

12.1

Gweddill y Ceisiadau

Remainder Applications

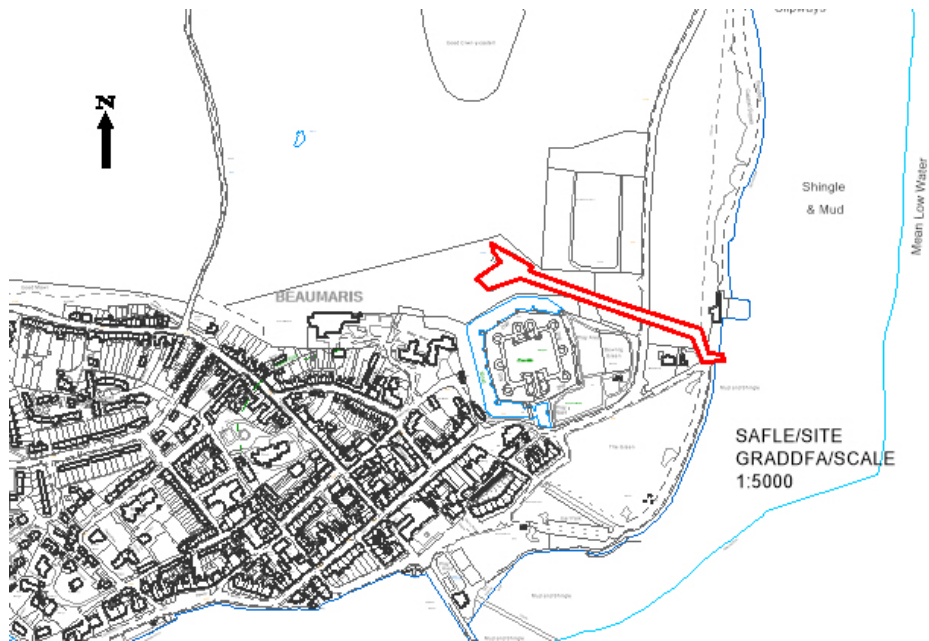
Rhif y Cais: **12LPA1003F/FR/CC** Application Number

Ymgeisydd Applicant

Cyngor Sir Ynys Môn

**Cais llawn ar gyfer gosod dwy bibell mewn cysylltiad â gwaith lliniaru llifogydd Biwmares yn  
/ Full application for the installation of two pipes in connection with the Beaumaris flood  
alleviation works at**

**Bowling Green, Biwmares/Beaumaris**



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

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

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application has been submitted by the Local Authority and is on part of Council owned land.

**1. Proposal and Site**

The application is for the installation of two pipes in connection with the Flood Alleviation works in Beaumaris. The proposed development will supersede a previously approved application (reference number 12LPA1003/FR/CC) which included the erection of a flood retention bund.

The proposed culverts will be installed in the field to the north of Beaumaris Castle (Castle Meadow). The proposed culverts will connect to an existing culvert leading to nearby Wexham Street and Maes Hyfryd to the west.

The proposed culverts will initially run eastwards under Castle Meadow and the public car park. The culverts will then cross under the A545 and the land between the road and the sea before passing under the access road to the north end of the Green finally under the sea wall and promenade, prior to discharging into the Menai Strait.

The total length of the culverts is approximately 380 meters. Manholes are proposed at changes in direction of the pipework. The culverts will be buried at a depth of between 2 - 3 meters below the existing ground level.

**2. Key Issue(s)**

The key issue is the impact the proposal will have on the following:

- Heritage
- Conservation Area
- World Heritage Site
- Essential Setting of the World Heritage Site
- Area of Outstanding Natural Beauty
- Listed Buildings
- Scheduled Ancient Monument
- Menai Strait and Conwy Bay Special Area of Conservation (SAC)
- Baron Hill Site of Special Scientific Interest (SSI)
- Lafan Sands Special Protection Area (SPA)

It is essential to balance these impact against the public benefit of the proposal in respect to the reduction of flood risk.

**3. Main Policies**

**Joint Local Development Plan**

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PS19 – Conserving and Where Appropriate Natural and Built Environment

AMG1 – Area of Outstanding Natural Beauty Enhancing the Natural Environment

PS20 – Preserving and where appropriate enhancing assets

AT1 – Conservation Areas, World Heritage Sites and Registered Historic Landscapes, parks and gardens

AT3 Locally or regionally significant non-designated Heritage Assets  
AT4 – Protection of Non Designated Archaeological Sites and Their setting

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

**Technical Advice Note 5: Nature Conservation and Planning**

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

**Technical Advice Notes 12: Design**

**Technical Advice Note 15: Development and Flood Risk**

**4. Response to Consultation and Publicity**

**Councillor Alun Roberts** – No Response

**Councillor Carwyn Jones** – No Response

**Councillor Lewis Davies** – No response

**Community Council** – Approval Recommended

**Local Highways Authority** – No comment

**Natural Resources for Wales** – No Objection

**Built Environment** – No objection. The proposed development will not have a detrimental impact upon the Conservation Area or Beaumaris Castle.

**CADW** – No Objection to the impact of the proposed development on the Scheduled Monuments and World Heritage Site.

**Welsh Water** – No Objection

**Gwynedd Archaeological Planning Service** – Conditional Approval recommended

**Environmental Health** – No observations

**Landscape** – The proposed development would not affect conservation of the AONB's Natural Beauty Features or Special Qualities relation to visual effects.

**Drainage** - No Objection. The application relates to a Local Authority project to improve existing flood defences and better manage surface water run-off within the Beaumaris catchment area.

**Ecology** – The ecological adviser initially raised issues regarding the submitted habitat and protected species survey. The report has since been updated taking into account the comments.

**Response to publicity:**

The proposal was advertised with the posting of notifications to adjacent properties and within the local press. Site notices have also been displayed near the application site. The latest expiration of the publicly period was the 1<sup>st</sup> August, 2018.

One letter of representation was received as a result of the publicity afforded to the application. The main points raised are summarised below:

- A full environmental evaluation is required.
- Concerns works at Wexham Street will have an impact upon the foundations of nearby properties.
- The proposed works could be located at another area of Beaumaris.

In response to the points raised, the Authority comments as follows:

- The application has been screened which concluded that no Environmental Impact Assessment is required. The application will take full consideration of the local environment and designated sites.
- Proposed works outside the application site cannot be considered as part of the application. Any damage made by such works to neighbouring properties is a civil matter.
- The Local Highways Authority have assessed the matter and determined, on balance the proposed works is the most appropriate form of development in association with the flood alleviation works.

## **5. Relevant Planning History**

12C444/SCR- Screening application for flood alleviation works – EIA not required 19/12/2013

12C444A/SCR Screening application for flood alleviation works – EIA not required 19/12/2013

12C1003/FR/CC - Full application for flood alleviation works comprising of the construction of a stone faced secondary flood defence wall along the eastern part of the Green, increasing the height of the existing sea wall and gabion protection between Townsends Bridge and Gallows Point and associated landscaping together with the construction of earth bunding on Castle Meadow on the north side of Beaumaris Castle – Approved 02/10/2014

12LPA1003A/DIS - Application to discharge condition (11) being (sample of stonework) from planning permission 12LPA1003/FR/CC at The Green, Beaumaris- Discharged 23/02/2015

12LPA1003B/CC/MIN - Minor amendments to scheme previously approved under planning permission 12LPA1003/FR/CC at Townsend Bridge, Beaumaris – Approved 02/12/2014

12LPA1003C/CC/SCR - Screening opinion for flood relief culvert at Castle Meadow, Beaumaris – EIA Not Required 07/09/2015

12LPA1003D/FR/CC - Full application for the construction of a flood relief culvert together with associated works at Castle Meadow, Beaumaris – Withdrawn 10/12/2015

12LPA1003E/FR/VAR/CC - Application under Section 73 for the variation of condition (01) (details of mortar and pointing to wall) and variation of condition (02) (one square metre sample panel of wall) from planning permission reference 12LPA1003B/CC/MIN (minor amendments to scheme previously approved under 12LPA1003/FR/CC and variation of conditions (02) (Construction Management Plan), condition (07) (public sewer), condition (08) (traffic management), deletion of condition (09) (section of bunding) of application reference 12LPA1003/FR/CC (flood alleviation works and bunding) at Townsend Bridge, Beaumaris – Discharged 08/10/2015

12C495/SCR - Screening opinion for the installation of a flood alleviation culvert at Castle Meadow, Beaumaris – EIA Not Required 11/06/2018

## **6. Main Planning Considerations**

Castle Meadow is a 28 ha grassed field used primarily for agricultural use. The field generally slopes from west to east with a fall of 6 meters over a length of 350 meters before adjoining with the Beaumaris Castle Moat. Ground levels range from 13.3 meters in the south west corner to 21 meters in the north west which forms the field boundary with Henllys Lane.

The public car park in which the development will cross is located to the west of Beaumaris Castle. The culverts cross the highway prior discharging into the Menai Straight to west.

The proposal is within a highly sensitive area within a Conservation Area, World Heritage Site, Setting of the World Heritage Site, Area of Outstanding Natural Beauty, close proximity to Listed Buildings, and a Scheduled Ancient Monument, Menai Straight and Conwy Bay Special Area of

Conservation (SAC), Baron Hill Site of Special Scientific Interest (SSI) and Lafan Sands Special Protection Area.

The only parts of the proposed works which will be visible on completion are the intake near the castle watering structure, the outlet grill at the sea wall on the Green, a concrete channel throughout the existing blockwork apron to the sea wall, the top surface of the gabion scour matters and the covers to the manholes along the route. The majority of the works will be underground and therefore not visible.

Since only minimal amount of the development will be visible, it is considered that the application would not affect conservation of the AONB's Natural Beauty, Features or Special Qualities related to Visual Effects.

A previous application for flood alleviation works was approved on the 02/10/2014 (under reference number 12LPA1003/FR/CC) which included the erection of a clay filled earth mound to the rear of Beaumaris Castle. It is considered that the approved works (which the current proposal will replace) would have a significantly greater impact upon the designated areas than the current proposal. The committee report for the proposed works stated *'there is no doubt that the scheme will have an impact on Beaumaris Castle and its wider setting ....'*

The revised scheme presented in this application is a considerable improvement on the earlier proposal. CADW have raised no objection and are satisfied that once installed, the development should not have an adverse impact on the setting of the World Heritage Site or Scheduled monuments including Beaumaris Castle, Beaumaris Town Walls and the Site of Friary at Llanfaes.

The Built Environment section have assessed the proposed development with respect to the designated Conservation Area and nearby Listed Buildings and have not raised any objection.

Specialist internal and external consultees have assessed the proposed development with respect to aforementioned SAC, SSSI and SPA and have not raised any objection subject to conditions.

### **Policy Context:**

There are numerous policies that addresses development and flood risk, however this is a proposal to reduce flood risk to the town. Technical Advice Note 15: Development and Flood Risk (July 2004) also provides guidance upon such proposals.

Notwithstanding the above, consideration to other policies such as the impact upon the AONB, Conservation Area and Listed Buildings and all other special features of the area have to be taken into account.

Having considered the policies listed with the report, it is considered that the development does not fundamentally conflict with the said policies.

Effect on the amenities of surrounding properties:

Given the extent and location of the proposed works, it is not considered that the proposal will detrimentally affect the amenities of nearby neighbouring properties.

### **7. Conclusion**

It is considered that the proposed development will have a minimal impact on the sensitive receptors and will provide added protection to a number of Listed Buildings, Conservation Area and numerous properties which are regularly threatened during stormy conditions.

It is not considered the proposed development will have a detrimental impact upon the designations highlighted above. Various material considerations have been considered and assessed by specialist Officers of the Authority together with external consultees who have not raised any objection to the scheme subject to conditions.

The proposed development offers a scheme which will have significantly less of an impact upon Beaumaris Castle and its wider setting in comparison to the previously approved extant planning permission. The proposed development will supersede the approved development as part of the Flood Alleviation works to the benefit of the local community. It is the recommendation of department that the application be approved.

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 **permit** the application subject to 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 below under planning application reference 12LPA1003F/FR/CC except as required to be approved under the conditions imposed:**

Drawing/ Document Number	Date Received	Plan Description
66/1310/CE16/PA/01	29/06/2018	Location Plan
CE16/PA/02	29/06/2018	Proposed Site Plan
CES316/09/01	29/06/2018	New Intake and Pipe Details
CE16/APP/02	29/06/2018	Flood Relief Culvert Preliminary Outfall Detail
YGC: 4389	15/08/2018	Habitat Survey and Protected Species Survey Report
YGC: 4389	08/08/2018	Habitat Regulation Assessment
66/1310/DA3	29/06/2018	Design and Access Statement
YGC:4389	29/06/2018	Water Framework Directive Assessment

Reason: For the avoidance of doubt.

**(03) The development shall be constructed in accordance with the recommendation contained within the YGC Habitat Survey and Protected Species Survey Report and Habitat Regulation Assessment submitted on the 06/08/2018 and 08/08/2018 respectively.**

Reason: To ensure that any protected species is safeguarded.

**(04) No development (including trial pitting, 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).

**(05) No development shall commence until full details of the replacement hedgerow detailing the native species and planting specification is submitted to and approved in writing by the Local Planning Authority. The hedgerow shall thereafter be planted in accordance with approved details and retained for the lifetime of the development. Any part of the hedgerow that dies, 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: To conserve and enhance biodiversity

**(06) No development shall commence including vegetation and topsoil clearance until a Reptile and bird Habitat Clearance Plan has been submitted, and agreed in writing by the Council. The Plan must mark areas of vegetation and associated topsoil to be cleared within a September-October timeframe (in any given year), under an Ecologist Watching Brief, to be discharged when a written final report has been approved in writing by Planning.**

Reason: for avoidance of harm to protected species (Reptiles and Nesting Birds)

**(07) No development shall commence until full details of a reptile hibernacula / refuge is submitted to and approved in writing by the Local Planning Authority. The reptile hibernacula / refuge shall thereafter be erected in accordance with approved details prior the use herby approved is commenced and retained for the lifetime of the development.**

Reason: To safeguard habitat and any protected species which may be present on the site

**(08) No development shall take place including any works of demolition until a construction environmental management plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.**

Reason: To safeguard habitat and any protected species which may be present on the site

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

## **9. Other Relevant Policies**

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

12.2

Gweddill y Ceisiadau

Remainder Applications

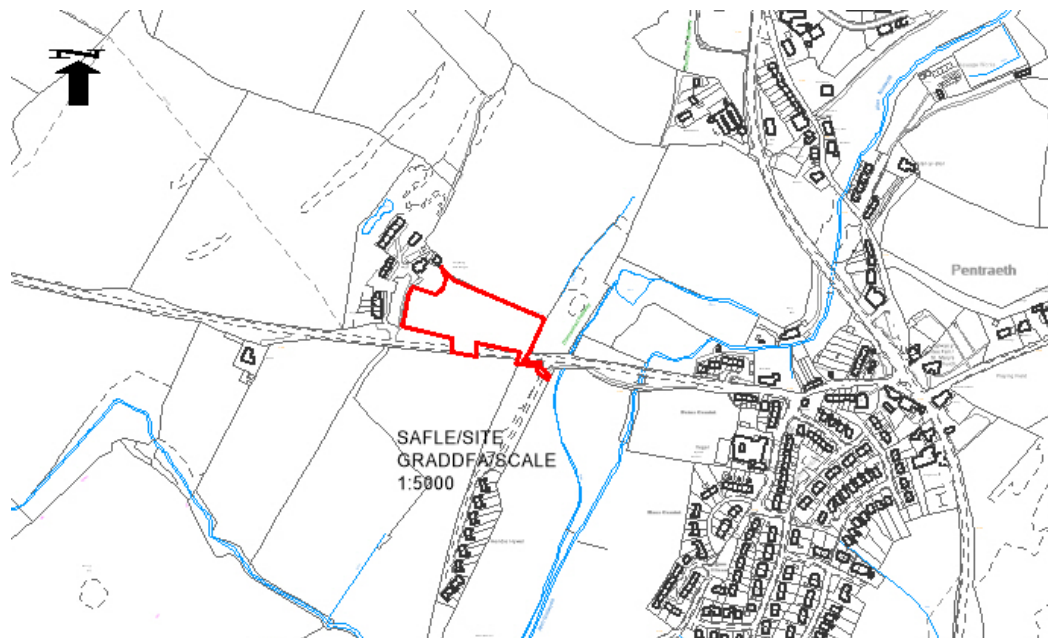
Rhif y Cais: **42C6N** Application Number

Ymgeisydd Applicant

**Mr T Cusack**

**Cais llawn ar gyfer lleoli 15 sialet gwyliau, chreu mynedfa newydd i gerbydau a llwybr cerdded ynghyd a gwaith cysylltiedig yn / Full application for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at**

**Tan y Graig, Pentraeth**





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

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

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

Local Member – Councillor Margaret Murley Roberts has requested that the application be referred to the planning committee for determination.

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

The application is for the siting of 15 holiday chalets, construction of a new vehicular and pedestrian access together with associated works at Tan y Graig, Pentraeth.

The application site is a parcel of land located to the north of the B5109 highway. The site is accessibly from the south by an existing access.

There are dwelling houses located to the west of the application site, agricultural fields are located to the north whilst a disused railway line is located to the east.

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

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

### **3. Main Policies**

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

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PS4 - Sustainable Transport, Development and Accessibility

PS20 – Preserving and Where Appropriate Enhancing Heritage Assets

TWR3 – Static Caravan and Chalet Sites and Permanent Alternative Camping Accommodation

ISA 1 – Infrastructure Provision

AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to Local Landscape Character

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

**Technical Advice Note 5: Nature Conservation and Planning**

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

**Technical Advice Notes 12: Design**

**Technical Advice Note 13: Tourism**

**Technical Advice Note 18: Transport**

**Technical Advice Note 23: Economic Development**

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

**Councillor Margaret Murley Roberts** – Request that the application be referred to the Planning Committee for determination.

**Councillor Vaughn Williams** – No Response

**Councillor Ieuan Williams** – No response

**Community Council** – Objection on several grounds including:

- Concerns regarding highway safety
- Proposal does not respect the surrounding environment
- Proposal will be visible from the village
- Effect upon the amenity of nearby residential properties
- Proposal would increase pressure upon the exiting sewage system
- No demand for such a proposal within the area

**Environmental Health** – Proposal complies with required distances within Ste Licence. Conditional approval recommended.

**Drainage** – Proposed foul drainage is acceptable in principle. Condition should be attached with respect to surface water.

**Welsh Water** – Conditional Approval

**Policy** – The main JLDP policy relevant to the proposed development is TWR3. The acceptability of the development in question will depend on whether it accords with the listed criteria, specifically the impact of the development on the local landscape.

**Built Environment** – The amended layout and reduction in the number of units have address the sections initial concerns.

**Landscape / Tree Officer** – Subject to a condition relating to a landscaping scheme, the officer is satisfied that the proposal complies with the relevant development plan policies.

**Ecology** – No objection. However have recommended a condition with respect to the Ecological Assessment.

**Local Highways Authority** – Conditional Approval

**Natural Resources for Wales** – No Objection

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

A statutory public consultation process was carried out and a Pre-Application Consultation (PAC) report which was submitted as part of the application.

The proposal was advertised with the posting of notifications to adjacent properties and within the local press. Site notices have also been displayed near the application site. The latest expiration of the publicly period was the 30<sup>th</sup> July, 2018

Seventeen letters of representations were received as a result of the publicity afforded to the application. The main points raised are summarised below:

- Cottages at Tan Y Graig are not being used for holiday purposes but rather as permanent place of residence.
- Proposed development will have an effect upon neighbouring properties in terms of light pollution, noise, loss of privacy and general disturbance.
- High density of units in comparison to the size of application site.
- Concerns regarding highway and pedestrian safety.
- Large number of holiday lodges / caravan sites within the area therefore no demand for such a development.

- Concerns regarding loss of wildlife and effect upon nearby nature designations.
  - Concerns with respect to flooding. The application site has poor drainage. Concerns additional drainage and sewage generated from the proposed development will impact upon the existing infrastructure.
  - Concerns regarding anti-social behaviour
  - Concern that the proposal would have an effect upon the character and landscape of the area.
- In response the points raised, the Authority comments as follows:
- A Certificate of Lawful Use was approved on the 18/03/2008 for the use of 13 units at Tan Y Graig as C3 dwellings.
  - The effect that the proposed development will have upon the residential amenity of neighbouring properties and the locality is assessed later within the report.
  - The number of units have been reduced from 21 to 15. The density is discussed later within the report.
  - The Local Highway Authority have assessed the application and raised no objection subject to conditions
  - The intensification and need of such a development within the locality have been discussed later within the report.
  - The Authority's ecologist has assessed the application and raised no objection to the application subject to conditions.
  - The land is not located within a Flood Zone. The Authority's drainage department and Welsh Water have assessed the application and raised no objection to the application subject to conditions.
  - Matters relating to anti-social behaviour is a police matter.
  - The effect the development will have upon the character of the area and landscape is discussed later within the report.

## **5. Relevant Planning History**

42C6 – Conversion of obsolete domestic and agricultural building to self catering accommodation – Approved 01/01/1990

42C6A – Conversion of obsolete domestic and agricultural buildings to self – catering holiday accommodation – Approved 01/01/1990

42C6B – Erection of a private double garage – Approved 01/01/1990

42C6C Erection of 7 holiday units together with tea and multi purpose rooms - Approved 02/02/90

42C6D Proposed development for the erection of 6 additional holiday units -Approved 04/04/96

42C6E Erection of a leisure complex - Approved 10/04/96

42C6F Discharge of Section 106 Agreement attached to planning permission 42/C/6D which states that "there shall be no further development of the property except as permitted by earlier consents and by the planning permission referred to in Clause 6 above" - Approved 13/01/99

42C6G Demolition of existing buildings together with the erection of a new building to be used as a games room/ changing room/store on land - Withdrawn 09/08/00

42C6H Removal of condition (03) and (04) from application 42C6A 'The holiday accommodation hereby approved shall be maintained as one complex and shall at no time be sold as separate units' and (04) 'The total period of occupation of the units hereby approved for the purpose of

holiday accommodation shall not exceed 28 consecutive days' and modification of condition (05) to read 'The occupation of the holiday units hereby approved shall be limited to 11 months duration beginning on the 4th February in any one year and ending on the 5th January in the following year - Withdrawn 03/11/04

42C6J Removal of condition (07) on application number 42C6C 'the total period of occupation of the units hereby approved for the purpose of holiday accommodation shall not exceed 28 consecutive days' and modification of condition (09) to read 'The occupation of holiday units hereby approved shall be limited to 11 month duration beginning on the 4th February in one year and ending 5th January in the following year' – Withdrawn 03/11/04

42C6K Application for a certificate of lawfulness for the continuation of use of the 13 chalets as holiday accommodation - Lawful 27/05/05

42C6L Application for the certificate of lawfulness for the use of 13 units as Class C3 dwellings as defined in the Town and Country Planning (Use classes) Orders 1987 (as amended) (or any Order re-voking) or re-enacting that Order), and as identified on the attached plan - Approved 18/03/08

42C6M/SCR Screening Opinion for the erection of a dwelling at Tan y Graig Farm Pentraeth – Returned to applicant 16/10/14

42C6M/ENF Application for retention of a porch at 4 Tan y Graig, Pentraeth – Approved 11/06/2015

## **6. Main Planning Considerations**

The application was initially submitted for 21 holiday chalets. The application was subsequently amended and the number of units was reduced to 15 units. The proposed development comprised of four number of 1 bed units, eight number of 2 bed units and three number of 3 bed units, all of which fall within the definition of a twin unit static caravan as defined within the Caravan Sites and Control of Development Act 1968.

### **Policy Considerations**

The application site is located in the open countryside and outside any defined development boundary. The site is also located outside the Area of Outstanding Natural Beauty (AONB) and the Special Landscape Area (SLA).

When considering the principle of the development reference is made to Policy TWR3 of the Joint Local Development Plan.

Policy TWR3 states that proposals for the development of new static caravan (i.e. single or twin caravan), holiday chalet sites or permanent alternative camping accommodation will be refused within the Anglesey Coast Area of Outstanding Natural Beauty and the Special Landscape Areas. In other locations proposals for new static caravan or holiday chalet sites and permanent alternative camping accommodation will only be granted where it complies with all of the following three criteria:

*i. It can be demonstrated that it doesn't lead to a significant intensification in the provision of static caravan or chalet or permanent alternative camping sites in the locality*

In order to determine if the proposal would lead to an intensification in the provision of static caravan, chalets or permanent camping accommodation reference is made to the Anglesey Landscape Sensitivity and Capacity Study (March 2014). Within the study each Landscape Character Area (LCA) has been assessed to provide guidance in relation to the sensitivity of the landscape and assess the capacity for further caravan/chalet park developments; the proposed site is located within LCA A09 (*Red Wharf Bay*).

In respect of this LCA, the Study states that "there may be some capacity for well sited small and very small scale developments." Table 2.11 (Static Caravan/Chalet Park Development Typologies) of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity Study (March

2014) defines 'Very Small' as "Up to 10 Units (typically below 1 hectare in area) and Small as 11 – 25 units (typically below 2 hectares in area).

The department considered that the density (21 units) initially proposed as part of the application was not acceptable at the application site. However, although table 2.11 (Static Caravan/Chalet Park Development Typologies) of the Anglesey, Gwynedd and Snowdonia National Park Landscape Sensitivity Study (March 2014) indicates that a scheme of about 10 holiday units would be more acceptable on a 1 hectare size site, this is only an approximation.

Following assessing the context of the site, the layout, reduced density together with the observations of the Built Environment section who raise no objection to the proposal, it considered that 15 units is acceptable.

*ii. That the proposed development is of a high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features and/or where the units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape.*

The site is an agricultural enclosure surrounded by medium to tall uncut hedges of mixed species with a number of trees. It slopes gently downwards towards the disused railway and its wooded setting and set back from the realigned B5109 road.

The site located approximately 320 metres from the AONB boundary and not within a SLA. It does not appear to be readily visible from the AONB nor SLAs and therefore considered it would not affect the setting of these designated areas.

The site is well screened by existing trees and hedges which will be prominently retained as part of the proposed development. In addition, a landscaping scheme is proposed as part of the application which further mitigates the development.

The landscape officer has raised no objection to the proposal and considered that the development complies with the requirements of PCYFF4, TWR3 and AMG3 of the JLDP.

*iii. That the site is close to the main highway network and that adequate access can be provided without significantly harming landscape characteristics and features.*

The site is located immediately adjacent to the B5109 highway. A new access to the site is proposed at the south part of the site, leading from the highway. A pedestrian crossing and footway is also proposed to east of the site which will allow pedestrians to commute approximately 0.5 km to Pentraeth. Although hedgerows will be removed as part of these works, it is not considered that the extent of these works will significantly harm the existing landscape characteristics and features.

The Local Highway Authority have assessed the application and are satisfied with the proposal subject to conditions. The site is considered to be in a sustainable location, located within close proximity to the National Cycle Network and existing public transport links.

#### **Effect upon Amenities of Neighbouring Properties:**

The impact of the proposal, especially upon the amenity of nearby land users should be considered in accordance with the criteria as set out in policy PCYFF 2 (Development Criteria). Specific consideration is 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 residences or other land and property users.

The nearest dwelling houses is Tan y Graig along with the residential units to the west of the site which has previously been granted a Certificate of Lawful Use to use the units as permanent residential dwellings. The nearest residential dwelling is located approximately 18 meters away from the proposed units.

Given due consideration to these distances together with the existing hedgerow and vegetation outside the application site it is considered that the proposed development would not affect the amenities of neighbouring residential amenity to such a degree to warrant refusal of the application.

## 7. Conclusion

It is considered that the application can be supported by local and national planning policy, in particular TWR3 of the JLDP. It is considered that there will not be a significant intensification in the provision of such sites within the areas and that the proposal is of high quality, located in a unobtrusive location providing adequate access onto a main highway network.

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.

Various material considerations have been considered and assessed by the specialist Officers of the Authority who have not raised any objection to the scheme subject to conditions. It is recommended that the application be approved.

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 **permit** the application subject to 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 below under planning application reference 42C6N except as required to be approved under the conditions imposed:**

Drawing/ Document Number	Date Received	Plan Description
2283:15:1g	13/03/2018	Location Plan
17/02/LP/01A	18/07/2018	Soft Landscape Proposal
2283:15:3M	13/07/2018	Proposed Site Plan
2283:15:9	13/07/2018	2Bed Floor Plan & Elevations
2283:15:10	13/07/2018	1Bed Floor Plan & Elevations
2283:15:11	13/07/2018	3Bed Floor Plan & Elevations
2283:15:12	27/06/2018	Proposed Site Plan – Hardstanding Areas
2283:15:13	27/06/2018	Proposed Bin & Recycling Stores Floor Plan and Elevations
2283:15:4d	04/05/2018	Proposed Drainage Plan & Long Section
2283:15:D1a	13/03/2018	Pedestrian Crossing Details

2283:15:D2	13/03/2018	Pedestrian Footway & Crossing Details
2283:15:D1	13/03/2018	Pedestrian Footway & Crossing Details
	13/03/2018	Drainage Report
	13/03/2018	Ecology Report

Reason: For the avoidance of doubt.

**(03) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

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

**(04) The access shall be laid out and constructed strictly in accordance with the submitted plan (reference number 2283:15:3M) 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.

**(05) 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 comply with the requirements of the Local Highway Authority.

**(06) 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 operational before the use hereby permitted is commenced.**

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

**(07) 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: To comply with the requirements of the Local Highway Authority.

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

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

**(09) The footway and crossing point shall be completed as per the approved plans (reference number 2283:15:D1a & 2283:15:D2 & 2283:15:D1) before the use hereby approved commences.**

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

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

- the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.
- the location and the type of street lighting furniture.

**Development shall thereafter be carried out in accordance with the approved details before the use hereby permitted is commenced.**

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

**(11) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:**

- 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 the management and operation of construction and delivery vehicles.**

Reason: To comply with the requirements of the Highway Authority to ensure reasonable and proper control is exercised over construction activities in the interests of road safety.

**(12) 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

**(13) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing reference number 17/02/LP/01A. The planting and landscaping works shall be carried out in full to the satisfaction of the Local Planning Authority before any units are placed on the site. 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 amenity of the locality.

**(14) 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.

**(15) The units shall only be used for holiday accommodation and shall not at any time be used as permanent residential premises.**

Reason: To define the scope of this approval.



**(16) The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual units on the site and of their main home addresses and shall make this information available to the Local Planning Authority.**

Reason: To ensure the approved holiday accommodation is not used for unauthorized permanent residential use.

**(17) The development hereby approved shall be constructed strictly in accordance with the reasonable avoidance measures for reptiles contained in the report of Cwydian Ecology received on the 13/03/2018**

Reason: To safeguard any protected species present.

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

## **9. Other Relevant Policies**

### **Planning Policy Wales (Edition 9)**

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

12.3

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **42C188E/ENF** Application Number

Ymgeisydd Applicant

**Mr & Mrs Maldwyn and Menai Jones**

**Cais ôl-weithredol ar gyfer codi uned llety gwyliau newydd yn / Retrospective application for the erection of a new build holiday letting unit at**

**4 Tai Hirion, Rhoscefnhir**



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

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

At the request of the Local Member Cllr Ieuan Williams

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

The application is a retrospective application for the erection of a new build holiday accommodation.

The site is located outside the settlement of Rhoscefnhir. The building is located on a complex of former outbuildings that have been converted into residential units under planning application reference 42C188 which was approved on 31/08/2006.

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

The applications main issues are whether the proposal complies with current policies..

### **3. Main Policies**

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

Policy PCYFF1 – Development Boundaries

Policy PCYFF2 – Development Criteria

Policy PCYFF4 – Design and Landscaping

Policy PS14 – The Visitor Economy

Policy TWR2 – Holiday Accommodation

Planning Policy Wales (Edition 9, 2016)

Technical Advice Note 13 – Tourism

Supplementary Planning Guidance – Holiday Accommodation (2007)

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

**Community Council** – No response to date

**Local Member, Councillor M Roberts** – No response to date

**Local Member, Councillor V Hughes** – No response to date

**Local Member, Councillor I Williams** – Call-in due to the need for consistency with recent similar applications

**Drainage Section** – Awaiting further information in regards to the proposed drainage scheme

**Highway Authority** – No recommendation

**Natural Resource Wales** – No objection

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 10<sup>th</sup> May, 2018 and at the time of writing this report one letter of support had been received from Gorau Mon supporting the applicants application to run cheese-making courses on the farm.

## **5. Relevant Planning History**

42C188 – Conversion of outbuildings into 5 residential units with 3 passing places on the highway, installation of a new septic tank and alterations to the existing access at Tai Hirion, Rhoscefnhir – Approved 31/08/2006

42C188D – Full application for the conversion of outbuilding into a dwelling at Tai Hirion, Rhoscefnhir – Approved 05/09/2014

Site history of adjoining land

42C188A – Full application for the creation of a touring caravan and camping site, erection of a shower block, creation of an internal access road, landscaping and associated development on land at Tai Hirion, Rhoscefnhir – Approved 28/10/2013

42C188B/SCR – Screening opinion for the creation of a touring caravan and camping site, erection of a shower block, creation of an internal access road, landscaping and associated development on land at Tai Hirion, Rhoscefnhir – EIA not required 28/10/2013

42C188C/DIS – Discharge of conditions (04) (passing bays) and (08) (traffic management plan) on application reference 42C188A on land at Tai Hirion, Rhoscefnhir – Condition discharged 02/04/2014

## **6. Main Planning Considerations**

**Policy Context** – Policy TWR2 of the Joint Local Development Plan states that proposals for:

1. The development of new permanent serviced or self-serviced holiday accommodation, or...

Will be permitted, provided they are of a high quality in terms of design layout and appearance and that all the following criteria can be met:

- i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;
- ii. That the proposed development is appropriate in scale considering the site, location and/or settlement in question;
- iii. That the proposal will not result in a loss of permanent housing stock;
- iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area;
- v. That the development does not lead to an over-concentration of such accommodation within the area

The proposal is contrary to criteria (i) of Policy TWR2 as the site is located in an open countryside location and does not make use of a previously developed site.

The applicant states that the proposal makes use of a previously developed site and is set amongst other built form and goes on to reiterate that what is stated in paragraph 4.9.1 of Planning Policy Wales that previously developed (or Brownfield) land should, wherever possible, be used in preference to Greenfield Site this includes sites in and around existing settlements where this is vacant or under used land or commercial properties. The applicant also states that previously developed land (Brownfield) is defined by PPW as 'land is that which is or was occupied by a permanent structure ...and associated fixed surface infrastructure. The curtilage of the development is included'.

Figure 4.4 of Planning Policy Wales defines previously developed land as that which is or was occupied by a permanent structure (**excluding agricultural or forestry buildings**) and associated fixed structures. The building was a former agricultural building and therefore cannot be considered to be previously developed land.

It is not the policy's intention to allow for the demolition of an existing structurally sound building in order to engineer new brownfield land.

New build holiday accommodation can also be permitted if it is an extension of an existing holiday accommodation business. Any application for extensions to existing permanent holiday accommodation developments must prove that there is an established link between the proposed and current development ie will form part of the same planning unit, must be the same business and will remain as so and the application to extend the holiday accommodation business is part of a wider scheme to improve the business and tourist offer in the Plan area.

There is no evidence of this in the application. The scale and design of the proposed development should be commensurate with the existing business. The business plan states that there is an existing B&B business in the farmhouse however an existing B&B establishment does not justify a new build holiday unit on the site as B&Bs do not usually require planning permission as they are incidental to the main use of the building as a dwelling. An additional Business Plan (Rhydydelyn Cheese Courses) was received on the 13<sup>th</sup> August, together with a letter from the applicants employer confirming their retirement in the Summer of 2018 and a letter of support (dated 26<sup>th</sup> July, 2018) supporting the applicants application to run cheese-making courses on the farm.

The applicant states that the site forms part of a high quality complex of holiday let cottages and next to an existing touring caravan park. During the course of determining the application the applicant has been asked to submit financial evidence for the existing holiday use of the site. To date the applicant has only submitted financial details in regards to the existing Bed and Breakfast business.

Confirmation has been received that Council Tax is being paid on the four neighbouring properties which are owned by the applicant (1, 2, 3, and 5 Tai Hirion) are being paid by third parties which confirms that the properties are long leased and not holiday units.

Paragraph 6.3.67 of the Joint Local Development Plan (Managing Growth and Development – Economy and Regeneration) states that in order to judge whether the proposed development will not lead to an over-concentration of this type of holiday accommodation within a particular location, applicants will be required to submit a detailed business plan, which demonstrates the robustness of the proposed scheme. This would enable the Council to assess whether the scheme is has a realistic chance of being viable, is not speculative in nature, and would help to make sure that there is no loophole to allow the redevelopment of existing buildings in the countryside for holiday use, and then allow them to convert to residential use if shown to be unviable in holiday use. As stated above the existing neighbouring cottages are not holiday lets but long lease lets and therefore the proposal does not form part of an existing holiday accommodation.

In his recent appeal decision of a similar scheme in the settlement of Trearddur Bay (APP/L6805/A/18/3195709) the Planning Inspector stated *“the policy explanation requires the submission of a business plan to establish viability and to understand whether there is saturation of this type of accommodation in the area. Whilst the appellants and interested party provides the numbers of holiday accommodation units in the area, and the appellants emphasise that only a few are directly comparable to the proposal, the purpose of the business plan is to establish that such a development can be sustained in the context of the area... the absence of a business plan makes it difficult to determine compliance with Policy TWR2, and for this and in relation to the first issue, the appeal cannot succeed”*

The applicant has submitted a business plan however this lacks detail of what holiday accommodation is located in the locality and contains incorrect details in regards to the use of the buildings within the planning unit. The applicant also states that cheese making courses are run from the site however \Policy TWR2 states that new build holiday accommodation can be permitted

if it is an extension to an existing holiday accommodation business and therefore the cheese making business does not support the applicants case..

In regards to the existing touring caravan park the site does not form the same planning unit as the caravan park as the applicant's son is the owner of the caravan park.

The proposal is therefore contrary to Policy TWR 2 of the Joint Local Development Plan.

The design of the proposed scheme is considered acceptable in this location and the development will not harm the amenities currently enjoyed by the occupants of the surrounding properties.

## **7. Conclusion**

The retention of the new build holiday accommodation cannot be supported as the development conflicts with the criteria listed in Policy TWR2 of the Joint Local Development Plan as the proposal is not situated on previously developed land and does not form part of an existing holiday accommodation.

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**

### **Refuse**

(01) The local planning authority considers that the proposal fails to comply with Policy TWR2 of the Joint Local Development Plan and the guidance contained within Planning Policy Wales.

12.4

Gweddill y Ceisiadau

Remainder Applications

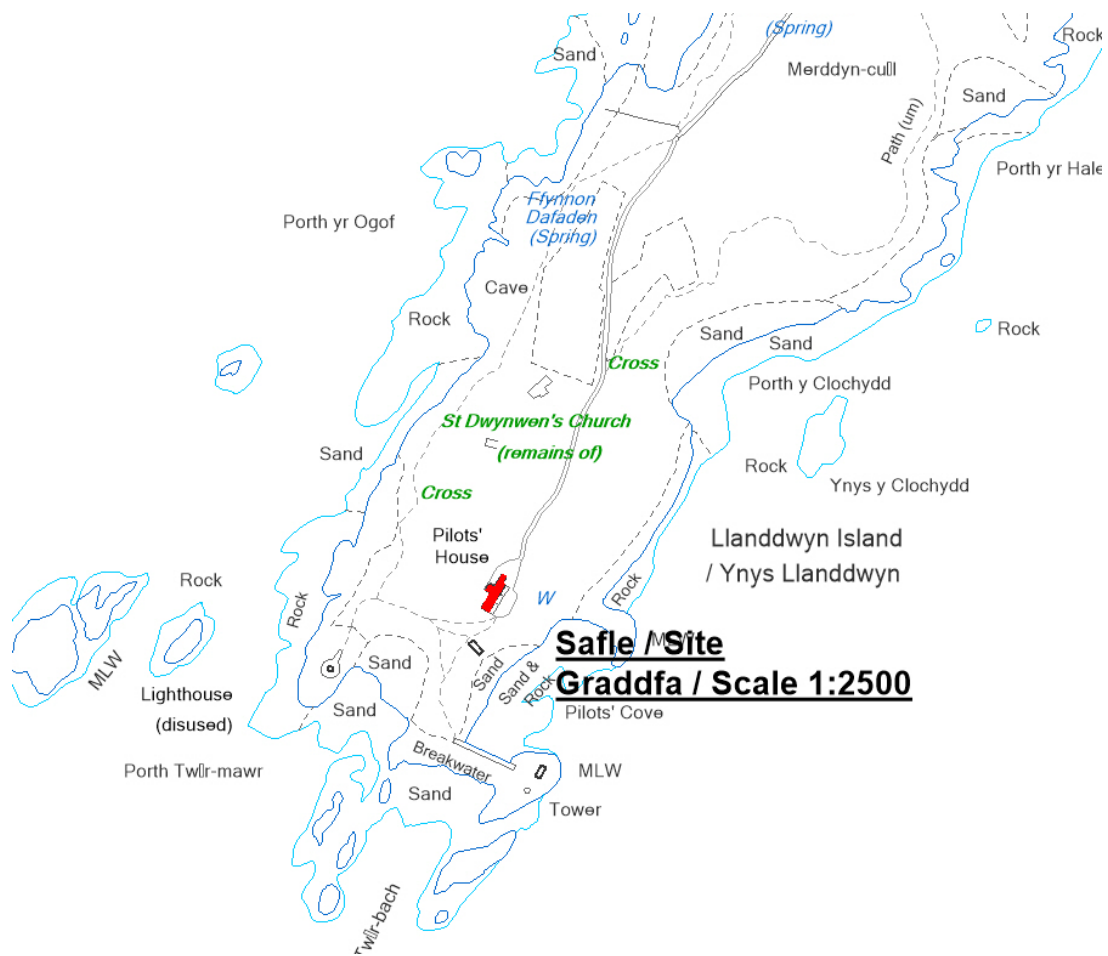
Rhif y Cais: **45C489/LB** Application Number

Ymgeisydd Applicant

**Wildflame Productions**

**Caniatâd Adeilad Rhestredig ar gyfer gwaith mewnol ag allanol i'r bythynnod yn / Listed Building Consent for internal and external works to the cottages at**

**Ynys Llanddwyn Island, Niwbwrch/Newborough**



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

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

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application is for works to a listed building in the ownership of the County Council.

**1. Proposal and Site**

Application under Planning ( Listed Buildings and Conservation Areas ) Act 1990, for Listed Building Consent for internal and external works to the cottages at Ynys Llanddwyn, Newborough

**2. Key Issue(s)**

The key issue is whether the proposal can be supported by national and local policies.

**3. Main Policies**

**Joint Local Development Plan**

PS 20 and AT1 ( Preserving and Enhancing Heritage Assets)

Technical Advice Note 24 ( Preserving and Enhancing Heritage Assets)

**4. Response to Consultation and Publicity**

**Community Council** – No objection

**Local Member** – No response

**Local Member** – No response

**Local Member** – No response

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development requires this. The expiry date for receiving representations was the 22/ 08 /18 At the time of writing the report no letters were received.

**5. Relevant Planning History**

45LPA967/LB/CC Internal and external alterations and enhancements to the cottages, Ynys Llanddwyn, Newborough. Granted 19 02 13.

**6. Main Planning Considerations**

**Previous Listed Building Consent (LBC)**

A previous listed building application of a similar nature was approved by the Welsh Government and supported by Cadw under application reference 45LPA967/LB/CC approved on the 19 02 13 subject to standard conditions.

**Policy Considerations**

**Joint Local Development Plan**



Policy PS 20 & AT1 The Joint Local Development Plan states in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authority will preserve and where appropriate , enhance the unique heritage assets.

Proposals that will preserve and where appropriate enhance the following heritage assets, their setting, significant views into and out of the building / area will be granted.

Technical Advice Note 24 The Historic Environment ,Chapter 5.13: When determining a listed building consent application , the local planning authority should consider the following issues;

1. The importance of the grade and its intrinsic architectural or historic interest.
2. The physical features of the building which justify its listing and the contribution to its significance, including and features of importance such as the interior, which may have come to light after the building was included in the list.
3. The impact of the proposed works on the significance of the building.

## **7. Conclusion**

Having considered the above and all other material considerations my recommendation is that the application should be approved as the proposed development is both desirable and necessary for the preservation and enhancement of the listed building

Having considered the above and all other material considerations the recommendation is one of approval.

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 Local Planning Authority considers that the proposal is both desirable and necessary for the continued preservation and enhancement of the listed cottages located on Ynys Llanddwyn continuously frequented by members of the public.**

Reason: The development conforms to JLDP Policies PS 20 and AT1 and National TAN 24 The Historic Environment and Guidance, Managing Change to Listed Buildings in Wales.

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.