

# Public Document Pack



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Mr Richard Parry Jones, MA.  
Prif Weithredwr – Chief Executive  
CYNGOR SIR YNYS MÔN  
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<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR CYNLLUNIO A GORCHMYNION</b>	<b>PLANNING AND ORDERS COMMITTEE</b>
<b>DYDD MERCHER, 3 RHAGFYR, 2014 am 1:00 o'r gloch y prynhawn</b>	<b>WEDNESDAY, 3 DECEMBER 2014 at 1:00 p.m.</b>
<b>SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGEFNI</b>	<b>COUNCIL CHAMBER - COUNCIL OFFICES, LLANGEFNI</b>
Swyddog Pwyllgor	<b>Ann Holmes</b> 01248 752518 Committee Officer

## **AELODAU / MEMBERS**

Cynghorwyr / Councillors:

**Lewis Davies**  
**Ann Griffith (Is-Gadeirydd/Vice-Chair)**  
**John Griffith**  
**K P Hughes**  
**W T Hughes (Cadeirydd/Chair)**  
**Vaughan Hughes**  
**Victor Hughes**  
**Richard Owain Jones**  
**Raymond Jones**  
**Jeffrey M.Evans**  
**Nicola Roberts**

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## **A g e n d a**

Members are reminded that background papers referred to within committee reports are available for inspection in electronic format on the day of the meeting at the Council Chamber from 12.30 p.m. onwards; alternatively these may be inspected at the Development Management during normal office hours. Documents referred to in reports may also be viewed in full on the electronic application files.

Any additional information to hand following publication of reports will be verbally reported upon to the meeting.

Before a decision notice is released conditions of approval or reasons for refusal given in written reports may be subject to minor amendments to account for typographical errors.

### **Index**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTEREST**

To receive any declaration of interest by any Member or Officer in respect of any item of business.

#### **3 MINUTES 5TH NOVEMBER, 2014 MEETING\_(Pages 1 - 8)**

To present the minutes of the previous meeting of the Planning and Orders Committee held on 5<sup>th</sup> November, 2014.

#### **4 SITE VISITS**

To report that site visits were undertaken on 19th November, 2014 in respect of the following applications:

- 40C233B/VAR – 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 purpose of agriculture and vehicle movement for the operational requirements of Tyddyn Isaf Caravan Park only at The Owls, Dulas
- 46C192B/FR – Full application for the placement of rock armour to the front of the existing gabion wall structure at Dinghy Park, Porth Castell, Ravenspoint Road, Treaddur Bay

#### **5 PUBLIC SPEAKING**

#### **6 APPLICATIONS THAT WILL BE DEFERRED\_(Pages 9 - 14)**

6.1 34C553A – Ty'n Coed, Llangejni

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6.2 38C201A/EIA/RE – Ysgello, Rhosgoch

6.3 41C125B/EIA/RE – Bryn Eryr Uchaf, Menai Bridge

## **7 APPLICATIONS ARISING\_ (Pages 15 - 40)**

7.1 15C91D – Ty Canol, Malltraeth

7.2 21C40A – Penrhyn Gwyn, Llanddaniel

7.3 40C233B/VAR – The Owls, Dulas

7.4 44C311 – 4 Council Houses, Rhosgoch

7.5 46C129B/FR – Dinghy Park, Porth Castell, Ravenspoint Road, Trearddur Bay

## **8 ECONOMIC APPLICATIONS**

None to be considered by this meeting.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None to be considered by this meeting.

## **10 DEPARTURE APPLICATIONS\_ (Pages 41 - 50)**

10.1 38C275B – Pedwar Gwynt, Mynydd Mechell

## **11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS\_ (Pages 51 - 54)**

11.1 39C552 – 114 Penlon, Menai Bridge

## **12 REMAINDER OF APPLICATIONS\_ (Pages 55 - 76)**

12.1 11C623 – 1 Council House, Burwen

12.2 16C48H – Ger y Bryn, Bryngwran

12.3 19C842Y – Parc Cybi, Holyhead

12.4 19LPA434C/FR/CC – Jesse Hughes Community Centre, Holyhead

12.5 42C61K – Ty'r Ardd, Pentraeth

## **13 OTHER MATTERS**

None to be considered by this meeting

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## Planning and Orders Committee

### Minutes of the meeting held on 5 November 2014

- PRESENT:** Councillor William Thomas Hughes (Chair)
- Councillors Lewis Davies, Jeff Evans, John Griffith, K P Hughes, Vaughan Hughes, Victor Hughes, Richard Owain Jones, Raymond Jones, Nicola Roberts.
- IN ATTENDANCE:** Development Control Manager,  
Planning Assistants,  
Legal Services Manager (RJ),  
Committee Officer (MEH).
- APOLOGIES:** Councillor Ann Griffith.
- ALSO PRESENT:** Councillor J. Arwel Roberts (Portfolio Holder Planning);  
Councillor A.M. Jones (application 12.5 & 12.6).
- 

#### **1 APOLOGIES**

Apology as noted above.

#### **2 DECLARATION OF INTEREST**

Councillor T.V. Hughes declared an interest in respect of application 12.7.

#### **3 MINUTES**

The minutes of the previous meeting of the Planning and Orders Committee held on 1 October, 2014 were presented and confirmed as correct.

#### **4 SITE VISITS**

None to be considered at this meeting.

#### **5 PUBLIC SPEAKING**

The Chair announced that there was a Public Speaker in relation to application 12.3.

#### **6 APPLICATIONS THAT WILL BE DEFERRED**

##### **6.1 21C40A – Full application for the erection of an agricultural shed to house livestock and a slurry pit on land at Penrhyn Gwyn, Llanddaniel**

**It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given.**

**6.2 34C553A - Outline application for residential development including extra care facility, highway and associated infrastructure at Ty'n Coed, Llangefni**

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given.

**6.3 41C125B/EIA/RE - Full application for the erection of three 800kW – 900kW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m and a maximum upright vertical tip height of up to 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at Bryn Eryr Uchaf, Porthaethwy**

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given.

**7 APPLICATIONS ARISING**

**7.1 36C336 – Outline application for the erection of a dwelling with all matters reserved on land adjacent to Ffordd Meillion, Llangristiolus**

The application was presented to the Planning and Orders Committee at the request of a local member. At its meeting held on the 1st October 2014 the Committee resolved to refuse the application contrary to Officer's recommendation.

The Development Control Manager reported that an additional letter by the applicant had been received. The Officer explained in details the response of the Officer's to the reasons given by the Committee at its last meeting for refusing the application. It was noted that it is considered that the application is compliant with the development plan policy and causes no demonstrable harm and the recommendation is still one of approval.

Councillor T. Victor Hughes speaking as Local Member drew attention to the following matters :-

- Referred to Policy 50 and stated that this application should not be considered under this policy;
- The effect on the Welsh language and character of the area at the village of Llangristiolus due overdevelopment;
- 93 children in the village primary school with 35 of whom are from non-Welsh homes;
- The Welsh character of the village has been changed;
- Strong opposition to the application in the village;
- He opposed the application and asked the Committee's to reaffirm its decision at the last meeting to refuse the application.

He proposed that the application be refused.

The Development Control Manager said that the Committee needed to have a sound reason for refusing this application. If an appeal was to materialise then the Council would have difficulties in defending an appeal. He suggested that the Committee might consider visiting the site.

Councillor K.P. Hughes proposed that the site be visited and Councillor R.O. Jones seconded the proposal. Councillors Lewis Davies, Jeff Evans, John Griffith, T.V.

Hughes Raymond Jones, Nicola Roberts voted against a site visit. The proposal was not carried.

Councillor K.P. Hughes proposed that the application be approved and Councillor Jeff Evans seconded the proposal.

Councillor T. Victor Hughes proposed that the application be refused and Councillor Lewis Davies seconded the proposal.

The voting was as follows :-

To reaffirm the decision of refusal of the application : Councillors Lewis Davies, John Griffith, T.V. Hughes, Vaughan Hughes, Raymond Jones, Nicola Roberts **Total 6**

To approve the application in accordance with the Officer's recommendation : Councillors K.P. Hughes, R.O. Jones **Total 2**

The reasons given for refusal was that it did not conform with Policy 50; no local need for the development; allowing the proposal would set a precedent for further future development; the proposal lies outside the development boundary of the village and the proposal does not form a logical extension to the village.

**It was resolved to reaffirm the decision of the Committee to refuse the application contrary to the recommendation of the Officers.**

## **8 ECONOMIC APPLICATIONS**

None were considered at this meeting of the Planning and Orders Committee.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None were considered at this meeting of the Planning and Orders Committee.

## **10 DEPARTURE APPLICATIONS**

### **10.1 24C261A – Full application for the erection of a dwelling together with the construction of a vehicular access on land at Dafarn Drip, Penysarn**

The application was presented to the Planning and Orders Committee as the application is contrary to the adopted Ynys Môn Local Plan but can be supported under the Stopped Unitary Development Plan.

Councillor Lewis Davies proposed that the application be approved and Councillor R.O. Jones seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

### **10.2 37C26T/VAR – Application under Section 73 for the variation of conditions (02) and (03) of planning permission reference 37C26S (renewal of planning consent 37C26P for residential development) to re-new outline planning permission on land adjacent to Merddyn Gwyn, Brynsiencyn**

The application was presented to the Planning and Orders Committee as an application which is in part contrary to the adopted Ynys Môn Local Plan but that can be supported under the Stopped Unitary Development Plan policy.

The Development Control Manager reported that this application is to renew the permission granted in October 2011. The application is an outline application but includes details of the site layout and means of access. 13 dwellings are proposed, 4 of which are to be affordable.

Councillor K.P. Hughes proposed that the application be approved and Councillor Vaughan Hughes seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

## **11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

### **11.1 28C354B/DEL – Application under Section 73 for the removal of conditions (07), (08) and (09) (conditions restricting the use of the unit for holiday purposes) from planning permission reference 28C354A (demolition of the existing outbuilding and the erection of a holiday unit) and replacement with single holiday occupancy conditions together with its use as an annexe to the dwelling at Glan y Gors, Llanfaelog**

The application was presented to the Planning and Orders Committee as the applicant is an elected Member. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

The Development Control Manager reported that the application involves the third unit at the site. The current planning permission restricts the holiday letting of this unit to between 1<sup>st</sup> March and 31<sup>st</sup> January in any year and to no longer than 28 consecutive days per let. Planning policies have now identified that the holiday period has extended and there is no need to restrict the holiday lets. The applicant also wishes to seek permission for the use of the unit as an annexe to the dwelling at Glan y Gors in order to accommodate an ailing elderly relative.

Councillor Lewis Davies questioned if the approval of this application might cause a precedent in the future to allow development in the countryside and conversion of such a holiday let into a dwelling. The Development Control Manager responded that a register must be kept to record the use of the holiday let.

Councillor Vaughan Hughes proposed that the application be approved and Councillor Jeff Evans seconded the proposal.

Councillor Lewis Davies wished it to be noted that he did not vote in respect of this application as he considered that such an application can set a precedent in the future with more applications being received to convert holiday lets into dwellings.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

### **11.2 30C728B/DEL – Application under Section 73 for the removal of conditions (10), (11) and (12) (Code for Sustainable Homes) from planning permission reference 30C728 (outline application for the erection of a dwelling) on plot 3, on land adjacent to Meusydd, Llanbedrgoch**



The application was presented to the Planning and Orders Committee as the applicant is employed by the Local Authority and is a relevant Officer as defined within paragraph 4.6.10.4 of the Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

Councillor Lewis Davies proposed that the application be approved and Councillor Nicola Roberts seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

## **12 REMAINDER OF APPLICATIONS**

### **12.1 11LPA896D/CC – Outline application with some matters reserved for the erection of 40 residential units on land near Maes Mona, Amlwch**

The application was presented to the Planning and Orders Committee as the County Council is the applicant and the land owner.

The Development Control Manager reported that the application is for 40 dwellings of which 30% will be affordable housing. The application is accompanied by a detailed topographical plan of the vehicular access onto A5025 'Bull Bay Road' including the proposed vision splays; Ecological Scoping Report; full foul and surface water drainage details and a Welsh Language Assessment. The Council's Lifelong Learning has requested a financial contribution towards facilities at Ysgol Gynradd Amlwch.

Councillor R.O. Jones as one of the local members stated that he would like confirmation as to the location of the housing development and the proposed Extra Care facility before the full detail plans are submitted in due course.

Councillor R.O. Jones proposed that the application be approved and Councillor Lewis Davies seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

### **12.2 15C91D – Full application for the demolition of the exiting garden room together with the erection of a swimming pool building in its place at Ty Canol, Malltraeth**

The application was presented to the Planning and Orders Committee at the request of Councillor Ann Griffith a Local Member.

The Development Control Manager reported that a letter of objection had been received since the writing of this report. It was noted that the land in the area is marshy and prone to flooding and the disposal of the water from the swimming pool will be need to be investigate to make sure that there are no effects on the agricultural land at the rear of the property.

Councillor Lewis Davies stated that Malltraeth is within an AONB area and questioned if the AONB Officer had been consulted in respect of this application. The Development Control Manager responded that the AONB boundary is the road

in front of this property and that the AONB Officer of the Council has not been consulted.

Councillor Lewis Davies proposed that the application be deferred to allow consultation with the AONB Officer of the County Council. Councillor Nicola Roberts seconded the proposal.

**It was resolved to defer consideration of the application to allow for consultation with the AONB Officer and Highways Officers in respect of this application.**

### **12.3 39C305C – Full application for alterations and extensions at 5 Cambria Road, Menai Bridge**

The application was presented to the Planning and Orders Committee at the request of a Local Member.

The Chair invited Mr. J. Cole to address the Committee as the applicant.

Mr. Cole stated that they have not been able to move into the property since January, largely due to the collapse of Cambria Road due to last winter's heavy rain. The application is a proposal to improve the property in the context of the conservation area. This application consists of two elements; both centred around the transfer of the living area to the first floor i.e., the replacement of two first floor windows with french windows. This will improve the view and reduce lighting costs; building a galvanised steel bridge to the rear, linking the first floor to a small raised existing garden. In respect of this re-application, they have listened to the comments of neighbours and the Conservation Officer, and this proposal is to include pitched roofs at the front and the substitution of a planned extension to the rear with a bridging structure.

Councillor John Griffith questioned if the construction of the ramp will be for the use of other pedestrians? Mr. Cole responded that it will be a means of direct access to a pre-existing small garden area at the back of the property and a means for a fire escape.

Councillor Lewis Davies proposed that the application be approved and Councillor K.P. Hughes seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

### **12.4 40C233B/VAR – 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 purpose of agriculture and vehicle movement for the operational requirements of Tyddyn Isaf Caravan Park only at The Owls, Dulas**

The application was presented to the Planning and Orders Committee at the request of Councillor D.R. Hughes as a Local Member.

The Development Control Manager reported that the highways department consider that since that 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. He noted that Councillor D.R. Hughes has requested that the site be visited to allow Members to view the site.

Councillor Nicola Roberts proposed that the site be visited and Councillor Lewis Davies seconded the proposal.

The reasons for the proposal was to allow the Members to view the effect on the AONB and the surrounding landscape.

**It was resolved that the site be visited to allow Members to view the site.**

**12.5 44C311 – Outline application with some matters reserved for the erection of one dwelling on land adjacent to 4 Council Houses, Rhosgoch**

The application was presented to the Planning and Orders Committee at the request of Councillor Aled M. Jones a Local Member.

The Development Control Manager reported that the proposal would be in a position not well related to the settlement as there are no dwellings on the opposite side of the road and the site is elevated. It is considered that the proposed dwelling would unacceptably harm the appearance of the location, intruding into an open rural landscape.

Councillor Aled M. Jones as a Local Member stated that this proposal is at the edge of the village of Rhosgoch and near the Council Houses that this authority built many years ago. He considered that the development is covered by Policy 50 which is a development at the edge of a settlement. Councillor Jones stated that opposite the application site there are 2 large wind turbines. He considered that this application is not a departure and should be approved.

Councillor R.O. Jones said that he wished to support what Councillor Aled M. Jones had stated and considered that this proposed dwelling would not harm the landscape and conforms with Policy 50. He proposed that the application be approved. Councillor Jeff Evans seconded the proposal.

Councillor T.V. Hughes considered that the proposed application may cause a precedent in the area with another extension into the countryside. Councillor Hughes proposed that the application be refused and Councillor Lewis Davies seconded the proposal.

The voting was as follows :-

**To approve the application contrary to the Officer's recommendation :-**

Councillors Jeff Evans, John Griffith, Kenneth P. Hughes, Vaughan Hughes, R.O. Jones, Nicola Roberts **Total 6**

**To refuse the application in accordance with the Officer's recommendation :-**

Councillors Lewis Davies, T.V. Hughes, Raymond Jones **Total 3**

**It was RESOLVED to approve the application contrary to the Officer's recommendation for the reasons that the proposal complied with policy 50 and did not have any harmful effect on the landscape.**

**In accordance with the requirements of the Council's Constitution, the application will be automatically deferred to the next meeting to allow the Officers to respond to the reasons cited for approving the application.**

**12.6 44LPA1005/TPO/CC – Application to remove 2 ash trees and 3 sycamore trees protected under a Tree Preservation Order at Ty'n y Ffrwd, Rhosybol**

The application was presented to the Planning and Orders Committee as the application is on Council owned land.

Councillor R.O. Jones proposed that the application be approved and Councillor K.P. Hughes seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.**

**12.7 46C192B/FR – 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**

*(Councillor T.V. Hughes declared an interest and left the meeting during discussion and voting thereon).*

The application was presented to the Planning and Orders Committee at the request of Councillor D.R. Thomas a Local Member.

Councillor R.O. Jones stated that the Local Member had requested that the site be visited to allow the Members to view the effect on the coastline and the AONB area. Councillor Nicola Roberts seconded the proposal.

**It was resolved that the site be visited to allow Members to view the site.**

**13 OTHER MATTERS**

**13.1 28LPA970A/CC/MIN – Minor amendments to scheme previously approved under 28LPA970/CC at Beach Road, Rhosneigr**

The Development Control Manager reported that the original application entailed public realm improvements to the beach access. The proposed amendments entailed changes in the materials used and given the relatively minor nature of the proposed amendments, it was not considered that the proposed changes would have a material impact on the scheme and the area. It was proposed that alterations were deemed to be non-material and were consequently approved under Section 96A of the Town and Country Planning Act 1990.

**It was resolved to note the information.**

**13.2 34C40Z/EIA/ECON – Erection of a new Biomass Energy Plant comprising of a wood pellet plant, a biomass combined heat power plant, debarking and chipping plant, wood storage yard and construction of a new vehicle access on land adjacent to Peboc, Industrial Estate, Llangefni**

The Development Control Manager reported that following the refusal of the above planning application by the Planning and Orders Committee on 2<sup>nd</sup> May, 2012 the applicant appealed against the Council's decision. In accordance with paragraph

3.11.2 Planning Policy Wales (Revision 6, February 2014) it was decided that this appeal decision would be of national interest so Welsh Government gave the Minister of Housing and Regeneration the power to determine the appeal.

The appeal was subject of a public inquiry which was held in January 2014 when it was decided to defend the Council's decision. On August 2014 correspondence was received from the Housing and Regeneration Minister refusing the appeal.

**It was resolved to note the information.**

**COUNCILLOR W.T. HUGHES  
CHAIR**

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6.1

Ceisiadau'n Tynnu'n Groes

Departure Applications

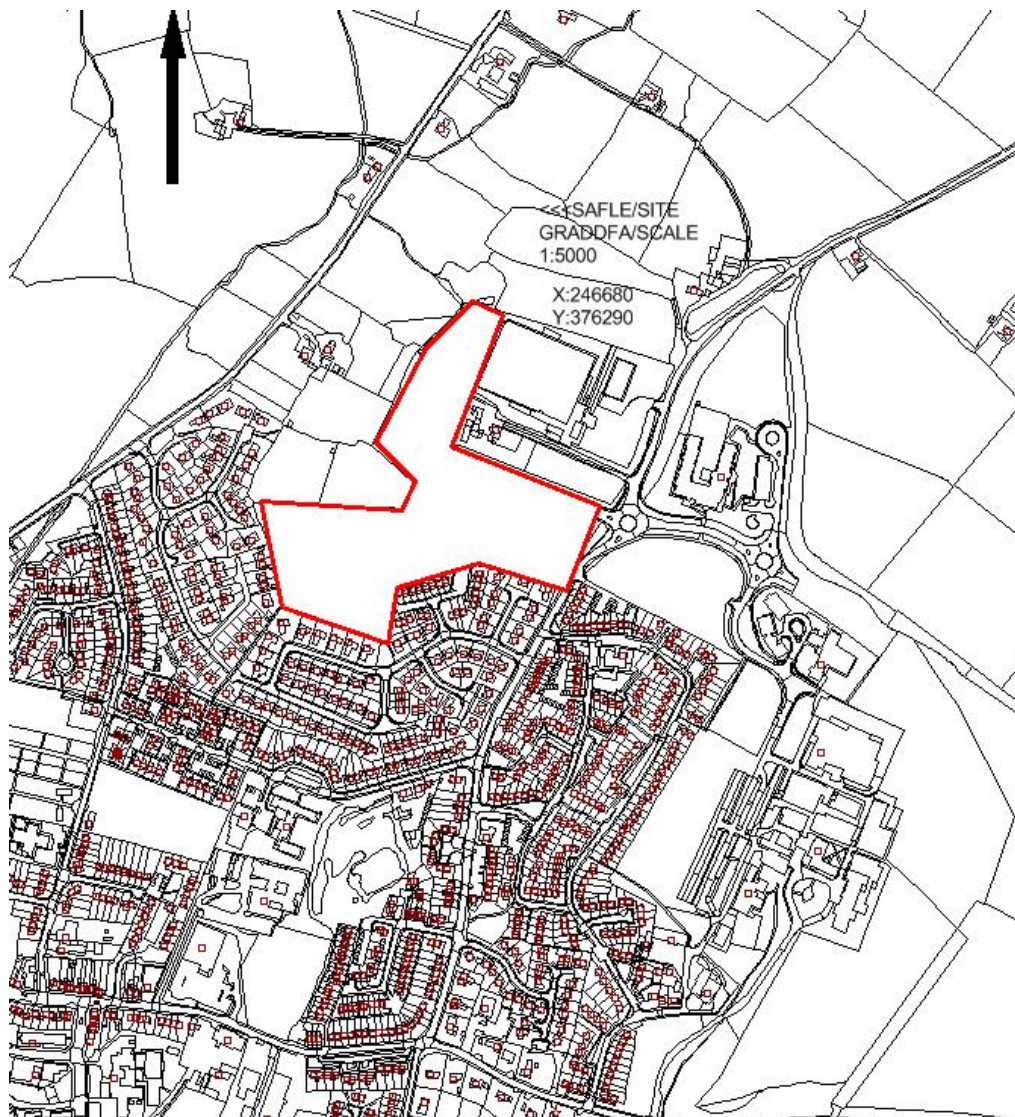
Rhif y Cais: **34C553A** Application Number

Ymgeisydd Applicant

**St Malo (Llangefni) Ltd**

**Cais amlinellol ar gyfer datblygiad trigiannol yn cynnwys cyfleuster gofal ychwanegol, priffordd a rhwydwaith cysylltiol yn/Outline application for residential development including extra care facility, highway and associated infrastructure at**

**Ty'n Coed, Llangefni**



**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (MTD)**

**Recommendation:**

Defer.

**Reason for Reporting to Committee:**

To allow receipt of further consultation responses in respect of the re-visiting of the screening of the application which has been carried out on the recommendation of the legal section.

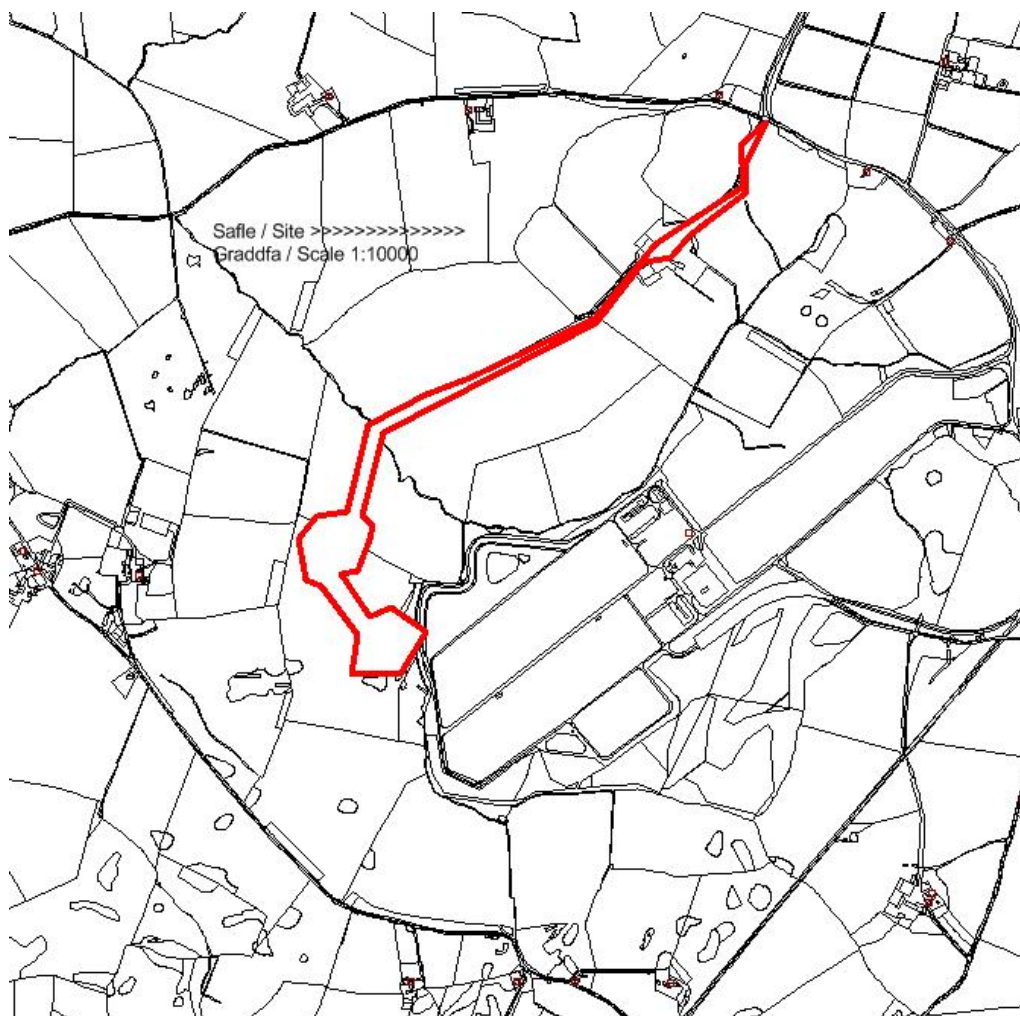


Rhif y Cais: **38C301A/EIA/RE** Application Number

Ymgeisydd Applicant

**Airvolution Energy (Plas Bodewryd) Limited**

**Cais llawn i godi dau dwrbin wynt 4.6MW gyda uchder hwb hyd at uchafswm o 59m, diamedr rotor hyd at 71m, a uchder blaen unionsyth fertigol hyd at uchafswm o 92.5m ynghyd ag is-orsaf ac adeilad rheoli, llefydd caled cysylltiedig, trac mynediad newydd yn cysylltu i'r tyrbinau arfaethedig o'r tyrbinau presennol, iard adeiladu dros dro a lle troi ac isadeiledd arall sy'n berthnasol ar dir ger / Full application for the erection of two 4.6MW wind turbines with a maximum hub height of up to 59m, rotor diameter of up to 71m, and a maximum upright vertical tip height of up to 92.5m together with a substation and control building, associated hard-standings, a new access track connecting to the proposed turbines from the existing turbines, a temporary construction compound and turning area and other related infrastructure on land at**

**Ysgellog, Rhosgoch**

**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (DPJ)**

**Recommendation:**

Site Visit

**Reason for Reporting to Committee:**

It is considered necessary for members to undertake a site visit to appreciate the scale and context of the proposed turbine before making a resolution on the planning application.

There remain a number of issues which could be fundamental issues but as yet this remain unresolved as follows:

- Noise levels.
- Amplitude modulation.
- Scheduled Ancient Monument.
- Archaeology.

The position of the applicant and the consultees on these matters is being determined at the time of writing.

In addition the applicant has been requested to submit technical details of the mitigation proposed to the MOD in respect of air defence radar so that it can be determined whether this can be the subject of a planning condition.

**1. Recommendation**

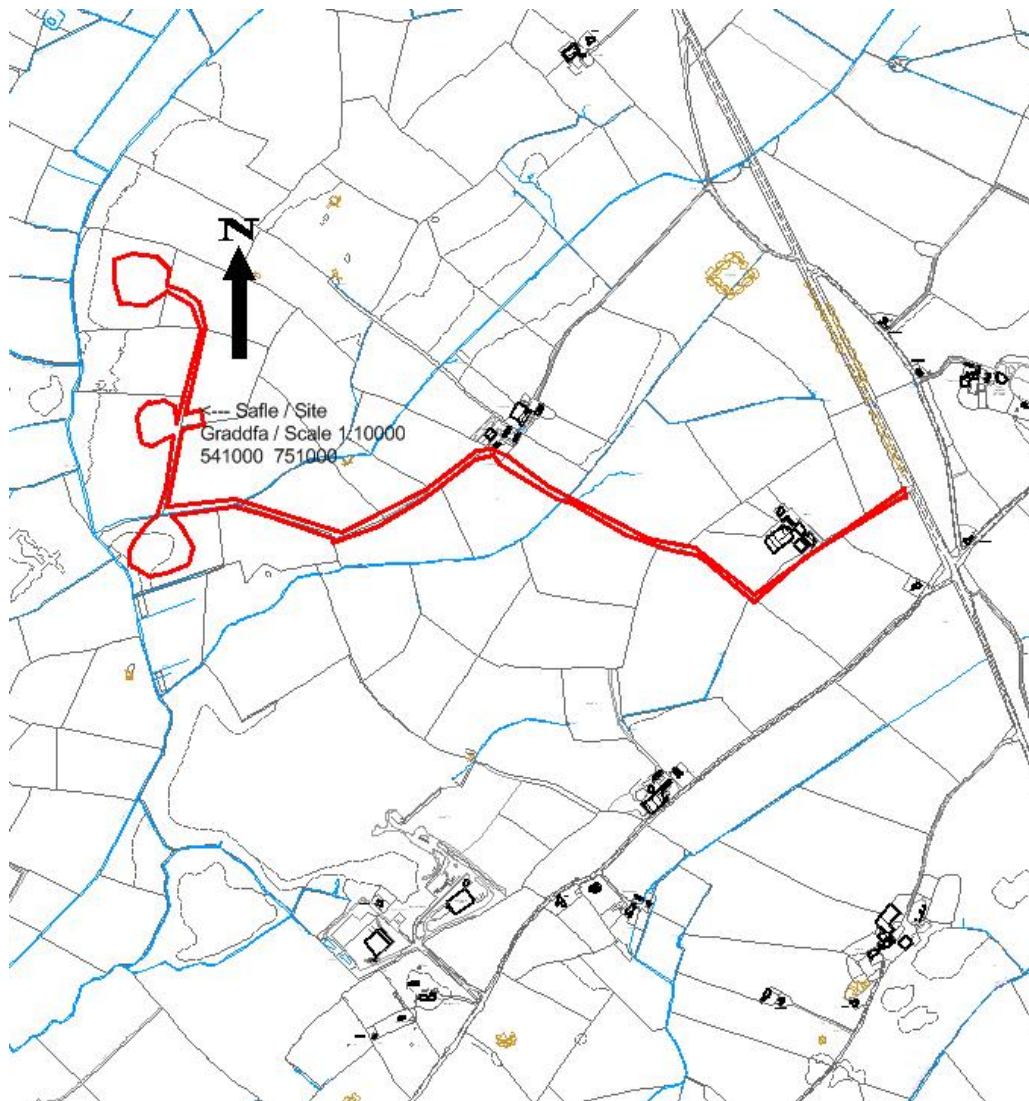
Site Visit

Rhif y Cais: **41C125B/EIA/RE** Application Number

Ymgeisydd Applicant

**Ynys Mon Wind Energy Ltd**

**Cais llawn ar gyfer codi tri twrbin wynt 800kW - 900kW gyda uchder hwb hyd at uchafswm o 55m, diamedr rotor hyd at uchafswm o 52m a uchder blaen unionsyth hyd at uchafswm o 81m, gwelliannau i'r fynedfa presennol i lôn A5025, ynghyd a chodi 3 cabinet storio offer ar dir yn / Full application for the erection of three 800kW - 900kW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m and a maximum upright vertical tip height of up to 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at**

**Bryn Eryr Uchaf, Porthaethwy**

**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (NJ)**

**Recommendation:**

Defer

**Reason for Reporting to Committee:**

The application is a full application for the erection of three 800kW - 900kW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m and a maximum upright vertical tip height of up to 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at Bryn Eryr Uchaf, Porthaethwy.

At its meeting held on 4<sup>th</sup> December 2013 the Planning and Orders Committee resolved to visit the site before making its determination. The site was visited in 20<sup>th</sup> December.

At its meeting held on 8<sup>th</sup> January 2014 the Planning and Orders Committee resolved to defer determination of the application in order to receive outstanding consultee responses and to receive additional information from the applicant and to allow their consideration.

An objection to the application was received from Natural Resources Wales and a response issued by the applicant has now received consideration. NRW has requested full details of proposed mitigation measures for bats to be submitted prior to determination.

Additional details have been received from the applicant and are considered acceptable by Natural Resources Wales subject to conditions. Issues relating to an IT link to Llanddona school have now been resolved. In the interim, the Welsh Government Transport Department has issued a directive that the application should remain pending until satisfactory details of a Traffic Management Plan are agreed.

**Recommendation**

Defer

7.1

Gweddill y Ceisiadau

Remainder Applications

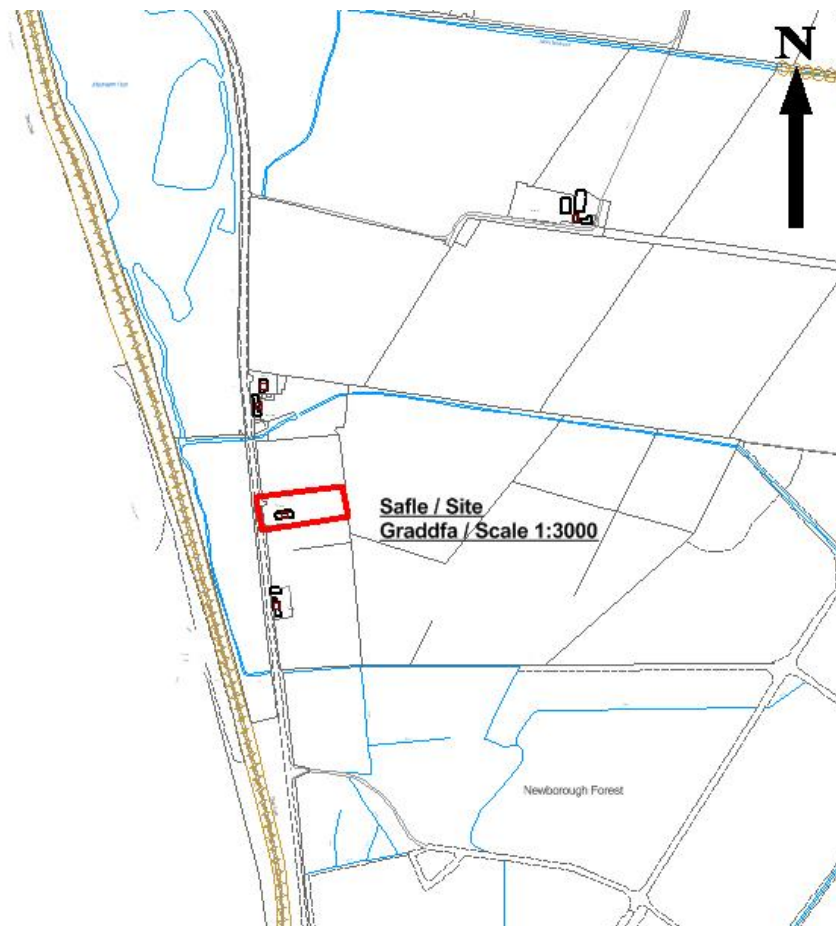
Rhif y Cais: **15C91D** Application Number

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 5<sup>th</sup> 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

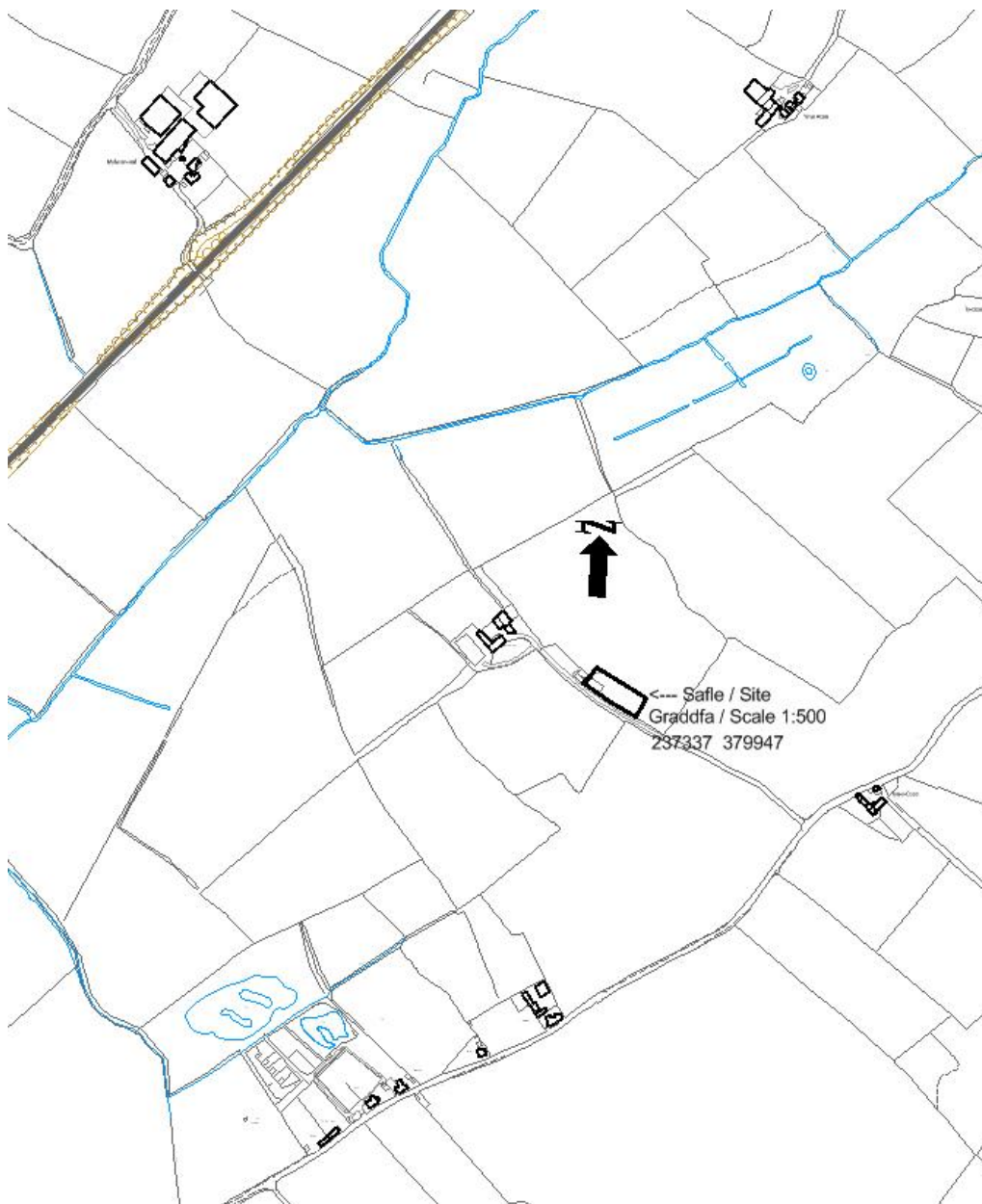
Rhif y Cais: **21C40A** Application Number

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 1<sup>st</sup> 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 05<sup>th</sup> 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 22<sup>nd</sup> 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.



## **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 5<sup>th</sup> November, 2014, the Planning and Orders Committee resolved to visit the site before making its determination. The site was visited on the 19<sup>th</sup> 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)

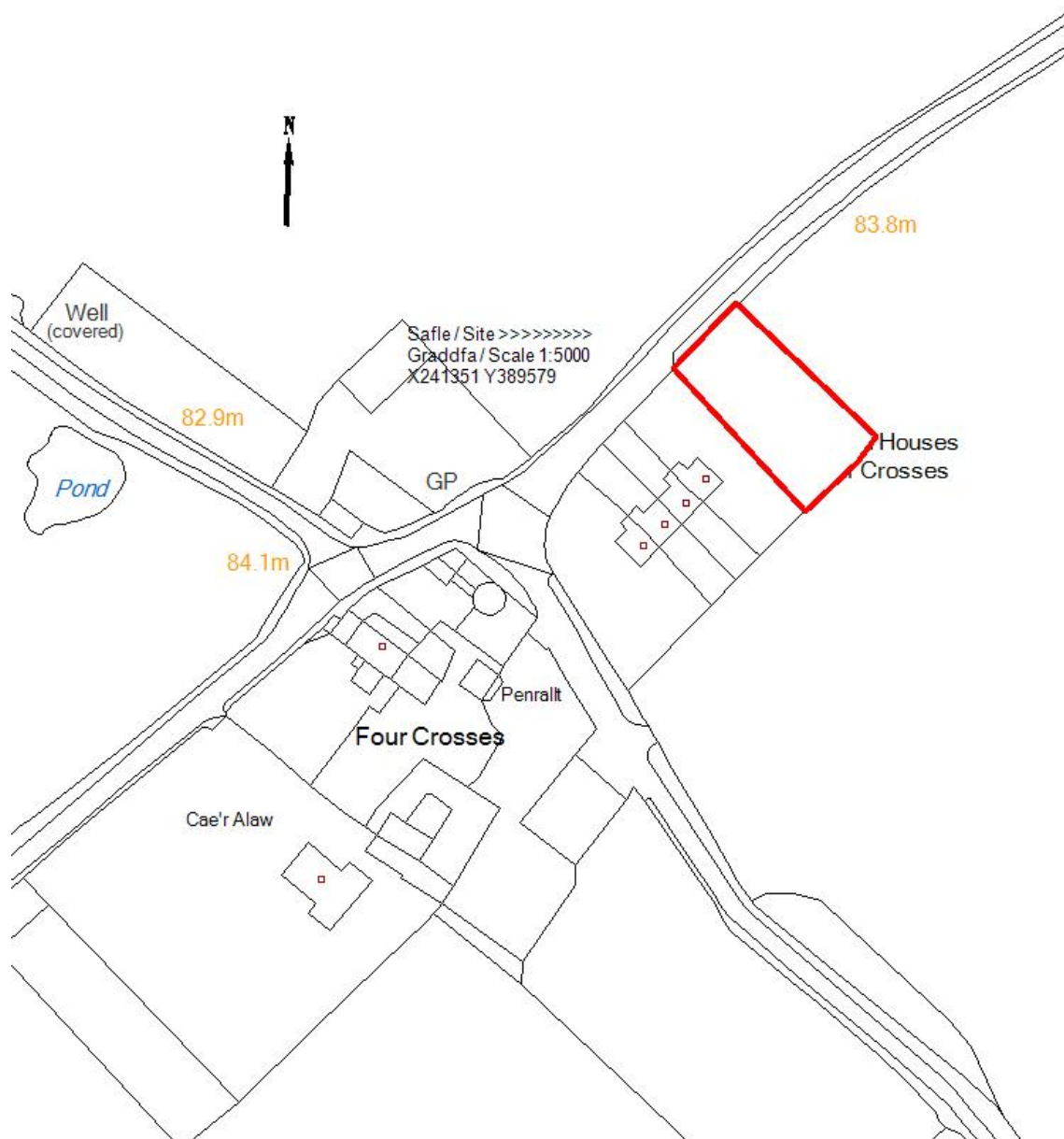
Rhif y Cais: **44C311** Application Number

Ymgeisydd Applicant

**Mr Graham Murley Francis**

**Cais amlinellol gyda rhai faterion wedi ei gadw'n ol ar gyfer codi un annedd ar dir ger / Outline application with some matters reserved for the erection of one dwelling on land adjacent to**

**4 Council Houses, Rhosgoch**



**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 5<sup>th</sup> 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

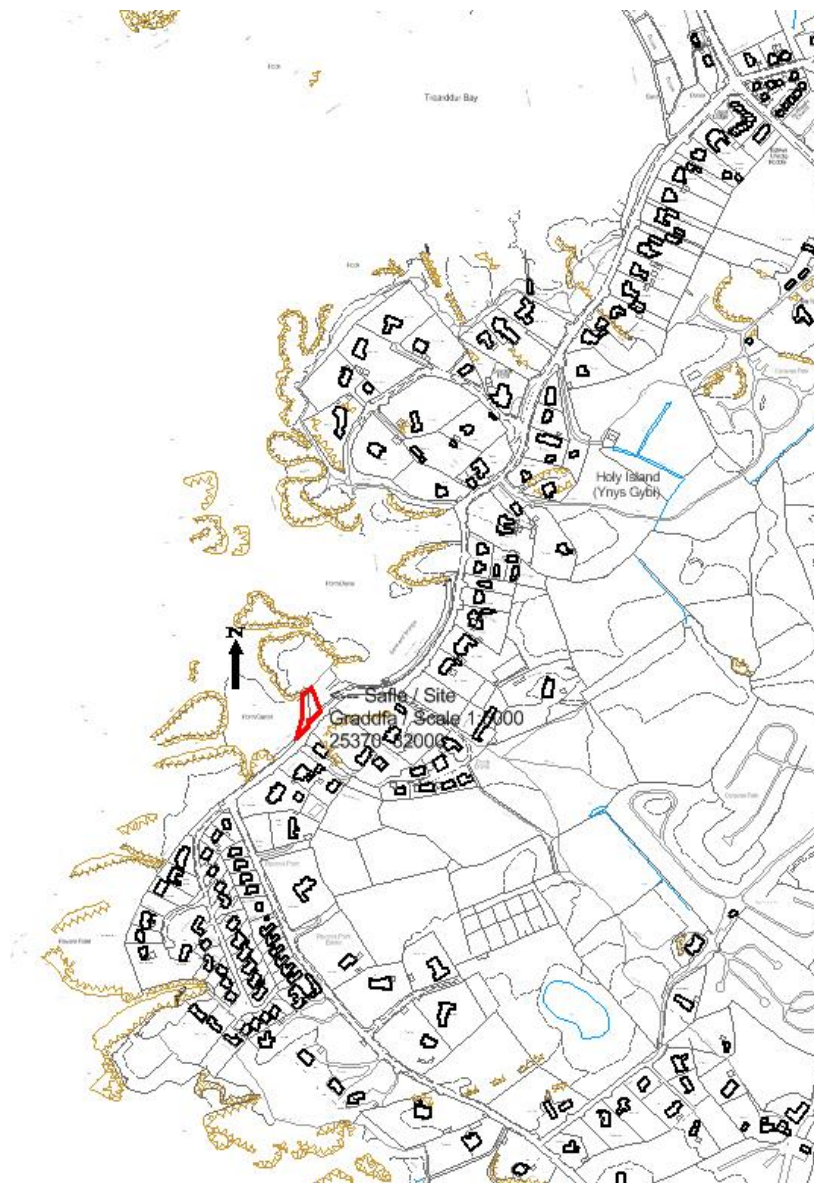
Rhif y Cais: **46C192B/FR** Application Number

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 24<sup>th</sup> 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 (7<sup>th</sup> 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.

10.1

Ceisiadau'n Tynnu'n Groes

Departure Applications

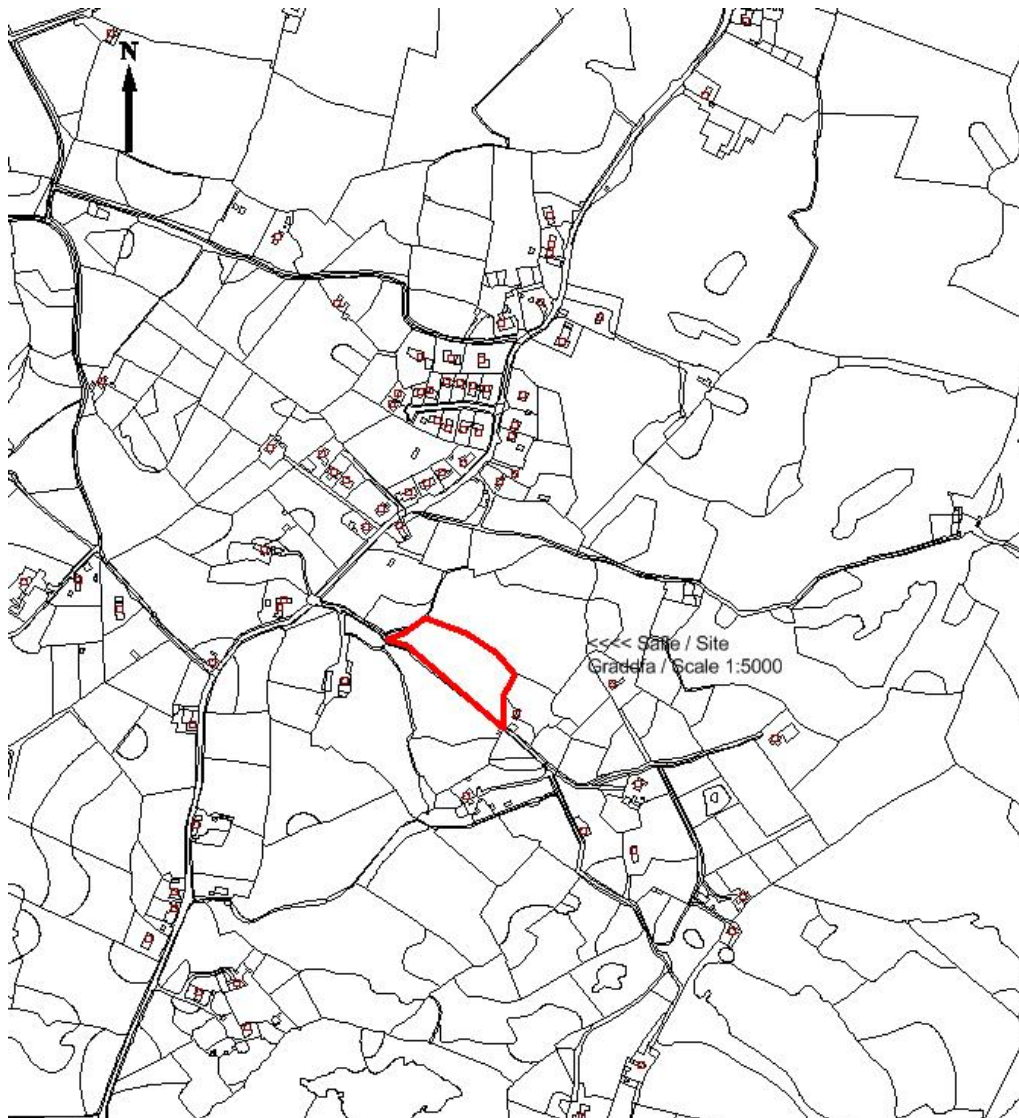
Rhif y Cais: **38C275B** Application Number

Ymgeisydd Applicant

**Ms Elaine Lunt**

**Cais i ddileu amod (ii) 'annedd amaethyddol' oddiar caniatâd cynllunio T/1305b ynghyd â chadw'r estyniad porth, sied cysylltiedig a lloches, tanc septig, a dau fynedfa i gerbydau yn / Application for the deletion of condition (ii) 'agricultural dwelling' from planning permission T/1305b together with the retention of a porch extension, associated shed and shelter, septic tank and two vehicular accesses at**

**Pedwar Gwynt, Llanfechell**



**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (IWJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

Officer's recommendation is to permit a departure application contrary to local development plan policies.

**1. Proposal and Site**

The site itself is located within a relatively rural area of Mynydd Mechell. The agricultural dwellinghouse is a three bedroom bungalow. Access to the site is afforded off a minor road along which serves other dwellings. The application site is approximately 4.9 acres and is generally a rocky outcrop.

The principle of the development has previously been established for the site in 1968. A reserved matters application for the agricultural dwelling was approved in 1969. The applicant claims that work subsequently commenced on the dwellinghouse, however ceased during the 1970s.

Following the death of a relative in 1980 the property was 'mothballed'. However, during 2010 further works were carried out to the dwellinghouse.

The department was made aware of this fact. Subsequently, as part of a planning enforcement investigation the site was visited on several occasions. The owners were advised to submit a retrospective application for all unauthorised works.

The current application includes the retention of a porch, shed, shelter, septic tanks and two vehicular accesses which are included within the application.

Following completion of the renovation work, the dwellinghouse is currently occupied and used for residential purposes. In light of this fact, the application also attempts to regularise the use of the property as a residential dwelling without occupation restrictions. Condition (ii) of planning permission T/1305b requires that *the occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined by section 221(1) of the Town and Country Planning Act 1962, or in forestry, or a dependent of such a person residing with him (but including a widow or widower or such a person).*

**2. Key Issue(s)**

- i) Whether the siting, design, scale and materials of the porch extension, associated shed and shelter, septic tank are acceptable.
- ii) Whether the siting and position of the access is acceptable.
- iii) Whether or not the application for the deletion of condition (ii) of planning permission T/1305b would outweigh the provisions of the development plans.



### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 - General  
Policy 26 - Parking  
Policy 31 - Landscape  
Policy 42 – Design  
Policy 53 – Hosing in the Countryside  
Policy 58 - Extensions

#### **Gwynedd Structure Plan**

Policy D4 – Location, Siting, Design  
Policy D29 - Design

#### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance  
Policy GP2 – Design

#### **Technical Advice Note (Wales) 6: Planning for Sustainable Rural Communities**

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

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

**Highways Department** – The highways department recommends that the application be approved subject to conditions.

**Community Council** – The community Council strongly object to the deletion of condition and have put forward the following observations:

- Granting the application would not only give official status to the development but would add a financial benefit to the property as a whole.
- The property was constructed without the granting of planning permission on the foundation of a ruin within the boundaries of registered common land some 40 years ago.
- Approximately 15 years ago the property was developed and additional buildings added without planning permission.
- During the past 3 years the property has been further enhanced, again without prior planning permission.
- The owner of the property sited 4 large caravans in the curtilage.
- Several complaints from surrounding residents regarding the development. Caravans are suspected to be offered as housing of multiple occupancy for contractors.
- How can the planning department grant such an application on a property that officially does not exist in the format that it purports to in the application.

In response to points raised by the community council I comment as follows:

- The application seeks to regularise the breach of planning control in accordance with the advice contained within Technical Advice Note (Wales) 9. Financial factors are not a material planning consideration.
- Planning permission was originally approved for an agricultural dwelling under planning reference T/1305A and T/1305B.
- Following undertaking the necessary checks it was evident that the application site is not in fact common land.
- The Local Planning Authority has no record of unauthorised works undertaken at the site

approximately 15 years ago.

- The current application seeks to regularise all unauthorised developments on site.
- The static caravans are not constructed as part of the current application. The Local Planning Authority intends to re-investigate matters surrounding the use made of the caravans following the determination of this application.

**Natural Resources Wales** – Provided standard advice.

**Drainage** – Standard advice with the additional comment relating to the septic tank.

Response to publicity. In total 6 letters of objection were received which are available for viewing in full on the application file. In summary however, the main points of objection are as follows:

- The rationale, based on alleged changes in legislation leading to non-viability of small scale agricultural production, appears plausible.
- Concerns regarding the use made of the caravans.
- Concerns regarding the location of the septic tank and whether it, along with the soak away can accommodate the extra use made by the caravans.
- Concerns regarding access to the site.
- Development does nothing to enhance the traditional appearance of the area.
- Removing the agricultural occupancy condition would set precedence. A person with agricultural interest and connection could reside.
- The bungalow is large and not in accordance with the approved plans.
- Development is ugly, overdeveloped and crowded.
- Shed is not constructed on the footprint of the old barn and has doubled in size.
- Concerns over future use of shed.
- Concerns regarding retrospective planning applications.
- Concerns regarding future use of land.
- Surface water running directly onto the public highway.
- Concerns regarding the planting of trees and vegetation being cleared from the site.
- Four concrete bases have been constructed.
- A couple of horses and a vegetable patch do not make for a profitable farming business. The land is not fit for grazing.
- Applicant has not demonstrated that have research thoroughly the need for low cost agricultural accommodation.
- Concerns regarding the large number of people residing on the site. Concerns regarding the impact upon local amenities and services.
- Concerns over the greater volume of traffic.

In response to points raised in objection I comment as follows:

- The merits of deleting condition (ii) of planning permission T/1305B (relating to the occupation of the dwelling) will be discussed later within the report.
- The static caravans are not considered as part of the current application. The Local Planning Authority intends to re-investigate matters surrounding the use made of the caravans following the determination of this application.
- The drainage department are content with the proposal.
- The response from the Authority's professional highway officers does not raise any concerns with respect to highway safety.
- Matters relating to design will be considered when determining the application.
- If the agricultural occupancy condition is removed as part of the application, it would not set precedence as each application is considered on its own merits.

- The application is submitted in order to regularise the unauthorised works to the bungalow.
- Considerations will be given to design and overdevelopment when determining the application.
- All relevant material considerations will be given to the proposed shed when determining the application.
- 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.
- 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 response from the Authority's professional highway officers does not identify concerns with respect to water being discharged onto the country highway.
- There are no Tree Preservation Orders identified on site therefore the clearing of trees and vegetation does not require planning permission.
- It appears the concrete bases have been constructed within the proposed curtilage of the property therefore would fall within the landowners permitted development rights.
- Observations relating to the current agricultural use and substandard quality of land will be considered as part of determining the application.
- Issues relating to the removal of the occupancy condition will be considered later within the report.
- The static caravans are not included as part of the current application. The Local Planning Authority intends to again investigate matters surrounding the use made of the caravans following the determination of this application.
- The response from the Authority's professional highway officers does not identify concerns with respect to the increase in volume of traffic.

## **5. Relevant Planning History**

T/1305 Siting of one residential caravan on o.s. enc no 1034 near Tai, Llanfechell – Approved 09/10/1968

T/1305A Erection of an agricultural dwelling on o.s. enc no 1034 near Bryn Goleu, Llanfechell – Approved 19/12/1968

T/1305B Erection of an agricultural dwelling of a bungalow (previously approved under Planning Decision No T/1305A) on o.s. enc no 1034 near Bryn Golau, Llanfechell – Approved 14/05/1969

T/1305C Siting of one residential caravan on o.s. enc no 1034 near Tai, Llanfechell - Approved 03/02/1971

T/1305D Siting of a residential caravan for a temporary period on o.s. enc no 1034a near Tai, Llanfechell – Refusal 05/05/1972

T/1305E Siting of a temporary caravan to be lived in while bungalow is being erected on o.s. enc 1034a Pedwar Gwynt, Mynydd Mechell – Approved 06/03/1974

T/1305F Substitution of tiles instead of slates as imposed under planning decision T/1305B on bungalow to be erected on o.s enc no 1034 near Bryn Golau, Llanfechell – Approved 01/09/1976

38C275A – Application for the Certificate of lawfulness for the existing use of a residential dwelling which was constructed in the incorrect position at Pedwar Gwynt, Llanfechell – Unlawful 22/08/2012 – The evidence submitted was not sufficient to meet the test of being clear, precise and unambiguous

such that the burden of proof can be discharged.

## 6. Main Planning Considerations

Retention of a porch, extension, associated shed, shelter, septic tank and two vehicular accesses.

With the principle of development previously established, the key issue is whether the unauthorised porch extension, associated shed and shelter would have an unacceptable impact upon the residential amenity of neighbouring properties.

The pitched roof porch extension is located at the rear of the bungalow. The materials used are in keeping with the original bungalow.

The associated shed and shelter are located to the south east of the application site. The scale and position of the proposal is not considered out of proportion.

It is not considered that the above development will affect the amenities of any of the neighbouring properties to such an extent that it should warrant refusing. The siting, design, scale and materials are considered acceptable and do not have a detrimental effect on the amenities of the area or nearby residential properties.

Furthermore, the site can comfortably accommodate these developments without being deemed an overdevelopment. The unauthorised structures respect the character of the locality and main thrust of both local and national planning policies.

The drainage department are satisfied with the proposal including matters relating to the septic tank.

Based upon the consultation response from the Local Highways Authority, the two vehicular accesses are considered acceptable and would not have an adverse effect on the traffic using the adjoining highway subject to conditions.

Deletion of condition ii) of planning permission T1305b

The reserved matters application for the agricultural dwelling was approved in 1969 which imposed a condition requesting that *the occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined by section 221(1) of the Town and Country Planning Act 1962, or in forestry, or a dependent of such a person residing with him (but including a widow or widower or such a person).*

The policy underpinning the consideration of the planning application is set out in Planning Policy Wales. This is that new house building in the open countryside should be strictly controlled and only permitted where there is a special justification, for example whether a dwelling is essential to meet the needs of agricultural workers. In such cases specific functional and financial tests are required to be met, and any dwelling will be subject to a restriction on its future occupancy. This approach is reiterated in TAN 6 in which it is made clear that such dwellings are exceptions to the policy of restraint and subject to occupancy control to ensure they are kept available for the purposes for which they were permitted.

It is implicit in this approach that, if special justification is needed to permit agricultural dwellings in the countryside it is also needed to remove the control of their retention to meet agricultural needs.

Notwithstanding the above, the information presented as part of the original planning application

proposed that the smallholding shall be used for pig farming and for keeping of battery hens for egg production. In total, the application site is approximately 4.9 acres.

*The applicant claims that whilst at the time of the planning application pig farming was relatively unregulated and battery egg production was on the increase and small scale poultry and meat producers were quite widespread the reality of this site was that due to the poorly drained land and the legislation charges that happened following a foot and mouth epidemic of 1967 – 1968 placed crippling restrictions on farming methods and made this site unviable for the intended use.*

Based upon my observations together with those by members of the public, it is clear the application site is generally a rocky outcrop, inappropriate for agricultural farming.

In addition, during the consultation period for the original T/1035A planning application, the Ministry of Agricultural Fisheries and Food provided comments upon the quality of the land. A correspondence 12<sup>th</sup> December, 1968 stated *that the 5 acre site is considered to be rough, rocky and wet with very limited agricultural value for growing crops.*

The applicant has no intention of selling and has nor demonstrated there is no longer a need for agricultural workers dwelling in the locality. No appropriate efforts have been made to sell or rent the property by targeted marketing to the agricultural community over a reasonable period and values reflecting the occupancy condition. However, given the functional requirement, size of the application site together with the condition of the land, it is not considered that the site could provide a viable livelihood for the occupants of the property.

The circumstances on the agricultural holding which provided the basis for the original planning permission no longer persist or apply.

On balance considering all factors the Local Planning Authority consider the condition was never properly applied and should therefore be removed.

## **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.

Whether or not the unauthorised development was carried out intentionally or not is a moot point. In any event it is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Act to allow for permission to be applied for retrospectively.

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 unauthorised development is 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. The Local Planning Authority considers the condition was never properly applied and should be removed. 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**

That the proposal ought to be **permitted** subject to the following 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.**

Reason: To safeguard the visual amenities and character of the rural area.

## **9. Other Relevant Policies**

### **Planning Policy Wales (Edition 7)**

## **10. Other Non-Material Issues Raised**

It can be confirmed that the Local Planning Authority's actions in this matter have been robust, proportional and measured throughout. Moreover, such action has been in accordance with the advice contained within the Welsh Assembly Governments advice as contained within Planning Policy Wales (Edition 7) and Technical Advice Note (Wales) 9: Enforcement of Planning Control.

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11.1

Gweddill y Ceisiadau

Remainder Applications

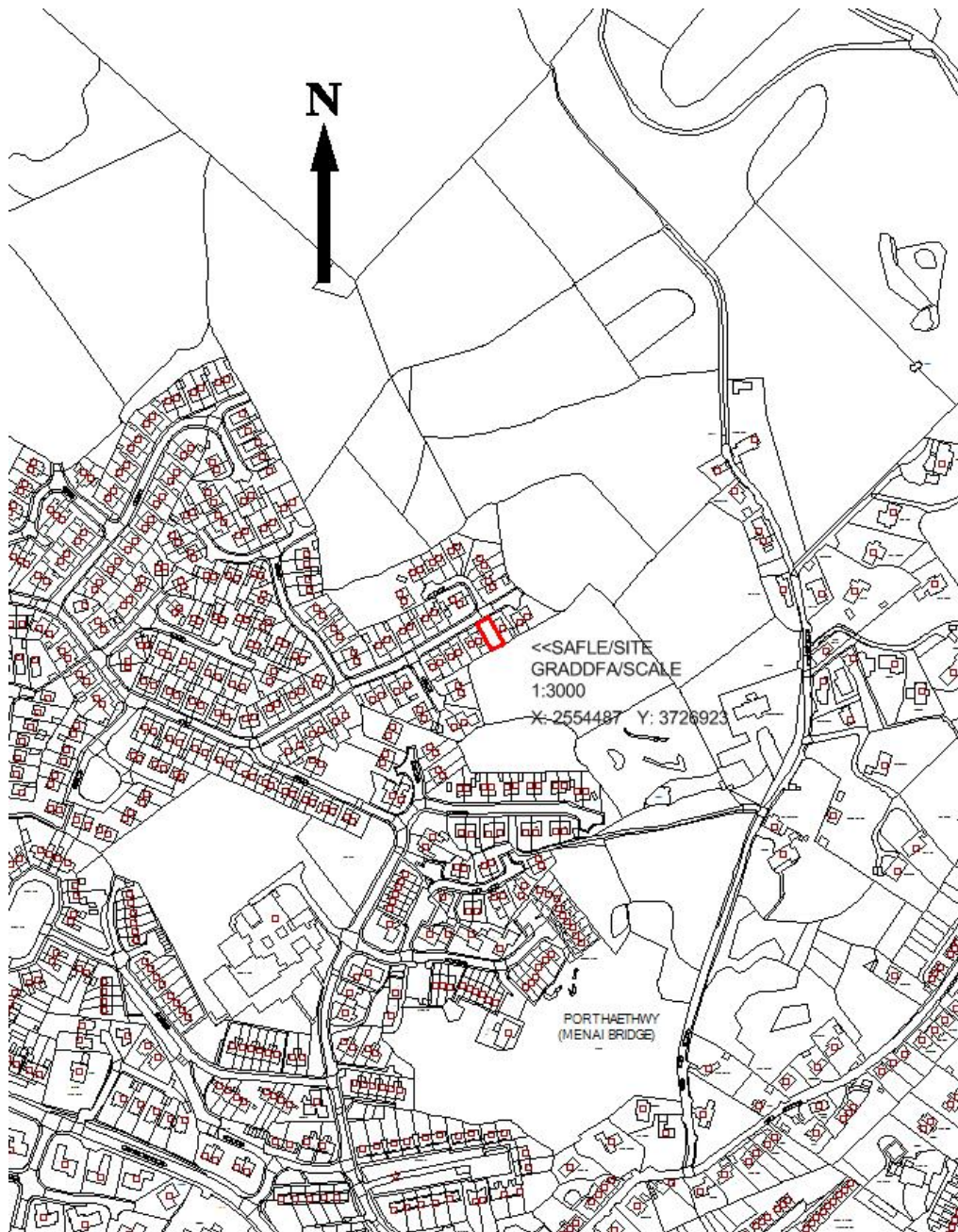
Rhif y Cais: **39C552** Application Number

Ymgeisydd Applicant

**Mr G Mummery**

**Cais llawn am addasu ag ehangu yn / Full application for alterations and extensions at**

**114 Penlon, Porthaethwy**



**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (GJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application is related to a member of staff within the Planning Department.

The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

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

The property is a semi-detached bungalow situated within an established estate known as Pen Lon in Menai Bridge.

The application is for alterations and extensions at 114 Pen Lon, Menai Bridge.

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

The key issues which need to be considered are the design of the proposal and effect on neighbouring properties.

### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 31 – Landscape

Policy 42 – Design

Policy 58 – Extension

#### **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 EN1 – Landscape Character

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

**Local Member (Cllr Jim Evans)** – No response at the time of writing the report

**Local Member (Alun Mummery)** - Has declared an interest.

**Local Member (Meirion Jones) – No response at the time of writing the report**

**Community Council – No response at the time of writing the report**

### **Response to Publicity**

The application was afforded two means of publicity. These were by posting of a site notice near the site and the serving of personal notifications on the occupants of neighbouring properties. The latest date for the receipt of representations was the 6<sup>th</sup> November, 2014. At the time of writing this report no representations had been received.

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

No relevant planning history

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

**Effect on the locality –** The site is within an established estate known as Pen Lon in Menai Bridge. The proposal entails a single storey extension to the rear of the property and a porch to the gable elevation. The materials to the rear extension will match that of the existing property while the materials of the porch will match that of the existing garage to the rear.

It is not considered that the extension will adversely affect the appearance of the existing dwelling and surrounding area.

**Effect on Neighbouring Properties:-** Neighbouring properties have been notified of the development. No adverse representations have been received as a result of the publicity. It is not considered that the extension will have any impact on any adjoining property.

### **7. Conclusion**

The site can comfortably accommodate the proposal without appearing cramped or over developing the site to the detriment of the character of the locality or the amenities of the neighbouring properties. The proposal complies with the Supplementary Planning Guidance on Design Guide for the Urban & Rural Environment, Technical Advice Note 12: Design, Paragraph 4.11 Promoting sustainability through good design, Planning Policy Guidance (Wales) Edition 7 and policies contained within the Ynys Mon Local Plan and Stopped Unitary Development Plan.

### **8. Recommendation**

#### **Permit**

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

**(02) The development permitted by this consent shall be carried out strictly in accordance with**

**the plan(s) submitted on the 10/10/14 under planning application reference 39C552.**

Reason: For the avoidance of doubt

**9. Other Relevant Policies**

**Planning Policy Wales (7<sup>th</sup> Edition 2014)**

**Technical Advice Note 12 - Design**



**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (DO)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application is on council owned land.

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

The site located adjacent to a highway leading from Amlwch to the A5025. The property is a semi-detached dwelling.

The proposal is to create a vehicular access and hard standing area to the front of the dwelling.

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

The key issues are whether or not the development is acceptable at this location in amenity terms, and is suitably positioned with regards to highway safety.

### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 26 – Car Parking

#### **Gwynedd Structure Plan**

Policy D4 – Location, Siting & Design

Policy FF12 – Parking

#### **Stopped Unitary Development Plan**

Policy EN1 – General

Policy TR10 – Parking Standards

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

A site notice was placed adjacent to the site together with individual notifications to neighbouring properties. The closing date for observations is the 27/11/2014.

At the time of writing this report no letter of observation have been received.

**Cllr W Hughes** – No response received at time of writing the report.

**Cllr R.O Jones** – No response received at time of writing the report

**Cllr A.M Jones** - No response received at time of writing the report

**Amlwch Town Council** – No response at time of writing the report

**Highways** - No response at time of writing the report

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

None

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

**Design** – The proposed layout will mirror the existing layout of the property next door.

**Highways** – It is not considered that the proposed will have an adverse impact on highway safety.

### **7. Conclusion**

The proposed vehicular access and parking are considered acceptable at this location.

### **8. Recommendation**

**Permit**

**(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.**

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

**(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 27/10/2014 under planning application reference 11C623.**

Reason: For the avoidance of doubt.

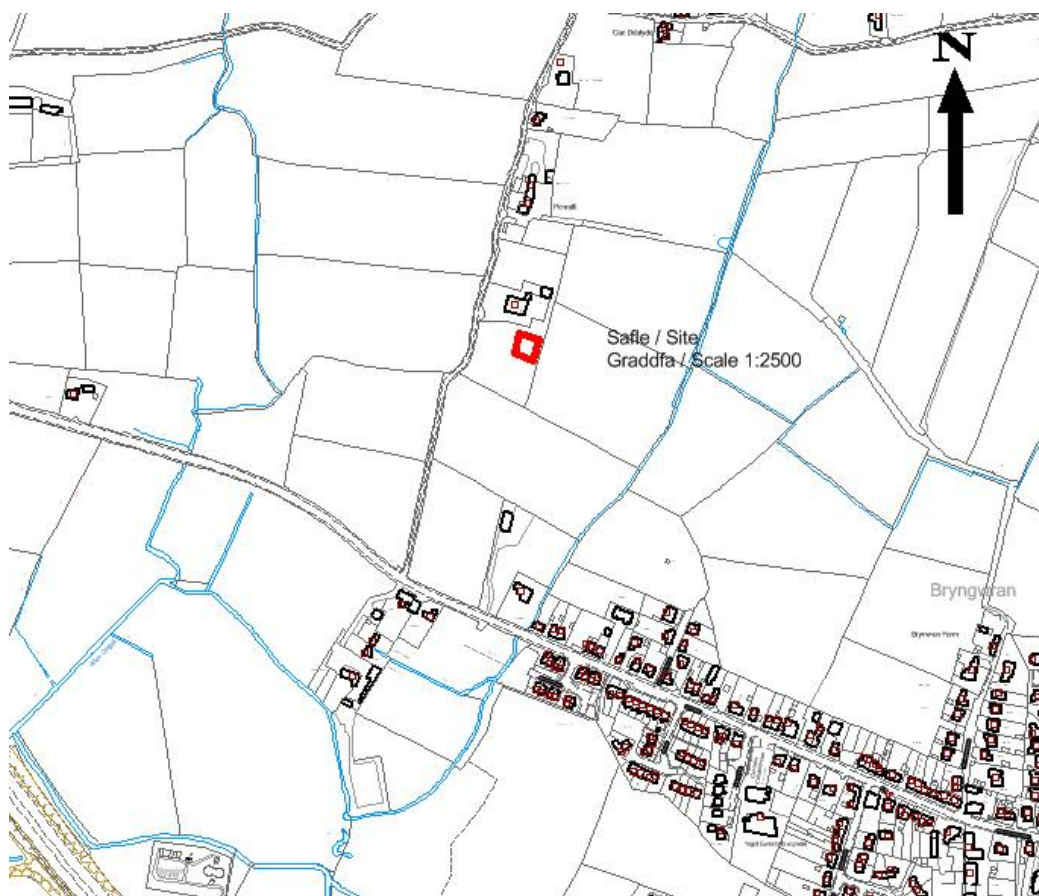
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

Rhif y Cais: **16C48H** Application Number

Ymgeisydd Applicant

**David Morris**

**Cais llawn i gadw slab concriid ynghyd a chodi sied amaethyddol i'w defnyddio fel storfa ac i gadw anifeiliaid ar dir yn / Full application for the retention of a concrete slab together with the erection of an agricultural shed to house livestock and for storage purposes on land at**

**Ger y Bryn, Bryngwran**



**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (IWJ)**

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

At the request of the Local Member – Councillor Bob Parry

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

The application is made to retain a concrete slab together with the erection of an agricultural shed to house livestock and for storage purposes.

The site lies within the parish of Bryngwran and is located adjacent to the property known as 'Ger Y Bryn' which is about 200m north of Bryngwran. Access is via the road which serves Ger Y Bryn, which junctions with the A5 highway leading towards Holyhead.

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

The key issues to consider are whether there is sufficient justification for the proposed shed for agricultural purposes and visual impact.

### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 - General Policy

Policy 42 - Design

#### **Gwynedd Structure Plan**

Policy D4 – Siting

Policy D29 – Design

#### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 - Design

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

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

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

**Local Member** – Application called into planning committee. His reasons being that the applicant needs a structure of this size for the keeping of animals and the storage of agricultural machinery.

**Community Council** – No observations.

## **Environmental Health – Comments**

The application was afforded two means of publicity. These were the posting of a site notice near the site and the serving of personal notifications on the occupants of the neighbouring properties. The latest date for the receipt of representations was the 25<sup>th</sup> September, 2014.

At the time of writing this report one letter of representations was received at the department. The issues raised can be summarised as follows:

- The applicant has 4 acres of land (excluding the 1 acre of land within the residential curtilage of Ger Y Bryn) rather than 6 acres as claimed within the application.
- The applicant is selling the property with 4 acres of land split into two separate plots.
- Applicant does not have enough land for the stock the applicant claims to have.
- Second septic tank also installed at the property.
- Independent electric and water supply (separate from the ones for Ger y Bryn) installed at the shed.
- The claim that this is the applicant's first venture into farming is incorrect.
- Ger Y Bryn was approved on the basis that the applicant would be farming sheep on the land.
- No parking is available at the site. Only parking available is at the residential property Ger Y Bryn.
- Hedgerow has been removed at the application site.
- Several aspects of the information presented as part of the application is incorrect.

## **5. Relevant Planning History**

16C48 – Erection of a dwelling on land at Penrallt, Bryngwran – Approved 13/07/1989

16C48A – Erection of a bungalow on land at OS 6600, Penrallt, Bryngwran – Approved 17/07/1989

16C48B – Deletion of condition (1) (local person condition) from planning permission 16C18 on land at Penrallt, Bryngwran – Approved 16/12/1997

16C48C – Amended detailed plans for the erection of a bungalow and double garage on plot adjacent to Penrallt, Bryngwran – Approved 15/10/1999

16C48D – Outline application for the erection of a new dwelling together with the construction of a new vehicular access and installation of a new septic tank on land adjacent to Ger Y Bryn, Bryngwran – Refused 08/12/2005

16C48E – Outline application for the erection of a dwelling together with the construction of a new vehicular access and installation of a septic tank on land adjacent to Ger Y Bryn, Bryngwran – Refused 02/02/2006

16C48F – Full application for the erection of an agricultural building on land at Ger Y Bryn, Bryngwran – Refused 10/05/2012

16C48G – Full application for the erection of an agricultural shed at Ger Y Bryn, Bryngwran – Approved 09/11/2012

## **6. Main Planning Considerations**

**Justification for the proposal** – The general principle of development for agricultural purposes is accepted within local and national planning policies provided the development can be justified. The

acceptability of the proposed development thus depends on detailed development control criteria.

The proposal entails the erection of an agricultural building (measuring 11.7m (length) x 12.1m (width) x 4m (ridge height)). The holding amounts to approximately 2.3 hectares (5.6 acres) and is located on the outskirts of Bryngwran.

The stated purpose of the shed is to keep sheep, lambs and an area for feed / hay. The applicant also intends on purchasing six calves which will also be kept within the agricultural building.

However, it is my opinion that the total number of stock and acreage of land within the applicant's ownership does not justify an agricultural building of this size.

Furthermore, although the location of the proposed building is relatively near the applicants dwelling known as 'Ger Y Bryn', it is considered that this would cause an unjustified intrusion into the landscape.

An application for the erection of an agricultural shed (16C48G) was approved at the same location contrary to officer's recommendation in 2012.

The case officer concluded that *the applicant had not demonstrated that the building as proposed is reasonable necessary in terms of its size, location and use in association with any agricultural use of the unit together with the fact that the proposal would constitute development which would result in an unjustified feature in the landscape to the detriment of the character of the area.*

The floorspace for the agricultural shed previously approved under 16C48G was 100 square meters. The floorspace for the proposed agricultural shed considered under this application is 142 square meters, which is an increase of 42%.

## **7. Conclusion**

Since the foundation of the proposed shed was completed not in accordance with the approved planning permission, the development was deemed a breach of planning control. The matter was passed onto the enforcement team and subsequently a planning enforcement investigation was opened. The owner was advised to stop work until the matter was resolved and to submit a retrospective planning application. In accordance with the advice contained within Technical Advice Note (Wales) 9 (TAN9).

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.

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

Having considered the above and all other material considerations my recommendation is one of refusal

## **8. Recommendation**

### **Refuse**

(01) The applicant had not demonstrated that the building as proposed is reasonably necessary in

terms of its size, location and use in association with any agricultural use of the unit. The proposal is therefore contrary to Policy 1 of the Ynys Mon Local Plan and the advice contained within Planning Policy Wales (Edition 7).

(02) The Local Planning Authority considers that the proposal would constitute development which would result in an unjustified feature in the landscape to the detriment of the character of the area.

## **9. Other Relevant Policies**

### **Planning Policy Wales (Edition 7)**

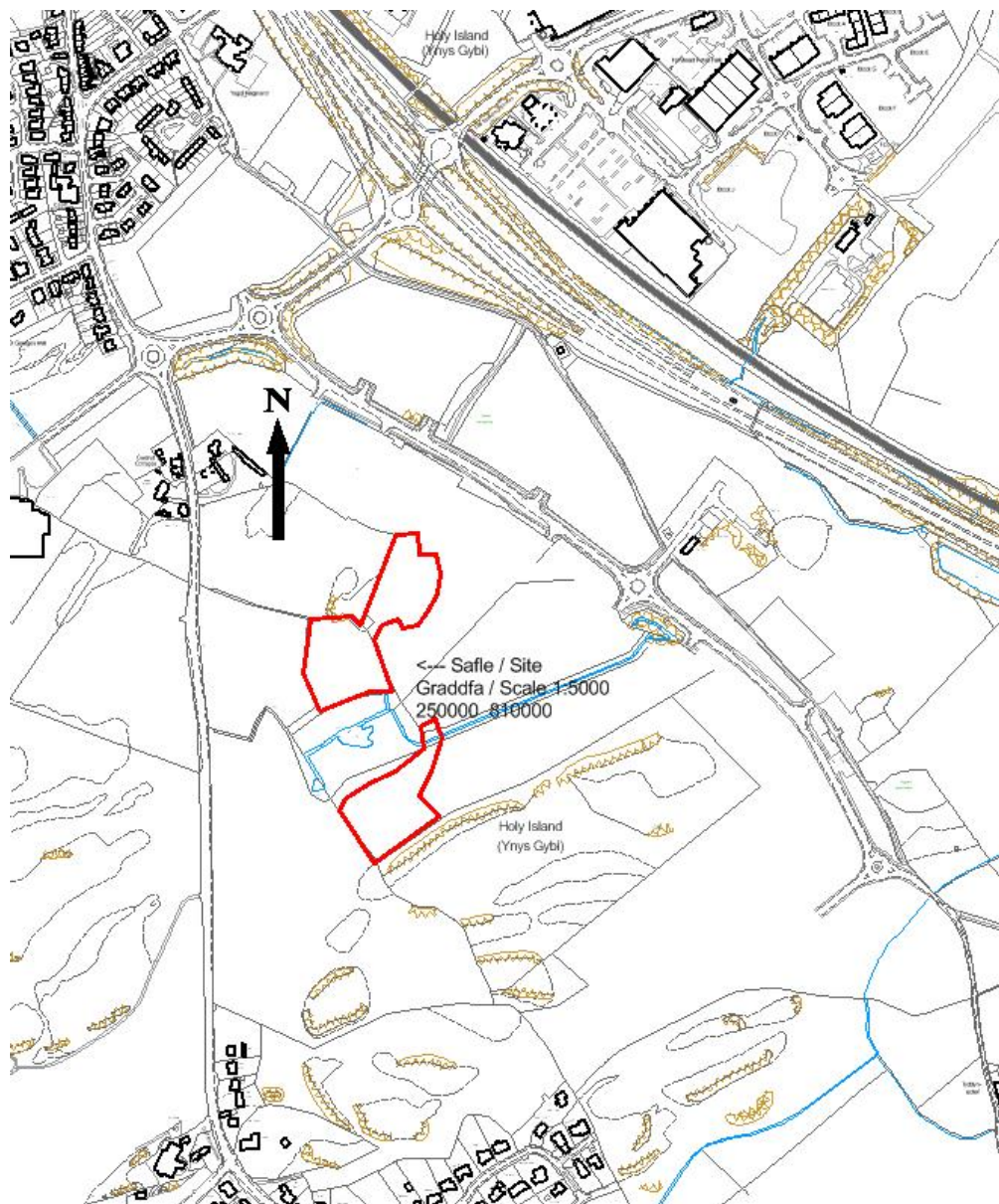
Rhif y Cais: **19C842Y** Application Number

Ymgeisydd Applicant

**Road King (Holyhead) Ltd**

**Cais llawn ar gyfer adeiladu estyniad i'r ganolfan drafnudiaeth â ganiatâwyd sydd yn cynnwys creu ardaloedd tirlunio a gwelliannau ecolegol ar dir yn / Full application for the construction of an extension to the consented transport hub including the creation of landscaping and ecological enhancement areas on land at**

**Parc Cybi, Holyhead**



**Planning Committee: 03/12/2014**

**Report of Head of Planning Service (NJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The applicant has served notice on the Council as part owner of the application site.

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

The site is part of the larger Parc Cybi business park. Planning consent was granted in 2013 on part of the larger Parc Cybi site for the development of a transport hub to include large scale HGV parking and driver facilities to serve traffic entering and leaving the port at Holyhead. That site is under construction and the application as now submitted is for an additional 49 HGV parking spaces within a landscaped site, accessed through the consented transport hub, together with the depositing of soil arising from the developments and its use as part of a habitat and landscape mitigation proposal on the edge of the site.

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

Landscape, ecological and traffic issues.

### **3. Main Policies**

#### **Ynys Mon Local Plan**

Policy 1 – General Policy  
Policy 2 – New Jobs  
Policy 3 – Tŷ Mawr Farm, Holyhead  
Policy 5 – Design  
Policy 30 – AONB  
Policy 34 – Nature Conservation  
Policy 39 - Archaeology

#### **Gwynedd Structure Plan**

Policy B1 – Employment generation Development  
Policy B2 – Employment Land  
Policy B4 – Identified Employment Sites  
Policy D1 – AONB  
Policy D4 – Location, Siting and Design  
Policy D10 – Ecology  
Policy D15 – Archaeology  
Policy D29 – Design

#### **Stopped Ynys Mon Unitary Development Plan**

Policy GP1 – Development Control Guidance  
Policy GP2 – Design  
Policy EN 2 – AONB

Policy EN4 – Biodiversity  
Policy EN12 – Archaeology

### **Planning Policy Wales (Edition 7)**

### **Technical Advice Note 5 – Nature Conservation and Planning**

### **Technical Advice Note 12 – Design**

### **Circular 60/96 Planning and the Historic Environment- Archaeology**

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

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

**Local Members – Cllr T LI Hughes** - no objection.

**Town Council** – no objection but suggested that the main road is used for accessing the site and it is requested that the Company offer some form of benefit for the community.

**Built Environment and Landscape Section** – no concerns from built environment and conservation point of view; additional landscaping details requested and considered acceptable subject to condition.

**Ecological Advisor** – comments in relation to reports.

**Environmental Health officer** – comments for construction phase

**Drainage Section** – additional details requested.

**Gwynedd Archaeological Planning Service** – Suggested condition for pre-development archaeological works.

The application was publicised by site notice, personal notification and press advert. The expiry date for the receipt of representations was 14/11/14. No representations were received.

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

19C842A/EIA: Outline application for mixed use development comprising of employment (B1, B2, B8) to include offices, industrial use and hotel together with the construction of a new vehicular access land at Tŷ Mawr, Holyhead: Approved 7/3/05

19C842P/ECON: Outline application for the construction and operation of a transport hub and ancillary servicing facilities including preparatory earthworks, landscaping and associated infrastructure on land at Parc Cybi – approved 5/8/13

19C842Q/ECON: Outline application for the construction and operation of a logistics depot, including preparatory earthworks, landscaping and associated infrastructure on land at Parc Cybi – approved 5/8/13

19C842R/SCR/ECON: Screening opinion for the construction and operation of a transport hub and ancillary servicing facilities including preparatory earthworks, landscaping and associated

infrastructure on land at Parc Cybi – EIA not required 4/3/13

19C842T/SCR/ECON: Screening opinion for the construction and operation of a logistics depot, including preparatory earthworks, landscaping and associated infrastructure on land at Parc Cybi – EIA not required 4/3/13

19C842Z/SCR: Screening opinion for the construction of an extension to the consented transport hub including the creation of landscaping and ecological enhancement areas on land at Parc Cybi – EIA not required

## **6. Main Planning Considerations**

Policy 3 of the Local Plan allocates land at Tŷ Mawr for commercial development. The outline planning permission for this development providing the overall strategy and master-planning was approved in 2005. A more recent outline planning permission was granted for the adjoining site in order to develop a transport hub including parking and driver facilities. The principle of the scheme has been established already in the original outline permission and is fully supported in planning policy terms e.g. the reasoned justification for Policy 3 states that ‘...the development of the site should include transport services and accommodation facilities to complement Holyhead’s role as a port and increase local expenditure by road travellers through the port’.

The development proposed is for an extension to the approved transport hub in order to create additional HGV parking. Users of the site will be catered for in the original scheme and no additional facilities or buildings are proposed. The site is part of the 2005 approval for Parc Cybi and was earmarked for an industrial building. The site will be landscaped and accessed off a spur road through the consented transport hub which is currently under construction.

The scheme includes the deposition of soil on land adjoining the consented transport hub and the use of this land for habitat enhancement. The application is submitted with a variety of supporting reports. Natural Resources Wales raises no issues in relation to ecology but the Council’s Ecological Advisor makes comments on the content of some of the reports. It is considered that the proposals are acceptable in principle and can be conditioned. The proposals will enhance some opportunities for species known to be present.

Due to the archaeological resource potential of the site a condition is proposed requiring archaeological works prior to development taking place. This is in line with previous permissions on the site.

Additional landscaping details have been provided on request and are considered acceptable for the development given its location on a larger industrial development. It is not considered that the development will adversely affect the designated AONB or other designated sites in the wider locality. The site already has consent for industrial development. In accordance with the advice contained within Planning Policy Wales, the decision maker should balance impacts on the designated landscape with the potential economic value of a particular development. The need for a site to cater for the HGV traffic entering and leaving the port of Holyhead has been well-documented. The scheme will provide a purpose-built facility which will alleviate pressures on numerous sites within and around the town currently being used for ad hoc parking.

It is not envisaged that the scheme would lead to traffic or noise pollution concerns given its location away from residential development and given the road links to the port. The outline consent for the transport hub was granted subject to a condition required by the Welsh Government to ensure that additional lanes are provided on the A55 junction near the site to cater for traffic entering and leaving



the facility. It is considered prudent that a condition be attached requiring these works to be completed before the extension to the site is brought into use to ensure it is in line with the original consent. The Drainage Section has requested additional design details for the proposed surface water drainage scheme and it is considered that suitable conditions can be attached to any planning permission granted.

## **7. Conclusion**

The scheme is an extension to the consented transport hub and will provide additional HGV parking facilities to cater for traffic entering and leaving the port at Holyhead. The scheme is considered acceptable subject to the conditions listed.

## **8. Recommendation**

### **Permit**

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

Reason: To comply with the requirements of the Town and Country Planning Act 1990

**(02) Notwithstanding the submitted details, full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before their installation. Any such fencing, walling or other means of enclosure or demarcation shall be designed such as to allow the free movement of badgers through the site.**

Reason: In the interests of amenity and to safeguard any protected species which may be present.

**(03) The development shall proceed in accordance with the recommendations contained within the Phlorum Preliminary Ecological Appraisal and Badger Mitigation and Site Enhancement Report submitted under application 19C842Y unless the local planning authority gives its prior consent to any variation. No development shall commence until a management and maintenance plan for the habitat enhancement areas, to include a timetable for the delivery of the works, has been submitted to and approved in writing by the local planning authority. The said management and maintenance plan shall include levels details and cross sections of the proposed earth bund unless otherwise agreed in writing by the local planning authority. The development shall thereafter proceed in accordance with the details as may be agreed.**

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

**(04) No development shall commence until a scheme for the delivery and future maintenance of the landscaping proposals detailed on drawing 881-EX-05 Revision A and 881-EX-06 Revision A, to include a timetable for the works, has been submitted to and approved in writing by the local planning authority. The scheme shall include levels details and cross sections of the proposed earth bunds. The works shall thereafter proceed in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

**(05) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the local planning authority. The development shall proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation. No use of the site hereby approved shall take place until the drainage systems for the site have been completed and are operational.**

Reason: To reduce the risks of pollution and to ensure that the site is adequately drained.

**(06) Full details of the proposed cctv columns and equipment and the external lighting of the site shall be submitted to and agreed in writing by the local planning authority prior to its installation. Such lighting shall be designed so as to minimise light spillage beyond the boundaries of the site or into the night sky.**

Reason: In the interests of amenity

**(07) The westbound and eastbound off-slips at Junction 2 of the A55 shall be widened to two lanes to the written satisfaction of the local planning authority prior to the development being brought into use.**

Reason: In the interests of highway safety

**(08) No development (including any ground disturbing works or site clearance) shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include:**

- a. The programme and methodology of site investigation and recording**
- b. The programme for post investigation assessment**
- c. Provision to be made for analysis of the site investigation and recording**
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- e. Provision to be made for archive deposition of the analysis and records of the site investigation**
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

**The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation as required to be approved under this condition and provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

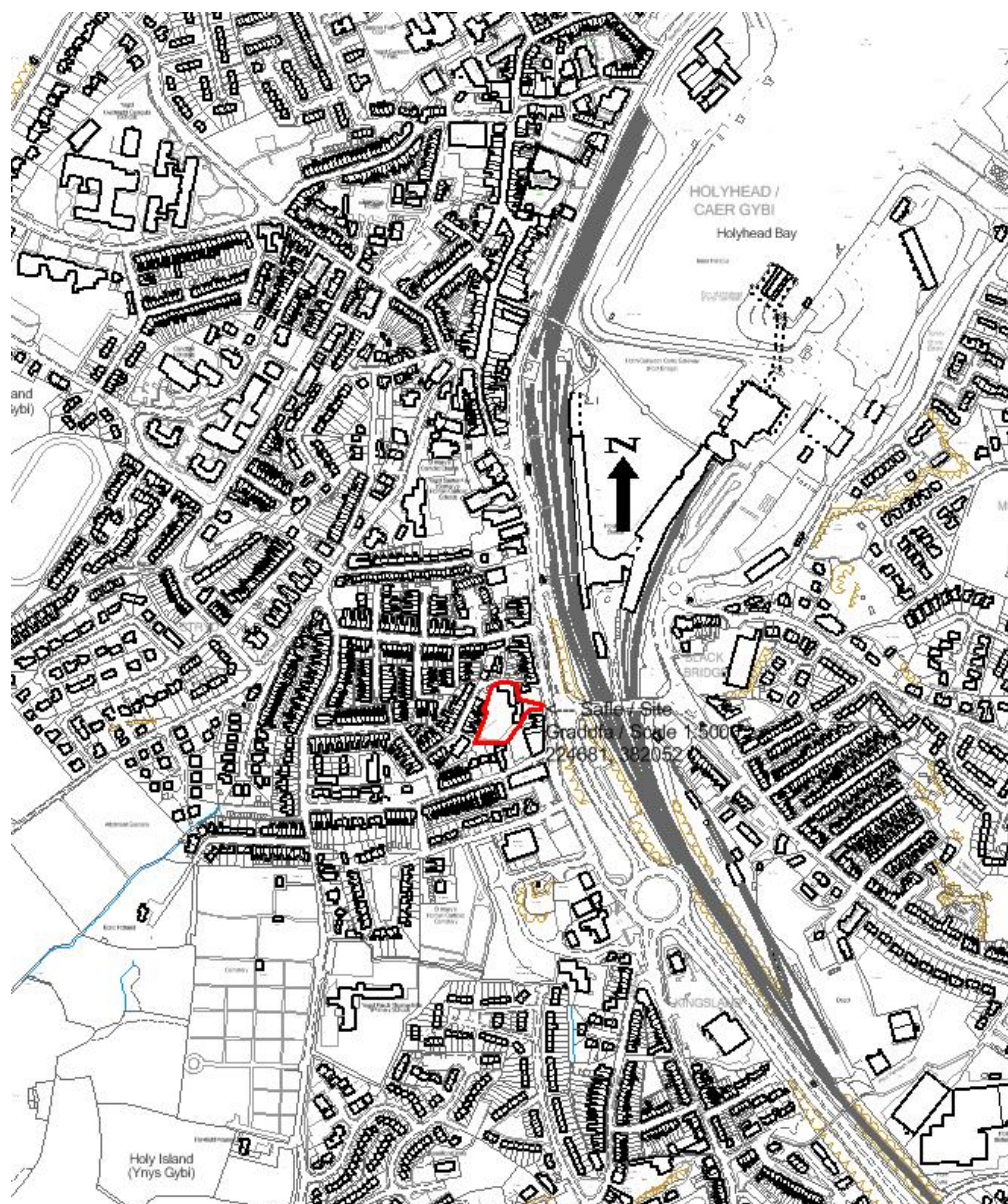
Reason: To record any archaeological features which may be present on the site.

Rhif y Cais: **19LPA434C/FR/CC** Application Number

Ymgeisydd Applicant

**Head of Service (Education and Leisure)**

**Cais llawn ar gyfer adnewyddu'r adeiladau gwreiddiol, dymchwel yr estyniad cyswllt ynghyd a chodi estyniad deulawr newydd yn / Full application for the refurbishment of the existing buildings, demolition of the link extension together with the erection of a new two storey extension at**

**Jesse Hughes Community Centre, Holyhead**

## **Planning Committee: 03/12/2014**

### **Report of Head of Planning Service (NJ)**

#### **Recommendation:**

Permit

#### **Reason for Reporting to Committee:**

The application is made by the Council on Council owned land.

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

The Jesse Hughes centre is located centrally within Holyhead and is used for a number of educational and community activities including youth clubs, as a school (for the Pupil Referral Unit), gateway club, prayer group, flying start and parent and toddler group. The application proposes the refurbishment of the centre together with its extension to create new Dechrau'n Deg centre and office space. The application is a modified proposal – a similar scheme was approved under reference 19LPA434B/FR/CC.

A new ramped access to the front of the building and improved main access accommodation will be provided; a lift will be installed for accessibility; a new two storey extension will provide central office space, the Dechrau'n Deg centre, classrooms and wc facilities; the first floor will provide office spaces and wc facilities; parking facilities will be formalised at the rear of the building and 20 spaces are now proposed in lieu of 16 spaces previously approved. Parts of the existing building previously to be demolished and replaced with new build are now to be retained – this in turn pushes the new two storey section to the south. There is some 17m between the proposed extended building and the dwellings to the rear of the site which back onto the play area. A temporary access for construction is now included through the rear of the Fairfield garage site.

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

Effect on residential amenities

#### **3. Main Policies**

##### **Ynys Môn Local Plan**

Policy 1 – General Policy

Policy 5 – Design

Policy 17 – Community Facilities

##### **Gwynedd Structure Plan**

Policy B1 – Employment Generating Development

Policy D33 – Improving Local Amenities

##### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

##### **Planning Policy Wales (Edition 7)**

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

**Town Council-** No reply at the time of writing

**Local member–T LI Hughes** No reply at the time of writing

**Local member – J Evans** No reply at the time of writing

**Local member –D R Thomas** No reply at the time of writing

**Highways Authority** – No reply at the time of writing

**Dwr Cymru-Welsh Water** – No reply at the time of writing

**Natural Resources Wales** – No comments

**Ecological Advisor** - Comments

**Drainage Section** – Comments

#### **Response to Publicity**

The application has been publicised by personal notification and site notice with an expiry date for receipt of representations of 19<sup>th</sup> November, 2014. No representations had been received at the time of writing.

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

19LPA434B/FR/CC Full application for refurbishment of the existing buildings, demolition of the link extension together with the erection of a new two storey extension at Jesse Hughes Community Centre, Holyhead – approved 4/9/14.

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

**Principle of the Development:** The building is in extensive use as an educational and community centre. It is not anticipated that uses proposed to take place will add to amenity impacts – the building's use is concentrated during daytime hours but it is not anticipated that any changes will occur with the use of the facility to hold an evening youth club which already takes place. Activity already occurs at and around the site. The vehicular access to the rear of the site is already in existence and the area operates a one-way traffic system which would ensure that no vehicles conflict with each other in the surrounding streets. The site is easily accessible by a number of public transport modes and it is anticipated that the majority of users would access the site on foot. A similar scheme was previously approved by the Committee.

**Design:** Additional parts of the building as existing as well as the original parts of the centre are retained and enhanced as part of the scheme and retain their identity and integrity. Albeit the roofline of the proposed two storey extension to the rear will be higher than the existing ridge, the building is not easily seen in its entirety at ground level from the surrounding streets and only glimpses will be visible. The site is visible from black bridge but the extension will be set against existing buildings set on higher ground to the rear of the site and will not produce an unacceptable impact.

**Residential Amenities:** The centre is already in extensive use as an educational and community facility. Properties to the front of the site have their rear gardens and rear elevations facing the proposed entrance elevation. As this is already the main thoroughfare for the site and is also used for vehicular parking, it is not anticipated that increased daytime use of the site would increase amenity impacts to such a degree as to warrant refusal of planning consent. The three storey properties to the rear of the site are elevated and are bounded by significant stone walls such that no overlooking or loss of privacy will take place from the car park and there is sufficient distance between first floor office windows and the properties to maintain an acceptable level of amenity. An enclosed ball-game area is proposed as part of the scheme but this is located on an existing playground area and additional impacts are not anticipated.

**Technical Matters:** Consultee responses had not been received at the time of writing. However, it is not anticipated that the proposal will give rise to unacceptable highway impacts as the site is already served by an existing access and is highly accessible by sustainable transport modes. It is not anticipated that unacceptable drainage impacts will occur. A temporary construction access is now proposed through an adjoining site, avoiding the need to negotiate the narrow streets in the locality which was of concern to local residents and members of the Committee in dealing with the previous application.

## **7. Conclusion**

The proposal seeks to improve and extend the accommodation at the site to physically segregate sensitive uses but retains and respects the character and integrity of the original building. The extension design utilizes contemporary building techniques and will sit well with the traditional centre. It is not anticipated that unacceptable impacts will occur in the locality as a result of the development.

## **8. Recommendation**

To **permit** the development subject to conditions and subject to no material representations being received prior to the expiry of the notification period. 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: To comply with the requirements of the Town and Country Planning Act 1990.

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

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway user.

**(03) No development shall commence until a Traffic Plan for the lifetime of the development showing how traffic arising from the development will be managed and controlled 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: In the interests of amenity and highway safety.

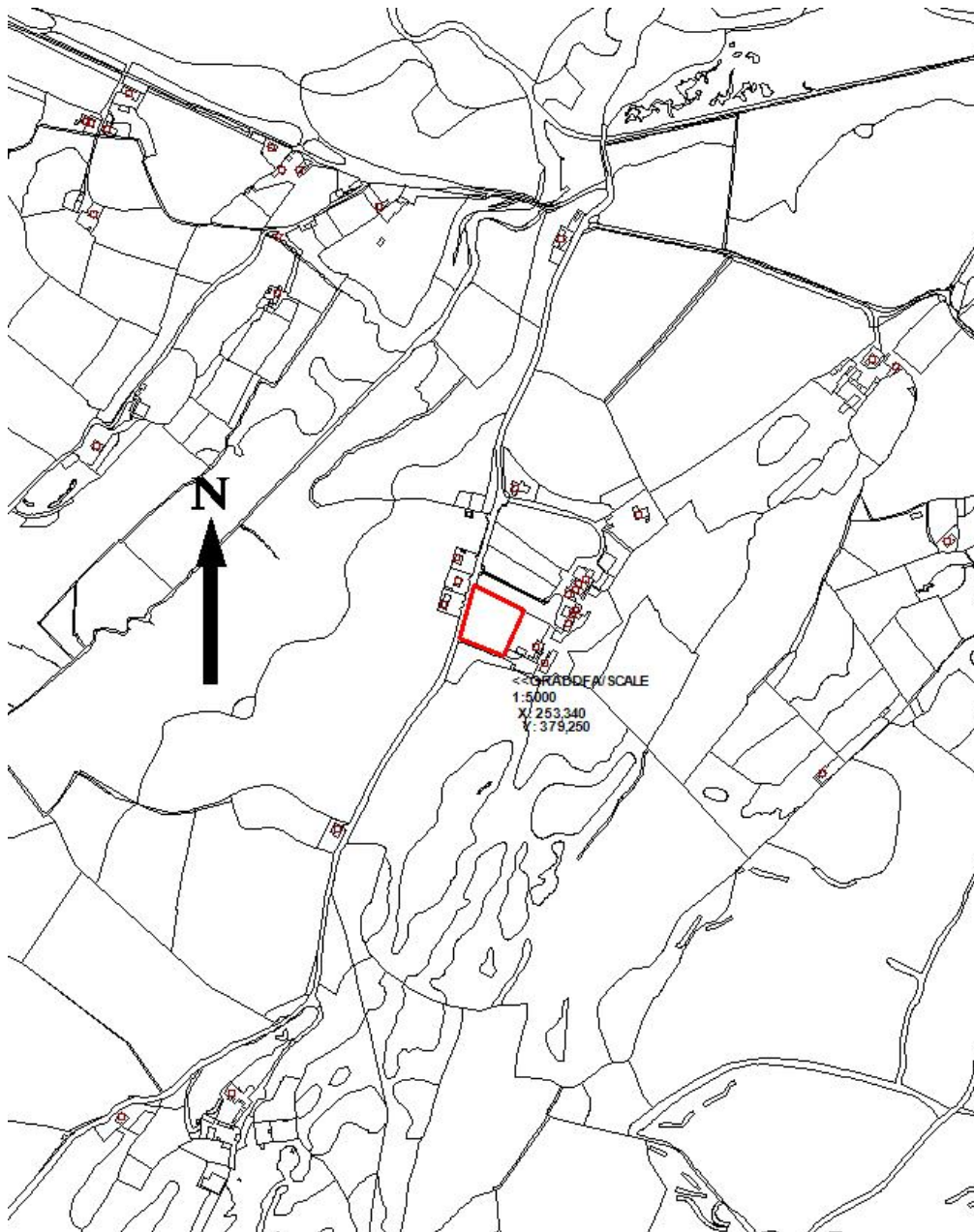
Rhif y Cais: **42C61K** Application Number

Ymgeisydd Applicant

**Mr & Mrs T W Thomas**

**Cais llawn ar gyfer codi annedd a modurdy ar dir yn / Full application for the erection of a dwelling and garage on land at**

**Ty'r Ardd, Pentraeth**



**Planning Committee: 03/12/14**

**Report of Head of Planning Service (MTD)**

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

On request of Local member Vaughan Hughes who comments about the size and design of the proposed dwelling and its suitability in this location.

**1. Proposal and Site**

It is proposed to construct a two storey residential dwelling.

**2. Key Issue(s)**

Whether the size and design are appropriate

**3. Main Policies**

**Gwynedd Structure Plan**

Policy A3 Scale and phasing of housing  
Policy D1 Protection of the Environment  
Policy D4 Siting and Design

**Ynys Mon Local Plan**

Policy 1 General Policy  
Policy 30 AONB  
Policy 42 Design  
Policy 48 Housing Development Criteria

**Ynys Mon Unitary Development Plan (Stopped)**

Policy GP1 General Policy  
Policy GP2 Design  
Policy EN2 AONB

**TAN 12 Design**

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

**4. Response to Consultation and Publicity**

1 letter has been received and raises concerns in respect of the building being too large and the harm that will be created in an AONB

**Local Member Vaughan Hughes** has referred the application to Committee for the reasons given above.



**Community Council** No comments

**Welsh Water** Comments

**Highways** Conditions

## **5. Relevant Planning History**

42C61 Erection of 3 dwellings Refused 3/2/89

42C61A Erection of a dwelling Refused 17/4/91

42C61B as above Refused 13/5/91

42C61C as above Refused 7/12/91

42C61D Certificate of Lawfulness of caravan as a residential unit Granted 8/2/12

42C61G Removal of caravan and erection of dwelling Refused...Appeal allowed 24/3/14

## **6. Main Planning Considerations**

Planning permission was granted on appeal to replace an existing residential caravan with a permanent dwelling

In his decision the Inspector tied the permission to the submitted plans in respect of size/footprint and also added a condition removing Permitted development rights so as to prevent the increase in size of the dwelling. This was to prevent harm to the location which is identified as an AONB. He states;

“A house of modest height and with a footprint similar to that shown on the indicative plans would not be unduly large, prominent or imposing. It was agreed at the hearing that a condition could be imposed withdrawing permitted development rights for extensions as the circumstances of this application area (sic) exceptional”

The submitted plans show a dwelling far larger than those the subject of the appeal, and it is considered that the size of the now proposed dwelling is far removed from that approved at appeal.

The footprint of the appeal proposal was given as 169.7 m sq, whereas the proposal now is for a footprint of 251.50 m sq. It should be noted that at the appeal the appellant case was that the proposals foot print was not that much larger than a caravan. This is obviously not the case now.

Such is the size that harm over and above what the Inspector considered acceptable can be identified and it may be the case that the Inspector would have also identified this harm and dismissed the appeal for the reasons given below

## **7. Conclusion**

Whereas the principle is established the proposals are no in line with what the appeal Inspector considered acceptable for the site. The granting of planning permission in this instance would be contrary to the appeal Inspectors recommendations.

## **8. Recommendation**

## **Refuse**

(01) The proposed dwelling by virtue of its size scale and massing would represent an incongruous feature in the landscape which is identified as an Area of Outstanding beauty and as such would be contrary to policies A3,D1 and D4 of the Gwynedd Structure plan, Policies 1,30,42 and 48 of the Ynys Mon Local Plan, policies GP1,GP2 and EN2 of the Stopped ynys Mon Unitary development plan and the provisions of Planning Policy Wales