

7.1

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **14C42J** Application Number

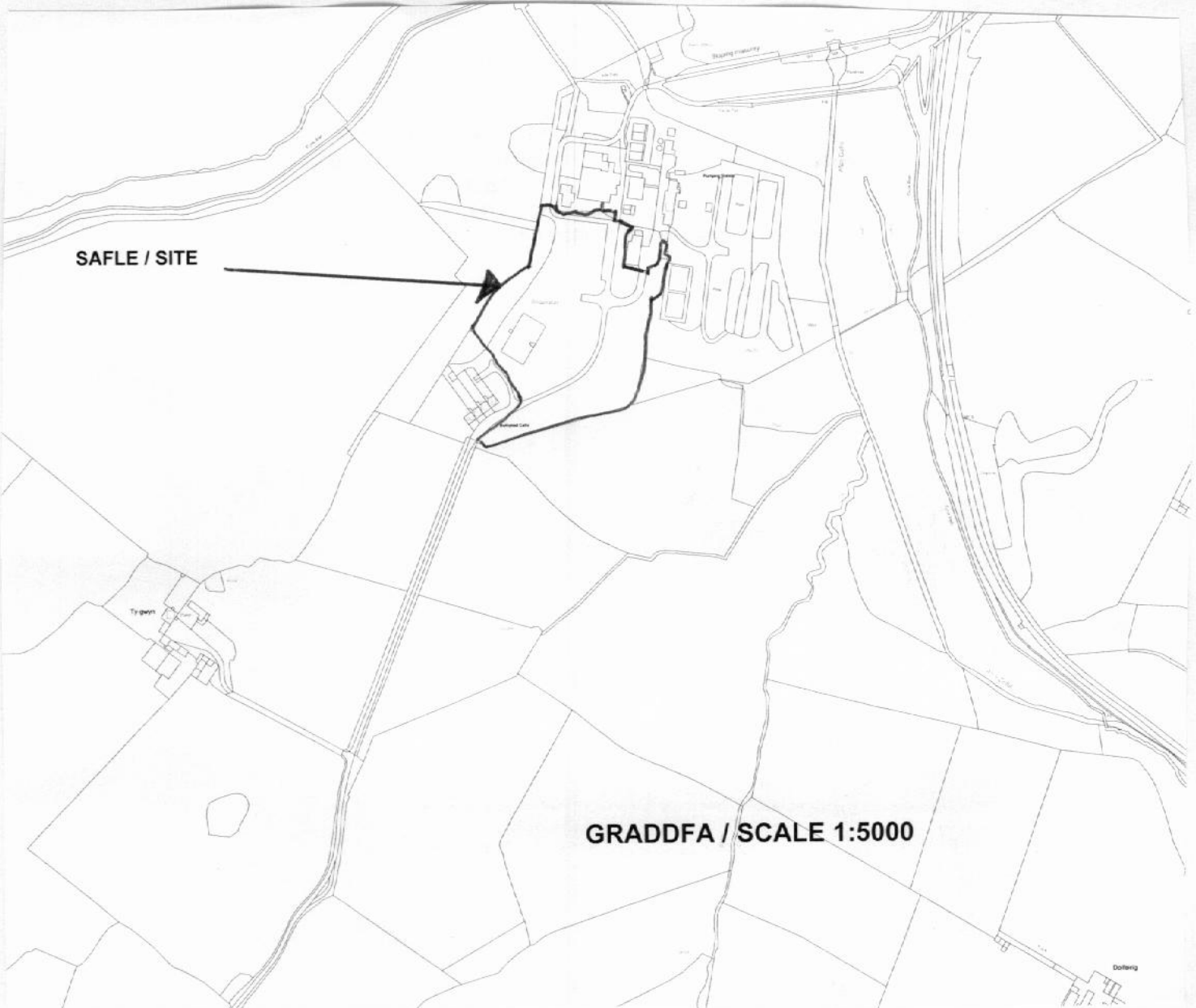
Ymgeisydd Applicant

**Dwr Cymru Welsh Water
c/o Caulmert Ltd
8, St George's Court
Altrincham Business Park
Dairyhouse Lane
Altrincham
Cheshire
WA14 5UA**

Cais llawn i godi adeilad trin dwr, twchu llaid, tanc dal, adeiladu ffordd fynedfa i'r safle, codi ffens diogelwch a thirlunio cysylltiol yn

Full application for the erection of a water treatment building, sludge thickeners, holding tank, construction of a site access road, erection of security fencing and associated landscaping at

Cefni Water Treatment Works, Bodffordd



Planning Committee: 25/07/2012

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is brought to Committee at the request of the Local Member. At its meeting held on 4th July the Members accepted the officer's recommendation that a site visit should take place, prior to consideration of the application, in order that the Committee are familiar with the site and its setting. The site was visited on 18th July.

1. Proposal and Site

The site forms part of the Dwr Cymru Welsh Water treatment works at the Cefni Reservoir, Bodffordd. It is located in a countryside location but the site has significant buildings and associated infrastructure used in the treatment and supply of drinking water. Four cottages are located at the entrance to the site, formerly in use as tied accommodation but now in separate private ownership. Footpaths and a cycleway are located in the vicinity and an angling club has facilities near the reservoir which are accessed through the site.

The proposal is for a water treatment building, sludge thickeners, a holding tank, an access road, security fencing and associated landscaping works. The works are located on a brownfield site – a water tank is located above ground in the position to be occupied by the treatment building and the site is part of the curtilage of the works and also used for various storage activities. The scheme is required in order to satisfy appropriate chemical and bacteriological standards and will, once operational, replace part of the existing treatment facilities which date from the 1950's. The proposal will become operational before decommissioning of the existing works in order to maintain water quality and supply – it is not therefore practicable to replace the existing facility, whilst maintaining quality and supply.

Two buildings are proposed although attached to each other – the first measuring some 31x38.5m on plan and between 6 and 8.5m in height; the second measuring some 41x24.5m on plan and between 7.5 and 9m in height; two thickening tanks of 7m in diameter x 3m in height; a sludge holding tank of 12m in diameter x 3m in height and a 2.7m high security fence. The buildings are located as proposed in order to achieve functional efficiency, the existing distribution network being centred at the Cefni plant, and in order to achieve hydraulic gradient to avoid the need for inter-stage pumping. Advantage is taken of the opportunities to reduce site levels and to introduce a landscaped bund in order to ameliorate impacts.

An internal access road will serve the existing and proposed development.

The buildings are designed to reflect large agricultural buildings in terms of appearance and materials and echo some of the more recent buildings on site – the older buildings are large scale concrete buildings under flat roofs. The drive running to the east of Cefni cottages is retained as a private access to the dwellings but it is proposed to provide a landscaped bund between it and the new public access road which will run between the boundary of the site and the rear of the proposed buildings, giving access to the reservoir itself. No increased traffic is anticipated as the number of operatives will remain static at 4 full-time employees. Traffic may in fact be reduced as the capacity of the proposed sludge holding tank will allow less frequent tanker trips.

A summary of the processes and the requirements for this scheme, together with an explanation of why it is

not practicable to replace or upgrade the existing 1950's buildings, is contained on the planning file and reproduced in the bundle of papers for the members.

2. Key Issue(s)

The applications key issues are whether the proposal will affect the amenities of the surrounding properties or the character of the local area.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 5 - Design

Policy 31 – Special Landscape Area

Policy 42 – Design

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy SG7 - Noise

Planning Policy Wales (Edition 4-February 2011)

Technical Advice Note 12 – Design

Technical Advice Note 11 - Noise

4. Response to Consultation and Publicity

Local Member – Requested that the application be referred to the Planning and Orders Committee

Community Council – ask the at the following matters be considered:

The location selected is too close to the dwellings and is causing concern;

The road is unsuitable for large vehicles (single track);

Full control over hours of working required;

Residents of Cefni Cottages will suffer noise pollution during the construction phase and after commissioning;

Concerns regarding the use of industrial chemicals so close to housing;

Tree cutting has occurred already – has permission been obtained?

Is there scope for relocating the proposal to a more suitable site?

Highways – No recommendation on highways grounds. Informative that a cyclepath is situated near the development.

Drainage – Requested further information with regards to the means of disposal of surface water.

Countryside Council for Wales – does not object to the proposal. Recommendations in ecology report should be adhered to.

MOD – No safeguarding objections

Environmental Health Section – reply awaited at the time of writing

Response to Publicity

The application was afforded three means of publicity. These were by the posting of a site notice near the site, the publication of a notice in the local press and the serving of personal notifications on the occupants of neighbouring properties. The latest date for the receipt of representation is 25th July. At the time of writing this report 1 letter of representation had been received in response to that publicity, submitted on behalf of all residents of the four Cefni Cottages. The main issues raised were:

The proposal will be very close to the residents' homes and will have a significant influence on privacy, safety and living standards. It will also affect the local landscape and the value of homes;

The buildings are large and close to homes – there must be scope to move the building closer to the existing works or further back into the wooded area;

The use of chemicals and explosion risk is of concern due to close proximity of building to homes;

Residents are concerned regarding the use of the car park by Llyn Cefni at anti-social hours and for anti-social behaviour; the road is narrow and is a private road with no right of public access; access is taken directly past homes; a security gate should be placed near the building to prevent unauthorised access;

Residents will suffer noise pollution during construction and thereafter from the pumps within the building; light pollution will occur from lighting being left on overnight;

Safety during construction is of concern with large lorries passing within a few metres of dwelling frontages; there is only one passing place and delays will ensue;

Construction workers' working hours is also of concern;

Is there scope to move pipework (which takes up a large area) closer to the existing works in order to allow the building to be moved further from dwellings?

During meetings with DCWW residents were assured that the field in front of their properties would not be used during construction although this is now shown on the submitted drawings.

Details of the scheme and its location are contained in the report. The Members will be aware that loss of property value is a matter which can be afforded little weight. The Highway Authority has raised no objection to the scheme and whilst the construction phase is bound to have an impact on local residents, this will be of temporary duration and would be sufficient reason to withhold planning consent. It is not anticipated that the scheme as completed will increase traffic – in fact, operational traffic may reduce due to increased holding capacity.

The use of the car park for anti-social behaviour per se is not caused by and would not be contributed to by the development as proposed. The site is very open at present and apart from fencing around the more recent buildings and a no-entry sign, there is little to challenge public access. The proposal includes the erection of security fencing in order to close off the operational plant for access by staff only. Access to the

lake for recreational purposes is maintained along a purposely created access route, separated from the dwellings by a landscaped earth bund.

The developer indicates that due to the presence of other infrastructure below ground, the relocation of the building closer to the existing buildings on the site is not possible. Its suggested relocation into a wooded area mentioned by Cefni cottage residents would be likely to create significantly greater ecological and landscape impacts than does the current proposal.

The application confirms that night time lighting will be controlled by activity sensors (paragraph 2.51 DAS) and a condition on external lighting can be attached.

The proposal does not introduce any new processes onto the site but rather updates and upgrades the existing process into a purpose-built facility. Planning is concerned with the use of land in the public interest. The processes involved in the treatment of drinking water are not regulated under the planning system. The storage and use of industrial chemicals already occurs at the site. The developer will be required to meet requisite health and safety standards in the storage and use of such industrial chemicals in progressing this development.

The construction compound does not require planning permission as temporary works in association with the scheme. Part 4 of the General Permitted Development Order grants permission for temporary buildings and uses subject to conditions including that the land is reinstated to its former condition as soon as reasonably practicable after the relevant operations have been carried out.

Noise from construction is generally controlled under the Control of Pollution Act 1974. The local authority may serve a notice under Section 60 of the Act imposing requirements as to the way in which the works are to be carried out. A developer can apply for a Section 61 consent about what construction methodologies will be used, what the working hours are, what noise attenuation will be provided and what maximum noise levels will be achieved during the construction stage. This provides a prior agreement between the local authority and the developer about the best practicable means of controlling construction noise. Detailed guidance on assessing noise from construction sites can be found in BS 5228. It is not considered necessary for planning purposes to duplicate these provisions. Paragraph 1.2.4 of Planning Policy Wales indicates that:

“1.2.4 The planning system normally should not be used to secure objectives achievable under other legislation. The principle of non-duplication should be maintained even though the powers and duties resulting from other legislation may also be the concern of local authorities”.

However, paragraph 1.2.5 states that

“...Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location”.

In relation to industrial chemical use and noise from construction, it is not considered that planning conditions can reasonably be imposed. It is not appropriate to impose conditions on traffic movements to and from the site for example as such restrictions would prove difficult to enforce. However, the hours of construction themselves are matters which can lead to more than just noise disturbance. A restriction on the hours of working can provide some respite to local residents from the general disturbance and disruption which will occur during the construction phase and a condition is therefore proposed in relation to this issue.

5. Relevant Planning History

14C42 Erection of a single storey fluoride dosing facility building at Cefni Water Treatment Works, Bodffordd – approved 24-9-87

14C42A Erection of a storage unit and demolition of the parapet to pumpouse at Cefni WTW, Bodffordd – approved 24-9-87

14C42B Alterations and extensions to building at Cefni WTW, Bodffordd – approved 18-11-87

14C42C Alterations and extensions to provide mechanical and electrical workshops at Cefni WTW, Bodffordd – approved 12-4-88

14C42D Erection of buildings to assist with the improvements of the water treatment process at Cefni WTW., Bodffordd – approved 19-4-93

14C42E Erection of an electricity sub-station at Cefni WTW, Bodffordd – approved 18-7-97

14C42F Erection of a new toilet block together with pedestrian footbridge at Cefni Reservoir, Bodffordd – approved 15-6-98

14C42G Erection of portacabins as offices at Cefni WTW, Bodffordd – approved 17-4-01

14C42H Retention of temporary offices (portacabins) on land at Cefni WTW, Bodffordd – approved 15-9-04

6. Main Planning Considerations

Affect on Residential Amenity: Four cottages are arranged in a terrace at the entrance to the WTW site. Their front elevation faces south east and they have enclosed rear gardens. No windows are present on the end elevation facing the site but oblique views of the site would be afforded from existing fenestration.

A distance of 55m separates the end of the terrace from the end of the nearest proposed building. In the area intervening are located a grassed area to the side of the terrace, its private access road and a proposed landscaped earth bund of 20m in width and some 5m in height. The proposed bund runs the entire width of the gable of the building.

Temporary effects will arise from the construction phase (some of which can be controlled through other legislation) and would not constitute sufficient reason to withhold planning consent. A condition is proposed to limit the hours of working. Practical issues on site in terms of the existence of other infrastructure and the need to offer continuous supply have affected the chosen location for buildings. It is not considered however that the impacts on residential amenity, as outlined by objectors in the preceding paragraphs, are such that planning permission should be refused.

Paragraph 3.1.7 of Planning Policy Wales states that:

“The planning system does not exist to protect the **private interests** of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. The Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of ‘good neighbourliness’), rather than the concerns of the individual”.

The scheme provides measures to ameliorate effects on neighbouring occupiers. Some of the issues raised by occupiers of Cefni Cottages relate to short term effects which could arise from any development at its construction phase and which are not particular or unique to this proposal. The continued and improved treatment of drinking water is supported in the wider public interest. The more local site specific concerns raised by residents are not overridden, but the scheme addresses those issues as far as is possible within

the constraints of the development and the site.

Affect on the Character of the Area: The buildings and tanks proposed are large structures. The buildings are design to look like agricultural buildings as far as possible e.g. in the choice of material. The site is a brownfield site and although dwellings are located at the entrance to the works, they are read in the landscape with the existing built forms and infrastructure. The proposals will be viewed as part of the larger works and although landscaping works are proposed, the scheme will remain a large development which could not easily be wholly screened. Given its context on this brownfield site and the wider public interest which is served by the development, it is not considered that the scheme is unacceptable. The Built Environment and Landscape Section has indicated that some slight alteration to the proposed species included on the planting list may be beneficial in relation to ameliorating wider landscape impacts but a formal reply was awaited at the time of writing.

Other Matters: No highway safety concerns are raised by the Highway Authority. Ecological matters have been considered and requirements arising are included within the proposed conditions. The response of the Environmental Health Officer was awaited in relation to noise at the time of writing and the Committee is requested to allow delegated powers to impose further conditions in relation to this issue as may be required. Additional details in relation to surface water disposal have been requested and again, delegated powers are requested to impose conditions as may be necessary. Access to the lakeside for recreational purposes will be safeguarded. Concern is expressed that the road leading to the site is a private road and that there is no public right of access along it. This is a civil matter although Dwr Cymru-Welsh Water has a published leaflet "A Guide to Recreation around Reservoirs of Wales" which lists the facilities available at its site, including the Cefni Reservoir, and which indicates a public car park accessible off the B5111 rather than off the B5109. . The local Angling Association has facilities on the lakeside and access to these facilities is provided for within the scheme.

7. Conclusion

The scheme intends to provide a modernised and improved process within up-to-date buildings on site in order to continue to treat drinking water supplies. The scheme has taken into account the effects on residential amenity, ecology and the wider landscape.

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 use of the buildings shall take place until the earth bund separating them from dwellings at Cefni Cottages and which is shown on Tirlun Barr drawing number 12/09/PP/01 and indicated in blue on the plan attached to this permission, has been constructed and planted in accordance with the approved landscaping scheme shown on Tirlun Barr drawing number 12/09/PP/01. The remainder of the landscaping scheme shall be carried out in accordance with the approved drawings (Tirlun Barr drawing number 12/09/PP/01) within the first planting season following the use of the building or completion of the development, whichever is the sooner. The said landscaping schemes shall be maintained for a period of 5 years from planting and any trees or shrubs that die or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the local planning authority gives its prior written consent to any variation.

Reason: To ensure a satisfactory appearance of the site and in the interests of residential amenity.

(03) No external lighting shall be provided on the buildings or within or on the perimeter of the site until details of the scheme have been submitted to and approved in writing by the local planning authority. Any such scheme submitted shall be designed to direct light into the site and to avoid spillage of light or glare beyond its perimeter. The scheme shall thereafter be implemented in accordance with the approved details unless the local planning authority gives its prior written consent to any variation.

Reason: In the interests of the amenities of the area.

(04) Site clearance and construction works shall take place in accordance with the recommendations contained within the ecology report prepared by Black and Veatch (Document no. 174122-00-0405) and written and photographic records of all pre-construction checks shall be kept and be made available for inspection by the local planning authority upon request, together with written and photographic records of any requirements arising as a result of pre-construction checks.

Reason: To safeguard any protected species which may be present.

(05) No demolition or construction works shall take place outside 0700hrs to 1900hrs Mondays to Fridays and at no time on Saturdays, Sundays or Bank Holidays unless the prior written agreement of the local planning authority has been obtained.

Reason: In the interests of residential amenity.

Rhif y Cais: 24C192D Application Number

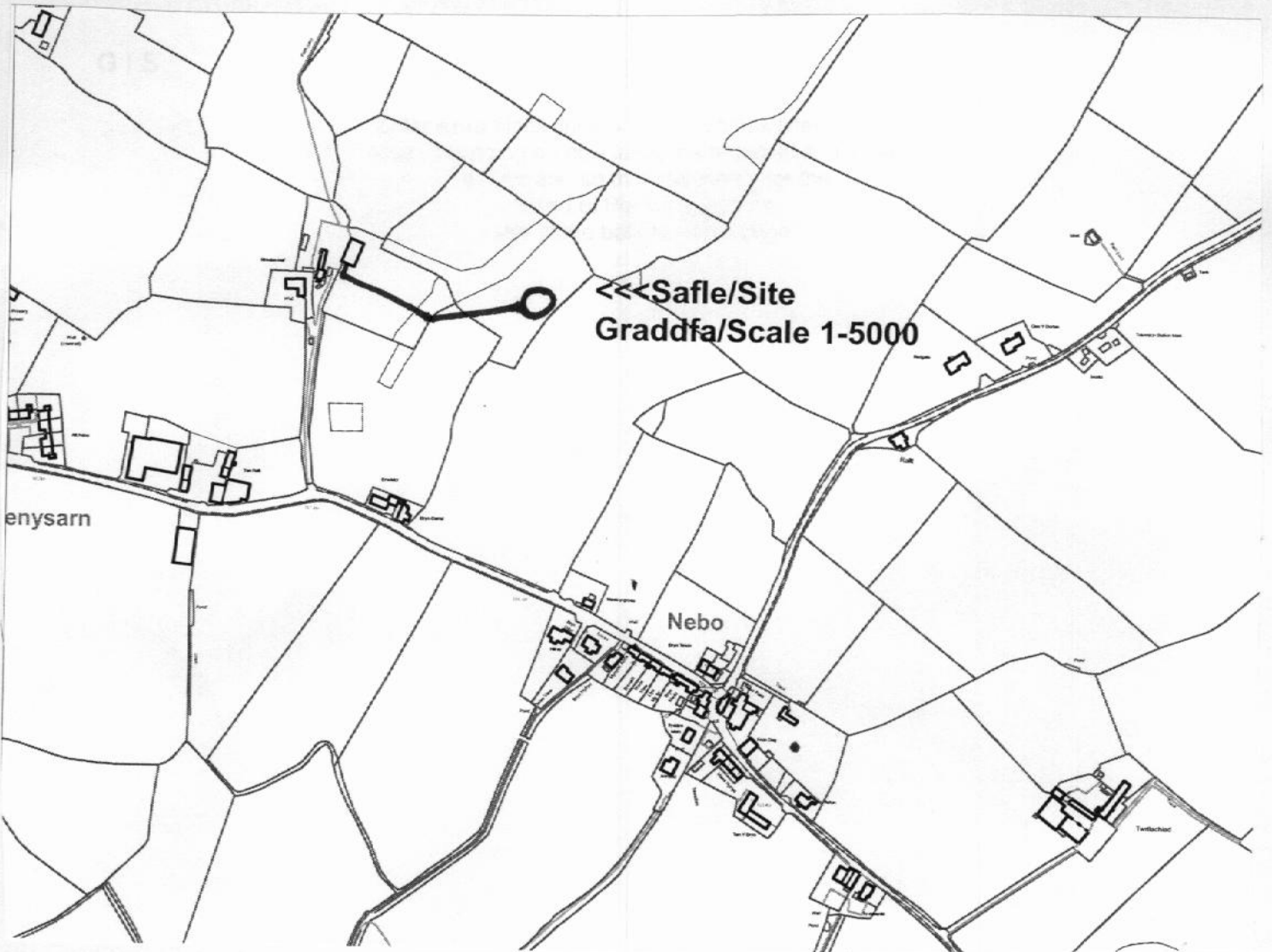
Ymgeisydd Applicant

**Mr & Mrs J & T Shaw
c/o Aspire Planning Ltd
Second Floor Offices
15 Boulevard
Weston super Mare
Avon
United Kingdom
BS23 1NR**

Codi twrbin wynt gyda uchder hwb hyd at uchafswm o 15m, diamedr rotor hyd at uchafswm o 7.5m a uchder blaen unionsyth fertigol hyd at uchafswm o 19m ar dir yn

Erection of a wind turbine with a maximum hub height of up to 15m, rotor diameter of up to 7.5m and maximum upright vertical tip height of up to 19m on land at

Rhiwlas, Nebo, Penysarn



Planning Committee: 25/07/2012

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

This application is re-presented following the Committees resolution to refuse the application contrary to Officers recommendation.

1. Response to Member's Decision

Members resolved to refuse the application for the following reason;

There would be an adverse impact on the landscape.

In respect of this the Departments Landscape Officer raises no objection stating;

“ The proposed turbine would be visible from a range of public sites adjacent to the AONB and from some views in the context of the AONB and edge of the AONB.Its significance in the landscape would be tempered by both local topography; natural and built screening. It does not appear that the proposed development is in a sufficiently prominent location to be harmful to the AONB Coastal or Historic landscapes and its visual impact would primarily be to areas outside the AONB and would be local and moderate”

2. Conclusion

In light of this it is not considered that the application should be refused on landscape grounds and the recommendation remains that of permitting the application

3. Recommendation

Permit

(01) Rhaid cychwyn ar y datblygiad yr ymwna'r caniatâd hwn a fo o fewn pum mlynedd i ddyddiad y caniatâd hwn.

Rheswm: Ufuddhau i anghenion Deddf Cynllunio Gwlad a Thref 1990.

(02) The wind turbine should be installed by a suitably qualified person in accordance with the manufacturer's instructions and site survey.

Reason: In the interests of amenity

(03) The cumulative noise from the wind turbine, measured 3.5m from the façade of any occupied neighboring property not in the ownership of the applicant, shall not exceed 35db LA90, 10 minutes up to wind speeds of 10m/s at 10m height. Where the most noise sensitive part of any adjacent premises is above ground level, the monitoring location shall be 1m from the façade and a façade correction of -3db(a) applied.

Reason: In the interests of amenity

(04) The wind turbine shall not be tonal in character.

Reason: In the interests of amenity

(05) Should the Local Authority receive a justifiable complaint of noise nuisance regarding the wind turbine, the applicant shall undertake a noise test at his own expense to demonstrate compliance with condition 3 and 4 above. The methodology used to determine compliance shall be agreed with the Environmental Health Section of the Local Authority.

Reason: In the interests of amenity

Rhif y Cais: 39C291A/1 Application Number

Ymgeisydd Applicant

Mr Gareth Cleaver
c/o Penseiri Russell-Hughes Architects
56 Bridge Street,
Llangefni,
Ynys Môn.
LL77 7HH.

Codi bloc o flatiau yn cynnwys 6, 2 ystafell wely ar dir yn

Erection of a block of flats containing 6 no, 2 bed flats on land at

Menai Quays, Water Street, Menai Bridge



Planning Committee: 25/07/2012

Report of Head of Planning Service (DPJ)

Recommendation:

Permit

Reason for Reporting to Committee::

The application is reported to the committee because the application comprises a departure which officers are recommending for approval.

In accord with the officer recommendation it was resolved to convene a site visit at the last planning committee.

1. Proposal and Site

Proposal

The application site was formerly used as a timber yard which encompassed the western and eastern sides of this part of Water Street. The eastern side has been developed into a boat storage yard with associated facilities and a restaurant as detailed in the planning history below. This application relates to western side of Water Street the majority of which has now been developed for residential purposes.

There are a number of listed buildings in proximity to the development notably to the Victoria Hotel which is located to the west or rear of the development and it is within an area which is designated as part of a conservation area.

The application is made for a three storey building encompassing six flats. The design would be similar to the two existing apartment blocks already constructed on the western side of Water Street. Externally the building would have a pitched slated roof and the walls would be rendered. A car parking area would be provided to the south of the development.

The design and access statement submitted with the application included photomontages of the development when viewed from Water Street & St Georges Road. Additional photomontages illustrating existing and proposed views of the development from the grounds of the Victoria Hotel were submitted in December 2011 at the request of the local planning authority.

2. Key Issue(s)

- Material Planning History
- Why The Application Is A Departure From The Development Plan And The Acceptability Of The Development In Principle.
- Design, Layout & External Appearance
- The setting of Listed Buildings
- Conservation Area
- Affect on Residential Amenities
- Drainage & Flooding
- Highways
- Other Material Considerations

3. Main Policies

Gwynedd Structure Plan (approved November 1993)

D22 Setting of Listed Buildings
D25 Conservation Area
D29 Design

Ynys Local Plan (adopted December 1996)

1 General Policy
2 New Jobs (S30 Waterfront)
40 Conservation of Buildings
41 Conservation of Buildings
42 Design
48 Housing Development Criteria

Stopped Ynys Mon Unitary Development Plan “Stopped UDP” 2005

GP1 Development Control Guidance
GP2 Design
HP3 New Housing Development – Main and Secondary Centres
EN13 Conservation of Buildings

Planning Policy Wales (Edition 4, February 2011)

Technical Advice Note (TAN) 12: Design (2009)

Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas'

Waterfront Development Brief (1997) – The development brief was prepared whilst the timber yard was operational and the it is also encompassed the adjacent Min y Don Site. Since the preparation of the development brief around 15 years has elapsed, the Water Street site has been substantially redeveloped and a conservation area has been designated. Weight has been attributed to the development brief commensurate to these factors.

4. Response to Consultation and Publicity

Local Member No observations received.

Community Council Very strong objection – citing over development, out of character with area, parking issues, inadequate sewerage system and drainage problems.

Highways: Condition recommended on car parking.

Drainage Foul & surface water drainage arrangements are satisfactory in principle.

Environmental Adviser No ecological comments.

Environmental Services It is understood that the proposed 3 storey housing development will be located to the rear of the properties known as Menai Quays, Menai Bridge, LL59 5DB and the Victoria Hotel, Telford Road, Menai Bridge, LL59 5DR. Concern has also been raised in relation to any potential noise from licensed entertainment, such as amplified music, emanating from the Victoria Hotel during their hours of regulated and licensed entertainment.

In view of this, it is therefore recommended that the applicant undertake and implement the advice of a suitably qualified acoustic consultant with respect to the design criteria and associated indoor noise levels

that could be achieved through acoustic specification glazing within this development. Internal noise specification criteria for this residential development should be designed to achieve the 'good' standard rather than the 'reasonable' standard as laid down within BS 8233:1999 Sound insulation and noise reduction for buildings - Code of practice .

Conservation Officer

In comments dated 01.08.11 the council's Conservation Officer stated:

The site lies adjacent to the listed John Edwards Warehouse and Victoria Hotel and it is inside the designated conservation area.

With reference to the above considerations and in view of the as existing development and the as existing approved permission on the land I am of the opinion that the proposed development will be acceptable from a built environment and a conservation perspective.

Following the production of photomontages in support of the application as additional information the council's Conservation Officer re-affirmed the observations made above.

In comments dated 29.03.12 the council's Conservation Officer responded directly to the objectors and addressed the history of the site, planning history and the impact on the setting Victoria Hotel and the future economic viability of the Victoria Hotel.

In an e-mail of 20.06.12 the council's Conservations Officer has assessed in detail the potential impact of the development on three grade II listed buildings at: Victoria Hotel, English Presbyterian Chapel and the John Edwards Warehouse having special regard to the desirability of preserving the buildings or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Area was designated in 2004 because of the architectural and historic interest of the area, industrial heritage and listed buildings.

In an e-mail of 22.06.12 the council's Conservation Officer states the sub area comprising this part of the conservation area consists of a narrow strip along the waterfront directly to the east of the suspension bridge. Former industrial land associated with the bridge building works and later shipping activities remain. Later residential buildings and conversions have been integrated amongst the industrial remains along with limited public open space along the shoreline from the foot of the suspension bridge to St George's Pier. In summary the character and appearance of the subject area hosts an intermix of housing and commercial buildings (some of which has been converted to housing) of various architectural styles and finishes which has evolved over a long period of time and is still evolving today. In concluding it is stated that the development is of high quality and that it would integrate with the character and appearance of the conservation area, special attention has thus been given to the desirability of preserving or enhancing the character or appearance of that area.

Environment Agency No objection received.

Welsh Water Conditional permission.

Three letters received objecting as tabled below:

In a letter dated 29.06.2011 Mr Huw Jones objects on the following grounds:

1. Anglesey County Council policies state that the council aims to support strong, lively and inclusive communities, balanced communities and support sustainable communities. The development does not accord with these requirements and shows speculative commercial developments try and profit to the

detriment of communities

2. Sufficient flats are available on Water Street at prices which are beyond the general population - development should be for affordable housing meeting local need.

3. Existing development caters for the privileged few only and excludes the majority of people which has a negative impact on the community.

4. The flats already constructed do not contribute to local business, businesses which have closed down in recent months are listed, and photographs are enclosed as evidence.

In an e-mail of 24.02.2012 from CDN Planning on behalf of the owners of the Victoria Hotel the following objections were raised:

1. Concerns expressed as regard the proposal in comparison to what was approved previously.
2. The objector states that Plan A enclosed with their observations show the original approval for housing on this site together with previous 3 & 4 storey proposals which were viewed as unacceptable by the council and then amended.
3. The objector states that Plan B enclosed with their observations illustrates the acceptable amended block plan (approved) showing three storey houses in blue and two storey houses in green. Overlaid on this is now the proposed three storey block of flats sited on the site of the previously approved 2 & 3 storey houses on site.
4. The objector states that Plan C enclosed with their observations illustrates the current proposals with the outline of the approved 2 & 3 storey houses which lie in front of the Victoria Hotel overlaid in blue. The green shaded area shows the extent of the additional height increases over and above that already approved. This will be directly in front of the Victoria Hotel and will detrimentally affect its setting and the outlook from the garden or curtilage of the listed building. The proposed roof will in fact be some 1.5 metres higher than the lower external seating area at the Victoria Hotel.
5. The objector states that Plan D is a plan which was submitted and considered during the local planning authority's consideration of the previous application shows an useful photomontage produced by the architects. They state a request was made to seek a reduction in the three storey elements of the development (shown green) to the outline shown black on that drawing. Whilst hipped roofs were not incorporated, the three storey element of the development was reduced to two – due to its perceived impact on the setting of the listed building.
6. It is important to note that the current proposed changes when set within the context of the approved development, take the proposal back to the scale and height which was clearly deemed to be unacceptable on the previous application. A comparison of plans C & D make this clear.
7. The objector's acknowledge that a block of three storey houses to the west will be deleted and replaced with parking spaces, however, this part of the site is not visible from the Victoria Hotel and does not affect its setting. It seems here that to introduce another large single block of flats as proposed will have a detrimental impact on the setting of the Victoria Hotel as the foreground will be dominated by this new proposed block and the previously approved block (a photograph is enclosed) whereas the historic setting and townscape here was dominated by the imposing Victoria Hotel.
8. The historic context here is so important that you may wish to seek an independent view on these changes

and with that in mind it is suggested that the local planning authority should consider canvassing the views of the Design Commission for Wales.

9. In the objections received it is stated that the owners of the Victoria Hotel never objected to the principle of the development on this site and it seems that should the developer want to amend the approved plans from semi-detached dwellings to flats then a more appropriate way of doing so is to amend the proposal so that the block of flats is sited to the west with its proposed car parking area adjacent to the existing parking area to the east. In that way the setting of the listed hotel would be protected as required by the statutory requirements imposed upon the local planning authority.

Enclosed with objection tabled above CDN Planning enclose a letter dated 21.12.2005 objecting to planning application 39C291K and they state that the points made are equally applicable to current proposal.

1. Impact on the listed building and conservation area. The objectors state that in relation to 39C291K that three storey dwellings in front of the Victoria Hotel would have a detrimental effect on the setting of the listed building, the setting of the listed former warehouse and would be detrimental to the character and appearance of the conservation area. In determining the application for the Water Street development the council therefore have a statutory requirement to have special regard to the preservation of the setting of the Victoria Hotel and the listed warehouse on Water Street.

2. In this case (39C291K) the objectors state that they do not believe that the proposals would preserve the setting of the Victoria hotel or the warehouse on Water Street. One of the most important features of the Victoria Hotel is its setting and the open outlook it enjoys over the application site towards the Menai Straits. Likewise the full and open vista of the hotel when seen from the Menai Straits forms an integral part of the setting of the listed building and the character of the Conservation Area.

3. Photographs were enclosed with the objection to planning application 39C291K which the objector states shows the aspect and outlook the hotel has enjoyed for almost 170 years and also show that the landscape as seen from the water is dominated by the scale, character and open setting of the hotel. The importance of the outlook from the Victoria Hotel as part of its setting is acknowledged in the listing description. The description of the location of the purpose built hotel states that the hotel is set back from the road with gardens to the rear overlooking the Menai Strait. Should the application (39C291K) be approved this hotel that has enjoyed an open aspect and outlook towards the Menai Straits since circa 1840 would be materially affected not only in terms of its physical and visual setting but also in terms of economic viability. The listing details relating to the Victoria Hotel refer to it as being historically significant as dating from an important period of economic growth following the construction of the Menai Bridge.

4. The hotel retains this economic significance and employs 45 people. The majority of the hotel's income derives from functions such as weddings, christenings and other private functions that come to the Victoria Hotel primarily due to its setting and the open outlook overlooking the Menai Straits. To lose this outlook would affect the listed building visually & economically. It is a statutory requirement to preserve the setting of a listed building but it must also be a material consideration that the economic viability of the Victoria Hotel must be considered as it is not only a long established family business that has invested in the fabric of the listed building but it is also an important community facility in the heart of Menai Bridge.

5. Residential amenity issues in relation to the third storey dwellings with bedrooms backing onto the gardens of hotel with an license to trade until 02.00am. The function room at the rear is an integral part of the business and where most late night music takes place. The Victoria Hotel cannot be expected to operate differently in future when it has enjoyed its position with no near residential neighbours for many years, careful consideration should be given to the introduction of residential properties with limited scope for mitigation.

6. Impact on the listed warehouse. The three storey building would dominate and over power the listed

warehouse.

In a letter of 24.02.2012 from CDN Planning on behalf of the owners of the Victoria Hotel the following objections were raised.

1. The owners of the Victoria Hotel have concerns in relation to the impact on the setting of the hotel when viewed from within the hotel, from the hotel garden which naturally forms part of the curtilage of the listed building and also to views of the hotel from Water Street. The concerns also extend to the impact of the proposal on the character and appearance of the conservation area and also on the setting of the John Edwards warehouse building.
2. Procedural matters – Amended plans were submitted on the planning application on 10.08.2011 showing new proposed soakways at the rear of the proposed new building within 300mm of a retaining wall boundary. There has been no formal re-consultation or notification of neighbours of this change. As you may be aware there have been issues raised on adjoining sites where works have been carried out in such close proximity to the boundary party-walls with the developer having to retrospectively deal with the matters arising under the Party Wall Acts. A number of concerns which the neighbours had including the Victoria Hotel related to drainage matters and the effect of drainage works on the stability of the retaining boundary wall. In the other cases having been made aware of the proposals to work closely to boundary walls the owners of the Victoria Hotel appointed an expert to assess the proposals impact on their property. They have not been afforded the opportunity of doing so in this case as they have not been notified of this significant change in the submitted plans. Given the proximity of the proposed new surface water connections to the Victoria Hotel's property and retaining wall then the formal re-notification procedure should have been followed. If the application is determined without proper procedures being followed then that leaves any decision open to legal challenge and our clients have advised that it is their intention to pursue this route.
3. Impact on the listed building and conservation area – The objectors state that they have made clear previously that in their view the proposals are detrimental to the setting of the listed Victoria Hotel and the listed John Edwards Warehouse. Having viewed the photomontages they state that they remain concerned that the proposed 3 storey apartment block in front of the Victoria Hotel would have a detrimental effect on the setting of the listed Victoria Hotel, the setting of the listed former warehouse and would be detrimental to the character and appearance of the conservation area.
4. The objection makes clear that in all their submissions relating to the development the owners of the Victoria Hotel have not objected to the principle of residential development of the former timber yard on Water Street. They state it is now clear that the current proposals will have a detrimental impact on the setting and future viability of the hotel and they feel compelled to continue to object to the current application.
5. The apartment building will block the panoramic and imposing setting of the hotel as enjoyed from the waterfront and will affect the seaward outlook from the hotel garden and ground floor windows.

Planning Policy Wales states at paragraph 6.5.7 that:

“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possess”

7. In determining the application for the Water Street development the council therefore have a statutory requirement to have special regard to the preservation of the setting of the Victoria Hotel and the listed warehouse on Water Street. In this case the objectors state that they do not believe that the current proposals preserve the setting of the Victoria Hotel or the warehouse on Water Street.

8. One of the most important features of the Victoria Hotel is its setting and the open outlook it enjoys over the application site towards the Menai Straits. Likewise the full and open vista of the hotel when viewed the Menai Straits forms and integral part of the setting of the listed building and the character of the Conservation Area.

9. The hotel has enjoyed a magnificent outlook for almost 170 years and views from the water and waterfront have been dominated by the scale, character, prominence and open setting of the hotel. The introduction of a further 3 storey block of apartments immediately in front of the hotel would change this setting entirely to the detriment of the character of not only the listed building but also the conservation area in general.

10. The importance of the outlook from the Victoria Hotel as part of its setting is acknowledged in the listing description. The description of the location of the purpose built hotel states that the hotel; is set back from the road with gardens to the rear overlooking the Menai Strait.

11. Should the application be approved the hotel that has enjoyed an open aspect and outlook towards the Menai Strait since circa 1840 would be materially affected not only in terms of its physical and visual setting but also in terms of its economic viability.

12. The listing details relating to the Victoria Hotel refer to it as being historically significant as dating from an important period of growth following the construction of the Menai Bridge. The hotel retains this economic significance today and has been sympathetically extended to provide additional bedrooms and function room space. The hotel now employs over 45 full and part time staff. The majority of the hotel's income derives from functions such as weddings, christenings and other private functions that come to the Victoria Hotel primarily due to its setting and open outlook overlooking the Menai Strait.

13. In planning terms no one has a right to a view. However, the issue in this case is that the Victoria Hotel benefits from an open outlook overlooking the Menai Strait and always has done. To lose this outlook would affect the listed building both visually and economically. It is a statutory requirement to preserve the setting of a listed building but it must also be a material planning consideration that the economic viability of the Victoria Hotel must be considered as it is not only a long established family business that has invested in the fabric of the listed building but is also an important community facility in the heart of Menai Bridge.

14. Assessment of the proposals by the Built Environment Team – The relevant consultation responses are very weak in this respect but further and more seriously they point to a fundamental misinterpretation of the current position relating to the approved development. The text from the Senior Planning and Conservation Officer's "final" consultation response reads as follows:

"I have discussed the matter with Glyn and from a Built Environment Conservation and LB perspective I had originally considered the proposed view from Water Street looking north towards the Victoria Hotel would not impact on the character of the CA or the setting of the LB. Therefore the amended scheme from 3 residential blocks of 3 storey apartments down to just one block would have less of an impact by reducing the massing of the proposed scheme than the scheme already with planning permission"

This points to a misinterpretation of the fall-back position - the approved development was not 3 residential blocks of 3 storey town houses but 3 pairs of semi-detached houses – two of those pairs being 3 storey and the third pair, immediately in front of the Victoria Hotel being two storey in height.

The misinterpretation referred to above points again to the fact that the assessment of the impact of this development on listed buildings in the vicinity of the site has not been properly considered and the council has failed to apply the statutory requirement to have special regard to the preservation of the setting of the Victoria Hotel and the listed warehouse on Water Street.

15. Impact on the listed warehouse – The 3 storey apartment building would dominate and over-power the listed warehouse whereas the previously approved scheme would see that building as one of the principal buildings when viewed from Water Street.

This is reflected by the content of a previous objection submitted by “Sedgewick Associates” on behalf of the developer to a planning application for a rear balcony/deck at the Victoria Hotel. The objection considered the impact that the proposed balcony would have on the Grade II listed warehouse. It stated that:

“The warehouse would be seen from many viewpoints only in the context of the very large balcony elevated above it rather than the present steeply rising and well vegetated ground. The balcony would dominate the listed building in such views, and this is unacceptable and against all credible design guidance”

The same must apply to the current proposal and this reinforces our view that the objections made on behalf of the owners of the Victoria Hotel are far from spurious but also reflect the views of planning professionals previously engaged by the current applicant.

The previously approved houses with varied roof heights broke up the mass of the proposed development and introduced a varied element to the townscape and Conservation Area. It also introduced a mix of house types in line with national planning policy. In contrast the current proposal simply replicates yet another block of 3 storey apartments with no real design rationale or justification behind the change from the approved scheme.

5. Relevant Planning History

39C291 Demolition of existing industrial buildings and the residential use of the land adjacent to the Victoria Hotel. Granted 31/1/02

39C291A Erection of 14 various dwellings consisting of 12 apartments and 2, two storey houses together with the construction of a new vehicular and pedestrian access at Victoria Hotel. Granted 9/8/05

39C291B Demolition of industrial building and the erection of 8 dwellings consisting of 6 new houses and 2 conversions together with the conversion of the John Edwards building into a Heritage Centre together with the construction of a new vehicular and pedestrian access at Victoria Hotel. Withdrawn 9/6/04

39C291C/LB Listed Building Consent for the demolition of the industrial building and the erection of 8 dwellings consisting of 6 new houses and 2 conversions together with conversion of the John Edwards building into a Heritage Centre together with the construction of a new vehicular and pedestrian access at Victoria Hotel. Withdrawn 9/6/04

39C291D Demolition of part of the existing warehouse and the conversion of the remaining building into 4 apartments and 2 dwellings together with the erection of 6 new dwellings construction of a new vehicular and pedestrian access. Granted 22/7/05

39C291E/LB Listed Building Consent for the demolition of part of the existing warehouse and the conversion of the remaining building into 4 apartments and 2 dwellings and construction of a new vehicular and pedestrian access. Granted 6/05/05

39C291F Outline application for the erection of 9 new dwelling and 6 new apartments together with the construction of a new access on land - Refused 1/12/04

39C291G - Outline application for the demolition of existing saw mill-storage area together with the erection of 20 bed roomed hotel and restaurant – Withdrawn 15/7/05

39C291H - Change of use of land for boat storage for a period of 12 months Granted 14/4/05

39C291J Existing and proposed landscaping details in connection with application reference number 39C291A for the erection of 14 various dwellings consisting of 12 apartments and 2, two storey houses together with the construction of a new vehicular and pedestrian access at Water Street, Menai Bridge Granted 7/10/05

39C291K Erection of 46 dwellings consisting of 2, 2 bed houses, 12, 3 bed houses, 14, 1 bed apartments and 18, 2 bed apartments together with the construction of a new vehicular and pedestrian access at Water Street, Menai Bridge Withdrawn 02/06.

39C291M Amended plans for the conversion of the existing building into 4 flats and 2 dwellings previously approved under planning reference 39C291D Granted 14/07/11

39C291N Deletion of condition (01) of planning permission ref 39C291H so as to allow for the permanent use of land for boat storage together with the siting of a diesel pump and storage tank on land Granted 18.05.06

39C291N/LB Amended plans for Listed Building Consent for the conversion of the existing building into 4 flats and 2 dwellings previously approved under planning reference 39C291E-LB at Water Street, Menai Bridge Granted 06.06.06

39C291Q Erection of new boat storage rack Withdrawn 09.02.07

39C291R Variation of condition (23) of application reference 39C291A, condition (02) of application reference 39C291D and condition (01) of application reference 39C291J for amended siting, layout and design of buildings, car parking, roads and associated infrastructure Granted 24.04.07.

39C291T/SCR Screening opinion for the construction of floating pontoons for boat docking EIA required 14.06.07.

39C291U/HZ Hazardous Substance Consent for the storage of petroleum Hazardous Substance Consent Not Required 11.01.08

39C291V/LB Listed Building Consent to change an existing window Granted 07.01.11

39C291W Application to replace existing window with a single door Granted 20.08.10

39C291X Alterations & extension to the flats Granted 03.11.10

39C291Y Alterations and extensions to accommodate lift and changes to fenestration including obscure glazing Granted 04.07.11

39C291Y/ECON Provision of public pavement, revisions to existing on street parking arrangements and improvements to the highway junction in connection with the demolition of part of the existing building and erection of a restaurant Granted 09.09.11

39C291B/1 Installation of a floating pontoon Granted 04.08.11

6. Main Planning Considerations

Material Planning History

The extensive planning history of the application site is detailed in the preceding section and has been

weighted in making the assessment below.

Outline planning permission was granted (39C291A) & thereafter the reserved matters approved 39C291J. The approved plans illustrated different layouts to that now implemented on site which were considered acceptable to the local planning authority.

Planning application 39C291K which included the adjacent site at the Min y Don was submitted and withdrawn, the council's Conservation Officer was supportive of the amended plans.

Application 39C291R was subsequently dealt with as variation of condition under section 73 of the Town Country Planning Act 1990. On the application site 39C291R approved two pairs of three storey dwellings and a pair of two storey dwellings and the local planning authority have had regard to this in the consultation responses received from the Conservation Officer, as a material consideration in making the assessment and in weighting objections.

The overall development of the "Water Street" site from a timber yard commenced circa 2005 in line with 39C291R and subsequent applications submitted for amended designs. The majority of the western part of Water Street has now been developed for residential purposes. The area subject to this application is serviced by a private road and surrounded by palisade fencing. To the west the boundary is defined by a large retaining wall.

The application is made for a three storey building encompassing six flats. The design would be similar to the two existing apartment blocks already constructed on the western side of Water Street, with the front elevation facing the Menai Straits. Externally the building would have a pitched slated roof and the walls would be rendered. A car parking area would be provided to the south of the development.

In comparison with that approved under application 39C291R the following are in the local planning authority's opinion material in relation to the current proposal:

- The overall height for both developments is the same.
- In the local planning authority's opinion the scale and massing is reduced.
- The apartment block design accords better with the existing apartment developments to the north.
- Part of the third storey of the development extend above the two storey development in front of the Victoria Hotel approved under application 39C291R.
- Conversely to the south the development area or footprint is reduced as the area is proposed as a car park as opposed to three storey dwellings.

Why The Application Is A Departure From The Development Plan And The Acceptability Of The Development In Principle.

Having regard to the provisions of section 38(6) of the 2004 and act, if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the approved Gwynedd Structure Plan (approved November 1993) and the adopted Anglesey Local Plan (adopted December 1996).

Policy 49 of the Ynys Mon Local Plan states that planning permission will be granted on sites within the development boundary shown on the Proposals Maps as long as the proposal conforms to other policies in the plan. The application site is located centrally in Menai Bridge and within the development boundary as defined under policy 49 of the Ynys Mon Local Plan.

Policy 2 (New Jobs) of the Ynys Mon Local Plan states the council will support job creating projects on sites allocated on the Proposals Map and detailed in Proposals S1 to S35 where they accord with criteria on Policy 1. The application site is included within an area allocated under the provisions of S30 (Waterfront) for

Tourism/Retail/Business.

The residential development of this site is a departure from the provisions of policy 2 of the Ynys Mon Local Plan which forms part of the development plan for the area. The local planning authority consider that a departure from the provisions of the development plan are acceptable for the following reasons:

1. In the initial planning application for the residential development of this site (39C291A) it was considered that the development of the western side of Water Street for housing would still allow for the development of the S30 allocation for Tourism/Retail/Business proposals to be implemented on the eastern side of Water Street. Proposals have also since come forward for the use of the eastern side of Water Street for boat storage and associated facilities, a restaurant as detailed in the planning history and in the former Princess Pier as a Waterfront and Heritage centre.
2. The Stopped Ynys Mon Unitary Development Plan does not form part of the development plan but its provisions are more up to date than the local plan. The application site remains within the settlement boundary defined under the provisions of policy HP3 of this plan but is not allocated for a specific use. This Stopped Ynys Mon Unitary Development Plan includes as part of the supporting text (under 13.6) a statement that “there are local opportunities such as the proposed waterfront and heritage centre in Menai Bridge”, without specifying a location. As detailed in point 1. above proposals have since come forward for the Princess Pier site in vicinity.
3. Under previous applications the principle of developing the western side of Water Street has been accepted and the majority of the area has been developed for residential purposes.

For the reasons described above the principle of residential development of the application site is considered acceptable notwithstanding that the proposal comprises a departure to the Ynys Mon Local Plan (1996) which comprises part of the development plan.

Design, Layout & External Appearance

Policy 1, 42 and 48 of the Ynys Mon Local Plan, D4, D28 and D29 of the Gwynedd Structure Plan, GP 2 of the Stopped Anglesey Unitary Development Plan, Planning Policy Wales, Technical Advice Note 12 (Wales): Design is material when considering the design of a development. The design of the proposed development would accord with the two existing apartment blocks already constructed on the western side of Water Street. This comprises a contemporary design incorporating pitched slated roof and coloured render which does not “compete” with the historic environment. For these reasons the development is considered to be of a high quality.

The setting of Listed Buildings

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act, 1990) states that in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policies D22 of the Structure Plan, 41 Local Plan and EN13 of the Stopped UDP, Planning Policy Wales & Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' provide policy guidance on the setting of listed buildings.

Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' provides further guidance and section 11 states “The setting is often an essential part of a building’s character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the

economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to the townscape or the countryside if they become isolated from their surroundings.

A development brief was published by the council in 1997 to provide guidelines for the development of the area. The development brief was prepared whilst the timber yard was operational and the it is also encompassed the adjacent Min y Don Site. Since the preparation of the development brief around 15 years has elapsed, the Water Street site has been substantially redeveloped and a conservation area has been designated. Weight has been attributed to the development brief commensurate to these factors.

The local planning authority have assessed the impact of the development on the essential and wider setting of three Grade II listed buildings and have given special regard to the desirability of preserving the setting of these buildings as detailed below.

The English Presbyterian Chapel is located on the east side of Bridge Street next to the Victoria Hotel. Outward and inward views are not materially affected by the proposal.

The Victoria Hotel is located on the east side of Bridge Street set back from the road with gardens to the rear overlooking the Menai Strait. The planning application is supported by photomontages of the proposed development in relation to the Victoria Hotel.

In relation to the Victoria Hotel the 1997 Development Brief contained a SWOT analysis plan at the rear of the document that indicated by hatching that the grounds of the Victoria Hotel were a *Strength*, and there was one of a number of *Important Views* from the grounds towards the Menai Straits. The hotel building was also denoted as one of a number of *Key Buildings*.

From the site of the proposed development and from the public highway the upper storey and roof of the listed building punctuate above the landscaping in the foreground. Outward views from the LB are affected but are considered to be of a light moderate impact. Inward views are considered to be unaffected.

In the objections received it is contended that the economic viability of the Victoria Hotel will be detrimentally affected by the encroachment of the roof of the development in views of the Menai Straits from the Victoria Hotel and its curtilage. The objection states that the economic viability is primarily due to its setting and outlook onto the Menai Straits. It is the Conservation Officers; opinion that the impact would be light moderate and that this can be seen in the photomontages submitted with the application. The current outward views from the Victoria Hotel include roofscapes of varying heights and this is also a characteristic of the conservation area. It is thus not considered that the proposed development would result in the Victoria Hotel becoming isolated from its surroundings.

The local planning authority and the objector's views on the impact of the development on the setting of the Victoria Hotel having regard to the previously approved scheme in 39C291R differ. The application granted two pairs of three storey dwellings and a pair of two storey dwellings on the application site in front of the Victoria Hotel. In assessing the current proposals the local planning authority have had regard to the scheme previously approved under 39C291R as follows:

- Part of the third storey of the development extend above the two storey development previously approved in front of the Victoria Hotel under application 39C291R.
- Conversely to the south and in front of the Victoria Hotel the development area or footprint is reduced as the area is proposed as a car park as opposed to three storey dwellings.

As detailed outward views from the Victoria Hotel are affected but are considered to be of a light moderate impact.

The John Edwards Warehouses is located on the west side of Water Street fronting on to the main street. This listed building is the closest to the proposed development. Planning permission and listed building consent were granted as “enabling development” for the enhancement of the setting of the listed building which was previously surrounded by industrial type sheds. Views outward to the rear are affected by the proposals subject to this report but in the Conservations Officer’s opinion the impact on the setting of this building is no greater than that previously granted as “enabling development”. The inward views are unaffected.

The local planning authority has responded directly to the objections received in relation to the impact of the development on the setting of the Victoria Hotel and John Edwards Warehouse. In this regard it is material that the removal of the industrial use of the land as a timber yard, which had some very poor quality buildings on site is a starting point for the Conservation’s Officer’s assessment as described above and that redevelopment proposals have had a positive impact on the setting of the listed buildings described above.

Conservation Area

Since the adoption of the Local Plan part of Menai Bridge has been designated as a conservation area in 2004. The Menai Bridge Conservation Area Appraisal is at the time of writing subject to public consultation but has not been formally adopted by the council.

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act, 1990) requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy D25 of the Gwynedd Structure Plan, policy 40 of the Ynys Mon Local Plan, EN 13 of the Stopped Anglesey Unitary Development Plan, Planning Policy Wales, Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' detail policy considerations on conservation areas.

The local planning authority have undertaken an assessment of the potential impact that the development would have on the character or appearance of the conservation area in order to ensure that the development would preserve or enhance the character or appearance of the conservation area. In summary and based on a detailed analysis of the conservation area the subject area hosts an intermix of housing and commercial buildings some of which have been converted to residential use of various architectural styles and finishes which have evolved over a long period of time and are still evolving.

The local planning authorities are satisfied that the proposed development is of a high quality and that it would integrate and thus preserve and enhance the character and appearance of the conservation area.

In comparison with that approved under application 39C291R and in relation to the conservation area the local planning authority consider:

- The scale and massing of the development is reduced.
- The apartment block design accords better with the existing apartment developments on the western side of Water Street.

Affect on Residential Amenities

Policy 1 of the Ynys Mon Local Plan and GP 1 of the Stopped Ynys Mon Unitary Development Plan relate the effect on residential amenities and pollution and nuisance problems will be assessed in determining planning applications.

The objections received point to the potential for amenity issues in the third storey of the development as a result of late night opening at the Victoria Hotel. As detailed in the planning history section three storey developments have been granted previously along the boundary with the Victoria Hotel. The council’s

Environmental Services have been consulted and no objections are raised subject to a requirement for a sound insulation scheme against external noise from the Victoria Hotel to be submitted to an approved in writing by the local planning authority.

Foul & Surface Water Drainage

Surface water will be disposed of via an existing sea outfall; foul drainage will be disposed of via the public sewer. The arrangements are acceptable to consultants, subject to conditions recommended.

In the objections received it is contended that local planning authority received amended plans indicating soak-aways within 300mm of the retaining wall boundary. Surface water is however, proposed to a sea outfall and this aspect of the proposal has not changed during the application process.

Highways, Parking and Pedestrian Safety

Policy FF11 and FF12 of the adopted Gwynedd Structure Plan and Policy 1 and 26 of the Ynys Mon Local Plan and Planning Policy Wales, Technical Advice Note 18 (Wales) Transport, Isle of Anglesey Parking Standards (2008) and GP 1 and TR10 of the Stopped Ynys Mon Unitary Development Plan relate to parking and access considerations. The Highways sections are satisfied with the development subject to the condition recommended.

Other Material Considerations

Other material considerations include the Code for Sustainable Homes and a condition has been included in accord with national guidance.

All representations received have been weighted in making the recommendation below.

7. Conclusion

Under previous applications the principle of developing this site for residential purposes has been accepted and the majority of the western side of Water Street has been developed for residential purposes. Due to the fact that the site is allocated as S30 in the adopted Local Plan the application has been advertised as a departure from the development plan. For the reasons described in the report the principle of residential development of the application site is considered acceptable notwithstanding that the proposal comprises a departure to the Ynys Mon Local Plan (1996).

The local planning authority have assessed the impact of the development on the setting of three Grade II listed buildings and have given special regard to the desirability of preserving the setting of these buildings. The local planning authority have undertaken an assessment of the potential impact that the development would have on the character or appearance of the conservation area in order to ensure that the development would preserve or enhance the character or appearance of the conservation area.

Other material considerations have been weighted and the proposal is considered acceptable subject to the conditions recommended.

8. Recommendation

That planning permission is **permitted** subject to the following conditions:

(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans tabled below and contained in the form of application, and in any other documents accompanying such application.

Drawing	Reference	Date
Location Plan	1874:11:1	17.06.11
Existing Site Plan	1874:11:02	17.06.11
Proposed Site Plan	1874:11:03	10.08.11
Proposed Floor Plans	1874:11:4	20.07.11
Proposed Site Section A-A	1874:11:06	17.06.11
Proposed Elevations	1874:11:5	17.06.11

Unless otherwise approved in writing by the local planning authority or included within any provision of the conditions of this planning permission.

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

(03) The building(s) hereby permitted shall only be constructed with slabs at levels indicated on the approved drawing No 1874:11:06 unless otherwise approved in writing by the local planning authority/oni bai cymeradywyd yn ysgrifenedig fel arall gan yr awsdurdod cynllunio lleol.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

(04) Natural slates of uniform colour shall be used as the roofing material of the proposed building(s).

Reason: To ensure that the development is in the interests of amenity.

(05) The development shall not commence until the colour of the external material of the development hereby approved has been approved in writing by the local planning authority. The approved colours shall be used in the implementation of the development.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

(06) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(07) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

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

(08) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(09) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(10) The landscaping scheme as shown on drawing number 1874:11:03 shall be implemented not later than the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner.

Reason: In the interests of the amenities of the locality.

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

Reason: In the interests of the amenities of the locality.

(12) A scheme of sound insulation against external sources of noise from the licensed premises at the Victoria Hotel shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved “the scheme”. “the scheme” shall be designed to achieve the “good” standard as laid out within *BS 8233:1999 Sound insulation and noise reduction for buildings - Code of practice* and shall be implemented prior to the occupation of the development hereby approved.

Reason: In the interests of the amenities of occupants of the development hereby approved.

Informatives

Environmental Services memo 04.07.12

9. Other Relevant Policies

Gwynedd Structure Plan

FF11 Traffic
FF12 Parking Standards
FF15 Pedestrian Requirements

Ynys Mon Local Plan

26 Parking

Stopped Ynys Mon Unitary Development Plan

TR10 (Parking Standards)

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

Technical Advice Note (TAN) 22: Sustainable Buildings (2010)

Isle of Anglesey Parking Standards (2008)

Isle of Anglesey Supplementary Planning Guidance: Design in the Urban and Rural Environment (2008)

7.4

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **41C125A** Application Number

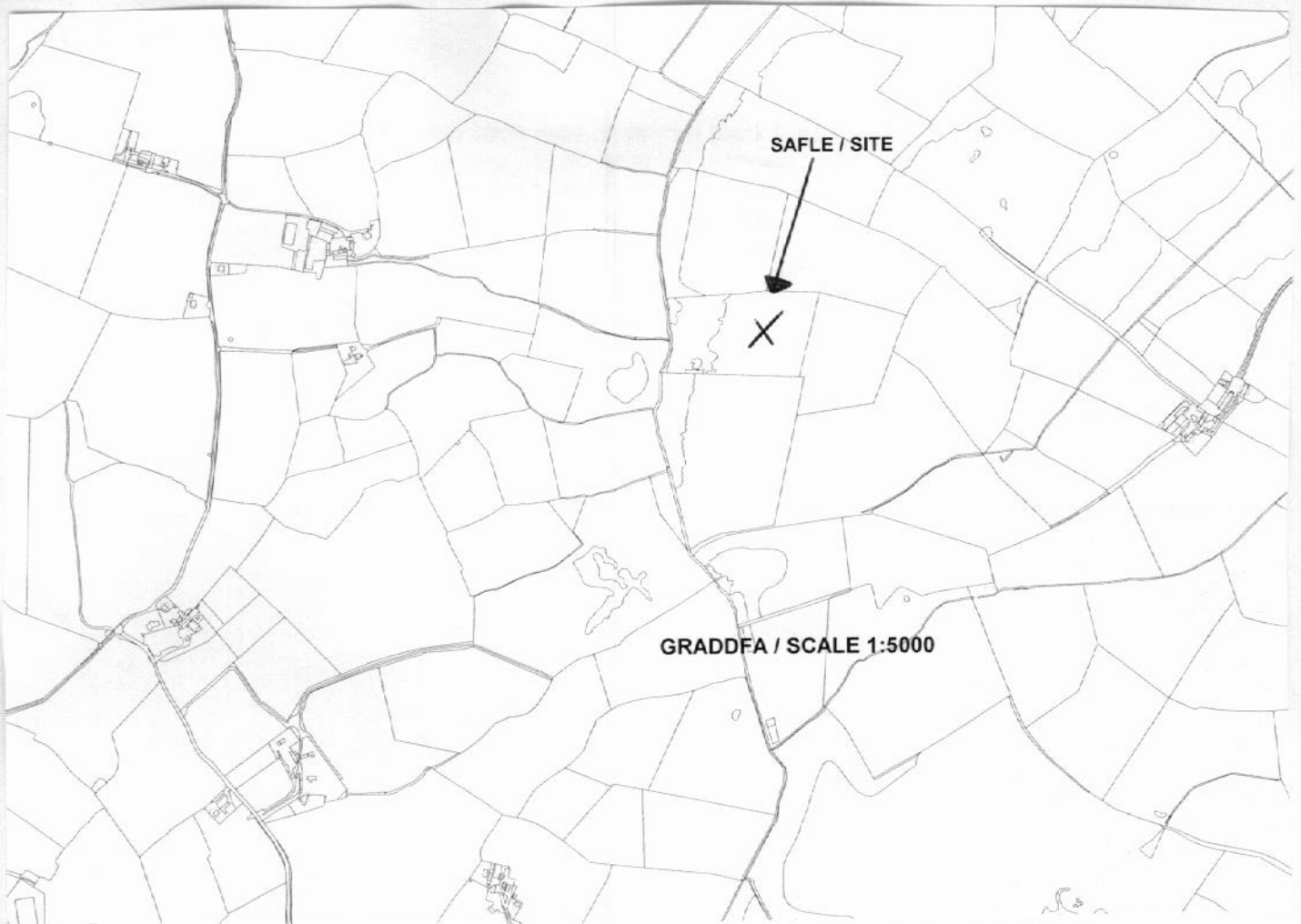
Ymgeisydd Applicant

**Ynys Mon Wind Energy Ltd
c/o West Coast Energy Ltd
Mynydd Awel
Mold Busienss Park
Maes Gwern
Mold
Flintshire
CH7 1XN**

Cais llawn ar gyfer gosod anemometer 60m o uchder am gyfnod dros-dro ar dir yn

Full application for the siting of a temporary 60m high anemometer on land at

Bryn Eryr Uchaf, Nr. Pentraeth



Planning Committee: 25/07/2012

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application was brought to Committee for determination at the request of the Local Member. At its meeting held on 4th July the Committee resolved to refuse planning permission contrary to the officer's recommendation and, in accordance with the Council's constitution, this report is submitted in response to that decision. The reason cited for refusal is that the proposed anemometer mast will have an adverse visual impact in the landscape due to the size of the structure.

1. Response to Member's Decision

Significantly adverse visual impact is generally taken to be a significant alteration in view to the detriment of large numbers of sensitive receptors which is not capable of mitigation.

The proposed structure is some 27cm diameter at the base tapering to some 15cm at the tip, with an overall height of 60m. Apparatus will be located on the mast from approximately 10m upwards. Guy wires of some 6mm diameter will extend to some 30m radius. The applicant requests permission for a temporary period of 3 years from erection. Members will note that the recommendation made at the 4th July Committee was one of approval subject to a condition that the mast be removed by the end of July 2015, i.e. three years from the date of decision.

There are some residential properties within approximately 650m of the site but in general terms views of the mast will be at a distance. It is not considered that the proposal would have an overbearing impact on closest residential properties. It is accepted that the mast will have a visual impact but not at close quarters to a significant number of sensitive receptors and only for the duration of the planning permission which is a temporary period of 3 years. This impact cannot be mitigated but is fully reversible. The proposal is located within a landscape which has other tall structures visible from wide areas such as the Penmynydd telecommunications mast and national grid pylons.

Policies to protect the qualities and appearance of the Ynys Mon landscape must be balanced with policies supporting renewable energy projects. Paragraph 2.13 of TAN 8 states that "there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county". The application is not an application for a wind turbine but for the erection of equipment to measure wind to assess its potential capacity for future wind energy development. Given the short term reversible impact of the proposal, the recommendation remains one of approval in relation to this issue.

2. Conclusion

The proposal is considered acceptable for a temporary period subject to conditions.

3. Recommendation

Permit

(01) The anemometer mast hereby permitted shall be removed from the land by the 31st July 2015 and the land reinstated to its former condition by the 31/01/2016.

Reason: The local planning authority have granted permission for a temporary period only.