Plan	107
Existing Section and Elevations	111 Rev. A
First Floor GA as Proposed	MST-PUR-01-01-A-DR-204 Rev. D
Second Floor GA as Proposed	MST-PUR-01-02-A-DR-205 Rev. D
Third Floor GA as Proposed	MST-PUR-01-A-206 Rev. D
Roof Plan GA as Proposed	MST-PUR-01-R-A-DR-207 Rev. D
Market Street Elevation	MST-PUR-01-X-A-DR-210 Rev. B
South Elevation	MST-PUR-01-X-A-DR-211 Rev. B

Materiality	MST-PUR-01-X-A-DR-201 Rev. A
Sub-basement GA as Proposed	MST-PUR-01-SB-A-DR-201 Rev. B
Basement Floor GA as Proposed	MST-PUR-01-B-A-DR-202 Rev. C
Ground Floor GA as Proposed	MST-PUR-01-00-A-DR-203 Rev. C
Demolition Floor Plans	160
Demolition Elevation & Section	161
Site Plan as Proposed	MST-PUR-01-00-A-DR-200
Victoria Road Elevation	MST-PUR-01-X-A-DR-212 Rev. A
North Elevation	MST-PUR-01-X-A-DR-213 Rev. A
Section A-A as Proposed	MST-PUR-01-X-A-DR-214 Rev. A
Initial Inspection Bat Survey and Nesting Bird Survey (Enfys Ecology)	V4 (02/07/2018)
Transport Assessment (Civic Engineers)	(23 March 2018)
Demolition Statement (Purcell)	PP-06832045
Water Conservation Statement & Foul and Surface Water Drainage Strategies (Civic Engineers)	(26 <sup>th</sup> March 2018)
Travel Plan (Civic Engineers)	(23 March 2018)
Welsh Language Statement (Cadnant)	(May 2018)
Energy Statement (Planning) (BWB)	P3 (26-03-2018)
Level 3 Flood Consequence Assessment (Civil Engineering Solutions LTD)	(November 2017)
UCML Utility Statement (Utilities Connections Management Ltd)	(10/05/2018)

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

**The demolition (excluding any internal works) hereby approved shall not be carried out before a contract for the carrying out of the redevelopment of the site including a timetable thereof has been submitted to and approved in writing by the Local Planning Authority. The demolition including the timetable thereof shall thereafter be undertaken strictly in accord with the details approved in writing under the provisions of this condition.**

Reason: To ensure that the appearance and character of the Conservation Area is safeguarded in the construction of the development hereby approved.

**Notwithstanding the Demolition Statement (Purcell) (PP-06832045) hereby approved a detailed Demolition Method Statement “DMS” shall be submitted to and approved in writing by the Local Planning Authority before any demolition commences in connection with the development hereby approved. The DMS shall include as a minimum:**

- Full specifications and plans of how 45-49 Market Street and 57 Market Street will be supported during the demolition hereby approved.
- Consideration of the safety of the adjoining public highways and the operational railway.
- Facilitation of the safe use of adjoining properties and Market Street for retailing purposes.
- Height, specification and colour of safety all fencing and barriers to be erected in the demolition of the development hereby approved.
- Timetable for the implementation thereof.
- monitoring and compliance measures including corrective/preventative actions with targets in the DMS which shall accord where relevant with British Standards (BS);

**The demolition hereby approved shall be undertaken in accordance with the approved DMS.**

Reason: To safeguard against any impact the construction of the development on local amenity and the retail function of Holyhead Town centre. Also to ensure that the appearance and character of the Conservation Area is safeguarded in the construction of the development hereby approved.

**No development shall commence until a Construction Environmental Management Plan “CEMP” has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include general environmental provisions relating to the construction of the development and, as a minimum, shall include detail of:**

- **The sustainability of the construction methods to be employed;**
- **Facilitation of the safe use of adjoining properties and Market Street for retailing purposes.**
- **working hours during the construction**
- **dirt and dust control measures and mitigation**
- **noise, vibration and pollution control impacts and mitigation;**
- **water quality and drainage impacts and mitigation.**
- **Height, specification and colour of safety all fencing and barriers to be erected in the construction of the development hereby approved.**
- **monitoring and compliance measures including corrective/preventative actions with targets in the CEMP which shall accord where relevant with British Standards (BS);**
- 

**The development hereby approved shall be undertaken in accordance with the approved CEMP.**

Reason: To safeguard against any impact the construction of the development on local amenity and the retail function of Holyhead Town centre. Also to ensure that the appearance and character of the Conservation Area is safeguarded in the construction of the development hereby approved.

**The café or restaurant hereby approved shall not be used for the purposes hereby permitted except between the hours of 09.00am and 23.00 pm.**

Reason To safeguard the amenity of the area.

**The shop front hereby approved on drawing reference MST-PUR-01-X-A-DR-210 Rev. B (Market Street Elevation) shall not be installed until large scale architectural drawings and full specifications of the shop front including the fascia have been submitted to and approved in writing by the Local Planning Authority. The shop front shall thereafter be implemented in accord with the details approved under the provisions of this condition.**

Reason: To protect the special character and architectural interest and integrity of the conservation area.

**All the existing windows at first and second floor levels on the Market Street elevation shall be refurbished and incorporated in the development hereby approved in accord with drawing reference MST-PUR-01-X-A-DR-210 Rev. B (Market Street Elevation). Full details of the proposed refurbishment to these existing windows including any repairs or enhancements shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the development hereby approved. The refurbishment of the existing windows shall be undertaken in accord with the details approved in writing under the provisions of this condition.**

Reason: To protect the special character and architectural interest and integrity of the conservation area.

**Notwithstanding the plans hereby approved no development (excluding demolition) shall commence until full specifications of all external materials including colours thereof 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 hereby approved.**

Reason: To protect the special character and architectural interest and integrity of the conservation area.

**All demolition, construction, maintenance and repair work(s) in connection with the development hereby approved shall proceed strictly and entirely in accord with the Initial Inspection Bat Survey and Nesting Bird Survey (Enfys Ecology) V4 (02/07/2018).**

Reason: To safeguard any protected species present.

**Prior to the commencement of use hereby approved a scheme for the installation of artificial bird nesting boxes in the development hereby approved and a method statement for their maintenance and repair shall be submitted to and approved in writing by the Local Planning Authority. The installation, maintenance and repair of the bird nesting boxes in the development hereby approved shall thereafter be undertaken strictly in accord with the details approved under the provision of this planning condition.**

Reason: To ensure that the development contributes towards biodiversity objectives.

**The operation of the development hereby approved shall be undertaken strictly in accord with the Level 3 Flood Consequence Assessment (Civil Engineering Solutions LTD) (November 2017) for the lifetime of the development hereby approved.**

Reason To endure that the development is operated in accord with the assessed flood consequences assessment.

**The area shown as a void on drawing number MST-PUR-01-SB-A-DR-201 Rev. B (Sub-basement GA as Proposed) shall not be used in connection with the uses hereby approved.**

Reason: To define the scope of the permission hereby approved and having regard to the assessed flood consequences.

**Surface water from the development hereby approved shall only be discharged into the Holyhead Outfall Surface Water Pumping Station at a rate which shall not exceed 5l/s.**

Reason: To prevent hydraulic overloading of the public sewerage system.

**No development shall take place until details of the proposed slab, floor levels and the levels of raised thresholds (as recommended in the Level 3 Flood Consequence Assessment (Civil Engineering Solutions LTD) (November 2017)) of the building in relation to the existing and proposed levels of the application site and the surrounding land has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accord with the proposed levels to be approved under the provisions of this condition.**

Reason To ensure a satisfactory form of development and having regard to the assessed flood consequences.

**The construction and the operation of the development hereby approved shall be undertaken strictly in accord with the Energy Statement (Planning) (BWB) (P3 (26-03-2018) and the Water Conservation Statement & Foul and Surface Water Drainage Strategies (Civic Engineers) (26th March 2018) for the lifetime of the development hereby approved.**

Reason To ensure a sustainable form of development.

**No development shall commence until a Signage Scheme has been submitted to and approved in writing by the Local Planning Authority. As a minimum the Signage Scheme shall provide for all internal and external signage in the development hereby approved to be bilingual in Welsh and English, with the Welsh language appearing before English in all cases. The development shall thereafter be carried out in accordance with the Signage Scheme approved under the provisions of this condition and the Signage Scheme shall be retained and maintained in for the lifetime of the development.**

Reason: To safeguard and maintain the Welsh language and Culture.

**Prior to the development coming into operation a Local Employment Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Local Employment Scheme shall include as a minimum:**

- a) An obligation to publicise all job vacancies in newspapers circulating in the locality. These newspapers shall be listed in the approved Local Employment Scheme;**
- b) An obligation to give reasonable notice of any job vacancies arising at the development to the Holyhead Job Centre and with employment support agencies such as MonCF (or any organisation which may be their successors).**

**The development shall thereafter be carried out in accordance with the Local Employment Scheme approved under the provisions of this condition and the use hereby permitted shall be operated and maintained in accordance with the approved Local Employment Scheme for the lifetime of the development.**

Reason: To ensure that the development benefits disadvantaged communities in affording employment opportunities and to safeguard and maintain the Welsh language and Culture.

**Prior to the commencement of development a Local Supply Chain Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Local Supply Chain Scheme shall include, as a minimum, the use of reasonable endeavours by the developer to maximise the use of materials and suppliers sourced from or located in North Wales in the construction of the development hereby approved.**

**The development shall thereafter be carried out in accordance with the Local Supply Chain Scheme approved under the provisions of this condition.**

Reason: To ensure that the economic benefits of the development accrue in the area where the development is located and to safeguard and maintain the Welsh language and Culture.

**The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan "CTMP". The CTMP shall include:**

- (i) The routing to and from the site of construction vehicles, plant and deliveries, including any Temporary Traffic Management Measures and Traffic Regulation Orders necessary to facilitate safe construction of the scheme including any advance, preparatory and demolition works;**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Identification of the routing strategy and procedures for the notification and conveyance of indivisible "out of gauge" loads. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal of street furniture;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for storage of plant and materials and the loading and unloading of plant and materials**
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**
- (ix) Proposals for communicating information and advance notice relating to the approved plan to the Council and other stakeholders;**

**The construction of the Development shall be completed in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety.

**The development hereby approved shall not be brought into operation until there has been submitted to and approved in writing by the Local Planning Authority, an Operational Phase Traffic Management Plan "OTMP". The OTMP shall include;**

**(i) The routing to and from the site of service and operational vehicles, plant and deliveries, including Traffic Management Measures necessary to facilitate safe operation, including any subsequent demolition or decommissioning of the development**

**(ii) The type size and weight of service and delivery vehicles to be used in connection with the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**

**(iii) The timing and frequency of service and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and access routes to the site including regard for sensitive receptors such as schools and network constraints;**

**(iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**

**(v) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The operation of the Development shall be carried out in accordance with the approved Plan.**

Reason: To ensure reasonable and proper control is exercised over traffic associated with the operation of the development in the interests of highway safety.

### **Informatives**

It will be necessary to submit a separate application for Conservation Area Consent. No development should commence until Conservation Area Consent is obtained.

This decision notice relates solely to the Town and Country Planning Act 1990 (as amended) and does not purport to grant any approval, which may be required under any separate legislative provisions or from any owners of land. You are also referred to the provisions of the Party Wall Act 1996 which requires that anyone intending to carry out work of the kinds described in the act **must** give the adjoining owners notice of their intentions in accord with the requirements of this act. It is brought to the attention of the applicants that the responsibility and subsequent liability for safe development rests with the developer and/or landowner.

The developer is advised that it would be appropriate to take full of the noise guidance and standards for achieving recommended noise standards for internal noise, as outlined in BS8233; 1987 Sound Insulation and Noise reduction for buildings . By taking regards to the relevant noise standards it will assist in mitigating any noise from the existing nearby transport related noise sources which include a highway, operational rail sidings and seaport operational activities. For more information please contact the council's Environmental Services.

It may be necessary to submit a separate applications under The Town and Country Planning (Control of Advertisements) Regulations 1992 for advertisements to be displayed on the site.

7.2

Gweddill y Ceisiadau

Remainder Applications

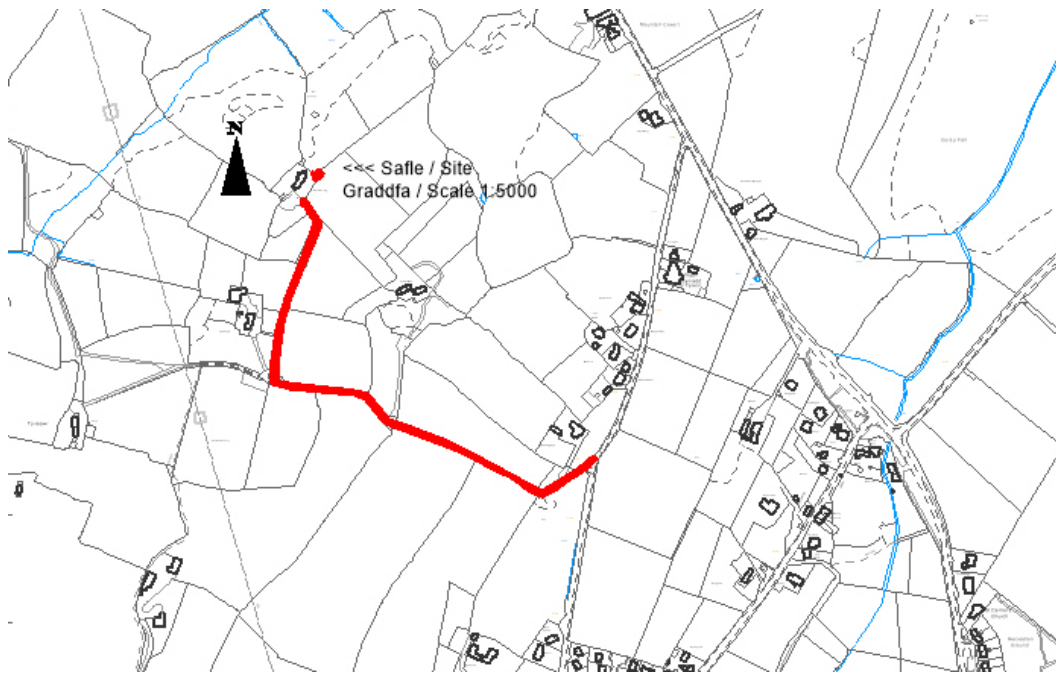
Rhif y Cais: **23C301C** Application Number

Ymgeisydd Applicant

**Mr & Mrs Boulderstone**

**Cais llawn ar gyfer newid defnydd adeilad allanol i anecs i defnydd llety gofalwr yn / Full application for conversion of outbuilding into an annex as carers accommodation at**

**Pen y Garreg, Talwrn**





**Planning Committee: 05/09/2018**

**Report of Head of Regulation and Economic Development Service (IWJ)**

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

At the request of Local Member Councillor Bob Parry OBE

At its meeting that was held on the 25<sup>th</sup> July, 2018 Members resolved to carry out a site visit prior to determining the application.

The site was visited on the 22<sup>nd</sup> August, 2018 and Members will now be familiar with the site and its setting.

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

The application is made for the conversion of an outbuilding into an annex for use as a carers accommodation required to assist an occupant of Pen y Garreg.

The proposed development is located west to the existing dwellinghouse. The site lies within the open countryside. The proposed two-storey unit would include both ground and first floor living areas.

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

The key issue is whether the proposal complies with relevant policies of the Joint Local Development Plan.

### **3. Main Policies**

#### **Joint Local Development Plan (JLDP)**

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PS5 – Sustainable Development

PS6 - Alleviating and Adapting to the Effects of Climate Change

TAI 7 – Conversion of Traditional Buildings in the Open Countryside to Residential Use

#### **Planning Policy Wales (9<sup>th</sup> Edition)**

**Technical Advice Note 6: Planning and Sustainable Rural Communities**

**Technical Advice Note 12: Design**

**SPG: Design Guide for the Urban and Rural Environment**

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

**Councillor Bob Parry OBE** –The Local Member has called the application to the Planning Committee for determination.

**Councillor Nicola Roberts** – No Response

**Councillor Dylan Rees** – No Response

**Community Council** – No Response

**Gwynedd Archaeological Planning Service** – No significant archaeological implications.

**Welsh Water** – No Objection

**Policy** – General policy comments relating to the application which have been set out within the main body of the report.

**Ecology** – Due to the building's condition protected species survey not required.

**Built Environment** – Rebuilding works required for conversion would be extensive and as such would be beyond the norm of what is acceptable without becoming in effect a new build in the open countryside. The layout of the proposal would suggest that it provides all the facilities expected of a detached self-contained unit rather than an annex.

**Landscape Officer** – The application site is not located within the Area of Outstanding Natural Beauty nor a Special Landscape Area.

**Local Highways Authority** – No Response

**Footpath Officer** – Public Footpath 23/019/1 is adjacent but should be unaffected by the proposed development.

#### **Response to publicity:**

The proposal was advertised with the posting of notifications to adjacent properties. Site notices have also been displayed near the application site. The expiration of the publicly period was the 6<sup>th</sup> July, 2018.

At the time of writing this report, no letters of representations were received as a result of the publicity afforded to the application.

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

23C301 – Conversion of building into a dwelling together with alterations and extension thereto at Pen y Garreg, Talwrn – Approved 02/12/2011

23C301A – Application to determine whether prior approval is required for the erection of an agricultural building for storage purposes on land at Pen y Garreg, Talwrn – Not Required 09/11/2011

23C301B - Full application for the conversion of outbuilding into annex for carer at Pen y Garreg, Talwrn – Refused 03/04/2018

#### **6. Main Planning Considerations**

Policy PCYFF1 states that outside the development boundaries development will be resisted unless it is in accordance with specific policies in the plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential. The development boundaries are essential to prohibit inappropriate development from being located in the countryside. The site lies outside development boundaries and is therefore in the countryside.

Policy PCYFF2 states that proposals shall demonstrate compliance with relevant policies of the plan and national planning policy and guidance.

Policy PCYFF3 states that proposals are expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Policy TAI 7 states that in the open countryside the conversion of traditional buildings for residential use will be permitted when all the following criteria are met:

- There is evidence that employment use of the building is not viable
  - The development provides an affordable unit for the community's local need for an affordable dwelling or the residential use is a subordinate element associated with a wider scheme for business re-use;
  - The structure is structurally sound
  - No extensive alterations are required to enable the development
- Any architectural characteristics of merit and traditional materials are retained and that the proposal does not lead to the loss of the original structure's character.

The applicant has not provided evidence that employment use of the building is not viable and the proposal is not intended to provide an affordable unit.

A residential annexe may be described as accommodation ancillary to a main dwelling within the residential curtilage and must be used for this purpose. It is acknowledged that an extension of a house or conversion of an outbuilding may provide an opportunity to accommodate a person clearly associated with the occupants of the principal dwelling house e.g. dependent relative or staff working for the residents of the principal dwelling. The layout, design and physical relationship between the house and the proposed annexe will be important considerations, as will the size and scale of the accommodation to be provided. This is because the Local Planning Authority must avoid consenting a new house in the countryside at the outset and to reduce/ avoid a risk of the annexe becoming a self-contained dwelling, separate and apart from the original dwelling house. This is of particular importance because the site is located in open countryside.

It is noted that the proposed annexe has no link to the main house. Whilst there is no requirement for an annexe to form an extension to the main house, its functional relationship with the main dwelling is of particular relevance.

It is noted that the occupier (the carer) will only be employed on a part-time basis. This raises the issue as to whether there is a need for permanent accommodation for the carer, i.e. that the carer can't live in an existing property in a nearby settlement.

The existing building appears to be in very poor condition. However, although the accompanying structural report suggests that the building is not beyond the scope of conversion albeit some walls would require underpinning and rebuilding, it is considered the rebuilding work required for conversion would be extensive.

The extent of structural works required for conversion is beyond the norm of what is acceptable without becoming in effect a new build in the open countryside.

The proposed unit includes facilities for independent day-to-day private domestic existence. It is therefore considered the extent of the proposed living accommodation provided and detached nature of the building does not appear to adhere to the definition of an annex.

The layout of the proposed annex suggests that it provides all the facilities expected of a detached self-contained property as opposed to providing an ancillary function to the main property.

## **7. Conclusion**

Although it is acknowledged several letters of support have been submitted with the application, the existing masonry which exists is not sufficient to lend itself to a conversion. Extensive new build will be required far beyond that which could be considered acceptable under local and national planning policy. As such it is considered that the proposal is for a new dwelling.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under

section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **8. Recommendation**

To **refuse** the application for the reasons below:

(01) The proposal by virtue of its siting and the level of accommodation to be provided can be likened to an independent unit of living accommodation located in the open countryside for which no rural enterprise justification has been submitted as such it is contrary to the provisions of policy PCYFF1 and PCYFF2 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017), the requirements of Technical Advice Note 6 and provisions of Planning Policy Wales (9th Edition)

(02) The proposals cannot be considered as a conversion due to the extensive works required furthermore it has not been proven that an employment use is not viable and the proposal does not relate to an affordable unit for local need, the proposal is hence contrary to the provisions of policy TAI7 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017) and the advice contained in SPG Design Guide for the Urban and Rural Environment.

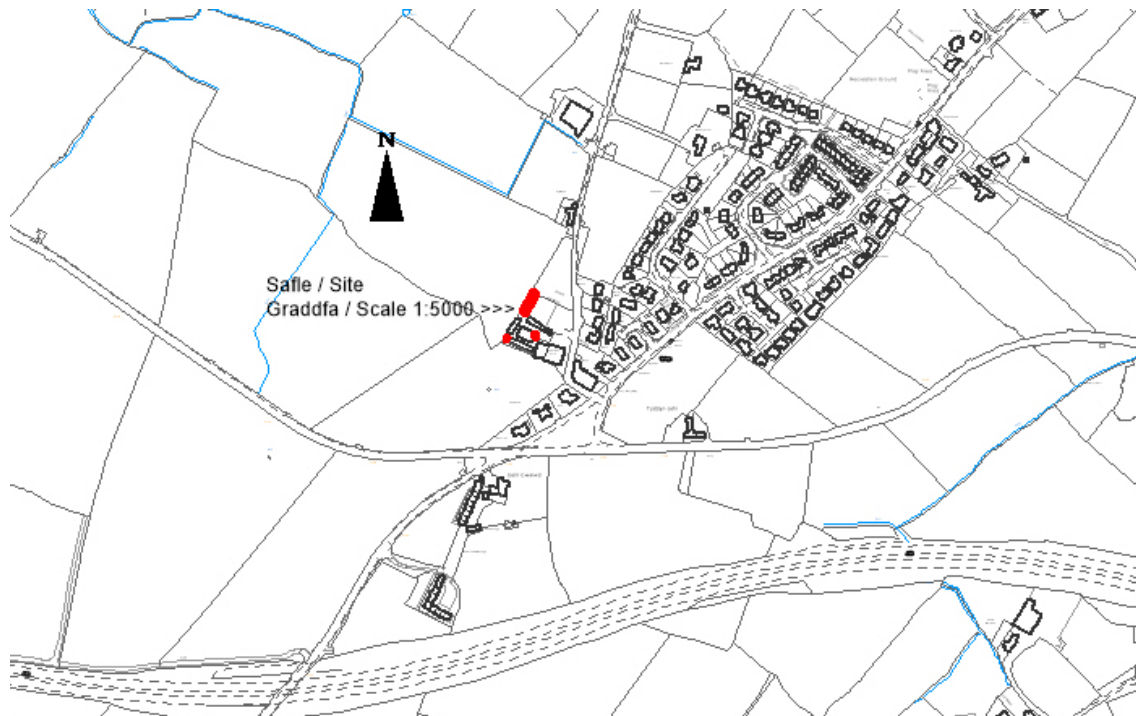
Rhif y Cais: **36C193P/ENF** Application Number

Ymgeisydd Applicant

**Mr Geraint Williams**

**Cais llawn ar gyfer cadw dau o gynwysyddion storio ynghyd â lleoli 10 o gynwysyddion storio ychwanegol ar dir yn / Full application for the retention of two storage containers together with the siting of 10 additional storage containers on land at**

**Cefn Uchaf, Rhostrehwfa**



**Planning Committee: 05/09/2018**

**Report of Head of Regulation and Economic Development Service (SCR)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

At the request of the Local Member.

At its meeting that was held on the 25<sup>th</sup> July, 2018 Members resolved to carry out a site visit prior to determining the application.

The site was visited on the 22<sup>nd</sup> August, 2018 and Members will now be familiar with the site and its setting.

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

The proposal is to retain two additional containers within the existing container compound together with the siting of 10 additional containers on the neighbouring land, making a total of 73 containers

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

The main planning issues associated with the proposed development are whether the proposal complies with current policies and whether the development will have a detrimental impact on the amenities of the surrounding properties and locality.

### **3. Main Policies**

#### **Joint Local Development Plan**

Policy PCYFF3 – Design and Place Shaping

Policy PCYFF4 – Design and Landscaping

Policy CYF6 – Reuse and Conversion of Rural Buildings, Use of Residential Properties or New Build for Business/Industrial Use

Policy TRA2 – Parking Standards

Planning Policy Wales (9<sup>th</sup> Edition, 2016)

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

Technical Advice Note 12 – Design (2016)

Technical Advice Note 23 – Economic Development (2014)

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

Community Council – Do not agree with the location due to the close proximity with the neighbouring properties

**Local Member, Cllr. Dafydd Roberts** – Call-in due to local concerns regarding the extension of the site

**Local Member, Cllr E W Jones** – No response to date

**Drainage Section** – No response to date

**Highway Authority** – No comments

**Environmental Health** – Standard comments and requested further information regarding the proposed lighting scheme. Following receipt of the proposed security lighting confirmed there was no objection provided that the lighting arrangements do not give rise to statutory nuisance and referred the applicant to 'Guidance Notes for the Reduction of Obtrusive light' for the applicants

The application was afforded two means of publicity. These were by the posting of a notice near the site and the serving of personal notification letters on the occupiers of the neighbouring property. The latest date for the receipt of representations was the 4<sup>th</sup> June, 2018 and at the time of writing this report two letters of representation had been received at the department from the owners of four neighbouring properties. The main issues raised can be summarised as follows;

- i) Conflicts with Policy 6.8 of the Joint Local Development Plan as the development will have a serious impact on the neighbouring properties standard of living by way of overlooking, loss of privacy, noise nuisance and visually overbearing.
- ii) Proposal is unsympathetic to the appearance and character of the local environment and will have a harmful impact on the open, rural and undeveloped character.
- iii) Highway safety – potential conflicts between pedestrian, cyclist and vehicular movements and vehicles overhanging the adopted highway and insufficient parking spaces..
- iv). Site is located in a predominantly residential area and will be an un-neighbourly form of development.
- v) No landscaping proposed as part of the development
- vi) Access to the existing containers is advertised as being 24/7 and this will have impact on the amenities of the neighbouring properties

Other issues were raised that are not material planning considerations.

In response to the issues raised I would respond as follows;

i) It is not considered that the retention of the two additional units, which amounts to a 4% increase in the total numbers, within the existing container compound will have an adverse effect on the occupants of the neighbouring properties. The 10 additional containers that are to be situated in the former car parking area and along the boundary of the site with the adjoining field will not have an adverse impact on the amenities currently enjoyed by the occupants of the nearby properties. The additional containers will be located more than 46 metres away from the boundary of the car park with the adjoining highway (at its shortest point). As the proposed containers will be located on a lower ground level than the adjoining properties and set further back into the site towards the agricultural field the proposal will not have a detrimental visual impact on the surrounding properties or surrounding area. The containers will be located on part of the existing car park and the change of use of the land from a car park to a container compound will not harm the amenities currently enjoyed by the occupants of the surrounding properties to such a degree as to warrant the refusal of the application.

Due to the difference in levels of land between the application site and adjoining properties the proposal will not result in overlooking to the adjoining properties. As the land is currently used as a car park it is not considered that the development will generate additional noise nuisance that would have a detrimental impact on the surrounding properties to such a degree to justify the refusal of the application.

ii) The site is located next to four industrial units and to the south of the application site lies the existing storage container compound. To the south east of the application site lies the local public house. As part of planning application reference 36C193L to site 9 additional containers on the middle section of the car park fencing were proposed to the rear of the containers (along the boundary of the application site with the adjoining (front section) car park and landscaping was proposed along the boundary of the site with the adjoining agricultural land. Due to the existing commercial use of the adjoining land and the proposed fencing and landscaping it is not considered

that the proposal will be out of character with the surrounding area or have a detrimental impact on the surrounding landscape.

iii) The existing access which serves the existing site will serve the proposed development. The Highway Authority have been consulted and have raised no objection to the scheme.

iv) Whilst it is acknowledged that 4 residential properties are located immediately opposite the application site as stated above the adjoining land has an established commercial use and due to the former use of the land it is not considered that the development will be an un-neighbourly form of development.

v) As stated above fencing and landscaping works were required as part of planning application reference 36C193L. The proposed site plan submitted as part of the current application illustrated the number and type of fencing and landscaping proposed along the boundary of the site.

vi) Conditions imposed on the previously approved application restricted access to the site outside the hours of 7.00 am to 9.00 pm. This matter will now be the subject of further investigation and should a breach be identified the matter will be dealt with accordingly.

## **5. Relevant Planning History**

36C193: Conversion of outbuilding into a conference room and community workshop, erection of 6 new community workshop units and the installation of a new septic tank at Tafarn y Rhos, Rhostrehwfa – Approved 7/1/02

36C193A - Demolition of the existing hall and the erection of a replacement conference facility, conversion of the existing outbuilding to form part of the facility together with alterations to the existing access – Refused 15/12/03

36C193B - Full plans for the erection of a lean-to agricultural implement shed on land at Cefn Uchaf, Rhostrehwfa – Approved 1/5/03

36C193C - Change of use of agricultural building to a children's play centre at Cefn Uchaf, Rhostrehwfa - Approved 20/05/2010 - Section 106 18/05/2010

36C193D/ECON - Change of use of part of the agricultural building into 4 number industrial units at Cefn Uchaf, Rhostrehwfa – concurrent application – Approved 27/05/2010 – Section 106 18/05/2010

36C193E - Full application for the siting of 10 no. storage containers at Cefn Uchaf, Rhostrehwfa – Approved 19/05/2010

36C193F – Full application for the siting of 10 no. storage containers at Cefn Uchaf, Rhostrehwfa – Approved 23/06/2010

36C193G/AD – Erection of 3 signs at Cefn Uchaf, Rhostrehwfa – Approved 24/06/2010

36C193H – Full application for the siting of 15 additional containers at Cefn Uchaf, Rhostrehwfa – Approved 05/04/2012

36C193J – Full application for the retention of 7 container units together with the siting of an additional 10 container units for storage purposes at Anglesy Self Storage, Rhostrehwfa – Approved 28/11/2014

36C193K/DEL – Application under Section 73 for the removal of condition (12) (operating days and times) from planning permission reference 36C193D/ECON (change of use of part of the agricultural building into 4 industrial units) at Cefn Uchaf, Rhostrehwfa – Withdrawn 17/03/2017

36C193L - Full application for the siting of nine additional containers at Cefn Uchaf, Rhostrehwfa – Approved 26/02/2018



36C193M/VAR - Application under Section 73 for the variation of condition (12) (operating days and times) from planning permission reference 36C193D/ECON (change of use of part of the agricultural building into 4 industrial units) so as to allow change of hours of operation at Cefn Uchaf, Rhostrehwfa – Refused 20/02/2018

36C193N/VAR - Application under Section 73 for the removal of condition (14) (No retailing shall take place from the premises) from planning permission reference 36C193D/ECON (change of use of part of the agricultural building into 4 no. industrial units) at Cefn Uchaf, Rhostrehwfa – Approved 05/03/2018

## **6. Main Planning Considerations**

**Policy Context** - Policy PCYFF 3 requires that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Innovative and energy efficient design will be particularly encouraged. In respect of this application, the proposal includes a landscaping scheme which will ensure that the proposal does not have a detrimental impact on the surrounding area. The scheme is similar to the existing use on the adjoining land.

Policy PCYFF 4 requires that all proposals should integrate into their surroundings. Proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused. In respect of this proposed development, consideration has been given to the harm that the proposal may have on the surrounding area and the proposed screening and landscaping details submitted as part of the application will ensure that the development will not have a detrimental impact on the surrounding area. Due to the existing commercial use of the adjoining buildings and land the proposal is considered acceptable.

Policy CYF6 is supportive of proposals for business/industrial use in rural areas provided that the scale and nature of the development is acceptable and that the development would not lead to a use that conflicts with nearby uses. Paragraph 7.3.2 of Planning Policy Wales supports the principle of Policy CYF6 and states that:-

“The expansion of existing businesses located in the open countryside should be supported provided that are no unacceptable impacts on local amenity”.

Policy TRA 2 aims to ensure that suitable parking provision is made for all new development. In this regard, the policy requires that parking provision be met by means of compliance with the adopted Supplementary Planning Guidance – Parking Standards. As stated above the Highway Authority have been consulted and have raised no objection to the proposal.

Impact on surrounding properties and surrounding area - The site lies next to the existing storage container compound and to the rear of the 9 additional containers that were approved under planning application reference 36C193L although these containers have not been placed on the site to date. Four commercial units are situated to the front of the existing storage container compound and the local public house is located opposite the highway (to the south east) and the application site forms part of the existing large car park. As stated above the front of the additional containers on the former car park will be located to the rear of the previously approved 9 container and are situated more than 46 metres away from the boundary of the adjoining car park with the Highway. The two containers which are to be retained within the existing compound will have no impact on the neighbouring properties due to the existing number of containers on the site.

The issues raised by members of the public following the publicity of the application have been addressed in the Consultation and Publicity Section above.

## **7. Conclusion**

The development complies with current local and national policies. Due to the existing use of the application site and surrounding land the proposed development will not have a detrimental impact on the amenities of the surrounding properties or surrounding landscape.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **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 landscaping scheme as detailed on drawing number 1469:18:3a shall be planted within 10 months of the commencement of the use hereby permitted. The said trees and shrubs shall be maintained for a period of ten years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.**

Reason: In the interest of visual and residential amenity.

**(03) The timber fence as detailed on drawing number 1469:18:3a shall be installed prior to the use hereby permitted is commenced. The fencing shall not be removed at any time and if the screening needs to be replaced/changed for whatever reason the replacement shall be of the same height and type and in the same position.**

Reason: In the interest of residential amenity

**(04) The use shall not be carried out outside the hours of 7.00am to 9.00pm Monday to Saturday and 10.00 am to 5.00 pm Sunday.**

Reason: In the interest of residential amenity

**(05) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:**

Drawing / Document number	Date Received	Plan Description
1469:18:2(a)	11/06/2018	Existing site plan
1469:18:1	02/05/2018	Location plan
Lighting details	11/06/2018	Lighting details
Container details	02/05/2018	Container details
1469:18:3(a)	12/06/2018	Proposed site plan

under planning application reference 36C193P/ENF.

**Reason: For the avoidance of doubt.**

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.

7.4

Gweddill y Ceisiadau

Remainder Applications

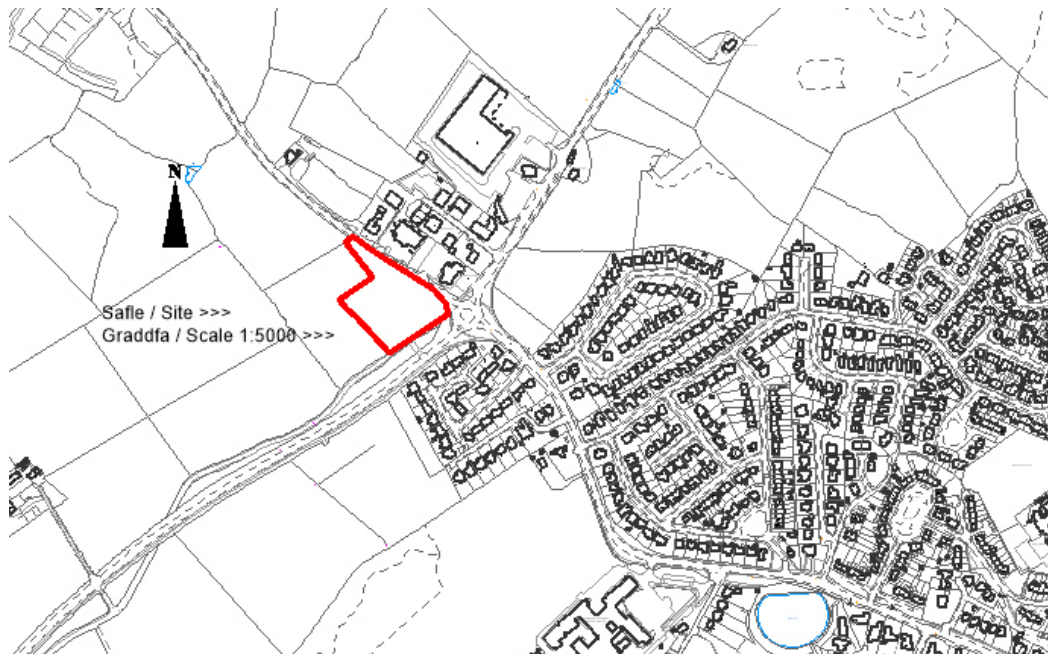
Rhif y Cais: **39LPA1046/CC** Application Number

Ymgeisydd Applicant

**Cyngor Sir Ynys Môn**

**Cais llawn ar gyfer creu cyfleuster Parcio a Theithio ynghyd a chreu mynedfa newydd i gerbydau â datblygiad cysylltiedig ar dir ger / Full application for the formation of a Park and Ride facility together with the construction of a new vehicular access and associated development at**

**Ty Tafarn Four Crosses Public House, Porthaethwy/Menai Bridge**



**Planning Committee: 05/09/2018**

**Report of Head of Regulation and Economic Development Service (IWJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application is submitted by Anglesey County Council it is therefore presented to the Planning and Orders Committee for determination.

The Committee members will be fully familiar with the application following the site visit on the 22<sup>nd</sup> August, 2018.

**1. Proposal and Site**

The application is for the construction of a Park and Share facility including the creation of a new vehicular access together with associated development at Four Crosses, Menai Bridge.

The land is currently used for agricultural grazing which has an approximate area of 0.86 hectares. The application site area is 0.75 hectares of the field enclosure, covering the northern part of the site.

The Park and Share complex will accommodate 109 vehicles including 96 car parking spaces, 7 disabled and 6 motorcycle spaces. The site also has a bus stop, provision for pedestrians and cyclists together with an attenuation pond. The site will be accessible from the north via the B5420 Penmynydd Road. Surface water will be disposed by a sustainable urban drainage and soakaways systems.

The proposal does not form a direct link to the Integrated Traffic and Transport Strategy (ITTS) in respect of the Wylfa Newydd project. The ITTS is Horizon's own transport strategy for the construction of Wylfa Newydd which sets out how Horizon propose to transport all goods / materials and workforce to the site during the construction period.

The application is however a stand-alone application submitted by Anglesey County Council in an effort to mitigate the potential risk of fly parking during the construction of the Wylfa Newydd Nuclear Power Station. Following this period the proposed development will be used by members of the public as part of a legacy use.

**2. Key Issue(s)**

Whether or not the proposal complies with local and national policies and can be justified in this location, whether the proposal will have an impact upon the neighbouring properties, amenity of the area and highway safety.

**3. Main Policies**

**Joint Local Development Plan (JLDP)**

PCYFF 1: Development Boundaries  
PCYFF 2: Development Criteria  
PCYFF 3: Design and Place Shaping  
PCYFF 4: Design and Landscaping  
PCYFF 5: Carbon Management  
PCYFF 6: Water Conservation  
PS 12: Wylfa Newydd – Park and Ride and Park and Share Facilities  
PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
AMG1: Area of Outstanding Natural Beauty Management Plans

AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character  
AMG 5: Local Biodiversity Conservation  
PS 20: Preserving and where appropriate enhancing heritage assets  
AT 4: Protection of Non-Designated Archaeological Sites and their Settings  
PS 1: Welsh Language and Culture  
PS 2: Infrastructure and Developer Contributions  
ISA 1: Infrastructure Provision  
PS 4: Sustainable Transport, Development and Accessibility  
TRA 1: Transport Network Developments  
TRA 2: Parking Standards  
TRA 4: Managing Transport Impacts  
PS 5: Sustainable Development  
PS 6: Alleviating and Adapting to the Effects of Climate Change

Planning Policy Wales (Edition 9, November 2016)

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

Technical Advice Note (TAN) 12: Design (2016)

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

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Technical Advice Note (TAN) 23: Economic Development (2014)

IOCC Design Guide for the urban and Rural Environment (2008) "SPG Design Guide"

New Nuclear Build at Wylfa: Supplementary Planning Guidance "SPG Wylfa".

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

**Councillor Robin Wyn Williams** – No Response

**Councillor Alun Wyn Mummery** – No Response

**Councillor Meirion Jones** – No Response

**Town Council** – No Observations

**Environmental Health** – Conditional Approval

**Footpath** – No Objection

**Local Highways Authority** – Conditional Approval

**Welsh Government Trunk Road** – No Objection

**Drainage** – Drainage details are satisfactory in principle.

**Welsh Water** – No Objection

**Gwynedd Archaeological Planning Service** – Conditional Approval

**Ecological and Environmental Adviser** – The measures stated within the Ecology Report along with the attenuation pond will lead to a biodiversity gain. A condition is requested regarding the report.

**Natural Resources for Wales** – No Objection

**Landscape Adviser** - No objection subject to a condition detailing the planting scheme and to require submission, agreement, implementation and retention of a scheme.

**Joint Local Planning Policy Unit** – General policy comments, in particular to policies TRA1, PS9 and PS12 of the JLDP.

### **Response to publicity:**

The proposal has been afforded two means of publicity. These included the posting of notifications to adjacent properties and the erection of site notices. The expiration of the publicity period was the 30<sup>th</sup> June, 2018.

At the time of writing this report eight letters of representations have been received by the department. The points raised are summarised below:

- Concern regarding increased traffic and highway safety.
- Application site is located within the open countryside and contrary to planning policy.
- No demand for an additional park and share within the area. The proposed development is situated in the incorrect location.
- Loss in value of nearby properties.
- The proposed development would effect nearby properties including residential amenity.
- Impact upon the visual landscape of the area.

In response to the points raised above, the department comment as follows:

- The aim of the proposal is to mitigate the potential risk of fly parking during the construction of the Wylfa Newydd Nuclear Power Station. The Local Highway Authority have assessed the application and raised no objection to the proposal.
- The principle of development together with planning policy will be assessed later within the report.
- The applicant has undertaken an assessment which has identified the parking demand across different regions of Anglesey. The assessment has identified a demand for 378 parking spaces for the south part of the island.
- Property value is not a material consideration.
- The effect upon the landscape and neighbouring residential properties are assessed later within the report.

## **5. Relevant Planning History**

No Planning History

## **6. Main Planning Considerations**

### **Policy Considerations**

The application site lies outside but adjacent to the development boundary of Menai Bridge which is classified as a Local Service Centre within the JLDP. The site is not allocated for a specific use within the development plan.

Criterion 2 (v.) in Policy TRA 1 'Transport Network Developments' provides support for facilities for park and share in appropriate locations within or adjacent to settlements on the strategic highway network provided the scheme conforms to relevant policies in the Plan.

Paragraph 6.1.48 in the Explanation to Policy TRA 1 states that the Councils will work with the promoter of the Wylfa Newydd project to develop an appropriate scheme of transport solutions to mitigate the effects of the construction and operation of the new power station. One such solution listed within this paragraph are the development of park and ride schemes.

Criterion (10) in Policy PS 9 'Wylfa Newydd and Related Development' refers to Community Infrastructure Facilities and park and share facilities are identified as an example of development considered. The criterion states that where feasible such facilities should be sited and designed so that they can be made available for the community use during the construction phase as well as

providing a legacy use. Notwithstanding this fact, the proposal seeks to use the site only for Wylfa Newydd construction works during this period and thereafter for member of the public.

The Local Authority propose to regulate the use of the site for Wylfa construction workers by a permit system whereby permits would be provided to the workforce. The site would then be sign posted as being available to the designated permit holders, with regular monitoring by wardens to ensure compliance.

The proposal is being developed by the Council to establish a network of park and share facilities to lessen / control the impact on traffic flows during the construction of Wylfa Newydd and therefore regard is given also to criterion (15) within Policy PS 9 which refers to the legacy use of the site.

There is also a strong emphasis in the New Nuclear Build at Wylfa: Supplementary Planning Guidance on promoting legacy use after the Wylfa Newydd construction period and consideration is given to whether a park and share of this scale would be required in this location following this period.

In this instance, the proposal seeks to be initially used for workers associated with Wylfa Newydd. Following its completion the site will be used by the local community as part of a legacy use.

The applicant has undertaken an assessment which has identified the parking demand across different regions of Anglesey. The assessment has identified a demand for 378 parking spaces for the south part of the island directly related to Wylfa Newydd. The proposal will accommodate 109 parking spaces.

Policy PS 12 'Wylfa Newydd – Park and Ride and Park and Share Facilities' states that compliance where appropriate is required with the criteria within the Policy. Criterion (1) (i) states that the site should be located within or adjacent to development boundaries of Centres located along or close to the A5/A55. The second criterion states that proposals should make provision for new and enhancement of existing pedestrian and cycle paths and improvement to public transport services. The third criterion seeks to ensure that there are appropriate mechanisms in place to mitigate negative impacts of the proposed development on the amenity of local communities.

As previously noted, the application site is located adjacent to the development boundary of Menai Bridge. The application site is also in a location which is deemed as being on the strategic highway network located adjoining the Penmynydd Road B5420 and within close proximity to the A5025, A5 and A55.

A new footway is proposed as part of the application which will link to an existing footway along with a nearby cycle route. The application site is therefore considered in a sustainable location which also promotes sustainable means of transport. Landscaping is proposed as part of the application which will assist in mitigating the visual impact and impact from nearby residential properties. The impact upon neighbouring area and properties will be assessed later within the report.

### **Visual Amenity:**

The site is not located within the Area of Outstanding Natural Beauty (AONB) or within its setting, or in a Special Landscape Area (SLA). It is screened to the south by hedges and strip of woodland, enclosing the former highway. There are some views of the site on the approach from Pentraeth in the context of other built development, and on the approach from Llangefni where there are longer open views to the site and beyond. Closer to the site, the built context of the local area becomes more apparent.

The site is located within Landscape Character Area 12 – East Central Anglesey which serves as a buffer to the AONB and the LCA.

The landscape plan included within the application indicates the areas to be planted and the native species to be used as a means to enclose the site to public views and provide a buffer with agricultural land.

Although the landscape plan does not contain full planting details (which could be conditioned as part of any approval) the proposal generally complies with relevant development plan policies.

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

Residential properties are located to the east across the adjoining cycle track and A5205 highway. A residential dwelling is also located to the north of the site along with industrial units and a public house.

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

During the constriction phase of Wylfa Newydd, it is estimated there will be 70% of workers on the day shift and 30% of workers on the night shift during peak constriction. The start and end of each shift will be staggered to spread the arrival and departure of workers. In the morning, start times will be 07:00, 07:30 and 8:00. In the evening start times are 16:30, 17:00 and 17:30. Each shift will last 10.5 hours. Given the number of these staggered shift patters, the site will be used for majority of the day on a 24 hour basis.

Due to shift patters it is estimated that traffic movement will occur by peaks and troughs, rather than gradually throughout the day. However, given the number of these staggered shift patters, the site will be used on a 24 hour basis.

Following this period, the site regulated by the Authority and used by members of the public between 8:00 and 18:00 hours.

A Noise Impact Assessment has been submitted with the application which concludes that the proposed development will not have a detrimental adverse noise impact upon the locality. The Environmental Health department have assed the application and have not raised an objection to the proposal.

There is a distance of approximately 40 meters between the application site and the nearest dwelling located at the east of the site. Due to these distances, dense existing hedgerow located at the eastern boundary and further proposed landscaping together with the position of the main highway (A5025) located between the application site and the residential properties it is not considered that proposed development will effect the amenities of neighbouring residential amenity to such a degree to warrant refusal of the application.

A residential dwellinghouse (known as Delfryn) is also located to the north of the site. The property is located across the B5420 highway between a commercial unit and agricultural land. The dwelling is located approximately 21 meters from the application site, has windows overlooking the application site and is situated on a slightly higher level that the adjoining highway.

The location of the proposed new access to the site is located directly opposite the commercial unit to the east of Delfryn. Screening in terms of vegetation is proposed near the access to the site in an effort to mitigate the effects from the proposed development upon the amenities of the residential unit.

Although the proposed development may have some effect such as noise, light, and general disturbance (including engines, car door slams headlights and pedestrian / vehicles accessing / egressing the car park) upon the amenity of Delfryn, due to other nearby existing land uses, the distance and juxtaposition between the application site and Delfryn together the alignment / position of the proposed access, it is not considered that this would result in an unacceptable harm to its residential amenity, in particular to vehicles movement and associated headlights.. A condition will be attached to any approval requesting that the details of street lighting is agreed by the department in order to safeguard surrounding properties and the amenity of the area.



## Local Highway Authority:

The Local Highway Authority have assessed the proposal and are satisfied with the proposal subject to conditions. The site is considered to be in a sustainable location, located close to the National Cycle Network and will also incorporate a bus service from the site.

## 7. Conclusion

Following consideration of the relevant policy framework, the principle of the development aligns with the current Development Plan.

The proposal will mitigate against the potential risk of fly parking during the construction of the Wylfa Newydd Nuclear Power Station to the benefit of residents in the close vicinity by minimising the risk of fly parking and highway safety. The proposal promotes sustainable means of transport and will leave a legacy use.

The amenities of the area and neighbouring properties have been taken into account, however it is not considered that the proposed development will harm the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

The application will be subject to a Section 106 agreement which will ensure the permission is not implemented if Wylfa Newydd is not developed.

In addition, the proposal is acceptable in technical terms and there will be no harm to highway safety subject to conditions.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

## 8. Recommendation

To **approve** the application subject to a section 106 and the following conditions:

**(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 development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted and as required to be approved under the conditions imposed below under planning application reference 39LPA1046/CC**

Drawing/ Document Number	Date Received	Plan Description
6168/LP/001	25/06/2018	Location Plan
6168/GA/101	12/07/2018	Proposed Site Plan
6168/GA/103	25/06/2018	General Arrangement / Car Charging Points
6168/GA/104	25/06/2018	General Arrangement / Cross Section
6168/GA/102	25/06/2018	General Arrangement / Cross Section
	02/08/2018	Ecology Report
	25/06/2018	Design and Access

	25/06/2018	Archaeological Survey
	25/06/2018	Geotechnical Desk Study
	25/06/2018	Noise Impact Assessment
	25/06/2018	Strategic Case for Locating of Park and Share Facilities
	25/06/2018	SWOT Analysis
	25/06/2018	Traffic Management Pan
	25/06/2018	Drainage Strategy

Reason: For the avoidance of doubt.

**(03) The development shall be constructed in accordance with the recommendation contained within the YGC Ecology Report submitted on the 02/08/2018.**

Reason: To ensure that any protected species is safeguarded.

**(04) Notwithstanding the landscaping scheme (reference number 618/GA/101) received on the 12/07/2018, the site shall be landscaped and trees and shrubs shall be planted in accordance with a scheme to be agreed in writing with the Local Planning Authority before any development commences. The planting and landscaping works shall be carried out in full to the satisfaction of the Local Planning Authority during the first planting season following the completion of the development. The said trees and shrubs shall be retained for the lifetime of the development. Any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.**

Reason: In the interest of visual and residential amenity.

**(05) No development (including demolition, site clearance, topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details. b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within twelve months of the completion of the archaeological fieldwork.**

Reasons:

1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

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

**(06) No development shall commence until the written approval of the local planning authority has been obtained in relation to a full comprehensive traffic management scheme including:**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**

**(vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**  
**(vii) The arrangements for loading and unloading and the storage of plant and materials;**  
**(viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**  
**the works shall be carried out strictly in accordance with the approved details.**

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

**(07) Full details of all external lighting proposed to be used on the development shall be submitted to an approved in writing by the Local Planning Authority before building or other operations start. Such details shall include the following:**

- **That all lights shall be directed onto the application site only and not onto any surrounding land or properties.**
- **Full details of all lights including luminaire, lamp, beam widths and any anti-glare hoods to be used.**
- **A report on any light spillage (including lux levels) onto any surrounding land or properties arising from the external lighting proposed.**

**No external lighting other than that approved under this condition shall be used on the development. The external lighting approved shall be installed in strict accordance with the details approved in writing by the Local Planning Authority.**

Reason To safeguard the amenities of occupants of the surrounding properties.

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

Reason: In the interest of amenity

**(09) The access shall be laid out and constructed strictly in accordance with the submitted plan (drawing reference number 6168/GA/101) before the use hereby permitted is commenced 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 Local Highway Authority.

**(10) The footway shall be completed as per the approved plans (drawing reference number 6168/GA/101) before the use hereby approved commences.**

Reason: To comply with the requirements of the Local Highway Authority.

**(11) Prior to the commencement of the use hereby approved a site management plan for the regulation and control of vehicles shall be submitted to and approved in writing with the Local Planning Authority. The site shall be used in accordance with the approved details.**

Reason: To ensure that the site is used in accordance with the permission.

7.5

Gweddill y Ceisiadau

Remainder Applications

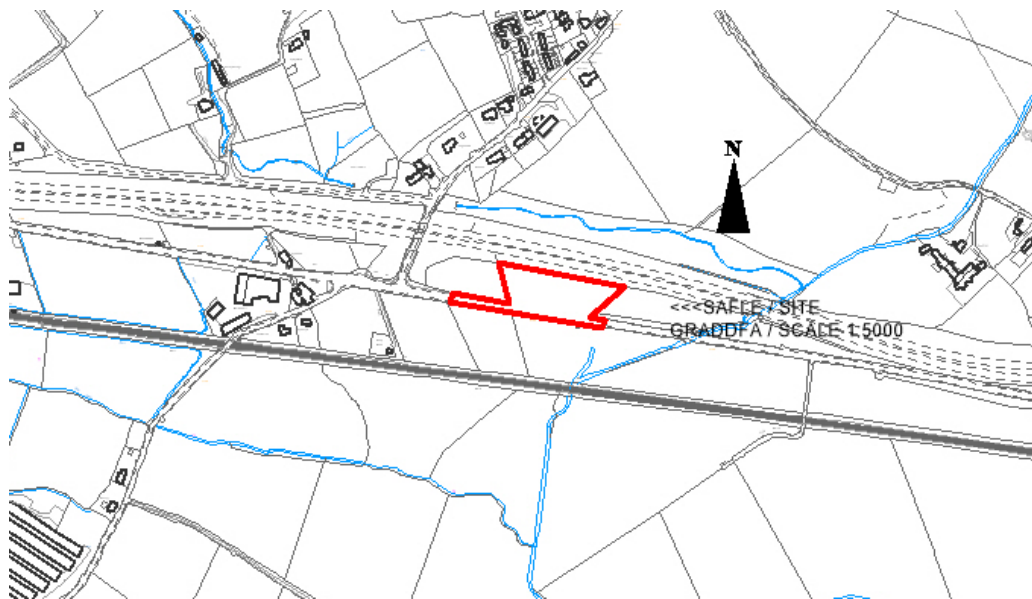
Rhif y Cais: 41LPA1041/FR/TR/CC Application Number

Ymgeisydd Applicant

Cyngor Sir Ynys Môn

Cais llawn ar gyfer newid defnydd tir amaethyddol i'w ddefnyddio fel man stopio dros dro (10 llecyn) ar gyfer Sipsiwn a Theithwyr, creu mynedfa gerbydau newydd, ffurfio mynedfa newydd i gerddwyr a phafin ynghyd â datblygiadau cysylltiedig ar dir i'r Dwyrain o / Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of

Star Crossroad, Star



**Planning Committee: 05/09/2018**

**Report of Head of Regulation and Economic Development Service (DFJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application has been submitted by the Isle of Anglesey County Council (Housing Services). Under the Council's present scheme of delegation it is required that the matter of this application be referred for determination to the Planning and Orders Committee, based on the following 3 grounds.

1. The applicant is a department within the Isle of Anglesey County Council, in this case Housing Services;
2. Councillors Robin Wyn Williams, R. Meirion Jones and Alun Mummery, in their consultation responses, have requested that the application be heard and determined by the Planning and Orders Committee; and
3. As a result of the number of 3<sup>rd</sup> party representations stating objection to the proposed development.

At the meeting on the 25/07/2018 members resolved to visit the site. The site visit took place on the 22/08/2018 and Members will now be familiar with the site and its setting.

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

The application site, which extends to 0.88 Ha, is classed under the Joint Local Development Plan (JLDP) as open countryside. It is identifiable as a narrow strip of land physically constrained by the A55 North Wales Expressway (to the north/rear) and the A5 Holyhead Road (to the south/front), with the rail line of the North Wales Coast Line located further south beyond the A5 carriageway c. 100m distant, the Star road immediately to the west and further agricultural fields to the east toward the direction of Llanfairpwll. It is an area of undeveloped rural/agricultural land which has been separated from the larger field enclosure to the north by the construction of the A55. Uncut and overgrown hedges, have grown into the site and adjoining enclosures, to the west and east.

The site is located c.70m to the south of Star, at the other side of the A55, which acts as a physical barrier between the site and Star. Star however is notably the closest rural settlement. Further distant to the east along the A5 (c. 1.08 km) is Llanfairpwll; the larger of the two local communities.

The description of development reads *"The proposed development is for a temporary stopping place for Gypsies and Travellers on an area of rough grassland between the A5 and the A55. The site will accommodate 10No caravans and towing vehicles on hard standing pitches. The site will be enclosed by fencing and a new site access provided off the A5."*

Following consultation, and the subsequent refinement of the scheme in order to meet servicing and operational requirements, provision of utilities, site security considerations and access arrangements, the proposal comprises:

- Secure boundary fence and lockable gate;
- Planting strip of evergreen hedge along the southern verge boundary;
- Area measures approximately 38 x 110 metres with a total site area of 0.88 hectares or 8,800 square metres or 2.17 acres;
- Access off the A5 east of the Star junction - visibility splays accepted by Isle of Anglesey County Council's (IACC) Highways Department;
- Footpath provided from Star junction to site entrance for access to Bus Stop;

- Provision of serviced pitches 10 No. temporary pitches - min spacing of 7 metres between bays – spacing approved by IACC;
- Bays designed for large caravans to future proof capacity and to accommodate wide range of vehicles;
- Portakabin toilets and shower facilities provided for each pitch including disabled WC connected to mains sewer – hired on and off as required;
- Waste water discharge points and chemical toilet waste disposal points;
- Acoustic barrier fencing to reduce noise levels from A55;
- Security Fencing along frontage of A5;
- Sliding gates with lockable mechanism;
- LED lighting on 4.5 metre high lamp posts – lighting general circulation area only;
- Electricity and water supply to each pitch;
- Provision of fire points (two fire extinguishers in secure container); and
- Informal amenity area fenced defined by bow top fencing.

## 2. Key Issue(s)

The key issue in the assessment of this application is the acceptability of the proposed development in principle and compliance with the JLDP. Specifically, the development must comply with the JLDP in respect of:

- Site location and suitability for development in principle;
- Highway, parking and safety considerations;
- Detailed technical considerations (drainage, landscape, ecology);
- Design and appearance; and
- Impact on residential and local amenity.

In addition, weight must be given to any other material considerations. In this case the additional material considerations comprise:

- Relevant national planning policy and advice;
- Local adopted supplementary planning guidance'
- The content of the letters of representation; and
- The responses from consultees.

## 3. Main Policies

This section of the report sets out the relevant national and local planning policies and associated guidance to the application to be determined by the committee and the weight that should be given to each. Further in the report, the application will be assessed against each relevant planning policy.

*The Well-Being of Future Generations Act 2015:*

The Well-Being of Future Generations Act 2015 requires that local authorities think more about the long term, work better with people and communities and each other, look to prevent problems and adopt a more joined-up approach. As a result, public bodies when making decisions must take into account the impact they could have on people living their lives in Wales in the future. In this respect, the Act requires public bodies to:

- work together better;
- involve people reflecting the diversity of our communities;
- look to the long term as well as focusing on now; and
- take action to try and stop problems getting worse - or even stop them happening in the first place.

Sustainable development is central to the aims of this Act and in this context the term '*sustainable development*' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle,

aimed at achieving the *well-being goals*. In doing this, the Act places a well-being duty on public bodies, which states:

*“Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include:*

- *setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals, and*
- *taking all reasonable steps (in exercising its functions) to meet those objectives.”*

The seven well-being goals (‘the goals’) show the kind of Wales we want to see. Together they provide a shared vision for the public bodies listed in the Act to work towards. The goals are:

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh language; and
- A globally responsible Wales.

In terms of the determination of planning applications and of making planning decision, the Act has been aligned with Planning Policy Wales (PPW), which states:

*“The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development.”<sup>1</sup>*

In February 2017, the Council published its well-being statement and objectives for 2017-18 which will be linked to the Corporate Plan priorities and draws on the Public Services Board’s well-being assessment.

Consideration of how this application can contribute to the well-being principles outlined above are provided within the conclusion at the end of this report.

#### *Local Development Plans:*

All planning authorities must prepare a Local Development Plan for its area<sup>2</sup>. Once adopted, decisions about planning applications must be made in accordance with it unless material considerations indicate otherwise.

The statutory development plan consists of the Joint Local Development Plan (Anglesey and Gwynedd) 2017 (the JLDP). At its meeting held on 31<sup>st</sup> July 2017, the Council resolved to adopt the JLDP and also to retain current Supplementary Planning Guidance documents (SPGs) until new or replacement guidance is produced.

Within the JLDP, the following policies are considered applicable:

- PS 4 – Sustainable Transport, Development and Accessibility.
- PS 5 – Sustainable Development.
- PS 6 – Alleviating and Adapting to the Effects of Climate Change.
- PS 19 – Conserving and Where Appropriate Enhancing the Natural Environment.
- TRA 4 – Managing Transport Impacts.
- PCYFF 1 – Development Boundaries.

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<sup>1</sup> Planning Policy Wales, 9<sup>th</sup> Edition, November 2016. Para 1.2.1

<sup>2</sup> Planning Policy Wales, 9<sup>th</sup> Edition, November 2016. Section 1.1.5.

- PCYFF 2 – Development Criteria.
- PCYFF 3 – Design and Place Shaping.
- PCYFF 4 – Design and Landscaping.
- AMG 3 – Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character.
- TAI 8 – Appropriate Housing Mix.
- TAI 19 – New Permanent or Transit Pitches or Temporary Stopping Places for Gypsies and Travellers.
- SPG Parking Standards, 2008.
- SPG Design in the Urban and Rural Built Environment, 2008.

In addition to the statutory development plan, the following national planning policy and advice require to be considered:

- Planning Policy Wales (Edition 9, November 2016) (hereafter referred to as PPW).
- The Enabling Gypsies, Roma and Travellers Plan, June 2018
- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009).
- Technical Advice Note (TAN) 12: Design (2016).
- Technical Advice Note (TAN) 15: Development and Flood Risk (2004).
- Technical Advice Note (TAN) 18: Transport (2007).
- Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017).
- Technical Advice Note (TAN) 24: The Historic Environment (2017).

Additionally, since the submission of the application, the Welsh Government has adopted *Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites*, June 2018. This Circular reflects provisions contained in the Housing (Wales) Act 2014 to ensure local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system. It outlines how planning authorities and Gypsies and Travellers can work together to achieve this aim.

The Circular supersedes the following documents:

- Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites;
- Circular 78/91 Travelling Showpeople; and
- Circular 76/94 Gypsy Sites Policy and Unauthorised Camping.

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

**Local Members:** Councillors Robin Wyn Williams and Alun Mummery request call-in of planning application to committee and notes the following:

- Safety of the site which has been located between A55 on one side and the A5 on the other side.
- Access to the A5 is dangerous.
- Liable to flooding on the site. I have a video which I took on the 23rd of November 2017 showing the site underwater.
- Lack of Isle of Anglesey County Council to consider other suitable sites for this purpose.
- A site visit should take place prior to the application's determination

Councillor R. Meirion Jones, who objects to the application and has intimated that his objection be provided in full within this report for the benefit of committee members. Councillor Jones' representation is therefore provided below as follows:

*“Subject: 41LPA1041 – Temporary Stopping Site for Gypsies and Travellers at Star*

*I would like to comment on the following application. Because of its nature it will be going before the Planning Committee. A site visit will be arranged.*



*I have waited until now to try and receive all the information. Even so, I have not received the following -*

*A1. The reports in Welsh.*

*A2. Report from the Highways Department of Welsh Government in relation to the A55. Some comments have been made in 2016 and are relevant to the A5 but not to this specific application and especially not to the A55 which is the dual carriageway. It is known that work is being done on the A55 in Conwy near the Gypsy and Traveller Site and therefore comments must be asked for in relation to this site near Star. There are a number of relevant factors, especially noise and data (and basis and use of data).*

*A3. Report and comments of the Police. Comments were made by the Police to the Executive, regarding the unauthorised site on Pentraeth Road, on 31 May 2016.*

*Chief Superintendent Harrison, in his message on 9 March 2016, requested the opportunity to comment when the planning application had been made. Have the Police had a request to comment?*

*The Officer stated: "Our concern is one of public safety in so much the proximity of the site to a busy 'A' road gives us concern should there be children resident . . . There are clear concerns of how they would be safeguarded to prevent them from egressing on to the road which is fast moving and busy."*

*If the Police were concerned about child safety on that site, what would they say about what is intended at Star which is located between the A5 'A' Road and the A55 dual carriageway? Also, the railway track is not far away. Remember that Public Services need access to the site at all times so the site cannot be locked and entry cannot be denied or otherwise.*

*Therefore, the application is defective without the full comments of the Police regarding safety issues and in general.*

*Some other comments –*

*B1. It has been said previously that the Star site is not suitable for the needs of the Gypsies. Is it a Transit site for up to three months or a Temporary stopping site – no more than 28 days? It was stated in the consultation document 2/6/16-1/7/16 "to meet the needs of the Gypsies and Travellers who have a traditional pattern of camping for a few weeks for cultural reasons and while they are working in the area." In paragraph 5.1.17 of the document it is also said ". . .for Gypsies and Travellers that have been camping illegally at Mona in recent years, the intention is to allow them to stay for two weeks, without a right to return within four months." Or is there a possibility the caravans will be there all the time?*

*B2. In the assessment of the Star Site within the Consultation document, reference is made to "Nearby Use" – "...does not either overlook a domestic or commercial business." – quite possible, but I would like to emphasise that the Star Community is on the raised land and many houses look down over the proposed site! This will become apparent on the site visit.*

*B3. Guidelines have been put in place regarding Gypsy and Traveller Sites. They should not be in areas which are unsuitable for residential or social housing and should not be near dangerous areas, especially for children and adults e.g. dual carriageways. They should be given the same consideration as other accommodation.*

*B4. Noise*

*Briefly (as others have referred to this) – the report itself shows that there are significant noise problems in relation to noise and the noise barrier/fence etc. This application should be rejected based on this alone.*

*B5. Water and overflow and flooding.*

*B6. Road Safety and entrance to the site on arrival.*

*B7. There are a number of other concerns to include shortcomings in the assessments in the relation to animals, pest management, arrangements to ensure that no bonfires etc. are lit.*

*B8. The basis of the objection locally is that the site is unsuitable for people to live for a short period or for any period of time. The people referred to are Gypsies but I emphasise that we refer to them as people. The application includes so many shortcomings that it isn't acceptable or safe to approve the application. I ask the planning committee to refuse the application."*

#### **Penmynydd and Star Community Council:**

- The land is unsuitable, wet and dangerous.
- Its location is unsuitable for residents and drivers.
- The location and 3 metre fence will be visible from the residents of Star and tourists.
- The cost of preparing the site will be high.
- There is no footpath to the village of Llanfairpwll and no street lighting.
- The Community Council is also concerned of the noise level between the A5 and A55 roads, and from the nearby railway.
- The Isle of Anglesey County Council have not made a proper assessment of other locations.
- The access is not suitable.

The Community Council is appealing to the Councillors to look at the application as if they were considering an application within their administrative area.

Notably, the Community Council enclosed a petition of 1591 signatures objecting to the scheme on the aforementioned grounds.

#### **Bangor Back Lane Residents Association:**

Bangor Bank Lane Residents Association are an organisation formed by members of the local Gypsy and Traveller community to communicate with the County Council and housing departments about accommodation needs. The Association, in their objection state that they recognise the need for transit sites however have raised concerns on the Council's decision to build a temporary stopping place rather than a permanent transit site, where residents can stay for up to three months at a time. The points of objection raised by the association include:

- Misleading information on the pre-application consultation with the Gypsy and Traveller community;
- Inappropriateness of a stopping place rather than a permanent transit site;
- Lack of space within the pitches/size of plots;
- Lack of private individual toilet facilities;
- Concerns regarding safety of the site due to its location between the A55 and A5 roads;
- Concern that the design does not promote a welcoming place, and instead would be built like a cage which will expose residents to abusive behaviour from outwith the community;
- Impact of noise on residents, the inappropriateness of a 3m sound barrier and concern over failure to comply with World Health Organisation noise standards and
- Lack of information on management of the site.

#### **Travelling Ahead:**

Travelling Ahead is a Welsh Government funded project working with the Gypsy, Roma and Traveller communities across Wales to provide independent advice, advocacy and support for community members to have a say in local and national plans and decisions that affect them and their families. In their objection, they recognise that more transit site provision is urgently needed across north Wales, however in a similar manner to Bangor Back Lane Residents' Association have concern that what is being proposed is a temporary stopping place and not a true transit site, designed to meet the needs of the Gypsy and Travelling community. Travelling Ahead consider that the current plans require to be substantially revised in order to meet the needs and establish

the confidence of the Gypsy and Traveller communities travelling in and through the Isle of Anglesey.

Further points of objection raised by Travelling Ahead (on behalf of the member community) include:

- Concern over the appropriateness of the location and facilities;
- Negative views on the site's suitability for children, safety, noise levels and the unwelcoming appearance and nature of the site;
- The basic level of facilities being provided;
- The lack of sufficient space within the pitches; and
- The temporary and unhygienic nature of the toilet and washing facilities (advising that members of the community would look after and clean permanent allocated facilities, but temporary facilities such as those proposed will not be well used or cared for).

### **Public Representations:**

In addition to the above, 39 individual letters of objection have been received in respect of this application. These representations are from 3<sup>rd</sup> party individuals and organisations. The representations include a mix of individually written letters, pro-formas (e.g. a standardised letter with pre-written content circulated to and signed by members of the public in an organised manner before being returned to the planning authority as an individual's objection).

The bulk of objections centre on the unsuitability of the site, the lack of meaningful consultation with both the Gypsy and Traveller community and the local communities and noise, safety and traffic impact.

Of the points raised, those which are material planning considerations may be summarised in more detail as follows:

Object (Social):

- The proposal will result in an increase in antisocial behaviour within the area.  
*Officer's Response – There is no evidence that the proposed development will result in an increase in anti-social behaviour within the locale. Furthermore, the Welsh Government, within their Enabling Gypsies, Roma and Travellers Plan, June 2018 recognise the marginalisation and discrimination of these groups and seek – at a national level – to support developments which would serve to integrate different groups to overall societal benefit.*

Objection (Traffic and Transport):

- The proposed access to/from the A5 will create traffic safety issues for road users and pedestrians, including those who use the site as there is insufficient room for the continuous movement of vehicles belonging to the travellers. These vehicles will be stopping to gain access, or wait for the gates to be opened, thus making it dangerous for road users.
- The formation of a new access to the A5 will result in traffic queuing on the carriageway.
- Due to the proximity of the A5, there is a high likelihood of an accident resulting from children playing within the site (e.g. from a ball being thrown onto the road).

*Officer's Response – The proposed access is considered to be sufficient in terms of its design and layout and is not considered to present significant impacts on the transport network. Furthermore, the submitted Site Management Plan provides measures to control access via keypad access in order to mitigate against any potential for accidents resulting from the site's proximity to the A5 carriageway. Further information on this matter, including a summary of the response from the Council's Highways department is provided later in this report.*

- This section of the A5 is unlit which poses a safety risk to pedestrians.
- The location of the site next to the A5 is unsafe for pedestrians and in particular those living within the site.

*Officer's Response – At present, the current situation is that no street lighting is provided for between the site and the nearby settlement of Llanfairpwll however street lighting is provided for immediately outwith the site in the location of the two bus stops situated near to the Star Crossroads on the A5. Given this, it is considered that while there will be a small section of pedestrian link from the site access which is not lit, this will not pose a significant risk to safety as pedestrians walk to/from the site and the bus stops.*

- The level of traffic noise experienced on site will be very high due to the close proximity of the A55 and the A5. This will result in a lack of basic amenity for those who live/use the site.

*Officer's Response – The inclusion of a 3m high acoustic barrier in order to mitigate against noise impacts (principally from the A55) is incorporated within these proposals. Further information in the acceptability of this solution is provided later within this report.*

- The development will block a designated but stop access on the A5.

*Officer's Response – The development will not block access to the bus stops for either pedestrians or buses themselves.*

Object (Environmental):

- The development site is located within a C1 flood zone, with parts within and adjacent to a C2 flood zone, where there is a high risk of flooding.

*Officer's Response – The development is not located within a C1 or C2 flood zone and further information on this matter is provided later within this report.*

- The site has a prior history of flooding.

*Officer's Response – See above response.*

- The proposal will have a significant and detrimental visual impact on the character and amenity of the area.

*Officer's Response – The proposed development is not deemed to present a significant detrimental impact on visual amenity or landscape character within the locale. Further information is provided on this matter later within this report.*

- The proposed acoustic barriers would have an adverse effect on an area designated of being of international and national importance for biodiversity and landscape.

*Officer's Response – The site is not subject of any statutory international or national designations.*

- The submitted noise assessment is insufficient as it was undertaken on a weekend day in December; a date that is not representative of the potential year-round noise impacts.
- The period of measurement taken for the noise assessment is too short to accurately demonstrate the potential noise impacts affecting this development.

*Officer's Response – The methodology of the Noise Impact Assessment is considered satisfactory in meeting the requirements of TAN 11: Noise.*

- The proposed development was affected by external noise levels in excess of 60 Db LAeq during the daytime, and is expected therefore to fail to achieve World Health Organisation criterion of 50-55dB LAeq (16h) for outdoor gardens and recreational areas.

*Officer's Response – Further details on this matter are provided later within this report.*

- The submitted Air Quality Assessment does not take account of particulates PM2.5 and smaller, or carbon black, or other pollutants such as PAH's, ozone, etc.

*Officer's Response – PM2.5 is a fraction of PM10 and carbon black is likely to be soot and covered under PM10 if its particles are small enough.*

Object (Policy):

- The proposals do not meet all of the criteria within policy TAI 19 of the JLDP and therefore fail to comply with the adopted development plan; specifically with regard to site location and design, noise assessment, air quality assessment and visual impact assessment.
- The proposal fails to comply with policy TAI 19 (Criteria 2) as the site is not within reasonable proximity to local services and facilities as it is some distance away from Llanfairpwll and there is no public footpath or street lighting between the site and the nearby settlement.
- The proposal fails to comply with policy TAI 19 (Criteria 4) as noise levels will be unacceptable within the site and cannot be sufficiently mitigated with the proposed 3m high acoustic barriers.
- The proposal fails to comply with policy TAI 19 (Criteria 6) due to the site's location between two busy main roads, close proximity to a rail line and close proximity to a C2 flood zone – all of which indicate that due regard has not been given to the Mobile Homes (Wales) Act 2013 and the Welsh Government Good Practice Guide in Designing Gypsy Traveller Sites in Wales.
- The proposal fails to comply with policy TAI 19 (Criteria 7) as the proposed development will have an unreasonable impact on the character and appearance of the surrounding areas, particularly due to the inclusion of 3m high acoustic barriers surrounding the southern, eastern and western site boundaries.
- Welsh Assembly Government Circular 30/2007 clearly states that enclosing a site with too many high barriers would be visually obtrusive and should be avoided.
- The proposal fails to comply with policy TAI 19 (Criteria 8) as the acoustic barriers would have adverse impacts on an area designated as being of international or national importance for biodiversity and landscape. As stated in Planning Inspectorate Appeal Decision APP/L6805/A08/2085702, the area of this land is a National Landscape Character Area which shows the attractive open character of the local area and the presence of any development will be foreign and obtrusive.
- The proposal fails to comply with policy TAI 19 (Criteria 10) as the site is located within a C1 flood zone and parts of the site are located within and adjacent to a C2 flood zone.

*Officer's Response – Due to the number of objections on policy grounds, specifically in relation to policy TAI 19, these are considered in further detail within the policy assessment section of this report below.*

Object (Other):

- Since the May 2013 (ref 050463) report to the Executive Committee of the County Council, which considered the suitability of the site, what has changed that allows this site to be considered suitable? At this time, the local Community Council wrote to the County Council to advise that the site was inappropriate owing to its location outside of the Village boundary (Star), that the highway was unsuitable for the additional traffic generated, and that the land was prone to flooding.

*Officer's Response – There is no policy position under national policy or within the JLDP which would prevent the proposed development from being located outwith a development boundary.*

- In respect of report 050463 above, the Inspector considered that the proposal was inappropriate development in the green barrier, but that the unmet need constituted exceptional circumstances; however he was concerned that proximity to the road would give rise to unacceptable living conditions in terms of noise and air pollution.

*Officer's Response – Please see further assessment of noise and amenity impacts later in this report.*

- The proposed use of the site as a stopping place rather than a transit site is of concern. The very short term nature of the stays on a stopping place (i.e. 2 – 3 weeks) would not likely meet the need for families who (in the consultation by the County Council) have said the visit the island for several week to months at a time, particularly during the summer months. Therefore while it is acknowledged that there is a need for sites of this nature on the Island, it is questions as to whether this site meets the actual needs of the Gypsy and Traveller community in practical terms.

*Officer's Response – The principle of development and the argument for a temporary stopping place vs a transit site are outlined within the policy assessment later in this report.*

Object (Design and Siting):

- The trees within the site are deciduous and therefore it will not be possible for these to screen the caravans from view.
- It appears likely that the final appearance of this site will be akin to a floodlit compound.

*Officer's Response – The impact of the site on visual amenity and landscape character has been considered later in this report.*

- The proposed site does not meet the requirements of The Good Practice Guide in Designing Gypsy Traveller Sites in Wales, 2009 which states:
  - Local authorities should avoid locating sites next to or near hazards which present specific risks to children and adults such as dual carriageways, industrial sites, rivers or canals;
  - If a site is inappropriate for private or social residential use then it should not be considered appropriate for a Gypsy Traveller site and Gypsy Traveller sites should receive the same considerations as other forms of accommodation;
  - Sites should not be considered if they are near hazardous locations such as motorway flyovers. The location of a site should always be in acceptable surroundings or where the surroundings can be made pleasant at a reasonable cost. Sensitive landscaping and boundary definition should provide seclusion for residents.

*Officer's Response – A number of objections provide a series of comments on the proposal's failure to comply with The Good Practice Guide in Designing Gypsy Traveller Sites in Wales, 2009. It should however be noted that these comments cannot be considered in the assessment of this application as this document has been superseded by Designing Gypsy and Traveller Sites in Wales, 2015. In respect of this document however, it is advised as being for guidance only and does not have any statutory basis as a material consideration in the assessment of a planning application, instead the statutory mechanism to consider such matters falls to Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites, June 2018. Consideration of the Circular is provided within the policy assessment below.*

Objections which are Non-Material:

In addition, it is noted that a number of other non-material matters have been raised; namely costs incurred by the County Council, local property values, general personal opinions on the Gypsy and Traveller community, cost of insurance premiums, and comparisons to other unrelated sites, decisions by other local authorities and appeal decisions. In these instances it is advised that non-material matters cannot be considered in the assessment of a planning application and also that it is a fundamental tenet of the Welsh planning system that each application be assessed on its own

merits, and not by the virtue of planning and appeal decisions taken on differing development proposals, or at differing sites and under differing local planning regimes.

Furthermore, comments have been raised as the result of a local press article regarding the suitability of the site, both from a local resident and a user perspective. In this instance, it is understood that a number of points for and against the use of this site have been raised. Following publication of the press article, members of the public and Bangor Back Lane Residents Association have written to the Council voicing concerns over the suitability of the site and in particular safety given the site's position adjacent to the road carriageway. To clarify this matter, it is noted that no new material planning issues have been raised which require further consideration in the assessment of this application.

#### **Consultees:**

**Highways Section** – In their response from 31<sup>st</sup> January 2018, The Highways Authority provided an outline of previous pre-planning consultation for a temporary Traveller site at this location (and that a consultation response was submitted on the 8th July, 2016). It was then summarised that within that response, the Highways Authority highlighted potential issues with the development proposal that would need to be overcome or justification provided if no mitigation/improvement was proposed.

The access as submitted on the proposed plans is acceptable in terms of size and visibility splay. However, although it does mention in the 'Site Management Report' submitted that the travellers entering the site would have to contact the site manager to gain access before arriving, In reality, this would be difficult to achieve and control. One observation made during the pre-planning consultation was that the Highways Authority would not accept any development that would involve vehicles parking or stopping temporarily on the highway while the access gates were being opened as this would be detrimental to the safety of the public highway and its users. Therefore, the applicant must demonstrate a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates.

The pedestrian link proposed is satisfactory and would allow occupants of the proposed site to safely walk from the site to the nearest bus stop near the Star crossroads.

Following submission of the amendments made to the site management plan, the Highways Authority wrote to the planning authority to confirm that the proposals were deemed to be acceptable, subject to a series of conditions in relation to the design of the access; provision of the proposal footway as indicated in the revised site management plan; the submission of a full comprehensive and robust Construction Phase Traffic Management Scheme; and the provision of car parking relative to the occupation of the site.

**Drainage Section** – In their response of 5<sup>th</sup> February 2018, the Chief Engineer (Highways) confirmed that drainage scheme detailed on the submitted site plan appears satisfactory in principle.

**Dŵr Cymr/Welsh Water** – In their response of 10<sup>th</sup> May 2018, Welsh Water wrote to advise that having reviewed the revised proposed drainage layout and supporting letter, that they acknowledge that the developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into the Afon Braint via a land drain. On the basis that only foul drainage flows are discharged to the public sewerage system, Welsh Water have no objection to the proposal.

In addition, the following points are noted:

- No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site; and
- A water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 9" diameter water main in 'Field Opposite site location'.

Welsh Water have also recommended a safeguarding condition ensuring that no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and that it should be discharged to the Afon Braint unless otherwise agreed by the planning authority.

**Landscape Officer** – In his response of 6<sup>th</sup> February 2018, the Council's Landscape Officer advised as follows:

The site is not within a protected landscape; the Southern Anglesey Estate lands lies approximately 120 metres to the South East (across the rail network). The AONB lies some 1.4km further to the south east.

The site is visible obliquely from the A5 for a range of approximately 250 metres in both directions. From the A55 travelling west, there are views to the site from a similar range and travelling east, oblique glimpses from the road cutting up to the site for a short duration (following the fly-over). A new (from the A55's construction) hawthorn hedge with ash trees borders the site with the A55. There is limited vegetation bordering the A5's boundary. The site is overlooked from viewpoints in Star to the north from where there is an extensive rural view to the mainland and coast with the transport corridors less visible in daylight hours.

Key features of the landscape baseline include:

- Transport corridors, road and rail, historic and modern which provide gateways and fine views to the mainland, and occasionally detract from the view.
- Commercial development to the west of the Llanddaniel/Star junction and intermittent development from there to Gaerwen.
- A more rural agricultural landscape to the south east (including the Southern Anglesey Estate lands) with occasional views of domestic and tourist facilities and prominent High Voltage Lines.

These combine in a site within an immediate area that is semi-rural in character but influenced by nearby developments and experienced in peri-urban and rural contexts. It is presented as being of '*low landscape sensitivity*' in the LVA.

Landscape effects are greatest to the site with the loss of grassland, re-profiling and reduction of boundary vegetation and effects to the immediate setting related to boundary treatments and lighting extending cumulative effects from built development at Star further to the east. These effects are in the context of the A5 route rather than the A55.

The proposal would not alter key characteristics of the Landscape Character Area (LCA). It has taken account of the key development issues noted in the LCA (4.2.1) but cannot fully mitigate effects in relation to these.

The sensitivity noted in the LVA is related to the urban features and transport corridors. Sensitivity rises to the east close to and within the Special Landscape Area (SLA).

It is not considered that the proposal has any effect on the following special qualities of the Southern Anglesey Estate lands noted below:

- The strong estate feel of the landscape, as part of the Grade I listed 18th/19th century Plas Newydd estate.
- The mosaic of grazed pastures (including wood pasture), estate woodland plantings and mature specimen trees in fields and hedgerows;
- Its function as an immediate setting to part of the Anglesey AONB;
- Its strong inter-visibility with the adjacent AONB, and scenic views across the Menai Strait to the mountains of Snowdonia;
- The peaceful and strongly rural character of the landscape, with a general absence of modern development.



In respect of potential visual effects, 8 illustrative public viewpoints have been chosen within a 1km radius as shown in Figure 8 of the LVA and summarised in para 7.1.11. These represent a selection of major and minor roads and an A55 pedestrian bridge. Taken in the winter months, they show the site when most visible.

Viewpoint 1: Built development, pylons and trees and hedges feature strongly in the view. Views from here are not anticipated; neither does it appear that there would be views of the site from this point on (to the A5 junction).

Viewpoint 2: Various vertical structures and signage are present in this view along the A5. The site is presently screened by a mix of deciduous/evergreen hedges and scrub on the site boundary, most of which would remain. The proposed fencing would be visible; however, other structures would be substantially screened.

Viewpoint 3: From further along the A5, the number of vertical structures and other clutter is reduced, representative of the more rural view. There will be views of structures towards the site's frontage with the A5, with those closer to the A55 substantially screened.

Viewpoint 4. This a brief view, dominated by the A55 and mainland with views to pylons. The proposed development would be visible but a minor feature. The boundary trees and hedge would provide important screening in summer months.

Viewpoints 5 – 7 represent a sequence of views from Star. Viewpoint 6 is situated close to a bench/sitting area on the roadside verge with good views to the landscape beyond. This (VP 6) is a locally sensitive viewpoint and the site would be a visible feature of this expansive view, particularly in the winter months, with a slight adverse effect. Night time views presently include vehicular lights on the A55 and A5 and roadside lights at the Star/A5 junction.

Viewpoint 8: Elements of the site (fencing and caravans) would be visible against a backdrop of built development in Star.

Several other viewpoints not considered in the LVA are noted below:

There are no stopping points on the A55 near the site. Views travelling west are from within the roadside cutting and the height of the viewpoint and sensitivity of the receptor (commuters/tourist) will vary. The site's proposed acoustic barrier would be visible briefly between (to the rear of existing trees) with a slight-moderate adverse effect, particularly in winter. The proposed lighting is unlikely to be prominent among the vehicular, wider residential and street lighting.

A55 views travelling east are of a shorter duration and oblique with broadly similar effects.

The tree survey notes a life expectancy of 40yrs + for all but one of the boundary trees. Measures are suggested for works within the Root Protection Areas of trees and the development will not have a direct effect on them. As noted above the trees provide an important screen to the site and would break up views of the fence. Ash dieback is not noted in the survey but is present on the A55 (mainly younger trees). NRW predictions are that ash dieback will intensify (although there is no absolute timeframe) and result in the widespread death of ash. The hawthorn hedge would be unaffected and could be allowed to grow taller. Replacement trees (young standards) would take in the region of 10 years+ to reduce the effect on views, unless mature specimens were planted. Some effects would remain in the winter months.

Most of the boundary hedges are retained to the east and west and the works would have negligible effect on their screening capacity. Moss green has been chosen as a colour for boundary fences in keeping with fence colours locally. Trees outside the site are believed to be outside of the applicant's control and changes are likely as noted above.

A new evergreen hedge is proposed on the A5 boundary.

The LVA concludes that the effect of landscape change would be moderate adverse such as the loss of, or partial loss of some landscape features (Policy AMG 3). Effects on landscape quality

would be slight adverse. There would not be significant effects on landscapes of international or national importance (TAI 19). There would be no effect on the Special Landscape Area (AMG 2).

The design has taken account of local views and natural screening as advised in the Landscape Character Description and PCYFF 4. Mitigation seeks to further integrate the proposal into the site. The acoustic barrier is noted in the LVA 5.1.5 as the most visually prominent part of the development and the visual effect of the proposal is considered in the LVA 7.1.14 to be neutral/slight (based on the sensitivity of the receptor). Effects are predicted above to be greatest from a static viewpoint in Star (near VP 6) and the A5 and A55. VP 6 is a wide view and the proposal would be a visible but minor feature of the view. Views from the A55 are brief and more enclosed, particularly travelling west. The vulnerability of the boundary trees outside the site to disease will affect the long-term quality of the screen and the visual effects from the A55 and A5.

**Network Rail** – Network Rail do not object to this proposal, however do have concerns that this proposal will increase the potential for trespass in this area. An advisory note concerning the location of the railway relative to the development site is recommended by the planning authority in this instance.

**North Wales Fire Service** – The Fire Authority does not have any observations in regard to access for appliances and water supplies.

**North Wales Police** – North Wales Police (NWP) offer no objection to the proposals, however make the following observations:

- Consideration should be given to enabling the site at construction stage to facilitate the retro-fitting of CCTV, should future issues with the site emerge.
- NWP continue to seek to be engaged with on any management plans put in place for this site, specifically in relation to out-of-hours provision.
- NWP continue to have concerns about the proximity of the site to the A5 for child safety reasons.

*Officer Note – Regarding the points outlined above by NWP, the matter of CCTV was considered and decided against following consultation with the Traveller and Gypsy community over the summer of 2017. This notwithstanding, the Council intends to fit infrastructure to enable the installation of CCTV, should it be required in the future.*

*In respect of management plans, the submitted Site Management Plan has been considered and agreed by the Project Board within input from NWP. The Council intends on continuing to have NWP input into the detailed plans, which will include out-of-hours provision.*

*The safety of all users, including children, has been considered by the Council during the design process, and mitigation has been included in the site design process. As a result, a secure boundary along the curtilage of the A5 is proposed as part of the scheme design. The design incorporates a 2.4 metre high security mesh fence along the southern boundary of the site together with mechanical sliding gates and a pedestrian gate both of a similar height to the fence. The gates will be secured and operated by a key pad locking system ensuring safe and secure access and egress.*

**Joint Planning Policy Unit (JPPU)** – No objection on policy grounds, outline of policy requirements.

**Natural Resources Wales (NRW)** – Within their response of 26<sup>th</sup> June 2018, NRW advised that following receipt of the revised Flood Consequence Assessment (Capita. FCA Revision 003. 25<sup>th</sup> June 2018) that they are satisfied that the level of flood risk associated with the site is acceptable and in line with the requirements of TAN 15: Development and flood risk.

Furthermore, NRW state that the hydrology used (and included in the revised FCA as Appendix C) has followed regulatory guidelines and is deemed appropriate and conservative thus adopting a precautionary approach to flood risk. The hydrology/flow estimates have been used in the hydraulic

modelling work to determine the impact of blockages on structures which could impact the site during high flows; this was our concern for the site due to historic blockages and flooding from the Afon Braint in the surrounding area.

NRW have also reviewed blockage scenarios within the survey information and note *“Blockage scenarios have followed our guidelines along with increases in flows due to the impacts of climate change (again in line with our guidelines). It is unclear if any time limitations will be attached to the planning permission, however all epochs have been considered with the maximum central estimate of +30% in flows being considered the greatest risk. The model has indicated that for the medium blockage scenario the site is elevated above adjacent flood levels (A55 blockage). As such we are satisfied with the allocation of the site as shown in the latest FCA.”*

NRW then note that the Council as Local Flood Authority should ensure that the final surface water drainage design is considered satisfactory, which as outlined above, it is.

Notably, in order to achieve surface water discharge to the Afon Braint, a Flood Risk Activity Permit may be required from NRW.

From the information contained in the bat report, NRW consider that the proposed development represents a lower risk for bats, as defined in guidance document *‘Natural Resources Wales Approach to Bats and Planning (2015)’*. Bats and Great Crested Newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats or GCN’s under the Regulations would require a derogation licence from NRW. A licence may only be authorised if:

- There is no satisfactory alternative and
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- In addition, the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN 5) states that the County Council should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the report concludes that the proposed development is not likely to harm or disturb protected species or their breeding sites and resting places at this site, if avoidance measures described in the report are implemented. Also, because the development represents a lower risk to protected species in this case, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, NRW do not object to the proposed development, subject to all recommendations described in section 7 of the submitted bat report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

NRW considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore do not provide any detailed site-specific advice or comments with regards to land contamination issues for this site.

NRW has recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed – NRW have adopted this guidance.

**Ecological Advisor** – The Council’s Ecological Advisor had noted from page 1 of the initially submitted Assessment Report (second paragraph) that the scheme design layout was in

preliminary stages and that the Report “*is not intended to be submitted for planning unless supported by the further surveys and a detailed assessment of the impacts ... once the scheme is finalised.*”. Given this, the advisor had requested that relevant updates/clarifications be made either in a new version of the document, or in further document(s) clarifying the situation. This should relate to the actual proposed development layout and details (including lighting) and cover relevant ecological mitigation and methodology.

Following this, an updated Ecological Impact Assessment (April 2018) was submitted by the applicant. The Ecological Advisor noted that in view of the S6<sup>3</sup> duty for local authorities to seek to conserve and enhance biodiversity, the submitted General Layout Plan and the Phase 1 Habitat Plan would indicate a loss of overall biodiversity at the site. It is advised that a clearer commitment to mitigation actions involving habitat creation be made and that the recommendations within Section 7 of the assessment report be put into place. This notwithstanding, the following clarifications should be made:

- Area(s) of new planting for both hedges and grassland need to be more firmly defined (on main plans). Areas should be marked, with species mix and basic management instructions. The area of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations.
- Scrub removal to be either outside March-end August, or following checks by ecologist.
- Excavations to be covered overnight, or with sloping side.

**Gwynedd Archaeological Planning Service (GAPS)** – The application site is immediately north of an enclosure, provisionally identified as of medieval date, which was originally identified as an upstanding earthwork but has since been largely levelled by ploughing (PRN 2702). The enclosure appears to be wholly contained within the field to the south of the old A5, but associated buried deposits may extend into the application site. During assessment for the then proposed A55, the area including the application site was identified as being within medieval fields, with earthworks in the adjoining field to the east of the site interpreted as the remains of medieval agriculture (PRN 37223). To the west of Star crossroads, fieldwork for the A55 scheme recorded a burnt mound (PRN 31845), one of several recorded along the road and indicative of prehistoric activity in the locality. Fieldwork for the A55 scheme was carried out and reported in several separate events and I have been unable to find further information specifically relating to this section as to whether the possible medieval sites were investigated and the extent to which the construction works affected the application site. Some disturbance appears likely, as well as for utilities that cross the site.

As such, the application site has a potential for medieval and prehistoric archaeological remains, but that these remains are likely to be of no more than local significance and may have been damaged by previous construction work. As the proposed development would result in the loss or further damage to any archaeology present, appropriate mitigation should be put in place to record any remains affected.

Based on the above, and in accordance with Planning Policy Wales (November 2016) and TAN 24: The Historic Environment, it is recommended that the planning authority should require that appropriate mitigation is undertaken, if planning consent is granted. The following condition wording is suggested to secure such a scheme of work:

- No development (including topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the planning authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.
- A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the planning authority within six months of the completion of the archaeological fieldwork.

**Environmental Health Section** – No objection or comments, subject to standard safeguarding conditions and advisory notes.

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<sup>3</sup> Environment Wales Act 2016

**Economic Development and Tourism Section** – No objection subject to substantial visual landscaping/ screening of the site, and adequate ongoing site monitoring and management arrangements which minimise any negative impacts on the local economy, community and environment

In addition, it is noted that the Council's Waste Management Section were consulted in respect of this application but no response was provided.

**Travelling Ahead** – It is important to fence each plot for privacy/prevention of damage. Recommended that a grassed play area, farthest away from the access is provided to allow children a safe area to play. Car registrations should be provided and a deposit taken.

*Officer's note – It is considered that in respect of the fencing, this would not be of the overall benefit of the site and would prevent layout flexibility in the future. With regard to an area for children to play, this is noted however would necessitate a redesign of the layout which would extend beyond the reach of the assessment of this application (although an advisory note to the applicant on this matter is recommended). Other matters, car registrations, deposits are not material planning considerations and cannot be enforced or controlled.*

## 5. Relevant Planning History

25/07/2016 - The Executive resolved *“that the County Council should carry out further investigation into Site 1, Strip of land between A55/A5 between Llanfairpwll and Star Crossroads to confirm suitability with regard to further assessment of any safety or technical risks posed by the site, and to consider whether the site design can resolve these issues.”*

- This resolution included that an appropriate consultant should be appointed in order to prepare site design and subsequent planning applications.

19/12/2016 – The Head of Housing Services prepared a report to The Executive to provide a progress update, following the resolution of 25/07/2016. The update outlined the undertaking of the tender process and the selection of the relevant consultant.

14/02/2017 – The Head of Housing Services prepared a report to The Executive to provide a further progress report on the preparation of various supporting technical documents supporting the planning application.

18/09/2017 – The Executive resolved to authorise officers to progress to the submission of a detailed planning application in respect of a temporary stopping place at Star (i.e. the site) as well as a separate application for a permanent residential site at Penhesgyn.

Notably at the time of this resolution, the report stated:

*“The Housing (Wales) Act 2014 places a duty on Local Authorities to provide sites for Gypsies and Travellers where a need has been identified. The Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites also strengthens the requirement that local authorities identify and make provision for sufficient appropriate sites in their Local Development Plans.*

The Anglesey and Gwynedd Gypsy and Travellers Accommodation Needs Assessment 2016 (GTAA) has been produced jointly between Anglesey County Council and Gwynedd Council during the Autumn of 2015 and updates the previous North West Wales GTAA which was published in 2013. The GTAA was approved by Anglesey Council's Executive on the 8th February 2016, and identified the need for the following on Anglesey:

- A permanent residential site to meet the needs of the New Travellers arising from the unauthorised tolerated site at Pentraeth Road (four pitches)
- Two sites to be used as Temporary Stopping Places for Gypsies and Travellers along the A55 on Anglesey, one in the Holyhead area and one in the centre of the Island.

If constructed, the provision of a Permanent Residential Site at Penhesgyn and a Temporary Stopping Place at Star will enable the Council to take appropriate enforcement action to tackle unauthorised encampments elsewhere on the Island. For example, Members may be aware that Mona Industrial Estate has been used by the Gypsy and Travelling Community as an unauthorised encampment on a regular basis over a number of years. Historically, the lack of alternative authorised facilities has limited the powers of enforcement reasonably available to the Council.

A Site Management Strategy will form part of any future formal application for Planning Permission which will set out terms and conditions for both permanent and temporary use of the sites.”

Furthermore, the report stated:

“The Star site has been identified by IACC as the most appropriate location for a Temporary Stopping Place for the Gypsy and Traveller community following a site selection and Public Consultation process undertaken by IACC in 2016. The original site selected by IACC encompassed three parcels of land in private ownership that lie between the A55 and the A5 south of the village Star.

General site and technical appraisals were undertaken by Capita Real Estate and Infrastructure in November and December 2016; reports were submitted to the Executive in February 2017 and published on the Council’s web-site. The aim of undertaking the technical appraisals was to establish if there were any technical reasons or constraints that could prevent the site being suitable for occupation as a temporary traveller site. In addition to the specific technical appraisals other more general considerations such as size of the site, access and other physical characteristics were also taken into consideration.

The proposed temporary Traveller site was found to be acceptable in planning terms taking into account a number of technical assessments undertaken notably air quality, noise, ecology and flood risk assessment. Subsequently, the design and scheme have been progressed to detailed design in preparation for a planning application to be submitted.”

## **6. Main Planning Considerations**

The below are considered the main planning considerations in respect of this case. The starting point is the LDP and an assessment against key policies and national planning policies, as set out below.

### **Principle of Development:**

National (PPW) and local (JLDP) policy recognises that Gypsies and Travellers have specific accommodation needs, and those needs should be identified through an assessment of housing needs and demand.

The national policy provision stems from the requirements set forth within The Housing (Wales) Act 2014 (the Housing Act), which places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met, as per section 101 (1),

*“A local housing authority must, in each review period, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.”*

PPW follows from the Housing Act by ratifying the requirement that accommodation needs and related planning policies must be identified and included within development plans. In this regard, PPW paragraph 9.2.21 states,

*“Local authorities are required to assess **the accommodation needs of Gypsy families**. It is therefore important that local planning authorities have policies for the provision of Gypsy sites in their development plans. In drawing up policies local planning authorities should consult providers of social housing, representatives of Gypsies and Travellers and landowners in areas likely to be appropriate for Gypsy sites, in accordance with their Community Involvement Scheme.”*

Further to the Housing Act and PPW, the Welsh Government has produced the Enabling Gypsies Roma and Travellers Plan, 2018 (replacing the Travelling to a Better Future Framework for Action and Delivery Plan, 2011). The purpose of this Plan is to provide a dedicated strategy which seeks to improve the outcomes for the Gypsy and Traveller communities (as well as the Roma community). While it is noted that this document is not a planning document, and therefore focussed on a number of non-planning issues, there are still considered to be relevant material considerations, including:

- A requirement to ensure that there is a focus on ensuring sufficient, culturally-appropriate Gypsy and Traveller residential and transit sites are created in Wales;
- An action to ensure that sufficient pitches are provided to meet the identified needs (of Gypsies and Travellers) across Wales which will result in the Welsh Government scrutinising Gypsy and Traveller Accommodation Assessments to ensure they are robust, and to monitor local authorities on an annual basis to ensure sufficient pitches are provided; and
- An action to ensure that Local Authorities are supported to develop a network of Transit sites across Wales to facilitate the nomadic Gypsy and Traveller way of life.

Circular 005/2018 provides the overarching framework under which the planning system in Wales can provide for the Gypsy and Traveller community. In respect of temporary stopping areas, the Circular provides clear guidance, as follows:

*“Where a local authority experiences unauthorised encampments due to Gypsies and Travellers ‘passing through’ an area and the authority has an inadequate supply of transit pitches, temporary stopping places could be identified for short-term occupation. Temporary stopping places help to reduce unauthorised encampments preventing social, economic or environmental issues whilst facilitating the traditional Gypsy and Traveller way of life. Temporary stopping places must make provision for waste disposal, water supply and sanitation at a minimum. However, temporary stopping places are only a short term, rather than a long term, solution. They are not planning designations and should not be addressed through land use allocation policies in development plans.”*

With regard to this statement, it is noted that the County Council has followed the national policy position insofar as they have identified a need to provide temporary stopping areas to address an ongoing issue on the island concerning unauthorised encampments. This issue has been addressed via the GTAA, which in turn has led to the selection of this site. Furthermore, temporary stopping places are also acknowledged by the Council as fundamentally temporary measures by virtue of the fact they are not included for under site selection policies of the JLDP. In addition, the facilities provided within the proposed development are considered to be consistent with this statement, as well as other advice contained within the Circular.

In addition to the national policy position, local policy contained within JLDP is relevant as follows:

Policy TAI 8 seeks to promote sustainable mixed communities by ensuring that new development contributes to a compatible mix of housing, referring to the need to make provision for specific housing needs, which includes accommodation for Gypsies and Travellers.

Criterion 1 of Policy TAI 19 requires that an accommodation need for Gypsy and Traveller pitches is established. Based on the results of the most recent Gypsy and Travellers Accommodation Needs Assessment undertaken jointly with Gwynedd Council in 2016, the Isle of Anglesey County Council considers that there is a need for sites to accommodate temporary stopping places for Gypsies and Travellers. Furthermore, the Welsh Government has come to the conclusion that the Gypsy & Traveller Accommodation Assessment (GTAA) provides a reasonable assessment of current and future need for Gypsy and Traveller accommodation in Anglesey (and Gwynedd).

Criterion 3 requires consideration of whether the proposed pitches can be located on an existing authorised site. As there are presently no authorised sites on the island, alternative sites were considered and discounted due to lack of suitability, prior to the identification of the proposed site. In review of the suitability of the proposed site, it has been deemed that dedicated temporary

stopping places could perform a valuable function in terms of accommodating visiting households, and reducing the formation of unauthorised encampments. A position which is further supported within the recently adopted Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'.

Based on the foregoing, it is considered that there is sufficient evidence from a national and local policy perspective to support the principle of this development. Nationally there is a commitment from the Welsh Government to ensure that local authorities are identifying and delivering appropriate sites which are suitable for Gypsy and Traveller accommodation, and through the GTAA, the Isle of Anglesey County Council has met their obligations, which has, in turn, resulted in the promotion of this site in-line with national policy, guidance and advice.

Further acceptability of the development, beyond its principle, is considered in detail below.

### **Location of the Proposed Development:**

The proposed site lies in the countryside, in that it lies outside any defined development boundary in the JLDP. In this regard, Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites' states:

*"Permission to develop Gypsy and Travellers sites outside of settlement boundaries could be granted subject to sustainability criteria set out in national planning policy if there are no realistic, suitable sites available within or adjacent to settlement boundaries to accommodate Gypsies and Travellers".*

Central to the consideration of locational suitability for any given development is a need to comply with Policy PS 5. Within this policy a need to achieve sustainable development, whose principles include promoting the effective use of land and infrastructure, reducing the need for travel by private transport, and managing the risk of flooding is identified.

Reflecting national planning policy, Policy PCYFF 1 seeks to manage new development in open countryside. It guides appropriate new development to sites within development boundaries, but also acknowledges that some land uses may be appropriate on sites outside development boundaries or require a countryside location. It sets out the need for proposals for development on sites outside development boundaries to demonstrate compliance with other policies in the Plan or that a countryside location is essential.

Policy TAI 19 supports the release of land to provide pitches for Gypsies and Travellers in locations that wouldn't be normally released for residential development and sets a list of 10 criteria which must be followed:

1. An accommodation need for Gypsy and Traveller Pitches is identified;
2. Where possible, the site will be in reasonable proximity to local services and facilities;
3. It cannot be accommodated on an authorised site;
4. That environmental factors, including ground stability, contaminated land, and proximity to hazardous locations, do not make the site inappropriate for residential development unless mitigation is possible and proportionate;
5. It is capable of being serviced with water, electricity, and waste management;
6. Where appropriate, the standards and design of the development demonstrate that due regard has been given to the Mobile Homes (Wales) Act 2013 and the Welsh Government Good Practice Guide in Designing Gypsy Traveller Sites in Wales;
7. There would be no unreasonable impact on the character and appearance of the surrounding areas including impact on residential amenity of neighbouring occupiers or the operating conditions of existing businesses;
8. There are no adverse effects on areas designated as being of international or national importance for biodiversity and landscape;
9. That satisfactory arrangements are in place to restrict the occupancy of the pitches to Gypsies and Travellers; and
10. That a highly vulnerable development is not located in a C2 flood zone.



Notably, a large number of public objections to the proposed development have raised issue with compliance with TAI 19, specifically with regard to criteria 2, 4, 6, 7, 8 and 10. As outlined earlier in this report, consideration of these points of objection would be addressed within this policy assessment.

Policy TAI 19 is considered to provide the fundamental criteria when considering the suitability of a site for the proposed development and as such is given due weight in the decision making process, particularly concerning the suitability of the location of the site.

In respect of each criterion of the policy, which the development has been considered against, the following comments are provided:

1. The Anglesey and Gwynedd Gypsy and Travellers Accommodation Needs Assessment 2016 (GTAA) identified a need for sites to be used as Temporary Stopping Places for Gypsies and Travellers along the A55 on Anglesey, one in the Holyhead area and one in the centre of the Island. The GTAA also identified this site as being a possible location which would allow for the enforcement of unauthorised encampments while ensuring displacement of the Gypsy and Traveller community from unauthorised sites would not take place without an alternative, and authorised provision being made. The GTAA has been backed by the Welsh Government and its findings are aligned to national policy requirements while extend from the Housing Act through to the Enabling Gypsies Roma and Travellers Plan, 2018 and to the planning regime via PPW.
2. While it is acknowledged that the site is physically removed from the closest facilities and services provided at Llanfairpwll (as well as Gaerwen in the opposite direction), it is nonetheless considered that this is mitigated by virtue of the site's location immediately adjacent to a bus stop which provides ready access by public transport to services and facilities in Llanfairpwll and Gaerwen; both of which are within a reasonable journey time. Both settlements are identified as Local Service Centres in Policy PS 17 (Settlement Strategy), and therefore offer a range of facilities and services that the proposed site's occupiers could access during their temporary stay on the site.
3. There are presently no authorised sites on Anglesey and given this no such alternative provision can be met.
4. There are no environmental factors which would prevent the development and use of this site to support a stopping place for Gypsy and Traveller use.
5. The site is capable of being adequately serviced by the basic requirements outlined under policy and the applicant has demonstrated that these services will be provided within the proposed development.
6. In respect of this criterion, it is firstly noted that the Welsh Government Good Practice Guide in Designing Gypsy Traveller Sites in Wales document has been succeeded by the Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015, since the publication of the JLDP. Using the updated guide, it is considered that the proposed development has been designed to meet the standards outlined within the guide for temporary stopping places and therefore the development meets the requirements of policy in this regard.
7. It is acknowledged that the proposed development will have an impact on the immediate locale, by virtue of the fact that it being sited within a presently undeveloped area of open countryside. This notwithstanding, the impact is contained to the immediate locality and it is not deemed that a significant visual or amenity impact will be created to the nearest settlement (Star) by virtue of its physical separation from the site by the A55. Furthermore the nearest residential property is located c. 70m distant and is again physically separated and removed from the site by the A55 – this distance, and the presence of the North Wales Expressway are considered to be significant in ameliorating potential impacts which could exist between the existing settlement and the proposed development and is noted as one of the determining factors in the initial selection of this site. Furthermore, the site's location is c. 100m from the land occupied by the nearest business (Peninsula Windows) at Star Crossroads and there is not deemed to be any potential conflicts between the proposed development and this site which would impact on the operational activities of the business.
8. The site itself is not located within an area designated as being of international or national importance for biodiversity and landscape, nor is it contained within the list of scheduled sites under Appendix 7 of the JLDP.

9. Contained within the submitted Site Management Plan, the applicant has identified that the Council (Housing Services) will take control of the day-to-day management of the site. This is considered to be a suitable arrangement which, when compared to a privateer venture, can appropriately control the management of the site in the best interests of both the occupants, surrounding local communities, and the public in general. Furthermore, the within the Site Management Plan, it has been identified that a Site Manager will be appointed whose responsibilities include – among other things – the check-in and check-out of occupants. Again this is considered sufficient as effective management of the site and would ensure that occupancy of the pitches is reserved only for the Gypsy and Traveller community.
10. Notably, the objectors have pointed out that proposed development predominantly lies within a C1 flood risk zone (areas of the floodplain which are developed and served by significant infrastructure, including flood defences.<sup>4</sup>) with small areas of the site within a C2 zone (Areas of the floodplain without significant flood defence infrastructure<sup>5</sup>). Objectors consider that this encroachment into the C2 zone is a fundamental policy failure under TAI 19 and should therefore result in the refusal of this application. In this regard, the applicant has submitted a Flood Consequence Assessment (Capita. FCA Revision 003. 25<sup>th</sup> June 2018). Within this assessment, which is considered to meet the requirements and methodologies outlined in TAN 15: Development and Flood Risk, 2004, it has been determined that the site is in actuality located within NRW Flood Zone 1/TAN 15 Flood Zone A (considered to be at little or no risk of fluvial or tidal/coastal flooding.<sup>6</sup>). This report, its content and findings, have been reviewed by NRW who agree with its conclusions and recommendations and support position demonstrated by the applicant in respect of the flood zone. Given this, the proposed development is not deemed to be located within a C2 zone and therefore complies with this criteria of the policy.

In addition to the criteria listed above, there is no requirement within Policy TAI 19 for a site for temporary stopping places to be located within development boundaries. Furthermore, national planning policy and guidance does not exclude sites outside settlements for provision of pitches for Gypsy and Travellers.

Consideration has been given to the content of the letters of objection in relation to this policy criteria, however in this instance it is not considered that the points raised sufficiently and unequivocally argue against compliance with the policy.

Furthermore, it is also important to consider the comments raised by the Bangor Back Lane Residents Association and Travelling Ahead when considering this policy. In this regard, both community groups raise concerns with the layout and facilities provided within the site; while expressing a need for transit sites over temporary stopping places. While it is considered that these comments are valid and should be taken seriously as an identifier of the views of the Gypsy and Traveller community, it is nonetheless considered that the purpose of this application is to assess the suitability for a temporary stopping place and not a transit site. Given this, and given the identified need for a temporary stopping place within the GTAA, as well as the facilities, layout and site design complying with the requirements of the Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015 (criterion 6) the proposed development is considered acceptable under policy TAI 19.

### **Landscape and Visual:**

Policy PS 19 seeks to protect and where appropriate enhance the natural environment, reflecting the greater environmental significance of international and national statutory designations, compared to statutory and non- statutory local designations. The proposed site isn't within the AONB or a Special Landscape Area. The site lies within Landscape Character Area 12: East Central Anglesey. The scenic quality of the A55 corridor is described as low. The site itself is unremarkable. It is contained within the boundaries of the A55 and the A5. Star lies to the north of the A55 and is classified as a Cluster in Policy PS 17. A number of commercial properties lie on the

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<sup>4</sup> Technical Advice Note 15: Development and Flood Risk, Welsh Government, 2004.

<sup>5</sup> Technical Advice Note 15: Development and Flood Risk, Welsh Government, 2004.

<sup>6</sup> Technical Advice Note 15: Development and Flood Risk, Welsh Government, 2004.

A5 to the west of the site. Due to the site's containment within two major highways, its proximity with Star and other development along the A5 as well as main railway line that runs to the south of the A5, it is reasonable to conclude that the proposed site's encroachment into the countryside is limited. It is noted from the Planning, Design and Access Statement that some existing vegetation is retained, that there is already mature highway planting to the north west of the site, and that an evergreen hedge is proposed along the southern boundary. It is also noted that the proposed colour of the acoustic fencing has been selected in order to help reduce the impact of this aspect of the development and reinforced grass will be used in the main circulation area. The existing highway planning also helps to screen the development from Star. There is no requirement that sites are completely screened from view. The aim is to seek to ensure that they have adequate landscaping rather than isolating them.

Policy PCYFF 4 requires applications to demonstrate due consideration to landscape character assessments and other elements associated with seeking to ensure that new development is well integrated into its surrounding area despite the inevitable change to the character and appearance of the site from an unused field to a developed area occupied hardstandings etc. and for short periods by caravans.

In this regard, the planning authority has consulted with the Council's Landscape Officer, who has considered the findings of the submitted Landscape and Visual Appraisal and who has offered no objection to the proposed development on the ground of potential landscape impact.

Given this, it is considered that the proposed design and layout has taken appropriately taken account of local views and natural screening, as advised within the Landscape Character Description as well as PCYFF 4. Furthermore, the proposed mitigation measures seek to further integrate the proposed development into the site.

The Council's Landscape Officer did note that the acoustic barrier as being the most visually prominent part of the development and also that the visual effect of this element is considered in the LVA and found to be of a neutral/slight effect based on the sensitivity of the receptor.

Specifically, the LVA finds that effects are predicted to be greatest from a static viewpoint within Star, however this is a wide view and therefore while the proposed development would result in a visible intervention within the landscape, it would also be only a minor feature of the view. Other views from the A55 are brief and more enclosed, particularly travelling west.

Based on the foregoing, it is considered that the proposed development satisfies policy PCYFF 4 of the JLDP and that due consideration has been taken of landscape character and appropriate mitigation has been included to offset any potential visual effects on the LCA.

### **Traffic and Transport:**

Policy TRA 4 requires that development avoids unacceptable harm to the safe and efficient use of highways. Temporary stopping places are intended to provide accommodation on a short-term basis for Gypsies and Travellers in the course of travelling and use of the site to provide such accommodation would not extend long-distance journeys away from the main road network onto a network of rural routes.

The planning supporting statement submitted alongside this proposal highlights the merits of the proposed site as well as details of the access arrangements, stating *"A new safe vehicular access point would be provided to the site on its southern boundary, providing direct access to the A5. The position of the access and visibility splays have been accepted by IACC Highways Department. To increase the safety of the junction and to facilitate access within the site lighting will be provided on the A5 and near the amenity blocks within the site."*

While it is undoubtedly recognised that the A5 remains a fast and busy road, and that this has also raised significant comment from members of the public on the grounds of road traffic safety, it is considered that the development is acceptable in terms of its transport impacts. It is considered that the proposed access, visibility splays and site management all combine to ensure that any vehicles turning into and out of the site do so in a carefully controlled and appropriate manner with

minimal disruption to the carriageway. Furthermore, due to the acceptance of the access arrangements, access design and proposed visibility splays by the Highways Authority it is considered that the points of objection, while valid, do not outweigh the proposed development's compliance with the JLDP.

Finally it is also noted that at 10 pitches, the level of vehicle movements associated with this development are not deemed to be significant to such a degree that further assessment of transport impacts is required.

### **Amenity:**

Criterion 7 of Policy PCYFF 2 requires consideration of impacts on the health, safety or amenity of local residents, other land and property users or characteristics of the locality due to a number of factors cited in the Policy, which include noise and fumes. The Cluster of Star is located on the northern side of the A55 and therefore the site does not immediately adjoin dwellings and is physically segregated from the nearby settlement. On this basis, it is considered that it is reasonable to conclude that the activity generated by the proposed use, i.e. caravans arriving and leaving and the temporary occupancy of the site would not have an adverse effect on the living conditions of existing residents in Star. Furthermore, the proposed scale of development, the degree of separation between the settlement of Star, other properties and the proposed site suggests that the proposed development would not dominate existing settlements.

In addition, it is considered that the proposed boundary treatments (inc fencing and hedgerow), soft landscaping and acoustic barrier are sufficient to provide a suitable means of enclosure, as well as an appropriate degree of privacy when viewed from the A5 but balanced with a need to ensure that the site does not feel like a compound which has been closed off from the outside environment. In respect of noise impact, the acoustic barrier at 3m in height is considered to be sufficient to address internal noise impacts in line with TAN 11: Noise. On this point, it is however considered that a number of objections discuss the failure to meet WHO criteria in respect of noise levels externally. While this is noted, and raised within the submitted Noise Impact Assessment report accompanying the proposed development, this also needs to be balanced with the overarching policy position that such development's should be located on routes used by the Gypsy and Traveller community in order to prevent further unauthorised encampments appearing. Given this, the noise impact externally will be mitigated to some degree by the acoustic barrier, and the impact externally – while beneath WHO recommendations – is, on balance, considered to be acceptable.

### **Flood Risk:**

Reflecting national policy, Policy PS 6 requires development to be located away from flood risk areas and aim to reduce the overall risk from flooding within the Plan area and areas outside it unless it can clearly be demonstrated that there is no risk or that the risk can be managed. It is noted that the proposed site is not located within a C Flood Zone and therefore the development is acceptable from a flood risk perspective, furthermore NRW offer no objections to the proposed development on this basis.

### **Ecology**

Strategic policy PS 19 seeks to manage development so as to conserve and where appropriate enhance the area's distinctive natural environment, countryside and coastline. The policy requires that when assessing a planning application, development proposals must "*protect or enhance biodiversity through networks of green/blue infrastructure*". This is further supplemented by policy AMG 5, which provides criteria by which to assess the biodiversity impacts of developments.

In this respect, it is noted that the submitted General Layout Plan and the Phase 1 Habitat Plan would indicate a loss of overall biodiversity at the site. In such an instance, policy AMG 5 advises that a development can be supported where:

1. There is no other satisfactory sites available for the development;
2. The need for the development outweighs the importance of the site for local nature conservation; and

3. That appropriate mitigation or compensation measures are included.

Based on these 3 criteria, it is considered that 1) there are no other satisfactory alternative sites, as expressed by the GTAA, 2) the need for this development in order to manage unauthorised encampments by providing an authorised stopover facility would outweigh local nature conservation in this particular locale, and 3) the proposal does contain mitigation measures as expressed within the submitted Ecological Assessment.

The above notwithstanding, and on the advice of the Council's Ecological Advisor, it is agreed that a clearer commitment to mitigation actions involving habitat creation must be made and that the recommendations within Section 7 of the assessment report be put into place. In this instance, it is considered that such matters are appropriate to address as suspensive planning conditions.

Furthermore, the submitted Ecological Assessment report has identified that no protected species records were identified at the application site, and that the site had limited value for protected species due to the poor habitat and due to it being relatively isolated from the wider landscape by virtue of its location between the A55 and A5 roads. Additionally, the submitted bat report demonstrates a lower risk for bats.

Given this, there are not considered to be any significant impacts on protected species which would necessitate further assessment in the determination of this application.

### **Historic Environment**

The development site does not contain any statutory designations which may be affected by this development. Given this, it is not considered that the development will interrupt or otherwise detrimentally impact on the historic environment. It is noted that a number of objections refer to the historic route of the A5 in this location, however this route is not subject to any statutory designation, nor included within Appendix 7: Schedule of Protected Sites or Areas of the JLDP. Furthermore, the use of the A5 as a tourist route to Holyhead is not considered to be significantly detrimentally affected by this development.

### **Consideration against The Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities across Wales to ensure the 'sustainable development principle' (meeting the needs of the present without compromising the ability of future generations to meet their own needs) is met. Section 4 of the Act puts in place a number of well-being goals which authorities are to seek to achieve in order to meet this principle. These goals include achieving 'a Wales of cohesive communities', containing attractive, viable, safe and well-connected communities, and 'a Wales of vibrant culture and thriving Welsh language', containing a society that promotes and protects culture, heritage and the Welsh language.

In assessing the proposed development, it has been found that it – to a lesser or greater degree - meets and does not conflict with the aims of the seven well-being goals as follows:

**A prosperous Wales.** The proposed development is not considered to conflict with this aim, which seeks an innovative, productive and low carbon society which recognises the limits of a global environment and therefore uses resources efficiently and proportionately.

**A resilient Wales.** The proposed development is not considered to present any significant conflicts with the natural environment which would conflict with this aim.

**A healthier Wales.** The proposed development is neither in support or conflict of this aim, which seeks to promote a society where people's physical and mental well-being is maximised.

**A more equal Wales.** The proposed development directly supports this aim, which seeks to promote a society that enables people to fulfil their potential no matter of their background or circumstances.

**A Wales of cohesive communities.** The proposed development offers the opportunity to provide a viable transient solution for the Gypsy and Traveller community which moves through the island, as well as fulfilling the aim of creating a safe and secure environment for this community.

**A Wales of vibrant culture and thriving Welsh language.** The proposed development is neither in support or conflict of this aim, which seeks a society that promotes and protects culture, heritage and the Welsh language.

**A globally responsible Wales.** The proposed development will contribute positively on a societal level in particular, which supports the aim of this goal.

## **7. Conclusion**

Having regard to the policy support discussed in this report, other material considerations along with the assessment of the impacts listed above in mind that it is considered that the application should be approved.

## **8. Recommendation and Conditions**

**Permit**, subject to conditions listed below with authority delegated to the Head of Planning to add, amend or delete conditions as necessary.

**(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 development hereby permitted shall be carried out in accordance with the following approved plans:**

**AGS-CAP-ELS-01-DR-L-1001 Revision P01;  
AGS-CAP-ELS-01-DR-L-1003 Revision P01;  
AGS-CAP-HSC-01-DR-C-0201 Revision P01;  
AGS-CAP-HFE-01-DR-C-0301 Revision P01;  
AGS-CAP-HFE-01-DR-C-0302 Revision P01;  
AGS-CAP-HDG-01-DR-C-0501 Revision P03;  
AGS-CAP-HGT-01-DR-C-0601 Revision P01;  
AGS-CAP-HLG- 01-DR-C-1301 Revision P01; and  
AGS-CAP-HML-01-DR-C-0001 Revision P01**

**unless otherwise required to be approved under the terms of this permission and as thence permitted.**

Reason: For the avoidance of doubt.

**(03) Notwithstanding the submitted information, hereby approved, no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and that it should be discharged to the Afon Braint, unless otherwise agreed in writing with the planning authority, in consultation with Welsh Water.**

Reason: To ensure the proper drainage of the site and to protect the integrity of the public sewerage network.

**(04) Notwithstanding the submitted information, hereby approved, the applicant shall provide a statement and accompanying plan which demonstrates a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates. This statement and plan shall be submitted to the planning authority and receive approval, prior to the commencement of development on site.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(05) The proposed pedestrian link, hereby approved, shall be constructed and in place prior to the occupation of the site and shall remain in place at all times thereafter.**

Reason: In the interests of pedestrian and vehicular safety.

**(06) The access shall be laid out and constructed strictly in accordance with the submitted plan, drawing No "AGS-CAP-HDG-01-DR-C-0501 rev. P03" before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(07) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 meters back from the nearside edge of the adjoining carriageway.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(08) The access shall be constructed with 2.4 metre by 215 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.**

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

**(09) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and in perfect working order before the use hereby permitted is commenced.**

Reason: To prevent surface water shedding onto the carriageway.

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

Reason: In the interests of the residential amenity for occupants and internal site safety.

**(11) The applicant shall submit a full comprehensive and robust Construction Phase Traffic Management Scheme including:-**

- I. The parking of vehicles for site operatives and visitors**
- II. Loading and unloading of plant and materials**
- III. Storage of plant and materials used in constructing the development**
- IV. Wheel washing facilities (if appropriate)**
  
- V. Hours and days of operation; and**
- VI. Management and operation of construction and delivery vehicles.**

**This Construction Phase Traffic Management Scheme shall be approved in writing by the planning authority, in consultation with the Highways Authority prior to the commencement of development works on site.**

Reason: In the interests of pedestrian and vehicular safety and in the interests of the proper traffic management of the site during construction.

**(12) The applicant shall submit supporting design calculations for the attenuated surface water drainage system. This information shall be approved in writing by the planning authority prior to the commencement of development works on site.**

Reason: In the interests of the proper drainage of the site.

**(13) Notwithstanding the approved information, any trees, plants or hedgerows, which are included within the development for the express purpose of providing visual screening, which die shall be replaced on a like for like basis, unless otherwise agreed in writing with the planning authority.**

Reason: In the interests of visual and residential amenity.

**(14) The applicant shall submit a method statement setting out that all recommendations described in section 7 of the submitted Ecological Assessment report are adhered to and adopted. This method statement shall be approved in writing by the planning authority prior to the commencement of development on site.**

Reason: In order to preserve and protect the ecological interests of the development site.

**(15) Notwithstanding the submitted information hereby approved, the applicant shall provide updated plans which indicate firmly defined area(s) of new planting for both hedges and grassland. Furthermore the areas of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations. This plan shall be approved in writing by the planning authority, prior to any development works on site relating to the implementation of the planting scheme.**

Reason: In order to enhance the ecological interests of the site and safeguard visual and residential amenity.

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

Reason: In order to safeguard local archaeological interests.

**(17) A detailed report on the archaeological work, as required by condition (16), shall be submitted to and approved in writing by the planning authority within six months of the completion of the archaeological fieldwork.**

Reason: In order to safeguard local archaeological interests.

**Informatives:**

**(01)The applicant is advised that consideration should be given at construction stage to facilitate the retro-fitting of CCTV, should future site issues emerge.**

**(02)The applicant is recommended to engage with North Wales Police on the preparation of any future amendments or further detail to the Site Management Plan.**

**(03)The applicant is advised that any development that would contravene the protection afforded to bats of Great Crested Newts under the Conservation of Habitats and Species Regulations 2010 (as amended) would require a derogation licence from Natural Resource Wales. Furthermore, a licence may only be authorised if:**

- a. There is no satisfactory alternative.
- b. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range; and



- c. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (04)The applicant is recommended to contact Natural Resource Wales about how the guidance contained within Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2 and 3), March 2010 can be adopted in relation to this development.
- (05)The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.
- (06)Any adjustments, resiting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.
- (07)The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.
- (08)The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.
- (09)If he/she chooses to carry out the work himself/, the Applicant should be advised to apply in writing to the Corporate Director of Highways, Transportation and Property for the necessary consent, as required under Section 171 of the Highways Act, 1980 to carry out work within the highway for the formation of the footway and/or verge crossing.
- (10)It is a requirement under law to serve an abnormal load notice to the police and to Highway and Bridges Authorities under “The Motor Vehicle (Authorisation of Special Types) General Order 2003”.
- (11)The Highways Authority will be utilising Section 59 of the Highways Act 1980 “Recovery of expenses due to extraordinary traffic”, to recover compensation for any damage done to the public highway as a result of this development.
- (12)The culverting of the land drainage ditch to provide for the vehicular access, will require a consent from this Authority under Section 23 of the Land Drainage Act 1991.
- (13)The applicant is advised that in order to achieve surface water discharge to the Afon Braint, a Flood Risk Activity Permit may be required from Natural Resource Wales.
- (14)Construction waste should only be disposed of to sites which can prove that they are registered as exempt, or licensed under the Environmental Permitting Regulations. There is a legal requirement (Duty of Care requirements of Section 34 the Environmental Protection Act 1990) on the site owner, contractor etc. to ensure that the re-use or disposal of this waste is appropriate and complies with the Environmental Permitting Regulations. Under the Duty of Care requirements, appropriate Waste Transfer Notes must be produced and kept. Any waste which is imported as part of the construction is also subject to Environmental Permitting Regulations 2010. The applicant should ensure they have appropriate exemptions/permits in place for the waste activities.

- (15) Pollution prevention methods should be in place for any work taking place at the eastern side of the site within close proximity to the Afon Braint. The applicant should be aware of the contents of the latest Pollution Prevention Guideline with regards to working near water i.e. GPP5 via the NetRegs website.**
- (16) Care should be taken with all work involving concrete so as not to pollute watercourses. Any water that meets wet concrete must be treated as contaminated and must not be allowed to discharge into any watercourse. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000.**
- (17) All fuel, oil and chemicals used on site should be stored away in a locked store which is bunded to 110% capacity of the total volume stored. Oil spill kits should be available at key locations on site for dealing with any oil spill. All staff on site should be aware of their location and trained in their use.**
- (18) The applicant is advised that scrub removal should be carried out either outside March-end August, or following checks by a qualified ecologist.**
- (19) The applicant is advised that Excavations to be covered overnight, or bunded with sloping sides.**
- (20) The applicant is advised that the development should cause no nuisance by dust, fumes, noise, odour or artificial light.**
- (21) Any construction works should be carried out between the following times: 0800 – 1800 (Monday to Friday); 0800 – 1300 (Saturday) and no working on Sundays or Bank Holidays.**
- (22) It is recommended that the applicant undertake construction works in accordance with CIRIA document – C650 C741, 2015 – Environmental Good Practice On Site (Fourth Edition).**
- (23) The applicant is advised that there should be an Information board provided on site to display details such as site rules, emergency contact information, fire safety, general info on GPs etc.**