

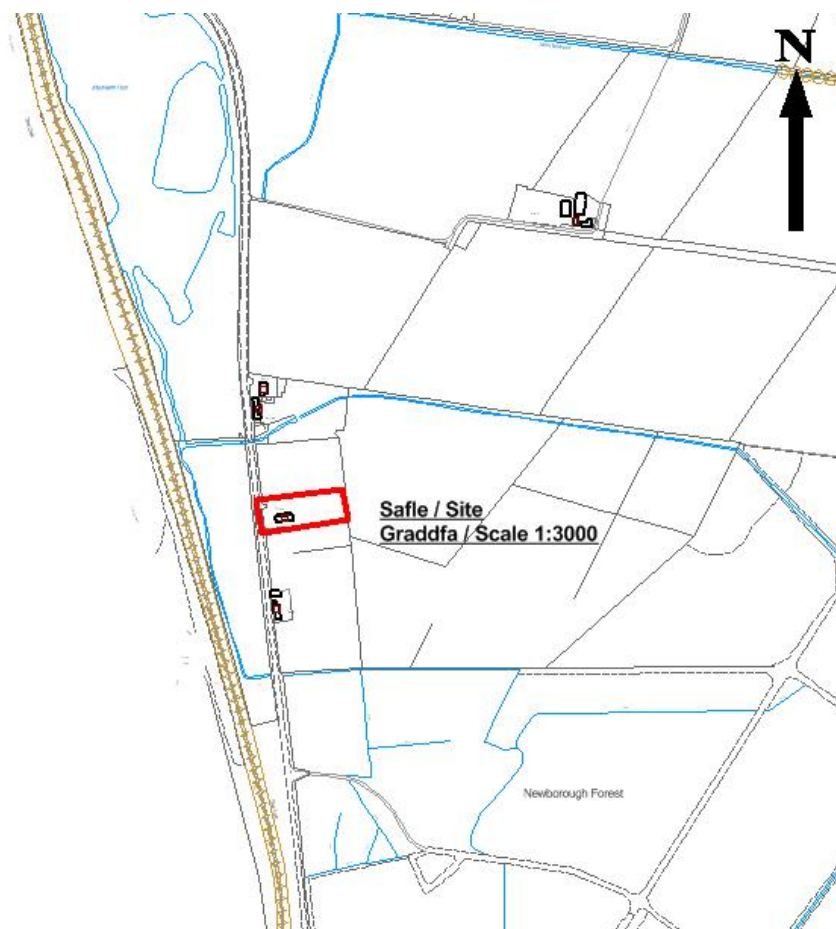
Rhif y Cais: **15C91D** Application Number

Ymgeisydd Applicant

Mr Paul Barron

**Cais llawn i ddymchwel yr ystafell ardd presennol ynghyd a chodi adeilad pwll nofio yn ei le yn
/ Full application for the demolition of the existing garden room together with the erection of a
swimming pool building in its place at**

Ty Canol, Malltraeth



Planning Committee: 03/12/2014

Report of Head of Planning Service (OWH)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called-in by Local Member.

At its meeting held on the 5th November 2014, the Planning and Order Committee resolved to defer determination in order to receive a porosity test relating to the drainage as well to receive comments from the Area of Outstanding Natural Beauty officer.

1. Proposal and Site

The application site lies between Malltraeth village and Newborough village along the A4080 road. The site consist a large garden where the proposal lies at the end of the garden.

The proposal entails the demolition of the existing garden shed together with the erection of a swimming pool building in lieu.

2. Key Issue(s)

The key issue is whether or not the proposed swimming pool building would affect the neighbouring properties and whether or not the proposal may affect the surrounding landscape.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 5 – Design

Policy 42 - Design

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1 – General Control Guidance

Policy GP2 – Design

Planning Policy Wales (7th Edition), July 2014

Technical Advice Note 12 – Design

4. Response to Consultation and Publicity

Councillor Ann Griffith – Call in

Councillor Peter Rogers – No response received at the time of writing this report.

Community Council – No response received at the time of writing this report.

Natural Resource Wales – Comments – no objection

Drainage Section – Comments

AONB Officer – No objection to the application, subject to suitable planning conditions relating to lighting and screening.

Public Consultation – The application was afforded two means of publicity. These were by the placing a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest dates for the receipt of representations were 06/11/2014. At the time of writing this report, one letter of representations has been received at the department. Objections are based on:

- Drainage issues with backwash water. As previously mentioned, the Drainage department has been consulted to which they have no objection to the application. Porosity test has been received which state that the land is sufficient and capable of holding backwash water.

5. Relevant Planning History

15C91: Demolition of existing dwelling and the erection of a bungalow on the site at Ty Canol, Malltraeth. Approved – 20.03.95

15C91A: Demolition of the existing dwelling, erection of a new dwelling together with the construction of a new access at Ty Canol, Malltraeth. Withdrawn – 26.09.03

15C91B: Demolition of the existing dwelling together with the erection of a new dwelling and the construction of a new vehicular access at Ty Canol, The Cob, Malltraeth. Approved – 07.04.04

15C91C – Full application for the erection of a double car port and store at Ty Canol, Malltraeth
APPROVED 07/06/2013

6. Main Planning Considerations

The proposal is to demolish the existing garden shed together with the erection of a swimming pool building in lieu. It is located at the end of the garden. The overall square area of the swimming pool building is 109.48 square metres.

The proposed swimming pool building will be located within the curtilage of the dwelling house and will be for private use. There is ample space within the applicants garden to accommodate the proposal.

The proposed materials are considered acceptable as they would match with the existing dwelling; and as a result would not look out of place.

It is noted that the proposed scheme can be seen from the A4080 from the South as well from the Cob. The surrounding landscape is flat. There are hedges around the applicant curtilage. The proposed swimming pool will be sited at the end of the garden, further away from the A4080 road which would lessen the impact on the surrounding landscape. It is not considered that the proposed

scheme would impact the surrounding landscape to a degree that it should warrant a refusal. As mentioned, AONB officer has been consulted to which they consider that conditions should be placed in order to mitigate the effect on AONB. They have stated that the proposed scheme would not impact the AONB to a degree that it should warrant a refusal.

It is not considered that the proposed scheme would form any adverse impact on any surrounding neighbouring properties. The nearest dwelling lies approximately 115 metres to the South and the next nearest dwelling lies approximately 140 metres to the North. There are no dwellings to the rear and front of the dwelling. The dwelling is surrounded by fields. Given the fact that there are ample distance between the proposal and the nearest neighbouring properties, it is not considered that the proposed scheme would impact any neighbouring properties to a degree that it should warrant a refusal. A condition will be placed to ensure that the proposed swimming pool will be for private use only and not for commercial/business use whatsoever.

7. Conclusion

The proposed development is considered acceptable to the Local Planning Authority. Consequently, it is considered that the proposal should be permitted subject to conditions.

8. Recommendation

Permitted

(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 swimming pool building hereby permitted shall only be used as a private swimming pool building incidental to the enjoyment of the adjoining dwelling on the land outlined in red on the location plan hereby approved (Drawing No. DC4666 / D01) and for no commercial or business use whatsoever.

Reason: In the interests of amenity.

(03) No development shall commence until a scheme for the manage and maintenance plan for the swimming pool have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter proceed in accordance with the approved details unless the Local Planning Authority gives its prior written approval to any variation.

Reason: In the interests of amenity.

(04) No development shall commence until full details of any external lighting for the site and building has been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005 (or as may be amended or superseded). The scheme shall thereafter proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation. No additional lighting shall be installed without the express consent of the local planning authority.

Reason: To ensure an acceptable appearance of the development and in the interests of amenity

(05) No development shall commence until full details of the landscaping scheme for the site noted A-B and C-D on the attached plan (Drawing No. DC4666 / D01) have been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include details of the timing of planting and the maintenance and management of the new planting including replacement of any failed or damaged plants within the first 5 years from planting together with the longer term management and maintenance plan for the landscaping scheme to ensure its effectiveness for the lifetime of the development. The development shall thereafter proceed in accordance with the approved details.

Reason: To ensure an acceptable appearance of the development and in the interests of amenity

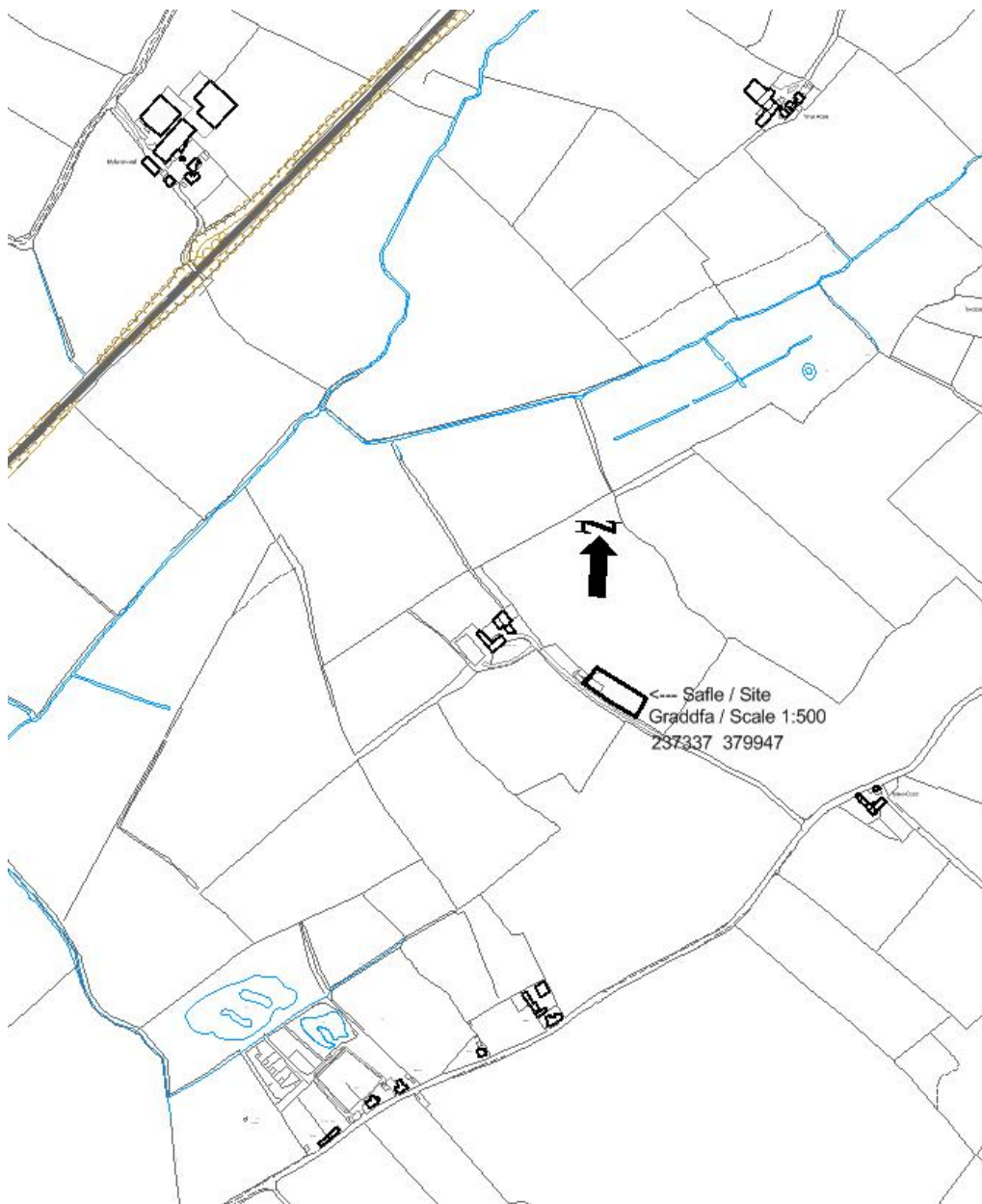
Rhif y Cais: **21C40A** Application Number

Ymgeisydd Applicant

Mr Hefin Jones

Cais llawn i godi sied amaethyddol ar gyfer cadw anifeiliaid a pit slyri ar dir yn / Full application for the erection of an agricultural shed to house livestock and a slurry pit on land at

Penrhyn Gwyn, Llanddaniel



Planning Committee: 03/12/2014

Report of Head of Planning Service (OWH)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called-in for Committee determination by Cllr Hywel Eifion Jones.

At its meeting held on 3rd September 2014 the Planning and Orders Committee resolved to defer determination in order to allow a site visit to be made. The site was visited on 17th September.

At its meeting held on 1st October 2014 the Planning and Orders Committee resolved to defer determination of the application following Environmental Health consultation response and additional objections. This consultation response and an additional objection had been forwarded to the applicant to allow their consideration before making a decision.

At its meeting held on 05th November 2014 the Planning and Orders Committee again resolved to defer determination of the application to allow the applicant an opportunity to make comments.

1. Proposal and Site

The application is for the erection of an agricultural shed (approximately 30m x 18.5m on plan and approximately 7m to ridge) to house cattle together with an integral slurry store. The site forms part of a wider agricultural holding on the mainland – land is farmed at Penrhyn Gwyn (109 acer) but no dwellings or buildings are owned thereon by the applicant. The shed is to be sited near an existing hardstanding and sheepfold where big bales are already stored.

The application has been amended to respond to local concerns regarding amenity and landscape impacts. The building has been relocated slightly and bunding and landscaping included to screen both the shed and existing developments from the access track leading to the separately owned dwelling at Penrhyn Gwyn.

2. Key Issue(s)

Effects on landscape impact and residential amenities.

3. Main Policies

Ynys Mon Local Plan

Policy 1- General Policy

Policy 42 -Design

Policy 31-Landacpe

Gwynedd Structure Plan

Policy B10 - Agriculture, Forestry and Fishing Industries

Policy D4 - Location and Siting

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1- Development Control Guidance

Policy GP2- Design

Policy EP4- Other Employment and Rural Diversification

Policy EN1- Landscape Character

Planning Policy Wales (Edition 7)

Technical Advice Note 6

4. Response to Consultation and Publicity

Community Council – Objection

Local Members – Cllr Victor Hughes – no reply at the time of writing

Cllr Hywel Eifion Jones – requests that the application be determined by the Planning and Orders Committee as he is unhappy with the location of the shed.

Environmental Health Section – Comments

National Resource Wales – No objection

Response to Publicity

The application has been publicised by personal notification and site notice with an expiry date for receipt of representations of 22nd August 2014. At the time of writing, 7 letters of objection had been received. Objections are based on:

Query regarding extent of land owned by the applicant – the application refers to 171 acres whilst objectors consider the ownership extends to just over 100 acres. It is confirmed that the applicant owns 109 acres in Llanddaniel.

The proposed shed will be visible to neighbouring properties and will effect residential amenities;

There will be noise and light pollution from the development as well as odours;

Adjoining land would be affected by the soakaway - the land is already susceptible to flooding in particular during winter;

Shed should be relocated and screening introduced to reduce visual impacts and noise;

Private matters raised in relation to rights of way over the lane do not carry sufficient weight to warrant refusal of the application. Objectors suggest that the effects of the scheme could be substantially mitigated by the relocation of the building and the introduction of earth bunds and landscaping. Through discussion with the agent an amended scheme has been achieved which meets this objective.

5. Relevant Planning History

None

6. Main Planning Considerations

Principle of the Development: Paragraph A23 of TAN 6 states that:

“A23. The scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape”

Paragraph A16 states that “...judicious tree planting and external works may enhance new buildings. The aim should not be to hide a building from sight, but rather to soften a hard outline, break up a prominent silhouette, minimize its impact on the landscape and help anchor a new building to the surrounding landscape”.

Paragraph A14 states that “Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation...”

Effects on the landscape and Amenities: Concerns have been expressed by neighbouring occupiers that the development will be visually intrusive and will affect amenities. Several have suggested that the scheme should be amended to relocate the building within the site and to introduce screening.

The building as originally submitted was within 3.5m of the edge of the access track. It has now been relocated 10m from the edge of the access track – this additional space allows for the creation of an earth bund and landscaping scheme on this elevation with landscaping in the form of a hedge extended to the edge of the track by the existing pens and around two sides of the yard area which are currently open. The development will provide over 120m of new hedge planting including 63m of earth bund to mitigate the development. As well as screening the proposed new shed, activities within the existing pens and yard will also be screened as part of the amended proposals.

A balance must be struck between the needs of the farming unit and residential and visual amenities. It is considered that the amended scheme will help to alleviate noise and visual impacts and will secure an improvement in relation to current activities at the site.

It is not considered that the proposed scheme will form an adverse impact on neighbouring properties. Environmental Health officers confirm that there is no specified minimum separation distance between dwellings and livestock buildings.

7. Conclusion

The submitted scheme has been amended in order to achieve a balance between the concerns raised by objectors and the needs of the agricultural unit. Conditions are suggested to help mitigate against any impacts.

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) No development shall commence until full details of any external lighting for the site and building has been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005 (or as may be amended or superseded). The scheme shall thereafter proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation. No additional lighting shall be installed without the express consent of the local planning authority.

Reason: To ensure an acceptable appearance of the development and in the interests of amenity

(03) No development shall commence until full details of the landscaping scheme for the site have been submitted to and approved in writing by the local planning authority. The said scheme shall include details of the timing of planting and the maintenance and management of the new planting including replacement of any failed or damaged plants within the first 5 years from planting together with the longer term management and maintenance plan for the landscaping scheme to ensure its effectiveness for the lifetime of the development. The development shall thereafter proceed in accordance with the approved details.

Reason: Reason: To ensure an acceptable appearance of the development and in the interests of amenity

(04) Prior to the slurry lagoon being brought into use, an Odour Management Plan shall be submitted to and agreed with the Local Planning Authority which sets the measures and procedures that will be adopted to minimise odour emanating from the operation and maintenance of the slurry lagoon and its contents including details of:

- a) the use of odour reducing additives;**
- b) any stirring or agitation of the slurry;**
- c) any pumping/slurry handling equipment to be used;**
- d) the frequency and method of slurry spreading and as to how and as to what account will be taken of local weather conditions when carrying out the above measures or procedures.**

Reason: To safeguard the amenities of nearby residents.

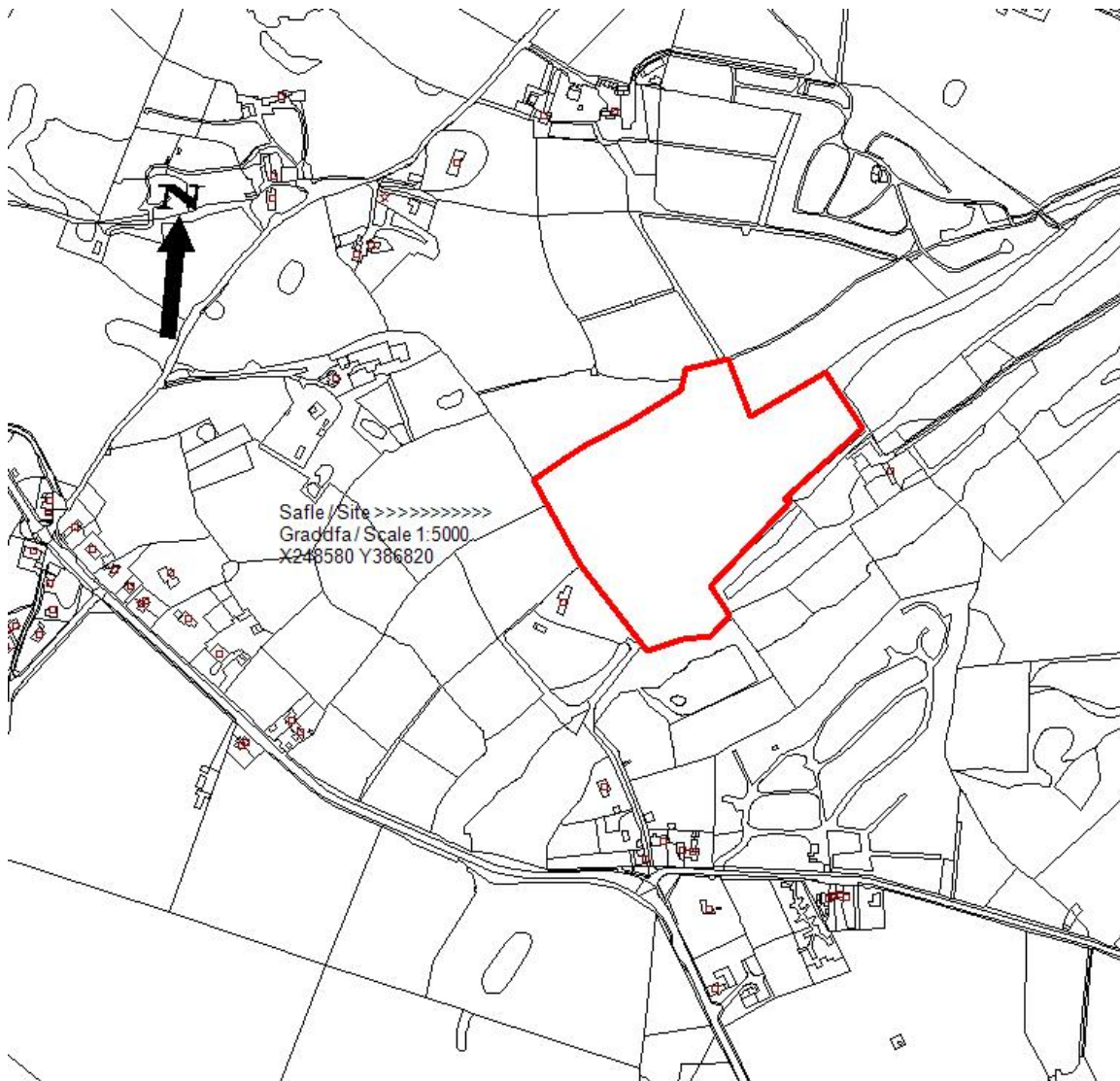
Rhif y Cais: **40C233B/VAR** Application Number

Ymgeisydd Applicant

Mr Arthur Mount

Cais i ddiwygio amod (01) (Trac a ganiateir ar gyfer defnydd amaethyddol) ar ganiatâd cynllunio 40C233 i ganiatâd bydd y trac hyn yn cael ei gadw at defnydd amaethyddiaeth a symudiad cerbydau ar gyfer gofynion gweithredol Parc Carafannau Tyddyn Isaf yn unig yn / Application to vary condition (01) (The track hereby approved shall be retained for agricultural purpose only) from planning permission 40C233 to allow the track to be retained for the purposes of agriculture and vehicle movement for the operational requirements of Tyddyn Isaf Caravan Park only at

The Owls, Dulas



Planning Committee: 03/12/2014

Report of Head of Planning Service (IWJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called in to the planning committee by the Local Member – Councillor Derlwyn R Hughes.

At its meeting held on the 5th November, 2014, the Planning and Orders Committee resolved to visit the site before making its determination. The site was visited on the 19th November, 2014 and Members will now be familiar with the site and its setting.

1. Proposal and Site

The proposal is to vary condition (01) from planning permission 40C233 to allow the track be retained for the purposes of agriculture and for the operational requirements of Tyddyn Isaf, Caravan Park.

The site is located in a rural area of Lligwy Bay, Dulas. The track considered as part of the application is accessed by a private track served by the A5025.

2. Key Issue(s)

The key issues are whether or not the development is acceptable in terms of the impact upon the amenities of nearby residential occupiers, the visual impact upon the locality and designated Area of Outstanding Natural Beauty (AONB) and highway safety.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy
Policy 30 – Landscape
Policy 35 – Nature Conservation
Policy 37 – Public Access

Gwynedd Structure Plan

Policy D3 - AONB
Policy D4 – Location, Siting, Design
Policy CH1 – Tourism and Recreation

Stopped Unitary Development Plan

Policy D1 – AONB
Policy D4 – Location, siting and design
Policy EN2 - AONB

Technical Advice Note (Wales) 9: Enforcement of Planning Control

4. Response to Consultation and Publicity

Highways Department – The highways department state that the access is acceptable in terms of width and visibility. There is an existing use for agricultural vehicles to use this private highway therefore the proposed use would not have a detrimental effect on the existing access and adopted highway.

Footpath Officer – The proposed development will not have any effect on the public footpath. Public Footpath No.1 is situated near the development and the granting of planning permission does not entitle the applicant to interfere with the public right of way.

Natural Resources Wales (NRW) – Provided advice regarding the use of controlled waste. NRW also consider that the proposal will not have adverse effects on any statutory nature conservation sites or protected species.

Welsh Water – No response.

Ecological and Environmental Advisor – Proposal does not pose a particular risk to the wildlife site.

Community Council – No response.

Local Member – Application called into planning committee. Echoing concerns of local residents.

Response to publicity. 17 letters of objection received are summarised below:

- Proposal interferes with Footpath No.1
- The application track does not cross Footpath No.1.
- Proposed use would have an unacceptable impact upon the Public Rights of Way.
- Concerns regarding the speed of vehicles.
- It was always the intention of the applicant to use the application track for the caravan park.

- Safety concerns regarding vehicle movement from an unadopted track linking the application track and the A5025.
- Petition (signed by 34 individuals) raising safety concerns over the use of the public footpath and the access track.
- Proposed use would have an unacceptable impact upon amenity of local residents.
- Proposed use would have an unacceptable impact upon the AONB.
- Proposed use would have an unacceptable impact upon Candidate Wildlife Site and the natural wildlife which exist around Nant Y Perydd and Traeth Lligwy.
- Breach of legal covenant.
- Potential damage to existing water mains supply pipe.
- Vehicular movement restricts emergency access.
- Track is being used in excess of what is proposed as part of the application.
- Unadopted track leading to application track is in a state of disrepair and not suitable for large vehicles or the operational requirements of a large caravan site.
- Alternative access to caravan site would be more suitable for the proposed use.
- If application is approved there will be no restriction upon the type or amount of vehicle movement.
- The applicant has breached the condition by using the track for the operational requirements of the caravan site for numerous years.
- Track is also being used to access agricultural buildings.
- Use of the track is affecting the quality of life of the owners of Sop Y Rhos and other local residents.
- Agricultural track and shed were granted planning permission retrospectively.
- History would suggest that use of track would exceed what is proposed as part of the application.
- No justification for the proposed use.

Response received by applicant and agent in reply to the objections are summarised below. Full copies can be found in the letters pack.

- Applicant considers movement is de minimus. However, submitted current application for the avoidance of ambiguity and following a series of complaints.
- Log of activity along the track is inaccurate. However, log does demonstrate that the track is not used for the operational requirements of the caravan park more than 2-3 times a month.
- No increase in usage of the track since 2003.
- Vehicles do not obstruct public footpath or constitute a closure of the public right of way.
- Vehicle movement across footpath takes maximum of three seconds therefore does not warrant closure of footpath.
- Not all traffic associated with the caravan park will use the track.
- Size of the caravan load prevents the applicant from using the main access to the site. When empty, the transport vehicle will use the main access to leave the site.
- Covenants and right of way are a civil matter.
- Gravel track leading to application track has been widened.
- Historically farmers have used the track by heavy machinery. Passage of vehicles does not constitute a temporary closure or restriction of the track.
- Water pipe will not be affected by vehicular movement.
- Agricultural shed is accessed from a farm track already in existence.
- Application track is not accessible to patrons or any visitors of the site.
- Majority of caravan movement occurs in the closed season.
- Journey of 5-10 minute duration would not have an impact upon the AONB.
- Caravan Park does not have plans to expand towards the application site.
- The main caravan park access is not a suitable alternative route for the delivery and removal of caravans from the park. In order that the park continues to operate it must have an alternative access.
- Application track would only be used by emergency vehicles if the main access to the site is blocked for any reason.
- Track shall not be used by any visitors to Tyddyn Isaf Caravan Park other than for the delivery of caravans and operational access.
- No threat to highway safety.
- Vehicular movement does not constitute the closure or obstruction of a public right of way.

In response to points raised in the objections I comment as follows:

- The response from the Authority's professional highway officers does not identify concerns with respect to vehicular or pedestrian safety.
- Appears from the location plan that application track does cross Footpath N0.1.
- Highways department considers that the proposed development will not have an effect on the footpath.
- Track is not a part of the public highway network and therefore the speed of vehicles cannot be dealt through the planning regime.
- Whether or not it was always the intention of the applicant to use the track for the operational requirements of the caravan park is a fact which is disputed with equal conviction by the applicant.
- The Local Highway Authority states that the access is acceptable in terms of width and visibility.
- It is not considered that the proposed use of the track would have an unacceptable impact upon the amenity of local residents. A full assessment addressing this matter is discussed later within the report.
- It is not considered that the proposed use of the track would have an unacceptable impact upon the AONB.
- The professional observations of Natural Resources Wales and the Authority's own Ecological and Environmental Advisor were sought during the determination of the application. The response received considers that the proposal does not pose a particular risk to the wildlife site (J15 Nant Y Perfydd and Traeth Lligwy Woods).
- Issues relating to legal covenants are a civil matter, detached from the planning regime.

- The Local Planning Authority has not received a consultation response from Welsh Water.
- The increase in vehicle movement along the private track would be relatively infrequent. It is therefore considered that the possibility of emergency vehicles being restricted by the proposed movement is relatively low and not a sufficient reason to warrant refusal of the application.
- Whether or not the track is currently being used in excess of what is proposed as part of the application is a fact disputed with equal conviction by the applicant.
- Whether the track leading to the application track is in a state of disrepair or not suitable for the proposed use is not a material planning consideration. The track is a private and not a public highway.
- The applicant claims that the size of the caravan load prevents the applicant from using the main access to the site.
- The application entails the variation of condition in order to only allow vehicles being used for the operational requirements of the caravan park.
- It is not a criminal offence to carry out development without first obtaining the necessary planning permission. The legislation allows development to be carried out without first obtaining the necessary consent and thereafter applying for permission retrospectively.
- The application requests that use of the track for agricultural purposes be retained.
- I do not consider that the impact of the proposal would be so detrimental upon the amenities of local residents which could warrant refusal.
- Whether the track and shed were granted permission retrospectively is a moot point.
- The Local Planning Authority is duty bound to consider the present application on the basis of the information which has been presented before it. It would be unreasonable for the Local Planning Authority to refuse permission for that which is currently proposed on the basis that it might lead to an alternative use or that it may lead to the further expansion of the site.
- The Design and Access statement submitted as part of the application outlines the reasons why the applicant requires the use of the track for the operational requirements of the caravan park. The Local Planning Authority must assess and evaluate the application on the basis of the information presented as part of the application and assess and measure this information against national and local planning policies and guidance.

5. Relevant Planning History

40C233 – Retention of access track at Siop y Rhos, Lligwy. Approved – 04/03/04

40C233A - Retrospective application for the retention of agricultural building at The Owls, Lligwy Bay, Dulas. Approved – 22/12/08

6. Main Planning Considerations

Effect on amenities of neighbouring properties – It is considered that the proposal will not affect the amenities of any of the neighbouring properties to such an extent that it would warrant refusing.

The application entails the variation of condition (01) of planning permission 40C233 to allow the track be retained for the purposes of agriculture and the operational requirements of Tyddyn Isaf, Caravan Park. There is no operational development involved in the application as the track is already in existence.

The proposed variation of the condition entails the use of the track in association with the operation requirements of the caravan park. In terms of the additional vehicle movements associated with operational requirements of the caravan park, this would include the occasional delivery of caravans to the site or their removal. Other requirements for the caravan park would be instances where delivery vehicles could not access the site using the public highway due to its narrow width. The track may also be used for emergency vehicles as a quickest access route or when the main public access is blocked.

The main access to the site would remain for the public and employees of the caravan park. It is

proposed that the track will not be used for the operational requirements of the caravan park more than 2 – 3 times a month maximum. The applicant claims that the main access to the caravan park is not a suitable alternative route for the delivery and removal of caravans from the park. In order that the park continues to operate it must have an alternative access. Based upon these factors and all other information provided as part of the application it is considered that the proposal is not unreasonable and should warrant refusing.

Currently the track allows unrestricted and unconditional use for any agricultural vehicle. I do not consider that the additional occasional use of for the purposes of operational requirements of Tyddyn Isaf caravan park would create an unacceptable impact upon the amenity of local residents that it should warrant refusing the application.

The application track is accessed by an unadopted highway which links with the A5025. The professional observations by the Local Highways Authority state they do not identify any concerns with respect to vehicular or pedestrian safety.

Although claims are made to the effect the applicant may well exploit the proposal presently under consideration as justification for the extension of the caravan site, it would be unreasonable for the Local Planning Authority to refuse permission for which is currently proposed on the basis that it might lead to the further development of the site. Any such proposals which might be carried out in the respect would be the subject of a separate application which would be considered in light of the policies prevailing at that time. The planning service is duty bound to consider the current proposal on the basis of the information which currently lies before and not to determine an application on conjecture and hearsay on the basis of what it might be confronted with in the future.

The use of the track would be relatively intermittent and infrequent therefore it is not considered that the increase in use of the track should have an adverse impact upon the AONB or character of the locality that it should warrant refusal. In arriving at this conclusion I am also mindful of the professional observations of the departments Ecological and Environmental Advisor in the matter.

7. Conclusion

In this instance I have considered the substance of representations received from the public, the applicant and agent together with the statutory consultees alike and have balanced these against the advice contained within the relevant policy documents. Although careful consideration has been given to the objections raised by the objectors, it is considered that the objections received carry insufficient weight to warrant the refusal of the application.

The advice provided under para 3.1.8 within Planning Policy Wales (Edition 7) on such matters states...

When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. There may be cases where the development proposed may give rise to public concern. The Courts have held that perceived fears of the public are a material planning consideration that should be taken into account in determining whether a proposed development would affect the amenity of an area and could amount to a good reason for a refusal of planning permission. It is for the local planning authority to decide whether, upon the facts of the particular case, the perceived fears are of such limited weight that a refusal of planning

permission on those grounds would be unreasonable.

There are no other significant material consideration which are of relevance in the determination of the application presently under consideration which have not already been given due consideration.

Whilst any development could be argued to have a potential impact upon the amenities of neighboring properties or the character of the locality, the question which needs to ask is whether or not the impact is so adverse that it warrants refusing the application. On balance however I do not consider the additional vehicle movement be so adverse that it should warrant refusing the application. Moreover, I do not consider that any refusal issued could be substantiated on appeal.

The application presently under consideration has been considered in light of the advice provided within Technical; Advice Note (Wales) 9 Enforcement of Planning Control together with all other material planning considerations. In accordance with the advice contained with the aforementioned document

'Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effect of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought, but otherwise acceptable'

It is not considered expedient nor in the wider public interest for the Local Planning Authority to take formal planning enforcement action in this case irrespective of the motive, whether intentional or otherwise.

On balance, having given detailed consideration to the professional consultees comments in the matter, the representations received and all other material planning considerations, it is not considered that the refusal of the application could be warranted. Moreover, it is not considered that it would be expedient or in the wider public interest that formal planning enforcement action should be instigated in the matter.

8. Recommendation

To **permit** the development subject to conditions.

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.

(01) The track shall only be used for the operational requirements of Tyddyn Isaf Caravan Park only between the hours of 9am – 5pm Monday to Friday.

Reason: In the interest of amenity.

(02) The track shall be retained but may only be used for the following purposes:

(a) To allow access to and egress from agricultural land for any purpose related to such agricultural use; or

(b) To allow access to and egress from Tyddyn Isaf Caravan Park for the purposes running

and managing that caravan park.

Reason: In the interest of amenity and highway safety.

9. Other Relevant Policies

Planning Policy Wales (Edition 7)

Planning Committee: 03/12/2014

Report of Head of Planning Service (MTD)

Recommendation:

Refuse

Reason for Reporting to Committee:

On request of Local member A M Jones

At its meeting of the 5th November 2014 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

Proposal complies with policy 50 and will not cause unacceptable harm to the appearance and character of the landscape.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

"The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."

This report will therefore give consideration to these matters;

The proposal complies with requirements of Policy 50 and will not cause unacceptable harm to the appearance and character of the location.

It is considered that the proposed dwelling will intrude into an undeveloped open landscape which is elevated and prominent. There are no other dwellings further along the new dwellings side of the road and there are also none on the opposite side, this will exacerbate the situation making the dwelling more pronounced.

Such a feature in the landscape will serve to detract from the open rural character and as such the proposal would be contrary to the Development Plan landscape policies and to policy 50 of the Ynys Mon Local Plan (which has been quoted) which states;

"...and would not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality"

1. Conclusion

It is accepted that the reasons put forward for approval are capable of being genuine and material planning reasons. However in considering the facts of this particular case officers have the following concerns;

There is clear and identifiable harm to an interest of acknowledged importance as described above and this when considered in the light of Development Plan policies leads to the necessary conclusion that the application should be refused.

2. Recommendation

Refuse

(01) The proposal by virtue of its position and elevation would cause unacceptable harm to the appearance and character of the landscape and as such would be contrary to policies A3 and D4 of the Gwynedd Structure Plan, policies 30 and 50 of the Ynys Mon Local plan, policies EN1 and HP5 of the Ynys Mon Unitary Development Plan (Stopped) and the provisions of Planning Policy Wales

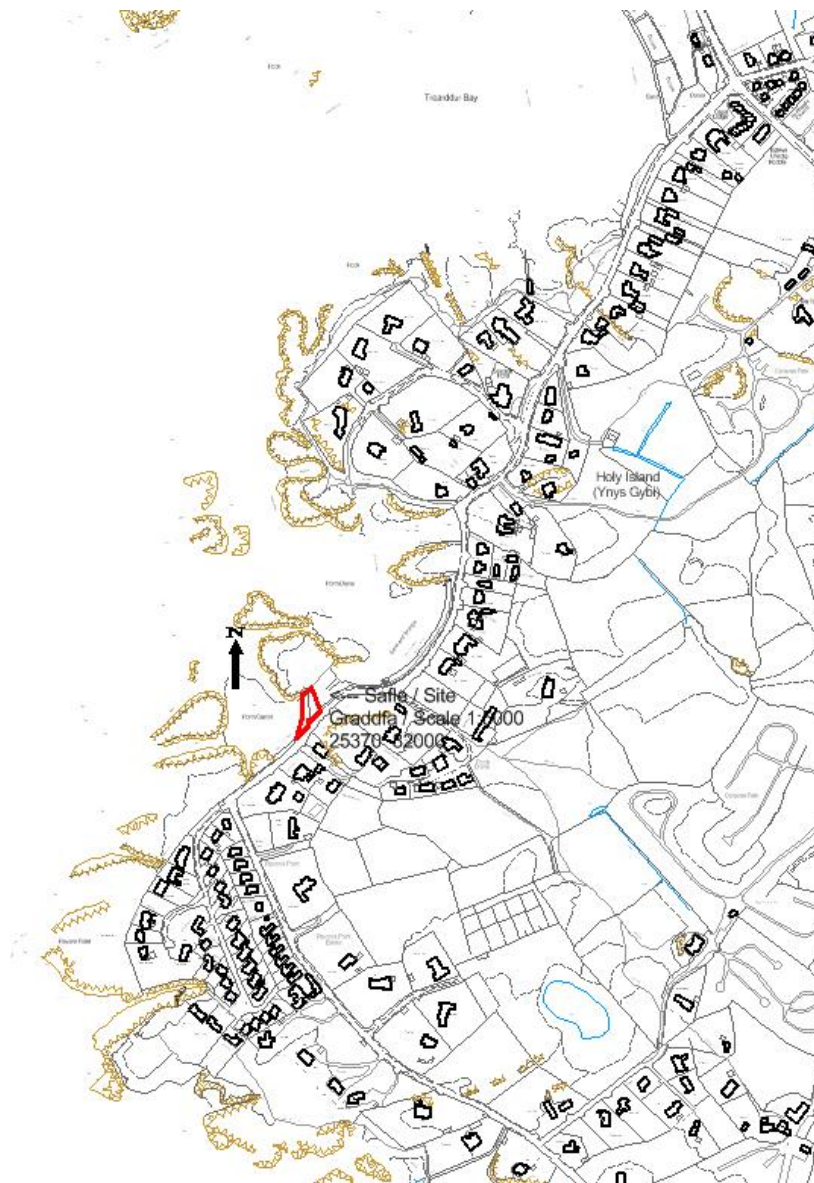
Rhif y Cais: **46C192B/FR** Application Number

Ymgeisydd Applicant

Trearddur Bay Sailing Club

Cais llawn ar gyfer gosod arfwisg graig o flaen y wal strwythur caergawell presennol yn / Full application for the placement of rock armour to the front of the existing gabion wall structure at

Dinghy Park, Porth Castell, Ravenspoint Road, Trearddur Bay



Planning Committee: 03/12/2014

Report of Head of Planning Service (AMG)

Recommendation:

Permit

Reason for Reporting to Committee:

At its meeting held on the 5th November 2014 the Members resolved that a site visit should take place prior to determining the application. The site visit took place on the 19th November 2014 and the Members will be familiar with the site and its setting.

1. Proposal and Site

The site is situated at Porth Castell in Ravenspoint Road in Trearddur Bay. The site is located within a C2 flood zone and is partially located within the Porth Diana Candidate Wildlife Site.

The proposal entails the placement of rock armour to the front of the existing gabion wall structure at the Dinghy Park, Porth Castell, Ravenspoint Road, Trearddur Bay and is designated to protect the dinghy park from damage by wave action.

2. Key Issue(s)

The key issues to consider are whether the development complies with current policies, the effect on the surrounding landscape and the effect on the amenities of surrounding properties.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General

Policy 28 – Tidal Inundation and River Flooding

Policy 31 – Landscape

Policy 34 – Nature Conservation

Policy 36 – Coastal Development

Policy 42 – Design

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design

Policy D5 – Coastal Development

Policy D10 – Nature Conservation

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 – Landscape Character

Policy EN7 – Local Sites

Policy SG2 – Development and Flooding

Planning Policy Wales, Edition 7, July 2014

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 12: Design

Technical Advice Note 14: Coastal Planning

Technical Advice Note 15: Development and Flood Risk

4. Response to Consultation and Publicity

Councillor Trefor Lloyd Hughes – No response received at time of writing the report.

Councillor Jeffrey M Evans - No response received at time of writing the report.

Councillor Dafydd Rhys Thomas – Requested that the application be referred to the Planning Committee for determination. Councillor Thomas has requested that the planning committee visit the site. Concerns are raised that the proposal is going to adversely damage a small and very attractive cove Porth y Castell and that it would result in the loss of open area. Councillor Thomas has requested if the sailing club could consider if a similar result could be achieved without having to use all this rock armour which will effectively ruin the peaceful attractive cove for ever.

Community Council – The amount of rock armour appears excessive for a small beach, other defence solutions should be considered.

Crown Marine Estate - No response received at time of writing the report.

Highways – Have confirmed that they are satisfied with the proposal providing a Traffic Management Plan is undertaken and followed accordingly.

Drainage – Standard comments

Welsh Water - No response received at time of writing the report.

Natural Resources Wales – The application site lies within zone C2 as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). They have advised that the works seem acceptable and that the risks can be managed. Also advice is given in relation to pollution prevention and waste. The proposed works are not located within or likely to affect any European site of conservation importance.

Maritime Service - No response received at time of writing the report.

Public Consultation – The application was afforded three means of publicity. These were by the posting of a notice near the site, the publication of a notice in the local press and the serving of personal notifications on the occupiers of neighbouring properties. The latest date for the receipt of representations was the 24th September 2014. At the time of writing this report no representations had been received at the department.

5. Relevant Planning History

46C192 - Construction of a dinghy park at Porth Diana / Porth y Castell, Trearddur Bay – Approved 08/10/1990

46C192A - Alterations to the existing slipway and the erection of safety railings at Trearddur Bay Sailing Club, Dinghy Park, Porth Diana, Trearddur Bay – Approved 10/06/2003

46C192C/SCR - Screening Opinion for the placement of rock armour to the front of the existing gabion wall structure at Dinghy Park, Porth Castell, Ravenspoint Road, Trearddur Bay – EIA not required 25/09/2014

6. Main Planning Considerations

Policy Context: The proposal entails the placement of rock armour to the front of the existing gabion wall structure which retains the Dinghy Park at Porth Castell. The existing and proposed gabions act as a retaining structure and are not intended as form of coastal protection. Gabions are flexible structures which are not designed to retain whilst being impacted upon by waves. The proposed rock armour at the front of the existing gabion wall structure will dissipate the energy of the approaching waves. The angle of the rock armour causes waves to break prior to impacting upon the retaining structure due to shallow water effects.

Planning Policy Wales (7th edition) states that climate change will have potentially profound environmental, economic and social justice implications and failure to address it will make planning for sustainability impossible. The changes to the climate and impacts arising from climate change we can expect include an increase in winter rainfall and in the frequency of intense rainfall; rising sea levels and more extreme weather, such as severe storms which will result in a range of impacts including an increase in flash flooding due to heavy rain and an increase in river and coastal flooding and erosion; increase winter storm damage and changes to the landscape. Failure to prepare for the inevitable impacts through adaptation measures will lead to further vulnerability for communities through damage to property, infrastructure and the economy. There is a need to plan for these impacts, reducing the vulnerability of our natural environment and built environment to climate change.

It is acknowledged that the site lies within zone C2, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). Boatyards are deemed an exception to the general rule because it is required in a fluvial, tidal or coastal location by virtue of its nature.

Therefore the principle of the proposed development is considered to be acceptable and is encouraged within planning policy.

Effect on the surrounding landscape: It is not considered that the proposal will detrimentally affect the surrounding landscape to such a degree it should warrant refusing the application. In terms of its amenity impact, it is not considered to be significant except for close views. It is acknowledged that the proposal is partially located within the Porth Diana Candidate Wildlife Site, however, as the proposal entails additions to the existing gabions it is not considered that the proposal will impact the headlands nearby which are the main relevant interest in this part of the site. The storms of early 2014 had an extensive effect on the landscape and the Dinghy Park was subjected to significant waves. The storm's impacts worsen by the very high spring tides and tidal surges. Parts of Trearddur Bay were hit by crashing waves with some very heavy damage to the main promenade and sea facing walls. The proposed rock armour at the front of the existing gabion wall structure will dissipate the energy of the approaching waves prior to impacting upon the retaining structure. Adaptation measures to prepare for the impacts of climate change are encouraged within planning policy.

Effect on the amenities of surrounding properties: It is not considered that the proposal will

detrimentally affect the amenities of the adjacent neighbouring properties. A highway is located between the site and the adjacent neighbouring properties. The proposal is located at the existing Dinghy Park in Porth Castell and it is considered necessary to prepare for the inevitable impacts of climate change.

7. Conclusion

The proposal is considered acceptable subject to conditions.

8. Recommendation

To **permit** the development subject to conditions.

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.

(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: For the avoidance of doubt.

(02) No development shall commence until details of the rock to be used to implement this permission have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the details as approved.

Reason: To ensure a satisfactory appearance of the development.

(03) No development shall commence until a traffic management plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

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

(04) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 29/08/2014 under planning application reference 46C192B/FR and in any other documents accompanying such application, unless conditions of this permission stipulate otherwise.

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