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CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Dr Gwynne Jones
Prif Weithredwr – Chief Executive

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RHYBUDD O GYFARFOD	NOTICE OF MEETING
PWYLLGOR CYNLLUNIO A GORCHMYNION	PLANNING AND ORDERS COMMITTEE
DYDD MERCHER, 2 TACHWEDD, 2016 ➔ 1.00 o'r gloch y.p. ←	WEDNESDAY, 2 NOVEMBER 2016 ➔ 1.00 pm ←
SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGFNI	COUNCIL CHAMBER, COUNCIL OFFICES, LLANGFNI
Swyddog Pwyllgor	Mrs. Mairwen Hughes 01248 752516 Committee Officer

AELODAU / MEMBERS

Cynghorwyr / Councillors:

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

Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy

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.

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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_(Pages 1 - 6)

To present the minutes of the previous meeting of the Planning and Orders Committee held on 5th October, 2016.

4 SITE VISITS_(Pages 7 - 8)

To present the minutes of the Planning Site Visits held on 19th October, 2016.

5 PUBLIC SPEAKING

6 APPLICATIONS THAT WILL BE DEFERRED_(Pages 9 - 12)

6.1 20C310B/EIA/RE – Rhyd y Groes, Rhosgoch

6.2 36C338A – Henblas School, Llangristiolus

7 APPLICATIONS ARISING_(Pages 13 - 32)

7.1 15C215C – Tyddyn Bwrtais, Llangadwaladr

7.2 44C102A – Hazelbank, Rhosybol

7.3 45C84M/ENF – Pendref, Penlon, Newborough

8 ECONOMIC APPLICATIONS

None to be considered by this meeting.

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9 AFFORDABLE HOUSING APPLICATIONS

None to the considered by this meeting.

10 DEPARTURE APPLICATIONS

None to the considered by this meeting.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS_ (Pages 33 - 38)

11.1 45C468 – Bodrida Bach, Brynsiencyn

12 REMAINDER OF APPLICATIONS_ (Pages 39 - 76)

12.1 15C30H/FR - Pen y Bont Farm, Malltraeth

12.2 20C304A – Bron Wendon, Cemaes

12.3 23C280F – Plas Llanfihangel, Capel Coch

12.4 23C280G – Plas Llanfihangel, Capel Coch

12.5 25C242 – Tyn Cae, Coedana, Llannerchymedd

12.6 46C572 – Glan Traeth, Trearddur

13 OTHER MATTERS

None to the considered by this meeting.

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PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 5 October, 2016

- PRESENT:** Councillor Ann Griffith (Chair)
Councillor Nicola Roberts (In the Vice-Chair)
- Councillors Lewis Davies, Jeff Evans, John Griffith, Kenneth Hughes,
Vaughan Hughes Victor Hughes
- IN ATTENDANCE:** Development Management Team Leader (NJ)
Development Management Team Leader (MD)
Planning Assistants
Highways Officer (JAR)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillor Richard Owain Jones
- ALSO PRESENT:** Local Members: Councillor Carwyn Jones (application 7.1) Councillor
W.T. Hughes, Councillor Richard Dew (Portfolio Member for Planning)
-

1. APOLOGIES

As noted above.

Due to the absence of the Vice-Chair, Councillor Richard Owain Jones, the Committee resolved to elect a Vice-Chair for this meeting and Councillor Nicola Roberts was duly elected to that position.

2. DECLARATION OF INTEREST

Councillor Victor Hughes declared a personal interest with regard to application 6.2 and said that he had received advice both from the Council's Legal Department and from the Public Services Ombudsman's Office that it was appropriate for him to participate in this matter.

Councillor Victor Hughes declared a prejudicial interest with regard to application 12.1 also.

3. MINUTES OF THE 7 SEPTEMBER, 2016 MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 7th September, 2016 were presented and confirmed as correct subject to amending the final sentence of the third paragraph on page 3 under application 7.1 to read *the recommendation therefore remains one of approval.*

4. SITE VISITS 21 SEPTEMBER, 2016

The minutes of the planning site visits held on 21 September, 2016 were presented and confirmed as correct subject to noting that Councillor Kenneth Hughes had tendered an apology for absence.

5. PUBLIC SPEAKING

The Chair announced that public speakers had been registered to speak with regard to applications 7.1 and 7.3.

6. APPLICATIONS THAT WILL BE DEFERRED

6.1 20C310B/EIA/RE – Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to Rhyd y Groes, Rhosgoch

It was resolved to defer consideration of the application in accordance with the Officer's recommendation to allow the assessment of further information received from the Agent.

6.2 30C338A – Full application for the erection of a dwelling and detached garage on land opposite Ysgol Henblas, Llangristiolus

It was resolved to defer consideration of the application in accordance with the Officer's recommendation to allow a statutory consultation and publicity process to be carried out on additional supporting information received.

6.3 39C561/FR/TR – Full application for the erection of a Zorb Centre together with the construction of a vehicular access and car park on land adjacent the Lodge, Holyhead Road, Menai Bridge.

It was resolved to defer consideration of the application in accordance with the Officer's recommendation and that the application be withdrawn from the Committee's schedule until such time as there is more clarity regarding the proposal.

7. APPLICATIONS ARISING

7.1 17C226G – Full application for alterations and extensions at Ger y Nant, Llandegfan

The application is presented to the Planning and Orders Committee at the request of two Local Members. At its meeting held on 7th September, 2016, the Committee resolved that a site visit should take place and this was subsequently carried out on 21st September, 2016.

Mr Arwyn Williams, the applicant spoke in favour of the proposal. He emphasised that Ger Nant which is a single storey three bedroomed bungalow, was purchased with the intention of extending it to make it into a suitable long-term family home for himself, his wife and 3 children which would allow them to resettle within Anglesey and contribute to the community of Llandegfan. This is not a for profit endeavour. He had consulted closely with the Planning Service on the proposal and had sought to respond to the advice given which has led to the current scheme which Planning Officers find is an enhancement on the building as it exists. Initial objections by neighbours have also been addressed. The subject building is fairly insignificant architecturally and does not have any historical characteristics that need to be preserved. It is not a traditional outbuilding. He acknowledged that the application is not clear cut and that regard must be had of current policies. He believed however that there are special circumstances in this case. Mr Williams said that he had given careful consideration to the requirements of Policy 55 in arriving at the proposed design and that contrary to the Officer's view he believed the application to be in keeping with the spirit of Policy 55. He cited the qualifying criteria under Policy 55 and showed how he thought the proposal where applicable, complied with those criteria. Mr Williams emphasised that this is an application for a suitable home for the family which will be effected by filling a gap and which will not affect anyone else in the neighbourhood.

The Committee questioned Mr Arwyn Williams on the scale of the proposal which according to the Officer's report amounts to a 125% increase in the floor area of the subject building which is in excess of the expectations of Policy 55 criteria.

Mr Arwyn Williams clarified that that proposed extensions would fill a gap between the existing bungalow and the double garage building amounting to about a 50% to 60% increase; the percentage increase cited by Officers include things done previously which have nothing to do with this application.

Councillor Carwyn Jones spoke as a Local Member and emphasised that the proposal caters for a family's needs and is not made by a developer with the sole aim of making a profit – the Committee has on previous occasions recognised the importance of encouraging and enabling families to settle within communities. This is such an application which is made honestly, which has involved compromise and which does not affect anyone else. It is a proposal to fill a gap and

is in scale closer to a 50% or 60% increase and not the 125% set out in the Officer's report which includes the garage which is an existing building. The Local Member gave examples where the Committee had previously used its discretion in determining applications under Policy 55 and he thought personally that what is proposed in being an enhancement of the current building and in having no impact beyond the immediate site would carry weight with the Planning Inspectorate. The property in question is not visible from the highway and is effectively screened from all aspects; there will be no increase in height; it does not have a visual or landscape impact and will not be detrimental to neighbour amenities. There are no objections locally and the family has worked with the Planning Service to compromise and adapt to present a scheme which is a fair and reasonable application to fill a gap. He asked the Committee to consider approving the application on the grounds of its being an exceptional application.

The Development Management Team Leader (NJ) confirmed that neither the Community Council nor the Highways Service have any comments to make regarding the application and that no objections have been received from residents locally. The Officer reported that the absence of representations or that the proposal is not especially visible (visibility not being a criterion of Policy 55) does not mean that the proposal does not set a policy precedent. Policy 55 of the Ynys Môn Local Plan deals with the conversion of existing buildings be they traditional structures or more recent buildings and does not differentiate on the basis of the nature of the original building. The policy does however require that the conversion scheme should respect the character, scale and setting of the existing building and involve only minor external alterations. The proposal which is for alterations and extensions to the building amounting to a 100.94 square metres (equivalent to 125%) increase goes well beyond what could reasonably be described as minor external alterations, the original stable block outbuilding being only 79.3 square metres. The recommendation is therefore to refuse the application.

The Committee noted that the increase in floor area which the proposal would entail and what that represents were not entirely clear there being differing viewpoints as to the size and extent of the proposed extensions. The Development Management Team Leader confirmed that the increase is 125% but taking into account previously approved applications for extensions and alterations, the increase on the original application for the conversion of the outbuilding into a dwelling amounts to 155%.

There was a difference of opinion among the Committee's Members. Those who favoured approving the application did so on the basis they believed the proposed development satisfies Policy 55 criteria and because they deemed it acceptable in terms of access, parking, amenity space and in having no detrimental visual effects or effects on neighbour amenities or the surrounding landscape. They questioned the inclusion of the existing garage building in calculating the increase given that that would remain regardless, and they also pointed out that the Officer considers that the proposal arguably improves the appearance of the existing building. Whilst they acknowledged that the proposal was not an easy one to determine they deemed it capable and deserving of approval. The Members who concurred with the Officer's viewpoint that the application be refused although they were sympathetic to the applicant's intentions, emphasised that the Committee had previously refused similar applications and that consistency in applying and upholding policy is important.

The Development Management Team Leader (NJ) said that the key issue is the scale of the extensions proposed which conflicts with Policy 55 criteria which advocate only minor external alterations. If the application was approved it would set a precedent for further applications in future potentially in contravention of Policy 55 criteria.

Councillor John Griffith proposed that the application be refused in line with the Officer's recommendation and the proposal was seconded by Councillor Kenneth Hughes. Councillor Lewis Davies proposed that the application be approved contrary to the Officer's recommendation and the proposal was seconded by Councillor Vaughan Hughes.

In the subsequent vote, Councillors John Griffith, Kenneth Hughes and Nicola Roberts voted to refuse the application in accordance with the Officer's recommendation; Councillors Jeff Evans, Vaughan Hughes and Lewis Davies voted to approve the application contrary to the Officer's recommendation. Councillor Victor Hughes abstained from voting. The proposal to refuse the application was carried on the casting vote of the Chair.

It was resolved to refuse the application in accordance with the Officer's recommendation for the reason outlined in the written report.

7.2 25C255A – Outline application for the erection of a dwelling with all matters reserved on land at Tan Rallt, Carmel

The application is presented to the Planning and Orders Committee as it has been referred to the Committee by a Local Member.

The Development Management Team Leader (MD) reported that at its meeting held on 7th September, the Committee resolved to approve the application contrary to the Officer's recommendation because it considered that the site formed part of the settlement and its development could be viewed as an acceptable addition. The Officer confirmed that there had been no material changes since the September meeting of the Planning and Orders Committee apart from the receipt of one additional letter of objection which has been forwarded to the Council's Legal Section because it refers to the composition of the Planning Committee. It is the Officer's opinion that the proposed development would extend into the open rural landscape thereby harming the character of the locality and as such it cannot be viewed as an acceptable extension to the settlement of Carmel. The recommendation remains one of refusal.

Councillor Victor Hughes referred to conditions imposed subsequent to the granting of permission to erect the adjoining property which had not been implemented; he sought clarification of the enforcement position. He said that highway improvements formed part of those conditions and he queried whether such conditions would apply in this case were it to be approved.

The Officer confirmed that Enforcement Officers had visited the site, had taken measurements and were looking at action that may be taken so the matter is ongoing. The Highways Officer said that the Highways Service does not recommend any additional conditions on the lines of those in connection with the previous application. Highways Officers do not deem it necessary, or reasonable to insist on the applicant making improvements in an area where the highway immediately narrows into a country road. There are existing passing bays and the issue has not caused any problems during the previous years. This proposal in being for only one additional dwelling does not warrant such an improvement.

Councillor Kenneth Hughes said that his view remained unchanged from that expressed at the previous meeting, and he proposed that the Committee reaffirm its approval of the application. The proposal was seconded by Councillor Jeff Evans.

Both Councillor Lewis Davies and Victor Hughes said that they still had concerns regarding the proposal as one that intrudes into the open countryside and as such is at odds with the provisions of Policy 50. There are other alternative development sites in Carmel which do not entail encroaching onto open countryside; in addition, the proposed development will be an open market property and in so being is unlikely to be within reach of local families. Neither Member felt they could support the application. Councillor Lewis Davies proposed that the application be refused in accordance with the Officer's recommendation and the proposal was seconded by Councillor Victor Hughes. In the subsequent vote, the proposal to reaffirm approval was carried by 4 votes to 2. Councillor John Griffith abstained from voting as he had not been present at the Committee's previous meeting in September.

It was resolved to re-affirm the Committee's previous approval of the application subject to appropriate conditions to be determined by the Officers.

7.3 44C102A Outline application for the erection of a dwelling with all matters reserved on land to the rear of Hazelbank, Rhosybol

The application is presented to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 7th September, 2016, the Committee resolved that a site visit should be conducted. The site visit subsequently took place on 21st September, 2016.

The Development Management Team Leader (NJ) reported that observations by the Highways Department have now been received to the effect that Highways Officers recommend a 2.4m by 90m visibility splay for this proposal. In order to comply with this standard, the applicant must utilise land in third party ownership which does not form part of the application. To allow the applicant the opportunity to address this matter and to complete Certificate B and serve notice on the landowner, it is recommended that consideration of the application be deferred at this time.

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

8. ECONOMIC APPLICATIONS

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

9. AFFORDABLE HOUSING APPLICATIONS

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

10. DEPARTURE APPLICATIONS

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

11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

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

12. REMAINDER OF APPLICATIONS

12.1 15C215C – Full application for the erection of a dwelling together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr

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

Having declared an interest in the application, Councillor Victor Hughes was not present during the consideration and determination thereof.

The Chair, Councillor Ann Griffith and a Local Member with regard to this application requested that a site visit be carried out so that the Committee's Members may gain a better appreciation of the potential impact the proposed development may have on the surrounding area which is a designated Area of Outstanding Natural Beauty.

Councillor Lewis Davies proposed that a site visit be undertaken and the proposal was seconded by Councillor John Griffith.

It was resolved that a site visit be carried out in accordance with the request of the Local Member for the reason given.

12.2 34C703 – Full application for the demolition of existing office building together with the creation of an extension to the adjacent supermarket car park at Aldi, Llangefni

The application is presented to the Planning and Orders Committee as the development involves Council owned land.

The Development Management Team Leader (MD) reported that the proposal entails the demolition of a former Council office building and the construction of a car park thereon along with the redevelopment of the existing car park for the use of Aldi Stores Ltd. The proposal will provide an additional 50 car parking spaces providing a total of 133 overall and will involve the removal of some trees to which the Built Environment Section does not object. The Officer said that it was the intention originally that parking would be subject to a 2 hour time restriction but that the applicant has since confirmed that no such restriction will apply. The existing Council building does not lend itself to other uses and as such its demolition is not objected to; the recommendation is therefore to approve the application. The Officer said that the Council's recycling bins currently located on the existing car park would more than likely be removed as they do not form part of the proposal; their relocation is a matter for the Property Section.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation and the proposal was seconded by Councillor Vaughan Hughes.

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

12.3 45C84M/ENF – Retrospective application for the change of use of land into a playing field together with the construction of a new access at Pendref, Penlon, Newborough

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

The Development Management Team Leader (NJ) informed the Committee that while a Public Speaker has been registered to address this meeting with regard to the application, inadvertently no such opportunity has been given to the applicant. It is therefore recommended that to be fair, consideration of the application be deferred to allow the applicant the same opportunity to register an interest in addressing the Committee if he so wishes.

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

12.4 46C530B – Full application for the demolition of the existing shop together with the erection of a new shop in its place at the Old Boat House, Lôn Isallt, Trearddur Bay

The application is presented to the Planning and Orders Committee as it has been called in by a Local Member.

The Development Management Team Leader (NJ) reported that the proposal is for the demolition of the existing shop together with the erection of a new two-storey shop on the same footprint of the existing shop. The application is very similar in scale to that approved in 2014 but with minor changes in terms of design. The application has been called in by a Local Member due to concerns that the subject building could be converted into a residential dwelling in future. That is not the substance of the application as presented and should such an application be made at any point in future then there are separate policies that would apply in those circumstances. The Officer said that another Local Member, Councillor Dafydd Rhys Thomas has since confirmed that he supports the application as a much needed retail proposal for the area. The proposed development is considered acceptable by the Local Planning Authority and is recommended for approval.

Councillor Jeff Evans, also a Local Member said that the existing shop is small and unsuited to its current use; the proposal will make it more acceptable visually and will enable the shop to potentially offer a variety of new items for retail.

Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Jeff Evans.

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

13. OTHER MATTERS

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

**Councillor Ann Griffith
Chair**

PLANNING SITE VISIT

Minutes of the meeting held on 19 October, 2016

PRESENT: Councillor Richard Owain Jones (Vice-Chair) (In the Chair)

Councillors Kenneth Hughes, John Griffith

IN ATTENDANCE: Planning Case Officer (CR)

APOLOGIES: Councillors Jeff Evans, Ann Griffith, Victor Hughes

ALSO PRESENT: Councillor Peter Rogers (as a Local Member)

1 15C215C – Full application for the erection of a dwelling together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr

The Members visited the site and details of the scheme were confirmed. They were advised that the site lies within the designated Area of Outstanding Natural Beauty.

Councillor R.O. Jones
Chair

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6.1

Gweddill y Ceisiadau

Remainder Applications

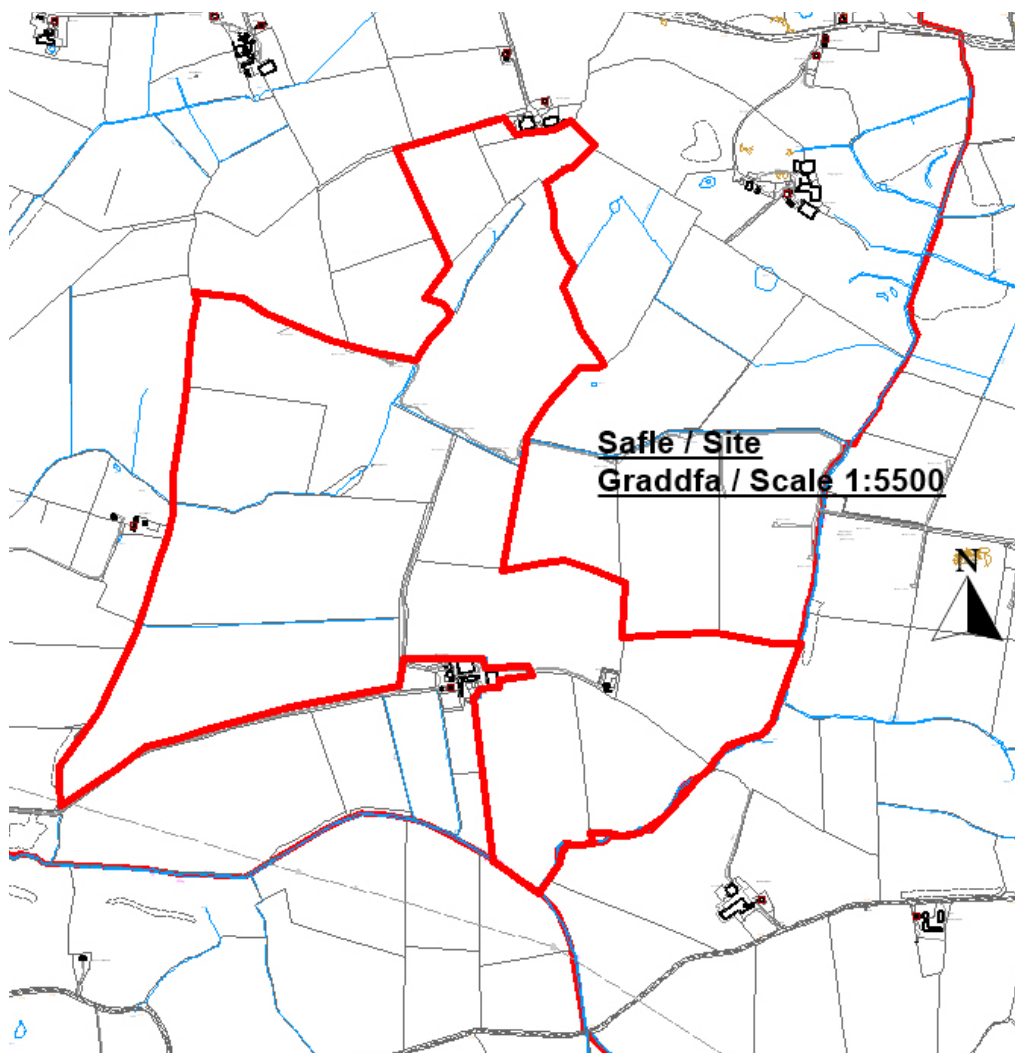
Rhif y Cais: **20C310B/EIA/RE** Application Number

Ymgeisydd Applicant

Countryside Renewables (North Anglesey) Ltd

Cais llawn ar gyfer adeiladu fferm arae solar 49.99MWp ynghyd ag offer a isadeiledd cysylltiedig a gwaith ategol ar dir ger / Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to

Rhyd y Groes, Rhosgoch



Planning Committee: 02/11/2016

Report of Head of Regulation and Economic Development Service (MTD)

Recommendation:

Defer

To allow assessment of further information received from the Agent.

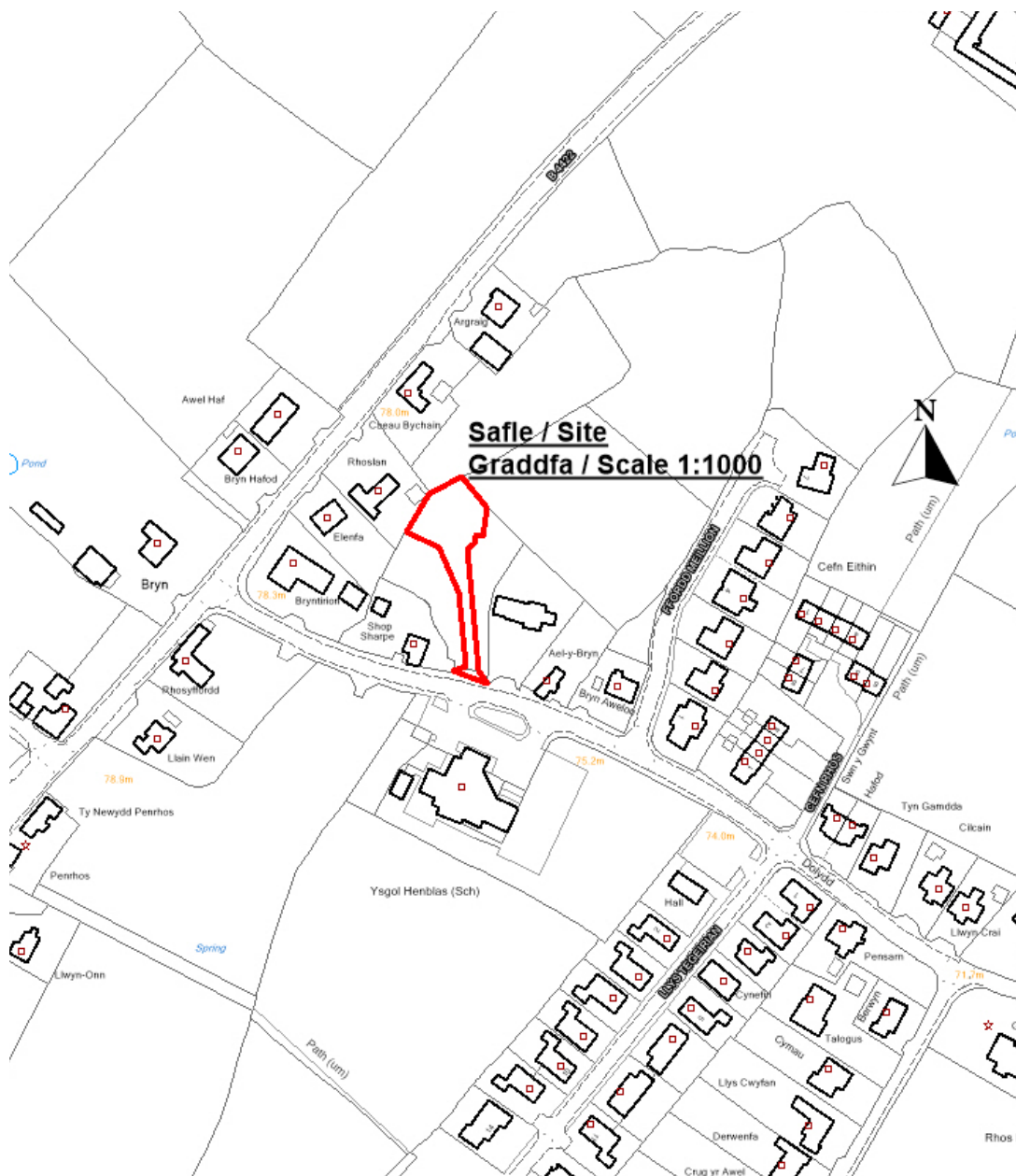
Rhif y Cais: **36C338A** Application Number

Ymgeisydd Applicant

Mr Steven Owen

Cais llawn i godi annedd ynghyd a chodi modurdy arwahan ar dir gyferbyn a / Full application for the erection of a dwelling and detached garage on land opposite

Ysgol Henblas, Llangristiolus



Planning Committee: 02/11/2016

Report of Head of Regulation and Economic Development Service (NJ)

Recommendation:

Defer

Reason for Reporting to Committee:

As Members are aware the application was deferred at the Planning and Orders Committee meeting that was held on the 5th October, 2016 to await further supporting details in respect of drainage and highways.

The additional highways information has now been received and the Highway Authority has confirmed that the details are acceptable. However further drainage details are still outstanding and therefore my recommendation is to defer determination of the application.

7.1

Gweddill y Ceisiadau

Remainder Applications

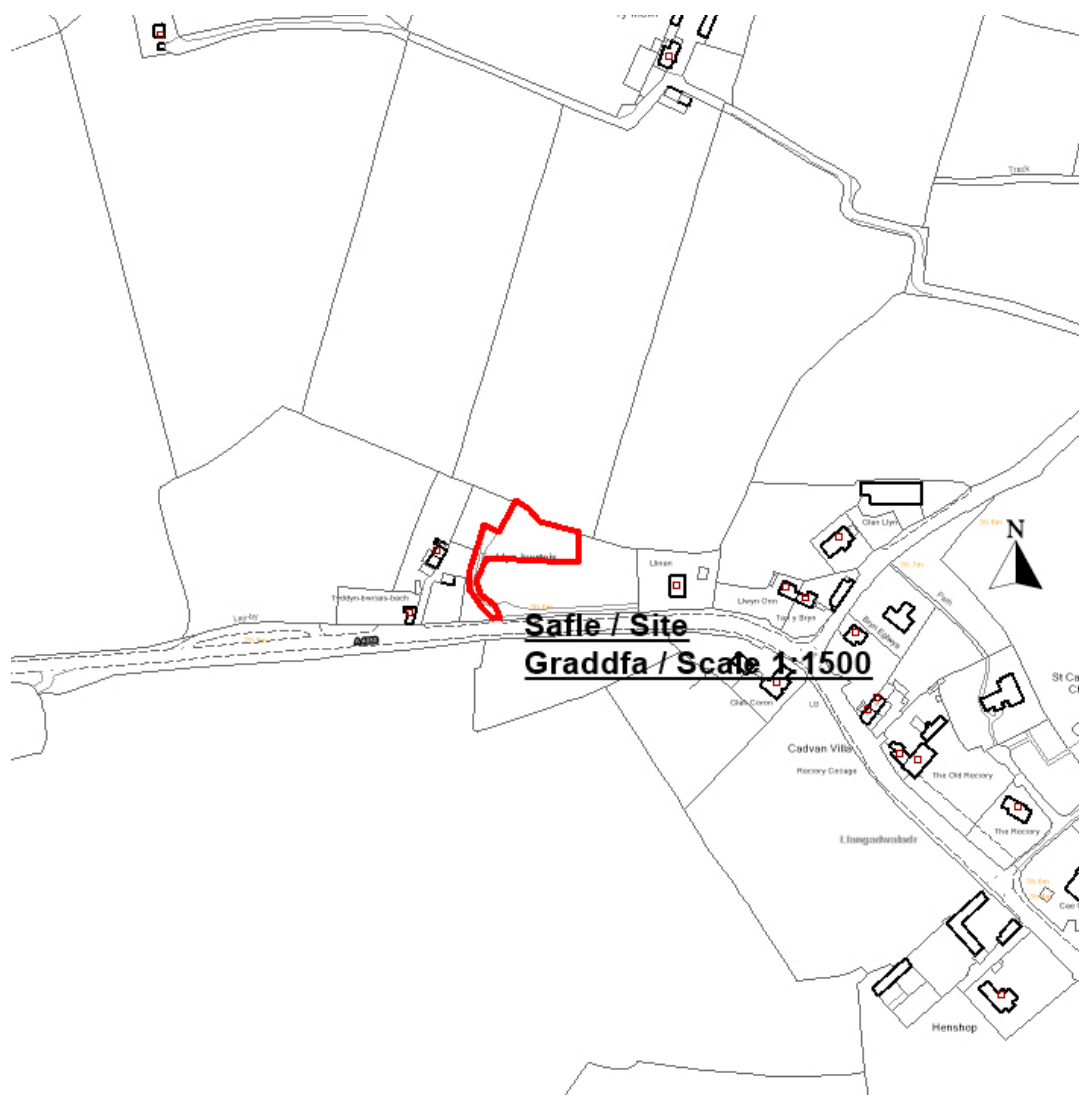
Rhif y Cais: 15C215C Application Number

Ymgeisydd Applicant

Mr Alvan Jones

Cais llawn i godi annedd ynghyd a gosod tanc septic ar dir ger / Full application for the erection of a dwelling together with the installation of a septic tank on land adjacent to

Tyddyn Bwrtais, Llangadwaladr



Planning Committee: 02/11/2016

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

Recommendation:

Refuse

Reason for Reporting to Committee:

At the request of the Local Member.

At its meeting held on the 5th October, 2016 the Members resolved to undertake a site visit prior to determining the application. The site was visited on the 18th October, 2016 and the Members will now be familiar with the site and its setting.

1. Proposal and Site

The proposal is a full application for the erection of a large detached 4/5 bedroom dwelling together with the installation of a septic tank. The existing access which serves Llinan is to serve the new dwelling.

The site is located on land adjoining the two storey cottage known as Tyddyn Bwrtais. The site is situated in the corner of an open field which lies between the properties known as Llinan and Tyddyn Bwrtais. The dwelling, known as Llinan, lies in the opposite corner of the field and was approved by the Planning and Orders Committee contrary to Officer Recommendation in 2006. Llinan is owned by the current applicants' brother and the applicants mother lives in the dwelling known as Tyddyn Bwrtais.

2. Key Issue(s)

The applications main issues are whether the proposal complies with current local and national policies and whether the proposal will have an adverse effect on the surrounding area which is designated as an Area of Outstanding Natural Beauty.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 30 - AONB

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

Policy 53 – Housing in the Countryside

Gwynedd Structure Plan

Policy A6 – New dwellings in the open countryside

Policy D1 - Environment

Policy D4 – Location, Siting and Design

Policy D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance
Policy GP2 – Design
Policy EN2 - AONB
Policy HP4 – Villages

Planning Policy Wales, 2016, 8th Edition

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment

Technical Advice Note 12 – Design

4. Response to Consultation and Publicity

Community Council – No response to date

Local Member, Cllr A Griffith – Call-in

Local Member, Cllr P Rogers – No response to date

Highways Authority – Dim ymateb hyd yma

Drainage Section – Drainage details acceptable

Welsh Water – Standard comments

Response from members of the public

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 23rd September; 2016 and at the time of writing this report no letters of representation had been received at the department.

5. Relevant Planning History

15C215 – Full application for the erection of a dwelling together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr – Refused 14/09/2015

15C215A/SCR – Screening opinion for the erection of a dwelling together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr – EIA not required 28/04/2015

15C215B/SCR - Screening opinion for the erection of a dwelling together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr – EIA not required 05/09/2016

Site History of adjoining land

15C144 – Outline application for the erection of a dwelling together with alterations to an existing vehicular access and installation of a new septic tank on land at Tyddyn Bwrtais, Llangadwaladr – Refused 08/09/05

15C144A – Outline application for the erection of a dwelling together with alterations to an existing vehicular access and installation of a new septic tank on Tyddyn Bwrtais, Llangadwaladr – Approved 04/05/06 (Contrary to Officer Recommendation)

15C144B/DA - Detailed application for the erection of a dwelling and garage together with the installation of a new septic tank on land at Tyddyn Bwrtais, Llangadwaladr – Approved 29/08/06

15C35: Erection of a dwelling on part of OS 1328 Llangadwaladr : Withdrawn 03/02/89

15C35A: Outline planning application for the erection of 1 dwelling together with the construction of a new vehicular access at OS 1328 Llangadwaladr : Refused 05/07/04

15C35B: Outline planning application for the erection of 1 dwelling together with the construction of a new vehicular access at OS 1328 Llangadwaladr : Refused 08/09/05

15C35C: Outline application for the erection of a dwelling together with the installation of a new septic tank on part of OS 1328 near Glan Coron, Llangadwaladr: Refused 08/09/06

15C35D: Outline application for the erection of a dwelling together with the installation of a new septic tank on part of OS 1328, Llangadwaladr – Refused 08/03/07

15C35E: Outline application for the erection of a dwelling, construction of a vehicular access together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr – Refused 09/01/12

6. Main Planning Considerations

The site is located on the edge of the hamlet of Llangadwaladr which is included as a Listed Settlement under Policy 50 of the Ynys Mon Local Plan and as a Hamlet and Cluster under Policy HP5 of the stopped Unitary Development Plan.

The proposed dwelling lies more than 50 metres away from the boundary of the adjoining property known as Llinan, (71 metre distance between the corner of the proposed dwelling and the front of Llinan).

Policy 50 of the Ynys Mon Local Plan includes Llangadwaladr as a Listed Settlement and states that single plots will be allowed within or on the edge of such settlements provided that they would not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality. Policy HP5 of the stopped Unitary Development Plan states that single dwellings will be permitted on 'infill' sites or other acceptable sites which are immediately adjacent to the developed part of the settlement and provided that they would not cause undue harm to the character of the group or any harmful visual intrusion into the surrounding landscape. Due to the distances between the proposed dwelling and the developed part of the hamlet the proposal is not considered as an acceptable 'infill' application. The erection of a dwelling on this site may result in the further residential development of the field which would have a detrimental impact on the locality.

The site is located outside the indicative frame of the hamlet under Policy HP5 of the stopped Unitary Development Plan and must therefore be considered as a countryside location. Policy A6 of the Gwynedd Structure Plan, Policy 53 of the Local Plan and Policy HP6 of the stopped Unitary Development Plan allow residential development in the countryside only when there is a justifiable need for the dwelling to serve the functional requirements of an agricultural or forestry holding. The application is not submitted for an agricultural dwelling and there is no justification for departing from approved policies in this particular case.

The edge of the settlement is considered to be the dwelling known as Llwyn Onn which lies within the

developed part of the settlement. The property known as Llinan lies 71 metres away from the proposed dwelling and Llinan lies 51 metres away from Llwyn Onn. Therefore due to these distance the proposal is not considered as an acceptable infill site or an acceptable extension to the village and the proposal is therefore contrary to current policies.

Affect on surrounding area - The application site is located within an Area of Outstanding Natural Beauty (AONB). It is a statutory designation that recognises its importance in landscape quality and nature conservation terms.

The primary objective for an AONB designation is the conservation and enhancement of their natural beauty. Local authorities have a statutory duty to have regard to AONB purposes and development control decisions affecting AONB's should in the first instance favour conservation of natural beauty.

The site is located on land next to Tyddyn Bwrtais, however Tyddyn Bwrtais does not lie within the developed part of the settlement. The developed part of the settlement lies to the east of the application site. The proposed dwelling is situated more than 130 metres away from the developed part of the settlement (Llwyn Onn). The application site is visually quite distinct from the developed part of the settlement due to the distances which separate the application site and developed part of the settlement.

The physical and visual separation of the plot from the hamlet would not in my opinion, conserve or enhance the natural beauty of the AONB but would constitute an undesirable intrusion into the landscape contrary to housing, landscape and general development control policies.

7. Conclusion

The plot is visually separate from the hamlet and would constitute an undesirable intrusion into the designated landscape, eroding the character and natural beauty of the Area of Outstanding Natural Beauty contrary to national and local planning policy and advice. The residential development of this parcel of land would make it difficult to refuse any further residential developments on the field thus having further detrimental impact on the surrounding area. The site is located outside the indicative frame of the hamlet under Policy HP5 of the stopped Unitary Development Plan and there is no agricultural justification for a dwelling on the site.

The development of the site is unacceptable in visual terms and it is not therefore appropriate for it to be considered as an exception site for affordable housing. The property known as Llinan was approved by the Planning and Orders Committee contrary to officer recommendation in 2006 and the cumulative impact of allowing these developments will have a seriously damaging effect on the character and natural beauty of the Area of Outstanding Natural Beauty and of the hamlet of Llangadwaladr itself.

Having considered the above and all other material considerations my recommendation is one of refusal as the residential development of the site conflicts with current policies.

8. Recommendation

Refuse

(01) The plot is separate from the hamlet of Llangadwaladr and the development of a dwelling in this location would constitute an undesirable intrusion into the landscape, which is designated an Area of Outstanding Natural Beauty, contrary to Policies A3, D1 and D29 of the Gwynedd Structure Plan, Policies 1, 30, 42, 48 and 50 of the Ynys Mon Local Plan and Policies GP1, GP2, EN2 and HP5 of

the Stopped Unitary Development Plan, together with the advice contained within Planning Policy Wales (8th Edition).

(02) The local planning authority consider that the proposal would amount to the erection of a new dwelling in the countryside for which no long term need is known to exist for the purposes of agriculture or forestry; the development would therefore be contrary to the approved Policy A6 of the Gwynedd Structure Plan, Policy 53 of the Ynys Mon Local Plan and advice contained within Planning Policy Wales (8th Edition).

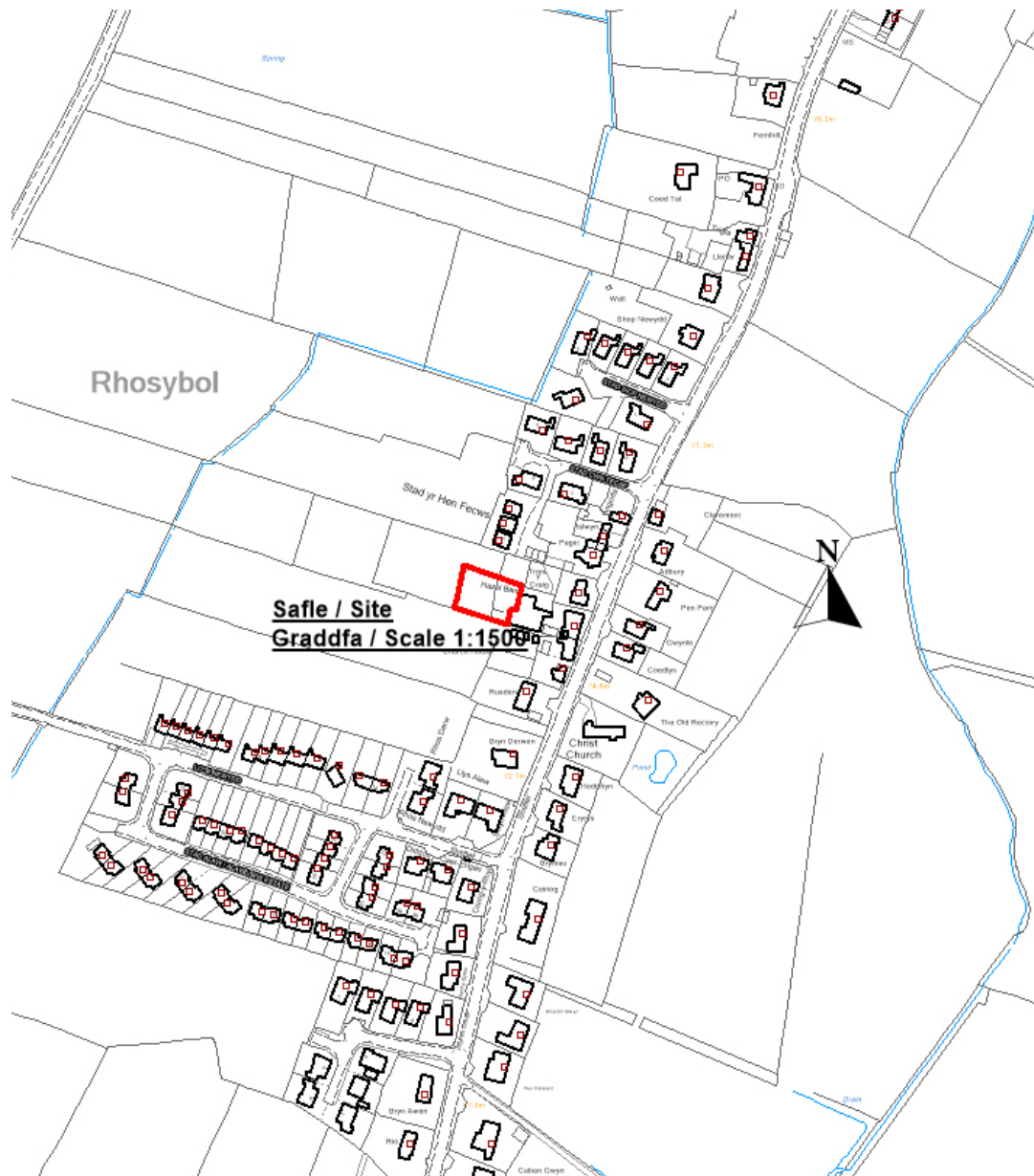
Rhif y Cais: **44C102A** Application Number

Ymgeisydd Applicant

Ms Roma Rerrie

**Cais amlinellol ar gyfer codi annedd gyda'r holl materion wedi'u gadw'n ôl ar dir tu ôl i /
Outline application for the erection of a dwelling with all matters reserved on land to the rear of**

Hazelbank, Rhosybol



Planning Committee: 02/11/2016

Report of Head of Regulation and Economic Development Service (GJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

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

At its meeting held on 7th September 2016 committee members recommended that a site visit should take place. The site visit took place on the 21st September and the members are now aware of the site and its settings.

At its meeting held on the 5th October, 2016 the application was deferred in order to give the applicant an opportunity to serve notice on the neighbouring property. The required notice has now been served on the neighbour.

1. Proposal and Site

The application is a full application for the erection of a dwelling with all matters reserved on land to the rear of Hazelbank, Rhosybol.

2. Key Issue(s)

The key issue is whether the proposed scheme is acceptable and complies with policy.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 31 – Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

Gwynedd Structure Plan

Policy A2 - Housing

Policy A3 - Housing

Policy D4 – Location, Siting and Design

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1 – General Control Guidance

Policy GP2 – Design

Policy EN1 – Landscape

Policy HP4 – Villages

Planning Policy Wales (8th Edition), January 2016

Technical Advice Note 12 – Design

4. Response to Consultation and Publicity

Local Member Councillor Aled Morris Jones – Call in to the Planning and Orders Committee

Local Member Councillor Richard Owain Jones – No response at the time of writing the report

Local Member Councillor William Hughes – No response received at the time of writing the report

Community Council – No objection.

Highways - Conditional Approval.

Drainage –Comments - detailed designs for the respective drainage systems should be submitted with any full planning application.

Welsh Water – Conditional Approval

Public Consultation – The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 10/08/2016. At the time of writing the report two letters giving comments were received. The main comments as follows:-

- Minimal disruption should take place to neighbours
- A 2 metre high fence should be built on the boundary wall once the building has been demolished
- The work should not interfere with existing boundaries

5. Relevant Planning History

44C102 - Erection of a building for car repairs together with the formation of a new vehicular access - 27/06/90 – Withdrawn

6. Main Planning Considerations

Policy - Rhosybol is identified as a Listed Settlement under Policy 50 of the Ynys Mon Local Plan and as a Village under Policy HP4 of the Stopped Unitary Development Plan.

Single plot applications within or on the edge of a settlement are considered acceptable under Policy 50 of the Ynys Mon Local Plan. The plot in question is located to the rear of Gorslwyd Fawr and extends into an open field.

Policy HP4 of the Stopped Unitary Development Plan states that residential development within the village development boundary will be permitted providing that the listed criteria are met. The land in question lies within the village boundary of the Stopped UDP.

Policy A2 of the Gwynedd Structure Plan states that new housing should be located within or on the edge of settlements at a scale which reflects the settlements existing population at a proportion of the total population of the relevant district.

Paragraph 9.3.3 of Planning Policy Wales states that insensitive infilling, or cumulative effects of development or redevelopment, should not be allowed to damage an area's character or amenity

Paragraph 9.3.4 of Planning Policy Wales states that in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity.

The application site lies to the rear of existing residential properties and access to the site is via an existing track. Whilst encouraging carefully designed higher density development in accessible sites Planning Policy Wales does state that tandem development should be avoided. Policy 1 of the Ynys Môn Local Plan and Policy GP1 of the stopped Unitary Development Plan refers to the need to ensure that development does not cause significant harm to people, general amenity, residential amenity and the environment.

Paragraph 9.2.13 of Planning Policy Wales identifies tandem development as 'development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided.

The site lies to the rear of Hazelbank, Rhosybol. It is considered that the proposal would result in a dwelling being situated to the rear of existing properties constituting tandem development. The proposal would create additional vehicular and pedestrian traffic along the 2.5m wide driveway which borders Hazelbank and within 2.5m of the adjacent residential property known as Trem y Craig. This would have a negative impact upon the amenity of these properties.

7. Conclusion

The proposal would result in tandem form of development.

8. Recommendation

Refuse

(01) The proposal would result in tandem development which would be out of character with the existing pattern of development thus detrimentally affecting the character and appearance of the locality and the amenities of the existing and proposed occupiers. The proposal is, therefore, contrary to Policy A2, A3, D4, D28 and D29 of the Gwynedd Structure Plan, Policies 1, 42, 48 and 50 of the Ynys Môn Local Plan, Policies GP1, GP2 and HP4 of the stopped Unitary Development Plan and the provisions of Planning Policy Wales (8th Edition).

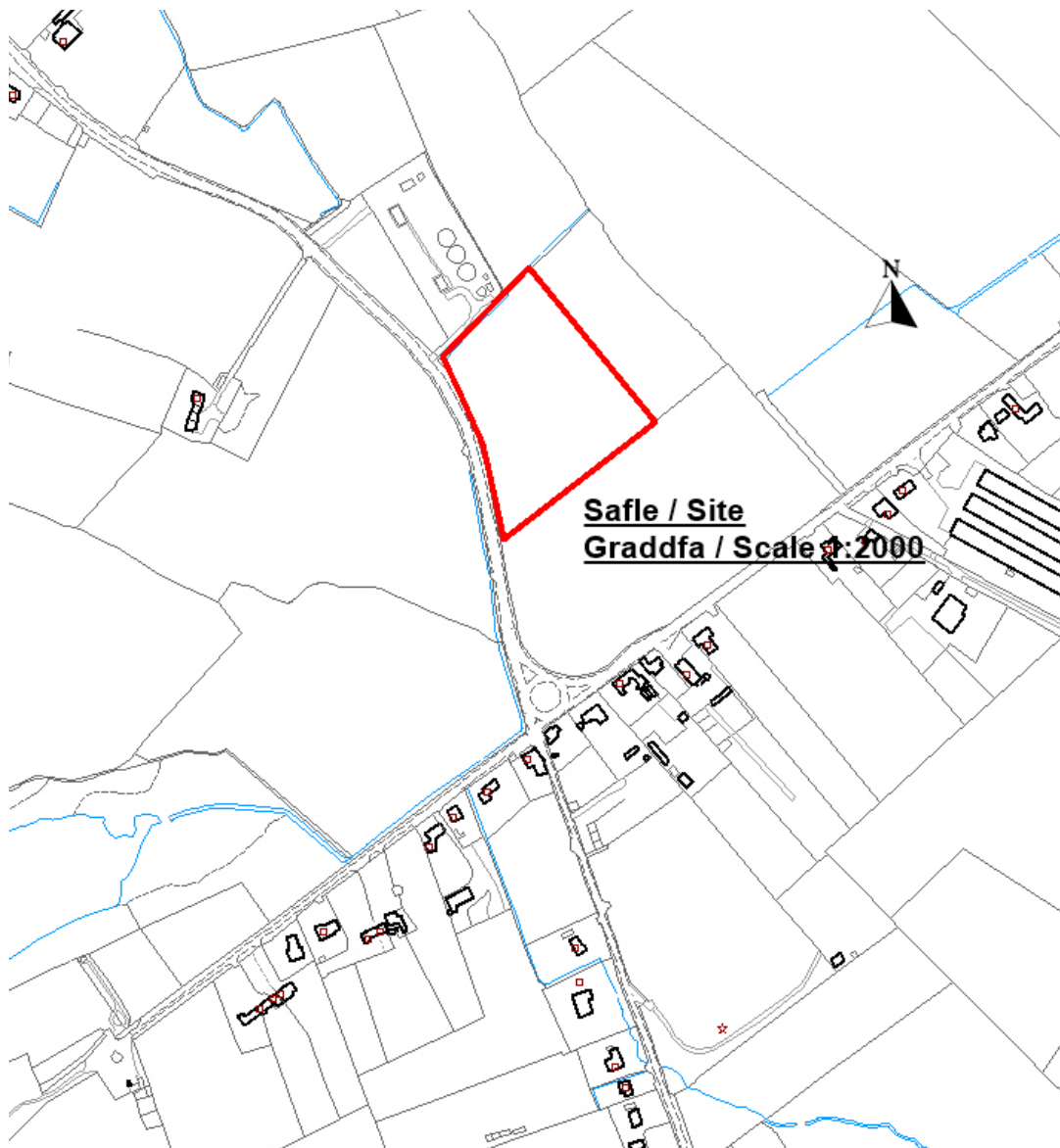
Rhif y Cais: **45C84M/ENF** Application Number

Ymgeisydd Applicant

Kevin and Christine Barrie

Cais ôl-weithredol ar gyfer newid defnydd tir i fod yn gae chwarae ynghyd a creu mynedfa newydd yn / Retrospective application for the change of use of land into a playing field together with the construction of a new access at

Pendref, Penlon, Niwbwrch / Newborough



Planning Committee: 02/11/2016

Report of Head of Planning Service (JBR)

Recommendation:

Permit.

Reason for Reporting to Committee:

The application was first presented to the Planning and Orders Committee on the 5th October 2016 at the request of the Local Member – Councillor Ann Griffith.

At the hearing, members resolved to defer the application in order to afford the applicant an opportunity to address the Committee.

1. Proposal and Site

The application is for retrospective planning permission for the change of use of land into a playing field together with the construction of a new access on land at Pendref, Penlon, Newborough.

The application site comprises part of an agricultural field and is located in the Penlon area of Newborough.

2. Key Issue(s)

The key issues are whether or not the use of land as a playing field together with the construction of a new vehicular access is acceptable in terms of land use, highways and policy considerations.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy
Policy 14 – Recreation and Community Facilities
Policy 26 – Car Parking
Policy 31 - Landscape

Gwynedd Structure Plan

Policy CH1 – Recreation and Tourist Development

Policy CH10 – Visitor Attractions and Countryside Recreation Facilities
Policy D3 – Landscape Conservation Areas
Policy D4 – Location, Siting and Design
Policy D7 – Agricultural Land
Policy D32 - Landscaping
Policy FF12 – Parking Provision

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance
Policy TR10 – Parking Standards
Policy TO11 – Sports and Leisure Facilities

4. Response to Consultation and Publicity

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

Councillor Ann Griffith – Request that the application be referred to the Planning and Orders Committee for determination.

Highways – Recommend conditional approval.

Community Council – Objection to the application on the ground that the site is too far from the main housing cluster to be a valuable asset to the community and there are sufficient facilities in the village to meet the needs. There is currently no football team in the village, and the shared use of a local pitch would seem a more logical approach if sufficient need for a league structure can be proven. The provision of 10 car parking spaces does not appear to be sufficient. The location, along the busy A4080 is not conducive to extend pedestrian thoroughfare and is itself grounds for negativity towards the application.

Response to Publicity

A total of 47 letters of objection have been received from 19 individual objectors together with 38 letters of support.

Copies of the objection and support letters are provided in the letters pack.

The main points raised in objection to the application are summarised as follows:

- The change of use of land to a playing field has already taken place without planning permission.
 - The proposed use is inappropriate in this rural location and the application will lead to urbanisation of the hamlet of Penlon.
 - The playing field is not needed or required as there are already sufficient facilities in the village.
 - Concern regarding traffic parking along the busy 60mph road.
 - Inadequate and dangerous access. The proposed new access does not negate the inherent traffic hazard it will create as there a visibility issues and a blind corner on a high speed road.
 - Potential danger to traffic from footballs being kicked onto the highway.
 - The site is located close to the designated Area of Outstanding Natural Beauty, SSSI, NNR and SAC.
 - Concern regarding the potential noise, traffic and general disturbance from its use as a playing field.
-
- The development conflicts with structure plan, development plan and unitary development plan policies.
 - The development will lead to the loss of productive agricultural land.
 - The use of land as a playing field is not in keeping with the surrounding countryside and natural environment and would visually damage the landscape and setting.
 - The land was purchased at auction by the applicants as agricultural land and should remain so.
 - By its nature of being a sports facility, then it will eventually need facilities such as changing rooms, showers etc. to function. This application would therefore appear to be the 'tip of the iceberg'.
 - If allowed it will provide a 'surrogate' car park for the benefit of the Marram Grass Café, thereby obtaining consent 'through the back door'. A planning application for a car park for the Marram Grass Café has already been refused in the neighbouring field.
 - It is understood that there is no local football team in the village and therefore the fully lined,

manicured, goaled and flagged playing field appears to be disproportionate to the latent usage.

- The ground is prone to becoming waterlogged after periods of heavy rain and would be unusable for playing or parking. Any proposed drainage work to remedy could cause flooding elsewhere.
- The site is next to the sewage treatment works with potential implications for water risk, Natural Resources Wales flood planning map is marked with 'issues'.
- The location would join Newborough with the hamlet of Penlon, which is unacceptable as it encroaches on the separation of the two areas.
- How do the applicants and Local Planning Authority plan to discharge their responsibilities under the Safety of Sport Ground Act 1975 and Fire Safety and Safety of Places of Sport Act 1987.

In response to the points raised above:

- It is acknowledged that the change of use of land has already taken place without first having obtained planning permission, however, the fact that the application is made retrospectively is irrelevant in its determination. It is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Planning Act to allow for planning permission to be applied for retrospectively.
- The application is for the change of use of land to a playing field and with the exception of the erection of two goal posts and the formation of a new vehicular access, no other operational development is proposed as part of the application. Further assessment as to the acceptability of the location will be provided in the main body of the report.
- With the exception of the playing field associated with the primary school in the village there is no other such facility in Newborough.
- A plan has been submitted as part of the application showing parking provision within the field; in addition, on the recommendation of the Highways Department, a proposed new access in the Western corner of the field is proposed. The Highways Department have recommended approval of the application subject to conditions.
- The potential for footballs being kicked into the road is acknowledged, however such playing fields are often located adjacent to highways and there are many playing fields in roadside locations across the island, the playing field at the Newborough Primary School being one such example, in addition no concerns have been raised by the Highways Department in respect of this particular issue.
- The application is not located within any environmentally sensitive designated area; it is however acknowledged that there are such areas nearby.
- It is acknowledged that there is likely to be some noise and general disturbance from the site particularly during scheduled football matches, however given that these would likely take place once or twice a week during the football season and be for a relatively short duration each time it is not considered that it is likely to give rise to such a level of noise and disturbance such that refusal of the application on these grounds could be justified.
- Assessment of the application against relevant development plan policies will be provided in the main body of the report.
- The application must be assessed and determined on its own merits and in accordance with relevant development plan policies. To say that the development will lead to the loss of productive agricultural land is not strictly true; the nature of the application is such that it could be easily returned to agricultural use.
- Assessment of the acceptability and visual impacts of the proposed use will be provided in the main body of the report
- No such facilities are proposed as part of the application which would in any event require planning permission. The Local Planning Authority are duty bound to consider the application as submitted and not on the basis of speculation as to what may or may not happen in the future. Notwithstanding this, the Local Planning Authority has expressed concern as regards any further potential development of

the site and planting/landscaping is proposed along the roadside boundary which may mitigate against any further development. This should not however be taken as an acceptance of any such future development, which would need to be assessed on its own merits.

- The application must be assessed and determined on the basis of that submitted and on its own merits in accordance with relevant development plan policies. Development plan policies relating to developments of this kind require there to be adequate on-site parking provision. The Local Planning Authority is aware that an application for a 49 space car park on adjoining land has been refused, this application is however for the change of use of land to a playing field with associated parking, rather than a car park in its own right as was the case in the nearby application. Furthermore, in contrast to the nearby application, there is no proposal to provide any form of hardstanding within the parking area with vehicles simply parking within the field and consequently the reason that the nearby application was refused does not apply to this application.
- The application is for the use of the land as a playing field for the benefit of the whole community and not exclusively for a local football team, that there may not currently be a local football team is not therefore relevant to the determination of the application.
- That the ground is prone to becoming waterlogged during and after periods of heavy rain is not unusual and applies to playing fields across the island and beyond. It is common practice for pitch inspections to take place prior to any scheduled football matches in order to assess whether ground conditions are suitable and safe for play and matches are routinely called off/postponed on health and safety grounds when playing fields are waterlogged. No drainage works are proposed as part of the application.
- The area subject of the application is not in any known or designated flood risk area, in any case it is not considered that its use as a playing field with no proposed hardstandings or other operational development (bar the goal posts proposed new access) would lead to an increase in flood risk in the area. That the site is located adjacent to the sewage works is acknowledged and objectors have made reference to an incident at the sewage works several years ago which lead to flooding and contamination of the field and that the field is marked with 'issues'. Following enquiries with Welsh Water, they have confirmed that they are not aware of any flooding or pollution incidents on their records. The reference to 'issues' relates to areas where water emerges (issues) from the land from underground sources and is not a reference to issues or problems at the location, the meaning of the reference to 'issues' has therefore been misinterpreted.
- With the exception of the two goal posts and the formation of a new access, no other operational development is proposed as part of the application which is fundamentally for the change of use of land. It is not considered that this would join the village of Newborough with the hamlet of Penlon, which would remain as two separate and distinct areas.
- The Safety of Sports Ground Act 1975 relates to large sports stadia with a capacity of 10,000 spectators or more and s.26 of part III of the Fire Safety and Safety of Places of Sport Act 1987 applies to a sports ground which provides covered accommodation in stands where each stand provides covered accommodation for 500 or more spectators, neither of which apply in the context of this application.

The main points raised in support of the application are summarised as follows:

- The playing field has been used by the youth of the local community and it would be great to see this continue.
- The playing field is positive for the health, well-being and lifestyles of the community and such social and cultural activities enhance the community and should be supported.
- Consideration has been given to safe access and it will be suitably screened with trees and greenery which will also bring benefits for wildlife habitats.

5. Relevant Planning History

None.

6. Main Planning Considerations

The application is submitted following an enforcement investigation, for retrospective planning permission for the change of use of land to a playing field together with the construction of a new access.

The fact that the application is made retrospectively is irrelevant in its determination. It is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Planning Act to allow for planning permission to be applied for retrospectively.

Paragraph 6 of Technical Advice Note 9: Enforcement of Planning Control states that in considering enforcement action, the decisive issue for the local planning authority should be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest. Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effects 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 is otherwise acceptable.

Policy 1 of the Ynys Mon Local Plan states that the Council will determine planning applications in accordance with policies and proposals in this Plan. In considering planning applications, the Council will take into account the listed criteria, which include:

- Access for disabled people
- The effect on pedestrian and vehicular travel patterns including the use of public transport, public rights of way and cycling
- Pollution or nuisance
- The extent to which siting, scale, density, layout and appearance, including external materials, fit in with the character of the area.
- Adequate and appropriate landscaping
- The effect on residential amenities
- The need to ensure that vehicular access, the roads leading to the site and parking provisions are safe and adequate.
- Protection of the best and most versatile agricultural land.

Policy 14 of the Ynys Mon Local Plan relates to Recreation and Community Facilities and states that the Council will permit the development of recreational and leisure facilities as shown on the proposals map... Other schemes will be permitted where they:-

- i. Increase the quality and range of facilities for local residents and visitors;
- ii. Relieve pressure on more environmental sensitive areas;
- iii. Increase public access to open areas which have recreational value.

Policy 26 of the Ynys Mon Local Plan states that proposals for development will be expected to incorporate adequate and appropriate amounts of on-site parking.

Policy 31 of the Ynys Mon Local Plan states that with the exception of the AONB, and that land which falls within the settlement boundaries in the Plan, the island is designated as a Special Landscape Area. Proposals for development in the SLA will be expected to have particular regard to the special

character of their surroundings. In considering the landscape impact of any proposal, the Council will need to be satisfied that the development can be fitted into its surroundings, without unacceptable harm to the general landscape character, before planning permission is granted.

Policy CH1 of the Gwynedd Structure Plan states that proposal for recreation and tourist development will be permitted where they accord with the policy framework of this plan which is aimed at the creation of employment, and the safeguarding of the environment and local community.

Policy CH10 of the Gwynedd Structure Plan states that the County Council will support the development of visitor attractions and countryside recreation facilities which are compatible with the culture, history and natural environment of Gwynedd, offer additional all-weather facilities to complement the existing natural attractions of the County and which do not have a detrimental effect on the environment and local community.

Policy D3 of the Gwynedd Structure Plan states that Outside of the Snowdonia National Park and Areas of Outstanding Natural Beauty, planning authorities will seek to identify landscape conservation areas, including those shown on the key diagram, in order to conserve their attributes and they will have particular regard to the special character of each locality when considering proposals for development. In order to minimise its impact, development will only be permitted if it is capable of being satisfactorily integrated into the landscape.

Policy D4 of the Gwynedd Structure Plan states that careful location, siting and design will be a material consideration in the determination of all applications for development in order to minimise any adverse impact on the environment.

Policy D7 of the Gwynedd Structure Plan states that the retention in farming use of agricultural land within classification grades 1, 2, and 3A will be encouraged through the control of development.

Policy D32 of the Gwynedd Structure Plan states that all applications should show due regard to their site configuration and include proposals to provide suitable landscaping schemes where appropriate.

Policy FF12 of the Gwynedd Structure Plan states that the County Council will relate the parking provision to be required in connection with all forms of development, redevelopment or change of use to the appropriate current standards. These standards will be related to the type and density of the proposed development, its location and the ability of the surrounding highway network to cater for increased traffic flow.

Policy GP1 of the Stopped Unitary Development Plan provides development control guidance and requires consideration of the listed criteria which include:

- Adequate provision for people with disabilities and the requirements of the disability legislation.
- Accounts for the effect on pedestrian and vehicular traffic patterns including the use of public transport, public rights of way and cycling.

- Minimises pollution or nuisance, and has regard for sustainable waste management
- does not cause **significant** harm to people, general amenity, residential amenity and the environment.
- Has adequate vehicular access and the roads leading to the site are safe and adequate and the highway network can accommodate the traffic generated.
- protects the best and most versatile agricultural land.
- safeguard and enhance the integrity and/or continuity of the environment, including archaeological sites, landscape features and corridors such as stone walls, cloddiau, hedgerows, trees, ponds and rivers.

Policy TR10 of the Stopped Unitary Development Plan states that proposal for development will be expected to comply with parking standards for both motor vehicles and bicycles.

Policy TO11 of the Stopped Unitary Development Plan states that the Council will permit sports and leisure facilities as indicated by proposals FF2-FF11 and FF22. Other new proposals for sports and leisure facilities, and the improvement and redevelopment of existing leisure centres and sports facilities, will be permitted in order to meet the leisure needs of residents and visitors provided the proposal does not cause **significant** harm to residential and visual amenity.

Policy EN1 of the Stopped Unitary Development Plan states that development will be required to fit into its surroundings without **significant** harm to the Landscape Character Areas.

Chapter 11 of Planning Policy Wales (Edition 8) relates to Tourism, Sport and Recreation and advocates the provision of sport and recreation facilities in appropriate locations, the Welsh Government supports the development of sport and recreation, and the wide range of leisure pursuits which encourage physical activity recognising that these activities are important for the well-being of children and adults and for the social and economic life of Wales.

The advice and guidance contained within Technical Advice Note 16: Sport, Recreation and Open Space aims to further integrate the links between health and well-being, sport and recreational activity and sustainable development in Wales through the development of land use planning guidance in accordance with policies set out in Planning Policy Wales.

As can be noted from the above references to local and national policies and guidance, a great deal of emphasis and support is given to developments which provide facilities for tourism, sport and recreation, subject of course to such developments being acceptable in terms of location, landscape and visual impact, impact upon general and residential amenity, accessibility and highways, transport and traffic considerations.

It can therefore be established that the principle of a playing field development is acceptable and it is therefore a question of whether such a use is acceptable in this location.

The application site is located in the Penlon area, a short distance from the village of Newborough and involves the change of use of land from agricultural use to a playing field.

The development involves very little physical development comprising of the erection of two goal posts and a new vehicular access, it is not therefore considered that the development has a significant or detrimental impact upon the character and appearance of the area, the landscape and visual impact of the development is therefore considered to be minimal, in addition the application incorporates a planting/landscaping scheme along the roadside boundary which will enhance the landscape and biodiversity environment and screen development and its associated activity to some extent from the highway.

Concerns have been raised regarding the impacts of the use on general and residential amenity in terms of noise and disturbance arising from activities undertaken at the site. Development plan policies require regard to be had to the impacts of development upon general and residential amenity, with the test being whether or not it would have **significant** harm. The nearest dwellings to the site are approximately 150m metres away and whilst it is anticipated that there is likely to be some noise and disturbance from the site when in use, particularly during scheduled football matches, given that these are likely to take place once or twice a week during the football season and for a relatively short duration each time it is not considered that it is likely to give rise to significant levels of noise and

disturbance such that refusal of the application on these grounds could be justified.

Development plan policies require regard to be had to the sustainability of the location of the site and its effects on pedestrian and vehicular travel patterns including the use of public transport, public rights of way and cycling.

The site adjacent to the A4080 highway and is within walking distance of the village being located a little over ½km from the village centre and linked thereto by a pedestrian footway. The site is also easily accessible to cyclists and by public transport with two bus stops in close proximity.

The site is therefore considered to be sustainable in terms of location and accessibility, including those with disabilities and the provision of such facility in this location would negate the need for people to travel further afield to access such facilities.

The application as originally submitted proposed use of the existing field access, however due to concerns raised regarding substandard visibility by the Highways Department, amended plans were submitted for a new vehicular access in the Western corner of the field which provides adequate visibility in addition it has been demonstrated that adequate parking provision can be provided within the field, the submitted plan shows 10 car parking spaces, but more can be accommodated should that be necessary. Consequently, access and parking arrangements are satisfactory and the highways department have no objection subject to conditions.

Concerns have been raised regarding the loss of agricultural land and I am mindful that development plan policies advocates the protection of the best and most versatile agricultural land. The application site involves the change of use of part of an agricultural field comprising of approximately 1.7ha. The land is not part of a working agricultural farm having been purchased along with the neighbouring field by the applicants in 2014. The land is classified as being of moderate quality and there is no evidence to suggest that the loss of this relatively small area of agricultural land would be detrimental to the agricultural sector. Furthermore the nature of the use is such that the land could easily be returned to agricultural use.

There is therefore some conflict in development plan policies which seek to support sport and recreation development whilst also protecting the best and most versatile agricultural land. Given that the application involves a relatively small area of moderate quality agricultural land it is considered that, on balance, the development plan policies in relation to leisure and recreation developments and the health and well-being benefits that such a use would bring to the local community outweigh the loss of this small area of agricultural land.

7. Conclusion

The change of use of land to a playing field together with the construction of a new access is considered to be acceptable. It is not considered that the use of land as a playing field would have a significant or detrimental impact upon the character and appearance of the area or upon general and residential amenities.

8. Recommendation

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

(01) Within 6 months of the date of this permission, the access hereby approved shall be laid out and constructed strictly in accordance with the submitted plan, unless otherwise agreed in writing with the local planning authority and thereafter shall be retained and kept free from

permanent obstruction and used only for access purposes.

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

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

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

(03) The parking accommodation as shown on the submitted plan shall be made available before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To comply with the requirements of the Highway Authority

(04) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Highway Authority

(05) Within 1 month of the access hereby approved being first brought into use, the existing access serving the site shall be permanently closed through reinstatement of the stone boundary wall unless otherwise agreed in writing with the Local Planning Authority.

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

(06) The site shall be landscaped and trees and shrubs shall be planted in accordance with the plan submitted on the 01.08.2016 – Drawing Number AL.0.9. This planting and landscaping work shall be carried out in full to the satisfaction of the local planning authority during the first planting season following the grant of this permission. The said trees and shrubs shall be maintained for a period of five years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

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

(07) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 45C84M/ENF and listed below:

Drawing/ Document Number	Date Received	Plan Description
-	27.11.2015	Location Plan
-	27.11.2015	Design & Access Statement
AL.0.9	01.08.2016	Block Plan

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.

9. Other Relevant Policies

Planning Policy Wales (Edition 8)

Technical Advice Note 9: Enforcement of Planning Control

Technical Advice Note 16: Sport, Recreation and Open Space

One Wales – A Progressive Agenda for the Government of Wales (June 2007)

People, Places, Futures – The Wales Spatial Plan 2008 (update)

Climbing Higher: The Welsh Assembly Government Strategy for Sport and Physical Activity (January 2005)

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11.1

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **45C468** Application Number

Ymgeisydd Applicant

Mr Simon Rogers

Cais llawn i newid defnydd adeilad allanol i annedd, creu mynedfa i gerbydau, gosod sustem trin carthffosiaeth ynghyd a codi strwythur lliniaru ecoleg yn / Full application for conversion of outbuilding into a dwelling, the construction of a vehicular access, the installation of a package treatment plant together with the erection of an ecology mitigation structure at

Bodrida Bach, Brynsiencyn



Planning Committee: 02/11/2016

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

Recommendation:

Refuse

Reason for Reporting to Committee:

The applicant is related to a Local Member.

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 application is a full application for the conversion of the existing outbuilding into a dwelling, together with alterations and extensions thereto and the erection of a detached building for protected species and the construction of a new vehicular access and the installation of a package treatment plant.

The building was a former cottage with room in the loft space, and lies with its gable fronting the Class III highway.

2. Key Issue(s)

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

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 31 - Landscape

Policy 55 - Conversions

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design

Policy D28 - Design

Policy D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP8 – Rural Conversions

Policy EN1 – Landscape Character

Planning Policy Wales, 2016, 8th Edition

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 12 – Design

4. Response to Consultation and Publicity

Local Member, Cllr A Griffith – No response to date

Local Member, Cllr P Rogers – No response to date

Community Council – No response to date

Highway Authority – No response to date

Drainage Section – Standard comments

Welsh Water – Standard Comments

Natural Resource Wales – Comments

Response from members of the public

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 25th August, 2016 and at the time of writing this report no letters of representation had been received at the department.

5. Relevant Planning History

No previous site history.

6. Main Planning Considerations

Policy Context - Policy 55 of the Ynys Mon Local Plan and HP8 of the stopped Unitary Development Plan allows for the conversion of existing outbuildings into holiday or residential use provided the criteria of the policies are met.

Planning Policy Wales identifies a preference of the re-use of land in preference to greenfield sites but recognises that 'not all previously developed land is suitable for development'.

A Structural Report was submitted as part of the application, however this report states that one wall (northern gable) has not been inspected due to the ivy plant growth and therefore it cannot be ascertained whether the wall is structurally sound. A full structural report has been requested however to date no further details has been received at the department. The structural report states that the front elevation needs to be demolished to window cill level and re-built due to its poor condition.

The proposal involves the erection of a side and rear extension. The side extension is of a scale and design which could be supported, however the large rear extension, due to its scale and design, is not sympathetic to the existing building and cannot be supported. The applicants' agent has been advised of our concerns and stated in their response that the proposal is sub-servient to the building. The height of the rear extension is the same as that of the existing building and therefore is not subservient.

The footprint of the existing outbuilding measures 53m² and the proposed side and rear extensions measure 39m². The new structure proposed as part of the mitigation measures is 12m².

Excluding the detached structure for protected species the scale of the proposed extensions will result in an increase of 72% of the original footprint.

Policy 55 of the Ynys Môn Local Plan and Policy HP8 of the stopped Unitary Development Plan allow for the conversion of existing buildings to dwellings or holiday accommodation subject to compliance with the listed criteria. The listed criterion requires, amongst other things, that the building is structurally sound and capable of conversion without extensive rebuilding or extension tantamount to the erection of a new dwelling. It also requires that the conversion scheme respects the character, scale and setting of the existing building, and involves only minor external alterations, unless it can be demonstrated that a significant enhancement of the appearance of the building will be secured.

The conversion policies allow for only minor external alterations suggesting that the existing building should be of sufficient size to provide an adequate level of accommodation and that any extensions be of a minor nature so as to provide additional ancillary accommodation only.

The proposed conversion scheme comprises of the re-building of the roof, demolition to window cill level and its re-building to the front elevation. The scheme also includes the erection of a side and rear extension which will result in an increase of 72% in the footprint of the original building.

In his decision on a similar appeal, reference APP/L6805/A/10/2133759 dated 27th October 2010 relating to Ynys Ganol, Brynteg the Inspector commented that “The structure currently has no roof, it cannot be made habitable without one and, in my view, the construction of the proposed roof constitutes extensive re-building”.

As stated previously it has not been confirmed that the side elevation (northern gable) is structurally sound and whether any re-building works will be necessary as part of the scheme. However due to the amount of demolition and re-building works which has been identified within the report together with the erection of the side and rear extension it is considered that the existing building is not suitable for conversion as the proposal would involve re-building and extensive extension to the existing building, contrary to the thrust of Policy 55 of the Ynys Môn Local Plan and Policy HP8 of the stopped Unitary Development Plan.

7. Conclusion

Having considered the above and all other material considerations my recommendation is that the application should be refused due to the amount of re-building and extensions proposed to the existing building and it is therefore not considered that the building is structurally capable of conversion without extensive re-building tantamount to the erection of a new dwelling in the countryside.

8. Recommendation

(01) The local planning authority consider that by reason of the amount of new construction required to make the building capable of re-habitation, the proposal would be tantamount to the erection of a new dwelling in the countryside. The proposal is therefore contrary to Policy A6 of the Gwynedd Structure Plan, Policies 53 and 55 of the Ynys Môn Local Plan, Policies HP6 and HP8 of the stopped Unitary Development Plan and advice contained within Planning Policy Wales (8th Edition), Technical Advice Note 6: Planning for Sustainable Rural Communities and Supplementary Planning Guidance –

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12.1

Gweddill y Ceisiadau

Remainder Applications

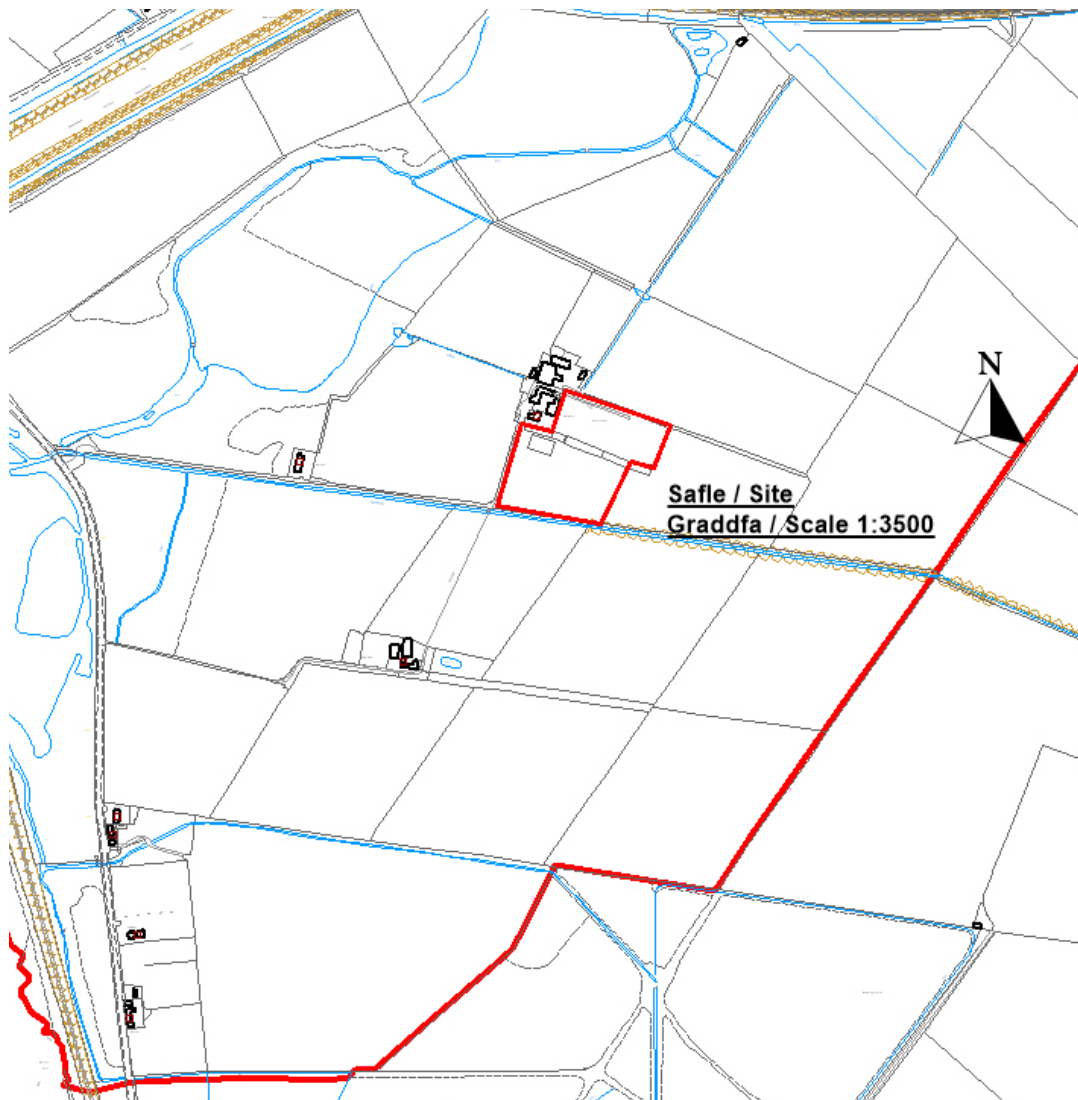
Rhif y Cais: **15C30H/FR** Application Number

Ymgeisydd Applicant

Mr Jeff Hughes

Cais llawn i newid defnydd tir amaethyddol er mwyn ymestyn y maes carafannau presennol i lleoli 14 o garafannau symudol ychwanegol ynghyd a gosod tanc septig ar dir yn / Full application for change of use of agricultural land to extend the existing caravan park to site a further 14 touring caravans together with the installation of a septic tank on land at

Pen y Bont Farm Touring & Camping, Malltraeth



Planning Committee: 02/11/2016

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

Recommendation:

Refuse

Reason for Reporting to Committee:

At the request of the Local Member - Councillor P Rogers

1. Proposal and Site

The site is located 500 metres east of the A4080 and lies on the outskirts of the settlement of Malltraeth and consists of agricultural land and existing caravan site in an open setting. The site lies to the south of the existing fields which are used by caravans. The site lies within the boundary of the Malltraeth Marsh Site of Scientific Interest and lies entirely within a Zone C1 Flood Zone.

The proposal is a full application for the change of use of the agricultural land in order to extend the existing caravan park to site an additional 14 caravan pitches.

2. Key Issue(s)

The applications main issues are whether the proposal complies with current policies and Technical Advice Note 15 and whether the development will have a detrimental impact on the protected Malltraeth March Site of Scientific Interest.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy
Policy 12 – New Touring Sites
Policy 13 – Touring Sites
Policy 28: Flooding
Policy 31 – Landscape
Policy 33 – Nature Conservation
Policy 42 - Design

Gwynedd Structure Plan

Policy CH1 – Tourism
Policy CH5 – Touring Caravan Sites
Policy D3 - Landscape
D4 – Location, Siting and Design
D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance
Policy GP2 – Design
Policy EN1 – Landscape Character
Policy EN6 – National Sites

Policy TO6 – Touring Caravans
Policy SG2 – Development and Flooding

Planning Policy Wales, 2016, 8th Edition

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment

Technical Advice Note 12 – Design

Technical Advice Note 15: Development and Flood Risk

4. Response to Consultation and Publicity

Local Member, Cllr. P Rogers – Call-in due to community concerns

Local Member, Cllr A Griffith – No response to date

Community Council – No response to date

Highway Authority – No response to date

Drainage Section – Insufficient drainage facilities

Welsh Water – Standard comments

Natural Resource Wales – Object

Environmental Health – Standard comments

Response from members of the public

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 9th September, 2016 and at the time of writing this report no letter of representations had been received at the department.

5. Relevant Planning History

15C30 - Formation of a touring caravan site at Bont Farm, Malltraeth. Granted 12:02:88

15C30A - Change of use of outbuilding into toilet block together with the installation of a new septic tank at Bont Farm, Malltraeth. Granted 04:08:88

15C30B - Conversion of outbuildings into riding, trekking and livery stables at Bont Farm, Malltraeth. Granted 09:03:89

15C30C - Change of use of existing agricultural land to accommodate an extra 8 caravan pitches together with the extension of the existing caravan site to accommodate 10 extra pitches at Pen y Bont, Malltraeth – Refused 14/11/01

15C30D – Siting of 10 additional touring caravan pitches within existing site boundary together with the change of use of adjoining agricultural land to accommodate a further 8 pitches for seasonal use (1 April to 30 September each year) and alterations to the existing vehicular access at Pen y Bont,

Malltraeth – Approved 16/12/02

15C30E – Change of use of land for the storage of 12 caravans between 30th September to 1st April each year at Pen y Bont, Malltraeth – Approved 27/05/03

15C30F – Application to determine whether prior approval is required for the erection of an agricultural shed for the storage of machinery at Pen y Bont, Malltraeth – Permitted Development 25/10/10

15C30G - Full application for the change of use of agricultural land to extend the existing caravan park to include the siting of 14 touring caravans together with the installation of a new septic tank on land at Pen y Bont, Malltraeth – Withdrawn 30/06/16

6. Main Planning Considerations

Policy Context – The application site lies within the boundary of the Malltraeth Marsh Special Site of Scientific Interest. The SSSI is noted for its breeding bird community of lowland damp, grassland, as a threatened habitat of wet meadows, and for the botanical interest of its ditches and watercourses.

Policy 12 of the Ynys Mon Local Plan states that extensions to existing sites, or additional pitches for touring caravans or tents on existing sites will only be permitted subject that the proposal complies with the listed criteria. One of the criteria (v) is that the proposal will not harm a site or area of ecological, scientific or archaeological interest. In their consultation response Natural Resource Wales have objected to the proposal due to the likely impacts on Malltraeth Marsh SSSI and they do not consider that the proposal could be adapted in any way that would remove their concerns.

Policy 33 of the Local Plan states that the Council "will refuse to permit any development that will unacceptably affect either directly or indirectly, any notified SSSI..."

Policy TO6 of the stopped Unitary Development Plan states that new touring caravans or tent sites, extension to existing sites or additional pitches for touring caravans or tents will only be permitted where they do not cause unacceptable harm to the environment.

Policy EN6 of the stopped Unitary Development Plan states that development that is likely to result in danger or have a detrimental effect on a Site of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless the reasons for the development clearly outweigh the value of the site itself.

Fields close to the proposed development are suitable for breeding birds of lowland damp grassland, which require an open landscape without disturbance. Any development into the SSSI including any screening planting more than 1.5 m tall will impact on the suitability of the area for breeding birds with a potential loss of biodiversity. The caravan site will be open during the spring and summer bird breeding season which coincides with the breeding season for the species notified as features of the site. The proposed development would not only reduce the land area off the SSSI but potentially increase disturbance effects in neighbouring fields within the SSSI and therefore jeopardise site integrity.

The proposal therefore conflicts with Policy 12 and Policy 33 of the Ynys Mon Local Plan and Policy TO6 and EN6 of the stopped Unitary Development Plan.

Flooding – The proposal is situated within a zone C1, as defined by the development advice map (dam). Natural Resource Wales have stated in their response that their flood map information, which

is updated on a quarterly basis, confirms the site to be within the extreme flood outline.

Policy 28 of the Local Plan states that applications for development "in areas liable to tidal inundations or river flooding" or "which would involve the loss of natural flood plain" will be refused.

The aim of TAN 15: Development and Flood Risk, is to:

- Direct new development away from those areas which are at high risk of flooding
- Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in Section 6 and 7 are located within such areas.

Paragraph 6.2 of TAN 15 states that new development should be directed away from areas which are within zone C and towards land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue...Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i) its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii) its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

- iii) it concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2); and
- iv) the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The proposal meets criteria (ii) of the tests listed in paragraph 6.2 as it will contribute to employment and tourism facilities in the locality by way of additional visitors to the area. However the proposal does not meet criteria (iii) or (iv) of the test as the application site is agricultural land which has not previously been developed and the agent has confirmed that they are not willing to spend the monies on submitting a Flood Consequence Assessment.

In accordance with Figure 2, Section 5, of TAN 15 a touring caravans site is categorised as a highly vulnerable development.

Therefore the proposal cannot be supported as it does not comply with the requirements of TAN 15.

7. Conclusion

The proposal due to its nature and location will have a detrimental impact on the Malltraeth Marsh Site of Special Scientific Interest. The proposal does not comply with the requirements of Technical Advice Note 15: Development and Flood Risk and therefore my recommendation is one of refusal.

8. Recommendation

Gwrthod

(01) The application site is located within zone C1, as defined by the Development Advice Maps referred to under Technical Advice Note 15 'Development and Flood Risk' (July 2004). The proposal is therefore contrary to Policies 1 and 28 of the Ynys Môn Local Plan and Policies GP1 and SG2 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (8th Edition) and Technical Advice Note 15 – Development and Flood Risk (July 2004).

(02) The proposal will impact upon the openness of the area, which is designated as a Site of Special Scientific Interest potentially affecting its ornithological interest. The proposal is therefore contrary to Policy 12 and 33 of the Ynys Môn Local Plan and Policy TO6 and EN6 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (8th Edition).

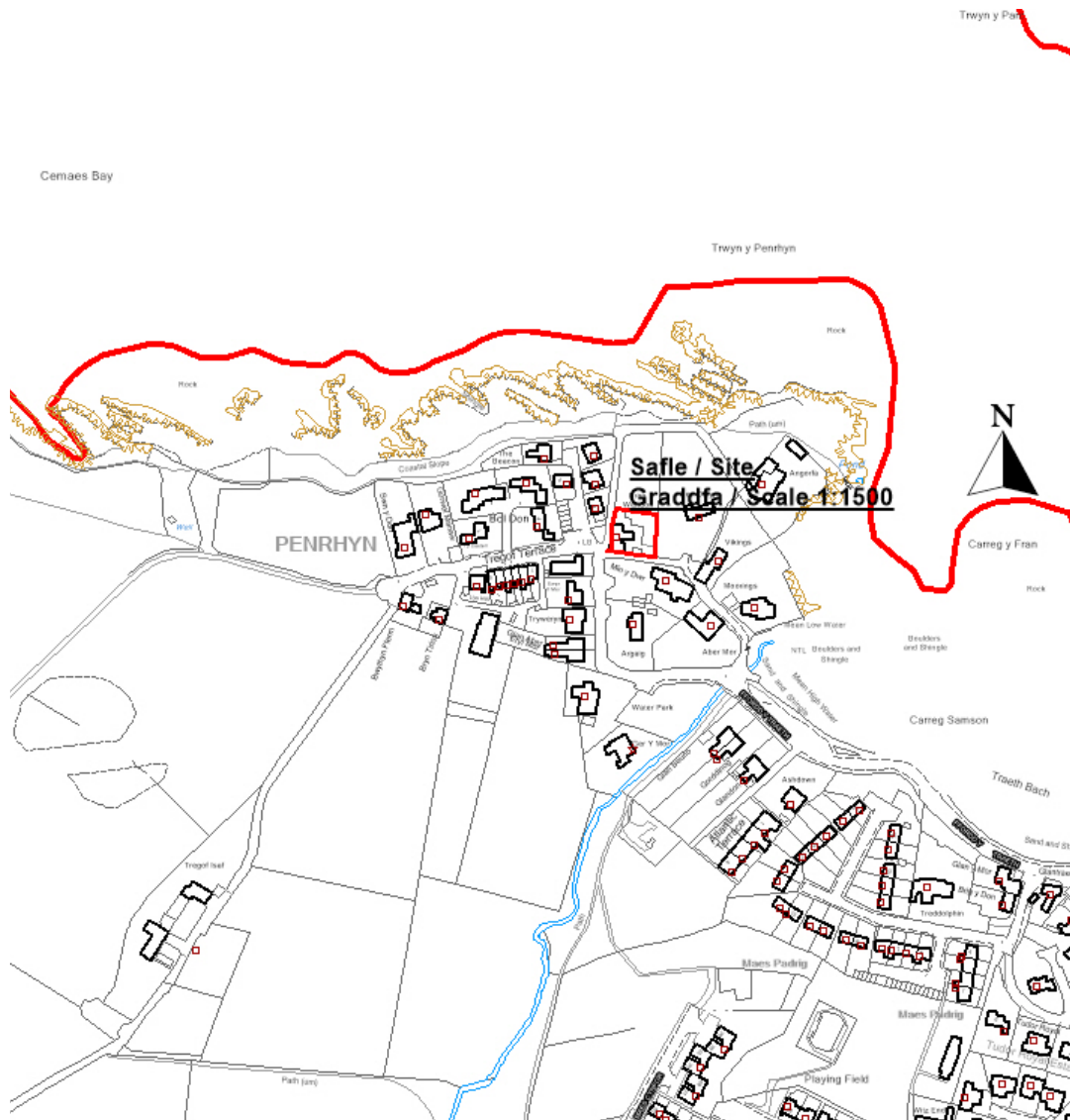
Rhif y Cais: **20C304A** Application Number

Ymgeisydd Applicant

Mr P & Mrs M Layton

Cais llawn i newid defnydd rhan o annedd i siop Dosbarth A3 (gwerthu prydau poeth – ‘takeaway’) ynghyd a chreu mynedfa i'r cyhoedd yn / Full application for change of use of part of the dwelling into Class A3 (hot food take-away) together with the creation of a pedestrian access at

Bron Wendon, Bae Cemaes Bay



Planning Committee: 02/11/2016

Report of Head of Regulation and Economic Development Service (GJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application is presented to the Planning and Orders Committee at the request of two Local Members.

1. Proposal and Site

The application is a full application for the change of use of part of the dwelling into an A3 takeaway outlet at Bron Wendon, Cemaes.

2. Key Issue(s)

The key issue is whether the proposed scheme complies with policy and the impact on neighbouring residential properties

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy
Policy 19 - Shopping
Policy 31 – Landscape
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
Policy EN1 – Landscape
Policy EP8 – Vibrant Town Centres

Policy EP9 – Retailing Outside Existing Centres

Planning Policy Wales (8th Edition), January 2016

Technical Advice Note 12 – Design

Technical Advice Note 4 – Retailing and Town Centres

Supplementary Planning Guidance – Hot Food Takeaway

4. Response to Consultation and Publicity

Local Member Councillor Aled Morris Jones – Call In to the Planning and Orders Committee

Local Member Councillor Richard O Jones - Call In to the Planning and Orders Committee

Local Member Councillor William Hughes – No response received at the time of writing this report

Community Council – Approval Recommended

Highways – Comments

Environmental Health – Standard Comments

Footpath Officer – Comments

Fire Service – Comments

Drainage Section – No comments

Public Consultation – The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 29/06/2016. At the time of writing this report 8 letters of objection was received.

The main reasons for objecting as follows:-

- A3 takeaway will be located in an exclusively residential area with no commercial ventures in the area
- Disturbance and noise
- Smell/Litter
- Invasion of privacy
- No parking facility
- Impact on existing cafes/takeaways on the high street in Cemaes
- Future uses
- Impact on AONB

5. Relevant Planning History

20C304 – Full application for alterations and extensions – 19/12/14 - Granted

6. Main Planning Considerations

The key issues which need to be considered is the effect on neighbouring properties, highways and whether the proposal is acceptable from a policy point of view.

The proposal entails the change of use of part of the dwelling into a takeaway outlet (A3 use class). There are no parking facilities available and all traffic will be directed to the nearby Harry Furlong car park.

Policy Considerations

Planning Policy Wales (Edition 8) paragraph 10.3 states that when determining planning applications for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or variation of conditions, local planning authorities should take into account:

- compatibility with any community strategy or up-to-date development plan strategy;
- need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

Paragraph 10.3.2 notes that “This approach reinforces the role of centres as the best location for most retail/leisure activities. In contrast to the way in which locations outside existing centres are dealt with, consideration of the need for additional provision is not a matter that should be taken into account when proposals for uses best located in centres come forward.”

PPW establishes the principle of a sequential test in relation to town centre uses which have direct relevance to economic land uses.

Paragraph 10.3.4 of PPW states that “Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this assessment has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers.”

Policy 19 of the Ynys Môn Local Plan states that:

Applications for retailing outside existing shopping centres will be permitted where they:

- i. Are incapable, due to the scale and nature of their activities, of being built on land within existing centres.
- ii. Do not harm the vitality or viability of existing centres as a whole.
- iii. Are in locations convenient for public transport, delivery vehicles and private cars.
- iv. Are within or adjoining existing settlements.

Paragraph 11.43 of the Stopped Ynys Môn UDP, states that the focus will be on “protecting, maintaining and enhancing the existing centres in order to ensure that all sections of the community as well as tourists are provided with a wide range of shops, services and other activities accessible by a choice of means of transport.”

Consequently Policy EP8 of the Stopped Ynys Môn UDP aims to maintain the vitality, viability and attractiveness of the centres identified within the plan will be maintained and enhanced by ensuring that established centres remain the primary focus for a wide range of retail (A1, A2 and A3), commercial and public offices (B1), community facilities and institutions (D1) and entertainment and leisure (D2).

Of specific relevance to the application in question is Policy EP 9 (Retailing Outside Existing Centres) which states that:

“Permission for retail units outside the established centres will only be permitted where:

- The development cannot reasonably be located within established centres and;
- The scale and nature of the development would not affect the vitality and viability of the established centres and;

- The applicant has demonstrated realistic flexibility in considering sequential alternatives and;
- There would be no adverse impact upon the future vitality and viability of established centres identified in the plan and;
- The development complies with the sequential test and is justified by a quantitative or qualitative need.”

Highways:- The highways department have confirmed that they are satisfied as the traffic will be directed to the nearby Harry Furlong car park.

Effect on Neighbouring units:- It is considered that a takeaway outlet in this location could lead to a negative impact on residential properties surrounding the application site. The area in question is a residential area with no businesses or shops in close proximity. A takeaway business would be unneighbourly to existing residential properties.

7. Conclusion

From the above policy context it is evident that the proposed A3 use is a type which is best suited to a central village location where commercial uses dominate rather than a residential area. Consequently there is a possibility that the proposed development is likely to have an impact on the viability and vitality of Cemaes village. A sequential test has not been undertaken in accordance with Planning Policy Wales and Technical Advice Note 4.

The development would be totally removed from a central village location. The development would harm the amenity of the residential area and would harm the vitality and viability of the Village of Cemaes and lead to unneighbourly development which would have a negative impact upon adjacent residential properties.

8. Recommendation

Refused

(01) The site is located within a residential area with dwellings in close proximity. Its use as a take away would be likely to generate noise and disturbance harming the amenities of those residential occupiers nearby and as such would be contrary to Policy 1 of the Ynys Mon Local Plan and Policy GP1 of the Stopped Unitary Development Plan.

(02) The siting of the takeaway outside a central village location could lead to conditions harmful to the continued commercial vibrancy and attractiveness of the village and hence would be contrary to Policy 19 of the Ynys Mon Local Plan and EP8 of the Stopped Unitary Development Plan

(03) The location of the takeaway outside Cemaes village could create additional traffic generation which would be contrary to the principles of sustainability contrary to Policy 19 of the Ynys Mon Local Plan and EP8 of the Stopped Unitary Development Plan.

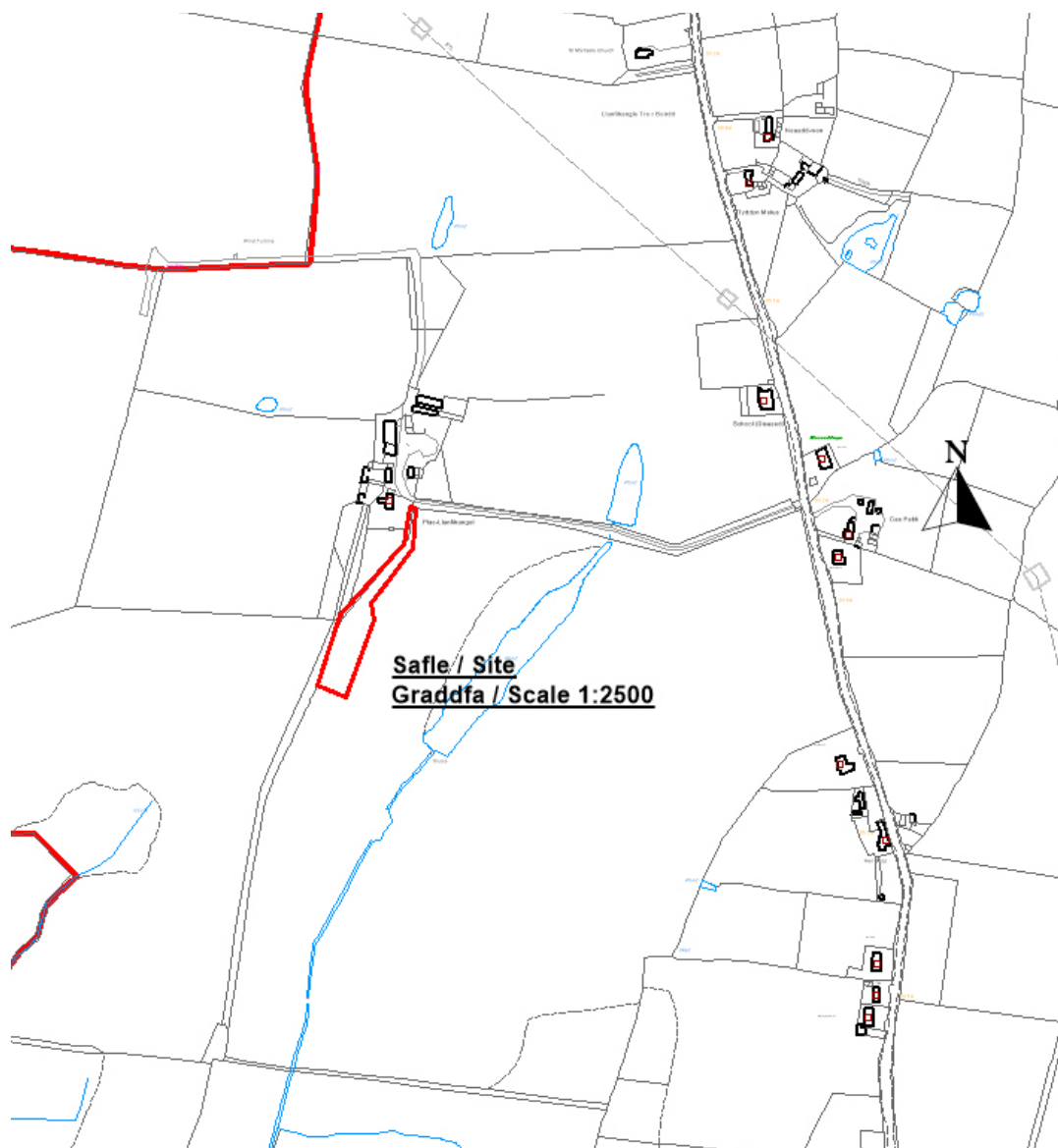
Rhif y Cais: **23C280F** Application Number

Ymgeisydd Applicant

Mr Eurig Jones & Mr Owen Rowlands

Cais llawn ar gyfer codi sied amaethyddol a parlwr godro yn / Full application for the erection of an agricultural shed and milking parlour at

Plas Llanfihangel, Capel Coch



Planning Committee: 02/11/2016

Report of Head of Planning Service (GJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is presented to the Committee on the request of the Local Member

1. Proposal and Site

The application is a full application for the erection of an agricultural shed and milking parlour at Plas Llanfihangel, Capel Coch.

2. Key Issue(s)

The key issue is whether the proposal complies with current policies, whether or not the proposed scheme is acceptable in this location and whether the proposal will have an adverse effect on the surrounding landscape, and the effect on neighbouring properties.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 31 - Landscaping

Policy 42 – Design

Gwynedd Structure Plan

Policy D1 - Environment

Policy D4 – Location, Siting and Design

Policy D29 – Design

Policy D32 - Landscaping

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 – Special Landscape Area

4. Response to Consultation and Publicity

Community Council – Concerns that the development will give rise to smell. It will be seen from the highway. It should be re-located in the existing farm yard.

Local Member (Cllr Ieuan Williams) – Requested that the application be presented to the Planning Committee for consideration.

Local Member (Vaughan Hughes) - No response at the time of writing the report.

Local Member (Derlwyn Hughes) – Refusal. Impact on local people and the landscape.

Highways – No recommendation

Drainage – Standard comments

Gwynedd Archaeological Planning Service -

Welsh Water – Standard comments

Environmental Health – Standard comments

Natural Resources Wales – No objection raised.

Footpath – The development will not affect the public footpath nearby.

Cadw – Confirmation that the development will be visible from the scheduled monuments but this does not constitute an impact on the settings of the monuments.

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 4th November, 2016. At the time of writing the report 19 letters had been received objecting to the proposal, 2 petitions one containing 8 names and one containing 80 names objecting to the proposal and 1 letter of support was received.

The main reasons for objecting as follows:-

The existing outbuildings should be demolished to make way for the new agricultural shed

Impact on traffic

Smell

Not enough people notified of the application

Against policy

Not enough has been submitted to assess the impact on the landscape

Noise

Visual impact from neighbouring properties and highway

Screened bunding will not solve the problem

Unacceptable scale

Potential impact on biodiversity

Shed should be re-located behind backdrop of trees

Overdevelopment of the site

Further development of slurry pits etc

1 support letter was received the main comments as follows:-

The farm has not been maintained for a number of years and the proposal would benefit both owners and the staff.

The proposal will create jobs for local people

Without this development the farm will be left to go to ruins

The impact will only be for a short time

In response to the main reasons for objecting:-

We must deal with the application as submitted. There is a separate application for the conversion of outbuildings.

The highways department have confirmed that they have no observations to make on the application. The Environmental Health section have confirmed that they are satisfied with the development provide they comply with their standard requirements.

Policy considerations will be dealt with under the main considerations

The information submitted with the application enables us to make a recommendation.

Visual impact has been dealt with by the Built Environment Section

NRW have made comments on biodiversity issues and the applicant will require to comply with their standard requirements.

Re-location behind the trees has been investigated, however this is not an option.

It is not considered that the shed will cause overdevelopment of the site

Slurry pits is not part of this permission.

5. Relevant Planning History

23C280/SCO -Scoping Opinion for a windfarm development on land at Capel Coch – Screening Opinion 01/06/09

23C280A -Erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch - Approved 14/12/2010

23C280B/SCR - Screening opinion for the erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch -EIA Not Required 10/11/2010

23C280C/DIS - Application to discharge conditions (04) (details of wind turbines), (05) (colour), (07) (Construction Method Statement) and (08) (Vehicular Access detail) from planning permission 23C280A at Plas Llanfihangel Capel Coch Conditions Discharged 09/03/2015

23C280D- Application to determine whether prior approval is required for the erection of a milking parlour on land at Plas Llanfihangel Capel Coch - Withdrawn 17/05/2016

23C280E -Application to determine whether prior approval is required for an agricultural track on land at Plas Llanfihangel Capel Coch Planning not required 03/06/2016

6. Main Planning Considerations

Setting: The proposed milking parlour and agricultural shed will be located to the South of the existing backdrop of trees. The site lies outside the listed settlement of Capel Coch and is therefore considered to be an open countryside location.

There are no immediate neighbouring properties and the nearest properties are located approx 220 metres away from the proposed shed and milking parlour and therefore it is not considered that the development will have a detrimental impact on the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

Location: The applicant has identified the proposed site as the most appropriate and best location for the animals and the sheds cannot be located to the rear of the farm due to the location of the existing two wind turbines. The proposal entails the erection of a new agricultural shed and milking parlour. The buildings will be located in an agricultural field to the South of the main farm. The shed is for the use of the dairy herd.

Design – The proposed building is a typical modern agricultural propped portal frame building consisting of walls and green profile sheeting. The shed is designed to provide the cows with adequate space, comfort, and ventilation to meet with international standards of welfare.

Justification: Plas Llanfihangel is a farm holding with approx. 275 acres of land. The application consists of shed number 1 which will measure 21m x 9m and will house 40 milking cows, shed number 2 will house 200 cows over the winter months. The applicant has confirmed that ‘there are currently 240 heifers that have been running with a group of bulls since early May. Hopefully most are in calf due to start calving late January 2017. The plan is to have 200 milking next year (some of the 240 won't be in calf, or may have complications at or post calving). They are always kept at Plas Llanfihangel, they are grazed rotationally, which means they are all kept in one big group in the same field for a few days, and then moved on to the next field when they have finished grazing the field they are in.’

Our assessment on the landscape and visual effects of the development and is as follows:-
The proposed building is located away from the existing farm building in an unenclosed location. It would not benefit from the existing tree backdrop, except from views to the South - relevant only to private views from the south of Capel Coch. It would initially be a clear feature on this low ridge. We understand that it cannot be placed closer to the existing buildings due to 300metre requisite buffer from the wind turbines. The shed would therefore be somewhat isolated from the existing farm complex (should they remain in agricultural use).

The building would be most visible on a 200m stretch of road to the South East from a distance between 350 and 450metres, where there is currently no intermittent screening. Views from the northeast would be interrupted primarily by the trees on the approach to Plas Llanfihangel. More distant views would feature the pylons and turbines and it is not considered that there is any cumulative visual effect with these.

Mitigation

Mitigation from existing tree cover as a backdrop or screening is limited to views from directly south. A low bund and planting is proposed along the eastern, southern and western boundaries and would in the long-term substantially enclose the area. With the faster growing native species proposed, the screen would begin to take some effect from 7-10 years. Screening effects would be limited in the winter months until the evergreen species and the overall mass of planting take fuller effect.

Due to the medium sensitivity of the area, it is considered that the nature of the change resultant from the construction of a large farm building would be moderate adverse at construction. Associated landscaping to help fit the building into its surroundings would reduce effects to moderate/minor at 7-10 years with minor effects from 15-20 years.

Gwynedd Archaeological Planning Service has provided comments as follows:

The screening barrier will naturally take some time to become established, resulting in the temporary visibility of the new buildings, and will create a new backdrop to views from Llech Golman standing stone. However, as an extension of the adjacent copse (i.e. an existing natural landscape feature), this ‘softer’ change to the monument’s setting is considered to be more sympathetic than the conspicuously modern utilitarian sheds. I am therefore able to confirm that the proposed screening planting would be adequate and appropriate mitigation of the potential visual impact on the setting of Llech Golman.

As set out in my previous letter (0915je01/D3021, 15th September 2016), the archaeological evaluation established a potential for prehistoric archaeological remains to be encountered at the site, albeit likely to have been substantially disturbed or truncated. The recommendation

made in the evaluation report for an archaeological watching brief is considered to be an appropriate and proportionate response to this potential.

CADW confirmed that there will be visual impact on scheduled monuments AN069 and AN070, there will be no impact on the setting of either scheduled monument.

Effect on surrounding landscape – The shed is located in an agricultural field to the South of the main farm. The applicant has agreed to screen the development to the East, South and West with a 900mm bund and planted with 3 various species of trees at 2 metre spacing. To the North of the sheds are mature trees.

7. Conclusion

The principle of development for agricultural purposes is accepted within local and national planning policies. The proposal under consideration due to the mitigation provided will not create unacceptable changes to the landscape, have an unacceptable effect on the residential amenities of the neighbouring properties. The proposed development is considered acceptable to the Local Planning Authority. Consequently, it is my opinion that the proposal should be permitted subject to conditions.

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 building hereby approved shall be used solely for the purposes of Agriculture, as defined by Section 336(1) of the Town and Country Planning Act 1990 and for no other commercial or business use whatsoever.

Reason: To ensure that the development will always be in the best interests of the agricultural industry

(03) (a) No development (including groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out and all archaeological work completed in strict accordance with the details submitted and approved under part (a). This shall include the production of a detailed report on the archaeological work, which shall be submitted to and approved in writing by the Local Planning Authority within six months of completion of the development.

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

(04) No development (including groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

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

(05) The site shall be landscaped and trees and shrubs shall be planted in accordance with drawing numbers 991514/02 Rev E, 991514/04 Rev E and 991514/01 Rev E received on the 6/10/16. The said trees and shrubs shall be maintained for a period of ten years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity.

(06) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 23C280F.

Location Plan	991514/01 Rev E	6/10/16
Elevations	991514/04 Rev E	6/10/16
Floor Plan	991514/03 Rev B	17/5/16
Block Plan	991514/02 Rev E	6/10/16
Planting detail of bund		23/6/16

In addition the Head of Service be authorised to add to, remove or amend 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.

9. Other Relevant Policies

Technical Advice Note 6 – Planning for Sustainable Rural Communities

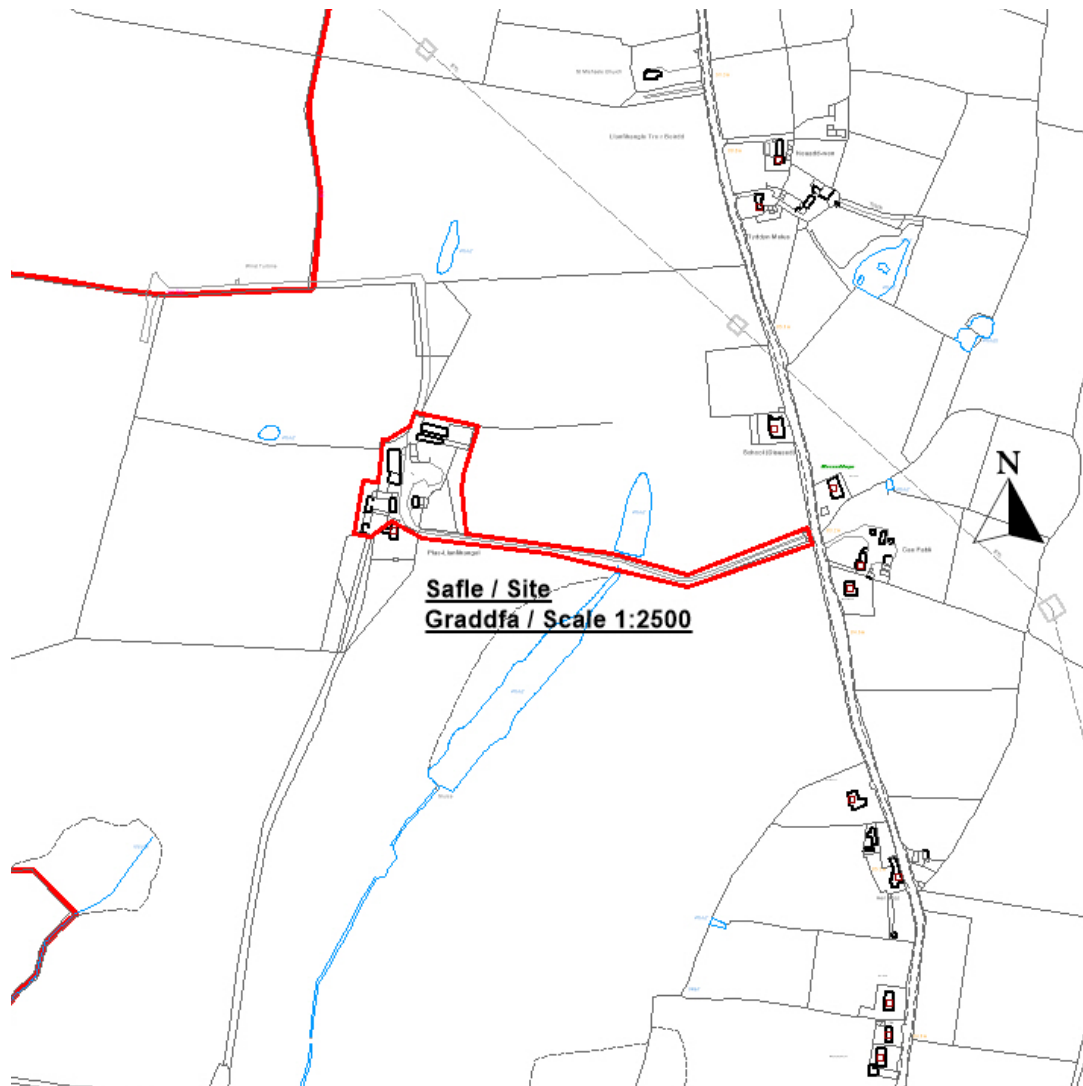
Rhif y Cais: **23C280G** Application Number

Ymgeisydd Applicant

Plas Llanfihangel Cyf

Cais llawn i newid defnydd adeiliadau allanol i 10 annedd, gosod paced trin carthffosiaeth ynghyd a gwelliannau i'r mynedfa presennol yn / Full application for conversion of the outbuildings into 10 dwellings, installation of a package treatment plant together with improvements to the existing access at

Plas Llanfihangel, Capel Coch



Planning Committee: 02/11/2016

Report of Head of Planning Service (GJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application is presented to the Committee on the request of the Local Member

1. Proposal and Site

The application is a full application for the conversion of outbuildings into 10 dwellings, installation of a package treatment plans together with improvements to the existing access at Plas Llanfihangel, Capel Coch.

2. Key Issue(s)

The key issue is whether the proposal complies with local and national policies, whether or not the proposed scheme is acceptable in this location and whether the proposal will have an adverse effect on the surrounding landscape, and the effect on neighbouring properties.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy
Policy 31 - Landscaping
Policy 42 – Design
Policy 55 - Conversion

Gwynedd Structure Plan

Policy D1 - Environment
Policy D4 – Location, Siting and Design
Policy D29 – Design
Policy D32 - Landscaping

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance
Policy GP2 – Design
Policy EN1 – Special Landscape Area
Policy HP8 – Rural Conversions

4. Response to Consultation and Publicity

Town Council – Object, highway concern and concerns on potential of 10 new residential units.

Local Member (Cllr Ieuan Williams) – Requested that the application be presented to the Planning Committee for consideration due to local concern.

Local Member (Vaughan Hughes) – No response at the time of writing the report.

Local Member (Derlwyn Hughes) – Local concern and impact on the landscape.

Highways – Conditional Approval

Drainage – Standard Comments

Gwynedd Archaeological Planning Service – Conditional Approval

Welsh Water – No objection

Environmental Health – Standard Comments

Natural Resources Wales – Conditional Approval

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was the 19/09/2016. At the time of writing the report 19 letters had been received objecting to the proposal, 2 petitions one containing 8 names and one containing 80 names objecting to the proposal and 1 letter of support was received.

5. Relevant Planning History

23C280/SCO -Scoping Opinion for a windfarm development on land at Capel Coch – Screening Opinion 01/06/09

23C280A -Erection of two 25 metre high wind turbines on land at Plas Llanfihangel Capel Coch - Approved 14/12/2010

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23C280E -Application to determine whether prior approval is required for an agricultural track on land at Plas Llanfihangel Capel Coch Planning not required 03/06/2016

6. Main Planning Considerations

Plas Llanfihangel is located in the open countryside and therefore the application must be considered against Policy 55 of the Local Plan and Policy HP8 in the stopped UDP on Rural Conversions.

These policies list a number of criteria to be satisfied regarding the structure of buildings, retaining the desirable features of buildings etc.

Paragraph 5.39 in the clarification on policy 55 notes that converting buildings into holiday

accommodation can contribute to the rural economy and may be acceptable in cases where conversion to permanent residential dwellings would be unacceptable.

Other relevant planning matters must also be taken into account, including National Policy.

Paragraph 2.8.4 of PPW states:

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted Local Development Plan (LDP) are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

While paragraph 2.8.4 refers to the LDP, the same principle applies for plans that existed before the LDP regime. One must therefore consider the fact that the Local Plan was adopted in 1996 to be a development plan for the period 1991 to 2001. Whereas the UDP was not adopted it does carry some weight as a material consideration, but the period of the UDP was 2001 to 2016. As a result, the age of the Local Plan and the stopped UDP must be taken into account and the national planning policy must be considered when evaluating this type of development.

Chapter 4 of Planning Policy Wales (PPW) refers to Planning for Sustainability. Part 4.4 outlines the sustainability objectives for the planning system which reflect the Welsh Government's vision for sustainable development and the results they are seeking to achieve across Wales. With regard to this proposal it should be specifically noted:

The 'Prosperous Wales' objective promotes resource-efficient settlement patterns, that are resistant to climate change and that take up as little land as possible.

The 'Wales of Cohesive Communities' objective states that developments should be located so as to minimize the need for travel, particularly by private car (Section 4.7 and Chapter 8).

Paragraph 4.6.3 of PPW outlines priorities for rural areas and one of these is to create sustainable rural communities able to access affordable and high-quality public services.

Paragraph 4.7.4 outlines the consideration that should be given to how new developments will reduce the need to travel:

4.7.4 Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling. Preparing accessibility profiles for public transport, walking, cycling and freight may assist local authorities in plan preparation and assessing possible development sites. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

For the location of developments in a rural area paragraphs 4.7.7 and 4.7.8 state:

4.7.7 For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Paragraph 9.2.22 of PPW refers to housing in rural areas by saying:

9.2.22 In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

Paragraph 9.3.6 sets out strict control over the construction of houses in the open countryside:

9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm/business complex or access. Local planning authorities should follow the guidance in TAN 6 with regard to the requirements for rural enterprise dwelling appraisals.

In referring to supporting and prioritizing the conversion of buildings in paragraphs 9.2.6 and 9.2.10, PPW states that the suitability of sites should be considered against the criteria within paragraph 9.2.9. One criterion within paragraph 9.2.9 is the location of potential development sites and their accessibility in terms of jobs, shops and services by means other than by car, and the potential for improving such accessibility

Further guidance is contained in TAN 6 - Planning for Sustainable Rural Communities (2010). For the conversion of buildings for residential purposes it states:

3.5.1 The conversion of buildings which are currently in industrial or commercial use to dwellings may have an adverse impact on the local economy.

Where residential conversion is part of a scheme for the re-use of a building or complex of buildings for employment purposes, planning authorities should consider whether to impose a condition requiring the works necessary for the establishment of the enterprise to have been completed before the dwelling is occupied, so as to ensure that the scheme materialises. This may be particularly appropriate in the open countryside. They may also wish to consider whether to impose a condition to tie occupation of the dwelling to the operation of the enterprise, in order to prevent it being sold separately without further application to the authority. Alternatively, they may seek a planning obligation to tie the dwelling to the rest of the building re-use.

Furthermore, TAN6 states when referring to rural enterprise dwellings:

4.3.1 One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.

Effect on surrounding landscape. It is not considered that the proposal will have a negative impact upon the special landscape area as the proposed outbuildings would respect the character, scale and setting of the existing buildings. The conversions only involve minor external alterations with satisfactory access, parking, amenity space and sewerage arrangements.

Effect on surrounding properties. The outbuildings are located approx. 150 metres away from the closest neighbour. It is not considered that the proposal will have a negative impact upon the amenity of adjacent residential properties.

7. Conclusion

In considering the application against policy 55 of the Ynys Mon Local Plan and policy HP8 of the Stopped Unitary Development Plan, the age of these Plans must be taken into account and consequently other material considerations such as Planning Policy Wales (PPW) must be considered.

As outlined above, great emphasis is placed on sustainable development in PPW and the aim of reducing the need to travel, especially by car.

While no weight can be given to the joint LDP at this time it should be noted that Housing Policy 19, namely a policy for 'Converting Rural Buildings in Open Countryside to Residential Use' only supports change of use for an affordable unit for local community need for an affordable dwelling or that the residential use is an incidental element in connection with a broader development for associated employment use. It is seen therefore that this emerging policy reflects PPW for developments in the open countryside.

8. Recommendation

Refuse

The proposal is located in the open countryside away from any recognized settlement and would generate significant traffic movement largely dependent on private car use. Consequently it is considered that the proposal does not constitute sustainable development by reason of its location. The proposal therefore conflicts with local and national guidance which aims to minimize the need to travel by private car.

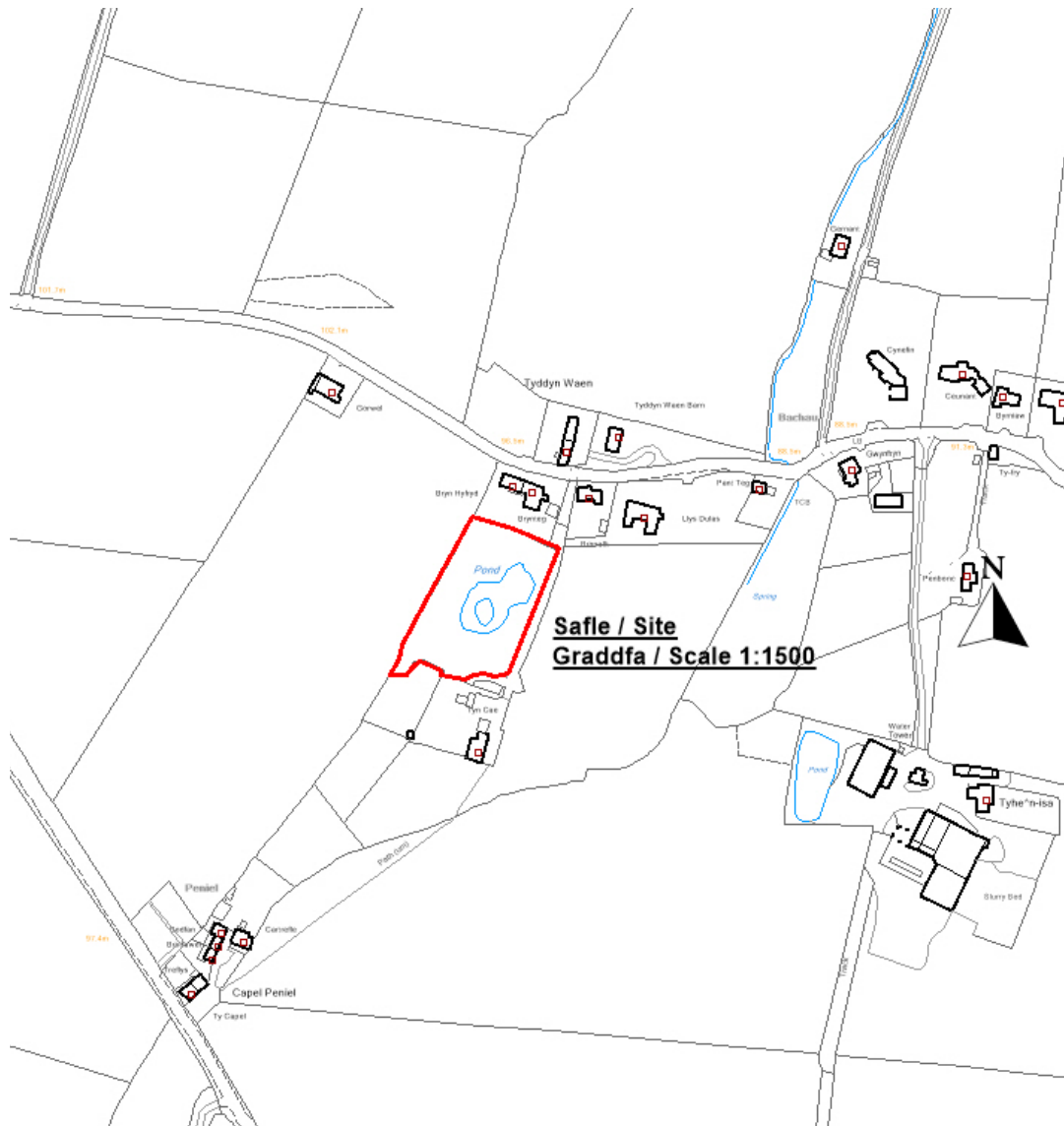
Rhif y Cais: **25C242** Application Number

Ymgeisydd Applicant

Mr Gordon Sutherland

Cadw pwll ynghyd a gwaith draenio yn /Retention of pond together with drainage works at

Tyn Cae, Coedana, Llanerchymedd



Planning Committee: 02/11/2016

Report of Head of Planning Service (IWJ)

Recommendation:

Permit

Reason for Reporting to Committee:

At the request of the Local Member – Councillor Kenneth P Hughes

1. Proposal and Site

The proposal is for the retention of a pond and associated drainage works. Since work has been carried out at the site the application is submitted as a retrospective application.

The application site is situated in a rural location at Coedana, Llanerchymedd. The development has been carried out on agricultural land, outside the curtilage of Tyn Cae, Llanerchymedd. The site is bounded by hedgerows together with a timber fence erected at the northern boundary.

The pond is a man-made feature which is approximately 46 metres in length, 24 metres wide, has a surface area of approximately 760 square metres and a maximum depth of approximately 0.45 metres.

2. Key Issue(s)

The key issues are whether or not the development is acceptable in terms of its impact upon the amenities of the area, neighbouring properties and upon the character and appearance of the area.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 31 – Landscape

Policy 42 – Design

Gwynedd Structure Plan

Policy D4 - Environment

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 - Landscape

4. Response to Consultation and Publicity

Councillor Kenneth P Hughes – Request that the application be referred to the Planning Committee for determination. Concerns regarding the risk of flooding to neighbouring properties.

Councillor John Griffith - No response at time of writing report.

Councillor Llinos Medi Huws - No response at time of writing report.

Community Council –Objection to the application for the following reasons:

- i. Development is carried out prior obtaining planning permission.
- ii. Pond is large in scale.
- iii. Concerns that the pond will overflow and flood neighbouring properties.
- iv. Pond omits bad odour.

Ecological and Environmental Advisor – Concerns regarding protected species and the presence of crested newts. However, the development will have wildlife and local ecological diversity benefits.

Environmental Health – The department have confirmed that no complaints have been received relating to nuisance, public health issues or issues that may have affected the operation of any neighbouring septic tank drainage systems which may have arisen as a result of the development. It is advised that the Local Planning Authority consulted Natural Resources for Wales regarding the development.

Natural Resources for Wales – No concerns raised regarding flooding. No response following the Local Planning Authority providing further details concerning protected species.

Drainage – Proposal appears satisfactory in principle. Pond is constructed below finished ground level with no evidence of inlets from existing watercourses or land drainage ditches. The water level in the pond seemingly indicative of the current ground water table level, with the only external inflow being overland pluvial run off from the adjacent high ground; which is managed via filter drains and the pond and subsequently directed to a suitable discharge point.

Footpath Officer – No observations

Local Highways Authority – No comments to make as there is no additional use proposed from the site onto the public highway.

Response to publicity.

Several letters received, the main points raised are summarised below:

- Pond large in scale and is having an adverse effect on nearby cess pits and septic tanks.
- Development could have an impact upon insurance premiums of nearby properties.
- The need for such a large pond has not been demonstrated.
- Nearby dwellinghouses are at risk of flooding due to the pond.
- Land levels have been raised.
- Pond overflows into the local drainage system which is unable to manage with the excess water. The increase flow of water flows down the main road down towards residential properties, causing danger to motorists and pedestrians.
- Fence is large in scale.
- Pond is not a natural feature in the land and serves no purpose. Furthermore, the pond neither conserve nor enhances the character, amenity or wildlife of the local land and watercourse.
- Concerns that the pond could pose a health and safety risk to local residents and walkers on a nearby public footpath.
- The area of land in which the pond is situated was previously a field.
- The pond has been constructed over a period of years.
- No issues of surface water prior to the construction of the pond.

- Other alternatives available to deal with surface water other than construction of a pond.
- Drawings do not specify any method of reducing / stopping the flow of water into the pond raising concerns of flooding.
- No dimensions or calculations are submitted with the drawings which demonstrate that the water surface water system can handle the excess water.
- Pond omits bad odour.
- Concerns that the pond will be used for commercial purposes.

5. Relevant Planning History

None

6. Main Planning Considerations

The impact the development might have upon the residential amenity of the area and neighbouring properties is a key issue in the determination of the current proposal.

In addition, it is necessary to consider whether or not the development would have an unacceptable effect upon the landscape.

The details as originally submitted were not considered acceptable. Further plans and details have been received and it is considered they are adequate to determine the application. These details relating to drainage specifications have been the subject of re-consultation which has subsequently delayed the determination of the application.

The applicant claims that the pond was not created as a water feature but acts as an attenuation pond which contains water discharging onto the land. Water will then dissipate through the process of evaporation and infiltration.

It is considered that the site can comfortably accommodate the development. Its siting, design and scale are considered acceptable and will not impinge upon the amenities of the area or residential properties in the locality.

The screening provided between the development and the nearest dwellingshouses provides means of mitigation. The screening includes existing hedgerows together with an existing timber fence. Although this fence does not form part of the application, details of its construction have been provided as part the application and therefore an assessment of its impact and siting has been made as part of the determination process.

It is considered that the approximately 2 metre high fence does not have a detrimental impact upon the area or the amenity of neighbouring properties. In fact as previously stated, the fence acts as a mitigation measure between the development and neighbouring properties.

In addition, hedge improvements to the northern boundary have been proposed as part the application.

It is not considered that the pond, by virtue of its size and countryside location has a detrimental impact upon the landscape.

Due to its method of construction being below ground level, it is considered the pond is not visible in the landscape and therefore does not have a detrimental effect upon the character and appearance of Special Landscape Area.

It is noted from the content of the correspondence received from the publicity afforded to the application that significant concerns have been raised with respect to flooding.

As part of determination process, Natural Resources for Wales together with the Authority's drainage section have been consulted throughout the application and made aware of the objectors concerns.

During the time of heavy rainfall and an increase in water level, an overflow filter drain allows water to discharge from the point into the existing watercourse towards the north east part of the pond. The existing watercourse thereafter discharged into the exiting main surface water drain.

Bunds have been constructed in order to re-direct the surface water into the existing watercourse. Furthermore, the applicant has also stated that he intends on constructing a bund at the northern boundary between the pond and the neighbouring property to ensure that any excess water will be directed into the existing watercourse.

Natural Resources for Wales have confirmed that they do not wish to comment and have raised no concerns with respect to flooding. Furthermore, the drainage department have concluded that the 'proposal appears satisfactory in principle. Pond is constructed below finished ground level with no evident of inlets from existing watercourses or land drainage ditches. The water level in the pond seemingly indicative of the current ground water table level, with the only external inflow being overland pluvial run off from the adjacent high ground; which is managed via filter drains and the pond and subsequently directed to a suitable discharge point'.

It must be highlighted that issues relating to property damage is a civil matter detached from the planning regime. In addition, whether or not septic tanks and cess pits are affect by the development is again a matter outside the regime.

The Local Highways Authority have stated that they do not wish to comment upon the application as there is no additional use proposed from the site onto the public highway. In addition, the footpath officer has also confirmed he has no observations regarding the application.

It is noted that no protected species survey has been submitted as part of the application. Nevertheless, the Council's Ecological and Environmental Advisor has stated the development 'will have wildlife and local ecological diversity benefits'. It is considered that the development will therefore encourage biodiversity and provide enhanced wildlife benefits. Any harm to protected species shall be pursued under the relevant legislation.

The application is submitted at the request of the Local Planning Authority and in accordance with Welsh Government advice contained in Technical Advice Noted 9: Enforcement of Planning Control following an enforcement investigation into the matter.

The advice provided under paragraph 9 within Technical Advice Note (Wales) 9: Enforcement of Planning Control on such matters states

'Where the Local Planning Authority's assessment is that it is likely that unconditional planning permission would be granted for development which has already taken place, the correct approach is to suggest to the person responsible for the unauthorized development that they should promptly submit a retrospective application for planning permission.'

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.

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.

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 it is not considered the unauthorised development is so adverse that it should warrant refusing the application. Moreover, it is not considered 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'

7. Conclusion

The application site is within a countryside location where such development is considered acceptable. The amenities of nearby residential occupiers have been taken into account, however it is not considered that the application could be refused and an appeal sustained. Drainage and flooding considerations have been assessed by Natural Resources for Wales together with the Drainage department who have not raised any objection to the scheme.

Having regard to planning policy, all material facts and planning considerations it is considered that proposal shall be approved.

8. Recommendation

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

(01) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 25C242

Drawing/ Document Number	Date Received	Plan Description
2204:14:3a	01/02/2016	Proposed Site Plan
2204:1:3	01/02/2016	Proposed Site Plan

2204:14:1	01/02/2016	Location Plan
2204:14:2	01/02/2016	Site Plan Prior Construction
2204:14:2	01/02/2016	Flood Path Route Prior Construction Plan

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 decision, providing that such changes do not affect the nature or go to the heart of the permission/ development.

9. Other Relevant Policies

Planning Policy Wales (Edition 8)

Technical Advice Note 5:Nature, Conservation and Planning

Technical Advice Note 9: Enforcement of Planning Control

SPG: Design Guide for the Urban and Rural Environment

Planning Committee: 02/11/2016

Report of Head of Regulation and Economic Development Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application has been called in to Committee by Cllr Trefor Lloyd Hughes due to concerns regarding flooding.

1. Proposal and Site

The site is located in the designated AONB and comprises a range of traditional buildings adjoining an existing dwelling. The site is set in a large yard between the original farmhouse and dwellings fronting Lon St Ffraid to the south. Access is taken off Stanley Mill Lane. The proposal is to convert buildings to create three dwellings and to undertake improvement works to increase visibility on the junction of Stanley Mill Lane and Lon St Ffraid. Drainage is specified as a treatment plant although discussions were ongoing at the time of writing regarding connection to the public sewerage system.

2. Key Issue(s)

Principle of the development and its impacts on residential and local amenities including impacts on the AONB.

3. Main Policies

Ynys Mon Local Plan

Policy 1 General Policy

Policy 30 Landscape

Policy 35 Nature Conservation

Policy 55 Conversions

Gwynedd Structure Plan

Policy D1 AONB

Policy D4 Location Siting and Design

Policy D9 Environmentally Sensitive Areas

Policy D10 Flora and Fauna

Ynys Mon Stopped Unitary Development Plan

Policy GP1 Development Control Guidance

Policy GP2 Design

Policy EN1 Landscape Character

Policy EN2 AONB

Policy EN4 Biodiversity

Policy HP8 Rural Conversions

Policy SG4 Sewerage

Policy SG5 Private Sewage Treatment Facilities, Policy SG6 Surface Water Run-Off

Planning Policy Wales – Edition 8

TAN 5 – Nature Conservation and Planning

TAN 6 – Planning for Sustainable Rural Communities

TAN 12 – Design

TAN 18 – Transport

Circular 10/99: Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development.

4. Response to Consultation and Publicity

Community Council – no response at the time of writing

Cllr T LI Hughes– requests that the application be determined by the Planning and Orders Committee as there is already flooding where the new type of septic tank is to be located. With the field sloping down to the houses, the development will make the area at risk of flooding.

Cllr D R Thomas – no response at the time of writing

Cllr J Evans – no response at the time of writing

Highways – a 2.4m by 73m visibility splay is shown on the submitted drawings and a response was awaited from the Highway Authority at the time of writing.

Natural Resources Wales – significant concerns as the site is within 30m of a public sewerage system but proposals indicate the use of a private package treatment plant. Protected species report is acceptable.

Drainage – details are satisfactory in principle

Built Environment and Landscape Section – compliant with Policy 55

Ecological and Environmental Advisor – recommendations in protected species report should be followed

Dwr Cymru – Welsh Water- comments

Gwynedd Archaeological Planning Service – condition requiring photographic record of the building suggested

The application was publicised by site notice and neighbour notification. No representations were received as a result of the publicity undertaken.

5. Relevant Planning History

46C572A/SCR: Screening opinion for the conversion of the existing outbuildings into three dwellings – EIA not required 19-9-16.

6. Main Planning Considerations

Principle of the Development – policies contained in the development plan and in the stopped UDP support conversion schemes for rural buildings subject to criteria. The proposal seeks the conversion of a range of outbuildings in order to create 3 residential units. The application is supported by a report on the structural integrity of the buildings to support the works. The proposal creates a sympathetic conversion.

AONB: The application site is located within an Area of Outstanding Natural Beauty (AONB). It is a statutory designation that recognises its importance in landscape quality and nature conservation terms. The primary objective for an AONB designation is the conservation and enhancement of its natural beauty. Local authorities have a statutory duty to have regard to AONB purposes and development control decisions affecting AONBs should in the first instance favour conservation of natural beauty. PPW advice is that

“Development plan policies and development control decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas.”

The scheme in design terms reflects existing built development. The site is an enclosed farmyard and its redevelopment will not have significant landscape impacts. PPW advises that

“Statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect”

And further that

“The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities.”

Traffic Impacts: Access to the site is taken off Stanley Mill Lane which serves a scattering of dwellings between Lon St Ffraid and the Inland Sea. Improvements are proposed to the junction of the lane with Lon St Ffraid in order to improve visibility.

Ecology: The application is supported by appropriate reports and surveys which are considered acceptable.

Residential and Amenity Impacts: The scheme sits behind existing dwellings on Stanley Mill Lane and Lon St Ffraid but is well separated from those dwellings such that it is not considered that adverse amenity impacts will occur though loss of privacy or overlooking.

Drainage: The application details include provision of a private treatment plant to serve the development and the scheme is supported by a drainage report prepared by consulting engineers. Circular 10/99 and Policy SG4 of the stopped UDP advise that where mains sewerage is available, connection should be made to it where possible. An objection to the application was received from NRW on the basis that a treatment plant is proposed rather than foul sewer connection. The agent has responded to the effect that the drainage report submitted in support of the application concluded that, given the distance involved, and the difference in level, the cost of pumping the discharge to the sewer was significant and justified the use of a treatment plant. Further justification has been sought.

In relation to flood risk, none of the consultees raise concerns. The proposals as submitted show an outlet from the proposed treatment plant to an existing drainage ditch which runs in a northerly direction away from the site and surrounding housing. It is not considered that the scheme would lead to flooding to adjoining properties.

7. Conclusion

Planning policy allows the conversion of existing rural buildings to residential use. It is not considered that the ecological impacts of the scheme are such that they cannot be mitigated. It is not considered that the scheme would impact the AONB to such an extent as to warrant refusal. Consultees raise no concerns regarding flooding issues. Foul sewerage proposals are in discussion and can be conditioned.

8. Recommendation

To **permit** the development subject to the following conditions:

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

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

(02) The development shall take place in accordance with the recommendations contained within the Alison Johnston Ecological Consultant Protected Species Survey Report September 2014 submitted under planning reference number 46C572. No development shall commence until those recommendations are included in a Method Statement to be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the method statement as approved.

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

(03) Prior to development (including any demolition, site clearance or stripping-out) taking place, a full photographic record of the building must be undertaken. The record must be approved by the Local Planning Authority before being deposited with the regional Historic Environment Record.

Reason: To ensure that an adequate record is made of all structures affected by the proposals and that the record is held within the public domain for future reference and research.

(04) The access shall be laid out with 2.4m by 73.0m visibility splays in accordance with Drawing 1621/03 Visibility Splays at Stanley Mill Lane/ Lon St Ffraid Junction submitted under planning reference 46C572 before the use hereby permitted is commenced and shall thereafter be maintained for the lifetime of the development.

Reason: in the interests of highway safety.

(05) The development shall proceed in accordance with the following documents and plans:

**Alison Johnston Ecological Consultant Protected Species Survey Report September 2014
Cadarn Structural Condition Survey September 2014
Datrys Drainage Report December 2015**

Drawing 1621/03 Visibility Splays at Stanley Mill Lane/ Lon St Ffraid Junction
Drawing 1621/41 Ground Floor Plan
Drawing 1621/42 First Floor Plan
Drawing 1621/43 Elevations Farm Building A and B
Drawing 1621/44 Elevations Farm Building C
Drawing 1621/45 Sections
Drawing 1521/46 Block Plan

Reason: To define the scope of this permission and in the interests of amenity.

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.